UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS
FIRST SESSION

VOLUME 151—PART 10

JUNE 20, 2005 TO JUNE 27, 2005
(PAGES 13105 TO 14427)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 2005

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

SENATE—*Monday, June 20, 2005*

VOL. 151, PT. 10

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BURR, a Senator from the State of North Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Heavenly Father, Creator and Sustainer of all things, we acknowledge You as the ultimate source of our lives and of all of the good that we know. We look to You to speak to the questions for which we shall never know the complete answers. We ask You only to reply in faith strengthened, hope renewed, and love deepened.

So bless our Senators today that their lives will be a testimony that old things have passed away and the new has come. Season their words with kindness and their spirits with humility. Remind them that honesty will keep them safe.

Help each of us to live with such integrity that trouble will flee. Give us the wisdom to remember that our future belongs to You. We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BURR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 20, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BURR, a Senator from the State of North Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BURR thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senate majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will resume consideration of the Energy bill, which we will complete this week. Chairman DOMENICI will be here to continue working through amendments. We made very good progress on the bill last week. We are on track to complete the bill later this week. As I announced at the end of last week, it may be necessary to file cloture on the bill tomorrow. If we file cloture tomorrow, the cloture vote would then occur on Thursday, which would allow us to complete the bill this week.

I hope we do not have to file cloture, but I think it is important for people to realize we are going to finish the bill this week. People had the opportunity at the end of last week to offer amendments. They will have the same opportunity today and over the course of this week. I do ask our Senators to work with the bill managers to expedite consideration of their amendments early in the week.

This evening, we will have a second cloture vote on the nomination of John Bolton to be ambassador to the United Nations. As announced earlier, the debate for that vote has been scheduled between 5 and 6. We plan on having that vote at 6 p.m. today. We have a very busy week as we move through the Bolton nomination and the Energy bill. I expect we will have votes every day this week, including Friday, as we wrap up work on the energy legislation; therefore, Senators should be prepared and should adjust their schedules accordingly to remain available until we complete passage of this important bill.

RECOGNITION OF MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senate minority leader is recognized.

Mr. REID. Mr. President, I agree with the distinguished majority leader. It would be good if we did not have to file cloture. Having said that, I do not know what it takes to get people to come over and offer amendments. Thursday afternoon, we were here. The two managers were willing to stay as long as necessary to meet whatever amendments were offered by Senators. I realize last week was somewhat disjointed because of the various events, but there was no reason on days and evenings when we were actually here and able to take amendments that people could not offer amendments.

Today, we have 3 hours to offer amendments on this bill. It will be interesting to see how many show up to offer amendments. I guess the alternative would be to see if we could get a finite list of amendments and have those the only amendments that would be in order prior to this bill's termination.

The other problem we have this week is that all over the country, there are base-closing hearings being held by the BRAC hearing commission. For Senators who are involved in these issues, they involve thousands of members of the military and thousands of civilians who are tied to these bases, and they are going to leave and go to these hearings. Everyone should know that to wait around here and want to make sure that all of the Senators are here for a given vote—it will not work because I think there will be Senators gone virtually every day this week. I have received word from a couple of Senators who will not be here tomorrow. I know some of the hearings are going to be held in New Mexico, and I understand the two Senators from New Mexico are going to leave late in the

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

afternoon on Thursday. They are the managers of the bill. So I hope that we can work into the night on this bill this week because if we have any hope of doing those appropriation bills next week, we have to finish this bill this week; otherwise, we will spend all next week on this bill, spending a lot of time in quorum calls waiting for people to come and offer amendments.

I am a little frustrated because I know there are people on both sides of the aisle who say they have amendments but they are not quite ready or they want to do it at a more convenient time. The convenient times are over. We will not have 100 Senators here on any day this week. That is the way it is going to be. So some of these very tough, tight amendments are going to have to be decided on the votes of less than 100 Senators.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, I am happy to yield to the Senator from New Mexico.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. I say to the majority leader and minority leader, I apologize; I was not here for the entire dialog between the two of them. I know there is this business of who is going to be absent which days, but I say to both Senators, I do not think that should keep us from continuing to insist that Senators who have amendments bring them forward. We have to see them.

Mr. REID. That is what we said.

Mr. DOMENICI. We need to know about them. There are two that we know of, one to strike the inventory of offshore assets. That will take a little while. Somebody should offer that before the day is out. That is an hour or two, and there will be a vote. We think Senator FEINSTEIN has one. We would hope that would come forth. I think over the evening and midmorning tomorrow something will filter out with reference to global warming. Whether it is one, two, or whatever, there will be a conclusion, and somebody will offer an amendment. That will be the longest one.

I do not know what the Senate leadership wants to do about the fact that it is probably real that there will not be 100 Senators each of the days, but I do not know that that ought to keep us from moving forward and getting some accord as to finishing this bill. I do not know which day, but we are not in the kind of problem we have been in the past. As both Senators know, we can get to the amendments pretty quickly.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, to clarify the comments that were going back and forth between the Senate Democratic leader and myself, we will finish the bill this week. We pay our respects to the Senator from New Mexico by saying he has been more than willing to be here to receive amendments. The fact that there were not a lot of people either on Thursday or today rushing to the floor to offer the amendments actually leads me to be very hopeful that we will complete this bill Thursday, although I know in all likelihood it is going to be Friday. We are down to just very few amendments.

We recognize that some people will not be here over the course of even today, voting tonight, tomorrow, and the next day. That is not going to slow us down at all in our obligation to address the Nation's business. When there are amendments, we will take them to the Senate floor to debate them. I think we are discouraged a little by the fact that people are not rushing down to offer amendments. On the other hand, it kind of gives me a little bit of encouragement. It means we are going to finish this bill. We are going to file cloture Tuesday in order to finish it, in all likelihood, unless we come to some agreement by both the managers.

I congratulate them for where we are today. We intend on finishing the bill with certainty this week.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. REID. I would be totally opposed to cloture being invoked if I felt the majority was somehow stopping us from offering amendments, but that has not been the case. There has been ample opportunity for people to offer amendments. So I think we either have to have a list of finite amendments the two managers can agree on or it appears cloture would have to be invoked.

Mr. DOMENICI. I thank the Senators for their comments.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ENERGY POLICY ACT OF 2005

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 6) to ensure jobs for our future with secure, affordable and reliable energy.

Mr. DOMENICI. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand the distinguished Senator, Mr. WYDEN, is here and desires to speak.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

AMENDMENT NO. 792

Mr. WYDEN. Mr. President, I thank the distinguished chairman of the committee, Senator DOMENICI. I ask unanimous consent to call up at this time an amendment I filed with Senator DORGAN, No. 792.

Mr. DOMENICI. Reserving the right to object, is there a pending amendment?

The ACTING PRESIDENT pro tempore. There is no pending amendment.

Mr. DOMENICI. He does not need consent to bring up the amendment.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is correct.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] for himself and Mr. DORGAN proposes an amendment numbered 792.

Mr. WYDEN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the suspension of strategic petroleum reserve acquisitions)

On page 208, strike lines 11 through 20 and insert the following:

(e) FILL STRATEGIC PETROLEUM RESERVE TO CAPACITY.—

(1) DEFINITION OF PRICE OF OIL.—In this subsection, the term "price of oil" means the West Texas Intermediate 1-month future price of oil on the New York Mercantile Exchange.

(2) ACQUISITION.—The Secretary shall, as expeditiously as practicable, without incurring excessive cost or appreciably affecting the price of gasoline or heating oil to consumers, acquire petroleum in quantities sufficient to fill the Strategic Petroleum Reserve to the 1,000,000,000-barrel capacity authorized under section 154(a) of the Energy Policy and Conservation Act (42 U.S.C. 6234(a)), in accordance with the sections 159 and 160 of that Act (42 U.S.C. 6239, 6240).

(3) SUSPENSION OF ACQUISITIONS.—

(A) IN GENERAL.—The Secretary shall suspend acquisitions of petroleum under paragraph (2) when the market day closing price of oil exceeds $58.28 per barrel (adjusted in accordance with the Consumer Price Index for all-urban consumers United States city average, as published by the Bureau of Labor Statistics) for 10 consecutive trading days.

(B) ACQUISITION.—Acquisitions suspended under subparagraph (A) shall resume when the market day closing price of oil remains below $40 per barrel (adjusted in accordance with the Consumer Price Index for all-urban consumers United States city average, as published by the Bureau of Labor Statistics) for 10 consecutive trading days.

Mr. WYDEN. I thank the distinguished chairman for his thoughtfulness.

Mr. DOMENICI. I wonder if the Senator would watch the floor for me while I leave for 10 minutes.

Mr. WYDEN. Absolutely. It is my intent to speak on this amendment I offer with Senator DORGAN and then lay it aside. My hope is we can work something out. I know Senator COLLINS and Senator LEVIN are working on something and desire to work with you, as well. If we bring it up now, we can start the discussion on it and work something out.

I see Senator BINGAMAN. He has been so thoughtful throughout the process as well.

Mr. President and colleagues, the reason I have come to the floor today is because oil prices per barrel are now at an all-time record high. If you scour this legislation, it is hard to find anything in it that would provide relief to the American consumer any time soon. It is my hope as we go forward with this debate, at a time when prices are in the stratosphere, that we work in a bipartisan way and at least provide some help in this legislation for the consumer who is getting clobbered by these historically high costs.

What especially concerns me is it seems to this Member of the Senate that the Federal Government actually makes the problem of high oil and gasoline prices worse every day. Every single day, the Federal Government, through its policies, is compounding the problem the consumers are seeing at the pump because it has been the policy of the Federal Government to fill the Strategic Petroleum Reserve at the worst possible time—when prices are at record-high levels.

When the prices are at a record-high level, it seems to me this is not the time to be taking oil out of the private market and putting it in the Government reserve. It just does not make economic sense to add more pressure to what is already a very tight oil supply. Reducing the supply of oil on the market, of course, leads to higher oil prices. That is simply supply and demand. Because oil accounts for 49 percent of the cost of gasoline, that means higher prices for consumers at the pump. For the life of me, I do not see how it makes sense for consumers, who are already paying sky-high prices at the pump, to then have their Government force them to pay higher prices by taking oil out of the private market and putting it into the Strategic Petroleum Reserve. So it does not make sense for the consumer, and, in my view, it does not make sense for taxpayers as well, who have to pay record-high prices for the oil that is taken off the market.

Now, this is not just my opinion. The Senate Energy Committee heard testimony last year by experts who said the policy with respect to filling the Strategic Petroleum Reserve when prices are so high jacks up costs. I asked John Kilduff, senior vice president of energy risk management at Fimat USA, whether the SPR fill rate of 300,000 barrels per day was contributing to oil price increases. Before the committee that day, which the distinguished Senator from New Mexico, Mr. DOMENICI, chairs, and our friend, Senator BINGAMAN, is the ranking minority Member, when we were all in our committee, the expert witnesses said they do believe these policies are contributing to oil price increases. Mr. Kilduff specifically stated:

> A fill rate of 100,000 represents, obviously, 700,000 barrels for a week. At 300,000 it is 2.1 million barrels. A 2.1 million barrel increase in U.S. commercial crude oil inventory in a particular weekly report would be a big build for the particular week and would help with downward pressure on crude oil prices.

So I would say to colleagues that this notion that this is something the Senate can just let the Secretary of Energy do what he wants is belied by the expert testimony we have had before the Senate Energy Committee where experts specifically said that a fill rate of several hundred thousand barrels per day is contributing to oil price increases.

As far as I can tell, under the policy we are now seeing at the Energy Department, it does not matter how high the prices are, they are just going to keep filling the Strategic Petroleum Reserve. They will continue to take oil off the private market no matter how high the prices get.

I would just like to say, Mr. President and colleagues, I am not talking about taking oil out of the Reserve. I know people very often bring that up. I am just saying it does not make sense to have the same fill rate when you are talking about historically high prices because that very high cost of filling it at that point directly hurts the consumer at the pump.

On Friday, and again today, when the price of oil skyrocketed to the highest price ever recorded on the New York Mercantile Exchange, our Government has continued to fill the Strategic Petroleum Reserve. Earlier this spring, when gasoline prices set an all-time record high of $2.28 for a gallon of gas, the Energy Department continued to fill the Strategic Petroleum Reserve. So I say to those who have reservations about what I am advocating, I would simply ask, how high do prices have to go before we stop pursuing policies that drive the prices even higher? At some point, there should be some limit when it comes to the Federal Government actually compounding the difficulties consumers are having at the pump.

Under the language currently in the bill, there are no limits. There seems to be some language about "excessive" costs, but there is nothing that actually blocks our Government from filling the Strategic Petroleum Reserve if the price goes even higher than the current record price of $59.23 per barrel. So I want to repeat that. Even if the price goes to $60 or $70 or $80, there is nothing that would force our Government to change its policy of filling the Strategic Petroleum Reserve at these very high prices. So with no restrictions in sight, I guess the Government can just continue indefinitely to fill the Reserve with these record prices.

To address this problem, my amendment directs that the Secretary of Energy suspend the filling of the Strategic Petroleum Reserve when the prices go above the record-high level in the market and stay above that record-high level for 10 consecutive trading days. The suspension of filling would continue until the price of oil falls back down for 10 consecutive days.

I also note the House of Representatives at least is trying to move in the direction of a bit of consumer protection because they have included a prohibition against continuing to fill the Strategic Petroleum Reserve until the price drops below $40 per barrel. Under my amendment, current SPR filling could go forward. But additional filling would be halted when prices are at record-high levels unless there is some consumer protection for our citizens.

The bottom line is we cannot continue to allow filling of the Strategic Petroleum Reserve when our economy suffers due to high gas and oil prices without providing some safety valve. Unless this amendment is adopted or unless we can work out a compromise with Senator COLLINS and Senator LEVIN and other colleagues who worked on this—unless we can get some legislation in place—there will be no standard for action or any certainty there will be some consumer protection for our citizens when oil prices are out of control.

Now, some may argue there should not be these kinds of price triggers for the Strategic Petroleum Reserve. I guess that argument is: Let's just leave it to the Secretary of Energy. Well, there are parts of this bill, such as section 313, that do not leave matters to the Secretary's discretion, such as when you are talking about price relief, royalty relief for oil and gas producers. Section 313 of the legislation has clear price levels for when the oil companies get a break from the normal royalty policy.

So what we have here is a double standard. There are price levels to protect oil and gas producers when it comes to their royalties but absolutely no protection for the consumer who is getting clobbered at the pump and who could get some relief if the Government simply did not fill the Strategic Petroleum Reserve at a time when prices are at a record-high level.

The last point I would make is suspending the fill of the Strategic Petroleum Reserve when prices are at a record-high level will not hurt this country's energy security. The Reserve already has more than 693 million barrels now in storage. That is the highest level in history. The Strategic Petroleum Reserve is expected to be filled to its current authorized capacity by the end of the summer.

What is more, a 2003 study by the Senate Permanent Investigations Subcommittee found that increased filling of the Strategic Petroleum Reserve when prices were high did not increase overall U.S. oil supplies. Instead, because of the higher prices, oil companies took oil out of their own inventories rather than buy higher priced oil on the market. That does not increase our overall oil supply or our Nation's energy security.

So what we have is record prices for the consumer, record costs in terms of filling the Strategic Petroleum Reserve, and the Federal Government, in effect, providing free oil storage for high-priced oil in the Strategic Petroleum Reserve so oil companies can reduce their own inventories and storage costs. That is not energy security; that is just pounding the consumer and taxpayers once more.

For these reasons, I strongly urge colleagues to place some limits on when the Energy Department can fill the Strategic Petroleum Reserve. When prices are at an all-time high, it seems that to do otherwise denies consumers a fair shake and taxpayers a fair shake. It is my view the Senate can take pressure off the price of a barrel of oil and off consumers who are getting squeezed at the pump without compromising our national security. One way to do it is along the lines of the amendment I propose this afternoon.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I commend the Senator from Oregon for his comments and his amendment.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my colleague, Senator WYDEN, just offered an amendment on his behalf and mine. He spoke in support of it. Obviously, I am a cosponsor so I support the amendment. It is an amendment that is very simple. We are putting oil away underground in something called the Strategic Petroleum Reserve or SPR. The purpose of putting oil underground at this point is in the event that we would have an emergency at some point in the future, we would have a substantial inventory of oil in the Strategic Petroleum Reserve.

That SPR is nearly full. As I understand, it is well over 98 percent filled at this point. Yet we are still, each day, taking about 100,000 barrels of oil off the market and putting it underground at a time when we are effectively paying the highest price ever for that oil in order to put it there.

There are two problems with that. No. 1, at a time when we have very high prices, which means we have lower supplies and higher demand, it makes no sense to have 100,000 barrels a day taken off the market and stuck underground. Even more than that, it makes no sense to do this, with the last increment to be put into the Strategic Petroleum Reserve, at a time when oil is $55, $57, $58 a barrel.

Our amendment is very simple. It would suspend the acquisition of oil at these inflated prices, suspend the acquisition of oil at a time when we need more supply, not less, and it would allow the acquisition to complete filling the SPR when the price of a barrel of oil reaches $40 per barrel or below.

My hope is the Senate will adopt the amendment. It is just common sense. It is not rocket science to believe that if you have a Strategic Petroleum Reserve almost filled, you should not go to the market and take $55 or $57 oil in order to take inventory off the market at a time when you have record prices. That doesn't make any sense.

We are asking that the Senate approve the amendment.

Before the Senator from New Mexico leaves the floor, I have another matter I wish to address, but I don't intend to address something in morning business that would interrupt the work on the bill. I ask unanimous consent to speak in morning business for up to 15 minutes with the understanding that if someone comes to the floor with an amendment on the Energy bill, I will defer. I don't want to delay the bill. I ask unanimous consent for 15 minutes in morning business with that understanding.

Mr. BINGAMAN. I don't think that is going to be any major obstacle to the progress we are making on the Senate floor this afternoon. I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. DORGAN are printed in today's RECORD under "Morning Business.")

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUNNING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, will the Senator yield to me for 1 minute?

Mr. BUNNING. Absolutely.

Mr. DOMENICI. Mr. President, the distinguished Senator, Mr. BUNNING from the State of Kentucky, is going to speak, and I assume he is going to talk about the Energy bill; is that correct?

Mr. BUNNING. That is correct.

Mr. DOMENICI. I wish to say as a preamble to his speech, for those who are going to listen to him, that he is a member of the Energy and Natural Resources Committee and has been for some time. Most of the time people think that the committee is a committee of interior, public land States, but it also has a lot to do with coal and our energy future, diversification of our energy resources.

We have had a marvelous committee. Part of it is because of Members such as Senator BUNNING. He has been a great participant. He comes to the meetings, he works hard, he offers amendments. He understands we need an energy bill. He does not win all the time, but he has his views, and he has been a strong proponent for us getting our house in order and to use as much American energy as possible for our future. I commend him for it.

I trust we will get a bill out of the Senate and out of conference, one he can vote with not just a "yea" but with a hearty "yea," not just one of those softballs but one of those fastballs he used to throw. That is what we are looking for.

I yield the floor and thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I thank Chairman DOMENICI for his extremely hard work in trying to get an energy policy for the United States since I have been in the Senate.

Many of us have spoken on this Senate floor several times about the need for our national energy policy. We have been here before debating an energy bill. To some, it may seem like the same old song and same old dance. But here we are again. I am more optimistic than I have ever been about finally getting an energy bill to the President's desk.

I commend Chairman DOMENICI for his leadership and determination in helping to put America on an independent path with this energy legislation. It is a pleasure to serve with him on the Energy Committee.

The Energy bill before us is a good starting point that attempts to strike a balance between conservation and production. In the past, Congress failed to make progress on energy policy because we tried to make a choice between conservation and production, but it does not have to be one or the other.

Many of us understand that a balanced and sensible energy policy must boost production of domestic energy sources as well as promote conservation. This Energy bill takes a good step toward striking a balance, and passing an energy bill is important now more than ever.

We all know the price of energy has risen very sharply in the last few years, and it is only going to keep rising. It goes without saying that energy costs touch every single part of our economy and our lives. The average price of gasoline has risen, for unleaded regular around this country, to about $2.13 a gallon, and the price of oil is bumping up against $60 a barrel. Natural gas, coal, and other fuels have also seen record prices this year. This is hitting Americans in their wallets, especially now when so many families are hitting the road for vacations.

Higher energy prices also slow business growth and force businesses to pass increased pricing on to consumers with higher priced goods. While passing an energy bill might not help energy prices in the short term, it will make a big difference over the long term.

This bill's domestic energy production provisions and increased conservation provisions will help slow these spikes of price increases. But without a new energy policy, there is not much we can do about rising energy prices. Oil producers and production are at full capacity, and with China and India upping their demands for oil, the world oil supply will be drawn down while prices continue to rise. This means that we cannot just try to conserve our way out of any kind of energy problem. We must find other sources of reliable and low-cost fuels or our economy and national security will be at risk.

We continue to depend on oil from some of the most dangerous and unstable parts of the world. It is a recipe for disaster.

The stock market jumps up and down, all around, depending on the latest reports of pipeline sabotage in the Middle East. Everyone wonders where the next terrorist attack is going to hit. We also worry about Iran's developing nuclear weapons, and we are trying with our allies to figure out a diplomatic answer that will bring stability to the region. But the Iranians do not have a lot of incentive to deal when they are getting nearly $60 a barrel for their oil. In a way, our increasing need for energy is cutting our influence in the part of the world where we need it the most. We have to reduce our reliance on foreign oil and do a better job internally of taking care of our own energy needs.

Congress has been playing political football with this issue over the past few Congresses, and it is time to end the game. Our Nation and our national security continue to be at risk. We do not want the United States beholden to other countries just to keep our engines running and our lights turned on.

It impresses me to know that the bill contains some strengthened electrical provisions. We have outgrown our electrical system, and changes need to be made. One of the provisions in the bill is PUHCA repeal, which will go a long way in helping our energy system meet increasing demands.

Also, we desperately need to build new transmission lines. I am glad to see that this bill has some provisions which will help ensure that happens. Building a better electric system, however, should not require mandates for electricity companies to get into regional transmission organizations. States and companies should be able to decide on their own what is best for their consumers. So I am pleased to see a provision in the bill that explicitly prevents FERC from mandating RTOs.

The Energy bill will also help reduce our dependence on foreign oil by increasing domestic energy production. It also provides important conservation provisions which will help protect the environment. And because coal is such a key industry in Kentucky, I am pleased that this bill contains clean coal provisions that I have authored and been pushing for a long time. The clean coal provisions will help to increase domestic energy production and help improve the environment.

Coal is an important part of our energy plans. It is cheap, plentiful, and we do not have to go very far to find it. For my home State and the States of others, this means more jobs and a cleaner place to live. Clean coal technologies will significantly reduce emissions and sharply increase efficiencies in turning coal into electricity.

Previously, our Government overpromoted production of one source of energy—natural gas. This not only depleted our supply, but it created so much demand that it completely outstripped supply and left Americans to pay higher prices for just this one energy source.

A sound energy policy should promote the use of many different types of fuels and technologies instead of favoring just one source. As we have seen time and again, putting all our eggs in one basket simply does not work.

I am glad we are turning things around and taking steps toward making sure clean coal and other sources play a vital role in meeting our future energy needs.

This bill encourages research and development of clean coal technology by authorizing about $2.4 billion for the department of energy.

These funds will be used to advance new technologies to significantly reduce emissions and increase efficiency of turning coal into electricity.

And almost $2 billion will be used for the clean coal power initiative.

This is where the Department of Energy will work with industry to advance efficiency, environmental performance, and cost competitiveness of new clean coal technologies.

And the Finance Committee's energy tax package provides $2.7 billion to encourage the use of coal and deployment of clean coal technologies.

Coal plays an important role in our economy. It provides over 50 percent of the energy needed for our Nation's energy.

The Energy Information Administration expects coal will continue to remain the primary fuel for electricity generation over the next 2 decades.

As my colleagues can see, I am a little biased when it comes to coal.

It means so much to my State, and it is such an affordable and plentiful fuel to help America in her quest for energy independency.

The 21st century economy is going to require increased amounts of reliable, clean, and affordable energy to keep our Nation running, and clean coal can help fill that requirement.

With research advances, we have the know-how to better balance conservation with the need for increased energy production at home.

The diversity of this energy package to promote new fuels is quite impressive.

There are provisions for nuclear, hydro-power, solar, wind, bio-fuels and other renewable energy sources.

All this put together with the bill's conservation provisions will help America meet its sensible and long-term energy strategy and goals.

I look forward to the continued debate and consideration of this bill.

And I hope we can get it approved, conferenced and sent to the President's desk for his consideration.

The quicker we can do this, then the sooner we can help make our environment, economy, and national security stronger, and the sooner we can become more energy independent from other sources.

I yield the floor.

Mr. JEFFORDS. Mr. President, I want to address some statements made last week, during the debate on the Bingaman amendment No. 791, regarding community acceptance of renewable energy in Vermont. After I left the floor, one Senator tried to make a point in opposition to the creation of a national renewable portfolio standard by referencing some opposition to a wind power project in Vermont. I want to set the record straight: though we have had some siting issues, Vermonters overwhelmingly support renewable energy over nuclear, coal, or natural gas.

The Senate should not confuse local concerns about the appropriate location for wind power siting in Vermont as a monolithic objection to any new renewable energy in my State. In fact, the views are contrary to such a conjuncture, even in the case of wind power. Numerous polls throughout the last decade have consistently shown that Vermonters support wind energy. In fact, a survey in March 2004 found 74 percent of respondents said they would consider wind turbines along a Vermont mountain ridge either beautiful or acceptable. The same survey found 83 percent of Vermonters choose renewable energy from wind, solar, hydro and wood as preferable to other energy sources.

Lawrence Mott, Chair of Renewable Energy Vermont, which commissioned the energy poll said, "It's clear, Vermonters want more renewable energy, including wind turbines, and that they find installation on ridgelines very acceptable."

Vermont's history with wind power goes back to the turn of the century when farmers used windmills to pump drinking water from their wells. One of the first great experiments in converting wind to energy was conducted atop a peak in Vermont called Grandpa's Knob in Castleton, Vermont. It was, at the time, the world's largest wind turbine and produced 1.25 MW with the first synchronous electric generator. I recall visiting this wind turbine with my grandfather, an architect, and we marveled at its beauty and ingenuity. It was the first time energy from a wind turbine was interconnected to the utility grid.

Vermont's interest in wind power has continued to grow since then. Just look at Green Mountain Power's wind farm in Searsburg, Vermont. Eleven wind turbines generate enough electricity to power more than 2,000 homes, reducing toxic air emissions by 22 million pounds compared to the impacts if that amount of electricity had been produced through combustion of fossil fuels.

Vermont has a tremendous capacity for wind power, as several of my colleagues have demonstrated with wind maps produced from the U.S. Department of Energy. Industry representatives in Vermont envision a handful of wind farms scattered about Vermont producing enough electricity to power about 50,000 homes, which would account for about 10 percent of the State's electricity needs.

Last week, Vermont Governor Jim Douglas signed a new renewable energy bill into law. He did so at the manufacturing plant of Northern Power Systems, a world leader in off-grid power systems. Northern Power is about to ship seven 100-kilowatt wind turbines to three communities in remote western Alaska, and the Governor used a 31-foot-long blade from one of these turbines as his writing table.

Clearly, Vermont's Governor and Vermont's legislators see the value of renewable energy. A large majority of Vermonters support wind energy and renewable energy. And I am very optimistic about the role wind energy can play in satisfying a growing proportion of this Nation's energy needs.

Last week the Senate defeated an important amendment that would have helped set this nation on a course to significantly reduce our reliance on foreign oil. It is unfortunate that a majority of my colleagues did not see fit to put the U.S. on the right course—to break our addiction to foreign oil.

H.R. 6 requires a 1 million barrel a day oil saving goal. Unfortunately, this goal would actually result in more oil being imported, not less. In fact, the U.S. will still be importing 14.4 million barrels a day under the underlying bill's goal. Slowing down the increased rate of consumption alone is not enough. We should be setting an ambitious goal that actually reduces imported oil, not a goal that will result in more oil being imported.

Instead, the Senate refused to set a national goal to reduce the Nation's addiction to foreign oil. The Cantwell amendment would have established that goal—to reduce U.S. dependence on foreign oil by 40 percent by 2025. By turning our backs on this goal, we are sending the wrong message. Reducing our addiction to foreign oil is essential to the economic security of our Nation. We cannot continue to rely on unstable foreign countries for the energy that runs the economic machine of this Nation.

Fluctuating energy prices and instability in the Middle East once again are prompting calls for energy independence for the U.S.

Federal efforts to ensure freedom from fluctuations in energy prices have been advocated by every President, both Republican and Democrat, since 1973 and the infamous oil boycott. As Americans we count on energy to protect our security, to fuel our cars, to provide heat, air conditioning and light for our homes, to manufacture goods, and to transport supplies. In all of these needs, we, as consumers, pay the price for fluctuations in the global energy market.

Reducing our reliance on foreign oil is essential and the most basic step we need to take to address this crisis. The Cantwell amendment would have resulted in about 7.6 million barrels per day less oil being imported in 2025. Those savings are equivalent to the amount of oil the U.S. currently imports from Saudi Arabia. We can and should stop the oil cartels from controlling the future of this Nation.

In addition, I believe setting an oil saving goal could have beneficial effects on our air quality. Since a vast majority of current oil consumption is from the transportation sector, I believe setting an oil saving goal would encourage auto manufacturers to voluntarily improve efficiency of cars and trucks. As our population continues to grow and more people are driving more miles, it is essential to our air quality to continue to improve fuel efficiency of the vehicles we drive.

As it stands now, this bill does not require auto manufacturers or others in the transportation sector—the plane, train and truck sector—to meet corporate average fuel economy standards. I believe increased fuel economy standards can and should also be included in this bill. But short of adding new standards, setting this goal would have been a significant step in that direction.

By failing to set an oil saving goal, I think we have failed to state one of the most basic goals of this bill—a real reduction the amount of foreign imported oil.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

AMENDMENT NO. 799

Mr. VOINOVICH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH], for himself, Mr. CARPER, and Mrs. FEINSTEIN, proposes an amendment numbered 799.

Mr. VOINOVICH. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. VOINOVICH. Mr. President, I offer this amendment today as chairman of the Environment and Public Works Subcommittee on Clean Air, Climate Change, and Nuclear Safety. This amendment is a bipartisan piece of legislation that was introduced last Thursday. It is called the Diesel Emissions Reduction Act of 2005, or S. 1265.

This bill is cosponsored by Environment and Public Works Committee Chairman JIM INHOFE and Ranking Member JIM JEFFORDS and Senators TOM CARPER, JOHNNY ISAKSON, HILLARY CLINTON, KAY BAILEY HUTCHISON, and DIANNE FEINSTEIN. Focused on improving air quality and protecting public health, it would establish voluntary National and State-level grant and loan programs to promote the reduction of diesel emissions. Additionally, the bill would help areas come into attainment for the new air quality standards.

Developed with environmental, industry, and public officials, the legislation complements Environmental Protection Agency, EPA, regulations now being implemented that address diesel fuel and new diesel engines. I am pleased to be joined by a strong and diverse group of organizations and officials: Environmental Defense, Clean

Air Task Force, Union of Concerned Scientists, Ohio Environmental Council, Caterpillar Inc., Cummins Inc., Diesel Technology Forum, Emissions Control Technology Association, Associated General Contractors of America, State and Territorial Air Pollution Program Administrators/Association of Local Air Pollution Control Officials, Ohio Environmental Protection Agency, Regional Air Pollution Control Agency in Dayton, OH., and the Mid-Ohio Regional Planning Commission.

The cosponsors and these groups do not agree on many issues, which is why this amendment is so special. I ask unanimous consent that letters of support from these organizations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CATERPILLAR INC.,
Mossville, IL, June 16, 2005.

Hon. GEORGE VOINOVICH,
U.S. Senate,
Washington, DC.

DEAR SENATOR VOINOVICH: Caterpillar is in full support of the Diesel Emissions Reduction Act of 2005. Thank you for assembling a broad coalition of stakeholders in this bipartisan effort to modernize and retrofit millions of diesel engines across the country. It is impressive to see such a strong coalition of environmental groups, regulators and industry representatives working hard to advance retrofit as a national energy and environmental policy issue.

As a company, Caterpillar has invested more than $1 billion in new clean diesel engine technology. No power source can match the reliability, efficiency, durability and cost effectiveness of the diesel engine. From the late 1980s to 2007, Caterpillar will have reduced diesel emissions in on-road trucks and school buses by 98 percent. When meeting Environmental Protection Agency Tier 4 regulations, Caterpillar will reduce emissions for off-road machines an additional 90 percent by 2014. This ensures that clean diesel engines will continue to be the workhorses of our economy for years to come.

Our customers who operate fleets of buses, trucks, construction machines and the equipment that safeguards our homes and lives in non-attainment areas are very interested in retrofit technology. However, they need a nationally consistent approach to address these challenges. Your bill, which focuses on grants and loans, wisely lets the market determine the right technologies for various product applications. Retrofitted engines last longer and, most importantly, have fewer emissions.

Thank you again for your commitment to this legislation. You can count on Caterpillar's support as the bill moves forward in Congress.

Sincerely,

JAMES J. PARKER,
Vice President.

ENVIRONMENTAL DEFENSE,
New York, NY, June 17, 2005.

Re Introduction of the Diesel Emission Reduction Act of 2005.

Hon. GEORGE V. VOINOVICH,
U.S. Senate,
Washington, DC.

DEAR SENATOR VOINOVICH, I am writing to express Environmental Defense's support for the Diesel Emission Reduction Act of 2005 which you are introducing today.

As you are aware the U.S. Environmental Protection Agency's regulations establishing new standards for diesel buses and freight trucks and new nonroad diesel equipment will slash diesel emissions by more than 80% from 2000 levels, ultimately saving 20,000 lives a year in 2030. But because these federal standards apply only to new diesel engines and because diesel engines are so durable, the high levels of pollution from existing diesel sources will persist throughout the long lives of the engines in service today.

Your legislation establishing a national program to cut pollution from today's diesel engines would speed the transition to cleaner diesel engines and achieve healthier air well in advance of that schedule. The program design principles embodied in your bill help ensure that the funds for diesel emission reduction projects will be spent in an equitable and efficient manner.

Environmental Defense has long been a proponent of smart policy design. We have promoted market-based and cost-effective programs such as cap-and-trade as a solution to a variety of environmental issues dating back to the 1990 Clean Air Act Amendment.

Environmental Defense commends you on your leadership in cleaning up the existing diesel fleet. We look forward to working with you and your staff to ensure the passage and funding of the Diesel Emission Reduction Act.

Sincerely,

FRED KRUPP,
President.

THE ASSOCIATED GENERAL
CONTRACTORS OF AMERICA,
Alexandria, VA, June 15, 2005.

Hon. GEORGE V. VOINOVICH,
U.S. Senate,
Washington, DC.

DEAR SENATOR VOINOVICH: The Associated General Contractors of America (AGC) thanks you for taking the lead in introducing The Diesel Emissions Reduction Act (DERA) to provide assistance for owners to retrofit their diesel powered equipment. The legislation would establish grant and loan programs to achieve significant reduction in diesel emissions. This initiative could prove to be extremely beneficial to local areas attempting to come into compliance with the Clean Air Act.

The construction industry welcomes this legislation because it will provide the needed assistance to help contractors retrofit their off road equipment. Contractors use diesel powered off road equipment to build projects that enhance our environment and quality of life by improving transportation system, water quality, offices, homes, navigation and other vital infrastructure. This equipment tends to have a long life, and therefore is in use for many years before it is replaced.

Reducing the emissions from the engines that power this equipment is a costly undertaking and is particularly burdensome for small businesses. Providing grants to aid contractors with the expense of retrofitting is a highly cost effective use of federal funds.

AGC applauds your efforts in taking an incentive approach to addressing environmental concerns. AGC urges that this legislation be enacted quickly so that environmental benefits can be achieved as soon as possible.

Sincerely,

STEPHEN E. SANDHERR,
Chief Executive Officer.

CUMMINS INC.,
Washington, DC, June 14, 2005.

Hon. GEORGE V. VOINOVICH,
U.S. Senate,
Washington, DC.

DEAR SENATOR VOINOVICH: Cummins Inc. strongly supports the Diesel Emissions Reduction Act of 2005, which establishes a voluntary national retrofit program aimed at reducing emissions from existing diesel engines, and congratulates you on your efforts to bring the diesel industry and environmental groups together on this effort.

The Diesel Emissions Reduction Act of 2005 recognizes the clean air challenges ahead of us and puts in place a system to help address them. In the near future, states must develop plans to address particulate matter and ozone emission reductions to meet the new air quality standards. A federally sponsored voluntary diesel retrofit initiative is a great tool to help states and communities meet these new air quality standards. Your legislation recognizes that one size does not fit all, and there are a number of technologies, which can be implemented to modernize diesel fleets. The term retrofit not only describes an after treatment exhaust device used to reduce key vehicle emissions but also refers to engine repair/rebuild, refuel, repower, and replacement.

The Diesel Emissions Reduction Act of 2005 represents a sound use of tax payer dollars. Diesel retrofits have proven to be one of the most cost-effective emissions reductions strategies. Furthermore, another advantage to retrofits is that reductions can be realized immediately after installation and can be particularly important in metropolitan areas where high volumes of heavy-duty trucks are prevalent and/or where major construction projects are underway for long periods of time.

Finally, I, again, wanted to congratulate you on your efforts to bring our industry together with the environmental community on this legislation. This legislation is truly a model on how to find solutions to environmental problems. It is our hope that the process, which you put together to craft this legislation, can be used to further address the older fleets as well as advance efforts, which recognize the energy efficiency and environmental benefits of clean diesel technologies.

Again, Cummins thanks you for your vision on these issues and looks forward to working with you to pass this legislation.

Very truly yours,

MIKE CROSS,
Vice President, Cummins Inc. and General Manager, Fleetguard Emission Solutions.

DIESEL TECHNOLOGY FORUM,
Frederick, MD, June 9, 2005.

Hon. GEORGE VOINOVICH,
U.S. Senate,
Washington, DC.

DEAR SENATOR VOINOVICH: We would like to recognize and thank you for your leadership in developing the Diesel Emissions Reduction Act of 2005. We are especially encouraged by the broad coalition of industry and environmental groups from whom you have successfully sought not just cooperation, but real collaboration in development and support of this important legislation.

As you know, the recent advancements in new clean diesel technology have been substantial. New emissions control devices such as particulate filters oxidation catalysts, and other technologies will play an important role in the clean diesel system of the future, allowing new commercial truck engines to be over 90 percent lower in emissions than those built just a dozen years ago. And, as we have learned over the last 5 years, these technologies can also be applied to some existing vehicles and equipment. Your legislation will play an important role in helping to deploy more clean diesel retrofit technologies to thousands of small businesses and equipment owners who might otherwise not be able to afford the upgrading of their equipment.

Because of its unique combination of energy efficiency, durability and reliability, diesel technology plays a critical role in many industrial and transportation sectors, powering two-thirds of all construction and farm equipment and over 90 percent of highway trucks. Diesel technology has played and will continue to play a vital role in key sectors of our economy. Thanks to your legislation, diesel technology will continue to serve these sectors and help assure this country's continued clean air progress.

We look forward to continuing to promoting a greater awareness of the benefits of clean diesel retrofits and your legislation.

Sincerely yours,

ALLEN R. SCHAEFFER,
Executive Director.

STATE OF OHIO
ENVIRONMENTAL PROTECTION AGENCY,
Columbus, OH, June 15, 2005.

Hon. GEORGE V. VOINOVICH,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR VOINOVICH: It has been a great pleasure to meet you and discuss air quality issues with you over these last few months. Ohio's air quality has improved dramatically over the last 30 years. However, as you are well aware, Ohio faces a significant challenge in achieving compliance with the new federal air quality standards for ozone and fine particle matter. We have 33 counties that don't meet the more stringent ozone standard, and all or part of 32 counties that don't meet the more stringent particulate standard.

Diesel emissions are part of the problem in both of those scenarios. That is why I am so encouraged by your efforts to develop bipartisan legislation to provide federal financial assistance for a voluntary diesel retrofit initiative. In many cases, lack of funding is the only thing keeping people from using the cleaner technology that is available.

As Ohio develops its clean air plans for ozone and particulate matter, we need to consider every tool available to us. A funding program to help reduce pollution from diesel engines is a valuable tool.

I look forward to the successful passage of your bill and the clean air benefits it bring to Ohio and the nation.

Sincerely,

JOSEPH P. KONCELIK,
Director.

OHIO ENVIRONMENTAL COUNCIL,
Columbus, OH, June 13, 2005.

Subject: Diesel Emissions Reduction Act of 2005.

Hon. GEORGE VOINOVICH,
U.S. Senate,
Washington, DC.

DEAR SENATOR VOINOVICH: The Ohio Environmental Council offers its hearty support for the Diesel Emissions Reduction Act of 2005. This landmark legislation will help clean up one of Ohio's and the nation's largest sources of dangerous air pollution; diesel engines.

From our initial meeting with you in April of 2004 to discuss the impacts of diesel pollution, we have been impressed by your leadership in addressing this significant contributor to Ohio's, and the nation's, air quality problems. As you know, approximately one-third of Ohio counties are failing federal air quality standards for ground-level ozone and fine particulate matter. Much of the nation faces a similar burden with an estimated 65 million people living in areas exceeding the fine particulate standard and 111 million people living in areas exceeding the 8-hour ozone standard.

Diesel engines contribute significantly to this problem with on-road and off-road diesel engines accounting for roughly one-half of the ozone contributing nitrogen oxide and fine particulate mobile source emissions nationwide. According to EPA, diesel exhaust also contains over 40 chemicals listed as hazardous air pollutants (HAPs), some of which are known or probable human carcinogens including benzene and formaldehyde. Numerous studies have suggested that diesel pollutants contribute to health effects such as asthma attacks, reduced lung function, heart and lung disease, cancer and even premature death.

Fortunately, unlike many complex environmental problems that have very complicated solutions, the clean-up of diesel air pollution is easy. Technologies are available today to retrofit existing diesel engines, reducing emissions from the tailpipe by 20–90%—reductions realized immediately after installation. In fact, due to EPA's Diesel Rules, starting in 2007 we will see the cleanest diesel engines ever coming off production lines. Unfortunately, those rules do not address the 11 million diesel engines in use today. In order to meet EPA's goal to modernize 100% of these existing engines by 2014, states and fleets will need assistance.

That is why the Diesel Emissions Reduction Act of 2005 is so imperative. It will establish an unprecedented $200 million annual national grant and loan program to assist states, organizations and fleets in reducing emissions from diesel engines. These efforts will serve to help counties in complying with federal air standards as well as minimize the health toll of diesel emissions on the public.

I am proud to offer the Ohio Environmental Council's support to you, Senator Voinovich, with the introduction of the Diesel Emissions Reduction Act of 2005.

Sincerely,

VICKI L. DEISNER,
Executive Director.

MID-OHIO REGIONAL PLANNING COMMISSION,
Columbus, OH, June 14, 2005

Hon. GEORGE V. VOINOVICH,
U.S. Senate,
Washington, DC.

DEAR SENATOR VOINOVICH: Our membership, comprised of 41 local governments in central Ohio, has identified our ozone and PM2.5 nonattainment status as one of the most daunting challenges facing our region. Numerous health studies demonstrate the negative health impacts of polluted air, especially for asthmatic children and older adults with heart disease. In addition to these, health impacts, failure to clean up our air could inhibit business expansion and investment in transportation.

Freight transportation is one of the primary growth sectors for central Ohio. Yet, we do not want growth at the expense of a diminished quality of life for our residents. Therefore, it is important that we do whatever we can to encourage public and private on and off-road fleets to improve emissions from existing diesel engines that will continue to operate for many years.

MORPC's Air Quality Committee is working diligently with a broad coalition of local governments, manufacturers, industry, health organizations, and environmental groups to identify and implement cost effective ways to reduce nitrogen oxide (NO_X) and particulate matter (PM) emissions that contribute to ozone and particle pollution in central Ohio. We strongly support the introduction of the Diesel Emissions Reduction Act of 2005 to provide federal funds to spur local investment in voluntary diesel emission reduction programs. This will be an invaluable tool to help us meet the Environmental Protection Agency's (EPA) ambient air quality standards.

We look forward to working with you to continue to develop support for the Diesel Emissions Reduction Act of 2005. Please let me know if we can be of any assistance.

Sincerely,

WILLIAM C. HABIG,
Executive Director.

CLEAN AIR TASK FORCE,
Boston, MA, June 16, 2005.

Re Letter of support for the Diesel Emissions Reduction Act of 2005.

Hon. GEORGE V. VOINOVICH,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR VOINOVICH: The Clean Air Task Force is proud to be one of the core members of a group of industry, environmental and government representatives that worked together on a collaborative effort to find ways of reducing harmful emissions of air pollution from existing diesel engines. We strongly support legislation that grew out of that effort, the Diesel Emissions Reductions Act of 2005. We thank you and your staff for your leadership on this important issue.

Heavy-duty diesel engines powering vehicles and equipment such as long-haul trucks, buses, construction equipment, logging and agricultural equipment, locomotives and marine vessels produce a wide variety of dangerous air pollutants, including particulate matter, nitrogen oxides and air toxics. These pollutants, emitted at ground level often in populated areas, produce substantial harm to human health and the environment, up to and including premature death.

Recently, EPA has determined that 65 million people live in areas where the air contains unhealthy levels of fine particulate matter ($PM_{2.5}$), areas that EPA has thus classified as nonattainment for the $PM_{2.5}$ NAAQS. In order for those areas to meet the attainment requirements in the Clean Air Act, substantial reductions of $PM_{2.5}$ emissions will be required. The largest local source of potential $PM_{2.5}$ reductions in most urban areas is the existing fleet of heavy-duty diesel engines. Although EPA has promulgated regulations to substantially reduce emissions from heavy duty highway and nonroad diesels, many of these engines are long-lived and the air quality benefits of EPA's new engine rules won't be fully realized for more than two decades—a full generation away and long past applicable NAAQS attainment deadlines.

Fortunately, efficient and cost-effective means of substantially reducing diesel emissions are readily available today. For example, diesel particulate filters can reduce diesel $PM_{2.5}$ emissions by about 90% from many heavy-duty diesel engines. Widespread use of such controls could dramatically reduce harmful diesel emissions in our cities and states, would save thousands of lives, produce billions of dollars of societal benefits, and help states meet their attainment obligations under the Clean Air Act.

One of the primary barriers to the widespread installation of diesel emission control technology is a lack of resources. Many heavy-duty diesel fleets, such as buses, refuse trucks, highway maintenance equipment, trains and ferries are owned or operated by public agencies with limited resources.

The Diesel Emissions Reduction Act of 2005 will provide $200 per year for the next 5 years to help fund reductions of air pollution from in-use diesel engines, including those operated by cash-strapped public agencies. This will produce human health and environmental benefits far in excess of the costs, and will provide timely assistance to many areas to help them achieve EPA's health based air quality standards for particulate matter and ozone.

CATF urges your support of the Diesel Emissions Reductions Act of 2005.

Very truly yours,

CONRAD G. SCHNEIDER,
Advocacy Director.

STATE AND TERRITORIAL AIR POLLUTION PROGRAM ADMINISTRATORS/ASSOCIATION OF LOCAL AIR POLLUTION CONTROL OFFICIALS,
Washington, DC, June 14, 2005.

Hon. GEORGE V. VOINOVICH,
Chairman, U.S. Senate, Committee on Environment and Public Works, Subcommittee on Clean Air, Climate Change and Nuclear Safety, Washington, DC.

DEAR CHAIRMAN VOINOVICH: On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO)—the national associations of state and local air pollution control agencies in 53 states and territories and more than 165 metropolitan areas across the country—I am pleased to offer support for the Diesel Emissions Reduction Act of 2005 and to commend your leadership in introducing this legislation and in working with a broad coalition of diverse stakeholders to draft it.

Emissions from dirty diesel engines pose serious threats to public health and the environment. These emissions are not only substantial contributors to unhealthful levels of ozone and fine particulate matter ($PM_{2.5}$), they cause or exacerbate unacceptably high levels of toxic air pollution in most areas of the country. Although our nation has taken significant action to reduce emissions from new highway and nonroad diesel engines, and additional federal measures are planned to address new diesel marine and locomotive engines, several critical opportunities remain for achieving further reductions in diesel emissions. Chief among them is cleaning up existing diesel engines by retrofitting these engines with new emission control technologies. By authorizing funds for grants and loans to states and other organizations for the purpose of reducing emissions from diesel engines, the Diesel Emissions Reduction Act of 2005 will help states and localities achieve their air quality goals, including attaining and maintaining health-based National Ambient Air Quality Standards for ozone and $PM_{2.5}$ and reducing exposure to toxic air pollution.

STAPPA and ALAPCO are pleased to support this bill and look forward to working with you and other stakeholders as it proceeds through the legislative process.

Sincerely,

S. WILLIAM BECKER,
Executive Director.

UNION OF CONCERNED SCIENTISTS,
Washington, DC, June 10, 2005.

The Union of Concerned Scientists, and our 140,000 members and activists nationwide, strongly support the Diesel Emissions Reduction Act of 2005. This landmark legislation will improve air quality across the country by providing $200 million in grants and loans to reduce pollution from diesel vehicles and equipment.

The exhaust from conventional diesel-powered engines may cause or exacerbate serious health problems such as asthma, bronchitis and cancer, and can even lead to premature death. In addition to its public health toll, diesel exhaust exacts enormous social costs, with escalating health care expenditures, loss of work and school days, and the most costly impact of all—the loss of human lives.

Although standards for new diesel engines offer important health benefits, they do not address the biggest polluters: existing diesel engines. The bulk of diesel pollution now and for the next decade or more come from engines already in use. Fortunately, there are a wide range of readily available cleanup technologies and strategies, including replacing high-polluting engines and retrofitting with emissions controls. The Diesel Emissions Reduction Act will help get diesel cleanup technologies off the shelf and onto today's vehicles and equipment.

USC is pleased to be part of a diverse coalition of groups—including environmental and health groups, the diesel industry, and public agencies—that is working collaboratively on reducing diesel pollution. This unique mix of voices all agree that reducing pollution from diesel engines is a public health priority, and that federal and state funding is a key strategy to clean up diesel engines.

The Diesel Emissions Reduction Act will accelerate the public health benefits of the new engine emissions standards, and will help Americans breathe easier.

Sincerely,

PATRICIA MONAHAN,
Senior Analyst, Transportation Program.

REGIONAL AIR POLLUTION CONTROL AGENCY,
Dayton, OH, June 15, 2005.

Hon. GEORGE V. VOINOVICH,
Chairman, U.S. Senate, Committee on Environment and Public Works, Subcommittee on Clean Air, Climate Change and Nuclear Safety, Washington, DC.

DEAR SENATOR VOINOVICH: The Regional Air Pollution Control Agency (RAPCA) would like to express our support for the Diesel Emissions Reduction Act of 2005. RAPCA is a six county local air pollution control agency charged with protecting the residents of the Dayton/Springfield area from the adverse health impacts of air pollution. We would like to thank you and your staff for offering this vital piece of legislation which will greatly help the citizens of our area breathe healthier air.

Diesel emission reductions offer a significant opportunity in the effort to clean the nation's air. Diesel emissions represent approximately one-half of the nitrogen oxide and particulate matter emissions from the mobile source sector and numerous air toxics.

Like many areas across the county, the Dayton/Springfield area is nonattainment for both ozone and fine particulate matter. RAPCA strongly believes that this bill provides a unique opportunity to help the area attain these standards, especially fine particulates, as well as reducing the health risks associated with air toxics. Furthermore, many of the diesel vehicles that would be affected by this bill operate in the urban core, thus providing health benefits to many individuals.

Again we would like to express our sincere thanks to you for offering the Diesel Emissions Reduction Act of 2005, which will help millions of Americans breathe easier.

Sincerely,

JOHN A. PAUL,
Supervisor.

EMISSION CONTROL TECHNOLOGY ASSOCIATION,
Washington, DC, June 14, 2005.

HON. GEORGE VOINOVICH,
U.S. Senate,
Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of the Emission Control Technology Association (ECTA), I would like to thank you for introducing the Diesel Retrofit Reduction Act of 2005, and advise you of our wholehearted support for this legislation. If enacted, this legislation will help states to reduce diesel engine emissions, thereby, strengthening the economy, public health, and the environment.

On-road heavy duty diesel vehicles and non-road diesel vehicles and engines account for roughly one-half of the nitrogen oxide (NO_X) and particulate matter (PM) mobile source emissions nationwide. These emissions contribute to ozone formation, fine particulate matter, and regional haze. With more than 167 million Americans living in counties that do not achieve the National Ambient Air Quality Standard (NAAQS) established by the Environmental Protection Agency, it is more important than ever that states and other organizations are given the means to address this growing problem. Clean diesel retrofits are a highly cost effective means of reducing these emissions, costing approximately $5,000 per ton equivalent of air pollution removed. The Diesel Retrofit Reduction Act of 2005 will ease the growing burden states are feeling as they strive to reach attainment of these national standards, by providing them with grants and loans for the purpose of reducing emissions from diesel engines.

There are several programs that demonstrate the achievements made by clean diesel retrofits. A prime example is the Metropolitan Transportation Commission (MTC) Retrofit Program in San Francisco, California. As part of the MTC program, more than 1,700 emission control systems were installed on diesel buses. It is estimated that 2,500 pounds of NO_X and 300 pounds per day of particulates will be eliminated as a result of the MTC transit bus retrofit program. We are certain that the Diesel Retrofit Reduction Act of 2005 will accomplish similar feats upon its passage.

ECTA thanks you for authoring this important legislation and for your leadership on this issue. We look forward to working with you and your staff to ensure its passage.

Sincerely,

TIMOTHY REGAN,
President.

Mr. VOINOVICH. The process for developing this legislation began last year when several of these organizations came in to meet with me. They informed me of the harmful public health impact of diesel emissions. On-road and non-road diesel vehicles and engines account for roughly one-half of the nitrogen oxide and particulate matter mobile source emissions nationwide.

I was pleased to hear that the administration had taken strong action with new diesel fuel and engine regulations, which were developed in a collaborative effort to substantially reduce diesel emissions. However, I was told that the full health benefit would not be realized until 2030 because these regulations address new engines and the estimated 11 million existing engines have a long life. Diesel engines have a very long life.

I was pleased that they had a constructive suggestion on how we could address this problem. They informed me of successful grant and loan programs at the State and local level throughout the Nation that are working on a voluntary basis to retrofit diesel engines.

I was also cognizant that the new ozone and particulate matter air quality standards were going into effect and that a voluntary program was needed to help the Nation's 495 and Ohio's 38 nonattainment counties—especially those that are in moderate nonattainment like Northeast Ohio.

Additionally, I have visited with University of Cincinnati Medical Center doctors—as recently as earlier this month—to discuss their Cincinnati Childhood Allergy and Air Pollution Study. Some of the early results indicate disturbing impacts on the development of children living near highways because of emissions from diesel engines.

It became clear to me that a national program was needed. We then formed a strong, diverse coalition comprised of environmental, industry, and public officials. The culmination of this work was released last Thursday with the introduction of the Diesel Emissions Reduction Act of 2005.

The amendment that I am offering today is the same as this bill. It would establish voluntary national and State-level grant and loan programs to promote the reduction of diesel emissions. The amendment would authorize $1 billion over 5 years—$200 million annually. Some will claim that this is too much money and others will claim it is not enough—so probably it is the right number.

We should first recognize that the need far outpaces what is contained in the legislation. This funding is also fiscally responsible as diesel retrofits have proven to be one of the most cost-effective emissions reduction strategies. For example, let's compare the cost effectiveness of diesel retrofits versus current Congestion Mitigation and Air Quality program projects.

We are talking about the per ton of Nitrogen Oxides reduced, cost on average. We are talking about 1 ton of nitrogen oxides and how much it costs to reduce them: $126,400 for alternative fuel buses; $66,700 for signal optimization; $19,500 for bike racks on buses; and $10,500 for vanpool programs.

This is compared to $5,390 to repower construction equipment and $5,000 to retrofit a transit bus.

The bottom line is that if we want to clean up our air to improve the environment and protect public health, diesel retrofits are one of the best uses of taxpayers' money.

Furthermore, as a former Governor, I know firsthand that the new air quality standards are an unfunded mandate on our States and localities—and they need the Federal Government's help. We are going to find that out. Many Americans are not aware, because of the ozone and particulate standards that many communities are going to have a difficult time complying with these new ambient air standards.

This legislation would help bring counties into attainment by encouraging the retrofitting or replacement of diesel engines, substantially reducing diesel emissions and the formation of ozone and particulate matter.

The amendment is efficient with the Federal Government's dollars in several ways. First, 70 percent of the program would be administered by the EPA. The remaining 20 percent of the funding would be distributed to States that establish voluntary diesel retrofit programs. Ten percent of the amendment's overall funding would be set aside as an incentive for state's to match the Federal dollars being provided.

The hope is this amendment leverages additional public and private funding with the creation of State level programs throughout this country. The amendment would expand on very successful programs that now exist in Texas and California.

Second, the program would focus on nonattainment areas where help is needed the most.

Third, it would require at least 50 percent of the Federal program to be used on public fleets since we are talking about using public dollars.

Fourth, it would place a high priority on the projects that are the most cost effective and affect the most people.

Lastly, the amendment includes provisions to help develop new technologies, encourage more action through nonfinancial incentives, and require EPA to reach out to stakeholders and report on the success of the program.

EPA estimates this billion-dollar program would leverage an additional $500 million, leading to a net benefit of almost $20 billion with the reduction of 70,000 tons of particulate matter. This is a quite substantial 13–1 cost-benefit ratio.

The Diesel Emissions Reduction Act of 2005 enjoys broad bipartisan support and is needed desperately. I urge my colleagues to vote for this amendment.

I ask for the yeas and nays, and I ask unanimous consent 10 minutes be set aside prior to the vote on the amendment for sponsors to speak on its behalf.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

Mr. BINGAMAN. Mr. President, could I ask the Senator from Ohio a question about his amendment?

The ACTING PRESIDENT pro tempore. The Senator may.

Mr. BINGAMAN. Mr. President, if we could get copies of the amendment, Senator DOMENICI would be anxious to review it. I would, as well. It sounds very meritorious as described, but before actually agreeing to a unanimous consent as to the timing of the vote and the amount of time needed in anticipation of a vote, it would be better to get a copy at this point, if we could. That is just a suggestion.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

Mr. VOINOVICH. I withdraw the request for the 10 minutes until the ranking member has an opportunity to review the amendment, and we can discuss at that time how much time the Senator is willing to give.

Mr. BINGAMAN. That will be very good. I appreciate that opportunity. We will be back in touch with the Senator.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I will ask the Senator from Ohio a question. I walked in about two-thirds of the way through his remarks.

Do I understand that this is legislation that helps reduce sulfur in the air by retrofitting diesel engines so they comply with the new EPA requirements for low sulfur?

Mr. VOINOVICH. Right. This is one of the most effective ways, actually, to reduce nitrogen oxide and also particulate matter. In my remarks I mentioned the study at the University of Cincinnati on children. The negative impact is amazing on children who live very close to freeways with this diesel fuel. Retrofitting would be the most cost-efficient way of dealing with that problem.

This program fundamentally is a voluntary program. It is a program in which we encourage all of the States to participate. If they did, each State would get 2 percent of the money. If they didn't, those States that participated would benefit from this on a per capita basis, 30 percent of the program allocated to them and 70 percent of it would be distributed by the Environmental Protection Agency based on submissions submitted and also on the basis of giving priority to public requests for this money.

Mr. ALEXANDER. Mr. President, I commend the Senator from Ohio. He has spent a long time in this session working on clean air legislation.

As one Senator, I am extremely interested in that for our country. The Great Smoky Mountains—2 miles from where I live, and on the other side is the Senator from North Carolina, the Presiding Officer—is the most polluted National Park in America.

Many of our counties are not in attainment. Our biggest problem is sulfur. But NO_X is also a major problem. Of course, a major contributor is the big diesel trucks on the road.

One of the President's greatest accomplishments in terms of sulfur is tighter restrictions on the fuel that will be used in these trucks. They also are major contributors to NO_X, nitrogen oxide. My understanding from my visits and discussions with people who know about the big trucks is that the retrofitting of these older engines is not as good as a new engine, but it is a very substantial—70 or 80 percent as good as having a new engine.

I look forward to reading the legislation. The Clean Energy Act that we are working on is not the Clean Air Act that the Senator spent so much time on, but clean energy is the solution to the clean air problem. I am glad the Senator is bringing this to our attention. I look forward to reading it. It looks like a welcome contribution.

Mr. VOINOVICH. I thank the Senator from Tennessee. The administration should be complimented. The new diesel regulations will go into effect next year. The fact is, 11 million on- and off-road vehicles will still be on the road for many years to come. As the Senator pointed out regarding retrofitting, we had a bus retrofit. We are talking about 85 percent reduction. The diesel fuel is fine, but if you do not have the retrofit, it will not give you the desired emissions control.

AMENDMENT NO. 800

(Purpose: To amend the Internal Revenue Code of 1986 to provide energy tax incentives, and for other purposes)

Mr. DOMENICI. On behalf of the leader, we have cleared the amendment at the desk. I ask unanimous consent that the pending amendment be set aside. I further ask that the Grassley-Baucus amendment No. 800 which is at the desk be considered and agreed to and the motion to reconsider be laid on the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 800) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BAUCUS. Mr. President, I strongly support the Finance Committee's energy tax language.

Why are the incentives proposed in this language so important? First and foremost, they are important because of the energy challenges facing the Nation.

Energy is critical to our Nation's economy and security. Our continuing dependence on foreign oil increasingly threatens our vital national interests.

As the world's demand for oil continues to grow at a record pace, the world's oil producers strain to meet consumption. Today, OPEC is pumping close to full capacity. Even so, refined products remain scarce.

The price of oil has soared to more than $55 a barrel. The price of gas at the pump is a daily reminder of the scarcity of energy. Increasing energy prices stifle economic growth.

Folks in my home State of Montana are hit hard by rising energy prices. High gas prices particularly hurt folks who have to drive great distances. And high energy prices hurt small businesses, ranchers, and farmers by raising the costs of doing business.

We can do more to provide reliable energy from domestic sources. That is our first challenge.

Our next great energy challenge is to ensure safe, clean, and affordable energy from renewable resources. Energy produced from wind, water, sun, and waste holds great potential. But that energy cannot currently meet our national energy demands. Technology is helping to bridge the gap. But further development requires financial assistance.

The energy tax incentives take an evenhanded approach to an array of promising technologies. We do not yet know which new technologies will prove to be the most effective. As we go forward and provide the needed incentives to develop these new technologies, we also need appropriate cost-benefit assessments to guide future investments.

The energy tax language reflects the incentives endorsed by the Finance Committee last Thursday. These incentives make meaningful progress toward energy independence. They provide a balanced package of targeted incentives directed to renewable energy, traditional energy production, and energy efficiency.

These incentives would encourage new energy production, especially production from renewable sources.

They would encourage the development of new technology.

And they would encourage energy efficiency and conservation.

To encourage production, the tax language provides a uniform 10-year period for claiming production tax credits under section 45 of the Tax Code. This encourages production of electricity from all sources of renewable energy. It would not benefit one technology over another.

In Judith Gap, MT, wind whips across the wheat plains. Wind is a great and promising resource in Montana. But future development of wind projects needs support, like that provided in the tax language.

The tax language recognizes the value of coal and oil to our economy. It provides tax incentives for cleaner-burning coal and much-needed expansion of refinery capacity.

The lack of refinery capacity is driving up the price of oil. And our lack of domestic capacity increases our vulnerabilities. A new refinery has not been built in the U.S. since 1976. The tax language would encourage the development of additional refinery capacity domestically by allowing the development costs to be expensed.

The tax language also rewards energy conservation and efficiency, and encourages the use of clean-fuel vehicles and technologies. It provides an investment tax credit for recycling equipment. These incentives are environmentally responsible. They reduce pollution. And they improve people's health.

The energy tax provisions would make meaningful progress toward energy independence. They are balanced and fair. I encourage my colleagues to support this legislation.

I yield the floor.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF JOHN ROBERT BOLTON TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session for the consideration of Calendar No. 103, which the clerk will report.

The assistant legislative clerk read the nomination of John Robert Bolton, of Maryland, to be Representative of the United States of America to the United Nations.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 6 p.m. shall be equally divided between the two leaders or their designees.

The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, today the Senate again takes up the nomination of John Bolton to be U.S. Ambassador to the United Nations. This nomination has traveled a long road. I am hopeful that we can conclude the debate today.

I appreciate that several of my colleagues continue to be dissatisfied that their requests for information have not been granted in their entirety. Under the rules, clearly they can continue to block this nomination as long as 60 Senators do not vote for cloture. Although I acknowledge their deeply held opposition to this nominee, we urgently need an ambassador at the United Nations. A clear majority of Senators is in favor of confirming Secretary Bolton.

The President has stated repeatedly that this is not a casual appointment. He and Secretary Rice want a specific person to do a specific job. They have said that they want John Bolton, an avowed and knowledgeable reformer, to carry out their reform agenda at the United Nations.

Regardless of how each Senator plans to vote today, we should not lose sight of the larger national security issues concerning U.N. reform and international diplomacy that are central to this nomination. We should recall that U.N. reform is an imperative mission of the next ambassador. In fact, on Friday, our colleagues in the House of Representatives passed an extensive U.N. reform bill. This body is also working on various approaches to reform.

In 2005, we may have a unique opportunity to improve the operations of the U.N. The revelations of the oil-for-food scandal and the urgency of strengthening global cooperation to address terrorism, the AIDS crisis, nuclear proliferation, and many other international problems have created momentum in favor of constructive reforms at the U.N. Secretary General Kofi Annan has proposed a substantial reform plan that will provide a platform for reform initiatives and discussions.

Few people in Government have thought more about U.N. reform than John Bolton. He served 4 years as the Assistant Secretary of State overseeing international organizations under the first President Bush. He has written and commented extensively on the subject. During his confirmation hearing, Secretary Bolton demonstrated an impressive command of issues related to the United Nations. Senator BIDEN acknowledged to the nominee at his hearing that, "There is no question you have extensive experience in U.N. affairs." Deputy Secretary Rich Armitage has told reporters: "John Bolton is eminently qualified. He's one of the smartest guys in Washington."

This nomination has gone through many twists and turns. But now we are down to an issue of process. The premise expressed for holding up the nominee is that the Senate has the absolute right as a co-equal branch of Government to information that it requests pertaining to a nominee. Political scientists can debate whether this right actually is absolute, but there is a flaw in this premise as it applies to the Bolton nomination. This is that the Senate, as a body, has not asked for this information. The will of the Senate is expressed by the majority. A majority of Senators have voted to end debate. By that vote, a majority of Senators have said that they have the information they need to make a decision.

If Members are intent upon exercising their right to filibuster this nominee, they may do so. But they cannot claim that the Senate as an institution is being disadvantaged or denied information it is requesting when at least 57 Senators have supported cloture knowing that invoking it would lead to a final vote. Senate rules give 41 Senators the power to continue debate. But neither a filibuster nor a request from individual Senators counts as an expression of the will of the Senate.

Minds are made up on this nomination, as they have been for weeks. In fact, with few exceptions, minds have been made up on this nominee since before his hearing occurred. Nevertheless, the Foreign Relations Committee conducted an exhaustive investigation. I would remind my colleagues that Republicans on the Foreign Relations Committee assented to every single witness that the minority wanted to interview. The cases for and against Secretary Bolton have been made extensively and skillfully. In the context of an 11-week investigation involving 29 witnesses and more than 1,000 pages of documents culminating in 14 hours of floor debate, the remaining process dispute over a small amount of information seems out of proportion. This is particularly the case given that the ostensible purpose of obtaining documents and interviewing witnesses is to help Senators make up their minds on how to vote.

If we accept the standard that any Senator should get whatever documents requested on any nominee despite the will of the Senate to move forward, then the nomination process has taken on nearly limitless parameters. Nomination investigations should not be without limits. It is easy to say that any inquiry into any suspicion is justified if we are pursuing the truth. But as Senators who are frequently called upon to pass judgment on nominees, we know reality is more complicated than that. We want to ensure that nominees are qualified, skilled, honest and open. Clearly, we should thoroughly examine each nominee's record. But in doing so, we should understand that there can be human and organizational costs if the inquiry is not focused and fair.

I reiterate that the President has tapped Secretary Bolton to undertake an urgent mission. Secretary Bolton has affirmed his commitment to fostering a strong United Nations. He has expressed his intent to work hard to secure greater international support at the U.N. for the national security and foreign policy objectives of the United States. He has stated his belief in decisive American leadership at the U.N. and underscored that an effective United Nations is very much in the interest of U.S. national security. I believe that the President deserves to have his nominee represent him at the United Nations. I urge my colleagues to invoke cloture.

Mr. President, before I yield the floor, I ask unanimous consent that quorum calls be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I state at the outset that the vote we are about to take is not about John Bolton. The vote we are about to take is about taking a stand—about the Senate taking a stand. The vote is about whether the Senate will allow the President to dictate to a coequal branch of Government how we, the Senate, are to fulfill our constitutional responsibility under the advice and consent clause. It is that basic. I believe it is totally unacceptable for the President of the United States, Democrat or Republican—and both have tried—to dictate to the Senate how he, the President, thinks we should proceed.

The fact that the President of the United States in this case says he does not believe the information we seek is relevant to our fulfilling our constitutional responsibility is somewhat presumptuous, to say the least. I am aware—as we all are on both sides of the aisle—of the sometimes admirable but most times excessive obsession with secrecy on the part of this administration. But notwithstanding that, we should not forfeit our responsibility in order to accommodate that obsession.

I do not hold John Bolton accountable for this administration's arrogance. John Bolton was gentleman enough to come see me. At the request of the Senator from Arizona, Mr. MCCAIN, who contacted me, I said I would be willing to sit with John Bolton last week and speak with him about what we were seeking and why we were seeking it. I did that. As a matter of fact, one of my colleagues, the Senator from Connecticut—although it wasn't his idea, and I caught him on the way to have dinner with his brother—was kind enough to come and sit with me and listen to John Bolton.

I believe Mr. Bolton would be prepared to give us this information. Whether that is true is, quite frankly, irrelevant, because the fact is we both told Mr. Bolton this dispute about the documents is not about him. I say to my colleague from Indiana, this is above his pay grade. He indicated under oath in our committee hearing that he was willing to let all of this information come forward. So I actually went to the extent of sitting with Mr. Bolton and suggesting how, as it related to a matter on which I have been the lead horse—on Syria—we could accommodate an even further narrowing and detailing of the information we are seeking and why.

Last month, after the Senate stood up for itself and rejected cloture on the Bolton nomination, the Democratic leader and I both promised publicly—and today I pledge again—that once the administration provides the information we have requested and information that no one thus far has suggested we are not entitled to—we will agree to vote up or down on the Bolton nomination.

At the outset, it should be emphasized that these are not—and I emphasize "not"—new requests made at the 11th hour to attempt to derail a vote. Nobody is moving goalposts anywhere except closer, not further away.

The committee made these requests, the same two requests, back in April. First, we requested materials relating to testimony on Syria and weapons of mass destruction prepared by Mr. Bolton and/or his staff in the summer and fall of 2003.

We already know from senior CIA officials that Mr. Bolton sought to stretch the intelligence that was available on Syria's WMD program well beyond what the intelligence would support.

We think the documents we are seeking will bolster the case that he repeatedly sought to exaggerate intelligence data. Some who are listening might say: Why is that important? Remember the context in the summer of 2003. In the summer of 2003, there were assertions being made in various press accounts and by some "outside" experts and some positing the possibility that those weapons of mass destruction that turned out not to exist in Iraq had been smuggled into Syria and that Syria had its own robust weapons of mass destruction program.

Remember, people were speculating about "who is next?" Newspaper headlines and sub-headlines: Is Syria next? Syria was at the top of the list—not the only one on the list. There was speculation, as I said, that the weapons of mass destruction we could not find in Iraq had been smuggled into Syria.

We know, at that same time, the CIA says Mr. Bolton was trying to stretch—stretch—the intelligence case against Syria on weapons of mass destruction.

The Syrian documents may also raise questions as to whether Mr. Bolton, when he raised his hand and swore to tell the truth and nothing but the truth, in fact may not have done that because he told the Foreign Relations Committee that he was not in any way personally involved in preparing that testimony. The documents we seek would determine whether that was true or not. It may be true, but the documents will tell us.

Second, we have requested access to 10 National Security Agency intercepts. That means conversations picked up between a foreigner and an American, where they may have relevance to an intelligence inquiry and where the name of the foreigner is always listed, but it says speaking to "an American," or an American representing an American entity.

Mr. Bolton acknowledged, under oath, that he had sought—which is not unusual in the sense that it has never happened, but it is noteworthy—he sought the identities of the Americans listed in 10 different intercepts.

When I asked him why he did that, he said intellectual curiosity and for context. It is not a surprise to say—and I am not revealing anything confidential; I have not seen those intercepts—that there have been assertions made by some to Members of the Senate and the staff members of the Senate that Mr. Bolton was seeking the names of these individuals for purposes of his intramural fights that were going on within the administration about the direction of American foreign policy. These requests resulted in Mr. Bolton being given the names of 19 different individuals. Nineteen identities of Americans or American companies were on those intercepts.

Mr. Bolton has seen these intercepts. Mr. Bolton's staff has seen some of these intercepts, but not a single Senator has seen the identities of any of these Americans listed on the intercepts.

I might note, parenthetically, we suggested—I was reluctant to do it, but I agreed with the leader of my committee—that we would yield that responsibility to the chairman and vice chair of the Intelligence Committee. Later, the majority leader, in a genuine effort to try to resolve this issue, asked me what was needed. I said he should ask for the names—not the chairman—he should ask for the names. He said he did, and he said they would not give him the names either.

It has been alleged, as I said, that Mr. Bolton has been spying on rivals within the bureaucracy, both inferior and superior to him. While I doubt this, as I said publicly before, we have a duty to be sure that he did not misuse this data.

The administration has argued that the Syrian testimony material is not relevant to our inquiry. I simply leave it by saying that is an outrageous assertion. The administration may not decide what the Senate needs in reviewing a nomination unless it claims Executive privilege or a constitutional prohibition of a violation of separation of power. As my grandfather and later my mother would say: Who died and left them boss? No rationale has been given for the testimony.

Parliamentary inquiry, Mr. President: How much time have I consumed?

The ACTING PRESIDENT pro tempore. The minority has just under 18 minutes.

Mr. BIDEN. Mr. President, I have two colleagues who wish to speak. I will be brief. We have narrowed the request of the documents. We narrowed them on several different occasions. I am grateful to Chairman ROBERTS and Director Negroponte for accepting the principle that they can cross-check names on the list we have with the list of names on the intercepts. But I hope everyone understands, as my friend from Connecticut will probably speak to, that in offering to provide a list of names, we were trying to make it easier. We were not trying to move the goalposts; we were trying to make it closer for them.

The bottom line is, it is very easy to get this resolved. It is not inappropriate for me to say that I had a very good conversation not only with Mr. Bolton but with Mr. Card, who indicated he was sure we could resolve the Syrian piece of this. I indicated from the beginning that was not sufficient. We had two requests for good reason: One relating to intercepts and one relating to the Syrian matter. The Syrian matter is within striking distance of being resolved. I said in good faith to him: Do not resolve that if you think that resolves the matter, unless you are ready to resolve the matter of the issue relating to Mr. Bolton and the intercepts.

Absent that material being made available, I urge my colleagues to reject cloture in the hope that the administration will finally step up to its constitutional responsibility of providing this information to us.

I yield the floor and reserve the remainder of the time.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise to speak in favor of actually voting on John Bolton's nomination. I listened to my colleague's arguments, and I listened to the studious and accurate statement of the chairman of the Foreign Relations Committee regarding this long-debated, long-considered nomination.

The Senate has had this nomination for 5 months. Ambassador to the United Nations is a very important post. In fact, it is a very important position at this particular time, as democracy is on the march, as freedom is on the march throughout the world.

whether in Lebanon, Iraq, Afghanistan, or elsewhere.

It is important also to note that even the United Nations recognizes that it is time for reform. It is vitally important that the taxpayers of this country, who put in $2 billion every year into the United Nations, ought to have a man such as John Bolton leading our efforts. John Bolton is a reformer, and that is why the President nominated him.

The President was elected by the people of this country. A President needs to have the men and women he desires to effectuate his goals, his policies, and to keep the promises he made to the people of this country.

This nomination has been held up through obstructionist tactics. I am hopeful that my colleagues will review the thorough and extensive vetting process. I am hoping that they will actually take off their political blinders and look at this nomination, look at the record of performance, and look at all the evidence, all the charges, all the refutations, and look at the facts regarding Mr. Bolton.

I think it is highly irresponsible for the Senate to keep obstructing reform of the United Nations. And, Mr. President, that is what is happening. This obstruction of John Bolton's nomination, while a political effort, I suppose, in some people's point of view, clearly could be characterized as obstructing reform of the United Nations. Until we have our ambassador there with the strength and the support of the Senate and the people of this country, we do not have someone arguing for the American taxpayers, arguing for accountability, trying to stop the waste, the fraud, and the corruption in the United Nations.

We have gone through every germane argument and stretched allegation against John Bolton. Instead of talking about reforming the United Nations, we have been on a fishing expedition. Every time on this fishing expedition we end up seeing a dry hole.

First, there was concern about his general views in saying the United Nations needed to be reformed. Then the opposition recognized: Gosh, the American people also think the United Nations needs reforming.

Then there was a great fixation and focus on the drafting of speeches. And wasn't that very interesting, how speeches are crafted?

Then there was a worry about the sensibilities of some people being offended by John Bolton.

Then there was a worry about a woman—I forgot where it was, Kazakhstan or Moscow—that was refuted as not being a fact.

Then there was a concern about a speech that John Bolton gave where he said that North Korea was a repressive dictatorship and that it was a hellish nightmare to live in North Korea. That was supposedly terrible for him to say, when in fact that is a pretty good description of North Korea.

Then there were worries about Great Britain and what John Bolton might have done with Great Britain. Within hours our British friends said: No, we had no problems whatsoever.

Then the other side said: We want a list of names; we want to see a cross-check, that request got to Senator ROBERTS and Senator ROCKEFELLER, the chair and cochair on the Intelligence Committee.

Then there were a few names cross-checked. There was nothing new there. What comes up? Now we want 3 dozen names cross-checked as the fishing expedition continues.

Now there is a fixation, an interest in the crafting of testimony or a speech dealing with Syria.

It is just going to continue and continue. It does not matter what the answers are. It does not matter what the truth is. It does not matter about the facts. What they want to do, unfortunately, is ignore the dire need for reform in the United Nations. The opposition seems to want to completely ignore John Bolton's qualifications and outstanding record of performance for the people of this country.

John Bolton has played a significant role in negotiating a number of treaties that will result in reducing nuclear weapons, or keeping them from falling into the hands of rogue nations and terrorist organizations. His work on the Moscow Treaty will reduce by two-thirds operationally deployed nuclear weapons in both the United States and Russia.

John Bolton also led the U.S. negotiations to develop President Bush's Proliferation Security Initiative, which garnered the support of 60 countries. This Proliferation Security Initiative is an important security measure to stop the shipment of weapons of mass destruction, their delivery systems, and related materials worldwide.

John Bolton also helped create the global partnership at the G8 summit, which doubled the size of the nonproliferation effort in the former Soviet Union. By committing our G8 partners to match the $1 billion-per-year cooperative threat reduction of the United States, or as we call it here, the Nunn-Lugar program. John Bolton also has proven that he can work well within the United Nations. He has previously served as Assistant Secretary of State for International Organizations, where he worked intensively on U.N. issues, including the repealing of the offensive United Nations resolution which equated Zionism to racism. That is one of the reasons B'nai Brith supports his nomination.

John Bolton has the knowledge, the skills, the principles, and the experience to be an exceptional ambassador to the United Nations. He has the right, steady, and strong principles to lead the U.S. mission at a time when the United Nations is in desperate need of reform.

I believe the people of America do not want a lapdog as our ambassador to the United Nations, they want a watchdog. They want to make sure the billions of dollars we are sending to the United Nations is actually helping advance freedom; helping to build representative, fair, just, and free systems in countries that have long been repressed. It is absolutely absurd and farcical that countries such as Syria, Zimbabwe, or other repressive regimes are on the Human Rights Commission. Even the United Nations recognizes they need reform. So that is why the President has sent forth an individual, John Bolton, to bring this organization into account and reform it.

Whether it is fraud or corruption, this country does not think the United Nations ought to be placating or rewarding dictators and oppressive tyrants. We have heard many absurd arguments since the President has sent John Bolton's nomination to the Senate 5 months ago. What my colleagues will see as they look at each and every one of these charges as the process has dragged on, is that they are wild, they are unsubstantiated, or they have been proven false. Some claims against Mr. Bolton have even been retracted.

This nomination has been considered for a long time. Throughout, new charges have been made, and each time they do not stand up when placed in the accurate context or studied fully. They have been shown to be misleading, exaggerated, false, or irrelevant.

This is the definition of a fishing expedition, and its sole goal is to bring down a nominee because of differing policy views. Many of those are leading very articulately, even if I disagree with them, on the Bolton nomination. The five leading most senior members of the Foreign Relations Committee, who talked about speeches and offending sensibilities of people, they all were against Mr. Bolton in 2001 before any of these accusations arose. So this is just a continuation of that opposition.

I hope Senators the other side of the aisle who are refusing to bring this issue to a close would note what Chairman ROBERTS noted, that they seem to be intent on preserving John Bolton's nomination as a way to embarrass our President.

The President was elected by the people of America. It is logical and it is important that our CEO, our President, be accorded the ability to bring in and to lead our efforts consistent with his principles, with people who are loyal to those views, and who will effectuate those goals.

There is little question that one of the most fair chairmen in this entire

Senate is the Senator from Indiana, Mr. LUGAR. He has negotiated in good faith on this issue. Unfortunately, time after time some on the other side keep moving the goalpost. I know they do not like that term, but every time there is something answered, every time this gets ready for a vote, there is always a new allegation, a new request, something else to delay a vote on this nomination. Obstruction in this case, as in many others, has gone on for too long. It is time to vote on John Bolton's nomination. The continued delaying tactics can only be viewed as obstructionism for petty partisan reasons.

This nomination has received inordinate scrutiny and review. Yet opponents of voting up or down continue to demand even more information. This position has been vacant for 5 months, we need to have a conclusion. Mr. Bolton has an exemplary career in public service. The extensive oversight that the Senate has undertaken in considering this nomination means that Senators ought to have the guts to get out of these cushy seats and vote yes or vote no. Anyone who votes to continue to obstruct this nomination can be fairly characterized as delaying and obstructing the much needed, reforms in the United Nations. And it is also contrary to the will of the American people.

I yield the floor.

Mr. JEFFORDS. Mr. President, I will cast my vote today in opposition to ending the debate on the nomination of John Bolton to be the U.S. Ambassador to the United Nations.

I am distressed the administration has not provided the Congress with the documents it has requested that are essential for judging the quality of Mr. Bolton's performance in his past positions. When the President sends the Congress a request for approval of a nominee for a top position, the President must be prepared to assist Congress in a thorough inspection of that individual's prior Government service. Withholding information needed by Congress, even classified information that can be handled in a secure fashion, is detrimental to the successful functioning of our Government. The administration's full cooperation with Congress is not optional, but essential.

If Mr. Bolton's nomination comes to the full Senate for a vote, I plan to vote no. I do not oppose him because of his skeptical view of the UN. I do not oppose him because he believes the UN should be reformed. If the President wants to change U.S. policy toward the UN, he has the right to choose an ambassador who will attempt to do so. The Congress should evaluate that nominee on his or her ability to do the job for which the individual has been selected.

I am opposing Mr. Bolton because his past record leads me to believe he does not have the skills to do the job of Ambassador to the UN. As the second-ranking foreign policy job in any administration, it is very important that this job be done right. My review of his prior experience leads me to conclude that Mr. Bolton is not a man who builds consensus, who appreciates consensus, or who abides by consensus. No matter what one thinks of the UN's performance, or how its functionality and mission ought to be reformed, one must be able to build support among our allies in order to effect change. As we have seen, nothing is accomplished at the UN by banging one's shoe on the podium. The work of the UN requires respect for national differences, searching for common ground, and development of consensus on what actions must be taken. It would be irresponsible to approve a UN ambassador who is not capable of performing these tasks.

The record shows that on occasion when his personal beliefs clashed with administration policy, Mr. Bolton has not hesitated to take matters into his own hands, to misuse secret materials, to threaten Federal employees with personal retribution and to endanger national security in order to advance his own view of a situation. This is not who we should be sending to the UN as our chief representative. We can, and we must, do better by an institution that should be an important part of a successful American foreign policy.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BIDEN. I yield 6 minutes on my time, and I am told the distinguished Senator from California has 5 minutes of leader time. I yield to the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from Delaware has 16 minutes in total remaining.

Mr. BIDEN. Yes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time is equally divided until 6. Extending the time past 6 would take a unanimous consent request.

Mrs. BOXER. Senator REID gave me 5 minutes of his leader time, and I ask unanimous consent that I might add that to my 6 minutes.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous consent request?

Mr. LUGAR. Mr. President, I object.

The ACTING PRESIDENT pro tempore. The objection is heard.

The Senator from Delaware.

Mr. BIDEN. I yield 6 minutes on my time to the distinguished Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I think we need to take a deep breath and a reality check. All this talk from Senator ALLEN about how obstructionist the Democrats are being—now, here is the truth: The Republicans run the Foreign Relations Committee. They did not even have the votes to vote John Bolton out of that committee and bring it to the floor with a positive recommendation.

This is a very divisive and controversial nomination. Since 1945, the Senate has confirmed 24 men and women to serve as U.N. ambassador. Never before has any President of either party made such a divisive and controversial nomination. In 60 years, only two nominees have had a single Senator cast a "no" vote against them. Andrew Young was one. He was confirmed 89 to 3 in 1977, and Richard Holbrooke was confirmed 81 to 16 in 1999. Every other time the nominee has been approved unanimously. I long for those days.

This is a President who said he wanted to be a uniter, not a divider. Yet in light of all the controversy, he sticks with this nominee. The fact is, 102 former diplomats, both Republican and Democrat, signed a letter opposing John Bolton. They wrote that his past activities and statements indicate conclusively that he is the wrong man for this position at a time when the U.N. is entering a critically important phase of democratic reforms.

Senator VOINOVICH said it well, and he is a Republican. He is a member of the committee. He said: Frankly, I am concerned that Mr. Bolton would make it more difficult for us to achieve the badly needed reforms we need.

John Bolton has said that there is no United Nations. He has said if the U.N. Secretariat Building in New York lost 10 floors, it would not make a bit of difference. How does someone with that attitude get the respect required to bring the reforms?

As we know, today is not about whether Senators should vote for or against John Bolton. Today is a different vote. It is a vote as to whether the Senate deserves, on behalf of the American people, to get the information that Senators BIDEN and DODD have taken the lead in asking for. By the way, Senator LUGAR, at one point in time, had signed some of those letters requesting the information.

Why is this important? It is important because every Senator is going to decide whether to vote up or down on Mr. Bolton. We need to know what this information will show. Yes, as Senator BIDEN has said, we get the information, we schedule a vote. But we will look at the information. What if the information shows that, in fact, John Bolton was trying to spy on other Americans with whom he had an ax to grind? What if the information shows that John Bolton did not tell the truth to the committee and that he had written a speech about Syria which was misleading and which could have, in many ways, made that drumbeat for war against Syria much louder than it was?

There is a third piece of information that Senators DODD and BIDEN did not think was that important, but I still think is important and we have asked for, which is the fact that Mr. Bolton has an assistant, someone he has hired, who has outside clients so that while he, Mr. Matthew Friedman, is getting paid with taxpayer dollars, he has outside clients.

Who are these outside clients? We cannot find out. We called Mr. Friedman's office. The secretary answered. This is a private office, his private business, and she said: Oh, yes, he is here. He will be right with you.

Then, upon finding out it was my office, suddenly Mr. Friedman was nowhere to be found and has not returned the call.

I represent the largest State in the Union. Believe me, it is a diverse State. We have conservatives and liberals and everything in between. We have every political party represented there, and many independent voters. But they all want me to be able to make an informed decision. This information is very important. Therefore, I think today's vote is crucial.

There is one more point I would like to make.

Mr. President, I ask how much time I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 1 minute.

Mrs. BOXER. This is the point. When we had the whole debate over a judge a long time ago, a judge named Richard Paez, at that time Dr. FRIST, Senator FRIST supported the filibuster against Judge Paez. What he said in explaining his vote was it is totally appropriate to have a cloture vote—as we are going to do today—when you are seeking information. That is totally appropriate.

I have the exact quote here, and I would like to read it. He said:

> Cloture, to get more information, is legitimate.

I agree with Senator FRIST. It is legitimate to hold out on an up-or-down vote, to stand up for the rights of the American people and the information they deserve to have through us.

I thank Senator DODD and Senator BIDEN for their leadership, and I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BIDEN. Mr. President, I yield the remainder of the time under my control to the Senator from Connecticut.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut has 9 minutes remaining.

Mr. DODD. Mr. President, I thank my colleague from Delaware, as well as my colleague from California for her comments. Let me say to the distinguished chairman of our committee, I know this has been a long ordeal, now going up to 2 months that this nomination has been before us. No one, except possibly the chairman of the committee, would like this matter to be terminated sooner rather than later more than I would. I am sure the Senator from Delaware feels similarly, as I know my colleague from California does as well.

But there is an important issue before this body that transcends the nomination of the individual before us. That is whether as an institution we have a right to certain information pertaining to the matter before us. Certainly the matter that we have requested—Senator BIDEN has and I have—regarding this nomination is directly on point when it comes to the qualities of this nominee.

For nearly a month since our May 26th cloture vote on this nomination, the administration has stonewalled our efforts to get the additional information we believe the Senate should have to make an informed judgment on this nomination.

Senator BIDEN and I have attempted to reach an accommodation with the administration on the two areas of our inquiry—draft testimony and related documents concerning Syria's weapons of mass destruction capabilities and the nineteen names contained in ten National Security Agency intercepts which Mr. Bolton requested and was provided during his tenure as Under Secretary of State for Arms Control and International Security. Senator BIDEN has narrowed the scope of his request related to Syria. I have offered to submit a list of names of concern related to the NSA intercepts to be cross checked by director Negroponte against the list of names provided to Mr. Bolton.

I am very puzzled, Mr. President, by the intransigent position that the administration has taken, particularly with respect to the intercept matter.

If the intercepts are "pure vanilla" as our colleague, Senator ROBERTS, has described them, then why does the administration continue to withhold the information from the Senate?

The answer is we don't know.

Was Mr. Bolton using the information from the intercepts to track what other officials were doing in policy areas he disagreed with?

Or was he simply utilizing the information in the normal course of carrying out his responsibilities?

Again, we don't know.

Under ordinary circumstances, I would not be inquiring whether a State Department official had sought access to sensitive intelligence for anything other than official purposes.

But we know from the Foreign Relations Committee investigation of this nominee—from interviews of individuals who served with Mr. Bolton in the Bush administration—that Mr. Bolton's conduct while at the State Department was anything but ordinary.

We learned how Mr. Bolton harnessed an abusive management style to attempt to alter intelligence judgments and to stifle the consideration of alternative policy options—all in furtherance of his own personal ideological agenda.

According to a story that appeared in today's Washington Post, we now know that Mr. Bolton's machinations weren't limited to Cuba or Syria weapons of mass destruction. It would seem he was the "Mr. No" of the Department on a wide variety of policy initiatives, acting as a major roadblock to progress on such important initiatives as U.S.-Russian cooperative nuclear threat reduction.

Mr. Bolton has done a disservice to the Bush administration and to the American people by putting his agenda ahead of the interests of the administration and the American people.

It is not only that he had his own agenda that is problematic. It is the manner in which he sought to advance that agenda by imposing his judgments on members of the intelligence community and threatening to destroy the careers of those with the temerity to resist his demands to alter their intelligence judgments.

In so doing, he breached the firewall between intelligence and policy which must be sacrosanct to protect U.S. foreign policy and national security interests.

That is not to say there should not be a vibrant and healthy disagreement where one exists. There ought to be, in fact, more disagreements where these matters have caused friction. But the idea that you would allow that friction, those disagreements to transcend the firewall where you would then seek to have people dismissed from their jobs because you disagreed with their conclusions, that goes too far. Mr. Bolton went to far and for those reasons, in my view, does not deserve to be the confirmed nominee as ambassador to the United Nations. That fact is painfully clear to all Americans following the serious and dangerous intelligence failures related to Iraqi weapons of mass destruction.

We know that Mr. Bolton's efforts to manipulate intelligence wasn't some anomaly because he was having a bad day. The entire intelligence community knew of his reputation.

We were fortunate to have individuals, like Dean Hutchings, Chairman of the National Intelligence Council from 2003–2005, who disapproved of and resisted Bolton's efforts to cherry pick intelligence.

We also know that Mr. Bolton needed adult supervision to ensure that his speeches and testimony were consistent with administration policy. Deputy Secretary Armitage took it upon himself to personally oversee all of Mr. Bolton's public pronouncements to ensure that he stayed on the reservation.

Is this really the kind of performance we want to reward by confirming this individual to the position of United

States Representative to the United Nations?

Is Mr. Bolton the kind of individual who we can trust to carry out the United States agenda at the United Nations at this critical juncture?

I think not.

We all know that these are difficult times. Our responsibilities in Iraq and Afghanistan are significant and costly. Other challenges to international peace and stability loom large on the horizon: Iran, North Korea, Middle East Peace. Humanitarian crises in Africa and Asia cry out for attention.

The United States can not solve all these problems unilaterally. We need international assistance and cooperation to address them. And the logical focal point for developing that international support is the United Nations.

But international support will not automatically be forthcoming.

It will take real leadership at the United Nations to build the case for such cooperation. That United States leadership must necessarily be embodied in the individual that serves as the United States Ambassador to the United Nations. Based on what I know today about Mr. Bolton, I believe he is incapable of demonstrating that kind of leadership.

The United States Ambassador to the United Nations is an important position. The individual who assumes this position is necessarily the face of our country before the United Nations.

For all of the reasons I have cited—Mr. Bolton's management style, his attack on the intelligence community, his tunnel vision, his lack of diplomatic temperament—I do not believe that he is the man to be that face at the United Nations.

I hope that when it comes time for an up or down vote on Mr. Bolton that my colleagues will join me in opposing this nominee.

But this afternoon's vote is about who determines how the Senate will discharge its constitutional duties related to nominations. Will the executive branch tell this body what is relevant or not relevant with respect to its deliberations on nominations? Or will the Senate make that determination?

If you believe as I do that the Senate is entitled to access to information that is so clearly relevant in the case of the Bolton nomination, then I would respectfully ask you to join Senator BIDEN and me in voting against cloture.

But this vote isn't just about the nomination of Mr. Bolton, it is also about setting a precedent for future requests by the Senate of the executive on a whole host of other issues that may come before us—in this administration and in future administrations.

For that reason I strongly urge all of our colleagues to support us in sending the right signal to the administration by voting no on cloture when it occurs at 6 p.m.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. LUGAR. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, having listened to my Democrat colleagues discuss the Bolton nomination last week, I very briefly come to the floor to set the record straight.

The plain, simple truth is that some on the other side of the aisle are obstructing a highly qualified nominee and, I believe, by not allowing him to assume this position yet, are doing harm to our country. I say that because John Bolton has a long record of successfully serving his country. He has been confirmed by this body no fewer than four times.

We have had 12 hours of committee hearings, 23 meetings with Senators, 31 interviews conducted by the staff of the Senate Foreign Relations Committee, and 157 questions for the record submitted by members of the committee. The committee has had nearly 500 pages of documents from State and USAID. After reviewing thousands of pages of material, the intelligence community has provided over 125 pages of documents to the Foreign Relations Committee. The nominee has had 2 days of floor debate. The list goes on and on.

The chair and vice chair of the Intelligence Committee have both reviewed the NSA intercepts. Both have concluded that there is nothing there of concern.

I am satisfied with their conclusions, and I am satisfied that the prerogatives of the Senate have been respected.

I have been more than willing to try and reach a fair accommodation with Senators DODD and BIDEN, but the goal posts keep moving from a handful of names to now, three dozen. What is going on here looks and smells like a fishing expedition.

I supported Senator ROBERTS' initiative last week to strike a compromise. It made sense. It fairly and appropriately allowed the Director of National Intelligence to review names.

The names Senator ROBERTS vetted with the DNI were taken straight from the minority report of the Foreign Relations Committee. They are also names of persons that were raised by Senator DODD and Senator BIDEN during committee hearings and deliberations.

The fact that none of these names was in any of the 10 intercepts confirms what Senator ROBERTS and Senator ROCKEFELLER have said previously. John Bolton did nothing improper in requesting these intercepts, and there is no reason for concern.

Last week, Senator DODD and Senator BIDEN stated again that they wanted to see earlier drafts of Secretary Bolton's 2003 Syria testimony before the House.

I don't believe those documents are necessary, because what really matters is the final draft.

That said, I have been working with the White House to make this happen, and to give Senator DODD and Senator BIDEN a chance to review these documents.

What is important is to get this process moving, to give John Bolton a fair up-or-down vote, and to get our Ambassador to the U.N.

We will find out today if that will happen and if Members will do what is right for our country or if pointless obstruction will continue to stymie the process and damage America's foreign affairs.

The United States has not had an ambassador at the U.N. for over 5 months now. It is time to stop the grandstanding and give this nominee a vote.

John Bolton is a smart, principled, and straightforward man who will effectively articulate the President's policies on the world stage.

We need a person with Under Secretary Bolton's proven track record of determination and success to cut through the thick and tangled bureaucracy that has mired the United Nations in scandal and inefficiency.

It is no accident that polling shows that most Americans have a dim view of the United Nations. In recent months, we have seen multiple negative reports about the world body.

We now know that Saddam Hussein stole an estimated $10 billion through the Oil-for-Food Program. The U.N. official who ran the operation stands accused of taking kickbacks, along with other officials.

Last month, the head of the Iraq Survey Group told the Council on Foreign Relations that as a result of the Oil-for-Food corruption, Saddam came to believe he could divide the U.N. Security Council and bring an end to sanctions.

He did divide us, but he didn't stop us.

The U.N. failed to stop the genocide in Rwanda in the 1990s. The U.N. now seems to be repeating that mistake in Darfur.

In the Congo, there are numerous allegations that U.N. peacekeepers have committed sexual abuse against the innocent, female war victims they were sent to protect.

Meanwhile, the U.N.'s Human Rights Commission, which is charged with protecting our human rights, includes such human rights abusers as Libya, Cuba, Zimbabwe, and Sudan.

These failures are very real and very discouraging. They can be measured in lives lost and billions of dollars stolen. And they can be measured in the sinking regard for an organization that should be held in some esteem.

America sends the United Nations $2 billion per year. Our contribution makes up 22 percent of its budget. We provide an even larger percentage for peacekeeping and other U.N. activities. It is no surprise that Americans are calling out for reform.

John Bolton is the President's choice to lead that effort. He possesses deep and extensive knowledge of the United Nations and has, for many years, been committed to its reform

Under Secretary Bolton has the confidence of the President and the Secretary of State, and it is to them he will directly report.

As Senator LUGAR has pointed out, Under Secretary Bolton has served 4 years in a key position that technically outranks the post for which he is now being considered.

This is a critical time for the United States and for the world. Because of the President's vision and commitment, democracy is on the march around the globe. The United Nations can and should play a central role in advancing these developments.

I believe in the U.N.'s potential if it is reformed and more rightly focused. It has been an important forum for peace and dialogue. And, like the President, I believe that an effective United Nations is in America's interest.

As we all know, there has been one cloture vote. Tonight, in a few minutes, we will have that second cloture vote.

Mr. President. John Bolton is the right man to represent us in the United Nations. He is a straight shooter, a man of integrity. He is exactly what we need at this time in the United Nations. He is exactly what the United Nations needs from us. A vote for John Bolton is a vote for change there. A vote for John Bolton is a vote for reform there. We have had dilatory tactics and obstructionism that has been thinly veiled in words of "Senate prerogative." John Bolton deserves a vote, and the American people deserve a strong, principled voice in the United Nations.

Mr. President, I encourage our colleagues to vote for cloture tonight because John Bolton deserves an up-or-down vote as the nominee to the United Nations ambassadorship.

The ACTING PRESIDENT pro tempore. All time has expired.

Under the previous order, the motion to proceed to the motion to reconsider the failed cloture vote on this nomination is agreed to, the motion to reconsider the failed cloture vote is agreed to, and the Senate will proceed to a vote on the motion to invoke cloture on the nomination.

CLOTURE MOTION

Under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 103:

William Frist, Richard Lugar, Richard Burr, Pat Roberts, Mitch McConnell, Jeff Sessions, Wayne Allard, Jon Kyl, Jim DeMint, David Vitter, Richard Shelby, Lindsey Graham, John Ensign, Pete Domenici, Robert Bennett, Mel Martinez, George Allen.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on Executive Calendar No. 103, the nomination of John Robert Bolton, to be the Representative of the United States of America to the United Nations, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Montana (Mr. BURNS), the Senator from Minnesota (Mr. COLEMAN), and the Senator from South Dakota (Mr. THUNE).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. FEINGOLD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), and the Senator from Michigan (Mr. LEVIN) are necessarily absent.

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 38, as follows:

[Rollcall Vote No. 142 Ex.]

YEAS—54

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burr
Chafee
Chambliss
Coburn
Cochran
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Vitter
Warner

NAYS—38

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feinstein
Harkin
Inouye
Jeffords
Kennedy
Lautenberg
Leahy
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Voinovich
Wyden

NOT VOTING—8

Burns
Coleman
Feingold
Johnson
Kerry
Kohl
Levin
Thune

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 38. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

LEGISLATIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY POLICY ACT OF 2005—Continued

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, what is the parliamentary situation?

AMENDMENT NO. 799

The PRESIDING OFFICER. The pending amendment is No. 799, the Voinovich amendment.

Mr. NELSON of Florida. Mr. President, is it in order to ask unanimous consent to lay aside the pending amendment for the purpose of speaking on an amendment that will be offered by Senator MARTINEZ?

The PRESIDING OFFICER. The Senator may ask that consent.

Mr. NELSON of Florida. Mr. President, I will certainly be willing to have my colleague from Florida speak. I ask unanimous consent that I speak after the Senator from Florida, Mr. MARTINEZ, who will offer the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

AMENDMENT NO. 783

Mr. MARTINEZ. Mr. President. I call up amendment No. 783.

The PRESIDING OFFICER. Without objection, the amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. MARTINEZ], for Mr. NELSON of Florida, for himself, Mr. MARTINEZ, Mr. CORZINE, Mrs. BOXER, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. KERRY, Mrs. DOLE, and Mr. BURR, proposes an amendment numbered 783.

(Purpose: To strike the section providing for a comprehensive inventory of outer Continental Shelf oil and natural gas resources)

Beginning on page 264, strike line 1 and all that follows through page 265, line 12.

Mr. MARTINEZ. Mr. President, I appreciate the opportunity that the chairman, Senator DOMENICI, the ranking member, Senator BINGAMAN, and other members have given me to work on this important piece of legislation.

I came late to the work of this committee on this bill, having joined the Senate just this year. Much of the work had previously been done.

As the chairman himself has said, this bill will make a real difference in America's energy landscape.

I must tell my colleagues that I want to vote for this bill. I think it contains a lot of what this Nation needs.

I have grave reservations about one particular provision that calls for an inventory of the resources off this Nation's outer continental shelf.

It is for this reason that I rise today to oppose the inventory, offer an amendment to strike the inventory language, and ask for the support of my colleagues. The inventory language is opposed by both Senators from Florida and a number of coastal State Senators because it opens the door to the development of offshore drilling.

In my State of Florida, such an inventory off our coastlines would take place entirely within a Federal moratorium that bans offshore drilling.

I oppose the inventory because it encroaches on an area off of Florida's coast that we expect will remain under that drilling ban in perpetuity.

My colleagues should be aware that this proposed inventory will cost in excess of a billion dollars and the result will tell us much of what we already know.

I am asking my colleagues to strike the proposed inventory language contained in this bill and protect the rights of States that have no interest in drilling off their shores.

This provision offered by my colleague, Mr. Senator LANDRIEU of Louisiana, proposes to require a "seismic survey inventory" of all outer continental shelf areas, including within sensitive coastal waters long-protected from all such invasive activities by the 24-year bipartisan congressional moratorium.

I opposed this amendment in committee because it contains something we in Florida don't want and it opens the door to a number of problems, environmental problems, economic problems, and unnecessary challenges for our military.

Why would we inventory an area where we are never going to drill?

The inventory is a huge problem for Florida. It tantalizes pro-drilling interests. It basically puts the State at risk.

I have received assurances from my friends on the other side of this issue that States such as Florida, States that do not want drilling on their coast, will not have to do it. Fine. That is Florida's position.

I can clearly state that we do not want drilling now, and I do not see a scenario anywhere on the horizon where we would change that position. So why, given our objection to drilling, would we spend the resources, more than a billion dollars, and damage the environment in the eastern planning zone to do this inventory? I would also say to my colleagues that an inventory is not a benign thing.

Seismic surveys involve extensive acoustic disruption to marine ecosystems and fisheries. Recent scientific studies have documented previously-unknown impacts from the millions of high-intensity airgun impulses used in such inventories. These sudden, repetitive explosions bring about a potential for harm that is simply too great.

Seismic surveys are an invasive procedure, inappropriate for sensitive marine areas and economically important fishing grounds.

And if one looks at the cost of this inventory, the Minerals Management Service reports that using the most up-to-date technology to perform an inventory of this magnitude will cost between $75 million and $125 million for each frontier planning area. Nowhere in this legislation can I find a section that suggests how we recoup the cost of such an inventory.

So I ask my colleagues to strike the inventory. Going forward will encroach upon our coastal waters, waters covered by a drilling ban, and would do little more than act as enticement to oil companies that want our drilling moratorium lifted.

Last year, more than 74 million people visited Florida to enjoy its coastline, its wonderful climate, its excellent fishing. Families return year after year to their favorite vacation spots to relax under our brilliant blue skies, our powdery white beaches, and our crystal-clear emerald waters.

The people of Florida share a love and appreciation of the Atlantic Ocean and the Gulf of Mexico, its coastal habitat and our wetlands, which make a very complex ecosystem, and also a very special place to live.

I share these facts for one reason: The people of Florida are concerned their coastal waters are coming under increased pressure to exploit possible oil and gas resources. The people of Florida do not want that to happen. Floridians are adamantly opposed to oil and gas exploration off our coastal waters. We have very serious concerns that offshore exploration will weaken the protections we have built over these many years. The inventory is but a foot in the door: it seriously threatens marine wildlife and the coastal habitat off the coast of Florida.

One other area of concern that perhaps has not been highlighted enough and I know my colleague from Florida shares my view, is that it has a tremendous impact on military uses of waters off Florida to conduct extensive training and testing. For whatever time it would take to conduct an inventory off our coastline, it would be the exact amount of time our military will be put at a disadvantage.

We must afford our military the most and best training possible for battle preparedness. Vieques used to give our men and women that capability. Now that Vieques is closed, Florida's Panhandle plays an increasingly significant role. Oil and gas exploration would have the potential to halt that important work for an indefinite period of time.

Here are just some of the current missions using our section of the Gulf: F–15 combat crew training; F–22 combat crew training; Navy cruise missile exercises; special forces training; carrier battle group training; composite and joint force training exercises; air-to-surface weapons testing; surface-to-air weapons testing; and mine warfare testing.

Any military mind knows that it takes months to schedule training opportunities when joint operations are involved. If we were to continue on this path of mandating an inventory in Florida's waters, we could bring a halt to a number of important exercises.

In fact, one of the main reasons the military uses this area so extensively is due to the protections currently in place. Here is what MG Michael Kostelnik, the base commander of Eglin Air Force Base, said in May of 2000:

> We continue to place the most severe restrictions in the eastern portion of the proposed sale area where oil and gas operations would be incompatible with military training and testing operations.

If we allow exploration there now, the military will suffer a setback in their training and preparedness.

As many of my colleagues know, Senator NELSON and I are working together to engage a coalition of Senators to help beat back any efforts to encroach upon our coastal waters. I am proud to say in doing so I follow in the footsteps of our predecessors, former Senators Connie Mack and Bob Graham, and a bipartisan Florida delegation, in our firm opposition to drilling off our coasts.

Let me again take a moment to praise Chairman DOMENICI and Ranking Member BINGAMAN for putting together a comprehensive, bipartisan, and significant energy policy that is forward looking, forward thinking, and a road map of where we as a Nation need to go in order to address the challenges that confront us today.

The problem is that this inventory language is a bad provision in a good bill. I cannot emphasize enough how damaging this will be to Florida, other coastal States, and our military training and testing operations in the Gulf. The inventory will have a chilling affect on all of these interests.

The amendment I offer here tonight is simple in that it strikes the language requiring a "seismic survey inventory" of all outer continental shelf areas. I believe striking this language makes the overall bill stronger and I ask for my colleagues to support such an amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I rise to join my colleague from Florida, as we have introduced this amendment to strike the portion of the Energy bill that would set up an inventory on the Outer Continental Shelf.

I want to show how extensive this inventory is going to be. The Outer Continental Shelf is all of the west coast of the United States, the Pacific coast, the area in yellow off the coast of Washington, Oregon, and California. All of that area would be subject to the inventory. All of this area in the Gulf of Mexico is presently covered by the moratorium about which Senator MARTINEZ and I fought very hard last week to get an agreement from the two leaders and managers of the bill that they would not come in and support any amendments that would offer drilling in the Gulf of Mexico off Florida.

But look at the Outer Continental Shelf. It extends from Maine all the way down to Florida. We are talking about a huge area that would be inventoried. That sounds innocent enough, but let me tell you why I oppose it. I oppose it because it is unnecessary unless you are preparing to drill in areas off our coast that are currently subject to this moratorium; otherwise, why would we want to take an inventory if all of this Outer Continental Shelf is now under a moratorium so you cannot drill for oil and gas?

I oppose it also because it is harmful to marine life and commercial fish, and the Minerals Management Service already conducts inventories of the economically recoverable oil and gas reserves on the Outer Continental Shelf, including moratoria areas, every 5 years. In fact, the MMS will complete its next inventory this summer. Its last inventory came out in the year 2000. If that is the case, why do we need another inventory? How is the inventory in this bill different from the one that is already in effect? Two words: seismic exploration.

What is seismic exploration—in other words, what they call survey? It is an expensive, invasive, and harmful practice used by oil and gas companies to determine where to drill. Why doesn't MMS use seismic exploration currently to complete their inventory? Because it is too costly and it is considered a precursor to drilling.

If you are not going to drill, you should not be spending hundreds of millions of dollars to tell you where to put the drill. MMS estimates that these surveys would cost between $75 million and $125 million for each of the planning areas. Remember, in the Outer Continental Shelf, there are nine planning areas. At $75 million to $125 million apiece for seismic exploration, that means we would be having MMS spend $675 million to $1 billion to survey our moratorium areas, areas on our coastline that are under a moratorium until the year 2012, pursuant to a Presidential directive.

Let me tell you a little bit about what seismic exploration and surveying is. Oil and gas companies use seismic air guns. They are long, submersible cannons that are towed behind boats in arrays, firing shots of compressed air into the water every 10 seconds. Interestingly, these air guns have replaced dynamite as the industry's primary method of exploration. But they create sound rivaling that of dynamite. A large seismic array can produce peak pressures of sound that are higher than virtually any other manmade source, save for explosives like dynamite—over 250 decibels.

The oil and gas industry typically conducts several seismic surveys over the life of their offshore leases. They use these seismic surveys to determine the best placement of oil rigs and pipelines and to track fluid flows within the reservoirs. Seismic surveys are massive, covering vast areas of the ocean, with thousands of blasts going off every few seconds, in some cases over the course of days, weeks, months. The arrays towed by boats consist of 12 to 48 individual air guns, synchronized to create a simultaneous pulse of sound outputting a total of 3,000 to 8,000 cubic inches of air per shot. The sounds are so powerful because the array is attempting to generate echoes from each of several geologic boundary layers at the bottom of the ocean. Echoes produced by these seismic impulses are recorded, and they are analyzed by oil and gas companies to provide information on the subsurface geological features.

The noise pollution from these tests can literally be heard across oceans. If the sea floor is hard and rocky, the noise might be heard for thousands of miles. And the sound can mask the calls of whales and other animals that rely on the acoustic environment to breed and survive. Scientists are documenting more and more problems associated with the seismic surveys. Whales, dolphins, fish, sea turtles, and squid have all been impacted adversely by the seismic activity. I sure would not want to be a scuba diver in the water with one of these seismic blasts going off.

The 2004 International Whaling Commission's Scientific Committee, one of the most well-respected bodies of whale biologists in the world, concluded that increased sound from seismic surveys was a "cause for concern" because there is a growing body of evidence that seismic pulses kill, injure, and disturb marine life.

The impacts range from strandings to temporary or permanent hearing loss, to abandonment of habitat and disruption of vital behaviors such as mating and feeding.

Studies have also shown substantial impacts on commercial species of fish. Fishermen, beware. One series of studies demonstrated that air guns caused extensive and apparently irreversible damage to the inner ears of snapper, and the snapper were several kilometers from the seismic surveys.

The scientific community is not the one that is raising the alarm bells. Courts and governments are starting to realize the dangers posed by seismic exploration. In 2002, a California Federal court stopped a geologic research project in the Sea of Cortez, when two beaked whales were found dead with an undeniable link to the seismic activity.

The Canadian Government slowed a geologic project off its west coast and is looking closely at an oil and gas seismic survey off Cape Breton as a result of dangers posed by the surveys.

The Australian Government refused to issue permits for a survey near a marine park because the proponents of the survey could not prove it would not harm the marine park.

And the Bermuda Government refused to issue a permit for seismic geologic surveys off its coast, citing concerns for impacts on marine mammals.

Air gun activity associated with seismic surveys must be considered an invasive procedure, inappropriate for sensitive marine areas and economically important commercial fishing grounds.

We have to continue to remember that the United States has 3 percent of the world's oil reserves.

Yet the United States uses four times more oil than any other nation, according to the report from the National Commission on Energy Policy. According to Alan Greenspan in a speech he gave in April of this year, the 200 million personal vehicles currently on the U.S. highways consume 11 percent of the total world oil production. We cannot drill our way to energy independence.

Spending hundreds of millions of dollars on harmful exploration in areas whose economic livelihood depends on their fishing industry and their marine ecosystem could have devastating effects.

For these reasons, I must oppose this invasive, duplicative, and harmful exploration on the moratoria areas on the Outer Continental Shelf.

The bottom line is, if you have the Outer Continental Shelf under moratoria, why do we need to try to inventory all of that if you are not supposed to have any drilling under Presidential directive at least until the year 2012? Why go in with the risk to Mother Nature with this kind of seismic exploration?

I yield to my colleague from Florida.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Florida.

Mr. MARTINEZ. If the Senator will yield, I wonder if in any part of this bill the Senator noticed any area that would denote how the $1 billion, the cost of exploration, would be paid for?

Mr. NELSON of Florida. That is an excellent question. If you are going to do the seismic exploration which this bill would allow in the nine areas under the moratoria, it is going to cost between $650 million and $1 billion. In a Congress that is so concerned about budget deficits to the tune of almost half a trillion a year, where are we going to get that kind of money?

The Senator's point is well taken. I thank my colleague from Florida for making that point.

Mr. MARTINEZ. A further question: It seems to me, when we have a moratoria, drilling is prohibited right now. To do this inventory in that particular area, it certainly seems to me to be a waste of taxpayer dollars since there is no prospect of drilling with the congressional and Presidential moratoriums in place.

Mr. NELSON of Florida. The Senator is correct. Since a President of the United States established this moratorium on the Outer Continental Shelf and it is to run to 2012, why do we need to be spending money on seismic surveying on an area that is off limits to drilling, which the moratorium has in place until the year 2012?

I thank the Senator for joining to offer this amendment. I ask the Senate to consider helping continue to preserve the moratorium.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, we are on the eve of a turning point in the energy future of our country. As we move closer to voting on a comprehensive energy bill, we have a truly historic opportunity to transform the way we think about energy. We have an opportunity to make a decisive step away from dependence on foreign imports and fossil fuels and toward an independent future based on the abundant natural human and technological resources found right here within our borders.

As we wean ourselves from the oil fields of the unstable Middle East and other parts of the world and rely increasingly on field crops and fuel cells produced in America's heartland, we will build an energy future that will make us more secure and a future of which we can be proud.

This is the bottom line. When we talk about moving toward energy independence in this country, we are talking primarily about reducing America's dependence on imported oil. Petroleum accounts for more than 85 percent of our energy imports. As everyone is acutely aware, much of the 85 percent comes from some of the world's most unstable and, in some cases, openly hostile countries.

Today, rising global demand for petroleum is driving prices for gasoline and home heating oil to record levels. This year, China passed Japan as the world's second largest consumer of energy. China's use of oil is expected to grow exponentially over the next few years. So the focus of any national energy strategy must be to reduce our dependence on foreign oil in a sustainable way and as rapidly as possible.

By far, the largest use of petroleum in this country is in the transportation sector, and 97 percent of today's transportation fuel comes from petroleum. Thankfully, we know the solution. It is technologically feasible. We need to build vehicles that use less gasoline or no gasoline, and we need to make an aggressive transition to clean, renewable domestic fuels such as ethanol, biodiesel, and fuel cells.

The goal is a future of vehicles powered by fuel cells. The hydrogen is used to create the electricity to turn the motors that turn the wheels. The power from the fuel cell comes from hydrogen that will be made by renewable resources such as wind, photovoltaic, and other forms of renewable energy.

The biggest single step right now that we can take is to improve vehicle fuel economy. This bill takes a modest step in this direction, for example, by offering tax incentives for hybrid gas-electric vehicles, but we need improvements across the board, including raising the corporate average economy standard for vehicles.

Another commonsense way to reduce reliance on fossil fuels is to make greater use of clean and homegrown fuels. This bill has several provisions that take us in the right direction on this front, starting with the robust 8-billion-plus renewable fuel standard first proposed by Senator LUGAR and I and overwhelmingly approved by this Senate last week.

It is very disturbing that even with the price of ethanol well below that of gasoline, fuel blenders are still turning their backs on this cleaner, cheaper, homegrown alternative and turning instead to imports of refined gasoline.

This chart illustrates that. Right now, going back to 5 years ago, there has been a steady increase in the imports of gasoline. This is weekly total gasoline imports—thousands of barrels per day. From April 28 of 2000 until March of this year, gasoline imports increased 66 percent. This is not oil, this is gasoline. This is oil that has been refined in some foreign country, put on a tanker, and shipped to this country. So right now, we are up to just about a million barrels a day. Think about that, that is just gasoline. Not too many people know that. Most people think we are just importing oil. We are importing about a million barrels a day of refined gasoline into this country. That is at the expense of American dollars and jobs. This is taking us in the wrong direction.

A recent report by the Consumer Federation of America found consumers would be saving up to 8 cents a gallon at the pump if refiners were instead adding it to the gasoline at just 10-percent blends.

My consumers in Iowa, right now, are saving as much as 10 cents per gallon on ethanol-blended fuels, for an average savings of at least $100 a year for a typical family.

I believe Americans all across the country deserve the cost and clean air benefits that ethanol-blended fuels provide. It is imperative we insist on our strong 8-billion-gallon renewable fuels standard when this Energy bill goes to conference with the House.

In addition to the renewable fuels standard, this bill in front of us includes tax incentives for alternative motor vehicles and fuels. This is very important. But we need to act more aggressively. For example, I believe we need to mandate that gasoline vehicles sold in this country be flexible-fuel vehicles that can run on E-85; that is, 85 percent ethanol or some other biofuel.

Now, flexible-fuel vehicles only cost maybe, right now, between $100 and $200 per vehicle. That is with just a small amount that are being made. If every vehicle was a flexible-fuel vehicle, the cost per vehicle would drop way below $100 per vehicle. The savings a consumer would get on that few dollars extra added to the sticker price of a car would be more than made up for, probably within the first year or so of buying flexible fuels.

So I am saying, right now we do not have that many flexible-fuel vehicles. We need to mandate that cars sold in America—not made here, sold in America—be a flexible-fuel vehicle. You might say: Is that possible? Well, Brazil is planning on having all of its new cars flexible-fuel ready by 2008. I want to ask the question: If the Brazilians can do it, why can't we? If the Brazilians can do it, of course we can do it.

Now, of course, consumers need access to the renewable fuels. So I am glad the bill in front of us includes incentives for the installation of flexible-fuel pumps at fueling stations. So now the bill has in it, as I said, incentives for installing flexible-fuel pumps at fuel stations. But we do not have a mandate to build flexible-fuel cars.

Right now, there is a fuel savings credit that auto manufacturers get for making E-85 vehicles. It is called the

CAFE credits. But it is on the assumption that these vehicles will run on E–85 at least half the time. In other words, an auto manufacturer gets the credits for building a flexible-fuel vehicle on the assumption the vehicle will use E–85 half the time.

But the truth is, most people who own flexible-fuel vehicles do not even know it. So E–85 does not get used at all for that reason, and for the reason there are not many pumps out there. So we call this the dual-fuel loophole because carmakers get the credit for alternative fuels even if no alternative fuel is used. We should close that loophole now by tying CAFE credits to the amount of flexible fuel that is actually used, or by simply letting the credit expire.

So what I am saying is we need a three-pronged approach. We have the incentives in the bill to add flexible-fuel pumps at fueling stations. Secondly, we need to provide these credits will go only—only—on the amount of flexible fuel that is actually used. Third, what I am saying is we actually need a mandate that cars sold in America be flexible fueled.

Now, another important provision of the Energy bill extends the income tax credit for the production of biodiesel, another excellent renewable fuel. Biodiesel offers tremendous energy savings by providing 3.5 times more energy than is used to produce it, and by offering improved air quality over traditional diesel.

In addition to investment in today's biofuels, we also need a strong investment in the future of bio-based fuels and products of all kinds. New technology is making it possible to produce biofuels and a host of industrial and commercial products out of biomass; that is, agricultural material such as corn stalks and wheat straw and switchgrass and wood pulp and things like that—dedicated energy crops that together are expected to produce 10 times the current volume of ethanol at prices equal to or less than that of gasoline, and, again, with tremendous benefits to our environment and our rural economy.

A recent study found that farmers can expect to earn an additional $35 per acre just by selling the excess biomass—the stalks and the straw—from traditional corn and wheat operations.

Now, ethanol made from this residual biomass is expected to have near zero or even negative net carbon dioxide emissions. How can that be? If you are using it, you are burning it, burning the fuel in a car, you put carbon dioxide into the atmosphere. That is true. But as these plants grow, they take carbon dioxide out of the atmosphere more than what is burned in the automobile. So biomass is a vital part of combating climate change.

Now, the biorefineries that produce this ethanol will also give us bio-based products to supplement or replace everyday products now made from petroleum. I have a couple of posters that indicate that. Shipping materials, building construction materials, roofing materials, elastomeric-type roofing materials, paints, hand sanitizers, and even carpets are made from renewable resources, biodegradable resources. For home and automotive use, just think of all the plastic cups, all these containers made out of petroleum now. And there are lubricants, soy oil. Even rubber tires are made out of renewable resources which are biodegradable. All of these things can be made from the biorefineries that will be producing the ethanol and the biodiesel that we will use in transportation. Many of these products are on the market, not in the future but today.

Tripling the use of bio-based products could add $20 billion in economic benefits just by the year 2010—5 years from now. Replacing the Nation's petrochemicals with bio-based equivalents would save some 700 million barrels of petroleum a year. Just replacing plastics with bio-based counterparts would save another 100 million barrels or more. So there is great potential here. We need to get serious about supporting these bio-based products, and the Federal Government needs to take the lead.

Now, I know we are talking about the Energy bill, and that is what I have been talking about. But I am just going to digress for a minute and talk about a provision that was in the farm bill that was passed in 2002 because it has a lot to do with this Energy bill. Keep in mind what I have been saying is, by getting the biorefineries going and making more ethanol and biodiesel, we have byproducts that can also be made. As I mentioned, they are the plastic containers and the building materials and things like that. There is an important provision in the farm bill, section 9002, that we worked very hard to get in the farm bill, passed and signed by the President 3 years ago this month. Section 9002 requires all Government Departments and Agencies to give a purchasing preference to bio-based products. Now, here is the exact wording. This is section 9002. This is law. It has been the law for 3 years:

> Each Federal agency . . . shall—

It does not say "may"—

> shall, in making procurement decisions, give preference to such items composed of the highest percentage of bio-based products practicable . . . unless such items (A) are not reasonably available; (B) fail to meet performance standards; or (C) are available only at an unreasonable price.

So price, performance, and availability—as long as it meets those three criteria, each Federal agency shall buy them. That is what it says, period.

Think of all the plastic cups and forks used every day in the Senate cafeteria alone.

Think of the Department of Defense, think about all of the plastic materials they use in serving the troops every day. Think of the millions of gallons of metal-working fluids, lubricants, and paint used by the Department of Defense. Yet 3 years after the passage of the farm bill, we still do not have a bio-based procurement program in place in the Federal Government. That has been there. It has been the law. And we are still not doing it. McDonald's can go buy plastic cups made out of renewable resources. Good for them. Why can't the Department of Defense? Why can't the Department of Interior that operates in our national parks? Why aren't they using more biodegradable materials? The law says they are supposed to, but they are not doing it because USDA has yet to issue the rules.

Again, I bring that up because this is part and parcel of the Energy bill. This saves us energy because right now all this material is made from imported oil, or most of it. It could be made by homegrown products here in America. We need to have the Federal Government setting an example and leading the way in reducing dependence on products made from foreign oil. I am sorry to say that 3 years later we still are not doing it.

We also need to invest in research and commercialization of bio-based fuels and products. That is why a few weeks ago, I, along with Senators LUGAR, OBAMA, and COLEMAN, introduced the National Security and Bioenergy Investment Act of 2005. Our bill promotes targeted biomass research and development in order to expand the cost-effective use of bio-based fuels, products, and power. It provides incentives for the production of the first 1 billion gallons of biofuels from cellulosic biomass; that is, crop residues like corn stocks and wheat straw, or wood chips from lumber mills. It provides bioeconomy development grants to small bio-based businesses. It creates a new Assistant Secretary position at the Department of Agriculture to carry out energy and bio-based initiatives.

It requires the Capitol complex to lead by example by procuring bio-based products. This bill has the support of a broad coalition of agricultural producers, clean energy and environment groups, and national security experts. I have a number of letters from these organizations supporting the bill.

I ask unanimous consent that the letters be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARKIN. Mr. President, I am excited about this new bill. I hope my colleagues will get behind it. In fact, we may be offering an amendment to the Energy bill that would take a small part of that and add it to the Energy bill. I hope we can get that done this week.

America's dangerous dependence on fossil fuels extends beyond oil. Natural gas prices have skyrocketed, hurting everyone who uses gas to heat their home or fuel their appliances or to make fertilizer for our farmers. Americans now pay two to three times what Europeans pay for natural gas due to our ever-growing demand and limited availability. Farmers are hit hard. Our farmers rely on natural gas not only to heat homes and run much of their equipment but also for fertilizer in the fields. These impacts on farmers are severe and getting worse. We need an energy bill that looks for sensible ways to lower natural gas costs for all Americans. We need to look for environmentally sensitive ways to increase our supply.

That is why I keep saying, the House put in a bill to drill for oil in the Arctic National Wildlife Refuge, but we all know that oil doesn't amount to anything. Most of that oil—I could be corrected—I believe all of that oil is going to go to Japan. It is a drop in the bucket compared to what we use. But what else they have in Alaska is a lot of natural gas, and we need to pipe that natural gas from Alaska down to the lower 48. That has been on the drawing boards in the past to get that natural gas down here. And for various and sundry reasons that I don't need to go into here, it has been held up.

I call upon the Governor of Alaska to move expeditiously to reach the agreements that are necessary to get the natural gas pipeline constructed and built to deliver the natural gas down to the lower 48. They have been talking a lot about how they would pipe it down—they would liquefy it and then send it down to the west coast, or maybe to the Gulf States. That costs a lot of money when you liquefy natural gas, when we could build a pipeline that could be environmentally safe and bring that gas right down to the Midwest where it is needed, not only for the Midwest but for the upper part, the northern part of the United States. So we need to move ahead aggressively on that, and we are not doing it.

We need to look for all environmentally sensitive ways to increase supply, and we need to look for solar and biomass and wind. I am glad so many colleagues from both sides of the aisle joined together in approving the amendment offered by Senator BINGAMAN requiring 10 percent of this country's electricity to come from renewable resources by 2020. Wind power in particular has tremendous potential to provide clean, abundant energy in many parts of the country. Wind power generation can provide thousands of dollars in additional revenue to our farmers and ranchers and people in rural areas, while continuing to allow for crop production and grazing. Valuable incentives for wind power production exist in the section 45 wind production tax credit. However, development of this vital industry has been tied up by Congress's refusal to provide a long-term extension of this incentive.

In 2004, when extension of the production tax credit was delayed, more than $2 billion in wind power investment was put on hold. I am pleased a 3-year extension of the production tax credit for wind has been included in this bill. We could do more, much more. It should be extended longer than that, but at least this minimal amount should provide developers the certainty they need to move ahead with wind power projects.

We also need to make sure farmers and farmer co-ops can be full participants in wind power projects. The farm bill's energy title, section 906, is providing grants and loans to farmers and rural small businesses to install wind and other renewable energy systems on their property. It also supports energy-efficient improvements to farm and small business operations. This program has been a real success over the past several years. We expect it to grow substantially in the years ahead.

I have also introduced a bill, S. 715, to help more farmers and other rural citizens become active investors in wind energy by removing restrictions that are in the production tax credit. This bill I am sponsoring includes a pass through of the wind production tax credit to cooperative members, just like the small ethanol producer credit pass through right now. This will provide another needed boost to rural America's wind power development. Right now, if a co-op builds an ethanol plant, they can get the production tax credits passed through to their members. If a co-op wants to build windmills, however, they can't pass it through to their members. Hopefully, we can lift this restriction, and we can do it on this Energy bill before us.

Finally, we need to look to the longer term future, and we need to do it now by laying the groundwork. To deliver truly sustainable energy that will not add to climate change and global warming, that will not pollute the environment, we must invest in clean technologies. What I am talking about is hydrogen. It offers real potential for a clean, domestic, sustainable energy future. But only if it is produced from renewable resources. That is why we need to support research and demonstration of technologies to produce hydrogen from ethanol and other renewable resources. My bill, S. 373, the Renewable Hydrogen Transportation Act, would do just that, by funding the installation of an ethanol-to-hydrogen reformer, as well as the operation of hybrid electric vehicles converted to run on renewable hydrogen instead of gasoline.

Making hydrogen from ethanol and other renewable fuels makes a lot of sense for transportation—one, because we can use the existing ethanol production and distribution network; two, because it could well be the least expensive renewable hydrogen option available. I appreciate the willingness of the chairman and the ranking member to work with me to put this modest, but meaningful, initiative in the bill.

Again, to get to that sustainable future, we have to think about making hydrogen from renewable resources. You use the wind power. When the wind blows at night and you don't need all that electricity and you cannot store it, what do you do with it? You waste it. It is gone. But if you can use that wind at night to turn a turbine that makes electricity, and you can use that electricity to hydrolyze water—remember the old chemistry experiment where you put positive and negative in water, and off of one comes oxygen and off of the other comes hydrogen. There are two atoms for oxygen for every atom of hydrogen. As long as those turbines are turning, we can make hydrogen. You can store hydrogen. You can save it. You can compress it. You can pipe it. So, therefore, at times when you don't need a lot of electrical power and the wind is blowing, you can make hydrogen. You can store it and take the hydrogen and put it through a fuel cell to make the electricity when you need it. The beauty of doing that is you only get one product—H_2O, water. Nothing else. It doesn't pollute, doesn't add to global warming or anything. So that is the cycle that we need. Use the Sun, use the wind, hydropower, whatever is renewable, take that and make hydrogen, store it, compress it, put it through a fuel cell, and make the electricity, and the cycle starts all over again. I know a lot of this is some years down the pike. We cannot do it tomorrow. But we can start now by building assistance that will enable us to move to a renewable hydrogen-based economy in this country.

Mr. President, let me close by thanking Senator DOMENICI and Senator BINGAMAN for the extraordinary job they have done during the past months and during floor consideration of the bill. The bipartisan cooperation we are seeing is due largely to their example and impressive leadership, and the entire Senate owes them a debt of gratitude for a job well done.

Of course, we are not done yet. Hurdles remain. We are headed, though, toward concluding a strong, bipartisan bill that leads America decisively into the new world of clean, renewable, home-grown energy. When the time comes, we need to stand firm for the Senate provisions when we go to conference.

Mr. President, I yield the floor.

EXHIBIT 1

JUNE 9, 2005.

Re The National Security and Bioenergy Investment Act of 2005.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.
Hon. RICHARD LUGAR,
U.S. Senate,
Washington, DC.

DEAR SENATORS HARKIN AND LUGAR: The National Corn Growers Association (NCGA), the American Soybean Association (ASA), and the Renewable Fuels Association are writing to express our support for the National Security and Bioenergy Investment Act of 2005. In particular, we strongly support the increased procurement of biobased products by Federal agencies and all Federal government contractors. Biobased products represent a large potential growth market for corn and soybean growers in areas such as plastics, solvents, packaging and other consumer goods to provide markets for U.S.-grown crops. The biobased product industry has already started to grow, bringing new products to consumers, new markets to growers and new investments to our communities.

The procurement of biobased products promotes energy and environmental security. Products made from corn and soybeans could replace a variety of items currently produced from petroleum, and aid in reducing dependence on imported oil. Already the production of ethanol and biodiesel reduces imports by more than 140 million barrels of oil. The production of biobased products generates less greenhouse gas than traditional petroleum-based items. There are also tremendous opportunities for grower-owned processing facilities and rural America and agriculture as a whole. New jobs and investments will be brought into rural communities, as new processing and manufacturing facilities move into those communities to be near renewable feedstocks.

NCGA, ASA and RFA applaud your continued efforts to promote the use of biobased I products that will encourage the development of new markets for corn and soybeans and ultimately help to revitalize rural economies and the agriculture industry as a whole. We have been avid supporters of the biobased products industry, and we look forward to working with you as you continue to provide vision and direction for this emerging industry.

Sincerely,

LEON CORZINE,
President, National Corn Growers Association.
NEAL BREDEHOEFT,
President, American Soybean Association.
BOB DINNEEN,
President, Renewable Fuels Association.

GOVERNORS' ETHANOL COALITION,
June 9, 2005.

Hon. TOM HARKIN,
Hart Senate Office Building,
Washington DC
Hon. BARACK OBAMA,
Hart Senate Office Building,
Washington DC.
Hon. RICHARD LUGAR,
Hart Senate Office Building,
Washington DC.
Hon. NORM COLEMAN,
Hart Senate Office Building,
Washington DC.

DEAR SENATORS: On behalf of the thirty members of the Governors' Ethanol Coalition, we strongly support and endorse the National Security and Bioenergy Investment Act of 2005, as well as your efforts to expand development of other biofuels and co-products. The Governors' Ethanol Coalition is pleased that this bill embodies the recommendations developed by the Coalition in Ethanol From Biomass: America's 21st pi Century Transportation Fuel. When signed into law, this act will catalyze needed research, production, and use of biofuels and bio-based products, thereby enhancing our economic, environmental, and national security.

The Coalition believes that the nation's dependency on imported oil presents a huge risk to this country's future. The combination of political tensions in major oil-producing nations with growing oil demand from China and India is seriously threatening our national security. Moreover, as we import greater amounts of oil each year, we are draining more and more of the wealth from our states.

The key provisions contained in your bill bring focus and resources to biomass-derived ethanol research and commercialization efforts. The result, over time, will be the replacement of significant amounts. of imported oil with domestically produced fuels—improving our rural economies, cleaning our air, and contributing to our national security. Of particular importance is the bill's aim to broaden ethanol production to include all regions of the nation so that many more states will reap the benefits of biofuels.

Again, thank you for inclusion of the Coalition's recommendations in this landmark legislation. Please let us know how the Coalition can help with the passage of this very important legislation. The continued expansion of ethanol production and use, particularly biomass-derived fuels, and the accompanying economic growth and environmental benefits for our states is essential to the nation's long-term economic vitality and national security.

Sincerely,

TIM PAWLENTY,
Chair, Governor of Minnesota.
KATHLEEN SEBELIUS,
Vice Chair, Governor of Kansas.

NATURAL RESOURCES DEFENSE COUNCIL,
Washington, DC, June 7, 2005.

DEAR SENATORS HARKIN AND LUGAR: The Natural Resources Defense Council strongly supports the National Security and Bioenergy Investment Act of2005, which you introduced today. This important bill would expand and refine research, development, demonstration and deployment efforts for the production of energy from crops grown by farmers here in America. The bill would also expand and improve the Department of Agriculture's efforts to promote a biobased economy, federal bio-energy and bioproduct purchasing requirements, and federal educational efforts.

The Research and Development (R&D) title of this bill continues your tradition of leadership in this area by updating the Biomass Research and Development Act of2000, which you also crafted. This title will not only extend the provisions of the original bill and greatly increase the funding for these provisions, it will also refine the direction of this funding. Taken together, these changes maximize the impacts of R&D on the greatest challenges facing cellulosic biofuels today.

Your bill also creates extremely important production incentives for the first one billion gallons of cellulosic biofuels. The production incentives approach taken by the bill a combination of fixed incentives per gallon at first, switching over to a reverse auction will maximize the development of cellulosic biofuels production while minimizing the cost to taxpayers.

In addition, the bill creates an Assistant Secretary of Agriculture for Energy and Biobased Products. Coupled with the bill's development grants, tax incentives, biobased product procurement provisions, and educational program, the bill would make a huge contribution to developing a sustainable biobased economy, reducing our oil dependence and improving our national security.

The technologies advanced by this bill will undoubtedly make important contributions to reducing our global warming pollution and the air and water pollution that comes from our dependence on fossil fuels. We are concerned, however, that the eligibility provisions for forest biomass do not exclude sensitive areas that need protecting, including roadless areas, old growth forests, and other endangered forests, and do not restrict eligibility to renewable sources or prohibit possible conversion of native forests to plantations. We know that you do not want to see this admirable legislation applied in ways that exploit these features, and will be happy to work with you in the future to take any steps needed if abuses arise.

Sincerely,

KAREN WAYLAND,
Legislative Director.

ENERGY FUTURE COALITION,
Washington, DC, June 8, 2005.

Hon. TOM HARKIN,
Hon. RICHARD G. LUGAR,
U.S. Senate,
Washington, DC.

DEAR SENATORS HARKIN AND LUGAR: On behalf of the Energy Future Coalition, I am writing to commend your leadership and vision in drafting the National Security and Bioenergy Investment Act of 2005.

In our judgment, America's growing dependence on foreign oil endangers our national and economic security. We believe the Federal government should undertake a major new initiative to curtail U.S. oil consumption through improved efficiency and the rapid development and deployment of advanced biomass, alcohol and other available petroleum fuel alternatives.

With such a push, we believe domestic biofuels can cut the nation's oil use by 25 percent by 2025, and substantial further reductions are possible through efficiency gains from advanced technologies. That is an ambitious goal, but it is also an extraordinary opportunity for American leadership, innovation, job creation, and economic growth.

You took an important step forward by introducing S. 650, the Fuels Security Act, incorporated into the Senate energy bill during Committee markup. This legislation is another important step, authorizing the additional research and development and federal incentives needed to accelerate the adoption of biobased fuels and coproducts. We are pleased to support it.

Sincerely,

REID DETCHON,
Executive Director.

NATIONAL FARMERS UNION,
Washington, DC, June 9, 2005.

Hon. RICHARD LUGAR,
Hart Senate Office Building,
U.S. Senate, Washington, DC.
Hon. TOM HARKIN,
Hart Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATORS LUGAR AND HARKIN: On behalf of the family farming and ranching members of the National Farmers Union, we are writing to express our strong support for your bipartisan, National Security and Bioenergy Investment Act of 2005 legislation. The provisions within this act contain crucial measures that will benefit not only rural, but all of America.

Importantly, your legislation would create an Assistant Secretary for Energy and Biobased Products position at USDA, which we feel would complement and reinforce initiatives created by the energy section of the 2002 Farm Bill.

We also applaud your proposals for promoting the usage of biobased products within the U.S. government, which will expand future development of these technologies. These products, and their use, are an asset to the rural producers of the commodities used in the production of these commonly used items. Also, the more we increase the use of these items, the better it will be environmentally for future generations.

We wholeheartedly support your legislation and look forward to working with you to promote the expansion of biobased products.

Sincerely,

DAVID J. FREDERICKSON,
President.

BIOTECHNOLOGY
INDUSTRY ORGANIZATION,
Washington, DC, June 8, 2005.

Senator TOM HARKIN,
Ranking Democratic Member,
Senator RICHARD LUGAR,
Member, Committee on Agriculture, Nutrition and Forestry, U.S. Senate, Washington, DC.

DEAR SENATORS HARKIN AND LUGAR: The Biotechnology Industry Organization (BIO) Industrial and Environmental Section fully supports the National Security and Bioenergy Investment Act of 2005. We greatly appreciate your vision and initiative to expand the Biomass Research and Development Act and to create new incentives to produce biofuels and biobased products.

America's growing dependence on foreign energy is eroding our national security. We must take steps to drastically increase production of domestic energy. As an active participant in the Energy Future Coalition, BIO believes this country needs a major new initiative to more aggressively research, develop and deploy advanced biofuels technologies. With sufficient government support, we can meet up to 25% of our transportation fuel needs by converting farm crops and crop residues to transportation fuel.

The National Security and Bioenergy Investment Act of 2005 will boost the use of industrial biotechnology to produce fuels and biobased products from renewable agricultural feedstocks. With the use of new biotech tools, we can now utilize millions of tons of crop residues, such as corn stover and wheat straw, to produce sugars that can then be converted to ethanol, chemicals and biobased plastics. These biotech tools can only be rapidly deployed if federal policy makers take steps to help our innovative companies get over the initial hurdles they face during the commercialization phase of bioenergy production, and your bill will help get that job done.

We are pleased to endorse this visionary legislation.

Sincerely,

BRENT ERICKSON,
Executive Vice President.

ENVIRONMENTAL LAW & POLICY CENTER,
Chicago, IL, June 8, 2005.

Hon. TOM HARKIN,
Hon. RICHARD G. LUGAR,
U.S. Senate,
Washington, DC.

DEAR SENATORS HARKIN AND LUGAR: The Environmental Law and Policy Center ("ELPC") is pleased to support the National Security and Bioenergy Investment Act of 2005, and we commend you for your leadership and vision in introducing this legislation. This bill would accelerate research, development, demonstration and production efforts for energy from farm crops in the United States, especially cellulosic ethanol. It also will expand and prioritize the United States Department of Agriculture's leadership responsibilities to promote clean and sustainable energy development, and it will increase procurement of biobased products.

By significantly expanding the development and production of clean energy "cash crops," this legislation will improve our environmental quality, stimulate significant rural economic development, and strengthen our national energy security. ELPC also appreciates that this legislation reflects your longstanding support for farm-based sustainable energy programs. ELPC strongly supported your successful efforts to create the new Energy Title in the 2002 Farm Bill, which established groundbreaking new federal incentives for renewable energy and energy efficiency, while renewing existing programs such as the Biomass Research and Development Act of 2000.

The National Security and Bioenergy Investment Act of 2005 is a natural complement to the 2002 Farm Bill Energy Title programs, and it will help to strengthen support for the right bioenergy production programs in the 2007 Farm Bill. Accordingly, ELPC is pleased to support this legislation.

Very truly yours,

HOWARD A. LEARNER,
Executive Director.

INSTITUTE FOR LOCAL SELF-RELIANCE,
June 6, 2005.

Senator TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR TOM HARKIN: Congratulations on your bill, National Security and Bioenergy Investment Act of 2005. It is a breakthrough piece of legislation. Your well-conceived bill, combining needed executive branch changes, welcome increases in research and development funding and innovative commercialization techniques, can move the use of plants as a fuel and industrial material from the margins of the economy to the mainstream. I urge everyone with an interest in our environmental, agricultural and economic future to support this bill.

Sincerely,

DAVID MORRIS,
Vice President.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 805

Mr. SCHUMER. Mr. President, first, I thank my colleague from Iowa for his being always thoughtful. We even want to produce ethanol plants and wind in New York. We just don't want to transport it over to Iowa. I am not from Iowa. In any case, I am not here to talk about that.

Mr. President, I ask unanimous consent that the pending amendment be laid aside, and I send an amendment to the desk.

Mr. DOMENICI. Reserving the right to object.

Mr. SCHUMER. This is the sense of the Senate amendment on the Strategic Petroleum Reserve.

Mr. DOMENICI. We will temporarily set it aside, and then we will return to where we were. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I believe the amendment is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 805.

Mr. SCHUMER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding management of the Strategic Petroleum Reserve to lower the burden of gasoline prices on the economy of the United States and circumvent the efforts of OPEC to reap windfall profits)

On page 208, after line 24, add the following:

SEC. 303. SENSE OF THE SENATE REGARDING MANAGEMENT OF SPR.

(a) FINDINGS.—Congress finds that—

(1) the prices of gasoline and crude oil have a direct and substantial impact on the financial well-being of families of the United States, the potential for national economic recovery, and the economic security of the United States;

(2) on June 13, 2005, crude oil prices closed at the exceedingly high level of $55.62 per barrel, the price of crude oil has remained above $50 per barrel since May 25, 2005, and the price of crude oil has exceeded $50 per barrel for approximately ⅓ of calendar year 2005;

(3) on June 6, 2005, the Energy Information Administration announced that the national price of gasoline, at $2.12 per gallon, could reach even higher levels in the near future;

(4) despite the severely high, sustained price of crude oil—

(A) the Organization of Petroleum Exporting Countries (referred to in this section as "OPEC") has refused to adequately increase production to calm global oil markets and officially abandoned its $22–$28 price target; and

(B) officials of OPEC member nations have publicly indicated support for maintaining oil prices of $40–$50 per barrel;

(5) the Strategic Petroleum Reserve (referred to in this section as "SPR") was created to enhance the physical and economic security of the United States;

(6) the law allows the SPR to be used to provide relief when oil and gasoline supply shortages cause economic hardship;

(7) the proper management of the resources of the SPR could provide gasoline price relief to families of the United States and provide the United States with a tool to counterbalance OPEC supply management policies;

(8) the Administration's policy of filling the SPR despite the fact that the SPR is nearly full has exacerbated the rising price of crude oil and record high retail price of gasoline;

(9) in order to combat high gasoline prices during the summer and fall of 2000, President Clinton released 30,000,000 barrels of oil from the SPR, stabilizing the retail price of gasoline;

(10) increasing vertical integration has allowed—

(A) the 5 largest oil companies in the United States to control almost as much crude oil production as the Middle Eastern members of OPEC, over ½ of domestic refiner capacity, and over 60 percent of the retail gasoline market; and

(B) Exxon/Mobil, BP, Royal Dutch Shell Group, Conoco/Philips, and Chevron/Texaco to increase first quarter profits of 2005 over first quarter profits of 2004 by 36 percent, for total first quarter profits of over $25,000,000,000;

(11) the Administration has failed to manage the SPR in a manner that would provide gasoline price relief to working families; and

(12) the Administration has failed to adequately demand that OPEC immediately increase oil production in order to lower crude oil prices and safeguard the world economy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) directly confront OPEC and challenge OPEC to immediately increase oil production; and

(2) direct the Federal Trade Commission and Attorney General to exercise vigorous oversight over the oil markets to protect the people of the United States from price gouging and unfair practices at the gasoline pump.

(c) RELEASE OF OIL FROM SPR.—

(1) IN GENERAL.—For the period beginning on the date of enactment of this Act and ending on the date that is 30 days after the date of enactment of this Act, 1,000,000 barrels of oil per day shall be released from the SPR.

(2) ADDITIONAL RELEASE.—If necessary to lower the burden of gasoline prices on the economy of the United States and to circumvent the efforts of OPEC to reap windfall crude oil profits, 1,000,000 barrels of oil per day shall be released from the Strategic Petroleum Reserve for an additional 30 days.

Mr. SCHUMER. Mr. President, I thank my friend from New Mexico for his grace, as usual. I will be brief as I make a statement on the amendment.

I rise to offer this amendment, which will express the sense of the Senate that the Federal Government should take long, overdue action to curb the record-high gasoline prices that are plaguing American consumers at the pump. As my colleagues are well aware, for weeks, oil and gasoline prices have been placing an immense burden on working families and threatening our fragile economic recovery, and it is time that this body took action to protect our Nation's economic security from the sky-high oil prices and the whims of the OPEC cartel.

This amendment would urge the administration to provide the American consumer with relief by releasing oil from the Strategic Petroleum Reserve through a swap program in order to increase the supply, quell the markets, and bring down prices at the pump. Of course, the other side of the swap is that we would buy back the oil when the price was lower and put it back in the Strategic Petroleum Reserve, which is now just about full.

Mr. President, what we are faced with here is simple market economics of supply and demand. If demand goes up, price goes up. If supply goes up, price goes down. At a time facing record-breaking gasoline prices, it is hard to believe that the Federal Government would be taking oil off the market and exacerbate the high energy costs to working families.

The price of crude oil has remained at near record highs for over one-third of 2005, with oil having traded at over $50 a barrel since May 25. Just today, we saw the biggest jump yet, with oil closing at almost $60 a barrel. OPEC used to claim it was interested in helping to keep prices under $30 a barrel. That is when it went from a $22 to $28 rate. It may be fun to double down in Las Vegas but not in the oil market, and certainly not at the gas pump.

These prices have already burdened Americans in New York and in the rest of the Northeast. We get a double whammy because we have high home heating oil prices, as well as high gasoline prices because we depend on heating oil more than most parts of the country. Other parts are warmer or use more natural gas. I know these families were hoping for a quick spring so they could enjoy a brief respite from the high energy prices.

Unfortunately, that hasn't been the case, as the increased burden of oil costs has just moved from the home to the highway. As Americans are beginning to plan for their road trips and summer vacations, the national price of gasoline has seemingly reached a new record high every week. Last week, the Energy Information Administration reported that prices had increased for the second straight week, to $2.13 for regular self-service. That is an increase of almost 49 cents from last year. Unfortunately, it could give way to even higher prices in the future.

We know who is being hurt by these oil prices, and we know who is benefiting—OPEC. Last year, OPEC made $300 billion in oil revenue. They stand to gain much, much more if the price of oil stays as high as it is—stratospheric levels. In order to institutionalize the profits from these spikes, OPEC agreed to abandon their longstanding price target of $22 to $28 a barrel, as I mentioned before, and some of its members say they could be comfortable with oil remaining at $40 to $50 permanently. I know who will not be comfortable—American families who depend on affordable oil to commute to work, heat their homes, and provide for their energy needs.

Some of my colleagues may be asking: Didn't OPEC agree to increase production in March by 500,000 barrels a day?

The reality is that OPEC's pledge to increase production on paper has not reduced prices at the pump. OPEC, after having cut production by 1 million barrels in the face of rising oil prices—it is not that amazing—claimed that they would increase production by half the previous cut. While this would seem like a step in the right direction, the reality is they were already producing 700,000 barrels over their quota, so as a result this paper increase added no oil to U.S. markets.

These are exactly the type of shell games that the OPEC cartel uses to take money out of Americans' pockets to put toward OPEC profits.

We have to act to stop it. Once again, OPEC is talking about another 500,000-barrel increase. We will see if they actually follow through.

Instead of standing up to OPEC, what has this administration done? It has continued, incredibly enough, taking oil off the market and placing it in the SPR. This policy, which further tightens oil markets by taking much needed supplies out of commerce, is slated to take an average of almost 85,000 barrels per day off the market during the height of the driving season, between April and the end of August, despite the fact that the SPR is almost completely full.

I understand that some of my colleagues think the SPR should never be touched, even to safeguard our economic security. I would argue that concerns to this degree do not properly balance America's physical security needs against its economic security needs. With the SPR almost full, we can easily reduce 30 million barrels through a swap and still have an effective safeguard against a physical supply disruption.

Initiating a swap of oil from the SPR to increase the supply of oil is a proven way to reduce the price of gasoline and heating oil. In the fall of 2000, the Clinton administration announced a swap of 30 million barrels over 30 days, causing crude oil prices to quickly fall by over $6 a barrel and wholesale prices to fall 14 cents a gallon. Under a swap, the Federal Government could decide on a set quantity of oil to release from the

SPR and accept bids from private companies for the rights to that oil. The companies would then bid on how much oil they would be willing to return, in addition to the oil they would receive under the swap, to the SPR at a later date.

The administration has had these tools in its hands and could have acted more quickly, earlier, to stand up for the American consumer, but it has not. Instead, despite repeated urgings from Members of this body, among others, it has steadfastly refused to intervene and to allow oil prices to soar. It has been good for oil companies, it has been good for OPEC and bad for the American consumer.

This amendment says enough is enough and gives this body an opportunity to do what others have refused by hitting the breaks to stop runaway gasoline prices.

An oil swap would result in a win-win situation where gasoline prices are lowered and long-term contributions to the SPR are augmented at no additional cost to the taxpayers. The SPR is intended to provide relief at times when American families are struggling to make ends meet. The time is now. The summer driving months are just beginning.

I urge my colleagues to join me in protecting the pocketbooks of working families from OPEC profiteering by supporting this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, we will not argue our case against the case of the Senator from New York yet. We will do that tomorrow. Suffice it to say we are talking about a reserve. It is there as a safety valve in the event something were to happen, and we will talk about the perils of that and why the amendment should not be adopted.

For now, it looks as if we are lining up a number of amendments for tomorrow, including some amendments that should be in place with reference to global warming and some agreements and understanding regarding them. Later on, an amendment about the inventory of offshore assets, resources, will be discussed and when that amendment to strike will be taken up. So we might have some understanding by morning on a series of votes.

For now, I do not think we are going to do anything else other than wrap up business, and we will take care of that in due course.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORPORATION FOR PUBLIC BROADCASTING

Mr. DORGAN. Mr. President, I want to speak about the Corporation for Public Broadcasting. My understanding is their board of directors is meeting today. I don't know whether they are going to select a new president for the corporation, but I know that was at least announced as the intention today of the Corporation for Public Broadcasting. Let me go all the way back to Big Bird. Everyone who grows up watching Sesame Street and Children's Television Workshop understands that Cookie Monster, Big Bird, and all of those things represent learning devices and the wonderful characters on Sesame Street. The Corporation for Public Broadcasting was created a long while ago as a part of an approach to do something unique.

The Corporation for Public Broadcasting, Public Television, and National Public Radio have been pretty remarkable. Every week 94 million Americans watch public television or some portion of public television and 46 million people listen to public radio. That is a remarkable statistic. Public radio and public television are available to over 90 percent of American homes. We have come a long way since President Johnson signed the Public Broadcasting Act of 1967.

It is the case that public broadcasting will tackle issues that other broadcasters don't tackle. I admit you won't see Fear Factor on public television. You won't tune in and see someone sitting in front of a bowl of maggots to see whether they can eat an entire bowl in 15 or 30 seconds. That is not the kind of television I watch. But occasionally when you are browsing through the television routine, you tune in to programs that have that kind of approach. You wonder what has become of good television. Or you might tune in to another program where you see a couple of women or men engaged in a fist fight over some romance that turned sour, where on that program day after day they hold this imperfection up to the light and say: Isn't this ugly? Let's entertain ourselves with everyone else's dysfunctional behavior.

You won't find that on public broadcasting. They sink their teeth into some pretty interesting things. I mentioned Big Bird. I suppose could you say Big Bird isn't quite so serious, but a lot of children grow up with Sesame Street watching Big Bird and the lessons therein. Frankly, it is wonderful television—more than television for children. I will give you an example of the kinds of things public broadcasting tackles that others will not.

Do you think ABC, CBS, NBC or FOX is going to tackle the question of concentration in broadcasting? There are no more than five or six companies and people that control what we see, hear, and read. Because we see all of these concentrations of television stations and radio stations, the Federal Communications Commission decided in their ruling, which the court subsequently stayed, that it is OK to open this up. And the Federal Communications Commission said: We believe that in one major American city, one company ought to be able to own eight radio stations, three television stations, the cable company, and the dominant newspaper. We think that is fine.

It is not fine with me. It is limiting what people can see and read and hear. The controversy surrounding public television, public radio, the Corporation for Public Broadcasting saddens me. My hope is that perhaps actions taken in the next couple of days might resolve that.

There is apparently a board meeting this afternoon and apparently another meeting of some type tomorrow where they will choose a new president. This all is with the backdrop of the chairman of the Corporation for Public Broadcasting, who has consistently and publicly said that public broadcasting, public television, public radio has a liberal bias. There have been all of those allegations over some long period of time. A liberal bias, it is easy to say. It doesn't have a liberal bias. It is just independent television which most people appreciate.

Let me talk for a moment about my concern about where we are heading. Press accounts from last week noted that the House Appropriations Committee approved a spending bill on Thursday that would slash spending for public television and radio by nearly half. That includes a 25-percent cut in financing for the Corporation for Public Broadcasting and a total of $112 million in additional cuts for programs that provide continuing children's programming.

Just the news coming out of the Appropriations Committee in the House is ominous. But more than that, inside the organization, the chairman of the Corporation for Public Broadcasting hired a consultant to evaluate the bias in public broadcasting. He hired a consultant to go after the program called "NOW with Bill Moyers." He hired that consultant without notifying the board of directors. This is the chairman of the board. He hired that consultant with public funds.

As an appropriator, I asked him: Would you provide me with the information that the consultant provided you.

This is what I received. I received a substantial amount of what he called raw data. It didn't include any summary, just raw data. I was struck and disappointed to see that a consultant was hired, and this is a summary of April 4 to June 4, just to pick one. And they go through the list of programs, and they label anti-Bush, anti-Bush, anti-DeLay. I guess if he reported on the controversy about TOM DELAY, it is anti-DeLay programming.

It says, "anticorporation." In fact, they did a program about some waste. It might have been about Halliburton, although I have done hearings on Halliburton. I guess that would then be declared anticorporation. It is really not. Again, it reads anti-Bush, anti-Bush, pro-Bush.

I am struck that it is way out of bounds to be paying money for a consultant who decides to evaluate public broadcasting through the prism of whether or not it supports the President. That is not the role of public broadcasting, to decide whether it supports the President of the United States. If we ever get to the point where you can't be critical of public policy, Democrats and Republicans, Congress and the President, then there is something wrong.

Interestingly enough, they used another approach on another set of programming, and they divided these segments that were shown into either liberal or conservative segments. And there was a segment on June 7 last year and Senator HAGEL from Nebraska, a conservative Republican, was on that segment and apparently said something that wasn't completely in sync with the White House. So he is labeled as a liberal. A conservative Republican Senator from Nebraska is labeled a liberal by the consultant for the Corporation for Public Broadcasting. Why? Because he said something liberal? No, apparently he just didn't have the party line down and said something that was perhaps at odds with policy coming out of the White House.

This list goes on and on. My guess is my colleague Senator HAGEL is going to be mighty surprised to discover that a consultant hired by the Corporation for Public Broadcasting views his appearances on public broadcasting as appearances that contribute to a liberal bias because a conservative Republican Senator from Nebraska shows up on public broadcasting.

I don't mean to make light of this. I think it is serious. In addition to all of this, an allegation of bias—a relentless allegation of bias by the chairman of the Corporation for Public Broadcasting, in addition to his hiring a consultant to do this kind of thing—evaluate programming, whether it is anti-Bush or pro-Bush—in addition to all of that, there is now a discussion and potentially even a vote today in which they would select a new president of the Corporation for Public Broadcasting, and the leading candidate for that job is a former cochairman of the Republican National Committee.

I would not think it appropriate for a former cochair of the Democratic National Committee to assume the presidency of the Corporation for Public Broadcasting; nor would I think it would be wise for Mr. Tomlinson, the chairman of the board, to usher in a former partisan as president of the Corporation for Public Broadcasting.

Again, I only say that, going back some 35 years and more, I think public broadcasting has been a real service to our country. Public television and public radio tackle things other interests will not tackle in this country. They are, in fact, independent. That is precisely what drives some people halfwild. My hope is that the actions of Mr. Tomlinson, the chairman, the actions of the board, whatever they might be today—my hope is that those actions will not further contribute to injuring public broadcasting.

We fund public broadcasting because we think it is a great alternative to commercial television. If you tune in—nothing against broadcasts in the evening on the commercial station, but I happen to think Jim Lehrer has one of the best newscasts in our country. He covers both sides aggressively. I think it contributes to our country and I think, in many ways, public broadcasting is a national treasure. I regret that I have to describe these things—consultants who evaluate whether or not something is anti-Bush. That is not the prism through which one should evaluate whether something makes sense. I will wait to see what happens today at the meeting taking place of the board. My hope is that they will not take action that will further injure and be detrimental to public broadcasting.

25TH ANNIVERSARY OF ANDRE'S FRENCH RESTAURANT

Mr. REID. Mr. President, I rise today to congratulate Chef Andre Rochat, the Dean of Las Vegas Chefs. Twenty-five years ago, he opened the doors to his first restaurant, Andre's French Restaurant. In the decades since, he has served patrons—including my wife Landra and I—the finest French cuisine in the city.

I first encountered Andre in the 1970s—a few years before he opened Andre's. At that time, he was operating the Savoy French Bakery and selling the most wonderful pastries you could find. Bolstered by the bakery's success, he opened Andre's in 1980 in a converted Spanish-style home one block east of Las Vegas Boulevard. It was an unlikely location for a restaurant—but he quickly found success.

Twenty-five years later, Andre's has become what some have called the "most honored, awarded and respected restaurant in Las Vegas." The restaurant's intimate dining rooms, wonderful food and outstanding service have made it a landmark.

Andre's arrival in our city was the result of hard work and determination.

He was born in the Savoie region of the French Alps and inherited a love for his trade from his parents, who owned a delicatessen and butcher shop. At 14, Andre left home and began an apprenticeship at Leon de Lyon, in Lyon, France. After serving in the French Navy, Andre came to the United States in 1965, landing in Boston with just $5 and his knives. Eventually, he made his way to Las Vegas and forever changed the city's dining scene.

Today Las Vegas is home to many great chefs. But Andre was one of the first. He now has two more restaurants in the city, and both of them continue in the award winning tradition begun by Andre's French Restaurant 25 years ago.

I congratulate Andre on 25 great years and thank him for sharing his outstanding gifts. Las Vegas is privileged to be able to enjoy his world-renowned talents, and it won't be long before Landra and I return to Andre's to enjoy our favorite meal, the Imported Dover Sole Sauteed Véronique with Lemon Tarts for dessert.

TRIBUTE TO DRAKE DELANOY

Mr. REID. Mr. President, I rise today to congratulate Drake DeLanoy of Las Vegas, NV as he reaches two incredible milestones in life: his 55th wedding anniversary and his 77th birthday. For four decades, Drake has been a friend and mentor of mine, and I wish him and his wife Jackie all the best as they mark these two occasions.

Drake DeLanoy was raised in Reno. He graduated from the university of Nevada, Reno, and married Jackie on June 19, 1950. Drake earned his law degree from Denver University.

Following law school, Drake served in the United States Air Force and eventually returned to Nevada to practice law, which is where I had the good fortune of working with him.

Drake and I practiced together for 13 years, beginning in the mid-1960s. When we started working together, I was right out of law school and an inexperienced attorney. But Drake and his partners William Singleton and Rex Jameson took me under their wing.

These three men were great teachers who gave me the freedom to learn and grow. They let me take the legal cases I wanted to pursue, and they allowed me to watch them in the courtroom and observe them work during trials. They also gave me the opportunity to be politically involved, and I have no doubt that the freedom and support I enjoyed with them allowed me to serve and now be in the U.S. Senate.

At the age of 77, Drake DeLanoy continues to build on his strong career. As an appointee of the Governor, Drake now serves on the Governing Board of the Tahoe Regional Planning Agency, which protects and preserves the beauty of the Tahoe basin.

I will forever be grateful to Drake DeLanoy. The lessons he taught and the experiences he provided have stayed with me all these years.

As Drake and Jackie celebrate their 55th anniversary and Drake looks forward to another year, I congratulate them both and wish them many more years of happiness together.

HONORING OUR ARMED FORCES

LANCE CORPORAL CHAD MAYNARD

Mr. SALAZAR. Mr. President, I rise today to remember one of Colorado's fallen heroes, Marine LCpl Chad Bryant Maynard who was killed last week in Ar Ramadi, Iraq. He was only 19 years old.

Lance Corporal Maynard hailed from Montrose, CO, on the Western Slope. Growing up, it was his dream to serve his country. Chad Maynard's deep patriotism was a family tradition—his father served in the Marines, and his brother Jacob returned from his second tour in Iraq a few months ago.

As a high school student, Chad had secretly contacted recruiters when he was 16 about his wish to join the Marines. His parents remember him sneaking recruiting brochures into the house. The recruiters had to ask him to stop contacting them until he was 18.

But Lance Corporal Maynard was determined to serve his country. He joined the junior ROTC at Montrose High School. One of his friends once quipped, "God rested on the seventh day and on the eighth day made Maynard for the Marines. . . ." He worked hard at his classes so he could graduate early to go to boot camp. At his 2004 graduation from Montrose High, Chad Maynard stood proudly in his Marine Corps dress uniform.

Lance Corporal Maynard's friends and instructors remember him as a young man who took his commitment to his country very seriously. On September 11, Lance Corporal Maynard organized a prayer around the flagpole at school. He sought out the Marines because he wanted to be on the front lines, making a difference for his country.

Today in Montrose is the funeral for Lance Corporal Maynard. Just 1 year and 6 days after he picked up his diploma, Chad Maynard was taken from us, a life of extraordinary promise snuffed out all too soon. He served his Nation with honor and distinction.

LCpl Chad Maynard set an example for all those around him to follow and left a positive mark on every life he touched. Chad's brave and selfless actions have made the world a better and safer place for all of us and we owe him a debt of gratitude which we will never be able to pay. To his wife Becky and their soon-to-be-born child, I send my humble thanks for Chad's sacrifice on our behalf. Your family will remain in my thoughts and prayers.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

A 17-year-old transgender woman and her 18-year-old friend were shot in the head while sitting in a SUV, which was set on fire. The SUV was found in an isolated parking lot after the two had been missing for a day. Their bodies were burned beyond recognition. The perpetrator allegedly killed the two victims when he discovered that one of them was a crossdresser.

The Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

CRIMES AGAINST HUMANITY IN DARFUR

Mr. CORZINE. Mr. President, Senator BROWNBACK and I have submitted a resolution to designate July 15–17, 2005 as a National Weekend of Prayer and Reflection to draw attention to the genocide and Crimes Against Humanity occurring in Darfur, Sudan, and to find a solution to this great moral challenge. The resolution calls upon the people of the United States to pray and reflect. Churches, synagogues, mosques, other communities of faith, and all individuals of compassion will join together to acknowledge, observe, and reflect upon the crimes against humanity that continue to occur in Darfur, so that we can together end the genocide and bring about lasting peace to Sudan.

The Congress and administration have already defined the atrocities in Darfur as genocide. Estimates of the death toll range from 180,000 to 400,000. More than two million people have been displaced from their homes, including over 200,000 refugees in Chad. Recent accounts of these atrocities, as reported by Doctors without Borders, include documented rapes by soldiers and government-backed militia.

Many religious and human rights leaders, communities, and institutions throughout the world have already spoken out, and called for an end to the genocide. In my own state, thousands participated in a Darfur Sabbath Weekend on May 14–15, 2005, when clergy and congregations throughout New Jersey addressed this crisis during their worship services. With my friend and colleague Representative DONALD PAYNE, I was privileged to visit a mosque, a synagogue, a Catholic rectory, an African American Baptist Church and a United Methodist Church during those two days.

Whatever the denomination, we spoke to each other in the same language, and committed ourselves to the same determination to act according to our words and the dictates of our universal conscience. That profound experience impels me to this broader outreach. I want to take this opportunity to urge my fellow members of Congress to join me in saying, "never again." Never again, will we accept the slaughter of fellow human beings. Never again, will we stand by as systematic crimes are inflicted upon humanity. I ask that you join me, Senator BROWNBACK and people all across the globe in supporting this unified movement to tell the world that humanity will never again allow genocide to occur.

NATIONAL HISTORY DAY

Mr. ALEXANDER. Mr. President, I salute today the students who participated in the National History Day national contest that was held last week at the University of Maryland. More than 700,000 students in grades 6 through 12 from all over the country chose topics, researched, and presented their projects at State and local competitions this year. I am proud that 52 students from Tennessee made it to Washington. I especially want to recognize two of those students, Daniel Jordan and Tyler Sexton, eighth graders at St. John Neumann School in Knoxville.

Their National History Day project is a documentary on Sequoyah's Syllabary, which they presented at the Smithsonian American Art Museum. Sequoyah was a Cherokee warrior who was born in east Tennessee and created a syllabary, which is often called the Cherokee alphabet. He was born in 1776 in the village of Tuskeegee, which was very near Vonore, TN, where the Sequoyah Birthplace Museum is located.

Daniel and Tyler say the seed for their documentary was planted during a visit to the Sequoyah Birthplace Museum. The two boys got tired and decided to sit on several bales of hay in the center of a field. After a few minutes, two Cherokee approached the boys and explained that they were sitting on a holy prayer circle. The boys apologized profusely and removed themselves, but not before they learned more from Star Medicine Woman and Elk Dreamer about the Cherokee Indians, especially Sequoyah and the relation to present-day culture. The boys were fascinated and appreciated the kindness shown to them.

Along with congratulating these outstanding students, I also recognize their teacher, Judy Buscetta, who is the winner of the National History Day in Tennessee's Teacher of the Year award. Daniel said it best in a letter he wrote to me to let me know he was going to be in Washington. He said: Without good teachers, we do not have a chance.

I am proud of Judy and Daniel and Tyler. Students and teachers like them are who I had in mind when I introduced legislation along with the distinguished minority leader to put the teaching of American history and civics back into our classrooms, so our children grow up learning what it means to be an American. I am proud that the Presidential academies for teachers and congressional academies for students in American history and civics through the Department of Education are beginning this summer as a result of Congress passing and the President signing that bill into law.

I have also introduced legislation with Senator EDWARD KENNEDY of Massachusetts to create a 10-State pilot study to provide State-by-State comparisons of U.S. history and civics test data for 8th and 12th grades administered through the National Assessment of Educational Progress, NAEP, to assess and improve knowledge of American history.

I appreciate National History Day and its commitment to improving the teaching and learning of American history in our schools. I also appreciate Daniel, Tyler and Judy, fellow Tennesseans, who are working to keep history alive.

ELIGIBILITY FOR AUTOMATIC COMPENSATION

Mr. HARKIN. Mr. President, I have come to the floor today to celebrate a landmark achievement for former nuclear weapons workers in Iowa. Today marks the completion of an administrative process whereby workers from the Iowa Army Ammunition Plant, who assembled some of the most significant nuclear weapons in this Nation's history and subsequently developed devastating forms of cancer, will become eligible for automatic compensation.

Reaching this point has been an example of both the best and the worst in our system of government. I first started working on this issue back in 1997 when I received a letter from a constituent, Bob Anderson, who wrote about how he and many of his former coworkers had become ill after working on nuclear weapons in Burlington, IA. I shake my head every time I think of what Bob's reaction must have been when he got a letter back from me, telling him that the Department of the Army had assured my office that they never made nuclear weapons in Burlington!

In fact, the list of weapons that were made by Bob and 4,000 other Iowans includes many familiar names: Polaris, Titan, Pershing, Minuteman the list just goes on and on. It's a tribute to the workers in Burlington that while the Cold War was going on, no one beyond the workers at the plant—including me—ever had a clue about the work that was occurring. They did their job with excellence, and they did it at great personal peril. The men and women of Burlington truly were on the front lines of the Cold War. They received no medals, no thank-you's, no special pay. Instead, they paid a terrible price. The levels and types of cancer that have afflicted this workforce are shocking. And along with these illnesses have come financial hardships—pain and suffering—which family members have witnessed and nursed loved ones through—and, in too many cases, premature death.

Today, finally, workers from IAAP, including Bob Anderson, at long last, will receive compensation. Equally importantly, at long last, they have some measure of justice.

This has been a long process. It seems like more than seven years since I brought then-Secretary of Energy Bill Richardson to the plant to meet with workers. It seems like more that six years since I got a team from the University of Iowa School of Public Health to track and analyze the illnesses that workers had developed. And it has been almost five years since Congress passed the Energy Employees Occupational Illness Compensation Act to actually provide compensation to these workers.

For almost five years we have struggled through one of the worst bureaucratic processes that I have ever seen. We have been required to demonstrate that no documents existed that would allow the radiation doses the workers received to be accurately reconstructed. It has been mind-boggling that a program designed to compensate people who had been deceived by the government, could put those same people through a second bureaucratic nightmare.

But today is a day to celebrate. It is also a time to say thank you for the marvelous team effort that has made this day possible. IAAP was the first facility to file a petition for automatic compensation, and only the 2nd in the Nation to be approved. While I have worked hard to make that happen, it simply could not have happened without the workers themselves, as well as the University of Iowa scientists.

I would like to say a special thank you to Jack Polson, Sy Iverson, Paula Graham, and Vaughn Moore. It was their willingness to repeatedly challenge the assumptions that were made about the work performed at the plant, and about how that work was done, that forced the Government to acknowledge that the documents from the plant were just inadequate to accurately reconstruct the levels of radiation that workers were exposed to.

I also want to thank Joe Shannon, Laska Yerington, Sharon Shumaker, Marge Foster and Nancy Harman for there service on the Advisory Board here in Burlington and Shirley Wiley and Ed Webb for their help with the petition.

No thank-you is complete without acknowledging how fortunate we were to have the help of the University of Iowa team: Laurence Fuortes, Bill Field, Kristina Venske, Howard Nicholson, Christina Nichols, Marek Mikulski, Phyllis Scheeler, Stephanie Leonard, and Laura McCormick.

I would also like to thank my own staff. Alison Hart, my staffer in Davenport, Iowa, has put her heart into helping hundreds of workers and their families navigate this whole process.

I would also like to thank Peter Tyler, Lowell Unger, Michelle Evermore, Jenny Wing, Ellen Murray, and Beth Stein of my Washington, DC, staff for their years of sustained work on this effort. And a special thank you is owed to Richard Miller of the Government Accountability Project for his assistance and his commitment to making this compensation program work.

Finally, I would like to thank Bob Anderson and his wife Kathy. Bob and Kathy have weathered the ups and downs of this process with patience, good humor, and great fortitude. It will be a proud day for me when they actually receive a compensation check in hand from the Treasury. It speaks volumes that a letter from one Iowan can set in motion a monumental process that, in the end, will bring acknowledgement, compensation, and a measure of justice to so many.

While more than 700 former workers are still seeking compensation, today marks our first significant victory. The people who will now be receiving compensation include at least 364 of those who got the most serious illnesses from their work at IAAP. Unfortunately, this group includes far too many workers who are no longer with us. In their honor and in their memory, I thank all of the former workers of the Iowa Army Ammunition Plant for their patience, their persistence, and their service to America. They are genuine patriots.

COMMEMORATING 142 YEARS OF WEST VIRGINIA STATEHOOD

Mr. ROCKEFELLER. Mr. President, today I commemorate 142 years of statehood for my State of West Virginia. In doing so, I believe that it is important to note my State's motto, "Mountaineers Are Always Free." This phrase, as relevant today as it was 142 years ago, truly embodies a people who have done so much to contribute to our great Nation and a State so abundant in natural beauty.

Historically, West Virginia's magnificent landscape has nurtured and inspired her inhabitants, endowing willing adventurers the freedom to explore, experience, and utilize her natural wonders. Native Americans came to West Virginia over 9,000 years ago and established the State's first permanent settlement in present-day St. Albans. Their ancient artifacts and impressive monuments, such as the Grave Creek Burial Mound, in Moundsville, serve as lasting tributes to the land's eternal contributions to mankind.

Today, the people of West Virginia remain free to explore and enjoy the State's unspoiled, majestic terrain. Mountainous views extend for miles in every direction, and blend seamlessly with glades of rhododendron and deep river valleys.

Hundreds of thousands of acres of forests, such as the Monongahela National Forest, blanket our State with lush plant life. West Virginia has over 50 State and national parks that protect our natural habitat and provide recreation to millions of visitors each year. Nearly 20 different species of endangered or threatened animals, including the bald eagle, have found refuge within our ecosystem.

Pocahontas County's pristine rivers and streams provide some of the best trout fishing in the State, and offer those who visit countless opportunities to escape into the serenity of the Appalachian Mountains. The county is known as the "Birthplace of Rivers" because 8 different rivers have headwaters there, with their only source of water being the fresh mountain rain.

In addition to the freedoms provided by West Virginia's natural environment, the citizens of West Virginia have fostered a social climate of acceptance, where all are free to express their thoughts and beliefs and take advantage of the benefits of a good education.

Booker T. Washington, following President Abraham Lincoln's emancipation proclamation, sought refuge in West Virginia and was raised in a small mining town called Malden. It was there that he was encouraged to follow his dream of education, and there that he developed the skills to become one of our country's foremost educators and leaders.

Another location, the Sumner School in Parkersburg, became the Nation's first free school for African-American children below the Mason-Dixon. It was operated until school segregation ended in 1954 and currently houses the Sumnerite African-American History Museum.

In addition to these advances to freedom and education made within our home State, West Virginians have consistently and overwhelmingly devoted their lives to protect the ideals on which this Nation was founded—liberty and equality.

Five hundred thousand West Virginians, since the time of the Civil War, have fought to protect our country in battles and conflicts all over the world. There are currently 200,000 veterans in West Virginia, giving my State the highest per capita ratio of veterans in the Nation.

Such an impeccable record of devotion to freedom is not surprising from a State with origins like West Virginia. It was born out of the Civil War in 1863 and became the ultimate manifestation of a State's loyalty to our young country.

For 142 years West Virginians have been selfless in our love for this Nation, and our contributions to this country are best reflected in President Abraham Lincoln's own words. As our great President Lincoln said:

> We can scarcely dispense with the aid of West Virginia in this struggle . . . Her brave and good men regard her admission into the Union as a matter of life and death. They have been true to the Union under very severe trials.

The meaning of these words, and the contributions of my State in the development of this country's freedom, continue to hold immense importance with West Virginians today. I am proud to be a West Virginian. So, today, as we celebrate West Virginia's 142nd birthday, we remember our history, celebrate our present, and look with hope toward the future of our truly wonderful State.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF FORBES, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I salute the North Dakota community of Forbes as it celebrates its centennial this July 2-4. Its 100th anniversary is a testament to the resilience and dedication of the 64 residents who call this North Dakota town home.

Located in Dickey County a few miles east of the Coteau Hills and on the North Dakota border with South Dakota, Forbes is a town rich in North Dakota history even though it is the youngest town in the county. It boasts the Schulstad Stone House Museum, a stone house built in 1907 and furnished to that time period, and the Shimmin Tveit Museum, which has displays of historical artifacts from American Indians and early settlers. From railroad agent and town merchant, S.F. Forbes, for whom the town bears its name, to current mayor, Troy Anliker, this town has been a home on the prairie for several generations of farmers, ranchers, and business people.

The southern Dickey County area where Forbes is located boasts a diversified agricultural economy. The area has farmers who plant and harvest wheat, barley, corn, sunflowers, and soybeans, along with ranchers who manage several prominent cattle operations. Like most of rural North Dakota, the area has a rich heritage in farming and ranching.

As a part of the community's celebration, organizers have planned to honor Forbes' centennial with food, a pickup pull, a demolition derby, dancing, beard and dress judging, crafts, team penning, fireworks, a beer garden, a pancake breakfast, and plenty of games for kids.

Again, I salute the current and past residents of Forbes as they celebrate this momentous occasion, and urge my colleagues to congratulate Forbes and its residents on their first 100 years and wish them well through the next century.•

100TH ANNIVERSARY OF NEKOMA, NORTH DAKOTA

• Mr. CONRAD. Mr President, today I wish to honor a community in North Dakota that is celebrating its 100th anniversary. On July 9 and 10, the residents of Nekoma, ND, will celebrate their community's history and founding.

Nekoma is a small town in the northeastern part of North Dakota with a population of 51. Despite its small size, Nekoma holds an important place in North Dakota's history. Charles B. Billings was the postmaster of the town's first post office, which opened in 1898. The town was nearly named Polar, but it changed after the Soo Line Railroad townsite was plotted in 1905. The name Nekoma was selected by the Postal Department from a list of names submitted by the first appointed postmaster, Orzo B. Aldrich.

Nekoma is the site for America's only Safeguard ABM and Missile Site Radar military installations. Nicknamed the "prairie pyramid," the inactive installation site is just northeast of the town. The SALT treaty between the United States and the former Soviet Union, stated that only two safeguard sites were allowed—one of which was the site in Nekoma, ND, and the other in Washington, DC.

Mr. President, I ask the Senate to join me in congratulating Nekoma, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Nekoma and all the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Nekoma that have helped to shape this country into what it is today, which is why Nekoma is deserving of our recognition.

Nekoma has a proud past and a bright future.•

100TH ANNIVERSARY OF GARRISON, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 100th anniversary. On June 30–July 3, the residents of Garrison will gather to celebrate their community's history and founding.

Garrison is a vibrant community in west-central North Dakota, along the edge of beautiful Lake Sakakawea. Garrison holds an important place in North Dakota's history. Founded by two brothers, Cecil and Theodore Taylor in 1903, Garrison, like most small towns in North Dakota, got its start when the railroad stretched throughout the State. The post office was established in June 17, 1903, and Garrison was organized into a city on March 20, 1916. In its early years, Garrison was known as a town "bustin' at the seams" with gun carrying rascals.

Today, Garrison is a magnet for sports fisherman who venture to tap into the abundance of walleye prevalent in Lake Sakakawea. Garrison is the host for the North Dakota's Governor's Cup Walleye Tournament that attracts hundreds of serious sports enthusiasts from across the country.

For those who call Garrison home, it is a comfortable place to live, work, and play. It is certainly true, as its residents say, that it is "a town worth knowing from the start." The people of Garrison are enthusiastic about their community and the quality of life it offers. The community has a wonderful centennial weekend planned that includes an all school reunion, parade, pitch fork fondue, street dance, fireworks, games, and much more.

Mr. President, I ask the Senate to join me in congratulating Garrison, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Garrison and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Garrison that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Garrison has a proud past and a bright future.•

100TH ANNIVERSARY OF ALSEN, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 2, 2005, the residents of Alsen, ND, will celebrate their community's history and founding.

Alsen is a small town in the northeastern part of North Dakota with a population of 68. Despite its size, Alsen holds an important place in North Dakota's history. In August 1905, this Soo Line Railroad townsite was founded. Originally named Storlie when it was established on April 6, 1899, the township was named after Halvor Storlie, who was the county clerk and postmaster. On August 31, 1905, officials of the Tri-State Land Co. plotted a town site in another area of Storlie Township, and named it Alsen for the local settlers, who had come from Alsen Island off of the coast of Denmark. The village of Alsen was incorporated in 1920 and reached its peak population of 358 in 1930.

Alsen's citizens are very proud of the Alsen Farmers' Elevator, the Swiss Mennonite Church, and the Alsen Post Office.

Mr. President, I ask the Senate to join me in congratulating Alsen, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Alsen and all the other historic small towns of North Dakota, we keep the great tradition of the pioneering frontier spirit alive for future generations. It is places such as Alsen that have helped to shape this country into what it is today, which is why Alsen is deserving of our recognition.

Alsen has a proud past and a bright future.•

HIGHLAND HIGH SCHOOL WE THE PEOPLE COMPETITION

• Mr. DOMENICI. Mr. President, it is with great pleasure that I rise before you today to commend the hard work and dedicated spirit of the students from Highland High School in Albuquerque, NM. These fine students competed in the National Finals of the We the People: The Citizens and the Constitution contest in Washington DC, from April 30–May 2, 2005 against more than 1,200 students from across the United States.

The We the People competition is a national tournament designed to forge a strong understanding of the U.S. government in the minds and hearts of our future leaders. Students compete to demonstrate their knowledge, not simply of how the government works, but of why it works, and how it is best able to provide for the protection of its people and their natural liberties.

Programs such as this help to ignite the noble flame of civic duty and democratic spirit in the souls of our young people, and it is with great pride that I wish to commend the students of Highland High School for their placing in the top 10 of the Nation and received an honorable mention. These fine students and their teachers have demonstrated to everyone that the spirit of our founding fathers is alive and well today.

I would like to congratulate Chad Adcox, Joseph Baca, Sarah Bellacicco, Hannah Doran, Katye Ellison, David Estrada, Stephen Ford, Elizabeth Jackson, Mia Kimmelman, Paul Kruchoski, Graceila Lopez, Joshua McComas, Samuel Montoya, Samantha Morris, Ngoc-Giao Nguyen, Maria Osornio, Martha Ramirez, Leon Richter-Freund, Julie Russell, Benjamin Trent and teachers Steve Seth and Bob Coffee.

May Albuquerque, and New Mexico as a whole, continue to produce such fine examples for the youth of America, and may they use the knowledge and experience they gained with this program to help lead us all into the next generation of American freedom, prosperity, and honor.•

HONORING THE COMMUNITY OF ARLINGTON, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I wish to honor and publicly recognize the 125th anniversary of the founding of the city of Arlington, SD. On July 29, 2005, citizens of Arlington will celebrate their city's proud past and look forward to a promising future.

Located near the eastern border of South Dakota in Kingsbury County, Arlington is only 35 miles from the Minnesota line. Like many towns in South Dakota, Arlington got its start with help from the railroad in 1880. In fact, the town's original name, Nordlund, was given by the Dakota Central Railroad, inspired by the large number of Scandinavians who settled in the area. In 1884, however, the Western Town Lot Company objected and the county commissioner renamed the town Denver. That title was also short lived, as one year later, in 1885, the local post office insisted on again renaming the community. This time, the Dakota Central Railroad chose Arlington, and 120 years later, its name endures.

Arlington's spirited residents live in the midst of some of South Dakota's most fertile farmland, as this rural community is a dependable corn producer. Additionally, Arlington's 1,000 residents have come to count on The Sun, founded in 1885, for quality and accurate reporting on local events.

In the twelve and a half decades since its founding, Arlington has proven its ability to flourish and serve farmers and ranchers throughout the region. Arlington's proud residents celebrate its 125th anniversary on July 29, 2005, and it is with great pleasure that I share with my colleagues the achievements of this great community.•

HONORING THE TOWN OF WAUBAY, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I wish to publicly recognize the 125th anniversary of the founding of the city of Waubay, South Dakota. On July 2, 2005, Waubay citizens look back on their city's proud past and look forward to a promising future.

Platted on November 16, 1880, the community was first known as Station #50 until later that year, when crew members of the Milwaukee Railroad Company named it Blue Lake. It was not until 1885 that the town took on its current name of Waubay, meaning "Nesting place of the birds," given by the Sioux Indians. One hundred twenty five years later, Waubay thrives as the oldest city in Day County.

Waubay, like many South Dakota towns and communities, got its start with the help of the railroad. Although the rail tracks that pass through the town ran as far as Bristol and were ready for travel in 1880, the first train to ever pass through Waubay didn't arrive until May, 1881. A severe blizzard hit the region in October of 1880, and the snow and subsequent run-off in the spring rendered the rail line impassable.

The town, which was incorporated as a village in 1894 and as a city in 1920, grew rapidly in its early years. Station #50 began with only 50 residents, yet Waubay swelled to a population of 1,007 in 1925; currently, about 625 South Dakotans live in the town. By the early 1900s, the community boasted a general store, a lumber yard, a corner drug store, a livery barn, a railroad depot, several coal sheds, the Waubay Clipper, The Advocate, a power company, several banks, a creamery, several grain elevators, a school, and many stores.

In May of 1890, the Waubay Clipper, owned by Charles W. Stafford and his son, published the paper's first issue. It was the only newspaper in town for two decades, until The Advocate began under the direction of Major Maynard in 1910. However, in December 1917, the Clipper purchased The Advocate and merged the two, again returning the Clipper's status as Waubay's sole news publication. Despite management turnover over the years, Waubay residents still rely on the Clipper for quality and accurate reporting on local events 115 years later.

Prior to 1910, most Waubay residents lacked the convenience of electricity. However, in 1884, officials partitioned the town into wards, which Roy Thompson used to his advantage in 1900 when he devised a lighting system utilizing windmill power. In 1910, Dr. Park Jenkins, a prominent Waubay resident, established an electricity plant in back of the Yellowstone Garage. Although the plant was quite successful during the early portion of the 20th century, the Ottertail Power Company ultimately became the primary service provider for Waubay, and still maintains that role to this day.

Waubay was home to South Dakota's State Board of Health in the early 1900s. Headed by Dr. Park Jenkins, who in 1913 was appointed Board Superintendent, the office employed 22 people at its peak. The board moved to Pierre, SD in 1933.

Today, Waubay is a multicultural community that includes many residents of Sisseton-Wahpeton Oyate, as well as those of European descent. It is also home to Waubay National Wildlife Refuge, managed by the U.S. Fish and Wildlife Service. Waubay's location near several area lakes makes it a prime location for fishermen. Blue Dog State Fish Hatchery is just one mile north of Waubay, producing walleyes, northerns, perch, bass, bluegills, crappies, and trout.

In the twelve and a half decades since its founding, Waubay's innovative and resourceful residents have proven their ability to thrive as a community. It is with great pleasure that it share with my colleagues the admirable, pioneer spirit still present in these wonderful South Dakotans, as they celebrate Waubay's 125th anniversary on July 2, 2005.●

HONORING THE CITY OF EGAN, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I wish to honor and publicly recognize the town of Egan, South Dakota as it celebrates its 125th anniversary on July 4, 2005. It is at this time that I would like to draw to my colleagues' attention the achievements and history of this charming town on the prairie. Egan stands as an enduring tribute to all those who had the courage to pursue their greatest dreams on the plains of South Dakota.

Egan is a small community nestled amongst the fertile farmland of southeastern South Dakota. It was founded in 1880 to service the Milwaukee Railroad as it made its way west through Dakota Territory. The town was first incorporated by Joe Enoe, Alfred Brown, and John Hobart. Rectangular in shape, Egan grew quickly and soon included seven square miles of Moody County, thereby encompassing a new mill on the Big Sioux River and the small village of Roscoe—which was, by the way, a different community than the Roscoe, SD that exists in Edmunds County today.

Roscoe had been started four years earlier, in 1876, when Decatour D. Bidwell chose the spot on the Big Sioux River for his new mill. Roscoe also served as a stopping point for the numerous travelers who used a nearby river crossing, one of the best fords for many miles. Soon the town of Roscoe boasted two restaurants, a store, a saloon, a newspaper, and the first courthouse in Moody County. However, due to Egan's increasing growth and popularity, in addition to the railroad's new sturdy and reliable bridges that phased out Roscoe's river crossing, all that remains of the pioneer village of Roscoe is a small pasture scattered with pieces of millstone.

The Baptist and Methodist Episcopal churches were the first to be built in the town of Egan. These two churches were constructed by all members of the community, regardless of faith or profession, in response to a promise made by Mr. Egan, the prominent railroad official for whom the city is named. Mr. Egan promised a church bell to the first church with a belfry equipped to receive it. The Baptist Church was the first completed, and therefore received the much-desired bell. While the bell now hangs in the tower of the Methodist Church, it is still used to call worshippers to services every Sunday morning.

Egan experienced a great deal of economic prosperity in the early twentieth century. In 1904, Egan boasted nearly seven hundred people and more than fifty prosperous business enterprises. These included a state bank, three hotels, two hardware stores, an implement house, four grain elevators, six general stores, a flourishing mill, two lumber yards, two doctors, a newspaper, a furniture store, and an opera house.

The curtailment of the railroad, better roads providing alternate routes that sidestepped Egan, and the rise of more modern methods of transportation fostered travel to larger towns in the state, thus making it more difficult for businesses in Egan to draw in customers. Nevertheless, technology and progress can never undermine the firm resolve and remarkable work ethic that is characteristic of the great people of this country's heartland. The vision of those individuals who had the courage to make a home for themselves on the plains of the Dakotas serves as inspiration to all those who believe in the honest pursuit of their dreams. On July 4, 2005, the 257 proud residents of Egan will celebrate their vibrant history and the legacy of the pioneer spirit with the 125th anniversary of the city's founding.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—PM-13

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2005. The most recent notice continuing this emergency was published in the *Federal Register* on June 18, 2004 (69 FR 34047).

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 17, 2005.*

MESSAGE FROM THE HOUSE

At 3:29 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2745. An act to reform the United Nations, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker of the House of Representatives has signed the following enrolled bill:

H.R. 483. An act to designate a United States courthouse in Brownsville, Texas, as the "Reynaldo G. Garza and Filemon B. Vela United States Courthouse".

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2745. An act to reform the United Nations, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on June 17, 2005, she had presented to the President of the United States the following enrolled bill:

S 643. An act to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-111. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to Social Security reform; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 76

Whereas, Social Security is our country's most important and successful income protection program and provides economic security to workers, retirees, persons with disabilities, and the surviving spouses and keiki of deceased workers; and

Whereas, Social Security provides essential benefits to over 195,000 people in Hawaii, including 139,300 retired workers, 16,090 widows and widowers, 16,790 disabled workers and 13,630 children; and

Whereas, Social Security has reduced the poverty rate of our kupuna from over thirty per cent down to 10.2 per cent in the last forty years, and without Social Security, thirty-four per cent of elderly women in Hawaii would be poor; and

Whereas, six out of ten of today's beneficiaries derive more than half of their income from Social Security, and in most low-income households of retirement age, Social Security represents eighty per cent or more of their retirement income; and

Whereas, the Social Security Trust Fund is large enough to pay one hundred per cent of promised benefits until 2042, and after that, seventy-three per cent of benefits could still be paid; and

Whereas, proposals are being considered in Washington, D.C. that would privatize Social Security and threaten the retirement security of millions of Americans and their families; and

Whereas, diverting more than one-third of the 6.2 per cent of wages that workers currently contribute to Social Security into private accounts drains money from Social Security and will cut guaranteed benefits; and

Whereas, diverting money from Social Security will increase the national debt by almost $2 trillion over the next ten years—a debt that will be passed on to future generations; and

Whereas, privatization is particularly harmful to women and minorities who rely most on Social Security by replacing a portion of a secure benefit with investment risk—a risk that they cannot afford; and

Whereas, widows would experience enormous cuts under privatization—reducing their Social Security from $829 to $456 per month, which is only sixty-three per cent of the poverty level, even when proceeds from private accounts are included in the total; and

Whereas, private accounts do not provide the lifetime, inflation-adjusted benefit that Social Security does, and they can be depleted by long life and market fluctuation; and

Whereas, Social Security needs to be strengthened now for our children and grandchildren, but the solution should not be worse than the problem; and

Whereas, the Social Security System also needs to be changed sensibly in order to honor obligations to future generations: Now, therefore, be it

Resolved, by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, the House of Representatives concurring, That the Hawaii State Legislature opposes the privatization of Social Security and urges Hawaii's congressional delegation to reject such proposed changes to the Social Security System; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, and each member of Hawaii's congressional delegation.

POM-112. A resolution adopted by the House of Representatives of the Legislature of the State of Hawaii relative to the privatization of Social Security; to the Committee on Finance.

HOUSE RESOLUTION NO. 100

Whereas, people throughout human history have faced uncertainties, especially those uncertainties brought on by death, disability, and old age; and

Whereas, prior to the turn of the twentieth century, the majority of individuals living in the United States lived and worked on farms, relying in part on immediate and extended family, friends, and neighbors to provide them with economic and social security; and

Whereas, as the United States moved through the Industrial Revolution and became an industrial power, increasing numbers of individuals began moving to the cities and suburbs where employment opportunities abounded; and

Whereas, this migration from the farmlands to the industrial centers of the United States reduced the degree to which a person's immediate and extended family and neighbors could augment the economic security of those living in the cities and suburbs; and

Whereas, with the stock market crash in 1929 and the beginning of the Great Depression, the United States found its economy in crisis and individuals in this country, especially elder Americans, were faced with economic hardships never before seen; and

Whereas, in an address to Congress on June 8, 1934, President Franklin Delano Roosevelt stating that he intended to provide a program for the social security of Americans, subsequently created, by Executive Order, the Committee on Economic Security (Committee), with instructions to study the problem of economic insecurity and make recommendations for legislative consideration; and

Whereas, in 1935, six months after its establishment, the Committee made its report to the President and Congress, who after deliberations and compromise, enacted the Social Security Act of 1935, which created a social insurance program designed to pay retirees age 65 or older a continuing income after retirement, and to keep these retirees out of poverty; and

Whereas, Social Security taxes were collected for the first time in 1937, with initial lump-sum payments being made that first month and regular monthly benefit payments being made beginning in January, 1940; and

Whereas, today, Social Security provides a guaranteed income for more than 147 million retirees, family members of workers who have died, and persons with disabilities; and

Whereas, Social Security beneficiaries earn their benefits by paying into the system throughout their years of employment, and currently serves as the main source of income for a majority of retirees, with over two-thirds of retirees currently dependent on Social Security for financial survival; and

Whereas, for the past 70 years Social Security has remained solvent and has been able to pay benefits to millions of Americans with few adjustments; and

Whereas, although the Social Security trustees state that in its present form, Social Security has enough funds in its reserve to be able to meet 100 percent of its obligations until 2042 and, there is concern over the solvency of the current Social Security system and whether it will be able to pay benefits for the millions of Americans scheduled to retire over the next decade; and

Whereas, individuals who support efforts to reform Social Security are currently reviewing a three-prong approach including raising of the retirement age, increasing the maximum annual earnings subject to Social Security tax, and allowing the establishment of voluntary private investment accounts; and

Whereas, the current focus on the national level has been the establishment of private investment accounts to allow taxpayers to put a portion of their social security tax into stocks, bonds, and other investments that may pay them a higher return and increase their retirement benefits; and

Whereas, contrary to the original purpose of Social Security, which established a comprehensive and secure safety net to keep retirees out of poverty, private investment accounts may result in Social Security beneficiaries with poor returns on their investments to fall through the cracks of the system; and

Whereas, the costs of transitioning to this system of private investment accounts may effectively scuttle the current Social Security system; and

Whereas, it has been estimated that transitioning to a system of private investment accounts will generate costs as high as $2–$3 trillion, which will degrade any investment earnings of these private accounts; and

Whereas, diverting a portion of Social Security money to private accounts will leave fewer dollars available to pay Social Security benefits, and reduce system reserves and the cash on hand to pay beneficiaries; and

Whereas, it has further been estimated that by allowing for the establishment of private investment accounts, the current Social Security trust fund reserves could be wiped out by 2021, a full 20 years sooner than if the system had been left alone; and

Whereas, arguments have also been made that the way to "fix" Social Security is not to change the system and its purpose, but rather to help individuals establish their own private pensions and retirement savings accounts such as Individual Retirement Accounts, to supplement the guaranteed benefit of Social Security; and

Whereas, with the myriad of difficult choices to be made to keep the Social Security system solvent, and given the fact that the Social Security system will still be solvent for a good number of years, the issue of strengthening Social Security and making any changes or adjustments to the system should be carefully studied and planned to ensure that future generations will be provided the retirement security received by past generations; now, therefore, be it

Resolved, by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, that this body hereby urges President George W. Bush to reconsider his plans to hurriedly enter into a Social Security privatization plan; and be it further

Resolved, that this body also urges President George W. Bush to carefully study the effects that privatization may have on the basic purpose of Social Security, and on the welfare of current and future beneficiaries, and to consider privatization within a comprehensive review of alternative methods of adjusting Social Security, such as raising the retirement age, increasing the maximum annual earnings subject to Social Security tax, and helping more individuals establish supplementary private pension and retirement savings accounts; and be it further

Resolved, that certified copies of this Resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the members of Hawaii's congressional delegation, and the Governor.

POM–113. A resolution adopted by the House of Representatives of the Legislature of the State of Utah relative to the privatization of Social Security; to the Committee on Finance.

HOUSE RESOLUTION 3

Whereas, demographic changes and cost increases will drain the existing Social Security system;

Whereas, without significant changes to the system, costs will exceed revenues starting in 2018 and the system may not be able to pay any benefits by 2042;

Whereas, anyone born after the year 1970 will not receive full Social Security benefits if changes are not made to the system;

Whereas, not reforming the system will require a tax increase on every working American or a benefit cut; and

Whereas, allowing younger workers to invest a portion of their income in personal retirement accounts will avoid any benefit cuts or tax increases: Now, therefore, be it

Resolved, that the House of Representatives of the State of Utah urges Utah's congressional delegation to oppose increases in payroll taxes and cuts in Social Security benefits; and be it further

Resolved, that the House of Representatives urges Utah's congressional delegation to support optional Social Security Personal Retirement Accounts; and be it further

Resolved, that a copy of this resolution be sent to the members of Utah's congressional delegation.

POM–114. A resolution adopted by the House of Representatives of the Legislature of the State of Utah relative to the United States entering into a Free Trade Area of the Americas; to the Committee on Finance.

HOUSE RESOLUTION 9

Whereas, the United States of America has always been the world leader in pushing for free trade, which is a hallmark of our capitalistic society;

Whereas, free trade only thrives where there is a level playing field of government regulations between trading partners;

Whereas, the 1993 North American Free Trade Agreement (NAFTA) was supposed to bring additional prosperity to the United States and level the playing field with Canada and Mexico, thus perpetuating free trade between our nations;

Whereas, notwithstanding the good intentions of NAFTA, our nation has suffered the loss of almost 900,000 jobs due to NAFTA, many of them coming in the manufacturing sector;

Whereas, manufacturing jobs in the United States have plunged from 19.3 million in 1980 to only about 14.6 million today, in large part because of these types of trade issues;

Whereas, the United States has gone from a trade surplus with Mexico prior to NAFTA to a substantial trade deficit;

Whereas, the United States is a current member of the World Trade Organization (WTO), which has been called "The United Nations of World Trade";

Whereas, the United States consistently bows to the wishes of the WTO, only proving the words of Texas Congressman Ron Paul to be prophetic: "The most important reason why we should get out [of the WTO] is to maintain our nation's sovereignty. We should never deliver to any international governing body the authority to dictate what our laws should be. And this is precisely the kind of power that has been given to the WTO.";

Whereas, both the WTO and NAFTA, through the use of trade tribunals, now claim the sovereign authority to overrule decisions of American courts and make awards to foreign businesses for violations of trade agreements;

Whereas, Abner Mikva, a former chief judge on the federal appellate bench and a former congressman, has stated: "If Congress had known there was anything like this in NAFTA, they never would have voted for it.";

Whereas, the United States is considering entering into a new 34-member Free Trade Area of the Americas (FTAA) in 2005; and

Whereas, based upon the experience that the United States has had with NAFTA and the WTO, United States membership in the planned FTAA would increase manufacturing flight in the state of Utah and throughout the United States: Now, therefore, be it

Resolved, that House of Representatives of the state of Utah respectfully but firmly urges all members of the United States Congress to vote no on any agreement for the United States to enter into a Free Trade Area of the Americas (FTAA); and be it further

Resolved, that the House of Representatives of the state of Utah urges the United States Congress to not enter into the FTAA until the United States has had more experience with and a greater understanding of the impacts of NAFTA and the World Trade Organization (WTO); and be it further

Resolved, that a copy of this resolution be sent to the Majority Leader of the United

States Senate, Speaker of the United States House of Representatives, the members of Utah's congressional delegation, the World Trade Organization (WTO), and the Free Trade Area of the Americas (FTAA).

POM-115. A joint resolution adopted by the House of the Legislature of the State of Utah relative to United States trade negotiations; to the Committee on Finance.

HOUSE JOINT RESOLUTION

Whereas, although the United States Constitution places the regulation of trade with foreign countries within the prerogative of the Federal Government, the primary responsibility for protecting public health, welfare, and safety is left to the states;

Whereas, the United States Congress has consistently recognized, respected, and preserved the states' power to protect the health, welfare, and environments of their states and their citizens in a variety of statutes, such as the Clean Air Act, Clean Water Act, and Safe Drinking Water Act;

Whereas, it is vital that the Federal Government not agree to proposals in the current negotiations on trade in services that might in any way preempt or undercut this reserved state authority;

Whereas, proposed changes should not, in the name of promoting increased international trade, accord insufficient regard for existing regulatory, tax and subsidy policies, and the social, economic, and environmental values those policies promote;

Whereas, statutes and regulations that the states and local governments have validly adopted, that are plainly constitutional and within their province to adopt, and that reflect locally appropriate responses to the needs of their citizens, should not be overridden by federal decisions solely in the interests of increased trade;

Whereas, states are concerned about retaining a proper scope for state regulatory authority in actual commitments in agreements with one or more United States' trading partners;

Whereas, it is crucial to maintain the principle that the United States may request, but not require, states to alter their regulatory regimes in areas over which they hold constitutional authority;

Whereas, if the United States makes broader offers later in the negotiations and the legislation is "fast tracked," there will be little opportunity for states to have improper positions reversed;

Whereas, it is critical that there be full and effective coordination and consultation with the states before the United States Trade Representative (USTR) makes any binding commitments;

Whereas, while the State Point of Contact system was meant to create a clearly marked channel for two-way communications, the reality has not lived up to those intentions;

Whereas, a broader and deeper range of contacts with a variety of state entities, particularly with those bearing regulatory and legislative authority, must be improved and maintained over the next several years;

Whereas, it is important for state authorities to engage with the USTR in the communications process and to respond to timely requests in any equally timely manner;

Whereas, as negotiations with other nations continue, they should also be conducted in ways that will avoid litigation in world courts;

Whereas, the United States is the signatory to the World Trade Organization's General Agreement on Trade in Services (GATS);

Whereas, the United States Trade Representative has published proposals that would apply trade rules under GATS to regulation of electricity by state and local governments;

Whereas, these proposals would cover regulation of services related to transmission, distribution, and access of energy traders to the grid and, if implemented, might conflict with state energy policy and alter the balance of domestic authority between states and the Federal Energy Regulatory Commission (FERC);

Whereas, concerns include the impact of market access rules on the structure of Regional Transmission Organization (RTO), state jurisdiction over utilities that are part of an RTO, RTO contracts for reliability of the electricity grid, and potential roles for the RTO to structure or facilitate wholesale trade and brokering services;

Whereas, another question is the impact national treatment rules may have on tax incentives to produce wind energy, and market access rules that may impact renewable portfolio standards that mandate minimum quotas for acquisition from renewable sources;

Whereas, another question is the impact that GATS rules on domestic regulation may have on rate setting and the public interest standard for exercising regulatory authority by state public utility commissions; and

Whereas, in early 2004, a working group of state and local officials consulted three times with staff of the USTR who described the meeting as timely, productive, and unprecedented; Now, therefore, be it

Resolved, that the Legislature of the state of Utah urges the United States Trade Representative to conduct trade negotiations in a manner that will preserve the responsibility of states to develop their own regulatory structures and that will avoid litigation in world courts, and be it further

Resolved, that the Legislature of the state of Utah urges the USTR to take further steps to enhance the level of consultation before negotiations commence on any trade commitments under the World Trade Organization's General Agreement on Trade in Services (GATS); and be it further

Resolved, that the Legislature of the state of Utah commends the USTR staff for its willingness to consult with the working group and learn about the potential impact of GATS rules on state and local regulation of the energy sector; and be it further

Resolved, that the Legislature urges the USTR to disclose to the public the United States' requests for GATS commitments from other nations, and be it further

Resolved, that the Legislature urges the USTR to give prior notice of the next United States' offer or counter offer for GATS commitments so that state and local governments have time to discuss its potential impact; and be it further

Resolved, that the Legislature urges the USTR to participate in public discussions of trade policy and energy; and be it further

Resolved, that a copy of this resolution be sent to the United States Senate Finance Committee, the House Ways and Means Committee, the Senate Subcommittee on International Trade, the House Subcommittee on Trade, the Secretary of the Department of Energy, the United States Trade Representative, the National Association of Attorneys General, the National Conference of State Legislatures, the President of the United States, and Utah's Congressional delegation.

POM-116. A resolution adopted by the Senate of the Legislature of the State of Utah relative to the United States entering into a Free Trade Area of the Americas; to the Committee on Finance.

SENATE RESOLUTION 1

Whereas, the United States of America has always been the world leader in pushing for free trade, which is a hallmark of our capitalistic society;

Whereas, free trade only thrives where there is a level playing field of government regulations between trading partners;

Whereas, the 1993 North American Free Trade Agreement (NAFTA) was supposed to bring additional prosperity to the United States and level the playing field with Canada and Mexico, thus perpetuating free trade between our nations;

Whereas, notwithstanding the good intentions of NAFTA, our nation has suffered the loss of almost 900,000 jobs due to NAFTA, many of them coming in the manufacturing sector;

Whereas, manufacturing jobs in the United States have plunged from 19.3 million in 1980 to only about 14.6 million today, in large part because of these types of trade issues;

Whereas, the United States has gone from a trade surplus with Mexico prior to NAFTA to a substantial trade deficit;

Whereas, the United States is a current member of the World Trade Organization (WTO), which has been called "The United Nations of World Trade";

Whereas, the United States consistently bows to the wishes of the WTO, only proving the words of Texas Congressman Ron Paul to be prophetic: "The most important reason why we should get out [of the WTO] is to maintain our nation's sovereignty. We should never deliver to any international governing body the authority to dictate what our laws should be. And this is precisely the kind of power that has been given to the WTO";

Whereas, both the WTO and NAFTA, through the use of trade tribunals, now claim the sovereign authority to overrule decisions of American courts and make awards to foreign businesses for violations of trade agreements;

Whereas, Abner Mikva, a former chief judge on the federal appellate bench and a former congressman, has stated: "If Congress had known there was anything like this in NAFTA, they never would have voted for it";

Whereas, the United States is considering entering into a new 34-member Free Trade Area of the Americas (FTAA) in 2005; and

Whereas, based upon the experience that the United States has had with NAFTA and the WTO, United States membership in the planned FTAA would increase manufacturing flight in the state of Utah and throughout the United States: Now, therefore, be it

Resolved, that the Senate of the state of Utah respectfully but firmly urges all members of the United States Congress to vote no on any agreement for the United States to enter into a Free Trade Area of the Americas (FTAA) at this time; and be it further

Resolved, that the Senate of the state of Utah urges the United States Congress to not enter into the FTAA until the United States has had more experience and greater understanding of the impacts of NAFTA and the World Trade Organization (WTO); and be it further

Resolved, that a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, the World Trade Organization (WTO), and the Free Trade Area of the Americas (FTAA).

POM–117. A joint resolution adopted by the Legislature of the State of Utah relative to Medicaid reform; to the Committee on Finance.

SENATE JOINT RESOLUTION 15

Whereas, the Medicaid program provides access to health care for Utah's most vulnerable citizens, including low-income children, parents, pregnant women, people with disabilities, and senior citizens;

Whereas, growth in Medicaid spending per capita has remained relatively low when compared to private health insurance premiums;

Whereas, current federal and state Medicaid expenditures are growing at a rate of 12% per year and averaging almost 22% of states' annual budgets primarily because of the recent economic downturn, rising health care costs, and an increase in the aging population; and

Whereas, new funding challenges for state government will become more acute as states absorb new costs to help implement the Medicaid Modernization Act: Now, therefore, be it

Resolved, that the Legislature of the state of Utah urges the United States Congress to reject any budget reduction and budget reconciliation process for fiscal year 2006 related to Medicaid reform that would shift additional costs to the states; and be it further

Resolved, that the Legislature urges the United States Congress to reject any cap on federal funding for the Medicaid program, whether in the form of an allotment, an allocation, or a block grant; and be it further

Resolved, that the Legislature urges the United States Congress to work with state policymakers to enact reforms that will result in Medicaid cost savings for both the states and the Federal Government; and be it further

Resolved that the Legislature urges the United States Congress to establish a benefits program for the "dual eligible" population, people eligible for both Medicaid and Medicare, that would be 100% funded by Medicare instead of Medicaid; and be it further

Resolved, that a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM–118. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to Medicare and Medicaid services and benefits; to the Committee on Finance.

SENATE RESOLUTION NO. 22

Whereas, Medicaid is a program that pays for medical assistance for certain individuals and families with low incomes and resources; and

Whereas, the Medicaid program is a critical source of support for people with mental illness; and

Whereas, according to the Department of Human Services, Medicaid is the single largest source of financing for mental health care and encompasses over half of state and local spending on mental health services; and

Whereas, the federal government is planning to reduce Medicaid funding due to federal budget shortfalls; and

Whereas, additional cuts in federal Medicaid funding will mean fewer low-income people will receive mental health services; and

Whereas, more restrictions will be applied to the services that are available; and

Whereas, any reduction in benefits or the level of benefits by the federal government would place more burden on the State of Hawaii to make up for the cutback; and

Whereas, limiting Medicaid services would not reduce costs, but would transfer them to already overburdened hospital emergency rooms or criminal justice systems; and

Whereas, under current law, emergency rooms cannot turn away someone in crises, and emergency care is one of the most expensive types of health care and far more costly than routine mental health treatment; and

Whereas, individuals unable to receive suitable mental health treatment often end up in the criminal justice system, increasing legal and prison costs in a system that is neither designed nor capable of meeting their needs; now, therefore, be it

Resolved, by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, that the President of the United States, the United States Congress and Centers for Medicare and Medicaid Services are urged to preserve the amount of Medicaid coverages and the amount of benefits; and be it further

Resolved, that certified copies of this Resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Director of Centers for Medicare and Medicaid Services, and the members of Hawaii's congressional delegation.

POM–119. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to Medicare and Medicaid services and benefits; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 44

Whereas, Medicaid is a program that pays for medical assistance for certain individuals and families with low incomes and resources; and

Whereas, the Medicaid program is a critical source of support for people with mental illness; and

Whereas, according to the Department of Human Services, Medicaid is the single largest source of financing for mental health care and encompasses over half of state and local spending on mental health services; and

Whereas, the federal government is planning to reduce Medicaid funding due to federal budget shortfalls; and

Whereas, additional cuts in federal Medicaid funding will mean fewer low-income people will receive mental health services; and

Whereas, more restrictions will be applied to the services that are available; and

Whereas, any reduction in benefits or the level of benefits by the federal government would place more burden on the State of Hawaii to make up for the cutback; and

Whereas, limiting Medicaid services would not reduce costs, but would transfer them to already overburdened hospital emergency rooms or criminal justice systems; and

Whereas, under current law, emergency rooms cannot turn away someone in crises, and emergency care is one of the most expensive types of health care and far more costly than routine mental health treatment; and

Whereas, individuals unable to receive suitable mental health treatment often end up in the criminal justice system, increasing legal and prison costs in a system that is neither designed nor capable of meeting their needs: Now, therefore, be it

Resolved, by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, the House of Representatives concurring, that the President of the United States, the United States Congress and Centers for Medicare and Medicaid Services are urged to preserve the amount of Medicaid coverages and the amount of benefits; and be it further

Resolved, that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Director of Centers for Medicare and Medicaid Services, and the members of Hawaii's congressional delegation.

POM–120. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to national park status for the Kawainui Marsh Complex; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 51

Whereas, the Convention on Wetlands was signed on February 2, 1971 in Ramsar, Iran; and

Whereas, in 1987, the United States joined the Ramsar Convention, an international treaty that aims at halting the worldwide loss of wetlands and to conserve those that remain; and

Whereas, the treaty's one hundred forty-four contracting parties have designated one thousand four hundred four wetlands sites totaling more than three hundred million acres for inclusion in the Ramsar List of Wetlands of International Importance; and

Whereas, despite the great value of wetlands, they have been shrinking worldwide, including in the United States; and

Whereas, on Earth Day 2004, President George W. Bush announced an aggressive new national initiative to create, improve, and protect at least three million wetland acres over the next five years in order to increase overall wetland acreage and quality; and

Whereas, wetlands are a source of water, food, recreation, transportation, and, in some places, are part of the local religious and cultural heritage. They provide groundwater replenishment, benefiting inhabitants of entire watersheds; and

Whereas, wetlands play a vital role in storm and flood protection and water filtration. In addition, they provide a rich feeding ground for migratory birds, fish, and other animals; and

Whereas, the United States designated three new Ramsar sites last month: the two thousand five hundred-acre Tijuana River National Estuarine Research Reserve in San Diego County, California; the one hundred sixty thousand-acre Grassland Ecological Area in western Merced County, California; and the one thousand-acre Kawainui and Hamakua Marsh Complex located on the northeast coast of the island of Oahu; and

Whereas, these additional sites bring the total number of United States Ramsar sites to twenty-two, covering nearly 3.2 million acres: Now, therefore, be it

Resolved, by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, that the State of Hawaii's elected Representatives and Senators in the United States Congress are respectfully requested to support, work to pass, and vote for National Park protection for the one thousand-acre Kawainui and Hamakua Marsh Complex located on the northeast coast of the island of Oahu; and be it further

Resolved, that certified copies of this Senate Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the State of Hawaii's Congressional Delegation.

POM–121. A resolution adopted by the House of Representatives of the Legislature of the State of Utah relative to the participation of Taiwan in the World Health Organization; to the Committee on Foreign Relations.

HOUSE RESOLUTION 10

Whereas, the World Health Organization's (WHO) Constitution states that "The objective of the World Health Organization shall be the attainment by all peoples of the highest possible level of health";

Whereas, this position demonstrates that the WHO is obligated to reach all peoples throughout the world, regardless of state or national boundaries;

Whereas, the WHO Constitution permits a wide variety of entities, including nonmember states, international organizations, national organizations, and nongovernmental organizations, to participate in the activities of the WHO;

Whereas, five entities, for example, have acquired the status of observer of the World Health Assembly (WHA) and are routinely invited to its assemblies;

Whereas, both the WHO Constitution and the International Covenant of Economic, Social, and Cultural Rights (ICESCR) declare that health is an essential element of human rights and that no signatory shall impede on the health rights of others;

Whereas, Taiwan seeks to be invited to participate in the work of the WHA simply as an observer, instead of as a full member, in order to allow the work of the WHO to proceed without creating political frictions and to demonstrate Taiwan's willingness to put aside political controversies for the common good of global health;

Whereas, this request is fundamentally based on professional health grounds and has nothing to do with the political issues of sovereignty and statehood;

Whereas, Taiwan currently participates as a full member in organizations like the World Trade Organization (WTO), Asia-Pacific Economic Cooperation (APEC), and several other international organizations that count the People's Republic of China among their membership;

Whereas, Taiwan has become an asset to all these institutions because of a flexible interpretation of the terms of membership;

Whereas, closing the gap between the WHO and Taiwan is an urgent global health imperative;

Whereas, the health administration of Taiwan is the only competent body possessing and managing all the information on any outbreak in Taiwan of epidemics that could potentially threaten global health;

Whereas, excluding Taiwan from the WHO's Global Outbreak Alert and Response Network (GOARN), for example, is dangerous and self defeating from a professional perspective;

Whereas, good health is a basic right for every citizen of the world and access to the highest standard of health information and services is necessary to help guarantee this right;

Whereas, direct and unobstructed participation in international health cooperation forms and programs is therefore crucial, especially with today's greater potential for the cross-border spread of various infectious diseases through increased trade and travel;

Whereas, the WHO sets forth in the first chapter of its charter the objectives of attaining the highest possible level of health for all people;

Whereas, Taiwan's population of 23 million people is larger than that of three quarters of the member states already in the WHO who shares the noble goals of the organization;

Whereas, Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those in western countries, the eradication of such infectious diseases as cholera, smallpox, and the plague, and the first country in the world to provide children with free hepatitis B vaccinations;

Whereas, Taiwan is not allowed to participate in any WHO-organized forums and workshops concerning the latest technologies in the diagnosis, monitoring, and control of diseases;

Whereas, in recent years both the Taiwanese Government and individual Taiwanese experts have expressed a willingness to assist financially or technically in WHO-supported international aid and health activities, but have ultimately been unable to render assistance;

Whereas, the WHO does allow observers to participate in the activities of the organization; and

Whereas, in light of all the benefits that participation could bring to the state of health of people not only in Taiwan, but also regionally and globally it seems appropriate, if not imperative, for Taiwan to be involved with the WHO: Now, therefore, be it

Resolved, that the House of Representatives of the state of Utah urges the Bush Administration to support Taiwan and its 23 million people in obtaining appropriate and meaningful participation in the World Health Organization (WHO); and be it further

Resolved, that the House of Representatives urges that United States' policy should include the pursuit of some initiative in the WHO which would give Taiwan meaningful participation in a manner that is consistent with the organization's requirements; and be it further

Resolved, that a copy of this resolution be sent to the President of the United States, the United States Secretary of State, the Secretary of Health and Human Services, the majority leader of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, the Government of Taiwan, and the World Health Organization.

POM–122. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to supporting the government and the people of the Republic of Kiribati in their efforts to address war reparations; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION NO. 62

Whereas, two days after the Japanese raid on Pearl Harbor, Japanese aircraft bombed the Republic of Kiribati, formerly known as the Gilbert Islands, including Banaba, and later reconnaissance parties landed on Tarawa and Butaritari; and

Whereas, in 1942, Japanese armed forces occupied the Republic of Kiribati; and

Whereas, American forces invaded Tarawa in late 1943 and drove the Japanese from most of the Gilbert Islands; and

Whereas, Banaba was not reoccupied by American forces until 1945, by which time the Japanese had massacred all but one man of the imported labor force; and

Whereas, native inhabitants of Banaba, the Banabans, had been deported to Nauru and Kosrae (Caroline Islands) and after their rescue, Banabans elected to live on Rabi Island, Fiji, which had earlier been bought for them; and

Whereas, the people of Kiribati suffered tremendous atrocities and losses as a result of the occupation of the island by Japanese armed forces during World War II; and

Whereas, many people of Kiribati were not given the opportunity during the aftermath of World War II to file a war reparations claim; and

Whereas, after sixty years, the people of Kiribati deserve to have a final resolution on the long-awaited issue of war reparations and due recognition for their heroic sacrifices and struggle during the Japanese occupation; and

Whereas, the member nations of the Association of Pacific Island Legislatures recognize the sacrifice and suffering of the people of the Republic of Kiribati and the injustice further inflicted upon them due to the lack of resolution by the governments of Japan and the United States to address war reparations for the people of the Republic of Kiribati: Now, therefore, be it

Resolved, by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, the Senate concurring, that the Legislature of the State of Hawaii strongly supports the government and the people of the Republic of Kiribati in their efforts to address war reparations; and be it further

Resolved, that certified copies of this Concurrent Resolution be transmitted to the President of the United States through the Secretary of State, the President of the United States Senate, the Speaker of the United States House of Representatives, the Prime Minister of Japan through the Consulate General of Japan in Honolulu, the President of the Republic of Kiribati through the Consulate of the Republic of Kiribati in Honolulu, the President of the Association of Pacific Island Legislatures, and the members of Hawaii's congressional delegation.

POM–123. A joint resolution adopted by the Legislature of the State of Nevada relative to the Community Services Block Grant Program; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT RESOLUTION NO. 13

Whereas, The Community Services Block Grant program, administered by the Department of Health and Human Services, was created by the federal Omnibus Budget Reconciliation Act of 1981 and is designed to provide a range of services to address the needs of low-income persons to ameliorate the causes and conditions of poverty; and

Whereas, The money allocated by the program is used to provide services that assist such persons in attaining the skills, knowledge and motivation necessary to achieve self-sufficiency and may also be used to provide the immediate necessities of life such as food, shelter and medicine; and

Whereas, Throughout the nation, local governments have created more than 1,080 Community Action Agencies as public or private entities to channel the money provided by the Community Services Block Grant program into communities to coordinate resources and empower communities in rural and urban areas; and

Whereas, In Nevada, each dollar received by Community Action Agencies leverages at least $19 brought in from other sources, and this money is reinvested in the business communities of Nevada, thus enhancing the economic vitality as well as the social fabric of the entire State; and

Whereas, Using money provided by the Community Services Block Grant program, Community Action Agencies in this State not only assist low-income persons in obtaining employment, training, education, including participation in Head Start, energy assistance, senior services, and health and nutrition benefits, but the Agencies also acquire the infrastructure to develop affordable housing projects, assist first-time home buyers in paying down-payment and closing costs, and help senior citizens repair their homes; and

Whereas, When such activities relating to housing are considered, the leverage for each federal dollar received by the State of Nevada increases up to $29; and

Whereas, The proposed federal budget for Fiscal Year 2006 recommends the elimination of the Community Services Block Grant program; and

Whereas, The elimination of the program would negatively impact not only the residents of Nevada but citizens all across the United States and would significantly hinder the ability of Community Action Agencies and other businesses to improve the economic viability of families and businesses, hurting those in need and lessening their ability to live a decent life; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the members of the 73rd Session of the Nevada Legislature urge Congress to preserve the Community Services Block Grant program as an independent program administered by the Department of Health and Human Services and to appropriate money for the program for Fiscal Year 2006 that meets or exceeds the funding level for Fiscal Year 2005; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Department of Health and Human Services, and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–124. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to "Amyotrophic Lateral Sclerosis Awareness Month"; to the Committee on Health, Education, Labor, and Pensions.

House Resolution No. 277

Whereas, Amyotrophic Lateral Sclerosis (ALS) is better known as Lou Gehrig's disease; and

Whereas, ALS is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; and

Whereas, The initial symptom of ALS is weakness of the skeletal muscles, especially those of the extremities; and

Whereas, As ALS progresses, the patient experiences difficulty in swallowing, talking and breathing; and

Whereas, ALS eventually causes muscles to atrophy, and the patient becomes a functional quadriplegic; and

Whereas, ALS does not affect a patient's mental capacity, so a patient remains alert and aware of the loss of motor functions and the inevitable outcome of continued deterioration and death; and

Whereas, ALS occurs in adulthood, most commonly between the ages of 40 and 70, with the peak age about 55, and affects men two to three times more often than women; and

Whereas, More than 5,600 new ALS patients are diagnosed annually; and

Whereas, It is estimated that 30,000 Americans may have ALS at any given time; and

Whereas, On average, patients diagnosed with ALS survive two to five years from the time of diagnosis; and

Whereas, ALS has no known cause, prevention or cure; and

Whereas, "Amyotrophic Lateral Sclerosis (ALS) Awareness Month" will increase public awareness of ALS patients circumstances, acknowledge the terrible impact this disease has on patients and families and recognize the research for treatment and cure of ALS: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania recognize the month of May 2005 as "Amyotrophic Lateral Sclerosis (ALS) Awareness Month" in Pennsylvania; and be it further

Resolved, That the House of Representatives urge the President and Congress of the United States to enact legislation to provide additional funding for ALS research; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, to the members of Congress from Pennsylvania and to the United States Secretary of Health and Human Services.

POM–125. A joint resolution adopted by the Legislature of the State of Utah relative to the federal No Child Left Behind Act; to the Committee on Health, Education, Labor, and Pensions.

House Joint Resolution No. 3

Whereas, the state of Utah applauds the laudable goals proposed by the President and the United States Congress and articulated in the No Child Left Behind Act of 2002, those goals being to close the achievement gap and increased student performance;

Whereas, these are the same goals the state of Utah has pursued and continues to pursue under the Utah Performance Assessment System for Student (U–PASS), which accounts for individual student growth and the difference among our children;

Whereas, the stakeholders in public education in the state of Utah are more experienced and have a better understanding of the unique needs of Utah students, evident by the fact that the state has performed above the national average on the National Assessment of Educational Progress while maintaining the lowest per pupil expenditures in the nation;

Whereas, No Child Left Behind greatly expends the reach of the federal government into the education governance structure in Utah, bypassing critical stakeholders in the policymaking process and dealing directly with individual schools and districts, negating state and local board control and undermining the state's ability to meet its constitutional duty to provide a system of public education in Utah;

Whereas, prior to No Child Left Behind, the federal government's involvement in education in the state was focused primarily on a small percentage of students, commensurate, with the 7% contribution to the state's aggregate spending on K–12 education;

Whereas, No Child Left Behind greatly expands the authority of the U.S. Department of Education by impacting all students in the state, without a significant increased in its 7% contribution to the state, making the U.S. Department of Education's mandates on public education no longer commensurate with the resources it provided to Utah;

Whereas, federal funding for No Child Left Behind falls dramatically short of sufficient funds for remedial services for struggling students, and No Child Left Behind therefore requires substantial supplemental state funding;

Whereas, No Child Left Behind represents the greatest federal intrusion in the history of our nation, over what has historically been a right of the states, to direct public education in a way that best fits the needs of individual students;

Whereas, while No Child Left Behind was appropriately intended, it was nonetheless poorly designed, in that it is too punitive, too prescriptive, and sets unrealistic expectations that demoralize students and educators and confuse the general public;

Whereas, No Child Left Behind contains fundamental conflicts between competing federal education laws that govern the treatment of students with special needs, as well as between federal law and state statutory and constitutional requirements, and is built on inadequate methods for measuring student and school performance;

Whereas, No Child Left Behind may cause unintended consequences to Utah's education system in that it will redirect the allocation of resources, amend state and local curriculum, standards, and assessments, and do more damage in labeling Utah's schools and students than it does to improve student performance, making it a less effective method for Utah to measure student achievement;

Whereas, No Child Left Behind includes expectations for teacher qualifications that ignore realities in rural settings and in specialty assignments; and

Whereas, while No Child Left Behind includes provisions, such as Sections 9401 and 9527, that would protect states and provide regulatory relief from concerns raised about its shortcomings, there has been very little effort by the U.S. Department of Education to encourage or allow states to utilize these provisions: Now, therefore, be it

Resolved, That the Legislature of the state of Utah recognizes that the Legislature, the Utah State Board of Education, and local boards of education have an understanding of Utah's schools that surpasses that of federal government entities in terms of missions, needs, goals, and values of those schools; and be it further

Resolved, That the Legislature recognizes that the U-PASS should be the basis by which students and schools in Utah will be assessed and monitored; and be it further

Resolved, That the Legislature recognizes that in order to increase student achievement, Utah should utilize competency-measured education and student growth measurements as described in U-PASS and Utah State Senate bill 154, 2003 General Session; and be it further

Resolved, That the Legislature recognizes that the state should control its public education budget and allocate education dollars according to Utah's priorities and needs, driven by decision-making of local school boards; and be it further

Resolved, That the Legislature recognizes that until and unless the federal government substantially amends No Child Left Behind, extends waiver authority under Section 9401 to acknowledge that Utah is complying with the intent and spirit of the law through U-PASS, and that the federal government provides funding commensurate with what an independent analysis of implementation costs indicates is required to fully implement the law or the Congress significantly alters the law such that control of public education is fully restored to our state, Utah should utilize its own proven system of student accountability and reassert its historic leadership role in providing a quality public education for its citizens; and be it further

Resolved, That a copy of this resolution be sent to the Utah State Board of Education, each of Utah's local boards of education, the United States Department of Education, and to the members of Utah's congressional delegation.

POM–126. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to the Even Start Family Literacy Program; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 208

Whereas, the federal Even Start Family Literacy Program (Literacy Program) (Title I, Part B, subpart 3 of the Elementary and Secondary Education Act of 1965) was first authorized in 1988 with an appropriation of $14,800,000; and

Whereas, the Literacy Program became state-administered in 1992 at which time the appropriation exceeded $50,000,000; and

Whereas, the Literacy Program was most recently reauthorized by the Learning Involves Families Together (LIFT) Act of 2000 and the federal No Child Left Behind (NCLB) Act of 2001; and

Whereas, the Literacy Program offers hope for breaking the intergenerational cycle of poverty and poor literacy rates that afflict the nation by embracing the whole family as pupils and incorporating four core components as follows: early childhood education; adult literacy; parenting education; and interactive literacy activities between parents and their children;

Whereas, the Literacy Program is designed to help parents from low-income families improve their own education skills and vocational opportunities, making them more effective parents and improving the academic achievement of their young children, by: building on existing community resources of high quality; promoting the academic achievement of children and adults; incorporating research-based practices into the instructional programs for adults and children; promoting healthy relationships and interaction between children and adults; and helping children and adults meet the state's challenging content standards; and

Whereas, the Literacy Program at Blanche Pope Elementary School in Waimanalo and at other sites in Hawaii has successfully helped Literacy Program partners integrate their efforts into a more unified, effective, and accountable system than the previously fragmented adult and family-focused services; and

Whereas, the Literacy Program, such as the one at Blanche Pope Elementary School in Waimanalo, is a state-administered discretionary program; and

Whereas, the goals of raising quality and accountability in family education under the LIFT Act of 2000 and the NCLB Act of 2001 are being achieved in Hawaii; and

Whereas, the President of the United States, in his public comments and proposed budget to Congress, has expressed a loss of confidence in, or concern for, the Literacy Program; Now, therefore, be it

Resolved by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, the Senate concurring, that the Legislature urges the President of the United States, the United States Congress, and the United States Department of Education to continue funding the Even Start Family Literacy Program; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, Speaker of the United States House of Representatives, President of the United States Senate, Secretary of the United States Department of Education, and Members of Hawaii's congressional delegation.

POM–127. A resolution adopted by the Senate of the Commonwealth of Pennsylvania relative to "Amyotrophic Lateral Sclerosis Awareness Month"; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 96

Whereas, Amyotrophic Lateral Sclerosis (ALS) is better known as Lou Gehrig's disease; and

Whereas, ALS is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; and

Whereas, The initial symptom of ALS is weakness of the skeletal muscles, especially those of the extremities; and

Whereas, As ALS progresses, the patient experiences difficulty in swallowing, talking and breathing; and

Whereas, ALS eventually causes muscles to atrophy, and the patient becomes a functional quadriplegic; and

Whereas, ALS does not affect a patient's mental capacity, so a patient remains alert and aware of the loss of motor functions and the inevitable outcome of continued deterioration and death; and

Whereas, ALS occurs in adulthood, most commonly between the ages of 40 and 70, with the peak age about 55, and affects men two to three times more often than women; and

Whereas, More than 5,000 new ALS patients are diagnosed annually; and

Whereas, On average, patients diagnosed with ALS survive two to five years from the time of diagnosis; and

Whereas, ALS has no known cause, prevention or cure; and

Whereas, "Amyotrophic Lateral Sclerosis (ALS) Awareness Month" will increase public awareness of ALS patients' circumstances, acknowledge the terrible impact this disease has on patients and families and recognize the research for treatment and cure of ALS: Therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania recognize the month of May 2005 as "Amyotrophic Lateral Sclerosis Awareness Month" in Pennsylvania; and be it further

Resolved, That the Senate urge the President and Congress of the United States to enact legislation to provide additional funding for ALS research, and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, to the members of Congress from Pennsylvania and to the United States Secretary of Health and Human Services.

POM–128. A joint resolution adopted by the Legislature of the State of California relative to Equal Pay Day; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT RESOLUTION 7

Whereas, Forty-two years after the passage of the Federal Equal Pay Act of 1963 and forty-one years after the passage of Title VII of the Federal Civil Rights Act of 1964, American women continue to suffer disparities in wages that cannot be accounted for by age, education, or work experience; and

Whereas, According to statistics released in 2004 by the U.S. Census Bureau, year-round, full-time working women in 2003 earned only 76% of the earnings of year-round, full-time working men, indicating little change or progress in pay equity; and,

Whereas, A General Accounting Office report on women's earnings shows that there exists an inexplicable wage gap of approximately 20 percent between men and women, even after taking into account work experience, education, occupation, industry of current employment, and other demographic and job characteristics; and

Whereas, Since, the passage of the Equal Pay Act, the gap has narrowed by less than half, from 41 cents per dollar to 22 cents, and research by the Institute for Women's Policy Research finds that recent change is due in large part to men's real wages falling, not women's wages rising; and

Whereas, California ranks fifth among all states in equal pay, yet it ranks 39th among all states in progress in closing the hourly wage gap, and at the current rate of change California working women will not have equal pay for another 40 years; and

Whereas, The consequences of the wage gap reach beyond working women and extend to their families and the economy to the extent that; in 1999, even after accounting for differences, in education, age, location, and the number of hours worked, America's working families lost $200 billion of annual income to the wage gap, with an average of $4,000 per family; and

Whereas, Women play a crucial role in maintaining the financial well-being of their families by providing significant percentage of their household incomes and, in many cases, women head their own households; and

Whereas, Pay inequity results in a higher poverty rate for women, particularly in women-headed households, as evidenced by figures from the McAuley Institute which indicate that for families that are headed by a woman and have children under the age of five years, the poverty rate is an astonishing 46.4 percent; and

Whereas, Women currently comprise 48 percent of the labor force; and

Whereas, Educated women are not exempt from pay disparity; and

Whereas, In 2001 the average income for a woman with a bachelor's degree was 24 percent lower than that of a man with the same level of education—$32,238 versus $42,292; and

Whereas, The wage gap is also prevalent within minority communities, as shown by a 2002 report that African-American women earned 91 percent of what African-American men earned, and Hispanic women earned 88 percent of what Hispanic men earned; and

Whereas, Even in professions in which women comprise a majority of workers, such as nursing and teaching, men earn an average of 20 percent more than women working in these same occupations; and

Whereas, According to the data analysis of over 300 job classifications provided by the United States Department of Labor, Bureau of Labor Statistics, women are paid less in every occupational classification for which sufficient information is available; and

Whereas, The average 25-year-old woman who works fulltime, year round, is projected to earn $523,000 less over the course of her career than the average 25-year-old man who works full time, year round; and

Whereas, If women were paid the same as men who work the same number of hours, have the same education and same union status, are the same age, and live in the same region of the country, then the annual family income, of each of these women would rise by $4,000, and the number of families who live below the poverty line would be reduced by half; and

Whereas, The wage gap continues to affect women in their senior years as lower wages result in lower pensions and incomes after, retirement, and affect a woman's ability to save, thereby contributing to a higher poverty rate for elderly women; and

Whereas, Half of all older women with income from a private pension receive less than $5,600 per year, as compared with $10,340 per year for older men; and

Whereas, Men live an average of 77 years and women live an average of 81.7 years; and

Whereas, Assuming men and women retire at age 65; men will rely on their state pensions to help them through 12 years of life, while a woman's pension will have to last 16.7 years; and

Whereas, There is a greater likelihood that a female worker would outlive her defined contribution plan; and

Whereas, It is estimated that it would cost a man $654,000 to purchase an annuity based on 25 years of service and a $6,000 final-month salary, while it would cost a woman over $700,000 to purchase the same annuity with the same monthly benefits; and

Whereas, if both a man and a woman invested $750,000 in this same annuity, it is estimated the women would receive a little under $3,420 per month while the man would receive $3,670, or a 7-percent difference: Now, therefore, be it

Resolved, by the Senate and the Assembly of the State of California, jointly, That the Legislature hereby declares April 19, 2004, to be "Equal Pay Day" in California and urges California citizens to recognize the full value and worth of women and their contributions to the California workforce; and be it further

Resolved, That the Legislature respectfully, urges the Congress of the United States to protect the fundamental right of all American women to receive equal pay, for equal work, and to continue to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–129. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to the federal estate tax; to the Committee on Homeland Security and Governmental Affairs.

HOUSE CONCURRENT RESOLUTION NO. 94

Whereas, under tax relief legislation passed in 2001, the estate tax was temporarily phased out but not permanently eliminated; and

Whereas, farmers and other small business owners will face losing their farms and businesses if the federal government resumes the heavy taxation of citizens at death; and

Whereas, this is a tax that is particularly damaging to families who are working their way up the ladder and trying to accumulate wealth for the first time; and

Whereas, employees suffer layoffs when small and medium businesses are liquidated to pay estate taxes; and

Whereas, if the estate tax had been repealed in 1996, the United States economy would have realized billions of dollars each year in extra output, and an average of one hundred forty-five thousand additional new jobs would have been created; and

Whereas, having repeatedly passed in the United States House of Representatives and Senate, repeal of the estate tax holds wide bipartisan support; and therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States of America to take such actions as are necessary to work to abolish the federal estate tax permanently; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–130. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to sending federal funds directly to the Arizona Legislature for appropriation and oversight; to the Committee on Homeland Security and Governmental Affairs.

HOUSE CONCURRENT MEMORIAL 2009

Whereas, the State of Arizona receives nearly $6 billion in federal grant funds each year; and

Whereas, currently, the bulk of these federal funds that flow into state government are sent directly from federal agencies to state agencies and local governments; and

Whereas, the current system of distribution of federal funds gives the state legislature little input into how the funds are received, allocated or spent; and

Whereas, the direct allocation of federal funds, including funds that have been earmarked by the federal government for a specific purpose at the state level, to the legislature would give the legislature appropriation authority over those funds and would provide additional financial and programmatic information necessary to make more informed budgeting decisions. Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress of the United States send federal funds directly to the Arizona Legislature for appropriation and oversight.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–131. A resolution adopted by the House of Representatives of the Legislature of the State of Utah relative to the permanent repeal of the Federal Inheritance Tax; to the Committee on Homeland Security and Governmental Affairs.

HOUSE RESOLUTION 2

Whereas, under tax relief legislation passed in 2001, the Federal Inheritance Tax, or death tax, was temporarily phased out but not permanently eliminated;

Whereas, farmers and other small business owners will face losing their farms and businesses if the federal government resumes the heavy taxation of citizens at death;

Whereas, the death tax is particularly damaging to families who are working hard to accumulate wealth for the first time;

Whereas, employees suffer layoffs when small and medium businesses are liquidated to pay death taxes;

Whereas, if the death tax had been repealed in 1996, the United States economy would have realized billions of dollars each year in extra output and an average of 145,000 additional new jobs would have been created; and

Whereas, having repeatedly passed in the United States House of Representatives and the United States Senate, repeal of the death tax holds wide bipartisan support: Now Therefore, be it

Resolved, That the House of Representatives of the state of Utah requests that Utah's congressional delegation support, work to pass, and vote for the immediate and permanent repeal of the death tax; and be it further

Resolved, That a copy of this resolution be sent to the members of Utah's congressional delegation.

POM–132. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to authorizing state governors to proclaim that the United States flag be flown at half-staff upon the death of a member of the United States armed forces from their respective states who died on active duty; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 117

Whereas, according to Section 7 of Chapter 1 of Title 4 of the United States Code, in the event of the death of a present or former official of the government of any state, territory, or possession of the United States, the governor of that state, territory, or possession may proclaim that the national flag shall be flown at half-staff; and

Whereas, it is only fitting that the United States Code also authorize a state governor to proclaim that the flag shall be flown at half-staff upon the death of members of the United States armed forces from that state who have given their lives for their country; and

Whereas, the long-held tradition of lowering of the flag to half-staff in periods of recognition of the deceased would be an appropriate way to pay respect to the memories of these honorable men and women; and

Whereas, the valor displayed by fallen members of the military in the defense of democratic ideals and the right of free people to live in peaceful coexistence with their neighbors is a proud example of the American spirit in which all Louisianians take great pride; and

Whereas, flying the flag at half-staff would serve as a solemn and suitable reminder of the heroism of those who have made the ultimate sacrifice for freedom; and therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to amend the United States Code to authorize state governors to proclaim that the United States flag shall be flown at half-staff upon the death of a member of the United States armed forces from their respective states who died on active duty; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the

Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–133. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to amending the Constitution of the United States concerning marriage; to the Committee on the Judiciary.

HOUSE CONCURRENT MEMORIAL 2005

Whereas, the union of man and woman in marriage has been recognized as the foundation of society since the beginning of time; and

Whereas, marriage between one man and one woman substantially and undeniably benefits the individuals involved, any children resulting from the union and society at large; and

Whereas, the founders of our country decreed marriage between a man and a woman to be "the highest and most blessed of relationships"; and

Whereas, nearly three-fourths of the states already have enacted laws to define marriage as being only between a man and a woman and the federal government enacted the Defense of Marriage Act in 1996; and

Whereas, seventeen states have adopted amendments to their constitutions to protect the definition of marriage as being only between a man and a woman; and

Whereas, the people of the State of Arizona view with growing concern attempts to change the definition of marriage through judicial action, including, most recently, rulings by the courts in Canada, the Commonwealth of Massachusetts and the State of Washington; and

Whereas, in addition to simply stating that marriage in the United States consists of the union of a male and a female, an amendment to the Constitution of the United States ensures the democratic process by allowing the states to establish their own policy in the area of marital benefits, including privileges associated with marriage.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That, pursuant to article V of the Constitution of the United States, the Congress of the United States propose an amendment to the Constitution of the United States, to be ratified by the legislatures or by conventions in three-fourths of the several states, stating that marriage in the United States shall consist only of the union of a man and a woman.

2. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–134. A resolution adopted by the House of Representatives of the Legislature of the State of Utah relative to the support of the United States Senate for the President's Supreme Court nominees; to the Committee on the Judiciary.

HOUSE RESOLUTION 4

Whereas, Article II, Section 2 of the United States Constitution states the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States";

Whereas, there is a high likelihood of at least one vacancy on the United States Supreme Court during the 109th Congress;

Whereas, activist judges on some federal courts have frustrated the constitutional structure which prescribes that laws shall be written by elected legislatures;

Whereas, President Bush has expressed his commitment to appoint federal judges who will strictly interpret the United States Constitution; and

Whereas, in the past, a minority of Senators has used dilatory tactics to prevent a Senate floor vote on several of President Bush's judicial nominees, all of whom were reported favorably by the United States Senate Committee on the Judiciary; and now, therefore, be it

Resolved, That the House of Representatives of the state of Utah requests that the United States Senate move quickly to confirm all presidential nominations to the United States Supreme Court; and be it further

Resolved, That a copy of this resolution be sent to the Majority Leader of the United States Senate and to the members of Utah's congressional delegation.

POM–135. A joint resolution adopted by the Legislature of the State of Maine relative to allowing Poland's citizens to travel in the United States without visas; to the Committee on the Judiciary.

JOINT RESOLUTION

Whereas the visa waiver program was established under 8 United States Code, Section 1187 to provide under certain conditions a visa waiver to citizens of certain countries; and

Whereas 8 Code of Federal Regulations, Section 217.2 (2005) delineates the specific requirements of the visa waiver program, including the list of countries whose citizens may take advantage of its provisions; and

Whereas the list of countries allowed to have the visa requirement waived includes Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland and the United Kingdom; and

Whereas citizens from Poland are still required to go through the visa process, despite the change in circumstances of that nation during the last 15 years and its being a staunch ally of the United States; and

Whereas since the breakup of the Soviet Union, Poland has been a free and democratic nation and is a member of the North Atlantic Treaty Organization, known as NATO, and is an indispensable ally to our own Nation, actively participating in Operation Iraqi Freedom and the Iraqi reconstruction with troops serving alongside American soldiers; and

Whereas the President of the United States, George W. Bush, and other high-ranking officials in our government have described Poland as one of our best allies; and

Whereas many Polish citizens wanting to visit the United States are relatives of American citizens and they face major impediments in the visa process, while Americans going to Poland have had the visa requirement waived for them since 1991; and

Whereas in view of the enormous strides that Poland has made in democratic reform and the new status of Poland as a major ally of the United States, as firm and staunch as our oldest allies who have had the visa requirement waived: Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge that Poland be included in the United States Department of Homeland Security's visa waiver program as codified in 8 Code of Federal Regulations, Section 217.2; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the United States Secretary of Homeland Security, the Speaker of the United States House of Representatives and the President of the United States Senate and to each Member of the Maine Congressional Delegation.

POM–136. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to conferring veterans' benefits on Filipino veterans of World War II; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION 249

Whereas approximately 142,000 Philippine nationals were inducted into the United States armed forces in 1941, when their country was under American control; and

Whereas Filipino soldiers fought bravely beside American troops to restore liberty and democracy to their homeland by volunteering as spies, serving as guerrillas in the jungles, and fighting in American units in the war against Japan; and

Whereas these soldiers exhibited great courage at the battles of Corregidor and Bataan, and their bravery and self-sacrifice contributed to the Allied victory in World War II; and

Whereas the United States promised Filipino solders the same benefits as American soldiers, then rescinded that promise five years later; and

Whereas the Legislature finds that the United States should honor its promise to the Filipino veterans; and

Whereas Filipino interest groups estimate that there are approximately 58,000 Filipino World War II veterans still alive, 12,000 of them living in the United States; and

Whereas time is running out for the United States to correct the injustice committed against Filipino World War II veterans as most are now elderly and frail, and approximately eight die per day based on 2004 mortality statistics from the United States Department of Veterans Affairs; and

Whereas there are several measures pending in Congress that propose to confer veterans' benefits on Filipino veterans of World War II; and

Whereas these legislative measures include S. 146, H.R. 302, and H.R. 170; and

Whereas S. 146 and H.R. 302, (Filipino Veterans Equity Act of 2005), amend Title 38 of the United States Code to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to be active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; and

Whereas under H.R. 170, (Filipino Veterans Fairness Act) Filipino World War II veterans who became United States citizens or legal aliens are entitled to service-connected disability payments, vocational rehabilitation, and housing loans; Filipino World War II veterans residing in the Philippines are entitled to out-patient health care; and veterans' spouses and dependents are entitled to educational and vocational assistance; and

Whereas passage of these measures will mean official recognition of Filipino veterans as American veterans, who will become eligible for veterans' benefits such as health care, disability compensation, pension, burial, housing loans, education, and vocational rehabilitation: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, the Senate concurring, that the United States Congress is urged to support and pass legislation conferring veterans' benefits on Filipino World War II veterans; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's delegation to the Congress of the United States.

POM-137. A resolution adopted by the Lexington-Fayette Urban County Government, relative to the Community Development Block Grant Program; to the Committee on Banking, Housing, and Urban Affairs.

POM-138. A resolution adopted by the Municipal Legislature of Moca, Puerto Rico relative to the opposition of the elimination of the Community Development Block Grant Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

POM-139. A resolution adopted by the City Counsel of the City of Oceanside, California relative to the funding of Amtrak; to the Committee on Commerce, Science, and Transportation.

POM-140. A resolution adopted by the Passaic County (New Jersey) Board of Chosen Freeholders relative to the Passaic River Restoration Initiative; to the Committee on Environment and Public Works.

POM-141. A resolution adopted by the Mayor and Municipal Council of the City of Clifton, New Jersey relative to the Passaic River Restoration Initiative; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of January 4, 2005, the following reports of committees were submitted on June 10, 2005:

By Mr. BURNS, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2361. A bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. No. 109–80).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions:

*Lester M. Crawford, of Maryland, to be Commissioner of Food and Drugs, Department of Health and Human Services.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MCCAIN (for himself and Mr. LIEBERMAN):

S. 1268. A bill to expedite the transition to digital television while helping consumers to continue to use their analog televisions; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE (for himself, Mrs. LINCOLN, Mr. CRAPO, Mr. BOND, Mr. CHAMBLISS, Mr. COCHRAN, Mr. ISAKSON, Mr. THOMAS, Mr. HAGEL, Mr. CRAIG, and Mr. ROBERTS):

S. 1269. A bill to amend the Federal Water Pollution Control Act to clarify certain activities the conduct of which does not require a permit; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself and Mr. ROCKEFELLER):

S. 1270. A bill to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY:

S. 1271. A bill to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war; to the Committee on Veterans' Affairs.

By Mr. NELSON of Nebraska:

S. 1272. A bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II; to the Committee on Veterans' Affairs.

By Mr. REID:

S. 1273. A bill to provide for the sale and adoption of excess wild free-roaming horses and burros; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY:

S. Res. 176. A resolution congratulating Cam Neely on his induction into the Hockey Hall of Fame; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. BROWNBACK, Mr. LEAHY, Mr. DEWINE, Mr. LIEBERMAN, Ms. SNOWE, Mr. DURBIN, Mr. COLEMAN, and Mr. LAUTENBERG):

S. Res. 177. A resolution encouraging the protection of the rights of refugees; to the Committee on Foreign Relations.

By Mr. BENNETT (for himself and Mr. LUGAR):

S. Res. 178. A resolution expressing the sense of the Senate regarding the United States-European Union Summit; considered and agreed to.

ADDITIONAL COSPONSORS

S. 258

At the request of Mr. DEWINE, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 258, a bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes.

S. 300

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 300, a bill to extend the temporary increase in payments under the medicare program for home health services furnished in a rural area.

S. 392

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 407

At the request of Mr. JOHNSON, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 407, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

S. 441

At the request of Mr. SANTORUM, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 441, a bill to amend the Internal Revenue Code of 1986 to make permanent the classification of a motorsports entertainment complex.

S. 501

At the request of Ms. COLLINS, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 501, a bill to provide a site for the National Women's History Museum in the District of Columbia.

S. 557

At the request of Mr. COBURN, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 557, a bill to provide that Executive Order 13166 shall have no force or effect, to prohibit the use of funds for certain purposes, and for other purposes.

S. 558

At the request of Mr. REID, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 558, a bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

S. 603

At the request of Ms. LANDRIEU, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 603, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 611

At the request of Ms. COLLINS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 611, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 633

At the request of Mr. JOHNSON, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Tennessee (Mr. ALEXANDER), the Senator from North Dakota (Mr. CONRAD) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 642

At the request of Mr. FRIST, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 647

At the request of Mrs. LINCOLN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 647, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 662

At the request of Ms. COLLINS, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 662, a bill to reform the postal laws of the United States.

S. 685

At the request of Mr. AKAKA, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 685, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 687

At the request of Mr. BURNS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 687, a bill to regulate the unauthorized installation of computer software, to require clear disclosure to computer users of certain computer software features that may pose a threat to user privacy, and for other purposes.

S. 689

At the request of Mr. DOMENICI, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 689, a bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards.

S. 695

At the request of Mr. BYRD, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Colorado (Mr. ALLARD) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 695, a bill to suspend temporarily new shipper bonding privileges.

S. 709

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 709, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 752

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 752, a bill to require the United States Trade Representative to pursue a complaint of anti-competitive practices against certain oil exporting countries.

S. 776

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 776, a bill to designate certain functions performed at flight service stations of the Federal Aviation Administration as inherently governmental functions, and for other purposes.

S. 877

At the request of Mr. DOMENICI, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 877, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 924

At the request of Mr. CORZINE, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 924, a bill to establish a grant program to enhance the financial and retirement literacy of mid-life and older Americans to reduce financial abuse and fraud among such Americans, and for other purposes.

S. 933

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 933, a bill to amend title XVIII of the Social Security Act to provide for improvements in access to services in rural hospitals and critical access hospitals.

S. 986

At the request of Mr. NELSON of Nebraska, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 986, a bill to authorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes.

S. 1046

At the request of Mr. KYL, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1046, a bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance.

S. 1066

At the request of Mr. VOINOVICH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1066, a bill to authorize the States (and subdivisions thereof), the District of Columbia, territories, and possessions of the United States to provide certain tax incentives to any person for economic development purposes.

S. 1081

At the request of Mr. KYL, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1081, a bill to amend title XVIII of the Social Security Act to provide for a minimum update for physicians' services for 2006 and 2007.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1137

At the request of Mr. GRASSLEY, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1137, a bill to include dehydroepiandrosterone as an anabolic steroid.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1178

At the request of Mr. MARTINEZ, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1178, a bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance.

S. 1186

At the request of Mr. DOMENICI, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1186, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 1197

At the request of Mr. BIDEN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1214

At the request of Ms. SNOWE, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Jersey (Mr. CORZINE), the Senator from Maine (Ms. COLLINS) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1214, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1215

At the request of Mr. GREGG, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1215, a bill to authorize the acquisition of interests in underdeveloped coastal areas in order better to ensure their protection from development.

S. 1246

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1246, a bill to require the Secretary of Education to revise regulations regarding student loan payment deferment with respect to borrowers who are in postgraduate medical or dental internship, residency, or fellowship programs.

S. 1248

At the request of Ms. LANDRIEU, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1248, a bill to establish a servitude and emancipation archival research clearinghouse in the National Archives.

S.J. RES. 14

At the request of Mr. SANTORUM, his name was added as a cosponsor of S.J. Res. 14, a joint resolution providing for the recognition of Jerusalem as the undivided capital of Israel before the United States recognizes a Palestinian state, and for other purposes.

S. RES. 31

At the request of Mr. COLEMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. Res. 31, a resolution expressing the sense of the Senate that the week of August 7, 2005, be designated as "National Health Center Week" in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

S. RES. 39

At the request of Mr. SMITH, his name was added as a cosponsor of S. Res. 39, a resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of S. Res. 39, supra.

S. RES. 162

At the request of Ms. SNOWE, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. Res. 162, a resolution expressing the sense of the Senate concerning Griswold v. Connecticut.

S. RES. 165

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. Res. 165, a resolution congratulating the Small Business Development Centers of the Small Business Administration on their 25 years of service to America's small business owners and entrepreneurs.

AMENDMENT NO. 783

At the request of Mr. NELSON of Florida, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 783 proposed to H.R. 6, a bill Reserved.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN (for himself and Mr. LIEBERMAN):

S. 1268. A bill to expedite the transition to digital television while helping consumers to continue to use their analog televisions; to the Committee on Commerce, Science, and Transportation.

Mr. McCAIN. Mr. President, I rise today to introduce a bill to support the Nation's finest: our police, fire fighters and other emergency response personnel. The "Spectrum Availability for Emergency-response and Law-enforcement to Improve Vital Emergency Services Act," otherwise known as "The SAVE LIVES Act of 2005." This bill is drafted in response to the 9/11 Commission's Final Report, which recommended the "expedited and increased assignment of radio spectrum for public safety purposes."

To meet this recommendation, the SAVE LIVES Act would set a date certain for the allocation of spectrum to public safety agencies, specifically the 24 MHz of spectrum in the 700 MHz band that Congress promised public safety agencies in 1997. This is a promise Congress has yet to deliver to our Nation's first responders. Access to this specific spectrum is essential to our Nation's safety and welfare as emergency communications sent over these frequencies are able to penetrate walls and travel great distances, and can assist multiple jurisdictions in deploying interoperable communications systems.

In addition to setting a date certain, this bill would authorize funds for public safety agencies to purchase emergency communications equipment and ensure that Congress has the ability to consider whether additional spectrum should be provided for public safety communications prior to the recovered spectrum being auctioned. The bill contains significant language concerning consumer education in anticipation of the digital television transition. The bill would mandate that warning labels be displayed on analog television sets sold prior to the transition, require warning language to be displayed at television retailers, command the distribution at retailers of brochures describing the television set options available to consumers, and call on broadcasters to air informational programs to better prepare consumers for the digital transition.

The bill would ensure that no television viewer's set would go "dark" by providing digital-to-analog converter boxes to over-the-air viewers with a household income at or below 200 percent of the poverty line and by allowing cable companies to down convert digital signal signals if necessary. I continue to believe that broadcast television is a powerful communications tool and important information source for citizens. I know that on 9/11, I learned about the attack on the Twin Towers and the Pentagon by watching television like most Americans. Therefore, this bill seeks to not only protect citizens' safety, but also the distribution of broadcast television.

Lastly, the bill would require the Environmental Protection Agency to report to Congress on the need for a national electronic waste recycling program.

The 9/11 Commission's final report contained harrowing tales about police officers and fire fighters who were inside the twin towers and unable to receive evacuation orders over their radios from commanders. In fact, the report found that this inability to communicate was not only a problem for public safety organizations responding at the World Trade Center, but also for those responding at the Pentagon and Somerset County, Pennsylvania crash sites where multiple organizations and multiple jurisdictions responded. Therefore, the Commission recommended that Congress accelerate the availability of additional spectrum for public safety.

The SAVE LIVES Act would implement that important recommendation and ensure that WHEN our Nation experiences another attack, or other critical emergencies occur, our police, fire fighters and other emergency response personnel will have the ability to communicate with each other and their commanders to prevent another catastrophic loss of life. Now is the time for Congressional action before another national emergency or crisis takes place.

Several lawmakers attempted to act last year during the debate on the Intelligence reform bill, but our efforts were thwarted by the powerful National Association of Broadcasters. This year, I hope we can all work together and pass a bill that ensures the country is not only better prepared in case of another attack, but also protects the vital communications outlet of broadcast television. I believe the SAVE LIVES Act achieves both goals.

In an effort to expeditiously retrieve the spectrum for the Nation's first responders, to preserve over-the-air television accessibility to consumers and to ensure the adequate funding of both, I urge the enactment of The SAVE LIVES Act. Additionally, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spectrum Availability for Emergency-Response and Law-Enforcement to Improve Vital Emergency Services Act" or the "SAVE LIVES Act".

SEC. 2. SETTING A SPECIFIC DATE FOR THE AVAILABILITY OF SPECTRUM FOR PUBLIC SAFETY ORGANIZATIONS AND CREATING A DEADLINE FOR TRANSITION TO DIGITAL TELEVISION.

(a) AMENDMENTS.—Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) is amended—

(1) in subparagraph (A), by striking "December 31, 2006" and inserting "December 31, 2008";

(2) by striking subparagraph (B);

(3) in subparagraph (C)(i)(I), by striking "or (B)";

(4) in subparagraph (D), by striking "(C)(i)" and inserting "(B)(i)"; and

(5) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(b) IMPLEMENTATION.—

(1) FINAL DTV ALLOTMENT TABLE OF IN-CORE CHANNELS FOR FULL-POWER STATIONS.—The Federal Communications Commission (in this Act referred to as the "Commission") shall—

(A) release by December 31, 2006, a report and order in MB Docket No. 03–15 assigning all full-power broadcast television stations authorized in the digital television service a final channel between channels 2 and 36, inclusive, or 38 and 51, inclusive (between frequencies 54 and 698 megahertz, inclusive); and

(B) conclude by July 31, 2007, any reconsideration of such report and order.

(2) STATUS REPORTS.—Beginning February 1, 2006, and ending when international coordination with Canada and Mexico of the DTV table of allotments is complete, the Commission shall submit reports every 6 months on the status of that international coordination to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House of Representatives.

(3) TERMINATIONS OF ANALOG LICENSES AND BROADCASTING.—The Commission shall take such actions as may be necessary to terminate all licenses for full-power broadcasting stations in the analog television service and to require the cessation of broadcasting by full-power stations in the analog television service by January 1, 2009.

SEC. 3. AUCTION OF RECOVERED SPECTRUM.

(a) DEADLINE FOR AUCTION.—Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)), as amended by section 2, is amended in subparagraph (B)—

(1) in clause (ii), by striking the second sentence; and

(2) by adding at the end following new clause:

"(iii) ADDITIONAL DEADLINES FOR RECOVERED ANALOG SPECTRUM.—

"(I) IN GENERAL.—Not earlier than 1 year after the date on which the Commission submits to Congress the report required under section 7502(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3855), and not later than April 1, 2008, the Commission shall—

"(aa) conduct the auction of the licenses for recovered analog spectrum; and

"(bb) not later than June 30, 2008, deposit the proceeds of such auction in accordance with paragraph (8), except for those funds authorized to be used in accordance with sections 4(f) and 5 of the SAVE LIVES Act.

"(II) RECOVERED ANALOG SPECTRUM DEFINED.—In this clause, the term 'recovered analog spectrum' means the spectrum reclaimed from analog television service broadcasting under this paragraph, other than—

"(aa) the spectrum required by section 337 to be made available for public safety services;

"(bb) the spectrum auctioned prior to the date of enactment of the SAVE LIVES Act; and

"(cc) any spectrum designated by Congress for use by public safety services between the date of enactment of the SAVE LIVES Act and the auction described in subclause (I).".

(b) EXTENSION OF AUCTION AUTHORITY.—Paragraph (11) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking "September 30, 2007" and inserting "September 30, 2009".

SEC. 4. DIGITAL TRANSITION PROGRAM.

(a) IN GENERAL.—Beginning no earlier than January 1, 2008, and not later than July 1, 2008, the Commission, in consultation with commercial television broadcast licensees, shall distribute to eligible persons digital-to-analog converter devices that will enable television sets that operate only with analog signal processing to continue to operate when receiving a digital signal.

(b) APPLICATION.—Each eligible person seeking a digital-to-analog converter device under subsection (a) shall submit an application to the Commission at such times, in such manner, and containing such information as the Commission requires.

(c) PROCUREMENT.—The provisions, rules, and regulations of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) shall apply to the procurement, by the Comptroller General of the United States, of the digital-to-analog converter devices described in subsection (a).

(d) STUDY.—Not later than 12 months after the date of enactment of this Act, the Commission shall, in consultation with commercial television broadcast licensees, consumer groups, and other interested parties, complete a study of—

(1) the geographic location of eligible persons by Nielsen Designated Market Areas;

(2) the use of not only broadcast studios for distribution of such digital-to-analog converter devices, but the ability of commercial television broadcast licensees to partner with grocery stores, electronics stores, and post offices to serve as distribution centers for such devices; and

(3) the ability of the Commission and commercial television broadcast licensees to partner together to develop a public communications campaign to inform over-the-air viewers of—

(A) the need for a digital-to-analog converter device; and

(B) the availability of such a digital-to-analog converter device free of charge for eligible persons.

(e) ELIGIBLE PERSON DEFINED.—In this section, the term "eligible person" means any person relying exclusively on over-the-air television broadcasts with a household income that does not exceed 200 percent of the poverty line, as such line is published in the Federal Register by the Department of Health and Human Services under the authority of section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $468,000,000 from the proceeds of the auction of licenses for recovered analog spectrum under section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)).

(2) DISTRIBUTION.—Of the funds authorized to be appropriated under paragraph (1)—

(A) $463,000,000 shall be available to procure digital-to-analog converter devices; and

(B) $5,000,000 shall be available to to cover the costs of administration of the digital transition program established under this section.

SEC. 5. ESTABLISHMENT AND AUTHORIZATION OF APPROPRIATIONS FOR GRANT PROGRAM TO PROVIDE ENHANCED INTEROPERABILITY OF COMMUNICATIONS FOR FIRST RESPONDERS.

(a) ESTABLISHMENT OF PROGRAM TO ASSIST FIRST RESPONDERS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall establish a program to help State, local, tribal, and regional first responders—

(A) acquire and deploy interoperable communications equipment;

(B) purchase such equipment; and

(C) train personnel in the use of such equipment.

(2) COMMON STANDARDS.—The Secretary, in cooperation with the heads of other Federal departments and agencies who administer programs that provide communications-related assistance programs to State, local, and tribal public safety organizations, shall develop and implement common standards to the greatest extent practicable.

(b) APPLICATIONS.—To be eligible for assistance under the program established in subsection (a), a State, local, tribal, or regional first responder agency shall submit an application, at such time, in such form, and containing such information as the Under Secretary of Homeland Security for Science and Technology may require, including—

(1) a detailed explanation of how assistance received under the program would be used to improve local communications interoperability and ensure interoperability with other appropriate Federal, State, local, tribal, and regional agencies in a regional or national emergency;

(2) assurance that the equipment and system would—

(A) not be incompatible with the communications architecture developed under section 7303(a)(1)(E) of the Intelligence Reform Act of 2004;

(B) would meet any voluntary consensus standards developed under section 7303(a)(1)(D) of that Act; and

(C) be consistent with the common grant guidance established under section 7303(a)(1)(H) of that Act.

(c) REVIEW.—The Under Secretary of Homeland Security for Science and Technology shall review and approve, in the discretion of the Under Secretary, all applications submitted under subsection (b).

(d) SINGLE GRANTS.—The Secretary of Homeland Security, pursuant to an application approved by the Under Secretary of Homeland Security for Science and Technology, may make the assistance provided under the program established in subsection (a) available to all approved applicants in the form of a single grant for a period of not more than 3 years.

(e) REPORT.—Not later than January 1, 2008, the Commission shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives the amount required to carry out the program described in section 4.

(f) AUTHORIZATION OF APPROPRIATIONS.—To the extent that proceeds from the auction of licenses for recovered analog spectrum under section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) are available and exceed the amount required to carry out the program described in section 4, there are authorized to be appropriated from such proceeds such sums as are available to fund the grant program established under this section.

SEC. 6. CONSUMER EDUCATION REGARDING THE DIGITAL TELEVISION TRANSITION.

(a) COMMISSION AUTHORITY.—Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is amended by adding at the end the following new subsection:

"(z) Require the consumer education measures specified in section 330(d) in the case of apparatus designed to receive television signals that—

"(1) are shipped in interstate commerce or manufactured in the United States after 180 days after the date of enactment of the SAVE LIVES Act; and

"(2) are not capable of receiving and displaying broadcast signals in the digital television service on the channels allocated to such broadcasts.".

(b) CONSUMER EDUCATION REQUIREMENTS.—Section 330 of the Communications Act of 1934 (47 U.S.C. 330) is amended—

(1) in subsection (d), by striking "sections 303(s), 303(u), and 303(x)" and inserting "subsections (s), (u), (x), and (z) of section 303";

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection:

"(d) CONSUMER EDUCATION REGARDING EQUIPMENT, TELEVISION RECEIVERS, AND OTHER MATERIALS RELATED TO THE DIGITAL TO ANALOG CONVERSION.—

"(1) REQUIREMENTS FOR MANUFACTURERS.—Any manufacturer of any apparatus described in section 303(z) shall—

"(A) place on the screen of any such apparatus that such manufacturer ships in interstate commerce or manufactures in the United States after 180 days after the date of enactment of the SAVE LIVES Act, a removable label containing the warning language required by paragraph (3); and

"(B) also include such warning language on the outside of the retail packaging of such apparatus in a manner that cannot be removed.

"(2) REQUIREMENTS FOR RETAIL DISTRIBUTORS.—Any retail distributor shall place adjacent to each apparatus described in section 303(z) that such distributor displays for sale or rent after 180 days after the date of enactment of the SAVE LIVES Act, a separate sign containing the warning language required by paragraph (3).

"(3) WARNING LANGUAGE.—

"(A) RULEMAKING PROCEEDING.—Not later than 120 days after the date of enactment of this Act, the Commission, in consultation with consumers and representatives from the broadcast, cable, and satellite industries, shall complete a rulemaking proceeding to develop warning language to be used by manufacturers and retail distributors concerning the size and format of the warning language required by this paragraph.

"(B) CONTENT OF WARNING.—The warning language required by this paragraph shall clearly inform consumers, in plain English understandable to the average consumer, of the following:

"(i) After December 31, 2008, television broadcasters will cease analog over-the-air broadcasts and will broadcast only in digital format.

"(ii) That a television set carrying the label required under paragraph (1) will no longer be able to receive broadcast programming unless it is connected to a digital tuner, a digital-to-analog converter device, or cable, satellite, or other multichannel video services.

"(iii) Beyond December 31, 2008, a television set carrying the label required under paragraph (1) will, however, continue to display images from devices such as DVD recorders and video game consoles or content recorded for display on an analog television using devices such as VCRs, digital video recorders, or DVD recorders.

"(iv) For more information regarding the transition to digital television consumers should call the Federal Communications Commission at 1-888-225-5322 (TTY: 1-888-835-5322) or visit the Commission's website at: www.fcc.gov.

"(4) ENFORCEMENT.—Any violation of the requirements of this section, shall be enforced by the Federal Trade Commission as if it were an unfair or deceptive act or practice proscribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

"(5) SUNSET.—The warning language required by paragraph (3) shall not apply to any manufacturer or retail distributor on or after January 1, 2009.

"(6) COMMISSION OUTREACH.—Beginning not later than 1 month after the date of enactment of the SAVE LIVES Act, the Commission shall engage in a public outreach program to educate consumers about—

"(A) the deadline for termination of analog television broadcasting; and

"(B) the options consumers have after such termination to continue to receive broadcast programming."

(c) PRESERVING AND EXPEDITING DIGITAL TELEVISION TUNER MANDATES.—

(1) IN GENERAL.—The Commission shall require not later than—

(A) July 1, 2005, that digital television tuners be integrated into television receivers having analog tuners in the case of television sets with screen sizes 36 inches or greater;

(B) March 1, 2006, that digital television tuners be integrated into television receivers having analog tuners in the case of television sets with screen sizes between 25 inches and 35 inches; and

(C) March 1, 2007, that digital television tuners be integrated into television receivers having analog tuners in the case of television sets with screen sizes between 14 inches and 24 inches.

(2) STUDY.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall conduct a study to determine whether digital television tuners are necessary in television sets with screen sizes 13 inches or smaller.

(B) MANDATES FOR TELEVISION SETS WITH SCREEN SIZES 13 INCHES OR SMALLER.—Upon completion of the study required under subparagraph (A), if the Commission determines that digital television tuners are necessary in television sets with screen sizes 13 inches or smaller, the Commission shall enact, not later than July 1, 2008, digital television tuner mandates for such television sets.

(d) INFORMED CONSUMER REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the Consumer and Governmental Affairs Bureau of the Commission shall develop and distribute to all consumers seeking to purchase a televison set a brochure that clearly describes the different options available to a consumer, including information that—

(1) in order for a consumer to receive and display a digital television signal, a consumer must have—

(A) both a digital television display or monitor and a digital tuner; or

(B) an integrated digital television set;

(2) there is a difference between a digital television and high-definition digital television signals and a digital television and high-definition digital television set; and

(3) current televisions—

(A) are not obsolete;

(B) can receive digital television signals with the use of a digital-to-analog converter device and will display such signals in an analog format; and

(C) will continue to work with cable, satellite, VCRs, DVD recorders, and other devices.

SEC. 7. DIGITAL TO ANALOG CONVERSION AVAILABLE FOR CABLE SUBSCRIBERS.

(a) DIGITAL TO ANALOG CONVERSION PERMITTED.—Section 614(b) of the Communications Act of 1934 (47 U.S.C. 534(b)) is amended by adding at the end the following new paragraph:

"(11) DIGITAL.—

"(A) DIGITAL PRIMARY VIDEO SIGNAL.—A cable operator shall carry the primary video of the digital signal of a local broadcast station in its originally broadcast format without material degradation upon such local broadcast station's—

"(i) cessation of analog broadcasting; and

"(ii) election of cable carriage under this section or section 615.

"(B) DIGITAL TO ANALOG CONVERSIONS PERMITTED.—Notwithstanding subparagraph (A), the conversion by a cable operator, at any location from the cable headend through equipment on the premises of a subscriber, of a digital television signal into a signal capable of being viewed by such subscriber with an analog television receiver shall be permitted subject to the conditions described in subparagraph (C).

"(C) CONDITIONS ON PERMITTED DOWNCONVERSION.—If a cable operator provides a converted signal for any station in a local market under subparagraph (B), that—

"(i) is carried under this section or section 615; and

"(ii) has ceased to broadcast in the analog television service;

such cable operator shall provide such a converted signal for each such station that is located within the same local market.

"(D) CONVERSION SUNSET.—

"(i) IN GENERAL.—Subject to clause (ii), beginning not earlier than December 31, 2011 and not later than December 31, 2012, the Commission shall cease to impose on a cable operator the requirement under subparagraph (B), if the Commission determines that such requirement is not necessary to ensure the continued ability of the audiences for foreign-language and religious television broadcast stations to view the signals of such stations.

"(ii) CONSIDERATIONS.—In making a determination under clause (i), the Commission shall take into consideration—

"(I) the penetration of digital televisions, digital receivers, and digital-to-analog converter devices among audiences of foreign-language and religious television broadcast stations; and

"(II) the market incentives of cable operators, in the absence of the requirement under subparagraph (B), to carry the signals of foreign-language and religious television broadcast stations in the format most available to be viewed by the audiences of such stations.

"(E) REVIEW.—Not later than 1 year after the date of enactment of the SAVE LIVES Act, and every 2 years thereafter until December 31, 2012, the Commission shall review the considerations described in subparagraph (D)(ii).".

(b) TIERING.—

(1) AMENDMENT TO COMMUNICATIONS ACT.—Section 623(b)(7)(A)(iii) of the Communications Act of 1934 (47 U.S.C. 543(b)(7)(A)(iii)) is amended—

(A) by striking "Any signal" and inserting "Any analog signal"; and

(B) by inserting "and a single digital video programming stream, designated by such station, that is transmitted over-the-air by such station, and" after "television broadcast station".

(2) EFFECTIVE DATE.—This subsection and the amendments made by this subsection shall take effect on January 1, 2009.

SEC. 8. STUDY OF NATIONWIDE RECYCLING PROGRAM.

(a) STUDY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency, in consultation with appropriate executive agencies (as determined by the Administrator), shall conduct a study of the feasibility of establishing a nationwide recycling program for electronic waste that preempts any State recycling program.

(2) INCLUSIONS.—The study shall include an analysis of multiple programs, including programs involving—

(A) the collection of an advanced recycling fee;

(B) the collection of an end-of-life fee;

(C) producers of electronics assuming the responsibility and the cost of recycling electronic waste; and

(D) the extension of a tax credit for recycling electronic waste.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit to Congress a report describing the results of the study conducted under subsection (a);

SEC. 9. COMPLETION OF CERTAIN PENDING PROCEEDINGS.

(a) IN GENERAL.—The Commission shall complete action on and issue a final decision not later than—

(1) July 31, 2007, in the Matter of Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, MB Docket No. 03-15;

(2) July 31, 2007, should the Commission begin a Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television;

(3) December 31, 2007, in the Matter of Public Interest Obligations of Television Broadcast Licensees, MM Docket No. 99-360;

(4) December 31, 2007, in the Matter of Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, MM Docket No. 00-168;

(5) December 31, 2007, in the Matter of Children's Television Obligations Of Digital Television Broadcasters, Further Notice of Proposed Rulemaking, MM Docket No. 00-167;

(6) December 31, 2007, in the proceeding on rules regarding the use of distributed transmission system technologies as referenced in paragraph 5 of MB Docket No. 03-15; and

(7) December 31, 2007, in the proceeding adopting digital standards for an Emergency Alert System.

(b) TWO-WAY DEVICES.—

(1) REPORT.—Not later than 30 days after the date of enactment of this Act, and every 3 months thereafter until July 1, 2007, the parties in the matter of the Implementation of Section 304 of the Telecommunications Act of 1996, Commercial Availability of Navigation Devices, Second Report and Order, CS Docket No. 97-80, shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on the status of negotiations for two-way devices.

(2) FINAL ORDER.—Not later than December 31, 2007, the Commission shall complete action on and issue a final decision in the matter of the Implementation of Section 304 of the Telecommunications Act of 1996, Commercial Availability of Navigation Devices, Second Report and Order, CS Docket No. 97-80.

SEC. 10. EXCEPTION TO REMOVAL AND RELOCATION OF INCUMBENT BROADCAST LICENSEES OPERATING BETWEEN 746 AND 806 MEGAHERTZ.

Section 337(e) of the Communications Act of 1934 (47 U.S.C. 337(e)) is amended by adding at the end the following new paragraph:

"(3) EXCEPTIONS.—Paragraph (1) shall not apply to—

"(A) television translator stations;

"(B) low-power television stations; or

"(C) class A television stations.".

By Mr. INHOFE (for himself, Mrs. LINCOLN, Mr. CRAPO, Mr. BOND, Mr. CHAMBLISS, Mr. COCHRAN, Mr. ISAKSON, Mr. THOMAS, Mr. HAGEL, Mr. CRAIG, and Mr. ROBERTS):

S. 1269. A bill to amend the Federal Water Pollution Control Act to clarify certain activities the conduct of which does not require a permit; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I rise today to introduce the Pest Management and Fire Suppression Flexibility Act. I am proud to be joined by ten of my colleagues, Senators LINCOLN, CRAPO, BOND, ISAKSON, CRAIG, CHAMBLISS, COCHRAN, THOMAS, HAGEL and ROBERTS. This legislation codifies long-standing Democratic and Republican Administration policy of not requiring a Clean Water Act permit for pesticides in full compliance with their EPA-approved label. It will further affirm historic a Federal practices with regard to the Clean Water Act and fire suppression and other foreset management activities.

In 1972, Congress enacted both the Clean Water Act and the Federal Insecticide, Fungicide and Rodenticide Act. CWA authorized the Environmental Protection Agency to protect the Nation's waterways by regulating discharges of large industrial operations and wastewater facilities through the National Pollutant Discharge Elimination System. FIFRA proyided the EPA with the authority to regulate the sale and use of pesticides through a comprehensive registration and labeling protocol.

Until some recent court decisions, the application of agricultural and other pesticides in full compliance with labeling requirements did not require NPDES permits. Because pesticides undergo lengthy testing under FIFRA including tests to ensure water quality and aquatic species preservation, a NPDES permit was considered unnecessary and duplicative. These court decisions commonly known as Talent and Forsgren contradict years of Federal policy and undermine the manner in which the Federal Government regulates farmers, foresters, irrigators, mosquito abatement officials, and other pesticide applicators.

Similar cases are pending. Groups are now using the notice of intent to sue to intimidate farmers, mosquito abatement districts and Federal and State agencies into stopping or reducing West Nile virus prevention and crop loss rangeland protection operations. While EPA has proposed a rule to ensure that pesticides sprayed to, near, or over waters do not need a permit, the rule needs to be codified in statute. Environmentalists who filed notices of intent to sue Maine's two largest blueberry farmers have indicated that they plan on threatening others with lawsuits including more farmers and foresters.

Our legislation fills this regulatory gap left by EPA. While the agency's rule is a step in the right direction, our legislation codifies the agency's longstanding policy that the application of agricultural and other pesticides, in accordance with their label, does not require an NPDES permit. Moreover, the rule does not protect farmers, irrigators, mosquito abatement districts, fire fighters, Federal and State agencies, pest control operators or foresters vulnerable to citizen's suits, simply for performing long-practiced, expressly approved and already heavily regulated pest management and public health protection activities. Without such protection, those who protet us from mosquito borne illnesses and other pest outbreaks or combat destructive and potentially deadly forest fires will continue to be potential victims of mischievous citizen's suits.

My bill codifies EPA's rulemaking, as well as affirms Congressional intent and the long-held positions of Republican and Democratic administrations with regard to the CWA and pesticide applications generally, as well as fire suppression and other forest management activities. I am pleased to be joined by so many of my colleagues in this effort and encourage others to cosponsor our proposal.

By Mr. NELSON of Nebraska:

S. 1272. A bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II; to the Committee on Veterans' Affairs.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection; the bill was ordered to be printed in the RECORD, as follows:

S. 1272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Belated Thank You to the Merchant Mariners of World War II Act of 2005".

SEC. 2. MONTHLY BENEFIT FOR WORLD WAR II MERCHANT MARINERS AND SURVIVORS UNDER TITLE 46, UNITED STATES CODE.

(a) MONTHLY BENEFIT.—Chapter 112 of title 46, United States Code, is amended—

(1) by inserting after the table of sections the following new subchapter heading:

"SUBCHAPTER I—VETERANS' BURIAL AND CEMETERY BENEFITS"; AND

(2) by adding at the end the following new subchapter:

"SUBCHAPTER II—MONTHLY BENEFIT

"§ 11205. Monthly benefit

"(a) PAYMENT.—The Secretary of Veterans Affairs shall pay to each person issued a certificate of honorable service pursuant to section 11207(b) of this title a monthly benefit of $1,000.

"(b) SURVIVING SPOUSES.—

"(1) PAYMENT TO SURVIVING SPOUSES.—The Secretary of Veterans Affairs shall pay to the surviving spouse of each person issued a certificate of honorable service pursuant to section 11207(b) of this title a monthly benefit of $1,000.

"(2) EXCLUSION.—No benefit shall be paid under paragraph (1) to a surviving spouse of a person issued a certificate of honorable service pursuant to section 11207(b) unless the surviving spouse was married to such person for no less than 1 year.

"(c) EXEMPTION FROM TAXATION.—Payments of benefits under this section are exempt from taxation as provided in section 5301(a) of title 38.

"§ 11206. Qualified service

"For purposes of this subchapter, a person shall be considered to have engaged in qualified service if, between December 7, 1941, and December 31, 1946, the person—

"(1) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transport Service) serving as a crewmember of a vessel that was—

"(A) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of such Administration or Office);

"(B) operated in waters other than—

"(i) inland waters;

"(ii) the Great Lakes; and

"(iii) other lakes, bays, and harbors of the United States;

"(C) under contract or charter to, or property of, the Government of the United States; and

"(D) serving the Armed Forces; and

"(2) while serving as described in paragraph (1), was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

"§ 11207. Documentation of qualified service

"(a) APPLICATION FOR SERVICE CERTIFICATE.—A person seeking benefits under section 11205 of this title shall submit an application for a service certificate to the Secretary of Transportation, or in the case of personnel of the Army Transport Service or the Naval Transport Service, the Secretary of Defense.

"(b) ISSUANCE OF SERVICE CERTIFICATE.—The Secretary who receives an application under subsection (a) shall issue a certificate of honorable service to the applicant if, as determined by that Secretary, the person engaged in qualified service under section 11206 of this title and meets the standards referred to in subsection (d) of this section.

"(c) TIMING OF DOCUMENTATION.—A Secretary receiving an application under subsection (a) shall act on the application not later than 1 year after the date of that receipt.

"(d) STANDARDS RELATING TO SERVICE.—In making a determination under subsection (b), the Secretary acting on the application shall apply the same standards relating to the nature and duration of service that apply to the issuance of honorable discharges under section 401(a)(1)(B) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

"§ 11208. Definitions

"In this subchapter, the term 'surviving spouse' has the meaning given such term in section 101 of title 38, except that in applying the meaning in this subchapter, the term 'veteran' shall include a person who performed qualified service as specified in section 11206 of this title.

"§ 11209. Authorization of appropriations

"There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary for the purpose of carrying out this subchapter.".

(b) CONFORMING AMENDMENTS.—Subsection (c) of section 11201 of title 46, United States Code, is amended—

(1) in paragraph (1), by striking "chapter" and inserting "subchapter"; and

(2) in paragraph (2), by striking "chapter" the second place it appears and inserting "subchapter".

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 112 of title 46, United States Code, is amended—

(1) by inserting at the beginning the following new item:

"SUBCHAPTER I—VETERANS' BURIAL AND CEMETERY BENEFITS";

and

(2) by adding at the end the following new items:

"SUBCHAPTER II—MONTHLY BENEFIT

"11205. Monthly benefit
"11206. Qualified service
"11207. Documentation of qualified service
"11208. Definitions
"11209. Authorization of appropriations".

(d) EFFECTIVE DATE.—Subchapter II of chapter 112 of title 46, United States Code, as added by subsection (a) of this section, shall take effect with respect to payments for periods beginning on or after the date of the enactment of this Act, regardless of the date of application for benefits.

SEC. 3. BENEFITS FOR WORLD WAR II MERCHANT MARINERS UNDER TITLE II OF THE SOCIAL SECURITY ACT.

(a) BENEFITS.—Section 217(d) of the Social Security Act (42 U.S.C. 417(d)) is amended by adding at the end the following new paragraph:

"(3) The term 'active military or naval service' includes the service, or any period of forcible detention or internment by an enemy government or hostile force as a result of action against a vessel described in subparagraph (A), of a person who—

"(A) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transport Service) serving as a crewmember of a vessel that was—

"(i) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of such Administration or Office);

"(ii) operated in waters other than—

"(I) inland waters;

"(II) the Great Lakes; and

"(III) other lakes, bays, and harbors of the United States;

"(iii) under contract or charter to, or property of, the Government of the United States; and

"(iv) serving the Armed Forces; and

"(B) while serving as described in subparagraph (A), was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply only with respect to benefits for months beginning on or after the date of the enactment of this Act.

By Mr. REID:

S. 1273. A bill to provide for the sale and adoption of excess wild free-roaming horses and burros; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, today I rise on behalf of myself and Senator ENSIGN to offer legislation that will give greater protections to our Nation's wild horses and make needed improvements to the Bureau of Land Management's wild horse and burro adoption program.

Right now there are an estimated 32,000 wild horses on our Nation's public lands. This is 4,000 more horses than our rangeland can sustain. The Bureau of Land Management has established that nationwide, the Appropriate Management Level for wild horses and burros is 28,000. Unfortunately, after many years of trying, the BLM has been unable to reach this benchmark, even after many significant budget increases for the wild horse and burro program. This situation is compounded by the fact that wild horses naturally reproduce at a rate of 20 percent per annum, adding to management difficulties and placing greater strain on our public rangelands.

In Nevada, we feel the failures of the wild horse and burro program most acutely. Of the 32,000 horses on America's public lands, roughly half are in Nevada. So when the program fails, it hits us hard. In recent years, the program's shortcomings have been amplified by an ongoing drought in the Southwest that has, in places, seriously jeopardized the health and well-being of wild horses and burros and has devastated the rangeland upon which they depend for their survival.

At present, the wild horse program is failing on both ends. The BLM is struggling to remove sufficient numbers of horses from the range and many of the horses that are removed are placed into an adoption program that is not locating a sufficient number of willing adopters. This means that more horses stay in Government hands, driving the cost of this troubled program ever higher. As a result, today we have nearly 22,000 wild horses sitting in long-term holding facilities in the Midwest, costing the U.S. taxpayer approximately $465 per horse, per year. And this is only part of the roughly $40 million we are spending this year to manage our Nation's wild horses and burros. Add this to the fact that the cost of running this program has doubled in the last five years and it becomes clear that reform is needed.

Last year, Congress passed language that allowed the BLM to sell a limited number of the horses that are held in long-term holding facilities. Unfortunately, this additional management tool has been abused by a handful of people and a small number of horses ended up at slaughter. These unfortunate events have led to calls for greater protections for wild horses that are being offered to the public under the sale program.

Mr. President, the legislation that we offer today provides that greater protection for wild horses, while also giving the BLM greater leverage to put more horses into the hands of good, caring owners.

Currently, wild horses that are acquired through the BLM's adoption program are federally protected for 1 year. This is the strongest protection available to wild horses that are placed into private ownership and our bill extends this protection to horses that are acquired under sale authority.

Our legislation also gives the BLM more flexibility in finding good homes for wild horses. We do this by giving the BLM the authority to make all horses that are not suitable for the adoption program available for purchase by caring owners.

We also lift the limit on the number of horses that an approved adopter can take title to in a single year, and we lower the minimum adoption fee from $125 to $25. It is our firm belief that when good people want to adopt horses and meet the requirements set forth by the BLM, they should have as few barriers to overcome as possible. By increasing the number of horses that can be adopted and lowering the adoption fee, we believe that we can put more horses into the hands of more quality owners.

Our goal is to give all wild horses the maximum protection available under our current system and to provide the BLM with the management tools they need to get tens of thousands of wild horses and burros into safe and caring homes. We believe that this is the right thing to do. I look forward to working with the Energy Committee and the Senate to move this legislation expeditiously.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wild Free-Roaming Horses and Burros Sale and Adoption Act of 2005".

SEC. 2. SALE AND ADOPTION OF WILD FREE-ROAMING HORSES AND BURROS.

Section 3 of Public Law 92–195 (16 U.S.C. 1333) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (B), by striking ": *Provided*" and all that follows through "adopting party"; and

(B) by striking subparagraph (C) and inserting the following:

"(C) Additional excess wild free-roaming horses and burros for which an adoption demand by qualified individuals does not exist shall be sold under subsection (e).";

(2) in subsection (c), by striking "not more than four animals" and inserting "excess animals transferred ";

(3) in subsection (e)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

"(A) the Secretary determines that there is no adoption demand from qualified individuals for the excess animal;";

(B) in paragraph (2), by striking "without limitation"; and

(C) by striking paragraph (4) and inserting the following:

"(4) EFFECT OF SALE.—At the end of the 1-year period following the sale of any excess animal under this subsection—

"(A) the Secretary shall grant to the transferee title to the excess animal; and

"(B) the excess animal transferred shall no longer be considered to be a wild free-roaming horse or burro for purposes of this Act."; and

(4) by adding at the end the following:

"(f) MINIMUM FEES AND BIDS.—The minimum adoption fee required for the adoption of an excess animal under this section shall be $25.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 176—CONGRATULATING CAM NEELY ON HIS INDUCTION INTO THE HOCKEY HALL OF FAME

Mr. KENNEDY submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 176

Whereas on June 8, 2005, Cam Neely was elected to the Hockey Hall of Fame in Toronto, Canada, and will be formally inducted into the Hall of Fame on November 7, 2005;

Whereas as a member of the Boston Bruins, Cam Neely became one of ice hockey's greatest players, defining the position of "power forward";

Whereas although his career was cut short when he retired at the age of 31 due to injury, Cam Neely scored 395 goals and had 299 assists in 726 games in his brilliant career;

Whereas Cam Neely led the Boston Bruins in goals for 7 seasons, led the team in scoring for 2 seasons, and was the team's all-time leader in goals during playoffs;

Whereas Cam Neely had three 50-goal seasons for the Boston Bruins, including back-to-back 50-goal seasons in 1989–1990 and 1991–1992;

Whereas Cam Neely, returning to the Boston Bruins after an injury in 1993–1994, scored 50 goals and was awarded the National Hockey League's Bill Masterton Trophy as the "player who best exemplifies the qualities of perseverance, sportsmanship, and dedication to hockey";

Whereas Cam Neely, number 8, became the tenth Boston Bruin to be honored by having his uniform number retired;

Whereas Cam Neely continues to provide invaluable assistance to charitable causes in the Commonwealth of Massachusetts, including the establishment of the Neely House and the Neely Foundation, which comfort, support, and offer hope to cancer patients and their families: Now, therefore, be it

Resolved, That the Senate—

(1) honors the extraordinary achievements of Cam Neely during his brilliant career in ice hockey with the Boston Bruins;

(2) commends Cam Neely for his recent and eminently well-deserved induction into the Hockey Hall of Fame; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to:

(A) Cam Neely;

(B) Jeremy Jacobs, owner of the Boston Bruins;

(C) Harry Sinden, president of the Boston Bruins; and

(D) Mike Sullivan, head coach of the Boston Bruins.

Mr. KENNEDY. Mr. President, earlier this month, Cam Neely of the Boston Bruins was elected to the Hockey Hall of Fame in Toronto, Canada, and he will be formally inducted into the Hall on November 7.

Cam has inspired a generation of ice hockey fans in Boston and New England, and throughout the Nation with his extraordinary skill and brilliant accomplishments. He is truly one of hockey's immortals, and he eminently deserves this high honor.

In addition, he is also well-known to all of us in Boston for his good citizenship and impressive participation in inspiring our community.

I am submitting a resolution today to honor Cam Neely for his on-ice accomplishments and also for his continuing commitment to charitable causes in the Commonwealth of Massachusetts.

SENATE RESOLUTION 177—ENCOURAGING THE PROTECTION OF THE RIGHTS OF REFUGEES

Mr. KENNEDY (for himself, Mr. BROWNBACK, Mr. LEAHY, Mr. DEWINE, Mr. LIEBERMAN, Ms. SNOWE, Mr. DURBIN, Mr. COLEMAN, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 177

Whereas the Convention Relating to the Status of Refugees dated July 28, 1951 (189 UST 150) (hereinafter referred to as the "Convention") and the Protocol Relating to the Status of Refugees done at New York January 31, 1967 (19 UST 6223) (hereinafter referred to as the "Protocol") provide that individuals who flee a country to avoid persecution deserve international protection;

Whereas such protection includes freedom from forcible return and the basic rights necessary for a refugee to live a free, dignified, self-reliant life, even while in exile;

Whereas such rights, as recognized in the Convention, include the right to earn a livelihood, to engage in wage-employment or self-employment, to practice a profession, to own property, to freedom of movement and residence, and to receive travel documents;

Whereas such rights are applicable to a refugee independent of whether a solution is available that would permit the refugee to return to the country that the refugee fled;

Whereas such rights are part of the core protection mandate of the United Nations High Commissioner for Refugees;

Whereas warehoused refugees have been confined to a camp or segregated settlement or otherwise deprived of their basic rights;

Whereas more than 50 percent of the refugees in the world are effectively warehoused in a situation that has existed for at least 10 years;

Whereas donor countries, including the United States, have typically offered less developed countries hosting refugees assistance if they keep refugees warehoused in camps or segregated settlements but have not provided adequate assistance to host countries that permit refugees to live and work among the local population; and

Whereas warehousing refugees not only violates the rights of the refugees but also debilitates their humanity, often reducing the refugees to enforced idleness, dependency, disempowerment, and despair: Now, therefore, be it

Resolved, That the United States Senate—

(1) expresses deep appreciation and gratitude for those States which have and continue to host refugees and offer refugee resettlement;

(2) denounces the practice of warehousing refugees, which is the confinement of refugees to a camp or segregated settlement or other deprivation of the refugees' basic rights in a protracted situation, as a denial of basic human rights and a squandering of human potential;

(3) urges the Secretary of State to actively pursue models of refugee assistance that permit refugees to enjoy all the rights recognized in the Convention and the Protocol;

(4) urges the Secretary of State to encourage other donor nations and other members of the Executive Committee of the United Nations High Commissioner for Refugees' Programme to shift the incentive structure of refugee assistance and to build mechanisms into relief and development assistance to encourage the greater enjoyment by refugees of their rights under the Convention;

(5) encourages the international community, including donor countries, host countries, and members of the Executive Committee of the United Nations High Commissioner for Refugees' Programme, to denounce resolutely the practice of warehousing refugees in favor of allowing refugees to exercise their rights under the Convention;

(6) calls upon the United Nations High Commissioner for Refugees to monitor refugee situations more effectively for the realization of all the rights of refugees under the Convention, including those related to freedom of movement and the right to earn a livelihood;

(7) encourages those countries that have not yet ratified the Convention or the Protocol to do so;

(8) encourages those countries that have ratified the Convention or the Protocol, but have done so with reservations on key articles pertaining to the right to work and freedom of movement, to remove such reservations; and

(9) encourages all countries to enact legislation or promulgate policies to provide for the legal enjoyment of the basic rights of refugees as outlined in the Convention.

Mr. KENNEDY. Mr. President, today is World Refugee Day and I welcome this opportunity to reaffirm the fundamental rights embodied in the United Nations Refugee Convention of 1951. It is an honor to join my colleagues—Senators BROWNBACK, LEAHY, DEWINE, LIEBERMAN, SNOWE, DURBIN, COLEMAN, and LAUTENBERG—in introducing this bipartisan resolution to focus attention on the plight of millions of refugees throughout the world who are endlessly confined in refugee camps or segregated settlements. These "warehoused" refugees are denied basic rights under the Convention, such as the right to work, to move freely, and to receive a basic education. The deprivation goes on for years and in some cases, even for generations.

Worldwide, more than 7 million refugees have been restricted to camps or isolated settlements for 10 years or more. These populations constitute more than half of the refugees around the world.

In Tanzania, nearly 400,000 refugees from Burundi and the Democratic Republic of Congo are confined in 13 camps along the western border. Some of these camps have existed for more than a decade. Many refugees confined in these camps find it extremely difficult to find employment, let alone obtain other basic necessities of life. Other refugee populations have been warehoused and forgotten for over 20 years, such as Angolans in Zambia, Afghans in Iran and Pakistan, Bhutanese in Nepal, Burmese in Thailand, and Somalians and Sudanese in Kenya.

Sadly, the number of warehoused refugees may soon increase as violent conflicts continue around the world. According to the recently published 2005 World Refugee Survey, the total number of refugees and asylum seekers worldwide exceeds 11 million, and 21 million more are internally displaced. As these shameful statistics demonstrate, there is far more the world community can do to ease their plight.

The resolution we are offering denounces the practice of warehousing refugees and urges all nations to grant them their basic rights under the Refugee Convention of 1951. Refugee camps are often created quickly to address a crisis. But the solution creates a greater problem, if temporary camps are allowed to become long-term places of confinement.

Under the 1951 Convention, refugees have the right to earn a livelihood, to have a job and earn wages, to practice a profession, to own property, and to have freedom of movement and residence. Warehoused refugees can do none of these things. Unable to work, travel, own property or obtain an education, they live unlived lives, without the basic freedoms they are entitled to have under the 1951 Convention.

This resolution denounces the practice of warehousing refugees and calls for conditions that enable refugees to exercise their rights. It encourages donor countries, including the United States, to increase their assistance to host countries that allow refugees to live and work among the local population.

It urges the Secretary of State and the United Nations High Commissioner for Refugees to adopt models of refugee assistance that achieve the rights recognized in the Refugee Convention. It also encourages all nations to ratify the Convention, and without reservations, and to enact legislation and policies that protect human rights and end the denial of these rights to any refugees.

The U.S. must strengthen our own commitment and work with other countries to solve this problem.

As a number of authorities have pointed out, we may well have to face an urgent aspect of the issue ourselves if conditions in Iraq continue to deteriorate and significant numbers of Iraqis are forced to become refugees because of their ties to us.

Over 130 international organizations support the end of warehousing, including more than 25 agencies based in the United States. Nobel Laureates have condemned this practice, including Archbishop Desmond Tutu of South Africa, and so has the Vatican.

We must find long-term solutions and alternatives to this abominable practice. It is a gross violation of both refugee rights and human rights. It is wrong to squander the immense human potential and condemn human refugees to live in despair and isolation for unacceptable lengths of time.

Refugees around the world depend on us to hear their pleas and respond to the assistance they so desperately need and deserve. We must do all we can to protect the rights and dignity of refugees everywhere.

I look forward to working with our colleagues on both sides of the aisle, as well as in the international community, to pass this important resolution and take steps toward implementing its provisions and achieving its objectives.

SENATE RESOLUTION 178—EXPRESSING THE SENSE OF THE SENATE REGARDING THE UNITED STATES-EUROPEAN UNION SUMMIT

Mr. BENNETT (for himself and Mr. Lugar) submitted the following resolution; which was considered and agreed to:

S. Res. 178

Whereas over the past 55 years the United States and the European Union have built a strong transatlantic partnership based upon the common values of freedom, democracy, rule of law, human rights, security, and economic development;

Whereas working together to promote these values globally will serve the mutual political, economic, and security interests of the United States and the European Union;

Whereas cooperation between the United States and the European Union on global security issues such as terrorism, the Middle East peace process, the proliferation of weapons of mass destruction, ballistic missile technology, and the nuclear activities of rogue nations is important for promoting international peace and security;

Whereas the common efforts of the United States and the European Union have supported freedom in countries such as Lebanon, Ukraine, Kyrgyzstan, Georgia, Moldova, Belarus, and Uzbekistan;

Whereas through coordination and cooperation during emergencies such as the 2004 Indian Ocean tsunami disaster, the AIDS pandemic in Africa, and the ongoing situation in Darfur, the United States and the European Union have mitigated the effects of humanitarian disasters across the globe;

Whereas economic cooperation such as removing impediments to transatlantic trade and investment, expanding regulatory dialogues and exchanges, integrating capitol markets, and ensuring thė safe and secure movement of people and goods across the Atlantic will increase prosperity and strengthen the partnership between the United States and the European Union; and

Whereas although disagreements between the United States and the European Union have existed on a variety of issues, the transatlantic relationship remains strong and continues to improve: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the leadership of the European Union to the 2005 United States-European Union Summit to be held in Washington, DC, on June 20, 2005;

(2) highlights the importance of the United States and the European Union working together to address global challenges;

(3) recommends—

(A) expanded political dialogue between Congress and the European Parliament; and

(B) that the 2005 United States-European Union Summit focus on both short and long-term measures that will allow for vigorous and active expansion of the transatlantic relationship;

(4) encourages—

(A) the adoption of practical measures to expand the United States-European Union economic relationship by reducing obstacles that inhibit economic integration; and

(B) encourages continued strong and expanded cooperation between Congress and the European Parliament on global security issues.

AMENDMENTS SUBMITTED AND PROPOSED

SA 797. Mrs. FEINSTEIN (for herself, Ms. Snowe, Ms. Cantwell, Mr. Jeffords, Mr. Corzine, Mr. Schumer, Ms. Collins, Mr. Reed, Mr. Durbin, and Mrs. Murray) submitted an amendment intended to be proposed by her to the bill H.R. 6, Reserved; which was ordered to lie on the table.

SA 798. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 799. Mr. VOINOVICH (for himself, Mr. Carper, and Mrs. Feinstein) proposed an amendment to the bill H.R. 6, supra.

SA 800. Mr. GRASSLEY (for himself and Mr. Baucus) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra.

SA 801. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 800 submitted by Mr. Grassley (for himself and Mr. Baucus) to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 802. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 803. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 804. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 805. Mr. SCHUMER proposed an amendment to the bill H.R. 6 supra.

SA 806. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 807. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 808. Mr. OBAMA (for himself and Mr. Lugar) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 797. Mrs. FEINSTEIN (for herself, Ms. Snowe, Ms. Cantwell, Mr. Jeffords, Mr. Corzine, Mr. Schumer, Ms. Collins, Mr. Reed, Mr. Durbin, and Mrs. Murray) submitted an amendment intended to be proposed by her to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 424, line 9, strike "**SEC. 711**" and insert the following:

SEC. 711. SHORT TITLE.

This subtitle may be cited as the "Automobile Fuel Economy Act of 2005".

SEC. 712. INCREASED AVERAGE FUEL ECONOMY STANDARD FOR LIGHT TRUCKS.

(a) Definition of Light Truck.—Section 32901(a) of title 49, United States Code, is amended—

(1) in each of paragraphs (1) through (14), by striking the period at the end and inserting a semicolon;

(2) in paragraph (15), by striking the period at the end and inserting "; and";

(3) by redesignating paragraphs (12) through (16) as paragraphs (13) through (17), respectively; and

(4) by inserting after paragraph (11) the following:

"(12) 'light truck' has the meaning given that term in regulations prescribed by the Secretary of Transportation in the administration of this chapter;".

(b) Requirement for Increased Standard.—Section 32902(a) of title 49, United States Code, is amended—

(1) by inserting "(1)" after "**AUTOMOBILES**.—";

(2) by striking "The Secretary" and inserting "Subject to paragraph (2), the Secretary"; and

(3) by adding at the end the following:

"(2) The average fuel economy standard for light trucks manufactured by a manufacturer may not be less than—

"(A) 23.5 miles per gallon for model year 2008;

"(B) 24.8 miles per gallon for model year 2009;

"(C) 26.1 miles per gallon for model year 2010; and

"(D) 27.5 miles per gallon for model year 2011 and each model year thereafter.".

(c) Applicability.—Section 32902(a)(2) of title 49, United States Code, as added by subsection (b)(3), shall not apply with respect to light trucks manufactured before model year 2008.

SEC. 713. FUEL ECONOMY STANDARDS FOR AUTOMOBILES UP TO 10,000 POUNDS GROSS VEHICLE WEIGHT.

(a) Vehicles Defined as Automobiles.—Section 32901(a)(3) of title 49, United States Code, is amended by striking "rated at—" and all that follows and inserting "rated at not more than 10,000 pounds gross vehicle weight.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on January 1, 2011.

SEC. 714. FUEL ECONOMY OF THE FEDERAL FLEET OF VEHICLES.

(a) Definitions.—In this section—

(1) the term "class of vehicles" means a class of vehicles for which an average fuel economy standard is in effect under chapter 329 of title 49, United States Code;

(2) the term "executive agency" has the meaning given the term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)); and

(3) the term "new vehicle", with respect to the fleet of vehicles of an executive agency, means a vehicle procured by or for the agency after September 30, 2007.

(b) Baseline Average Fuel Economy.—The head of each executive agency shall determine the average fuel economy for all of the vehicles in each class of vehicles in the agency's fleet of vehicles in fiscal year 2006.

(c) Increase of Average Fuel Economy.—The head of each executive agency shall manage the procurement of vehicles in each class of vehicles for that agency to ensure that—

(1) not later than September 30, 2008, the average fuel economy of the new vehicles in the agency's fleet of vehicles in each class of vehicles is not less than 3 miles per gallon higher than the baseline average fuel economy determined for that class; and

(2) not later than September 30, 2011, the average fuel economy of the new vehicles in the agency's fleet of vehicles in each class of vehicles is not less than 6 miles per gallon higher than the baseline average fuel economy determined for that class.

(d) Calculation of Average Fuel Economy.—For purposes of this section—

(1) average fuel economy shall be calculated in accordance with guidance prescribed by the Secretary of Transportation for the implementation of this section; and

(2) average fuel economy calculated under subsection (b) for an agency's vehicles in a class of vehicles shall be the baseline average fuel economy for the agency's fleet of vehicles in that class.

SEC. 715.

SA 798. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 755, after line 25, add the following:

SEC. 13___. ALTERNATIVE FUELS REPORTS.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress reports on the potential for each of biodiesel and hythane to become major, sustainable, alternative fuels.

(b) Biodiesel Report.—The report relating to biodiesel submitted under subsection (a) shall—

(1) provide a detailed assessment of—

(A) potential biodiesel markets and manufacturing capacity; and

(B) environmental and energy security benefits with respect to the use of biodiesel;

(2) identify any impediments, especially in infrastructure needed for production, distribution, and storage, to biodiesel becoming a substantial source of fuel for conventional diesel and heating oil applications;

(3) identify strategies to enhance the commercial deployment of biodiesel; and

(4) include an examination and recommendations, as appropriate, of the ways in which biodiesel may be modified to be a cleaner-burning fuel.

(c) Hythane Report.—The report relating to hythane submitted under subsection (a) shall—

(1) provide a detailed assessment of potential hythane markets and the research and development activities that are necessary to facilitate the commercialization of hythane as a competitive, environmentally-friendly transportation fuel;

(2) address—

(A) the infrastructure necessary to produce, blend, distribute, and store hythane for widespread commercial purposes; and

(B) other potential market barriers to the commercialization of hythane;

(3) examine the viability of producing hydrogen using energy-efficient, environmentally friendly methods so that the hydrogen can be blended with natural gas to produce hythane; and

(4) include an assessment of the modifications that would be required to convert compressed natural gas vehicle engines to engines that use hythane as fuel.

(d) Grants for Report Completion.—The Secretary may use such sums as are available to the Secretary to provide, to 1 or more colleges or universities selected by the Secretary, grants for use in carrying out research to assist the Secretary in preparing the reports required to be submitted under subsection (a).

SA 799. Mr. VOINOVICH (for himself, Mr. Carper, and Mrs. Feinstein) proposed an amendment to the bill H.R. 6, Reserved; as follows:

On page 446, between lines 18 and 19, insert the following:

Subtitle E—Diesel Emissions Reduction

SEC. 741. DEFINITIONS.

In this subtitle:

(1) Administrator.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) Certified engine configuration.—The term "certified engine configuration" means a new, rebuilt, or remanufactured engine configuration—

(A) that has been certified or verified by—

(i) the Administrator; or

(ii) the California Air Resources Board;

(B) that meets or is rebuilt or remanufactured to a more stringent set of engine emission standards, as determined by the Administrator; and

(C) in the case of a certified engine configuration involving the replacement of an existing engine or vehicle, an engine configuration that replaced an engine that was—

(i) removed from the vehicle; and

(ii) returned to the supplier for remanufacturing to a more stringent set of engine emissions standards or for scrappage.

(3) Eligible entity.—The term "eligible entity" means—

(A) a regional, State, local, or tribal agency with jurisdiction over transportation or air quality; and

(B) a nonprofit organization or institution that—

(i) represents organizations that own or operate diesel fleets; or

(ii) has, as its principal purpose, the promotion of transportation or air quality.

(4) Emerging technology.—The term "emerging technology" means a technology that is not certified or verified by the Administrator or the California Air Resources Board but for which an approvable application and test plan has been submitted for verification to the Administrator or the California Air Resources Board.

(5) Heavy-duty truck.—The term "heavy-duty truck" has the meaning given the term "heavy duty vehicle" in section 202 of the Clean Air Act (42 U.S.C. 7521).

(6) Medium-duty truck.—The term "medium-duty truck" has such meaning as shall be determined by the Administrator, by regulation.

(7) Verified technology.—The term "verified technology" means a pollution control technology, including a retrofit technology, that has been verified by—

(A) the Administrator; or

(B) the California Air Resources Board.

SEC. 742. NATIONAL GRANT AND LOAN PROGRAMS.

(a) In General.—The Administrator shall use 70 percent of the funds made available to carry out this subtitle for each fiscal year to provide grants and low-cost revolving loans, as determined by the Administrator, on a competitive basis, to eligible entities to achieve significant reductions in diesel emissions in terms of—

(1) tons of pollution produced; and

(2) diesel emissions exposure, particularly from fleets operating in areas designated by the Administrator as poor air quality areas.

(b) Distribution.—

(1) In general.—The Administrator shall distribute funds made available for a fiscal year under this subtitle in accordance with this section.

(2) Fleets.—The Administrator shall provide not less than 50 percent of funds available for a fiscal year under this section to eligible entities for the benefit of public fleets.

(3) Engine configurations and technologies.—

(A) Certified engine configurations and verified technologies.—The Administrator shall provide not less than 90 percent of funds available for a fiscal year under this section to eligible entities for projects using—

(i) a certified engine configuration; or

(ii) a verified technology.

(B) Emerging technologies.—

(i) In general.—The Administrator shall provide not more than 10 percent of funds available for a fiscal year under this section to eligible entities for the development and commercialization of emerging technologies.

(ii) Application and test plan.—To receive funds under clause (i), a manufacturer, in consultation with an eligible entity, shall submit for verification to the Administrator or the California Air Resources Board a test plan for the emerging technology, together with the application under subsection (c).

(c) APPLICATIONS.—

(1) IN GENERAL.—To receive a grant or loan under this section, an eligible entity shall submit to the Administrator an application at a time, in a manner, and including such information as the Administrator may require.

(2) INCLUSIONS.—An application under this subsection shall include—

(A) a description of the air quality of the area served by the eligible entity;

(B) the quantity of air pollution produced by the diesel fleet in the area served by the eligible entity;

(C) a description of the project proposed by the eligible entity, including—

(i) any certified engine configuration, verified technology, or emerging technology to be used by the eligible entity; and

(ii) the means by which the project will achieve a significant reduction in diesel emissions;

(D) an evaluation (using methodology approved by the Administrator or the National Academy of Sciences) of the quantifiable and unquantifiable benefits of the emissions reductions of the proposed project;

(E) an estimate of the cost of the proposed project;

(F) a description of the age and expected lifetime control of the equipment used by the eligible entity;

(G) a description of the diesel fuel available to the eligible entity, including the sulfur content of the fuel; and

(H) provisions for the monitoring and verification of the project.

(3) PRIORITY.—In providing a grant or loan under this section, the Administrator shall give priority to proposed projects that, as determined by the Administrator—

(A) maximize public health benefits;

(B) are the most cost-effective;

(C) serve areas—

(i) with the highest population density;

(ii) that are poor air quality areas, including areas identified by the Administrator as—

(I) in nonattainment or maintenance of national ambient air quality standards for a criteria pollutant;

(II) Federal Class I areas; or

(III) areas with toxic air pollutant concerns;

(iii) that receive a disproportionate quantity of air pollution from a diesel fleet, including ports, rail yards, and distribution centers; or

(iv) that use a community-based multistakeholder collaborative process to reduce toxic emissions;

(D) include a certified engine configuration, verified technology, or emerging technology that has a long expected useful life;

(E) will maximize the useful life of any retrofit technology used by the eligible entity; and

(F) use diesel fuel with a sulfur content of less than or equal to 15 parts per million, as the Administrator determines to be appropriate.

(d) USE OF FUNDS.—

(1) IN GENERAL.—An eligible entity may use a grant or loan provided under this section to fund the costs of—

(A) a retrofit technology (including any incremental costs of a repowered or new diesel engine) that significantly reduces emissions through development and implementation of a certified engine configuration, verified technology, or emerging technology for—

(i) a bus;

(ii) a medium-duty truck or a heavy-duty truck;

(iii) a marine engine;

(iv) a locomotive; or

(v) a nonroad engine or vehicle used in—

(I) construction;

(II) handling of cargo (including at a port or airport);

(III) agriculture;

(IV) mining; or

(V) energy production; or

(B) an idle-reduction program involving a vehicle or equipment described in subparagraph (A).

(2) REGULATORY PROGRAMS.—

(A) IN GENERAL.—Notwithstanding paragraph (1), no grant or loan provided under this section shall be used to fund the costs of emissions reductions that are mandated under Federal, State or local law.

(B) MANDATED.—For purposes of subparagraph (A), voluntary or elective emission reduction measures shall not be considered "mandated", regardless of whether the reductions are included in the State implementation plan of a State.

SEC. 743. STATE GRANT AND LOAN PROGRAMS.

(a) IN GENERAL.—Subject to the availability of adequate appropriations, the Administrator shall use 30 percent of the funds made available for a fiscal year under this subtitle to support grant and loan programs administered by States that are designed to achieve significant reductions in diesel emissions.

(b) APPLICATIONS.—The Administrator shall—

(1) provide to States guidance for use in applying for grant or loan funds under this section, including information regarding—

(A) the process and forms for applications;

(B) permissible uses of funds received; and

(C) the cost-effectiveness of various emission reduction technologies eligible to be carried out using funds provided under this section; and

(2) establish, for applications described in paragraph (1)—

(A) an annual deadline for submission of the applications;

(B) a process by which the Administrator shall approve or disapprove each application; and

(C) a streamlined process by which a State may renew an application described in paragraph (1) for subsequent fiscal years.

(c) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—For each fiscal year, the Administrator shall allocate among States for which applications are approved by the Administrator under subsection (b)(2)(B) funds made available to carry out this section for the fiscal year.

(2) ALLOCATION.—Using not more than 20 percent of the funds made available to carry out this subtitle for a fiscal year, the Administrator shall provide to each State described in paragraph (1) for the fiscal year an allocation of funds that is equal to—

(A) if each of the 50 States qualifies for an allocation, an amount equal to 2 percent of the funds made available to carry out this section; or

(B) if fewer than 50 States qualifies for an allocation, an amount equal to the amount described in subparagraph (A), plus an additional amount equal to the product obtained by multiplying—

(i) the proportion that—

(I) the population of the State; bears to

(II) the population of all States described in paragraph (1); by

(ii) the amount of funds remaining after each State described in paragraph (1) receives the 2-percent allocation under this paragraph.

(3) STATE MATCHING INCENTIVE.—

(A) IN GENERAL.—If a State agrees to match the allocation provided to the State under paragraph (2) for a fiscal year, the Administrator shall provide to the State for the fiscal year an additional amount equal to 50 percent of the allocation of the State under paragraph (2).

(B) REQUIREMENTS.—A State—

(i) may not use funds received under this subtitle to pay a matching share required under this subsection; and

(ii) shall not be required to provide a matching share for any additional amount received under subparagraph (A).

(4) UNCLAIMED FUNDS.—Any funds that are not claimed by a State for a fiscal year under this subsection shall be used to carry out section 742.

(d) ADMINISTRATION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3) and, to the extent practicable, the priority areas listed in section 742(c)(3), a State shall use any funds provided under this section to develop and implement such grant and low-cost revolving loan programs in the State as are appropriate to meet State needs and goals relating to the reduction of diesel emissions.

(2) APPORTIONMENT OF FUNDS.—The Governor of a State that receives funding under this section may determine the portion of funds to be provided as grants or loans.

(3) USE OF FUNDS.—A grant or loan provided under this section may be used for a project relating to—

(A) a certified engine configuration; or

(B) a verified technology.

SEC. 744. EVALUATION AND REPORT.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Administrator shall submit to Congress a report evaluating the implementation of the programs under this subtitle.

(b) INCLUSIONS.—The report shall include a description of—

(1) the total number of grant applications received;

(2) each grant or loan made under this subtitle, including the amount of the grant or loan;

(3) each project for which a grant or loan is provided under this subtitle, including the criteria used to select the grant or loan recipients;

(4) the estimated air quality benefits, cost-effectiveness, and cost-benefits of the grant and loan programs under this subtitle;

(5) the problems encountered by projects for which a grant or loan is provided under this subtitle; and

(6) any other information the Administrator considers to be appropriate.

SEC. 745. OUTREACH AND INCENTIVES.

(a) DEFINITION OF ELIGIBLE TECHNOLOGY.—In this section, the term "eligible technology" means—

(1) a verified technology; or

(2) an emerging technology.

(b) TECHNOLOGY TRANSFER PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish a program under which the Administrator—

(A) informs stakeholders of the benefits of eligible technologies; and

(B) develops nonfinancial incentives to promote the use of eligible technologies.

(2) ELIGIBLE STAKEHOLDERS.—Eligible stakeholders under this section include—

(A) equipment owners and operators;

(B) emission control technology manufacturers;

(C) engine and equipment manufacturers;

(D) State and local officials responsible for air quality management;

(E) community organizations; and

(F) public health and environmental organizations.

(c) STATE IMPLEMENTATION PLANS.—The Administrator shall develop appropriate guidance to provide credit to a State for emission reductions in the State created by the use of eligible technologies through a State implementation plan under section 110 of the Clean Air Act (42 U.S.C. 7410).

(d) INTERNATIONAL MARKETS.—The Administrator, in coordination with the Department of Commerce and industry stakeholders, shall inform foreign countries with air quality problems of the potential of technology developed or used in the United States to provide emission reductions in those countries.

SEC. 746. EFFECT OF SUBTITLE.

Nothing in this subtitle affects any authority under the Clean Air Act (42 U.S.C. 7401 et seq.) in existence on the day before the date of enactment of this Act.

SEC. 747. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $200,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.

SA 800. Mr. GRASSLEY (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; as follows:

At the end add the following:

TITLE XV—ENERGY POLICY TAX INCENTIVES

SEC. 1500. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Energy Policy Tax Incentives Act of 2005".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE XV—ENERGY POLICY TAX INCENTIVES

Sec. 1500. Short title; amendment of 1986 Code; table of contents.

Subtitle A—Electricity Infrastructure

Sec. 1501. Extension and modification of renewable electricity production credit.
Sec. 1502. Clean renewable energy bonds.
Sec. 1503. Treatment of income of certain electric cooperatives.
Sec. 1504. Dispositions of transmission property to implement FERC restructuring policy.
Sec. 1505. Credit for production from advanced nuclear power facilities.
Sec. 1506. Credit for investment in clean coal facilities.
Sec. 1507. Clean energy coal bonds.

Subtitle B—Domestic Fossil Fuel Security

Sec. 1511. Credit for investment in clean coke/cogeneration manufacturing facilities.
Sec. 1512. Temporary expensing for equipment used in refining of liquid fuels.
Sec. 1513. Pass through to patrons of deduction for capital costs incurred by small refiner cooperatives in complying with Environmental Protection Agency sulfur regulations.
Sec. 1514. Modifications to enhanced oil recovery credit.
Sec. 1515. Natural gas distribution lines treated as 15-year property.

Subtitle C—Conservation and Energy Efficiency Provisions

Sec. 1521. Energy efficient commercial buildings deduction.
Sec. 1522. Credit for construction of new energy efficient homes.
Sec. 1523. Deduction for business energy property.
Sec. 1524. Credit for certain nonbusiness energy property.
Sec. 1525. Energy credit for combined heat and power system property.
Sec. 1526. Credit for energy efficient appliances.
Sec. 1527. Credit for residential energy efficient property.
Sec. 1528. Credit for business installation of qualified fuel cells and stationary microturbine power plants.
Sec. 1529. Business solar investment tax credit.

Subtitle D—Alternative motor Vehicles and Fuels Incentives

Sec. 1531. Alternative motor vehicle credit.
Sec. 1532. Modification of credit for qualified electric vehicles.
Sec. 1533. Credit for installation of alternative fueling stations.
Sec. 1534. Volumetric excise tax credit for alternative fuels.
Sec. 1535. Extension of excise tax provisions and income tax credit for biodiesel.

Subtitle E—Additional Energy Tax Incentives

Sec. 1541. Ten-year recovery period for underground natural gas storage facility property.
Sec. 1542. Expansion of research credit.
Sec. 1543. Small agri-biodiesel producer credit.
Sec. 1544. Improvements to small ethanol producer credit.
Sec. 1545. Credit for equipment for processing or sorting materials gathered through recycling.
Sec. 1546. 5-year net operating loss carryover if any resulting refund is used for electric transmission equipment.
Sec. 1547. Credit for qualifying pollution control equipment.
Sec. 1548. Credit for production of Indian Country coal.
Sec. 1549. Credit for replacement wood stoves meeting environmental standards in non-attainment areas.
Sec. 1550. Exemption for equipment for transporting bulk beds of farm crops from excise tax on retail sale of heavy trucks and trailers.
Sec. 1551. National Academy of Sciences study and report.

Subtitle F—Revenue Raising Provisions

Sec. 1561. Treatment of kerosene for use in aviation.
Sec. 1562. Repeal of ultimate vendor refund claims with respect to farming.
Sec. 1563. Refunds of excise taxes on exempt sales of fuel by credit card.
Sec. 1564. Additional requirement for exempt purchases.
Sec. 1565. Reregistration in event of change in ownership.
Sec. 1566. Treatment of deep-draft vessels.
Sec. 1567. Reconciliation of on-loaded cargo to entered cargo.
Sec. 1568. Taxation of gasoline blendstocks and kerosene.
Sec. 1569. Nonapplication of export exemption to delivery of fuel to motor vehicles removed from United States.
Sec. 1570. Penalty with respect to certain adulterated fuels.
Sec. 1571. Oil Spill Liability Trust Fund financing rate.
Sec. 1572. Extension of Leaking Underground Storage Tank Trust Fund financing rate.

Subtitle A—Electricity Infrastructure

SEC. 1501. EXTENSION AND MODIFICATION OF RENEWABLE ELECTRICITY PRODUCTION CREDIT.

(a) 3-YEAR EXTENSION FOR CERTAIN FACILITIES.—Section 45(d) (relating to qualified facilities) is amended—

(1) by striking "January 1, 2006" each place it appears in paragraphs (1), (2), (3), (5), (6), and (7) and inserting "January 1, 2009", and

(2) by striking "January 1, 2006" in paragraph (4) and inserting "January 1, 2009 (January 1, 2006, in the case of a facility using solar energy)".

(b) INCREASE IN CREDIT PERIOD.—Section 45(b)(4)(B) (relating to credit period) is amended—

(1) by inserting "or clause (iii)" after "clause (ii)" in clause (i), and

(2) by adding at the end the following:

"(iii) TERMINATION.—Clause (i) shall not apply to any facility placed in service after the date of the enactment of this clause.".

(c) EXPANSION OF QUALIFIED RESOURCES TO INCLUDE FUEL CELLS.—

(1) IN GENERAL.—Section 45(c)(1) (defining qualified energy resources) is amended by striking "and" at the end of subparagraph (F), by striking the period at the end of subparagraph (G) and inserting ", and", and by adding at the end the following new subparagraph:

"(H) fuel cells.".

(2) FUEL CELL FACILITY.—Section 45(d) (relating to qualified facilities) is amended by adding at the end the following new paragraph:

"(9) FUEL CELL FACILITY.—In the case of a facility using an integrated system comprised of a fuel cell stack assembly and associated balance of plant components which converts a fuel into electricity using electrochemical means, the term 'qualified facility' means any facility owned by the taxpayer which—

"(A) is originally placed in service after December 31, 2005, and before January 1, 2009,

"(B) has a nameplate capacity rating of at least 0.5 megawatt of electricity, and

"(C) has an electricity-only generation efficiency greater than 30 percent.".

(3) CONFORMING AMENDMENTS RELATING TO COORDINATION WITH ENERGY CREDIT.—

(A) IN GENERAL.—Section 45(e) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(10) COORDINATION WITH ENERGY CREDIT.—The term 'qualified facility' shall not include any property described in section 48(a)(3) the basis of which is taken into account by the taxpayer for purposes of determining the energy credit under section 48.".

(B) CONFORMING AMENDMENT.—Section 45(d)(4) is amended by striking the last sentence.

(d) EXPANSION OF QUALIFIED RESOURCES TO CERTAIN HYDROPOWER.—

(1) IN GENERAL.—Section 45(c)(1) (defining qualified energy resources), as amended by this Act, is amended by striking "and" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", and", and by adding at the end the following new subparagraph:

"(I) qualified hydropower production.".

(2) CREDIT RATE.—Section 45(b)(4)(A) (relating to credit rate) is amended by striking "or (7)" and inserting "(7), or (10)".

(3) DEFINITION OF RESOURCES.—Section 45(c) (relating to qualified energy resources and refined coal) is amended by adding at the end the following new paragraph:

"(8) QUALIFIED HYDROPOWER PRODUCTION.—

"(A) IN GENERAL.—The term 'qualified hydropower production' means—

"(i) in the case of any hydroelectric dam which was placed in service on or before the date of the enactment of this paragraph, the incremental hydropower production for the taxable year, and

"(ii) in the case of any low-head hydroelectric facility or nonhydroelectric dam described in subparagraph (C), the hydropower production from the facility for the taxable year.

"(B) DETERMINATION OF INCREMENTAL HYDROPOWER PRODUCTION.—

"(i) IN GENERAL.—For purposes of subparagraph (A), incremental hydropower production for any taxable year shall be equal to the percentage of average annual hydropower production at the facility attributable to the efficiency improvements or additions of capacity placed in service after the date of the enactment of this paragraph, determined by using the same water flow information used to determine an historic average annual hydropower production baseline for such facility. Such percentage and baseline shall be certified by the Federal Energy Regulatory Commission.

"(ii) OPERATIONAL CHANGES DISREGARDED.—For purposes of clause (i), the determination of incremental hydropower production shall not be based on any operational changes at such facility not directly associated with the efficiency improvements or additions of capacity.

"(C) LOW-HEAD HYDROELECTRIC FACILITY OR NONHYDROELECTRIC DAM.—For purposes of subparagraph (A), a facility is described in this subparagraph if—

"(i) the facility is licensed by the Federal Energy Regulatory Commission and meets all other applicable environmental, licensing, and regulatory requirements,

"(ii) the facility did not produce hydroelectric power on the date of the enactment of this paragraph, and

"(iii) turbines or other generating devices are to be added to the facility after such date to produce hydroelectric power, but only if the installation of the turbine or other generating device does not require any enlargement of the diversion structure or the impoundment or any withholding of any additional water from the natural stream channel.

"(D) LOW-HEAD HYDROELECTRIC FACILITY DEFINED.—For purposes of this paragraph, the term 'low-head hydroelectric facility' means a minor diversion structure which is less than 10 feet in height.".

(3) FACILITIES.—Section 45(d) (relating to qualified facilities), as amended by this Act, is amended by adding at the end the following new paragraph:

"(10) QUALIFIED HYDROPOWER FACILITY.—In the case of a facility producing qualified hydroelectric production described in subsection (c)(8), the term 'qualified facility' means—

"(A) in the case of any facility producing incremental hydropower production, such facility but only to the extent of its incremental hydropower production attributable to efficiency improvements or additions to capacity described in subsection (c)(8)(B) placed in service after the date of the enactment of this paragraph and before January 1, 2009, and

"(B) any other facility placed in service after the date of the enactment of this paragraph and before January 1, 2009.

"(C) CREDIT PERIOD.—In the case of a qualified facility described in subparagraph (A), the 10-year period referred to in subsection (a) shall be treated as beginning on the date the efficiency improvements or additions to capacity are placed in service.".

(e) TECHNICAL AMENDMENT RELATED TO TRASH COMBUSTION FACILITIES.—Section 45(d)(7) (relating to trash combustion facilities) is amended by adding at the end the following: "Such term shall include a new unit placed in service in connection with a facility placed in service on or before the date of the enactment of this paragraph, but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.".

(f) ADDITIONAL TECHNICAL AMENDMENTS RELATED TO SECTION 710 OF THE AMERICAN JOBS CREATION ACT OF 2004.—

(1) Clause (ii) of section 45(b)(4)(B) is amended by striking "the date of the enactment of this Act" and inserting "January 1, 2005,".

(2) Clause (ii) of section 45(c)(3)(A) is amended by inserting "or any nonhazardous lignin waste material" after "cellulosic waste material".

(3) Subsection (e) of section 45 is amended by striking paragraph (6).

(4)(A) Paragraph (9) of section 45(e) is amended to read as follows:

"(9) COORDINATION WITH CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.—

"(A) IN GENERAL.—The term 'qualified facility' shall not include any facility which produces electricity from gas derived from the biodegradation of municipal solid waste if such biodegradation occurred in a facility (within the meaning of section 29) the production from which is allowed as a credit under section 29 for the taxable year or any prior taxable year.

"(B) REFINED COAL FACILITIES.—The term 'refined coal production facility' shall not include any facility the production from which is allowed as a credit under section 29 for the taxable year or any prior taxable year.".

(B) Subparagraph (C) of section 45(e)(8) is amended by striking "and (9)".

(5) Subclause (I) of section 168(e)(3)(B)(vi) is amended to read as follows:

"(I) is described in subparagraph (A) of section 48(a)(3) (or would be so described if 'solar and wind' were substituted for 'solar' in clause (i) thereof and the last sentence of such section did not apply to such subparagraph),".

(6) Paragraph (4) of section 710(g) of the American Jobs Creation Act of 2004 is amended by striking "January 1, 2004" and inserting "January 1, 2005".

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect of the date of the enactment of this Act.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsections (e) and (f) shall take effect as if included in the amendments made by section 710 of the American Jobs Creation Act of 2004.

SEC. 1502. CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new subpart:

"Subpart H—Nonrefundable Credit to Holders of Certain Bonds

"Sec. 54. Credit to holders of clean renewable energy bonds.

"SEC. 54. CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

"(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a clean renewable energy bond on 1 or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

"(b) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a clean renewable energy bond is 25 percent of the annual credit determined with respect to such bond.

"(2) ANNUAL CREDIT.—The annual credit determined with respect to any clean renewable energy bond is the product of—

"(A) the credit rate determined by the Secretary under paragraph (3) for the day on which such bond was sold, multiplied by

"(B) the outstanding face amount of the bond.

"(3) DETERMINATION.—For purposes of paragraph (2), with respect to any clean renewable energy bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of clean renewable energy bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer.

"(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term 'credit allowance date' means—

"(A) March 15,

"(B) June 15,

"(C) September 15, and

"(D) December 15.

Such term also includes the last day on which the bond is outstanding.

"(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(2) the sum of the credits allowable under this part (other than subpart C thereof (relating to refundable credits) and this subpart) and section 1397E.

“(d) Clean Renewable Energy Bond.—For purposes of this section—

“(1) In general.—The term ‘clean renewable energy bond’ means any bond issued as part of an issue if—

“(A) the bond is issued by a qualified issuer pursuant to an allocation by the Secretary to such issuer of a portion of the national clean renewable energy bond limitation under subsection (f)(2),

“(B) 95 percent or more of the proceeds from the sale of such issue are to be used for capital expenditures incurred by qualified borrowers for 1 or more qualified projects,

“(C) the qualified issuer designates such bond for purposes of this section and the bond is in registered form, and

“(D) the issue meets the requirements of subsection (h).

“(2) Qualified project; special use rules.—

“(A) In general.—The term ‘qualified project’ means any qualified facility (as determined under section 45(d) without regard to any placed in service date) owned by a qualified borrower.

“(B) Refinancing rules.—For purposes of paragraph (1)(B), a qualified project may be refinanced with proceeds of a clean renewable energy bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by a qualified borrower after the date of the enactment of this section.

“(C) Reimbursement.—For purposes of paragraph (1)(B), a clean renewable energy bond may be issued to reimburse a qualified borrower for amounts paid after the date of the enactment of this section with respect to a qualified project, but only if—

“(i) prior to the payment of the original expenditure, the qualified borrower declared its intent to reimburse such expenditure with the proceeds of a clean renewable energy bond,

“(ii) not later than 60 days after payment of the original expenditure, the qualified issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

“(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

“(D) Treatment of changes in use.—For purposes of paragraph (1)(B), the proceeds of an issue shall not be treated as used for a qualified project to the extent that a qualified borrower takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a clean renewable energy bond.

“(e) Maturity Limitations.—

“(1) Duration of term.—A bond shall not be treated as a clean renewable energy bond if the maturity of such bond exceeds the maximum term determined by the Secretary under paragraph (2) with respect to such bond.

“(2) Maximum term.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined using as a discount rate the average annual interest rate of tax of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

“(3) Ratable principal amortization required.—A bond shall not be treated as a clean renewable energy bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each calendar year that the issue is outstanding.

“(f) Limitation on Amount of Bonds Designated.—

“(1) National limitation.—There is a national clean renewable energy bond limitation of $1,000,000,000.

“(2) Allocation by secretary.—The Secretary shall allocate the amount described in paragraph (1) among qualified projects in such manner as the Secretary determines appropriate.

“(g) Credit Included in Gross Income.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

“(h) Special Rules Relating to Expenditures.—

“(1) In general.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the qualified issuer reasonably expects—

“(A) at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the clean energy bond,

“(B) a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the clean energy bond or, in the case of a clean energy bond the proceeds of which are to be loaned to 2 or more qualified borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the loan of such proceeds to a qualified borrower, and

“(C) such projects will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

“(2) Extension of period.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

“(3) Failure to spend required amount of bond proceeds within 5 years.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

“(i) Special Rules Relating to Arbitrage.—A bond which is part of an issue shall not be treated as a clean renewable energy bond unless, with respect to the issue of which the bond is a part, the qualified issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

“(j) Cooperative Electric Company; Qualified Energy Tax Credit Bond Lender; Governmental Body; Qualified Borrower.—For purposes of this section—

“(1) Cooperative electric company.—The term ‘cooperative electric company’ means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C), or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.

“(2) Clean renewable energy bond lender.—The term ‘clean renewable energy bond lender’ means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

“(3) Governmental body.—The term ‘governmental body’ means any State, territory, possession of the United States, the District of Columbia, Indian tribal government, and any political subdivision thereof.

“(4) Qualified issuer.—The term ‘qualified issuer’ means—

“(A) a clean renewable energy bond lender,

“(B) a cooperative electric company,

“(C) a governmental body, or

“(D) the Tennessee Valley Authority.

“(5) Qualified borrower.—The term ‘qualified borrower’ means—

“(A) a mutual or cooperative electric company described in section 501(c)(12) or 1381(a)(2)(C),

“(B) a governmental body, or

“(C) the Tennessee Valley Authority.

“(k) Special Rules Relating to Pool Bonds.—No portion of a pooled financing bond may be allocable to any loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

“(l) Other Definitions and Special Rules.—For purposes of this section—

“(1) Bond.—The term ‘bond’ includes any obligation.

“(2) Pooled financing bond.—The term ‘pooled financing bond’ shall have the meaning given such term by section 149(f)(4)(A).

“(3) Partnership; S corporation; and other pass-thru entities.—

“(A) In general.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

“(B) No basis adjustment.—Rules similar to the rules under section 1397E(i)(2) shall apply.

“(4) Bonds held by regulated investment companies.—If any clean renewable energy bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

“(5) Treatment for estimated tax purposes.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a clean renewable energy bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

“(6) Reporting.—Issuers of clean renewable energy bonds shall submit reports similar to the reports required under section 149(e).

"(m) TERMINATION.—This section shall not apply with respect to any bond issued after December 31, 2008.".

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(8) REPORTING OF CREDIT ON CLEAN RENEWABLE ENERGY BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54(g) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54(b)(4)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

"(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.".

(c) CONFORMING AMENDMENTS.—

(1) The table of subparts for part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"SUBPART H. NONREFUNDABLE CREDIT TO HOLDERS OF CERTAIN BONDS.".

(2) Section 1397E(c)(2) is amended by inserting "and H" after "subpart C".

(3) Section 6401(b)(1) is amended by striking "and G" and inserting "G, and H".

(d) ISSUANCE OF REGULATIONS.—The Secretary of Treasury shall issue regulations required under section 54 of the Internal Revenue Code of 1986 (as added by this section) not later than 120 days after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2005.

SEC. 1503. TREATMENT OF INCOME OF CERTAIN ELECTRIC COOPERATIVES.

(a) ELIMINATION OF SUNSET ON TREATMENT OF INCOME FROM OPEN ACCESS AND NUCLEAR DECOMMISSIONING TRANSACTIONS.—Section 501(c)(12)(C) is amended by striking the last sentence.

(b) ELIMINATION OF SUNSET ON TREATMENT OF INCOME FROM LOAD LOSS TRANSACTIONS.—Section 501(c)(12)(H) is amended by striking clause (x).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1504. DISPOSITIONS OF TRANSMISSION PROPERTY TO IMPLEMENT FERC RESTRUCTURING POLICY.

(a) IN GENERAL.—Section 451(i)(3) (defining qualifying electric transmission transaction) is amended by striking "2007" and inserting "2008".

(b) TECHNICAL AMENDMENT RELATED TO SECTION 909 OF THE AMERICAN JOBS CREATION ACT OF 2004.—Clause (ii) of section 451(i)(4)(B) is amended by striking "the close of the period applicable under subsection (a)(2)(B) as extended under paragraph (2)" and inserting "December 31, 2007".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to transactions occurring after the date of the enactment of this Act.

(2) TECHNICAL AMENDMENT.—The amendment made by subsection (b) shall take effect as if included in the amendments made by section 909 of the American Jobs Creation Act of 2004.

SEC. 1505. CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER FACILITIES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding after section 45I the following new section:

"SEC. 45J. CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER FACILITIES.

"(a) GENERAL RULE.—For purposes of section 38, the advanced nuclear power facility production credit of any taxpayer for any taxable year is equal to the product of—

"(1) 1.8 cents, multiplied by

"(2) the kilowatt hours of electricity—

"(A) produced by the taxpayer at an advanced nuclear power facility during the 8-year period beginning on the date the facility was originally placed in service, and

"(B) sold by the taxpayer to an unrelated person during the taxable year.

"(b) NATIONAL LIMITATION.—

"(1) IN GENERAL.—The amount of credit which would (but for this subsection and subsection (c)) be allowed with respect to any facility for any taxable year shall not exceed the amount which bears the same ratio to such amount of credit as—

"(A) the national megawatt capacity limitation allocated to the facility, bears to

"(B) the total megawatt nameplate capacity of such facility.

"(2) AMOUNT OF NATIONAL LIMITATION.—The national megawatt capacity limitation shall be 6,000 megawatts.

"(3) ALLOCATION OF LIMITATION.—The Secretary shall allocate the national megawatt capacity limitation in such manner as the Secretary may prescribe.

"(4) REGULATIONS.—Not later than 6 months after the date of the enactment of this section, the Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations shall provide a certification process under which the Secretary, after consultation with the Secretary of Energy, shall approve and allocate the national megawatt capacity limitation.

"(c) OTHER LIMITATIONS.—

"(1) ANNUAL LIMITATION.—The amount of the credit allowable under subsection (a) (after the application of subsection (b)) for any taxable year with respect to any facility shall not exceed an amount which bears the same ratio to $125,000,000 as—

"(A) the national megawatt capacity limitation allocated under subsection (b) to the facility, bears to

"(B) 1,000.

"(2) OTHER LIMITATIONS.—Rules similar to the rules of section 45(b)(1) shall apply for purposes of this section.

"(d) ADVANCED NUCLEAR POWER FACILITY.—For purposes of this section—

"(1) IN GENERAL.—The term 'advanced nuclear power facility' means any advanced nuclear facility—

"(A) which is owned by the taxpayer and which uses nuclear energy to produce electricity, and

"(B) which is placed in service after the date of the enactment of this paragraph and before January 1, 2021.

"(2) ADVANCED NUCLEAR FACILITY.—For purposes of paragraph (1), the term 'advanced nuclear facility' means any nuclear facility the reactor design for which is approved after December 31, 1993, by the Nuclear Regulatory Commission (and such design or a substantially similar design of comparable capacity was not approved on or before such date).

"(e) OTHER RULES TO APPLY.—Rules similar to the rules of paragraphs (1), (2), (3), (4), and (5) of section 45(e) shall apply for purposes of this section."

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) is amended by striking "plus" at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting ", plus", and by adding at the end the following:

"(20) the advanced nuclear power facility production credit determined under section 45J(a).".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following:

"Sec. 45J. Credit for production from advanced nuclear power facilities.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to production in taxable years beginning after the date of the enactment of this Act.

SEC. 1506. CREDIT FOR INVESTMENT IN CLEAN COAL FACILITIES.

(a) IN GENERAL.—Section 46 (relating to amount of credit) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2), and by adding at the end the following new paragraphs:

"(3) the qualifying advanced coal project credit, and

"(4) the qualifying gasification project credit.".

(b) AMOUNT OF CREDITS.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit) is amended by inserting after section 48 the following new sections:

"SEC. 48A. QUALIFYING ADVANCED COAL PROJECT CREDIT.

"(a) IN GENERAL.—For purposes of section 46, the qualifying advanced coal project credit for any taxable year is an amount equal to 20 percent of the qualified investment for such taxable year.

"(b) QUALIFIED INVESTMENT.—

"(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of property placed in service by the taxpayer during such taxable year which is part of a qualifying advanced coal project—

"(A)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

"(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer, and

"(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

"(2) APPLICABLE RULES.—For purposes of this section, rules similar to the rules of subsection (a)(4) and (b) of section 48 shall apply.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFYING ADVANCED COAL PROJECT.—The term 'qualifying advanced coal project' means a project which meets the requirements of subsection (e).

"(2) ADVANCED COAL-BASED GENERATION TECHNOLOGY.—The term 'advanced coal-based generation technology' means a technology which meets the requirements of subsection (g).

"(3) COAL.—The term 'coal' means any carbonized or semicarbonized matter, including peat.

"(4) GREENHOUSE GAS CAPTURE CAPABILITY.—The term 'greenhouse gas capture capability' means an integrated gasification combined cycle technology facility capable of adding components which can capture, separate on a long-term basis, isolate, remove, and sequester greenhouse gases which result from the generation of electricity.

"(5) ELECTRIC GENERATION UNIT.—The term 'electric generation unit' means any facility at least 50 percent of the total annual net output of which is electrical power, including an otherwise eligible facility which is used in an industrial application.

"(6) INTEGRATED GASIFICATION COMBINED CYCLE.—The term 'integrated gasification combined cycle' means an electric generation unit which produces electricity by converting coal to synthesis gas which is used to fuel a combined-cycle plant which produces electricity from both a combustion turbine (including a combustion turbine/fuel cell hybrid) and a steam turbine.

"(d) QUALIFYING ADVANCED COAL PROJECT PROGRAM.—

"(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall establish a qualifying advanced coal project program for the deployment of advanced coal-based generation technologies.

"(2) CERTIFICATION.—

"(A) IN GENERAL.—The Secretary may certify a qualifying advanced coal project as eligible for a credit under this section.

"(B) PERIOD OF ISSUANCE.—A certificate of eligibility under this paragraph may be issued only during the 10-fiscal year period beginning on October 1, 2005.

"(3) AGGREGATE GENERATING CAPACITY.—

"(A) IN GENERAL.—The aggregate generating capacity of projects certified by the Secretary under paragraph (2) may not exceed 7,500 megawatts.

"(B) PARTICULAR PROJECTS.—Of the total megawatts of capacity which the Secretary is authorized to certify—

"(i) 4,125 megawatts shall be available only for use for integrated gasification combined cycle projects, and

"(ii) 3,375 megawatts shall be available only for use for projects which use other advanced coal-based generation technologies.

"(C) DETERMINATION OF CAPACITY.—In determining capacity under this paragraph in the case of a retrofitted or repowered plant, capacity shall be determined based on total design capacity after the retrofit or repowering of the existing facility is accomplished.

"(4) APPLICATIONS.—The Secretary shall act on applications for certification as the applications are received.

"(5) DETERMINATION.—In determining whether to certify a qualifying advanced coal project, the Secretary shall take into account any written statement from the Governor of the State in which the project is to be sited that the construction and operation of the project is consistent with State environmental and energy policy and requirements.

"(6) REVIEW AND REDISTRIBUTION.—

"(A) REVIEW.—Not later than 6 years after the date of enactment of this section, the Secretary shall review the projects certified and megawatts allocated under this section as of the date which is 6 years after the date of enactment of this section.

"(B) REDISTRIBUTION.—The Secretary may reallocate the megawatts available under clauses (i) and (ii) of paragraph (3)(B) if the Secretary determines that—

"(i) capacity cannot be used because there is an insufficient quantity of qualifying applications for certification pending for any available capacity at the time of the review, or

"(ii) any certification commitment made pursuant to subsection (e)(4)(B) has not been revoked pursuant to subsection (f)(2)(B)(ii) because the project subject to the certification commitment has been delayed as a result of third party opposition or litigation to the proposed project.

"(e) QUALIFYING ADVANCED COAL PROJECTS.—

"(1) REQUIREMENTS.—For purposes of subsection (c)(1), a project shall be considered a qualifying advanced coal project that the Secretary may certify under subsection (d)(2) if the Secretary determines that, at a minimum—

"(A) the project uses an advanced coal-based generation technology—

"(i) to power a new electric generation or polygeneration unit, or

"(ii) to retrofit or repower an existing electric generation unit (including an existing natural gas-fired combined cycle unit),

"(B) the fuel input for the project, when completed, is at least 75 percent coal,

"(C) the applicant provides an assurance satisfactory to the Secretary that—

"(i) the project is technologically feasible, and

"(ii) the project is not financially feasible without the Federal financial incentives, after taking into account—

"(I) regulatory approvals or power purchase contracts referred to in subparagraph (D),

"(II) arrangements for the supply of fuel to the project,

"(III) contracts or other arrangements for construction of the project facilities,

"(IV) any performance guarantees to be provided by contractors and equipment vendors, and

"(V) evidence of the availability of funds to develop and construct the project,

"(D) the applicant demonstrates that the applicant has obtained—

"(i) approval by the appropriate regulatory commission of the recovery of the cost of the project, or

"(ii) a power purchase agreement (or letter of intent, subject to paragraph (3)) which has been approved by the board of directors of, and executed by, a creditworthy purchasing party,

"(E) except as provided in subsection (f)(2), the applicant demonstrates that the applicant has, or will, obtain all project agreements and approvals, and

"(F) the project will be located in the United States.

"(2) PRIORITY FOR INTEGRATED GASIFICATION COMBINED CYCLE PROJECTS.—In determining which qualifying advanced coal projects to certify under subsection (d)(3)(B)(i), the Secretary shall—

"(A) certify capacity to—

"(i) projects using bituminous coal as a primary feedstock,

"(ii) projects using subbituminous coal as a primary feedstock, and

"(iii) projects using lignite as a primary feedstock, and

"(B) give high priority to projects which include, as determined by the Secretary—

"(i) greenhouse gas capture capability,

"(ii) increased by-product utilization, and

"(iii) other benefits.

"(3) LETTER OF INTENT.—A letter of intent described in paragraph (1)(D)(ii) shall be replaced by a binding contract before a certificate may be issued.

"(f) PROJECT AGREEMENTS AND APPROVALS.—

"(1) DEFINITION OF PROJECT AGREEMENTS AND APPROVALS.—For purposes of this subsection, the term 'project agreements and approvals' means—

"(A) all necessary power purchase agreements, and all other contracts, which the Secretary determines are necessary to construct, finance, and operate a project, and

"(B) all authorizations by Federal, State, and local agencies which are required to construct, operate, and recover the cost of the project.

"(2) CERTIFICATION COMMITMENT.—

"(A) IN GENERAL.—If the applicant has not obtained all agreements and approvals prior to application, the Secretary may issue a certification commitment.

"(B) REQUIREMENTS.—

"(i) IN GENERAL.—An applicant which receives a certification commitment shall obtain any remaining project agreements and approvals not later than 4 years after the issuance of the certification commitment.

"(ii) REVOCATION.—If all project agreements and approvals are not obtained during the 4-year period described in clause (i), the certification commitment is terminated without any other action by the Secretary.

"(iii) FINAL CERTIFICATE.—No certificate may be issued until all project agreements and approvals are obtained.

"(g) ADVANCED COAL-BASED GENERATION TECHNOLOGY.—

"(1) IN GENERAL.—For the purpose of this section, an electric generation unit uses advanced coal-based generation technology if—

"(A) the unit—

"(i) uses integrated gasification combined cycle technology, or

"(ii) except as provided in paragraph (3), has a design net heat rate of 8530 Btu/kWh (40 percent efficiency), and

"(B) the vendor warrants that the unit is designed to meet the performance requirements in the following table:

Performance characteristic:	**Design level for project:**
SO_2 (percent removal).	99 percent
NO_x (emissions)	0.07 lbs/MMBTU
PM* (emissions)	0.015 lbs/MMBTU
Hg (percent removal).	90 percent

"(2) DESIGN NET HEAT RATE.—For purposes of this subsection, design net heat rate with respect to an electric generation unit shall—

"(A) be measured in Btu per kilowatt hour (higher heating value),

"(B) be based on the design annual heat input to the unit and the rated net electrical power, fuels, and chemicals output of the unit (determined without regard to the cogeneration of steam by the unit),

"(C) be adjusted for the heat content of the design coal to be used by the unit—

"(i) if the heat content is less than 13,500 Btu per pound, but greater than 7,000 Btu per pound, according to the following formula: design net heat rate = unit net heat rate x [1-{((13,500-design coal heat content, Btu per pound)/1,000)* 0.013}], and

"(ii) if the heat content is less than or equal to 7,000 Btu per pound, according to the following formula: design net heat rate = unit net heat rate x [1-{((13,500-design coal heat content, Btu per pound)/1,000)* 0.018}], and

"(D) be corrected for the site reference conditions of—

"(i) elevation above sea level of 500 feet,

"(ii) air pressure of 14.4 pounds per square inch absolute,

"(iii) temperature, dry bulb of 63/o/F,

"(iv) temperature, wet bulb of 54/o/F, and “(v) relative humidity of 55 percent.

(3) EXISTING UNITS.—In the case of any electric generation unit in existence on the date of the enactment of this section, such unit uses advanced coal-based generation technology if, in lieu of the requirements under paragraph (1)(A)(ii), such unit achieves a minimum efficiency of 35 percent and an overall thermal design efficiency improvement, compared to the efficiency of the unit as operated, of not less than—

(A) 7 percentage points for coal of more than 9,000 Btu,

(B) 6 percentage points for coal of 7,000 to 9,000 Btu, or

(C) 4 percentage points for coal of less than 7,000 Btu.

“SEC. 48B. QUALIFYING GASIFICATION PROJECT CREDIT.

“(a) IN GENERAL.—For purposes of section 46, the qualifying gasification project credit for any taxable year is an amount equal to 20 percent of the qualified investment for such taxable year.

“(b) QUALIFIED INVESTMENT.—

“(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of property placed in service by the taxpayer during such taxable year which is part of a qualifying gasification project—

“(A)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

“(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer, and

“(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

“(2) APPLICABLE RULES.—For purposes of this section, rules similar to the rules of subsection (a)(4) and (b) of section 48 shall apply.

“(c) DEFINITIONS.—For purposes of this section—

“(1) QUALIFYING GASIFICATION PROJECT.—The term ‘qualifying gasification project’ means any project which—

“(A) employs gasification technology,

“(B) will be carried out by an eligible entity, and

“(C) any portion of the qualified investment in which is certified under the qualifying gasification program as eligible for credit under this section in an amount (not to exceed $1,000,000,000) determined by the Secretary.

“(2) GASIFICATION TECHNOLOGY.—The term ‘gasification technology’ means any process which converts a solid or liquid product from coal, petroleum residue, biomass, or other materials which are recovered for their energy or feedstock value into a synthesis gas composed primarily of carbon monoxide and hydrogen for direct use or subsequent chemical or physical conversion.

“(3) BIOMASS.—

“(A) IN GENERAL.—The term ‘biomass’ means any—

“(i) agricultural or plant waste,

“(ii) byproduct of wood or paper mill operations, including lignin in spent pulping liquors, and

“(iii) other products of forestry maintenance.

“(B) EXCLUSION.—The term ‘biomass’ does not include paper which is commonly recycled.

“(4) CARBON CAPTURE CAPABILITY.—The term ‘carbon capture capability’ means a gasification plant design which is determined by the Secretary to reflect reasonable consideration for, and be capable of, accommodating the equipment likely to be necessary to capture carbon dioxide from the gaseous stream, for later use or sequestration, which would otherwise be emitted in the flue gas from a project which uses a nonrenewable fuel.

“(5) COAL.—The term ‘coal’ means any carbonized or semicarbonized matter, including peat.

“(6) ELIGIBLE ENTITY.—The term ‘eligible entity’ means any person whose application for certification is principally intended for use in a domestic project which employs domestic gasification applications related to—

“(A) chemicals,

“(B) fertilizers,

“(C) glass,

“(D) steel,

“(E) petroleum residues,

“(F) forest products, and

“(G) agriculture, including feedlots and dairy operations.

“(7) PETROLEUM RESIDUE.—The term ‘petroleum residue’ means the carbonized product of high-boiling hydrocarbon fractions obtained in petroleum processing.

“(d) QUALIFYING GASIFICATION PROJECT PROGRAM.—

“(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall establish a qualifying gasification project program to consider and award certifications for qualified investment eligible for credits under this section to qualifying gasification project sponsors under this section. The total qualified investment which may be awarded eligibility for credit under the program shall not exceed $4,000,000,000.

“(2) PERIOD OF ISSUANCE.—A certificate of eligibility under paragraph (1) may be issued only during the 10-fiscal year period beginning on October 1, 2005.

“(3) SELECTION CRITERIA.—The Secretary shall not make a competitive certification award for qualified investment for credit eligibility under this section unless the recipient has documented to the satisfaction of the Secretary that—

“(A) the award recipient is financially viable without the receipt of additional Federal funding associated with the proposed project,

“(B) the recipient will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is spent efficiently and effectively,

“(C) a market exists for the products of the proposed project as evidenced by contracts or written statements of intent from potential customers,

“(D) the fuels identified with respect to the gasification technology for such project will comprise at least 90 percent of the fuels required by the project for the production of chemical feedstocks, liquid transportation fuels, or coproduction of electricity,

“(E) the award recipient's project team is competent in the construction and operation of the gasification technology proposed, with preference given to those recipients with experience which demonstrates successful and reliable operations of the technology on domestic fuels so identified, and

“(F) the award recipient has met other criteria established and published by the Secretary.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) is amended by striking “and” at the end of clause (ii), by striking clause (iii), and by adding after clause (ii) the following new clauses:

“(iii) the basis of any property which is part of a qualifying advanced coal project under section 48A, and

“(iv) the basis of any property which is part of a qualifying gasification project under section 48B.”.

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48 the following new items:

“48A. Qualifying advanced coal project credit.

“48B. Qualifying gasification project credit.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1507. CLEAN ENERGY COAL BONDS.

(a) IN GENERAL.—Subpart H of part IV of subchapter A of chapter 1 (relating to credits against tax), as added by this Act, is amended by adding at the end the following new section:

“SEC. 54A. CREDIT TO HOLDERS OF CLEAN ENERGY COAL BONDS.

“(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a clean energy coal bond on 1 or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

“(b) AMOUNT OF CREDIT.—

“(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a clean energy coal bond is 25 percent of the annual credit determined with respect to such bond.

“(2) ANNUAL CREDIT.—The annual credit determined with respect to any clean energy coal bond is the product of—

“(A) the credit rate determined by the Secretary under paragraph (3) for the day on which such bond was sold, multiplied by

“(B) the outstanding face amount of the bond.

“(3) DETERMINATION.—For purposes of paragraph (2), with respect to any clean energy coal bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of clean energy coal bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer.

“(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term ‘credit allowance date’ means—

“(A) March 15,

“(B) June 15,

“(C) September 15, and

“(D) December 15.

Such term also includes the last day on which the bond is outstanding.

“(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-

month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

“(c) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(2) the sum of the credits allowable under this part (other than subpart C thereof (relating to refundable credits) and this section) and section 1397E.

“(d) CLEAN ENERGY COAL BOND.—For purposes of this section—

“(1) IN GENERAL.—The term ‘clean energy coal bond’ means any bond issued as part of an issue if—

“(A) the bond is issued by a qualified issuer pursuant to an allocation by the Secretary to such issuer of a portion of the national clean energy coal bond limitation under subsection (f)(2),

“(B) 95 percent or more of the proceeds from the sale of such issue are to be used for capital expenditures incurred by qualified borrowers for 1 or more qualified projects,

“(C) the qualified issuer designates such bond for purposes of this section and the bond is in registered form, and

“(D) the issue meets the requirements of subsection (h).

“(2) QUALIFIED PROJECT; SPECIAL USE RULES.—

“(A) IN GENERAL.—The term ‘qualified project’ means a qualifying advanced coal project (as defined in section 48A(c)(1)) placed in service by a qualified borrower.

“(B) REFINANCING RULES.—For purposes of paragraph (1)(B), a qualified project may be refinanced with proceeds of a clean energy coal bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by a qualified borrower after the date of the enactment of this section.

“(C) REIMBURSEMENT.—For purposes of paragraph (1)(B), a clean energy coal bond may be issued to reimburse a qualified borrower for amounts paid after the date of the enactment of this section with respect to a qualified project, but only if—

“(i) prior to the payment of the original expenditure, the qualified borrower declared its intent to reimburse such expenditure with the proceeds of a clean energy coal bond,

“(ii) not later than 60 days after payment of the original expenditure, the qualified issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

“(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

“(D) TREATMENT OF CHANGES IN USE.—For purposes of paragraph (1)(B), the proceeds of an issue shall not be treated as used for a qualified project to the extent that a qualified borrower takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a clean energy coal bond.

“(e) MATURITY LIMITATIONS.—

“(1) DURATION OF TERM.—A bond shall not be treated as a clean energy coal bond if the maturity of such bond exceeds the maximum term determined by the Secretary under paragraph (2) with respect to such bond.

“(2) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined using as a discount rate the average annual interest rate of tax of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

“(3) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a clean energy coal bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each calendar year that the issue is outstanding.

“(f) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

“(1) NATIONAL LIMITATION.—There is a national clean energy coal bond limitation of $1,000,000,000.

“(2) ALLOCATION BY SECRETARY.—The Secretary shall allocate the amount described in paragraph (1) among qualified projects in such manner as the Secretary determines appropriate.

“(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

“(h) SPECIAL RULES RELATING TO EXPENDITURES.—

“(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the qualified issuer reasonably expects—

“(A) at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the clean energy bond,

“(B) a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the clean energy bond or, in the case of a clean energy bond the proceeds of which are to be loaned to 2 or more qualified borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the loan of such proceeds to a qualified borrower, and

“(C) such projects will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

“(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

“(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

“(i) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a clean energy coal bond unless, with respect to the issue of which the bond is a part, the qualified issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

“(j) COOPERATIVE ELECTRIC COMPANY; QUALIFIED ENERGY TAX CREDIT BOND LENDER; GOVERNMENTAL BODY; QUALIFIED BORROWER.—For purposes of this section—

“(1) COOPERATIVE ELECTRIC COMPANY.—The term ‘cooperative electric company’ means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C), or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.

“(2) CLEAN ENERGY BOND LENDER.—The term ‘clean energy bond lender’ means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

“(3) GOVERNMENTAL BODY.—The term ‘governmental body’ means any State, territory, possession of the United States, the District of Columbia, Indian tribal government, and any political subdivision thereof.

“(4) QUALIFIED ISSUER.—The term ‘qualified issuer’ means—

“(A) a clean energy bond lender,

“(B) a cooperative electric company,

“(C) a governmental body, or

“(D) the Tennessee Valley Authority.

“(5) QUALIFIED BORROWER.—The term ‘qualified borrower’ means—

“(A) a mutual or cooperative electric company described in section 501(c)(12) or 1381(a)(2)(C),

“(B) a governmental body, or

“(C) the Tennessee Valley Authority.

“(k) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond may be allocable to any loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

“(l) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) BOND.—The term ‘bond’ includes any obligation.

“(2) POOLED FINANCING BOND.—The term ‘pooled financing bond’ shall have the meaning given such term by section 149(f)(4)(A).

“(3) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—

“(A) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

“(B) NO BASIS ADJUSTMENT.—Rules similar to the rules under section 1397E(i)(2) shall apply.

“(4) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any clean energy coal bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

“(5) TREATMENT FOR ESTIMATED TAX PURPOSES.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a clean energy coal bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

"(6) REPORTING.—Issuers of clean energy coal bonds shall submit reports similar to the reports required under section 149(e).

"(m) TERMINATION.—This section shall not apply with respect to any bond issued after December 31, 2010.".

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest), as amended by this Act, is amended by adding at the end the following new paragraph:

"(9) REPORTING OF CREDIT ON CLEAN ENERGY COAL BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A(g) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(b)(4)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

"(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.".

(c) CLERICAL AMENDMENT.—The table of sections for subpart H of part IV of subchapter A of chapter 1, as added by this Act, is amended by adding at the end the following new item:

"Sec. 54A. Credit to holders of clean energy coal bonds.".

(d) ISSUANCE OF REGULATIONS.—The Secretary of Treasury shall issue regulations required under section 54A of the Internal Revenue Code of 1986 (as added by this section) not later than 120 days after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2005.

Subtitle B—Domestic Fossil Fuel Security

SEC. 1511. CREDIT FOR INVESTMENT IN CLEAN COKE/COGENERATION MANUFACTURING FACILITIES.

(a) ALLOWANCE OF CLEAN COKE/COGENERATION MANUFACTURING FACILITIES CREDIT.—Section 46 (relating to amount of credit), as amended by this Act, is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4), and inserting ", and", and by adding at the end the following new paragraph:

"(5) the clean coke/cogeneration manufacturing facilities credit.".

(b) AMOUNT OF CLEAN COKE/COGENERATION MANUFACTURING FACILITIES CREDIT.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit), as amended by this Act, is amended by inserting after section 48B the following new section:

"SEC. 48C. CLEAN COKE/COGENERATION MANUFACTURING FACILITIES CREDIT.

"(a) IN GENERAL.—For purposes of section 46, the clean coke/cogeneration manufacturing facilities credit for any taxable year is an amount equal to 20 percent of the qualified investment for such taxable year.

"(b) QUALIFIED INVESTMENT.—

"(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of each clean coke/cogeneration manufacturing facilities property placed in service by the taxpayer during such taxable year.

"(2) CLEAN COKE/COGENERATION MANUFACTURING FACILITIES PROPERTY.—For purposes of this section, the term 'clean coke/cogeneration manufacturing facilities property' means real and tangible personal property which—

"(A) is depreciable under section 167,

"(B) is located in the United States,

"(C) is used for the manufacture of metallurgical coke or for the production of steam or electricity from waste heat generated during the production of metallurgical coke, and

"(D) does not exceed any of the following emission limitations—

"(i) 0.0 percent leaking for any coke oven doors unless the operation of ovens is under negative pressure,

"(ii) 0.0 percent leaking for any topside port lids,

"(iii) 0.0 percent leaking for any offtake system,

determined as provided for in section 63.303(b)(1)(ii) or 63.309(d)(1) of title 40, Code of Federal Regulations.

"(c) TERMINATION.—This subsection shall not apply to property for periods after December 31, 2009.".

(c) TECHNICAL AMENDMENT.—Section 50(c) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULE FOR COKE/COGENERATION FACILITIES.—Paragraphs (1) and (2) shall not apply to any property with respect to the credit determined under section 48C.".

(d) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C), as amended by this Act, is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following new clause:

"(v) the basis of any clean coke/cogeneration manufacturing facilities property."

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 48B the following new item:

"48C. Clean coke/cogeneration manufacturing facilities credit.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1512. TEMPORARY EXPENSING FOR EQUIPMENT USED IN REFINING OF LIQUID FUELS.

(A) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by inserting after section 179B the following new section:

"SEC. 179C. ELECTION TO EXPENSE CERTAIN REFINERIES.

"(a) TREATMENT AS EXPENSES.—A taxpayer may elect to treat the cost of any qualified refinery property as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which the qualified refinery is placed in service.

"(b) ELECTION.—

"(1) IN GENERAL.—An election under this section for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

"(2) ELECTION IRREVOCABLE.—Any election made under this section may not be revoked except with the consent of the Secretary.

"(c) QUALIFIED REFINERY PROPERTY.—The term 'qualified refinery property' means any refinery or portion of a refinery—

"(1) the original use of which commences with the taxpayer,

"(2) the construction of which—

"(A) except as provided in subparagraph (B), is subject to a binding construction contract entered into after June 14, 2005, and before January 1, 2008, but only if there was no written binding construction contract entered into on or before June 14, 2005, or

"(B) in the case of self-constructed property, began after June 14, 2005,

"(3) which is placed in service by the taxpayer after the date of the enactment of this section and before January 1, 2012,

"(4) in the case of any portion of a refinery, which meets the requirements of subsection (d), and

"(5) which meets all applicable environmental laws in effect on the date such refinery or portion thereof was placed in service. A waiver under the Clean Air Act shall not be taken into account in determining whether the requirements of paragraph (5) are met.

"(d) PRODUCTION CAPACITY.—The requirements of this subsection are met if the portion of the refinery—

"(1) increases the rated capacity of the existing refinery by 5 percent or more over the capacity of such refinery as reported by the Energy Information Agency on January 1, 2005, or

"(2) enables the existing refinery to process qualified fuels (as defined in section 29(c)) at a rate which is equal to or greater than 25 percent of the total throughput of such refinery on an average daily basis.

"(e) ELECTION TO ALLOCATE DEDUCTION TO COOPERATIVE OWNER.—If—

"(1) a taxpayer to which subsection (a) applies is an organization to which part I of subchapter T applies, and

"(2) one or more persons directly holding an ownership interest in the taxpayer are organizations to which part I of subchapter T apply,

the taxpayer may elect to allocate all or a portion of the deduction allowable under subsection (a) to such persons. Such allocation shall be equal to the person's ratable share of the total amount allocated, determined on the basis of the person's ownership interest in the taxpayer. The taxable income of the taxpayer shall not be reduced under section 1382 by reason of any amount to which the preceding sentence applies.

"(f) INELIGIBLE REFINERIES.—No deduction shall be allowed under subsection (a) for any qualified refinery property—

"(1) the primary purpose of which is for use as a topping plant, asphalt plant, lube oil facility, crude or product terminal, or blending facility, or

"(2) which is built solely to comply with Federally mandated projects or consent decrees.

"(g) REPORTING.—No deduction shall be allowed under subsection (a) to any taxpayer for any taxable year unless such taxpayer files with the Secretary a report containing such information with respect to the operation of the refineries of the taxpayer as the Secretary shall require.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1245(a) is amended by inserting "179C," after "179B," both places it appears in paragraphs (2)(C) and (3)(C).

(2) Section 263(a)(1) is amended by striking "or" at the end of subparagraph (H), by

striking the period at the end of subparagraph (I) and inserting ", or", and by inserting after subparagraph (I) the following new subparagraph:

"(J) expenditures for which a deduction is allowed under section 179C.".

(3) Section 312(k)(3)(B) is amended by striking "179 179A, or 179B" each place it appears in the heading and text and inserting "179, 179A, 179B, or 179C".

(4) The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 179B the following new item:

"Sec. 179C. Election to expense certain refineries.".

(c) EFFECTIVE DATE.— The amendments made by this section shall apply to properties placed in service after the date of the enactment of this Act.

SEC. 1513. PASS THROUGH TO PATRONS OF DEDUCTION FOR CAPITAL COSTS INCURRED BY SMALL REFINER COOPERATIVES IN COMPLYING WITH ENVIRONMENTAL PROTECTION AGENCY SULFUR REGULATIONS.

(a) IN GENERAL.—Section 179B (relating to deduction for capital costs incurred in complying with Environmental Protection Agency sulfur regulations) is amended by adding at the end the following new subsection:

"(e) ELECTION TO ALLOCATE DEDUCTION TO COOPERATIVE OWNER.—If—

"(1) a small business refiner to which subsection (a) applies is an organization to which part I of subchapter T applies, and

"(2) one or more persons directly holding an ownership interest in the refiner are organizations to which part I of subchapter T apply,

the refiner may elect to allocate all or a portion of the deduction allowable under subsection (a) to such persons. Such allocation shall be equal to the person's ratable share of the total amount allocated, determined on the basis of the person's ownership interest in the taxpayer. The taxable income of the refiner shall not be reduced under section 1382 by reason of any amount to which the preceding sentence applies.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 338(a) of the American Jobs Creation Act of 2004.

SEC. 1514. MODIFICATIONS TO ENHANCED OIL RECOVERY CREDIT.

(a) ENHANCED CREDIT FOR CARBON DIOXIDE INJECTIONS.—Section 43 is amended by adding at the end the following new subsection:

"(f) ENHANCED CREDIT FOR PROJECTS USING QUALIFIED CARBON DIOXIDE.—

"(1) IN GENERAL.—In the case of any qualified enhanced oil recovery project described in paragraph (2), subsection (a) shall be applied by substituting '20 percent' for '15 percent'.

"(2) SPECIFIED QUALIFIED ENHANCED OIL RECOVERY PROJECT.—

"(A) IN GENERAL.—A qualified enhanced oil recovery project is described in this paragraph if—

"(i) the project begins or is substantially expanded after December 31, 2005, and

"(ii) the project uses qualified carbon dioxide in an oil recovery method which involves flooding or injection.

"(B) QUALIFIED CARBON DIOXIDE.—For purposes of this subsection, the term 'qualified carbon dioxide' means carbon dioxide that is—

"(i) from an industrial source, or

"(ii) separated from natural gas and natural gas liquids at a natural gas processing plant.

"(3) TERMINATION.—This subsection shall not apply to costs paid or incurred for any qualified enhanced oil recovery project after December 31, 2009.".

(b) DEEP GAS WELL PROJECTS.—Section 43(c) is amended by adding at the end the following new paragraph:

"(6) APPLICATION OF SECTION TO QUALIFIED DEEP GAS WELL PROJECTS.—

"(A) IN GENERAL.—For purposes of this section, the taxpayer's qualified deep gas well project costs for any taxable year shall be treated in the same manner as if they were qualified enhanced oil recovery costs.

"(B) QUALIFIED DEEP GAS WELL PROJECT COSTS.—For purposes of this paragraph, the term 'qualified deep gas well project costs' shall be the costs determined under paragraph (1) by substituting 'qualified deep gas well project' for 'qualified enhanced oil recovery project' each place it appears.

"(C) QUALIFIED DEEP GAS WELL PROJECT.—For purposes of this paragraph, the term 'qualified deep gas well project' means any project—

"(i) which involves the production of natural gas from onshore formations deeper than 20,000 feet, and

"(ii) which is located in the United States.

"(D) TERMINATION.—This paragraph shall not apply to qualified deep gas well project costs paid or incurred after December 31, 2009.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to costs paid or incurred in taxable years ending after December 31, 2005.

SEC. 1515. NATURAL GAS DISTRIBUTION LINES TREATED AS 15-YEAR PROPERTY.

(a) IN GENERAL.—Section 168(e)(3)(E) (defining 15-year property) is amended by striking "and" at the end of clause (v), by striking the period at the end of clause (vi) and by inserting ", and", and by adding at the end the following new clause:

"(vii) any natural gas distribution line the original use of which commences with the taxpayer and which is placed in service before January 1, 2008.".

(b) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) (relating to special rule for certain property assigned to classes) is amended by adding after the item relating to subparagraph (E)(vi) the following new item:

"(E)(vii) .... 35".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

(2) EXCEPTION.—The amendments made by this section shall not apply to any property with respect to which the taxpayer or a related party has entered into a binding contract for the construction thereof on or before June 14, 2005, or, in the case of self-constructed property, has started construction on or before such date.

Subtitle C—Conservation and Energy Efficiency Provisions

SEC. 1521. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations), as amended by this Act, is amended by inserting after section 179C the following new section:

"SEC. 179D. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

"(a) IN GENERAL.—There shall be allowed as a deduction an amount equal to the cost of energy efficient commercial building property placed in service during the taxable year.

"(b) MAXIMUM AMOUNT OF DEDUCTION.—The deduction under subsection (a) with respect to any building for any taxable year shall not exceed the excess (if any) of—

"(1) the product of—

"(A) $2.25, and

"(B) the square footage of the building, over

"(2) the aggregate amount of the deductions under subsection (a) with respect to the building for all prior taxable years.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ENERGY EFFICIENT COMMERCIAL BUILDING PROPERTY.—The term 'energy efficient commercial building property' means property—

"(A) with respect to which depreciation (or amortization in lieu of depreciation) is allowable,

"(B) which is installed on or in any building which is—

"(i) located in the United States, and

"(ii) within the scope of Standard 90.1-2001,

"(C) which is installed as part of—

"(i) the interior lighting systems,

"(ii) the heating, cooling, ventilation, and hot water systems, or

"(iii) the building envelope, and

"(D) which is certified in accordance with subsection (d)(6) as being installed as part of a plan designed to reduce the total annual energy and power costs with respect to the interior lighting systems, heating, cooling, ventilation, and hot water systems of the building by 50 percent or more in comparison to a reference building which meets the minimum requirements of Standard 90.1-2001 using methods of calculation under subsection (d)(2).

"(2) STANDARD 90.1-2001.—The term 'Standard 90.1-2001' means Standard 90.1-2001 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America (as in effect on April 2, 2003).

"(d) SPECIAL RULES.—

"(1) PARTIAL ALLOWANCE.—

"(A) IN GENERAL.—Except as provided in subsection (f), if—

"(i) the requirement of subsection (c)(1)(D) is not met, but

"(ii) there is a certification in accordance with paragraph (6) that any system referred to in subsection (c)(1)(C) satisfies the energy-savings targets established by the Secretary under subparagraph (B) with respect to such system,

then the requirement of subsection (c)(1)(D) shall be treated as met with respect to such system, and the deduction under subsection (a) shall be allowed with respect to energy efficient commercial building property installed as part of such system and as part of a plan to meet such targets, except that subsection (b) shall be applied to such property by substituting '$.75' for '$2.25'.

"(B) REGULATIONS.—The Secretary, after consultation with the Secretary of Energy, shall establish a target for each system described in subsection (c)(1)(C) which, if such targets were met for all such systems, the building would meet the requirements of subsection (c)(1)(D).

"(2) METHODS OF CALCULATION.—The Secretary, after consultation with the Secretary of Energy, shall promulgate regulations which describe in detail methods for calculating and verifying energy and power consumption and cost, based on the provisions of the 2005 California Nonresidential Alternative Calculation Method Approval Manual.

"(3) COMPUTER SOFTWARE.—

"(A) IN GENERAL.—Any calculation under paragraph (2) shall be prepared by qualified computer software.

"(B) QUALIFIED COMPUTER SOFTWARE.—For purposes of this paragraph, the term 'qualified computer software' means software—

"(i) for which the software designer has certified that the software meets all procedures and detailed methods for calculating energy and power consumption and costs as required by the Secretary,

"(ii) which provides such forms as required to be filed by the Secretary in connection with energy efficiency of property and the deduction allowed under this section, and

"(iii) which provides a notice form which documents the energy efficiency features of the building and its projected annual energy costs.

"(4) ALLOCATION OF DEDUCTION FOR PUBLIC PROPERTY.—In the case of energy efficient commercial building property installed on or in property owned by a Federal, State, or local government or a political subdivision thereof, the Secretary shall promulgate a regulation to allow the allocation of the deduction to the person primarily responsible for designing the property in lieu of the owner of such property. Such person shall be treated as the taxpayer for purposes of this section.

"(5) NOTICE TO OWNER.—Each certification required under this section shall include an explanation to the building owner regarding the energy efficiency features of the building and its projected annual energy costs as provided in the notice under paragraph (3)(B)(iii).

"(6) CERTIFICATION.—

"(A) IN GENERAL.—The Secretary shall prescribe the manner and method for the making of certifications under this section.

"(B) PROCEDURES.—The Secretary shall include as part of the certification process procedures for inspection and testing by qualified individuals described in subparagraph (C) to ensure compliance of buildings with energy-savings plans and targets. Such procedures shall be comparable, given the difference between commercial and residential buildings, to the requirements in the Mortgage Industry National Accreditation Procedures for Home Energy Rating Systems.

"(C) QUALIFIED INDIVIDUALS.—Individuals qualified to determine compliance shall be only those individuals who are recognized by an organization certified by the Secretary for such purposes.

"(e) BASIS REDUCTION.—For purposes of this subtitle, if a deduction is allowed under this section with respect to any energy efficient commercial building property, the basis of such property shall be reduced by the amount of the deduction so allowed.

"(f) INTERIM RULES FOR LIGHTING SYSTEMS.—Until such time as the Secretary issues final regulations under subsection (d)(1)(B) with respect to property which is part of a lighting system—

"(1) IN GENERAL.—The lighting system target under subsection (d)(1)(A)(ii) shall be a reduction in lighting power density of 25 percent (50 percent in the case of a warehouse) of the minimum requirements in Table 9.3.1.1 or Table 9.3.1.2 (not including additional interior lighting power allowances) of Standard 90.1–2001.

"(2) REDUCTION IN DEDUCTION IF REDUCTION LESS THAN 40 PERCENT.—

"(A) IN GENERAL.—If, with respect to the lighting system of any building other than a warehouse, the reduction in lighting power density of the lighting system is not at least 40 percent, only the applicable percentage of the amount of deduction otherwise allowable under this section with respect to such property shall be allowed.

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is the number of percentage points (not greater than 100) equal to the sum of—

"(i) 50, and

"(ii) the amount which bears the same ratio to 50 as the excess of the reduction of lighting power density of the lighting system over 25 percentage points bears to 15.

"(C) EXCEPTIONS.—This subsection shall not apply to any system—

"(i) the controls and circuiting of which do not comply fully with the mandatory and prescriptive requirements of Standard 90.1–2001 and which do not include provision for bilevel switching in all occupancies except hotel and motel guest rooms, store rooms, restrooms, and public lobbies, or

"(ii) which does not meet the minimum requirements for calculated lighting levels as set forth in the Illuminating Engineering Society of North America Lighting Handbook, Performance and Application, Ninth Edition, 2000.

"(g) COORDINATION WITH OTHER TAX BENEFITS.—In any case in which a deduction under section 200 or a credit under section 25C has been allowed with respect to property in connection with a building for which a deduction is allowable under subsection (a)—

"(1) the annual energy and power costs of the reference building referred to in subsection (c)(1)(D) shall be determined assuming such reference building contains the property for which such deduction or credit has been allowed, and

"(2) any cost of such property taken into account under such sections shall not be taken into account under this section.

"(h) REGULATIONS.—The Secretary shall promulgate such regulations as necessary—

"(1) to take into account new technologies regarding energy efficiency and renewable energy for purposes of determining energy efficiency and savings under this section, and

"(2) to provide for a recapture of the deduction allowed under this section if the plan described in subsection (c)(1)(D) or (d)(1)(A) is not fully implemented.

"(i) TERMINATION.—This section shall not apply with respect to property placed in service after December 31, 2009.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) is amended by striking "and" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ", and", and by adding at the end the following new paragraph:

"(32) to the extent provided in section 179D(e).".

(2) Section 1245(a), as amended by this Act, is amended by inserting "179D," after "179C," both places it appears in paragraphs (2)(C) and (3)(C).

(3) Section 1250(b)(3) is amended by inserting before the period at the end of the first sentence "or by section 179D".

(4) Section 263(a)(1), as amended by this Act, is amended by striking "or" at the end of subparagraph (I), by striking the period at the end of subparagraph (J) and inserting ", or", and by inserting after subparagraph (J) the following new subparagraph:

"(K) expenditures for which a deduction is allowed under section 179D.".

(5) Section 312(k)(3)(B), as amended by this Act, is amended by striking "179, 179A, 179B, or 179C" each place it appears in the heading and text and inserting "179, 179A, 179B, 179C, or 179D".

(c) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1, as amended by this Act, is amended by inserting after section 179C the following new item:

"Sec. 179D. Energy efficient commercial buildings deduction.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act in taxable years ending after such date.

SEC. 1522. CREDIT FOR CONSTRUCTION OF NEW ENERGY EFFICIENT HOMES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 45K. NEW ENERGY EFFICIENT HOME CREDIT.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—For purposes of section 38, in the case of an eligible contractor, the new energy efficient home credit for the taxable year is the applicable amount for each qualified new energy efficient home which is—

"(A) constructed by the eligible contractor, and

"(B) acquired by a person from such eligible contractor for use as a residence during the taxable year.

"(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is an amount equal to—

"(i) in the case of a dwelling unit described in paragraph (1) or (3) of subsection (c), $1,000, and

"(ii) in the case of a dwelling unit described in paragraph (2) or (4) of subsection (c), $2,000.

"(b) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE CONTRACTOR.—The term 'eligible contractor' means—

"(A) the person who constructed the qualified new energy efficient home, or

"(B) in the case of a qualified new energy efficient home which is a manufactured home, the manufactured home producer of such home.

If more than 1 person is described in subparagraph (A) or (B) with respect to any qualified new energy efficient home, such term means the person designated as such by the owner of such home.

"(2) QUALIFIED NEW ENERGY EFFICIENT HOME.—The term 'qualified new energy efficient home' means a dwelling unit—

"(A) located in the United States,

"(B) the construction of which is substantially completed after the date of the enactment of this section, and

"(C) which meets the energy saving requirements of subsection (c).

"(3) CONSTRUCTION.—The term 'construction' includes substantial reconstruction and rehabilitation.

"(4) ACQUIRE.—The term 'acquire' includes purchase and, in the case of reconstruction and rehabilitation, such term includes a binding written contract for such reconstruction or rehabilitation.

"(c) ENERGY SAVING REQUIREMENTS.—A dwelling unit meets the energy saving requirements of this subsection if such unit is—

"(1) certified—

"(A) to have a level of annual heating and cooling energy consumption which is at least

30 percent below the annual level of heating and cooling energy consumption of a comparable dwelling unit—

"(i) which is constructed in accordance with the standards of chapter 4 of the 2003 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of this section, and

"(ii) for which the heating and cooling equipment efficiencies correspond to the minimum allowed under the regulations established by the Department of Energy pursuant to the National Appliance Energy Conservation Act of 1987 and in effect at the time of construction, and

"(B) to have building envelope component improvements account for at least ⅓ of such 30 percent,

"(2) certified—

"(A) to have a level of annual heating and cooling energy consumption which is at least 50 percent below such annual level, and

"(B) to have building envelope component improvements account for at least ⅕ of such 50 percent,

"(3) a manufactured home which conforms to Federal Manufactured Home Construction and Safety Standards (section 3280 of title 24, Code of Federal Regulations) and which—

"(A) meets the requirements of clause (i), or

"(B) meets the requirements established by the Administrator of the Environmental Protection Agency under the Energy Star Labeled Homes program, or

"(4) a manufactured home which conforms to Federal Manufactured Home Construction and Safety Standards (section 3280 of title 24, Code of Federal Regulations) and which meets the requirements of clause (ii).

"(d) CERTIFICATION.—

"(1) METHOD OF CERTIFICATION.—A certification described in paragraphs (1) and (2) of subsection (c) shall be made in accordance with guidance prescribed by the Secretary, after consultation with the Secretary of Energy. Such guidance shall specify procedures and methods for calculating energy and cost savings.

"(2) FORM.—Any certification described in subsection (c) shall be made in writing in a manner which specifies in readily verifiable fashion the energy efficient building envelope components and energy efficient heating or cooling equipment installed and their respective rated energy efficiency performance.

"(e) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section in connection with any expenditure for any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so determined.

"(f) COORDINATION WITH OTHER CREDITS AND DEDUCTIONS.—

"(1) SPECIAL RULE WITH RESPECT TO BUILDINGS WITH ENERGY EFFICIENT PROPERTY.—In the case of property which is described in section 200 which is installed in connection with a dwelling unit, the level of annual heating and cooling energy consumption of the comparable dwelling unit referred to in paragraphs (1) and (2) of subsection (c) shall be determined assuming such comparable dwelling unit contains the property for which such deduction or credit has been allowed.

"(2) COORDINATION WITH INVESTMENT CREDIT.—For purposes of this section, expenditures taken into account under section 47 or 48(a) shall not be taken into account under this section.

"(g) APPLICATION OF SECTION.—

"(1) 50 PERCENT HOMES.—In the case of any dwelling unit described in paragraph (2) or (4) of subsection (c), subsection (a) shall apply to qualified new energy efficient homes acquired during the period beginning on the date of the enactment of this section and ending on December 31, 2009.

"(2) 30 PERCENT HOMES.—In the case of any dwelling unit described in paragraph (1) or (3) of subsection (c), subsection (a) shall apply to qualified new energy efficient homes acquired during the period beginning on the date of the enactment of this section and ending on December 31, 2007.".

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to current year business credit), as amended by this Act, is amended by striking "plus" at the end of paragraph (19), by striking the period at the end of paragraph (20) and inserting ", plus", and by adding at the end the following new paragraph:

"(21) the new energy efficient home credit determined under section 45K(a).".

(c) BASIS ADJUSTMENT.—Subsection (a) of section 1016, as amended by this Act, is amended by striking "and" at the end of paragraph (31), by striking the period at the end of paragraph (32) and inserting ", and", and by adding at the end the following new paragraph:

"(33) to the extent provided in section 45K(e), in the case of amounts with respect to which a credit has been allowed under section 45K.".

(d) DEDUCTION FOR CERTAIN UNUSED BUSINESS CREDITS.—Section 196(c) (defining qualified business credits) is amended by striking "and" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", and", and by adding after paragraph (12) the following new paragraph:

"(13) the new energy efficient home credit determined under section 45K(a).".

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

"Sec. 45K. New energy efficient home credit.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 1523. DEDUCTION FOR BUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by adding at the end the following new section:

"SEC. 200. ENERGY PROPERTY DEDUCTION.

"(a) IN GENERAL.—There shall be allowed as a deduction for the taxable year an amount equal to the greater of—

"(1) the amount determined under subsection (b) for each energy property of the taxpayer placed in service during such taxable year, or

"(2) the energy efficient residential rental building property deduction determined under subsection (e).

"(b) AMOUNT FOR ENERGY PROPERTY.—The amount determined under this subsection for the taxable year shall be—

"(1) $150 for any advanced main air circulating fan,

"(2) $450 for any qualified natural gas, propane, or oil furnace or hot water boiler, and

"(2) $900 for any energy efficient building property.

"(c) ENERGY PROPERTY DEFINED.—

"(1) IN GENERAL.—For purposes of this part, the term 'energy property' means any property—

"(A) which is—

"(i) energy-efficient building property,

"(ii) a qualified natural gas, propane, or oil furnace or hot water boiler, or

"(iii) an advanced main air circulating fan,

"(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

"(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

"(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

"(D) which meets the performance and quality standards, and the certification requirements (if any), which—

"(i) have been prescribed by the Secretary by regulations (after consultation with the Secretary of Energy or the Administrator of the Environmental Protection Agency, as appropriate),

"(ii) in the case of the energy efficiency ratio (EER) for central air conditioners and electric heat pumps—

"(I) require measurements to be based on published data which is tested by manufacturers at 95 degrees Fahrenheit, and

"(II) may be based on the certified data of the Air Conditioning and Refrigeration Institute that are prepared in partnership with the Consortium for Energy Efficiency,

"(iii) in the case of geothermal heat pumps—

"(I) shall be based on testing under the conditions of ARI/ISO Standard 13256–1 for Water Source Heat Pumps or ARI 870 for Direct Expansion GeoExchange Heat Pumps (DX), as appropriate, and

"(II) shall include evidence that water heating services have been provided through a desuperheater or integrated water heating system connected to the storage water heater tank, and

"(iv) are in effect at the time of the acquisition of the property, or at the time of the completion of the construction, reconstruction, or erection of the property, as the case may be.

"(2) EXCEPTION.—Such term shall not include any property which is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

"(d) DEFINITIONS RELATING TO TYPES OF ENERGY PROPERTY.—For purposes of this section—

"(1) ENERGY-EFFICIENT BUILDING PROPERTY.—The term 'energy-efficient building property' means—

"(A) an electric heat pump water heater which yields an energy factor of at least 2.0 in the standard Department of Energy test procedure,

"(B) an electric heat pump which has a heating seasonal performance factor (HSPF) of at least 9, a seasonal energy efficiency ratio (SEER) of at least 15, and an energy efficiency ratio (EER) of at least 13,

"(C) a geothermal heat pump which—

"(i) in the case of a closed loop product, has an energy efficiency ratio (EER) of at least 14.1 and a heating coefficient of performance (COP) of at least 3.3,

"(ii) in the case of an open loop product, has an energy efficiency ratio (EER) of at least 16.2 and a heating coefficient of performance (COP) of at least 3.6, and

"(iii) in the case of a direct expansion (DX) product, has an energy efficiency ratio (EER) of at least 15 and a heating coefficient of performance (COP) of at least 3.5.

"(D) a central air conditioner which has a seasonal energy efficiency ratio (SEER) of at least 15 and an energy efficiency ratio (EER) of at least 13, and

"(E) a natural gas, propane, or oil water heater which has an energy factor of at least 0.80.

"(2) QUALIFIED NATURAL GAS, PROPANE, OR OIL FURNACE OR HOT WATER BOILER.—The term 'qualified natural gas, propane, or oil furnace or hot water boiler' means a natural gas, propane, or oil furnace or hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 95.

"(3) ADVANCED MAIN AIR CIRCULATING FAN.—The term 'advanced main air circulating fan' means a fan used in a natural gas, propane, or oil furnace originally placed in service by the taxpayer during the taxable year and which has an annual electricity use of no more than 2 percent of the total annual energy use of the furnace (as determined in the standard Department of Energy test procedures).

"(e) ENERGY EFFICIENT RESIDENTIAL RENTAL BUILDING PROPERTY DEDUCTION.—

"(1) DEDUCTION ALLOWED.—For purposes of subsection (a)—

"(A) IN GENERAL.—The energy efficient residential rental building property deduction determined under this subsection is an amount equal to energy efficient residential rental building property expenditures made by a taxpayer for the taxable year.

"(B) MAXIMUM AMOUNT OF DEDUCTION.—The amount of energy efficient residential rental building property expenditures taken into account under subparagraph (A) with respect to each dwelling unit shall not exceed—

"(i) $6,000 in the case of a percentage reduction of 50 percent or more as determined under paragraph (2)(B)(ii), and

"(ii) $12,000 times the percentage reduction in the case of a percentage reduction which is less than 50 percent as determined under paragraph (2)(B)(ii).

"(C) YEAR DEDUCTION ALLOWED.—The deduction under subparagraph (A) shall be allowed in the taxable year in which the construction, reconstruction, erection, or rehabilitation of the property is completed.

"(2) ENERGY EFFICIENT RESIDENTIAL RENTAL BUILDING PROPERTY EXPENDITURES.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'energy efficient residential rental building property expenditures' means an amount paid or incurred for energy efficient residential rental building property—

"(i) in connection with construction, reconstruction, erection, or rehabilitation of residential rental property (as defined in section 168(e)(2)(A)) other than property for which a deduction is allowable under section 179D,

"(ii) for which depreciation is allowable under section 167,

"(iii) which is located in the United States, and

"(iv) the construction, reconstruction, erection, or rehabilitation of which is completed by the taxpayer.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

"(B) ENERGY EFFICIENT RESIDENTIAL RENTAL BUILDING PROPERTY.—

"(i) IN GENERAL.—The term 'energy efficient residential rental building property' means any property which, individually or in combination with other property, reduces total annual energy and power costs with respect to heating and cooling of the building by 20 percent or more when compared to—

"(I) in the case of an existing building, the original condition of the building, and

"(II) in the case of a new building, the standards for residential buildings of the same type which are built in compliance with the applicable building construction codes.

"(ii) PROCEDURES.—

"(I) IN GENERAL.—For purposes of clause (i), energy usage and costs shall be demonstrated by performance-based compliance in accordance with the requirements of clause (iv).

"(II) COMPUTER SOFTWARE.—Computer software shall be used in support of performance-based compliance under subclause (I) and such software shall meet all of the procedures and methods for calculating energy savings reductions which are promulgated by the Secretary of Energy. Such regulations on the specifications for software and verification protocols shall be based on the 2005 California Residential Alternative Calculation Method Approval Manual.

"(III) CALCULATION REQUIREMENTS.—In calculating tradeoffs and energy performance, the regulations prescribed under this clause shall prescribe for the taxable year the costs per unit of energy and power, such as kilowatt hour, kilowatt, gallon of fuel oil, and cubic foot or Btu of natural gas, which may be dependent on time of usage. If a State has developed annual energy usage and cost calculation procedures based on time of usage costs for use in the performance standards of the State's building energy code prior to the effective date of this section, the State may use those annual energy usage and cost calculation procedures in lieu of those adopted by the Secretary.

"(IV) APPROVAL OF SOFTWARE SUBMISSIONS.—The Secretary shall approve software submissions which comply with the requirements of subclause (II).

"(V) PROCEDURES FOR INSPECTION AND TESTING OF HOMES.—The Secretary shall ensure that procedures for the inspection and testing for compliance comply with the calculation requirements under subclause (III) of this clause and clause (iv).

"(iii) DETERMINATIONS OF COMPLIANCE.—A determination of compliance with respect to energy efficient residential rental building property made for the purposes of this subparagraph shall be filed with the Secretary not later than 1 year after the date of such determination and shall include the TIN of the certifier, the address of the building in compliance, and the identity of the person for whom such determination was performed. Determinations of compliance filed with the Secretary shall be available for inspection by the Secretary of Energy.

"(iv) COMPLIANCE.—

"(I) IN GENERAL.—The Secretary, after consultation with the Secretary of Energy, shall establish requirements for certification and compliance procedures after examining the requirements for energy consultants and home energy ratings providers specified by the Mortgage Industry National Home Energy Rating Standards.

"(II) INDIVIDUALS QUALIFIED TO DETERMINE COMPLIANCE.—The determination of compliance may be provided by a local building regulatory authority, a utility, a manufactured home production inspection primary inspection agency (IPIA), or an accredited home energy rating system provider. All providers shall be accredited, or otherwise authorized to use approved energy performance measurement methods, by the Residential Energy Services Network (RESNET).

"(C) ALLOCATION OF DEDUCTION FOR PUBLIC PROPERTY.—In the case of energy efficient residential rental building property which is property owned by a Federal, State, or local government or a political subdivision thereof, the Secretary shall promulgate a regulation to allow the allocation of the deduction to the person primarily responsible for designing the improvements to the property in lieu of the owner of such property. Such person shall be treated as the taxpayer for purposes of this subsection.

"(f) BASIS REDUCTION.—For purposes of this subtitle, if a deduction is allowed under this section with respect to any property, the basis of such property shall be reduced by the amount of the deduction so allowed.

"(g) REGULATIONS.—The Secretary shall promulgate such regulations as necessary to take into account new technologies regarding energy efficiency and renewable energy for purposes of determining energy efficiency and savings under this section.

"(h) TERMINATION.—This section shall not apply with respect to any property placed in service after December 31, 2008.".

(b) CONFORMING AMENDMENT.—Section 1016(a), as amended by this Act, is amended by striking "and" at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting ", and", and by inserting the following new paragraph:

"(34) for amounts allowed as a deduction under section 200(a).".

(c) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 200. Energy property deduction.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 1524. CREDIT FOR CERTAIN NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

"SEC. 25C. NONBUSINESS ENERGY PROPERTY.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the greater of—

"(A) the amount of residential energy property expenditures made by the taxpayer during such taxable year, or

"(B) the amount specified in paragraph (2) for any building owned by the taxpayer which is certified as a highly energy-efficient principal residence during such taxable year.

"(2) CREDIT AMOUNT.—For purposes of paragraph (1)(B), the credit amount with respect to a highly energy-efficient principal residence is—

"(A) $2,000 in the case of a percentage reduction of 50 percent or more as determined under subsection (c)(4)(C), and

"(B) $4,000 times the percentage reduction in the case of a percentage reduction which is 20 percent or more but less than 50 percent as determined under subsection (c)(4)(C).

"(b) LIMITATION.—The amount of the credit allowed under this section by reason of subsection (a)(1)(A) shall not exceed—

"(1) $50 for any advanced main air circulating fan, "(2) $150 for any qualified natural gas, propane, or oil furnace or hot water boiler, and

"(2) $300 for any item of energy efficient property.

"(c) Definitions and Special Rules.—For purposes of this section—

"(1) Residential energy property expenditures.—The term 'residential energy property expenditures' means expenditures made by the taxpayer for qualified energy property installed on or in connection with a dwelling unit which—

"(A) is located in the United States, and

"(B) is used as a principal residence.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

"(2) Qualified energy property.—

"(A) In general.—The term 'qualified energy property' means—

"(i) energy-efficient building property,

"(ii) a qualified natural gas, propane, or oil furnace or hot water boiler, or

"(iii) an advanced main air circulating fan.

"(B) Required standards.—Property described under subparagraph (A) shall meet the performance and quality standards and certification standards of section 200(c)(1)(D).

"(3) Energy-efficient building property; qualified natural gas, propane, or oil furnace or hot water boiler; advanced main air circulating fan.—The terms 'energy-efficient building property', 'qualified natural gas, propane, or oil furnace or hot water boiler', and 'advanced main air circulating fan' have the meanings given such terms in section 200.

"(4) Highly energy-efficient principal residence.—

"(A) In general.—A building is a highly energy-efficient principal residence if—

"(i) such building is located in the United States,

"(ii) the building is used as a principal residence,

"(iii) in the case of a new building, the building is not acquired from an eligible contractor (within the meaning of section 45K(b)(1)), and

"(iv) the building is certified in accordance with subparagraph (D) as meeting the requirements of subparagraph (C).

"(B) Principal residence.—

"(i) In general.—The term 'principal residence' has the same meaning as when used in section 121, except that—

"(I) no ownership requirement shall be imposed, and

"(II) the period for which a building is treated as used as a principal residence shall also include the 60-day period ending on the 1st day on which it would (but for this subparagraph) first be treated as used as a principal residence.

"(ii) Manufactured housing.—The term 'residence' shall include a dwelling unit which is a manufactured home conforming to Federal Manufactured Home Construction and Safety Standards (24 C.F.R. 3280).

"(C) Requirements.—The requirements of this subparagraph are met if the projected heating and cooling energy usage of the building, measured in terms of average annual energy cost to taxpayer, is reduced by 20 percent or more in comparison to—

"(i) in the case of an existing building, the original condition of the building, and

"(ii) in the case of a new building, a comparable building—

"(I) which is constructed in accordance with the standards of chapter 4 of the 2003 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of this section, and

"(II) for which the heating and cooling equipment efficiencies correspond to the minimum allowed under the regulations established by the Department of Energy pursuant to the National Appliance Energy Conservation Act of 1987 and in effect at the time of construction.

"(D) Certification procedures.—

"(i) In general.—For purposes of subparagraph (A)(iv), energy usage shall be demonstrated by performance-based compliance in accordance with the requirements of subsection (d)(2).

"(ii) Computer software.—Computer software shall be used in support of performance-based compliance under clause (i) and such software shall meet all of the procedures and methods for calculating energy savings reductions which are promulgated by the Secretary of Energy. Such regulations on the specifications for software and verification protocols shall be based on the 2005 California Residential Alternative Calculation Method Approval Manual.

"(iii) Calculation requirements.—In calculating tradeoffs and energy performance, the regulations shall prescribe the costs per unit of energy and power, such as kilowatt hour, kilowatt, gallon of fuel oil, and cubic foot or Btu of natural gas, which may be dependent on time of usage. If a State has developed annual energy usage and cost calculation procedures based on time of usage costs for use in the performance standards of the State's building energy code before the effective date of this section, the State may use those annual energy usage and cost calculation procedures in lieu of those adopted by the Secretary.

"(iv) Approval of software submissions.—The Secretary shall approve software submissions which comply with the calculation requirements of clause (ii).

"(v) Procedures for inspection and testing of dwelling units.—The Secretary shall ensure that procedures for the inspection and testing for compliance comply with the calculation requirements under clause (iii) and subsection (d)(2).

"(d) Special Rules.—For purposes of this section—

"(1) Determinations of compliance.—A determination of compliance made for the purposes of this section shall be filed with the Secretary within 1 year of the date of such determination and shall include the TIN of the certifier, the address of the building in compliance, and the identity of the person for whom such determination was performed. Determinations of compliance filed with the Secretary shall be available for inspection by the Secretary of Energy.

"(2) Compliance.—

"(A) In general.—The Secretary, after consultation with the Secretary of Energy, shall establish requirements for certification and compliance procedures after examining the requirements for energy consultants and home energy ratings providers specified by the Mortgage Industry National Home Energy Rating Standards.

"(B) Individuals qualified to determine compliance.—The determination of compliance may be provided by a local building regulatory authority, a utility, a manufactured home production inspection primary inspection agency (IPIA), or an accredited home energy rating system provider. All providers shall be accredited, or otherwise authorized to use approved energy performance measurement methods, by the Residential Energy Services Network (RESNET).

"(3) Dollar amounts in case of joint occupancy.—In the case of any dwelling unit which is jointly occupied and used during any calendar year as a principal residence by 2 or more individuals, the following rules shall apply:

"(A) The amount of the credit allowable under subsection (a) by reason of expenditures made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

"(B) There shall be allowable with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

"(4) Tenant-stockholder in cooperative housing corporation.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation and such credit shall be allocated pro rata to such individual.

"(5) Condominiums.—

"(A) In general.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having made his proportionate share of any expenditures of such association and any credit shall be allocated appropriately.

"(B) Condominium management association.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as principal residences.

"(6) Joint ownership of energy items.—

"(A) In general.—Any expenditure otherwise qualifying as an expenditure under this section shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

"(B) Limits applied separately.—In the case of any expenditure described in subparagraph (A), the amount of the credit allowable under subsection (a) shall (subject to paragraph (1)) be computed separately with respect to the amount of the expenditure made for each dwelling unit.

"(7) Allocation in certain cases.—If less than 80 percent of the use of an item is for nonbusiness purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness purposes shall be taken into account.

"(8) Year credit allowed.—The credit under subsection (a)(2) shall be allowed in the taxable year in which the percentage reduction with respect to the principal residence is certified.

"(9) When expenditure made; amount of expenditure.—

"(A) In general.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

“(B) EXPENDITURES PART OF BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction of a structure, such expenditure shall be treated as made when the original use of the constructed structure by the taxpayer begins.

“(10) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—

“(A) REDUCTION OF EXPENDITURES.—

“(i) IN GENERAL.—Except as provided in subparagraph (C), for purposes of determining the amount of expenditures made by any individual with respect to any dwelling unit, there shall not be taken into account expenditures which are made from subsidized energy financing.

“(ii) SUBSIDIZED ENERGY FINANCING.—For purposes of clause (i), the term ‘subsidized energy financing’ has the same meaning given such term in section 48(a)(4)(C).

“(B) DOLLAR LIMITS REDUCED.—The dollar amounts in subsection (b)(3) with respect to each property purchased for such dwelling unit for any taxable year of such taxpayer shall be reduced proportionately by an amount equal to the sum of—

“(i) the amount of the expenditures made by the taxpayer during such taxable year with respect to such dwelling unit and not taken into account by reason of subparagraph (A), and

“(ii) the amount of any Federal, State, or local grant received by the taxpayer during such taxable year which is used to make residential energy property expenditures with respect to the dwelling unit and is not included in the gross income of such taxpayer.

“(C) EXCEPTION FOR STATE PROGRAMS.—Subparagraphs (A) and (B) shall not apply to expenditures made with respect to property for which the taxpayer has received a loan, State tax credit, or grant under any State energy program.

“(11) COORDINATION WITH SECTION 25D.—In any case in which a credit under section 25D has been allowed with respect to property in connection with a building for which a credit is allowable under this section by reason of subsection (a)(1)(B)—

“(A) for purposes of subsection (c)(4)(C), the average annual energy cost with respect to heating and cooling of—

“(i) for purposes of subsection (c)(4)(C)(i), the original condition of the building, and

“(ii) for purposes of subsection (c)(4)(C)(ii), the comparable building,

shall be determined assuming such building contains the property for which such credit has been allowed, and

“(B) any cost of such property taken into account under such section shall not be taken into account under this section.

“(e) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

“(f) REGULATIONS.—The Secretary shall promulgate such regulations as necessary to take into account new technologies regarding energy efficiency and renewable energy for purposes of determining energy efficiency and savings under this section.

“(g) TERMINATION.—This section shall not apply with respect to any property placed in service after December 31, 2008.”.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016, as amended by this Act, is amended by striking “and” at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting “, and”, and by adding at the end the following new paragraph:

“(35) to the extent provided in section 25C(e), in the case of amounts with respect to which a credit has been allowed under section 25C.”.

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25B the following new item:

“Sec. 25C. Nonbusiness energy property.”.

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to property placed in service after December 31, 2005.

SEC. 1525. ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.

(a) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is by striking “or” at the end of clause (i), by inserting “or” at the end of clause (ii), and by adding at the end the following new clause:

“(iii) combined heat and power system property,”.

(b) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Section 48 (relating to energy credit; reforestation credit) is amended by adding at the end the following new subsection:

“(c) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of subsection (a)(3)(A)(iii)—

“(1) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term ‘combined heat and power system property’ means property comprising a system—

“(A) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

“(B) which has an electrical capacity of not more than 15 megawatts or a mechanical energy capacity of not more than 2,000 horsepower or an equivalent combination of electrical and mechanical energy capacities,

“(C) which produces—

“(i) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and

“(ii) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

“(D) the energy efficiency percentage of which exceeds 60 percent, and

“(E) which is placed in service before January 1, 2008.

“(2) SPECIAL RULES.—

“(A) ENERGY EFFICIENCY PERCENTAGE.—For purposes of this subsection, the energy efficiency percentage of a system is the fraction—

“(i) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

“(ii) the denominator of which is the lower heating value of the fuel sources for the system.

“(B) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under paragraph (1)(C) shall be determined on a Btu basis.

“(C) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term ‘combined heat and power system property’ does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

“(D) CERTAIN EXCEPTION NOT TO APPLY.—The first sentence of the matter in subsection (a)(3) which follows subparagraph (D) thereof shall not apply to combined heat and power system property.

“(3) SYSTEMS USING BAGASSE.—If a system is designed to use bagasse for at least 90 percent of the energy source—

“(A) paragraph (1)(D) shall not apply, but

“(B) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this paragraph) as the energy efficiency percentage of such system bears to 60 percent.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1526. CREDIT FOR ENERGY EFFICIENT APPLIANCES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits), as amended by this Act, is amended by adding at the end the following new section:

“SEC. 45L. ENERGY EFFICIENT APPLIANCE CREDIT.

“(a) GENERAL RULE.—

“(1) IN GENERAL.—For purposes of section 38, the energy efficient appliance credit determined under this section for any taxable year is an amount equal to the sum of the credit amounts determined under paragraph (2) for each type of qualified energy efficient appliance produced by the taxpayer during the calendar year ending with or within the taxable year.

“(2) CREDIT AMOUNTS.—The credit amount determined for any type of qualified energy efficient appliance is—

“(A) the applicable amount determined under subsection (b) with respect to such type, multiplied by

“(B) the eligible production for such type.

“(b) APPLICABLE AMOUNT.—

“(1) IN GENERAL.—For purposes of subsection (a)—

“(A) DISHWASHERS.—The applicable amount is the energy savings amount in the case of a dishwasher which—

“(i) is manufactured in calendar year 2006 or 2007, and

“(ii) meets the requirements of the Energy Star program which are in effect for dishwashers in 2007.

“(B) CLOTHES WASHERS.—The applicable amount is—

“(i) $50, in the case of a clothes washer which—

“(I) is manufactured in calendar year 2005, and

“(II) has an MEF of at least 1.42,

“(ii) $100, in the case of a clothes washer which—

“(I) is manufactured in calendar year 2005, 2006, or 2007, and

“(II) meets the requirements of the Energy Star program which are in effect for clothes washers in 2007, and

“(iii) the energy and water savings amount, in the case of a clothes washer which—

“(I) is manufactured in calendar year 2008, 2009, or 2010, and

“(II) meets the requirements of the Energy Star program which are in effect for clothes washers in 2010.

“(C) REFRIGERATORS.—

"(i) 15 PERCENT SAVINGS.—The applicable amount is $75 in the case of a refrigerator which—

"(I) is manufactured in calendar year 2005 or 2006, and

"(II) consumes at least 15 percent but not more than 20 percent less kilowatt hours per year than the 2001 energy conservation standard.

"(ii) 20 PERCENT SAVINGS.—In the case of a refrigerator which consumes at least 20 percent but not more than 25 percent less kilowatt hours per year than the 2001 energy conservation standards, the applicable amount is—

"(I) $125 for a refrigerator which is manufactured in calendar year 2005, 2006, or 2007, and

"(II) $100 for a refrigerator which is manufactured in calendar year 2008.

"(iii) 25 PERCENT SAVINGS.—In the case of a refrigerator which consumes at least 25 percent less kilowatt hours per year than the 2001 energy conservation standards, the applicable amount is—

"(I) $175 for a refrigerator which is manufactured in calendar year 2005, 2006, or 2007, and

"(II) $150 for a refrigerator which is manufactured in calendar year 2008, 2009, or 2010.

"(2) ENERGY SAVINGS AMOUNT.—For purposes of paragraph (1)(A)—

"(A) IN GENERAL.—The energy savings amount is the lesser of—

"(i) the product of—

"(I) $3, and

"(II) 100 multiplied by the energy savings percentage, or

"(ii) $100.

"(B) ENERGY SAVINGS PERCENTAGE.—For purposes of subparagraph (A), the energy savings percentage is the ratio of—

"(i) the EF required by the Energy Star program for dishwashers in 2007 minus the EF required by the Energy Star program for dishwashers in 2005, to

"(ii) the EF required by the Energy Star program for dishwashers in 2007.

"(3) ENERGY AND WATER SAVINGS AMOUNT.—For purposes of paragraph (1)(B)(iii)—

"(A) IN GENERAL.—The energy and water savings amount is the lesser of—

"(i) the product of—

"(I) $10, and

"(II) 100 multiplied by the energy and water savings percentage, or

"(ii) $200.

"(B) ENERGY AND WATER SAVINGS PERCENTAGE.—For purposes of subparagraph (A), the energy and water savings percentage is the average of the MEF savings percentage and the WF savings percentage.

"(C) MEF SAVINGS PERCENTAGE.—For purposes of this paragraph, the MEF savings percentage is the ratio of—

"(i) the MEF required by the Energy Star program for clothes washers in 2010 minus the MEF required by the Energy Star program for clothes washers in 2007, to

"(ii) the MEF required by the Energy Star program for clothes washers in 2010.

"(D) WF SAVINGS PERCENTAGE.—For purposes of this paragraph, the WF savings percentage is the ratio of—

"(i) the WF required by the Energy Star program for clothes washers in 2007 minus the WF required by the Energy Star program for clothes washers in 2010, to

"(ii) the WF required by the Energy Star program for clothes washers in 2007.

"(c) ELIGIBLE PRODUCTION.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the eligible production in a calendar year with respect to each type of energy efficient appliance is the excess of—

"(A) the number of appliances of such type which are produced by the taxpayer in the United States during such calendar year, over

"(B) the average number of appliances of such type which were produced by the taxpayer (or any predecessor) in the United States during the preceding 3-calendar year period.

"(2) SPECIAL RULE FOR REFRIGERATORS.—The eligible production in a calendar year with respect to each type of refrigerator described in subsection (b)(1)(C) is the excess of—

"(A) the number of appliances of such type which are produced by the taxpayer in the United States during such calendar year, over

"(B) 110 percent of the average number of appliances of such type which were produced by the taxpayer (or any predecessor) in the United States during the preceding 3-calendar year period.

"(3) SPECIAL RULE FOR 2005 PRODUCTION.—For purposes of determining eligible production for calendar year 2005—

"(A) only production after the date of enactment of this section shall be taken into account under paragraphs (1)(A) and (2)(A), and

"(B) the amount taken into account under paragraphs (1)(B) and (2)(B) shall be an amount which bears the same ratio to the amount which would (but for this paragraph) be taken into account under such paragraph as—

"(i) the number of days in calendar year 2005 after the date of enactment of this section, bears to

"(ii) 365.

"(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

"(1) dishwashers described in subsection (b)(1)(A),

"(2) clothes washers described in subsection (b)(1)(B)(i),

"(3) clothes washers described in subsection (b)(1)(B)(ii),

"(4) clothes washers described in subsection (b)(1)(B)(iii),

"(5) refrigerators described in subsection (b)(1)(C)(i),

"(6) refrigerators described in subsection (b)(1)(C)(ii)(I),

"(7) refrigerators described in subsection (b)(1)(C)(ii)(II),

"(8) refrigerators described in subsection (b)(1)(C)(iii)(I), and

"(9) refrigerators described in subsection (b)(1)(C)(iii)(II).

"(e) LIMITATIONS.—

"(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years.

"(2) AMOUNT ALLOWED FOR CERTAIN APPLIANCES.—

"(A) IN GENERAL.—In the case of appliances described in subparagraph (C), the aggregate amount of the credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $20,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years with respect to such appliances.

"(B) ELECTION TO INCREASE ALLOWABLE CREDIT.—In the case of any taxpayer who makes an election under this subparagraph—

"(i) subparagraph (A) shall be applied by substituting '$25,000,000' for '$20,000,000', and

"(ii) the aggregate amount of the credit allowed under subsection (a) with respect to such taxpayer for any taxable year for appliances described in subparagraph (C) and the additional appliances described in subparagraph (D) shall not exceed $50,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years with respect to such appliances.

"(C) APPLIANCES DESCRIBED.—The appliances described in this subparagraph are—

"(i) clothes washers described in subsection (b)(1)(B)(i), and

"(ii) refrigerators described in subsection (b)(1)(C)(i).

"(D) ADDITIONAL APPLIANCES.—The additional appliances described in this subparagraph are—

"(i) refrigerators described in subsection (b)(1)(C)(ii)(I), and

"(ii) refrigerators described in subsection (b)(1)(C)(ii)(II).

"(3) LIMITATION BASED ON GROSS RECEIPTS.—The credit allowed under subsection (a) with respect to a taxpayer for the taxable year shall not exceed an amount equal to 2 percent of the average annual gross receipts of the taxpayer for the 3 taxable years preceding the taxable year in which the credit is determined.

"(4) GROSS RECEIPTS.—For purposes of this subsection, the rules of paragraphs (2) and (3) of section 448(c) shall apply.

"(f) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

"(A) any dishwasher described in subsection (b)(1)(A),

"(B) any clothes washer described in subsection (b)(1)(B), and

"(C) any refrigerator described in subsection (b)(1)(C).

"(2) DISHWASHER.—The term 'dishwasher' means a residential dishwasher subject to the energy conservation standards established by the Department of Energy.

"(3) CLOTHES WASHER.—The term 'clothes washer' means a residential model clothes washer, including a residential style coin operated washer.

"(4) REFRIGERATOR.—The term 'refrigerator' means a residential model automatic defrost refrigerator-freezer which has an internal volume of at least 16.5 cubic feet.

"(5) MEF.—The term 'MEF' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standards.

"(6) EF.—The term 'EF' means the energy factor established by the Department of Energy for compliance with the Federal energy conservation standards.

"(7) WF.—The term 'WF' means Water Factor (as determined by the Secretary of Energy).

"(8) PRODUCED.—The term 'produced' includes manufactured.

"(9) 2001 ENERGY CONSERVATION STANDARD.—The term '2001 energy conservation standard' means the energy conservation standards promulgated by the Department of Energy and effective July 1, 2001.

"(g) SPECIAL RULES.—For purposes of this section—

"(1) IN GENERAL.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.

"(2) CONTROLLED GROUP.—

"(A) IN GENERAL.—All persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as a single producer.

"(B) INCLUSION OF FOREIGN CORPORATIONS.—For purposes of subparagraph (A), in applying subsections (a) and (b) of section 52 to this section, section 1563 shall be applied without regard to subsection (b)(2)(C) thereof.

"(3) VERIFICATION.—No amount shall be allowed as a credit under subsection (a) with respect to which the taxpayer has not submitted such information or certification as the Secretary, in consultation with the Secretary of Energy, determines necessary.".

(b) CONFORMING AMENDMENT.—Section 38(b) (relating to general business credit), as amended by this Act, is amended by striking "plus" at the end of paragraph (20), by striking the period at the end of paragraph (21) and inserting ", plus", and by adding at the end the following new paragraph:

"(22) the energy efficient appliance credit determined under section 45L(a).".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

"Sec. 45L. Energy efficient appliance credit".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 1527. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits), as amended by this Act, is amended by inserting after section 25C the following new section:

"SEC. 25D. RESIDENTIAL ENERGY EFFICIENT PROPERTY.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) 30 percent of the qualified photovoltaic property expenditures made by the taxpayer during such year,

"(2) 30 percent of the qualified solar water heating property expenditures made by the taxpayer during such year,

"(3) 30 percent of the qualified fuel cell property expenditures made by the taxpayer during such year,

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—The credit allowed under subsection (a) shall not exceed—

"(A) $2,000 for property described in paragraph (1) or (2) of subsection (d), and

"(B) $500 for each 0.5 kilowatt of capacity of property described in subsection (d)(4).

"(2) CERTIFICATIONS.—No credit shall be allowed under this section for an item of property unless—

"(A) in the case of solar water heating property, such property is certified for performance by the non-profit Solar Rating Certification Corporation or a comparable entity endorsed by the government of the State in which such property is installed, and

"(B) in the case of a photovoltaic property or a fuel cell property such property meets appropriate fire and electric code requirements.

"(c) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED SOLAR WATER HEATING PROPERTY EXPENDITURE.—The term 'qualified solar water heating property expenditure' means an expenditure for property to heat water for use in a dwelling unit located in the United States and used as a residence by the taxpayer if at least half of the energy used by such property for such purpose is derived from the sun.

"(2) QUALIFIED PHOTOVOLTAIC PROPERTY EXPENDITURE.—The term 'qualified photovoltaic property expenditure' means an expenditure for property which uses solar energy to generate electricity for use in a dwelling unit located in the United States and used as a residence by the taxpayer.

"(3) SOLAR PANELS.—No expenditure relating to a solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as property described in paragraph (1) or (2) solely because it constitutes a structural component of the structure on which it is installed.

"(4) QUALIFIED FUEL CELL PROPERTY EXPENDITURE.—The term 'qualified fuel cell property expenditure' means an expenditure for qualified fuel cell property (as defined in section 48(d)(1)) installed on or in connection with a dwelling unit located in the United States and used as a principal residence (within the meaning of section 121) by the taxpayer.

"(5) LABOR COSTS.—Expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property described in paragraph (1), (2), (4), (5), or (6) and for piping or wiring to interconnect such property to the dwelling unit shall be taken into account for purposes of this section.

"(6) SWIMMING POOLS, ETC., USED AS STORAGE MEDIUM.—Expenditures which are properly allocable to a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage shall not be taken into account for purposes of this section.

"(e) SPECIAL RULES.—For purposes of this section—

"(1) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which is jointly occupied and used during any calendar year as a residence by 2 or more individuals the following rules shall apply:

"(A) The amount of the credit allowable, under subsection (a) by reason of expenditures (as the case may be) made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

"(B) There shall be allowable, with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

"(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

"(3) CONDOMINIUMS.—

"(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which the individual owns, such individual shall be treated as having made the individual's proportionate share of any expenditures of such association.

"(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

"(4) ALLOCATION IN CERTAIN CASES.—If less than 80 percent of the use of an item is for nonbusiness purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness purposes shall be taken into account.

"(5) WHEN EXPENDITURE MADE; AMOUNT OF EXPENDITURE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

"(B) EXPENDITURES PART OF BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction or reconstruction of a structure, such expenditure shall be treated as made when the original use of the constructed or reconstructed structure by the taxpayer begins.

"(C) AMOUNT.—The amount of any expenditure shall be the cost thereof.

"(6) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—For purposes of determining the amount of expenditures made by any individual with respect to any dwelling unit, there shall not be taken into account expenditures which are made from subsidized energy financing (as defined in section 48(a)(4)(C)).

"(f) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(g) TERMINATION.—The credit allowed under this section shall not apply to property placed in service after December 31, 2009.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by this Act, is amended by striking "and" at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting ", and", and by adding at the end the following new paragraph:

"(36) to the extent provided in section 25D(f), in the case of amounts with respect to which a credit has been allowed under section 25D.".

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 25C the following new item:

"Sec. 25D. Residential energy efficient property.".

(c) EFFECTIVE DATES.—Except as provided by paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

SEC. 1528. CREDIT FOR BUSINESS INSTALLATION OF QUALIFIED FUEL CELLS AND STATIONARY MICROTURBINE POWER PLANTS.

(a) IN GENERAL.—Section 48(a)(3)(A) (defining energy property), as amended by this Act, is amended by striking "or" at the end of clause (ii), by adding "or" at the end of clause (iii), and by inserting after clause (iii) the following new clause:

"(iv) qualified fuel cell property or qualified microturbine property.".

(b) QUALIFIED FUEL CELL PROPERTY; QUALIFIED MICROTURBINE PROPERTY.—Section 48 (relating to energy credit) is amended by adding at the end the following new subsection:

"(d) QUALIFIED FUEL CELL PROPERTY; QUALIFIED MICROTURBINE PROPERTY.—For purposes of this subsection—

"(1) QUALIFIED FUEL CELL PROPERTY.—

"(A) IN GENERAL.—The term 'qualified fuel cell property' means a fuel cell power plant which—

"(i) has a nameplate capacity of at least 0.5 kilowatt of electricity using an electrochemical process, and

"(ii) has an electricity-only generation efficiency greater than 30 percent.

"(B) LIMITATION.—In the case of qualified fuel cell property placed in service during the taxable year, the credit otherwise determined under paragraph (1) for such year with respect to such property shall not exceed an amount equal to $500 for each 0.5 kilowatt of capacity of such property.

"(C) FUEL CELL POWER PLANT.—The term 'fuel cell power plant' means an integrated system comprised of a fuel cell stack assembly and associated balance of plant components which converts a fuel into electricity using electrochemical means.

"(D) SPECIAL RULE.—The first sentence of the matter in subsection (a)(3) which follows subparagraph (D) thereof shall not apply to qualified fuel cell property which is used predominantly in the trade or business of the furnishing or sale of telephone service, telegraph service by means of domestic telegraph operations, or other telegraph services (other than international telegraph services).

"(E) TERMINATION.—The term 'qualified fuel cell property' shall not include any property for any period after December 31, 2009.

"(2) QUALIFIED MICROTURBINE PROPERTY.—

"(A) IN GENERAL.—The term 'qualified microturbine property' means a stationary microturbine power plant which—

"(i) has a nameplate capacity of less than 2,000 kilowatts, and

"(ii) has an electricity-only generation efficiency of not less than 26 percent at International Standard Organization conditions.

"(B) LIMITATION.—In the case of qualified microturbine property placed in service during the taxable year, the credit otherwise determined under paragraph (1) for such year with respect to such property shall not exceed an amount equal $200 for each kilowatt of capacity of such property.

"(C) STATIONARY MICROTURBINE POWER PLANT.—The term 'stationary microturbine power plant' means an integrated system comprised of a gas turbine engine, a combustor, a recuperator or regenerator, a generator or alternator, and associated balance of plant components which converts a fuel into electricity and thermal energy. Such term also includes all secondary components located between the existing infrastructure for fuel delivery and the existing infrastructure for power distribution, including equipment and controls for meeting relevant power standards, such as voltage, frequency, and power factors.

"(D) SPECIAL RULE.—The first sentence of the matter in subsection (a)(3) which follows subparagraph (D) thereof shall not apply to qualified microturbine property which is used predominantly in the trade or business of the furnishing or sale of telephone service, telegraph service by means of domestic telegraph operations, or other telegraph services (other than international telegraph services).

"(E) TERMINATION.—The term 'qualified microturbine property' shall not include any property for any period after December 31, 2008.".

(c) ENERGY PERCENTAGE.—Section 48(a)(2)(A) (relating to energy percentage) is amended to read as follows:

"(A) IN GENERAL.—The energy percentage is—

"(i) in the case of qualified fuel cell property, 30 percent, and

"(ii) in the case of any other energy property, 10 percent.".

(d) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by inserting "except as provided in paragraph (1)(B) or (2)(B) of subsection (d)," before "the energy".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2005, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1529. BUSINESS SOLAR INVESTMENT TAX CREDIT.

(a) INCREASE IN ENERGY PERCENTAGE.—Section 48(a)(2)(A) (relating to energy percentage), as amended by this Act, is amended to read as follows:

"(A) IN GENERAL.—The energy percentage is—

"(i) in the case of energy property described in paragraph (3)(A)(i) and qualified fuel cell property, 30 percent, and

"(ii) in the case of any other energy property, 10 percent.".

(b) HYBRID SOLAR LIGHTING SYSTEMS.—Clause (i) of section 48(a)(3)(A) is amended to read as follows:

"(i) equipment which uses solar energy to generate electricity for use in a structure, to heat or cool (or provide hot water for use in) a structure, to illuminate the inside of a structure using fiber-optic distributed sunlight or to provide solar process heat, excepting property used to generate energy for the purposes of heating a swimming pool,".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2005, in taxable years ending after such date, and before January 1, 2010, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

Subtitle D—Alternative Motor Vehicles and Fuels Incentives

SEC. 1531. ALTERNATIVE MOTOR VEHICLE CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

"SEC. 30B. ALTERNATIVE MOTOR VEHICLE CREDIT.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) the new qualified fuel cell motor vehicle credit determined under subsection (b),

"(2) the new qualified hybrid motor vehicle credit determined under subsection (c), and

"(3) the new qualified alternative fuel motor vehicle credit determined under subsection (d).

"(b) NEW QUALIFIED FUEL CELL MOTOR VEHICLE CREDIT.—

"(1) IN GENERAL.—For purposes of subsection (a), the new qualified fuel cell motor vehicle credit determined under this subsection with respect to a new qualified fuel cell motor vehicle placed in service by the taxpayer during the taxable year is—

"(A) $8,000 ($4,000 in the case of a vehicle placed in service after December 31, 2009), if such vehicle has a gross vehicle weight rating of not more than 8,500 pounds,

"(B) $10,000, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

"(C) $20,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

"(D) $40,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

"(2) INCREASE FOR FUEL EFFICIENCY.—

"(A) IN GENERAL.—The amount determined under paragraph (1)(A) with respect to a new qualified fuel cell motor vehicle which is a passenger automobile or light truck shall be increased by—

"(i) $1,000, if such vehicle achieves at least 150 percent but less than 175 percent of the 2002 model year city fuel economy,

"(ii) $1,500, if such vehicle achieves at least 175 percent but less than 200 percent of the 2002 model year city fuel economy,

"(iii) $2,000, if such vehicle achieves at least 200 percent but less than 225 percent of the 2002 model year city fuel economy,

"(iv) $2,500, if such vehicle achieves at least 225 percent but less than 250 percent of the 2002 model year city fuel economy,

"(v) $3,000, if such vehicle achieves at least 250 percent but less than 275 percent of the 2002 model year city fuel economy,

"(vi) $3,500, if such vehicle achieves at least 275 percent but less than 300 percent of the 2002 model year city fuel economy, and

"(vii) $4,000, if such vehicle achieves at least 300 percent of the 2002 model year city fuel economy.

"(B) 2002 MODEL YEAR CITY FUEL ECONOMY.—For purposes of subparagraph (A), the 2002 model year city fuel economy with respect to a vehicle shall be determined in accordance with the following tables:

"(i) In the case of a passenger automobile:

"If vehicle inertia weight class is:	**The 2002 model year city fuel economy is:**
1,500 or 1,750 lbs	45.2 mpg
2,000 lbs	39.6 mpg
2.250 lbs	35.2 mpg
2,500 lbs	31.7 mpg
2,750 lbs	28.8 mpg
3,000 lbs	26.4 mpg
3.500 lbs	22.6 mpg
4.000 lbs	19.8 mpg
4,500 lbs	17.6 mpg
5,000 lbs	15.9 mpg
5,500 lbs	14.4 mpg
6.000 lbs	13.2 mpg
6,500 lbs	12.2 mpg
7,000 to 8,500 lbs	11.3 mpg.

"(ii) In the case of a light truck:

"If vehicle inertia weight class is:	**The 2002 model year city fuel economy is:**
1,500 or 1,750 lbs	39.4 mpg
2,000 lbs	35.2 mpg
2,250 lbs	31.8 mpg
2,500 lbs	29.0 mpg
2,750 lbs	26.8 mpg
3,000 lbs	24.9 mpg
3,500 lbs	21.8 mpg
4,000 lbs	19.4 mpg
4,500 lbs	17.6 mpg
5,000 lbs	16.1 mpg
5,500 lbs	14.8 mpg
6,000 lbs	13.7 mpg
6,500 lbs	12.8 mpg
7,000 to 8,500 lbs	12.1 mpg.

"(C) VEHICLE INERTIA WEIGHT CLASS.—For purposes of subparagraph (B), the term 'vehicle inertia weight class' has the same meaning as when defined in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

"(3) NEW QUALIFIED FUEL CELL MOTOR VEHICLE.—For purposes of this subsection, the term 'new qualified fuel cell motor vehicle' means a motor vehicle—

"(A) which is propelled by power derived from 1 or more cells which convert chemical energy directly into electricity by combining oxygen with hydrogen fuel which is stored on board the vehicle in any form and may or may not require reformation prior to use,

"(B) which, in the case of a passenger automobile or light truck, has received on or after the date of the enactment of this section a certificate that such vehicle meets or exceeds the Bin 5 Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle,

"(C) the original use of which commences with the taxpayer,

"(D) which is acquired for use or lease by the taxpayer and not for resale, and

"(E) which is made by a manufacturer.

"(c) NEW QUALIFIED HYBRID MOTOR VEHICLE CREDIT.—

"(1) IN GENERAL.—For purposes of subsection (a), the new qualified hybrid motor vehicle credit determined under this subsection with respect to a new qualified hybrid motor vehicle placed in service by the taxpayer during the taxable year is the credit amount determined under paragraph (2) or (3).

"(2) CREDIT AMOUNT FOR LIGHTER VEHICLES.—

"(A) IN GENERAL.—In the case of a new qualified hybrid motor vehicle which is a passenger automobile, medium duty passenger vehicle, or light truck, the credit amount determined under this paragraph shall be—

"(i) $400, if such vehicle achieves at least 125 percent but less than 150 percent of the 2002 model year city fuel economy,

"(ii) $800, if such vehicle achieves at least 150 percent but less than 175 percent of the 2002 model year city fuel economy,

"(iii) $1,200, if such vehicle achieves at least 175 percent but less than 200 percent of the 2002 model year city fuel economy,

"(iv) $1,600, if such vehicle achieves at least 200 percent but less than 225 percent of the 2002 model year city fuel economy,

"(v) $2,000, if such vehicle achieves at least 225 percent but less than 250 percent of the 2002 model year city fuel economy, and

"(vi) $2,400, if such vehicle achieves at least 250 percent of the 2002 model year city fuel economy.

"(B) 2002 MODEL YEAR CITY FUEL ECONOMY.—For purposes of subparagraph (A), the 2002 model year city fuel economy with respect to a vehicle shall be determined on a gasoline gallon equivalent basis as determined by the Administrator of the Environmental Protection Agency using the tables provided in subsection (b)(2)(B) with respect to such vehicle.

"(3) CREDIT AMOUNT FOR HEAVIER VEHICLES.—

"(A) IN GENERAL.—In the case of a new qualified hybrid motor vehicle which is a heavy duty hybrid motor vehicle, the credit amount determined under this paragraph is an amount equal to the applicable percentage of the incremental cost of such vehicle placed in service by the taxpayer during the taxable year.

"(B) INCREMENTAL COST.—For purposes of this paragraph, the incremental cost of any heavy duty hybrid motor vehicle is equal to the amount of the excess of the manufacturer's suggested retail price for such vehicle over such price for a comparable gasoline or diesel fuel motor vehicle of the same model, to the extent such amount does not exceed—

"(i) $7,500, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

"(ii) $15,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

"(iii) $30,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

"(C) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

"If percent increase in fuel economy of hybrid over comparable vehicle is:	**The applicable percentage is:**
At least 30 but less than 40 percent	20 percent.
At least 40 but less than 50 percent	30 percent.
At least 50 percent	40 percent.

"(4) NEW QUALIFIED HYBRID MOTOR VEHICLE.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'new qualified hybrid motor vehicle' means a motor vehicle—

"(i) which draws propulsion energy from onboard sources of stored energy which are both—

"(I) an internal combustion or heat engine using consumable fuel, and

"(II) a rechargeable energy storage system,

"(ii) which, in the case of a passenger automobile, medium duty passenger vehicle, or light truck—

"(I) has received a certificate that such vehicle meets or exceeds the Bin 5 Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

"(II) has a maximum available power of at least 5 percent,

"(iii) which, in the case of a heavy duty hybrid motor vehicle—

"(I) which has a gross vehicle weight rating of more than 8,500 but not more than 14,000 pounds, has a maximum available power of at least 10 percent, and

"(II) which has a gross vehicle weight rating of more than 14,000 pounds, has a maximum available power of at least 15 percent,

"(iv) the original use of which commences with the taxpayer,

"(v) which is acquired for use or lease by the taxpayer and not for resale, and

"(vi) which is made by a manufacturer.

"(B) CONSUMABLE FUEL.—For purposes of subparagraph (A)(i)(I), the term 'consumable fuel' means any solid, liquid, or gaseous matter which releases energy when consumed by an auxiliary power unit.

"(C) MAXIMUM AVAILABLE POWER.—

"(i) PASSENGER AUTOMOBILE, MEDIUM DUTY PASSENGER VEHICLE, OR LIGHT TRUCK.—For purposes of subparagraph (A)(ii)(II), the term 'maximum available power' means the maximum power available from the rechargeable energy storage system, during a standard 10 second pulse power or equivalent test, divided by such maximum power and the SAE net power of the heat engine.

"(ii) HEAVY DUTY HYBRID MOTOR VEHICLE.—For purposes of subparagraph (A)(iii), the term 'maximum available power' means the maximum power available from the rechargeable energy storage system, during a standard 10 second pulse power or equivalent test, divided by the vehicle's total traction power. The term 'total traction power' means the sum of the peak power from the rechargeable energy storage system and the heat engine peak power of the vehicle, except that if such storage system is the sole means by which the vehicle can be driven, the total traction power is the peak power of such storage system.

"(4) HEAVY DUTY HYBRID MOTOR VEHICLE.—For purposes of this subsection, the term 'heavy duty hybrid motor vehicle' means a new qualified hybrid motor vehicle which has a gross vehicle weight rating of more than 8,500 pounds. Such term does not include a medium duty passenger vehicle.

"(d) NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE CREDIT.—

"(1) ALLOWANCE OF CREDIT.—Except as provided in paragraph (5), the new qualified alternative fuel motor vehicle credit determined under this subsection is an amount equal to the applicable percentage of the incremental cost of any new qualified alternative fuel motor vehicle placed in service by the taxpayer during the taxable year.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage with respect to any new qualified alternative fuel motor vehicle is—

"(A) 50 percent, plus

"(B) 30 percent, if such vehicle—

"(i) has received a certificate of conformity under the Clean Air Act and meets or exceeds the most stringent standard available for certification under the Clean Air Act for that make and model year vehicle (other than a zero emission standard), or

"(ii) has received an order certifying the vehicle as meeting the same requirements as vehicles which may be sold or leased in California and meets or exceeds the most stringent standard available for certification under the State laws of California (enacted in accordance with a waiver granted under section 209(b) of the Clean Air Act) for that make and model year vehicle (other than a zero emission standard).

For purposes of the preceding sentence, in the case of any new qualified alternative fuel motor vehicle which weighs more than 14,000 pounds gross vehicle weight rating, the most stringent standard available shall be such standard available for certification on the date of the enactment of the Energy Tax Incentives Act.

"(3) INCREMENTAL COST.—For purposes of this subsection, the incremental cost of any new qualified alternative fuel motor vehicle is equal to the amount of the excess of the manufacturer's suggested retail price for such vehicle over such price for a gasoline or diesel fuel motor vehicle of the same model, to the extent such amount does not exceed—

"(A) $5,000, if such vehicle has a gross vehicle weight rating of not more than 8,500 pounds,

"(B) $10,000, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

"(C) $25,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

"(D) $40,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

"(4) NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'new qualified alternative fuel motor vehicle' means any motor vehicle—

"(i) which is only capable of operating on an alternative fuel,

"(ii) the original use of which commences with the taxpayer,

"(iii) which is acquired by the taxpayer for use or lease, but not for resale, and

"(iv) which is made by a manufacturer.

"(B) ALTERNATIVE FUEL.—The term 'alternative fuel' means compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, and any liquid at least 85 percent of the volume of which consists of methanol.

"(5) CREDIT FOR MIXED-FUEL VEHICLES.—

"(A) IN GENERAL.—In the case of a mixed-fuel vehicle placed in service by the taxpayer during the taxable year, the credit determined under this subsection is an amount equal to—

"(i) in the case of a 75/25 mixed-fuel vehicle, 70 percent of the credit which would have been allowed under this subsection if such vehicle was a qualified alternative fuel motor vehicle, and

"(ii) in the case of a 90/10 mixed-fuel vehicle, 90 percent of the credit which would have been allowed under this subsection if such vehicle was a qualified alternative fuel motor vehicle.

"(B) MIXED-FUEL VEHICLE.—For purposes of this subsection, the term 'mixed-fuel vehicle' means any motor vehicle described in subparagraph (C) or (D) of paragraph (3), which—

"(i) is certified by the manufacturer as being able to perform efficiently in normal operation on a combination of an alternative fuel and a petroleum-based fuel,

"(ii) either—

"(I) has received a certificate of conformity under the Clean Air Act, or

"(II) has received an order certifying the vehicle as meeting the same requirements as vehicles which may be sold or leased in California and meets or exceeds the low emission vehicle standard under section 88.105–94 of title 40, Code of Federal Regulations, for that make and model year vehicle,

"(iii) the original use of which commences with the taxpayer,

"(iv) which is acquired by the taxpayer for use or lease, but not for resale, and

"(v) which is made by a manufacturer.

"(C) 75/25 MIXED-FUEL VEHICLE.—For purposes of this subsection, the term '75/25 mixed-fuel vehicle' means a mixed-fuel vehicle which operates using at least 75 percent alternative fuel and not more than 25 percent petroleum-based fuel.

"(D) 90/10 MIXED-FUEL VEHICLE.—For purposes of this subsection, the term '90/10 mixed-fuel vehicle' means a mixed-fuel vehicle which operates using at least 90 percent alternative fuel and not more than 10 percent petroleum-based fuel.

"(e) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(1) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

"(2) the tentative minimum tax for the taxable year.

"(f) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term by section 30(c)(2).

"(2) CITY FUEL ECONOMY.—The city fuel economy with respect to any vehicle shall be measured in a manner which is substantially similar to the manner city fuel economy is measured in accordance with procedures under part 600 of subchapter Q of chapter I of title 40, Code of Federal Regulations, as in effect on the date of the enactment of this section.

"(3) OTHER TERMS.—The terms 'automobile', 'passenger automobile', 'medium duty passenger vehicle', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7071 et seq.).

"(4) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed (determined without regard to subsection (e)).

"(5) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter—

"(A) for any incremental cost taken into account in computing the amount of the credit determined under subsection (d) shall be reduced by the amount of such credit attributable to such cost, and

"(B) with respect to a vehicle described under subsection (b) or (c), shall be reduced by the amount of credit allowed under subsection (a) for such vehicle for the taxable year.

"(6) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of a vehicle whose use is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such vehicle to the person or entity using such vehicle shall be treated as the taxpayer that placed such vehicle in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such vehicle (determined without regard to subsection (e)).

"(7) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

"(8) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of a vehicle).

"(9) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

"(10) CARRYBACK AND CARRYFORWARD ALLOWED.—

"(A) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (e) for such taxable year (in this paragraph referred to as the 'unused credit year'), such excess shall be a credit carryback to each of the 3 taxable years preceding the unused credit year and a credit carryforward to each of the 20 taxable years following the unused credit year, except that no excess may be carried to a taxable year beginning before the date of the enactment of this section. The preceding sentence shall not apply to any credit carryback if such credit carryback is attributable to property for which a deduction for depreciation is not allowable.

"(B) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryback and credit carryforward under subparagraph (A).

"(11) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, a motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

"(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

"(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

"(g) REGULATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

"(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements to be eligible for a credit under this section.

"(h) TERMINATION.—This section shall not apply to any property purchased after—

"(1) in the case of a new qualified fuel cell motor vehicle (as described in subsection (b)), December 31, 2014,

"(2) in the case of a new qualified hybrid motor vehicle (as described in subsection (c)), December 31, 2009, and

"(3) in the case of a new qualified alternative fuel vehicle (as described in subsection (d)), December 31, 2010.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by this Act, is amended by striking "and" at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting ", and", and by adding at the end the following new paragraph:

"(37) to the extent provided in section 30B(f)(4).".

(2) Section 55(c)(2), as amended by this Act, is amended by inserting "30B(e)," after "30(b)(2),".

(3) Section 6501(m) is amended by inserting "30B(f)(9)," after "30(d)(4),".

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 30A the following new item:

"Sec. 30B. Alternative motor vehicle credit.".

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 1532. MODIFICATION OF CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) Amount of Credit.—

(1) In general.—Section 30(a) (relating to allowance of credit) is amended by striking "10 percent of".

(2) Limitation of credit according to type of vehicle.—Paragraph (1) of section 30(b) (relating to limitations) is amended to read as follows:

"(1) Limitation according to type of vehicle.—The amount of the credit allowed under subsection (a) for any vehicle shall not exceed the greatest of the following amounts applicable to such vehicle:

"(A) In the case of a vehicle with a gross vehicle weight rating not exceeding 8,500 pounds—

"(i) except as provided in clause (ii) or (iii), $4,000,

"(ii) $6,000, if such vehicle is—

"(I) capable of a driving range of at least 100 miles on a single charge of the vehicle's rechargeable batteries as measured pursuant to the urban dynamometer schedules under appendix I to part 86 of title 40, Code of Federal Regulations, or

"(II) capable of a payload capacity of at least 1,000 pounds, and

"(iii) if such vehicle is a low-speed vehicle which conforms to Standard 500 prescribed by the Secretary of Transportation (49 C.F.R. 571.500), as in effect on the date of the enactment of the Energy Tax Incentives Act, the lesser of—

"(I) 10 percent of the manufacturer's suggested retail price of the vehicle, or

"(II) $1,500.

"(B) In the case of a vehicle with a gross vehicle weight rating exceeding 8,500 but not exceeding 14,000 pounds, $10,000.

"(C) In the case of a vehicle with a gross vehicle weight rating exceeding 14,000 but not exceeding 26,000 pounds, $20,000.

"(D) In the case of a vehicle with a gross vehicle weight rating exceeding 26,000 pounds, $40,000.".

(b) Qualified Battery Electric Vehicle.—

(1) In general.—Section 30(c)(1)(A) (defining qualified electric vehicle) is amended to read as follows:

"(A) which is—

"(i) operated solely by use of a battery or battery pack, or

"(ii) powered primarily through the use of an electric battery or battery pack using a flywheel or capacitor which stores energy produced by an electric motor through regenerative braking to assist in vehicle operation,".

(2) Leased vehicles.—Section 30(c)(1)(C) is amended by inserting "or lease" after "use".

(3) Conforming amendments.—

(A) Subsections (a), (b)(2), and (c) of section 30 are each amended by inserting "battery" after "qualified" each place it appears.

(B) The heading of subsection (c) of section 30 is amended by inserting "Battery" after "Qualified".

(C) The heading of section 30 is amended by inserting "**BATTERY**" after "**QUALIFIED**".

(D) The item relating to section 30 in the table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting "battery" after "qualified".

(E) Section 179A(c)(3) is amended by inserting "battery" before "electric".

(F) The heading of paragraph (3) of section 179A(c) is amended by inserting "BATTERY" before "ELECTRIC".

(c) Additional Special Rules.—

(1) In general.—Section 30(d) (relating to special rules) is amended by adding at the end the following new paragraphs:

"(5) No double benefit.—The amount of any deduction or other credit allowable under this chapter for any cost taken into account in computing the amount of the credit determined under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

"(6) Property used by tax-exempt entity.—In the case of a vehicle whose use is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such vehicle to the person or entity using such vehicle shall be treated as the taxpayer that placed such vehicle in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such vehicle (determined without regard to subsection (b)(3)).

"(7) Carryback and carryforward allowed.—

"(A) In general.—If the credit allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (b)(2) for such taxable year (in this paragraph referred to as the 'unused credit year'), such excess shall be a credit carryback to each of the 3 taxable years preceding the unused credit year and a credit carryforward to each of the 20 taxable years following the unused credit year, except that no excess may be carried to a taxable year beginning before the date of the enactment of this paragraph. The preceding sentence shall not apply to any credit carryback if such credit carryback is attributable to property for which a deduction for depreciation is not allowable.

"(B) Rules.—Rules similar to the rules of section 39 shall apply with respect to the credit carryback and credit carryforward under subparagraph (A).".

(2) Conforming amendments.—Section 30(d)(3) is amended—

(A) by striking "section 50(b)" and inserting "section 50(b)(1)", and

(B) by striking ", etc.," in the heading thereof.

(d) Termination.—Section 30(e) (relating to termination) is amended by striking "2006" and inserting "2009".

(e) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 1533. CREDIT FOR INSTALLATION OF ALTERNATIVE FUELING STATIONS.

(a) In General.—Subpart B of part IV of subchapter A of chapter 1 (relating to other credits), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 30C. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

"(a) Credit Allowed.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the cost of any qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year.

"(b) Limitation.—The credit allowed under subsection (a) with respect to any alternative fuel vehicle refueling property shall not exceed—

"(1) $30,000 in the case of a property of a character subject to an allowance for depreciation, and

"(2) $1,000 in any other case.

"(c) Qualified Alternative Fuel Vehicle Refueling Property.—

"(1) In general.—Except as provided in paragraph (2), the term 'qualified alternative fuel vehicle refueling property' has the meaning given to such term by section 179A(d), but only with respect to any fuel at least 85 percent of the volume of which consists of ethanol, natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, and hydrogen.

"(2) Residential property.—In the case of any property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, paragraph (1) of section 179A(d) shall not apply.

"(d) Application With Other Credits.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(1) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, 30, and 30B, over

"(2) the tentative minimum tax for the taxable year.

"(e) Carryforward Allowed.—

"(1) In general.—If the credit amount allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (d) for such taxable year, such excess shall be allowed as a credit carryforward for each of the 20 taxable years following the unused credit year.

"(2) Rules.—Rules similar to the rules of section 39 shall apply with respect to the credit carryforward under paragraph (1).

"(f) Special Rules.—For purposes of this section—

"(1) Basis reduction.—The basis of any property shall be reduced by the portion of the cost of such property taken into account under subsection (a).

"(2) No double benefit.—No deduction shall be allowed under section 179A with respect to any property with respect to which a credit is allowed under subsection (a).

"(3) Property used by tax-exempt entity.—In the case of any qualified alternative fuel vehicle refueling property the use of which is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such property to the person or entity using such property shall be treated as the taxpayer that placed such property in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such property (determined without regard to subsection (d)).

"(4) Property used outside United States not qualified.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

"(5) Election not to take credit.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

"(6) Recapture rules.—Rules similar to the rules of section 179A(e)(4) shall apply.

"(g) Regulations.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

"(h) Termination.—This section shall not apply to any property placed in service—

"(1) in the case of property relating to hydrogen, after December 31, 2014, and

"(2) in the case of any other property, after December 31, 2009.".

(b) Conforming Amendments.—

(1) Section 1016(a), as amended by this Act, is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 30C(f).".

(2) Section 55(c)(2), as amended by this Act, is amended by inserting "30C(e)," after "30B(e),".

(3) Section 6501(m) is amended by inserting "30C(f)(5)," after "30B(f)(9),".

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 30B the following new item:

"Sec. 30C. Clean-fuel vehicle refueling property credit.".

(e) Effective Date.—The amendments made by this section shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

SEC. 1534. VOLUMETRIC EXCISE TAX CREDIT FOR ALTERNATIVE FUELS.

(a) Imposition of Tax.—

(1) In general.—Section 4041(a)(2)(B) (relating to rate of tax) is amended—

(A) by adding "and" at the end of clause (i),

(B) by striking clauses (ii) and (iii),

(C) by striking the last sentence, and

(D) by adding after clause (i) the following new clause:

"(ii) in the case of liquefied natural gas, any liquid fuel (other than ethanol and methanol) derived from coal (including peat), and liquid hydrocarbons derived from biomass (as defined in section 29(c)(3)), 24.3 cents per gallon.".

(2) Treatment of compressed natural gas.—Section 4041(a)(3) (relating to compressed natural gas) is amended—

(A) by striking "48.54 cents per MCF (determined at standard temperature and pressure)" in subparagraph (A) and inserting "18.3 cents per energy equivalent of a gallon of gasoline", and

(B) by striking "MCF" in subparagraph (C) and inserting "energy equivalent of a gallon of gasoline".

(3) Zero rate for hydrogen.—Section 4041(a)(2)(A) is amended by inserting "liquefied hydrogen," after "fuel oil,".

(4) New reference.—The heading for paragraph (2) of section 4041(a) is amended by striking "Special motor fuels" and inserting "Alternative fuels".

(b) Credit for Alternative Fuel and Alternative Fuel Mixtures.—

(1) In general.—Section 6426(a) (relating to allowance of credits) is amended to read as follows:

"(a) Allowance of Credits.—There shall be allowed as a credit—

"(1) against the tax imposed by section 4081 an amount equal to the sum of the credits described in subsections (b), (c), and (e), and

"(2) against the tax imposed by section 4041 an amount equal to the sum of the credits described in subsection (d).

No credit shall be allowed in the case of the credits described in subsections (d) and (e) unless the taxpayer is registered under section 4101.

(2) Alternative fuel and alternative fuel mixture credit.—Section 6426 (relating to credit for alcohol fuel and biodiesel mixtures) is amended by redesignating subsections (d) and (e) as subsections (f) and (g) and by inserting after subsection (c) the following new subsections:

"(d) Alternative Fuel Credit.—

"(1) In general.—For purposes of this section, the alternative fuel credit is the product of 50 cents and the number of gallons of an alternative fuel or gasoline gallon equivalents of a nonliquid alternative fuel sold by the taxpayer for use as a fuel in a motor vehicle or motorboat, or so used by the taxpayer.

"(2) Alternative fuel.—For purposes of this section, the term 'alternative fuel' means—

"(A) liquefied petroleum gas,

"(B) P Series Fuels (as defined by the Secretary of Energy under section 13211(2) of title 42, United States Code),

"(C) compressed or liquefied natural gas,

"(D) hydrogen,

"(E) any liquid fuel derived from coal (including peat) through the Fischer-Tropsch process,

"(F) liquid hydrocarbons derived from biomass (as defined in section 29(c)(3)).

Such term does not include ethanol, methanol, or biodiesel.

"(3) Gasoline gallon equivalent.—For purposes of this subsection, the term 'gasoline gallon equivalent' means, with respect to any nonliquid alternative fuel, the amount of such fuel having a Btu content of 124,800 (higher heating value).

"(4) Termination.—This subsection shall not apply to any sale, use, or removal for any period after September 30, 2009.

"(e) Alternative Fuel Mixture Credit.—

"(1) In general.—For purposes of this section, the alternative fuel mixture credit is the product of 50 cents and the number of gallons of alternative fuel used by the taxpayer in producing any alternative fuel mixture for sale or use in a trade or business of the taxpayer.

"(2) Alternative fuel mixture.—For purposes of this section, the term 'alternative fuel mixture' means a mixture of alternative fuel and taxable fuel (as defined in subparagraph (A), (B), or (C) of section 4083(a)(1)) which—

"(A) is sold by the taxpayer producing such mixture to any person for use as fuel, or

"(B) is used as a fuel by the taxpayer producing such mixture.

"(3) Termination.—This subsection shall not apply to any sale, use, or removal for any period after September 30, 2009.".

(3) Conforming amendments.—

(A) The section heading for section 6426 is amended by striking "**ALCOHOL FUEL AND BIODIESEL**" and inserting "**ALCOHOL FUEL, BIODIESEL, AND ALTERNATIVE FUEL**".

(B) The table of sections for subchapter B of chapter 65 is amended by striking "alcohol fuel and biodiesel" in the item relating to section 6426 and inserting "alcohol fuel, biodiesel, and alternative fuel".

(C) Section 6427(e) is amended—

(i) by inserting "or the alternative fuel mixture credit" after "biodiesel mixture credit" in paragraph (1),

(ii) by redesignating paragraph (2) as paragraph (3) and paragraph (4) as paragraph (5),

(iii) by inserting after paragraph (1) the following new paragraph:

"(2) Alternative fuel.—If any person sells or uses an alternative fuel (as defined in section 6426(d)(2)) for a purpose described in section 6426(d)(1) in such person's trade or business, the Secretary shall pay (without interest) to such person an amount equal to the alternative fuel credit with respect to such fuel.",

(iv) by striking "under paragraph (1) with respect to any mixture" in paragraph (3) (as redesignated by clause (ii)) and inserting "under paragraph (1) or (2) with respect to any mixture or alternative fuel",

(v) by inserting after paragraph (3) (as so redesignated) the following new paragraph:

"(4) Registration requirement for alternative fuels.—The Secretary shall not make any payment under this subsection to any person with respect to any alternative fuel credit or alternative fuel mixture credit unless the person is registered under section 4101.",

(vi) by striking "and" at the end of paragraph (5)(A) (as redesignated by clause (ii)),

(vii) by striking the period at the end of paragraph (5)(B) (as so redesignated) and inserting a comma,

(viii) by adding at the end of paragraph (4) (as so redesignated) the following new subparagraphs:

"(C) except as provided in subparagraph (D), any alternative fuel or alternative fuel mixture (as defined in section 6426 (d)(2) or (e)(3)) sold or used after September 30, 2009, and

"(D) any alternative fuel or alternative fuel mixture (as so defined) involving hydrogen sold or used after December 31, 2014.", and

(ix) by striking "or Biodiesel Used To Produce Alcohol Fuel and Biodiesel Mixtures" in the heading and inserting ", Biodiesel, or Alternative Fuel".

(c) Additional Registration Requirements.—Section 4101(a)(1) (relating to registration) is amended—

(1) by striking "4041(a)(1)" and inserting "4041(a)", and

(2) by inserting "or hydrogen" before "shall register".

(d) Effective Date.—The amendments made by this section shall apply to any sale, use, or removal for any period after September 30, 2006.

SEC. 1535. EXTENSION OF EXCISE TAX PROVISIONS AND INCOME TAX CREDIT FOR BIODIESEL.

(a) In General.—Sections 40A(e), 6426(c)(6), and 6427(e)(4)(B) are each amended by striking "2006" and inserting "2010".

(b) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle E—Additional Energy Tax Incentives

SEC. 1541. TEN-YEAR RECOVERY PERIOD FOR UNDERGROUND NATURAL GAS STORAGE FACILITY PROPERTY.

(a) In General.—Subparagraph (D) of section 168(e)(3) (relating to 10-year property) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", and", and by adding at the end the following new clause:

"(iii) any qualified underground natural gas storage facility property.".

(b) Definition.—Section 168(i) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(17) Qualified underground natural gas storage facility property.—

"(A) In general.—The term 'qualified underground natural gas storage facility property' means any underground natural gas storage facility and any equipment related to such facility, including any nonrecoverable cushion gas, the original use of which commences with the taxpayer.

"(B) Cushion gas.—The term 'cushion gas' means the minimum volume of natural gas necessary to provide the pressure to facilitate the flow of natural gas from a storage reservoir, aquifer, or cavern to a pipeline.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 1542. EXPANSION OF RESEARCH CREDIT.

(a) CREDIT FOR EXPENSES ATTRIBUTABLE TO CERTAIN COLLABORATIVE ENERGY RESEARCH CONSORTIA.—

(1) IN GENERAL.—Section 41(a) (relating to credit for increasing research activities) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) 20 percent of the amounts paid or incurred by the taxpayer in carrying on any trade or business of the taxpayer during the taxable year (including as contributions) to an energy research consortium.''.

(2) ENERGY RESEARCH CONSORTIUM DEFINED.—Section 41(f) (relating to special rules) is amended by adding at the end the following new paragraph:

"(6) ENERGY RESEARCH CONSORTIUM.—

"(A) IN GENERAL.—The term 'energy research consortium' means any organization—

"(i) which is—

"(I) described in section 501(c)(3) and is exempt from tax under section 501(a) and is organized and operated primarily to conduct energy research, or

"(II) organized and operated primarily to conduct energy research in the public interest (within the meaning of section 501(c)(3)),

"(ii) which is not a private foundation,

"(iii) to which at least 5 unrelated persons paid or incurred during the calendar year in which the taxable year of the organization begins amounts (including as contributions) to such organization for energy research, and

"(iv) to which no single person paid or incurred (including as contributions) during such calendar year an amount equal to more than 50 percent of the total amounts received by such organization during such calendar year for energy research.

"(B) TREATMENT OF PERSONS.—All persons treated as a single employer under subsection (a) or (b) of section 52 shall be treated as related persons for purposes of subparagraph (A)(iii) and as a single person for purposes of subparagraph (A)(iv).''.

(3) CONFORMING AMENDMENT.—Section 41(b)(3)(C) is amended by inserting "(other than an energy research consortium)" after "organization".

(b) REPEAL OF LIMITATION ON CONTRACT RESEARCH EXPENSES PAID TO SMALL BUSINESSES, UNIVERSITIES, AND FEDERAL LABORATORIES.—Section 41(b)(3) (relating to contract research expenses) is amended by adding at the end the following new subparagraph:

"(D) AMOUNTS PAID TO ELIGIBLE SMALL BUSINESSES, UNIVERSITIES, AND FEDERAL LABORATORIES.—

"(i) IN GENERAL.—In the case of amounts paid by the taxpayer to—

"(I) an eligible small business,

"(II) an institution of higher education (as defined in section 3304(f)), or

"(III) an organization which is a Federal laboratory,

for qualified research which is energy research, subparagraph (A) shall be applied by substituting '100 percent' for '65 percent'.

"(ii) ELIGIBLE SMALL BUSINESS.—For purposes of this subparagraph, the term 'eligible small business' means a small business with respect to which the taxpayer does not own (within the meaning of section 318) 50 percent or more of—

"(I) in the case of a corporation, the outstanding stock of the corporation (either by vote or value), and

"(II) in the case of a small business which is not a corporation, the capital and profits interests of the small business.

"(iii) SMALL BUSINESS.—For purposes of this subparagraph—

"(I) IN GENERAL.—The term 'small business' means, with respect to any calendar year, any person if the annual average number of employees employed by such person during either of the 2 preceding calendar years was 500 or fewer. For purposes of the preceding sentence, a preceding calendar year may be taken into account only if the person was in existence throughout the year.

"(II) STARTUPS, CONTROLLED GROUPS, AND PREDECESSORS.—Rules similar to the rules of subparagraphs (B) and (D) of section 220(c)(4) shall apply for purposes of this clause.

"(iv) FEDERAL LABORATORY.—For purposes of this subparagraph, the term 'Federal laboratory' has the meaning given such term by section 4(6) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(6)), as in effect on the date of the enactment of the Energy Tax Incentives Act.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 1543. SMALL AGRI-BIODIESEL PRODUCER CREDIT.

(a) IN GENERAL.—Subsection (a) of section 40A (relating to biodiesel used as a fuel) is amended to read as follows:

"(a) GENERAL RULE.—For purposes of section 38, the biodiesel fuels credit determined under this section for the taxable year is an amount equal to the sum of—

"(1) the biodiesel mixture credit, plus

"(2) the biodiesel credit, plus

"(3) in the case of an eligible small agri-biodiesel producer, the small agri-biodiesel producer credit.''.

(b) SMALL AGRI-BIODIESEL PRODUCER CREDIT DEFINED.—Section 40A(b) (relating to definition of biodiesel mixture credit and biodiesel credit) is amended by adding at the end the following new paragraph:

"(5) SMALL AGRI-BIODIESEL PRODUCER CREDIT.—

"(A) IN GENERAL.—The small agri-biodiesel producer credit of any eligible small agri-biodiesel producer for any taxable year is 10 cents for each gallon of qualified agri-biodiesel production of such producer.

"(B) QUALIFIED AGRI-BIODIESEL PRODUCTION.—For purposes of this paragraph, the term 'qualified agri-biodiesel production' means any agri-biodiesel which is produced by an eligible small agri-biodiesel producer, and which during the taxable year—

"(i) is sold by such producer to another person—

"(I) for use by such other person in the production of a qualified biodiesel mixture in such other person's trade or business (other than casual off-farm production),

"(II) for use by such other person as a fuel in a trade or business, or

"(III) who sells such agri-biodiesel at retail to another person and places such agri-biodiesel in the fuel tank of such other person, or

"(ii) is used or sold by such producer for any purpose described in clause (i).

"(C) LIMITATION.—The qualified agri-biodiesel production of any producer for any taxable year shall not exceed 15,000,000 gallons.''.

(c) DEFINITIONS AND SPECIAL RULES.—Section 40A is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) DEFINITIONS AND SPECIAL RULES FOR SMALL AGRI-BIODIESEL PRODUCER CREDIT.—For purposes of this section—

"(1) ELIGIBLE SMALL AGRI-BIODIESEL PRODUCER.—The term 'eligible small agri-biodiesel producer' means a person who, at all times during the taxable year, has a productive capacity for agri-biodiesel not in excess of 60,000,000 gallons.

"(2) AGGREGATION RULE.—For purposes of the 15,000,000 gallon limitation under subsection (b)(5)(C) and the 60,000,000 gallon limitation under paragraph (1), all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

"(3) PARTNERSHIP, S CORPORATION, AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, the limitations contained in subsection (b)(5)(C) and paragraph (1) shall be applied at the entity level and at the partner or similar level.

"(4) ALLOCATION.—For purposes of this subsection, in the case of a facility in which more than 1 person has an interest, productive capacity shall be allocated among such persons in such manner as the Secretary may prescribe.

"(5) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary—

"(A) to prevent the credit provided for in subsection (a)(3) from directly or indirectly benefiting any person with a direct or indirect productive capacity of more than 60,000,000 gallons of agri-biodiesel during the taxable year, or

"(B) to prevent any person from directly or indirectly benefiting with respect to more than 15,000,000 gallons during the taxable year.

"(6) ALLOCATION OF SMALL AGRI-BIODIESEL CREDIT TO PATRONS OF COOPERATIVE.—

"(A) ELECTION TO ALLOCATE.—

"(i) IN GENERAL.—In the case of a cooperative organization described in section 1381(a), any portion of the credit determined under subsection (a)(3) for the taxable year may, at the election of the organization, be apportioned pro rata among patrons of the organization on the basis of the quantity or value of business done with or for such patrons for the taxable year.

"(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year. Such election shall not take effect unless the organization designates the apportionment as such in a written notice mailed to its patrons during the payment period described in section 1382(d).

"(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—

"(i) ORGANIZATIONS.—The amount of the credit not apportioned to patrons pursuant to subparagraph (A) shall be included in the amount determined under subsection (a)(3) for the taxable year of the organization.

"(ii) Patrons.—The amount of the credit apportioned to patrons pursuant to subparagraph (A) shall be included in the amount determined under such subsection for the first taxable year of each patron ending on or after the last day of the payment period (as defined in section 1382(d)) for the taxable year of the organization or, if earlier, for the taxable year of each patron ending on or after the date on which the patron receives notice from the cooperative of the apportionment.

"(iii) Special rules for decrease in credits for taxable year.—If the amount of the credit of the organization determined under such subsection for a taxable year is less than the amount of such credit shown on the return of the organization for such year, an amount equal to the excess of—

"(I) such reduction, over

"(II) the amount not apportioned to such patrons under subparagraph (A) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.".

(d) Conforming Amendments.—

(1) Paragraph (4) of section 40A(b) is amended by striking "this section" and inserting "paragraph (1) or (2) of subsection (a)".

(2) The heading of subsection (b) of section 40A is amended by striking "and Biodiesel Credit" and inserting ", Biodiesel Credit, and Small Agri-biodiesel Producer Credit".

(3) Paragraph (3) of section 40A(d) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

"(C) Producer credit.—If—

"(i) any credit was determined under subsection (a)(3), and

"(ii) any person does not use such fuel for a purpose described in subsection (b)(5)(B),

then there is hereby imposed on such person a tax equal to 10 cents a gallon for each gallon of such agri-biodiesel.".

(e) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 1544. IMPROVEMENTS TO SMALL ETHANOL PRODUCER CREDIT.

(a) Definition of Small Ethanol Producer.—Section 40(g) (relating to definitions and special rules for eligible small ethanol producer credit) is amended by striking "30,000,000" each place it appears and inserting "60,000,000".

(b) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 1545. CREDIT FOR EQUIPMENT FOR PROCESSING OR SORTING MATERIALS GATHERED THROUGH RECYCLING.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 45M. CREDIT FOR QUALIFIED RECYCLING EQUIPMENT.

"(a) Allowance of Credit.—For purposes of section 38, the qualified recycling equipment credit determined under this section for the taxable year is an amount equal to the amount paid or incurred during the taxable year for the cost of qualified recycling equipment placed in service or leased by the taxpayer.

"(b) Limitation.—The amount allowable as a credit under subsection (a) with respect to any qualified recycling equipment shall not exceed 15 percent of the cost of such qualified recycling equipment.

"(c) Definitions.—For purposes of this section—

"(1) Qualified recycling equipment.—

"(A) In general.—The term 'qualified recycling equipment' means equipment, including connecting piping, employed in sorting or processing residential and commercial qualified recyclable materials for the purpose of converting such materials for use in manufacturing tangible consumer products, including packaging. Such term includes equipment which is utilized at commercial or public venues, including recycling collection centers, where the equipment is utilized to sort or process qualified recyclable materials for such purpose.

"(B) Exclusion.—Such term does not include rolling stock or other equipment used to transport recyclable materials.

"(2) Qualified recyclable materials.—The term 'qualified recyclable materials' means any packaging or printed material which is glass, paper, plastic, steel, or aluminum generated by an individual or business and which has been separated from solid waste for the purposes of collection and recycling.

"(3) Processing.—The term 'processing' means the preparation of qualified recyclable materials into feedstock for use in manufacturing tangible consumer products.

"(d) Amount Paid or Incurred.—For purposes of this section—

"(1) In general.—The term 'amount paid or incurred' includes installation costs.

"(2) Lease payments.—In the case of the leasing of qualified recycling equipment by the taxpayer, the term 'amount paid or incurred' means the amount of the lease payments due to be paid during the term of the lease occurring during the taxable year other than such portion of such lease payments attributable to interest, insurance, and taxes.

"(3) Grants, etc. excluded.—The term 'amount paid or incurred' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

"(e) Other Tax Deductions and Credits Available for Portion of Cost Not Taken Into Account for Credit Under This Section.—No deduction or other credit under this chapter shall be allowed with respect to the amount of the credit determined under this section.

"(f) Basis Adjustments.—For purposes of this subtitle, if a credit is allowed under this section for any amount paid or incurred with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.".

(b) Conforming Amendments.—

(1) Credit made part of general business credit.—Subsection (b) of section 38, as amended by this Act, is amended by striking "plus" at the end of paragraph (21), by striking the period at the end of paragraph (22) and inserting ", plus", and by adding at the end the following new paragraph:

"(23) the qualified recycling equipment credit determined under section 45M(a).".

(2) Subsection (a) of section 1016, as amended by this Act, is amended by striking "and" at the end of paragraph (37), by striking the period at the end of paragraph (38) and inserting "; and", and by adding at the end the following new paragraph:

"(39) to the extent provided in section 45M(f), in the case of amounts with respect to which a credit has been allowed under section 45M.".

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 45L the following new item:

"Sec. 45M. Credit for qualified recycling equipment.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 1546. 5-YEAR NET OPERATING LOSS CARRYOVER IF ANY RESULTING REFUND IS USED FOR ELECTRIC TRANSMISSION EQUIPMENT.

(a) In General.—Paragraph (1) of section 172(b) (relating to net operating loss carrybacks and carryovers) is amended by adding at the end the following new subparagraph:

"(I) Transmission property investment.—

"(i) In general.—In the case of a net operating loss in a taxable year ending after December 31, 2002, and before January 1, 2006, there shall be a net operating loss carryback to each of the 5 years preceding the taxable year of such loss to the extent that any refund resulting from such carryback is used for electric transmission property capital expenditures or pollution control facility capital expenditures.

"(ii) Refund claim.—Any refund resulting from the application of clause (i) may be claimed by the taxpayer for any taxable year ending after December 31, 2005, and before January 1, 2009, except that the portion of such refund which may be claimed during any taxable year shall not exceed the sum of the taxpayer's electric transmission property capital expenditures and pollution control facility capital expenditures made in the preceding taxable year.

"(iii) Carryover of excess refunds.—Any portion of such refund that exceeds the sum of the taxpayer's electric transmission property capital expenditures and pollution control facility capital expenditures made during the preceding taxable year shall, subject to clause (ii), be considered a refund due to the taxpayer and claimed in the succeeding taxable year if such taxable year begins before January 1, 2009.

"(iv) Definitions.—For purposes of this subparagraph—

"(I) Electric transmission property capital expenditures.—The term 'electric transmission property capital expenditures' means any expenditure, chargeable to capital account, made by the taxpayer which is attributable to electric transmission property used in the transmission at 69 or more kilovolts of electricity for sale.

"(II) Pollution control facility capital expenditures.—The term 'pollution control facility capital expenditures' means any expenditure, chargeable to capital account, made by an electric utility company (as defined in section 2(3) of the Public Utility Holding Company Act (15 U.S.C. 79b(3)) which is attributable to a facility which will qualifiy as a certified pollution control facility as determined under section 169(d)(1) by striking 'before January 1, 1976,' and by substituting 'an identifiable' for 'a new identifiable'."

(b) Election to Disregard Carryback.—Section 172(j) (relating to disregard 5-year carryback for certain net operating losses) is amended by inserting "or (b)(1)(I)" after "(b)(1)(H)" both places it appears.

(c) APPLICATION.—In the case of a net operating loss described in section 172(b)(1)(I) of the Internal Revenue Code of 1986 (as added by subsection (a)) for a taxable year ending in 2003, 2004, or 2005, any election made under section 172(j) of such Code (as amended by subsection (b)) shall be treated as timely made if made before January 1, 2009.

SEC. 1547. CREDIT FOR QUALIFYING POLLUTION CONTROL EQUIPMENT.

(a) ALLOWANCE OF QUALIFYING POLLUTION CONTROL EQUIPMENT CREDIT.—Section 46 (relating to amount of credit), as amended by this Act, is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", and", and by adding at the end the following new paragraph:

"(6) the qualifying pollution control equipment credit.".

(b) AMOUNT OF QUALIFYING POLLUTION CONTROL EQUIPMENT CREDIT.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit), as amended by this Act, is amended by inserting after section 48C the following new section:

"SEC. 48D. QUALIFYING POLLUTION CONTROL EQUIPMENT CREDIT.

"(a) IN GENERAL.—For purposes of section 46, the qualifying pollution control equipment credit for any taxable year is an amount equal to 15 percent of the basis of the qualifying pollution control equipment placed in service at a qualifying facility during such taxable year.

"(b) QUALIFYING POLLUTION CONTROL EQUIPMENT.—For purposes of this section, the term 'qualifying pollution control equipment' means any technology installed in or on a qualifying facility to reduce air emissions of any pollutant regulated by the Environmental Protection Agency under the Clean Air Act, including thermal oxidizers, regenerative thermal oxidizers, scrubber systems, evaporative control systems, vapor recovery systems, flair systems, bag houses, cyclones, continuous emissions monitoring systems, and low nitric oxide burners.

"(c) QUALIFYING FACILITY.—For purposes of this section, the term 'qualifying facility' means any facility which produces not less than 1,000,000 gallons of ethanol during the taxable year.

"(d) SPECIAL RULE FOR CERTAIN SUBSIDIZED PROPERTY.—Rules similar to section 48(a)(4) shall apply for purposes of this section.

"(e) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this subsection.".

(c) RECAPTURE OF CREDIT WHERE EMISSIONS REDUCTION OFFSET IS SOLD.—Paragraph (1) of section 50(a) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) SPECIAL RULE FOR QUALIFYING POLLUTION CONTROL EQUIPMENT.—For purposes of subparagraph (A), any investment property which is qualifying pollution control equipment (as defined in section 48D(b)) shall cease to be investment credit property with respect to a taxpayer if such taxpayer receives a payment in exchange for a credit for emission reductions attributable to such qualifying pollution control equipment for purposes of an offset requirement under part D of title I of the Clean Air Act.".

(d) SPECIAL RULE FOR BASIS REDUCTION; RECAPTURE OF CREDIT.—Paragraph (3) of section 50(c) (relating to basis adjustment to investment credit property), as amended by this Act, is amended by inserting "or qualifying pollution control equipment credit" after "energy credit".

(e) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C), as amended by this Act, is amended by striking "and" at the end of clause (iv), by striking the period at the end of clause (v) and inserting ", and", and by adding at the end the following new clause:

"(vi) the basis of any qualifying pollution control equipment."

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 48C the following new item:

"48D. Qualifying pollution control equipment.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1548. CREDIT FOR PRODUCTION OF COAL OWNED BY INDIAN TRIBES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 45N. CREDIT FOR PRODUCTION OF COAL OWNED BY INDIAN TRIBES.

"(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the Indian coal production credit determined under this section for the taxable year is an amount equal to the product of—

"(1) the applicable dollar amount for the calendar year in which the taxable year begins, and

"(2) the number of tons of Indian coal—

"(A) the production of which is attributable to the taxpayer (determined under rules similar to the rules under section 29(d)(3)), and

"(B) which is sold by the taxpayer to an unrelated person during the taxable year.

"(b) INDIAN COAL.—For purposes of this section—

"(1) IN GENERAL.—The term 'Indian coal' means coal which is produced from coal reserves which, on June 14, 2005—

"(A) were owned by an Indian tribe, or

"(B) were held in trust by the United States for the benefit of an Indian tribe or its members.

"(2) INDIAN TRIBE.—For purposes of this subsection, the term 'Indian tribe' has the meaning given such term by section 7871(c)(3)(E)(ii).

"(c) OTHER TERMS.—For purposes of this section—

"(1) APPLICABLE DOLLAR AMOUNT.—

"(A) IN GENERAL.—The term 'applicable dollar amount' means—

"(i) $1.50 in the case of calendar years 2006 through 2009, and

"(ii) $2.00 in the case of calendar years beginning after 2009.

"(B) INFLATION ADJUSTMENT.—In the case of any calendar year after 2006, each of the dollar amounts under subparagraph (A) shall be equal to the product of such dollar amount and the inflation adjustment factor determined under section 45(e)(2)(B) for the calendar year, except that such section shall be applied by substituting '2005' for '1992'.

"(2) UNRELATED PERSON.—The term 'unrelated person' has the same meaning as when such term is used in section 45.

"(d) TERMINATION.—This section shall not apply to sales after December 31, 2012."

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38, as amended by this Act, is amended by striking "plus" at the end of paragraph (22), by striking the period at the end of paragraph (23) and inserting ", plus", and by adding at the end the following new paragraph:

"(24) the Indian coal production credit determined under section 45N(a).".

(c) ALLOWANCE AGAINST MINIMUM TAX.—Section 38(c)(4) (relating to specified credits) is amended by striking the period at the end of clause (ii) and inserting ", or" and by adding at the end the following:

"(iii) the credit determined under section 45N.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after December 31, 2005.

SEC. 1549. CREDIT FOR REPLACEMENT STOVES MEETING ENVIRONMENTAL STANDARDS IN NON-ATTAINMENT AREAS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits), as amended by this Act, is amended by inserting after section 25D the following new section:

"SEC. 25E. REPLACEMENT STOVES IN AREAS WITH POOR AIR QUALITY.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the lesser—

"(1) the qualified stove replacement expenditures of the taxpayer for the taxable year, or

"(2) $500 multiplied by the number of noncompliant wood stoves replaced by the taxpayer during the taxable year.

"(b) QUALIFIED STOVE REPLACEMENT EXPENDITURES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified stove replacement expenditures' means expenditures made by the taxpayer for the installation of a compliant stove which—

"(A) is installed in a dwelling unit which—

"(i) is located in the United States in an area which, at the time of the installation, is designated by the Environmental Protection Agency as a non-attainment area for particulate matter less than 2.5 micrometers in diameter or a non-attainment area for particulate matter less than 10 micrometers in diameter, and

"(ii) is used as a residence, and

"(B) replaces a noncompliant wood stove used in the dwelling unit.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the compliant stove.

"(2) COMPLIANT STOVE.—The term 'compliant stove' means a solid fuel burning stove which meets the requirements set forth in the 'Standards of Performance for Residential Wood Heaters' issued by the Environmental Protection Agency.

"(3) NONCOMPLIANT WOOD STOVE.—The term 'noncompliant wood stove' means any wood stove other than a compliant stove.

"(c) OTHER RULES.—Rules similar to the rules of paragraphs (3) and (4) of section 25C(d) shall apply for purposes of this section.

"(d) BASIS ADJUSTMENT.—If an expenditure to which this section applies results in an increase in basis in any property, the increase shall be reduced by the amount of the credit allowed under this section with respect to the expenditure.

"(e) TERMINATION.—This section shall not apply to expenditures made after December 31, 2008."

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016, as amended by this Act, is amended by striking "and" at the end of paragraph (38), by striking the period at the end of paragraph (39) and inserting ", and", and by adding at the end the following new paragraph:

"(40) to the extent provided in section 25E(e), in the case of amounts with respect to which a credit has been allowed under section 25E.".

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 25D the following new item:

"Sec. 25E. Replacement stoves in areas with poor air quality.".

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to expenditures for stoves purchased after the date of the enactment of this Act.

SEC. 1550. EXEMPTION FOR EQUIPMENT FOR TRANSPORTING BULK BEDS OF FARM CROPS FROM EXCISE TAX ON RETAIL SALE OF HEAVY TRUCKS AND TRAILERS.

(a) IN GENERAL.—Section 4053 of the Internal Revenue Code of 1986 (relating to exemptions) is amended by adding at the end the following new paragraph:

"(9) BULK BEDS FOR TRANSPORTING FARM CROPS.—Any box, container, receptacle, bin, or other similar article the length of which does not exceed 26 feet, which is mounted or placed on an automobile truck, and which is sold to a person who certifies to the seller that—

"(A) such person is actively engaged in the trade or business of farming, and

"(B) the primary use of the article is to haul to farms (and on farms) farm crops grown in connection with such trade or business.".

(b) RECAPTURE OF TAX UPON RESALE OR NONEXEMPT USE.—Section 4052 (relating to definitions and special rules) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) IMPOSITION OF TAX ON SALES, ETC., WITHIN 2 YEARS OF BULK BEDS FOR TRANSPORTING FARM CROPS PURCHASED TAX-FREE.—

"(1) IN GENERAL.—If—

"(A) no tax was imposed under section 4051 on the first retail sale of any article described in section 4053(9) by reason of its exempt use, and

"(B) within 2 years after the date of such first retail sale, such article is resold by the purchaser or such purchaser makes a substantial nonexempt use of such article, then such sale or use of such article by such purchaser shall be treated as the first retail sale of such article for a price equal to its fair market value at the time of such sale or use.

"(2) EXEMPT USE.—For purposes of this subsection, the term 'exempt use' means any use of an article described in section 4053(9) if the first retail sale of such article is not taxable under section 4051 by reason of such use.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after September 30, 2005.

SEC. 1551. NATIONAL ACADEMY OF SCIENCES STUDY AND REPORT.

(a) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences under which the National Academy of Sciences shall conduct a study to define and evaluate the health, environmental, security, and infrastructure external costs and benefits associated with the production and consumption of energy that are not or may not be fully incorporated into the market price of such energy, or into the Federal tax or fee or other applicable revenue measure related to such production or consumption.

(b) REPORT.—Not later than 2 years after the date on which the agreement under subsection (a) is entered into, the National Academy of Sciences shall submit to Congress a report on the study conducted under subsection (a).

Subtitle F—Revenue Raising Provisions

SEC. 1561. TREATMENT OF KEROSENE FOR USE IN AVIATION.

(a) ALL KEROSENE TAXED AT HIGHEST RATE.—

(1) IN GENERAL.—Section 4081(a)(2)(A) (relating to rates of tax) is amended by adding "and" at the end of clause (ii), by striking ", and" at the end of clause (iii) and inserting a period, and by striking clause (iv).

(2) EXCEPTION FOR USE IN AVIATION.—Subparagraph (C) of section 4081(a)(2) is amended to read as follows:

"(C) TAXES IMPOSED ON FUEL USED IN AVIATION.—In the case of kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in aviation, the rate of tax under subparagraph (A)(iii) shall be—

"(i) in the case of use for commercial aviation by a person registered for such use under section 4101, 4.3 cents per gallon, and

"(ii) in the case of use for aviation not described in clause (i), 21.8 cents per gallon.".

(3) APPLICABLE RATE IN CASE OF CERTAIN REFUELER TRUCKS, TANKERS, AND TANK WAGONS.—Section 4081(a)(3) (relating to certain refueler trucks, tankers, and tank wagons treated as terminals) is amended—

(A) by striking "a secured area of" in subparagraph (A)(i), and

(B) by adding at the end the following new subparagraph:

"(D) APPLICABLE RATE.—For purposes of paragraph (2)(C), in the case of any kerosene treated as removed from a terminal by reason of this paragraph—

"(i) the rate of tax specified in paragraph (2)(C)(i) in the case of use described in such paragraph shall apply if such terminal is located within a secured area of an airport, and

"(ii) the rate of tax specified in paragraph (2)(C)(ii) shall apply in all other cases.".

(4) CONFORMING AMENDMENTS.—

(A) Sections 4081(a)(3)(A) and 4082(b) are amended by striking "aviation-grade" each place it appears.

(B) Section 4081(a)(4) is amended by striking "paragraph (2)(C)" and inserting "paragraph (2)(C)(i)".

(C) The heading for paragraph (4) of section 4081(a) is amended by striking "AVIATION-GRADE".

(D) Section 4081(d)(2) is amended by striking so much as precedes subparagraph (A) and inserting the following:

"(2) AVIATION FUELS.—The rates of tax specified in subsections (a)(2)(A)(ii) and (a)(2)(C)(ii) shall be 4.3 cents per gallon—".

(E) Subsection (e) of section 4082 is amended—

(i) by striking "aviation-grade",

(ii) by striking "section 4081(a)(2)(A)(iv)" and inserting "section 4081(a)(2)(A)(iii)", and

(iii) by striking "Aviation-Grade Kerosene" in the heading thereof and inserting "Kerosene Removed Into an Aircraft".

(b) REDUCED RATE FOR USE OF CERTAIN LIQUIDS IN AVIATION.—

(1) IN GENERAL.—Subsection (c) of section 4041 (relating to imposition of tax) is amended—

(A) by striking "aviation-grade kerosene" in paragraph (1) and inserting "any liquid for use as a fuel other than aviation gasoline",

(B) by striking "aviation-grade kerosene" in paragraph (2) and inserting "liquid for use as a fuel other than aviation gasoline",

(C) by striking paragraph (3) and inserting the following new paragraph:

"(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be 21.8 cents per gallon (4.3 cents per gallon with respect to any sale or use for commercial aviation).", and

(D) by striking "Aviation-Grade Kerosene" in the heading thereof and inserting "Certain Liquids Used as a Fuel in Aviation".

(2) PARTIAL REFUND OF FULL RATE.—

(A) IN GENERAL.—Paragraph (2) of section 6427(l) (relating to nontaxable uses of diesel fuel, kerosene and aviation fuel) is amended to read as follows:

"(2) NONTAXABLE USE.—For purposes of this subsection, the term 'nontaxable use' means any use which is exempt from the tax imposed by section 4041(a)(1) other than by reason of a prior imposition of tax.".

(B) REFUNDS FOR NONCOMMERCIAL AVIATION.—Section 6427(l) (relating to nontaxable uses of diesel fuel, kerosene and aviation fuel) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) REFUNDS FOR KEROSENE USED IN NONCOMMERCIAL AVIATION.—

"(A) IN GENERAL.—In the case of kerosene used in aviation not described in paragraph (4)(A) (other than any use which is exempt from the tax imposed by section 4041(c) other than by reason of a prior imposition of tax), paragraph (1) shall not apply to so much of the tax imposed by section 4081 as is attributable to—

"(i) the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section, and

"(ii) so much of the rate of tax specified in section 4081(a)(2)(A)(iii) as does not exceed the rate specified in section 4081(a)(2)(C)(ii).

"(B) PAYMENT TO ULTIMATE, REGISTERED VENDOR.—The amount which would be paid under paragraph (1) with respect to any kerosene shall be paid only to the ultimate vendor of such kerosene. A payment shall be made to such vendor if such vendor—

"(i) is registered under section 4101, and

"(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).".

(3) CONFORMING AMENDMENTS.—

(A) Section 4041(a)(1)(B) is amended by striking the last sentence.

(B) The heading for subsection (l) of section 6427 is amended by striking ", Kerosene and Aviation Fuel" and inserting "and Kerosene".

(C) Section 4082(d)(2)(B) is amended by striking "section 6427(l)(5)(B)" and inserting "section 6427(l)(6)(B)".

(D) Section 6427(i)(4)(A) is amended—

(i) by striking "paragraph (4)(B) or (5)" both places it appears and inserting "paragraph (4)(B), (5), or (6)", and

(ii) by striking "subsection (b)(4) and subsection (l)(5)" in the last sentence and inserting "subsections (b)(4), (l)(5), and (l)(6)".

(E) Paragraph (4) of section 6427(l) is amended—

(i) by striking "aviation-grade" in subparagraph (A),

(ii) by striking "section 4081(a)(2)(A)(iv)" and inserting "section 4081(a)(2)(iii)",

(iii) by striking "aviation-grade kerosene" in subparagraph (B) and inserting "kerosene used in commercial aviation as described in subparagraph (A)", and

(iv) by striking "AVIATION-GRADE KEROSENE" in the heading thereof and inserting "KEROSENE USED IN COMMERCIAL AVIATION".

(F) Section 6427(l)(6)(B), as redesignated by paragraph (2)(B), is amended by striking "aviation-grade kerosene" and inserting "kerosene used in aviation".

(c) Transfers From Highway Trust Fund of Taxes on Fuels Used in Aviation to Airport and Airway Trust Fund.—

(1) In general.—Section 9503(c) (relating to expenditures from Highway Trust Fund) is amended by adding at the end the following new paragraph:

"(7) Transfers from the trust fund for certain aviation fuel taxes.—The Secretary shall pay at least monthly from the Highway Trust Fund into the Airport and Airway Trust Fund amounts (as determined by the Secretary) equivalent to the taxes received on or after October 1, 2005, and before October 1, 2011, under section 4081 with respect to so much of the rate of tax as does not exceed—

"(A) 4.3 cents per gallon of kerosene with respect to which a payment has been made by the Secretary under section 6427(l)(4), and

"(B) 21.8 cents per gallon of kerosene with respect to which a payment has been made by the Secretary under section 6427(l)(5).

Transfers under the preceding sentence shall be made on the basis of estimates by the Secretary, and proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.".

(2) Conforming amendments.—

(A) Section 9502(a) is amended by striking "appropriated or credited to the Airport and Airway Trust Fund as provided in this section or section 9602(b)" and inserting "appropriated, credited, or paid into the Airport and Airway Trust Fund as provided in this section, section 9503(c)(7), or section 9602(b)".

(B) Section 9502(b)(1) is amended—

(i) by striking "subsections (c) and (e) of section 4041" in subparagraph (A) and inserting "section 4041(c)", and

(ii) by striking "and aviation-grade kerosene" in subparagraph (C) and inserting "and kerosene to the extent attributable to the rate specified in section 4081(a)(2)(C)".

(C) Section 9503(b) is amended by striking paragraph (3).

(d) Certain Refunds Not Transferred From Airport and Airway Trust Fund.—Section 9502(d)(2) (relating to transfers from Airport and Airway Trust Fund on account of certain refunds) is amended by inserting "(other than subsections (l)(4) and (l)(5) thereof)" after "or 6427 (relating to fuels not used for taxable purposes)".

(e) Effective Date.—The amendments made by this section shall apply to fuels or liquids removed, entered, or sold after September 30, 2005.

SEC. 1562. REPEAL OF ULTIMATE VENDOR REFUND CLAIMS WITH RESPECT TO FARMING.

(a) In General.—Subparagraph (A) of section 6427(l)(6) (relating to registered vendors to administer claims for refund of diesel fuel or kerosene sold to farmers and State and local governments), as redesignated by section 1561, is amended to read as follows:

"(A) In general.—Paragraph (1) shall not apply to diesel fuel or kerosene used by a State or local government.".

(b) Conforming Amendment.—The heading of paragraph (6) of section 6427(l), as so redesignated, is amended by striking "FARMERS AND".

(c) Effective Date.—The amendments made by this section shall apply to sales after September 30, 2005.

SEC. 1563. REFUNDS OF EXCISE TAXES ON EXEMPT SALES OF FUEL BY CREDIT CARD.

(a) Registration of Person Extending Credit on Certain Exempt sales of Fuel.—Section 4101(a) (relating to registration) is amended by adding at the end the following new paragraph:

"(4) Registration of persons extending credit on certain exempt sales of fuel.—The Secretary shall require registration by any person which—

"(A) extends credit by credit card to any ultimate purchaser described in subparagraph (C) or (D) of section 6416(b)(2) for the purchase of taxable fuel upon which tax has been imposed under section 4041 or 4081, and

"(B) does not collect the amount of such tax from such ultimate purchaser.".

(b) Refunds of Tax on Gasoline.—

(1) In general.—Paragraph (4) of section 6416(a) (relating to condition to allowance) is amended—

(A) by inserting "except as provided in subparagraph (B)," after "For purposes of this subsection," in subparagraph (A),

(B) by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) Credit card issuer.—For purposes of this subsection, if the purchase of gasoline described in subparagraph (A) (determined without regard to the registration status of the ultimate vendor) is made by means of a credit card issued to the ultimate purchaser, paragraph (1) shall not apply and the person extending the credit to the ultimate purchaser shall be treated as the person (and the only person) who paid the tax, but only if such person—

"(i) is registered under section 4101(a)(4), and

"(ii) has established, under regulations prescribed by the Secretary, that such person—

"(I) has not collected the amount of the tax from the person who purchased such article, or

"(II) has obtained the written consent from the ultimate purchaser to the allowance of the credit or refund, and

"(iii) has so established that such person—

"(I) has repaid or agreed to repay the amount of the tax to the ultimate vendor,

"(II) has obtained the written consent of the ultimate vendor to the allowance of the credit or refund, or

"(III) has otherwise made arrangements which directly or indirectly assure the ultimate vendor of reimbursement of such tax.

If clause (i), (ii), or (iii) is not met by such person extending the credit to the ultimate purchaser, then such person shall collect an amount equal to the tax from the ultimate purchaser and only such ultimate purchaser may claim such credit or refund.",

(C) by striking "subparagraph (A)" in subparagraph (C), as redesignated by paragraph (2), and inserting "subparagraph (A) or (B)",

(D) by inserting "or credit card issuer" after "vendor" in subparagraph (C), as so redesignated, and

(E) by inserting "OR CREDIT CARD ISSUER" after "VENDOR" in the heading thereof.

(2) Conforming amendment.—Section 6416(b)(2) is amended by adding at the end the following new sentence: "Subparagraphs (C) and (D) shall not apply in the case of any tax imposed on gasoline under section 4081 if the requirements of subsection (a)(4) are not met."

(c) Diesel Fuel or Kerosene.—Paragraph (6) of section 6427(l) (relating to nontaxable uses of diesel fuel and kerosene), as redesignated by section 1561, is amended—

(1) by striking "The amount" in subparagraph (C) and inserting "Except as provided in subparagraph (D), the amount", and

(2) by adding at the end the following new subparagraph:

"(D) Credit card issuer.—For purposes of this paragraph, if the purchase of any fuel described in subparagraph (A) (determined without regard to the registration status of the ultimate vendor) is made by means of a credit card issued to the ultimate purchaser, the Secretary shall pay to the person extending the credit to the ultimate purchaser the amount which would have been paid under paragraph (1) (but for subparagraph (A)), but only if such person meets the requirements of clauses (i), (ii), and (iii) of section 6416(a)(4)(B). If such clause (i), (ii), or (iii) is not met by such person extending the credit to the ultimate purchaser, then such person shall collect an amount equal to the tax from the ultimate purchaser and only such ultimate purchaser may claim such amount.".

(d) Conforming Penalty Amendments.—

(1) Section 6206 (relating to special rules applicable to excessive claims under sections 6420, 6421, and 6427) is amended—

(A) by striking "Any portion" in the first sentence and inserting "Any portion of a refund made under section 6416(a)(4) and any portion",

(B) by striking "payments under sections 6420" in the first sentence and inserting "refunds under section 6416(a)(4) and payments under sections 6420",

(C) by striking "section 6420" in the second sentence and inserting "section 6416(a)(4), 6420", and

(D) by striking "**SECTIONS 6420, 6421, and 6427**" in the heading thereof and inserting "**CERTAIN SECTIONS**".

(2) Section 6675(a) is amended by inserting "section 6416(a)(4) (relating to certain sales of gasoline)," after "made under".

(3) Section 6675(b)(1) is amended by inserting "6416(a)(4)," after "under section".

(4) The item relating to section 6206 in the table of sections for subchapter A of chapter 63 is amended by striking "sections 6420, 6421, and 6427" and inserting "certain sections".

(e) Effective Date.—The amendments made by this section shall apply to sales after December 31, 2005.

SEC. 1564. ADDITIONAL REQUIREMENT FOR EXEMPT PURCHASES.

(a) State and Local Governments.—

(1) Subparagraph (C) of section 6416(b)(2) (relating to specified uses and resales) is amended to read as follows:

"(C) sold to a State or local government for the exclusive use of a State or local government (as defined in section 4221(d)(4) and certified as such by the State) or sold to a qualified volunteer fire department (as defined in section 150(e)(2) and certified as such by the State) for its exclusive use;".

(2) Section 4041(g)(2) (relating to other exemptions) is amended by striking "or the District of Columbia" and inserting "the District of Columbia, or a qualified volunteer fire department (as defined in section 150(e)(2)) (and certified as such by the State or the District of Columbia)".

(b) NONPROFIT EDUCATIONAL ORGANIZATIONS.—

(1) Section 6416(b)(2)(D) is amended by inserting "(as defined in section 4221(d)(5) and certified to be in good standing by the State in which such organization is providing educational services)" after "organization".

(2) Section 4041(g)(4) is amended—

(A) by inserting "(certified to be in good standing by the State in which such organization is providing educational services)" after "organization" the first place it appears, and

(B) by striking "use by a" and inserting "use by such a".

(c) NONAPPLICATION OF CERTIFICATION REQUIREMENTS FOR THE REFUND OF CERTAIN TAXES.—Section 6416(b)(2) is amended by adding at the end the following new sentence: "With respect to any tax paid under subchapter D of chapter 32, the certification requirements under subparagraphs (C) and (D) shall not apply.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after December 31, 2005.

SEC. 1565. REREGISTRATION IN EVENT OF CHANGE IN OWNERSHIP.

(a) IN GENERAL.—Section 4101(a) (relating to registration) is amended by adding at the end the following new paragraph:

"(4) REREGISTRATION IN EVENT OF CHANGE IN OWNERSHIP.—Under regulations prescribed by the Secretary, a person (other than a corporation the stock of which is regularly traded on an established securities market) shall be required to reregister under this section if after a transaction (or series of related transactions) more than 50 percent of ownership interests in, or assets of, such person are held by persons other than persons (or persons related thereto) who held more than 50 percent of such interests or assets before the transaction (or series of related transactions).".

(b) CONFORMING AMENDMENTS.—

(1) CIVIL PENALTY.—Section 6719 (relating to failure to register) is amended—

(A) by inserting "or reregister" after "register" each place it appears,

(B) by inserting "OR REREGISTER" after "REGISTER" in the heading for subsection (a), and

(C) by inserting "**OR REREGISTER**" after "**REGISTER**" in the heading thereof.

(2) CRIMINAL PENALTY.—Section 7232 (relating to failure to register under section 4101, false representations of registration status, etc.) is amended—

(A) by inserting "or reregister" after "register",

(B) by inserting "or reregistration" after "registration", and

(C) by inserting "**OR REREGISTER**" after "**REGISTER**" in the heading thereof.

(3) ADDITIONAL CIVIL PENALTY.—Section 7272 (relating to penalty for failure to register) is amended—

(A) by inserting "or reregister" after "failure to register" in subsection (a),

(B) by inserting "**OR REREGISTER**" after "**REGISTER**" in the heading thereof.

(3) CLERICAL AMENDMENTS.—The item relating to section 6719 in the table of sections for part I of subchapter B of chapter 68, the item relating to section 7232 in the table of sections for part II of subchapter A of chapter 75, and the item relating to section 7272 in the table of sections for subchapter B of chapter 75 are each amended by inserting "or reregister" after "register".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions, or failures to act, after the date of the enactment of this Act.

SEC. 1566. TREATMENT OF DEEP-DRAFT VESSELS.

(a) IN GENERAL.—On and after the date of the enactment of this Act, the Secretary of the Treasury shall require that a vessel described in section 4042(c)(1) of the Internal Revenue Code of 1986 be considered a vessel for purposes of the registration of the operator of such vessel under section 4101 of such Code, unless such operator uses such vessel exclusively for purposes of the entry of taxable fuel.

(b) EXEMPTION FOR DOMESTIC BULK TRANSFERS BY DEEP-DRAFT VESSELS.—

(1) IN GENERAL.—Subparagraph (B) of section 4081(a)(1) (relating to tax on removal, entry, or sale) is amended to read as follows:

"(B) EXEMPTION FOR BULK TRANSFERS TO REGISTERED TERMINALS OR REFINERIES.—

"(i) IN GENERAL.—The tax imposed by this paragraph shall not apply to any removal or entry of a taxable fuel transferred in bulk by pipeline or vessel to a terminal or refinery if the person removing or entering the taxable fuel, the operator of such pipeline or vessel (except as provided in clause (ii)), and the operator of such terminal or refinery are registered under section 4101.

"(ii) NONAPPLICATION OF REGISTRATION TO VESSEL OPERATORS ENTERING BY DEEP-DRAFT VESSEL.—For purposes of clause (i), a vessel operator is not required to be registered with respect to the entry of a taxable fuel transferred in bulk by a vessel described in section 4042(c)(1).".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 1567. RECONCILIATION OF ON-LOADED CARGO TO ENTERED CARGO.

(a) IN GENERAL.—Subsection (a) of section 343 of the Trade Act of 2002 is amended by inserting at the end the following new paragraph:

"(4) TRANSMISSION OF DATA.—Pursuant to paragraph (2), not later than 1 year after the date of enactment of this paragraph, the Secretary of Homeland Security, after consultation with the Secretary of the Treasury, shall establish an electronic data interchange system through which the United States Customs and Border Protection shall transmit to the Internal Revenue Service information pertaining to cargoes of any taxable fuel (as defined in section 4083 of the Internal Revenue Code of 1986) that the United States Customs and Border Protection has obtained electronically under its regulations adopted in accordance with paragraph (1). For this purpose, not later than 1 year after the date of enactment of this paragraph, all filers of required cargo information for such taxable fuels (as so defined) must provide such information to the United States Customs and Border Protection through such electronic data interchange system.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 1568. TAXATION OF GASOLINE BLENDSTOCKS AND KEROSENE.

With respect to fuel entered or removed after September 30, 2005, the Secretary of the Treasury shall, in applying section 4083 of the Internal Revenue Code of 1986—

(1) prohibit the nonbulk entry or removal of any gasoline blend stock without the imposition of tax under section 4081 of such Code, and

(2) shall not exclude mineral spirits from the definition of kerosene.

SEC. 1569. NONAPPLICATION OF EXPORT EXEMPTION TO DELIVERY OF FUEL TO MOTOR VEHICLES REMOVED FROM UNITED STATES.

(a) IN GENERAL.—Section 4221(d)(2) (defining export) is amended by adding at the end the following new sentence: "Such term does not include the delivery of a taxable fuel (as defined in section 4083(a)(1)) into a fuel tank of a motor vehicle which is shipped or driven out of the United States.".

(b) CONFORMING AMENDMENTS.—

(1) Section 4041(g) (relating to other exemptions) is amended by adding at the end the following new sentence: "Paragraph (3) shall not apply to the sale of a liquid for delivery into a fuel tank of a motor vehicle which is shipped or driven out of the United States.".

(2) Clause (iv) of section 4081(a)(1)(A) (relating to tax on removal, entry, or sale) is amended by inserting "or at a duty-free sales enterprise (as defined in section 555(b)(8) of the Tariff Act of 1930)" after "section 4101".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or deliveries made after the date of the enactment of this Act.

SEC. 1570. PENALTY WITH RESPECT TO CERTAIN ADULTERATED FUELS.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end the following new section:

"SEC. 6720A. PENALTY WITH RESPECT TO CERTAIN ADULTERATED FUELS.

"(a) IN GENERAL.—Any person who knowingly transfers for resale, sells for resale, or holds out for resale any liquid for use in a diesel-powered highway vehicle or a diesel-powered train which does not meet applicable EPA regulations (as defined in section 45H(c)(3)), shall pay a penalty of $10,000 for each such transfer, sale, or holding out for resale, in addition to the tax on such liquid (if any).

"(b) PENALTY IN THE CASE OF RETAILERS.—Any person who knowingly holds out for sale (other than for resale) any liquid described in subsection (a), shall pay a penalty of $10,000 for each such holding out for sale, in addition to the tax on such liquid (if any).".

(b) DEDICATION OF REVENUE.—Paragraph (5) of section 9503(b) (relating to certain penalties) is amended by inserting "6720A," after "6719,".

(c) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by adding at the end the following new item:

"Sec. 6720A. Penalty with respect to certain adulterated fuels.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any transfer, sale, or holding out for sale or resale occurring after the date of the enactment of this Act.

SEC. 1571. OIL SPILL LIABILITY TRUST FUND FINANCING RATE.

Section 4611(f) (relating to application of oil spill liability trust fund financing rate) is amended to read as follows:

"(f) APPLICATION OF OIL SPILL LIABILITY TRUST FUND FINANCING RATE.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Oil Spill Liability Trust Fund financing rate under subsection (c) shall apply on and after April 1, 2007, or if later, the date which is 30 days after the last day of any calendar quarter for which the Secretary estimates that, as of the close of that quarter, the unobligated balance in the Oil Spill Liability Trust Fund is less than $2,000,000,000.

"(2) FUND BALANCE.—The Oil Spill Liability Trust Fund financing rate shall not apply during a calendar quarter if the Secretary estimates that, as of the close of the preceding calendar quarter, the unobligated balance in the Oil Spill Liability Trust Fund exceeds $3,000,000,000.

"(3) TERMINATION.—The Oil Spill Liability Trust Fund financing rate shall not apply after December 31, 2014.".

SEC. 1572. EXTENSION OF LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.

(a) IN GENERAL.—Paragraph (3) of section 4081(d) (relating to Leaking Underground Storage Tank Trust Fund financing rate) is amended by striking "2005" and inserting "2011".

(b) APPLICATION OF TAX ON DYED FUEL.—

(1) IN GENERAL.—Section 4082(a) (relating to exemptions for diesel fuel and kerosene) is amended by inserting "(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate)" after "section 4081".

(2) NO REFUND.—Section 6427(l)(1) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to so much of the tax imposed by section 4081 on dyed fuel described in section 4082(a) as is attributable to the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section.".

(c) CERTAIN REFUNDS AND CREDITS NOT CHARGED TO LUST TRUST FUND.—Subsection (c) of section 9508 (relating to Leaking Underground Storage Tank Trust Fund) is amended to read as follows:

"(c) EXPENDITURES.—Amounts in the Leaking Underground Storage Tank Trust Fund shall be available, as provided in appropriation Acts, only for purposes of making expenditures to carry out section 9003(h) of the Solid Waste Disposal Act as in effect on the date of the enactment of the Superfund Amendments and Reauthorization Act of 1986.".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on October 1, 2005.

(2) APPLICATION OF TAX ON DYED FUEL.—The amendment made by subsection (b) shall apply to fuel entered, removed, or sold after December 31, 2005.

SA 801. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 800 submitted by Mr. GRASSLEY (for himself and Mr. BAUCUS) to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XV (relating to energy policy tax incentives) add the following:

SEC. . RENEWABLE LIQUID FUELS EXCISE TAX CREDIT.

(a) IN GENERAL.—Subchapter B of chapter 65 (relating to rules of special application) is amended by inserting after section 6426 the following new section:

"SEC. 6426A. CREDIT FOR RENEWABLE LIQUID FUELS.

"(a) ALLOWANCE OF CREDITS.—There shall be allowed as a credit against the tax imposed by section 4081 an amount equal to the renewable liquid mixture credit.

"(b) RENEWABLE LIQUID MIXTURE CREDIT.—

"(1) IN GENERAL.—For purposes of this section, the renewable liquid mixture credit is the product of the applicable amount and the number of gallons of renewable liquid used by the taxpayer in producing any renewable liquid mixture for sale or use in a trade or business of the taxpayer.

"(2) APPLICABLE AMOUNT.—For purposes of this section, the applicable amount is $1.00.

"(3) RENEWABLE LIQUID MIXTURE.—For purposes of this section, the term 'renewable liquid mixture' means a mixture of renewable liquid and taxable fuel which—

"(A) is sold by the taxpayer producing such mixture to any person for use as a fuel or feedstock, or

"(B) is used as a fuel or feedstock by the taxpayer producing such mixture.

For purposes of subparagraph (A), a mixture produced by any person at a refinery prior to a taxable event which includes renewable liquid shall be treated as sold at the time of its removal from the refinery (and only at such time) or sold to another person for use as a fuel or feedstock.

"(c) OTHER DEFINITIONS.—For purposes of this subsection:

"(1) RENEWABLE LIQUID.—The term 'renewable liquid' means liquid fuels derived from waste and byproduct streams including; agricultural byproducts and wastes, aqua-culture products produced from waste streams, food processing plant byproducts, municipal solid and semi-solid waste streams, industrial waste streams, automotive scrap waste streams, and as further provided by regulations.

"(2) TAXABLE FUEL.—The term 'taxable fuel' has the meaning given such term by section 4083(a)(1).

"(3) FEEDSTOCK.—The term 'feedstock' means any precursor material subject to further processing to make a petrochemical, solvent, or other fuel which has the effect of displacing conventional fuels, or products produced from conventional fuels.

"(4) ADDITIONAL DEFINITIONS.—Any term used in this section which is also used in section 40B shall have the meaning given such term by section 40B.

"(d) CERTIFICATION FOR RENEWABLE LIQUID FUEL.—No credit shall be allowed under this section unless the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer of the renewable liquid fuel, which identifies the product produced.

"(e) MIXTURE NOT USED AS FUEL, ETC.—

"(1) IMPOSITION OF TAX.—If—

"(A) any credit was determined under this section with respect to renewable liquid used in the production of any renewable liquid mixture, and

"(B) any person—

"(i) separates the renewable liquid from the mixture, or

"(ii) without separation, uses the mixture other than as a fuel,

then there is hereby imposed on such person a tax equal to the product of the applicable amount and the number of gallons of such renewable liquid.

"(2) APPLICABLE LAWS.—All provisions of law, including penalties, shall, insofar as applicable and not inconsistent with this section, apply in respect of any tax imposed under paragraph (1) as if such tax were imposed by section 4081 and not by this section.

"(f) COORDINATION WITH EXEMPTION FROM EXCISE TAX.—Rules similar to the rules under section 40 (c) shall apply for purposes of this section.

"(g) TERMINATION.—This section shall not apply to any sale, use, or removal for any period after December 31, 2010.".

(b) REGISTRATION REQUIREMENT.—Section 4101(a)(1) (relating to registration), as amended by this Act, is amended by inserting "and every person producing or importing renewable liquid as defined in section 6426A(c)(1)" before "shall register with the Secretary".

(c) PAYMENTS.—Section 6427 is amended by inserting after subsection (f) the following new subsection:

"(g) RENEWABLE LIQUID USED TO PRODUCE MIXTURE.—

"(1) USED TO PRODUCE A MIXTURE.—If any person produces a mixture described in section 6426A in such person's trade or business, the Secretary shall pay (without interest) to such person an amount equal to the renewable liquid mixture credit with respect to such mixture.

"(2) COORDINATION WITH OTHER REPAYMENT PROVISIONS.—No amount shall be payable under paragraph (1) with respect to any mixture with respect to which an amount is allowed as a credit under section 6426A.

"(3) TERMINATION.—This subsection shall not apply with respect to any renewable liquid fuel mixture (as defined in section 6426A(b)(3) sold or used after December 31, 2010.".

(d) CONFORMING AMENDMENT.—The last sentence of section 9503(b)(1) is amended by striking "section 6426" and inserting "sections 6426 and 6426A".

(e) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by inserting after the item relating to section 6426 the following new item:

"Sec. 6426A. Credit for renewable liquid fuels.".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel sold or used on or after January 1, 2005.

(2) REGISTRATION REQUIREMENT.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. . RENEWABLE LIQUID INCOME TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by inserting after section 40A the following new section:

"SEC. 40B. RENEWABLE LIQUID USED AS FUEL.

"(a) GENERAL RULE.—For purposes of section 38, the renewable liquid credit determined under this section for the taxable year is an amount equal to the sum of—

"(1) the renewable liquid mixture credit, plus

"(2) the renewable liquid credit.

"(b) DEFINITION OF RENEWABLE LIQUID MIXTURE CREDIT AND RENEWABLE LIQUID CREDIT.—For purposes of this section—

"(1) RENEWABLE LIQUID MIXTURE CREDIT.—

"(A) IN GENERAL.—The renewable liquid mixture credit of any taxpayer for any taxable year is $1.00 for each gallon of renewable liquid fuel used by the taxpayer in the production of a qualified renewable liquid fuel mixture.

"(B) QUALIFIED RENEWABLE LIQUID MIXTURE.—The term 'qualified renewable liquid mixture' means a mixture of renewable liquid and taxable fuel (as defined in section 4083(a)(1)), which—

"(i) is sold by the taxpayer producing such a mixture to any person for use as a fuel or feedstock, or

"(ii) is used as a fuel or feedstock by the taxpayer producing such mixture.

"(C) SALE OR USE MUST BE IN TRADE OR BUSINESS, ETC.—Renewable liquid used in the production of a qualified renewable liquid fuel mixture shall be taken into account—

"(i) only if the sale or use described in subparagraph (B) is in a trade or business of the taxpayer, and "(ii) for the taxable year in which such sale or use occurs.

"(2) Renewable liquid credit.—

"(A) In general.—The renewable liquid credit of any taxpayer for any taxable year is $1.00 for each gallon of renewable liquid which is not in a mixture with taxable fuel and which during the taxable year—

"(i) is used by the taxpayer as a fuel or feedstock in a trade or business, or

"(ii) is sold by the taxpayer at retail to a person and placed in the fuel tank of such person's vehicle.

"(B) User credit not to apply to renewable liquid sold at retail.—No credit shall be allowed under subparagraph (A)(i) with respect to any renewable liquid which was sold in a retail sale described in subparagraph (A)(ii).

"(c) Certification for Renewable Liquid.—No credit shall be allowed under this section unless the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer or importer of the renewable liquid fuel which identifies the product produced and percentage of renewable liquid fuel in the product.

"(d) Coordination With Credit Against Excise Tax.—The amount of the credit determined under this section with respect to any renewable liquid fuel shall be properly reduced to take into account any benefit provided with respect to such renewable liquid fuel solely by reason of the application of section 6426A or 6427(g).

"(e) Definitions and Special Rules.—For purposes of this section, the term 'renewable liquid' means liquid fuels derived from waste and byproduct streams including; agricultural byproducts and wastes, agriculture materials produced from waste streams, food processing plant byproducts, municipal solid and semi-solid waste streams, industrial waste streams, automotive scrap waste streams, as further provided by regulations.

"(f) Mixture or Renewable Liquid Not Used as a Fuel, Etc.—

"(1) Mixtures.—If—

"(A) any credit was determined under this section with respect to renewable liquid used in the production of any qualified renewable liquid mixture, and

"(B) any person—

"(i) separates the renewable liquid from the mixture, or

"(ii) without separation, uses the mixture other than as a fuel.

then there is hereby imposed on such person a tax equal to the product of the rate applicable under subsection (b)(1)(A) and the number of gallons of such renewable liquid in such mixture.

"(2) Renewable liquid.—If—

"(A) any credit was determined under this section with respect to the retail sale of any renewable liquid, and

"(B) any person mixes such renewable liquid or uses such renewable liquid other than as a fuel, then there is hereby imposed on such person a tax equal to the product of the rate applicable under subsection (b)(2)(A) and the number of gallons of such renewable liquid.

"(3) Applicable laws.—All provisions of law, including penalties, shall, insofar as applicable and not inconsistent with this section, apply in respect of any tax imposed under subparagraph (A) or (B) as if such tax were imposed by section 4081 and not by this chapter.

"(g) Pass-Thru in the Case of Estates and Trusts.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(h) Termination.—This section shall not apply to any sale or use after December 31, 2010.".

(b) Credit Treated as Part of General Business Credit.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit), as amended by this Act, is amended by striking "plus" at the end of paragraph (23), by striking the period at the end of paragraph (24), and inserting ", plus", and by inserting after paragraph (24) the following new paragraph:

"(25) The renewable liquid credit determined under section 40B.".

(c) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter I of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 40A the following new item:

"Sec. 40B. Renewable liquid used as fuel.".

(d) Effective Date.—The amendments made by this section shall apply to fuel produced, and sold as used, on or after January 1, 2005.

SA 802. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

Beginning on page 245, strike line 7 and all that follows through page 250, line 11, and insert the following:

(a) Amendment.—

(1) In general.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

"(p)(1) The Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating and other relevant departments and agencies of the Federal Government, may grant a lease, easement, right-of-way, license, or permit on the outer Continental Shelf for activities not otherwise authorized under this Act, the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.), the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.), or other applicable law, if those activities support or promóte—

"(A) exploration, development, production, transportation, or storage of oil, natural gas, or other minerals;

"(B) production, transportation, or transmission of energy from sources other than oil and gas; or

"(C) use, for energy-related or marine-related purposes, of facilities in use on or before the date of enactment of this subsection for activities authorized under this Act.

"(2)(A)(i) Subject to paragraph (3), the Secretary shall establish reasonable forms of payment for any lease, easement, right-of-way, license, or permit under this subsection, including a royalty, fee, rental, bonus, or other payment, as the Secretary determines to be appropriate.

"(ii) The Secretary may establish a form of payment described in clause (i) by rule or by agreement with the holder of the lease, easement, right-of-way, license, or permit.

"(B) In establishing a form of, or schedule relating to, a payment under subparagraph (A), the Secretary shall take into consideration the economic viability of a proposed activity.

"(C) The Secretary may, by rule, provide for relief from or reduction of a payment under subparagraph (A)—

"(i) if, without the relief or reduction, an activity relating to a lease, easement, right-of-way, license, or permit under this subsection would be uneconomical;

"(ii) to encourage a particular activity; or

"(iii) for another reason, as the Secretary determines to be appropriate.

"(D) If the holder of a lease, easement, right-of-way, license, or permit under this subsection fails to make a payment by the date required under a rule or term of the lease, easement, right-of-way, license, or permit, the Secretary may require the holder to pay interest on the payment in accordance with the underpayment rate established under section 6621(a)(2) of the Internal Revenue Code of 1986, for the period—

"(i) beginning on the date on which the payment was due; and

"(ii) ending on the date on which the payment is made.

"(E)(i) The Secretary may allow a credit in the amount of any excess payment made by the holder of a lease, easement, right-of-way, license, or permit under this subsection or provide a refund in the amount of the excess payment from the account to or in which the excess payment was paid or deposited.

"(ii) The Secretary shall pay, or allow the holder of a lease, easement, right-of-way, license, or permit under this subsection a credit in the amount of, any interest on an amount refunded or credited under clause (i) in accordance with the overpayment rate established under section 6621(a)(1) of the Internal Revenue Code of 1986, for the period—

"(I) beginning on the date on which the Secretary received the excess payment; and

"(II) ending on the date on which the refund or credit is provided.

"(F)(i) The Secretary, in coordination with the Administrator of the National Oceanic and Atmospheric Administration, may establish reasonable forms of payment, as determined by the Secretary, for a license issued under the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.), including a royalty, fee, rental, bonus, or other payment, as the Secretary determines to be appropriate, in addition to the administrative fee under section 102(h) of that Act (42 U.S.C. 9112(h)).

"(ii) A form of payment under clause (i) may be established by rule or by agreement with the holder of the lease, easement, right-of-way, license, or permit.

"(3)(A) Any funds received by the Secretary from a holder of a lease, easement, right-of-way, license, or permit under this subsection shall be distributed in accordance with this paragraph.

"(B)(i) If a lease, easement, right-of-way, license, or permit under this subsection covers a specific tract of, or regards a facility located on, the outer Continental Shelf and is not an easement or right-of-way for transmission or transportation of energy, minerals, or other natural resources, the Secretary shall pay 50 percent of any amount received from the holder of the lease, easement, right-of-way, license, or permit to the State off the shore of which the geographic center of the area covered by the lease, easement, right-of-way, license, permit, or facility is located, in accordance with Federal law determining the seaward lateral boundaries of the coastal States.

"(ii) Not later than the last day of the month after the month during which the Secretary receives a payment from the holder of a lease, easement, right-of-way, license, or permit described in clause (i), the Secretary shall make payments in accordance with clause (i).

"(C)(i) The Secretary shall deposit 20 percent of the funds described in subparagraph

(A) to a special account maintained and administered by the Secretary to provide research and development grants for improving energy technologies.

“(ii) An amount deposited under clause (i) shall remain available until expended, without further appropriation.

“(D) The Secretary shall credit 5 percent of the funds described in subparagraph (A) to the annual operating appropriation of the Minerals Management Service.

“(E) The Secretary shall deposit any funds described in subparagraph (A) that are not deposited or credited under subparagraphs (B) through (D) in the general fund of the Treasury.

“(F) This paragraph does not apply to any amount received by the Secretary under section 9701 of title 31, United States Code, or any other law (including regulations) under which the Secretary may recover the costs of administering this subsection.

“(4) Before carrying out this subsection, the Secretary shall consult with the Secretary of Defense and other appropriate Federal agencies regarding the effect of this subsection on national security and navigational obstruction.

“(5)(A) The Secretary may issue a lease, easement, right-of-way, license, or permit under paragraph (1) on a competitive or noncompetitive basis.

“(B) In determining whether a lease, easement right-of-way, license, or permit shall be granted competitively or noncompetitively, the Secretary shall consider factors including—

“(i) prevention of waste and conservation of natural resources;

“(ii) the economic viability of a project;

“(iii) protection of the environment;

“(iv) the national interest and national security;

“(v) human safety;

“(vi) protection of correlative rights; and

“(vii) the potential return of the lease, easement, right-of-way, license, or permit.

“(6) The Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating, other relevant Federal agencies, and affected States, as the Secretary determines appropriate, shall promulgate any regulation the Secretary determines to be necessary to administer this subsection to achieve the goals of—

“(A) ensuring public safety;

“(B) protecting the environment;

“(C) preventing waste;

“(D) conserving the natural resources of, and protecting correlative rights in, the outer Continental Shelf;

“(E) protecting national security interests;

“(F) auditing and reconciling payments made and owed by each holder of a lease, easement, right-of-way, license, or permit under this subsection to ensure a correct accounting and collection of the payments; and

“(G) requiring each holder of a lease, easement, right-of-way, license, or permit under this subsection to—

“(i) establish such records as the Secretary determines to be necessary;

“(ii) retain all records relating to an activity under a lease, easement, right-of-way, license, or permit under this subsection for such period as the Secretary may prescribe; and

“(iii) produce the records on receipt of a request from the Secretary.

“(7) Section 22 shall apply to any activity relating to a lease, easement, right-of-way, license, or permit under this subsection.

“(8) The Secretary shall require the holder of a lease, easement, right-of-way, license, or permit under this subsection to—

“(A) submit to the Secretary a surety bond or other form of security, as determined by the Secretary; and

“(B) comply with any other requirement the Secretary determines to be necessary to protect the interests of the United States.

“(9) Nothing in this subsection displaces, supersedes, limits, or modifies the jurisdiction, responsibility, or authority of any Federal or State agency under any other Federal law.

“(10) This subsection does not apply to any area on the outer Continental Shelf designated as a National Marine Sanctuary.”.

(2) CONFORMING AMENDMENT.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended in the section heading by striking “**LEASING**” and all that follows and inserting “**LEASES, EASEMENTS, AND RIGHTS-OF-WAY ON THE OUTER CONTINENTAL SHELF.**”.

(3) SAVINGS PROVISION.—Nothing in the amendment made by paragraph (1) requires any resubmission of documents previously submitted or any reauthorization of actions previously authorized with respect to any project—

(A) for which offshore test facilities have been constructed before the date of enactment of this Act; or

(B) for which a request for proposals has been issued by a public authority.

SA 803. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

SECTION 1. DOMESTIC OFFSHORE ENERGY REINVESTMENT.

(a) IN GENERAL.—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

“SEC. 32. COASTAL IMPACT ASSISTANCE PROGRAM.

“(a) In this section:

“(1) The term ‘approved plan’ means a secure energy reinvestment plan approved by the Secretary under this section.

“(2) The term ‘coastal energy State’ means a coastal State off the coastline of which, within the seaward lateral boundary, an outer Continental Shelf bonus bid or royalty is generated.

“(3) The term ‘coastal political subdivision’ means a county, parish, or other equivalent subdivision of a coastal energy State, all or part of which, on the date of the enactment of this section, lies wthin the boundaries of the coastal zone of the State, as identified in the coastal zone management program of the State approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

“(4) The term ‘coastal population’ means the population of a coastal political subdivision, as determined by the most recent official data of the Census Bureau.

“(5) The term ‘coastline’ has the meaning given the term ‘coast line’ in section 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

“(6) The term ‘Fund’ means the Secure Energy Reinvestment Fund established by subsection (b)(1).

“(7) The term ‘leased tract’ means a tract maintained under section 6 or leased under section 8 for the purpose of drilling for, developing, and producing oil and natural gas resources.

“(8) The term ‘qualified outer Continental Shelf revenues’ means all amounts received by the United States on or after October 1, 2005, from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) (or lying within that zone but to which section 8(g) does not apply), including bonus bids, rents, royalties (including payments for royalties taken in kind and sold), net profit share payments, and related interest.

“(9) The term ‘Secretary’ means the Secretary of the Interior.

“(b)(1)(A) There is established in the Treasury of the United States a separate account to be known as the ‘Secure Energy Reinvestment Fund’.

“(B) The Fund shall consist of—

“(i) any amount deposited under paragraph (2); and

“(ii) any other amounts that are appropriated to the Fund.

“(2) For each fiscal year 2006 through 2009, the Secretary of the Treasury shall deposit into the Fund $300,000,000.

“(B) All repayments made under subsection (f).

“(3) For each of fiscal years 2006 through 2020, in addition to the amounts deposited into the Fund under paragraph (2), there are authorized to be appropriated to the Fund an amount equal to 27 percent of the qualified outer Continental Shelf revenues received by the United Stated during the preceding fiscal year.

“(c)(1)(A) The Secretary shall use any amount remaining in the Fund after the application of subsection (h) to pay to each coastal energy State, and any coastal political subdivision of a State, the secure energy reinvestment plan of which is approved by the Secretary under this section, the amount allocated to the State or coastal political subdivision, respectively, under this subsection.

“(B) During December 2006, and each December thereafter, the Secretary shall make any payment under this paragraph from revenues received in the Fund by the United States during the preceding fiscal year.

“(2) The Secretary shall allocate any amount deposited into the Fund for a fiscal year, and any other amount determined by the Secretary to be available, among coastal energy States, and coastal political subdivisions of those States, that have a plan approved by the Secretary under this section as follows:

“(A)(i) Of the amounts made available for each fical year for which amounts are available for allocation under this paragraph, the allocation for each coastal energy State shall be calculated based on qualified Outer Continental Shelf revenues from each leased tract or portion of a leased tract the geographic center of which is within a distance (to the nearest whole mile) of 200 miles from the coastline of the State and shall be inversely proportional to the distance between point nearest point on the coastline of such coastal energy State and the geographic center of each such leased tract or portion of a leased tract, as determined by the Secretary.

“(ii) For the purposes of this subparagraph, qualified outer Continental Shelf revenues shall be considered to be generated off the coastline of a coastal energy State if the geographic center of the lease tract from which the revenues are generated is located within the area formed by the extension of the seaward lateral boundaries of the State, calculated using the conventions established to delimit international lateral boundaries under the Law of the Sea.

“(B) 35 percent of the allocable share of each coastal energy State, as determined under subparagraph (A), shall be allocated among and paid directly to the coastal political subdivisions of the State by the Secretary based on the following formula:

"(i) 25 percent shall be allocated based on the ratio that—

"(I) the coastal population of each coastal political subdivision; bears to

"(II) the coastal population of all coastal political subdivisions of the coastal energy State.

"(ii)(I) 25 percent shall be allocated based on the ratio that—

"(aa) the length, in miles, of the coastal of each coastal political subdivision; bears to

"(bb) the length, in miles, of the coastline of all coastal political subdivisions of the State.—

"(II) For purposes of this clause, in the case of a coastal political subdivision in Louisiana without a coastline, the coastline of the political subdivision shall be considered as ⅓ the average length of the coastline of the other coastal political subdivisions of the State.

(III) Exception for the State of Alaska.— For the purposes of carrying out subparagraph (c)(2)(B) in the State of Alaska, the amounts allocated shall be divided equally among the 2 coastal political subdivisions that are closest to the geographic center of a leased tract.

"(iii) 50 percent shall be allocated based on a formula that allocates—

"(I) 75 percent of the funds based on the relative distance of the coastal political subdivision from any leased tract used to calculate the allocation to that State; and

"(II) 25 percent of the funds based on the relative level of outer Continental Shelf oil and gas activities in a coastal political subdivision to the level of outer Continental Shelf oil and gas activities in all coastal political subdivisions in the State, as determined by the Secretary.

"(3) Any amount allocated to a coastal energy State or coastal political subdivision that is not disbursed because of a failure of a Coastal energy State to have an approved plan shall be reallocated by the Secretary among all other coastal energy States in a manner consistent with this subsection, except that the Secretary—

"(A) shall hold the amount in escrow within the Fund until the earlier of—

"(i) the end of the next fiscal year during Which the allocation is made; or

"(ii) the date on which a final resolution of an appeal regarding the disapproval of a plan submitted by the State under this section is filed; and

"(B) shall continue to hold the amount in escrow until the end of the subsequent fiscal year, if the Secretary determines that a State is making a good faith effort to develop and submit, or update, a secure energy reinvestment plan under subsection (d).

"(4) Notwithstanding any other provision of this subsection, the amount allocated under this subsection to each coastal energy State during a fiscal year shall be not less than 5 percent of the total amount available for that fiscal year for allocation under this subsection to coastal energy States.

"(5) If the allocation to 1 or more coastal energy States under paragraph (4) during any fiscal year is greater than the amount that would be allocated to those States under this subsection if paragraph (4) did not apply, the allocations under this subsection to all other coastal energy States shall be—

"(A) paid from the amount remaining after the amounts allocated under paragraph (4) are deducted; and

"(B) reduced on a pro rata basis by the sum of the allocations under paragraph (4) so that not more than 100 percent of the funds available in the Fund for allocation with respect to that fiscal year is allocated.

"(d)(1)(A) The Governor of a State seeking to receive funds under this section shall prepare, and submit to the Secretary, a secure energy reinvestment plan describing planned expenditures of funds received under this section.

"(B) The Governor shall include in the State plan any plan prepared by a coastal political subdivision of the State.

"(C) In the development of the State plan, the Governor and the coastal political subdivision shall—

"(i) solicit local input;

"(ii) provide for public participation; and

"(iii) in describing the planned expenditures, include only uses of funds described in subsection (e).

"(2)(A)(i) The Secretary shall not disburse funds to a State or coastal political subdivision under this section before the date on which the plan of the State is approved under this subsection.

"(ii) The Secretary shall approve a plan submitted by a State under paragraph (1) if the Secretary determines that—

"(I) each expenditures provided for in the plan is an authorized use under subsection (e); and

"(II) the plan contains—

"(aa) the name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this section;

"(bb) goals including improving the environment and addressing the impacts of oil and gas production from the outer Continental Shelf;

"(cc) a description of how the State and coastal political subdivisions of the State will evaluate the effectiveness of the plan;

"(dd) a certification by the Governor that ample opportunity has been accorded for public participation in the development and revision of the plan;

"(ee) measures for taking into account other relevant Federal resources and programs;

"(ff) assurance that the plan is correlated as much as practicable with other State, regional, and local plans;

"(gg) for any State for which the ratio determined under clause (i) or (ii) of subsection (c)(2)(A), expressed as a percentage, exceeds 25 percent, a plan to spend not less than 30 percent of the total funds provided to that State and appropriate coastal political subdivisions under this section during any fiscal year to address the socioeconomic or environmental impacts identified in the plan that remain significant or progressive after implementation of mitigation measures identified in the most current environmental impact statement as of the date of enactment of this section required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for lease sales under his Act; and

"(hh) a plan to use at least ½ of the funds provided pursuant to subsection (c)(2)(B), and a portion of other funds provided to a State under this section, on programs or projects that are coordinated and conducted by a partnership between the State and a coastal political subdivision.

"(B) Not later than 90 days after a plan of a State is submitted under this subsection, the Secretary shall approve or disapprove the Plan.

"(3) Any amendment to or revision of a plan approved under this section shall be—

"(A) prepared and submitted in accordance with the requirements of this paragraph; and

"(B) approved or disapproved by the Secretary in accordance with paragraph (2)(B).

"(e) A coastal energy State, and a coastal political subdivision, shall use any amount paid under this section (including any amounts deposited into a trust fund administered by the State or coastal political subdivision consistent with this subsection), consistent with Federal and State law and the approved plan of the State—

"(1) to carry out a project or activity for the conservation, protection, or restoration of coastal areas including wetlands;

"(2) to mitigate damage to, or protect, fish, wildlife, or natural resources;

"(3) to implement a federally approved plan or program for—

"(A) marine, coastal, subsidence, or conservation management; or

"(B) protection of resources from natural disasters; and

"(4) to mitigate the effect of an outer Continental Shelf activity by addressing impacts identified in an environmental impact statement as of the date of enactment of this section required under the National Environmental Policy Act of 1969 (42 V.S.C. 432 et seq.) for lease sales under this Act.

"(f) If the Secretary determines that an expenditure made by a coastal energy State or coastal political subdivision is not in accordance with the approved plan of the State (including any plan of a coastal political subdivisionl included in the plan of the State), the Secretary shall not disburse any additional amount under this section to that coastal energy State or coastal political subdivision until—

"(1) the amount of the expenditure is repaid to the Secretary; or

"(2) the Secretary approves an amendment to the plan that authorizes the expenditure.

"(g) The Secretary may require, as a condition of any payment under this section, that a State or coastal political subdivision shall submit to arbitration—

"(1) any dispute between the State or coastal political subdivision and the Secretary regarding implementation of this section and

"(2) any dispute between the State and political subdivision regarding implementation of this section, including any failure to include in the plan submitted by the State under subsection (d) any spending plan of the coastal political subdivision.

"(h) The Secretary may use not more than ½ of 1 percent of the amount in the Fund during a fiscal year to pay the administrative costs of implementing this section.

"(i) A coastal energy State or coastal political subdivision may use funds provided to that State or coastal political subdivision under this section for any payment that is eligible to be made with funds provided to States under section 35 of the Mineral Leasing Act (30 U.S.C. 191) to carry out approved plan activities under subsection (e).

"(j)(1) The Governor of a coastal energy State, in coordination with the coastal political subdivisions of that State, shall account for all funds received under this section during the previous fiscal year in a written report to the Secretary.

"(2) The report shall include, in accordance with regulations prescribed by the Secretary, a description of all projects and activities that received funds under this section.

"(3) The report may incorporate by reference any other report required to be submitted under another provision of law.

"(k) The Secretary shall require, as a condition of any allocation of funds provided under this section, that a State or coastal political subdivision shall include on any sign installed at a site at or near an entrance or public use area for which funds provided under this section are used a statement that the existence or development of the site is a product of those funds.".

SA 804. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 3 . SEAWARD BOUNDARY EXTENSION.

(a) Purposes.—The purposes of this section are—

(1) to provide equity to the States of Louisiana, Mississippi, and Alabama with respect to the seaward boundaries of the States in the Gulf of Mexico by extending the seaward boundaries from 3 geographical miles to 3 marine leagues if the State meets certain conditions not later than 5 years after the date of enactment of this Act;

(2) to convey to the States of Louisiana, Mississippi, and Alabama the interest of the United States in the submerged land of the outer Continental Shelf that is located in the extended seaward boundaries of the States;

(3) to provide that any mineral leases, easements, rights-of-use, and rights-of-way issued by the Secretary of the Interior with respect to the submerged land to be conveyed shall remain in full force and effect; and

(4) in conveying the submerged land, to ensure that the rights of lessees, operators, and holders of easements, rights-of-use, and rights-of-way on the submerged land are protected.

(b) Extension.—Title II of the Submerged Lands Act (43 U.S.C. 1311 et seq.) is amended—

(1) by redesignating section 11 as section 12; and

(2) by inserting after section 10 the following:

"SEC. 11. EXTENSION OF SEAWARD BOUNDARIES OF THE STATES OF LOUISIANA, MISSISSIPPI, AND ALABAMA.

"(a) Definitions.—In this section:

"(1) Existing interest.—The term 'existing interest' means any lease, easement, right-of-use, or right-of-way on, or for any natural resource or minerals underlying, the expanded submerged land that is in existence on the date of the conveyance of the expanded submerged land to the State under subsection (b)(1).

"(2) Expanded seaward boundary.—The term 'expanded seaward boundary' means the seaward boundary of the State that is 3 marine leagues seaward of the coast line of the State as of the day before the date of enactment of this section.

"(3) Expanded submerged land.—The term 'expanded submerged land' means the area of the outer Continental Shelf that is located between 3 geographical miles and 3 marine leagues seaward of the coast line of the State as of the day before the date of enactment of this section.

"(4) Interest owner.—The term 'interest owner' means any person that owns or holds an existing interest in the expanded submerged land or portion of an existing interest in the expanded submerged land.

"(5) Secretary.—The term 'Secretary' means the Secretary of the Interior.

"(6) State.—The term 'State' means each of the States of Louisiana, Mississippi, and Alabama.

"(b) Conveyance of Expanded Submerged Land.—

"(1) In general.—Effective beginning on the date that is 10 years after the date of enactment of the Energy Policy Act of 2005, if a State demonstrates to the satisfaction of the Secretary that the conditions described in paragraph (2) will be met, the Secretary shall, subject to valid existing rights and subsection (c), convey to the State the interest of the United States in the expanded submerged land of the State.

"(2) Conditions.—A conveyance under paragraph (1) shall be subject to the condition that—

"(A) on conveyance of the interest of the United States in the expanded submerged land to the State under paragraph (1)—

"(i) the Governor of the State (or a delegate of the Governor) shall exercise the powers and duties of the Secretary under the terms of any existing interest, subject to the requirement that the State and the officers of the State may not exercise the powers to impose any burden or requirement on any interest owner that is more onerous or strict than the burdens or requirements imposed under applicable Federal law (including regulations) on owners or holders of the same type of lease, easement, right-of-use, or right-of-way on the outer Continental Shelf seaward of the expanded submerged land; and

"(ii) the State shall not impose any administrative or judicial penalty or sanction on any interest owner that is more severe than the penalty or sanction under Federal law (including regulations) applicable to owners or holders of leases, easements, rights-of-use, or rights-of-way on the outer Continental Shelf seaward of the expanded submerged lands for the same act, omission, or violation;

"(B) not later than 10 years after the date of enactment of this section—

"(i) the State shall enact laws or promulgate regulations with respect to the environmental protection, safety, and operations of any platform pipeline in existence on the date of conveyance to the State under paragraph (1) that is affixed to or above the expanded submerged land that impose the same requirements as Federal law (including regulations) applicable to a platform pipeline on the outer Continental Shelf seaward of the expanded submerged land; and

"(ii) the State shall enact laws or promulgate regulations for determining the value of oil, gas, or other mineral production from existing interests for royalty purposes that establish the same requirements as the requirements under Federal law (including regulations) applicable to Federal leases for the same minerals on the outer Continental Shelf seaward of the expanded submerged land; and

"(C) the State laws and regulations enacted or promulgated under subparagraph (B) shall provide that if Federal law (including regulations) applicable to leases, easements, rights-of-use, or rights-of-way on the outer Continental Shelf seaward of the expanded submerged land are modified after the date on which the State laws and regulations are enacted or promulgated, the State laws and regulations applicable to existing interests will be modified to reflect the change in Federal laws (including regulations).

"(c) Exceptions.—

"(1) Mineral lease or unit divided.—

"(A) In general.—If any existing Federal oil and gas or other mineral lease or unit would be divided by the expanded seaward boundary of a State, the interest of the United States in the leased minerals underlying the portion of the lease or unit that lies within the expanded submerged boundary shall not be considered to be conveyed to the State until the date on which the lease or unit expires or is relinquished by the United States.

"(B) Applicability for other purposes.—Notwithstanding subparagraph (A), the expanded seaward boundary of a State shall be the seaward boundary of the State for all other purposes, including the distribution of revenues under section 8(g)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)(2)).

"(2) Laws and regulations not sufficient.—If the Secretary determines that any law or regulation enacted or promulgated by a State under subparagraph (B) of subsection (b)(2) does not meet the requirements of that subparagraph, the Secretary shall not convey the expanded submerged land to the State.

"(d) Interest Issued or Granted by the State.—This section does not apply to any interest in the expanded submerged land that a State issues or grants after the date of conveyance of the expanded submerged land to the State under subsection (b)(1).

"(e) Liability.—

"(1) In general.—By accepting conveyance of the expanded submerged land, the State agrees to indemnify the United States for any liability to any interest owner for the taking of any property interest or breach of contract from—

"(A) the conveyance of the expanded submerged land to the State; or

"(B) the State's administration of any existing interest under subsection (b)(2)(A)(i).

"(2) Deduction from oil and gas leasing revenues.—The Secretary may deduct from the amounts otherwise payable to the State under section 8(g)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)(2)) the amount of any final nonappealable judgment for a taking or breach of contract described in paragraph (1).".

(c) Conforming Amendment.—Section 2(b) of the Submerged Lands Act (43 U.S.C. 1301(b)) is amended by striking "section 4 hereof" and inserting "section 4 or 11".

SA 805. Mr. SCHUMER proposed an amendment to the bill H.R. 6, Reserved; as follows:

On page 208, after line 24, add the following:

SEC. 303. SENSE OF THE SENATE REGARDING MANAGEMENT OF SPR.

(a) Findings.—Congress finds that—

(1) the prices of gasoline and crude oil have a direct and substantial impact on the financial well-being of families of the United States, the potential for national economic recovery, and the economic security of the United States;

(2) on June 13, 2005, crude oil prices closed at the exceedingly high level of $55.62 per barrel, the price of crude oil has remained above $50 per barrel since May 25, 2005, and the price of crude oil has exceeded $50 per barrel for approximately ⅓ of calendar year 2005;

(3) on June 6, 2005, the Energy Information Administration announced that the national price of gasoline, at $2.12 per gallon, could reach even higher levels in the near future;

(4) despite the severely high, sustained price of crude oil—

(A) the Organization of Petroleum Exporting Countries (referred to in this section as "OPEC") has refused to adequately increase production to calm global oil markets and officially abandoned its $22–$28 price target; and

(B) officials of OPEC member nations have publicly indicated support for maintaining oil prices of $40–$50 per barrel;

(5) the Strategic Petroleum Reserve (referred to in this section as "SPR") was created to enhance the physical and economic security of the United States;

(6) the law allows the SPR to be used to provide relief when oil and gasoline supply shortages cause economic hardship;

(7) the proper management of the resources of the SPR could provide gasoline price relief to families of the United States and provide the United States with a tool to counterbalance OPEC supply management policies;

(8) the Administration's policy of filling the SPR despite the fact that the SPR is nearly full has exacerbated the rising price of crude oil and record high retail price of gasoline;

(9) in order to combat high gasoline prices during the summer and fall of 2000, President Clinton released 30,000,000 barrels of oil from the SPR, stabilizing the retail price of gasoline;

(10) increasing vertical integration has allowed—

(A) the 5 largest oil companies in the United States to control almost as much crude oil production as the Middle Eastern members of OPEC, over ½ of domestic refiner capacity, and over 60 percent of the retail gasoline market; and

(B) Exxon/Mobil, BP, Royal Dutch Shell Group, Conoco/Philips, and Chevron/Texaco to increase first quarter profits of 2005 over first quarter profits of 2004 by 36 percent, for total first quarter profits of over $25,000,000,000;

(11) the Administration has failed to manage the SPR in a manner that would provide gasoline price relief to working families; and

(12) the Administration has failed to adequately demand that OPEC immediately increase oil production in order to lower crude oil prices and safeguard the world economy.

(b) Sense of Congress.—It is the sense of Congress that the President should—

(1) directly confront OPEC and challenge OPEC to immediately increase oil production; and

(2) direct the Federal Trade Commission and Attorney General to exercise vigorous oversight over the oil markets to protect the people of the United States from price gouging and unfair practices at the gasoline pump.

(c) Release of Oil From SPR.—

(1) In general.—For the period beginning on the date of enactment of this Act and ending on the date that is 30 days after the date of enactment of this Act, 1,000,000 barrels of oil per day shall be released from the SPR.

(2) Additional release.—If necessary to lower the burden of gasoline prices on the economy of the United States and to circumvent the efforts of OPEC to reap windfall crude oil profits, 1,000,000 barrels of oil per day shall be released from the Strategic Petroleum Reserve for an additional 30 days.

SA 806. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 767, between lines 21 and 22, insert the following:

(3) Petroleum coke gasification projects.—At least 5 petroleum coke gasification projects.

SA 807. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 37, between the matter following line 12 and line 13, insert the following:

SEC. 109. INDUSTRIAL NATURAL GAS EFFICIENCY PILOT PROGRAM.

(a) In General.—The Secretary shall establish a 2-year pilot program (referred to in this section as the "program") to demonstrate the effectiveness of energy efficiency improvements that reduce natural gas usage in the industrial sector.

(b) Program Coordinator.—

(1) In general.—The program shall be administered by a program coordinator, to be designated by the Secretary in accordance with paragraph (2).

(2) Designation.—As soon as practicable after the date of enactment this Act, the Secretary shall designate as program coordinator an energy resource center that is—

(1) located in the midwestern United States;

(2) affiliated with a major land-grant university; and

(3) certified by a State board of higher education.

(c) Grants.—

(1) In general.—In carrying out the program, the Secretary shall provide, in accordance with the guidelines established under paragraph (2), grants to eligible entities from the industrial sector to pay the Federal share of the costs of eligible projects to reduce natural gas usage by implementing energy efficiency improvements.

(2) Requirements.—Grants shall be provided under paragraph (1) on a competitive basis, in accordance with guidelines established by the program coordinator.

(3) Eligible energy efficiency improvements.—A project for which assistance may be provided a grant under this subsection includes a project for—

(A) steam production and distribution;

(B) efficiency upgrades and heat recovery for process heating and cooling project;

(C) compressed air technologies;

(D) combined heat and power applications; and

(E) improvements in motor technologies.

(4) Federal share.—The Federal share of the cost of carrying out a project under this subsection shall be not more than 30 percent.

(d) Education.—In carrying out the program, the Secretary and the program coordinator shall make available to industries information on energy-efficient technologies that reduce industrial natural gas usage to encourage industries to invest in the energy-efficient technologies.

(e) Report.—On completion of the program, the program coordinator shall submit to Congress a report that—

(1) describes the results and successes of the program; and

(2) makes recommendations for any appropriate actions that would encourage industrial energy-efficiency investments.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000 for the period of fiscal years 2006 through 2008, of which $8,000,000 shall be made available to carry out subsection (c).

SA 808. Mr. OBAMA (for himself and Mr. Lugar) submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 346, between lines 9 and 10, insert the following:

SEC. 4 . DEPARTMENT OF ENERGY TRANSPORTATION FUELS FROM ILLINOIS BASIN COAL.

(a) In General.—The Secretary shall carry out a program to evaluate the commercial and technical viability of advanced technologies for the production of Fischer-Tropsch transportation fuels, and other transportation fuels, manufactured from Illinois basin coal, including the capital modification of existing facilities and the construction of testing facilities under subsection (b).

(b) Facilities.—For the purpose of evaluating the commercial and technical viability of different processes for producing Fischer-Tropsch transportation fuels, and other transportation fuels, from Illinois basin coal, the Secretary shall support the use and capital modification of existing facilities and the construction of new facilities at—

(1) Southern Illinois University Coal Research Center;

(2) University of Kentucky Center for Applied Energy Research; and

(3) Energy Center at Purdue University.

(c) Gasification Products Test Center.—In conjunction with the activities described in subsections (a) and (b), the Secretary shall construct a test center to evaluate and confirm liquid and gas products from syngas catalysis in order that the system has an output of at least 500 gallons of Fischer-Tropsch transportation fuel per day in a 24-hour operation.

(d) Milestones.—

(1) Selection of processes.—Not later than 180 days after the date of enactment of this Act, the Secretary shall select processes for evaluating the commercial and technical viability of different processes of producing Fischer-Tropsch transportation fuels, and other transportation fuels, from Illinois basin coal.

(2) Agreements.—Not later than 1 year after the date of enactment of this Act, the Secretary shall offer to enter into agreements—

(A) to carry out the activities described in this section, at the facilities described in subsection (b); and

(B) for the capital modifications or construction of the facilities at the locations described in subsection (b).

(3) Evaluations.—Not later than 3 years after the date of enactment of the Act, the Secretary shall begin, at the facilities described in subsection (b), evaluation of the technical and commercial viability of different processes of producing Fischer-Tropsch transportation fuels, and other transportation fuels, from Illinois basin coal.

(4) Construction of facilities.—

(A) In general.—The Secretary shall construct the facilities described in subsection (b) at the lowest cost practicable.

(B) Grants or agreements.—The Secretary may make grants or enter into agreements or contracts with the institutions of higher education described in subsection (b).

(e) Cost Sharing.—The cost of making grants under this section shall be shared in accordance with section 1002.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $85,000,000 for the period of fiscal years 2006 through 2010.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, June 28, 2005 at 3 p.m. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the water supply status in the Pacific Northwest and its impact on power production, as well as to receive testimony on S. 648, to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

UNITED STATES-EUROPEAN UNION SUMMIT

Mr. DOMENICI. On behalf of the leader, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 178, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 178) expressing the sense of the Senate regarding the United States-European Union Summit.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 178) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 178

Whereas over the past 55 years the United States and the European Union have built a strong transatlantic partnership based upon the common values of freedom, democracy, rule of law, human rights, security, and economic development;

Whereas working together to promote these values globally will serve the mutual political, economic, and security interests of the United States and the European Union;

Whereas cooperation between the United States and the European Union on global security issues such as terrorism, the Middle East peace process, the proliferation of weapons of mass destruction, ballistic missile technology, and the nuclear activities of rogue nations is important for promoting international peace and security;

Whereas the common efforts of the United States and the European Union have supported freedom in countries such as Lebanon, Ukraine, Kyrgyzstan, Georgia, Moldova, Belarus, and Uzbekistan;

Whereas through coordination and cooperation during emergencies such as the 2004 Indian Ocean tsunami disaster, the AIDS pandemic in Africa, and the ongoing situation in Darfur, the United States and the European Union have mitigated the effects of humanitarian disasters across the globe;

Whereas economic cooperation such as removing impediments to transatlantic trade and investment, expanding regulatory dialogues and exchanges, integrating capitol markets, and ensuring the safe and secure movement of people and goods across the Atlantic will increase prosperity and strengthen the partnership between the United States and the European Union; and

Whereas although disagreements between the United States and the European Union have existed on a variety of issues, the transatlantic relationship remains strong and continues to improve: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the leadership of the European Union to the 2005 United States-European Union Summit to be held in Washington, DC, on June 20, 2005;

(2) highlights the importance of the United States and the European Union working together to address global challenges;

(3) recommends—

(A) expanded political dialogue between Congress and the European Parliament; and

(B) that the 2005 United States-European Union Summit focus on both short and long-term measures that will allow for vigorous and active expansion of the transatlantic relationship;

(4) encourages—

(A) the adoption of practical measures to expand the United States-European Union economic relationship by reducing obstacles that inhibit economic integration; and

(B) encourages continued strong and expanded cooperation between Congress and the European Parliament on global security issues.

MEASURE READ THE FIRST TIME—H.R. 2745

Mr. DOMENICI. I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2745) to reform the United Nations, and for other purposes.

Mr. DOMENICI. I now ask for a second reading in order to place the bill on the calendar under the provisions of rule XIV. I object to my own request.

The PRESIDING OFFICER. The objection is heard.

ORDERS FOR TUESDAY, JUNE 21, 2005

Mr. DOMENICI. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, June 21. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time of the two leaders be reserved, and the Senate then resume consideration of H.R. 6, the Energy bill; provided further that the Senate resume consideration of Martinez amendment No. 783 and there be 80 minutes of debate with Senators MARTINEZ, NELSON, CORZINE, LANDRIEU, BINGAMAN, and DOMENICI each in control of 10 minutes, the two leaders or their designees in control of 10 minutes each; provided that following that time, the Senate proceed to a vote in relation to the amendment with no second degrees in order prior to the vote.

I further ask consent that the Senate recess from 11:30 a.m. until 2:15 p.m. for the weekly party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOMENICI. Tomorrow, the Senate will resume consideration of the Energy bill under the previous order, and there will be up to 80 minutes of debate on the pending Martinez amendment on OCS inventory. Following the debate, the Senate will proceed to a vote in relation to the amendment. Therefore, the first vote of tomorrow's session will occur at 11 a.m.

For the remainder of the day, we will continue working through the remaining amendments to the bill. We have a couple of amendments pending, including the Voinovich diesel emission amendment. It is my hope that we can lock in time agreements on those amendments tomorrow afternoon.

I also remind my colleagues that we will complete action on this bill this week. This is the statement of the leader. In an effort to move this process forward, we may file cloture on the bill tomorrow; therefore, Senators who have amendments should contact the bill managers as soon as possible.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. DOMENICI. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:59 p.m., adjourned until Tuesday, June 21, 2005, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate June 20, 2005:

DEPARTMENT OF JUSTICE

TIMOTHY ELLIOTT FLANIGAN, OF VIRGINIA, TO BE DEPUTY ATTORNEY GENERAL, VICE JAMES B. COMEY, RESIGNED.

SUE ELLEN WOOLDRIDGE, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE THOMAS L. SANSONETI, RESIGNED.

HOUSE OF REPRESENTATIVES—*Monday, June 20, 2005*

VOL. 151, PT. 10

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. FORTENBERRY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 20, 2005.

I hereby appoint the Honorable JEFF FORTENBERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

CANADA SUPREME COURT STRIKES BAN ON PRIVATE HEALTH INSURANCE

Mr. STEARNS. Mr. Speaker, earlier this month the Supreme Court overturned a law that prevented people from buying health insurance, that is, private health insurance, to pay for medical services available from and through Medicare, the publicly funded system. The ruling means that citizen residents can pay privately for medical service, even if the services are already covered under the state-provided health care system.

Now, what does that mean? Perhaps you did not see this ruling, but that is because it was not the United States Supreme Court and Medicare and "private contract" we are talking about. It was the Canadian Supreme Court and Canada's socialized health care program under Medicare and Quebec's ban.

Now, how did this come about? Well, a courageous Canadian doctor, Jacques Chaoulli, and his patient, 70-year-old Montreal businessman, George Zeliotis, waited for a hip surgery replacement, decided enough is enough, and challenged the constitutionality of the Canadian ban on private payment. He argued that long waiting lines and times for surgery contradicted the country's constitutional guarantee of "life, liberty and the security of the person." He argued that the wait was unreasonable, endangered his life, and infringed on his constitutional rights.

The Court split 3–3 over whether the ban on private insurance violates the Canadian Charter of Rights and Freedoms, something like our Bill of Rights, but agreed in striking the ban, saying that, "Access to a waiting list is not access to health care", in its ruling. They went on further to say, "The evidence in this case shows that delays in the public health care system are widespread, and that, in some serious cases, patients die as a result of waiting lists for public health care. The evidence also demonstrates that the prohibition against private health insurance and its consequences of denying people vital health care results in physical and psychological suffering that meets a threshold test of seriousness."

Now, my colleagues, while the ruling applies only to the province of Quebec, one wonders if this could fundamentally change the way health care is delivered across that country. Canada is currently the only major industrialized country in the world that does not allow any private administration of health care services that are provided by the public system.

Now, John Williamson, President of the Canadian Taxpayers Federation said with hope, "This is a breach in government monopoly health care in this country". That is in Canada. "It is going to open up litigation across the country and the other nine provinces as taxpayers there press for their same right, which is the right to seek and buy insurance to cover private health care."

And some Canadians worry that this is the beginning of the end of what they considered a national treasure. Well, this is not cause for alarm, or by those who have for years argued for our Medicare private contract ban here in the United States, it simply is not a threat, said the Court. "It cannot be concluded from the evidence concerning the Quebec plan or the plans of the other provinces of Canada, or from the evolution of the systems of various OECD countries, that an absolute prohibition on private insurance is necessary to protect the integrity of the public plan."

And I would argue, my colleagues, in fact, it is the Canadian middle class who have probably been most injured, not the very, very wealthy, because they just pay out of pocket. They can afford it. Remember that the ban is on private insurance, not private health care, so the very rich could still go on and get out of this waiting line that the rest of the middle class have to continue to participate in.

And furthermore, a whole industry of medical tourism was spawned. For decades Canadians of means have been traveling to the premiere medical facilities here in the United States, especially in my sunny locales in the State of Florida to enjoy lovely weather, while they are also getting the benefits of health care facilities in Florida.

This means that the Court, the Canadian Court, sees that a national comprehensive coverage program can peacefully coexist with private health insurance. My colleagues, we have been saying that in the United States for years.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 36 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 2 p.m.

PRAYER

The Reverend Stan Scroggins, Associate Pastor, First Baptist Church, Magnolia, Arkansas, offered the following prayer:

O God, we thank You for blessing this Nation. Help us not to forget that with Your blessing comes our responsibility to bless the peoples of the Earth.

We confess our need for Your guidance. Extend Your mercy and love, forgive us of our self-seeking ways, and make us into a Nation after Your own heart.

We recognize that these are challenging days, and the decisions made by this House will have profound effect on our Nation and the world. Help every Representative to seek wisdom from You with every decision to be made.

Deliver us from our enemies, grant protection to our citizens, and forever allow this Nation to be a beacon of freedom and peace so that Your name will forever be honored on the Earth.

Hear our prayer, O God, and continue to bless America, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. YOUNG) come forward and lead the House in the Pledge of Allegiance.

Mr. YOUNG of Florida led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

IDENTITY THEFT

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, every year more than 3 million Americans have their identities stolen. That is one every 10 seconds. These incredible statistics show that identity theft both online and offline is not slowing down. Just this past week we learned of another incident where up to 40 million identities were compromised.

The last Congress overwhelmingly approved legislation known as the FACT Act, and President Bush signed it into law. It helps you to protect your identity by providing a free credit report every year, requiring creditors who lent money in your name to a thief to help you clear your name, and creating a single place where a fraud alert can be put on your credit history and honored all across America.

Congress has taken steps to strengthen identity theft laws, but the bad guys are still out there, and commonsense precautions are the key to help Americans from becoming victims.

Mr. Speaker, people do not give the keys to their house to complete strangers, and that same lesson applies to identity theft. I urge all Americans to guard the keys to their identity as we in Congress continue to find aggressive solutions.

THE WAR IN IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, depending on whom you listen to, the insurgents in Iraq are either in their last throes or they are growing in size and strength. But both the administration and critics seem to agree that the U.S. military will be deployed to Iraq for a long time to come. It is our quagmire.

Every day our forces wake up in Iraq, more die and are wounded, and more families on the home front are strained and suffer losses. At some terrible point in the future, the Nation's leaders will say, Enough is enough. Whether the number of casualties at that point will be 5,000 or 10,000 or 50,000, I do not know. Whether the cost at that point will be $250 billion, $350 billion, or $500 billion, I do not know. At some point, the terrible arithmetic of the war will add up to overwhelm everybody.

But this war can end another way. It can end if enough Members of Congress consider and cosponsor House Joint Resolution 55, a bipartisan bill introduced last week to require the President to initiate troop withdrawal no later than October 1, 2006. Thank the troops, and bring them home.

JUNETEENTH

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, there are many times that this Nation has celebrated its freedom. One that comes to mind is the celebration after the Revolutionary War, then the celebration after Abraham Lincoln pronounced the Emancipation Proclamation in 1863. But today I rise to celebrate Juneteenth, a holiday that is now celebrated across the Nation, but Texans and Louisianans know it well, for because the Union soldiers were too busy, the slaves in Texas, some 200,000, did not know of emancipation until 1865.

When General Granger landed in Galveston, he read the words, "The people of Texas are informed that in accordance with a proclamation from the executive of the United States, all slaves are free." And so this weekend on June 19, across the State of Texas and Louisiana and around the Nation, we celebrated freedom. We sang, we spoke about freedom and the preciousness of it. We thanked America for its values and belief in freedom.

I would like to thank State Representative Al Edwards, a Texan and a constituent of my congressional district, who is known as the Father of Juneteenth. It is important to honor freedom wherever it is found.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES AIR FORCE ACADEMY

The SPEAKER pro tempore (Mr. PRICE of Georgia). Pursuant to 10 U.S.C. 9355(a), amended by Public Law 108-375, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Air Force Academy:

Ms. KILPATRICK, Michigan.

COMMUNICATION FROM THE HONORABLE RANDY "DUKE" CUNNINGHAM, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable RANDY "DUKE" CUNNINGHAM, Member of Congress:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 16, 2005.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the Superior Court for Imperial County, California, for documents.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedent and privileges of the House.

Sincerely,

RANDY "DUKE" CUNNINGHAM,
Member of Congress.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material and that I may include tabular material on the consideration of H.R. 2863, Department of Defense Appropriations Act, 2006.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 315 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2863.

The Chair designates the gentleman from Michigan (Mr. CAMP) as chairman of the Committee of the Whole, and requests the gentleman from Arkansas (Mr. BOOZMAN) to assume the chair temporarily.

□ 1407

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes, with Mr. BOOZMAN (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. YOUNG) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I want to say to the House that the gentleman from Pennsylvania (Mr. MURTHA) has been a partner in this effort from day one in preparing and presenting this national defense bill. It is a truly bipartisan appropriations bill to provide for the security of our Nation and to provide for the troops who serve our Nation and to provide them with the equipment and the technology necessary to accomplish their mission and to protect themselves while they do that. I extend my thanks to the gentleman from Pennsylvania. I also thank Chairman LEWIS of the Appropriations Committee for the support that he has given us as well as the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Appropriations Committee.

This appropriations bill is a good bipartisan bill, a nonpartisan bill. There are no politics involved at all. It is simply to provide for maintaining our security and to provide for our troops. Copies of this legislation have been available for several weeks now. There have been reports distributed to all of the Members. Although this bill is $3.3 billion less than the budget resolution provided for us, we were able to use some skillful oversight and be able to produce this bill at $3.3 billion less than the President's request and less than the budget had provided.

Mr. Chairman, this is a good bill.

Mr. Chairman, I'm pleased to come to the floor to present the Department of Defense Appropriations Act for fiscal year 2006. This legislation includes $363.7 billion in the base appropriations bill, of which $363.4 billion is new discretionary budget authority.

In addition, $45.3 billion is provided in a bridge fund to support ongoing operations in Iraq and Afghanistan; this is consistent with authority provided in the budget resolution, and follows the lead of the Armed Services Committee, which authorized $49 billion for this purpose in the House-passed version of the National Defense Authorization Act.

The Subcommittee allocation for the base bill is $3.3 billion below the President's request. This presented us with some difficult challenges, but I believe we have made appropriate choices given our allocation.

The gentleman from Pennsylvania, Mr. MURTHA, was a full partner in this process. This bill was developed with bipartisan support and deserves bipartisan support.

Let me discuss some of the major funding highlights in the base bill:

For military personnel, we fully fund the pay raise of 3.1 percent as requested by the President, and we fully support quality of life and family-oriented programs.

To support our soldiers and their families, we have added $30 million for Impact Aid and increased Family Advocacy programs by $20 million.

In operation and maintenance, the base bill provides funding for critical training, readiness and I maintenance activities at roughly the historic level for these programs; the overall increase is $3.2 billion over the 2005 level.

In the Army acquisition accounts, we fully fund the request of $882.4 million for 240 Stryker vehicles. We also fully fund the request of $443.5 million for modifications and improvements to the M1 Abrams tank, an increase of $326.5 million over the 2005 level.

In Naval aviation we fully fund the request for 130 aircraft, including 42 F/A–18's, compared to 115 total aircraft provided in fiscal year 2005. In addition, 8 aircraft are shifted back to the Air Force consistent with the restoration of the C–130J multiyear procurement contract.

In shipbuilding we make some significant adjustments to the President's request:

We are funding the new construction of 8 ships, as opposed to 4 new ships as proposed in the budget.

We continue production of an additional DDG–51 destroyer, which was proposed for termination in the budget.

Funds are provided to acquire 2, rather than just 1, T-AKE ammunition ships, consistent with the authorization bill.

In addition, we're providing funds for 3 littoral combat ships, 2 more than were included in the President's budget request.

For the Air Force:

We are fully funding the budget request for procurement of 24 F/A–22 Raptors in 2006, and advance procurement for 29 aircraft in 2007.

We are restoring funding for the C–130J multiyear procurement program by transferring funding from the Navy to the Air Force. The Air Force will procure 9 aircraft; the Navy will procure 4 tanker variants.

Full funding is recommended for the procurement of 15 C–17 aircraft, with advance procurement for 7 additional aircraft in 2007.

In the research and development accounts:

We follow the lead of the Armed Services Committee in recommending no funds for advance procurement for the DD(X) destroyer, but are keeping the program alive by providing $670 million in R&D.

We are accelerating development of the CG(X) cruiser, by increasing funding from $30 million to $80 million.

Full funding of $935.5 million is provided for 5 V–XX helicopters.

We provide a total of $4.9 billion, as requested by the President, for research and development associated with the Joint Strike Fighter program.

As I mentioned earlier, the bill also includes $45.3 billion in fiscal year 2006 funding to sustain the war effort in a bridge fund. The 2006 budget resolution reserves $50 billion for contingency operations in support of the global war on terrorism. In addition, the Armed Services Committee proposed, and the House has approved, an authorization of over $49 billion for the same purposes. This bill has slightly lower levels for the military personnel accounts and the procurement accounts based on more recent information we have received from the Department of Defense.

I believe the $45 billion bridge fund in this bill for contingency operations is the responsible thing to do to support our troops. It will ensure they face no interruption in funding for the first six months of fiscal year 2006 as they face our enemies abroad.

Over 80 percent of the funds in title IX are provided for military personnel, and operation and maintenance accounts. In addition, $2.5 billion is for intelligence activities; $2.1 billion is for fuel and war consumables; and $2.9 billion is for procurement to replace war losses and provide force protection for our men and women in uniform.

Mr. Chairman, this summarizes the major elements of the recommendations before you. We have not been able to meet all the needs identified by the Defense Department and by Members of Congress. However, within the budget constraints we faced, I think we struck a fair balance that deserves the support of the House.

Mr. Chairman, I urge support for this legislation.

DEPARTMENT OF DEFENSE APPROPRIATIONS FY 2006 (H.R. 2863)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
MILITARY PERSONNEL					
Military Personnel, Army	26,039,540	24,455,295	24,357,895	-1,681,645	-97,400
Military Personnel, Navy	20,876,556	19,439,196	19,417,696	-1,458,860	-21,500
Military Personnel, Marine Corps	8,527,529	7,845,913	7,839,813	-687,716	-6,100
Military Personnel, Air Force	21,145,141	20,254,837	20,083,037	-1,062,104	-171,800
Reserve Personnel, Army	3,373,773	2,938,703	2,862,103	-511,670	-76,600
Reserve Personnel, Navy	1,881,750	1,583,061	1,486,061	-395,689	-97,000
Reserve Personnel, Marine Corps	584,128	480,592	472,392	-111,736	-8,200
Reserve Personnel, Air Force	1,392,169	1,243,560	1,225,360	-166,809	-18,200
National Guard Personnel, Army	5,467,656	4,669,104	4,359,704	-1,107,952	-309,400
National Guard Personnel, Air Force	2,326,091	2,051,715	2,028,215	-297,876	-23,500
Total, title I, Military Personnel	91,614,333	84,961,976	84,132,276	-7,482,057	-829,700
TITLE II					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army	23,797,606	23,491,077	22,432,727	-1,364,879	-1,058,350
Operation and Maintenance, Navy	28,353,957	29,414,918	28,719,818	+365,861	-695,100
Operation and Maintenance, Marine Corps	3,106,145	3,250,966	3,123,766	+17,621	-127,200
Operation and Maintenance, Air Force	26,121,823	29,705,435	28,659,373	+2,537,550	-1,046,062
Operation and Maintenance, Defense-Wide	17,354,619	18,338,069	18,323,516	+968,897	-14,553
Operation and Maintenance, Army Reserve	1,789,987	1,783,012	1,791,212	+1,225	+8,200
Operation and Maintenance, Navy Reserve	1,164,228	1,182,907	1,178,607	+14,379	-4,300
Operation and Maintenance, Marine Corps Reserve	175,070	189,829	199,929	+24,859	+10,100
Operation and Maintenance, Air Force Reserve	2,189,534	2,445,922	2,465,122	+275,588	+19,200
Operation and Maintenance, Army National Guard	4,058,342	4,118,175	4,142,875	+84,533	+24,700
Operation and Maintenance, Air National Guard	4,242,096	4,554,300	4,547,515	+305,419	-6,785
Overseas Contingency Operations Transfer Account	10,000	20,000	20,000	+10,000	---
United States Court of Appeals for the Armed Forces	10,825	11,236	11,236	+411	---
Overseas Humanitarian, Disaster, and Civic Aid	59,000	61,546	61,546	+2,546	---
Former Soviet Union Threat Reduction Account	409,200	415,549	415,549	+6,349	---
Total, title II, Operation and maintenance	112,842,432	118,982,941	116,092,791	+3,250,359	-2,890,150
TITLE III					
PROCUREMENT					
Aircraft Procurement, Army	2,854,541	2,800,880	2,879,380	+24,839	+78,500
Missile Procurement, Army	1,307,000	1,270,850	1,239,350	-67,650	-31,500
Procurement of Weapons and Tracked Combat Vehicles, Army	2,467,495	1,660,149	1,670,949	-796,546	+10,800
Procurement of Ammunition, Army	1,590,952	1,720,872	1,753,152	+162,200	+32,280
Other Procurement, Army	4,955,296	4,302,634	4,491,634	-463,662	+189,000
Aircraft Procurement, Navy	8,912,042	10,517,126	9,776,440	+864,398	-740,686
Weapons Procurement, Navy	2,114,720	2,707,841	2,596,781	+482,061	-111,060
Procurement of Ammunition, Navy and Marine Corps	888,340	872,849	885,170	-3,170	+12,321
Shipbuilding and Conversion, Navy	10,427,443	8,721,165	9,613,358	-814,085	+892,193
Other Procurement, Navy	4,875,786	5,487,818	5,461,196	+585,410	-26,622
Procurement, Marine Corps	1,432,203	1,377,705	1,426,405	-5,798	+48,700
Aircraft Procurement, Air Force	13,648,304	11,973,933	12,424,298	-1,224,006	+450,365
Missile Procurement, Air Force	4,458,113	5,490,287	5,062,949	+604,836	-427,338
Procurement of Ammunition, Air Force	1,327,459	1,031,207	1,031,907	-295,552	+700
Other Procurement, Air Force	13,071,297	14,002,689	13,737,214	+665,917	-265,475
Procurement, Defense-Wide	2,956,047	2,677,832	2,728,130	-227,917	+50,298
National Guard and Reserve Equipment	350,000	---	---	-350,000	---
Defense Production Act Purchases	42,765	19,573	28,573	-14,192	+9,000
Total, title III, Procurement	77,679,803	76,635,410	76,806,886	-872,917	+171,476

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2006 (H.R. 2863)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army	10,698,989	9,733,824	10,827,174	+128,185	+1,093,350
Research, Development, Test and Evaluation, Navy	17,043,812	18,037,991	18,481,862	+1,438,050	+443,871
Research, Development, Test and Evaluation, Air Force	20,890,922	22,612,351	22,664,868	+1,773,946	+52,517
Research, Development, Test and Evaluation, Defense-Wide	20,983,624	18,803,416	19,514,530	-1,469,094	+711,114
Operational Test and Evaluation, Defense	314,835	168,458	168,458	-146,377	---
Total, title IV, Research, Development, Test and Evaluation	69,932,182	69,356,040	71,656,892	+1,724,710	+2,300,852
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds	1,174,210	1,471,340	1,154,340	-19,870	-317,000
National Defense Sealift Fund: Ready Reserve Force	1,204,626	1,648,504	1,599,459	+394,833	-49,045
Total, title V, Revolving and Management Funds	2,378,836	3,119,844	2,753,799	+374,963	-366,045
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Chemical Agents & Munitions Destruction, Army:					
Operation and maintenance	1,088,801	1,241,514	1,191,514	+102,713	-50,000
Procurement	78,980	116,527	116,527	+37,547	---
Research, development, test and evaluation	205,209	47,786	47,786	-157,423	---
Total, Chemical Agents 1/	1,372,990	1,405,827	1,355,827	-17,163	-50,000
Drug Interdiction and Counter-Drug Activities, Defense	906,522	895,741	906,941	+419	+11,200
Office of the Inspector General	204,562	209,687	209,687	+5,125	---
Total, title VI, Other Department of Defense Programs	2,484,074	2,511,255	2,472,455	-11,619	-38,800
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund	239,400	244,600	244,600	+5,200	---
Intelligence Community Management Account	310,466	354,844	376,844	+66,378	+22,000
Transfer to Department of Justice	(39,422)	(17,000)	(39,000)	(-422)	(+22,000)
National Security Education Trust Fund	8,000	---	---	-8,000	---
Total, title VII, Related agencies	557,866	599,444	621,444	+63,578	+22,000
TITLE VIII					
GENERAL PROVISIONS					
Additional transfer authority (Sec. 8005)	(3,500,000)	(4,000,000)	(4,000,000)	(+500,000)	---
Indian Financing Act incentives (Sec. 8019)	8,000	---	8,000	---	+8,000
FFRDCs (Sec. 8025)	-125,000	---	-40,000	+85,000	-40,000
Disposal & lease of DOD real property	25,000	---	---	-25,000	---
Overseas Mil Fac Invest Recovery (Sec. 8033)	1,000	---	1,000	---	+1,000
Rescissions (Sec. 8044)	-779,637	---	-633,550	+146,087	-633,550
Shipbuilding & Conv. Funds, Navy	---	18,000	---	---	-18,000
Travel Cards (Sec. 8068)	44,000	45,000	45,000	+1,000	---
Special needs students	5,500	---	---	-5,500	---
Fisher House (Sec. 8077)	2,000	---	2,500	+500	+2,500

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2006 (H.R. 2863)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
CAAS/Other Contract Growth (Sec. 8078)	-300,000	---	-264,630	+35,370	-264,630
Contracted Advisory and Assistance Services (Sec.8079)	-500,000	---	-167,000	+333,000	-167,000
Aircraft Procurement, Navy	34,000	---	---	-34,000	---
Operation and Maintenance, Defense-wide	40,000	---	---	-40,000	---
IT cost growth reduction	-197,500	---	---	+197,500	---
Working Capital Funds Cash Balance (Sec. 8086)	-316,000	---	-250,000	+66,000	-250,000
Ctr for Mil Recruiting Assessment & Vet Emp(Sec. 8087)	6,000	---	6,000	---	+6,000
Various grants (Sec. 8089)	51,425	---	14,400	-37,025	+14,400
Assumed management improvements	-711,000	---	---	+711,000	---
Transportation Working Capital Fund	-967,200	---	---	+967,200	---
MCAGCC health demonstration program	2,500	---	---	-2,500	---
Contract offsets	-50,000	---	---	+50,000	---
Budget withholds	-350,000	---	---	+350,000	---
Tanker replacement transfer fund	100,000	---	---	-100,000	---
Unobligated balances	-768,100	---	---	+768,100	---
Travel costs (Sec. 8100)	-100,000	---	-147,000	-47,000	-147,000
Procurement Offsets (Sec. 8101)	---	---	-176,500	-176,500	-176,500
Army Venture Capital Funds (Sec. 8102)	---	---	15,000	+15,000	+15,000
Total, Title VIII, General Provisions	-4,845,012	63,000	-1,586,780	+3,258,232	-1,649,780
TITLE IX - ADDITIONAL APPROPRIATIONS					
DEPARTMENT OF DEFENSE--MILITARY					
Military Personnel					
Military Personnel, Army (contingency operations)	---	---	5,877,400	+5,877,400	+5,877,400
Military Personnel, Navy (contingency operations)	---	---	282,000	+282,000	+282,000
Military Personnel, Marine Corps (contingency ops.)	---	---	667,800	+667,800	+667,800
Military Personnel, Air Force (contingency operations)	---	---	982,800	+982,800	+982,800
Reserve Personnel, Army (contingency operations)	---	---	138,755	+138,755	+138,755
National Guard Personnel, Army (contingency ops.)	---	---	67,000	+67,000	+67,000
Total, Military Personnel	---	---	8,015,755	+8,015,755	+8,015,755
Operation and Maintenance					
Operation & Maintenance, Army (contingency operations)	---	---	20,398,450	+20,398,450	+20,398,450
Operation & Maintenance, Navy (contingency operations)	---	---	1,907,800	+1,907,800	+1,907,800
Operation & Maintenance, Marine Corps (conting. ops.)	---	---	1,827,150	+1,827,150	+1,827,150
Operation & Maintenance, Air Force (conting. ops.)	---	---	3,559,900	+3,559,900	+3,559,900
Operation & Maintenance, Defense-Wide (conting. ops.)	---	---	826,000	+826,000	+826,000
Iraq Freedom Fund (contingency operations)	---	---	3,500,000	+3,500,000	+3,500,000
Operation & Maintenance, Army Reserve (conting. ops.)	---	---	35,700	+35,700	+35,700
Operation & Maintenance, Marine Corps Reserve (contingency operations)	---	---	23,950	+23,950	+23,950
Operation & Maintenance, Army National Guard (contingency operations)	---	---	159,500	+159,500	+159,500
Total, Operation and Maintenance	---	---	32,238,450	+32,238,450	+32,238,450
Procurement					
Procurement of Weapons and Tracked Combat Vehicles, Army (contingency operations)	---	---	455,427	+455,427	+455,427
Procurement of Ammunition, Army (contingency ops.)	---	---	13,900	+13,900	+13,900
Other Procurement, Army (contingency operations)	---	---	1,501,270	+1,501,270	+1,501,270
Weapons Procurement, Navy (contingency operations)	---	---	81,696	+81,696	+81,696
Procurement of Ammunition, Navy and Marine Corps (contingency operations)	---	---	144,721	+144,721	+144,721
Other Procurement, Navy (contingency operations)	---	---	48,800	+48,800	+48,800
Procurement, Marine Corps (contingency operations)	---	---	389,900	+389,900	+389,900
Aircraft Procurement, Air Force (contingency ops.)	---	---	115,300	+115,300	+115,300
Other Procurement, Air Force (contingency operations)	---	---	2,400	+2,400	+2,400
Procurement, Defense-Wide (contingency operations)	---	---	103,900	+103,900	+103,900
Total, Procurement	---	---	2,857,314	+2,857,314	+2,857,314

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2006 (H.R. 2863)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Research, Development, Test and Evaluation					
Research, Development, Test & Evaluation, Navy (contingency operations)	---	---	13,100	+13,100	+13,100
Research, Development, Test and Evaluation, Defense-Wide (contingency operations)	---	---	75,000	+75,000	+75,000
Total, Research, Development, Test and Evaluation	---	---	88,100	+88,100	+88,100
Defense Working Capital Funds (contingency operations)	---	---	2,055,000	+2,055,000	+2,055,000
Additional transfer authority (contingency operations)	---	---	(2,500,000)	(+2,500,000)	(+2,500,000)
Total, Title IX	---	---	45,254,619	+45,254,619	+45,254,619
Total for the bill (net)	352,644,514	356,229,910	398,204,382	+45,559,868	+41,974,472
OTHER APPROPRIATIONS					
Emergency Supplemental Appropriations for Hurricane Disaster Assistance Act (emergency) (P.L. 108-324)2/	897,400	---	---	-897,400	---
Miscellaneous Provisions and Offsets (Sec. 108) (Division J, P.L. 108-447)	2,000	---	---	-2,000	---
Emergency Supplemental Appropriations for Defense, The Global War on Terror, and Tsunami Relief Act, 2005 (emergency) (P.L. 109-13)	73,163,308	---	---	-73,163,308	---
Transfer authority (emergency)	(5,685,000)	---	---	(-5,685,000)	---
Net grand total (including other appropriations)	426,707,222	356,229,910	398,204,382	-28,502,840	+41,974,472
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Lease of defense real property (permanent)3/	---	12,000	12,000	+12,000	---
Disposal of defense real property (permanent)3/	---	15,000	15,000	+15,000	---
Army Venture Capital Funds	17,000	---	---	-17,000	---
O&M, Army transfer to National Park Service:					
Defense function	-1,900	---	-2,500	-600	-2,500
Non-defense function	1,900	---	2,500	+600	+2,500
RDT&E, Navy transfer to NOAA:					
Defense function	-18,000	---	---	+18,000	---
Non-defense function	18,000	---	---	-18,000	---
O&M, Defense-wide transfer to Forest Service:					
Defense function	-40,000	---	---	+40,000	---
Non-defense function	40,000	---	---	-40,000	---
Tricare accrual (permanent, indefinite auth.) 4/	---	10,707,483	10,707,483	+10,707,483	---
Less emergency appropriations 5/	-74,060,708	---	-45,254,619	+28,806,089	-45,254,619
Total, scorekeeping adjustments	-74,043,708	10,734,483	-34,520,136	+39,523,572	-45,254,619
Adjusted total (includ. scorekeeping adjustments)	352,663,514	366,964,393	363,684,246	+11,020,732	-3,280,147
Appropriations	(353,443,151)	(366,964,393)	(364,317,796)	(+10,874,645)	(-2,646,597)
Rescissions	(-779,637)	---	(-633,550)	(+146,087)	(-633,550)
Total (including scorekeeping adjustments)	352,663,514	366,964,393	363,684,246	+11,020,732	-3,280,147
Amount in this bill	(426,707,222)	(356,229,910)	(398,204,382)	(-28,502,840)	(+41,974,472)
Scorekeeping adjustments	(-74,043,708)	(10,734,483)	(-34,520,136)	(+39,523,572)	(-45,254,619)
Total mandatory and discretionary	352,663,514	366,964,393	363,684,246	+11,020,732	-3,280,147
Mandatory	239,400	244,600	244,600	+5,200	---
Discretionary	352,424,114	366,719,793	363,439,646	+11,015,532	-3,280,147

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2006 (H.R. 2863)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
RECAPITULATION					
Title I - Military Personnel	91,614,333	84,961,976	84,132,276	-7,482,057	-829,700
Title II - Operation and Maintenance	112,842,432	118,982,941	116,092,791	+3,250,359	-2,890,150
Title III - Procurement	77,679,803	76,635,410	76,806,886	-872,917	+171,476
Title IV - Research, Development, Test and Evaluation	69,932,182	69,356,040	71,656,892	+1,724,710	+2,300,852
Title V - Revolving and Management Funds	2,378,836	3,119,844	2,753,799	+374,963	-366,045
Title VI - Other Department of Defense Programs	2,484,074	2,511,255	2,472,455	-11,619	-38,800
Title VII - Related Agencies	557,866	599,444	621,444	+63,578	+22,000
Title VIII - General Provisions (net)	-4,845,012	63,000	-1,586,780	+3,258,232	-1,649,780
Title IX - Additional Appropriations (net)	---	---	45,254,619	+45,254,619	+45,254,619
Total, Department of Defense	352,644,514	356,229,910	398,204,382	+45,559,868	+41,974,472
Other defense appropriations	74,062,708	---	---	-74,062,708	---
Total funding available (net)	426,707,222	356,229,910	398,204,382	-28,502,840	+41,974,472
Scorekeeping adjustments	-74,043,708	10,734,483	-34,520,136	+39,523,572	-45,254,619
Total mandatory and discretionary	352,663,514	366,964,393	363,684,246	+11,020,732	-3,280,147
RECAP BY FUNCTION					
Mandatory	239,400	244,600	244,600	+5,200	---
Discretionary:					
General purpose discretionary:					
Defense discretionary	352,364,214	366,719,793	363,437,146	+11,072,932	-3,282,647
Nondefense discretionary	59,900	---	2,500	-57,400	+2,500
Total discretionary	352,424,114	366,719,793	363,439,646	+11,015,532	-3,280,147
Grand total, mandatory and discretionary	352,663,514	366,964,393	363,684,246	+11,020,732	-3,280,147

FOOTNOTES:

1/ Included in Budget under Procurement title.

2/ In FY 2005, excludes $12M ($10M outlays) for Defense Health Program that is under House Military Quality of Life and VA Appropriations.

3/ Sec. 8034 of Public Law 108-287.

4/ Contributions to Department of Defense Retiree Health Care Fund (Sec. 725, P.L. 108-375).

5/ Includes Title IX contingency operations funds.

Mr. Chairman, I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I yield myself such time as I may consume.

I say that I agree with the chairman completely. It is the best we could do with the amount of money they gave us. It is completely bipartisan. It takes care of the troops. It has been distributed to everybody. We will go right to the 5-minute rule.

Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 2 minutes to pay tribute to a longtime staffer of this defense subcommittee. This is the first time that I have had the opportunity to bring a defense appropriations bill to the floor without having Kevin Roper sitting here beside me and providing the staff assistance that he has provided so eloquently.

He served this committee for 20 years, first as the aide to the then-ranking member, Congressman Joe McDade. Prior to the 20 years that he served this committee in the minority status and the majority status, he served 10 years in the United States Air Force. Kevin Roper is just a very, very special patriot. His knowledge of the defense establishment, his knowledge of the defense appropriations bill is extremely unique. I am just really proud to call him a friend. I am very, very heavyhearted to announce that he is leaving the committee to move on to spending more time with his family, his wife, and his children.

Mr. Chairman, I would like to recognize the fact that this Kevin Roper that I am speaking about, everyone on the floor should recognize him. He has been here so long. Kevin Roper, God bless you for the good work you have done. Thank you very much. We appreciate you.

Mr. Chairman, this is the first time that I have brought a Defense Appropriations Bill to the floor that I haven't had Kevin Roper by my side as the Staff Director of the Subcommittee and as he leaves the Committee staff to pursue other interests, I wanted to let the record show how much we all have valued his counsel over the years.

Kevin served the Appropriations Committee for more than 20 years, and he had a distinguished career in the Air Force for 10 years before that. He came to the committee in August of 1984 when he served as Congressman and Ranking Minority member Joe McDade's associate staff for Defense matters. Joe appointed him to be the Minority staff director in 1988 when our dear friend George Allen, his predecessor, passed away during an official mission overseas.

When the Republicans became the majority party in 1995, Kevin became the Majority staff director serving both me and Chairman JERRY LEWIS for the past 10 years in that capacity. During that period of time he assisted me and Chairman LEWIS in the preparation, passage, and conference of 10 annual Defense Appropriation bills and more than 21 Supplemental and wrap up bills which contained Defense Chapters.

Kevin to this day loves his work and worked tirelessly to assist us in providing our men and women in uniform the tools they need to carry out their mission. He joined us when we were at the height of the cold war and assisted us in bringing that era to a successful conclusion. He was at his best when we were at war through two Gulf Wars, Panama, Somalia, Haiti, Bosnia, Kosovo and probably would have left a couple of years ago had it not been for the terrorist attacks before and on September 11th.

Kevin always made great contributions and we wish him well as he plans a career which will allow him to spend more time with his family. He doted on his family and our loss is the gain of his wife Klytia and his children Katie, Audrey and Matthew.

Mr. NUSSLE. Mr. Chairman, this measure—the Defense Appropriations Act for Fiscal Year 2006, H.R. 2863—is the most significant component of our wartime budget for America. It funds the bulk of the national defense commitment, particularly the global war against terrorism. As Chairman of the Budget Committee, I am also pleased to report that the measure is consistent with the levels established by the conference report to H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006.

The budget resolution called for $441.6 billion in discretionary budget authority for the national defense function in 2006, and an additional $50 billion under a special Exemption of Overseas Contingency Operations that would not count against the Defense subcommittee's 302(b) allocation. In this way the budget resolution anticipated costs for continuing operations in Afghanistan and Iraq. A portion of the budget resolution's total national defense funding went toward the recently passed military quality of life and energy and water bills.

This bill provides the balance of $363.4 billion in new discretionary budget authority towards funding the President's February defense budget request. It includes $45.3 billion that has been designated pursuant to section 401(a) of the budget resolution for Overseas Contingency Operations which are thereby exempt from the 302(b) allocations. These funds will, however, be counted against the discretionary totals identified in the budget resolution.

Excluding the emergency portion, the bill's funding shows a 3.5-percent increase from the previous year, and it builds on a 5-year average annual growth rate of 10.5 percent for defense appropriations. The base amount is equal to the 302(b) allocation to the House Appropriations Subcommittee on Defense. I should note that the bill includes rescissions of prior year funds in the amount of $634 million which enable it to meet this allocation.

Accordingly, the bill complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an appropriations subcommittee's 302(b) allocation of budget authority and outlays established in the budget resolution.

One factor I wish to note is that the bill reduces funding for operations and maintenance considerably from the President's February request. Although there is a widespread belief that any potential operations and maintenance shortfall can simply be made up for with supplemental spending, Congress should avoid making a regular practice of budgeting by supplemental for predictable events. There is also a risk that cutting Defense spending may lead to a commensurate increase in discretionary non-defense spending. This would be inconsistent with the President's request to put the Nation's security first by reducing non-defense non-homeland security domestic discretionary growth to less than 1 percent.

With that, I wish to reiterate my support for H.R. 2863.

Mr. KING of Iowa. Mr. Chairman, terrorist events have brought this point to light, dramatically illustrating how the security of the United States is dependent upon its strength in the area of foreign language competency. If the United States is truly committed to continuing as the leader in the global economic community, as well as in the on-going fight against terrorism dictated by the global war on terrorism, some very serious commitments will have to be made in support of language study. Our history, and particularly our recent history, has repeatedly illustrated the consequences of not having adequate foreign language expertise available in times of crisis.

In 1988 the satellite communications language training activities (SCOLA) became the first broad-scale provider of authentic foreign television and today provides this resource from 75 countries. From the beginning the Federal Government has recognized the importance of authentic foreign programming as a tool to help teach foreign languages. By watching and listening, students are able to actually experience the foreign culture and develop their language skills in the native real-life environment. This programming is also a vital intelligence resource since it provides significant insight into the internal happenings of the various countries.

Throughout its long-time relationship with the Defense Language Institute (DLI), National Security Agency (NSA), Central Intelligence Agency (CIA), State Department, military and other government sectors, SCOLA has been particularly responsive to requests for programming from specific areas of the world, with a major portion of its current programming schedule developed as a direct result of specific requests. In addition SCOLA offered this resource from regions of the world that never really had a significant presence in the United States before.

SCOLA is a unique satellite-based language training activity that provides television programming in a variety of languages from around the world. Language students and seasoned linguists have found this augmentation of their normal language training to be very helpful. SCOLA also has an Internet-based streaming video capability that greatly increases the availability of this training medium to military and civilian linguists, virtually anywhere they can obtain an Internet connection. In addition, SCOLA is developing a digital archive that will allow users anywhere to review and sort language training information on demand. The development of these capabilities will make SCOLA training assistance much more widely available, but requires additional investment. The committee is concerned that even after three years of encouragement from the Congress, and in an operational environment where the value of language training is of great importance to the nation, the Department of Defense has not fully funded the innovative language training concepts that can help sustain and significantly improve the skills of military and civilian linguists in the Department.

Mr. Chairman, the Senate FY 2006 Defense Authorization, S. 1042, recommends an increase of $6.0 million in Operations Maintenance—Army, for the Defense Language Institute, for funding of SCOLA related training activities. In light of current events, the significance of SCOLA's widespread availability to the U.S. military and other government users cannot be overstated.

It is my hope that with the House and Senate appropriators will ensure that vital funding for SCOLA is included in the final H.R. 2863—Department of Defense Appropriations Act for Fiscal Year 2006.

Mr. SIMPSON. Mr. Chairman, I rise today to recognize the continuing role that the Government of Japan is playing to promote peace and democracy in Iraq and around the world. The determination and commitment of Japan, one of our Nation's most important allies, is particularly significant, especially at this time. We all read news stories about the difficulties and tensions that the United States has with our allies and even with coalition partners in Iraq, but we rarely read about the good news.

As the House debates funding for our troops at home and abroad, I believe it is timely and important to highlight several recent developments in Japan's contributions to these efforts.

IRAQ AND AFGHANISTAN

In April, the Government of Japan decided to extend for an additional 6 months, until November 1, 2005, the operation of Japan's Self Defense Forces (SDF) in support of "Operation Enduring Freedom (OEF)." As part of these operations, Japan has dispatched destroyers and supply ships to the Indian Ocean to provide at-sea refueling to U.S. and other allied naval vessels in the campaign. As of March 29, the Maritime SDF has completed more than 500 refueling operations for those naval vessels. As a result, Japan supplies about 30 percent of all fuel consumed by U.S. and allied naval vessels. Since last November, the Maritime SDF has begun to supply water and fuel for helicopters to the allied countries.

Japan has also sent their SDF forces to Iraq. The operations have included ground troops, naval vessels and aircraft, all involved in reconstruction and humanitarian projects. At one point, the total number of Japanese SDF forces in the Iraq theater was approximately 1,000, including about 600 ground troops. These are historic operations, the first of their kind by Japan since the end of World War II.

In addition, the Air SDF of Japan has provided airlift support to the U.S. Forces with C–130 transport aircraft and other planes. The Air SDF has completed more than 400 transport missions both in Japan and overseas in support of Operation Iraqi Freedom and Enduring Freedom.

Further, Japan is the second largest donor in Iraq after the United States, with over $5 billion dollars for humanitarian, infrastructure and reconstruction projects. Japan also hosted a donor's conference last October, and continues to play an active role in the core group of donors.

With respect to the reconstruction for Afghanistan, Japan has committed, in total, $1 billion of assistance, of which about $900 million have been disbursed so far.

JAPAN'S EFFORTS IN THE MIDDLE EAST PEACE PROCESS

Japan is actively involved in advancing the Middle East peace process, including the provision of assistance to the Palestinians. To support Palestinians' peace efforts, Japan announced at the summit meeting between Prime Minister Koizumi and Mr. Abbas, the President of the Palestinian Interim Self-Government Authority, that it will provide additional assistance of approximately 100 million U.S. dollars to the Palestinians for the immediate future, in addition to the 90 million U.S. dollars it already provided in the last fiscal year.

BILATERAL SECURITY COOPERATION

It is significant that Secretary of State Rice and Japanese Foreign Minister Machimura have already held 3 bilateral meetings, the most recent being on May 2 here in Washington. Among the issues discussed were the creation of a Japan-U.S. strategic dialogue led by the two ministers, increased security cooperation, North Korea and United Nations Reform. During her visit to Tokyo in March, Secretary Rice cited Japan as a model for political and economic progress in all of East Asia and praised Japan's partnership with the United States in the global war on terror.

NORTH KOREA

Japan continues to work closely with the United States on the issue of the North Korean nuclear crisis and has played an important and constructive role in the Six-Party talks. Japan supports an early resumption of these talks with an emphasis on the role of China.

WEAPONS OF MASS DESTRUCTION (WMD)

Japan is a strong supporter of the Non-Proliferation Treaty regime and has reached out to other countries, especially in Asia, to build a broader coalition against the spread of Weapons of Mass Destruction. Last fall, Japan hosted Australia, France and the United States (as well as 44 observer countries) in the first Proliferation Security Initiative (PSI) Maritime Interdiction exercise. The PSI is a global effort among governments to prevent the spread of weapons of mass destruction and other missiles. Japan again showed its commitment to the global war on terror by using its Maritime Self Defense Forces to counter proliferation in this multinational exercise.

CONCLUSION

Mr. Chairman, these initiatives by Japan are but a few examples of the growing role that Japan is playing in the maintenance of international peace and security. And it is a powerful reminder of the importance and strength of the Japan-U.S. security relationship. I believe it is therefore appropriate that the House of Representatives recognize these actions and commend the Government of Japan.

Mr. STARK. Mr. Chairman, I rise in opposition to this Defense Appropriations bill.

I cannot support legislation that throws more money at President Bush's quagmire in Iraq without the Bush Administration providing a withdrawal date or exit strategy. Even with bipartisan Congressional calls for this timetable, President Bush still has provided no such strategy.

The Administration also refuses to estimate the true costs of the war. The war has already cost $208 billion, including an additional $80.5 billion approved by Congress just this year. In fact, Congress was forced to add in another $45.3 billion for the war in Iraq in this bill, against the President's wishes. While the funding will only cover 6 months of costs, at least my colleagues across the aisle are willing to level with the American people as to the cost of the war even if the leader of their party is not.

As we all know, these additional funds are not helping the situation in Iraq. Insurgents continue to kill scores of American soldiers and Iraqi civilians and security forces. More than 1,700 young Americans and more than 20,000 Iraqi civilians have been killed. As long as the United States is in Iraq, the Iraqi insurgency will continue to have a justification to carry out their savage attacks on Iraqi security forces and American soldiers.

I also oppose provisions in this bill that continue the Republican tradition of funding wasteful weapons systems. It appropriates $7.6 billion on pie-in-the-sky Star Wars missile defense. This system has been proven to be inoperable. It seems like the real purpose of building this system is to provide corporate welfare to defense contractors rather than to protect American lives or make the world a safer place.

The bill provides additional funding to build ships that the Navy has not requested and military airplanes that are unnecessary and redundant. For instance, it adds $3.2 billion, on top of the $40 billion already used, to build 22 F/A–22 Raptors that were justified as necessary in order to compete with a new generation of Soviet fighters. Since the collapse of the Russian air force, there is no nation that has, or is planning to have, fighter jets as dominant as the ones the U.S. Air Force currently uses in combat. The recent conflicts in Iraq, Kosovo and Afghanistan have shown the superiority of current U.S. fighters to other nation's combat aircraft. Not only is there no need for the F/A–22, the GAO adds further rationale for its demise by reporting that its costs have ballooned to $1.3 billion more than budgeted for by the Air Force.

Finally, this bill wrongly encourages the development of nuclear weapons. As we fight terrorism and nuclear proliferation overseas, it is reckless to believe that more nuclear bombs at home will result in fewer bombs abroad. In fact, expanding our own nuclear capability will encourage terrorists and nations, like Iran, to build nuclear programs to match U.S. firepower, thus making them more of a threat to U.S. national security.

I cannot in good conscience vote for a bill that encourages the proliferation of nuclear weapons, continues to place our troops in harms way with no plan to bring them home and provides billions of dollars in gifts to defense contractors. I urge my colleagues to vote down this defense bill that does nothing to keep our Nation safe and, in fact, makes the world a much more dangerous place.

Mr. CRENSHAW. Mr. Chairman, I rise today to offer my support to H.R. 2863, the Fiscal Year 2006 Defense Appropriations Bill. I commend the Subcommittee Chair, my good friend, BILL YOUNG for tackling many important, yet difficult issues.

For the past few years, I have been deeply troubled by the Navy's shipbuilding budgets. Each year when the President's Budget is submitted, the number of ships procured in that year is always lower than the year before, however the amount of ships planned for the out years keeps growing and growing. For example in this year's budget, the Navy had requested 4 new ships for a total amount of $6.2 billion, but believes that they can sustain a shipbuilding budget of $17.7 billion for 12 ships in Fiscal Year 2011. As a man with an investment banking background, I can tell you that you can never rely on the certainty of the out years.

I believe this budgeting trend will continue not because the Navy needs fewer ships, but because our shipbuilding programs have become unaffordable. Unless the Navy makes some radical changes to the way they budget and account for new ship construction, our ship numbers will continue to drop. We talk about transformational technologies and weaponry everyday in Congress, we need to begin talking about transformational and innovative accounting.

According to a GAO audit published earlier this year, simple business accounting practices such as independent cost estimates and uncertainty analysis could have saved the Navy millions in cost growth from a number of shipbuilding programs, including our most expensive ship, the nuclear aircraft carrier.

This Committee on Appropriations has recognized this dangerous trend and the need for change. In addition to doubling the amount of ships procured in Fiscal Year 2006 from 4 to 8, the committee report contains strong language and direction that will hopefully stop cost overruns from draining our future ship resources.

I look forward to continuing to work with the Subcommittee Chairman to see if we, on Appropriations, can begin to transform the way this Nation builds and procures ships. We will need innovative thoughts and practices from corporate America.

I urge my colleagues to support this bill and its innovative approaches to our national defense.

Mr. MATHESON. Mr. Chairman, two long years have passed since our soldiers left for Iraq. We all have constituents serving overseas now and it's these brave men and women and their families that I keep in mind these days.

I wish that we had more people on their way home, than on their way to Iraq right now. Last week, soldiers from the Triple Deuce—a field artillery battalion headquartered in my district—left home for final training at Camp Shelby. After that they'll be sent to Iraq for the next year.

Members of the Triple Deuce include a small town mayor, a local fire chief and many ordinary citizens who—when we are not at war—make up the fabric of everyday life in Utah.

These Americans are in the infantry. They're going to serve our country in a dark corner of the Middle East and I'm very worried about them. But I do know that they have lots of loved ones and fellow Utahns back home thinking about them and praying for them.

I heard that their family and friends lined the streets of St. George today to say goodbye and I wish I could have been there too.

This is a good bill—I'm proud to support it. My vote will go towards more armor, more vehicles, better weapons, and better compensation for the countless soldiers who are serving our country.

We all want these brave Americans to return home as soon as possible. I believe that we need to accurately measure our progress in Iraq and continue taking care of our troops.

Passage of this legislation demonstrates our commitment to our brave men and women in uniform and acknowledges that they need resources in order to accomplish their mission and return home safely. It also offers support for the families when a loved one pays the ultimate sacrifice in the cause of fighting for freedom.

Mr. HOYER. Mr. Chairman, our highest duty as Members of this Congress is to ensure our national security, to protect our homeland and to defend our people.

We must use every tool in our arsenal—including military force—to capture, kill or disrupt international terrorists who are intent on striking the United States and our interests overseas. We must do whatever it takes to prevent the unthinkable—a nuclear, biological or chemical attack—from occurring on American soil. We must ensure that the American military remains the finest fighting force in the history of the world. And, we must succeed in Iraq—for the sake of our own national security, the stability of Iraq and the Middle East region, and our global standing and credibility.

This defense appropriations bill will help us accomplish most of our national security objectives, and I will vote for it. It provides $409 billion for defense functions for fiscal 2006, including $45.3 billion in so-called emergency spending for operations in Iraq and Afghanistan—bringing the total appropriation from this Congress for these two missions to $314 billion.

However, even though I support this bill, I believe it is simply Orwellian to call this new funding for Iraq and Afghanistan an "emergency." Emergencies are unforeseen events that are difficult, if not impossible, to plan for. The idea that this administration cannot predict and budget for the costs of our on-going military efforts in both Iraq and Afghanistan is ludicrous.

Furthermore, this budgetary sleight of hand epitomizes this administration's failure to level with the American people on many aspects of this military action, as well as the unwillingness of this Republican Congress to fulfill its Constitutional duty to exercise real, effective oversight on the administration's policies.

We are simply not asking the tough questions that voters expect us to ask on national security. In Iraq, it is obvious that our mission is not accomplished, let alone succeeding. More than 1,700 American soldiers have lost their lives there. Americans account for 85 percent of the coalition forces in Iraq, but represent 98 percent of the casualties.

And, as Tom Friedman wrote last week in the New York Times:

> Our core problem in Iraq remains Donald Rumsfeld's disastrous decision—endorsed by President Bush—to invade Iraq on the cheap. From the day the looting started, it has been obvious that we did not have enough troops there.

Mr. Friedman added:

> Almost every problem we face in Iraq today . . . Flows from not having gone into Iraq with the Powell doctrine of overwhelming force. We cannot even secure the two miles of highway that separates the Baghdad Airport and the Green Zone.

Yet, this Congress has not conducted effective oversight on the administration's refusal to heed the advice of senior military officials, who said more troops would be needed to secure Iraq; on the costs of this action; on the incompetent post-war reconstruction effort; or, on detainee abuses in Iraq, Afghanistan and at Guantanamo.

Effective Congressional oversight need not be adversarial. I believe that every American wants our Nation to succeed in Iraq. But the truth is, this administration has failed to articulate a convincing, compelling success strategy.

And, even as I vote for this defense appropriations bill today, I believe it is imperative that this Congress embrace its legislative duty, work with this administration, and ensure that such a strategy is implemented immediately. Our troops—and the American people—deserve no less.

Finally, Mr. Chairman, I would ask that Tom Friedman's column from June 15 in the New York Times be admitted into the record of this debate.

[From the New York Times, June 15, 2005]

LET'S TALK ABOUT IRAQ

(By Thomas L. Friedman)

Ever since Iraq's remarkable election, the country has been descending deeper and deeper into violence. But no one in Washington wants to talk about it. Conservatives don't want to talk about it because, with a few exceptions, they think their job is just to applaud whatever the Bush team does. Liberals don't want to talk about Iraq because, with a few exceptions, they thought the war was wrong and deep down don't want the Bush team to succeed. As a result, Iraq is drifting sideways and the whole burden is being carried by our military. The rest of the country has gone shopping, which seems to suit Karl Rove just fine.

Well, we need to talk about Iraq. This is no time to give up—this is still winnable—but it is time to ask: What is our strategy? This question is urgent because Iraq is inching toward a dangerous tipping point—the point where the key communities begin to invest more energy in preparing their own militias for a scramble for power—when everything falls apart, rather than investing their energies in making the hard compromises within and between their communities to build a unified, democratizing Iraq.

Our core problem in Iraq remains Donald Rumsfeld's disastrous decision—endorsed by President Bush—to invade Iraq on the cheap. From the day the looting started, it has been obvious that we did not have enough troops there. We have never fully controlled the terrain. Almost every problem we face in Iraq today—the rise of ethnic militias, the weakness of the economy, the shortages of gas and electricity, the kidnappings, the flight of middle-class professionals—flows from not having gone into Iraq with the Powell Doctrine of overwhelming force.

Yes, yes, I know we are training Iraqi soldiers by the battalions, but I don't think this is the key. Who is training the insurgent-fascists? Nobody. And yet they are doing daily damage to U.S. and Iraqi forces. Training is overrated, in my book. Where you have motivated officers and soldiers, you have an army punching above its weight. Where you don't have motivated officers and soldiers, you have an army punching a clock.

Where do you get motivated officers and soldiers? That can come only from an Iraqi leader and government that are seen as representing all the country's main factions. So far the Iraqi political class has been a disappointment. The Kurds have been great. But the Sunni leaders have been shortsighted at best and malicious at worst, fantasizing that they are going to make a comeback to power through terror. As for the Shiites, their spiritual leader, Ayatollah Ali al-Sistani, has been a positive force on the religious side, but he has no political analog. No Shiite Hamid Karzai has emerged.

"We have no galvanizing figure right now," observed Kanan Makiya, the Iraqi historian who heads the Iraq Memory Foundation. "Sistani's counterpart on the democratic front has not emerged. Certainly, the Americans made many mistakes, but at this stage less and less can be blamed on them. The burden is on Iraqis. And we still have not risen to the magnitude of the opportunity before us."

I still don't know if a self-sustaining, united and democratizing Iraq is possible. I still believe it is a vital U.S. interest to find out. But the only way to find out is to create a secure environment. It is very hard for moderate, unifying, national leaders to emerge in a cauldron of violence.

Maybe it is too late, but before we give up on Iraq, why not actually try to do it right? Double the American boots on the ground and redouble the diplomatic effort to bring in those Sunnis who want to be part of the process and fight to the death those who don't. As Stanford's Larry Diamond, author of an important new book on the Iraq war, "Squandered Victory," puts it, we need "a bold mobilizing strategy" right now. That means the new Iraqi government, the U.S. and the U.N. teaming up to widen the political arena in Iraq, energizing the constitution-writing process and developing a communications-diplomatic strategy that puts our bloodthirsty enemies on the defensive rather than us. The Bush team has been weak in all these areas. For weeks now, we haven't even had ambassadors in Iraq, Afghanistan or Jordan.

We've already paid a huge price for the Rumsfeld Doctrine—"Just enough troops to lose." Calling for more troops now, I know, is the last thing anyone wants to hear. But we are fooling ourselves to think that a decent, normal, forward-looking Iraqi politics or army is going to emerge from a totally insecure environment, where you can feel safe only with your own tribe.

Mrs. TAUSCHER. Mr. Chairman, I strongly support the Defense Appropriations subcommittee's decision to provide $4 million for a conventional earth penetrator in the fiscal year 2006 Defense Appropriations bill.

Many rogue nations, unable to face the threat of our awesome firepower and precision bombs, are increasingly hiding their military assets under hard geologies, making it more difficult for us to hold them at risk and undermining our ability to protect the nation.

I believe it is vitally important that we do all we can to provide our military with the right weapons to destroy these buried targets.

This, however, does not include nuclear weapons.

Nuclear bunker busters advocated by the administration and by their allies in Congress are the dangerous fantasy of a few who are desperate to find new missions for nuclear weapons.

Using a nuclear weapon to try to destroy a buried bunker or other target would produce significant civilian casualties and radioactive fallout.

A recent National Academy of Sciences report states that a nuclear earth penetrator "could . . . kill up to a million people or more if used in heavily populated areas."

In addition, U.S. military personnel operating in the area would be at risk of death and injury.

The President's repeated requests for funding a robust nuclear earth penetrator undermines the United States' leadership role in nonproliferation.

We cannot credibly ask other countries to restrain their nuclear weapons programs while we aggressively advance work on new weapons.

I applaud and share Chairman YOUNG and Ranking Member MURTHA's concern with defeating hard and deeply buried targets while reducing fallout and collateral damage.

It is vital that Congress send a strong message that we reject the administration's rush to find new uses for nuclear weapons.

The appropriations committee's decision to focus taxpayer dollars on perfecting conventional means of defeating hardened targets instead of investigating nuclear option is the right thing to do.

The head of the National Nuclear Security Administration, Linton Brooks has testified that a nuclear earth penetrator would cause massive radioactive fallout and our own uniformed military does not want a nuclear device that would put at risk our own troops.

Even the Defense Science Board that advises the Pentagon recently stated that "US interests are best served by preserving into the future the half century plus non-use of nuclear weapons."

I agree.

Until we have exhausted all conventional mean to defeat hardened targets and there is a true military requirement for an RNEP, it would be irresponsible for Congress to rush to find new uses for what should always be a weapon of last resort.

I am pleased that the funds in this bill are only to be used to study the effectiveness of a conventional device to defeat hard and deeply buried targets.

I urge my colleagues to ensure that the language achieved by the appropriators be preserved in conference.

Mr. BLUMENAUER. Mr. Chairman, I rise in support of a provision in this bill that will help us start to get a handle on cleaning up unexploded ordnance (UXO). I want to thank Chairman YOUNG and Ranking Member MURTHA and their staff for providing an additional $10 million for the Environmental Security Technology Certification Program (ESTCP) for research and development of unexploded ordnance cleanup technology. I also want to thank my good friend from Illinois, Mr. MANZULLO, for his leadership on this issue.

The safety and environmental hazards of unexploded ordnance are a national problem. Bombs and shells that failed to explode during military training or testing may be found on or buried under the surface of more than 39 million acres of former military properties.

According to the Department of Defense, the cost of cleaning up these sites will be at least $16.3 billion, and possibly as much as $35 billion. At an annual funding level of $106 million, cleanup at the remaining munitions sites in DOD's current inventory will take at least 150 years to complete. An increase in funding for UXO research and development will allow the DOD to more quickly develop safer and cheaper technology for dealing with UXO.

The Defense Science Board (DSB) Task Force on UXO quantified the potential impact advanced technology can have to reduce these costs. They concluded that the cost of cleanup could be reduced to one-third of what we now expect through the development and application of advanced technologies for the detection of UXO. The DSB report called on the DOD to take two critical steps to reduce the costs of UXO cleanup and improve the efficiency of the current program: first, conduct a wide area assessment of possibly-contaminated land to allow for rapid transfer of uncontaminated land and, second, develop and use technologies that can differentiate between a bomb and hubcap to drastically reduce the cost of cleanup.

Congress directed the Department to conduct an initial pilot project of wide area assessment technologies in the FY 05 Defense Appropriations bill. Early results indicate that this approach shows great promise. The $10 million in this bill will allow this effort to continue and expand to test these technologies over a wider variety of contaminated sites to assess their applicability across the nation.

Addressing the UXO issue, brings many clear benefits: it will preserve the ability of our armed forces to train effectively and ensure the safety of our armed forces as new military housing is constructed on closed ranges. It will release more acreage for other uses, including private development that will generate tax revenues and free up thousands of acres for recreational uses. Finally, it will allow the development of new technologies than can be used to clean-up land mines and other ordnance that threatens our troops in Afghanistan and Iraq and innocent civilians everywhere.

I am also pleased that we are beginning to see partial funding for the war in Iraq contained within the regular budget and appropriations process, though not to the extent that it should be. I have always opposed funding for the war in Iraq because I believed it gave too much money to the wrong people to do the wrong things. I hope that we can continue to make progress on this issue and this bill takes the small step to begin doing just that.

Mr. HOLT. Mr. Chairman, I rise today to support the Department of Defense Appropriations Act for Fiscal Year 2006. This bill appropriated $408.9 billion for the Department of Defense. This included a $45.3 billion appropriation for the ongoing U.S. military operations in Afghanistan and Iraq.

I am pleased that this bill helps keep our faith to our service members by providing them with a much needed pay increase. It authorizes a 3.1 percent across-the-board pay raise for our active duty and reserve troops. This is the seventh consecutive year that Congress has provided a pay raise for our men and women in uniform. This will help to reduce the pay gap between average military and civilian pay.

I am glad that this bill does not fund the Robust Nuclear Earth Penetrator. While I understand the threat that certain underground bunkers or facilities may pose, creating these weapons would only serve to undermine our global counterproliferation goals. Moving forward with a new generation of nuclear weapons would send a simple message to Iran, North Korea and other emerging or potential nuclear-armed states: "We want new nuclear weapons, and you should, too." I am glad this program has thus far been rejected and I will continue to oppose any efforts to fund it.

The bill also provides $416 million for the Cooperative Threat Reduction program, to help prevent the nuclear weapons of the former Soviet Union from falling into the hands of terrorists or others who would wish to do us harm. I am pleased that we are providing more than we did last year for this important program, but we have a lot of work remaining to do, and I regret that we did not provide more money to help secure, dismantle and eliminate WMD's and WMD facilities.

I am glad that after three years, we have finally started to fund the ongoing operation in Iraq and Afghanistan through the normal legislative process. I believe we should not be funding military operations that are foreseen through emergency supplemental appropriations, as we have done in the past. We have soldiers in the field, and we know that we'll be continuing military operations against al Qaeda and its surrogates for the foreseeable future. The bridge funding provided for Iraq and Afghanistan in this bill recognizes this.

I am, however, concerned by some of the provisions contained within this bill.

First, I am deeply troubled that this bill again contains funding for missile defense. Under this bill, $7.6 billion would be appropriated for ballistic-missile defense programs within the Missile Defense Agency. The total includes funding for the initial deployment of a national missile-defense system based in Alaska and California. Not only has this program continually failed to work even under less-than-real-world test scenarios, but it is a dangerous system that could jeopardize our national security.

While I support providing our troops in harm's way with the best equipment possible, I am troubled by the ever increasing human toll the Iraq war is inflicting on our nation. Last week, some of my colleagues on both sides of the aisle introduced legislation calling for the withdrawal of American forces, and a clear majority of Americans understand that things are badly off track in Iraq.

Indeed, there is good reason to believe that the centerpiece of the Bush administration's exit strategy for Iraq—the program to train and equip the Iraqi security forces to take over the domestic security mission from our troops—is in grave peril.

Mr. EHLERS. Mr. Chairman, I rise to make a statement regarding the importance of investing in fundamental research at the Department of Defense. This statement would have been offered as a colloquy, but unfortunately my flight was delayed and I was unable to participate in a colloquy with the distinguished Chairman of the Subcommittee on Defense.

Scientific research and development forms the foundation of increased innovation, economic vitality and national security. In 2001, the Hart-Rudman Commission concluded that, ". . . the inadequacies of our systems of research and education pose a greater threat to U.S. national security over the next quarter century than any potential conventional war that we might imagine."

While our focus on immediate national security threats is certainly warranted, it is necessary for us also to consider longer-term threats. Basic research is essential to advances in medicine, military applications and continued economic prosperity. In fact, the development of cancer therapies, global positioning system (GPS), laser-guided missiles, and the Internet are all products of DOD fundamental research endeavors. Who could have imagined that physicists' experimentation with the atomic clock in the 1950s and 1960s would provide the foundation for a technology that allows any soldier to know his precise location no matter where he or she is on this planet? The diversity of the basic science research portfolio ensures discoveries that lay the foundation for advances in defense. As a Nation, we cannot afford to starve basic science research.

Historically, a fifth of DOD basic and applied research has been performed by universities and colleges. This year, we see a continuing disturbing trend of cutting the fundamental research budget at DOD in favor of focusing funds toward more applications-oriented research, or away from research altogether and shifting toward development. I recognize that this committee worked to restore many of the proposed cuts to these areas, and sincerely appreciate those efforts. However, we are still faced with a 4 percent reduction in our fundamental research budget at DOD. We can't expect to defend our nation twenty or fifty years from now if we focus only on the needs of today. We have to prepare for the future, and that investment takes place through university partnerships.

I hope that in the event that any additional funds may become available in the future, that the Committee and Chairman would be willing to examine the possibility of devoting such funds to the basic research budget. I believe the support in these areas must remain strong to foster new ideas generated by the unique intellectual resources of our universities and colleges.

Ms. DEGETTE. Mr. Chairman, despite its claims to the contrary, the Bush Administration continues to be dishonest with the American people about the situation in Iraq. First, it leads our country into war with Iraq under false pretenses—a war that has already cost more than 1,700 American lives and thousands more Iraqi lives. The Administration then refuses to admit that it does not have a viable plan to win the peace in Iraq and possesses no strategy for a withdrawal of United States troops. And most recently, while the President campaigns as a so-called "War President," he refuses to request funding for military operations in Iraq in his own budget, instead funding it through the emergency appropriations process, a tactic that allows the President to keep the high costs of war out of his budget.

Although today Congress has the opportunity to insert some much-needed accountability into the funding process, it will—like it has so many other times—function as a rubber stamp and approve another large funding bill—$45 billion—for Iraq without demanding answers from the Administration. Once this is approved, total funding for the military operations in Iraq and Afghanistan will reach a mind-boggling $322 billion. And this certainly won't be the last of it. In fact, at current expenditure rates, the $45 billion will only cover the first six months of 2006, which means that Congress will be forced to approve tens of billions more in funding for Iraq in a matter of months.

I believe it is critical that our country properly fund the operations in Iraq to ensure that our soldiers in the field have the equipment, munitions and protection they need and the benefits they so rightfully deserve when they return home. The majority of the $45 billion will go directly to support our troops in the form of equipment, body armor, increased pay and improved benefits for them and their families. While I will vote for this $45 billion funding package, I am concerned that the Majority in Congress has once again rebuffed efforts to require the Administration to be honest with the people about the situation in Iraq. To date, despite repeated requests from members of Congress, the Administration refuses to provide any sort of timeline for the withdrawal of United States troops, will not account for much of the current funding to Iraq, and resists coming clean about the full cost of future military efforts in Iraq.

At the same time the Administration and the Republican Majority in Congress unabashedly spend billions of dollars in Iraq without question, they make cuts to crucial domestic programs in the name of fiscal responsibility—cuts, which compared to the budget for Iraq, have a negligible impact on our country's deficit. In fact, funding for this misguided war so significantly dwarfs funding for domestic programs that if we were to take just a fraction of this spending package for Iraq, we could fully fund No Child Left Behind, the Small Business Administration loan program, Head Start, Medicaid, and numerous other programs that make a daily difference in the lives of Americans.

I find it truly ironic that Congress will spend a good portion of this week discussing the alleged lack of accountability at the United Nations, but refuses to acknowledge the abrogation of all accountability and responsibility that has been allowed to occur for too long in its own backyard—at 16th and Pennsylvania. It is time that the Administration owns up to the situation it has needlessly thrust our country in—it needs to formulate and disseminate a strategy for an eventual U.S. withdrawal from Iraq and must be upfront with Congress and the American people about the future costs of military operations in Iraq.

Mr. DEAL of Georgia. Mr. Chairman, I commend the following comments and questions, posed by the National League of Families of American Prisoners and Missing in Southeast Asia, to my colleagues as they consider relations between the aforementioned organization and the Defense POW/Missing Persons Office. I also ask that you note my June 20, 2005 floor colloquy with Mr. YOUNG on this subject.

CONGRESSIONAL REQUESTS

Prime Minister of Vietnam is visiting the U.S. June 21. The focus seems to be on economics, trade and religious rights. What about accountability?

1. Vietnam is NOT cooperating in "full faith". We have never had access to the Central Highlands since the War was over where hundreds of our Americans are Missing—no chance to interview witnesses who are dying who might have valuable information on crash and grave sights plus documents.

2. Two U.S. war ships have been allowed to come into Vietnamese ports but never a salvage ship that could recover remains from known crash sights off the coast. We have offered to make this an educational venture but denied access.

Accountability should be a priority especially in a time of war—not just rhetoric but action. The families should be treated with respect.

Why does Jerry Jennings, head of the Defense POW/MIA Office still have a job? He has been under investigation for sexual harassment and hostile environment charges by his staff + alleged misappropriation of government funds. He has tried for over a year to undermine the family organizations. Three groups have released a vote of No Confidence in Jerry and his leadership staffers.

The league is very concerned over policy being pursued by the office assigned the responsibility within the Defense Department, headed by DASD Jerry Jennings.

The President in 2002 and Secretary of State in 2004 defined criteria expected of Vietnam, namely unilateral actions that Vietnam should take to be fully cooperative, including on cases of Americans missing in Laos and Cambodia controlled by Vietnamese forces during the war.

These pertain to unilateral provision of relevant archival records from ALL ministries and unilateral repatriation of remains that can't be recovered in the field with joint operations, for example Last Known Alive (LKA) cases where Americans were captured on alive on the ground in immediate proximity to hostile forces.

If dead, their remains should be readily available to the Vietnamese, but could be sensitive in view of the many years withheld on manner of death, readily determined by the experts at CIL.

We'd appreciate your reading this "End-of-Year Policy Assessment," prepared at our request by our Policy Adviser Richard Childress, a retired U.S. Army COL who served on President Reagan's NSC staff as Director Political Military, then Director for Asian Affairs from 1981—1989

League is not interested re-fighting the war or placing blame; we just want answers for the families, not recriminations, on all possible cases, and we base our expectations on USG intelligence and logic.

We're also deeply concerned over Mr. Jennings' handling of the U.S.-Russia Joint Commission on POW/MIA Affairs, a presidential commission that has been reduced in stature and effectiveness, despite having extremely talented staff within DPMO, the Joint Commission Support Directorate, or JCSD.

The league has great confidence in JCSD's abilities, plus has been working hard to get active Senate and House replacements for vacancies or positions held by inactive Members of the House and Senate.

We just succeeded in convincing Senator Saxby Chambliss to accept the Senate Republican position, but the Democrat Senator position is held by Senator John Kerry who has not participated at all in plenary or internal U.S. sessions.

The House Democrat position is held by Rep. Lane Evans, but we understand his tragic illness impeded active participation, and we need active committed Members to signal the Russians that the U.S. is serious.

Recently, Mr. Jennings' was reportedly appointed by the White House to assume the role of U.S. Chairman, an appointment that is too low level and without the prestige required for the Russian Government to take it seriously; they stated this fact to U.S. officials.

Mr. Jennings was the Commissioner representing DOD, and that was fine, but he is not the appropriate level to be a Presidential Envoy serving as U.S. Chairman; thus, we also oppose him in this second position.

The League has received countless complaints from DPMO staff members and we are VERY concerned about internal disruption, even implosion, of this organization that would not exist if were not for the League's efforts over the years that raised the priority.

We've been informed that there are at least six official complaints against Mr. Jennings for hostile workplace environment, including one for sexual harassment, that are now under investigation by the DOD Inspector General's office.

Our Executive Director Ann Mills Griffiths was interviewed a couple of weeks ago, and the Chairman of the Korea/Cold War Families of the Missing was reportedly being called today; we strongly oppose Mr. Jennings continuing as DPMO Director, his third position.

Our objections to Mr. Jennings are focused 1st on policy weaknesses and the manner in which he develops policy without substantive interagency integration and dismisses Vietnam's ability to provide answers, 2nd on his hostility toward the families, and 3rd his attempts to take total control of our annual meetings AND operations of the Joint POW/MIA Accounting Command and all DOD-related organizations.

Mr. Jennings plan is increasing DPMO control over operations, and he has several senior personnel assigned to this task, already having published an innocuous-sounding Strategic Plan, but the real agenda is fussy in its portrayal.

Close attention by Congress is his greatest fear, as careful scrutiny would reveal greater intrusion into operations, inappropriate behavior toward DPMO staff and employees, mismanagement of tax-payer funds allocated for the POW/MIA accounting effort, implementing plans to circumvent GS guidelines and attempts to subvert the League and other nonprofit, humanitarian organizations.

Our Board of Directors unanimously voted NO CONFIDENCE in DASD Jennings and the current leadership of DPMO; we are joined by unanimous vote of the Korea/Cold War Families of the Missing Board of Directors, headed by Irene Mandra, New York.

Both have provided our separate views to Dep. Sec. of Defense Paul Wolfowitz and Assistant Secretary, International Security Affairs, Peter Rodman, as has The Chosin Few, the organization of Korean War veterans who survived the horrible battles at the Chosin Reservoir; their vote was straightforward—to seek Mr. Jennings' removal.

DPMO staff were directed to revise their charter documents to ensure that DPMO is the sole USG organization to negotiate with foreign governments, speak to Congress, the media, the veterans' community and the families on the issue, take control of all field operations worldwide, and to find a way to control and take over all annual meetings of POW/MIA families.

They cite one provision of the DOD regulations pertaining to the ethics code to back their plan to take control of the League's annual meetings, but ignore the provision that allows all DoD elements to respond to invitations to participate in non-government conferences and events, as they routinely do for the Legion, VFW, DAV and countless other community groups, never seeking to control them, or their agenda and program.

In S. 1245/H.R. 2996, the Defense Authorization Bill of 1983, Congress amended 157 of title 10, U.S. Code, to "authorize the Sec. of Defense to provide transportation for next-of-kin of certain persons who are unaccounted for to attend annual national meetings sponsored by the National League of Families of American Prisoners and Missing in Southeast Asia.

That authorization was amended by the 107th Congress to include the Korea/Cold War families by noting families of American military and certain civilians unaccounted for since the end of World War II, are entitled to DOD transportation to attend the annual meetings (plural).

When we raised this to Assistant Secretary for International Security Affairs Peter Rodman, Mr. Jennings, who had joined the meeting, stated that "Congressional intent is irrelevant."

For the past year, the League has endured repeated attempts by Mr. Jennings and his immediate front-office staff to take total control of our annual meetings, not only the agenda during which the briefings are presented, but even selecting the hotel, setting the date, and holding Congressionally-authorized transportation as leverage to force the League to accede to DPMO's demands.

Mr. Jennings has now gone too far, insisting on total control, contracted with another hotel in Crystal City, set the date one day earlier, has distributed his plan to all Vietnam War POW/MIA families and given instructions to the Military Services about transportation.

For the good of the issue and our system of checks and balances, as well as unity in pursuing answers from what are mostly communist-controlled countries, Mr. Jennings' control mentality must stop.

The League and the Korea/Cold War Families of the Missing have called for his removal, or resignation, in the best interest of the issue, the families and the USG, particularly DPMO employees, but also JPAC and other operational organizations and the Military Service Casualty Offices.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of this legislation.

The Defense Appropriations bill for fiscal year 2006 funds our military operations in Iraq and Afghanistan, among many other things. It is very similar to the Defense Authorization bill that I supported in the Armed Services Committee and on the House floor.

In general, the bill fully funds military pay, benefits, the pay raise for the base force, and all military readiness programs, including all requested increases for Special Operations Forces.

The bill also includes $45.3 billion of unrequested emergency supplemental funding (the "bridge fund") to cover contingency operations and personnel costs during the first six months of the fiscal year that begins on October 1st. This comes on the heels of the $75.9 billion FY05 supplemental funding bill that the Congress passed only a month ago.

I think this is realistic and necessary, because we must support our men and women in uniform, but I also believe the administration must begin to take responsibility for the full cost of the war in Iraq and consider these costs through the regular appropriations process. There is no "emergency" here—we know that since this bridge fund would take us only halfway through FY06, we should be expecting another request of about $40 billion before the year is over. The American people deserve greater candor from the administration about both the predictable costs as well as the anticipated benefits of our undertakings in Iraq and Afghanistan.

Once this bill is signed into law, defense spending in FY06 will total about 55 percent of the entire Federal discretionary budget. Overall defense spending, in real terms, will be more than 20 percent higher than the average Cold War budget. The administration needs to clearly recognize these realities and be open with the American people about its spending priorities.

I want to briefly discuss a few other specific parts of the bill.

I am pleased that the bill does not include funding for earth-penetrating nuclear weapons, which a recent National Academy of Sciences report found would destroy military targets underground but also cause massive casualties above ground. The bill strikes a compromise, providing $4 million for the Air Force for work on a conventional (non-nuclear) version of the bunker buster.

Importantly, it also includes cost-containment measures on a number of weapons systems that have yet to be fully funded. This is critical at a time when costs of our military operations in Iraq and Afghanistan are also increasing exponentially.

In the area of operation and maintenance, the bill provides important funding for added fuel costs and body armor, and $147 million for Army National Guard recruiting. The measure contains $2.9 billion for various procurement accounts, including $170 million for uparmored Humvees, $20 million for bolt-on armor kits for trucks, and $35 million for roadside bomb jammers.

The bill also provides $8 billion in extra funding for military personnel accounts, including funds for incremental wartime costs of pays and allowances for active-duty and reserve personnel, for recruiting and retention, and for an expanded death gratuity.

I am pleased that the Appropriations Committee accepted and the House approved an amendment on the floor to lift the $500 million cap in the bill on training the Iraqi National Army. Since the timing of the draw-down of U.S. forces is linked to the ability of Iraqi troops to defend themselves and their country, we shouldn't impose an arbitrary limit on this funding.

I am also pleased that the bill provides the president's request of $416 million for the Cooperative Threat Reduction program, known as CTR or Nunn-Lugar, to assist in the denuclearization and demilitarization of the states of the former Soviet Union. The total is $6 million more than the current level.

Finally, I would like to comment on amendments offered by Representatives DUNCAN HUNTER and DAVID OBEY.

As it came to the floor, the bill included language approved by the full Appropriations committee expressing the sense of Congress that the expression of personal religious faith is welcome in the U.S. military, "but coercive and abusive religious proselytizing at the U.S. Air Force Academy by officers assigned to duty at the academy. . . . as has been reported, is inconsistent with the professionalism and standards required of those who serve at the academy." The bill directed the Air Force to develop a plan to ensure that the academy maintains a climate free from coercive religious intimidation and inappropriate proselytizing.

As a Coloradan and a Member of the Armed Services Committee, I have been following this matter closely and have noted that Lt. Gen. John Rosa, the Academy's superintendent, has said that the problem is "something that keeps me awake at night," and estimated it will take 6 years to fix.

The good news is that several reviews of the situation at the Academy are underway, and a task force report is due this week. I am also appreciative that the Academy has already begun taking steps to address the issue by holding classes on religious tolerance. But it is important to remember that an unwillingness to tolerate other cultures and faiths is not only inconsistent with our constitutional principles, but detrimental to the mission of the Air Force and of the military in general. Our men and women in uniform need to work together to be successful, and can only inspire others to serve and serve well if they are able to demonstrate tolerance toward all.

Representative HUNTER's amendment removed the language calling for corrective action. His amendment appeared to downplay the seriousness of a problem that Air Force Academy officials themselves have acknowledged. In response, Representative OBEY offered an amendment that slightly revised the language adopted by the Appropriations Committee but retained its essential elements.

I voted for that Obey amendment, and regret that it was not approved and that the Hunter amendment prevailed. I hope that the Air Force does not make the mistake of concluding that adoption of the Hunter amendment means that they should lessen their efforts to respond to the problem they have identified.

Ms. KILPATRICK of Michigan. Mr. Chairman, I strongly disagree with the defense policy of the Bush Administration. While I disagree with the policy, I do not believe we should deprive our troops in the field and our military of the funds they need to protect our country.

Since 2003, Congress has appropriated almost $250 billion for the war efforts by passing supplemental appropriations bills in 2003, 2004 and 2005. U.S. spending in Iraq will be at least $75 billion to $80 billion this year and could approach $400 billion by 2006, according to Congressional Quarterly. This approaches the $406 billion cost of the Korean War. Last month we passed a fiscal year 2005 supplemental appropriation that totaled $82 billion, the second largest supplemental in history. Only one month has passed, and we find ourselves voting for another $45 billion for war funding for the first 6 months of the 2006 fiscal year.

Assuming the size of the U.S. military presence in Iraq and Afghanistan will remain at approximately the same level through 2006, the war costs will require another $40 to $45 billion. No money will be spent that is not directly related to the war. No money under the $45 billion supplemental portion of the bill will be spent on the Army's modularity initiative or to increase the permanent end strength of active duty forces.

I am a strong advocate for developing a plan for withdrawing U.S. forces from Iraq. We should keep in mind that the FY05 supplemental contained language that requires the Defense Department to provide Congress with a set of performance indicators and measures of stability and security in Iraq and a timetable for achieving these goals. The first report is due in July. We look forward to how DoD will define its strategies for success.

This bill is framed principally by our missions in Afghanistan and Iraq. In my judgment the forces we have on the ground in Operations Enduring Freedom and Iraqi Freedom are doing a fabulous job, but the size of our Army and Marine Corps is just too small to do the job we are asking them to do. I hope the funds in the bill will provide for that shortfall.

I support this bill in order to properly equip our troops with body armor, vehicle armor and other equipment to protect them from insurgent attacks. As much as I regret the War in Iraq, I cannot ignore the fact that we are a Nation at war. This bill recognizes and provides our troops with the tools they need to do their job.

Mr. MATHESON. Mr. Chairman, for the past few years, I have voted to redirect funding in support of smart bombs and other weapons that are actually usable against hardened, deeply buried targets. I'm pleased to see that this appropriations bill provides funding for conventional studies to defeat hard and deeply buried targets. I also understand that the funding provided within this bill for B2 bomber integration efforts is also intended for non-nuclear earth penetrators.

Last month, the National Academy of Sciences concluded that the use of a nuclear "bunker buster" would cause massive civilian causalities if used. That's assuming we can overcome serious design problems and assuming we can live with the consequences of putting U.S. troops in danger from radioactive fallout if we ever used an RNEP or a similar weapon.

In the past, Utahns suffering from cancer as a result of radioactive fallout exposure had to wait to receive compensation because federal funds ran out. It's wrong to spend precious dollars on unusable fantasy weapons that our military doesn't seem to need or want.

We live in an era when terrorism and national security concerns dominate the political landscape, as well they should. We should focus limited funding dollars on usable warheads that can actually make a difference in combating our enemies.

I have always been a strong supporter of the military and I'm well aware of the unconventional war we face against terrorists. However, the threats we face as a nation provide the best reason for Congress to fund only the best usable weaponry to support American soldiers.

Many of my colleagues in the House recognize the importance of this issue and they share my concerns about competing efforts in the Senate to fund RNEP. I hope that during conference negotiations on this bill, the conferees maintain this language.

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $24,357,895,000.

AMENDMENT NO. 9 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. Jackson-Lee of Texas:

On page 2, line 15, insert after the dollar amount the following: "(increased by $300,000,000)".

On page 3, line 2, insert after the dollar amount the following: "(increased by $250,000,000)".

On page 3, line 13, insert after the dollar amount the following: "(increased by $50,000,000)".

On page 4, line 2, insert after the dollar amount the following: "(increased by $250,000,000)".

On page 4, line 15, insert after the dollar amount the following: "(increased by $25,000,000)".

On page 5, line 3, insert after the dollar amount the following: "(increased by $25,000,000)".

On page 5, line 17, insert after the dollar amount the following: "(increased by $25,000,000)".

On page 6, line 5, insert after the dollar amount the following: "(increased by $25,000,000)".

On page 6, line 19, insert after the dollar amount the following: "(increased by $25,000,000)".

On page 7, line 8, insert after the dollar amount the following: "(increased by $25,000,000)".

On page 29, line 17, insert after the dollar amount the following: "(reduced by $2,000,000,000)".

Mr. YOUNG of Florida. Mr. Chairman, there is some confusion on which amendment this is. I reserve a point of order.

The Acting CHAIRMAN. The point of order is reserved.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would ask the Clerk to read a portion of the amendment because we know that there is no point of order on this, so if she could read so that I can understand the gentleman has the right one.

The Acting CHAIRMAN. Without objection, the Clerk will read the amendment.

There was no objection.

The Clerk proceeded to read the amendment.

□ 1415

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN (Mr. BOOZMAN). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me, first of all, acknowledge the gentleman from Florida (Mr. YOUNG), the chairman of the subcommittee; and the gentleman from Pennsylvania (Mr. MURTHA), ranking member, and thank them for their due diligence on behalf of the United States military. Though there have been those who have tried to divide our commitment to the personnel of the United States military, it is very clear, Mr. Chairman, that we are united as Americans, as Members of Congress, local elected officials and families and supporters on behalf of our military.

As I flew in today, I watched a number of our returning military arrive at their destination and be embraced by their family members. Besides acknowledging the love extended, I thought about the commitment that we owe to those families. And so I bring to the attention the headline in my newspaper "Troops' Best Gift: Family Support" of the Sunday Chronicle, and I would say that the best gift we can give to those families is the compensation of our particular personnel.

I rise today to offer the amendment to the Defense appropriation which would increase military pay raises by an additional $1 billion overall. This amendment would have been necessary in order to better compensate our brave men and women who are fighting for our Nation. The appropriation provides an average 3.1 percent pay increase for military personnel, equal to the President's request and extends certain special pay and bonuses for reserve personnel. Our men and women in the Armed Forces deserve these pay increases, but the simple truth is that they deserve much more for the sacrifice that they are making for our Nation. This amendment would result in funds for military pay increases of $300 million for the Army, $250 million for the Navy, $50 million for Marine Corps, $250 million for Air Force, $25 million for Army Reserves, $25 million for Navy Reserves, $25 million for Marine Corps Reserves, $25 million for Air Force Reserves, $25 million for Army National Guard, and $25 million for Air Force National Guard personnel. The Congressional Budget Office has declared that this amendment not only does not increase revenues in this bill, but actually decreases outlays by $215 million.

The offset for this amendment would come from missile defense programs, which are appropriated at a staggering $7.9 billion. Missile defense systems are not new. In fact, they have been discussed for decades. The truth is that missile defense systems have proven to be overly complex, unreliable, and often been little more than a pipe dream. I believe our military personnel deserve our first priority, affection, admiration, and love. And I frankly believe we owe this to their families, the many thousands that are in Texas, reservists, National Guard, and enlisted and active duty. Why in good conscience in this time of budget constraints and increased need would we allocate even more money for these failed programs?

This amendment does not end research for the missile defense program. It simply pares it down to a more reasonable number in order to pay for the best defense system in our entire military system: our American troops.

Missile defense systems are great in theory. They were especially important during the Cold War, but now, in fact, the world has changed. In fact, the war is considered the war on terrorism. I hope we will never forget the sacrifices of our troops made on behalf of all of us. Right now there are 136,000 U.S. troops in Iraq, 34,000 soldiers in Kuwait, and 9,600 personnel in Afghanistan.

So I would ask any colleagues to consider paying tribute to these soldiers by considering an amendment in this category.

I rise today to support my amendment to this Defense Appropriation bill, which would increase military pay raises by an additional $1 billion overall. This amendment is necessary in order to better compensate our brave men and women who are fighting for our Nation abroad. This appropriation provides an average 3.1 percent pay increase for military personnel in fiscal year 2006, equal to the President's request, and extends certain special pay and bonuses for reserve personnel. Our men and women in the Armed Forces deserve these pay increases, but the simple truth is tha they deserve much more for the sacrifice they are making for our Nation abroad. This amendment would result in funds for military pay increases of $300 million for Army, $250 million for Navy, $50 million for Marine Corps, $250 million for Air Force, $25 million for Army Reserves, $25 million for Navy Reserves, $25 million for Marine Corps Reserves, $25 million for Air Force Reserves, $25 million for Army National Guard, and $25 million for Air Force National Guard personnel. The Congressional Budget Office has declared that this amendment not only does not increase revenues in this bill, but actually decreases outlays by $215 million.

The offset for this amendment would come from missile-defense programs, which are appropriated at a staggering $7.9 billion. Missile defense systems are not new; in fact they have been discussed for decades. The truth is that missile defense systems have proven to be overly complex, unreliable, and often been little more than a pipe dream. Why in good conscience, in this time of budget constraints and increased need, would we allocate even more money for these failed programs? This amendment does not end research for missile-defense programs it simply pares it down to a more reasonable number in order to pay more for the best defense system in our entire military system: our American troops. Missile-defense systems are great in theory, they were especially important during the Cold War, but now the world has changed and we need troops more than we need overly complex defense systems that may never work.

I hope we never forget the sacrifices our troops make on behalf of all of us. Right now there are 136,000 U.S. troops in Iraq, 34,000 soldiers in Kuwait, and 9,600 personnel in Afghanistan. I hear people in Washington complaining about how hot its been recently, just imagine how uncomfortable our Armed Forces feel, they have to suffer the heat under their Kevlar helmets and heavy bulletproof vests. They can't sit inside and enjoy themselves, these days they are on constant high alert because of the Iraqi insurgency. Just last week a roadside bomb blast killed five U.S. Marines who were riding in a vehicle during a combat operation near Ramadi. The facts are plain, a total of 1,713 Americans including 159 people from Texas alone have lost their lives since this war in Iraq began and more than 12,000 have been wounded in action and yet we play politics with giving them due compensation?

This amendment is about our national defense, we are only as strong as our men and women in the Armed Forces. In the end, this amendment is about shifting some money from a defense system that may never work to a group of Americans who have never stopped working for this Nation.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment.

I would hope that the gentlewoman would withdraw this amendment. We have worked so hard to balance this out. And I understand her sentiments, and we appreciate that, but I would hope that we could take a look at this in conference.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, as the gentleman knows, I have spoken to him about this amendment, and staff. I have reviewed what we have done in the appropriations, and I am prepared today to withdraw the amendment. I am appreciative of the fact that he is willing to work with me in conference. I think that this is a tough job, but I also know that we all believe in our personnel.

So with the commitment to be able to work with the conferees or to work through this process. I know that the commitment of the gentleman from Florida (Mr. YOUNG) and the gentleman from Pennsylvania (Mr. MURTHA), I am willing and would like to be able to work with them.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would say to the gentlewoman that we are willing to work with her as we go to the conference, and in view of her willingness to withdraw the amendment, I withdraw my point of order that I reserved.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. HUNTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first I would like to add my words of thanks and praise to the gentleman from Florida (Mr. YOUNG) for his great leadership in making our Nation's defense strong and secure and extend that praise also to the gentleman from Pennsylvania (Mr. MURTHA), who does such a wonderful job on this Defense Subcommittee.

I rise for the purpose now of engaging in a colloquy with the gentleman from Florida (Mr. YOUNG), chairman of the Defense Subcommittee of the Committee on Appropriations, regarding the penetrator study for Hard and Deeply Buried Target defeat authorized in the fiscal year 2006 National Defense Authorization bill passed by the House last month.

Mr. Chairman, during hearings and briefings in support of the fiscal year 2006 budget request, the House Committee on Armed Services heard from General Cartwright, Commander United States Strategic Command, and Secretary Rumsfeld, on the importance of exploring all options for holding Hard and Deeply Buried Targets at risk. The United States currently does not have any viable options to put at risk many of these targets which may contain chemical, biological, nuclear, or command and control capabilities. And, very simply, the people who would pull the trigger on a military operation are typically those, the leadership people, who would go to the bunkers. And it is very important to deter those people, and sometimes that means having the ability to reach them with a deep bunker penetrator.

Both General Cartwright and Secretary Rumsfeld felt that it was important to explore all options, conventional as well as nuclear, against these targets that pose a threat to our national security.

Mr. Chairman, I strongly agree with that. As the gentleman knows, the House Committee on Armed Services mark recommended in the fiscal year 2006 National Defense Authorization bill, H.R. 1815, authorized $4 million within the Department of Defense for research into various options of penetrators that could hold Hard and Deeply Buried Targets at risk.

The fiscal year 2006 budget requested funds for only a nuclear penetrator option under the Department of Energy. In order to explore all options and specifically to include conventional in addition to nuclear options, the defense authorization bill moves this penetrator study from the Department of Energy to the Department of Defense, broadens its scope to include both the conventional and nuclear penetrator options, and authorizes $4 million for the study.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I understand that the authorizing committee intended that this penetrator study include exploring the feasibility of various options for penetrators that could hold Hard and Deeply Buried Targets at risk, and as we all know, there are many of those. As the gentleman knows, H.R. 2683 would appropriate $4 million for a study. We want to work with the gentleman from California (Chairman HUNTER), the very strong leader of the authorizing committee, and his colleagues and our colleagues to do our best to reflect the understandings and intent of the Committee on Armed Services on this matter as we move forward to conference with the Senate Appropriations Committee on this legislation.

In that regard, I pledge to continue to work closely with the gentleman from California on this issue and many others in the weeks ahead, and I thank him for clarifying the intent of the Committee on Armed Services, which he so ably chairs.

Mr. HUNTER. Mr. Chairman, reclaiming my time, I want to thank the gentleman and thank the ranking member for their commitment to work with us on this matter and all matters of national security and we appreciate their dedication.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Military Personnel, Navy

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $19,417,696,000.

Military Personnel, Marine Corps

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $7,839,813,000.

Military Personnel, Air Force

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $20,083,037,000.

Reserve Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,862,103,000.

Reserve Personnel, Navy

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,486,061,000.

Reserve Personnel, Marine Corps

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $472,392,000.

Reserve Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,225,360,000.

National Guard Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,359,704,000.

National Guard Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,028,215,000.

TITLE II

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $22,432,727,000: *Provided*, That of funds made available under this heading, $2,500,000 shall be available for Fort Baker, in accordance with the terms and conditions as provided under the heading "Operation and Maintenance, Army", in Public Law 107–117.

Operation and Maintenance, Navy

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $6,003,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $28,719,818,000.

Operation and Maintenance, Marine Corps

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $3,123,766,000.

Operation and Maintenance, Air Force

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $28,659,373,000.

Operation and Maintenance, Defense-Wide

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $18,323,516,000: *Provided*, That not more than $25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code, and of which not to exceed $40,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That notwithstanding any other provision of law, of the funds provided in this Act for Civil Military programs under this heading, $500,000 shall be available for a grant for Outdoor Odyssey, Roaring Run, Pennsylvania, to support the Youth Development and Leadership program and Department of Defense STARBASE program: *Provided further*, That of the funds made available under this heading, $5,000,000 is available for contractor support to coordinate a wind test demonstration project on an Air Force installation using wind turbines manufactured in the United

States that are new to the United States market and to execute the renewable energy purchasing plan: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,791,212,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,178,607,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $199,929,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,465,122,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $4,142,875,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $4,547,515,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, $20,000,000, to remain available until expended: *Provided*, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title; procurement accounts; research, development, test and evaluation accounts; and to working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $11,236,000, of which not to exceed $5,000 may be used for official representation purposes.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2557, and 2561 of title 10, United States Code), $61,546,000, to remain available until September 30, 2007.

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $415,549,000, to remain available until September 30, 2008.

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SPRATT:

Page 15, line 12, after the dollar amount insert the following: "(increased by $83,900,000)".

Page 29, line 17, after the dollar amount insert the following: "(reduced by $83,900,000)".

Mr. SPRATT. Mr. Chairman, before mentioning my amendment, let me also commend the gentleman from Florida (Mr. YOUNG) and the gentleman from Pennsylvania (Mr. MURTHA), the chairman of the subcommittee and the ranking member. There are not two Members of the House for whom I have greater respect. This is a good bill. I intend to support it. But I have an amendment which I think will make it a better bill.

My amendment is simple and it is straightforward. It would take $84 million in funding for missile defense that is not needed and add it to an area where it is woefully in need, to the nonproliferation of nuclear weapons and nuclear materials.

Everyone here remembers the first debate between Senator KERRY and President Bush last year. They agreed on one thing for sure, that the gravest threat facing the United States is that of terrorists armed with nuclear weapons. Our front line in the defense of this threat is variously called Cooperative Threat Reduction, nonproliferation, or Nunn-Lugar. Whatever we call it, its object is to stop, secure, and dispose of nuclear weapons and nuclear materials at the source if at all possible.

I referred to the President. Just this past February, he met with the President of the Russian Federation, and together they cited the fact that nuclear nonproliferation is a matter of compelling importance for both countries. Five years ago we appointed a bipartisan commission headed by Howard Baker and Lloyd Cutler. They came back after 1½ years of lengthy study and recommended to us that we take these accounts dealing with nonproliferation of nuclear weapons and increase them to $3 billion over the next 10 years.

□ 1430

Here is how they sized up the threat 4 years ago: "The most urgent, unmet national security threat to the United

States today is the danger that weapons of mass destruction or weapons-usable materials in Russia could be stolen and sold to terrorists or hostile nation states and used against American troops abroad or citizens at home."

That was 4 years ago. And DOD's nonproliferation budget, together with the DOE budget and the State Department budget today, all together come to $1.9 billion, way short of what was recommended 4 years ago by Howard Baker and Lloyd Cutler.

The DOD program called Cooperative Threat Reduction, CTR, Nunn-Lugar, was launched in 1991 to secure, to deactivate, to dispose of weapons of mass destruction in the former Soviet Union and in other countries. Since then, it has racked up quite a scorecard. Since 1991, the CTR program has deactivated 6,564 warheads, destroyed 570 ICBMs, eliminated 543 SLBMs, retired 142 bombers, and I could go on with a host of other potentially threatening missile and nuclear components which this program has eliminated.

Despite these successes, the CTR program has been virtually flat-funded since its inception at around $400 million a year. This year, the budget request of $416 million falls $27.6 million below the level at which this program was funded on 9/11; $26 million less than 9/11.

My amendment makes a modest correction to this shortfall. It allocates an additional $84 million to Cooperative Threat Reduction to bring total funding to $500 million. It pluses up the CTR budget, allowing DOD, the Department of Defense, to do something it has urgently wanted to do: upgrade security at Russian weapons storage sites.

DOD has indicated that to get all of the upgrades needed at Russian sites, to secure nuclear weapons and nuclear components, it will need funding each year that is about $150 million more than the budget provides for the next 5 to 7 years. My amendment puts up about half of that shortfall.

We make this funding possible by an offset that I think we can all accept. My amendment reduces the Ground-Based Missile Defense budget by $84 million. Now, here is how it does it. It would do so by limiting the funding for silos at Fort Greely, Alaska, to 26 silos this year, and Vandenberg to four silos. In other words, my amendment would permit, would fund 30 ground-based GBIs and silos. The Missile Defense Agency is planning to provide 34 silos for the first 30 GBIs. The extra four silos are referred to as "swing space," additional, nice to have; but this is a cost, nearly $16 million, that we can avoid per silo that we can avoid for now and spend more wisely elsewhere. So my amendment does just that. It withholds funding for these four extra swing silos and saves $63 million.

The fiscal year 2006 budget also includes $20.7 million as an advanced payment on 10 additional silos, even though the chairman's mark cuts the funding for the missiles that would actually go in these silos. My amendment, therefore, eliminates this funding at least for 2006.

If the interceptors work, 30 silos should be sufficient for defense against a rogue nation like North Korea, and 30 silos should be sufficient for now for the ground-based interceptor until testing has finally shown that it works.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment, and I yield to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. In any event, let me suggest simply that we ask ourselves, which is a more likely threat, that we be attacked by ICBM with a return signature on it, or by some stealthy terrorist in the back of a paneled truck with some hidden device in Lower Manhattan or Los Angeles? I think the answer is obvious.

That is why I think our money is better spent putting it into nonproliferation to avoid that threat as opposed to putting more money on top of the $7.8 billion into ballistic missile defense.

Mr. MURTHA. Mr. Chairman, when I went down to Austin after the election, but before the inauguration, I said to President Bush, President-elect Bush, we should worry more about terrorism and nuclear nonproliferation than worry about missile defense.

But we worked out the best we can work out. I mean, we know they have not spent nearly the money they have, and I think the gentleman just stated that, I do not remember an exact amount, but I think it is only 1 or 2 percent of what we have already appropriated for nonproliferation.

So I would appreciate it if the gentleman would consider letting us work on it and seeing what we can do. But we are just about to the point where I do not think we can put any more money in that they will spend. If it looks like we can work out a deal where they are going to spend more money, then it would be well worth considering what the gentleman has in mind. But, as it is, I feel the same way; but we tried to work out a balance where we knew we could get a bill signed, and I think we have come pretty well where it is. But I still think we would be quite willing to work with him.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, there is $7.8 billion provided for this program, vastly more than any other program in the budget. We are shaving it at the edges and putting it into an area where I think we would all agree there is a critical threat and a real need.

Mr. MURTHA. Mr. Chairman, reclaiming my time, what I said when I went down to Austin is exactly what I am repeating now. We have to worry about nonproliferation and terrorism and not as much about missile defense. But I am saying, and the gentleman knows the bill we put together, we have to be realistic. So I am asking the gentleman to just desist and let us see what we can work out.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

I rise in opposition to the gentleman's amendment; and I do so reluctantly, because there are some interesting points that he makes. However, the program that his amendment would add money to already has $465 million in unobligated balances from prior year appropriations, so the money really is not needed; and we fully funded the President's request, which is millions over last year.

Now, where he would take the money from, again, we have already taken money from the Missile Defense Agency. We reduced funding for the agency in this fiscal year 2006 budget. The President's budget request itself was a reduction of over $1 billion from last fiscal year, and the committee recommendation trimmed that by another $143 million.

So we brought down the money that the gentleman's amendment would take away, and we have increased over last year the money that he would add it to.

So the amendment really is not necessary, and I think the committee has done a good job in having to very delicately balance the gives and the takes on these various accounts.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in favor of the amendment, and let me commend the gentleman from South Carolina (Mr. SPRATT) for his leadership in offering it, because he has been such a noted expert on this entire area, and I think that this is a step in the right direction.

As he has noted, in the very contentious Presidential debate, the two candidates agreed on one crucial thing. They agreed that the most dangerous threat facing our Nation was nuclear weapons in the hands of terrorists. Yet funding for the program to secure nuclear materials in the former Soviet Union does not reflect the magnitude of this threat.

The Department of Defense requested $415 million for the Cooperative Threat Reduction program this year, roughly the same as it was last year. The Spratt amendment would recognize we need to take this threat much more seriously by putting the resources into it that would allow us to secure more sites faster.

President Bush and President Putin have met in Bratislava; and last February, they pledged to further their cooperation on nuclear security by establishing a plan for security upgrades of nuclear facilities through and beyond 2008. Funding this amendment would help in that agreement.

The amendment does this without doing harm to our missile defense capability. The Spratt amendment will not affect the deployment of the 30 ground-based intercept missiles scheduled for 2006.

I have supported a strong ballistic missile defense system. I strongly believe that this amendment allows that capability to go forward, but I also believe that our ability to protect this Nation from terrorists wielding weapons of mass destruction is much stronger if we put all of our resources into it that we possibly can.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Spratt amendment to the defense appropriations bill.

This amendment, as he told us, will take $84 million from the missile defense program, the single largest defense program in our Nation's history, and add it to an area that we have neglected for far too long: nonproliferation.

The missile defense program has never been proven successful, but the nonproliferation programs have proven extremely successful.

In particular, we need to ramp up funds for the Cooperative Threat Reduction program, CTR. This successful nonproliferation program has succeeded at reducing the number of nuclear weapons in the states of the former Soviet Union. In November 1991, to address the massive quantity of nuclear material left over in the former Soviet Union as a result of ending the Cold War, Congress initiated Cooperative Threat Reduction, also known as the Nunn-Lugar program, which gives the Department of Defense the task of dismantling nuclear warheads, reducing nuclear stockpiles, and securing nuclear weapons and materials in the states of the former Soviet Union.

In 1991, an estimated 30,000 nuclear weapons existed throughout the former Soviet Union. These conditions raised the serious concern that nuclear materials could be smuggled beyond the borders of the former USSR. Fortunately, CTR was created to help secure these nuclear weapons. Under CTR, more than 20,000 Russian scientists, formerly tasked to create nuclear weapons, now work to dismantle them.

Since 1991, CTR has dismantled nearly 6,000 nuclear warheads, not to mention nearly 500 ballistic missiles, over 300 submarine-launched missiles, and nearly 500 missile silos. This program clearly works, and that is what we need to support it through the annual appropriations process. Unfortunately, CTR has been funded at the same level since its creation in 1991, about $400 million per year. The total amount we have spent on CTR equals around 1 year of spending on missile defense.

Unfortunately, this year's defense appropriations bill provides $27.6 million less for CTR than it did before September 11. So while the threat of nuclear terrorism has increased, our efforts to prevent it have diminished.

The smart response to this threat is to fund the peaceful Cooperative Threat Reduction, Nunn-Lugar, all the programs to reduce the world's supply of nuclear weapons, and not promote the aggressive and expensive missile defense programs which have never tested successfully. That is why I urge Members of this House to vote for the Spratt amendment which will take money out of the missile defense system and put it into the nonproliferation programs. In the long run, Americans will be far safer if Congress promotes and properly funds good nonproliferation initiatives like CTR.

I urge all of my colleagues to keep Americans and the world safe. Vote for the Spratt amendment.

Mr. SPRATT. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

There was no objection.

Mr. SPRATT. Mr. Chairman, as I understood the gentleman from Pennsylvania, my good friend (Mr. MURTHA), he is offering us a deal, namely, if we will withdraw the amendment, he will endeavor to raise nonproliferation to a level that is commensurate with the need, particularly for upgrading nuclear storage areas in the former Soviet Union. With that commitment to go to conference and try to improve the allocation within this bill for nonproliferation, with that understanding, I will withdraw my amendment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

PROCUREMENT

Aircraft Procurement, Army

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,879,380,000, to remain available for obligation until September 30, 2008, of which $203,500,000 shall be available for the Army National Guard and Army Reserve: *Provided*, That $75,000,000 of the funds provided in this paragraph are available only for the purpose of acquiring four (4) HH-60L medical evacuation variant Blackhawk helicopters for the C/1–159th Aviation Regiment (Army Reserve): *Provided further*, That three (3) UH–60 Blackhawk helicopters in addition to those referred to in the preceding proviso shall be available only for the C/1–159th Aviation Regiment (Army Reserve).

Missile Procurement, Army

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,239,350,000, to remain available for obligation until September 30, 2008, of which $150,000,000 shall be available for the Army National Guard and Army Reserve.

Procurement of Weapons and Tracked Combat Vehicles, Army

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,670,949,000, to remain available for obligation until September 30, 2008, of which $614,800,000 shall be available for the Army National Guard and Army Reserve.

Procurement of Ammunition, Army

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,753,152,000, to remain available for obligation until September 30, 2008, of which $119,000,000 shall be available for the Army National Guard and Army Reserve.

Other Procurement, Army

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,491,634,000, to remain available for obligation until September 30, 2008, of which $765,400,000 shall be available for the Army National Guard and Army Reserve.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $9,776,440,000, to remain available for obligation until September 30, 2008, of which $57,779,000 shall be available for the Navy Reserve and the Marine Corps Reserve.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $2,596,781,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $885,170,000, to remain available for obligation until September 30, 2008, of which $19,562,000 shall be available for the Navy Reserve and Marine Corps Reserve.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), $564,913,000;

Virginia Class Submarine, $1,637,698,000;

Virginia Class Submarine (AP), $763,786,000;

SSGN Conversion, $286,516,000;

CVN Refueling Overhauls, $1,300,000,000;

CVN Refueling Overhauls (AP), $20,000,000;

SSN Engineered Refueling Overhauls (AP), $39,524,000;

SSBN Engineered Refueling Overhauls, $230,193,000;

SSBN Engineered Refueling Overhauls (AP), $62,248,000;

DDG-51 Destroyer, $1,550,000,000;

DDG–51 Destroyer Modernization, $50,000,000;

Littoral Combat Ship, $440,000,000;

LHD-1, $197,769,000;

LPD–17, $1,344,741,000;

LHA-R (AP), $200,447,000;

Service Craft, $46,000,000;

LCAC Service Life Extension Program, $100,000,000;

Prior year shipbuilding costs, $394,523,000; and

Outfitting, post delivery, conversions, and first destination transportation, $385,000,000.

In all: $9,613,358,000, to remain available for obligation until September 30, 2010: *Provided*, That additional obligations may be incurred after September 30, 2010, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,461,196,000, to remain available for obligation until September 30, 2008, of which $43,712,000 shall be available for the Navy Reserve and Marine Corps Reserve.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,426,405,000, to remain available for obligation until September 30, 2008.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $12,424,298,000, to remain available for obligation until September 30, 2008, of which $380,000,000 shall be available for the Air National Guard and Air Force Reserve.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $5,062,949,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,031,907,000, to remain available for obligation until September 30, 2008, of which $164,800,000 shall be available for the Air National Guard and Air Force Reserve.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $13,737,214,000, to remain available for obligation until September 30, 2008, of which $135,800,000 shall be available for the Air National Guard and Air Force Reserve.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $2,728,130,000, to remain available for obligation until September 30, 2008.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $28,573,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,827,174,000, to remain available for obligation until September 30, 2007.

□ 1445

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

In title IV, under "Research, Development, Test, and Evaluation, Army", insert after the dollar amount the following: "(decreased by $10,000,000) (increased by $10,000,000)".

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, before the gentleman makes his statement, I would like to advise him that we have reviewed this amendment. And since you did make a change that was agreeable to both of us, we are prepared to accept this amendment at any time that you wish.

Mr. KUCINICH. Mr. Chairman, I want to thank the gentleman from Florida (Mr. YOUNG) very much and thank the ranking member, the gentleman from Pennsylvania (Mr. MURTHA) as well, and just to say briefly that this budget neutral amendment will improve the health of veterans past, present and future, by funding research on Gulf War Illnesses.

I am proud to do so with my colleagues, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Vermont (Mr. SANDERS). I want to thank both of the cosponsors for their commitment to veterans health.

Mr. Chairman, I would include for the RECORD my entire statement, along with statements of support from veterans groups.

Mr. Chairman, this budget-neutral amendment will improve the health of veterans past, present and future by funding research on Gulf War illnesses. I am proud to do so with my colleagues, Mr. SHAYS, and Mr. SANDERS. I thank both of the cosponsors for their commitment to veterans' health.

I would also like to point out that this amendment is endorsed by the American Legion, Paralyzed Veterans of America, the National Gulf War Resource Center, Vietnam Veterans of America, and Veterans of Foreign Wars.

Mr. Chairman, fourteen years after the 1990–1991 Gulf War, between 26 and 32 percent of those who served in that war continue to suffer from serious and persistent health problems—typically multiple symptoms that include severe headaches, memory problems, muscle and joint pain, severe gastrointestinal problems, respiratory problems, skin disorders and other problems. These conditions are often called "Gulf War illnesses" or Gulf War syndrome.

In the early years after the war, little was understood about this problem. In fact, many attributed the problems to stress or psychological trauma incurred on the battlefield. So in the late 1990's, Congress authorized a scientific research program and created a committee to advise the VA on how to prioritize that research. That committee, the Research Advisory Committee on Gulf War Veterans' illnesses, released their report last November. It had several landmark findings.

First, they determined that the existence of these serious and often debilitating problems could not be scientifically explained by stress or psychiatric illness.

Second, they noticed that we are starting to find that the veteran's are having problems with their neurological and immunological systems. For example, ALS or Lou Gehrig's disease, which is a rapidly progressive, fatal neuromuscular disease, occurs in Persian Gulf veterans with twice the frequency of peer veterans that were not deployed.

Third, they found that there are several possible causes of these diseases. A list of potential exposures demonstrates the complexity of what we are dealing with. A short list includes chemical weapons, biological weapons, drugs to protect from biological and chemical weapons, oil-well-fire smoke, pesticides, insect repellants, individual or multiple vaccines, and many, many more.

Fourth, the Committee found that this type of research is important not only for ill veterans, but for current military personnel and for homeland security. This research can prepare us to counter or treat chemical weapons exposures and tell us whether our existing countermeasures may do long term harm.

Finally, they found that there is still no effective treatment for those suffering from Gulf War illnesses.

The result of the collective findings of the VA report is this: Significant scientific progress has been made and more research is needed.

Our amendment earmarks $10 million out of the account called Army Research, Development, Test and Evaluation. The money would go to a research program administered by the Army Medical Research and Materiel Command in the DoD, for identifying the biological mechanisms behind the illnesses—particularly the neurological and immunological ones; the chronic disease effects; better diagnostic criteria for the illnesses; and identification of treatments. The MRMC will design a research plan for that purpose, relying heavily on the expertise outside DoD and the VA. It will be subject to peer review by experts, a significant number of which will be independent of DoD.

$10 million will have a large impact on veterans who rely on the government to take care of them after they have taken care of us.

I urge my colleagues to support the Kucinich-Shays-Sanders amendment. Vote "yes" to restore research funding for Gulf War Illnesses.

I wish to insert letters of support from Veteran's groups into the RECORD.

THE AMERICAN LEGION,
Washington, DC, June 13, 2005.

Hon. DENNIS J. KUCINICH,
U.S. House of Representatives, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE KUCINICH: On behalf of the 2.8 million members of The American Legion, I would like to offer full support of your proposed amendment to the Department of Defense (DOD) Appropriations Act for FY 2006, specifically designating $15 million for research on chronic illnesses affecting thousands of veterans of the 1991 Gulf War.

More than fourteen years have passed since the end of the first Gulf War and we have failed to identify effective treatments for ill Gulf War veterans. Lack of solid research identifying causes for these illnesses has also prevented a large number of ill veterans from receiving the service-related compensation they deserve.

Historically, DOD has provided over 75 percent of the funding for Gulf war-related research. Just as there is a real opportunity for breakthroughs, as highlighted in the September 2004 report of the Department of Veterans Affairs Research Advisory Committee on Gulf War Veterans' illnesses, your colleagues plan to eliminate funding for Gulf War illness research. Clearly, DOD has more expertise in this area and is able to fund the most promising researchers. Without question, this research has major national security implications against future threats to military forces and civilians. Recently, your colleagues cut $9 million from medical and prosthetics research in the Department of Veterans Affairs' FY 2006 appropriations—another fiscal blow to America's veterans.

Again, we appreciate your efforts on behalf of this nation's ill Gulf War veterans. Your amendment acknowledges, that while we are at war in the Middle East once again, there are still thousands of ill veterans from the first Gulf War waiting for answers, treatment, and cures—that must not be forgotten or simply ignored.

Sincerely,

STEVE ROBERTSON,
Director,
National Legislative Commission.

VIETNAM VETERANS OF AMERICA,
Washington, DC, June 15, 2005.

Hon. DENNIS KUCINICH,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN KUCINICH. Vietnam Veterans of America (VVA) strongly endorses your amendment to the Defense Appropriations bill which would mandate that $15 million of a $10.8 billion Army research account be dedicated to research on Gulf War illnesses.

Passage of this amendment, which we understand is being co-sponsored by Congressmen Chris Shays and Bernie Sanders, should go a long way toward identifying neurological and immunological abnormalities in many Gulf War veterans and the chronic health effects of exposure to these neurotoxic substances; and toward identifying promising treatments. Enactment of this amendment also would help fulfill one of the recommendations in the 2004 report of the VA Research Advisory Committee on Gulf War Veterans' Illnesses.

It is our collective obligation to do what we can to ease the physical and psychological burdens experienced by too many Gulf War veterans, who served our nation with honor and dignity. Additional research that might help them is long overdue.

Sincerely,

THOMAS H. COREY,
National President.

DEAR HONORABLE CONGRESSMAN DENNIS J. KUCINICH: Please let it be known to your fellow members of Congress that the Order of the Silver Rose, a 501(c)(3) Veterans Organization fully endorses the amendment that directs $15 million out of a $10.8 billion Army research account be dedicated to Gulf War illnesses research, in accordance and compliance with the VA Research Advisory Committee on Gulf War Veterans' illnesses recommendation in their 2004 report.

It is hoped that the appropriation for research on chronic illnesses affecting veterans of the 1991 Gulf War be used for a coherent research program focusing on:

(1) identification of mechanisms underlying Gulf War illnesses,

(2) chronic effects of neurotoxic substances to which veterans were exposed during deployment;

(3) studies that expand on earlier research identifying neurological and immunological abnormalities in ill Gulf War veterans;

(4) identification of promising treatments. The primary objective of the research program will be to elucidate pathophysiological mechanisms underlying Gulf War illnesses, which may subsequently be targeted to developing treatments for these conditions. A further objective will be to identify and evaluate treatments which currently exist and which hold promise for treating these illnesses.

The U.S. Army Medical Research and Materiel Command shall, in consultation with experienced research scientists in relevant fields, establish a list of research questions to address the above topics, and design a program of specific research studies that together constitute a coherent plan to answer these questions, each identified study to be conducted by the most qualified researcher, which may include consulted scientists. As part of this process, there shall be a public solicitation of research proposals (which may include concept exploration and pilot projects) on these questions and at least twenty-five percent of the program (measured by amount funded) shall be made up of proposals selected from this solicitation, as modified if necessary to increase the value of the proposed research to the overall program. At least twenty percent of the program (measured by amount funded) shall address the objective of identifying and evaluating promising existing treatments, such as observation and pilot studies. The program shall be submitted for determination of scientific merit through independent peer review."

Respectfully submitted,

NANCY REKOWSKI,
National Commander,
Order of the Silver Rose.

LANGUAGE FOR THE CONGRESSIONAL RECORD REGARDING THE KUCINICH-SHAYS-SANDERS AMENDMENT TO THE FY06 DEFENSE APPROPRIATIONS BILL FOR GULF WAR ILLNESSES RESEARCH FUNDING

"It is intended that the appropriation for research on chronic illnesses affecting veterans of the 1991 Gulf War be used for a coherent research program focusing on (1) identification of mechanisms underlying Gulf War illnesses, (2) chronic effects of neurotoxic substances to which veterans were exposed during deployment; (3) studies that expand on earlier research identifying neurological and immunological abnormalities in ill Gulf War veterans; and (4) identification of promising treatments. The primary objective of the research program will be to elucidate pathophysiological mechanisms underlying Gulf War illnesses, which may subsequently be targeted to developing treatments for these conditions. A further objective will be to identify and evaluate treatments which currently exist and which hold promise for treating these illnesses.

The U.S. Army Medical Research and Materiel Command shall, in consultation with experienced research scientists in relevant fields, establish a list of research questions to address the above topics, and design a program of specific research studies that together constitute a coherent plan to answer these questions, each identified study to be conducted by the most qualified researcher, which may include consulted scientists. As part of this process, there shall be a public solicitation of research proposals (which may include concept exploration and pilot projects) on these questions and at least twenty-five percent of the program (measured by amount funded) shall be made up of proposals selected from this solicitation, as modified if necessary to increase the value of the proposed research to the overall program. At least twenty percent of the program (measured by amount funded) shall address the objective of identifying and evaluating promising existing treatments, such as observation and pilot studies. The program shall be submitted for determination of scientific merit through independent peer review."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,481,862,000, to remain available for obligation until September 30, 2007: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $22,664,868,000, to remain available for obligation until September 30, 2007.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $19,514,530,000, to remain available for obligation until September 30, 2007.

AMENDMENT NO. 13 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Ms. JACKSON-LEE of Texas:

Page 29, line 17, after the dollar amount, insert the following: "(reduced by $500,000,000)".

Page 102, line 24, after the dollar amount, insert the following: "(increased by $500,000,000)".

Page 112, line 4, after the dollar amount, insert the following: "(increased by $500,000,000)".

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want you to know and my colleagues to know that I am trying to engage in discussions with the ranking member, the gentleman from Pennsylvania (Mr. MURTHA) and I have mentioned this one to the chairman.

I would like to have the opportunity to discuss, in a very lucid manner, my great concern, recognizing that we have tried to fund the support system for the Iraqi nationals.

It is well known, Mr. Chairman, that a number of us are concerned about the ongoing violence in Iraq and the front line, if you will, attacks and loss of life that our brave men and women are accumulating in Iraq and, of course, Afghanistan.

USA Today recounts for us that over the weekend, a bomb killed at least 23 in Baghdad. If you talk to families around America whose young men and women and Reservists and National Guard are over in Iraq and Afghanistan, their concern, of course, is the continued violence of the insurgents and the IEDs. Our soldiers are on the front lines.

And beyond the question of bringing our soldiers home, which the American people have gone enthusiastically on record for, recognizing the bravery of those young men and women, Reservists and National Guard, we have got to find a way to transition this war to Iraqis. In the Houston Chronicle, the headline reads: American sacrifices buying time for Iraqis.

So my amendment is simple—$500 million from the missile defense to go into the Iraqi Freedom Fund. Allow me to read this one anecdotal story, and I would ask my colleagues to listen, because I would like to work with you on this.

This is about Lieutenant Colonel Terrence Crowe, one of the highest ranked soldiers in the United States military. He was a senior U.S. military advisor to Iraqi forces, and he was ambushed while leading Iraqi soldiers on June 7.

Through the bravery of Sergeant First Class Gary Villaboso, who is now being recommended for a Silver Cross, this brave sergeant was able to drag, while fighting off alone, the Iraqi snipers, this brave wounded Lieutenant Colonel, Terrence Crowe, out of harm's way, at least to get him out.

He performed heroically in extricating the mortally wounded Crowe, while wiping out Iraqi attackers. The 17 Iraqi soldiers broke rank and fled the scene. We realize they may have been well-intentioned, but most of the 17 Iraqis in the patrol broke rank during the initial outbreak of the gunfire and faded from the street fight.

Villaboso, a fine soldier in his own right, did not want to condemn, and he said these words: He is unsure if Crowe, 44, who was hit instantly several times as the shooting began, could have survived if the Iraqis had effectively returned fire and swiftly evacuated the wounded officer.

But what he did say is, I think he would have been able to be helped, if we could have gotten him out in a few minutes instead of 15. Training, training, training and transition. This is a simple question and equation. We need to provide the resources, and I know the distinguished gentlemen have had a number of dollars that went out into the original authorization, and, of course, $500 million, I believe, that are in this particular appropriation.

But I ask my colleagues to consider, if we are going to move, we have got to move on behalf of our soldiers and provide the resources for the Iraqi nationals to serve our military personnel for Iraq.

Finally, my deepest respect and sympathy to the family of Lt. Colonel Terrence Crowe; and to Sgt. Villaboso, thank you for your commitment.

I rise today to support my Amendment to this Defense Appropriation bill, which increases funding for training the Iraqi National Army by $500 million. This Amendment would double the amount of money appropriated for training the Iraqi National Army within the Iraq Freedom Fund. In addition, it will reinforce the point that the best way to get U.S. troops out of Iraq is to train the Iraqi troops to take care of their own nation. Clearly, more money is needed to not only train these inexperienced troops to defeat the insurgency, but also to pay troops to enlist in this new army despite the obvious danger they face. At this time of increased danger for our troops, this Amendment reiterates the fact that we need to be transferring more responsibility upon the Iraqis to take care of their nation and develop a plan to remove our U.S. troops.

Just last week a roadside bomb blast killed five U.S. Marines who were riding in a vehicle during a combat operation near Ramadi. On this very same day a suicide bombing at a restaurant on an Iraqi military base killed 23 Iraqi soldiers and wounded 28 other people. Clearly, this war is not getting any easier; clearly our troops are still very much in danger. Our best solution is to train and supply the Iraqi National Army to beat back this insurgency and gain the trust of their people so that one day soon our troops can go home and the Iraqi National Army can bring peace and prosperity to Iraq. I know it sounds too simple, I but the truth is we have no other solution, that is unless you believe our U.S. troops should be in Iraq indefinitely. There is an old saying that the best offense is a good defense and the best way to maintain that posture is to have a strong Iraqi National Army supplementing the heroic effort of our troops.

The offset for this Amendment would come from missile-defense programs, which are appropriated at a staggering $17.9 billion. Missile defense systems are not new; in fact they have been talked about, researched and tested for decades. The sad truth is that missile defense systems have proven to be overly complex, unreliable, and often been little more than a pipe dream. Why in the world can't we shift a little bit of this money to train the Iraqi National Army and relieve much of the burden on our own troops? This Amendment does not end research for missile-defense programs it simply pares it down slightly to offer hope for the Iraqi people that one day soon they can rule their own nation.

The Congressional Budget Office has declared that this Amendment not only does not increase revenues in this bill, but actually decreases outlays by $30 million. Right now there are 136,000 U.S. troops in Iraq and their mission is not getting any easier. The facts are plain, a total of 1,713 Americans including 159 people from Texas alone have lost their lives since this War in Iraq began and more than 12,000 have been wounded in action. We must move to the obvious solution, that the Iraqi National Army must soon take over their own nation and provide for the protection of their people.

Mr. MURTHA. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, we have said for the last year and a half, if you remember I said a year ago, we are not going to be able to prevail unless we get the Iraqis to take over the fighting themselves.

Now, we put $5.7 billion in. I think we are going to consider a little bit later lifting the cap on the $500 million so it can be spent. So if the gentlewoman would withdraw this amendment, we will try to work this thing out. Because it is such a delicately balanced bill, if we go through a long harangue about something we are already trying to do; in other words, we put $5.7 billion in. We have $500 million in this bill. We just remove the limitation if the gentleman from Washington (Mr. INSLEE) prevails. I think that will solve your problem.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman. As you well know, I hopefully will have three bites of the apple of working with you on the military pay, and, of course, I did not offer the amendment dealing with armor, and I want to thank you for the work that has been done with providing our soldiers the armor.

Let me say that this is a passionate desire of many of my constituents, as well as the military families around America. I would very much like to, I hope I will have the opportunity, to work with the gentleman from Florida (Chairman YOUNG) as well.

I would very much like to be concretely, though not a member of your august body, the Committee on Appropriations, to at least try to get a slice, if we remove the cap, to increase the dollars, because leaving our soldiers bare like this, losing the senior advisor of the Iraqi forces is really devastating.

Mr. MURTHA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. MURTHA) for yielding.

Mr. Chairman, I would just hope that we can really focus on how we align the funds as well in training these Iraqi forces.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

I want to say to the gentlewoman that I agree with her and the gentleman from Pennsylvania (Mr. MURTHA) that it is extremely important that we prepare the Iraqi security forces to meet their own responsibilities so that we can bring our soldiers home.

That is in the forefront of what we are doing. But, we have delicately written this bill. And we will be very happy to work with gentlewoman as we go through the whole process. But, as I said earlier, we bring a bill that is $3.3 billion less than the President requested, and less than the budget resolution provided for. So we had to balance. And we are very happy to work with the gentlewoman, because we understand the importance of getting the Iraqis ready to provide for their own security.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, it is clear that I have joined a number of my colleagues in asking for soldiers to come home in the fall of 2006.

But I think the priority of my amendment, or at least the focus of my amendment today is, of course, the safety and security of our troops. I welcome both gentlemen. They are men of their word. I thank you very much. I would like to be able to pursue this with staff and with the committee. And I hope that the amendment of the gentleman from Washington (Mr. INSLEE) will be accepted, that we will have the opportunity to increase those numbers, because I think we owe it to the families of Lieutenant Colonial Terrence Crowe and many others.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $168,458,000, to remain available for obligation until September 30, 2007.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,154,340,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,599,459,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,355,827,000, of which $1,191,514,000 shall be for Operation and maintenance; $116,527,000 shall be for Procurement to remain available until September 30, 2008; $47,786,000 shall be for Research, development, test and evaluation to remain available until September 30, 2007; and not less than $119,300,000 shall be for the Chemical Stockpile Emergency Preparedness Program, of which $36,800,000 shall be for activities on military installations and $82,500,000 shall be to assist State and local governments.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $906,941,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $209,687,000, of which $208,687,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 2008, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $244,600,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $376,844,000 of which $27,454,000 for the Advanced Research and Development Committee shall remain available until September 30, 2007: *Provided*, That of the funds appropriated under this heading, $39,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2008 and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2007: *Provided further*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2006: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

UH-60/MH-60 Helicopters;

Apache Block II Conversion; and

Modernized Target Acquisition Designation Sight/Pilot Night Vision Sensor (MTADS/PNVS).

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2006, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2007 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2007 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2007.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. None of the funds appropriated in this or any other Act may be used to initiate a new installation overseas without 30-day advance notification to the Committees on Appropriations.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8014. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b) EXCEPTIONS.—

(1) The Department of Defense, without regard to subsection (a) of this section or subsections (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) TREATMENT OF CONVERSION.—The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8018. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8019. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in 25 U.S.C. 1544 or a small business owned and controlled by an individual or individuals defined under 25 U.S.C. 4221(9) shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding 41 U.S.C. 430, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in 25 U.S.C. 1544 or a small business owned and controlled by an individual or individuals defined under 25 U.S.C. 4221(9): *Provided further*, That businesses certified as 8(a) by the Small Business Administration pursuant to section 8(a)(15) of Public Law 85–536, as amended, shall have the same status as other program participants under section 602 of Public Law 100–656, 102 Stat. 3825 (Business Opportunity Development Reform Act of 1988) for purposes of contracting with agencies of the Department of Defense.

SEC. 8020. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8021. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8022. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8023. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8024. (a) Of the funds made available in this Act, not less than $33,767,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $24,376,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $8,571,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) $820,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8025. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2006 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2006, not more than 5,537 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That this subsection shall not apply to staff years funded in the National Intelligence Program.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2007 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $40,000,000.

SEC. 8026. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8027. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8028. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8029. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2006. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8030. Appropriations contained in this Act that remain available at the end of the current fiscal year, and at the end of each fiscal year hereafter, as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8031. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8032. Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8033. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8034. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8035. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8036. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2007 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2007 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2007 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8037. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2007: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2007.

SEC. 8038. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8039. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8040. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8041. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8042. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Intelligence Program.

SEC. 8043. The Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" to make grants and supplement other Federal funds in accordance with the guidance provided in the report of the Committee on Appropriations of the House of Representatives accompanying this Act, and the projects specified in such guidance shall be considered to be authorized by law.

(RESCISSIONS)

SEC. 8044. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Other Procurement, Army, 2005/2007", $60,500,000;

"Shipbuilding and Conversion, Navy, 2005/2011", $325,000,000;

"Aircraft Procurement, Air Force, 2005/2007", $10,000,000;

"Other Procurement, Air Force, 2005/2007", $3,400,000;

"Research, Development, Test and Evaluation, Army, 2005/2006", $21,600,000;

"Research, Development, Test and Evaluation, Navy, 2005/2006", $5,100,000;

"Research, Development, Test and Evaluation, Air Force, 2005/2006", $142,000,000; and

"Research, Development, Test and Evaluation, Defense-Wide, 2005/2006", $65,950,000.

SEC. 8045. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8046. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8047. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program, the Joint Military Intelligence Program, and the Tactical Intelligence and Related Activities aggregate: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8048. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8049. Appropriations available under the heading "Operation and Maintenance, Defense-Wide" for the current fiscal year and hereafter for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8050. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8051. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8052. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8053. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8054. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8055. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8056. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8057. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8058. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8059. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8060. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8061. None of the funds made available in this Act may be used to approve or license the sale of the F/A-22 advanced tactical fighter to any foreign government.

SEC. 8062. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code; and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8063. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8064. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8065. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8066. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8067. The Secretary of Defense shall provide a classified quarterly report to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8068. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance, and research, development, test and evaluation accounts of the Department of Defense which are current when the refunds are received.

SEC. 8069. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—

(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 8070. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8071. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a centerfire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8072. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8073. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8074. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8075. (a) Of the amounts appropriated in this Act under the heading, "Research, Development, Test and Evaluation, Defense-Wide", $90,000,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

(b) Of the amounts appropriated in this Act under the heading, "Operation and Maintenance, Army", $147,900,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects described in further detail in the Classified Annex accompanying the Department of Defense Appropriations Act, 2006, consistent with the terms and conditions set forth therein: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8076. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection

101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2006.

SEC. 8077. In addition to amounts provided elsewhere in this Act, $2,500,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8078. Amounts appropriated in title II of this Act are hereby reduced by $264,630,000 to reflect savings attributable to efficiencies and management improvements in the funding of miscellaneous or other contracts in the military departments, as follows:

(1) From "Operation and Maintenance, Army", $12,734,000.

(2) From "Operation and Maintenance, Navy", $91,725,000.

(3) From "Operation and Maintenance, Marine Corps", $1,870,000.

(4) From "Operation and Maintenance, Air Force", $158,301,000.

SEC. 8079. The total amount appropriated or otherwise made available in this Act is hereby reduced by $167,000,000 to limit excessive growth in the procurement of advisory and assistance services, to be distributed as follows:

"Operation and Maintenance, Army", $24,000,000;

"Operation and Maintenance, Navy", $19,000,000;

"Operation and Maintenance, Air Force", $74,000,000; and

"Operation and Maintenance, Defense-Wide", $50,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8080. Of the amounts appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", $77,616,000 shall be made available for the Arrow missile defense program: *Provided*, That of this amount, $15,000,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8081. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", $394,523,000 shall be available until September 30, 2006, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To: Under the heading, "Shipbuilding and Conversion, Navy, 1998/2007":

NSSN, $28,000,000.

Under the heading, "Shipbuilding and Conversion, Navy, 1999/2009":

LPD-17 Amphibious Transport Dock Ship, $25,000,000; and

NSSN, $72,000,000.

Under the heading, "Shipbuilding and Conversion, Navy, 2000/2009":

LPD-17 Amphibious Transport Dock Ship, $41,800,000.

Under the heading, "Shipbuilding and Conversion, Navy, 2001/2007":

Carrier Replacement Program, $145,023,000; and

NSSN, $82,700,000.

SEC. 8082. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under 10 U.S.C. 7622 arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: *Provided*, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8083. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of 38 U.S.C. 7403(g) for occupations listed in 38 U.S.C. 7403(a)(2) as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of 38 U.S.C. 7403(g)(1)(A) shall apply.

(B) The limitations of 38 U.S.C. 7403(g)(1)(B) shall not apply.

SEC. 8084. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for fiscal year 2006.

SEC. 8085. None of the funds in this Act may be used to initiate a new start program without prior written notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8086. The amounts appropriated in title II of this Act are hereby reduced by $250,000,000 to reflect cash balance and rate stabilization adjustments in Department of Defense Working Capital Funds, as follows:

(1) From "Operation and Maintenance, Army", $107,000,000.

(2) From "Operation and Maintenance, Air Force", $143,000,000.

SEC. 8087. (a) In addition to the amounts provided elsewhere in this Act, the amount of $6,000,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Army National Guard". Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of $6,000,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management co-operation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

SEC. 8088. FINANCING AND FIELDING OF KEY ARMY CAPABILITIES.—The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon and resupply vehicle program (NLOS-C) in order to field this system in fiscal year 2010, consistent with the broader plan to field the Future Combat System (FCS) in fiscal year 2010: *Provided*, That if the Army is precluded from fielding the FCS program by fiscal year 2010, then the Army shall develop the NLOS-C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition the Army will deliver eight (8) combat operational pre-production NLOS-C systems by the end of calendar year 2008. These systems shall be in addition to those systems necessary for developmental and operational testing: *Provided further*, That the Army shall ensure that budgetary and programmatic plans will provide for no fewer than seven (7) Stryker Brigade Combat Teams.

SEC. 8089. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $14,400,000 is hereby appropriated to the Department of Defense, to remain available until September 30, 2006: *Provided*, That the Secretary of Defense shall make grants in the amounts specified as follows: $4,500,000 to the Intrepid Sea-Air-Space Foundation; $1,000,000 to the Pentagon Memorial Fund, Inc.; $4,400,000 to the Center for Applied Science and Technologies at Jordan Valley Innovation Center; $1,000,000 to the Vietnam Veterans Memorial Fund for the Teach Vietnam initiative; $500,000 for the Westchester County World Trade Center Memorial; $1,000,000 for the Women in Military Service for America Memorial Foundation; and $2,000,000 to the Presidio Trust.

SEC. 8090. None of the funds appropriated in this Act under the heading "Overseas Contingency Operations Transfer Account" may be transferred or obligated for Department of Defense expenses not directly related to the conduct of overseas contingencies: *Provided*, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the "Overseas Contingency Operations Transfer Account": *Provided further*, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

SEC. 8091. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8092. The budget of the President for fiscal year 2007 submitted to the Congress pursuant to section 1105 of title 31, United States Code shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8093. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8094. Of the amounts provided in title II of this Act under the heading, "Operation and Maintenance, Defense-Wide", $20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8095. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8096. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8097. (a) From within amounts made available in title II of this Act under the heading "Operation and Maintenance, Army" $4,500,000 is only for an additional amount for the project for which funds were appropriated in section 8103 of Public Law 106–79, for the same purposes, which shall remain available until expended: *Provided*, That no funds in this or any other Act, nor non-appropriated funds, may be used to operate recreational facilities (such as the officers club, golf course, or bowling alleys) at Ft. Irwin, California, if such facilities provide services to Army officers of the grade O–7 or higher, until such time as the project in the previous proviso has been fully completed.

(b) From within amounts made available in title II of this Act under the heading "Operation and Maintenance, Marine Corps", the Secretary of the Navy shall make a grant in the amount of $2,000,000, notwithstanding any other provision of law, to the City of Twentynine Palms, California, for the widening of off-base Adobe Road, which is used by members of the Marine Corps stationed at the Marine Corps Air Ground Task Force Training Center, Twentynine Palms, California, and their dependents, and for construction of pedestrian and bike lanes for the road, to provide for the safety of the Marines stationed at the installation.

SEC. 8098. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8099. The Secretary of the Navy may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: *Provided further*, That the funding transferred shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committee on Appropriations of the Senate and the House of Representatives, unless sooner notified by the Committees that there is no objection to the proposed transfer: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8100. (a) The total amount appropriated or otherwise made available in title II of this Act is hereby reduced by $147,000,000 to limit excessive growth in the travel and transportation of persons.

(b) The Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity within each applicable appropriation account.

SEC. 8101. Of the funds appropriated or otherwise made available in this Act, a reduction of $176,500,000 is hereby taken from title III, Procurement, from the following accounts in the specified amounts:

"Missile Procurement, Army", $9,000,000;

"Other Procurement, Army", $112,500,000; and

"Procurement, Marine Corps", $55,000,000:

Provided: That within 30 days of enactment of this Act, the Secretary of the Army and the Secretary of the Navy shall provide a report to the House Committee on Appropriations and the Senate Committee on Appropriations which describes the application of these reductions to programs, projects or activities within these accounts.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8102. (a) THREE-YEAR EXTENSION.—During the current fiscal year and each of fiscal years 2007 and 2008, the Secretary of Defense may transfer not more than $20,000,000 of unobligated balances remaining in the expiring RDT&E, Army, appropriation account to a current Research, Development, Test and Evaluation, Army, appropriation account to be used only for the continuation of the Army Venture Capital Fund demonstration.

(b) EXPIRING RDT&E, ARMY, ACCOUNT.—For purposes of this section, for any fiscal year, the expiring RDT&E, Army, account is the Research, Development, Test and Evaluation, Army, appropriation account that is then in its last fiscal year of availability for obligation before the account closes under section 1552 of title 31, United States Code.

(c) ARMY VENTURE CAPITAL FUND DEMONSTRATION.—For purposes of this section, the Army Venture Capital Fund demonstration is the program for which funds were initially provided in section 8150 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117; 115 Stat. 2281), as extended and revised in section 8105 of Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1562).

(d) ADMINISTRATIVE PROVISIONS.—The provisos in section 8105 of the Department of Defense Appropriations Act, 2003 (Public Law 107-248; 116 Stat. 1562), shall apply with respect to amounts transferred under this section in the same manner as to amounts transferred under that section.

TITLE IX—ADDITIONAL APPROPRIATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $5,877,400,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $282,000,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $667,800,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $982,800,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $138,755,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $67,000,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For an additional amount for "Operation and Maintenance, Army", $20,398,450,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Navy

For an additional amount for "Operation and Maintenance, Navy", $1,907,800,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Marine Corps

For an additional amount for "Operation and Maintenance, Marine Corps", $1,827,150,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Air Force

For an additional amount for "Operation and Maintenance, Air Force", $3,559,900,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Defense-Wide

For an additional amount for "Operation and Maintenance, Defense-Wide", $826,000,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Iraq Freedom Fund

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $3,500,000,000, to remain available for transfer until September 30, 2007, only to support operations in Iraq or Afghanistan and classified activities: *Provided*, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and working capital funds: *Provided further*, That of the amounts provided under this heading, not less than $2,500,000,000 shall be for classified programs, which shall be in addition to amounts provided for elsewhere in this Act: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Army Reserve

For an additional amount for "Operation and Maintenance, Army Reserve", $35,700,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Marine Corps Reserve

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $23,950,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Army National Guard

For an additional amount for "Operation and Maintenance, Army National Guard", $159,500,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT

Procurement of Weapons and Tracked Combat Vehicles, Army

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $455,427,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Procurement of Ammunition, Army

For an additional amount for "Procurement of Ammunition, Army", $13,900,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Other Procurement, Army

For an additional amount for "Other Procurement, Army", $1,501,270,000, to remain available until September 30, 2008: *Provided*, That of the amount provided in this paragraph, not less than $200,370,000 shall be available only for the Army Reserve: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Weapons Procurement, Navy

For an additional amount for "Weapons Procurement, Navy", $81,696,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Procurement of Ammunition, Navy and Marine Corps

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $144,721,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Other Procurement, Navy

For an additional amount for "Other Procurement, Navy", $48,800,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Procurement, Marine Corps

For an additional amount for "Procurement, Marine Corps", $389,900,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Aircraft Procurement, Air Force

For an additional amount for "Aircraft Procurement, Air Force", $115,300,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Other Procurement, Air Force

For an additional amount for "Other Procurement, Air Force", $2,400,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Procurement, Defense-Wide

For an additional amount for "Procurement, Defense-Wide", $103,900,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $13,100,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $75,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $2,055,000,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS, TITLE IX

SEC. 9001. Appropriations provided in this title are available for obligation until September 30, 2006, unless otherwise so provided in this title.

SEC. 9002. Notwithstanding any other provision of law or of this Act, funds made available in this title are in addition to amounts provided elsewhere in this Act.

(TRANSFER OF FUNDS)

SEC. 9003. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act: *Provided further*, That the amounts transferred under the authority of this section are designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 9004. Funds appropriated in this title, or made available by the transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for fiscal year 2006.

SEC. 9005. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2005 or 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 9006. Notwithstanding any other provision of law, from funds made available in this title to the Department of Defense for operation and maintenance, not to exceed $500,000,000 may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to train, equip and provide related assistance only to military or security forces of Iraq and Afghanistan to enhance their capability to combat terrorism and to support U.S. military operations in Iraq and Afghanistan: *Provided*, That such assistance may include the provision of equipment, supplies, services, training, and funding: *Provided further*, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate not less than 15 days before providing assistance under the authority of this section.

□ 1500

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 112, line 19, be considered as read, printed in the RECORD, and open to amendment at any point.

Mr. KUCINICH. Mr. Chairman, reserving the right to object, we are in title 8 right now; is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. KUCINICH. I had an amendment, Mr. Chairman, at the desk I believe under title 8. I just wanted to make sure that that will not be lost in this UC.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, we are not aware of that amendment. We do not have a copy. We are not aware that the gentleman has an amendment. We can change our request if he would provide us with a copy of the amendment.

Mr. KUCINICH. Mr. Chairman, I just wanted to make sure that there is the amendment at the desk regarding space-based weapons under title 8.

Mr. Chairman, I have just been informed by the Parliamentarian that if the UC goes through, I can still seek recognition, so I will withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Are there any amendments to that portion of the bill?

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

Page 112, beginning on line 2, strike "from funds made available in this title to the Department of Defense for operation and maintenance, not to exceed $500,000,000 may be used" and insert "funds made available in this title to the Department of Defense for operation and maintenance may be used".

Mr. INSLEE. Mr. Chairman, this amendment is very simple. It lists the cap that is presently written into the bill to limit the amount of money that we would commit to the training and equipping of the Iraqi securities forces, to limit that to $500 million.

I hope that we are united in the belief that the way to bring our troops home is to fulfill the training and equipping of the Iraqi security forces so that they can become responsible for Iraq's destiny and our troops can coming home in dignity and as quickly as possible.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would like to suggest to the gentleman that we think this is a good amendment, and it certainly is consistent with the conversation that the gentleman from Pennsylvania (Mr. MURTHA) and I have both had with the gentlewoman from Texas (Ms. JACKSON-LEE), and we are prepared to accept the gentleman's amendment.

Mr. INSLEE. Mr. Chairman, I thank the gentleman for his interest and leadership.

Mr. Chairman, I will close briefly by saying this is an important amendment. I appreciate the Chair's acceptance of it. We hope that the administration does listen to the voices in Congress that are basically saying if we can train one more trainer one day earlier, we should do so; if we can provide one more piece of equipment for the Iraqi security forces one day earlier, we should do so; if we can employ one more interpreter so that these folks can be trained earlier, we should do so. This amendment will hasten that. I hope the administration will bear heed on that, and that General Patrais is successful.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to support my colleague Mr. INSLEE's amendment to this Defense Appropriation bill, which lifts the $500 million cap on funds within the Iraq Freedom Fund for training the Iraqi National Army. Earlier in this debate I offered and withdrew an amendment that would have increased funding for training the Iraqi National Army by an additional $500 million. This Amendment would have doubled the amount of money appropriated for training the Iraqi National Army within the Iraq Freedom Fund. If Mr. INSLEE's amendment is accepted into this Appropriation, I will work with Chairman YOUNG and Ranking Member MURTHA to insure that additional funds are appropriated for training the Iraqi National Army.

The Inslee amendment reinforces the point that the best way to get U.S. troops out of Iraq is to train the Iraqi troops to take care of their own nation. Clearly, more money is needed to not only train these inexperienced troops to defeat the insurgency, but also to pay troops to enlist in this new army despite the obvious danger they face. At this time of danger for our troops, this Amendment reiterates the fact that we need to be transferring more responsiblity upon the Iraqis to take care of their nation and develop a plan to remove our U.S. troops.

Just last week a roadside bomb blast killed five U.S. Marines who were riding in a vehicle during a combat operation near Ramadi. On this very same day a suicide bombing at a restaurant on an Iraqi military base killed 23 Iraqi soldiers and wounded 28 other people. Clearly, this war is not getting any easier; clearly our troops are still very much in danger. Our best solution is to train and supply the Iraqi National Army to beat back this insurgency and gain the trust of their people so that one day soon our troops can go home and the Iraqi National Army can bring peace and prosperity to Iraq. I know it sounds too simple, but the truth is we have no other solution, that is unless you believe our U.S. troops should be in Iraq indefinitely. There is an old saying that the best offense is a good defense and the best way to maintain that posture is to have a strong Iraqi National Army supplementing the heroic effort of our troops.

Right now there are 136,000 U.S. troops in Iraq and their mission is not getting any easier. The facts are plain, a total of 1,713 Americans including 159 people from Texas alone have lost their lives since this War in Iraq began and more than 12,000 have been wounded in action. We must move to the obvious solution, that the Iraqi National Army must soon take over their own nation and provide for the protection of their people. Therefore, I reiterate my strong support for the Inslee Amendment and the appropriation of additional funding to train the Iraqi National Army. Our troops should be able to return home with an exit strategy of success.

The CHAIRMAN. The question on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

Page 99, after line 4, insert the following new section:

SEC. 8103. (a) SHORT TITLE.—This section may be cited as the "Space Preservation Act of 2005".

(b) REAFFIRMATION OF POLICY ON THE PRESERVATION OF PEACE IN SPACE.—Congress reaffirms the policy expressed in section 102(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451(a)), stating that it "is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind.".

(c) BAN ON BASING OF WEAPONS IN SPACE AND THE USE OF WEAPONS AGAINST OBJECTS IN SPACE IN ORBIT.—The President shall—

(1) implement a ban on space-based weapons of the United States and the use of weapons of the United States to destroy or damage objects in space that are in orbit; and

(2) immediately order the termination of research and development, testing, manufacturing, production, and deployment of all space-based weapons of the United States.

(d) INTERNATIONAL TREATY BANNING SPACE-BASED WEAPONS AND THE USE OF WEAPONS AGAINST OBJECTS IN SPACE IN ORBIT.—The President shall direct the United States representatives to the United Nations and other international organizations to immediately work toward negotiating, adopting, and implementing an international treaty banning space-based weapons and the use of weapons to destroy or damage objects in space that are in orbit.

(e) REPORT.—The President shall submit to Congress not later than 90 days after the date of the enactment of this Act, and every 6 months thereafter, a report on—

(1) the implementation of the ban on space-based weapons and the use of weapons to destroy or damage objects in space that are in orbit required by subsection (c); and

(2) progress toward negotiating, adopting, and implementing the treaty described in subsection (d).

(f) SPACE-BASED NONWEAPONS ACTIVITIES.—Nothing in this section may be construed as prohibiting the use of funds for—

(1) space exploration;

(2) space research and development;

(3) testing, manufacturing, or production that is not related to space-based weapons or systems; or

(4) civil, commercial, or defense activities (including communications, navigation, surveillance, reconnaissance, early warning, or remote sensing) that are not related to space-based weapons or systems.

(g) DEFINITIONS.—In this section:

(1) The term "space" means all space extending upward from an altitude greater than 110 kilometers above the surface of the earth and any celestial body in such space.

(2) The terms "space-based weapon" and "space-based system" mean a device capable of damaging or destroying an object or person (whether in outer space, in the atmosphere, or on Earth) by—

(A) firing one or more projectiles to collide with that object or person;

(B) detonating one or more explosive devices in close proximity to that object or person; or

(C) any other undeveloped means.

Mr. KUCINICH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

Mr. KUCINICH. Mr. Chairman, this amendment to the defense appropriations bill would make a policy statement regarding the preservation of peace in space. It would ban the research, testing, development, and deployment of space-based weapons. It would ban the targeting of objects in orbit in space, that is, satellites, by any weapon, whether land, sea, air or space-based and would call on the President to negotiate an international treaty banning space-based weapons.

The policy of preserving peace in space was first established by law in 1958 with the National Aeronautics and Space Act. Specifically, this law stated: "It is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind."

Yet despite any amendment to law or consideration by Congress, this policy has changed significantly behind closed doors. The Air Force is moving forward with a plan to weaponize space. At an Air Force conference last September, Air Force General Lance Lord, who leads the Air Force Space Command, said, "Space superiority is not our birthright, but it is our destiny. Space superiority is our day-to-day mission. Space supremacy is our vision for the future."

With little public debate, the Pentagon has already spent billions of dollars through appropriations bills such as this one to developing space weapons and preparing plans to deploy them. The Air Force has recently sought President Bush's approval of a national security directive that could move the United States closer to fielding offensive and defensive space weapons. This new policy would be opposed by our friends and our potential enemies.

Our largest possible adversaries, China and Russia, have agreed for a global ban on space weapons. Yet moving forward with plans to weaponize space would most certainly create an arms race in space, and it would certainly be counterproductive to the national security of the United States to give potential adversaries reason to accelerate development of space weapons technology.

Again, I ask this Congress to remember that in 1958 when the National Aeronautics and Space Act was passed, it stated that: "It is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind."

That was a good act in 1958, and it would be good for this Congress to preserve that policy, and that is the intention of this amendment.

At this point, understanding the rules, I will concede to the gentleman from Florida the point of order that he raised.

Mr. SHAYS. Mr. Chairman, the Committee on Government Reform Subcommittee on National Security, which I chair, has held 17 hearings on Gulf War veterans' illnesses. Over the last decade, we've followed the hard path traveled by sick Gulf War veterans as they bore the burdens of their physical illnesses and the mental anguish caused by official skepticism and intransigence.

It was their determination that overcame entrenched indifference and bureaucratic inertia. Their persistence, and a home video of chemical weapons munitions being blown up at Khamisiyah eventually persuaded the Departments of Defense and VA that post-war illnesses are linked to wartime exposures.

But characterizing the subtle linkage between low-level toxic assaults and varied chronic health consequences remains a complex research challenge. The objective markers of physiological damage are only now coming into view using techiques and technologies not available ten years ago, when some were so willing to conclude Gulf War veterans' illnesses were nothing more than stress. But promising research hypotheses and treatment concepts still face institutional obstacles to federal support as both funding and momentum behind Gulf War illnesses research have been waning.

This amendment allows us to capture the emerging breakthroughs purchased with $315 million in DOD and VA research investments over the past decade. This would build on last year's appropriation of $3.7 million for extramural, peer-reiewed research to address the chronic illnesses affecting veterans of the 1991 Gulf War. The research focuses on the chronic effects of neurotoxic exposures, underlying mechanisms, identified neurological abnormalities, and the identification of treatments.

The battlefield is a dangerous and toxic workplace. The veterans of the 1991 war, those on the field of battle today and those we deploy in the future will benefit from this research into the diagnosis and treatment of the health consequnces of toxic exposures.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, on my reservation, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, it violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriations bill shall not be in order if changing existing law."

The amendment imposes additional duties.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Ohio wish to be heard on the point of order?

Mr. KUCINICH. Mr. Chairman, I thank the gentleman. I will concede the point of order, and I thank the gentleman and the ranking member for this opportunity to make this statement regarding my concern about peaceful uses in space.

The CHAIRMAN. The gentleman from Ohio (Mr. KUCINICH) concedes the point of order.

The point of order is sustained.

Are there any other amendments to this portion of the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 9007. (a) FISCAL YEAR 2006 AUTHORITY.—During the current fiscal year, from funds made available to the Department of Defense for operation and maintenance pursuant to title IX, not to exceed $500,000,000 may be used by the Secretary of Defense to provide funds—

(1) for the Commanders' Emergency Response Program established by the Administrator of the Coalition Provisional Authority for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people; and

(2) for a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes stated in subsection (a).

(c) LIMITATION ON USE OF FUNDS.—Funds authorized for the Commanders' Emergency Response Program by this section may not be used to provide goods, services, or funds to national armies, national guard forces, border security forces, civil defense forces, infrastucture protection forces, highway patrol units, police, special police, or intelligence or other security forces.

(d) SECRETARY OF DEFENSE GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue to the commander of the United States Central Command detailed guidance concerning the types of activities for which United States military commanders in Iraq may use funds under the Commanders' Emergency Response Program to respond to urgent relief and reconstruction requirements and the terms under which such funds may be expended. The Secretary shall simultaneously provide a copy of that guidance to the congressional defense committees.

SEC. 9008. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9009. Congress, consistent with international and United States law, reaffirms that torture of prisoners of war and detainees is illegal and does not reflect the policies of the United States Government or the values of the people of the United States.

SEC. 9010. The reporting requirements of section 9010 of Public Law 108-287 regarding the military operations of the Armed Forces and the reconstruction activities of the Department of Defense in Iraq and Afghanistan shall apply to the funds appropriated in this Act.

SEC. 9011. The Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary's jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom.

SEC. 9012. SENSE OF CONGRESS AND REPORT CONCERNING INAPPROPRIATE PROSELYTIZING OF UNITED STATES AIR FORCE ACADEMY CADETS.—

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the expression of personal religious faith is welcome in the United States military, but coercive and abusive religious proselytizing at the United States Air Force Academy by officers assigned to duty at the Academy and others in the chain-of-command at the Academy, as has been reported is inconsistent with the professionalism and standards required of those who serve at the Academy;

(2) the military must be a place of tolerance for all faiths and backgrounds; and

(3) the Secretary of the Air Force and other appropriate civilian authorities, and the Chief of Staff of the Air Force and other appropriate military authorities, must continue to undertake corrective action, as appropriate, to address and remedy the inappropriate proselytizing of cadets at the Air Force Academy.

(b) REPORT ON PLAN.—

(1) PLAN.—The Secretary of the Air Force shall develop a plan to ensure that the Air Force Academy maintains a climate free from coercive religious intimidation and inappropriate proselytizing by Air Force officials and others in the chain-of-command at the Air Force Academy. The Secretary shall work with experts and other recognized notable persons in the area of pastoral care and religious tolerance to develop the plan.

(2) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report providing the plan developed pursuant to paragraph (1). The Secretary shall include in the report information on the circumstances surrounding the removal of Air Force Captain Melinda Morton from her position at the Air Force Academy on May 4, 2005.

AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNTER:

Strike section 9012 (page 115, line 14, through page 117, line 5) and insert the following:

SEC. 9012. SENSE OF CONGRESS AND REPORT CONCERNING RELIGIOUS FREEDOM AND TOLERANCE AT UNITED STATES AIR FORCE ACADEMY.—

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the expression of personal religious faith is welcome in the United States military;

(2) the military must be a place where there is freedom for religious expression for all faiths; and

(3) the Secretary of the Air Force and the Department of Defense Inspector General have undertaken several reviews of the issues of religious tolerance at the Air Force Academy.

(b) REPORT.—

(1) RECOMMENDATIONS.—The Secretary of the Air Force, based upon the reviews referred in subsection (a)(3), shall develop recommendations to maintain a positive climate of religious freedom and tolerance at the United States Air Force Academy.

(2) SECRETARY OF AIR FORCE REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report providing the recommendations developed pursuant to paragraph (1).

Mr. HUNTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Chairman, I am opposed to section 9012 as it is currently written and a number of other members of the Committee on Armed Services are opposed to them as well, and you will hear from them in the ensuing minutes here.

We were informed that we had the right to assert that this was, in fact, authorizing on an appropriations bill and to ask the Committee on Rules, which we initially did, to not protect this provision and allow it to be stricken. But I was informed by the chairman of the full committee that this was an important issue for members of the minority on the Committee on Appropriations, and they wanted to have a discussion. And our Members agreed with that. So I think we will have a full discussion of this issue.

Mr. Chairman, my amendment will require the Defense Department to provide Congress with recommendations on maintaining a climate of religious freedom and tolerance at the Air Force Academy. The amendment also expresses a sense of Congress that personal expressions of faith, that is, all faiths, are welcome in the United States military.

My objection to section 9012 is that the section concludes based on newspaper accounts that officers assigned to duty at the U.S. Air Force Academy and others in the chain of command are engaged in "abusive and coercive religious proselytizing" based on reports.

□ 1515

Mr. Chairman, Members may have read press accounts regarding issues of religious freedom and tolerance at the Air Force Academy.

What may not be known is that many of the allegations reported by the press were first discovered by the Air Force through internal surveys. In response, the Academy superintendent has been quite open that there have been instances where respect for others has been lacking. He also suggested that Academy practices and processes may also have contributed to the appearance of a lack of respect for members of minority religious traditions.

Overall, the Air Force has taken aggressive action on these important issues of religious freedom and tolerant at the Academy, and the Secretary to the Air Force detailed those actions to me in a June 7 letter which I would like to submit for the RECORD at this point.

SECRETARY OF THE AIR FORCE,
Washington, DC, June 7, 2005.
Hon. DUNCAN HUNTER,
Chairman, Committee on Armed Services,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The media contains a steady flow of stories decrying religious intolerance at the United States Air Force Academy (USAFA). In late Spring 2004, the Superintendent of the Academy, Lt Gen John Rosa, detected religious tolerance concerns through surveys he initiated. He subsequently brought the issue—and the corrective measures he was taking—to the attention of the Academy's Board of Visitors and the Air Force leadership. Together, we have been addressing the issue openly for the past several months.

As of today, the Academy's Board of Visitors has looked at this situation during three separate meetings. They will do so again this summer. In addition to the Board's inquiries, I have deployed four separate teams from the Pentagon to address one or another aspect of the Academy climate for religious tolerance. The first team, led by the Deputy Assistant Secretary for Equal Opportunity, visited the Academy last fall and assisted Lt Gen Rosa in scoping the problem and designing a campaign to correct the situation. The second visited USAFA last month and is led by Deputy Chief of Staff for Personnel, Lt Gen Roger Brady. This team is in the final stages of assessment of the Academy climate, leadership practices, and the corrective actions that should be initiated. Specific allegations of improper conduct against the Commandant of Cadets, Brig Gen John Weida, are being separately examined by the Office of the Air Force Inspector General. Last week, the DoD Inspector General began—at my request—an inquiry to determine whether Air Force reassignment of Chaplain (Capt) Melinda Morton was handled properly. Please note that the visit to the Academy in July 2004 by a group of Yale Divinity School students and an Associate Professor of Counseling was not part of our assessment or corrective measures, and did not focus on the religious tolerance issue. Nevertheless, we have reviewed and considered the submission of that group in connection with our on-going reviews. Finally, this week, a group from the National Conference on Ministry to the Armed Forces (NCMAF) is also visiting USAFA at my request to provide an external look by a private organization of religious leaders who understand the military in a pluralistic society, and who represent their faith group communities to the military.

Thus far, results indicate—and the Academy Superintendent continues to openly acknowledge—there have been instances where respect has been lacking. Academy practices and processes may also have contributed to the appearance of a lack of respect for members of minority religious traditions. The multiple reviews I have asked for, together with aggressive leadership action, will help us correct Academy climate and culture.

Recently, the Air Force Chief of Staff, General John Jumper, in a written communication, reminded all Air Force commanders of their responsibilities for establishing a climate and culture that promotes respect for individual beliefs. This message reemphasized the importance of respect and its role as the foundation of our core values. In constructing his message, General Jumper used the lessons we have already learned from our work with the Academy leadership team. As our work at USAFA progresses, we will continue to incorporate lessons learned into actions that will help us reinforce the culture of respect throughout the Air Force.

Air Force and Academy leadership are deeply engaged in the question of respect for individual beliefs. As this work progresses, our work—and critics of that work—will generate news stories. I ask that you reserve your opinions on this matter until I can get to ground truth through the objective processes now on going. The Inspectors General and Lt Gen Brady's team, including consideration of the NCMAF external assessment, will report back to me within the next few weeks. These results will provide a factual basis for deciding what further actions may need to be taken. Completing these reviews quickly and consulting with the Secretary of Defense, Congress and the Academy Board of Visitors regarding next steps is my highest priority.

Sincerely,
MICHAEL L. DOMINGUEZ,
Acting Secretary of the Air Force.

Mr. HUNTER. Based on cadet surveys administered in late spring 2004 suggesting religious tolerance concerns, the Air Force Academy superintendent took a number of corrective actions, including a training and education program for cadets and faculty to develop respect for the diversity of faiths represented at the Academy.

He brought the issues to the attention of the Academy's Board of Visitors, and accordingly, the Air Force leadership continues to work with the board to address these issues.

He sent a team led by the Deputy Assistant Secretary for equal opportunity to the Academy in the fall of 2004 to design a campaign to assist Academy leadership in addressing the issues.

Last month, the Air Force deputy chief of staff took another team to the Academy to assess Academy climate, leadership practices and corrective actions that should be taken.

The facts are, and I could go down through the office of the Inspector General, DOD Inspector General, at the request of the Secretary of the Air Force, is conducting a review of the reassignment of Academy chaplain, Captain Melinda Morton.

A group from the National Conference on Ministry to the Armed Forces visited the Academy last week to provide an external look by a private organization of religious leaders, and Mr. Chairman, I could go on and on.

My point is this, there are a number of reviews that are ongoing right now at the Academy, and in this letter that Acting Secretary of the Air Force, Secretary Michael Dominguez, sent to me, I think the crux of our amendment is laid out and I think justifies. He talks about the work that is ongoing to make sure that the Academy has religious freedom and religious tolerance. He says, As this work progresses, and I am quoting the Secretary, our work and critics of that work will generate news stories. It was a news story that generated this base provision that is in the bill. I ask that you reserve your opinions on this matter until I can get to ground truth through the objective processes now ongoing.

That is what he asks for. He has got lots of reviews, and what we say is, we reestablish, revalidate that there should be both freedom of religion and religious tolerance, and we set a date for a report to come back after the reviews are done, for the Secretary of the Air Force to report back to us with the reviews and with recommendations.

Lastly, Mr. Chairman, I cannot forget the last time we landed in Bailad, Iraq, and I was with the gentleman from Texas (Mr. REYES), and we had a couple of mortar rounds come into the base. The CO said, Quick, get into this building, and we hustled into the nearest building. It turned out to be 400 GIs who were undertaking a religious service. I do not know if it was official or unofficial. I do know they had quite a service going, and we, Congressmen, were forced to actually go to church I guess because those mortar rounds were coming in. We could not leave until it was over.

The word "proselytizing" could possibly be applied to what they were doing in that battleground in Iraq. I have always thought that when I argue religion I am making reasoned judgments and the other guy is proselytizing, and the problem is with that word. With establishing that as a standard, that people in uniform have to adhere to, the average person in uniform is going to say, what does proselytizing mean? Am I proselytizing, and if they are not sure whether or not their statement is proselytizing, you know what they are going to do? They are not going to say anything, and we are going to put a chill on what we have heretofore for our entire history welcomed, and that is, expression of religious views by our uniformed personnel.

I would hope that Members and the gentleman from Wisconsin (Mr. OBEY) in the spirit of this debate would accept this amendment.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the language of the committee amendment does nothing whatsoever to discourage proselytizing. What it does is make clear that the Congress of the United States is opposed to coercive and abusive proselytizing. I think it would be good to go back and look at the history of this problem.

The LA Times broke the story about disrespectful treatment of cadets based on religious affiliation on April 20. On June 3, Lieutenant General John Rosa, who is the superintendent of the Academy, in a speech to the Anti-Defamation League, acknowledged that the Academy has a problem with religious intolerance. He called it insidious and said it could take 6 years to fix.

He described two Academy-wide e-mails that were sent out by another high-ranking officer, which he described as "inappropriate." He described other later events that involved religious pressures and said, "They were wrong."

Academy officials have said that they have received 55 complaints from cadets on this problem. Academy spokesman John Whitaker said, "There have been cases of maliciousness, mean-spiritedness and attacking or baiting someone over religion."

No one is objecting to anyone trying to talk about religion. What they are objecting to is the malicious and mean-spirited attacking of other people for the religious views that they do or do not hold.

The Air Force officials said they got an inkling of the problem after reading the results of a student survey last May. Many cadets expressed concern over the lack of religious respect and tolerance. This comes on top of revelations 2 years ago of a scandal when dozens of female cadets said that their complaints about sexual assaults were ignored.

Mr. Whitaker, the spokesman for the Academy, forthrightly said that it was insensitivity and ignorance on the part of people who are, "going into a diverse Air Force where they are going to have to deal with people of all faiths."

Mickey Weinstein, a father of one of the cadets, who himself was a lawyer and an Academy graduate, described the harassment that his son had undergone and said, "I love the Academy, but do you know how much courage it took for these cadets to come forward?"

Another person who did not want to be identified because of fear of retaliation said, "Cadets are given the impression they must embrace the beliefs of their commanders in order to succeed at the Academy."

Chaplain Melinda Morton described the problem as systemic, and she said that she had spoken up about the problem because, "It is in the Constitution, it is not just a nice rule that you can follow or not follow." Then she said, "I realize this is the end of my Air Force Academy career."

My problem with the amendment that is being proposed by the gentleman is not what it says. My problem with the gentleman's amendment is what it takes out of the original committee language.

It removes the language that puts the Congress foresquare in the position of saying that coercive and abusive religious proselytizing at the Academy is over the line and is inconsistent with professional standards required of those who serve at the Academy.

It eliminates the requirements for corrective action by the Academy in the Air Force.

Thirdly, it removes the requirement for a plan to develop an atmosphere that is free of religious coercion at the Academy.

Fourth, it removes the requirement in the committee language which asks for an investigation and a report by the Air Force on the circumstances surrounding the dismissal of Chaplain Melinda Morton, who is the person who blew the whistle on this in the first place.

I do not think the Congress wants to go on record as taking out all of that language, which is what the gentleman's amendment would do.

Mr. TIAHRT. Mr. Chairman, I rise in strong support of Chairman HUNTER's amendment upholding religious freedom at the United States Air Force Academy. Protecting the religious freedom of our military cadets and service members is critically important to me, and should be critically important to this Congress.

During full committee consideration of the Defense Appropriations bill, Ranking Member OBEY inserted a provision condemning the Air Force, the Air Force Academy and its Cadets. The allegations on which this provision is based have not been substantiated by any credible source. They are simply rumors advanced by a very few disgruntled individuals.

Nonetheless, the Air Force has taken these allegations very seriously since they were made in late April. First, the Academy established a new mandatory course to encourage respect for all religions. Second, the Air Force launched several investigations. These investigations are still ongoing and a report is expected shortly. The task force charged with looking into these allegations has been directed to assess:

(1) Air Force and USAFA policy and guidance on the subject of religious respect and tolerance.

(2) The appropriateness of relevant training, for the cadet wing, faculty, and staff.

(3) The religious climate and assessment tools used at USAFA.

(4) The effectiveness of USAFA mechanisms to address complaints on this subject, to include the chain of command, the Academy's Inspector General and the Military Equal Opportunity office.

(5) The practices of the chain of command, faculty, staff or cadet wing that either enhance or detract from a climate that respects both the "free exercise of religion" and the "establishment" clauses of the First Amendment.

(6) The relevance of the religious climate at the USAFA to the entire Air Force.

Additionally, the Task Force's final assessment will include an Air Force Inspector General report on the removal of Air Force Captain Melinda Morton from her position at the Academy.

The Air Force has made progress to ensure that no one feels pressure from religious groups, and is continuing these efforts. This final report should be released in the next couple of weeks. I have full confidence that this report will provide a thorough and complete report as to the truth of these rumors.

Congress must reserve judgment until all of the facts are revealed. The Air Force has yet to tell its side of the story. Until they do, we do not know what actually happened in Colorado Springs. For this House to condemn the Air Force and the Academy at this time, before all the information is available, is wrong.

This provision simply has no place in an otherwise tremendous bill.

The Obey provision is all the more disappointing because men and women in our Nation's Air Force have sacrificed immeasurable blood and treasure to protect the principles of freedom and liberty. Today, we are engaged in a global war on terrorism—aimed directly at our Nation's democracy and core values. Our young men and women are fighting and dying for these freedoms. It is wrong for Congress to chip away at the very freedoms these heroes are shedding their own blood to protect.

When a young man or woman stands up to fight for this country, he or she does not surrender his or her Constitutional rights. The men and women of our military have the right to freely practice their religion, and Congress has a solemn duty to fight to protect their rights.

I would ask my colleagues to join me in support of Chairman HUNTER's amendment. The Obey provision is wrong. It is bad policy, and it is misguided, and it is inappropriate. Congress should wait to act until we have all the facts. Please stand up for the Air Force, the Academy, the Cadets, and the First Amendment that guarantees every American the freedom of religion. Vote to the Hunter Amendment.

AMENDMENT OFFERED BY MR. OBEY TO THE AMENDMENT OFFERED BY MR. HUNTER

Mr. OBEY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY to the amendment offered by Mr. HUNTER:

In lieu of the matter proposed to be inserted, insert the following:

"Sec. 9012. Sense of Congress and Report Concerning Inappropriate Proselytizing of United States Air Force Academy Cadets.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the expression of personal religious faith is welcome in the United States military, but coercive and abusive religious proselytizing at the United States Air Force Academy by officers assigned to duty at the Academy and others in the chain-of-command at the Academy, as has been reported, is inconsistent with the professionalism and standards required of those who serve at the Academy;

(2) the military must be a place of tolerance for all faiths and backgrounds; and

(3) the Secretary of the Air Force and other appropriate civilian authorities, and the Chief of Staff of the Air Force and other appropriate military authorities, must continue to undertake corrective action, as appropriate, to address and remedy any inappropriate proselytizing of cadets at the Air Force Academy that may have occurred.

(b) REPORT ON PLAN.—

(1) PLAN.—The Secretary of the Air Force shall develop a plan to ensure that the Air Force Academy maintains a climate free from coercive religious intimidation and inappropriate proselytizing by Air Force officials and others in the chain-of-command at the Air Force Academy. The Secretary shall work with experts and other recognized notable persons in the area of pastoral care and religious tolerance to develop the plan.

(2) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report providing the plan developed pursuant to paragraph (1). The Secretary shall include in the report information on the circumstances surrounding the removal of Air Force Captain Melinda Morton from her position at the Air Force Academy on May 4, 2005."

Mr. OBEY. Mr. Chairman, what this perfecting amendment does is to restore with some minor changes the basic thrust of the committee language. Let me explain why I do this.

Two weeks ago, I appointed a young man to the Air Force Academy. One week later, he was killed by a drunken driver. Now, if that young man had been fortunate enough to live so that he could have gone to the Academy, I would want his parents, his family and his community, to know that the Academy that he was going to is one which will allow him to practice whatever religion he believed, without any kind of coercion, either from other cadets or from anyone in the chain of command at the Academy. I do not think that is too much to expect.

I understand the gentleman from California is unhappy because he considers this to be an authorizing issue. Well, the fact is the authorizing committee had an opportunity to deal with similar language, not identical but similar language, when they considered the authorization bill, and they declined to do so. That means that each and every one of us as individual members of this place has jurisdiction on this matter because we all appoint cadets to the Academy, and we have an obligation to those cadets to tell them, whether they are Catholic or Lutheran or any kind of Protestant denomination or Jewish or Muslim or even if they are of no religion, we have an obligation to assure them that they are going to be going to an Academy that is free from any kind of coercion, free from any kind of ridicule.

That is what this language does. This language in the committee bill which would be modified only slightly by the amendment I have just offered, this language maintains the integrity of the thrust of the language of the original committee action.

□ 1530

The purpose of this language is not to accuse any individual person. We do not in any way prejudge any individual action. All we do is to say that the activities which have already been described and admitted by the academy as having occurred, all we are saying is that conduct is inappropriate to the military. That conduct is not something that the Congress of the United States will stand for.

If Members believe in religious freedom, they have an obligation to stand foursquare for sending a message that we want this problem corrected. If Members turn down this language and adopt the Hunter language, you are removing the language which makes clear that the Congress finds that kind of intimidation objectionable, and you are removing the kind of language which will require a report to us about the circumstances surrounding the courageous chaplain who sacrificed her military career to blow the whistle on this.

She said she knew when she blew the whistle on it she was ending her military career. This Congress has an obligation to see that does not happen.

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am looking at the text of the Obey amendment, and it is essentially a restatement of the base language. It has the same problem that I spoke about earlier, and that is this: the Secretary of the Air Force is undergoing a number of reviews. He is investigating this situation, but as he says, he has not gotten to ground truth on this thing yet. Yet this amendment is the judge, jury and executioner of the persons who are reported. I am looking at these last three words that say we should not have any inappropriate proselytizing that may have occurred. What we have is a newspaper story.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, we do not just have newspaper stories. We have the direct statement from the director of the academy that that conduct has occurred and in his view is inappropriate. Do we want to take a position that is any less firm than he has?

Mr. HUNTER. Mr. Chairman, the gentleman from Wisconsin (Mr. OBEY) said we are angry because this has come up. That is not so. We were offered under the Army provision in our conference that this provision not be protected and simply strike it on the floor. I was advised that the gentleman from Wisconsin (Mr. OBEY) wanted to have a full discussion on this, and I said let us do it. So that is why we are doing this.

The reason we did not act on this is laid out and validated by the Secretary of the Air Force's letter where he says: "As this work progresses, I ask you to reserve your opinions on this matter until I can get to ground truth through the objective processes now ongoing."

If something is this serious, and I have never seen any statement by the Secretary of the Air Force that said abusive and coercive proselytizing has occurred, but that is the language that the gentleman has in his bill. So we have a difference of opinion on this.

I think we should wait until the reports come in, until the DOD IG comes back with his report on the captain that the gentleman has referred to, and until, in the words of the Secretary of the Air Force, we get to ground truth. And we require in my amendment a report back to Congress within 90 days on the findings that the Secretary of the Air Force comes to and recommendations for action.

Let me say one other thing. The gentleman said he is not accusing anybody of proselytizing. I am reading his plan. It says: "The Secretary of the Air Force shall develop a plan to ensure that the Air Force Academy maintains a climate free from coercive intimidation and inappropriate proselytizing by Air Force officials and others in the chain of command at the Air Force Academy."

That is a heck of a strong dose of preventive maintenance. The gentleman's position, what he has read in the Los Angeles Times is good enough for him, and it is now time for us to take remedial action even before the Secretary of the Air Force comes back with his recommendations.

Mr. OBEY. Mr. Chairman, if the gentleman would continue to yield, let me simply say this language of the committee, which I am repeating almost word for word in the amendment, does not single out any individual or claim to know the facts on any individual case. What it does most definitely assert is that the conduct, through the official spokesman for the academy, did take place and was inappropriate. We are simply backing up that statement.

Mr. Whitaker, who is the official academy spokesman, said there were cases of maliciousness, mean-spiritedness, and attacking or baiting someone over religion.

We do not have to withhold our judgment about the details of the case to know that that kind of action is across the line.

Mr. HUNTER. Mr. Chairman, I would just respond, that is not the Secretary of the Air Force; and if the gentleman is holding this up as something that justifies a condemnatory statement by the United States House of Representatives, then it has to be something that is representative of the actions of the officials of the Air Force Academy; and no one has used language as strong as the gentleman from Wisconsin (Mr. OBEY) who states, and I am going to state this one more time because we keep moving off it, the gentleman's statement is that "SEC Air Force shall develop a plan to ensure that Air Force Academy maintains a climate free from coercive and religious intimidation and inappropriate proselytizing by Air Force officials and others in the chain of command." The amendment does not even say "some Air Force officials." He is holding that out as representative of what is going on in the chain of command in the academy.

Mr. SABO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, am I correct that the superintendent, the head of the Air Force, has indicated it is a problem and it would take him 6 years to fix the problem?

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Wisconsin.

Mr. OBEY. That is exactly right.

Mr. SABO. And the chaplain at the Air Force who blew the whistle on this problem is no longer there?

Mr. OBEY. She has been removed from her position.

Mr. SABO. The minister of the church that I go to locally is a former Navy chaplain and also served in the Marines. He felt strongly enough about this issue it was part of his sermon yesterday. His response to the 6-year problem was that if this were a problem for the Marines, it would have been taken care of in 6 weeks or less.

I would only suggest there is a problem. It is obvious it is great. The amendment is sort of mild. If the Air Force is with it, they will get it taken care of shortly before any of the reports in either of these amendments are required.

Mr. HEFLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Obey amendment and in support of the Hunter amendment. I think the Obey amendment passes judgment before we know what the judgment ought to be in this thing.

We are assuming that this chaplain, one of the many chaplains that they have at the Air Force Academy, we are assuming she was reassigned because she blew the whistle, as the expression has been used here. What blew the whistle on this was the survey that they did of cadets, and a few of them said there was something wrong. And she said, yes, there was something wrong; and she has been reassigned.

When the Air Force was asked why she has been reassigned, they tell us it was because the person she was working for reassigned and it is customary to reassign. So let us not pass that judgment right now.

I think the Hunter amendment strikes the kind of balance that we really want. It does not pass judgment. It recognizes that studies are going on so we can get to the bottom of it and find out how much of a problem there might be there. It emphasizes that religious intolerance is unacceptable, and we all agree with that. Religious intolerance is unacceptable.

But it also recognizes the importance of the spiritual side of our lives and does not try to scrub religion from public life in America. There are some who would like to do that. We are looking up here at "In God We Trust" over the Speaker's rostrum. We open each day with a prayer. We do not want to scrub religion or faith from all public life. I think the Hunter amendment emphasizes that, but it also recognizes that we need to wait and pass judgment when we get all of the facts.

Mr. Chairman, I serve on the Board of Visitors at the Air Force Academy. This was not discovered by newspapers or a chaplain who blew the whistle. This was discovered during the normal administrative process of the Air Force Academy. They have discussed it with the Board of Visitors, and we have dealt with it for some time.

First of all, the Air Force Academy recognized there might be a problem, and they immediately jumped on it. They have had some problems out there. I do not know how it tied into this, but the gentleman from Wisconsin mentioned the sexual thing. That really was a scandal. I question whether we have a scandal going here.

But they knew that they were under the bright light because of what happened in the past, and they were on this immediately; and they are in the process of taking action. I do not think they need the help of the Congress of the United States to do this. I think they are on top of it.

As I said earlier, I do not think we have a scandal here. I think we have an administrative situation that the Air Force Academy and the Air Force are perfectly capable of taking care of. If that is not the case, when the studies come in, we will be able to see that and maybe we do need to get into it. We need to let this process work. We need to, I hope, not support the Obey amendment with that kind of language and support the Hunter amendment which strikes the kind of balance that I think we want. Then we will watch until the results of these studies come in and see if we need to move any further. I encourage defeat of the Obey amendment and passing of the Hunter amendment.

Mr. ISRAEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have the privilege of serving with the gentleman from California (Mr. HUNTER) and the gentleman from Colorado (Mr. HEFLEY) on the Committee on Armed Services, and it is a privilege to work with them.

I offered a very similar amendment during the authorization process. The chairman asked if I would withdraw that amendment so we could work together, and I did that in the spirit of bipartisanship and good faith.

But now we are being told, let us not work together, let us wait. We cannot wait any longer.

The gentleman from Colorado (Mr. HEFLEY) said we are trying to scrub religion from public places. On the contrary. We are not doing that. The language of the Obey amendment explicitly says the expression of personal religious faith is welcome in the United States military. That is the line we are drawing.

Mr. Chairman, the Constitution of the United States, which we have sworn to protect and defend, guarantees religious freedom and talks about the need. We were founded as a diverse country based on tolerance. We take the oath to the Constitution. We ask the Members of the military to take the same oath and fight to protect and defend the Constitution.

For over 1 year there have been persistent reports that religious freedom and constitutional protections have not been respected at the Air Force Academy, cadets forced to mark on heathen flight lines, cadets being given and denied privileges based on a religious view, cadets encouraged to tell other cadets they will burn in hell if they do not embrace a certain view. When the Air Force attempted a review and corrective action, it was diluted. When a Lutheran chaplain complained it was diluted, she was dismissed.

Mr. Chairman, even the superintendent of the Air Force, someone I have a very high regard and respect for, has said these reports keep him up at night and they may take 6 years to fix. As I said before, we have a constitutional civilian oversight responsibility for the military, and we are being told today do not take a position, let the Air Force investigate itself; and at that point Congress should weigh in.

Here is the problem with that: this has been going on for over a year. Congress has done nothing.

□ 1545

The appropriations bill will pass tonight. After tonight, it will be too late for Congress to take a position on this issue. The principal vehicle of funding for the military will have passed and the opportunity to defend tolerance, respect, and religious pluralism and freedom will have passed us by.

Delaying is not a matter of fairness. Delaying is a matter of delay. It is a matter of complicity. If the House Armed Services Committee cannot exercise its full constitutional oversight responsibility on this issue, why are we in existence?

My chairman knows that I have been a stalwart supporter of the military on every amendment, every bill, supporting more resources for the military, more investments, increasing end strength, because I want the military to be able to protect and defend the Constitution at home and abroad and I want it to respect the Constitution and embrace the personal expression of religious view at its own home. That is why I rise to support the Obey amendment, and that is why I oppose the Hunter amendment.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. ISRAEL. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I want to emphasize one thing. The gentleman from California said that his amendment will preserve the understanding that religious faiths are welcome at the academy. That is true. His amendment does. But I would point out, it simply repeats the first sentence of the committee language in the Obey amendment. We all agree. We all agree that the expression of personal religious faith is welcome. That is exactly why we are here standing pushing for this committee language today, because we want to make sure that the Pledge of Allegiance that we take every day says "liberty and justice for all", not just "for almost everybody."

The gentleman said that he did not want to see religion scrubbed out. I do not, either. But 55 cadets have said that there were efforts at the academy to scrub out their expression of religious belief. That is what we want to stop. I want to make sure that every single person who attends that academy feels free from intimidation and does not feel that they have to go along with the attitudes of those in the chain of command or their senior cadets in order to get along at the academy.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. ISRAEL. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding. I thank him for the spirit in which this debate is conducted. The gentleman from Wisconsin and I do have similar expression in welcoming religious expression at the academy. Where we do differ is that in our amendment we do not prejudge that officials are abusively proselytizing; and with the IG report coming in from DOD, not just the Air Force, but the IG report coming in from DOD and the Air Force IG report coming in, I think we need to get those reports and then take congressional action.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at the risk of offending the gentleman from California (Mr. HUNTER), chairman of the Armed Services Committee, and the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Appropriations Committee, it looks to me like this debate, which is a really good debate and has been back and forth, the only problem so far is that most everything has been said, but not everyone has said it yet.

It looks to me like this is going to take more time to settle an issue that has nothing to do with the war in Iraq or the war against terrorism, going to take more time than the bill that does provide for the security of the Nation. We ought to get to the end of this debate and get back to the real business at hand today.

Mr. Chairman, I may offer a bit of a facetious statement, but if we cannot get this thing ended, I may ask unanimous consent that the staff can go outside and have their own debate rather than handing stuff to the Members in order to have that debate. I have probably offended both sides. I do not know who applauded, but I probably offended both sides. But we ought to get to the business that we came here today for and that is to provide for the security of the United States of America and to provide the troops what they need to do their job, perform their mission, and protect themselves while they do it.

Mr. HOSTETTLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the long war on Christianity in America continues today on the floor of the United States House of Representatives. It continues unabated with aid and comfort to those who would eradicate any vestige of our Christian heritage being supplied by the usual suspects, the Democrats. Do not get me wrong. Democrats know they should not be doing this. The spirit of, if not the exact, language in the underlying bill added by the Democrat ranking member, the gentleman from Wisconsin was offered by a Democrat in the Armed Services Committee during consideration of the fiscal year 2006 DOD authorization bill.

The author of that language in the authorizing committee, the gentleman from New York, has suggested since that time that "extremist groups" are behind the removal of language similar to his. I and others who spoke in opposition to that amendment had never even heard of the notion of such an amendment until the gentleman from New York actually offered it during the committee markup. And so I am curious as to who these extremists are that the gentleman from New York spoke of.

Mr. Chairman, we may never know because that is the nature of this debate, name-calling of unspecified people and groups who hold a world view different than many of these Democrats. And, as I said, Mr. Chairman, Democrats know they should not be doing this. Following the overwhelming opposition voiced at the DOD markup, the Democrat ranking member of the committee requested the gentleman from New York to withdraw the amendment, which he did. * * *

Mr. OBEY. Mr. Chairman, I move that the gentleman's words be taken down.

The CHAIRMAN. The gentleman will suspend.

The Clerk will transcribe the words.

□ 1626

Mr. HOSTETTLER. Mr. Chairman, I ask unanimous consent to withdraw the last sentence I spoke.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. OBEY. Mr. Chairman, reserving the right to object, I think the House needs to understand why I objected to the language of the gentleman.

As I understand it, the language that the gentleman is saying he will withdraw is the following: "Like moth to a flame, Democrats can't help themselves when it comes to denigrating and demonizing Christians."

What I would have asked the gentleman, since he referred earlier in his remarks to me and the gentleman from New York (Mr. ISRAEL), I would have asked him if he really believed that the gentleman from New York's (Mr. ISRAEL) efforts to attach similar language in the Committee on Armed Services, the language that the gentleman referred to earlier in his discussion, whether he really thought that the gentleman from New York (Mr. ISRAEL) was engaging in an anti-Christian act. I would have asked him whether he really thought that the language that I was trying to offer to protect people of all religions at the Air Force Academy, whether he really thought I was being anti-Christian. I would have asked him if he thought that the chaplain at the Air Force Academy who laid her career on the line in order to protect the religious freedom of those cadets who she felt were being intimidated, whether her actions were anti-Christian.

□ 1630

I would have asked whether he thinks that the kind of conduct which the superintendent of the Academy has already admitted occurred, which among other things had one cadet calling another a "filthy Jew," or when they had cadets who did not subscribe to a specific kind of Christianity being told that they were going to, "burn in hell," I would have asked him whether or not the Chaplain's objection to that kind of conduct was anti-Christian?

I would have suggested that when Mr. Whitaker, the official spokesman for the Academy indicated that he thought the problem at the Academy was one of "insensitivity and ignorance," I would have asked whether or not, unfortunately, we did not often see those same qualities displayed elsewhere, including on the floor of this House?

And I would have suggested that I think his outburst, and the specific language he used, is perhaps a perfect example of why we need to pass the language in my amendment, which states, "coercive and abusive religious proselytizing at the United States Air Force Academy by officers assigned to duty at the Academy and others in the chain of command at the Academy, as has been reported, is inconsistent with the professionalism and standards required of those who serve at the Academy.

And I would add, also, of those who serve in this House and speak on this floor. So those are the questions I would have asked. If the gentleman is withdrawing those words, fine, I think it is constructive that he do so.

But, before I do that, I would, under my reservation, yield to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Chairman, the words that we heard, as unfortunate and as hurtful as they were, as the gentleman from Wisconsin (Mr. OBEY) says, testimony for the passage of our amendment.

I have never heard it suggested that by somehow saying that with a personal expression of religious observance and freedom, as the gentleman from Wisconsin (Mr. OBEY) wrote in his amendment, as I included in my amendment, could somehow be characterized in the way it just was.

And, Mr. Chairman, I will just state for the record, with respect to the Air Force Academy, by one estimate, of the 117 Academy cadets, staff members and faculty members who complained about religious intimidation and proselytizing, eight happened to be Jewish, one happens to be atheist, 10 happen to be Catholic, and all of the rest happen to be Protestants.

So this is not being for or against any one faith, I would say to the gentleman. This is about respect for all faiths. And that is why we offer this amendment, and that is why we believe now more than ever that it is critical that it be passed, and that the American people know that we embrace religious viewpoints in our military, but we also want respect for the spiritual values of all people.

Mr. OBEY. Continuing my reservation, Mr. Chairman, I would simply say that perhaps the speech of my good friend from Florida (Mr. YOUNG) urging that we stop talking on this amendment and get to the vote, perhaps his speech came 5 minutes too late. It is too bad, not too late, because if we had voted before the last speaker, the House would not have seen this unfortunate event present itself.

So, Mr. Chairman, I would simply say that I think perhaps the best thing to do in the interests of restoring a decent amount of civility and comity to the House this afternoon is for the gentleman from Indiana (Mr. HOSTETTLER) as he has suggested, to withdraw his words and for us to get onto a vote and pass this amendment to make quite clear that every Member of this House, save perhaps a few, recognize that we have an obligation to each and every cadet at the Air Force Academy, to see that they can practice their religion without fear of ridicule, without fear of condemnation, without fear of intimidation by anyone else, be they Protestant, Catholic, Jewish, Muslim, or any other religion that anyone of us can think of.

This language in the committee bill, the language which we are restoring by my amendment, is an effort to protect all religions, all religions. I would ask for an aye vote when the amendment comes.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. Without objection, the words designated by the gentleman from Indiana (Mr. HOSTETTLER) are withdrawn.

There was no objection.

The CHAIRMAN. The gentleman from Indiana (Mr. HOSTETTLER) has 3½ minutes remaining.

Mr. HOSTETTLER. Mr. Chairman, when it comes to the assertions in the language of the bill, the amendment offered by the gentleman from Wisconsin (Mr. OBEY) at this point, even the press has recently indicated the fallacious nature of those assertions.

In the sense of Congress portion of the bill, the gentleman from Wisconsin (Mr. OBEY) states, "coercive and abusive religious proselytizing at the United States Air Force Academy by officers assigned to duty at the Academy and others in the chain of command at the Academy, as has been reported, inconsistent with the professionalism and standards required of those who served at the Academy.

Coercive and abusive religious proselytizing, as has been reported. The American Heritage Dictionary, Second College Edition, defines the word "proselytize" to mean, "to convert from one belief or faith to another."

Are the gentleman from Wisconsin (Mr. OBEY) and others providing one shred of evidence that there has been a forced conversion from one belief to another at the Air Force Academy? And if so, from what belief to what belief did the abusive and coercive conversion take place?

No, there is not a single reported incident of the proselytizing that the gentleman from Wisconsin (Mr. OBEY) attempts to persuade us is gospel.

Noting this, today's issues of CQ Today, writing about this issue, speaks of our "spirited debate over whether Congress should speak out about reports that some Christian officials at the U.S. Air Force Academy in Colorado Springs, Colorado, coercively sought to proselytize non-Christian students."

Sought to proselytize, that is not what this debate or the amendment offered by the gentleman from Wisconsin (Mr. OBEY) is about. The gentleman from Wisconsin (Mr. OBEY), as my chairman of the Authorizing Committee has stated earlier, has indicted, convicted and sentenced the leadership of the Academy, without any evidence, reported or otherwise, that coerced conversions have taken place at the Academy.

And for that miscarriage of justice, Mr. Chairman, this amendment offered by the gentleman from Wisconsin (Mr.

OBEY) should be defeated, and the underlying amendment from the gentleman from California (Mr. HUNTER) adopted.

Mr. TURNER. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the Obey amendment and in favor of the Hunter amendment.

Mr. Chairman, Jesus Christ is my Lord and Savior. Why do I rise in this body, on this floor at this time and make this statement about my personal religious faith? Because I can. Because it is inherent in the concept of democracy and our Constitution that we value the protections of freedom of speech, the freedom of religion, and the protection of the freedom of the practice of religion.

Because of this, I can stand here today and make my statement of faith, just as any other Member of this body or any other citizen of this Nation can make their statement of faith, whatever their faith or religion may be, or they may make a statement of a lack of faith, a statement of having no belief in any religion.

Mr. Chairman, we value this so much that not only is it a right that we protect, but we further protect individuals from discrimination based upon their religion or their belief in no religion. This body has many times voted to ensure that no American is discriminated against based upon their religious faith or lack of religious faith.

In ensuring that our laws against discrimination are enforced, we do not need to pass additional laws that would undermine one of the basic tenets founding this country, which is the belief in the free practice of religion, and the freedom of speech which includes the freedom of the expression of religious faith.

Our men and women in uniform serve their country by serving in our military. Their service is based upon an allegiance to our Constitution and its basic principles of freedom and liberty. We must never forget that many of our forefathers came here escaping countries that have laws and rules that restricted the practices of certain types of religion.

There are countries today where citizens or members of government are restricted and cannot stand, as I just did, stating their faith and belief in God. May there never be a time when a Member of Congress or our men in uniform may not freely and openly acknowledge their God or express their faith and belief in their religion or openly acknowledge their lack of religious faith.

The Obey amendment should be defeated. The Hunter amendment supports our freedoms and protections guaranteed by the Constitution. I strongly encourage my colleagues to support the Hunter amendment and oppose the Obey amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, briefly I would note that what we have been objecting to is precisely the denial to some cadets at the Air Force Academy of the very freedom that the previous speaker proclaimed.

No one has criticized anyone's profession of his or her religion. The animus here, the gravimen of this charge is, that other people have been penalized for it, and the Superintendent to the Air Force Academy himself acknowledged it.

Now, I apologize for prolonging this, and I would say that when the chairman of the subcommittee, the former chairman of the full committee, the gentleman from Florida (Mr. YOUNG) appealed for an end to the debate, he got acquiescence on this side.

Two Members on his side decided to prolong it. I wish that others had followed our example. But since they have not, I do think that things have to be answered.

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I do not want to take more than 30 seconds. I simply want to reiterate what the Obey amendment does before us, restores, almost word for word, the original language of the committee bill. What that language tries to do is to assure the full protection of, well let me put it another way, because this is a sense of the Congress language.

What we attempt to do is to put the Congress on record squarely, as saying that we want every cadet, regardless of religion, to be able to fully practice their religion without intimidation, without ridicule, without restraint.

That is what we are trying to do. I think it speaks for itself. If people do not believe the Congress should stand for that, then they can vote against the amendment. If they do, I would appreciate a yes vote.

Mr. FRANK of Massachusetts. Mr. Chairman, in closing, I would repeat what has been said before, but apparently with sufficient clarity, I guess. The one person, who more than any other, was penalized for speaking out in this matter, in defense of the principles that the previous speaker articulated was a chaplain, the chaplain who was sent to Okinawa in a punitive transfer, and I know people have said that the Air Force gave different reasons for that. I do not think anyone really believes that.

It is clear that she was transferred for punitive reasons, because she spoke out against what she thought was an inappropriate set of actions against people's freedom of religion. She was, as we said and is, a chaplain.

Mr. Chairman, I yield to my friend, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this issue has a special relevance to each of us because, we actually name the young men and women who go to these academies. And each of us take this responsibility with a great deal of responsibility.

And to the parents who entrust these children, these young men and woman, to us and through us to the academies, there is an expectation that regardless of the religion of any of these families, that they will, on the one hand, be able to fully practice their religion, but at the same time they will also be free from coercion of other religions as they leave home for the first time.

☐ 1645

So we have, I think, the greatest responsibility because we play a role in selecting these young men and women to ensure that they are protected and that their parents, their families, back home are protected from the beliefs which they are sent with being attacked or undermined by those that do not respect the beliefs that those young people brought with them. So I agree that this amendment is absolutely essential and that the statement must come from this body of all bodies on this most important of issues.

Mr. CONAWAY. Mr. Chairman, I move to strike the requisite number of words.

At the risk of unnecessarily continuing this debate, I must stand in opposition to the Obey amendment and in favor of the Hunter amendment.

The words "coercive and abusive proselytizing" are particularly troubling. I too am a Christian and one of the basic tenets of my faith is that I must share that faith. I am instructed to go and tell. And the going and telling of that involves looking someone face to face and explaining the tenets of my religion, one of which is a heaven and a hell.

If I were to do that on the Air Force Academy, then I could be accused of abusive and coercive proselytizing and be charged, and that is not the case. Of course, were that charge to be made, then I would make a charge of the religious intolerance of the person that made that charge against me. We seem to get into a loop here that does not make any sense.

Both sides want freedom of religion. Both sides want freedom of expression of religion. The Hunter amendment calls for doing it in a way that allows for a due process on the campus to continue, all of the studies and reviews to get done. The Obey amendment unfortunately is a ready-aim-fire approach that I stand in opposition to.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of Ranking Member OBEY's amendment, which seeks to protect religious freedom at the Air Force Academy. This amendment condemns coercive or abusive proselytizing at the Academy and reaffirms that the military must be a place of tolerance for all faiths and backgrounds. Indeed, we hold our nation to high ideals of religious freedom and this amendment ensures that the Air Force Academy meets these ideals.

Thankfully, this issue of infringement on religious freedom was reported by cadets at the Academy. The Los Angeles Times reported on April 20, 2005, that an atmosphere existed on the campus of the U.S. Air Force Academy that appeared to tolerate disrespectful treatment of persons who were not evangelicals. Air Force officials have acknowledged the problem, which initially surfaced in early May 2004 when a survey of present and former cadets revealed that some students felt that 'born-again' Christians received favorable treatment and that persons of faith that did not consider themselves born-again had been verbally abused. These reports are unacceptable; truly we can not tolerate even the hint of religious intolerance or persecution anywhere in our nation, but especially not in any sector of our Armed Forces. Our brave men and women in the Armed Forces are fighting and in many cases are dying to protect the idea of religious freedom for all Iraqis, it would be a true shame if religious intolerance were given even the slightest legitimacy here in the United States. At this time when recruitment levels are low we do not need to send out the message that anyone who joins the Air Force Academy and is not a strong evangelical Christian may face persecution.

I was disappointed by the words heard on the floor by one Republican that Democrats are declaring war on Christians; thankfully he decided to strike this offensive statement from the record. However, he brings up an issue that must be addressed despite its outrageousness. The simple truth is that Democrats are supporting this amendment to strengthen the voice of religion, not weaken it. I affirm the tolerance of all religions. As Democrats we believe that all faiths have a right to practice freely and share their beliefs. This freedom of religion strengthens and gives voice to the entire faith community. The Obey amendment is not any radical measure, it simply states that: "(1) the expression of personal religious faith is welcome in the United States military, but coercive and abusive religious proselytizing at the United States Air Force Academy by officers assigned to duty at the Academy and others in the chain-of-command at the Academy, as has been reported, is inconsistent with the professionalism and standards required of those who serve at the Academy; (2) the military must be a place of tolerance for all faiths and backgrounds; and (3) the Secretary of the Air Force and other appropriate civilian authorities, and the Chief of Staff of the Air Force and other appropriate military authorities, must continue to undertake corrective action, as appropriate, to address and remedy the inappropriate proselytizing of cadets at the Air Force Academy." It also calls for the Secretary of the Air Force to develop a plan "to ensure that the Air Force Academy maintains a climate free from coercive religious intimidation and inappropriate proselytizing by Air Force officials and others in the chain-of-command at the Air Force Academy. The Secretary shall work with experts and other recognized notable persons in the area of pastoral care and religious tolerance to develop the plan."

Clearly, the requirements of this amendment are not burdensome or complex, but they are necessary. This amendment gives peace of mind to all students who enter the Air Force Academy that they will not face intimidation when making choices about their faith. Truly, this is an American ideal and we can never stray from that path.

Mrs. CAPPS. Mr. Chairman, I rise in support of the Obey amendment and opposition to the Hunter amendment.

Religious freedom is bedrock principle for which the United States stands, and which the military is meant to defend.

Unfortunately the environment at the U.S. Air Force Academy appears consumed by religious intolerance.

Some chaplains encourage cadets to convert their colleagues to Christianity.

And one has publicly declared that cadets who do not accept proselytization will "burn in the fires of hell."

The football coach is reported to use his position to urge players to go to church and to be Christians.

He even went so far as to put a banner in the Academy football team locker room reading "I am a Christian first and last. I am a member of Team Jesus Christ."

Cadets who do not go to church are organized into groups called "Heathen Flights" by their cadet officers.

And high ranking officers, including the Commandant of Cadets, have given the Academy's official sanction to religious events geared towards promoting Christianity, including screenings of "The Passion of the Christ."

The problem is so pervasive that the Superinendent of the Academy, Lt. General Rosa, publicly acknowledged it in a speech to the Anti-Defamation League.

It is appalling that the young men and women who volunteer to defend our Nation should be subject to religious harassment and intolerance of this kind.

It clearly violates the Constitution. And it undermines the unity of the armed forces.

If this were going on at University of Colorado, students could easily just ignore it as they probably do almost everything else the school tells them.

But Air Force cadets are members of the miltary and part of the chain of command, and all that entails.

The Academy tells cadets when to wake up and go to sleep, when to eat, how to dress, where to go and when to go there, when they can leave campus and how they must behave.

If the cadets ignore their superiors on any of these issues they would be sternly disciplined.

This is why it is critical that the officers and staff at the Air Force Academy not be permitted to inappropriately press their religious beliefs onto their cadets.

This is where the coercion that Mr. HOSTETTLER was asking about takes place.

The military has a special obligation to ensure that its members do not abuse the extraordinary influence that chain of command gives them.

Clearly, that has not been the case at the Air Force academy. And now Congress has a duty to address these concerns.

When the Constitution of the United States is being disregarded in such blatant fashion we have no choice. We must act.

For that reason I applaud the leadership of Ranking Member OBEY and the members of the Appropriations Committee.

The language they included clearly expresses our objection to these practices, and demands a plan of action from the Air Force Secretary.

I also want to commend my colleague Mr. ISRAEL for offering this same language in the Armed Services Committee.

Last month I, along with 45 of my colleagues, sent a letter to the Air Force Secretary asking for a thorough and public investigation.

I am pleased to know that the Air Force's internal investigation of these issues will soon be complete. This is a good first step.

Unfortunately there has been a history at the Air Force Academy of trying to cover up embarrassing scandals rather than deal with them.

It took considerable Congressional pressure to force the Air Force and the Academy to take the matter of sexual harassment and assault seriously.

The Academy's initial response to the issue of religious freedom has not inspired confidence that they are acting differently here.

One Academy chaplain, Captain Melinda Morton, pressed hard for changes to ensure religious tolerance and was recently removed from her post and her reassignment has the appearance of the Air Force punishing an officer for looking after the spiritual well-being and constitutional rights of all the cadets.

So the Congress clearly has enough information to take the step included in this bill.

The language in this bill will send an unmistakable signal to the Air Force that we are watching, and we will not allow them to sweep this under the rug.

We should not dilute it by passing the Hunter amendment. I urge my colleagues to oppose it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) to the amendment offered by the gentleman from California (Mr. HUNTER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) to the amendment offered by the gentleman from California (Mr. HUNTER) will be postponed.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of this bill which I am pleased to see includes an additional $20 million for the Department of Defense Family Advocacy Program.

In an era of extended and repeated deployments, our military families are under more strain than ever before and the services of the Family Advocacy Program are desperately needed.

DOD has made progress in its efforts to prevent domestic violence, but I hope that some of this additional funding will also be used to strengthen intervention programs which are still in need of improvement.

As important as the Family Advocacy Program is, let me stress that it is only one part of the total domestic violence prevention and response effort envisioned by the Defense Task Force on Domestic Violence in its 2003 final report.

I look forward to working with my colleagues in the future to ensure that the recommendations of the task force are fully implemented and that our military families get what they deserve. I would like to thank the subcommittee chairman and my good friend, the ranking member, the gentleman from Pennsylvania (Mr. MURTHA), for recognizing that there remains significant work to be done on this issue and for making the safety and well-being of military spouses and children a top priority in this bill.

Mr. DEAL of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to enter into a colloquy with the chairman of the subcommittee on the subject of the Defense POW/Missing Persons Office.

It has come to my attention, Mr. Chairman, that the Defense POW/Missing Persons Office, the DPMO, has received complaints from such groups as the National League of Families of American Prisoners and Missing in Southeast Asia and the organization of Korea/Cold War Families of the Missing. In particular these groups object to the DPMO's action in the following areas:

one, the manner in which they have developed policy without substantive interagency integration and dismiss Vietnam's ability to provide answers;

two, their hostility towards the POW/MIA families;

three, their attempt to take total control of the League of Families' annual meetings and operations of the Joint POW/MIA Account Command;

four, the use of the COIN Assist fund as a leveraging mechanism to control agenda of the League of Families.

I specifically ask that a report be completed assessing the level of cooperation and interaction between the Defense POW/Missing Persons Office with the National League of Families of American Prisoners and Missing in Southeast Asia and the Organization of Korea/Cold War Families of the Missing and all other members of those organizations, particularly with respect to compliance with all applicable provisions of law. Further, I ask that the report be included in the Statement of Managers to accompany the conference report for this bill, H.R. 2863.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I understand the concerns, and the gentleman and I have spoken at length about these issues and I am equally concerned as is he. And I think it is appropriate that we do ask for such a report; and when we meet with the Senate for conference on this bill, we will seek to include such a report.

Mr. DEAL of Georgia. I thank the chairman.

I would ask unanimous consent to insert certain documents into the RECORD. These documents represent and outline the various frustrations and concerns of the National League of Families of American Prisoners and Missing in Southeast Asia and should be considered and addressed by the Office of the Secretary of Defense and their report.

I believe this report must reflect a comprehensive study of DPMO's guidance and policy initiatives. I am particularly concerned that the concerns of the National League of Families be seriously addressed. A report that merely waxes over such differences as a "family feud" would not be found acceptable.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I certainly agree to work with the gentleman on this matter to have a satisfactory conclusion.

Mr. DEAL of Georgia. I thank the chairman again.

I ask that upon completion of this report that it be submitted to the House Committee on Appropriations, the House Committee on Armed Services, and that it be made available to the personal offices of all members of the POW/MIA congressional caucus.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. I yield to the gentleman from Florida.

Mr. MILLER of Florida. I thank the gentleman from Georgia (Mr. DEAL) for yielding. I thank my colleague and good friend, the chairman, for allowing this time.

As co-chair of the Congressional POW/MIA Caucus I appreciate the leadership of the gentleman from Georgia (Mr. DEAL) on this issue.

The POW/MIA Caucus recognizes that policy coordination and cooperation must include not only congressional oversight but also a continued strong working relationship with nongovernmental organizations such as those you have talked about, the National League of American Prisoners and Missing in Southeast Asia, the Organization of Korea/Cold War Families of Missing.

It is the members of these organizations and others like them who stand to gain the most by the implementation of government policy. The elimination of nongovernmental organization participation in this process would impede progress, and the caucus supports the leadership of the gentleman from Georgia (Mr. DEAL) on this issue and looks forward to working with the Defense POW/Missing Persons Office, the committees of jurisdiction, and these organizations to ensure that our shared goals are met.

Mr. DEAL of Georgia. I thank the chairman of the subcommittee, and I look forward to working with him on this issue in conference.

AMENDMENT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. PELOSI:

At the end of title IX, insert the following new section:

SEC. _____. (a) Not later than 30 days after the date of the enactment of this Act, the President shall transmit to the Speaker and minority leader of the House of Representatives and the majority leader and minority leader of the Senate a report on a strategy for success in Iraq that identifies criteria to be used by the Government of the United States to determine when it is appropriate to begin the withdrawal of United States Armed Forces from Iraq.

(b) The report shall include a detailed description of each of the following:

(1) The criteria for assessing the capabilities and readiness of Iraqi security forces, goals for achieving appropriate capability and readiness levels for such forces, as well as for recruiting, training, and equipping such forces, and the milestones and timetable for achieving such goals.

(2) The estimated total number of Iraqi personnel trained at the levels identified in paragraph (1) that are needed for Iraqi security forces to perform duties currently being undertaken by United States and coalition forces, including defending Iraq's borders and providing adequate levels of law and order throughout Iraq.

(3) The number of United States and coalition advisors needed to support Iraqi security forces and associated ministries.

(4) The measures of political stability for Iraq, including the important political milestones to be achieved over the next several years.

(c) The report shall be transmitted in unclassified form but may contain a classified annex.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order against the amendment.

Ms. PELOSI. Mr. Chairman, I regret that a point of order was raised, but I do want to commend the gentleman from Florida (Mr. YOUNG) for his outstanding leadership to protect our country. He is a champion for national security, a champion for our troops. I respect him enormously. I wish he had not raised this point of order.

I want to commend the chairman of the full committee, the gentleman from California (Mr. LEWIS), who is in the Chamber right now, for his distinguished leadership on behalf of America's troops and on behalf of our national security. They have worked in a bipartisan manner with our distinguished ranking member, former chair of the subcommittee, the gentleman from Pennsylvania (Mr. MURTHA). By working together with the gentleman from California (Mr. LEWIS) in the last session of Congress and on an ongoing basis with the gentleman from Florida (Mr. YOUNG), they have really tried very hard to provide our troops with what they need to do their job and to come home safely and soon.

I also want to recognize the outstanding leadership of the gentleman from Wisconsin (Mr. OBEY), the ranking member of the full committee, former chair of the committee. I think these four gentleman have worked very closely together, removed the doubt in anyone's minds that we understand our obligation under the Constitution to provide for the common defense and they help us honor that commitment. I thank them all.

The legislation that we are considering today contains in it another $45 billion for the war in Iraq that has already consumed nearly $200 billion, ended the lives of over 1,700 of our troops, and thousands more Iraqis, and changed forever the lives of tens of thousands more who have been wounded in that war.

They were sent into the war without the intelligence about where they were going, what they were going to confront, without adequate equipment to protect them and without a plan for what would happen after the fall of Baghdad.

As I referenced earlier, the gentleman from California (Mr. LEWIS), the gentleman from Pennsylvania (Mr. MURTHA), the gentleman from Florida (Mr. YOUNG), and the gentleman from Wisconsin (Mr. OBEY) have fought hard, especially the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) last year in the defense Committee on Appropriations to correct the inadequacy of the equipment they had.

Many of us have visited with soldiers in Iraq. Some of them are on their second tour of duty. I conveyed to these brave soldiers, as I have to soldiers in hospitals here and abroad, how grateful the American people are to them for their valor, for their patriotism, for the sacrifices they are willing to make for our country. They have performed their duties with great courage and skill, and we are deeply in their debt.

Disagreement with the policies that sent our troops to Iraq and which keep them in danger today in no way diminishes the respect and admiration that we have for our troops. Sadly, the level of their sacrifice has not been met by a level of language by the administration, and now the American people agree that this war is not making us safer.

Republican Senator Robert Taft of Ohio, who in time became the Republican leader in the United States Senate, had this to say about our duty in time of war as Members of Congress. He said, "Criticism in time of war is essential to the maintenance of a governing democracy."

He was a Republican. This was World War II. He was a Republican in the Senate. He said that, and he was right.

It is in that spirit that I disagree with those Republicans who continue the course of action that we are on now. When we went into this war, it was a war of choice. President Bush sent us into a war of choice, a preemptive war. When you have a war, you have to go in with the preparation that you have. But when it is a war of choice, you have an increased responsibility to be prepared and to have a plan for what happens after the fall of, in this case Baghdad, but we have not.

□ 1700

Vice President CHENEY at the time said that our troops would be met with rose petals. Instead, they were met with rocket-propelled grenades.

Under Secretary Wolfowitz said that this is a country that can easily afford its own reconstruction and soon, and the U.S. taxpayer is still paying the tab.

This is a war that each passing day confirms what I have said before and I will say again, that this war in Iraq is a grotesque mistake. It is not making America safer and the American people know it.

Early on, the gentleman from Pennsylvania (Mr. MURTHA) said what a Democratic, what a bipartisan proposal should be as far as going into Iraq, that with the fall of Baghdad, we should move quickly to Iraqtize, to turn the security of Iraq over to the Iraqis. We should internationalize, that we should form the diplomatic alliances in the region for the Iraqi government so that our troops could accomplish their goals militarily with the help of diplomacy. It simply cannot be done alone.

The gentleman from Pennsylvania (Mr. MURTHA), in leading our House Democrats on this issue, said that we should energize, we must turn on the light, we must have reconstruction in Iraq, and because of some of the poor planning or lack of planning, the reconstruction has taken much longer, is much more costly, and again, the security is making it almost impossible.

You cannot go forward with the social services and the rest unless you have a secure Iraq. You cannot have it be secure and bring our troops home unless you turn over that security responsibility to the Iraqis.

So we go to a place where we should expect the least Congress should do is to insist that the President provide the details on how it will be determined when the responsibility for Iraq's security can be turned over to the Iraqis and how Iraq's economic and political stability will be assessed. That is what my amendment would have done, would do, if it were made in order.

The failure by the President and his administration to plan adequately for the conduct of war to date has made it all the more imperative that Congress ensure the planning be done competently for bringing our troops home. If our troops are to leave when the mission has succeeded, we need to know how success will be defined.

Despite the manner in which the administration has chosen to fund the war, relying totally on supplemental appropriations up until now, as though it was a surprise that keeping hundreds of thousands of military personnel in and near Iraq would have a cost, our commitment in Iraq cannot be open-ended. Congress should have insisted long ago that the limits on that commitment be publicly shared and well understood.

The Iraq money in this bill is described as a bridge fund. Congress and the American people have a right to ask: A bridge to what? A bridge to where? The report required by my amendment would have built on the report request in the recently enacted supplemental appropriations bill and help answer that question, and that request was agreed to in a bipartisan way. This is really an endorsement of that, taking it from report language, putting it into law and raising its profile so the administration knows that it must answer those questions in the supplemental.

Republicans apparently prefer to keep their heads in the sand and continue to provide money for the Iraq War with no questions asked.

Congress did not discharge its responsibility to oversee these policies at the start of the war, and it has not done so since. The American people deserve better. More importantly, Mr. Chairman, our troops who serve in harm's way deserve better. They are owed more by those who sent them there than lack of planning.

We must do everything in our power to honor our obligation to our troops. Only then will we be fulfilling our responsibility.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill, and therefore, violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment gives affirmative direction. I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentlewoman wish to be heard on the point of order?

Ms. PELOSI. Mr. Chairman, I do have a question to follow up on the distinguished gentleman's point of order, and that is, almost the same language was contained in the supplemental that passed the House a few weeks ago, and I do not know why the criteria that he establishes here for my amendment would not have then applied then and if that, in fact, does not serve as a model for us now.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment includes language imparting direction to the President. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. DOGGETT

Mr. DOGGETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOGGETT:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for activities in Uzbekistan.

Mr. DOGGETT. Mr. Chairman, this Defense bill has many good aspects, but I believe that it does contain at least one soft spot that undermines the high level of security that our families demand.

The safety of our families is just too important to be dependent on the word of a terrorist. Unfortunately, that is what this administration has done in a little known corner of the world called Uzbekistan. In a desperate search for allies against terrorism, the administration has actually teamed up with the chief terrorist in that far away land, its President Islam Karimov.

Before the Bush administration befriended him, Mr. Karimov was known for his rather peculiar habit of boiling alive some of the local opponents to his police state. In what President Bush's own State Department described in February as an atmosphere of repression, where torture was common, other favored methods of dealing with differing opinion in Uzbekistan includes suffocation, electric shock, rape, sexual abuse. However, beating, according to the State Department, is the most commonly reported method of torture.

Another tactic that perhaps Mr. Karimov learned through his earlier tenure on the Soviet Politburo is the practice of having local political and human rights activists declared insane to stop their activities. A woman in Tashkent, for example, was committed to a psychiatric hospital, apparently in part for asking that her neighbors' taxes be reduced. Radio Free Europe and Radio Liberty reported that torture, and the fear of it, may even serve as the primary tool of controlling society in Uzbekistan.

Most recently, the Uzbek dictator participated in what is known as "Bloody Friday," where hundreds of men, women and children were murdered on May 13. Since then, he has successfully led efforts to thwart any independent investigation.

The New York Times reported on Saturday that "Uzbek Ministries in Crackdown Received U.S. Aid." The United States has provided extensive aid to the very Uzbek ministries and the types of units that took part in this murderous May 13 crackdown.

To those who say, well, "he is a thug but he is our thug," I would say that this is no way to ensure the protection of our families. Even to those in this administration whose interest in human rights has waned significantly in recent years, I would say that when you place the future of our families in the hands of someone who can cling to power only by killing, maiming, and boiling his opponents, you place our future in very unreliable hands, and we already have another example of this thug's unreliability.

Mr. Karimov's decision recently to deny nighttime flights and heavy cargo flights into our K-2 air base in southern Uzbekistan. Apparently, these restrictions result from the fact that Mr. Karimov is peeved at the Bush administration because they have not yet spent all the $42.5 billion appropriated for the K-2 base, and they just soft-pedaled international criticism of the latest round of murders, instead of fulfilling his desire that they remind the world what a big buddy of America he is.

Undoubtedly, he will be happier with the decision of Secretary Rumsfeld, reported last week in The Washington Post, to squelch a call by all the other defense ministers of NATO for a transparent, independent, and international probe of the Bloody Friday murders.

During the Memorial Day recess, three Republican Senators took an uninvited trip to Uzbekistan where they received firsthand reports of the shocking increase in Mr. Karimov's violent repression. All three of these Republicans have called for a fundamental change in our dealings with the Uzbek people and have suggested that we should reconsider long-term commitments. This amendment will accomplish just that.

As to the form of the amendment, our House rules, as we just saw with the amendment offered by the minority leader when she was thwarted in an effort to get information about Iraq, severely limit our ability to address this concern. Therefore, this particular amendment is simply worded, "Stop all expenditures immediately."

I have another version I would be pleased to offer, giving the administration more of the flexibility that it is always so eager to have, but whatever the specific language, I am confident that the conferees, the gentleman from Florida (Mr. YOUNG), the gentleman from Pennsylvania (Mr. MURTHA) and the people from the Senate can make any modifications they deem necessary to this amendment to ensure the orderly removal of what was supposed to be a temporary presence in Uzbekistan and to provide emergency reentry should this be absolutely necessary in the war on terrorism.

My only goal is the recognition that the United States cannot lead in the fight on terrorism by funding a terrorist. Our association with thugs like Karimov in Uzbekistan does not enhance our security. It jeopardizes that security. We should adopt this amendment because, in short, the Bush administration's terrorist in Tashkent is a security risk. We risk our security by the bad company Mr. Rumsfeld is keeping.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

The gentleman, in his own discussion, has talked about the K-2 airfield. Afghanistan being one of the battlefields in the global war on terrorism. It is extremely important in order for that war to be successful.

K-2 airfield in Uzbekistan is important to our functioning in Afghanistan. It is the logistical center where we get things from here to Afghanistan that need to get from here to Afghanistan.

This amendment is a one sentence amendment and says none of the funds can be spent in Uzbekistan. We cannot afford not to have the K-2 airfield in the global war on terror and especially the Afghanistan battlefield in that war.

Mr. DELAHUNT. Mr. Chairman, I move to strike the requisite number of words.

I would direct the gentleman, the chairman, for whom I have profound respect, to an editorial that appeared today in The Weekly Standard, which indicates that President Karzai of Afghanistan is more than willing to provide the bases necessary that the gentleman alludes to for the global war on terror, and I dare say I would much prefer to do business with President Karzai than with this gentleman here who is Islam Karimov.

He is the dictator who runs Uzbekistan, which is a Nation of some 25 million in central Asia, about the size of California. He is a murderer and he is a thug. He holds in his gulag some 6,000 political prisoners. He will not allow opposition parties, making any elections a farce. He restricts freedom of religion. There is no free press, and as my friend from Texas indicated, he recently ordered the slaughter of hundreds of innocent civilians who were protesting the systemic abuse of fundamental human rights, but maybe they were lucky. At least they were not boiled alive in water.

This thug has created a culture of torture, and it has been reported in media outlets that the CIA has sent recalcitrant individuals there under the so-called rendition concept, to torture them and to provide intelligence in the war on terrorism.

Now we know that Saddam has been alluded to as the butcher of Baghdad. I would suggest that Islam Karimov can appropriately be described as the tyrant of Tashkent.

☐ 1715

As the gentleman from Texas said, we have a problem. Karimov is a thug, but he is our thug. This photo to my right depicts him with Secretary of Defense Rumsfeld who has praised the thug's wonderful cooperation with the United States, and it was President Bush's former Secretary of the Treasury who expressed admiration of the thug's, and I am quoting here, "very keen intellect and deep passion for improving the lives of his people." I presume he did not read the Department of State's human rights reports enumerating the abuses that the people of Uzbekistan endure on a regular basis.

In his inaugural address, President Bush promised oppressed people that we would not excuse your oppressors, and when you stand for liberty, we will stand with you, and one day this untamed fire of freedom will reach the darkest corner of this world.

Well, I would suggest that now is the time to go to that dark corner of the world called Uzbekistan and say enough. We can begin by cutting off aid, both military and economic, to this thug. We should begin to walk the democratic walk and not just indulge in the democratic rhetoric because in the end, it is in our best interest as well as the people of Uzbekistan.

A recent GAO report said, "Recent polling data show that anti-Americanism is spreading and deepening around the world. Such anti-American sentiments can increase foreign public support for terrorism directed against Americans, impact the cost and effectiveness of military operations, weakening the United States' ability to align with other nations in pursuit of common policy objectives, and dampen foreign publics' enthusiasm for U.S. business services and products."

Given how we are supporting this particular thug, is it any wonder that we are being charged with hypocrisy and that people doubt the President's words. This perceived hypocrisy hurts us. It undermines our credibility. And as de Tocqueville said, America is great because America is good and if America ever ceases to be good and not express its values, then we lose our greatness.

Mr. McGOVERN. Mr. Chairman, I move to strike the requisite number of words.

I wanted to rise in strong support of the Doggett amendment. Members understand why in the immediate aftermath of 9/11, when the United States was preparing to overthrow the Taliban regime in Afghanistan, countries like Kazakhstan and Turkmenistan and Uzbekistan were considered important allies in the war on terrorism. But even then, Members expressed caution about tying U.S. interests too closely to these government which have consistently poor human rights records.

This is especially true in the case of Uzbekistan where the Karimov government, in the past few months, has wielded power with a particularly bloody hand. According to the International Crisis Group, on May 13 and 14, the government brutally suppressed a popular uprising in the eastern city of Andijan, ostensibly to quell a revolt of Islamic extremists. But instead, over 750 unarmed civilians, many of them children, were massacred.

More recently, on June 16, Human Rights Watch reported that a four-person delegation from the International Helsinki Federation visiting the eastern region were detained and forced to leave the region. This is just the latest attack against human rights defenders in Uzbekistan. In the wake of the Andijan massacre, the Uzbek government has been targeting human rights defenders and opposition leaders for arrest, beatings, intimidation and other brutal acts. This House cannot stand by silently and support such brutality. We cannot continue with business as usual and issue another blank check for Uzbekistan.

Mr. Chairman, I include for the RECORD a copy of the Human Rights Watch report titled "Uzbekistan: Rights Defenders Targeted After Massacre."

UZBEKISTAN: RIGHTS DEFENDERS TARGETED AFTER MASSACRE

In the wake of the Andijan massacre, the Uzbek government is targeting human rights defenders and opposition activists for arrest, beatings and intimidation, Human Rights Watch said today.

"The government harassment of human rights defenders is a transparent attempt to hide the truth about what happened in Andijan," said Holly Cartner, Europe and Central Asia director at Human Rights Watch.

Human Rights Watch has documented evidence of a government cover up in Andijan following the government's use of excessive force against demonstrators there on May 13. Human Rights Watch has labeled the incident a massacre.

The Uzbek government has a longstanding record of harsh treatment of human rights activists and political opponents. In just the past two weeks, Uzbek authorities have arrested at least 10 human rights defenders and opposition activists in Andijan and other cities on trumped up charges. Others have been beaten by unknown assailants, threatened by local authorities, and placed under house arrest.

Officials involved in these incidents made specific reference to the defenders' human rights activities, including their work documenting the killings in Andijan. In Tashkent and Jizzakh, numerous human rights activists have been questioned about the events in Andijan and threatened with arrest or criminal charges should they engage in demonstrations or other public activities.

On May 31, a coalition of Uzbek rights defenders issued a plea for help. The group wrote to the United Nations, the Organization for Security and Cooperation in Europe, and the European Parliament stating that persecution of Uzbek rights activists and opposition members has increased since the Andijan killings.

"We are deeply troubled by this growing crackdown on human rights defenders," Cartner said. "The international community must intervene to stop this campaign and ensure the safety of human rights activists in Uzbekistan."

Human Rights Watch has gathered information, including firsthand testimony, concerning 16 separate incidents of arrests, beatings, preventative detention and other intimidation of activists and opposition party members during the past three weeks, including many in Andjian province.

On Tuesday, June 7, Andijan police detained Hamdam Sulaimonov, deputy chairman of the Fergana Valley branch of the opposition party Birlik ("Unity"). After searching Sulaimonov's home, police seized his computer. He was interrogated about the distribution of a statement about the Andijan events by Birlik party chairman Abdurakhim Polat during a U.S. Helsinki Commission briefing on Uzbekistan in Washington on May 19. Sulaimonov was released on bail, but yesterday was summoned for additional interrogation.

On June 3, police arrested Mizaffarmizo Iskhakov, a longtime human rights defender and head of the Andijan branch of the human rights group Ezgulik ("Goodness"). Police seized human rights publications and a computer during a search of Iskhakov's home on June 2. Iskhakov was released on bail on Monday, but police retained his passport and ordered him not to leave the city.

On June 2, Andijan police also arrested Nurmukhammad Azizov and Akbar Oripov of the Andijan branch of Birlik. During searches of the men's homes, police confiscated human rights publications and computers containing a copy of the Birlik statement about the events in Andijan. Azizov and Oripov remain in custody.

On May 28, authorities in Andjian arrested two members of the Markhamat district branch of Ezgulik: the chairman, Dilmurod Muhiddinov, and Musozhon Bobozhonov. They also arrested Muhammadqodir Otakhonov, of the Uzbek branch of the International Human Rights Society. Police seized human rights materials and copies of the Birlik statement about the events in Andijan from the men's homes. The men are being charged with "infringement of the constitutional order," "forming a criminal group," and "preparation and distribution of materials containing threats to public order and security." They remain in custody and are being questioned without the presence of a lawyer.

Saidjahon Zainabitdinov, an outspoken human rights defender and chairman of the Andijan human rights group Appelliatsia ("Appeal"), was detained on May 21. Zainabitdinov's description of the killings in Andijan was widely reported in the media. He remains in custody.

The government campaign against human rights defenders has also spread to other Uzbek cities.

On Sunday, June 5, according to the Human Rights Society of Uzbekistan (HRSU), Uzbek security agents arrested Norboy Kholjigitov, a member of the HRSU, in the village of Bobur near Samarkand on charges of corruption. Kholijigitov's whereabouts remain unknown.

On June 4, police in Karshi arrested Tulkin Karaev, a human rights activist and journalist, and sentenced him to 10 days of administrative arrest. Karaev is one of the few independent Uzbek journalists who has covered the events in Andijan. The HRSU reported that pretext for the arrest was provided when an unknown woman accosted Karaev at a bus stop and then claimed that Karaev had threatened her. Karaev has been denied contact with his lawyer.

On May 30, two unknown men in civilian clothing beat Sotvoldi Abdullaev of the Uzbek branch of the International Human Rights Society outside his house in Tashkent. The assailants had been monitoring the house from a parked car for several days in attempt to prevent Abdullaev from leaving his house. Abdullaev suffered a severe concussion as a result of the beating and was hospitalized.

On May 29, 30 armed policemen beat and detained approximately 17 members of Ezgulik from the Fergana Valley area who were participating in a seminar in Tashkent, calling them "Andijani terrorists." The activists were forcibly transported back to the Fergana Valley. The event's organizer, Vasila Inoyatova, head of Ezgulik and a senior member of the Birlik opposition party, was detained by police together with her family. They were released the next day.

On May 28, Samarkand police arrested Kholiqnazar Ganiyev, head of the Samarkand province offices of both Ezgulik and the Birlik, on charges of "hooliganism" and sentenced him to 15 days of administrative arrest. A group of women, apparently government provocateurs, attacked Ganiyev's house and then brought charges against him when he asked them to leave.

On May 26, a police official in Jizzakh came to the home of Tatiana Dovlatova, an activist with the Society for Human Rights and Freedoms of the Citizens of Uzbekistan, and aggressively demanded that she go with him to the prosecutor's office. She refused to go unless provided with an official summons. The official then placed her under armed house arrest for the day and threatened to send her to a psychiatric hospital if she attempted to leave.

On May 22, 70 people, including representatives of various government agencies, forcibly entered the Jizzakh home of Bakhtior Kamroev, chairman of the Jizzakh province branch of the Human Rights Society of Uzbekistan. The crowd conducted a Soviet-style hate rally against Khamroev right in his home. They accused him of being a traitor for passing information to Western organizations, including human rights groups, and of being a "Wahabbist" and a "terrorist." The authorities also pressured Kamroev to leave Jizzakh and made threats against his life and against his family.

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. McGOVERN. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, I would just note that even those individuals, who may be concerned more about that air base than whether hundreds of people were murdered, raped, suffocated or boiled alive, I think the point here is not just about human rights, it is about the security of American families.

When we rely on a thug like Karimov, we end up with him squeezing us, just like he is doing now by not letting us have nighttime flights at the K-2 base, not letting heavy cargo planes come in. His limitations are imposed not on the basis that we have criticized him, but that we have not done enough to praise him. We have a base in Kyrgyzstan, we have bases in Afghanistan. We have other ways of continuing the war on terrorism, but we make a mistake when we put the security of our families in the hands of someone who is a terrorist himself.

And how ironic that we would be doing this at the same time the recent elections in Iran were criticized by the administration for not being fair enough. There is no danger that Uzbekistan will ever get to the level of Iran. At least Iran has elections, however deficient they may be. We do not have that in Uzbekistan.

In short, the administration says democracy is on the march, but in Uzbekistan it is democracy that is getting marched on. I believe we jeopardize our security by contributing to what is a boiling pot. That pot is, Mr. Karimov's method of dealing with his opponents. When that pot eventually boils over, we will lose more than an air base. We will be burned by the injustice that he has been a part of and that is why I offer this amendment.

Mr. McGOVERN. Mr. Chairman, the gentleman from Texas is absolutely right, and that is why Members should support the Doggett amendment.

Mr. DELAHUNT. Mr. Chairman, will the gentleman yield?

Mr. McGOVERN. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Chairman, I would just point out to my colleagues that in the 1980s we dealt with a thug by the name of Saddam Hussein because we believed we had common mutual interests, particularly during the course of the war between Iraq and Iran.

During the late 1980s and early 1990s, we allied ourselves with Osama bin Laden against the Soviets, and what did we get for it. Let us be careful.

Mr. McGOVERN. Mr. Chairman, I urge my colleagues to support this amendment. As the gentleman from Texas (Mr. DOGGETT) and the gentleman from Massachusetts (Mr. DELAHUNT) pointed out, this is about human rights, but it is more about our long-term national security interests, and it seems to me that we need to take a different approach here.

Mr. MURTHA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. DOGGETT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DOGGETT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. DOGGETT) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 8 OFFERED BY MR. DE FAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. DEFAZIO:

Page 117, after line 5, insert the following title:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10   . None of the funds made available in this Act may be used to initiate military operations except in accordance with Article I, Section 8 of the Constitution of the United States.

Mr. DEFAZIO. Mr. Chairman, my amendment is simple. Let me read it in its entirety. "None of the funds made available by this Act may be used to initiate military operations except in accordance with Article I, Section 8 of the Constitution of the United States."

The intent of this is simple: To prevent the President from committing U.S. forces to additional wars without first coming to Congress for a vote authorizing such military action. If the President wishes or feels it is necessary to have a war with Syria, Iran, North Korea or any other nation, then under the U.S. Constitution and my amendment, he must first come to Congress.

Some will try and argue that this would tie the hands of the President and the Pentagon and the CIA when it comes down to tracking down al Qaeda. My amendment would not impact the government's ability to hunt, apprehend or kill members of al Qaeda. On September 18, Congress adopted a broad authorization of force that says the President is authorized to use all necessary appropriate force against nations, organizations, and persons he determines planned, authorized, committed, aided the terrorist attacks, or harbored such organizations or persons in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

Referring back to the preceding list of countries, if the President could demonstrate that any of them were involved in 9/11, he would not need further authorization from Congress. Nor would my amendment impact on our ongoing military operations in Iraq. On October 16, 2002, Congress authorized those actions under the United States Constitution.

Further, there are those who would say what about covert activities? It is important to note that title 50, United States Code, section 413, already provides Congressional authorization pursuant to amendments in 1980 to the National Security Act of 1947, for the President to authorize covert operations under certain circumstances on behalf of the United States.

In other words, if my amendment passes, the President will still have all of the authorization from Congress he needs to actively pursue al Qaeda operations in Iraq and other terrorist activities around the globe.

The amendment simply seeks to reinforce war powers granted solely to Congress under the U.S. Constitution to ensure the President cannot launch a major war against Iran, Syria, North Korea or any other nation without a vote from Congress.

Some will say, Is that really necessary? On April 18, 2002, in response to a letter I and other Members sent to the President about the need to authorize the war with Iraq, I received a letter from then-White House counsel Alberto Gonzalez, now Attorney General. Mr. GONZALEZ stated that the President has broad Constitutional authority as Commander-in-Chief, and as the sole organ of the Federal Government in foreign affairs to deploy the Armed Forces of the United States, a formal declaration of war or other authorization from the Congress is not required to enable the President to undertake the full range of actions that may be necessary to protect our national security. That is an extraordinarily broad assertion not supported by a President after more than 200 years of interpretation of the Constitution.

So I feel my amendment, as narrow as it is, is necessary to protect the war powers separation of the President as the Commander-in-Chief. The Congress of the United States has the sole authority to declare war, except in case of sudden attack upon the United States, its citizens, or armed forces. Ample opportunity exists for the President to continue to pursue al Qaeda and others and the war in Iraq under this amendment.

I urge my colleagues, if they support that interpretation of the Constitution, which is broadly acknowledged by most legal scholars, except Mr. GONZALEZ, and I do not know if he is a legal scholar, and would uphold our authority.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the war we are involved in now is not a war against a country or against an armed force that is organized and structured and representing a country. We are in a war against terrorism. We did not start the war. They started it. The terrorists started it when they attacked the World Trade Center, when they attacked the Pentagon, attacked the USS *Cole*, attacked Khobar Towers, which housed our airmen. They started it in many, many ways.

But who would we declare war against for the World Trade Center or for the USS *Cole*? They were acts of terror. They were not acts by some nation or some organized military.

This amendment sounds good. I can almost be persuaded, but it just does not work. Let us suppose our military intelligence detected that an enemy of the United States was preparing to take military action against our country or our troops overseas. We could not take military action to prevent that attack without a specific declaration of war.

□ 1730

It might be too late then. Prohibiting initiating military operations could be read to prohibit military action to capture, kill, or pursue terrorists who are operating in a third country, not as part of that country but operating within the country, which is what they do. Even if that country is a friend of ours, they would still operate within that country.

Do you really want to say that we should not try to capture or kill Osama bin Laden if we find that he has traveled to a country where we currently do not have ongoing military operations? I think we hunt Osama bin Laden no matter where he is, a friend or a foe or anyplace else. Waiting for formal congressional approval for such military action might mean we miss the opportunity to capture the man who is responsible for thousands of American deaths. On its face, it sounds like a pretty good idea; but it just does not work in the type of world that we live in today, in the type of enemy that we face today, the enemy that has killed so many innocent Americans right here in our own country.

This is not a good amendment, and it should be defeated.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment. I appreciate what the gentleman from Oregon is doing, and I know what he has in mind. I know in 1991, President Bush had a number of us at the White House. He did not think he needed to come to Congress, but he did.

I know that this last war, a number of people from the former administration called me, from the former Bush administration, called me and asked me to talk to the President about making sure he came to Congress and came to the U.N. before they went. So I understand what the gentleman is trying to do. I cannot imagine a President going into an independent country, and we have been trying to keep as close ties as we can in this bill on the President or the administration when they try to go into these other countries. I know that they thought they could go before, and they did not.

And so I would say to the gentleman, I would hope that he would believe that Congress would have a role and we certainly have to fund it, so at any time we could just not fund it. Our role is a big role, and I know to stop the Vietnam War, the funding was reduced substantially. I can remember the exact incident on this floor when that happened. The public was for it up to a point. The public has turned against this war, as all of us know, in Iraq. But we still have some problems.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I know the gentleman from Florida's speech was written by his staff, but he said that we could not pursue Osama bin Laden. If he had listened to my speech where I quoted back legislation that he voted for and I voted for which authorized the war with Afghanistan, it went on to the fact of any nation that harbors such organizations or persons in order to prevent any future acts of international terrorism. That pretty well covers Osama bin Laden.

I do not appreciate the gentleman raising these bizarre allegations. He may disagree with me, he may want to cede this authority to the President of the United States and abdicate our constitutional duties. That is fine. But do not raise these false issues. It does not go to Osama bin Laden. He is already covered. It does not go to Iraq. It is already covered. It does not go to a third country that is potentially threatening or any group threatening the United States. That is covered under war powers.

Mr. MURTHA. Mr. Chairman, reclaiming my time, I understand that, but what I am saying is under the Constitution we have a responsibility. I do not think any of us want to cede that responsibility to any President, no matter if he is Democrat or Republican. The only time it happens is when we may be misled or something like that, but as a whole the Congress wants to do what is right. I would be very concerned if we passed something that might limit us here.

I appreciate the passion of the gentleman. I feel the same way. I feel just as strongly as he does, that the Congress has the ultimate say about whether we go to war. I would urge the Members to vote against this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARKEY:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231 note) and any regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

Mr. MARKEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, the amendment I am offering deals with the issue of the outsourcing of torture. It is identical to amendments that this House has previously approved to the emergency supplemental appropriations bill in March and the State-Justice appropriations last week. Very simply, it states that none of the funds appropriated in this bill may be spent in contravention of laws and regulations adopted to implement the convention against torture.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

I want to say to him that this is a good amendment. As the gentleman pointed out, it was agreed to overwhelmingly in the supplemental. We accept the amendment.

Mr. MARKEY. I thank the gentleman for his acceptance. I will try to conclude briefly on my time so that the House can understand what it is that they are accepting.

The convention against torture is a treaty signed by the United States under President Ronald Reagan, and it was ratified by the Senate in 1994. It prohibits any use of torture or other cruel or degrading treatment. It also prohibits the outsourcing of torture by sending people to any country where there is a reasonable likelihood that they will face torture.

My amendment simply ratifies America's commitment to the convention. It does not change current law. It is a simple funding restriction aimed at underscoring to all of the defense and intelligence agencies funded under this bill that they need to ensure that all of their activities are fully compliant with America's treaty obligations and with the requirements of United States law and regulation.

It is wrong for the United States to capture prisoners, put them on Gulfstreams and fly them to Syria or Uzbekistan with the assurance given by those countries which we know are human rights abusers that they will not torture prisoners. If the United States captures a prisoner, we should keep that prisoner in our possession, or send him to a country which has the same values which we have. But it would be wrong to continue to engage in a process where we send these prisoners to Syria, for example, which administers electrical shocks, pulling out of fingernails, forcing prisoners to engage in inhumane acts.

I thank the chairman of the subcommittee for his acceptance of this amendment.

Ms. WOOLSEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the Markey amendment to the Defense Appropriations Bill. This important amendment prohibits defense funds from being used for torture, or to transfer prisoners-of-war to countries that employ the use of torture. That should be a simple decision, a "no brainer" vote for Markey—stop funding torture. Vote against Markey—agree to funding torture.

This decision is important because the way we treat our enemies speaks volumes about our character as a Nation, as Americans. I am embarrassed to say that America's treatment of prisoners over the last several years does not speak highly of our national integrity, of the people we really are.

Over the last 2 years, news of prisoners being mistreated, beaten, sexually assaulted, and even killed while in U.S. custody has become all too commonplace and I fear we have yet to hear the whole story.

Prisoners have been tortured in Iraq, Afghanistan, and Guantanamo Bay. Considering the widespread use of torture, no one can claim that these are isolated incidents, that it's merely the work of "a few bad apples."

The fact that torture occurred in separate places, and under the command of different interrogators, leads me to believe that a more systemic failure took place, a system that starts from the very top, not from a few misguided enlisted personnel.

You could say that the turning point—the day torture became a routine tactic employed by the United States—was August 1, 2002. The day the Justice Department sent a memo to the White House, stating that torturing terrorists in captivity "may be justified."

It's not just that physical abuse has taken place under our watch. That's bad enough, but what is just as appalling is that legal abuses have taken place here at home. We have kept people in prison for more than 3 years without charging them with a crime, and the administration has affirmed this practice through legal memos.

This approval of torture—by the White House, the Pentagon, and the Justice Department—is not only shameful, it also endangers the United States.

At a time when the U.S. is courting the support of the international world—particularly the Arab world—the torture of foreign prisoners, along with our invasion of Iraq, gives the world's extremists what they believe to be a legitimate reason to hate the United States. There has been no better recruiting tool for al Qaeda than preemptively attacking Iraq and the events at Abu Ghraib prison in Iraq.

Mr. Chairman, we must end this shameful chapter in our Nation's history by pledging that the United States will not engage in the act of torture. I urge all of my colleagues to vote for the Markey amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. VELÁZQUEZ:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used to carry out sections 701 through 722 of the Small Business Competitiveness Demonstration Program Act of 1988 (Public Law 100-656; 15 U.S.C. 644 note).

Ms. VELÁZQUEZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, the Federal marketplace has experienced amazing growth over the past 4 years, increasing by $100 billion. Given this increase, it would only be logical that our Nation's small businesses would see similar growth in contracting opportunities. However, this has not been the case. The reality is that small firms continue to be shut out of the Federal marketplace. The Federal Government has failed to reach its small business goal of 23 percent for the past 4 years now, costing small businesses $15 billion in lost contracting opportunity in fiscal year 2003 alone.

The Department of Defense has been an agency that has had a significant amount of trouble with this. One of the main causes has been contract bundling, which is the practice of combining contracts previously performed by small businesses into one megacontract that is simply too large for small firms to bid on. But often overlooked is that a significant contribution to the inability of the Department of Defense to make its goal is the comp demo program.

The comp demo program was created in 1989, but was made permanent during the Clinton administration under the guise of increasing small business participation. The theory behind it was to give agencies direction in finding small business contracting opportunities in nontraditional industries. This would be done by capping the amount of contracts in those industries that have been historically dominated by small businesses.

However, this is not what the program has done. Instead, it has limited small business participation in the Federal marketplace. The comp demo program diverts contracting opportunities to large firms, effectively limiting the ability of small companies to compete. While DOD is required to meet a 23 percent small business goal, the comp demo program ties its hands and restricts awarding contracts in the industries where small businesses excel. At a time when agencies are already struggling to meet their small business goals, this simply makes no sense. For an agency that represents 70 percent of all government contracting, this is clearly having a negative impact on our Nation's entrepreneurs.

The reality is that this program simply does not work, and this program has been recognized by the administration and the Department of Defense themselves. They proposed to eliminate the comp demo program altogether in the DOD's legislative package for 2006.

My amendment acknowledges the problem and provides a viable solution to fix it by prohibiting the use of funds for fiscal year 2006 to implement the comp demo program. This is supported by the Associated General Contractors, the American Nursery and Landscape Association, the National Small Business Association, and the National Black Chamber of Commerce. This action alone would have the impact of awarding some $4.3 billion in additional contracts to small businesses.

In today's Federal marketplace, small businesses are losing traction, and they cannot afford to be deprived of these opportunities. The comp demo program is only making small business owners' struggle to break into the Federal marketplace all the more difficult. By adopting this amendment, we will be taking a step to fix this problem. When small businesses say the program does not work, DOD says it and the administration is saying it, clearly something needs to change.

My amendment will do this. It is not only good for small businesses but also for the taxpayer and our Nation's economy. If we want to get this economy back on track and create the jobs we need, then we must give small business the opportunity and tools to do so. The comp demo program is simply not doing that, and it needs to end.

I urge my colleagues to vote "yes" today on this amendment for better use of the taxpayers' dollars and to help our Nation's small businesses compete in the Federal marketplace.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I really appreciate the concerns of the ranking minority member of the Committee on Small Business. I know exactly what she is trying to do here, because I understand that the Defense Department also would support suspension of the small business competitive demonstration program. But it is also my understanding that the chairman of the Committee on Small Business supports its continuation. To me, this appears to be a dispute between the chairman and the ranking minority member of the authorizing committee. It seems to me that it should be addressed on an authorizing bill rather than on the appropriations bill. The appropriations committee is being asked to referee a program where we do not really have sufficient knowledge of the program.

I just wonder how the gentlewoman would react if I suggested that she might withdraw her amendment and work with her chairman on these matters of concern. It seems to me the Committee on Small Business is the proper place to adjudicate this matter.

□ 1745

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, unfortunately, the authorizing committee was not able to come together for the small business authorization to report a bill out of our committee. And for those people and Members who are always talking about helping small businesses and providing opportunities in the Federal marketplace and when the Department of Defense is saying that this does not make sense, this is an opportunity to do it, and this is why I want a "yes" vote on this amendment.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, believe me, I understand the gentlewoman's concerns. As I suggested, the Department of Defense understands that concern as well. But it was just a suggestion that maybe we could have the two of them work this out. But, anyway, I have made my suggestion.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Let me say to my friend from New York, I appreciate very much the intention of the amendment. I have got to oppose it in its current form. It seems to me that this Act has some very good attributes to it, and the argument may be in some of the designated industry groups that are listed.

One of the problems is that the participating agencies currently will designate areas that are currently dominated by small businesses as small business set-asides. These are areas that in full and open competition, small businesses are going to win anyway, and by using their percentages in these areas, it means that small businesses who could use the set-asides in other areas are not able to use it. So I think what we have here is the law of unintended consequences.

We are taking areas such as lawn services, roofing, siding contractors, glass and glazing contractors, masonry, areas that in full and open competition, small businesses are winning by overwhelming margins; but the agencies are taking these areas and saying we are going to designate these as small business set-asides and use their percentages in these areas, and that means that small businesses cannot penetrate other areas.

So it is really for these reasons that I rise to oppose the amendment, because I think it shifts the burden in these cases where small businesses are currently winning open competition, and it uses the allocation for set-asides into these areas that I think small businesses could benefit in other areas, in some of the technology areas, in some of the IT areas. That is my concern.

Let me just make one point. I think the argument ought to be some of the designated industry groups in this case where maybe we see large businesses coming in and taking over, and we could work under those areas appropriately if the case can be made that small business dominance in these areas is not hit, but without that we have not added a nickel to what small businesses get under the set-aside programs. We have not added a percentage. We just shift the burden.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, before the Comp Demo program, small businesses in those selective industries were making 78 percent of all the contracts. Right now they are doing only 38 percent, almost cut in half. And, besides, I thought that the gentleman represented the party where people are rewarding small businesses or businesses that are exceeding. So now if they are doing a little bit better, then we are going to punish them?

Mr. TOM DAVIS of Virginia. Mr. Chairman, reclaiming my time, absolutely because what happens is when we shift the small business set-aside allocations into these programs, we are taking it away from other programs, these areas where small businesses are designated.

I do not know about the gentlewoman's percentage of 78 percent 38 percent, but what I would argue is if there is an issue here. I know I would be happy to work with her, and I am sure the chairman of the Committee on Small Business, to look at some of these designated industry groups where perhaps small business is not dominating and was intended to, and we work on that rather than gutting the whole provision. That would be the approach that I would take. I would be happy to work with the gentlewoman on that.

But this amendment guts the whole program, and I think ultimately it is not good for the government because I think the government is not getting small business set-asides in some of the innovative areas where they can go and they are giving it to areas where small businesses tend to dominate in full and open competition. So that is my rationale for opposing the amendment.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, this is about economic opportunity for small businesses. The fact of the matter is that the Federal marketplace is growing and that small businesses are losing out; that their number of dollars and contracts are shrinking, and the Federal Government is not achieving the 23 percent statutory goal set by Congress.

Mr. TOM DAVIS of Virginia. Mr. Chairman, reclaiming my time, this does not add a percentage. This does not add a nickel to the small business set-aside program. It does not add a percentage. It just shifts the burden. And the argument ought to be going into the particular designated industry groups where the gentlewoman is claiming small businesses used to dominate and are losing out, and let us look at those and let us try to be fair in that way.

But for heaven's sake, in areas like lawn care, in some of these services levels that are low tech, let us not set aside small businesses set-asides there where small businesses dominate in full and open competition. Let us put them in areas where we can improve it.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, the Department of Defense is saying that immediately small businesses will get $4.4 billion if this is fixed.

Mr. TOM DAVIS of Virginia. Mr. Chairman, reclaiming my time, they may get it here, but they will take it away from set-asides in other areas because the overall set-aside percentages in these participating agencies does not change at all. So the problem with that is that we are shifting it and we are moving the small business set-asides into areas that small businesses also dominate.

I will refer the gentlewoman, frankly, to the statute in the areas that are the designated industry groups under the statute, and I think it is clear looking at this that many of these areas, siding contractors, roofing, masonry, framing contractors, these are areas that are traditionally dominated by small business and will continue to be.

But I will be happy to work with the gentlewoman on designated industry groups and changing that around if she can make the case.

Mr. MANZULLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this Velazquez amendment is an effort to kill the Small Business Comp Demonstration program. The issue is more appropriately settled in the authorizing committee and not on an appropriations bill.

First of all, the Comp Demonstration program does not cost the taxpayers one dime. There is no money appropriated for it. The Small Business Competitive Demonstration program began in 1988 with three purposes: first, to help emerging small businesses; second, to expand the participation of small businesses and industries that were traditionally dominated by large businesses; and, third, to test the competitiveness of small businesses in industries in which small businesses are well represented. The Comp Demo program was renewed in 1992, made permanent in 1997, and slightly expanded in 2004 as a part of larger bills that passed by wide margins or unanimous consent.

Prior to the adoption of the Comp Demonstration program, small businesses were relegated to industries dominated by small businesses. Federal agencies could say they met their overall small business goals while not doing much to provide more contracts to small businesses in more higher-end, higher-paying industries. The Comp Demo program ended this practice all while showing that small businesses are still competitive in the industries where they have been historically well represented. These industries include construction, garbage collection, architectural engineering, surveying and mapping, non nuclear shipbuilding and ship repair, landscaping, and pest control. The Comp Demo program requires that small businesses receive a "fair proportion" of government contracts in each industry rather than just a few.

The principles upon which the program were established are still valid. Emerging small businesses still need help. Small businesses need to participate in industries in which they have traditionally not had a chance to obtain a Federal contract.

I would urge my colleagues to vote "no" on the Velázquez amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, not very often will Members hear me contradict the ranking member of the Committee on Small Business. But I rise in opposition to this amendment and will include my entire statement in the RECORD.

I rise in opposition to this amendment, even though I have the utmost respect for its author and have long appreciated her work and her leadership on so many issues which have come before this House.

But the amendment before the House today attempts to effectively repeal the Small Business Competitiveness Demonstration Program Act of 1988, better known as the "Comp Demo" law, by prohibiting the use of funds to carry out its implementing provisions.

Comp Demo has not been an effective tool for over 17 years in helping assure that small businesses across a wide array of industries gain Federal contracts. Equally important, Comp Demo does not affect contracts which are set-aside for minority-owned, socially disadvantaged, and service-disabled veteran-owned businesses.

From its inception, the Comp Demo law has sought to address the tendency of agencies to disproportionately rely upon a small number of NAICS codes to meet their small business set-aside goals rather than finding and developing a broad array of codes from which to meet these goals, a practice which, if unremedied, would have the practical effect of precluding small businesses outside those disproportionately used industries from assessing the benefits of the small business set-aside program.

And that is why I oppose this amendment. The Comp Demo law has proven its effectiveness during its 17-year history. It is fair to small businesses interested in Federal contracting and assures that Federal agencies meet the spirit and the letter of the law regarding small business set-asides.

I agree with those who would suggest that this program, as well as practically all, need to undergo changes and need to be shaped in a better way to help make absolutely certain that small businesses have the greatest amount of opportunity to procure business from the Federal Government.

However, I also believe that small businesses that have reached a certain level of their being also need the opportunity to continue to grow and to develop, that small businesses that might be part of franchises but are nevertheless small businesses need the opportunity to participate.

And for those reasons, I would be in disagreement with this amendment. I urge that it be not approved and would look forward to working with all of those who would want to work to try to reshape the law in such a manner that it would be more fair and more equitable to small businesses.

Mr. Chairman, I rise in opposition to the amendment by the gentlelady from New York, Ms. VELÁZQUEZ, and I ask unanimous consent that my entire statement be included in the RECORD.

I rise in opposition to this amendment even though I have the utmost respect for its author and I have long appreciated her good work on so many other issues which have come before this House.

The amendment before the House today attempts to effectively repeal the Small Business Competitiveness Demonstration Program Act of 1988, better known as the "Comp Demo" law, by prohibiting the use of funds to carry out its implementing provisions.

Comp Demo has been an effective tool for over 17 years in helping assure that small businesses across a wide array of industries gain Federal contracts. Equally important, Comp Demo does not effect contracts which are set aside for minority-owned, socially disadvantaged and service disabled veteran-owned businesses.

From its inception, the Comp Demo law has sought to address the tendency of agencies to disproportionately rely upon a small number of NAICS codes to meet their small business set-aside goals rather than finding and developing a broad array of NAICS codes from which to meet those goals—a practice which, if unremedied, would have the practical effect of precluding small businesses outside those disproportionately used industries from accessing the benefits of the small business set-aside program that Congress intended.

That is why I oppose the amendment before the House today. The Comp Demo law has proven its effectiveness during its 17-year history. It is fair to small businesses interested in Federal contracting and assures that Federal agencies meet the spirit and the letter of the law regarding small business set asides.

As background, Members should be informed that the Comp Demo program was passed in 1988 to assure that small businesses in all product and service categories receive the benefits of the current Small Business Set Aside program when pursuing Federal contracts, rather than just a few, "easy-to-do" industries.

As such, Comp Demo has effectively worked for the past 17 years to assure that competition and diversity occurs in small business procurement (See: section 921 of P.L. 99–661) and that small businesses receive a "fair proportion" of government contracts in each industry, rather than just a few.

The Comp Demo program recognizes that contracts in certain NAICS codes—including construction, architectural and engineering, surveying and mapping, shipbuilding and ship repair, refuse systems, landscaping and pest control services—have had a history of being disproportionately set aside for small business, even though overall small business participation in the open marketplace in these industries was high.

And while the NAICS codes covered by the Comp Demo program had a significant amount of contracts historically set aside for small business, very talented small businesses in many other NAICS codes have seen little, if any, small business set-aside contracts come their way, despite representation of capable small firms in those other NAICS codes.

Moreover, the practice of disproportionately using a small, unrepresentative sample of NAICS codes for meeting small business set-aside goals has the practical effect of precluding small businesses outside those disproportionately used industries from realizing the benefits of the small business set-aside program as Congress intended.

This practice can also operate to relegate the small business set-aside program to lower-tech products and services while leaving higher-tech NAICS codes less open to small business penetration and success in Federal contracting—something that clearly runs contrary to Congress's desires to both strengthen the diversity of the defense industrial base and assure fairness in Federal contracting.

On the basis of its operation over 17 years, Comp Demo has shown that small businesses covered by Comp Demo can and do compete for and win the majority of the contracts, though on an unrestricted basis. Equally important, Comp Demo does not effect set asides for:

Minority-owned and socially disadvantaged businesses—that is, set asides for 8(a) and HUB Zone companies are not subject to the Comp Demo law.

Similarly, Comp Demo does not apply to set asides for service-disabled veteran owned businesses either.

In addition, very small/local businesses retain important set-aside protections under Comp Demo as well, including:

All contracts under $25,000 on the Comp Demo list must be set aside for restricted competition only among qualified emerging small businesses, i.e., small businesses that are less than 50 percent of the applicable size limit.

Moreover, Comp Demo also requires that all contracts over $25,000 in each designated NAICS category on the Comp Demo list must be set aside for restricted competition only among qualified small businesses, until the agency has met its goal of awarding 40 percent of contracts within that industry group to small businesses.

Only after an agency has met its goal of awarding 40 percent of contracts within a listed NAICS category can contracts over $25,000 in that designated NAICS category be awarded on unrestricted competition—again, except for those contracts set aside as 8(a), HUB Zone or service-disabled veteran owned companies.

Finally, Comp Demo was begun as a demonstration project some 17 years ago. It was renewed in 1992, made permanent in 1997, and slightly expanded in 2004 to include two additional NAICS codes. In all instances, Comp Demo was part of a larger bill which passed by wide, bipartisan margins or unanimous consent.

Comp Demo was set up to expand opportunities for small businesses across a broad and diverse set of NAICS codes, rather than in a few, "easy-to-do" categories. The repeal of the program has no real justification, would harm overall, broad-based small business participation in Federal contracting, and harm the development of a diverse defense industrial base. As such, I urge its rejection by the House.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had not planned on speaking on the small business issue, but let me give an area in which my friends may be able to work and not just even in this bill, but in the Military Construction bill.

In San Diego, where we have a lot of military construction in bases, a lot of those packages are put together so large that only an out-of-town, out-of-State company can bid on those packages to build houses and military facilities. And we have tried over the years to try to break it down where they can break down those large packages so that smaller firms, the independent contractors, the little guys, can have a shot and an opportunity at building those. And I would work with the gentlewoman and the gentleman to make that happen because it is just not right to have an out-of-town company because the bid is so large to do that.

I would also like to bring up the bill itself. When one is in the military, they look at a couple of things. One, they look at a Congress that will give them the tools to fight, to train, and to win. The gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Florida (Mr. YOUNG) and the gentleman from California (Mr. LEWIS), it is the most bipartisan committee that we have, I think, in this House. The work that they have done to make sure that our troops are taken care of, even the ones coming back. The gentleman from Florida's (Mr. YOUNG) wife, I do not think there is a day that she is not out there at one of the hospitals comforting the men or the women that came back that are wounded. But even more in this, for San Diego to shipbuilding, ship repair, Admiral Clark, who is CNO, has done his absolute best to make sure that it is balanced between the private and the public yards, between the east and the west coast.

□ 1800

There is an aircraft in here that is key. There is a system called the F–22. Right now, our fighters, our best fighters, which most people do not know, the F–14, the F–16, the F–18, if they go against the SU–30 or the SU–37, our American fighters lose over 90 percent of the time, both in the intercept and in the dog fight. The F–22 gives us the opportunity to put our pilots back into an airplane that can at least go neutral with the enemy. The Joint Strike Fighter is coming up; and in my personal opinion, we need to add to that to make sure that it is viable against whatever the threat is as well.

But I also want to thank the chairman and the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Florida (Mr. YOUNG). San Diego or any port that has a lot of bases is very critical to homeland security. From the Coast Guard to the border patrol, to INS, to this bill, they have done a good job. The gentleman from Pennsylvania (Mr. MURTHA) has been, and I have been on this committee ever since I have been here, and I want to thank him for his personal attention, the gentleman from Florida (Mr. YOUNG) and the gentleman from California (Mr. LEWIS) as well.

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the Chair recognizes the gentlewoman from New York (Ms. VELÁZQUEZ).

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, there are some who said that capping small business opportunity in certain industries increases opportunities in other industries. That might have been the theory behind the program in 1988 when it was created, but that has not been the case. Different industries offer different opportunities; some are very favorable to small businesses.

The Department of Defense has not achieved its small business goal for the past 4 years. That is the reality. So, clearly, they are not making up the difference someplace else.

Under the comp demo program, small businesses are guaranteed 40 percent participation in the targeted industries. If the agency does not achieve 40 percent with small firms, it can reinstate small businesses' set-asides. One need look no further than the goal for architectural and engineering services, which has never been achieved. We have asked the Department of Defense. They do not reinstate set-asides when the achievement with small businesses is less than 40 percent.

Forty percent small business participation is a good thing. Normally, small businesses only get 23 percent. If a small business's participation decreases from 78 percent to 40 percent, that is the loss of 38 percent, and that is what is happening now.

The bottom line, Mr. Chairman, is, if you support small business opportunity in the Federal marketplace, you should support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) will be postponed.

Ms. LEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, today I rise to engage in a colloquy with a great leader, the gentleman from Pennsylvania (Mr. MURTHA), who, of course, is the ranking member of the Subcommittee on Defense Appropriations.

First, I just want to thank the gentleman for the very hard work that he consistently does for the security of our Nation. I appreciate this opportunity to discuss an issue that is of great importance, and that is ensuring that our Federal defense dollars are not used to support groups or individuals engaged in efforts to overthrow democratically elected governments.

Mr. Chairman, in an ideal world, we would not need to have to explicitly stipulate this, but events in Haiti last year and, more recently in Venezuela, have led me to wonder whether we need to codify this straightforward, nonpartisan position.

Furthermore, the administration has committed its second term to spreading democracy around the world. This is an important sentiment, Mr. Chairman, but we need to be sure that if this administration, or equally any future administration, does not agree with certain democratically elected governments, that it does not use the Department of Defense funds to overthrow those democratically elected governments. Such actions fly in the face of our own fundamental democratic principles.

I would like to ask the gentleman from Pennsylvania (Mr. MURTHA) if he could comment on this and what his views are with regard to the ideas that we are presenting today.

Mr. MURTHA. Mr. Chairman, will the gentlewoman yield?

Ms. LEE. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I want to assure the gentlewoman from California that I agree, we certainly should not overthrow a democratically elected government. I appreciate the gentlewoman's intention in raising this issue, and I want to assure her that as this bill moves forward, we will be mindful to work with her and her staff to do everything we can to help.

Ms. LEE. Mr. Chairman, reclaiming my time, I just want to thank the gentleman for his attention to this issue and so many issues that are important to our Nation. I also look forward to working together and especially will request his help in developing a working definition in the United States Code because now, quite frankly, there is no working definition for "democratically elected governments." We have been searching legal databases, and I am frankly quite surprised that no such definition exists in the U.S. Code.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was very pleased to see that the amendment that was offered by the gentleman from Massachusetts (Mr. MARKEY) to prevent any funds in this bill from being used to contravene the United Nations' acts and other acts against torture. I think that is a very good thing.

But I need to take this opportunity to point out to the House that we are foregoing our responsibility here to investigate these kinds of acts that have taken place over the course of the last 2 years or so in places like Guantanamo, Abu Ghraib, Camp Cropper, Bagram Air Base in Afghanistan; and we have an increasing amount of evidence indicating that these kinds of torturous activities were not just carried out incidentally by low-ranking members of the armed services, but that this was systemic and systematic.

We have, for example, recently released documents from Lieutenant General Ricardo Sanchez which seem to indicate that he approved interrogation techniques outside of the Geneva Convention, outside of international law, and outside the U.S. Army's own field manual. These activities included prolonged stress positions, sensory deprivation, use of dogs to induce stress and fear. We have the first Abu Ghraib report directed by U.S. Army Major General Antonio Taguba, who wrote in his conclusion that "between October and December of 2003 at the Abu Ghraib confinement facility, numerous incidents and sadistic, blatant, and wanton criminal abuses were inflicted. This systemic," he says, "systemic and illegal abuse was intentionally perpetrated."

It is clear from General Taguba's reports that these were not incidental, and that they were inflicted broadly.

The Red Cross reported, by eye witnesses at about the same time, "these methods of physical and psychological coercion were used by the military intelligence in a systematic way to gain confessions and extract information or other forms of cooperation from persons who had been arrested or deemed to have security value." That is a quote from the Red Cross report.

Officials implicated in abuse now, interestingly enough, are being promoted. There has been no action taken against the officials implicated in this abuse at the highest levels.

This Congress is abrogating its responsibility. This House of Representatives should be holding hearings. It may be necessary to appoint a special counsel out of the Justice Department to look into this. We need to get to the bottom of this. Our reputation as a Nation is at stake.

Now, we might ask, as others have, how did all of this begin? Well, here is what the circumstantial evidence indicates. The circumstantial evidence, backed up by the report from which I just quoted, written by Major General Antonio Taguba, shows that it originated at the highest levels of the Pentagon, communicated by Steven

Cambone, who was appointed by Secretary of Defense Rumsfeld to be the first Under Secretary for Intelligence.

This is the first time that the Secretary of Defense or that the Pentagon has had an Under Secretary for Intelligence. That man is Steven Cambone. He communicated to General Geoffrey Miller, the commander of the detention and interrogation center at Guantanamo Bay, Cuba, that these kinds of activities needed to take place.

Now, General Geoffrey Miller, according to the Taguba report, said that detention operations must act as enablers for interrogation. He introduced into Iraq the exclusive and illegal interrogation tactics used at Guantanamo to "GITMO-ize" the prison system in Iraq. They told our good soldiers in Iraq that no rules apply, no rules apply; and then people wonder how these low-ranking individuals carried out the acts that have been documented now in court proceedings as well as in photographs.

The fact of the matter is, Mr. Chairman, that the House of Representatives is not fulfilling its obligations under the law and under the Constitution. The system of checks and balances has broken down. It seems as though the executive branch of government is behaving in a way outside of the law. We need to pay attention to this. This House needs to engage itself in the right kinds of activities for the right kinds of purposes.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY:

At the end of the bill (before the short title), add the following new section:

SEC.   . If funds provided in this or any other Act for military operations in Iraq or Afghanistan would cause Federal deficit levels to exceed those set in House Concurrent Resolution 95 for FY 2006 or any subsequent year, the Committee on the Budget of the House of Representatives shall report a concurrent resolution on the budget that would maintain the deficit levels set in House Concurrent Resolution 95 while including this additional discretionary spending in spending totals.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment.

Mr. OBEY. Mr. Chairman, we have so far appropriated $277 billion for activities in Afghanistan and Iraq; $168 billion of that has been appropriated after the President declared an end to major conflict in the region. The budget resolution, which passed this House about a month ago, provided authority for an additional $50 billion to be spent this year for Iraq and Afghanistan. This bill spends $45 billion of that $50 billion.

The problem that we will face is that this bill is only enough to pay for that war for the first 6 months of the fiscal year. That means that when a new supplemental is submitted to the Congress to pay for the last half of the fiscal year, we will wind up having to appropriate at least another $40 billion. And when we do that, it will mean that the Congress will have, in effect, busted the budget by at least $40 billion.

So what this amendment says is that if and when that happens, and it will assuredly happen, if and when that happens, we are saying that the Committee on the Budget must then bring forth a new budget resolution which shows us how we can pay for that extra $40 billion without raising the deficit.

□ 1815

If we are not prepared to do that, then that means that we will simply slip in that extra $40 billion, without any notice by the public, without any attention being paid to the fact that what we are really doing is raising the deficit by another $40 billion.

Regardless of how any Member of this House feels on this war, Members ought to feel that if we pass a budget resolution, it ought to be a legitimate one, that it ought to be laying out honestly what we expect to spend.

Without this amendment, it will mean that we, sometime during the fiscal year, will spend $40 billion more, only we will not be admitting it on the budget resolution side. If we do not adopt this amendment, what we will really be saying is that the budget that was adopted just a month ago was a sham, that it was just a device to govern and to limit the amount of spending that we were going to be engaged in for education, for health care, for science, for agriculture, but that we intended to really bust the budget to the tune of least $40 billion when it came to the war in Iraq.

I do not think that many Members of the House would like to say that that was their position, but absent the acceptance or the adoption of this amendment, that is precisely what will happen. The administration will come up here with another budget in order to pay for the last 6 months of the fiscal year for the war, and we will have busted the budget to the tune of $40 billion and jacked up that deficit by the same amount.

The administration is fond of saying that they adopted a budget resolution which is going to cut the deficit in half. Without this amendment, not a prayer, not a prayer. So I would urge adoption of the amendment.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment, because it proposes to change existing law and constitutes legislation in an appropriations bill, therefore it violates clause 2 of rule XXI.

The rule states in pertinent part, an amendment to a general appropriation bill shall not be in order if changing existing law. The amendment gives affirmative direction.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) wish to be heard on the point of order?

Mr. OBEY. Yes, I do, Mr. Chairman.

Mr. Chairman, as I indicated earlier, the purpose of this amendment is to see to it that the House stays within the deficit levels laid out by the budget resolution passed just a few weeks ago.

The Budget Committee routinely sends instructions to the Appropriations Committee about what it must do. I think this is an instance in which the Appropriations Committee ought to send a signal back that the Budget Committee ought to conform itself to reality and budgetary honesty.

As I understand it, the rule under which this bill is being debated provides that if no Member does lodge a point of order, than indeed this amendment could be passed by the House. Unfortunately, the rule did not protect this amendment from a point of order. And so if the gentleman persists in his point of order, I will have to reluctantly concede that point of order.

The CHAIRMAN. The point of order is conceded and sustained.

The amendment is not in order.

Are there any further amendments?

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we conclude debate, all of us want to thank again Chairman YOUNG and Ranking Member MURTHA for their leadership, putting together this bipartisan bill, and especially the good men and women behind them, both of the minority party and the majority party who helped to put this appropriations bill together.

Mr. Chairman, as we consider this important legislation, we must be mindful that our troops in Iraq and Afghanistan, all volunteers, I may add, are on the battlefield as we speak, brave men and women fighting a new kind of war where everyone literally is on the front line.

As we all know, the Army and Marines are carrying the brunt of the battle in Iraq and Afghanistan, with an unprecedented level of partnership by our Guard and Reserve components. And the young men and women from the Air Force and Navy stand with them, as do we.

Their service and dedication on the battlefields of Iraq and Afghanistan are making our Nation safer from terrorists who seek to do us harm and other freedom-loving nations. Make no mistake, our success in Iraq is hugely important. And our enemies in Iraq are thinking enemies. They are adaptable and would like nothing better for us to step back, or as some say, retreat, or to set arbitrary dates for withdrawal and then come back after our departure to reinstall a new Saddam Hussein or a regime even more oppressive, fanatical or more horrendous and more dangerous than the last.

We should never forget that the soldiers we support through this appropriations have freed nearly 50 million people in Iraq and Afghanistan from killer regimes, where protests and dissent were answered by killing fields and genocide, where women were denied basic freedoms: Education, health and the right to vote.

But, of course, the loss of any young soldier from our ranks is heartbreaking. And so is the death of innocent civilians killed by roadside bombs, but we are dealing with Saddam loyalists, jihadists, imported terrorists and domestic criminals who play by no rules. And do not hesitate to bomb Iraqi weddings, funerals, gatherings of school children, and behead innocent civilians as well as kill our soldiers.

Since we are engaged in a global war on terrorism with Iraq and Afghanistan being countries of conflict and violence, our soldiers and Marines need every possible advantage as this appropriations bill allows. This legislation provides our fighting men and women with the resources they need to be more deployable, more agile, more flexible, more interoperable and more lethal in the execution of their mission.

It provides for better training, better equipment, better weapons. Of course, our bill supports the troops by providing a pay increase, enhanced life insurance coverage, and housing allowances. And this bill also provides funding for new equipment, additional trucks, radios, electronic jammers, uparmored HUMVEES, attack helicopters, warships and fighter aircraft.

Most important, this bill provides an additional $1.2 billion for personnel protection items, such as body armor. As troops rotate in and out of the theater, they need the latest equipment and weapons systems. Mr. Chairman, I also welcome increased funding for research and development. Our bill exceeds the President's budget by $2.3 billion, so we can speed important new technology from the drawing board to the laboratory, to the test bed into the arsenal of our warfighter.

My colleagues, the global war on terrorism will not be short, it will require deep and enduring commitment. As we look down the road we face many potential and real threats. We cannot know what hostile forces will face us next year, much less 5 years from now. So we must take care to ensure that we have laid the proper foundation for a secure national defense. These investments now and these appropriations will pay off in more capability in the future. They deserve to be supported.

Mr. MURTHA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have seen a lot of chairmen presiding over the House in the many years that I have been on one side or the other of this bill. And I want to tell you, you do as good as job as anybody. And my compliments to the gentleman from Michigan (Mr. CAMP) for the way you handled this bill.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word. We are not at the 6:30 time for voting yet.

Mr. Chairman, I yield to my chairman, the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. I thank the gentleman for yielding. I want to take just this minute to express my deepest respect and appreciation to both the gentleman from Florida (Mr. YOUNG) and the gentleman from Pennsylvania (Mr. MURTHA) for a fabulous job. We had a rather extended discussion today, which is not usual for this bill.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. I thank the gentleman for yielding.

Mr. Chairman, you think he is kind of giving us a little business here, Mr. Chairman, on this thing here? We did the best we could do under the circumstances. Right?

Mr. LEWIS of California. Mr. Chairman, I certainly appreciate both of my friends yielding and having this discussion. But, this extended kind of dialogue and exchange we had on the floor today was one that was a very healthy discussion.

I have had many experiences here of late with my friend, the gentleman from Wisconsin (Mr. OBEY). And when I have had a great day, and when I really had a great day, it has involved a week in which we have worked our way through the processes that lead to the gentleman from Wisconsin (Mr. OBEY) and I having more than one discussion a day for several days during that week.

And I go home to California. And then, kind of taking in a deep breath on Saturday. Sunday morning I go out back, smile when I am feeling good, and I walk across the pool. And, gentlemen, I want you to know I get wet every time.

In the meantime, it is a wonder, and a wonderment working with the two of you. You have done a fabulous job. We very much appreciate the leadership on both sides of the aisle on this very important matter.

Mr. YOUNG of Florida. Mr. Chairman, I appreciate the comments of our chairman. He did such a tremendous job when he chaired this subcommittee for the past 6 years.

I want to take now just a minute, because we have, before we can start to vote, we have 2½ minutes to the 6:30 hour. This subcommittee has worked really hard and on a very bipartisan basis. We had the largest part of the supplemental early this year. We have this very large bill now, which is the largest appropriations bill in the system.

And the Members of the subcommittee, with the gentleman from Pennsylvania (Mr. MURTHA), we have had an opportunity to be the leaders of the subcommittee. But all of these Members have worked really hard and have paid strict attention to what it was that we were about, to provide for our Nation's security.

But I also want to pay tribute to members of our staff. Members of our staff, during the hearing periods and during the markup periods, they do not have weekends. They are here on weekends. They have very few hours at night with their families, because they are here many times all night long.

That is when you hear about, something was done in the dark of night. Well, my friend, if we do not do things in the dark of night, we would never get them done, so we knew we worked long days, long hours, long nights.

But the staff on both sides are just as bipartisan and nonpartisan as the Members. And this is just a really good positive subcommittee, and the work that it does is very bipartisan. We believe strongly in our country. We believe strongly in those volunteers who serve in our military, and who carry the burden of providing for the security.

I just recently attended the burial of a soldier from my district killed in Iraq. And my final comment was that you can sleep in peace tonight, America, because our heroes are out there on the front line standing guard.

And that is what this bill is all about.

The CHAIRMAN. Are there any further amendments?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. OBEY of Wisconsin to the amendment by Mr. HUNTER of California.

Amendment by Mr. HUNTER of California.

Amendment by Mr. DOGGETT of Texas.

Amendment number 8 by Mr. DEFAZIO of Oregon.

Amendment by Ms. VELÁZQUEZ of New York.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

□ 1830

AMENDMENT OFFERED BY MR. OBEY TO THE AMENDMENT OFFERED BY MR. HUNTER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on the amendment offered by the gentleman from California (Mr. HUNTER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment to the amendment.

The Clerk designated the amendment to the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 198, noes 210, not voting 25, as follows:

[Roll No. 283]

AYES—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kirk
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Wilson (NM)
Woolsey
Wu
Wynn

NOES—210

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—25

Baker
Brown, Corrine
Conyers
Ehlers
Flake
Granger
Harris
Herseth
Istook
Kilpatrick (MI)
Knollenberg
Lantos
Lewis (KY)
Moore (WI)
Platts
Reynolds
Rogers (AL)
Schwarz (MI)
Shimkus
Souder
Towns
Wamp
Wasserman Schultz
Waxman
Wexler

☐ 1854

Mr. NEUGEBAUER and Mr. PETERSON of Minnesota changed their vote from "aye" to "no."

Mr. ROSS and Mrs. BIGGERT changed their vote from "no" to "aye."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

Ms. KILPATRICK of Michigan. Mr. Speaker, on rollcall No. 283, I was detained today because of flight delays, and had I been here, I would have voted "aye."

Stated against:

Mr. EHLERS. Mr. Chairman, on rollcall No. 283 I missed the vote because my flight arrived nearly two hours late. Had I been present, I would have voted "no."

Mr. ROGERS of Alabama. Mr. Chairman, on rollcall No. 283, I missed the vote due to a traffic delay. Had I been present, I would have voted "no."

Mr. WAMP. Mr. Chairman, on rollcall No. 283 I was unavoidably delayed. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. HUNTER

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HUNTER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DOGGETT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. DOGGETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 84, noes 329, not voting 20, as follows:

[Roll No. 284]

AYES—84

Abercrombie
Allen
Baird
Baldwin
Becerra
Berkley
Berman
Blumenauer
Brown (OH)
Capps
Cardin
Carson
Clay
Conyers
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Emanuel
Eshoo
Evans
Farr
Filner
Frank (MA)
Grijalva
Gutierrez
Hinchey
Holt
Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kucinich
Larsen (WA)
Lee
Lewis (GA)
Lofgren, Zoe
Markey
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Miller, George
Moran (VA)
Nadler
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Pomeroy
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Serrano
Slaughter
Smith (WA)
Solis
Stark
Strickland
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Weiner
Woolsey

NOES—329

Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon

Cantor
Capito
Capuano
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Oxley
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden (OR)
Walsh
Watt
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Baker
Boyd
Brown, Corrine
Crenshaw
Flake
Granger
Harris
Herseth
Istook
Lewis (KY)
Moore (WI)
Reynolds
Schwarz (MI)
Souder
Towns
Wamp
Wasserman Schultz
Waxman
Weller
Wexler

☐ 1903

Mr. McINTYRE and Mr. CLEAVER changed their vote from "aye" to "no."

Mr. ABERCROMBIE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. WAMP. Mr. Chairman, on rollcall No. 284, I was unavoidably delayed. Had I been present, I would have voted "no."

Mr. WELLER. Mr. Chairman, on rollcall No. 284, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 8 OFFERED BY MR. DE FAZIO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 136, noes 280, not voting 17, as follows:

[Roll No. 285]

AYES—136

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berry
Bishop (GA)
Blumenauer
Boswell
Boucher
Brown (OH)
Capps
Capuano
Cardin
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Evans
Farr
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Slaughter
Smith (WA)
Solis
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Watson
Watt
Weiner
Woolsey
Wu
Wynn

NOES—280

Aderholt
Akin
Alexander
Allen
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berman
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Lewis (CA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schiff
Schwartz (PA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton

Smith (NJ)
Smith (TX)
Snyder
Sodrel
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Baker
Boyd
Brown, Corrine
Crenshaw
Flake
Granger
Harris
Herseth
Istook
Lewis (KY)
Moore (WI)
Schwarz (MI)
Souder
Towns
Wasserman Schultz
Waxman
Wexler

☐ 1911

Messrs. RYAN of Ohio, BOREN and VISCLOSKY changed their vote from "aye" to "no."

Mr. EDWARDS and Mr. ENGEL changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 180, noes 235, not voting 18, as follows:

[Roll No. 286]

AYES—180

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Woolsey
Wu
Wynn

NOES—235

Abercrombie
Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cox
Cubin
Culberson
Cunningham
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Kelly
Kennedy (MN)
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Baker
Boyd
Brown, Corrine
Crenshaw
Flake
Granger
Harris
Herseth
Istook
Lewis (KY)
McKinney
Moore (WI)
Schwarz (MI)
Souder
Towns
Wasserman Schultz
Waxman
Wexler

☐ 1919

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will report the last two lines.

The Clerk read as follows:

This Act may be cited as the "Department of Defense Appropriations Act, 2006".

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 315, the previous question is ordered.

(By unanimous consent, Mr. DOGGETT was allowed to speak out of order.)

ANNOUNCING THE PASSING OF HON. J.J. "JAKE" PICKLE

Mr. DOGGETT. Mr. Speaker, it is my sad duty to inform the House of the passing of a friend to many of us and a long-term colleague here in the House, J.J. "Jake" Pickle of Austin. Jake passed away at the age of 91, peacefully, on Saturday. He had a long career here in Washington, having served as a night watchman over in the Cannon Building, a job he told me he never did very well, but he sure worked night and day in the 31 years that he served here in the House of Representatives, working with colleagues on both sides of the aisle, bringing not only his legislative talents but his tremendous good humor.

He has more stories than anyone can remember, many of them collected with his daughter Peggy in a book. We have got an elementary school, a research center and a Federal building named after him, but I think he lives on in the hearts of the many who worked with him here in Washington and certainly in the lives of the thousands of people he helped in central Texas, most of whom have a squeaky green pickle to remember him by, along with his many good deeds.

Services will be at 4 o'clock on Wednesday in Austin. I know all of our colleagues will join in expressing our sympathies to his wife, Beryl; daughter, Peggy; and all the members of the Pickle family and in saying, Jake, a job well done.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 398, nays 19, not voting 16, as follows:

[Roll No. 287]

YEAS—398

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—19

Baldwin
Conyers
Duncan
Filner
Hinchey
Kucinich
Lee
Lewis (GA)
McDermott
McKinney
Owens
Paul
Payne
Rangel
Schakowsky
Stark
Waters
Watt
Woolsey

NOT VOTING—16

Baker
Boyd
Brown, Corrine
Crenshaw
Flake
Granger
Harris
Herseth
Istook
Lewis (KY)
Moore (WI)
Schwarz (MI)
Souder
Towns
Waxman
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1939

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON H.R. 2985, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2006

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109–139) on the bill (H.R. 2985) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 10, CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–140) on the resolution (H. Res. 330) providing for consideration of the joint resolution (H.J. Res. 10) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2475, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–141) on the resolution (H. Res. 331) providing for consideration of the bill (H.R. 2475) to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBERS AS COSPONSORS OF H.R. 2646

Mr. HENSARLING. Mr. Speaker, on June 17, the following Members were inadvertently added as cosponsors of H.R. 2646: the gentleman from South Carolina (Mr. BROWN), the gentleman from Michigan (Mr. CAMP), the gentleman from Colorado (Mr. HEFLEY), the gentleman from Oklahoma (Mr. LUCAS), the gentleman from Texas (Mr. THORNBERRY), the gentleman from Montana (Mr. REHBERG), the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Michigan (Mr. UPTON), and the gentleman from Florida (Mr. KELLER).

I ask unanimous consent to have their names removed as cosponsors of H.R. 2646 at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SENATOR DURBIN'S COMMENTS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, last week Senator DURBIN compared American soldiers to Nazis, to the Soviets in the Gulags, and to Pol Pot.

These comments were the latest in a series of leftist attacks on our war against the terror in the Middle East and on our hard-line approach to terrorism here at home.

I want to assure my constituents that neither my party nor I believe America is what is wrong with this world. And no one should think for a minute, not even for a second, that we are in the wrong here. I have been to Iraq and to Afghanistan, and this political tactic sickens me.

If one wants to criticize our policies, fine. If one wants to call for withdrawal, that is just fine. But characterizing the actions of our Armed Forces as Nazi-like is reprehensible.

And to our Armed Forces and their wonderful families, I just want to say "thank you." They are making a difference, and most of us are standing with them 100 percent of the time.

PUBLIC BROADCASTING

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, we are facing a storm of controversy surrounding public broadcasting. There are ominous signs of interference and people concerned about trying to impose their political agenda on our independent public broadcasting system.

We have seen Draconian and unjustified proposals coming from the Committee on Appropriations to slash funding for the next year and eliminate Federal support altogether in the future.

In 2001, we formed the Public Broadcasting Caucus in Congress precisely for the reason to enable us to come together in a bipartisan way to deal with the controversial and complex issues surrounding public broadcasting. This would be a great time for Members who have not yet joined to become members to enable their staff to take advantage of opportunity and information and, frankly, in a small way, to show some measure of support.

I look forward to the debate later this week during the Labor-HHS appropriations bill not just to restore critical funding. My hope is that as a result of this controversy, we will emerge with a better understanding of why we support the public broadcasting. I hope we are doing so in a way that provides the continuity and stability so essential to the critical service enjoyed by 28 million listeners each month and the 70 percent of television owners who watch public television.

□ 1945

A VOTE FOR CAFTA IS A VOTE FOR NATIONAL SECURITY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, as all of us know, CAFTA was finished last year and will soon be taken up by the Congress.

While trade is a critical component of CAFTA, we must recognize that CAFTA is more than just about trade. We have a national security imperative in passing CAFTA. It is an important component of U.S. efforts to address the conditions that breed instability, terrorism, and international criminal activity.

We must help ensure that the countries in Central America have the ability to fight the threats to their democratic institutions. Helping their economic growth is a critical factor to achieving success.

CAFTA is the vehicle for achieving such important U.S. foreign policy and security objectives. CAFTA's defeat would harm not only trade, but antiterrorism and antinarcotic efforts as well.

Mr. Speaker, I urge my colleagues to support the passage of CAFTA. A vote for CAFTA is a vote for U.S. national security.

COMMERCE AND CENSORSHIP

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, as Congress considers the Central American Free Trade Agreement, we can look on the other side of the world on what our trade agreements and trade policies have wrought.

USA Today has an editorial today I will read from for a moment: "Part of the Internet's magic is the freedom it bestows to travel as far as your mind can take you. But not if you're in China.

"Software giant Microsoft has agreed to block certain words: democracy, freedom, and human rights among them," on the Internet as part of its new Chinese Internet portal. They have been joined by Yahoo and by Google.

So, Mr. Speaker, write in the words "democracy" or "freedom" or the phrase "human rights," and what comes up on your screen as those words are blocked? It says, "This item should not contain forbidden speech, such as profanity." Human rights, freedom, democracy? That is profanity?

Mr. Speaker, these trade agreements we have signed, coupled with our striving for freedom around the world and what our businesses say about their wanting to promote freedom and democracy, sound a bit hollow.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MARCHANT). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE HIGH COST OF PRESCRIPTION DRUGS FOR AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, once again I rise to talk about an issue that altogether too many Americans know more about than perhaps some folks here in Washington, and that is the almost inexcusable high prices for prescription drugs here in the United States. The more we learn about this subject, the more frustrating it becomes, because what we have learned over the last 5 or 6 years is it is not just that Americans pay high prices for prescription drugs; it is that people in industrialized countries like Germany and France and Switzerland pay so much less than we do.

What I have here is a chart, and I know these letters are almost too small to see on the television cameras, but let me point out a couple of the numbers. This is a chart of comparative prices that we got from a pharmacy in Frankfurt, Germany, called Metropolitan Pharmacy; and then we got prices from a local pharmacy in Rochester, Minnesota, for exactly the same drugs made in the same plants under the same FDA approval. What we see are some amazing differences.

Look at, for example, the drug Nexium, 30 tablets, 20 milligrams. In Germany, you can walk in with a prescription and buy that drug at the Metropolitan Pharmacy for $60.25. That exact same drug in Rochester, Minnesota, will cost you $145.33.

Let me just say that prices do vary from pharmacy to pharmacy; but I would guarantee that here in Washington, D.C., the price would probably be at least $145.33.

Let us take the drug Zocor, 30 tablets, 10 milligrams. In Germany you can buy that drug for $23.83, but here in the United States you would have to pay $85.39.

Now, that is bad enough. But if you total all of these up, these are 10 of the more commonly prescribed drugs in the United States and Germany, the total for those drugs for a month's supply in Frankfurt, Germany, $455.57. Those same drugs here in the United States, $1,040.4. That is a 128 percent difference.

Now, this chart actually gets more interesting, because we have pharmacists all over the world now who send us their prices on a regular basis so we can compare what is happening to drug prices. One year ago, when we compared a basket, now the drugs changed slightly, because some of these drugs went off patent, and so the basket of drugs changed slightly, but 1 year ago, the difference between the basket of 10 of the most commonly prescribed drugs in Germany was $430, and here in the United States it was $866. It was exactly a 100 percent difference.

The point I want to make here is during that period, during that 1-year time period, what happened was the value of the dollar relative to the euro actually came down.

Now, I am not a monetarist, I do not quite understand these exchanges sometimes, but the people who do tell me that actually what should have happened is the price differential between the United States and Germany should have gotten less. It actually got worse.

People ask, well, how could that happen? How could it be that the difference between what Americans pay and Germans pay actually got worse? Well, the reason is Americans are held hostage. The American market is a captive market, because not only do we give the pharmaceutical companies, which I believe we should give them the rights that they have in terms of their patent rights and so forth, I do not think that we should do anything to hurt people's patent rights; but what we have done in the United States is different than just giving them patent rights. Intellectual property deserves patent protection.

For example, we know that when Intel comes out with a new computer chip, that first chip off the line can cost $500 million, but we do not tell Intel that you can also control that product after you make the first sale. In other words, if they sell that chip to a distributor in Japan for $25 and they want to sell it to American manufacturers for $75, they cannot control what that distributor in Japan does. We have open markets.

That is what we want to create here in the Congress. We have a majority of the House and a majority of the Senate who believe that it is time to stop holding Americans captive. We understand that these drugs cost a lot of money to develop.

We as Americans are willing to pay our share in terms of developing those drugs; but, unfortunately, Americans pay in three different ways for these drugs. First of all, we pay in the prices, and they are inflated. They are the highest prices in the world for these drugs. Secondly, we pay, in some respects, through our Tax Code, because when companies develop these drugs here in the United States, they get to write off all of the cost of those research and development dollars.

But, third, and this is also important, Americans pay more than any other country through our tax dollars to help develop these drugs. This year, we will spend over $20 billion through various agencies, the National Science Foundation, the various groups at NIH, and even through the Defense Department, to help develop these miracle drugs.

So in some respects, we pay for them in the prices we pay, we pay in the Tax Code, and we pay in the research that we pay for.

It is time to give Americans access to world-class drugs at world-market prices.

SMART SECURITY AND IRAQ'S SOLDIERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, on April 12 at Fort Hood, Texas, President Bush told an audience of thousands of servicemembers that, for the first time, Iraqi soldiers outnumbered U.S. soldiers in Iraq. Specifically, he put the number of trained Iraqi forces at 150,000.

This rosy assessment of the situation in Iraq is shocking, not only for its arrogance, but also for its ignorance. Is the President totally oblivious of Iraq's true security failures, or is he misleading the American people into thinking that peace has taken hold?

Either way, the President's assessment misleads the American people about the true situation in Iraq. Take, for example, his claim that 150,000 Iraqi soldiers have been trained. Iraqi military leaders actually reveal that the number of trained soldiers is closer to 75,000, about half of the President's estimate. But the actual number of trained security personnel committed to a secure and democratic Iraq is even less than that, because many soldiers use their posts to assassinate political opponents. Others simply have no desire to help secure Iraq.

The chief of police in Basra, General Hassan al-Sade, stated that at least half of his 14,000-member militia are openly opposed to a secure Iraq, and another quarter are politically neutral and do not follow his military orders. General al-Sade recently told the Guardian newspaper, "I trust 25 percent of my force, no more."

After giving his Fort Hood speech, the President never again mentioned that 150,000 Iraqi security personnel have been trained. Perhaps that is because he realized that his assessment was entirely inaccurate.

But the President never admitted to the American people that he was wrong in this assessment, and he still has not told the American people how he plans to help secure Iraq or how and when he plans to bring the troops home.

Mr. Speaker, the best way to help secure Iraq and protect our troops is to remove U.S. troops from the country. Nothing enrages and unites Iraq's insurgency more than the presence of nearly 140,000 American soldiers on Iraqi soil.

One option is to bring one American soldier home for every trustworthy Iraqi soldier that has been trained. If 75,000 Iraqi soldiers have been trained, half the President's April 12 assessment, then why can we not remove the same number of our own soldiers?

This is just one plan to exit from Iraq. We have asked the President to come up with his own plan for securing Iraq. I am not against supporting the President's plan if it is a good one; but right now, he does not even have a plan. So we will develop a plan of our own.

Fortunately, there is a plan that would secure America for the future once we have cleaned up the mess we made in Iraq: SMART Security. SMART is a Sensible, Multilateral American Response to Terrorism for the 21st Century, and it will help us address the threats we face as a Nation.

SMART Security will prevent acts of terrorism in countries like Iraq by addressing the very conditions which allow terrorism to take root: poverty, despair, resource scarcity, lack of education, and economic opportunities.

SMART Security encourages the United States to work with other nations to address the most pressing global issues. SMART Security addresses global crises diplomatically instead of by resorting to armed conflict. Efforts to help the Iraqi people must follow the SMART approach: humanitarian assistance coordinated with our international allies to rebuild Iraq's war-torn physical and economic infrastructure.

Mr. Speaker, it has been more than 2 years since the United States started the war in Iraq. Do the American people, especially the soldiers who are bravely serving our country halfway across the world, not deserve a plan for ending the war? It is time for the President to create a plan to end the war in Iraq to bring our troops home.

☐ 2000

WITHDRAWAL FROM IRAQ

The SPEAKER pro tempore (Mr. MARCHANT). Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I hadn't realized the juxtaposition that the speakers would have this evening. But my remarks, I think, dovetail somewhat with the gentlewoman from California (Ms. WOOLSEY) in regard to addressing the issue of withdrawing from Iraq and exit strategy and so on. We hear a lot of debate about that.

And I am not here to debate the merits of the war in the Middle East. I am not here to talk about the intelligence leading up to the war, but I would like to address the current reality of the situation, we are there. We made sacrifices. We have lost roughly 1,700 soldiers. We have spent billions of dollars.

And yet as I traveled to the Middle East, I have been to Iraq three times, I have been to Afghanistan once, Kuwait once, I have been amazed at our soldiers' morale. And they often tell me this, they say there are two wars that we are fighting over here, there is the war that we see on CNN, the bombings, the beheadings, and then there is the war that we are actually experiencing.

And I wondered if you please go home and tell the American people what we are seeing and what we feel about the situation. So as far as Afghanistan is concerned, I met with a Colonel this morning who just returned from Afghanistan. We realize we have disrupted the terrorist training camps, their funding for terrorists have been disrupted, the Taliban has been removed, they have a representative government, constitution, and a great leader in Karzai. So we have made considerable progress.

It is not perfect, but things have certainly gone well there. As far as Iraq is concerned, Saddam Hussein has been deposed. And I am the cochair of the Iraqi Womens Caucus. So I meet with Iraqi women in Iraq and also here. And the one thing that they continually tell me is this: They say, you know, Iraq is still a dangerous place. There is a lot of bad things. But for the first time in 30 years, we now have hope. We now see a future. And hope is a very powerful thing.

As far as education is concerned, the school attendance has increased by 80 percent, most of those are young women for the first time going to school. Health care, 97 percent of the young people have been vaccinated for the first time. We all know about the elections and how that empowered the Iraqi people. And one thing that we do not hear much about is economic activity, Iraqi income has doubled in the last year. So a great deal has been accomplished. So as far as the strategy is concerned, or is there an exit strategy, what are we talking about here?

It is very clear. If you talk to General Casey, you talk to General Petraeus, they say here is the objective. We are going to train 270,000 Iraqis. And they will give you charts that show you explicitly that they have trained more than 150,000, and they are armed and they are proficient at this point. So we are training about 10,000 a month. So the math indicates that about 1 year from now we will be at 270,000.

The other thing that has to happen, in addition to the 270,000 trained, is we have to make sure that Iraq can control its own destiny, we have to have a stable government, and we have seen some improvement in that direction as well.

We have seen the Iraqis now out in front in most military actions. There are portions of the country where Iraqis are solely in control militarily. So we see signs that are good. The big question, the wild card at this point is Sunni involvement in the government. And Al Jafari will tell you, General Casey will tell you, we do not know how that is going to go, so we cannot give a precise timetable.

Declaring that we would pull out at a date certain, I think, would be counterproductive. It would be a like giving a playbook to an opponent, as a coach, something you would not do. You would not give insurgents a date certain, where they can wait and say, well, this is the time when a certain amount of troops will be gone and we can go therefore begin to attack, and certainly encourage terrorists.

A young captain in Kuwait told me this. He said, if we pull out prematurely, three things will happen. Number 1, the 1,700 soldiers that we have had killed there will have died in vain, and we will have to tell their families that. Number 2, tens of thousands of Iraqis will be killed in the ensuing conflict, and we promised them, we gave them our word that this would not happen, that we would not pull out prematurely.

And, thirdly, we would have encouraged terrorists around the world. And so it seems to me that the course that we are pursuing, while not perfect, makes some sense, and we definitely do have an exit strategy.

CAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, at the White House news conference early this month, President Bush called on Congress to pass the Central American Free Trade Agreement this summer. Earlier this month, the most powerful Republican in Congress, the gentleman from Texas (Mr. DELAY), promised a vote by July 4. Well, actually last year he promised a vote during 2004. Then he promised by Memorial Day that we would vote on CAFTA. Now, I think he means it this time, now he is saying we are going to vote on CAFTA by July 4.

As Congress waits for the next CAFTA vote countdown to begin, while we wait and wait and wait, many of us who have been speaking out, on both sides of the aisle, dozens of Republicans and dozens of Democrats have a message to the President and to the gentleman from Texas (Mr. DELAY), renegotiate the Central American Free Trade Agreement.

President Bush signed CAFTA almost 13 months ago. Every trade agreement negotiated by this administration, Morocco, Chile, Singapore, Australia, has been voted on within 60 days of the President's signing the agreement. But CAFTA has been 13 months. It has languished in Congress for more than a year without a vote because this wrong-headed trade agreement offends Republicans and Democrats.

It offends small business people and farmers and ranchers. It offends Central American workers and American workers. It offends advocates for food safety and the environment. Just look at what has happened with our trade policy, and the gentleman from Texas (Mr. DELAY) and the President want more of the same.

Look at what has happened to our trade policy in the last dozen years. The year that I came to Congress, the same year that the gentleman from New Jersey (Mr. MENENDEZ) came to Congress, we were elected in 1992, that year the U.S. had a $38 billion trade deficit, meaning we imported $38 billion more than we exported. 12 years later, a dozen years later, last year, our trade deficit went from $38 billion 12 years later to $618 billion.

It is hard to argue that our trade policy is working when the deficit goes from $38 billion and balloons to $618 billion in just a dozen years.

But, it is more than just some numbers, Mr. Speaker, on a trade deficit, it is also job loss. In the last 6 years, manufacturing jobs alone, the States in red have lost 20 percent or more of their manufacturing base. Michigan has lost 210,000 manufacturing jobs, Illinois, 224, Ohio 216, Pennsylvania 199, New Jersey over 100,000 Alabama and Mississippi together, 130,000 jobs.

The States in blue have lost 15 to 20 percent of their manufacturing jobs. Texas, 201,000. California 354,000. It is pretty clear our trade policy is not working, Mr. Speaker. Opponents to CAFTA know that it is an extension of the North American Free Trade Agreement, a dysfunctional cousin of NAFTA, for all intents and purposes.

It did not work then, it is not working now. It is the same old story. Every time there is a trade agreement in front of Congress, the President says it will mean more jobs for Americans. The President promises, we will manufacture more products and export them abroad. The President promises it will raise the standard of living in the countries of our trading partners, and the developing countries.

Yet, with every trade agreement their promises fall by the wayside in favor of big business interests, not small business interests, big business interests that sends U.S. jobs overseas and exploit cheap labor abroad.

Ben Franklin said the definition of insanity is doing the same thing over and over and over and expecting a different result. We hear the same promises on the same kind of trade agreements, and we get the same negative results. In the face of overwhelming bipartisan opposition, Republican leadership and the administration have tried every trick in the book to pass this CAFTA and they failed.

Now, they have opened the bank. Desperate after failing to gin up support for the agreement based on its merits, CAFTA supporters are now attempting to buy votes with their fantastic promises. If history is an example, Members should beware of these promises. Fewer than 20 percent, 14 out of 92 trade promises from the administration in the last dozens years, 14 out of 92 trade promises, less than 20 percent, were ever realized.

The White House will make all kinds of promises to Members on both sides of the aisle, but do not be suckers, it is going to happen again and again and again. Instead of wasting with toothless side deals, Ambassador Portman should renegotiate a trade deal, a CAFTA that will pass Congress.

Republicans and Democrats, labor and business, farmers and ranchers, religious leaders in Central America, religious leaders in the United States, environmental and human rights organizations in all seven countries are speaking with one voice: Defeat this CAFTA and renegotiate a CAFTA that lifts up workers in both countries.

Mr. Speaker, a worker in the United States averages about $38,000 a year in wages. The Dominican Republic about $6,000, Honduras about $2,600, Nicaragua 2,300. A Nicaraguan worker who earns $2,300 a year cannot buy cars made in Ohio, cannot buy prescription drugs manufactured in New Jersey, cannot buy textiles and apparel from North Carolina, cannot buy software from Seattle, cannot buy prime cut beef from Nebraska.

Mr. Speaker, this agreement is about outsourcing jobs to El Salvador, exploiting cheap labor in Guatemala. When the world's poorest people can buy American products, not just make them, then you know our trade policy will finally have succeeded.

IRAQ AND GUANTANAMO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I rise tonight to talk about two issues, Iraq and Guantanamo, to talking about war and prisons. We have heard a lot about both in the last few months. And I think it is incumbent upon us to understand the situation.

We hear about Iraq and the situation in Iraq. And I was fortunate on January 30 to be in Iraq, along with the gentleman from Connecticut (Mr. SHAYS), two Members of Congress on Election Day to see a nation born, a new nation with a democracy. The cynics said it would never happen. They said the Iraqi people were not smart enough to have a democracy, they did not know what it was like.

Yet 60 percent of those people went out and voted, defiant of the tyranny, of the terrorists. Almost 60 of them were murdered either going to or from the polls, but yet they went and voted. Almost 300 others were injured going to and from the polls, but yet they voted. The timetable for that country to have a democracy is a short one, almost 2 years. But we forget that our own country took 13 years, from the beginning of the war for independence and the setting of the Constitution of the United States. It took us a long time.

Yet we expect more of the Iraqi people. And they are performing that. And I was honored to be there to see those people, to tell me personally that they appreciated American and America's youth sacrificing so this nation could be a free nation.

I saw that they are concerned for American troops, the morale of the American troops. The concern that the Iraqi people had was that we would cut and run and leave before the job was done, before the Iraqi people were able to control their own country. But we will not cut and run, we will finish the job. It is not the way we do things in America, to run from a fight, liberating a country that wishes to be free.

And now we hear talk about Guantanamo Bay, the situation. Let me tell you something, Mr. Speaker, I have been to jails. I have been to prisons. I was a judge for 22 years. I was a prosecutor for 8. I have seen numerous jails, numerous prisons in the State of Texas and our Federal prisons. I know what jails are like. I know what prisons are like. And to compare Guantanamo Bay to a Nazi concentration camp, to the Soviet gulags is outrageous, it is an affront to those millions of people who died in those concentration camps.

My dad served in World War II. And as a teenager, he saw those concentration camps. He helped liberate them with other Americans. Recently I had the chance to see some of those concentration camps some 50 years later. And to say that Guantanamo Bay is like a concentration camp minimizes the death that occurred in those concentration camps in Germany. And it is an insult to these people that died there.

I think it is important, Mr. Speaker, that those people who talk and criticize our situation in Iraq, that they go to Iraq. I went there for that very purpose, to see our troops. And I think it is important that those people who criticize Guantanamo Bay, that they go to Guantanamo Bay and see that jail there.

That is why I am recommending and offering that we go there as Members of Congress, we go as soon as we can to see the situation firsthand. We need to understand that the people in Guantanamo Bay are terrorists. We talk about them being prisoners of war, but to be protected under the Geneva Convention, Mr. Speaker, a person must have a commander, they must wear a uniform, they must not take and have concealed weapons. They must kill civilians or the innocent.

And the terrorists that are in that jail down in Guantanamo Bay are not protected by the Geneva Convention because they violate these rules, these rules. And yet we hear of all of the bad things that are occurring.

□ 2015

I think it is incumbent to see the situation firsthand and make our own determination because it is important that we not cut and run from this situation in Guantanamo Bay any more than we cut and run from Iraq.

CAFTA HURTS WOMEN OF THE AMERICAS

The SPEAKER pro tempore (Mr. MARCHANT). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, many people do not think of trade agreements as an issue particular to women.

But a briefing I held last week along with the gentlewoman from California (Ms. WATERS), the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentlewoman from California (Ms. SOLIS), and the gentlewoman from California (Ms. HARMAN) made clear how disproportionately the proposed CAFTA agreement will negatively affect women.

We tend to forget about women in forgotten places like the sweat shop zones in Guatemala, Nicaragua, the Dominican Republic, El Salvador, Costa Rica. But let me tell some of their stories.

One worker, woman in Guatemala describes the way supervisors treat workers in the maquiladora, the sweat shop where she works. She says, "Sometimes the supervisor grabs a piece of cloth you're working on and throws it in your face. Once when a supervisor did that to me, I finally grabbed the piece from him and threw it back in his face. I did not cry. If I had cried, I wouldn't have been able to answer him. Instead, I told him that he needed to start respecting the women that worked for him. I could have accepted it if he had just said the piece was no good, but to throw it in my face, I won't stand for that."

How about the thousands of women who work in the banana packing plants? Who speaks for them?

For the treatment that the woman in the textile company received, she earns $68 every 2 weeks including over time and bonuses, working many more than 8 hours a day. She goes on to say, "The trousers we make cost about $39.50 each. In 2 weeks we earn enough to buy 2 pairs. But do you know how many pants we have to produce every day? Our quota is between 400 and 700 trousers per day."

Another worker describes efforts to organize a union to represent women. She says, "The company used to fire workers without any cause. They did not always pay the workers their full salaries and there were lots of other problems, so the secretary-general said it would be a good idea to place an injunction. That's when the company started to intimidate the workers. The situation got really bad . . . when someone shot at one girl while she was buying tortillas and hit her in the ear. From then on everyone was afraid and did not want to continue fighting" for an organization to represent the women, an actual union.

Last year, a U.S. union official organizing in El Salvador was killed. No independent trade unions have been registered there in 4 years. In Guatemala only two collective bargaining agreements exist among more than 200 textile factories.

Now, U.S. Trade Ambassador Portman claims that poor enforcement is the only problem with Central America's labor regimes, not inadequate laws. Yet there are dozens of serious deficiencies in Central American labor laws. CAFTA does not require compliance with international labor standards like the freedom to associate and to bargain collectively, nor does it protect women against outright discrimination. And CAFTA offers no protection against weakening, gutting, or eliminating existing laws in the future.

We need trade that serves women and workers in all of our countries, not agreements that force women into these awful conditions and places a downward pressure on the wages and working conditions that women in America have fought so very hard for from the very beginning in the mid-1930s, women like my own mother who was the first member of my family ever to earn a living wage when she struggled for the formation of the first union at an auto parts plant in our community.

We do not want CAFTA to roll back standards for women of this hemisphere and this continent. Women of the Americas should not stand for it. CAFTA would devastate family farmers just like it did in Mexico under NAFTA when over a million and a half peasants were forced off their land and forced to migrate somewhere just to try to find a better way of life. And they end up working in these sweat shop zones or fleeing across our border, working under the table, not having a decent labor agreement under which their lives, and indeed their livelihoods, can be guaranteed.

Already over 60 percent of the workers in Central America in their factories, in the banana packing houses are women. They work in very low-skill, low-wage jobs with absolutely few labor protections. CAFTA would do very little to protect their labor rights in the sweat shops in which they spend the majority of their young years.

Women have reported forced pregnancy testing, sexual harassment, and even physical abuse in this sector where women assemble clothing, pack bananas, and try to eke out a living for themselves and their families.

I want to thank STITCH, a small organization that supports the voices of these women being heard here in the Congress of the United States.

EXAMINING BRAC CLOSURES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. PEARCE) is recognized for 5 minutes.

Mr. PEARCE. Mr. Speaker, I would like to address the subject of the Base Realignment and Closure process that is currently ongoing. I speak as a former Air Force pilot and a member of Congress from New Mexico. Although the base that I would like to talk about does not lie in my district, I think the overall concern that I have is that the process of establishing military value has somehow been deeply flawed, at least with respect to this one base. I would like to mention a couple of things about it.

According to the criteria set up by the BRAC Commission, encroachment was supposed to be one of the important issues that was discussed. In other words, if a town grows around a military base, it somehow loses its value because there are certain processes that are not as capable of being performed. So encroachment, that is the growing of the population around the base, is an extremely important measurement as we determine military value.

But as we look at the population, the population is listed on this chart in red. In the white areas are low population density areas. Cannon Air Force base is right here about 4 or 5 miles from the Texas border on the east side of New Mexico. As you can see, there are almost no population centers anywhere around. What this means is that Air Force fighters can take off from Cannon Air Force base without flying over densely populated areas. They can carry live munitions, live bombs, and live armament over this sparsely populated area without much risk.

Now this last week we saw the Harrier jet that actually had problems and fell into a housing area with those munitions on board, and that is the problem with encroachment. And yet when the BRAC Commission says that we should not have encroachment and that will be a high priority, we see that no encroachment has occurred here. And as we look across the rest of the country, we see deep encroachment occurring; and so one criteria appears to be completely ignored with respect to Cannon Air Force base in the eastern side of New Mexico.

Another one of the criteria that was mentioned is training space unencumbered by the overflight of airlines and commercial traffic. Now, again, if people are not aware of the White Sands Missile Range that lies in the second district of New Mexico which I do respect, that is a completely restricted air space. No airliner ever flies through that air space. And so starting back across Dallas, one can see from this chart that almost no white exists, white would be the commercial air traffic. But those flights begin to divert north toward Albuquerque, or they divert south to El Paso and fly completely around New Mexico.

Now, Cannon Air Force Base again lies about the midpoint in New Mexico along the New Mexico-Texas border, and it benefits because those airliners have already begun to divert far before they hit the New Mexico border, and so the air space that is available for training lies in this particular area. And, again, one of the extreme criteria of the BRAC Commission appears to have been either ignored or just disregarded.

The problem of training space becomes even more important when it is considered with population density. Many times aircraft that take off from densely populated areas have to fly to areas of sparse population, and each flight in a military aircraft can run tens of thousands of dollars. It might be as much as $50,000 an hour to operate. So each hour to convey the aircraft simply to the training zone is extremely expensive both in dollars and also in the use of the hours on the military aircraft, each aircraft having a certain limited life in terms of flight hours. So, again, one of the criteria seems to be omitted.

Another criterion that was judged to be important in evaluating which bases to keep open or closed were weather on the training days. Again, green indicates the days of cloudy weather. The white areas are generally clear skies. I can tell you, having flown in New Mexico most of my life, approximately 320 days a year are available for flight training in New Mexico, and it is significantly less. The next chart I show is simply a followup on that, and it shows precipitation. Again, one can see that the area around Cannon Air Force Base simply does not have the problem of precipitation.

Again, precipitation is two problems. It is a problem of flying in bad and inclement weather, and it is also the problem of corrosion, and we do not have the problem on or in New Mexico. Again, it is a very significant thing.

The final chart, Mr. Speaker, wraps it all up. New Mexico has the best, most accessible training space, the least encroachment, and the least overflight of commercial traffic. We are not able to understand exactly how the BRAC Commission came up with its report. And we would urge the House to take a stand to see that military value is considered as we approach the approval of the BRAC process.

OUT OF IRAQ CAUCUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I come this evening to further announce to the people of this Nation that we have formed an Out of Iraq Caucus here in the Congress of the United States of America.

There has been quite a bit of debate this weekend about the activities that took place here in Congress. There was a lot of discussion this weekend about the hearing that was held right here in the basement of the Capitol headed by the gentleman from Michigan (Mr. CONYERS) in conjunction with a group that is now known as AfterDowningStreet.org. And that hearing helped to give exposure to the famous, now famous, infamous memorandum that basically some see as a smoking gun, discussing who knew what, when did they know it, and what did they plan to do.

In essence, it is easy to conclude reading that memorandum that this administration, the President of the United States of America and others, had decided that they were going into Iraq, that they were going to attack Saddam Hussein long before 9/11. So that hearing took place, and it was a very interesting one.

It was a very revealing one and over 30 Members of Congress joined in the basement in this crowded room. And I have had a lot of questions this weekend about why were we jammed into such a small room, and I had to answer truthfully and let the people who asked the question know that the Republicans are in charge. They are able to determine where we meet, if we can meet, what kind of space we will have. And they have said to us, they are going to stop allowing us to use any committee rooms. And so even though it was a very small room, it was all that we could get. But, of course, those who have the power can choose to use it responsibly or irresponsibly.

And I would say to the people of this country at this time that we will be thwarted in our efforts to get the word out, to have this kind of discussion; but we will persist, we will not give up.

Further, aside from that hearing, we did form the Out of Iraq Caucus. Over 60 Members have now signed up. And I am being asked by journalists and TV personalities, what happened? Why are you having this discussion and this debate that is occurring at this time?

□ 2030

I must answer those questions by saying, first of all, we have Members of Congress who were elected by their constituents on peace, justice and equality issue. We have Members of Congress who have long histories fighting and agitating for peace. Whether you talk about the Vietnam War or the work that many of us did to end apartheid in South Africa or the work that we are doing now to try to bring attention to genocide in Sudan, this is who we are. This is what we do.

Philosophically, we cannot sit here and allow this war to continue with no exit strategy, no answers, no reports from the President of the United States about how they are really going to get the training done, what does that mean and basically when are we going to bring our troops home.

So we have joined with the American public. The American public have been waiting on us. They are against this war. The polls now are showing us that the American public wants this war to end, and so we have joined with them to provide some leadership.

Our caucus is made up of an array of Democrats, some who come from the New Democrats, some from the Blue Dog Democrats, some from the Progressive Democrats, but we have come together to talk about coordinating activities, helping to give a platform to this discussion, to work with the national peace organizations, to bring in people who have been trying to get to Congress but since we have no hearings that are going on, they have not been able to connect with anybody. We are going to connect with them, whether they are veterans against this war or mothers and fathers and family members who have had their children and relatives killed in this war. They are now going to have Members to talk to.

We are going to create this discussion and this debate, and some people are saying out now. Some people are saying, Mr. President, give us a strategy. Some people are trying to come up with a date certain.

We have a bipartisan effort that has been put together with a date certain attached to it. As far as our caucus is concerned, people see it a little bit differently, whether or not out now, whether or not we just beg the President to give us a strategy or whether or not we insist on a date certain. The most important thing is we are all organized just to get the word out. We want out of Iraq.

This thing will evolve, and as it evolves, we will know what the right timing is. The President will have an opportunity now, given that he has seen the polls and he understands what is going on, he can denounce it or reject it in any way that he wants, but the fact of the matter is the people of this country want us out. The new caucus that I am so proud of that we have formed will work to make sure that we have the debate that we have not had.

CAFTA

The SPEAKER pro tempore (Mr. MARCHANT). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I have listened to my colleagues with great interest tonight.

Three issues seem to have been raised. One is on CAFTA, which I will address tonight, and then we talked about Guantanamo, which I am going to try to address later this week. Then we will talk about Iraq because there are parallels between what we are seeing in Iraq right now and what happened in World War I and World War II, but I cannot cover all those tonight. So I will debate my colleagues on some of those other issues later this week.

Let me talk about CAFTA right now because the gentlewoman from Ohio (Ms. KAPTUR), my good friend, for whom I have the highest regard, was just talking about some of the problems that occur with women in Central and South America and the living conditions and the working conditions, and I agree with her.

Because of that, and a number of other reasons, I voted against NAFTA and worked with my colleague on that, and I voted against the WTO and the General Agreement on Tariffs and Trade. So you probably ask, well, why in the world, Danny, would you be in favor of CAFTA if you opposed all those others? So I want to tell my colleagues tonight why I support CAFTA.

First of all, we have what is known as the Caribbean Basin Initiative, and the Caribbean Basin Initiative is kind of a one-way street right now. We allow the Caribbean countries and Central American countries to export into the United States without tariffs while at the same time, when we send stuff into those countries, we do have to pay tariffs in many cases. So the bottom line is it is a one-way street.

The Caribbean Basin Initiative will go by the wayside if we pass CAFTA, and we will have a two-way street where there will be minimal tariffs or no tariffs whatsoever, and so our producers will benefit the same as the producers in Central America and the Caribbean. I think that is one reason why I think CAFTA is a better deal than what we see with the Caribbean Basin Initiative.

The second thing is that we need to see stability in Central and South America. President Reagan, when he was President, worked very hard to create democracy in our hemisphere, and as a result of the Reagan doctrine, all of the countries in Central and South America became fledgling democracies over the past few decades with the exception of Cuba. We are starting to see cracks in those democracies because of the poverty down there and because of some leftist leaders. We see problems in four or five, six countries in Central and South America right now, and one of the things that we need to do is to address the issue of poverty down there.

One way to do that is to try to see some foreign investment going in there from places besides China and Europe into Central and South America so that we see a reduction in the poverty rate and a reduction in the pressure that is being brought about on the existing democracies down there to move toward leftist governments.

If we have a change, a sea change in those countries in Central and South America, then what is going to happen is the illegal immigration problems that we see right now will be magnified. They will grow because people want to flee tyranny. They want to flee conflict, and if you start seeing revolutionary activity take place, like that which we saw in El Salvador in the 1980s, and in Nicaragua in the 1980s and elsewhere, then you are going to see people saying, I am getting the heck out of here; I am going north; I am going to the United States. Our border is very porous. We have a terrible time controlling it right now. We have millions of people that have come across that border that are now in the United States that cost our taxpayers money and cause a lot of hardship and problems.

So stabilizing those governments in Central and South America I think is extremely important. I am now the chairman of the Subcommittee on the Western Hemisphere on the Committee on International Relations, and I have had a chance, along with my colleague the gentleman from New Jersey (Mr. MENENDEZ) to start looking at this issue. We may not agree on this, but I think it is important that we go down there and look at these countries and find out how we can make sure there are stable governments in place and that we do not see democracies start to deteriorate and go by the wayside.

So I feel it is very important that we look at this from more than just one point of view. Trade is important. Job loss by Americans is very important. I am concerned about both of those things. A two-way street in trade with no tariffs I think is also very important, but also one of the major issues as far as I am concerned is the stabilization of democracy in our hemisphere. If we do not, as a leader of democratic institutions in this hemisphere and around the world, take the initiative to stabilize those countries, who in the heck will?

So I still believe in free and fair trade. I would not vote for NAFTA today. I would not vote for GATT today. I would not vote for the WTO today, but I am going to vote for CAFTA, and the reason I am voting for CAFTA is for the reason I just said. I think it is extremely important to not only worry about trade and balance but also about national security and immigration, and I hope my colleagues at least understand where I stand on this issue because I love you guys.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

TRIBUTE TO PETER RODINO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from New Jersey (Mr. PAYNE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PAYNE. Mr. Speaker, we are gathered here this evening to pay tribute to one of the true heroes of our time, a man who earned a stellar national reputation but who also holds a very special place in the hearts of those of us from his home State of New Jersey and those who had the privilege to serve with him, former Congressman and Chairman of the House Judiciary Committee, the Honorable Peter W. Rodino. I feel privileged to hold the seat in Congress which Chairman Rodino previously held from 1948 until his retirement 40 years later in 1989.

It is certainly a testament to his outstanding work here in the House of Representatives and the high esteem in which he was held among his constituents that he won reelection to Congress 19 consecutive times over the course of his career. From my personal experience growing up in Newark, New Jersey, I was inspired to enter public service after reading stories in the newspaper I delivered as a youngster, the Star Ledger, about the work of my local Congressman, Peter Rodino, and the passion he brought to his job. We felt proud to have such a hardworking and dedicated public servant representing our interests in Washington, especially since I lived in the neighborhood in the old North Ward of Newark where he served and lived.

Peter Rodino was a driving force behind all of the major civil rights legislation and opened up doors of opportunity for an entire generation. Throw his service on the House Judiciary Committee he authored the majority reports on which the civil rights legislation of 1957, 1960, 1964 and 1968 were based. In addition, he played a key role in the passage of the fair housing bill in 1966.

He was active in the movements to establish a national holiday in honor of Dr. Martin Luther King, Junior, and to provide the District of Columbia with a voting delegate.

During the Watergate hearings, Chairman Rodino won praise from both sides of the aisle for his fairness, evenhandedness and sense of decorum. He carried out his constitutional duty, but it was not a role he chose or relished. In fact, he broke down in tears after the Judiciary Committee approved articles of impeachment against a President not of his own party. That kind of sensitivity and compassion is indeed rare today in the political arena.

After his retirement from Congress, Congressman Rodino continued working diligently, serving as a distinguished visiting professor of constitutional law at Seton Hall University in Newark, New Jersey. I was excited during my first term in Congress to be part of a successful effort to secure over $5 million for the establishment of a model center for social justice at

Seton Hall University School of Law, the Peter W. Rodino, Junior, Institute of Social Justice.

Despite all of his achievements, Peter Rodino was most proud of being the son of an Italian immigrant who achieved the American dream. In fact, in a tribute to his Italian heritage, he sponsored the bill that made Columbus Day a Monday national holiday. He never forgot where he came from and he always had time to help other people who needed a hand.

In fact, after his passing on May 7, the Star Ledger ran a story about a sixth grade student, Christina Rodriguez, who had never met former Congressman Rodino, but called seeking an interview for a school paper she was writing. Although he was in the middle of celebrating his 95th birthday with friends and family, he generously spent 45 minutes giving her a firsthand account of a chapter of history that took place long before she was born.

Mr. Speaker, former Congressman Rodino was not only an admired leader and a great champion for all of the right issues, he was also a wonderful human being. Let us express our deep appreciation for his service in Congress.

Our heartfelt condolences go out to his wife, Joy; his son, Peter W. Rodino, III; his daughter, Margaret Stanziale and her husband Charles Stanziale; his three grandchildren, Carla Prunty, Maria Stanziale and Talia Rodino; and his twin great-grandchildren, Annabel and Charlotte Prunty.

At this time, Mr. Speaker, I yield to the gentleman from Michigan (Mr. CONYERS), who served on the Judiciary Committee with Mr. Rodino, the current ranking member on the Committee on the Judiciary, who has served in the Congress for close to 40 years.

□ 2045

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding to me, but would be pleased if the gentlewoman from California (Ms. PELOSI), the minority leader, would precede me.

Mr. PAYNE. Mr. Speaker, I yield to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I know how close the gentleman from Michigan (Mr. CONYERS) was to our former colleague, Congressman Rodino, and I am very honored he would yield to me to speak about him.

I want to express my appreciation to the gentleman from New Jersey (Mr. PAYNE) and say how impressive it is to see him; the Chair of our caucus, the gentleman from New Jersey (Mr. MENENDEZ); and all of the members of the New Jersey delegation; along with the gentleman from Massachusetts (Mr. FRANK) and the gentleman from California (Mr. SHERMAN) and the gentlewoman from Texas (Ms. JACKSON-LEE) of the Committee on the Judiciary, all who served with Mr. Rodino or served under his legacy, or are just proud to speak out this evening. I thank the gentleman from New Jersey (Mr. PAYNE) for organizing this Special Order.

First, I join the gentleman in expressing heartfelt condolences to the entire Rodino family, to his wife, Joy, daughter Margaret, and of course his son, Peter. I hope they find comfort in the proud legacy he leaves. I hope it is a comfort to them that so many people mourn their loss and are praying for them.

A man of integrity and humility, Peter Rodino was a great American who served our Nation with great dignity and honor. He was truly a historic figure and consequential leader who changed the course of history for the better.

Many years ago, President John Kennedy spoke of "the high court of history" by which public officials will be judged. History will treat Peter Rodino very well.

By conducting the Watergate impeachment hearings with fairness, Peter Rodino ensured that the rule of law prevailed during one of the greatest constitutional crises in our country. He spoke before this House when the Watergate impeachment hearings and said, "Whatever the result, whatever we learn or conclude, let us now proceed with such care and decency and thoroughness and honor that the vast majority of the American people, and their children after them, will say: 'That was the right course. There was no other way.'"

He did all that and more. His contribution was immeasurable. Americans will be forever grateful for his courage and for his defense of the Constitution.

Though most renowned for the service he rendered during the Watergate impeachment hearings, Peter Rodino left a lasting imprint as a distinguished chairman of the Judiciary Committee, an author of significant legislation, ranging from civil rights to immigration to protecting consumers. A Seton Hall law professor, Paula Franzese said at his funeral, "He was a champion for the underdog. He was a speaker for those who had no voice." What a magnificent compliment, and still understates the contribution he made.

Peter Rodino was a main sponsor of the Civil Rights Act of 1966 and authored the extension of the Voting Rights Act in 1982. He reformed immigration quotas and promoted fair housing laws, and he was one of the authors of the Hart-Scott-Rodino Act that protects consumers by preventing anticompetitive mergers. He was a legislative and legal giant whose work continues to have a profound impact on the lives of Americans.

Peter Rodino's passing is a personal loss to who all served with him. It was an honor to call him colleague. Though a giant in Congress, he was always kind to newer, more junior Members who looked to him for guidance. He was of course a great source of pride and inspiration for all of us in the Italian-American community. I had a special bond with him in that regard. He was, as Father Nicholas Gengaro noted at the funeral, "a household God, patron of the good name and respect" of Italian Americans.

He was always proud of his heritage. As a Congressman, one of his notable achievements was sponsoring the bill that made Columbus Day a national holiday, a day that commemorates the contributions of Italian Americans.

After serving in Congress for nearly 40 years, Mr. Rodino did not retire, he returned to his beloved Newark and continued his public service until his passing. He found a new and noble calling as an educator and law professor at Seton Hall Law School, and he shared his lessons with new generations of students so they could learn from his example and so that the lessons of Watergate will never be forgotten.

As he said in an interview a year ago, "People today just do not know what happened, and they should." And they did learn more when he passed away because so many compliments were extended to his family for his incredible leadership. Because of Peter Rodino, the rule of law prevailed. He stood for truth and accountability and fought against abuses of power and corruption.

His legacy is a reminder it is our constant duty to protect and defend the Constitution of the United States, the rule of law and our civil liberties. That is the oath of office we take and we must never, never let our guard down on it. Tonight as we recall the life of Peter Rodino, we must honor his legacy by conducting ourselves and all of our public duties with integrity and fairness, and we must honor his courageous legacy by upholding the rule of law as he did so much to advance, and defending the Constitution he did so much to protect.

Again, I offer my condolences to the family. It is a great loss for so many reasons, but he had a wonderful smile and a twinkle in his eye and he was just a great and wonderful person. You could see the spark of divinity in him, and his generosity of spirit and kindness to so many people, and the greatness of his intellect.

I offer my condolences to his family for their personal loss. As a Nation, we give thanks for his life, a life that enriched and ennobled all who knew him, and a life of dedicated and courageous service. We shall miss him greatly.

Mr. Speaker, I thank the gentleman from New Jersey (Mr. PAYNE) for calling this Special Order to commemorate a giant of the Congress.

Mr. PAYNE. Mr. Speaker, I thank the gentlewoman from California (Ms. PELOSI) for those kind words. I know his wife, Joy, will appreciate those words as she is watching this tonight in the comfort of her home with other members of her family.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, when we think of Peter Rodino on the Committee on the Judiciary, it conjures up the names of some of those great men and women, Barbara Jordan, who walked the halls, who listened in that 2141 Rayburn Room to the constitutional arguments that were being presented day in and day out. And we thought what would happen after Mannie Celler was the chairman. Here was little old Peter Rodino and people said, Wow, where are we going to go from here? Mannie Celler was a giant, an orator, a fighter, a great writer. And Peter Rodino came to the chairmanship of the Committee on the Judiciary as a very modest, humble member of that committee. He never sought the spotlight. You would rarely see him on television before Watergate and impeachment. It seemed like it was provident that for that impeachment, we needed exactly the kind of persona that Peter Rodino brought because without it, I can tell Members we do not know where that committee was going. That committee was very passionately divided, and it was very even numbers of Democrats and Republicans.

There was open writing about whether this Nation could stand an impeachment of a President because there had not been one in over 100 years. They were saying how can Chairman Rodino contain this huge division that is ripping not just Washington but the whole Nation, indeed the world was focused on whether or not there were grounds to remove under the second amendment to the Constitution under articles of impeachment for treason, high crimes or misdemeanors.

Believe me, we were under a great deal of tension. Everybody was getting angrier in their speeches and the pronouncements of the Members, but Peter Rodino never lost his temper. He never raised his voice. After we had the White House tapes come out, then the articles of impeachment came forward. And out of five of them, three of them received the votes of at least half a dozen Republicans and Democrats as well. I might as well tell Members there were Democrats on the committee that were not convinced that impeachment was the route to go.

So Peter Rodino, with people like Bob Kastenmeier of Wisconsin, Don Edwards of California, Jerome Waldie of California, Barbara Jordan. And there was a freshman member on the committee named the gentleman from New York (Mr. RANGEL). And there were some interesting staff members. One was named attorney HILLARY RODHAM and another was Attorney ZOE LOFGREN. There were all kinds of names coming in and out.

Every day brought new developments. President Nixon was resolute that he would never give up his office to these kinds of scurrilous attacks, and Peter Rodino persevered through this. Had there been a chairman with a different personality or temperament, I am not sure how those impeachment hearings would have gone forward.

When I visited Peter Rodino at Seton Hall Law School last spring, he was still full of stories. He was still reminding me of incidents and how we had to get the votes and master the subpoenas, the issuance of the subpoenas and the order of witnesses and what we would do with John Dean and Haldeman and Archibald Cox. Those names all figured into this incredible situation that this very modest Member of Congress from Newark who preceded the gentleman from New Jersey (Mr. PAYNE) was able to keep it together.

It transformed America. It forced the President to resign rather than to have us have to bring those articles of impeachment forward. Chairman Rodino worked behind the scenes to figure out who would actually take the place of President Nixon.

I will never forget the discussions that went on in 2141 Rayburn House Office Building in which finally the Speaker from Oklahoma and the chairman of the Committee on the Judiciary said there is only one thing that we can do to keep this country on an even keel, and that is there is one congressman in the House who can do this and he would be accepted by the Ds and the Rs, and his name was the gentleman from Michigan, Gerald Ford. They took that name down and moved it forward.

I want to tell Members, Peter Rodino, when he would see someone that was there during those months from May 1974 to July 1974, he would start off by saying, JOHN, do you remember that day we had so and so come by our office and we had to decide on whether we were going to issue subpoenas or not, or whether we were going to let them bring their testimony forward or whether we could get a bipartisan group of Members to move these hearings forward.

□ 2100

The pundits were all writing, This is ridiculous. This can't be done. Peter Rodino has no experience to bring this kind of a matter to the House of Representatives. It does the House and the Congress and the country a huge disservice. But Peter Rodino, his excellent staff, the Members of both parties gradually, one by one, realized that we had more than enough grounds. As a matter of fact, we had more articles of impeachment. After a while, we stopped raising new articles because they were not necessary.

And so I want to tell everybody here that even though I have served under Emanuel Celler and Jack Brooks and HENRY HYDE and JIM SENSENBRENNER, Peter Rodino was the leader of this committee that I have served on since I have been in the House of Representatives, the committee that protects the Constitution, the committee that promotes civil rights, the committee that has spent all of its time trying to make the Federal criminal code, the laws of the land, the compacts between the States, the Department of Justice oversight that has been within our jurisdiction.

Peter Rodino served those noble ends in a way that none of the previous chairmen of this great committee and the Congress have. I will always remember with great pleasure and privilege in the fact that I was able to serve on that committee with this wonderful man. We will always remember the great service that he gave to this country.

Mr. PAYNE. Let me thank the gentleman from Michigan for his institutional memory and to really bring alive those trying days when this Nation was on the brink of which way to go. We really appreciate his recounting history. He made it alive again.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. MENENDEZ), the caucus Chair of the Democratic Party.

Mr. MENENDEZ. Mr. Speaker, I want to thank my distinguished colleague and friend from New Jersey, particularly as we coshare the great city of Newark in representation in the Congress of the United States and particularly the privilege I have had representing the people of the North and East Ward at Newark North Ward where Peter Rodino lived most of his life, throughout his life, and for organizing this special opportunity. I want to thank the distinguished whip for yielding in the process here because I have an event to go to.

Particularly, I want to join in paying honor to a great American and a respected public servant, the late Congressman from New Jersey, Peter Rodino. Though I never had the pleasure of serving with Congressman Rodino in the House, I have tremendous admiration for his work. I have heard from so many of his colleagues who did have the opportunity and the privilege of serving with him as well as from my colleague DONALD PAYNE of his tremendous respect in the House; and certainly from his work, one would understand that.

I join today in mourning the loss of a man of wisdom and integrity who spent his long career fighting tough battles to improve the quality of life for the people of his district and the Nation. Like many of his generation, Congressman Rodino's loyal service to his country began in the trenches of World War

II, where he fought valiantly and emerged as a decorated war veteran.

During his 40-year tenure in the House of Representatives, he served with distinction and established himself as a champion in the fight for social justice and equality for all Americans. Though some may not have viewed him as the most outspoken Member of Congress, Congressman Rodino worked diligently to bring about real social change and let his actions speak instead. He chose his battles wisely and played a critical role in developing historic pieces of legislation in the areas of civil rights, immigration, and fair housing. His vision is imprinted in many legacies that have shaped the future of our country, including the monumental Civil Rights Act of 1964 in which he played a vital role pushing it forward and seeing it become law.

In this way and many more, Congressman Rodino served our country far beyond the borders of his constituency. His sense of duty to serve our Nation saw no barriers and no obstacle too great. Just as remarkable as his perseverance to improve civil rights was his fairness during a time of constitutional crisis.

Congressman Rodino, as we just heard from our colleague, stepped into the role as the chairman of the House Judiciary Committee during a precarious moment in our Nation's history. Today in a political atmosphere sharply divided along party lines, we look with even greater admiration at Congressman Rodino, a statesman who was able to use his political acumen to work in a bipartisan fashion during the turbulent era of the Watergate investigation. His calm, nonpartisan leadership approach earned him the respect of people from all political persuasions, and he proved himself to be a steady hand in a sea of storms.

History will record that he defended and preserved the Constitution, some may say an ordinary man who performed an extraordinary service for the Nation. His life experiences and extensive career in this Chamber helped him to become one of its great voices of reason.

I had the benefit of speaking with Congressman Rodino during the Clinton impeachment trial. After hearing his wise counsel, I was convinced based on that conversation and all of the facts, of course, that there were no grounds for impeachment. I, like many, trusted his insight, and the House was fortunate to have such a thoughtful, perceptive Member.

But beyond the longevity of his public service, I was most impressed by his sense of integrity and his commitment to upholding the principles of the Constitution. He was known for carrying around a copy of the document he so admired in his pocket. Not only did he know the principles it embodied inside and out; he lived them. Few of us have the opportunity to witness almost a century of history, but we should all aspire to be so influential in shaping that history. Peter Rodino was a man ahead of his time, who saw beyond the circumstances he came from and beyond the barriers that surrounded him. His vision for this country has made this Nation and the people it protects stronger, and it is a lasting vision we still benefit from today.

I, too, would like to offer my sincere condolences to Congressman Rodino's wife, Joy, his two children and extended family. May they find comfort and peace in the memory of this accomplished man who leaves behind a tremendous legacy of greatness.

Mr. PAYNE. Let me thank the Democratic Caucus Chair, the gentleman from New Jersey (Mr. MENENDEZ), for those kind words.

Mr. Speaker, I yield to the minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PAYNE) for yielding, and I am pleased to join so many of my friends from New Jersey who were and are from the State so ably represented for 40 years by Peter Rodino. I note that we are also joined by CHARLIE RANGEL who served side by side with Peter Rodino from an adjoining State and my friends BARNEY FRANK and HOWARD BERMAN who have served with such distinction on the Judiciary Committee.

I did not know Peter Rodino well. I knew him. I had the privilege of serving with him. I worked for a United States Senator, first a House Member, in 1962. Of course, Mr. Rodino was here at that point in time. But it was not until some 10, 12 years later that he became the famous Peter Rodino. But he was not necessarily perceived to be famous at the outset.

His father at the age of 16 came from Italy, had come to the United States. Peter was born in a tenement in Newark. His mother died at age 4. I am sure that most Americans hearing that background would not have said to themselves that this young man will grow up not only to be a Representative in the Congress of the United States but also to represent America's most valued principles, America's bedrock commitment to democracy and its commitment to the fact that no individual, no matter how powerful he or she might be, is above the Constitution or the laws of the United States of America.

That in many ways makes us unique. Certainly it makes us different from the autocracies that we see even today around the world. It was Peter Rodino's lot to be called upon to meet the challenge of redeeming once again that promise of American democracy: and short in stature though he may have been, he was tall in stature to meet that challenge. Last month, we lost him at age 95, having served 40 years in this body.

Peter Wallace Rodino ably represented the 10th District of New Jersey. 40 years. 4 decades, a long period of time. He was first elected to the 81st Congress in 1948 and reelected 19 times. I believe the gentleman from New York (Mr. RANGEL) has been reelected at least 19 times.

Mr. RANGEL. Seventeen.

Mr. HOYER. Seventeen times. The gentleman from Michigan (Mr. DINGELL) has been reelected 19-plus times. We all had the opportunity of serving here with Mr. Whitten who was reelected, I believe, 25 or 26 times, served a half a century. Clearly, Peter Rodino was one of the longest serving. But serving a long time in and of itself simply means that you were able to live and to be reelected. Serving well is the mark of one who served our country, and that is Peter Rodino's legacy.

His lead role as chairman of the House Judiciary Committee's impeachment investigation has been spoken of here, and that is clearly what he will be remembered for. However, he also doggedly, as has also been said, fought for the rights of people, authoring multiple civil rights reports which formed the basis of several landmark civil rights bills.

That was in a time when we recall that the Senate was refusing to pass legislation to outlaw lynching. The Senate just a few days ago apologized for that. The House passed a number of bills, but the Senate failed to pass them. Peter Rodino, even at that time, before it became really popular and the thing to do, was standing tall for the rights of individuals. JOHN CONYERS spoke eloquently to that just now.

The son of an Italian immigrant. How proud NANCY PELOSI, herself a child of a famous Italian family, must have felt in rising to speak about Peter Rodino, an Italian who brought luster to his Italian heritage and to his American citizenship and country. He demonstrated extraordinary determination that characterized so many of his generation. Tom Brokaw called Peter Rodino's generation the greatest generation. Peter Rodino demonstrated that both at war and at peace, on the fields of battle in World War II and on the floor of this House, particularly in the 1970s.

For 10 years, he worked days and attended law school at night, graduating from what is now Rutgers law school.

□ 2115

His personal courage, of course, was never in question. He volunteered for service during World War II, as I have said, even though he was too old and could have been exempted. Some lied, of course, and said they were 18 when they were 16 to get in the service. But Peter Rodino, who had served ably at that point in time in his community said, "send me," "send me," to his country.

He served in the army from 1941 to 1946, fighting with the First Armored Division in North Africa and in the home of his father's birth, Italy. He was awarded the Bronze Star, a War Cross, and Knight Order of the Crown from Italy.

His defining moment, of course, as we have all said was 1974, when he stood up for the Constitution, for the American people, for a way of life, for a continuity of government. Judiciary Chairman Rodino demonstrated wise judgment. "Wise" has been used a number of times in referring to Peter Rodino. How appropriate.

At a moment of instability and uncertainty for our Nation, which could have been dangerously exacerbated by excessive partisanship or overzealous action, Chairman Rodino brought wise, measured, thoughtful, and honest consideration to this awesome task.

This Nation was blessed by God with Peter Rodino, as God has blessed this Nation with many others at times of crisis to stand and serve ably and wisely.

I want to say to his family that we share their loss, we thank them for his service, and we will remember our dear and faithful, wise and kind, good colleague, Peter Wallace Rodino.

I thank the gentleman for yielding to me.

Mr. PAYNE. Mr. Speaker, I thank the minority whip for his participation. I am sure those words are of comfort to the family.

Mr. Speaker, at this time, I yield to the gentleman from New York (Mr. RANGEL), the ranking member on the Committee on Ways and Means, a person who served with Congressman Rodino on the Judiciary Committee.

Mr. RANGEL. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PAYNE) for giving us who knew and loved Peter an opportunity to share our views. It has not gone unnoticed that the gentleman from New Jersey has reminded me on a number of occasions that if I had endorsed him earlier, he would have had as much seniority as I have today. But I do recall that he never, ever, in the heat of campaigns, said anything to take away from the integrity of this great American, Peter Rodino.

Ironically, even though the chairman of that committee when I first got here was from Brooklyn, I did not know Mannie Celler, but the gentleman from New Jersey knows him, the closeness of Newark and Harlem.

I did know Peter Rodino, and during the time I was in the State legislature, he was telling me what the Congress was doing or not doing or should be doing about the international drug trafficking and about the plight that our cities were having with addiction and crime.

So when I came here, I was so honored to be on that committee, never knowing that my friend Peter Rodino would be the chairman of that committee in such a short period of time. But Peter really loved this country. He really loved the Judiciary Committee. And I never saw anyone that felt so warmly about his home country. He really was proud of being an Italian and wanted so much to make certain that he brought honor to his people and his community, to his constituents and to the Congress.

As I heard the gentleman from Michigan (Mr. CONYERS) say, assuming the chairmanship of that committee in the shadows of Mannie Celler was not an easy thing to do. We were constantly reminded, and I see the gentleman from Massachusetts (Mr. FRANK) here, that impeachment did not automatically go to the Judiciary Committee. And more than once the Speaker would say if we did not move on to either impeach President Nixon or get off his back that a special select committee would be called.

Every time we came here on Monday, we were beseeched by Members asking us, "What are you going to do? Get on with it? We are facing an election, and you guys are just on television."

That was a lot of pressure on Peter Rodino, who had assumed these new responsibilities. There was some testimony that was embargoed but recently was released, which to me said a lot about Peter. It had to do with the tapes that President Nixon had with conversations he had with Haldeman, Erlichman, and Dean. And the President was very concerned about the life expectancy of Thurgood Marshall and went on in his rambling way of talking about people who would not be replacing him based on their color and religion. So he went through blacks, and he went through Jewish people, and then he went through Italians, in a most derogatory way. The way the operation was on the committee was that we would have a transcript, and we would listen to the tape. But when it got to the Italian part of the tape, it was excised in the written transcript and silenced on the tape. But any Member could go to the Chief Counsel to see what was excised, and he had excised that part that spoke against the Italian people and why they should not be expected to get a judgeship because of their backgrounds.

I came out and I said, "Peter, why the heck would you take this off of the tape?" And he said, "Because it had nothing to do with the relevancy of whether or not the President of the United States should be impeached." And I smiled because that is the integrity of a person, who could have received headlines throughout the country for exposing the President, wanting so much to have due process overcome the prejudices and the partisanship that certainly did not exist as it does today but it was there. And Peter just felt that defaming people in the privacy of the White House did not determine whether or not he had violated the Constitution.

Peter Rodino was one heck of a courageous guy and, indeed, rose to the occasion where those of us that were on the committee knew that the wrongdoers in the White House were so afraid that the impeachment of President Nixon will cause havoc not only in the government, but throughout these United States. And when articles were voted, Peter went to the rear of the Judiciary room to call his family and, with tears in his eyes, announced that the President of the United States had Articles of Impeachment voted against him.

A lot of people do not know, but Peter became the most popular person not for the decision but because he kept this country together. He kept this Congress together. And a lot of people do not know, but Mario Biaggi knew that a committee was formed to have Peter Rodino as a candidate for Vice President of the United States to run with Jimmy Carter. And we discussed that he got his interview, and that was when Mondale prevailed. But I would suspect that those people who came to this great country forcefully, or because they wanted to get here would have to show that if a guy like Peter Rodino from the streets of Newark could face the international responsibility of stabilizing the world's most powerful government and to come out with the scores that he did as a great American, I know his wife, Joy, and his family would know that this is a great country, Peter Rodino was a great person, and the integrity of this Congress was raised to a level that I do not remember ever reading about since.

I want to thank the gentleman (Mr. PAYNE) and our colleagues for never allowing this world to forget what a person from Newark or Harlem or anywhere in this country, when challenged, they could meet this challenge.

I thank Mr. PAYNE for yielding to me.

Mr. PAYNE. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for bringing history alive. As we have indicated before, I think this is a wonderful opportunity for America, and I hope that these tapes will be shown in law schools and around the country so students who will take the mantles of government and judiciary positions will know what a wonderful person this was.

At this time I yield to the gentleman from Massachusetts (Mr. FRANK), who also served on the Judiciary Committee with Chairman Rodino, who actually was a resident of New Jersey before moving to Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman from New Jersey for yielding to me.

And it is true. I grew up in Bayonne, New Jersey, in the gentleman from New Jersey's (Mr. MENENDEZ) district. And growing up, Peter Rodino was someone for whom I had a great deal of respect, someone whom, as I thought about a political career, I admired enormously, living not far from his district. And then, of course, I watched, as did the whole country, in the 1970s when the impeachment went forward. I was then in the State legislature. I did not, as did the gentleman from Michigan and the gentleman from New York, serve on the committee during impeachment. So when I got here in 1981, having been elected in 1980, and got assigned to the Judiciary Committee, it was really a reinforcement to me of the kind of literally awe-inspiring role I had been lucky enough to take, having known of Peter Rodino when I was in high school.

Having watched him perform in that masterfully understated way at the most critical period in the 1970s, and then to be accepted by him as a colleague meant a great deal to me. And sometimes when we meet someone of whom we have a very high opinion, anti-climax sets in. The object of one's admiration does not always live up to it. That was not the case with Peter. I served for 8 years as a member of the Judiciary Committee under his leadership, and it was the legislative process at its best.

Peter Rodino had a gentle toughness. He was a man who was in person pleasant, calm, thoughtful. But there was a toughness both in terms of integrity and in terms of commitment to principle that informed that gentleness. And as previous Members have said, he was a great defender of the U.S. Constitution. He was a great believer that our job here was in part to take that marvelous document, the U.S. Constitution, with all of the wonderful principles it set forward, and to complete the job that had only been begun when the Constitution was adopted of extending the benefit of those principles to everybody in this society. Peter understood that the Constitution was a set of aspirations only imperfectly realized at first. And his job, more than anything else, was to help America realize those aspirations and help everybody in America realize those aspirations.

And one of the things that is always striking to me is when someone shatters stereotypes. And let us be clear, Peter Rodino, when he got here, faced a number of stereotypes. People make jokes about New Jersey. People make ethnic allusions. There is no point in denying this. Peter Rodino faced that. When Peter Rodino was slated to be the chairman of the committee and impeachment was pending, the rumor mill was very active: Oh, we cannot have Rodino do it. Who knows what there will be? Who knows if he can live up to it? Hey, he is a guy from Newark, New Jersey. What do you want to do here?

Well, this guy from Newark, New Jersey, who was the subject of a lot of wholly unjustified innuendo, took that job and did it as well as anybody could and did it, as the gentleman from New York, the previous speaker, pointed out, superbly, gave America a lesson in how not to pre-judge people, gave America a lesson in judging people by who they are.

Peter also, of course, in addition to that, was a dedicated believer in dealing with the racism that has sadly been the history of this country and in doing with whatever we could do legally to diminish it.

□ 2130

He was a great believer in civil liberties. I will tell my colleagues, in 1981 when I got here and I was originally going to go on the Committee on Banking and Financial Services, as it was then called, because I wanted to deal with housing, Speaker O'Neill said to me, listen, would you go on the Committee on the Judiciary as an additional committee because Peter Rodino has a tough job. He is dealing with a lot of efforts to undermine the Constitution. There are a lot of proposals now to undo decisions of the U.S. Supreme Court protecting civil liberties.

I remember at the time saying to the Speaker's emissary, well, you know, I do not know if I want to do that. Those are a lot of tough issues. There are a lot of groups that will be very angry. The answer was, oh, of course, but they do not like you anyway, so you have nothing to lose. I went on that committee, along with a lot of others, including Pat Schroeder and Chuck Schumer, in a tough time under his leadership. I take pride in having been a defender of the constitutional principle and having been a defender of the rights of minorities and of free speech and other things that were under attack.

So I am very, very grateful to the gentleman from New Jersey (Mr. PAYNE) for giving us this opportunity and this chance to honor this man. The thing I think best sums it up is he was a man who understood democracy, intellectually and instinctively; and no one I have served with in 25 years was better at making democracy work for the people of this country.

Mr. PAYNE. Mr. Speaker, I thank the gentleman from Massachusetts. At this time I yield to another person who had the privilege to serve with Congressman Rodino on the Committee on the Judiciary, an outstanding attorney, the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PAYNE) for taking out this Special Order for those of us who wanted to, but because of the craziness of our own lives, could not attend the funeral: and this is the chance to testify for the record of my own affection and love for our former chairman who so many of my colleagues have already spoken of.

I do not want to dwell on Peter Rodino's incredible role as chairman of the Committee on the Judiciary during the impeachment of Richard Nixon. His modesty, his humility, combined with his wisdom and his strength are known to anyone who is alive and aware at that particular time.

I want to speak just a moment about the way he treated a new member of the Committee on the Judiciary. When I came to Congress with my colleague, the gentlewoman from Ohio (Ms. KAPTUR), in 1982, I was assigned to that Committee on the Judiciary: and I want to speak of Peter Rodino as mentor and as an example.

In our first term in Congress, my passion at that particular point was about the State of farm workers in this country. It had been for a long time and, to a great extent, still is. At that time, a major overhaul of our immigration laws known as, in that first Congress, the 98th, the Simpson-Mazzoli Law, was coming through our committee. There was a great deal of controversy, and a particularly contentious part of that bill that bothered me tremendously was the fact that it resurrected the Bracero program, a massive exploitation of U.S. farm workers, displacement of unprotected guest workers at the time who would come in, much like a program that had been discontinued a number of years before.

When the bill came to the floor, this, what we referred to as a bracero program, passed as an amendment, and the bill went to conference committee. I was a freshman Member of the House, a member of the Committee on the Judiciary; but because of my concern about the way farm workers were treated, Peter Rodino ensured that Speaker O'Neill put me on the conference committee of that legislation, just for that issue, just for the issue of farm workers and the guest workers program to make my fight against that legislative amendment.

Two years later, when the chairman himself took over the legislation, it had died in the conference committee, and I was not unhappy about that. It was clear that the bill was moving, it had momentum, it did some controversial things, but it also did some important things; and it was on its way to passage. But Peter Rodino held up that bill for at least 7 months against the pressures of the Reagan administration, against the pressures of the Senators who had already dealt with the legislation, against constant pressures from both the Republicans and from the House leadership to get the bill moving.

He held it up until a few of us, Leon Panetta, Chuck Schumer, and I had negotiated an alternative program to the Bracero program, an adjustment program for farm workers which both protected U.S. workers, protected immigrant farm workers, and gave them a chance to come out of the shadows and into the mainstream of American society.

Withstanding that pressure, because of an issue he cared about, was so emblematic of the kind of role that Chairman Rodino played in all kinds of areas, in all kinds of legislation that came before the Committee on the Judiciary. He was, for a mild-mannered and soft-spoken person, he was a very, very strong person; and he could withstand the pressures that come to that Committee on the Judiciary as well as anyone I have ever met.

I had a chance to, one of those rare chances you get, people pass away and you wish you had spoken to them and talked to them; I had a chance to talk to him just after he came back from the hospital and probably less than a month or 6 weeks before he passed away, and a chance to tell him what he meant to me and what he had meant to so many people around the country whose work he had benefited; and his record and his performance, his stature will always be remembered by me; but I think by millions of Americans as well.

So to his wonderful family I offer my condolences, as have my colleagues; and they should know how well he served his country from the soldier to his post-retirement teaching, and, of course, during his many years in the Congress.

Mr. PAYNE. Mr. Speaker, I yield to the gentlewoman from Ohio (Ms. KAPTUR) who served with Congressman Rodino, and let me thank the gentleman from California for his kind words.

Ms. KAPTUR. Mr. Speaker, I want to thank the gentleman from Newark, New Jersey (Mr. PAYNE), for allowing me to speak this evening, yielding me time, and to thank my colleagues from New Jersey. I am respectful of the hour and will be brief.

Let me say it is a great privilege this evening to rise to pay tribute to a legend, and a great honor to help to give word to the celebration of the life of Congressman Peter Rodino, a man whose commitment to the law, as others have said, is legendary, to civil rights, and to his deep-seated belief in the worthiness of every human life. He remains a living testament as we speak this evening.

Many here in Washington, certainly the members of the Committee on the Judiciary and others, remember Peter Rodino as a gifted and effective lawmaker, an honorable, wise, and good man. Surely others have talked about his role on the Committee on the Judiciary during the impeachment proceedings when he approached that with utter fairness, resolve, and determination that upheld our Constitution and gave tribute to the American people that he was sent here to represent.

But Peter Rodino was also a veteran of World War II and a member of America's Greatest Generation. He lived by the advice given to him by his father, Pellegrino Rodino, grateful for the help he received as a struggling immigrant, as all children of immigrants who serve in this Congress bring the special gifts of life that he bore as a Member. It made him strong. It gave him deep understanding. It equipped him, even probably more than his legal education, for the role that he assumed as chairman of the Committee on the Judiciary.

Congressman Rodino's father told his young son to always look out for those around him who were less fortunate; and throughout his 40 years in Congress, Peter Rodino did exactly that. He was a founding member of the Italian-American Congressional Delegation, and as the gentleman from New York (Mr. RANGEL) stated, people of ethnic heritage often face discrimination, and that was surely part of his lot in life. But he, along with many good friends, including Monsignor Gino Baroni, helped to found the National Italian-American Foundation in 1975, a prominent group of leaders from both the public and private sectors who formed the organization in hopes of bringing public attention to the specific Italian-American issues in the Nation's capital here and to provide an umbrella group for the Nation's significant Italian-American population, who wanted to share that immigrant experience and their struggle to be accepted as full Americans.

I want to thank the gentleman from New Jersey (Mr. PAYNE) for creating this time for us this evening to pay tribute to Congressman Rodino. He was a member of the National Italian-American Foundation Board of Directors from 1975 to 1988, was active in their events, and rightfully honored by them in 1988 with a Special Achievement Award in government. This talented man of humble origins upheld our Constitution during his tenure with honor, with kindness, and a sharp eye to the law. He was a man, as I recall him, with no pomp, but a lot of grace as he handled great circumstance.

Tonight, I wish to offer, on behalf of the people of Ohio, to his wife, Joy, to their family, deepest sympathy and deepest gratitude for allowing this towering figure to give us a legacy for the Nation that lives.

I thank the gentleman from New Jersey (Mr. PAYNE) and thank him so very much for the opportunity to appear and for the courtesy of my colleagues from the committee and from the State of New Jersey for allowing me to speak this evening.

Mr. RAHALL. Mr. Speaker, today the House is honoring the life of one of it most distinguished Members, former Representative Peter Rodino of New Jersey. Congressman Rodino died on May 7, 2005, and is survived by his wife Joy Rodino, two children, three granddaughters and two great-granddaughters.

By the time I entered Congress in 1977, Peter Rodino was a national figure, a household name and someone to whom I looked for guidance as a young Member. He had been one of the main sponsors and a driving force behind Civil Rights legislation in the 1950s and 60s. He was Chairman of the House Judiciary Committee during the impeachment proceedings of President Richard Nixon. And he participated in the Iran-Contra hearings during the 1980s.

But his friends and colleagues remember more than the fact that he was involved in many of the most important matters that faced the United States in the second half of the 20th Century.

Born in 1909, he was a member of the Greatest Generation—serving in the Army in North Africa and Italy during World War II. In war, he received the Bronze Star and was one of the first enlisted men to receive a battlefield commission as an officer. Prior to his service in World War II, Mr. Rodino received his bachelor's degree from the University of Newark and graduated in 1937 from what became Rutgers Law School.

Following his 40 years of distinguished service in the House, Mr. Rodino taught at Seton Hall University School of Law. And it was his friends and colleagues at Seton Hall who so aptly eulogized him at his funeral. As Paula Franzese, a law professor there put it: "None of us will ever forget Peter Rodino because of the way he made us feel. He made us believe."

So today the House remembers Congressman Peter Rodino, a lover of the Constitution and the law, who meant so much to this body and the Nation, particularly at a time of great turmoil.

Those of us who knew him lost a great friend, New Jersey lost a favorite son and the Nation lost a tremendous but humble statesman.

Mr. LANTOS. Mr. Speaker, I rise today to honor the extraordinary life and service to our country of former Congressman Peter Rodino, one of the nation's finest public servants. I am honored to have served with such a remarkable American, and am humbled to have called him my colleague and friend.

From the streets of his beloved Newark, to North Africa and Italy during World War II, to our Nation's capital, Peter Rodino spent his life selflessly striving to help, protect, and serve others, all the while doing so with the utmost dignity and humility.

During his twenty terms in the House of Representatives from 1949 to 1989, Peter Rodino championed his convictions on civil rights and equal opportunity, no matter what the cost, and was a key sponsor of the landmark Civil Rights Act of 1964.

Mr. Speaker, it was his tenure as Chairman of the House Judiciary Committee presiding over the Watergate Impeachment hearings that thrust Peter Rodino into the limelight. During this contentious time in which political tensions ran high, his restraint and sensibility quelled unchecked passions on both sides as he served as model of decorum for all. His profound words on the subject, uttered in 1974, still ring true today, and contain the type of foresight that only true leaders posses: “Whatever the result, whatever we learn or conclude, let us now proceed with such care and decency and thoroughness and honor that the vast majority of American people, and their children after them, will say: That was the right course. There was no other way.”

One of my fondest memories of Peter, Mr. Speaker, was the evening my wife Annette and I spent with him at one of the annual Gymnasium Dinners during the time that he was still serving as a Member of Congress. It was an evening that we will never forget as he reminisced about his extraordinary political career and his personal recollections of Watergate.

Mr. Speaker, as public servants let us always remember his words as the highest example of leadership and integrity.

Mr. ANDREWS. Mr. Speaker, this Nation and the great State of New Jersey has lost one of its foremost public servants. Congressman Peter Rodino was a man who truly honored the law, and when the country called on him in time of crisis, Mr. Rodino rose to greatness. I will always remember Peter Rodino for faithfully honoring the values that brought him to prominence in our Nation's history: honesty, humility, patience, and service.

Peter Rodino represented the district of New Jersey in which he lived his whole life. Born in Newark, he worked his way through law school and enlisted in the U.S. Army in 1941. He was awarded the Bronze Star for valor during World War II. He continued to serve his country in the House, elected to the 81st Congress in 1949. He served for 40 years, retiring in 1989, and turning his seat over to my friend, the Honorable DONALD PAYNE.

Most of us will remember Peter Rodino for his superb leadership of the House Judiciary Committee during the Nixon Impeachment Hearings. His patient and deliberative style gave the proceedings real credibility, and helped to hold the country together at a time of great upheaval. His reverence to the Constitution ensured that the painful and difficult hearings proceeded as our forefathers had envisioned. Peter Rodino was called upon by his country in time of crisis, and he rose to the challenge.

Peter Rodino will be sorely missed. In an age of bitter partisanship, Mr. Rodino was a calming voice. He guided the country through one of its darkest periods in recent history, and did so with grace and humility. Mr. Rodino's legacy of service to his country and his fellow man will surely be remembered for years to come.

Mr. DINGELL. Mr. Speaker, I rise today to honor to pay tribute to former judiciary chairman Peter Rodino, he was a champion of civil rights and a beacon of justice during his 40 year tenure in Congress and his 16 years as a Seton Hall Professor of Law.

Mr. Rodino was most famous for his handling of the Watergate crisis. All sides—including Democrats, Republicans, and even the national press—hailed Rodino for the fair and just hand he used to guide the impeachment hearings. During this period of crisis, his courage and wisdom provided the foundation of strong leadership that gave Members the confidence to do what was right, even if it meant crossing party lines. The issue became one of preserving the sanctity of the system, rather than preserving the reputation of an individual. Throughout the process, Rodino's commitment to the system never wavered.

The son of Italian immigrants, Peter Rodino came of age in Newark, New Jersey. After leaving high school, Congressman Rodino endured 10 years of menial jobs while studying late into the night for a law degree at New Jersey Law School. In 1938 his patience and dedication was rewarded when he joined a local law firm. He put his newly found career on hiatus when he chose to defend his Nation against injustice in World War II. Mr. Rodino's strong character and determination earned him not only a Bronze star, but also a Knight of Order of Crown from Italy—a token of national gratitude for a soldier's accomplishments. Upon return he decided to run for Congress. Although his first attempt failed, his perseverance and strong work ethic served him well, and he was elected to Congress in 1948.

A strong advocate of racial equality, he was a driving force behind the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Another accomplishment in the long list of Mr. Rodino's notable achievements was sponsoring the bill that made Columbus Day a national holiday to commemorate the contribution of Italian Americans in the founding of our great Nation. Mr. Rodino also contributed to the legislation that made Martin Luther King's birthday a national holiday.

Though Mr. Rodino will be remembered for so much more than the Watergate crisis, it was undoubtedly his greatest moment. Rodino allowed a moderate central group of both Democrats and Republicans to develop the case for impeachment, preventing it from turning it into any type of political ploy. Just last year, Mr. Rodino gave an interview stating that there are lessons to be learned from Watergate, namely the extent of Government corruption. Mr. Rodino understood that it was the duty of Congress to rein in any administration or individual that was not adhering to the principles of justice.

It is with great respect and admiration that I offer my condolences to Mr. Rodino's wife, Joy, and their family. Mr. Rodino is survived by two children, Margaret Stanziale and Peter W. Rodino III, three grandchildren, Carla Prunty, Maria Stanziale and Talia Rodino, and twin great-grandchildren, Annabel and Charlotte Prunty. When asked about her husband, Joy says, “He was so ahead of his time. He lived civil rights. He lived equality. In his life, he didn't see color, he didn't see sex. He just went for the equality of the person.” Former Representative Rodino was a man that I was proud to have worked with and honored to call friend.

Mr. Speaker, I ask that you and my colleagues to join me in honoring the late Peter Rodino. He was a pioneer for justice in our country and he will be greatly missed by all who knew him.

Mr. RANGEL. Mr. Speaker, I rise today to join my colleagues in paying tribute to a truly exceptional former member of this chamber. Congressman Peter Rodino was an extraordinary man in extraordinary times. The significance and importance of this great individual is immediately evidenced by the words, praises, and acclamations from his colleagues here today.

I had the privilege of serving as a member of the House Judiciary Committee under his chairmanship for several years and then experienced the defining moment for his career as he led us through the consideration of articles of impeachment against President Richard Nixon. His obvious integrity and steady leadership of the Committee during this period were reassuring to a Nation recoiling from the complicity of a President in the perpetration of criminal acts.

When the Nation needed a guiding hand in this national crisis, Peter Rodino steered us with diligence, respect, and thoughtfulness. He is best known for presiding over the impeachment trial of President Nixon. This was not a task that he took lightly nor pursued with great venom. He led the Judiciary Committee cautiously through its deliberation and consideration of the issue. He knew that a partisan approach would be divisive to the country and that Congress should act with all seriousness when reversing the public will. As the chairman, Mr. Rodino ensured that the Judiciary Committee behaved responsibly. He brought his personal gravitas and respect to the hearings and guaranteed that the proceedings were respected by all.

When the Congress needed a leader to meet the challenge posed by the Civil Rights Movement, Peter Rodino in his classic style stood up and fought for the civil rights of all Americans. In the 1960s, when the country faced an energized black constituency determined to fulfill the promises of the Constitution, Peter Rodino stood up to defend their civil rights. He was one of the primary sponsors of the Civil Rights Act of 1964 and the Voting Rights Act of 1964. From the Civil Rights Act to the Equal Rights Amendment, he supported every significant piece of civil rights legislation that emerged during his tenure in office. He was a supporter of the equality of every citizen and fought to ensure that justice was not denied to any group.

Peter Rodino's life was not confined to Congress. He was a proud Italian-American and a dutiful public servant who repeatedly and selflessly gave of his time, experience, and wisdom. Prior to entering Congress, he fought in Italy and Africa during World War II, earning a Bronze Star, and later served with the Italian military, receiving a Knight of Order of Crown. After retiring from Congress, he taught and inspired future lawyers at Seton Hall University Law School. At Seton Hall, the Rodino Law Society continues his legacy of activism, responsibility, and duty and stands as a sign of his commitment to guiding future generations.

I am proud to have served with Peter Rodino for 20 years in this chamber. He led by example and respected each member and person he met. He was a member who regularly engaged in both political and personal conversations with members on both sides of aisles. He was a product of his time—a time where civility and respect formed the public character and members regularly chatted with one another about the best interests of this country and their personal lives. As a congressional leader, Peter encouraged Republicans and Democrats alike to interact more, debate the issues of the day, and work towards solving the problems of this Nation.

I am glad that this chamber is taking the time to recognize the importance of this wonderful man. I will miss Peter Rodino for all of these reasons and many more. He was clearly an extraordinary man who represented the very best of this Nation. Sometimes I wish there were more Rodinos in this chamber and in our public life.

CONTINUING THE TRIBUTE TO PETER RODINO

The SPEAKER pro tempore (Mr. MARCHANT). Under the Speaker's announced policy of January 4, 2005, the gentleman from New Jersey (Mr. HOLT) is recognized for 60 minutes.

Mr. HOLT. Mr. Speaker, I thank my colleague, the gentleman from New Jersey (Mr. PAYNE), for making the arrangements for this evening and for everyone who has joined in this testimonial to the work of Peter Rodino.

I yield to the gentleman from New Jersey (Mr. ROTHMAN), who has served on the Committee on the Judiciary.

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman from New Jersey for yielding to me. I want to first thank my colleague, the gentleman from New Jersey (Mr. PAYNE), for leading this wonderful effort that serves a lot of different purposes, not just to acknowledge the life and works of Peter Rodino but, as I will mention in a few moments, really sets an example, shows Peter Rodino as an example of the kind of heroic action that any human being is capable of but, in particular, any new American is capable of, or any American from humble circumstances.

After all, Peter Rodino was the child of immigrants, living and growing up in poverty in New Jersey and, as was said before, his ascension to chairman of the Committee on the Judiciary was not something that people might have guessed would happen when he was born in Newark.

But what did he do with that historic opportunity and what came forth? What came forth from Peter Rodino was a gentleness, but firmness, scholarship, great intelligence; I believe, having grown up around many Italian-Americans in my life, a reflection of the Italian-American culture and heritage for honoring one another, respecting one another, living by a code of fairness and decency, and that is the way he approached the great task that was set before him; whether or not this sitting President of the United States was going to be impeached, with a Committee on the Judiciary equally divided, with a country uncertain as to what the consequences would be if the President was impeached.

Yet, because of his extraordinary ability, his extraordinary dignity and fairness, and capacity to bring people together and to touch people, he achieved consensus.

□ 2145

It was a unanimous decision ultimately to impeach Nixon. I had the unique opportunity, well, when I first saw him was on television when I was in college, and I watched the Watergate hearings, the impeachment hearings. And I was so incredibly proud to be an American, to see how this gentleman, a true gentleman was going to lead this committee step by step in the most fair and judicious process to find the truth. And that is what they did. And that is what he did.

Who would have thought that several decades later, the grandson of immigrants would make it to Congress, and find myself on the House Judiciary Committee faced with a sitting president being brought up on charges that would have called for his impairment and removal?

But, that is what happened in the effort to remove President Clinton from office. I called Congressman Rodino, asked if I could speak with him. He was incredibly gracious, as you might imagine. And he said, "Sure, come on over to my office." He had an office in the law school in Newark.

And he showed me some of his memorabilia and we went over some of the allegations. And we were in some agreement about what the Constitution meant when it said that the only elected official elected by the people of the United States, all of the people, the President, could only be removed by an act of treason, bribery, or a high crime or misdemeanor.

And when we weighed the allegations against President Clinton, we kept in mind all that we thought those words meant when they were written by the founders of our country and the drafters of our Constitution. But in the end he said, STEVE, be fair, keep an open mind, and do what you believe is right. And I did.

And it was a once in a lifetime experience to have been in his company, because as I mentioned earlier, he was one of those people, you know, they say one person can change the world, one person can make a difference in the world. He really was that kind of a person. True of humble origins, but with a dignity and intelligence and a wisdom and a courtesy and kindness that had him rise above even in the difficult circumstances to lead his colleagues on both sides of the aisle to do what was right.

And I think it is an example for everyone in America, whether your family has been here for a long time or your family just got here, that there is a place for everyone in America. And there may come a time when you will be called upon, maybe not in the impeachment hearings, but in your own home, in your own neighborhood, in your own town, in the States in this country to be ready to lead the way Peter Rodino led, with courage and with wisdom, and that you too can make the world better as one human being like Peter Rodino.

I want to extend my deepest sympathies and condolences to Chairman Rodino's wife, Joy, and his children and grandchildren, his legacy will live on. His example will live on. And I believe, thanks to the gentleman from New Jersey (Congressman PAYNE) and the others who have spoken, and I hope that his example will inspire every American to rise to the highest levels of their own ethics and integrity, even when faced with partisan issues of the most challenging sort, just like Peter Rodino.

Mr. HOLT. I thank the gentleman for those good words. Peter Rodino offered many of us kindness and generous, wise counsel, and that is why we are here tonight, not just celebrating one aspect of his career, but the totality of this career of this great public servant.

And I would now like to recognize my colleague from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the gentleman for bringing us together tonight. This is a deed worth repeating. And we honor a man who honored everyone regardless of what they looked like, how they cooked their food, or what ethnicity, what religion they professed. He could be considered a rare person, but, a person for our time, a person who we can look to throughout this great institution because he believed in this institution, Peter Rodino.

So to his wife, Joy, to all America, in this time of reality TV, it is time for us to deal with reality. Peter Rodino understood that we are all born equal. And that governments exist to protect and defend that equality. Governments do not give us our rights, governments do not give us our freedoms. They basically guarantee those rights and those freedoms. If we understand that, Alexander Hamilton said, we will understand the very basis of this great, great Nation.

William Livingston, David Brearly, William Paterson, and Jonathan Dayton were the ratifiers of the Constitution from the State of New Jersey in 1787, September 17. They were the original ratifiers from the State of New Jersey of the Constitution. I would add to that list, and there are many people we would probably add to the list down through the years of those who ratified and reratified the greatest document that the world has ever known with regard to governments.

So in many ways, Peter Rodino was a ratifier of the Constitution. I come here tonight not to speak of impeachments. Peter Rodino was more than a figure in a snapshot of history during a period of time when we impeached the President. No, he was bigger than that before he was on the Judiciary Committee, and before those articles of impeachmnet were examined. He believed in the equality of everybody in this House. He respected people for who they were, their character, as Martin Luther King said, their character, we are already joined together by the character in each individual.

This common ground, we feel and we sense with each other. And when I hear what goes on on the floor of this House since I have been here, January of 1997, I said God, do we need a Peter Rodino. Do we need somebody from Newark, New Jersey or Patterson, New Jersey, or Los Angeles, California? Do we need someone to bring sensibility, to bring us together even when we disagree.

The integrity of this institution was a goal while he served in this House. Congressman Rodino was the son of an Italian immigrant, and I often remember the words of the gentleman from Georgia (Mr. LEWIS), our good friend telling us when, as he grew up in Alabama, and he fed the chickens, he remembered when he was 3 and 4 years old feeding the chickens, if someone were to stop him at that moment and say some day you will be in the United States Congress, he would have turned and said, you are crazy, or when he was beaten on the bridge, if we froze it in time, do you know some day you are going to be the Congressman from the State of Georgia, he would have thought he was crazy.

This is the reality of America. And Peter Rodino is a reflection of that and all of us should remember not that we say words tonight to soothe the hearts of those who knew him closest, but that we remember that in this House, this House that can become so cantankerous, this House that can become so treacherous, that we remember a person who rose above it all, who was a guidepost, who was a beacon, a lighthouse for finite men and women.

He was a beacon. He never questioned anyone's patriotism. He was not a man who while religious, was religiously self righteous. He never played ethnic politics on this floor or any floor. His voice is needed now more than ever. Many have gone back to what he wrote and what he said. Many go back to his words, which are so soothing, sweet words of charity from a person of immigrants who came to the floor of this House.

So beyond any NAIF, beyond the Italian American Members in the Congress of the United States, he is a man who we should continue to honor, not by speaking his words or his name necessarily, by reflecting his character and upholding the integrity of this institution.

He believed in the common man, and he believed in the integrity of each person. And he believed in parity. He believed in the person who was downtrodden. He provides a message for our own party. He does, Mr. Speaker. He should be a model for own own party. We should be here to do the work of the downtrodden, of the least of these, of the voices. Then, then the meaning of Peter Rodino will be known throughout the United States of America.

What a hero. Joy, we join you in saying farewell, farewell to our station master, to our leader, God bless you all for coming here tonight.

Mr. HOLT. I thank the gentleman for putting in context much of Peter Rodino's life and interpreting the message for us even today.

You know, I am told that Chairman Rodino prayed that the Judiciary Committee could exhonorate Nixon, but he discovered that the evidence allowed nothing other than the articles of impeachment.

□ 2200

He was not vindictive. He was dutiful. And it was important that he did not go into this with a blood thirst, but with actually a deep love for the country.

I now would like to recognize another of my colleagues from New Jersey, from a neighboring district, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I thank the gentleman. I also thank the gentleman from New Jersey (Mr. PAYNE) for allowing us all to be here tonight to share some thoughts about Congressman Peter Rodino.

I listened to all the debate and all the comments by my colleagues tonight, and basically everyone I think did a very good job in explaining the significance of Peter Rodino's life. And as I sat here, though, and I was going through some of the obituaries and comments that were made after Congressman Rodino died, I saw a section of one article that was in the Bergen Record which kind of summed up the way I feel about Peter Rodino. And I just wanted to, if I could read, a couple of paragraphs from this article in the Bergen Record on May 17 of this year and then maybe comment a little more on it. It was written by Mike Kelly.

It starts out by saying: "It was personal with Peter Rodino. Yes, he was a Congressman for 40 years. Yes, he shepherded all the major civil rights bills through Congress in the 1960s. Yes, he was responsible for the 'under God' line in the Pledge of Allegiance and championing Columbus Day as a national holiday. And, yes, he brought a grandfather steady calm to the Watergate crisis 31 years ago when he headed the House Judiciary Committee that brought Articles of Impeachment against President Richard Nixon.

"But there was more. Or as Paula Franzese, the Seton Hall law professor who eulogized him, put it: 'None of us will ever forget Peter Rodino because of the way he made us feel. He made us believe.' "

And I just wanted to comment a little bit about that personal aspect of Peter Rodino and what it meant to me. Because I think many of us have, of course, talked about all of the great things he accomplished, and they were great; but I really remembered him as someone who cared, someone with a heart, someone who was willing to reach out to, in my case back in 1988, someone who was running for Congress and running for office as a Congressman for the first time.

The gentleman from New Jersey (Mr. PAYNE) knows that the two of us ran in 1988 at the same time, and we both came to Congress at the same time as freshmen, and I knew Congressman Rodino because he was just leaving then. It was his last year in Congress, and it was about to be our first year after he left.

I remember, I guess it was about 6 months or so before the election. I, of course, had known about Peter Rodino and watched the impeachment trials at the time. But it was suggested by some of the Italian-Americans who were friends of mine, who lived in the Long Branch area where I grew up but who had previously lived in Newark or in the north ward or in various parts of Essex County, that I give Congressman Rodino a call because he could give me some advice about running for election.

I know that Peter Rodino used to spend his summers down in Long Branch. I think he actually lived in West Long Branch, if I am not mistaken. I used to see him from time to time up at the shore at various restaurants or different places around. So I called him up and said, Congressman, I would like to run for Congress and it was a contested race. I was running in a district that leaned Republican at the time, and a lot of people thought I was not going to win. And he gave me advice that first day, made me feel that it was possible to win, gave me ideas about who to call to help me out for advice, for fund-raising, to organize leading up to election day.

And for the next 6 months leading up to the campaign which I, of course, won, he was constantly available. He would call me up from time to time and say, well, I understand this is happening and I can give you some advice about what to do. And then within a couple of days after I won, he called me and congratulated me. And I had the chance to come down, the gentleman knows, because I was actually elected in a special election so I actually had a chance to come down and be a Congressman the next day after I was elected. And I saw Congressman Rodino and even in those couple months or so before I was finally sworn in in January when I served a special term, he was constantly giving me advice about how to set up the office, how to go about hiring people, all these little things.

I mention that because when I read the Bergen Record today and it said it was personal with Peter Rodino, that was a side of him that I think was so important, how he was willing to help people. He helped his constituents. He helped a freshman Congressman. He helped someone like me who was trying to run.

Whenever you talked to his constituents or people who knew Peter Rodino, that is what they would always say. They would always say you could call him up, he would be there for you, you could ask for his advice, you could ask him to do a favor, and he would always be there. I just admired him so much for that because although we all think of ourselves as doing constituent service and helping people and that is why we come down here, here was this very powerful chairman of the committee who had served in Congress for 40 years, who had been exalted, if you will, because of so many of his activities; and yet he was willing to spend the time with me.

I cannot yield back without saying another thing. I know that he was a person who cared about everyone regardless of what their racial or ethnic background was. But I have to say that Italian-Americans in New Jersey were very proud of Peter Rodino. He was always involved with all the Italian organizations. And I guess it sort of went back to what some of my colleagues said before which is that as Italian-Americans growing up, people would make bad associations and think that if you are an Italian-American you must be involved in something shady or something of that nature. And because Peter Rodino was such an honest person and was such a clean person and was so above corruption, Italian-Americans really admired him even more so because he stood really for what was best as Italian-Americans, family, service to the community, and really looking to always look out for the little guy. That was his M.O.

So I am very proud to be here tonight. I think that my colleagues really summed up in many ways what his life was about and why he was important to all of us on a personal level as well as a national icon.

Mr. HOLT. I thank the gentleman for those fine comments. There are some words running through the discussion tonight that we hear over and over again: fairness, dignity, patience, caution, incorruptibility, judiciousness, courtesy, strength, a sense of duty. Those are some of the words that I think can describe Peter Rodino who gave so much to this country over the years and from whom we can draw so much even today.

Now I would like to recognize the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from New Jersey (Mr. HOLT) for helping to continue this tribute, and I thank my colleague and friend, the gentleman from New Jersey (Mr. PAYNE), for convening us at the very beginning.

I rise tonight as an admirer, someone who watched from afar as a law student and did not for a moment think that ultimately I would wind up as a Member of the United States Congress and then to serve on the Committee on the Judiciary where Peter Rodino gave his all and gave his service. So my words are to come and express my admiration, to thank him for his life and his works.

For those of you who were in Congress, many of whom we have heard from today, the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. BERMAN), that world was a separate world from those of us who looked from afar at this thing called impeachment. We understood there was a democracy and a Constitution, but we did not understand the intimate parts of what might happen through the process of an impeachment. But then this very calm and distinguished gentleman rose to the forefront of the national landscape as the media focused intensely on the hearing room.

There sitting was Chairman Rodino, someone who had a balanced temperament and seemingly gave comfort not only to the Nation but to the world. As law students, we remained glued to the whole series of Watergate hearings, all the processes in the Committee on the Judiciary.

I happen to represent the 18th Congressional District in Texas and all eyes were on a young woman by the name of Barbara Jordan. It seemed that the chairman and this young lawyer from Texas, now a Member of Congress, worked hand in glove together. Congresswoman Jordan would make mention, as I have heard the gentleman from New York (Mr. RANGEL) say, that they were on the bottom tier, row. They were freshmen. They were the new members of the committee. But my understanding was that there was not one single member, Democratic or Republican, that the chairman did not make feel part of this very serious and grave process.

We heard my good friend and colleague, the gentleman from New Jersey (Mr. HOLT), state that the chairman prayed that there might not be a conviction or that there would be a vindication of the President. That showed the temperament of this chairman. But he led the committee in that way by allowing dissent on both sides of the aisle, by allowing a full hearing, by making sure that all the witnesses were able to be heard extensively and over an extended period of time.

And so although I know that there are many personal anecdotal stories that have been told tonight, I want the Rodino family to know that for this law student who looked in horror at this process, tried to make sense of this constitutional proceeding, concerned about the survival of this Nation, that there could not have been a better teacher, a better leader than Chairman Rodino who guided us through a real constitutional crisis.

I think even then studying law it became more real to me, and I admired both the law and the process and the Constitution more as I watched our government go through it and survive it and as I have watched in admiration the Honorable Barbara Jordan and so many others that worked so well by reaching out and working with the chairman in an orderly fashion.

Who could have done it but this very well-tempered and kind gentleman from New Jersey, a man who started serving in 1949, at a time that America was heavily segregated, and he rose as an easterner to fight for the civil rights of all people as a strong advocate for racial justice in America, a man of many talents, and a man who might have been considered ordinary coming from an immigrant's background. But yet he rose for these extraordinary times. A man ordinary, but becoming extraordinary in himself and leading his Nation in an extraordinary way.

So I thank you for allowing me to share my admiration and appreciation for Peter Rodino and as well his family, and to thank him for the kindness that he showed a young Congresswoman from Texas, the honorable Barbara Jordan, and the way he guided us through a constitutional crisis. I also thank him for his early commitment for racial justice, for his commitment to the 1965 Voter Rights Acts, the 1964 Civil Rights Acts, leveled to the creation of southern districts, one of which was the 18th Congressional District in Texas. Many others sprung up across the South because of his willingness and his passion to lead.

Might I also thank him very much for his continuing abilities to teach. For although he could have left Congress and done many other things, I know that the students whom he taught law to over the years are forever grateful that they were able to have this giant amongst them. This giant, the calm and even-handed spirit was able to do so much.

I also want to thank him and make note of the fact that as he stayed in Congress, he never wavered from being out front on immigration issues. It might have been very popular during those times, but he was a person who believed in reforming immigration and understanding its value to America and to Americans.

☐ 2215

So I say to the family, thank you for allowing him to serve, thank you for allowing those of us who were just students of the law to watch the law operate and practice. Might I just say that in his loss may we all commit ourselves to guiding ourselves and doing the business of this House the way the chairman did it during the most troubling times.

Might I say to my Committee on the Judiciary colleagues chairman, ranking members and all of us, could we do as well as this chairman of that committee during those very tumultuous times?

To my friend that passed, as I call on my friend for his leadership, might you rest in peace and might your family know that you are a great patriot, a great American, and you have laid down a marker in the United States Congress that all of us can be grateful for and grateful to be able to implement and to follow. May God bless you as you rest in peace. May God bless America and your family.

Mr. Speaker, I rise today to speak about former Chairman of the House Judiciary Committee Peter Rodino. As a body, we have gathered to commemorate his life and his works, but as an individual I personally appreciate being able to share in the honor, because of his life and his works. Although Chairman Rodino is well known for his seminal work in the Nixon impeachment, he was also a primary advocate for the Civil Rights Act of 1964 and the Voting Rights Act (1965). Given his work in both racial equality in the United States, and the presidential impeachment, it is clear to see that his heart was forever committed to justice and truth.

During the most difficult times of the Civil Rights movement he was one of the few leaders able to stand up and fight for a better America—against a sea of bigotry and racial prejudices. As a Congressional leader willing to look past racial politics he was at the forefront of the struggle for civil rights. Wanting to fulfill this country's standing as a democratic nation, he was also willing to bring to justice those leading our country.

It is also important for me to mention that Chairman Rodino was a man of integrity and humility who served our nation with great dignity and honor. By conducting the Watergate impeachment hearings with fairness, he ensured that the rule of law prevailed during one of the gravest Constitutional crises in our history. All Americans will be forever grateful for his courage and defense of the Constitution.

In closing, while Chairman Rodino is most renowned for the service he rendered during the Watergate impeachment hearings, he also left a lasting imprint as a distinguished Chairman of the House Judiciary Committee and author of significant legislation, ranging from civil rights to immigration reform to protecting consumers.

It gives me great pleasure to speak on the life of such a great leader.

Mr. HOLT. Mr. Speaker, I thank the gentlewoman for her words from the perspective of the Committee on the Judiciary and joining us in paying tribute to the Honorable Peter Rodino.

Representative Rodino served the United States and the people of New Jersey faithfully, and that is a good word to use, for 40 years, and we mourn his loss and celebrate his contributions, and try to extract lessons for today for ourselves, for America, from his service.

He was relatively unknown to the public outside of New Jersey before the Watergate hearings, which led to the resignation of the President. His professionalism and fairness and dedication to the rule of law characterized what he did, and he was able to demonstrate throughout those hearings the characteristics that thrust him into the kind of prominence that he neither sought nor coveted.

The genius of the American government, as created by our founders over 200 years ago, is that our government is self-correcting. It is a self-correcting system, and Peter Rodino, who carried a copy of the Constitution with him every day of his professional life, understood that. At a critical time, he helped that ingenious machine, that ingenious mechanism work. It does not work by itself. It works if we make it work. It works if we believe it works.

Peter Rodino served as the chair of the House Judiciary Committee during one of the most disappointing and politically divisive times in our history. As we have heard tonight, he was tasked with the unenviable job of officiating the Nation's second impeachment hearings of a sitting U.S. President. It was not obvious that he would get that job.

Most observers expected these potentially vitriolic proceedings to be characterized by partisanship and animosity and grandstanding. Peter Rodino did none of that. He would have none of that. He brought an honest and workmanlike demeanor to this difficult job. As the son of a workman, maybe workmanlike is the right word here.

Peter Rodino led a bipartisan group of lawmakers to approve three articles of impeachment in July of 1974, and the conduct of his Judiciary Committee really was a silver lining in a dark cloud.

Tonight, we have heard words like "unlikely" or "improbable" and "unexpected" hero. Well, maybe a better word is "untested" in the public forum, but we should not forget what sort of person this was. He had enlisted in the Army, served in north Africa and received a rare battlefield promotion to captain. He was no slouch. Earning the Bronze Star, he came home and practiced law and then ran for Congress.

It is important to understand that he did not just suddenly rise to the occasion. He had studied and he had thought, but even he recognized that when he was given the gavel for the impeachment hearings, he was not yet ready. He said he had not even questioned a witness in direct examination in 30 years because he had been serving in the legislature, but typical of his workmanlike manner, he studied. He read this enormous Watergate record. It was already enormous by that time. Three times over he read the history of the impeachment and the trial of President Andrew Johnson. He studied the writings of the political philosophers, all this in preparation for the impeachment hearings. In fact, he worked himself to exhaustion.

He hired a staff of 105, including some bright young lawyers, and he began to steel himself so that when the pressure came to modify the hearings, to accelerate the pace, to show a little partisanship, he never backed down. He knew where he was, and it is, I think rightly, what he will be remembered for best.

His political legacy extends far beyond that tumultuous time. He worked tirelessly and successfully to defeat ill-advised constitutional amendments that would have criminalized abortions or disallowed organized school prayer or prohibited school integration through busing. He fought tirelessly for civil rights for all Americans. He was one of the main congressional sponsors of civil rights legislation and principal author of fair employment practices legislation. He was instrumental in extending the Voting Rights Act. The impact of this legislation that he participated in is enormous.

We should not forget his representation, the representation he brought to the people of New Jersey's 10th District. Despite evolving demographics and four decades of social change, it was a tough time in Newark. Peter Rodino's dedication to his constituents never faltered. It was not by accident that he was reelected through 40 years.

Since his death, Peter Rodino has received some of the attention he deserves. We are tonight remembering the way he guided Congress and the country through a tremendously difficult period in our political history.

Even until recently, into his nineties, he remained active at Seton Hall, looking after the interests of students and, yes, the citizens of New Jersey. We all frequently got phone calls from him suggesting this or that that would be beneficial to the people.

Tonight especially I think serves as a reminder that our self-correcting system of government works because Americans believe it does and because Americans rise to the occasion, each occasion.

We may think that Peter Rodino lived in a different era and his life has little relevance, his service has little relevance for us today, but perhaps the lesson is that we, that all Americans, are called or will be called to do our civic duty.

Peter Rodino prepared himself for that, accepted the duty unflinchingly, distinguished himself, distinguished this body, distinguished America through his service. It is right that we should recognize him tonight.

To close, I would like to yield to the gentleman from New Jersey (Mr. PAYNE), my colleague who put this together for this evening and to whom we also owe gratitude.

Mr. PAYNE. Mr. Speaker, let me thank the gentleman from New Jersey for leading the second hour for the Special Order for Congressman Peter Rodino. Congressman Rodino would have enjoyed talking to him. He was an intellectual himself. He would have encouraged the gentleman to continue to push for science and technology and to try to improve our natural habitat and preserve it. So I thank the gentleman very much.

Let me thank the speaker who has conducted this Special Order in such a dignified manner and the appreciation of us for having the second hour because it is very rare in this place that people stay to express themselves. Most Members are very busy, especially those in leadership, but to have the gentlewoman from California (Ms. PELOSI), our minority leader, take time and express her appreciation for having served with Mr. Rodino; to see the gentleman from Maryland (Mr. HOYER), our minority whip, come and spend time; to hear the gentleman from Michigan (Mr. CONYERS), the dean of the Congressional Black Caucus and actually second longest-serving Democrat in the House, who so eloquently described those days on that committee; to hear the gentleman from New York (Mr. RANGEL), ranking member for the Committee on Ways and Means; and the gentleman from Massachusetts (Mr. FRANK) and the gentleman from California (Mr. BERMAN) and on and on I think certainly says it all.

Mr. Rodino was the right man at the right place at the right time. Let me, as we conclude, just say that he was just a gentle person, running up Aqueduct Alley, living in the area near the old first ward. I lived several blocks away from that while he served in World War II, where I was a student at the school right near there, where he attended St. Lucy's Church, with Father Grenada or Monsignor Grenada, who is still there, and the McKinley School that he went to in elementary in World War I still looks the same. Nothing has been done to the school. I passed it recently.

Barringer High School, the same high school I attended a few years after Congressman Rodino did, then he moved up to 205 Grafton Avenue. It was an address we all remember, because when I got old enough to carry petitions around. I remember that address being on the petitions so we knew where to turn them in.

We knew Tony Serrantos who worked for him for decades. As a matter of fact, when I came and replaced Mr. Rodino, I brought Mr. Serrantos into my office to run my office for the first term that I served in Congress. It was funny, because Mr. Serrantos kept Mr. Rodino's picture up in his office, like he should have. It took him almost the end of the second year before he found a little place in the corner in the dark for a small picture of me.

So there was really the great love for Mr. Rodino and Joe Benuchi, who became the postmaster, and when Mr. Rodino was brought down with Colonel Kelly, who was then Democratic county chairman, preceding Chairman Dennis Carey, these were days that the clubs on First Avenue, the Capa Soleus and other clubs, that were political clubs that Mr. Rodino felt as comfortable in those clubs, as he would in the basement of a Baptist church where the NCAAP, Newark branch, would be meeting.

So the Rodino auxiliary group, women who were at the funeral, who wanted the press to know that they were the Peter Rodino Ladies Auxiliary, they were so proud. They served him so long.

□ 2230

Mr. Speaker, as we conclude, it was really the right time. Elizabeth Holtzman was important because in the redistricting in 1972, she defeated Mannie Celler who was then chairman of the Committee on the Judiciary. She did not serve long in Congress. However, Mr. Rodino then took the chairmanship of that committee and moved it through the impeachment proceedings.

As it was said at the funeral that was attended by Monsignor Shering, president of Seton Hall University, Monsignor Joseph Grenada, and the great eulogy that was given by Ms. Paula Franzese who talked from her heart, and the president, dean of the law school, Patrick Hobbs, all of us were there. Even our law professor Mr. McQuade, Acting Governor Richard Codey, Senator SARBANES and Elizabeth Holtzman all came out to show their respect.

There was legislation like the Simpson-Rodino Act, which paved the way for immigrants to have a better future back in 1986, one of the last important pieces of legislation that Mr. Rodino passed.

So as we conclude here, I mentioned the beautiful Cathedral of St. Lucy where the funeral was held, to all of us who remember the Congressman for so many years. He was proud of being a member of the Columbian Society. He was inducted into the Knights of Malta, and he wore on his lapel that symbol for decades. He was so proud of his heritage.

Once again, let me say what an extraordinary night it has been to have several hours expire even as I speak now. Let me once again thank all of the Members who participated. It is a great day for the Rodino family, but it is also a great day for America for us to remember one of the true heroes of this land, the late Congressman, Peter W. Rodino, Jr.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. HERSETH (at the request of Ms. PELOSI) for today and June 21 on account of business in the district.

Ms. GRANGER (at the request of Mr. DELAY) for today on account of attending a funeral.

Mr. SOUDER (at the request of Mr. DELAY) for today on account of attending a Base Realignment and Closure Commission meeting in St. Louis, Missouri.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MENENDEZ) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, June 27.

Mr. PEARCE, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and June 21, 22, 23, and 24.

ADJOURNMENT

Mr. HOLT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 21, 2005, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2423. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research — Disability and Rehabilitation Research Projects and Centers Program — Rehabilitation Engineering

Research Centers — received June 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2424. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (RIN: 1820-ZA36) received June 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2425. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Temrinated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received June 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2426. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Alaksa Plaice in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 050605D] received June 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2427. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Commercial Shark Management Measures [Docket No. 0503003056-5108-02; I.D. 020205F] (RIN: 0648-AT07) received June 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEWIS of California: Committee on Appropriations. H.R. 2985. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–139).

Referred to the Committee of the Whole House on the State of the Union.

Mr. GINGREY: Committee on Rules. House Resolution 330. Resolution providing for consideration of the joint resolution (H.J. Res. 10) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States (Rept. 109–140).

Referred to the House Calendar.

Mr. PUTNAM: Committee on Rules. House Resolution 331. Resolution providing for consideration of the bill (H.R. 2475) to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 109–141).

Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS:

H.R. 2986. A bill to amend title 10, United States Code, to allow a participant in the military Survivor Benefit Plan who has designated an insurable interest beneficiary under that plan to designate a new beneficiary upon the death of the previously designated beneficiary; to the Committee on Armed Services.

By Mr. ANDREWS:

H.R. 2987. A bill to amend the Internal Revenue Code of 1986 to allow the deduction for State and local income and property taxes under the alternative minimum tax; to the Committee on Ways and Means.

By Mr. BILIRAKIS (for himself, Mr. BUYER, and Mr. EVERETT):

H.R. 2988. A bill to direct the Secretary of Veterans Affairs to conduct a demonstration project for the improvement of business practices of the Veterans Health Administration; to the Committee on Veterans' Affairs.

By Mr. CAMP (for himself, Mr. TANNER, Ms. PRYCE of Ohio, Mr. FOLEY, Mr. CANTOR, Mr. TIBERI, Mr. HAYWORTH, Mr. WOLF, Mr. BURTON of Indiana, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KUHL of New York, Mr. SANDERS, Mr. SKELTON, Mrs. KELLY, Mr. RAMSTAD, Mr. ENGLISH of Pennsylvania, Mr. RUPPERSBERGER, and Mr. RENZI):

H.R. 2989. A bill to amend the Internal Revenue Code of 1986 to increase, extend, and make permanent the above-the-line deduction for certain expenses of elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. FITZPATRICK of Pennsylvania:

H.R. 2990. A bill to improve ratings quality by fostering competition, transparency, and accountability in the credit rating agency industry; to the Committee on Financial Services.

By Mr. MCHENRY (for himself and Mr. BEAUPREZ):

H.R. 2991. A bill to prohibit United States foreign assistance from being provided to any country that refuses to extradite to the United States individuals accused of killing law enforcement officers; to the Committee on International Relations.

By Mr. MENENDEZ (for himself, Mr. NADLER, and Ms. SCHWARTZ of Pennsylvania):

H.R. 2992. A bill to provide for the continued operation of Amtrak, to establish a program for support of certain rail infrastructure projects, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTER (for himself, Ms. BERKLEY, and Mr. GIBBONS):

H.R. 2993. A bill to provide for the sale of excess wild free-roaming horses and burros; to the Committee on Resources.

By Mr. ROGERS of Michigan:

H.R. 2994. A bill to make qualified tuition programs permanent and to amend the Internal Revenue Code of 1986 to allow a deduction for amounts contributed to qualified tuition programs; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 2995. A bill to establish the Weather Modification Operations and Research Board, and for other purposes; to the Committee on Science.

By Ms. LEE:

H.R. 3000. A bill to establish a United States Health Service to provide high quality comprehensive health care for all Americans and to overcome the deficiencies in the present system of health care delivery; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Michigan:

H. Con. Res. 182. Concurrent resolution calling upon all United States citizens to support the efforts and activities of the National SAFE KIDS Campaign to prevent unintentional childhood injuries; to the Committee on Energy and Commerce.

By Mr. ROGERS of Michigan:

H. Con. Res. 183. Concurrent resolution supporting the goals and ideals of College Savings Month; to the Committee on Government Reform.

By Mr. PALLONE (for himself and Mr. SHAW):

H. Res. 332. A resolution supporting the goals and ideals of National Clean Beaches Week and recognizing the considerable value of American beaches and the need to keep them clean and safe for the public; to the Committee on Resources.

By Mr. PAYNE (for himself, Mr. TANCREDO, Mr. WEXLER, Mr. WOLF, Mr. LANTOS, Mr. SMITH of New Jersey, Mr. RANGEL, Mr. CONYERS, and Ms. LEE):

H. Res. 333. A resolution supporting the goals and ideals of a National Weekend of Prayer and Reflection for Darfur, Sudan; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BRADY of Texas:

H.R. 2996. A bill to provide for the liquidation or reliquidation of certain drawback claims; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 2997. A bill to provide for the liquidation or reliquidation of certain drawback claims; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 2998. A bill to provide for the liquidation or reliquidation of certain drawback claims; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 2999. A bill to provide for the liquidation or reliquidation of certain drawback claims; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 3001. A bill to provide for the liquidation or reliquidation of certain drawback claims; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 3002. A bill to provide for the liquidation or reliquidation of certain drawback claims; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. FORTUÑO.

H.R. 213: Mr. HOLT.

H.R. 303: Mr. CALVERT, Mr. WELDON of Florida, Mr. FORBES, Mr. PICKERING, and Mr. LATHAM.

H.R. 373: Ms. NORTON.

H.R. 500: Mr. STEARNS.

H.R. 503: Mr. MOORE of Kansas, and Mr. PORTER.

H.R. 577: Mr. RUPPERSBERGER.

H.R. 586: Mr. LaHOOD.

H.R. 602: Mr. RENZI and Mr. ETHERIDGE.

H.R. 605: Mr. DUNCAN.

H.R. 698: Mr. BRADY of Texas.

H.R. 786: Mr. LATHAM.

H.R. 793: Mr. PICKERING.

H.R. 799: Mr. EVANS.

H.R. 874: Mrs. CUBIN.

H.R. 896: Mr. LARSON of Connecticut.

H.R. 923: Mr. SHIMKUS.

H.R. 995: Mr. REYES.

H.R. 1002: Mr. CLEAVER.

H.R. 1079: Mr. McCAUL of Texas.

H.R. 1155: Ms. DeGETTE.

H.R. 1156: Mr. CONYERS and Mr. GENE GREEN of Texas.

H.R. 1177: Mr. MORAN of Kansas.

H.R. 1239: Mr. PICKERING.

H.R. 1282: Mr. MOORE of Kansas.

H.R. 1338: Mr. REYES and Mr. LANGEVIN.

H.R. 1355: Mr. HOLDEN.

H.R. 1382: Mr. COOPER.

H.R. 1402: Mr. ETHERIDGE and Mr. MENENDEZ.

H.R. 1494: Mr. DINGELL, Mr. GORDON, and Mr. MICHAUD.

H.R. 1498: Ms. HART and Mr. FITZPATRICK of Pennsylvania.

H.R. 1505: Mr. COSTELLO.

H.R. 1507: Mr. GEORGE MILLER of California and Ms. ROYBAL-ALLARD.

H.R. 1526: Mr. HONDA.

H.R. 1588: Mr. HIGGINS.

H.R. 1630: Ms. BEAN, Mr. CAPUANO, Mr. POMEROY, Mr. BROWN of Ohio, Mr. McINTYRE, Mr. PALLONE, Mr. LYNCH, Mr. BOUCHER, Mr. MICHAUD, Mr. MILLER of North Carolina, Mr. GUTIERREZ, Mr. SCHWARZ of Michigan, Mr. FILNER, Mr. BUTTERFIELD, Mr. WEXLER, Mr. KING of New York, Mr. MEEK of Florida, Mr. DAVIS of Florida, Mr. LARSEN of Washington, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1631: Mr. POMEROY, Mr. BROWN of Ohio, Mr. McINTYRE, Mr. PALLONE, Mr. LYNCH, Mr. BOUCHER, Mr. MICHAUD, Mr. MILLER of North Carolina, Mr. GUTIERREZ, Mr. SCHWARZ of Michigan, Mr. FILNER, Mr. BUTTERFIELD, Mr. WEXLER, Mr. LARSEN of Washington, Mr. CUMMINGS, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1639: Ms. WATERS.

H.R. 1687: Ms. DeGETTE, Mr. BISHOP of New York, Mr. WAXMAN, Mr. DAVIS of Illinois, and Ms. WATERS.

H.R. 1689: Mr. ADERHOLT.

H.R. 1789: Mr. MICHAUD.

H.R. 1791: Mr. BISHOP of New York.

H.R. 1794: Mrs. LOWEY.

H.R. 1850: Mr. SHERMAN, Mr. MORAN of Virginia, and Ms. JACKSON-LEE of Texas.

H.R. 1902: Mr. CLEAVER, Mr. HONDA, Mr. McDERMOTT, and Ms. WATERS.

H.R. 1954: Mr. SOUDER.

H.R. 2012: Ms. WASSERMAN SCHULTZ.

H.R. 2017: Mr. BRADY of Pennsylvania.

H.R. 2037: Mr. EVANS and Mr. MEEK of Florida.

H.R. 2044: Mr. FRANK of Massachusetts and Ms. WOOLSEY.

H.R. 2131: Mr. TAYLOR of Mississippi.

H.R. 2207: Mr. RUPPERSBERGER and Mr. NEAL of Massachusetts.

H.R. 2238: Mr. LoBIONDO.

H.R. 2317: Mr. HOEKSTRA, Mr. MARCHANT, and Mr. EVANS.

H.R. 2340: Mr. MICHAUD and Mr. STRICKLAND.

H.R. 2358: Mr. McGOVERN.

H.R. 2474: Mr. KUHL of New York and Ms. JACKSON-LEE of Texas.

H.R. 2562: Mr. SHERMAN.

H.R. 2567: Mr. CUMMINGS and Mr. SESSIONS.

H.R. 2637: Mr. PICKERING.

H.R. 2649: Mrs. LOWEY.

H.R. 2794: Mr. WHITFIELD, Mr. LEWIS of Georgia, and Mr. HASTINGS of Washington.

H.R. 2803: Mr. ADERHOLT, Mr. GREEN of Wisconsin, Ms. CARSON, Mr. McINTYRE, Mr. McCOTTER, Mr. RENZI, Mr. ETHERIDGE, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 2891: Ms. CORRINE BROWN of Florida, Mr. BISHOP of Georgia, Mr. JACKSON of Illinois, Mr. GONZALEZ, Mr. RUPPERSBERGER, Mr. RANGEL, Mr. MEEKS of New York, Mr. WAXMAN, Mr. BRADY of Pennsylvania, Mr. TOWNS, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. THOMPSON of Mississippi, Ms. CARSON, and Mr. NEAL of Massachusetts.

H.R. 2959: Mr. FILNER, Mr. MICHAUD, and Mr. BRADY of Pennsylvania.

H.R. 2968: Mr. FITZPATRICK of Pennsylvania and Mr. DELAHUNT.

H.J. Res. 12: Mr. SABO and Mr. PASCRELL.

H.J. Res. 52: Mr. MEEHAN, Mr. LYNCH, Mr. SANDERS, and Mr. CAPUANO.

H.J. Res. 53: Mrs. DRAKE, Mr. COLE of Oklahoma, Mr. ROGERS of Alabama, and Mr. SULLIVAN.

H. Con. Res. 90: Mr. DAVIS of Illinois and Ms. MILLENDER-McDONALD.

H. Con. Res. 140: Mr. BOOZMAN.

H. Con. Res. 154: Mr. EVANS.

H. Con. Res. 155: Mr. McINTYRE, Mrs. KELLY, Mr. KIRK, Mr. BERMAN, Mr. ROTHMAN, Mrs. MALONEY, Ms. WASSERMAN SCHULTZ, and Mr. KINGSTON.

H. Con. Res. 162: Mr. EVANS.

H. Con. Res. 168: Mr. FRANKS of Arizona, Mr. CHANDLER, Mr. SMITH of New Jersey, Mr. KINGSTON, Mr. DAVIS of Illinois, Mr. ROYCE, Mr. BURTON of Indiana, Mr. FALEOMAVAEGA, Mr. ISSA, Mr. WELLER, Ms. ROS-LEHTINEN, Mr. WILSON of South Carolina, Mr. McCAUL of Texas, Mr. CAPUANO, Mr. POE, Ms. WATSON, Ms. HARRIS, Mr. FORTENBERRY, and Mr. HONDA.

H. Con. Res. 172: Mr. PETERSON of Minnesota, Mr. FRANK of Massachusetts, and Mr. CLYBURN.

H. Con. Res. 180: Mr. GORDON.

H. Con. Res. 181: Mr. FRANK of Massachusetts.

H. Res. 230: Mr. McNULTY.

H. Res. 299: Mrs. MALONEY.

H. Res. 312: Mr. TERRY, Mr. SHAYS, Mr. HOLDEN, Mr. CASE, Mr. MENENDEZ, Mr. HINOJOSA, Ms. WASSERMAN SCHULTZ, and Mr. BACHUS.

H. Res. 325: Mr. LEVIN.

H. Res. 326: Mr. ENGEL, Mr. McCOTTER, Mr. TANCREDO, and Mr. CROWLEY.

H. Res. 328: Mr. BURTON of Indiana, Mr. CROWLEY, Mr. HIGGINS, Mr. SMITH of New Jersey, Mr. WILSON of South Carolina, Mr. LEACH, Mr. McCOTTER, Mr. SHIMKUS, Mr. CONYERS, and Mr. PALLONE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2646: Mr. BROWN of South Carolina, Mr. CAMP, Mr. HEFLEY, Mr. KELLER, Mr. LUCAS, Mr. REHBERG, Mr. SHUSTER, Mr. UPTON, and Mr. THORNBERRY.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 2 by Mr. MARSHALL on House Resolution 270: Chet Edwards, Neil Abercrombie, Anthony D. Weiner, Lynn C. Woolsey, Howard L. Berman, Chaka Fattah, Anna G. Eshoo, Loretta Sanchez, Ike Skelton, Edward J. Markey, Richard E. Neal, Ed Pastor, Rubén Hinojosa, and Robert E. (Bud) Cramer, Jr.

EXTENSIONS OF REMARKS

A TRIBUTE TO RAQUEL SHIVDAT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. TOWNS. Mr. Speaker, I rise today to honor an outstanding leader, Raquel Shivdat.

Ms. Shivdat may not have a very visible personality, but behind the scenes she is one of the biggest influences in the explosion of Caribbean music entertainment in New York City. As Promotion and Marketing manager of the JMC Entertainment Inc. (which includes JMC records, JMC Trevini band and Rum Jungle Bar and Restaurant), Ms. Shivdat's responsibilities range from the promotion of shows to the management of music recordings. After more than twelve years in the entertainment industry, Ms. Shivdat has become a defining force.

Ms. Shivdat rose through the ranks in the family's business, starting as flyer designer at JMC Records and later working at the family's Roti Express diner. Additionally, Ms. Shivdat managed to pursue a degree in Fashion Marketing at Berkeley College in New Jersey, while managing her household as a wife and mother of two boys, Tyler and Shane.

At Rum Jungle, Ms. Shivdat produces at least one concert every month involving artists from the West Indies. The biggest names in Soca and Chutney music are regular performers at the club. Ms. Shivdat also brought the legendary Indian performers Babla and Kanchan to New York.

Ms. Shivdat also makes regular contributions to charitable organizations and committee projects in New York and has done fund raisers at Rum Jungle for the Prime Ministers of Trinidad and Tobago and Guyana.

At 32 years old, Ms. Shivdat has become a key member of the JMC Company and she says that she always draws inspiration from her father Mohan Jaikairan who owns the business.

Mr. Speaker, Ms. Shivdat, a wife, mother and entrepreneur, is both passionate about her chosen field of music and her community. Thus, we proudly recognize her today.

TRIBUTE TO ARMY SPECIALIST LOUIS NIEDERMEIER

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. YOUNG of Florida. Mr. Speaker, I rise to pay tribute to Army Specialist Louis E. Niedermeier of Largo, Florida, who gave the last full measure of service to our nation while serving in Iraq.

Our nation buried Louis with full military honors this afternoon at Arlington National Cemetery following his death by sniper fire in Ar Ramadi, Iraq on June 1st while serving with his Headquarters Battery, 2nd Battalion, 17th Field Artillery Regiment, 2nd Infantry Division. He died just 2 weeks short of his 21st birthday.

Louis was a soldier's soldier. He wanted to enlist in the Army immediately after the events of 9–11, but he was only 17. His day came though as soon as he graduated from Pinellas Park High School in 2003. He followed in his father's footsteps and enlisted in the Army and a year later found himself serving in Iraq.

As a scout, Louis served on the front lines, providing critical targeting information to our air and artillery forces. He served with pride and with courage to bring about freedom in a land far from home. The true testament of Louis' service as a soldier came from the remembrances of three soldiers from his unit who served side-by-side with him in Iraq. The three were wounded in combat and were stateside at the time of Louis' death. They drove 36 hours nonstop from Fort Carson, Colorado to be with Louis and his family this afternoon. They said they did it because if the roles had been reversed Louis would have been there for them.

Louis' parents Edward A. Niedermeier and Denise A. Hoy were proud of their son. They were proud that he chose to serve his Nation in uniform. They were proud that he served with distinction to defend the principles of freedom and democracy. And they were proud that despite the fact that he served halfway around the world, first in Korea and then in Iraq, that he never forgot to remember his family and friends back home.

Both Ed and Denise marveled this afternoon that before they knew it Louis had grown from a boy into a man. They recounted Louis' love of family and country. And they emphasized that if Louis had it to do over again, they are convinced he would not have changed a thing.

Army Sergeant First Class Charles Welsh also attended today's services. He not only had the honor of serving with Louis in Iraq, but he was Louis' uncle. He recalled the day Louis came to him and told him he had enlisted in the Army as one of the proudest moments in this young man's life.

The price of freedom is great and in the case of Louis it was a life cut way too short. It was also the tragic interruption of a life together Louis had planned with his fiancee Sarah Hatley. Sarah and Louis were high school sweethearts who both volunteered to serve their Nation in uniform. Sarah is a Seaman serving aboard the U.S.S. *Fitzgerald,* stationed in Yokosuka, Japan. Her ship was underway off the coast of Australia when she learned of Louis' death.

Mr. Speaker, our Nation said goodbye to Specialist Louis E. Niedermeier today at Arlington National Cemetery. We said goodbye to a brave soldier who proudly wore the uniform in defense of freedom here and throughout the world. We said goodbye to a good son, a good nephew, and a good friend to so many people. And we said goodbye to the love of a young girl's life.

As the day draws to an end, we can take solace in the fact that America sleeps better tonight and every night because of heroes like Louis Niedermeier who sacrificed all for the love of country and the love of freedom.

Mr. Speaker, a grateful Nation said thank you today to a courageous soldier and I join all my colleagues today in expressing our sorrow and our thanks for the life and the service of Louis Niedermeier and to the strong and loving family and friends he leaves behind. His was a life that was all too short in time but full of love and grace.

JUNETEENTH AFRICAN-AMERICAN INDEPENDENCE DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. RANGEL. Mr. Speaker, I rise today to commemorate an African-American day of celebration of freedom and justice. Juneteenth marks the end of slavery for African-American communities around the country. It is a day to embrace our freedom and equality, to reflect on the progress we have made as people, and to ponder our future role in this country.

Despite the signing of the Emancipation Proclamation in January 1963, it took two and a half years—June 1965—for the liberation of all slaves in the United States to occur. For 140 years now, African-Americans have celebrated the final attainment of their freedom on the 19th of June. Tradition has it that it is the date when news of emancipation from slavery was finally delivered to slaves in Texas, the furthest point from Washington where slavery existed. The most accepted explanation is that the delay was caused by the primitive communications of the day, but some historians believe that the news of emancipation was deliberately denied to slaves.

On this Juneteenth, African-Americans across the country will contemplate the importance of their freedom compared to their ancestors. They will reflect on their ability and rights to hold a job, to ride a bus, to own property, to live unencumbered by the government, and to make decisions about their own lives. Some will think about the obstacles that remain in their way of achieving the "American dream." Others will ponder the future of their children and the opportunities ahead of them.

I, for one, would think both about how far we have come as a country and how much further we need to go to erase racism and discrimination from our society. Once the slaves of plantation owners, African-Americans now can freely move about the country, hold jobs

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and careers of importance, marry their chosen partner, provide for their families, raise their kids, and live in true freedom. African-Americans are graduating from college at increasing rates; receiving medical, professional, and doctoral degrees; working in major corporations and businesses; and making decisions about the future of this country. We have come a long way in our struggle for equality.

Nonetheless, we have far to go. Less than half of African-American families own their own homes and they are twice as likely to be denied mortgages as whites. While the unemployment rate for whites is 5 percent, the black unemployment rate is 10 percent. African-Americans are three times more likely to be arrested as whites and on average serve longer sentences than whites. Crime, drugs, and poverty are rampant in many minority communities. Many young African-Americans are disillusioned, frustrated, and feel powerless in their own country.

The challenges African-Americans are facing today are rooted in the system of slavery. After emancipation, segregation, a system of continued oppression, was imposed which maintained the disparities between blacks and whites. It fueled the animosities, resentments, and discrimination that would separate and divide this country. We are still grappling with the effects of slavery, racism, and discrimination. We must do more to undo the wrongs of that evil institution.

On this Juneteenth, let this great country come together to reflect on the role slavery has played in our system today.

A TRIBUTE TO WINSTON P. THOMPSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. TOWNS. Mr. Speaker, I rise today in recognition of a distinguished and accomplished Brooklynite, Winston P. Thompson. It is an honor to represent Mr. Thompson in the House of Representatives and it behooves us to pay tribute to such an exemplary citizen.

Mr. Speaker, Mr. Thompson worked diligently and attained his undergraduate and graduate degrees from St. Francis College and Pace University. His work experience is impressive—from being employed as an auditing officer for Morgan Guaranty Trust Company, a Wall Street Investment Banking firm, for two years, and a big five international accounting and consulting firm, where he remained for five years.

Over the past 20 years, he has demonstrated deep devotion and civic commitment as a CPA and Financial Planner by offering tax and financial services to the Brooklyn community. In addition, he is the founder, President, and Chief Executive Officer of Thompson & Company, a Certified Public Accounting and Consulting firm based in Downtown Brooklyn, which recently enjoyed its twentieth year in operation.

Mr. Speaker, I believe that it is incumbent on this body to recognize the achievements and service of Mr. Thompson. He continues to offer his talents and services for the betterment of the community through his involvement in several community activities and organizations, particularly as a Member of the Caribbean American Chamber of Commerce, the Brooklyn Chamber of Commerce and the Bedford Stuyvesant Real Estate Board.

Mr. Speaker, may our country continue to benefit from the civic actions of committed and talented individuals such as Winston P. Thompson.

TRIBUTE TO MR. ROBERT L. PANEK

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. YOUNG of Florida. Mr. Speaker, I rise today to recognize and pay tribute to Mr. Robert L. Panek, who retired from the Senior Executive Service, in the Department of the Navy, on June 3rd, 2005. Mr. Panek's long and highly distinguished career spans nearly 34 years of Federal Service and eclipses 27 years of dedicated service in the Office of the Assistant Secretary of the Navy (Financial Management and Comptroller).

A native of Oceanside, New York, Mr. Panek received a Bachelor of Science degree, a Naval Reserve commission, and a Merchant Marine Third Officer's license from the Maritime College of the State University of New York, before entering Federal Service in 1971.

Excelling as a management intern with the Naval Ordnance Systems Command, budget analyst in the Anti-Submarine Warfare Systems Project Office, financial management advisor to the Deputy Chief of Naval Material, and budget analyst/branch head in the Department of the Navy (DoN) Budget Policy and Procedures Directorate, Mr. Panek was appointed to the Senior Executive Service (SES) in July 1986. As a SES officer, his breadth of responsibilities grew to encompass nearly every facet of the DoN budget to include setting policies and procedures for the formulation and execution of the DoN budget; directing DoN budget operations; and overseeing Investment, Research & Development, Construction, and Acquisition accounts. In December 1994, Mr. Panek's exemplary career culminated in his selection as the Associate Director, Office of Budget with responsibility for the formulation, presentation and execution of the DoN budget. In this position he achieved the grade of Senior Executive Service, Level 6 and also served as Special Assistant to the Assistant Secretary of the Navy (Financial Management and Comptroller).

Mr. Panek's devotion to duty, financial acumen, and commitment to the Navy-Marine Corps Team have made our Nation safer and our Navy and Marine Corps Stronger. He has been awarded numerous performance awards and citations throughout his career to include the Department of the Navy Superior Civilian Service Award in December 1988, the Presidential Meritorious Rank Award in 1993, and the Department of the Navy Distinguished Civilian Service Award in 2001. His selflessness, exemplary conduct, and commitment to a cause greater than himself is memorialized in his parting email to his shipmates in the Department of the Navy in which he reminded them—"Finally, please always, always remember that we do this for our Sailors and Marines that go in harm's way."

It is fitting and altogether appropriate to recognize Mr. Panek's contributions to the DoN at the same time that we consider the Fiscal Year 2006 Defense Appropriations Act. Our Nation and the Department of the Navy have been made better through the talent and dedication of Mr. Robert L. Panek. I know all of my colleagues join me in congratulating Bob, his wife Susan, and their two daughters, on the completion of an outstanding career. While his service to our Nation will be missed, he has left a legacy of high standards and superbly trained professionals in his wake. We wish him fair winds and following seas!

A TRIBUTE TO DeCOSTA HEADLEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. TOWNS. Mr. Speaker, I rise today in recognition of a Brooklynite and distinguished entrepreneur, DeCosta Headley. It is an honor to represent Mr. Headley in the House of Representatives and it behooves us to pay tribute to such an outstanding leader.

Mr. Speaker, Mr. Headley obtained a Bachelor of Arts degree in Behavioral Science from Shaw University in Raleigh, North Carolina. He became a successful entrepreneur, serving as the president of Diversified Inch By Inch, Inc., one of the city's leading African-American general contracting firms. In this position, Mr. Headley demonstrated deep commitment to the community through several development projects that his company undertook, including the construction of local medical and dental facilities for Oxford Health Plans, Brookdale Hospital & Medical Center, and Interfaith Medical Center, and new housing, including a multi-level senior citizens apartment complex for Berean Missionary Baptist Church. Mr. Headley launched efforts of urban renewal by assisting in the development of senior citizen housing and youth centers for communities in need across the five boroughs.

Mr. Headley has exhibited the qualities of an exemplary community leader in his service as District Leader for the 40th Assembly District in the East New York section of Kings County. During his term, he remained dedicated to improving the quality of life for his constituents by continuously engaging in initiatives aimed at expanding college scholarships, employment opportunities, affordable housing, public assistance services, and social services, including senior citizen centers that offer hot meals, transportation, and access to basic health care services. In addition, he remained actively involved on various local community and planning boards, founded the community's first Local Development Corporation along with the Federation of Block Associations for East New York, and established the Federation of Addiction Agencies that offers a drug-free treatment program in East New York and

Brownsville. Currently, Mr. Headley enormously contributes to the political sector of the community by successfully managing the campaigns of candidates running for positions in the city, state, and federal levels of government.

Mr. Speaker, I believe that it is incumbent on this body to recognize the remarkable achievements and selfless service of Mr. Headley as he continues to benevolently extend his talents and services for the betterment of the community.

Mr. Speaker, may our country continue to benefit from the civic actions of committed and laudable community leaders such as Mr. DeCosta Headley.

COMMENDING JACK DILLENBURG FOR EXEMPLARY COMMUNITY SERVICE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to commend the exemplary public service of Jack Dillenburg, a resident of the town of Arkwright in Chautauqua County, upon the occasion of his recognition as the 2005 Chautauqua County Democrat of the Year.

Jack's dedication to public service has been manifest, and his commitment to the residents of Chautauqua County has been outstanding.

Jack served as an appointed member of New York State Assemblyman Rolland Kidder's staff from 1976 until 1982.

During that time Jack continued to work very hard for his constituents back home. In 1975 Jack was elected to the Forestville Village Board of Trustees where he served until 1977 when he was elected mayor.

In 1980 Jack began a four-term streak as a member of the Chautauqua County legislature. During his time as a legislator, Jack's leadership and consensus building skills led him to be chosen by his colleagues to be both the majority leader and the minority leader.

The year 1992 ushered in six terms as the Arkwright Town Supervisor where there is no doubt that he did all he could to better the community.

Over 20 years later Jack decided to hang up his hat as an elected official and in 1998 he began a 5-year duty as the clerk of the Chautauqua County legislature; a responsibility he was well suited to fill following his years of experience in the legislature.

In addition to all of these outstanding achievements in public service, Jack still gave his all and served as the town of Arkwright's Democratic Chair for 27 years.

Mr. Dillenburg deserves recognition and congratulations for the vast contributions he has made over the last three decades, not just to the Democratic Party in general, but to the people of his community, his county and to all of western New York. Chautauqua County is a better place because of Jack Dillenburg's commitment to public service, and I am proud, Mr. Speaker, to have an opportunity to honor him today.

TRIBUTE TO COLONEL JOHN PEABODY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. SKELTON. Mr. Speaker, let me take this opportunity to recognize Colonel John Peabody who has served our Nation's Army with distinction for over 25 years. He will shortly be leaving his current post at the Pentagon and transferring to the State of Hawaii.

Colonel Peabody is a graduate of the United States Military Academy at West Point. John continued his education through the Command and General Staff College and the Army War College, where he earned his Master's Degree in Strategic Studies. He also has earned degrees from El Colegio de Mexico and Howard University.

Colonel Peabody has field proven leadership capabilities and an exemplary warrior ethos. He was first assigned to the 193rd Infantry Brigade in Panama where he served as a Sapper Platoon Leader, Company Executive Officer, and Aide-de-Camp. Later, he served as the Logistics Support Command Engineer, Somalia. He also was the Political-Military Division Chief of the J5, US Southern Command in Panama. During Operation Iraqi Freedom he commanded the 3rd Infantry Division's Engineer Brigade totaling over 3,000 engineers with ten attached units. Currently, he is assigned to the Army's Office of the Chief, Legislative Liaison, where he is the Programs Division Chief.

Colonel Peabody is a model soldier and his many awards and commendations stand as testimony to that. His awards and decorations include the Legion of Merit, Purple Heart, Joint Meritorious Service Medal, Army Meritorious Service Medal, Armed Forces Expeditionary Medal, Global War on Terrorism Service and Expeditionary Medals, the Presidential Unit Citation, Master Parachutist Badge, and Ranger Tab.

I know that the members of Congress will join me in honoring Colonel John Peabody and wishing his family and him all the best in the years to come.

TRIBUTE TO VINCENT JOHNSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. TOWNS. Mr. Speaker, I rise today in recognition of a Brooklynite and distinguished lawyer, Vincent Johnson. It is an honor to represent Mr. Johnson in the House of Representatives and it behooves us to pay tribute to such an outstanding leader.

Mr. Speaker, Mr. Johnson obtained a Bachelor of Arts degree from Brooklyn College and a Juris Doctor degree at St. John's University School of Law. Before completing his undergraduate studies, Mr. Johnson dedicated four years of service to the United States Air Force, where he rose to the rank of Airman first class and was assigned to the Scott Air Force Base in Belleville, Illinois and Tachikawa Air Force Base in Japan.

Mr. Johnson became an associate in the Admiralty Law firm of Fields & Rosén upon graduating from St. John's University School of Law, and was appointed an assistant District Attorney in the Kings County District Attorney's office, where he generously devoted eight years serving the community. Mr. Johnson is now dedicated to the general practice of law and holds an office at 26 Court Street. He remains particularly active in several organizations, including the Bedford Stuyvesant Lions Club, Brooklyn Bar Association, Phi Alpha Delta Legal Fraternity, 100 Black Men of New York, and Comus Social Club.

Mr. Speaker, I believe that it is incumbent on this body to recognize the achievements and selfless service of Mr. Johnson as he continues to offer his talents and philanthropic services for the betterment of the community.

Mr. Speaker, may our country continue to benefit from the civic actions of altruistic community leaders such as Mr. Vincent Johnson.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. ANDREWS. Mr. Speaker, I missed nine votes on June 17th, 2005 because I was attending my daughter's graduation from elementary school. Had I been present I would have voted "aye" on rollcall Nos. 274, 275, 276, 277, 278 and 281. I would have voted "no" on rollcall Nos. 279, 280 and 282.

RECOGNIZING ADMIRAL VERN CLARK, CHIEF OF NAVAL OPERATIONS, FOR HIS SERVICE AND DEDICATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. FORBES. Mr. Speaker, I rise today in recognition of Admiral Vern Clark, Chief of Naval Operations, for his loyal service to the United States of America.

Admiral Clark's dedication and loyalty to the advancement of our naval service and the Nation as a whole is to be highly commended.

Admiral Clark's devotion to duty has reflected the highest standards of the military profession through a number of command and staff positions. He served aboard the destroyers USS *John W. Weeks* and the USS *Gearing*. As a Lieutenant, he commanded the USS *Grand Rapids*. He also commanded the USS *McCloy*, USS *Spruance*, the Atlantic Fleet's Anti-Submarine Warfare Training Center, Destroyer Squadron Seventeen, and Destroyer Squadron Five. After being selected for flag rank, he commanded the Carl Vinson Battle Group/Cruiser Destroyer Group Three, the Second Fleet, and the United States Atlantic Fleet. Ashore, he served as Special Assistant to the Director of the Systems Analysis Division in the Office of the Chief of Naval Operations. He later served as the Administrative

Assistant to the Deputy Chief of Naval Operations and as the Administrative Assistant to the Deputy Chief on Naval Operations. He then served as the Administrative Aide to the Vice Chief of Naval Operations. He also served as Head of the Cruiser-Destroyer Combat Systems Requirements Section and Force Anti-Submarine Warfare Officer for the Commander, Naval Surface Force, U.S. Atlantic Fleet, and he directed the Joint Staff's Crisis Action Team for Desert Shield and Desert Storm. Admiral Clark's first flag assignment was at the U.S. Transportation Command where he was director of both Plans and Policy and Financial Management and Analysis. While he was commanding the Carl Vinson Battle Group, he deployed to the Arabian Gulf and served as Deputy Commander, Joint Task Force Southwest Asia. He also served as the Deputy Chief of Staff, United States Atlantic Fleet; the Director of Operations and subsequently Director of the Joint Staff. He became the 27th Chief of Naval Operations on July 21, 2000.

Admiral Clark's awards and decorations include the Defense Distinguished Service Medal (three awards), the Distinguished Service Medal (two awards), the Legion of Merit (three awards), the Defense Meritorious Service Medal, the Meritorious Service Medal (four awards), the Navy Commendation Medal, and various service and campaign awards.

Admiral Vern Clark has shown the highest level of commitment and devotion to his country. Today we recognize him for his unwavering patriotism and dedication to both his profession and the American people.

Mr. Speaker, please join me in honoring Admiral Vern Clark, the 27th Chief of Naval Operations, on his retirement from the United States Navy.

IN RECOGNITION OF CHIEF RON ACE FOR HIS 30 YEARS OF SERVICE TO THE CONCORD POLICE DEPARTMENT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, my colleague, Mrs. TAUSCHER and I, rise to pay tribute to Chief Ron Ace who is retiring from the City of Concord Police Department after 30 years of serving the residents of Concord and the entire region.

Ron Ace began his career in public service even before his work with the Concord Police Department when he served in the U.S. Marine Corps from 1967 to 1971. As a Marine, he served a tour of duty in Viet Nam in 1969, attached to a Huey Gunship helicopter squadron as a door-gunner.

Chief Ace began his distinguished career with the City of Concord Police Department in 1975, having previously served as a Deputy Sheriff with Alameda County. In 1985, Ron Ace was promoted to Police Sergeant. Ten years later he became a Lieutenant, and in 1998, he was promoted to Captain.

In 1999, Ron Ace was promoted to Police Chief for the City of Concord. As Chief, he has been instrumental in helping the Police Department become recognized throughout the country as a model law enforcement agency.

During his tenure, Chief Ace helped to develop and advance the Department's generalist model of community policing. This approach has worked to support collaboration among police officers, residents, and civic leaders to ensure the safety of residents and the individuals who work to protect the City. Chief Ace's efforts have resulted in an integrated philosophy of community policing that is visible throughout the entire community.

Chief Ace maintains membership in several peace officer associations and he is currently serving his second term as a Commissioner for the Commission on Accreditation for Law Enforcement Agencies.

Chief Ace's work and commitment to Concord has been recognized by the Association of California School Administrators and the Northern California Juvenile Officer's Association. He also received the Warrington Stokes Award for Child Abuse Prevention.

Ron Ace has lived in Concord with his wife Carol and daughter Susan for more than 25 years. As a resident, he has gone far and beyond his professional responsibilities and served as an outstanding member of the Concord community. He has been active in school activities, youth sports and community organizations.

For 30 years, Chief Ron Ace has served the Concord Police Department and surrounding community. His hard work has improved the safety of the City, the community as a whole, and ensured an enduring legacy of public service in Concord. Today, we are proud to commend him for his service to the community, his dedication to duty and his commitment to the people of Concord.

RECOGNIZING THE CONTRIBUTIONS OF ANGELA WILZ OF BISMARCK, ND

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. POMEROY. Mr. Speaker, a constituent of mine, Angela Wilz of Bismarck, North Dakota, has shown tremendous courage during a very challenging year for her family. When her husband—CPT Grant Wilz of North Dakota's 141st Engineer Combat Battalion—was deployed to Iraq in February of 2004, Angela was forced to face the challenges of parenting and managing a household without her partner. Though this is always a difficult task when a spouse is serving overseas, Angela's situation was especially demanding.

Angela took over her husband's responsibilities as administrator of a local retirement home, working overtime to help meet the needs of those charged to her care. On top of these professional duties, Angela continued to provide love and care to the couple's three children—including their oldest child who has special needs.

To make matters more challenging, Angela was diagnosed with thyroid cancer during her husband's tour of duty. After undergoing two surgeries, Angela began to experience complications—including temporary paralysis that resulted in hospitalization. Never one to feel sorry for herself, Angela prayed for her health to return so that she could continue to be there for her children.

Thankfully, Angela is on her way towards a full recovery and Captain Wilz is now back home in North Dakota, safe and sound.

The courage showed by the Wilz family is indicative of the sacrifices made by the husbands and wives of soldiers throughout our country's history. Whether their loved ones manned a battleship in the South Pacific, served in the sweltering jungle of Vietnam, or are currently performing dangerous duties in the sands of Iraq, it has been service members' spouses who provide love and care to anxious children and work long hours to make ends meet. Our nation's deeply felt gratitude goes out to all of our servicemen and women and their families who have endured so much on our behalf.

PAYING TRIBUTE TO KEITH AND RUTH SMILEY AND MOHONK CONSULTATIONS

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. HINCHEY. Mr. Speaker, I rise today to honor the memory of my departed friends Keith and Ruth Smiley, on the occasion of the 25th Anniversary of Mohonk Consultations. It is with great pleasure that I honor Keith and Ruth for their outstanding vision and their steadfast dedication to a more equitable and sustainable global community.

Keith Smiley was a good friend, who shared my enthusiasm for protecting and preserving the unique beauty of the Shawangunk Mountains. Keith's life reflected his Quaker upbringing. He treasured the world around him and sought to bring peace and social justice to people by promoting self-determination. He truly believed that all people had the innate right to be involved in the decisions that affected their day-to-day lives. However, the quality that made him special, and that I pay homage to today, was his ardent belief that these decisions, decisions on governing and development, must take into account their impact on the environment.

The idea of "consultations" had always been part of the Mohonk Mountain tradition and under Keith Smiley's leadership they were very successful. When the Mohonk Trust was formed in 1963, the Smileys were able to further their stewardship of the land as well as their goals of promoting international understanding and world peace through conferences and the exchange of ideas. After successfully hosting a gathering of environmental and international development groups for the Agency for International Development, Keith moved forward with his own dream for a unique environmental organization. Mohonk Consultations was officially incorporated in 1980. Since that time, the group has brought together the foremost leaders on the environment, the economy and other individuals seeking new, environmentally sound methods of getting things accomplished.

A tribute to Keith and his work would be incomplete without mentioning his wife, Ruth. Trained as a naturalist and horticulturist, she truly appreciated the sublime nature of her surroundings. What Keith brought to the table in discussion, Ruth brought through her photographs. She always had her camera ready to capture the beauty of the Mountains and was an eager participant in the numerous programs and nature walks sponsored at Mohonk. Together, Keith and Ruth had a holistic approach to life, the environment and to the world around them. Their vision lives on today through Mohonk Consultations.

Mr. Speaker, I am delighted to submit these remarks in honor of Keith and Ruth Smiley and in recognition of the 25th anniversary of Mohonk Consultations.

IN HONOR OF THE GROWER-SHIPPER ASSOCIATION OF CENTRAL CALIFORNIA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. FARR. Mr. Speaker, I rise today to honor an extraordinary organization based in my Central California district, the Grower-Shipper Association of Central California, on the occasion of its 75th anniversary. Initially formed in 1930 by a handful of growers and shippers to represent one commodity—iceberg lettuce, the GSA now includes over 300 members, spanning four Central Coast counties and representing dozens of commodities—virtually all vegetables, berries, mushrooms, and wine grapes. Through its long record of achievement, the Association has become the premier local representative of agriculture on the Central Coast.

For most of its first 50 years, the Association's work focused on the issue of labor. Today the GSA tackles an extensive workload including food safety and security, pest and plant disease prevention, control and eradication, land use in the agriculture/urban interface, water supply and distribution, market access and trade, agricultural research and education, government, legislative and regulatory affairs, worker safety and training, and labor and employment law.

While managing these increased challenges, the Grower-Shipper Association maintains a commitment to its members and community. Its mission statement declares "We are the local solution representing our members' agricultural needs." The Grower-Shipper Association lives up to this standard through education, representation, and advocacy. In 2003, GSA established the non-profit Grower-Shipper Association Foundation to further its support of the Central Coast agricultural community. Funds from the Foundation will allow the Association to significantly expand its support of educational, training, and other programs of service to the community.

The Grower-Shipper Association has made a substantial contribution to both the agriculture industry and the broader community of the Central Coast. The Association's achievements are a direct result of the leadership of its members, boards, and presidents, past and present. For 75 years the GSA organization has earned a reputation for integrity that honors the culture, companies, and employees of Central Coast agriculture that have made this region the most productive and innovative in the world. Mr. Speaker, it is truly an honor to recognize the Grower-Shipper Association of Central California.

NOAA VESSEL TIME CHARTER

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. YOUNG of Alaska. Mr. Speaker, beginning in Fiscal Year 2001 Congress began providing funds for a vessel time charter for the National Oceanic and Atmospheric Administration, NOAA, to use in addressing the critical hydrographic survey backlog. The vessel time charter added a third method of acquiring the data needed to update and improve the hydrographic charts of our nation's waterways. These charts are essential for our national security, defense and economy. NOAA now uses (1) its own hydrographic survey vessels, (2) data—contracts under the Brooks Act, and (3) a long-term, multi-year, vessel lease/charter of a private sector vessel with contract hydrographers.

The long-term vessel lease/charter, is now completing its first year of operation. I rise today to urge NOAA to reprogram funds to extend the current charter through the end of this calendar year. This extension will allow enough data to be gathered to determine whether the continued use of the time charter is cost effective, and competitive with other methods of acquiring hydrographic data. It will also keep the contract going long enough to determine if fiscal year 2006 funds are available for continued long term vessel charters. To emphasize the bipartisan importance of this issue, I ask that the May 31, 2005, letter to the NOAA Administrator that my good friend and colleague, NORM DICKS signed with me, be entered into the RECORD.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 31, 2005.

Vice Admiral CONRAD C. LAUTENBACHER, Jr.,
Undersecretary for Oceans and Atmosphere, National Oceanic and Atmospheric, Administration, Herbert Clark Hoover Building, Washington DC.

DEAR ADMIRAL LAUTENBACHER: As you are aware, the Nation faces a huge backlog of critical hydrographic survey work. To reduce this backlog, the National Oceanic and Atmospheric Administration (NOAA) had developed a three-pronged approach. NOAA is using 1) its own hydrographic survey vessels and personnel; 2) data acquisition contracts; and 3) a leased vessel staffed by contract hydrographers.

In fiscal years 2002 through 2005, Congress provided funding and specific direction to NOAA to enter into a multi-year vessel lease. After a lengthy bid process, the Military Sealift Command entered into a lease on NOAA's behalf that included a base year, and 4 one-year options. The first year of that lease will soon end, and unless it is extended this portion of the hydrographic surveying initiative will end. The bidders, including the winning bidder, based their bids on a 5-year lease period. Therefore, it was very disappointing to learn that NOAA does not intend to exercise even its first annual lease option, especially since NOAA appears to be satisfied with the work that has been done by the leased vessel.

We have requested that the Appropriations Committee include funding to continue the vessel lease program in fiscal year 2006. This will allow NOAA time to acquire and examine cost data on the lease to determine if vessel leasing is a cost effective method of acquiring hydrographic data. While this request is pending, we urge you to extend the vessel lease with the roughly $1.6 million remaining of the amounts already appropriated for that purpose. This will hold open the door to allow NOAA to exercise the first annual contract option if Congress appropriates vessel lease funds in Fiscal Year 2006.

Both Congress and NOAA deliberated long and hard before establishing the longterm vessel lease program as an additional method to reduce the survey backlog. Given the time and effort it has taken to get that program under way, it would be very inefficient for NOAA to kill the program this year, and then go through another multi-year contract bidding process starting next year. Therefore, we urge you to use the remaining funds to extend the vessel contract.

Thank you for your expeditious consideration of this request. We look forward to your prompt response.

Sincerely,

DON YOUNG,
Congressman for All Alaska.
NORMAN D. DICKS,
Member of Congress.

CELEBRATING THE 40TH ANNIVERSARY OF GARY JOB CORPS IN SAN MARCOS, TEXAS

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize Gary Job Corps for 40 years of successful service to the people of San Marcos, Texas.

Located on a campus of 1,000 acres at the former Gary Army Air Field, Gary Job Corps is the largest of 118 Job Corps campuses nation wide, enrolling nearly 2,000 young men and women. It represents the fulfillment of President Johnson's 1964 promise to develop a national job training program for youth, a promise he made while visiting the former Southwest Texas State University.

For 40 years, Gary Job Corps has been helping young men and women achieve their academic and professional dreams. In addition to providing vocational training for careers in the health occupations, business, computers, cooking, and numerous other industries, it has sent on its alumni to the student bodies of Texas State University, Alamo Community College, and other institutions of higher education.

Gary Job Corps has helped countless young Texans achieve their life goals, and has helped bring economic growth, educational achievement, and the promise of a better future to Central Texas. I am happy to have this opportunity to congratulate Gary Job Corps on the occasion of its 40th anniversary, and I wish all of its staff and students many more years of success.

WORLD REFUGEE DAY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. PAYNE. Mr. Speaker, I rise today, on World Refugee Day, to pay tribute to the indomitable spirit and courage of the world's refugees and internally displaced persons (IDP's), as well as the brave people who help them rebuild their lives. I recognize the generosity of the United States and its assistance to refugees. However, the next year promises to be a unique opportunity for the return of refugees, and in order to seize this opportunity, we must increase our investment in long-term development to make refugee returns durable. I also urge the Bush Administration government to do more to protect current refugees, resolve the conflicts that produce refugees, and prevent future refugee crises.

Among the most vulnerable groups of people in the world are those who are displaced, whether as a result of conflict, persecution or other human rights violations. Often losing everything but hope, refugees and IDP's are among the great survivors of our time. Initially, the fear that refugees and IDP's must overcome may be the immediate one of trying to escape the horrors of war and persecution, the pain of losing homes and loved ones, and the ordeal of flight. Refugees and IDP's deserve our respect—not just for enduring the dangers and violence of the crises that made them refugees—but also for the courage they show in rebuilding their lives and contributing to society in difficult or, unfamiliar circumstances. Albert Einstein, Victor Hugo, Congressman TOM LANTOS, Thabo Mbeki, Marlene Dietrich, and Paul Rusesabagina (of Hotel Rwanda fame) were all refugees whose phenomenal achievements earned the world's respect. Today's refugees are also heroes and deserve no less than our respect.

But giving our respect to refugees and IDP's—truly honoring their courage—requires much more than flattering rhetoric and pledges of solidarity. It requires us to look back at what the world has done well to assist refugees and IDP's. It also requires us to deepen our understanding of the perils and fears they continue to face. In addition, if we truly want to celebrate their courage, it means we must focus our attention on what still needs to be done to help them.

People have fled persecution from the moment in history when they began forming communities. The tradition of offering asylum began at almost the same time. And when nations began to develop an international conscience in the early 20th century, efforts to help refugees also spread across the globe. In 1921, Fridtjof Nansen was appointed as the first refugee High Commissioner of the League of Nations, the forerunner of the United Nations. The United Nations High Commission for Refugees (UNHCR) began as a small organization, with a three-year mandate to help resettle millions of European refugees who were still homeless in the aftermath of the Second World War. Since that time, the organization has continually expanded to meet the growing needs of refugees and other displaced people. In more than five decades, the agency has helped an estimated 50 million people restart their lives. Today, a staff of more than 6,000 people in more than 100 countries continues to help some 17 million persons in every corner of the world. Today I commend the outstanding, tireless work of the UNHCR. However, as a former high commissioner said, the fact that the world still finds a need for the UNHCR should serve as a sobering reminder of the international community's continuing failure to prevent prejudice, persecution, poverty and other root causes of conflict and displacement.

In our tribute to the world's refugees, it is important not to forget the internally displaced persons, or IDP's. Last week, during his first few days as the 10th U.N. High Commissioner for Refugees, António Guterres reminded the world that millions of internally displaced people are not currently being cared for. The internal displacement problem is one of the biggest neglected humanitarian problems that we face. The abstract term "internal displacement," created to distinguish IDP's from refugees, fails to convey the immense human suffering most internally displaced people are forced to undergo. The act of displacement itself often is accompanied by violence and the most serious human rights violations such as killings, torture, kidnappings and rape. IDP's are a very vulnerable category and most of them receive less assistance than refugees in camps. Whereas refugees have managed to cross borders to escape persecution, the internally displaced, for various reasons, are stuck within the same borders between which forces of violence and persecution continue to hunt them.

The number of people "of concern" to UNHCR, including IDP's, grew last year by over 2 million to 19.2 million. The increase was mainly the result of a rise in the numbers of internally displaced people and stateless persons to 7.6 million—up from 5.3 million at the end of 2003. Of the world's approximately 25 million IDP's, 13 million are in Africa. Sudan has the largest IDP population in the word, with between 5 and 6 million displaced persons. Sudan also is the country with the largest number of newly displaced persons in 2004 (about 1 million, mostly in Darfur, where a total of 2 million IDP's survive on a day-to-day basis). Sudan is followed by the Democratic Republic of the Congo with 2.3 million IDP's. In Colombia, Afro-Colombians continue to be caught in the crossfire between government troops and rebels. Afro-Colombians represent a disproportionate level of the country's IDP population of more than 2 million, which represents the world's third largest IDP population. Iraq and northern Uganda each have around 2 million IDP's.

Despite the scale of the worldwide internal displacement crisis, its destabilizing effects on regional security, and the vulnerabilities of many internally displaced populations, the U.S. and other members of the international community have been slow in addressing the issue. Refugees, usually far more visible, continue to receive a great deal more international attention, although their number is only about half that of IDP's. The IDP problem is a humanitarian challenge, as well as a challenge to peace-building and post-conflict recovery. For example, it will be extremely difficult to rebuild Sudan with millions of persons uprooted and on the move. As we see in the massive displacement crises of Colombia and Somalia, the U.S. and the rest of the international community are far from being capable of effectively responding to or preventing such emergencies. Due to the chronic under-funding of aid agencies by donor governments, the IDP problem will not likely see progress towards a solution any time soon. Unless we change this shameful status quo.

Today, I call on the Bush administration to take three specific steps to help the internally displaced. First, I call on the Bush administration to actively pressure countries that are using the global "war on terror" to justify brutal repression and the displacement of millions. In 2004, several governments continued or intensified anti-rebel military campaigns labeled "counter-terrorist" operations, which resulted in new internal displacements and prevented return, including in Chechnya (Russian Federation), Aceh (Indonesia), Colombia, northern Uganda and Nepal. Second, I call on the Bush administration to reexamine the effectiveness of U.S. bureaucratic structures that are intended to assist IDP's. Currently, the responsibility for assisting IDP's is shared between the State Department's Bureau of Population, Refugees and Migration and the U.S. Agency for International Development; however, this responsibility is poorly defined, suffers from lack of coherence, and is vulnerable to bureaucratic turf battles. Regarding IDP's, the relationship between PRM and USAID must be better defined in order to facilitate the creation of a more effective system to monitor and assist the internally displaced.

Finally, I call upon the Bush administration to set up a fund specifically intended to assist IDP's. IDP's continue to fall through the cracks in our handling of crises. Establishing such a fund—to be administered by the appropriate government agency—would serve as a first step toward not treating IDP's as an afterthought. It would also serve as a model to the international community that would facilitate an improvement in how we address the sad phenomenon of internal displacement. In summary, let us not neglect IDP's, for their struggle is often just as dangerous as that of refugees, and their courage also merits a tribute today, a tribute that translates to humanitarian action.

Today, the worldwide suffering of uprooted peoples continues. There are currently nearly 20 million refugees and other persons of concern to the UNHCR, the majority of whom are women and children. Afghans remain by far the biggest refugee group in the world at 2.1 million. In Sudan, the increase in refugees in 2004 accounted for the largest increase in the world. Sudan produced 125,000 new refugees, mostly people fleeing genocide in the Darfur region to neighboring Chad. The total number of Sudanese refugees world-wide rose to 731,000 in 2004, from 606,000 in 2003, an increase of 20 percent.

Recent trends give some room for guarded optimism. On June 17, the UNHCR reported that the global number of refugees fell 4 percent in 2004 to 9.2 million, the lowest total in almost a quarter of a century. Repatriations are also up. In 2004, a total of 1.5 million refugees repatriated voluntarily, an increase of some 400,000 over the previous year. The 2004 returns include 940,000 refugees who went back to Afghanistan and 194,000 who returned to Iraq. In addition, over the past few years, successful repatriation operations in Africa and the countries of former Yugoslavia have reduced significantly the number of people of concern to the UNHCR. In Burma, recent developments are providing a basis on which to plan for the eventual return of refugees in Thailand. Across the globe, resettlement continues expanding through the practice of group resettlement. The UNHCR, with support from the U.S., has succeeded in helping several million people begin new lives.

Despite the good news, though, numerous serious challenges remain. In the Democratic Republic of the Congo, the numbers of refugees increased by 2.4 percent, pushing the total number of Congolese refugees up to 462,000. In Northern Uganda the murderous Lord's Resistance Army continues to abduct thousands for use as soldiers and sex slaves. In Burundi, under pressure from Rwanda, the Burundi government recently announced that 10,000 Rwandan asylum seekers who had fled Rwanda since the beginning of April in fear of persecution over the 1994 genocide would not be granted asylum, despite not having been screened to see if they met the definition of a refugee. Already, at least 5,000 of the refugees have been returned to Rwanda, and because the UN was not granted access to the refugees, many fear they were forced to return. In Afghanistan, there is a need for more comprehensive solutions for Afghans still outside their country, and dialogue between the UNHCR and relevant governments and other stakeholders in the Afghanistan situation must continue. In addition, although a peace deal in January officially ended Sudan's north-south conflict, at least 7,500 people had fled into Uganda this year, and refugees and IDP's say that food distribution had stopped in camps inside Sudan.

Because of its long history of displacement, and since Africa Refugee Day corresponds with World Refugee Day in many countries, Africa merits special attention in this examination of refugees and IDP's. Africa hosts approximately 3 million refugees, about 30 percent of the world's total. Africa also hosts 13 million IDP's, or more than half of the world's total IDP population. In Africa today, return and reintegration opportunities abound if we can get the politics of peace right. There are an unprecedented number of repatriation and reintegration operations currently underway—particularly in Burundi, Liberia, Angola, the Democratic Republic of the Congo, Sierra Leone, and Somalia. In 2004, refugees from Liberia (100,000), Burundi (90,000), Angola (64,000), and the Democratic Republic of the Congo (30,000) returned to their countries in large numbers and the UNHCR started a program intended to help an additional 340,000 Liberians repatriate. In March 2004, the UNHCR took an important step to act on the improved prospects for the return home of millions of long-time refugees in Africa. The UNHCR launched its Dialogue on Voluntary Repatriation and Sustainable Reintegration in Africa. The Africa Dialogue calls on the international community to seize this unique opportunity for the return of up to 2 million refugees and several million displaced persons across the continent, and it stresses the need to invest in long-term development to make returns durable. Today, the Africa Dialogue continues to make progress; however, considerable challenges still lie ahead. Returns must be matched by post-conflict reconstruction and reintegration in order to break the cycle of violence and make repatriation sustainable. The populations of Burundi, the Democratic Republic of the Congo and Somalia all await the outcome of political negotiations, and the U.S. and the UNHCR must lend their support to these peace efforts while assisting the victims of conflict.

Of great concern, the genocide being perpetuated by the government of Sudan in that country's Darfur region has forced approximately 2 million Darfurians to become internally displaced. In addition, more than 200,000 Sudanese have fled Darfur and are now living in camps in neighboring Chad. For the UNHCR mission in eastern Chad, where 300 UNHCR staff assist a total of 213,000 refugees in 12 camps, the U.S. has given $18 million in 2005, or half of all donors' contributions. However, the UNHCR still lacks about $40 million to cover the 2005 needs-based budget.

Across the border from the camps in eastern Chad, the situation in Darfur is more dire. In Darfur, the mismatch between humanitarian capacity and human need grows more deadly by the day. The UNHCR Darfur mission has a total of 25 staff. The U.S. has provided no money for UNHCR operations in Darfur in 2005, although half the year has already passed. There is now a disgraceful $30 million shortfall from what the UNHCR needs in Darfur for 2005. The lack of security is still a tremendous problem, partly due to an increase in small arms trafficking. Government-recruited and armed Arab militias, also known as Janjaweed, continue to target civilians, and in April, rape, kidnapping, and banditry increased. Aid workers are still at great risk of being targeted. Due to the conflict and failed harvests, the food situation is serious. More than 3.5 million IDP's are in critical need of food and are running dangerously short of water. The World Food Program does not have what it needs to feed persons of concern past July. Local Sudanese officials are pressuring some IDP's to return to their villages, despite the constant threat of government-supported Janjaweed militias and other armed groups. Although the presence of the AU force in Darfur promises some protection, it will never be sufficient.

A country of concern that is often forgotten is Western Sahara, a swath of land in West Africa that lies along the Atlantic Ocean. In camps in Algeria, about 165,000 refugees from Western Sahara, a country that has been occupied illegally by Morocco since 1975, continue to live in "deplorable conditions," according to a recent report from UN Secretary General Kofi Annan. The government of Morocco has promised the people of Western Sahara, the Sahrawi, a vote to determine their own future. However, more than a decade later, that vote has yet to occur, and Morocco continues to disregard international law. No progress has been made in UN efforts to find a solution to the dispute between Morocco and the Sahrawis. The U.S. must put pressure on Morocco, not only to end the exile and suffering of Sahrawi refugees, but also to allow a free, fair and transparent referendum to determine the country's future and prevent the creation of more refugees.

Another source of concern is Tanzania. A generous host of refugees over the last 30 years, Tanzania continues to host Africa's largest number of refugees. However, recently, a troubling policy shift seems to have emerged, reflecting an increasingly harsh stance towards refugees. Local and national politicians are feeling increasing pressure from their constituencies due to the perception that refugees receive more attention and assistance than local communities and have in some cases publicly blamed them for crime and the spread of disease. In 2004, the government frequently did not provide protection against refoulement, the return of persons to a country where they feared persecution; on a number of occasions, the government refouled refugees and refused persons seeking asylum or refugee status. In addition, the government at times did not cooperate with the UNHCR during 2004. Although repatriations of Burundian refugees living in Tanzania continues, the U.S. and the international community must engage Tanzania regularly to ensure that the country does not turn its back on those in need, and on decades of humanitarian tradition. At the least, we must listen to Tanzania's concerns and explore options to provide more support to what has traditionally been the most hospitable country in Africa for refugees.

The best solution for refugees is voluntary repatriation, or going back to one's original homeland once all the key conditions are in place. However, for some people who fled their homes amid conflict and widespread human rights abuses, returning is still a distant prospect. For this reason, finding creative solutions for meeting the needs of refugees and the local populations that host them is critical. One example is the Zambian Initiative, a government-led "Development through Local Integration Project" established in 2002. The Zambian Initiative has promoted a holistic approach in addressing the needs of refugees and Zambians living in refugee hosting areas in the Western Province of Zambia. By facilitating cooperation between the host communities and the refugees, the UNHCR and the Zambian government have enabled the production of food and housing, thus alleviating the effects of a food deficit, poor infrastructure and limited access to services and economic opportunities. The presence of refugees can stretch local resources and infrastructure and exacerbate poverty. However, in Zambia, local development committees involve the local populations and refugees by identifying needs and projects in areas such as health and education. While voluntary repatriation of Angolan refugees continues, the Zambian Initiative has created a sense of ownership while pursuing durable solutions for refugees through local integration. We must commend and encourage this type of innovative approach to refugees and the pressure their presence can place on local populations. Let us use World Refugee Day to call for more such innovation, so that refugees will not be trapped in the same sad status quo.

The donor response to the Indian Ocean tsunami in December 2004 was admirable and generated unprecedented world-record contributions, thanks in part to the dramatic nature of the tsunami, its effects on numerous countries, and its timing, the day after Christmas. However, other humanitarian catastrophes, especially the needs of refugees and IDP's in Africa, remain virtually ignored. As UN Humanitarian Coordinator Jan Egeland has pointed out, in many ways, Africa has a silent tsunami several times each year. If you look at the numbers in Sudan or the Democratic Republic of the Congo, you see that the impact of conflict on refugees and IDP's is equivalent to a tsunami every few months. Today, we have an opportunity to honor the courage of refugees and IDP's by recognizing the magnitude of their suffering, but to do this we must act out of the same compassion that drove us to alleviate the suffering of the tsunami victims.

The UNHCR is working hard to resolve many of the protracted situations around the world. But it is a labor and resource-intensive endeavor, requiring sustained international attention and continuing donor support, including support from the United States. The same is true of UNHCR's advocacy efforts and its work to ensure a smooth transition from repatriation to reintegration, rehabilitation and reconstruction so that refugees can go home and stay home. The results show that an investment in solutions is a good investment indeed.

The U.S. has shown great hospitality and generosity in hosting and assisting refugees and other displaced people. In 2004, the U.S. welcomed 52,000 refugees from Africa, Asia, the Middle East, and Latin America. In absolute terms, the U.S. continues to be the leading donor to UNHCR and for humanitarian assistance to refugees world-wide. However, as a proportion of national wealth, the U.S. contribution to refugees and IDP's lags far behind most western countries. The persistent failure of donor government, including the U.S., to provide funding for relief efforts is the most critical flaw in the humanitarian aid process today. The UN Consolidated Appeal (CAP) is a collaborative assessment of the minimal financial commitment necessary to provide essential emergency assistance in humanitarian crises. Despite the CAP, all assistance programming is under-funded by almost 35 percent every year, leaving tens of millions of men, women, and children around the world to suffer needlessly. The recurring shortfall in financial assistance is not the only thing hindering our response to the refugee and IDP crises of the world. In the last five years, global food aid has dropped by nearly 50 percent, despite an 8 percent increase in the number of chronically hungry people in the world. In addition, funding delays continue to jeopardize the progress of emergency relief for refugees and IDP's. In Somalia in recent years for example, nearly 50 percent of all funds received for emergency assistance arrived in the last quarter of the year. And currently, reportedly due to bureaucratic delay, the U.S. has still not contributed any funds to the UNHCR operation in Darfur, although we are already in the second half of 2005.

The U.S. must act as a leader to address the persistent and damaging delays in funding for refugees and IDP's. If the U.S. wants to reform the UN and render the international donor community more effective, this is a good place to start. Therefore, I call on the Bush administration and other members of the international community to increase financial commitments to humanitarian appeals for refugees and IDP's. At the least, the international community should pledge to provide 75 percent of the aid requested in the CAP pledge in order to ensure that the most critical emergency relief programs remain funded.

Many prosperous countries with strong economies complain about the large number of asylum seekers and refugees, but they offer little to prevent refugee crises. Humanitarian action is of limited value if it does not form part of a wider strategic and political framework aimed at addressing the root causes of conflict. Experience has shown time and time again that humanitarian action alone cannot solve problems which are fundamentally political in nature. Yet all too often, humanitarian organizations like the UNHCR have found themselves isolated and alone in dangerous and difficult situations (such as Darfur), where they have had to operate without adequate financial and political support. Therefore, we must invest in lasting solutions: conflict prevention, return, and reintegration. We must support the UNHCR's efforts to ensure international protection and assistance to refugees and IDP's through a range of solutions, including improved management of operations. We must not demonstrate a lack of political commitment to solving refugee problems during the post-conflict phase, when the spotlight of the international media has moved away. We must more fully recognize the link between human displacement and international peace and security. History has shown that displacement is not only a consequence of conflicts; it can also cause conflict. Without human security, there can be no peace and stability. The U.S. must recognize the link between refugees and IDP's, on the one hand, and stability and the seeds of democracy on the other.

If we are to honor the courage of refugees and IDP's today, we must come together with the UNHCR, nongovernmental organizations, and other donor governments to actively pursue durable solutions. If we fail to do so, refugees and IDP's will remain in their miserable conditions—surviving on a handful of maize each day, living in immense boredom under windblown tents, and clinging to their hope amid memories of atrocities. On World Refugee Day and every other day, let us show the refugees and IDP's that we are with them. Having endured conflict, rape, abduction, trafficking, chronic hunger, squalor, and other unspeakable suffering, the courage of refugees and IDP's has been tested beyond what we can imagine. However, despite their courage, they remain vulnerable to the loss of hope. If we will allow them to lose hope, we allow them to lose courage. In our tribute to their indomitable courage, we must pledge never to let that happen. We must pledge to help them rebuild their lives today, to commit ourselves to long-term solutions, and to prevent the nightmare from reoccurring tomorrow.

AUTHORIZATION OF PARKINSON'S DISEASE RESEARCH EDUCATION AND CLINICAL CENTERS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. EVANS. Mr. Speaker, Parkinson's disease is a serious health problem in the United States. Up to 1.5 million Americans have the disease and approximately 60,000 new cases are diagnosed each year nationwide. By 2010, an estimated 39,000 veterans who are age 85 and older will have this progressive neurological disorder. Treatments exist for Parkinson's, but medical research continues to improve treatments and to find a cure.

The Department of Veterans Affairs (VA) took an important step in 2001 towards eradicating this disease by establishing Parkinson's Disease Research Education and Clinical Centers (PADRECCs). In addition to providing an unparalleled environment for researchers to see their results rapidly and directly applied to better patient care and shared with the medical and scientific community, these centers of excellence are the backbone that now enables the VA to provide excellent care to veterans with Parkinson's disease and to conduct research.

Through the PADRECCs and the National VA Parkinson's Disease Consortium—a network of nationally dispersed VA clinicians with expertise and/or interest in the fields of Parkinson's disease and related movement disorders—the VA is able to treat 42,000 veterans with Parkinson's disease.

Together the PADRECCs and the Consortium serve as a channel for collaboration and development in the areas of clinical care, scientific research and educational outreach. The collaborative efforts of the PADRECCs and Consortium provide veterans nationwide with integrated, expert medical care and access to the full spectrum of state-of-the-art diagnostic and therapeutic services to meet and exceed the standard of care.

In just a brief time since their inception, the six PADRECCs, which are based at the VA medical centers in Houston, West Los Angeles, Philadelphia, Portland-Seattle, Richmond and San Francisco, have made enormous contribution to Parkinson's disease care and research and training of health care professionals. The PADRECCs, including the VA hospitals in Albuquerque, has Vegas, Loma Linda and Long Beach, Calif., Phoenix, San Diego and Tucson, which are affiliated with the Southwestern PADREEC located at the West Los Angeles VA Medical Center put VA at the forefront of the landmark clinical study to assess the effectiveness of surgical implantation of deep brain stimulators in reducing the symptoms of the disease.

The efforts of the VA PADRECCs are the model of innovation in the delivery of healthcare and research for chronic disease in the veteran population. The efforts of the PADRECCs deserve continued support.

Today, I am proud to introduce H.R. 2959 along with Mr. BAKER of Louisiana, Mr. BOEHLERT of New York, Mr. UDALL of Colorado, Ms. MALONEY of New York, Mr. PICKERING of Mississippi, Ms. HOOLEY of Oregon, Mr. KING of New York, and Mr. BLUMENAUER of Oregon, which would permanently authorize these six PADRECCs. The Disabled American Veterans and Parkinson's Action Network support permanently authorizing the PADRECCs.

I urge my colleagues to support this bi-partisan bill which will benefit tens of thousands of veterans and provide additional hope for all Americans who have Parkinson's disease.

DISABLED AMERICAN VETERANS,
Washington, DC, June 17, 2005.

Hon. LANE EVANS,
Ranking Member, House Veterans' Affairs Committee, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE EVANS: The Disabled American Veterans supports your draft bill that would authorize the Department of Veterans Affairs (VA) to establish six Parkinson's Disease Research, Education and Clinical Centers. Currently, VA medical centers treat over 40,000 Parkinson's disease patients every year.

These centers would conduct research covering basic biomedicine, rehabilitation, health services delivery, and clinical trials to assess the effectiveness of treatments such as surgical implantation of deep brain stimulators in reducing the symptoms of Parkinson's disease. Furthermore, the establishment of a consortium would allow VA to design a national network of VA clinicians with expertise and interest in the fields of Parkinson's disease and related movement disorders. The collaboration and development in the areas of clinical care, scientific research, and educational outreach would ensure specialized care will be embedded throughout the continuum of care provided by the VA health care system.

Thank you for your efforts to improve VA's specialized medical programs for service connected disabled veterans, and thank you for your continued support of disabled veterans.

Sincerely,

JOSEPH A. VIOLANTE,
National Legislative Director.

PARKINSON'S ACTION NETWORK,
Washington, DC, June 16, 2005.

House of Representatives, Veterans' Affairs Committee, Cannon House Office Building, Washington, DC.

DEAR MEMBERS OF THE COMMITTEE: On behalf of the Parkinson's Action Network (PAN), I would like to express support for legislation that will be introduced by Rep. Lane Evans shortly that provides for the establishment of the Parkinson's Disease Research Education and Clinical Centers (PADRECCs) in the Veterans Health Administration of the Department of Veterans Affairs.

PAN is the unified education and advocacy voice of the Parkinson's community—more than one million Americans and their families. Through education and interaction with the Parkinson's community, scientists, lawmakers, opinion leaders, and the public, PAN leads the fight to ease the burden and find a cure. PAN increases awareness about Parkinson's disease and seeks federal support for Parkinson's research.

More than one million Americans have Parkinson's disease, with approximately 60,000 more diagnosed each year. As the disease progresses, patients are ultimately robbed of their ability to speak, walk, and perform many of the activities of daily life such as rising from a chair or rolling over in bed.

PADRECCs, as suggested by their name, are charged with conducting clinical and basic science research, administering national outreach and education programs, and providing state-of-the-art clinical care. These services, provided by the existing six PADRECCs, are vital not only to veterans, but to the entire community.

We firmly believe that patients, family members, and the general public should continue to have access to the invaluable services provided by the Parkinson's Disease Research, Education, and Clinical Centers. On this basis, PAN respectfully requests your support of this important legislation.

If you have any questions please feel free to contact me or Mary Richards, PAN Director of Government Relations at (202) 638-4101.

Sincerely,

AMY L. COMSTOCK,
Executive Director.

CONGRATULATING COMMERCE BANK AND PRESIDENT IGNACIO URRABAZO ON THE OPENING OF THEIR NEW HEADQUARTERS

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize Commerce Bank and President Ignacio Urrabazo on the opening of their new headquarters.

The headquarters will serve as the bank's primary location for the Laredo market. Commerce Bank is dedicated to providing convenient and superior services to its customers, even if that means traveling to a customers' place of business, or working far beyond a banker's traditional hours. Customers are known by their names, not by their account numbers. This personal attention allows services to be tailored to the specific needs of their clients.

Commerce Bank President and CEO Ignacio Urrabazo sees the expansion as part of a larger commitment to help accommodate the outstanding growth that Laredo is currently experiencing. Mr. Urrabazo supports a community-oriented banking approach, and is active in minority causes. In 1999, he co-founded Minbanc, a nonprofit organization which works to support and promote the continued success of minority-owned banks across America. Mr. Urrabazo also endeavors to encourage minority businesses in the oil and gas industries.

I am honored to recognize the Commerce Bank and its President Ignacio Urrabazo on the opening of their new headquarters in Laredo. The outstanding work put forth by the Commerce Bank and President Urrabazo helps foster Laredo's continued economic growth and success.

WORLD REFUGEE DAY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Ms. McCOLLUM of Minnesota. Mr. Speaker, I am very proud to represent in the U.S. Congress thousands and thousands of refugees who live in St. Paul and the East Metro area. Whether they are originally from East Asia, East Africa, Eastern Europe or Central America, Minnesota is now their home and we call them our neighbors, our co-workers and our friends.

The resettlement of refugees in Minnesota is a success story. We should all celebrate the economic, social and cultural contributions made over the past generation who found peace, hope and opportunity in Minnesota. For the refugees and the communities that welcomed them it has not always been easy, but it has worked and worked to the benefit of our state.

Let me acknowledge the state, county and local government officials as well as the staff and educators from our school districts who work so hard to get families settled and transitioned to life in Minnesota. Let me also thank the resettlement agencies, community based non-profits, the faith community and the many families and volunteers. This collective effort has kept the refugee resettlement experience positive for both new Minnesotans as well as long-time residents.

While today is a celebration of sorts, I do not want anyone here to forget that suffering also continues for the more than 19 million people around the world fleeing persecution. The fact that more than nine million people are refugees and almost eight million more are internally displaced inside their own country due to violence—while millions more are stateless or seeking asylum.

Earlier this year I traveled to Eastern Chad to visit refugees in camps along the border of Sudan's Darfur region. The men, women and children I met had escaped the horrors of mass murder, mass rape, the burning of their villages, the killing of their animals and the poisoning of their wells. These exhausted souls were the survivors a genocide that continues to go on today—at this very moment.

Just as Minnesota has been a refuge—a place of safe, I want to publicly commend the people of Chad, a very, very poor nation with difficult geography, little water and few resources, for providing nearly a million Sudanese survivors of genocide a safe place. In normal times the people of Chad have very little, now they are sharing what they have with the Darfur refugees.

In Darfur, at least 180,000 people have been killed, starved to death or died of disease because of the intentional campaign of cleansing by the militias sponsored by the government of Sudan. Tens of thousand of women and girls have been raped and tortured in this campaign of terror.

Inside Sudan almost 2 million people are displaced—driven from their homes. Let me praise the work that Hugh Parmer and his staff at the American Refugee Committee are doing to keep people alive in Sudan—they are true heroes.

In the camp I visited in Chad the women were exhausted, the children were restless and the men were few—most had been killed. The struggles of daily life were unimaginable—little water, little food, almost no shelter and only very limited health services. The trauma of escaping genocide, surviving rape, watching one's family be murdered is almost too much to comprehend. Yet, these brave souls fight on to care for their children, hope for the future and work together to make the most of every day.

The people of the U.S. are helping—and helping a lot. More than $1 billion in aid and emergency humanitarian relief has been provided to keep people alive. The courageous humanitarian workers who help deliver this relief take big risks and work tirelessly and they deserve both our praise and our prayers.

The crisis in Darfur is man-made, not some natural catastrophe. This is genocide—mass, planned murder of thousands. This is a horror. Ending the genocide in Darfur requires more than humanitarian aid—it requires the political will of nations—especially the United States willing to stand up and say these lives have value—this killing must be stopped. Every diplomatic, political, and if necessary—military tool—must be used to stop the killing.

This brings me to a disturbing and shameful recent episode. For all the good the U.S. has done with humanitarian relief for the victims of Darfur—our government also appears committed to working with the perpetrators of the genocide.

It was recently reported that in April of this year, a U.S. government jet owned by the CIA flew Major General Salah Abdullah Gosh—the head of Sudan's intelligence agency—to Washington for meetings with high level CIA officials. This was a reward for his government's work with the U.S. on the war on terrorism.

The government of Sudan is officially designated a "state sponsor of terrorism." The government of Sudan has participated in the murder and terrorizing of tens of thousands of their own citizens. The women and children I met in the refugee camps were victims of the Sudanese government's terror.

It is beyond my belief that a senior official complicit in this terror, this genocide could be jetted to Washington with our tax dollars to be commended for his "counter-terrorism" efforts. This episode is offensive, a slap in the face to every survivor of this horrible ethnic cleansing and is truly a betrayal of the value we share as Americans. A likely perpetrator of genocide should never be the dinner guest of our government.

As a superpower, as a free people, as a people who will generously reach out anywhere in the world to help people in need, we cannot be on the side of the victims and the murders at the same time. The terror the people of Darfur are experiencing every day must be the same War on Terror our Nation is fighting—those people's lives have value and it is wrong for the CIA or anyone else in Washington to sell them out.

Let me say in conclusion, that I respect and admire the courage, the determination and amazing spirit of the refugees I have had the privilege to meet and know—both in Minnesota and in Chad.

The struggle and journey to find peace, security, hope and opportunity is real for refugees and anyone forced to flee their home. This is exactly what all human beings seek in life. It is my hope and it will be my determined commitment to myself, the families I work for in Washington, and the women and children I met from Darfur, that our government work tirelessly to make sure there are fewer refugees, fewer displaced persons and much, much more peace, security, hope and opportunity over the next twenty-five years.

This is truly the world I hope we can build together.

INTRODUCTION OF THE TRUE REINVESTMENT FOR AMTRAK INFRASTRUCTURE IN THE 21ST CENTURY ACT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. MENENDEZ. Mr. Speaker, today I am pleased to be joined by Mr. NADLER and Ms. SCHWARTZ to introduce the True Reinvestment for Amtrak Infrastructure in the 21st Century Act, otherwise known as TRAIN–21, which would provide the true federal commitment to Amtrak that has been missing for too long.

Amtrak is currently under attack by people who don't recognize the tremendous benefits generated by intercity rail in this country. Not the billions of dollars generated in commerce, nor the thousands of businesses along the Northeast Corridor whose employees are dependent on Amtrak, nor the national security value of having an additional mode of transportation, nor the benefits to our environment by taking cars off the road. However, 25 million people did recognize those benefits and rode Amtrak in 2004, which was the 2nd straight year of record ridership.

Amtrak is crucial for more than just the businessmen who ride its trains along the Northeast Corridor. It is just as crucial for commuters who unknowingly are dependent on Amtrak's survival. Were Amtrak to go bankrupt, nearly 100,000 New Jersey commuters would be stranded, because over three-quarters of New Jersey Transit trains ride on track owned and maintained by Amtrak. And Amtrak is just as crucial for the people in rural Montana or Colorado, who depend on the train as their link to the national transportation system.

There is no question that Amtrak has its share of problems. But there are two ways to address Amtrak's problems. The first is what we've been doing: blame Amtrak, blame labor, and keep cutting until the system becomes profitable. This method has been a failure. Keeping Amtrak on a starvation budget means maintenance can't be performed, the system can't be improved, and service deteriorates. This path leads to certain bankruptcy and the elimination of intercity passenger rail service in this country.

The people who prefer this method of cutting funding and raising expectations seem to forget a few simple truths: First, the reason Amtrak was created in the first place was because the railroads were hemorrhaging money on passenger service and begged the government to take it off their hands. Second, public transportation is not profitable. No public transit system in the country covers its operating expenses with passenger fares, and virtually no intercity passenger rail systems in the world turn a profit, either. The trains that we admire in Europe are supported yearly by large government subsidies. Third, no form of transportation pays for itself, including highways. But we subsidize them because they improve the quality of our lives. And that's what transportation is about. It's not just getting from one place to another. It's about creating jobs, revitalizing neighborhoods, stimulating commerce, redeveloping underutilized land, and making us more secure.

That's why I'm introducing this legislation today that will put us on the other path towards solving Amtrak's problems: Actually giving it the funding it needs to be successful. That means addressing the huge backlog of deferred maintenance on the Northeast Corridor, and establishing new funding mechanisms to improve rail service throughout the country. This idea has been tried recently, with tremendous success. In California, for example, a serious investment into train service by the State since 1998 has resulted in a near tripling of ridership and a doubling of revenues. They accomplished this with a simple formula: run more trains, run them faster, and run them on time.

This legislation would take that model and build on it. It establishes a Federal/State matching program for passenger rail, similar to what we do for highways and transit, and it provides a stable funding source that's not dependent on annual appropriations. It does this by establishing an independent corporation, the Rail Infrastructure Finance Corporation, which will sell bonds and invest the proceeds in a way to provide for a steady stream of income. The Corporation will select rail projects approved for funding by the Secretary of Transportation, and provide 80 percent of the necessary money, with the State, or consortium of States, providing the other 20 percent. And the money will be distributed in the form of contract authority good for 6 years, so States will be able to make firm long-term plans.

The Corporation will be authorized to distribute $500 million in contract authority each year, with the bulk of that going to four corridors that have been identified by Amtrak as being "ready to go" for investment: A Southeast Corridor from Washington to Jacksonville; a Midwest Corridor radiating outwards from Chicago to Minneapolis, Detroit, and St. Louis; a Pacific Northwest Corridor from Eugene to Vancouver; and a California Corridor running along the Pacific coast and through the central valley. Contract authority will also be distributed to states with other federally-designated high-speed corridors, states with long-distance Amtrak trains only, and states not served by Amtrak at all.

The goals of this program are simple: run more trains, faster, and on-time. This does not require using exotic technologies, and it does not require massive new investments. This is just a simple shift of philosophy. Instead of trying to pare Amtrak down until it becomes profitable, which would have the inevitable result of leaving us with no trains at all, we will expand it and improve it so that people begin to ride Amtrak in ever increasing numbers.

In addition, the bill reauthorizes Amtrak at a level of $2 billion per year, the same level recently passed by the Transportation and Infrastructure Committee, which will go a long way towards addressing the $5 billion in backlogged maintenance on the Northeast Corridor.

Just as important is what this bill does not do. It does not put the burden of paying for trains onto the already over-burdened States. It does not cannibalize Amtrak into different companies. It does not mandate the elimination of long-distance routes. And it does not harm the essential labor protections that cover rail workers.

I have heard some people say that rail is the past. An obsolete mode of transportation for a bygone time. I strongly disagree. In fact, I believe that rail could be the mode of the future. With rising gas prices and overcrowded highways and airports, we need alternative ways to get around. This legislation firmly establishes a true national commitment to intercity rail, and put Amtrak on a path towards lasting success.

HONORING THE LIFE AND SERVICE OF SERGEANT ROBERTO ARIZOLA, JR.

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the life and service of Sergeant Roberto Arizola, Jr., who died serving his country as part of Operation Iraqi Freedom.

Sgt. Arizola died on June 8th, 2005 in Baghdad when an improvised explosive device detonated near his vehicle. He was assigned to the Army's 297th Military Intelligence Battalion, 513th Military Intelligence Brigade, of Fort Gordon, Georgia. Roberto was awarded the Army Achievement Medal in 2000 for his extraordinary performance in operations "Joint Endeavor" and "Joint Guard" in Bosnia-Herzegovina.

A superb soldier, Sgt. Arizola was an even better friend, husband, and father. Roberto was kind and loving, possessing a charismatic personality that brought joy to those lucky enough to share in his company.

Sgt. Arizola died a soldier, defending the lives of those unable to defend themselves. The father of a seven-year-old son, he died so that other families and other children might live. He gave up a safe life in a free country so that others might grow up in safety and freedom.

Sergeant Roberto Arizola gave his life to protect ordinary people from those who would do them harm. He leaves behind him an example of extraordinary service and courage. He died a hero, and he deserves the thanks of a grateful nation.

IN HONOR OF THE 30TH ANNIVERSARY OF IRRELEVANT WEEK

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. COX. Mr. Speaker, I rise today to pay tribute to Andy Stokes, this year's 255th National Football League draft pick. The final pick of the NFL draft is a position of tremendous honor in my hometown of Newport Beach, California. For the past 30 years, the NFL Underdog has been treated to a week-long celebration in his honor. This annual tradition of Irrelevant Week was founded by my friend Paul Salata as an occasion for "Doing Something Nice For No Reason." Irrelevant Week XXX, which commences today, will celebrate "Mr. Irrelevant" Andy Stokes, a tight end from William Penn University in Iowa, who was chosen by the New England Patriots as the final pick in the 2005 NFL draft.

Though Andy Stokes may have been the final pick for the Patriots, the St. George, Utah native will be number one in Newport Beach as we use this occasion to celebrate the NFL Underdog and to recognize all former "Mr. Irrelevants" from the past three decades. Among the highlighted events for Irrelevant Week XXX are a welcoming party, grand banquet, and activities at various Southern California resorts. The fun and games will include a football game with Mickey and Goofy at Disneyland, a tailgate party at Angel Stadium before the Angels vs. Dodgers baseball game, and a visit to Hollywood Park with other NFL alumni for a day of horse racing action.

This special anniversary Irrelevant Week also serves as an opportunity to pay tribute to its 30 years of service to our community. Though Irrelevant Week is a lighthearted affair, over the years it has helped to raise over one million dollars for charities that help youth in both the academic and athletic arenas. This year, at the behest of Newport Beach Fire Chief Tim Riley, who serves on the Irrelevant Week steering committee, Irrelevant Week will be sending 15 to 20 children to special camps designed to lend emotional support and friendship to child burn survivors. Other beneficiaries of Irrelevant Week XXX include Costa Mesa United and Orangewood Children's Home.

Irrelevant Week has long been recognized by the NFL, ESPN and others in the sports world because it is a celebration of the underdog. Moreover, Irrelevant Week provides an opportunity for sharing community spirit and providing support for children in need. On behalf of the United States House of Representatives, I would like to commend Paul Salata and his family for founding and carrying on the tradition of Irrelevant Week for the past 30 years. I also ask my colleagues to join me today in congratulating Andy Stokes on his selection as "Mr. Irrelevant" and wishing him the very best for a long and successful career in the National Football League.

THE POTENTIAL IMPACT OF ISRAELI DISENGAGEMENT ON U.S. INTERESTS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. BURTON of Indiana. Mr. Speaker, the death of PLO Chairman Yasser Arafat, the emergence of a new Palestinian leadership, and the government of Israel's proposed disengagement from Gaza and parts of the West Bank have created a high degree of optimism in the International Community that we are on the cusp of dramatic new openings in the Middle East peace process.

As a senior Member of the House International Relations Committee, I have watched the often turbulent goings on in the Middle East for a few years to say the least, and my experience tells me that our optimism should be tempered by the lessons of the past. In fact, I believe we should take a very cautious view of the current round of Israeli Palestinian peacemaking, particularly with regard to Israel's withdrawal from Gaza and parts of the West Bank.

I have met Israeli Prime Minister Ariel Sharon and I know that he is a fine man. I am sure he firmly believes that this "strategic retreat" from the Gaza Strip and four settlements in the West Bank is the best way to guarantee Israel's long-term security by allowing Israel to conserve and consolidate military and security resources, reducing opportunities for further friction with the Palestinians, and potentially reducing pressure on Israel to negotiate a final peace settlement on unfavorable terms. Personally, I will not second guess the Prime Minister's wisdom; I very much hope that he is right. But again, my experience tells me that if you take steps to appease an enemy you only give him a green light to put more pressure on you. In my opinion, it is imperative and critical to U.S. National Security that we as policymakers understand the consequences should the Israeli disengagement plan fail to live up to expectations.

I was recently presented a copy of an interesting opinion piece by Ambassador Yoram Ettinger—former Minister for Congressional Affairs at Israel's Embassy in Washington, Israeli Consul General in Houston, and Director of Israel's Government Press Office; and currently editor of "Straight from the Jerusalem Cloakroom and Boardroom" newsletters—regarding the potential consequences of ceding Israeli territory to terrorists. I would like to have the text of this Op-Ed placed into the CONGRESSIONAL RECORD following my statement.

[May 26, 2005]

JERUSALEM CLOAKROOM #178: THE IMPACT OF DISENGAGEMENT ON U.S. INTERESTS

(By Yoram Ettinger)

1. Escalated Terrorism. The morally/strategically justifiable demolition of terror regimes in Iraq and Afghanistan is inconsistent with the creation/bolstering of a terror regime in Gaza, Judea and Samaria. The 1994–6 series of disengagement from 85 percent and 40 percent of the territory (and 100 percent and 95 percent of the population) of

Gaza and Judea and Samaria have established the largest terrorist base in the world, led/harbored by PLO/PA graduates of terrorist camps in Iraq, Yemen, Sudan, Lebanon, Syria, Libya and Tunisia. Since 1993 the PA has harbored anti-U.S. terrorists. U.S. GIs in Afghanistan and Iraq were encountered by Palestinian terrorists.

2. Higher U.S. Terror Casualties. The July 2000 disengagement from Southern Lebanon propelled Hizbullah from a local, to a regional, profile, haunting U.S. GIs in Iraq and Afghanistan and threatening U.S. homeland security.

3. Contradicting U.S. War on Terrorism. Disengagement is perceived, by the Mideast, as cut and run, appeasement and cave-in, in sharp contrast to U.S. war on terrorism: No negotiation with—and no concession to—terrorists; no ceasefire with—but destruction of—terrorist regimes; no political—but military—solution to terrorism.

4. Setback to Peace. The only peace attainable in the (inter-Arab) Mideast is deterrence-driven peace. Disengagement undermines deterrence; hence it sets the area farther from peace and closer to exacerbated terrorism and an all out war. Every square inch ceded by Israel to the PA, since the 1994 disengagement, has been transformed into a platform of hate-education and homicide bombing.

5. Tailwind to Anti-U.S. Terrorists. While the 1976 Israeli Entebbe Operation constituted a tailwind to the U.S. war on terrorism, the 1993–2005 retreat by the role-model of countering terrorism (Israel) in face of the role-model of terrorism (PLO/PA) has added more fuel to the fire of terrorism. Disengagement has been heralded by the PLO/PA and other Arabs as a crucial victory, frequently compared to the U.S. flight from Beirut (1983) and Somalia (1993). It would nurture Arab hope that neither the U.S. nor Israel possess a marathon-like steadfastness, required for a long-term victory.

6. PA Feeds Anti-U.S. Terrorism. A correlation has existed between the bolstering of PLO stock since Oslo 1993 on one hand, and the exacerbation of anti-U.S. terrorism on the other hand (since the 1993 Twin Towers I, through the 1995 Khobar Towers, the 1998 Kenya and Tanzania U.S. embassies, the 2000 USS Cole and 2001 Twin Towers II); the wider the maneuverability of the PLO/PA, the deeper the inspiration to regional anti-U.S. terrorism, irrespective of (and probably due to) U.S. and Israeli appeasement of—and unprecedented concessions to—the PLO/PA.

7. Undermining the Stability of Pro-U.S. Regimes (e.g. Jordan, Kuwait, Oman, Qatar, etc.). Disengagement would enhance the profile of the PLO/PA, a lethal threat to the Hashemite regime and a chief ally of radical regimes in the Mideast and beyond. PLO-Hashemite relations have been a classic case of zero-sumgame: The stronger the PLO the weaker the Hashemites. The rise of the PLO/PA has emboldened subversive anti-U.S. terrorists in Jordan and in the Gulf area.

8. Strengthening Anti-U.S. Mideast Regimes. Disengagement would buttress the PLO/PA, which has been a sustained ally of the Saddam and bin Laden forces, of Khomeini and his successors in Iran, of the terror regime in Sudan and other anti-U.S. Mideast regimes. A stronger PA would be a liability—to the U.S.—in the U.N. and in the context of Clash of Civilizations.

9. Invigorating Mideast Profile of U.S. Global Rivals. The strengthening of the PLO/PA would facilitate the road to a re-assertive Russia in the Mideast. It would improve the strategic posture of China and North Korea in the region, at the expense of vital U.S. concerns, including U.S. standard of living.

10. Ignoring Plight of Christians. The 1995 disengagement from Bethlehem and Beit Jallah has accelerated the flight of Christians, caused by PLO/PA oppression and desecration of churches.

11. Setback to Mideast Democratization. Disengagement would promote the most corrupt and repressive Arab regime in the Mideast, rewarding a terrorist regime, thus dealing a blow to moderate Palestinians.

12. Undermining Israel-Egypt Peace. The 1979 peace treaty disengaged Israeli and Egyptian military forces from one another. The Plan of Disengagement would reengage them in a terror-ridden area, thus fueling unintentional and intentional confrontations. It could drag the U.S. unnecessarily into such conflict. Egypt has facilitated/tolerated the smuggling of terror hardware, missiles and mortars into Gaza. It has undermined U.S. interests in Africa, in the Red Sea and in the U.N., and it has spearheaded anti-Jewish Arab/Palestinian hate education (PA hate education employs Egyptian school text books).

13. PLO's Track Record of Inter-Arab Treachery. Abu Mazen Abu Ala', Inc. fled Egypt (late 1950s) for subversive activities. They escaped Syria (1966) for betraying their hosts. They were expelled from Jordan for attempting to topple the Hashemite regimes via terrorism. They exacerbated a series of civil wars in Lebanon since 1975. They spearheaded Saddam's invasion of Kuwait (1990), which hosted them since the 1950s. Their systematic violent violation of the 1993 Oslo Accords have been consistent with their inter-Arab back-stabbing. Disengagement would be viewed—by the PLO/PA as a reward to treachery, which would vindicate the aforementioned track record.

HONORING ARMY PRIVATE FIRST CLASS JOHN HAROLD BERG

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. MANZULLO. Mr. Speaker, last month, I had the honor and privilege of attending the annual Memorial Day Vietnam Wall observance, in which one of my constituents and friends, the late Army PFC John Harold Berg of Rockford, Illinois, was honored for his service to our country. John was gravely injured in Vietnam, but he passed up his 100 percent disability status when he returned because he wanted to help others. Despite a host of serious medical issues, John served as a veterans representative for 25 years at the Illinois Department of Employment Security before he died in 2003 from cancer caused by shrapnel lodged in his brain from his Vietnam injury. On Memorial Day, I sat with John's widow, Lynn, and several of John's friends as his name was one of just four this year officially added to the Vietnam Wall. It was a remarkable day for a remarkable man. I have attached a newspaper article written by Judy Emerson of the Rockford Register Star that describes John's contributions and his character perfectly:

ADDING SOLDIERS TO THE WALL

One hundred years from now, someone will read the name "John H. Berg" cut into black granite on The Wall in Washington, D.C., and they will assume he died in Vietnam in the spring of 1968. Berg was fatally wounded April 7, 1968, in combat near Khe Sahn, but it took him 37½ years to die. When he did, on Oct. 10, 2003, it was in his rural Rockford home surrounded by family. But the Vietnam War took his life, just as surely as if he had died that spring day long ago as he lay in the dirt with blood streaming from the hole in his skull. Medics postponed his death that day. Military doctors patched him up as well as they could and sent him home to Rockford with a plate covering the hole in his skull and shrapnel still embedded in his brain.

He dragged his left leg, and his left hand was useless. He slurred his words. Back in Rockford, he couldn't find a job. A talented musician, he was bitterly disappointed that he couldn't play piano, organ, violin and guitar, as he once did. But he went to college. He re-learned how to play his instruments with only his right hand and arm. He sought the company of other Vietnam veterans who understood the struggle. He found a job that gave him purpose. For 25 years, he was a veterans representative at the Illinois Department of Employment Security. Over the years, he helped thousands of veterans find jobs and get benefits to which they were entitled. Many were disabled, as he was.

In 2002, doctors found the tumor growing under the plate in Berg's head. His widow, Lynn Berg, said doctors found shrapnel when they tried to carve away the tumor and buy her husband a little more time. Even fighting the relentless growth of a malignant tumor, Berg continued to work. He lived longer than anybody expected.

When he died, his buddies at VietNow, which he'd helped to start, began the process to have his name added to The Wall, the Vietnam Memorial in Washington. The Department of Defense concluded that Berg's fatal wound was incurred in Vietnam in 1968 and that he qualified to have his name listed on the memorial. And so, Berg's name was carved on The Wall earlier this month. A small diamond after the name signifies a confirmed combat death. His name was placed as close as possible to those of other soldiers who suffered their fatal injuries on the same day. The thinking is that they should be together. His father, 86-year-old Harold John Berg, said that the memorial was waiting for his son, despite the 37½-year reprieve from death. "We saw the wall once," the elder Berg said. "And now we go the rest of the way. He's on it." John H. Berg of Rockford was fatally wounded in Vietnam April 7, 1968. He died Oct. 10, 2003. What he did in between is the story.

TALENTED BOY

Harold Berg was a machinist and inspector who retired from Camcar years ago. His health is poor but his memory and spirits are good. His wife, 80-year-old Vergene, has Alzheimer's disease. They spend their days in side-by-side hospital beds in the Cherry Valley home of their daughter Hilary Belcher, who cares for them. Her husband, Nick, and 9-year-old daughter, Chenoa, help.

Young John Berg wanted to be a musician. His mother was a long-time organist for their church, and her firstborn son also played the organ, as well as piano, violin and guitar. A 1965 graduate of East High School, John took some classes at Rock Valley College until he was drafted in the summer of 1967. "We tried to talk him into going into the Air Force, but he thought he'd get this over with in two years," his dad said. By January 1968, 20-year-old John was in Vietnam. His early letters home to his parents, three younger sisters and a brother revealed a diminishing innocence as reality and the futility of the mission sank in. "I only hope this year goes fast and I come back in one piece," he wrote two weeks before his injury.

His wife, Lynn, said John could remember what happened during the firefight on April 7, 1968, up until he was wounded. He was feeding an ammunition belt into a machine gun being fired by another soldier when he turned to dive for cover from incoming mortar. It's still unclear whether he was shot in the head or hit by shrapnel or both. He was unconscious or semiconscious for weeks. The Western Union telegram arrived early one weekday morning as Harold Berg was getting ready for work. "Deep regret . . . very seriously ill list . . . penetrating fragment wound to the head." Vergene couldn't stop crying. Hilary Belcher, who's 15 years younger than John, doesn't remember too much about the time, except that her parents were distraught.

The telegrams kept coming with updates on her brother's condition, and after John was transferred to a hospital in Denver, Colo., the family drove out there to see him. "I remember walking down a long hallway and doorway after doorway, there were all these men with holes in their heads, just like John," Belcher said. "We took him out for a while. You could hardly understand him when he talked." Months later, when he came home, she said, "I ran out to him saying 'John's home! John's home!' He screamed. He thought I was going to knock him down. "I used to run to him and he'd throw me up in the air." There was plenty of trauma to go around.

"Those first eight years, he was very angry," Belcher said. "When you get a head injury, it changes your whole personality." John was bitter that he couldn't play his instruments. His disability was obvious, and nobody would hire him. "It took him years to find a job. He even applied to a gas station to pump gas, but they told him, 'You only have one hand,' " Belcher said. He decided to go back to Rock Valley College. There, he met Reuben Johnson, dean of community services and the producer and founder of Starlight Theatre. Johnson helped Berg learn to play the piano, organ, guitar and violin with one hand.

It was a turning point, as was the job Berg landed in July 1977 as a veterans representative at the Illinois Department of Employment Security. He was good at it, said Jack Snyder, who also is a disabled Vietnam veteran. The two men worked together at the department for close to 25 years. "I've never seen a person give sc much heart and caring to his job as John did," Snyder said. "We had guys coming in who were basically homeless. He would take them home until they got on their feet. "I've seen him cry at his desk over some of these situations, over the misuse and abuse the military has given some of these people."

Berg often referred clients to the Winnebago County Veterans Assistance office in Memorial Hall. Herbert L. Crenshaw, also a Vietnam veteran, works there. He and Berg worked together to get help for thousands of vets over the years, he said. "He worked with this office to get veterans back on their feet, to get jobs, get assistance," Crenshaw said. "He had walked in their shoes. He had the same difficulties and disabilities they had."

Berg, like many of his clients, had a full disability designation from the Department of Veterans Affairs. "He could have sat home and drawn a disability," Crenshaw said. "He chose to work." Berg had a network that he could use to get practical assistance for veterans and offer them moral support. He helped found VietNow, a support group for Vietnam veterans that started in Rockford and then became a national organization. It still thrives.

Nick Parnello, one of the original VietNow members and now president of the Vietnam Veterans Honor Society, said John was "the only guy that always showed up" at the early meetings. "Some of the guys felt that we should give up because there were so few of us back then," Parnello said. "But if John could show up in his disabled condition, it was an inspiration to all of us. "Everybody he came in contact with was changed because of his commitment to them."

MARRIAGE AND FAMILY

In November 1991, Berg met Lynn Walquist of Rockford. Her daughter and son-in-law, who knew Berg through mutual acquaintances in the veterans circle, fixed them up. "I've got four kids—two in college—and all these animals," recalled Lynn, who's always had a cat and at least one dog. "What's wrong with him?"

The kids always had rock music blaring when Berg came to pick her up for a date. "He said, 'Do you ever listen to classical music?' " she said, she didn't. He taught her to love it as he did. Lynn's scrapbook holds tickets from concerts they attended at the Lyric Opera in Chicago and elsewhere. By then, Berg could make music on the piano and other instruments with one hand. He sang with the Rock Valley Chorale and with a Mendelssohn Club group. They fell in love and were married April 25, 1992. "It was the best day of our lives," Lynn Berg said. "He told me: 'I'll never say no to you,' and he kept his promise."

Over the years they attended VietNow conventions and events. She became active as an "associate," which is what veterans' spouses are called in the group. "He always said that he felt very fortunate. He was only in Vietnam for three months," Lynn Berg said. "The others who had been there longer were the ones who came back with so many problems." His friends became her friends. Her children and grandchildren were his.

He's smiling in every picture his wife has in her numerous photo albums. But it would be a mistake to say Berg's transformation from an angry young man to a person with purpose and a zest for living was easy, said his sister, Hilary Belcher. "He had to grow into a new personality and lifestyle and everything," Belcher said. "He was gung-ho when he went into the service, and then he lost it and he got angry. "But he got through it, and his gung ho came back."

Retired U.S. Army Col. Fremont Piercefield knew Berg well from their mutual work in various organizations, including the VFW, Disabled American Veterans and the Winnebago County Veterans Association. "He was the gentlest, kindest man," the colonel said. "He was there when you expected him and when you needed him." He was the same way on the home front, his wife said. He took care of the house and the cars and the lawn, but he also taught her how to do those things. She needs to know them now that he's gone.

He would see a need and answer it before other people noticed, she said. For instance, he was concerned that one of her daughters was in danger walking from the library back to her dorm at Northern Illinois University after using a computer late at night. He bought her a computer for her room.

There were health issues over the years. Berg took medication to deal with headaches and seizures that came with the head injury. He learned to compensate for the partial paralysis of his left side and minimized the limp. He never regained use of his left hand. It looked just as it did when he was 20 years old, his wife and sister said, as if it had been frozen in time the day he was injured.

THE END OF SOMETHING

In May of 2002, Berg began having excruciating, debilitating headaches and more frequent seizures, his wife said. Brain scans showed bright spots of shrapnel but the brain tumor was not detected for a couple of months. He had surgery, but the tumor was malignant, and doctors indicated it was just a matter of time. Lynn Berg remembers one doctor predicting John had about nine months. He exceeded that by about seven months. VietNow treasurer and good friend Darrell Gilgan visited Berg as he was recuperating from the surgery in a Beloit nursing home.

Berg's radio was missing one day and Gilgan asked him about it. "He gave it to the guy in the next bed, a B–17 pilot during World War II," Gilgan said. "He was like that." Berg continued to work as much as he could, but the tumor was growing again and the pain was awful, his wife said. During his last months, she cared for him at their home, with help from the Northern Illinois Hospice Association. He died Oct. 10, 2003. A few months later, Gilgan began the paperwork necessary to have Berg considered for addition to the Vietnam Memorial. The key element in Berg's favor was that the Department of Veterans Affairs had determined that his death was a result of the combat injury in 1968.

Gilgan sent a letter to U.S. Rep. Don Manzullo, R-Egan, who sent it through the proper military channels. "I had known John for years," said Manzullo, who will sit with Berg's family at a Memorial Day ceremony Monday at The Wall. "Here is a guy who could have given up, but he refused to accept the fact that people told him he was 100 percent disabled. "He went to work to serve as a witness and an example to people who are severely disabled."

Some friends and family have traveled from the Rockford area to join Lynn Berg at the ceremony, which will include a special remembrance for her husband and three other veterans whose names have been added on The Wall. John Berg's parents are not well enough to go. His dad wishes he could, though. "It's an end to something, I guess," Harold Berg said. "He just got an extension on his death." That sad morning when the telegram came so many years ago and the day his son died all those years later occupy the same place of grief in his heart. "We hoped the day would never come," his dad said, "but then we found out he wasn't going to make it, after all."

HUMAN RIGHTS IN VIETNAM

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. SMITH of New Jersey. Mr. Speaker, today in the Subcommittee on Africa, Global Human Rights and Africa, I chaired a timely and critical hearing that examined the government of Vietnam's respect for human rights and religious freedom.

Our witnesses included Ms. Nina Shea, Vice Chair, U.S. Commission on International Religious Freedom; Ms. Minky Worden, Media Director, Human Rights Watch; Ms. Helen Ngo, Chairwoman Committee for Religious Freedom in Vietnam; Dr. Nguyen Than, Executive Director, Boat People S.O.S.; Mr. Vo Van Ai, President, Vietnam Committee on Human Rights; Mr. Y Khim Nie, Executive Director, Montagnard Human Rights Organization. The excellent testimony these witnesses provided can be found online (http://wwwc.house.gov/international_relations/)

Before I report on the human rights crisis in Vietnam, let me say at the outset, Mr. Speaker, that I remain deeply concerned about obtaining a full, thorough and responsible accounting of the remaining American MIAs from the Vietnam conflict. As my colleagues know well, of the 2,583 POW/MIAs who were unaccounted for—Vietnam, 1,921; Laos, 569; Cambodia, 83; and China, 10—just under 1,400 remain unaccounted for in Vietnam. While the joint POW/MIA accounting command normally conducts four joint field activities per year in Vietnam, I remain deeply concerned that the government of Vietnam could be more forthcoming and transparent in providing the fullest accounting. It is our sacred duty to the families of the missing that we never forget and never cease our pursuit until we achieve the fullest possible accounting of our MIAs.

Today's hearing on human rights abuses in Vietnam must be reviewed in the context of the official visit this week to Washington by Vietnamese Prime Minister Phan Van Khai. Designed to mark 10 years of diplomatic relations between the United States and Vietnam, the visit is the highest-level since the end of the Vietnam War. Khai will meet with President Bush and Secretary of Defense Rumsfeld, conclude intelligence agreements on terrorism and transnational crime, as well as begin IMET military cooperation, meet with Microsoft chairman Bill Gates, and ring the bell on the floor of the New York Stock Exchange.

Vietnam hopes to gain U.S. support to join the World Trade Organization this year. Trade with the United States has exploded in the past decade, from $1.5 billion to $6.4 billion in 2004. Vietnamese exports to the United States have also jumped from $800 million in 2001 to $5 billion last year.

An outside observer looking at all of this activity would in all likelihood conclude that Vietnam is a close business and political partner of the United States in Asia. And that observer, if asked, would also likely deduce that in order to cooperate so closely, Vietnam must also share the core values of the United States that make our country great. Values such as the promotion of democracy, respect for human rights, and the protection of religious freedom, free speech, and the rights of minorities.

A quick look at the State Department's annual Human Rights report on Vietnam, however, reveals the opposite. According to the 2004 report released just three months ago:

> "Vietnam is a one-party state, ruled and controlled by the Communist Party of Vietnam (CPV). . . . The Government's human rights record remained poor, and it continued to commit serious abuses. The Government continued to deny citizens the right to change their government. Several sources reported that security forces shot, detained, beat, and were responsible for the disappearances of persons during the year. Police also reportedly sometimes beat suspects during arrests, detention, and interrogation. . . . The Government continued to hold political and religious prisoners. . . . The Government significantly restricted freedom of speech, freedom of the press, freedom of assembly, and freedom of association. . . . Security forces continued to enforce restrictions on public gatherings and travel in some parts of the country, particularly in the Central Highlands and the Northwest Highlands. The Government prohibited independent political, labor, and social organizations. . . . The Government restricted freedom of religion and prohibited the operation of unregistered religious organizations. Participants in unregistered organizations faced harassment as well as possible detention and imprisonment. The Government imposed limits on freedom of movement of some individuals whom it deemed a threat. The Government did not permit human rights organizations to form or operate.

Moreover, in September 2004, the State Department designated Vietnam as a "Country of Particular Concern" or "CPC" for its systematic, ongoing, egregious violations of religious freedom.

Congress has also expressed its grave concern about the state of human rights in Vietnam. The House of Representatives has twice passed legislation authored by me on human rights in Vietnam. H.R. 1587, The Vietnam Human Rights Act of 2004, passed the House by a 323–45 vote in July of 2004. A similar measure passed by a 410–1 landslide in the House in 2001. The measures called for limiting further increases of non-humanitarian U.S. aid from being provided to Vietnam if certain human rights provisions were not met, and authorized funding to overcome the jamming of Radio Free Asia and funding to support non-governmental organizations which promote human rights and democratic change in Vietnam. Regrettably, both bills stalled in Senate committees and have not been enacted into law.

I regret that no one from the State Department was available to participate in today's hearing to explain the incongruity of United States support for the government of Vietnam, as expressed in our close and growing-ever-closer trade and military relations, and U.S. concern for the appalling lack of respect for the basic human rights of its citizens that the Vietnamese government has consistently demonstrated.

The Human Rights Reports, the Report on International Religious Freedom, the Trafficking in Persons Report, the reports of leading international human rights organizations, and countless witnesses, some of whose testimonies were provided today, give evidence to the fact that the government of Vietnam has inflicted and continues to inflict terrible suffering on countless people.

It is a regime that arrests and imprisons writers, scientists, academics, religious leaders and even veteran communists in their own homes, and lately in Internet cafes, for speaking out for freedom and against corruption. In fact, the comments I am making right now would easily fetch me a 15-year prison sentence replete with torture if I were a Vietnamese national or Member of Parliament making these comments in Vietnam.

It is a government that crushes thousands of Montagnard protestors, as they did in the Central Highlands during Easter weekend in 2004, killing and beating many peaceful protestors.

The government has forcibly closed over 400 Christian churches in the Central Highlands, and the government continues to force tens of thousands of Christians to renounce their faith. I would note here that it is inspiring but not unexpected that many of these Christians have steadfastly resisted those pressures and refused to renounce Christ. One pastor estimated that 90 percent have refused to renounce their Christian faith, despite government efforts to compel them to do so.

This is a government that has detained the leadership of the Unified Buddhist Church of Vietnam and continues to attempt to control the leadership of the Catholic Church.

This is a government that imprisoned a Catholic priest by the name of Father Ly and meted out a 10-year prison sentence. Father Ly was imprisoned in 2001 when he was arrested after submitting testimony to a hearing of the United States Commission on International Religious Freedom. In his testimony, he criticized the communist government of Vietnam for its policies of repressing religious freedom. In fact, I was the author of H. Con. Res. 378, which called for the immediate release of Father Ly and cleared Congress 424–1 on May 12, 2004.

Thankfully Father Ly, along with Dr. Nguyen Dan Que, were released from prison earlier this year, in all likelihood due to the pressure from the United States with its CPC designation.

Their release was part of a process called for in the 1998 International Religious Freedom Act, which I cosponsored, which mandates that the U.S. government engage in dialogue with severe violators of religious freedom to improve conditions or face "Presidential actions," which could include sanctions or withdrawal of non-humanitarian assistance.

The Vietnamese government also took some other positive steps in response to the CPC designation, including a new law streamlining the application process for religious groups registering with the government and prime ministerial directives which prohibit forced renunciations of faith and allow Protestant "house churches" in ethnic minority provinces to operate if they renounce connections to certain expatriate groups, particularly the Montagnard Foundation, which is based in the United States.

And in May, the State Department announced it had reached an agreement on religious freedom with Vietnam. Under the agreement, the Vietnamese government committed to:

> Fully implement the new legislation on religious freedom and to render previous contradictory regulations obsolete;
>
> Instruct local authorities to strictly and completely adhere to the new legislation and ensure their compliance;
>
> Facilitate the process by which religious congregations are able to open houses of worship; and
>
> Give special consideration to prisoners and cases of concern raised by the United States during the granting of prisoner amnesties.

Time will tell whether the government will respect this agreement and comply with its provisions, or whether there will be a return to business as usual once the spotlight is removed. But the agreement does shows that the provisions of the International Religious Freedom Act seem to be helping to improve the respect for religious freedom in some of the worst violator countries.

The more important point is that religious freedom is not a matter of compliance with an agreement, but an attitude of respect for citizens who choose to worship and peacefully practice their religious beliefs that extends from the highest government leaders down to local authorities and the village police.

In a recent interview given prior to his visit to the United States, Prime Minister Khai stated, "we have no prisoners of conscience in Vietnam," and declared that "political reforms and economic reforms should be closely harmonized."

His statement is typical of the attitude of the government of Vietnam, which has scoffed at the Vietnam Human Rights Act and dismissed charges of human rights abuses, pleading the tired mantra of interference in the internal affairs of their government and that our struggle is some way related to the war in Vietnam. They say, Vietnam is a country, not a war. That is their protest, and I would say that is precisely the issue.

The hearing we held today was about the shameful human rights record of a country, more accurately, of a government that abuses the rights of its own people. And, of course, Vietnam is a country with millions of wonderful people who yearn to breathe free and to enjoy the blessings of liberty. We say, behave like an honorable government, stop bringing dishonor and shame to your government by abusing your own people and start abiding by internationally recognized U.N. covenants that you have signed.

When is enough, enough? Vietnam needs to come out of the dark ages of repression, brutality and abuse and embrace freedom, the rule of law, and respect for fundamental human rights. Vietnam needs to act like the strategic partner of the United States we would like it to be, treating its citizens, even those who disagree with government policies, with respect and dignity.

Human rights are central, are at the core of our relationship with governments and the people they purport to represent. The United States of America will not turn a blind eye to the oppression of a people, any people in any region of the world.

INTRODUCTION OF THE WEATHER MODIFICATION RESEARCH AND TECHNOLOGY TRANSFER AUTHORIZATION ACT OF 2005

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to introduce the Weather Modification Research and Technology Transfer Authorization Act. This bill will increase and enhance research and development in weather modification to better understand its effectiveness in addressing drought in our country.

The western part of our country, including my own state of Colorado, has experienced drought conditions in recent years. Efforts have been made to address drought recovery, preparedness and mitigation. However, little fundamental research has been done to better understand weather modification, which some believe can increase the snowpacks that provide water resources for several western states.

The National Academies of Science report Critical Issues in Weather Modification Research, released in 2003, noted that there is no scientific proof that weather modification is effective, however attributes this to a lack of understanding of "critical atmospheric processes" that has caused unpredictable results with weather modification, not a lack of success with such efforts. The report called for a national program for a sustained research effort in weather modification research to enhance the effectiveness and predictability of weather modification.

There is currently no federal investment in weather modification, though there are private funds that are largely going toward unproven techniques. My bill, similar to a bill introduced in the Senate by Senator KAY BAILEY HUTCHISON, establishes a federal research and development effort to improve our understanding of the atmosphere and develop more effective weather modification technologies and techniques.

Specifically, the bill creates a Weather Modification Advisory and Research Board in the Department of Commerce to promote the "theoretical and practical knowledge of weather modification" through the funding of research and development projects. The board will be made up of representatives from the American Meteorological Society, the American Society of Civil Engineers, the National Academy of Sciences, the National Center for Atmospheric Research, the National Oceanic and Atmospheric Administration, a higher education institution and a state which is currently supporting operational weather modification projects.

In Colorado, a large portion of our water source comes from the snowpack run off each year. A better understanding of weather modifications has the potential to enhance our snowpacks, and thus assist in addressing drought concerns.

Mr. Speaker, I ask my colleagues to support the expansion of the research and development of weather modification and urge a swift passage of this bill.

PERSONAL EXPLANATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. GENE GREEN of Texas. Mr. Speaker, I ask unanimous consent to include this personal explanation in the RECORD.

On June 17, 2005, I was unable to be present for rollcall vote #265 to the Fiscal Year 2006 Science, State, Justice, and Commerce Appropriations Act. I was unavoidably detained by other Congressional duties related to the 29th District of Texas.

I would have voted "no" on the Moran amendment to prohibit Federal funds from being used to license the export of .50 caliber firearms. Federal agencies already have the ability to prohibit exports of certain firearms to certain countries or groups when that is in the national interest. In addition, there are countless sources of firearms in the global marketplace. Unfortunately, this amendment would not have provided any benefits in terms of reducing terrorists' access to firearms.

CONGRATULATIONS TO DR. RICHARD WALLINGFORD, JR.

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. MICHAUD. Mr. Speaker, doctors of optometry from around the nation will convene in Dallas, Texas, from June 22–26 for Optometry's Meeting, the American Optometric Association's 108th annual convention. On Saturday, June 25, they will elect Dr. Richard Wallingford, Jr. as the association's 84th president.

Dr. Wallingford is a resident of Rockwood, Maine, on Moosehead Lake. He is a native son who has practiced optometry in our state for 30 years. He is a graduate of the University of Maine at Orono and the College of Optometry at the State University of New York. He currently serves as Director of Clinical Services at Vision Care of Maine in Bangor.

Dr. Wallingford has been a leader in his profession at the state, regional and national levels. He has been a member of the Maine Optometric Association since 1975, and served as president in 1982. He was appointed to the Maine Board of Optometry in 1989, and he served until 1999. He was also a member of the New England Council of Optometrists, and he currently serves on the Board of Trustees of the New England College of Optometry.

At the national level, Dr. Wallingford has been a member of American Optometric Association (AOA) since 1971, and has served in the association's volunteer structure since 1983. He was elected to the AOA Board of Trustees in 1998 and was re-elected in 2001.

Remarkably, Dr. Wallingford has maintained his hectic schedule while battling multiple myeloma, a form of blood cancer. Diagnosed with the disease in 2000, he began an aggressive treatment plan last year which included six rounds of chemotherapy and two stem cell transplants. In January, Dr. Wallingford received good news that the myeloma was in remission.

In his community, Dr. Wallingford was elected to the board of Maine School Administrative District (MSAD) #67, where he served as chairman for two years. He was president of the Lincoln Rotary Club and chairman of the Lincoln Recreation Committee. He also coached youth baseball and basketball.

In addition to his professional responsibilities, Dr. Wallingford is a devoted outdoorsman. He has been a member of the National Ski Patrol since 1989 and serves on the Squaw Mountain Ski Patrol. He is a licensed whitewater guide and has a land and sea rating as a licensed private pilot. Dr. Wallingford also owns and manages the Moosehead Lake Sporting Camps and Mt. Kineo Cabins.

Dr. Wallingford and his wife Elaine have been married for 35 years and they have three children. Richard III is a physician and is completing his residency in psychiatry at Harvard University. Denise holds a Master's Degree from Boston College and is an elementary school teacher. Tiffany is a graduate student at Cal Poly in San Luis Obispo, California.

The American Optometric Association is the professional society for optometrists nationwide and has more than 34,000 members. Dr. Wallingford will lead the association on its mission to improve eye and vision care in the United States.

Dr. Richard Wallingford has built a distinguished record of service and leadership in his profession and in his community. I am confident that he will have a very successful term as president of the American Optometric Association. I join his family, friends and colleagues in congratulating him on this achievement and wishing him good luck and good health.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. McDERMOTT. Mr. Speaker, I missed votes on Friday, June 17, 2005 due to a previously scheduled event in my district. Had I been able to, I would have voted:

Against the Royce amendment to H.R. 2745 (rollcall vote No. 274).

Against the Fortenberry amendment to H.R. 2745 (rollcall vote No. 275).

Against the Flake amendment to H.R. 2745 (rollcall vote No. 276).

For the Chabot amendment to H.R. 2745 (rollcall vote No. 277).

Against the Pence amendment to H.R. 2745 (rollcall vote No. 278).

Against the Gohmert amendment to H.R. 2745 (rollcall vote No. 279).

Against the Stearns amendment to H.R. 2745 (rollcall vote No. 280).

For the Lantos amendment to H.R. 2745 (rollcall vote No. 281).

Against Final passage of H.R. 2745 (rollcall vote No. 282).

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 21, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 22

Time to be announced
Foreign Relations
Business meeting to consider the nominations of Ronald E. Neumann, of Virginia, to be Ambassador to the Islamic Republic of Afghanistan, Gregory L. Schulte, of Virginia, to be U.S. Representative to the Vienna Office of the United Nations, with the rank of Ambassador, and to be U.S. Representative to the International Atomic Energy Agency, with the rank of Ambassador, Michael E. Hess, of New York, to be an Assistant Administrator of the United States Agency for International Development in the Bureau of Democracy, Conflict and Humanitarian Assistance, and Dina Habib Powell, of Texas, to be Assistant Secretary of State for Educational and Cultural Affairs.
S–116, Capitol

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine the In Re Tribal Lobbying Matters, Et Al.
SH–216

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the nomination of Richard A. Raymond, of Nebraska, to be Under Secretary of Agriculture for Food Safety.
SR–328A

Commerce, Science, and Transportation
To hold hearings to examine telecom mergers.
SR–253

Homeland Security and Governmental Affairs
Business meeting to consider S. 662, to reform the postal laws of the United States, S. 457, to require the Director of the Office of Management and Budget to issue guidance for, and provide oversight of, the management of micropurchases made with Governmentwide commercial purchase cards, S. 611, to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on emergency Medical Services Advisory Council, S. 37, to extend the special postage stamp for breast cancer research for 2 years, and the nominations of Linda Morrison Combs, of North Carolina, to be Controller, Office of Federal Financial Management, Office of Management and Budget, Linda M. Springer, of Pennsylvania, to be Director of the Office of Personnel Management, Laura A. Cordero, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia, and A. Noel Anketell Kramer, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals, and several post office naming bills.
SD–562

10:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the Livestock Mandatory Reporting Act of 1999.
SR–328A

2:30 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine financial stability of airlines.
SR–253

Intelligence
To hold a closed briefing on certain intelligence matters.
SH–219

JUNE 23

9:30 a.m.
Armed Services
To hold hearings to examine United States military strategy and operations in Iraq.
SR–325

Judiciary
Business meeting to consider pending calendar business.
SD–226

10 a.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253

Finance
To hold hearings to examine United States-China economic relations.
SD–215

Foreign Relations
To hold hearings to examine issues relative to developing an HIV/AIDS vaccine.
SD–419

Health, Education, Labor, and Pensions
To meet to discuss the Family Medical Leave Act.
SD–430

Veterans' Affairs
To hold hearings to examine pending veterans benefits related legislation.
SR–418

2 p.m.
Appropriations
Business meeting to mark up H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and proposed legislation making appropriations for fiscal year 2006 for the Legislative Branch.
SD–106

Judiciary
Constitution, Civil Rights and Property Rights Subcommittee
To hold hearings to examine the consequences of Roe V. Wade and Doe V. Bolton.
SD–226

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, and International Security Subcommittee
To hold oversight hearings to examine disparities in federal HIV/AIDS CARE programs, focusing on the effectiveness of CARE Act funding allocations in ensuring that all Americans living with

HIV are provided access to core medical services and life-saving AIDS medications.

SD–562

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

4:15 p.m.

Armed Services

Strategic Forces Subcommittee

To hold a closed briefing on the Ballistic Missile Defense Test Program.

SR–222

JUNE 28

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the Agricultural Risk Protection Act of 2000 and related crop insurance issues.

SR–328A

Commerce, Science, and Transportation

Global Climate Change and Impacts Subcommittee

To hold hearings to examine coastal impacts.

SR–253

Indian Affairs

To hold an oversight hearing to examine regulation of Indian gaming.

Room to be announced

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 206, to designate the Ice Age Floods National Geologic Trail, S. 556, to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona, S. 588, to amend the National Trails System Act to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study on the feasibility of designating the Arizona Trail as a national scenic trail or a national historic trail, and S. 955, to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin.

SD–366

3 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine the water supply status in the Pacific Northwest and its impact on power production, and S. 648, to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance.

SD–366

JUNE 29

9:30 a.m.

Indian Affairs

Business meeting to consider pending committee issues.

SR–485

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine Spectrum-DTV.

SR–253

2:30 p.m.

Commerce, Science, and Transportation

Disaster Prevention and Prediction Subcommittee

To hold hearings to examine national weather service-severe weather.

SR–253

JUNE 30

10 a.m.

Commerce, Science, and Transportation

Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine how information technology can reduce medical errors, lower healthcare costs, and improve the quality of patient care, including the importance of developing interoperable electronic medical records and highlight new technologies that will impact how health services are provided in the future.

SR–253

2 p.m.

Appropriations

Business meeting to mark up H.R. 2528, making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, proposed legislation making appropriations for fiscal year 2006 for the Department of State and foreign operations.

SD–106

3 p.m.

Health, Education, Labor, and Pensions

Education and Early Childhood Development Subcommittee

To hold hearings to examine issues relating to American history.

SD–430

SEPTEMBER 20

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.

345 CHOB

CANCELLATIONS

JUNE 22

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider pending calendar business.

SD–430

POSTPONEMENTS

9:30 a.m.

Environment and Public Works

To hold an oversight hearing to examine grants management within the Environmental Protection Agency.

SD–406

SENATE—*Tuesday, June 21, 2005*

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, we celebrate Your presence with us today. Your steadfast love inspires us ever to sing Your praises. Lord, You bless us each day with good things. Because of Your loving kindness, we find safety.

Today, strengthen our Senators with Your might. Give them the wisdom to distinguish between truth and error and the courage to act upon that insight. Use them as Your instruments to relieve the suffering in our world. Open their ears to the cries of our Nation's discarded and dispossessed.

As our lawmakers face great challenges, remind them that they are not alone but are sustained by Your unfailing providence. Remind each of us often that the plans of the diligent lead surely to advantage. We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ENERGY POLICY ACT OF 2005

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6) to ensure jobs for our future with secure, affordable and reliable energy.

Pending:

Wyden/Dorgan amendment No. 792, to provide for the suspension of strategic petroleum reserve acquisitions.

Voinovich amendment No. 799, to make grants and loans to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines.

Martinez (for NELSON of Florida) amendment No. 783, to strike the section providing for a comprehensive inventory of Outer Continental Shelf oil and natural gas resources.

Schumer amendment No. 805, to express the sense of the Senate regarding management of the Strategic Petroleum Reserve to lower the burden of gasoline prices on the economy of the United States and circumvent the efforts of OPEC to reap windfall profits.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, in a moment we will return to consideration of the pending Energy legislation that we debated last week and this week and will complete later this week. We will resume debate on the amendment of Senator MARTINEZ relating to the inventory of the OSC. The time agreement we reached last night provides for up to 80 minutes of debate before the vote on that amendment, although I do not believe all of that time will be necessary. We would like to begin that vote no later than 11 this morning. We request that Senators come promptly for that vote.

We will be recessing at 11:30 to accommodate the weekly policy luncheons today. At 2:15, when the Senate returns from recess, we will continue through the amendments to the Energy bill. I believe the climate change amendments will be ready later this morning and for debate beginning at 2:15. We would expect votes on those amendments during today's session.

I reiterate that it is my intention to file cloture on this bill later this evening. That would allow us to continue to consider and dispose of amendments, but it would also assure that we have a glide path to completion of the bill and that we would complete passage of the bill this week. The managers have done tremendous work over the last almost week and a half in moving the process along. I hope we can continue in that respect and finish the bill no later than Thursday or Friday of this week. Thus, we will be having a vote late this morning, and we will in all likelihood be voting on the climate change amendments later this afternoon. In addition, there will be the opportunity for people to come to the Senate floor and offer their amendments.

AMENDMENT NO. 783

The PRESIDENT pro tempore. Under the previous order, there will be 80 minutes of debate on amendment No. 783.

Mr. FRIST. Mr. President, I ask unanimous consent that the quorum call be equally divided between both sides.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, what is the parliamentary situation now? Are we having speeches on the amendment to strike the OCS inventory by Senators MARTINEZ and NELSON and CORZINE; is that correct?

The PRESIDENT pro tempore. The Senator would have 8 minutes left.

Mrs. BOXER. Mr. President, I ask to be notified when I have spoken for 5 minutes. I know Senator CORZINE is coming to speak. If you could let me know when my 5 minutes is up, I would appreciate it.

The PRESIDING OFFICER (Mr. ALEXANDER). The Chair will notify the Senator.

Mrs. BOXER. Mr. President, I am proud to sponsor the Martinez-Nelson-Corzine-Boxer amendment to strike the OCS inventory language from the Energy bill. For millions of Americans living near our coasts, this amendment is arguably the most important we will debate on this bill. We know huge numbers of people live within 50 miles of America's coastlines. Few things are synonymous with California more than the beautiful beaches and the coasts. We have some pictures to show what this means to our children.

This is a scene I remember with my own children and now with my own grandson when he comes to visit California. This is what we think about. The natural beauty that is the California coast helps form our State's identity, as these pictures show. I will show you another one at this time as well. When I look at this, I just think: California.

The coast is a huge reason so many millions of Americans have chosen California as their home. Indeed, out of our 36 million Californians, 21 million Californians live in coastal counties. That is roughly 64 percent of the State's population. And there is a reason for it. This is God's gift to our State and to the people of this country and, frankly, to the people of the world who come to spend time on California's coastline and beaches.

The California coast is home to dozens of threatened and endangered species, including the short-tailed albatross, California Gnatcatcher, sea otters, chinook and coho salmon,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

steelhead trout, guadalupe fur seal, and several species of whales. Our coast is a true national treasure.

But Californians are not the only people who treasure our coastline. We know that tourists, millions of them, come to our State, generating $51 billion in annual revenues for our State. The protection of California's coasts, frankly, as much as all the other coasts we will protect, is not just an environmental necessity, it is an economic necessity.

The underlying bill could very well lead to more offshore oil drilling, could devastate my State and its way of life, and I trust that this bipartisan legislation being offered by Senators MARTINEZ and NELSON will be agreed to because the inventory that is agreed to in this bill could encourage further drilling in the not-so-distant future, putting all of our coasts at risk.

Make no mistake about it. This inventory is not a benign compiling of a grocery list of resources. The inventory proponents would have us believe that, but it is really not benign. The inventory will be conducted using seismic air guns which use explosive blasts to map rock formations beneath the sea. Sound from these blasts can be detected for thousands of miles, and hundreds of millions of blasts would be required to survey America's Outer Continental Shelf. These seismic blasts have been shown to have major consequences for marine life. So I do not see how it makes sense to say, on the one hand, we are protecting our beautiful coastline with moratoria and then allow the inventory to go forward in these areas.

Most fish use hearing to detect predators, find prey, communicate, and find mates. Loss of hearing can have profound, even fatal effects on our fish.

So why would we take God's precious gift and subject it to this kind of trauma? Frankly, it is wrong. To me, it is almost a moral issue, that we protect the beauty we have been given, this God-given beauty.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mrs. BOXER. I ask for another minute.

The PRESIDING OFFICER. The Senator has that right.

Mrs. BOXER. Seismic air guns have been shown to result in severely diminished fish catches by so severely startling the fish, they quickly leave the area or descend to the sea floor, seeking shelter from the noise. One study showed that when seismic blasts had been conducted in 1996, catch rates of cod and haddock declined between 45 percent and 70 percent over a 1,400-square-mile area, and 5 days later the catch rate had still not recovered.

I ask for an additional minute on top of my minute to finish.

The fact is, with so many fishery stocks already depleted, should we really do anything else to harm them, and can our fishermen afford the risk?

Marine mammals such as whales also use sound to locate food, avoid predators, care for young, and navigate the oceans. Seismic blasts can interfere with all of these critical activities. Air gun blasts have been observed to affect the feeding behavior of sperm whales in the Gulf of Mexico, migrating bowhead whales in the Beaufort Sea off the Alaskan coast, and harbor porpoises, which appear to be dodging and evading the sounds dozens of miles away from the blasts. Indeed, last year, the International Whaling Commission's Scientific Committee concluded that the increased sound from seismic surveys was cause for serious concern.

Mr. President, I see the Senator from New Jersey is here. We are running out of time, so I am going to wrap this up and cede the rest of the time to the Senator from New Jersey. I hope everyone supports this bipartisan amendment before us.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 minute 5 seconds.

Mr. CORZINE. One minute and 5 seconds? That is the time allotted by the Chair? Let me, then, be brief.

I rise today as a cosponsor in support of the amendment offered by Senators MARTINEZ and NELSON that will keep the door closed to offshore drilling. The amendment strikes language in the bill that would allow a seismic inventory of all potential oil and natural gas resources in the Outer Continental Shelf, including areas off of the New Jersey coast.

The people of New Jersey strongly oppose allowing such an inventory and I voted against this provision during the committee markup.

New Jersey recognizes that taking inventory of these resources is a step onto a slippery slope toward the eventual drilling off the New Jersey coast; resources that are currently protected by the Outer Continental Shelf, or OCS, moratoria. After all, why would anyone conduct an inventory unless they have the intention to drill if resources are found? "Inventory" is just bureaucratic-speak for an open door to drilling off of our coast.

I have long fought to maintain the bipartisan, two-decades-old moratorium on drilling on the Outer Continental Shelf. Any drilling, or even the threat of drilling, poses a real threat to the New Jersey environment, economy, and way of life. Drilling would leave the New Jersey coast and its waters vulnerable to oil spills, drilling discharges and damage to coastal wetlands.

The environmental effects of an ecological disaster know no State boundaries. Oil spills are not fleeting environmental sound bites. These accidents linger for years, causing sustained environmental harm.

In addition, coastal tourism is our second largest industry. It generates more than $31 billion in spending, directly and indirectly and supports more than 836,000 jobs: more than 20 percent of total State employment. Coastal tourism in New Jersey generates more than $16.6 billion in wages and brings in more than $5.5 billion in tax revenues to the State.

New Jersey already holds its own in supporting energy production and refining. We have three nuclear power plants. We are the East Coast hub for oil refining.

We are growing our energy business, but exploiting our shore is a step we refuse to take.

This is not just an issue for my State. Protecting the moratoria on drilling is important to maintaining the integrity of the coastline of the United States. Allowing drilling in anyone area affects all the surrounding areas. Tides move across State borders. Fisheries and fish do not recognize State borders. This issue affects us all, and we must protect the integrity of the moratoria at all costs.

The inventory is not only dangerous because it starts us on the slippery slope towards drilling, but also because the methods used to conduct the inventory, including seismic surveys, can disrupt marine ecosystems and damage our local fisheries.

Dr. Chris Clark, Director of the Bioacoustics Research Program at Cornell University, has called seismic testing "the most severe acoustic insult to the marine environment . . . short of naval warfare." The impulses from the explosive shock waves used have been shown to cause harm to many species of marine life and have been equated with exploratory dynamite. It is not only dangerous but also costly. The inventory is estimated to cost U.S. taxpayers $1 billion.

There is no need to conduct an invasive, environmentally harmful inventory when the Minerals Management Service already provides an estimate of oil and natural gas reserves in the Outer Continental Shelf.

The MMS estimate is noninvasive and does not harm the environment. So I say to my colleagues, we have no need for a seismic inventory—we already know about the resources off our shores.

According to the most recent study, the resources are few and far between. In fact, the MMS estimated that the Atlantic contains only eight percent of the Nation's undiscovered natural gas. In addition, in 2000, the MMS estimated the entire Mid-Atlantic region only contains 196 million barrels of oil, enough to last the country barely 10 days.

Why would any east coast State want to risk their coastal economies for another inventory when we already know what's out there? Ten days worth of oil will do nothing to reduce U.S. dependence on foreign oil.

This administration already has a reputation for threatening the moratoria. On May 31, 2001, the Minerals Management Service released a request for proposals to conduct a study of the environmental impacts of drilling in the Atlantic. The stated purpose of the study was to examine "areas with some reservoir potential, for example off the coast of New Jersey, and in the area formerly known as the Manteo Unit off North Carolina . . . in anticipation of managing the exploitation of potential and proven reserves."

Allow me to repeat that last part. The study was "in anticipation of managing the exploitation of potential and proven reserves."

Needless to say, the request created quite an uproar in my State. One local headline read, "Specter of drilling offshore is back, angering Jersey." New Jerseyans were outraged, as were the members of the New Jersey delegation here in Washington. My colleagues and I urged the administration to rescind the request, and were successful. But the threat still lingers, and this inventory will be the beginning of the unraveling of the moratoria and the eventual drilling off the New Jersey shores.

Past congresses and Presidents have ruled out Atlantic drilling for years, and we are not going to allow it now. American taxpayers should not have to pay for studies that amount to nothing more than oil industry fantasies.

I urge my colleagues to vote for this amendment so that we can protect our Nation's precious coastlines and ocean waters.

The PRESIDING OFFICER. Who yields time to the Senator from North Carolina?

Mr. MARTINEZ. I am happy to yield to the Senator from North Carolina 4 minutes.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 4 minutes.

Mrs. DOLE. Mr. President, since 1993 a moratorium has been in place on oil and gas exploration off the coast of North Carolina, thus protecting vital coastal areas from drilling. This moratorium has provided a much needed boost to our coastal economy and my entire State.

Each year, thousands of families flock to North Carolina beaches to enjoy the sun, dip in the cool waters, and spend time with family and friends. Visitors provide much needed tourism dollars that create and sustain jobs. This moratorium has worked.

Only 2 years ago, I helped lead the successful effort to stop an attempt to lift the moratorium on oil and gas exploration off the coast of North Carolina and many other States. Yet here we are, once again, confronting the same proposal to undermine the moratorium and open new areas of the Outer Continental Shelf to oil and gas development.

I am proud to join a bipartisan group of my colleagues in offering an amendment to strike a provision in the Energy bill that exposes currently restricted environmentally sensitive coastal areas to oil and gas exploration. I especially thank my friend and colleague, Senator MEL MARTINEZ, for his true leadership on this issue in his first year in the Senate.

There is no question that now more than ever we must work to end our dependence on foreign oil. But we cannot do so by ignoring the wishes and economic needs of the majority of the people of North Carolina and many other coastal States that oppose this exploration. Exploring off our coast would endanger North Carolina's booming tourism industry, a true economic engine of my State. According to the North Carolina Department of Commerce, tourism is one of North Carolina's largest industries, supporting nearly 183,000 jobs. Tourism remains strong despite declines in other important North Carolina industries, such as textiles, furniture manufacturing, and fiber optics.

While nationwide the tourism volume increased by less than 1 percent after the tragedy of September 11, North Carolina saw a 3-percent increase in its visitors, a real testament to the draw of our coastal areas. Last year, some 49 million visitors traveled to North Carolina making it the eighth most popular State tourist destination in the country. Tourists spent $13.2 billion across the State, generating more than $1.1 billion in Federal revenue and over $1.1 billion in State and local tax revenue.

We have been told not to worry, all their talking about is an inventory. But there are two problems with this argument. The experts say inventorying itself will damage these environmentally sensitive areas. And why would we inventory an area we do not plan to later drill? The proposed inventory would be harmful to marine habitat and the fishing industry because it requires seismic surveys involving repetitive explosions in the water that send loud acoustic pulses through the water and into the sea floor. Scientists are concerned that these sounds kill fish and disturb whales, causing whales to swim onto the beach and die.

Advocates for an inventory label it solely as information gathering. But we already know where resources are located along our coast from data gathered by the Department of the Interior. Why, then, should our State be asked to risk environmental damage to our coastal areas for resources that are under moratoria and not even accessible for development? The potential physical price of exploration and subsequent drilling, polluted beaches, disrupted marine ecosystems, lost tourism, speaks to the heart of the issue. Any exploration off our coast is bad for tourism and is bad for North Carolina.

I ask unanimous consent for 2 additional minutes from Senator NELSON's time.

Mr. DOMENICI. This time agreement, if I were to ask to yield additional time beyond that which we have for Senators, what would I be moving up against in terms of putting the Senate in some kind of a problem?

The PRESIDING OFFICER. We have a vote scheduled at 11 o'clock and a recess at 11:30.

Mr. DOMENICI. How many more Senators are supposed to speak on this issue?

The PRESIDING OFFICER. Six.

Mr. DOMENICI. Each of them have how much time?

The PRESIDING OFFICER. Each have 7 minutes 50 seconds.

Mr. DOMENICI. I am sorry, Senator.

Mrs. DOLE. I understand Senator NELSON is willing to yield 4 minutes of his time.

Mr. DOMENICI. I ask unanimous consent it be in order that Senator NELSON yield 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

Mrs. DOLE. Mr. President, as an editorial in the Charlotte Observer on March 31 of this year explains, a drilling accident threatens everything North Carolinians hold dear about the coast—the beaches, the ocean water, the thin fish and shell fish, the pelicans and pipers, the marsh grass and live oaks.

Allowing drilling off the coast of the Carolinas, in an area of the Atlantic that has some of the roughest weather in the world, is foolish. I agree, indeed, it would be foolish. It is detrimental to those who live, work, and visit our coastal communities. It is detrimental to my entire State.

In conclusion, let me wrap up quickly and say, once again, the majority of folks in North Carolina are opposed to this drilling. That is why I am again proud to be a strong voice for my State in fighting any effort to open up the Outer Continental Shelf to oil and gas exploration.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent I be permitted to address the Senator for 30 seconds without being charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, my fellow Senators, we have heard the Chair announce we will have a vote that is set. The Senators have time to speak, so they should get down here and speak. We have Senator LANDRIEU, Senator BINGAMAN, the distinguished majority leader—although he can take time off his own time.

For any who have remaining time agreed to, it would serve their purpose if they would use their time because the time will run against them. I am not going to yield. I have only 7½ or 8 minutes in opposition. I cannot yield.

I yield the floor.

Ms. CANTWELL. Mr. President, I rise as a cosponsor of the Nelson-Martinez amendment, which would remove from the energy bill language that threatens decades-old Congressional and Executive Branch protections of sensitive coastal areas.

Protecting our Nation's fragile coasts is vitally important to my State's economy. On the west coast of Washington, the livelihoods of many rural communities depend on fishing, tourism, and shellfish farming. These multi-million dollar industries depend on clean water and pristine coastlines.

In addition, the U.S. has entered into numerous treaties with coastal Indian tribes. Many of these treaties guarantee tribal fishing and shellfishing harvesting rights. We cannot set in motion a process that could damage these tribes' ways of life, or allow any potential abrogation of our Nation's trust responsibilities.

Over the last several years, Washington State has been a leader in protecting sensitive marine areas. We worked closely with the National Atmospheric and Oceanic Administration to establish the Olympic Coast National Marine Sanctuary, which encompasses most of the waters off of the northwest coast of Washington. The sanctuary is home to hundreds of species including marine mammals.

These mammals include the majestic Orca whale, whose 20 percent population decline over the past decade triggered a depleted listing under the Marine Mammal Protection Act and may lead to a threatened listing under the Endangered Species Act. I am very concerned that the exploratory activities allowed under the Senate Energy Bill could further harm this important symbol of the Northwest.

There are those who argue that a mere inventory of off-shore oil and gas supplies would do no harm. But I would ask my colleagues to consider emerging scientific evidence related to seismic technology used to conduct these surveys. Studies have suggested that these techniques are more invasive than originally believed—particularly when it comes to their acoustic disruption of marine ecosystems. Potential interference with the sensory capacities of marine mammals may jeopardize fundamental activities such as foraging for food, avoiding predators, and caring for young.

Moreover, many coastal residents of my State still shudder when they recall the thick carpets of oil, hundreds of dead birds, and great shards of oil-blackened timber that followed a 1989 oil spill off Grays Harbor. That disaster stained over 300 miles of coastline. An oil well blow out could be many times worse.

While some argue that this is simply a study, my response is that we should not spend millions of taxpayer dollars to study something we know we do not want to do. My constituents have told me they will not accept drilling rigs off the coast of communities like Willapa Bay, Neah Bay, or the mouth of the Columbia River.

There is an important question here. Where is it appropriate to drill, and where is it inappropriate? I agree with many of the Senators who have cited our Nation's growing need for more natural gas supplies. While I fully recognize this challenge, according to the EIA and MMS, the potential supplies off the coast of Washington are dwarfed by at least 32 trillion cubic feet of natural gas that we know already exists in Alaskan fields.

That is gas that is currently being pumped back into the ground, and it is the reason we need to expedite the construction of a pipeline from Alaska's North Slope to the lower 48 States. Building this pipeline would provide years of domestic gas supply, create thousands of jobs, and provide a huge opportunity for the steel industry.

The Pew Oceans Commission has highlighted the fragility of our oceans and coastal resources and recommended we look at our oceans in a holistic manner—not through the narrow lens of oil and gas production but to look at the overall benefits provided by the oceans.

I think the commission's findings confirm the need to reject any provision that moves us towards future oil and gas drilling in National Marine Sanctuaries or off the coasts of protected federally owned national parks and wildlife refuges.

I encourage my colleagues to vote for the amendment.

I thank the Senators from Florida for their leadership on this important issue.

Mr. DODD. Mr. President, I am pleased to join my colleagues from Florida, Senator NELSON and Senator MARTINEZ, as a cosponsor of their amendment to strike the OCS inventory language from the Energy bill.

I want to commend Senator DOMENICI and Senator BINGAMAN for working hard to craft a bipartisan bill, but I have a number of concerns with it, including the OCS inventory language.

Since 1982, Congress and the Executive branch have prohibited new offshore leases in the OCS. The moratoria began with California and was expanded to include the rest of the west coast, Georges Bank, New England, the mid-Atlantic, part of the eastern Gulf, and portions of Alaska. Both President George H. W. Bush and President Clinton upheld the OCS moratoria.

Let us be very clear. While an inventory sounds benign, it is a costly endeavor that will cause irreparable harm to our coastal waters and set us on a slippery slope to drilling and exploration in these environmentally sensitive areas. Why else would the Federal Government propose to spend nearly $1 billion to conduct seismic drilling activities if it did not intend to go forward with further coastal exploration? To suggest otherwise strains credulity. Further, nowhere in the underlying bill does it say how the Federal Government is going to pay for this $1 billion inventory. I contend that there are better ways to invest $1 billion—health care, education, infrastructure improvements, energy efficient technology, and renewable resources come immediately to mind, than on a misguided attempt to open our coastal areas to oil and gas exploration.

As I mentioned, conducting an inventory would entail seismic drilling that would have a ripple effect up and down our coastline. We already know that this type of activity has a devastating impact on marine life, including whales.

I am concerned that any seismic drilling or other similar activities along the North Atlantic and mid-Atlantic coast would have a tremendous negative impact on the health and well-being of Long Island Sound and the coastal areas of Connecticut.

Long Island Sound is an estuary of national significance with not one, but two openings to the sea. It is bordered by Connecticut and New York, running 110 miles long and 21 miles across at its widest. More than 8 million people live and vacation on or around Long Island Sound. Connecticut and New York have already spent millions of dollars and dedicated millions more to restore the health of the Long Island Sound ecosystem. A healthy habitat ensures a prosperous recreational and commercial fishing industry, boating, swimming, and an overall thriving tourism industry. Long Island Sound provides an economic benefit of more than $5 billion to the regional economy.

Therefore, I am deeply concerned that any attempt to inventory the OCS or begin future oil and gas exploration in the Atlantic would cause irreparable harm to Long Island Sound and the State of Connecticut. I therefore strongly support the Nelson-Martinez amendment and urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. I ask unanimous consent I be allowed to speak for 2 minutes of the allotted time.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MARTINEZ. Mr. President, an issue not discussed so far in this debate is the fact that we tried mightily to find a reasonable compromise that would allow for there to be exploratory inventorying of those areas which wanted it, while allowing States like Florida to opt out of such an inventory.

As we entered into those negotiations, it was unfortunate we were not able to seek common ground or find a way in which we could resolve it. The unfortunate issue arises that it is difficult to draw these State boundaries in a way that allows Florida to protect not only its coast but those that are adjacent to neighboring States. So as we went through this exercise, it was unfortunate we could not find that reasonable common ground that would have allowed us to reach a compromise.

Unfortunately, now Florida is in the peculiar position, as is North Carolina, that we have no option but to object to the entirety of this provision in the bill in order to protect Florida from the exploration or the inventorying. There is no question that inventorying is a precursor to drilling, to exploration.

In Florida, we have had for many years a moratorium on drilling. This moratorium will extend until the year 2012. It is a moratorium that has been not only observed but it has been implemented by President Bush, President Clinton, as well as by our current President. So there has been a compact, an understanding, a reasoned understanding that Floridians do not want this taking place off their shores—just as North Carolinians do not want it. We should have the opportunity not to interfere in our own States' coastline if we do not wish to have it.

Right now, we would have no such option. There would be no opportunity to opt out, and we would have only to acquiesce to inventorying off the shores of Florida which, frankly, cannot be drilled upon because of the current and pending moratorium.

How much time remains?

The PRESIDING OFFICER. The Senator's 2 minutes have expired. Who yields time?

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I understand, according to the unanimous consent agreement, I now have 10 minutes to speak in opposition to the amendment.

The PRESIDING OFFICER. The Senator has 7 minutes 15 seconds.

Ms. LANDRIEU. Thank you, Mr. President. I will take all 7 minutes 15 seconds to talk about this important amendment.

I do so much respect a lot of what has been said on the floor of the Senate by my colleagues from Florida and New Jersey about their feelings about offshore drilling. Of course, we have different feelings about that in Louisiana, and our experience leads us to different conclusions. But that is not really the subject of this amendment, which is why I have come to the floor to speak in opposition to this amendment.

This is not a drilling amendment. This is a security amendment. This is a good stewardship amendment. This is a commonsense amendment. The people of the United States—all 240-plus million people who live in this Nation—depend on us—us right here—to give them good information about their country, about their land, about their water, about their oceans, about their resources. They depend on us to tell them the truth, not to hide things from them, not to pretend we have things when we do not or say we do not have things when we do.

That is all the amendment the Senators from New Mexico—both Senators, the chairman and the ranking member—have put in the underlying bill, with support from Democrats and Republicans, with a good vote from Republicans and Democrats on the committee, to put in this bill simply a direction for our agency, the Minerals Management Service of the Department of Interior, to do an inventory so the American public can understand how much oil, how much gas, how many other resources we might have on the Outer Continental Shelf.

No. 1, this is not a small piece of land or territory. It is 200 miles basically out from our coast, a ring around the Nation. If you took the OCS, which is 1.67 billion acres of land, and laid it over the map of the United States, it would be from the Mississippi River to the Pacific Coast. It is a huge asset owned not by the Senators, not by the House of Representatives, not by the Governors, it is owned by the American people. They have a right to know what resources are there for them should they need them, should they want to use them as good stewards—not as exploiters, not as destroyers, but as good stewards.

We are engaged in a war. We have had a strike against this Nation from terrorists who have all sorts of vile intentions against our Nation.

The price of oil is at $58 a barrel this week. Gas is at a record high. We do not know when or if there will be another terrorist attack, but in the event there is some problem—more problems than we have today because we have some, obviously—when the country may have to draw on resources on the Outer Continental Shelf—it may either be because of an emergency or because of economic necessity—we most certainly would like to know what is there so we can make a good decision. That is basically all this underlying bill does.

So I know my colleagues have different views about drilling and where drilling should be and whether we should drill, but this is not the amendment. This is not the attack point. You would want to talk about drilling when we get to it. This is about an inventory, a resource assessment of what is owned by the American people for their deliberate thought about what should be done either now or in the short-term future or in the long-term future of this Nation.

I urge all of us to vote against this amendment that would strip out this commonsense approach to letting the American people know what they own so they can make, and we all can make, good decisions about whether to use those resources, when to use those resources, or decide never to tap into those resources. But those good, commonsense decisions cannot even be made unless we know what we have.

The good leadership of both Senators from New Mexico is leading us to give the American people a full accounting. I come to the Senate floor this morning to say that I strongly support this underlying measure, and I thank them for their leadership. I urge my colleagues on the Democratic side, as well as my Republican colleagues, to hold to this commonsense inventory of our Outer Continental Shelf.

Mr. President, I ask unanimous consent that the following data be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INVENTORY/SEISMIC

Conducting seismic surveys would provide MMS with a valuable tool to help predict where resources may lie beneath the ocean floor and help inform the American public as to the nature and value of these resources. The inventory language does not eliminate existing moratoria or expand OCS access and the seismic surveys described in the inventory language do not constitute "actual exploration."

Industry has co-existed with the marine environment for decades. In the Gulf of Mexico, new marine ecosystems have been created—and are thriving—as a result of offshore operations. Scientific research has not shown that seismic activities harm sperm whales or other marine mammal species. In it's 2004 report, "Marine Mammal Populations and Ocean Noise—Determining when Noise Causes Biologically Significant Effects", the National Research Council concluded that "no scientific studies have conclusively demonstrated a link between exposure to sound and adverse effects on a marine mammal population."

However, MMS has implemented general instructions, including mitigation measures in deepwater, to minimize any possible effects of seismic surveys on marine species. Some of these measures include placement of trained visual observers on seismic vessels; immediate shutdown if a whale is sighted within the vicinity of seismic sources; and start-up procedures that require the immediate vicinity to be clear of any animals before activities can proceed.

Annual appropriations moratoria, not cost, have prohibited MMS from conducting any leasing or related activities in these areas for decades. Any costs must be weighed against the benefits to the nation of understanding the value and nature of its offshore resources.

Under the OCS Lands Act, Congress found a serious lack of adequate basic energy information regarding OCS resources and an urgent need for this information. Congress noted that this information is "essential to the national security of the United States" and directed the Secretary of the Interior to maintain an inventory of the Nation's OCS undiscovered energy resources as well as its discovered reserves. Using sophisticated seismic technologies is key to ensuring accurate resource estimates.

EFFECTS OF SEISMIC SURVEYS ON WHALES AND DOLPHINS

1. Environmental groups suggest sounds from seismic surveys are a big problem for whales and dolphins.

This allegation is not supported by the science:

Final Programmatic Environmental Assessment (November, 2004). Geological and Geophysical Exploration for Mineral Resources on the Gulf of Mexico Outer Continental Shelf;

U.S. Department of Interior—Minerals Management Service (MMS 2004-054). Conclusions: Finding of No Significant Impact (FONSI);

Marine Mammal Populations and Ocean Noise—Determining when Noise Causes Biologically Significant Effects 2004 National Research Council: "No scientific studies have conclusively demonstrated a link between exposure to sound and adverse effects on a marine mammal population."

This allegation is not supported by global experience:

No physical harm to whales or dolphins has ever been seen or shown as a result of industry seismic operations.

2. Significant effort is made to ensure seismic operations do not cause harm.

Careful assessment of the environment and possible impacts from seismic operations are undertaken in advance of operations.

A balanced, protective approach is applied when science cannot provide certainty.

As an example, operational modifications are made to provide added protection: Monitoring for the presence of animals of concern; Shutdown or no start-up when they are too close; Slow, gradual ramp-up of operations just in case.

More aggressive operational modifications are made when warranted (e.g. operating in more sensitive areas).

3. Industry continues to spend millions of dollars annually on research in this area: Base line biological knowledge; Accurate assessment of potential impacts; Improving operational modifications.

4. Concern for whales and dolphins should be focused on the true threat: fishing bycatch mortalities (deaths from entanglement in nets and other fishing gear).

WWF just issued an estimate of daily mortality due to fishing by-catch (June 9, 2005 press release): "Almost 1,000 whales, dolphins and porpoises die every day in nets and fishing gear. Some species are being pushed to the brink of extinction." www.cetaceanbycatch.org

WILL SEISMIC SURVEYS HARM RIGHT AND HUMPBACK WHALES?

If environmental groups say no to a limited lifting of the moratoria off the Eastern Seaboard because it is home to endangered Right and Humpback Whales, the following points should be considered in the debate:

The biggest threat to both are from ship strikes and entanglement in fishing gear, not sounds from seismic exploration.

The seasonal migration of both species is well known and documented (they go south for the winter).

Seismic operations can easily be conducted in the seasons when the animals are away.

Ms. LANDRIEU. Mr. President, I yield back the floor but reserve my time.

The PRESIDING OFFICER. Who yields time?

Time is equally charged to both sides if no one yields time.

Mr. DOMENICI. Mr. President, I assume the time is going to be charged proportionately against all the remaining speakers?

The PRESIDING OFFICER. Time will be equally charged against each side if no one yields time.

Mr. DOMENICI. Mr. President, parliamentary inquiry: Do we need a quorum call for that to occur?

The PRESIDING OFFICER. No. That occurs without a quorum call.

Mr. DOMENICI. I thank the Chair.

The PRESIDING OFFICER (Mr. DOMENICI). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I have been yielded 4 minutes of Senator BINGAMAN's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, we are talking today about whether to find out how much natural gas we have offshore. Let me try to put that in personal terms. In the mountains of east Tennessee, we have a company, Tennessee Eastman. Mr. President, 10,000, 12,000 jobs are there. They have been good-paying jobs for several generations. They make chemicals at Eastman Chemical. Their raw material is natural gas. The cost of that gas has gone from the lowest in the world to the highest in the world. If it stays that way, those jobs will not be in Tennessee; they will be moving overseas.

There are 1 million blue-collar manufacturing jobs in America in the chemical industry that depend on natural gas for a raw material. We must lower the price of natural gas. We can do it by conservation. That is in the Domenici-Bingaman bill we are considering. We can do it by nuclear power, which we need to accelerate. Support for that is in the Domenici bill. We can do it someday, we hope, by coal gasification.

But right now we have $7 gas, the highest in the industrial world, we are building all our new powerplants for natural gas, and we are refusing to find out how much natural gas we have offshore to supply more and reduce the price. So we have farmers who are taking a pay cut, homeowners who cannot heat and cool their homes, we have blue-collar workers across this country who are going to have their jobs shifted overseas, and what we are saying is we do not even want to know how much gas we have.

We can have a later debate about whether to give more States the option, as Texas does, as Louisiana does, as Alabama does, to drill for oil and gas. You can do it today 20 miles offshore. You will never see it. It is environmentally clean. That is not the debate here today.

The debate today—and the Presiding Officer brought it up last year—if we are in a crisis on natural gas, if we have jobs moving overseas, why don't we want to know how much natural gas we have?

So I hope we will oppose this amendment and support the Domenici-Bingaman legislation, which puts us on a path toward a low-carbon production of energy plan for our future. It is an essential part of that. I hope we defeat the amendment and support the Domenici-Bingaman legislation.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise to oppose the amendment to strike the Outer Continental Shelf inventory provision. During committee consideration of the bill, I supported adding this provision which requires a comprehensive survey of OCS oil and gas resources. I continue to support the provision. These resources belong to the entire Nation. I believe it is useful for us to know the extent of the oil and gas resources underlying the OCS.

It is important to note what the underlying provision does not do. The provision does not modify or rescind any moratorium. The provision does not allow drilling in any area that is covered by a moratorium. The provision does, however, provide for the development of important data and information about our energy resources. The language in the bill is identical to a provision that was approved in the Energy Committee during the last Congress, and the Senate rejected efforts to strike the language then. I hope we will have the same outcome on this issue in this Congress.

I oppose the amendment. I encourage my colleagues to oppose it as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I appreciate the support of Senator BINGAMAN.

The Energy and Natural Resources Committee included the language which is going to be stricken if the amendment passes. I urge the Senate not to strike the language. All Americans today are looking at the gas pump. They are seeing the price. The average price in the United States is $2.13. That means something. They go home and they wonder about it. They ask questions: What are we going to do about it?

Americans should know that not at the gas pump but out there across the land there is another phenomenon occurring. That is the terrific increase in the price of natural gas, this marvelous product that years ago we didn't think we had very much of, and then we started finding it. All of a sudden we thought we had an amount which we would never run out of. So we started putting it in the big powerplants because it is clean. We pumped it in by the trillions of cubic feet to produce electricity.

Now, all of a sudden the price is going up because demand has gone up dramatically. It has increased 300 percent in a short period of time. It is predicted, if something doesn't happen, the price could go as high as $13; today it is only $7. It was at one time down in the neighborhood of $1.50 or $2. That means if it continues to go up, we will have no fertilizer business in America. We will have no chemical business in America. Natural gas, which we use in our powerplants, will begin to run out. We are using it for all kinds of purposes. Then we will understand. We don't understand it right now.

All we are saying is, America, out there in the ocean, 200 miles, you can put these drilling platforms—I flew out and landed on one—you can put them out there. People have seen them on television. They are absolutely tremendous technological feats. There is no pollution. Nothing happens except 10 or 12 wells are drilled, this valuable resource that we own comes up, and we use it.

We thought it was very important for our citizens to know how much natural gas or crude oil exists out there. Nothing is going to happen to the States. Nothing is being changed versus the States. The moratoria exist. If we brought a moratoria amendment up here and said, lift the moratorium on Florida, it would lose. The bill would die. A filibuster would occur.

We are not asking for that. As a matter of fact, the bill says you can't even drill to determine the assets that America owns. It will be done by new, modern technology, seismic and otherwise, that in a few years will say to America, through Congress, to the President—and it will be a truthful, full disclosure, a transparency—America, if you have a problem, you have some alternatives. You can import natural gas in big ships that will bring it over here in a liquefied manner. We will still be paying foreign countries for it. We don't know if the price will come down. We don't know if they will have a cartel. They don't now. But if I were them, they are not subject to any national laws of ours, they could form a cartel. Natural gas could keep going up. We would keep importing it.

I can tell the American people, if we have this asset out there and some State thinks that maybe we ought to drill, or the United States of America believes we are throttled, we ought to know what is there. That is all. Some decision can be made in the future.

I say to my fellow Senators, please understand, this is not a proposal to change any moratoria. This is not a proposal to harm the State of Florida. We compliment the distinguished Senators, Mr. MARTINEZ and Mr. NELSON, who have argued eloquently on behalf of their State. Senator DOLE has been here. The Senator from New Jersey has been here. We recognize all of them.

Did Senator BINGAMAN have any time remaining?

The PRESIDING OFFICER. Senator BINGAMAN has 30 seconds remaining.

Mr. BINGAMAN. Senator DOMENICI may have my 30 seconds.

Mr. DOMENICI. I yield myself 30 seconds.

What we are asking is nothing more, nothing less than on behalf of the American people, let the experts go out and find out how much is there. In a rather superficial way, without having ever done the real seismic work, we have an idea of what is there, across the circle around America that has been described so eloquently by Senator LANDRIEU. We know somewhat what is there. But we don't know with any kind of assurance. We need that. That is what the amendment is about.

I yield the floor.

Mr. NELSON of Florida. Mr. President, I tell the Senator, the distinguished chairman of the committee, we already know what is out there.

Mr. DOMENICI. Mr. President, is not a vote in order at this time?

The PRESIDING OFFICER. The Senator has 3 minutes left.

Mr. NELSON of Florida. Mr. President, again, I tell the Senator that we already know what is out there. In fact, the MMS does an inventory every 5 years. Here is the latest one. This is a 2003 update. The new one will come out this summer, in 2005. So we are not doing an inventory here as it is explained. What we are doing under this bill is doing something new. We are doing seismic explosions that could cost the Federal Government, in all of the Outer Continental Shelf, up to a billion dollars.

Seismic explosions. These air guns shoot air pressure all the way to the surface of the ocean floor. Now, that is what we are trying to stop. Since we know what is there—and they drilled several dry holes in the eastern Gulf of Mexico, off Florida. We know there is not any oil and gas there. They want to do a new type of exploration. Yet this is in a moratorium. So if it is in a moratorium until the year 2012, why are we going to allow, under this bill, going out and doing seismic explosions in the Outer Continental Shelf all around the United States? It makes no sense.

What it is is the first step to drilling. It is the proverbial camel's nose under the tent. Once he gets his nose under the tent, the camel is going to get in the tent, the tent is going to collapse, and there is going to be drilling all off the coast of Florida, all off the eastern seaboard and all off the western Pacific coastline.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida, Mr. MARTINEZ, is recognized.

Mr. MARTINEZ. Mr. President, my understanding is that I have one minute to close.

The PRESIDING OFFICER. That time has expired.

Mr. MARTINEZ. I ask unanimous consent for 1 minute to close on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I simply want to note that I am very appreciative of the chairman and ranking member of the committee where I have had the pleasure of working. I believe this is a great and good bill. I want to take this one little provision out that would do so much harm to the people of Florida and would be potentially invasive to our future. I want to remove it so that we can continue forward with this good bill.

I believe, without question, the issue here is not just about these inventories but about future drilling. We cannot drill ourselves to energy sufficiency by what we might find in the Gulf of Mexico.

I urge my colleagues to vote for this amendment so we can take out this one piece of the bill, and the bill can be a successful bill. Then we can go into conference and provide an energy future for our country that is desperately needed. There are many things I want to vote for in the bill. I continue to be greatly concerned about not just an inventory but about where that path would lead. This is not only for the people of Florida but many other coastal Senators have expressed themselves as this being in the best interests of many of our States. I yield back my time.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 52, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—44

Akaka
Bayh
Biden
Boxer
Burr
Cantwell
Chafee
Clinton
Coleman
Collins
Corzine
Dayton
DeMint
Dodd
Dole
Durbin
Feingold
Feinstein
Graham
Harkin
Inouye
Jeffords
Kennedy
Kohl
Lautenberg
Leahy
Levin
Lieberman
Martinez
McCain
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith
Snowe
Stabenow
Sununu
Wyden

NAYS—52

Alexander
Allard
Allen
Baucus
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Byrd
Carper
Chambliss
Coburn
Cochran
Conrad
Cornyn
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Frist
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lincoln
Lott
Lugar
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Salazar
Santorum
Sessions
Shelby
Specter
Stevens
Talent
Thomas
Vitter
Voinovich
Warner

NOT VOTING—4

Dorgan
Johnson
Kerry
Thune

The amendment (No. 783) was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. DEWINE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 11:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

ENERGY POLICY ACT OF 2005—Continued

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I ask unanimous consent that the pending amendment be laid aside so I may be permitted to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 817

(Purpose: To provide for the conduct of activities that promote the adoption of technologies that reduce greenhouse gas intensity in the United States and in developing countries and to provide credit-based financial assistance and investment protections for projects that employ advanced climate technologies or systems in the United States)

Mr. HAGEL. Mr. President, I now send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. HAGEL], for himself and Mr. PRYOR, Mr. ALEXANDER, Ms. LANDRIEU, Mr. CRAIG, Mrs. DOLE, Ms. MURKOWSKI, Mr. VOINOVICH, and Mr. STEVENS, proposes an amendment numbered 817.

Mr. HAGEL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is located in today's RECORD under "Text of Amendments.")

Mr. HAGEL. Mr. President, I understand under a previous agreement the Senator from Minnesota wishes to offer an amendment. I will withhold further comments until the Senator from Minnesota has had an opportunity to propose an amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President. I ask that the pending business be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 790

Mr. DAYTON. I call up Senate amendment 790.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 790.

Mr. DAYTON. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that gasoline contain 10 percent ethanol by volume by 2015)

On page 159, after line 23, add the following:

SEC. 211. ETHANOL CONTENT OF GASOLINE.

(a) DEFINITIONS.—In this section:

(1) CELLULOSIC BIOMASS ETHANOL.—The term "cellulosic biomass ethanol" means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

(A) dedicated energy crops and trees;

(B) wood and wood residues;

(C) plants;

(D) grasses;

(E) agricultural residues; and

(F) fibers.

(2) WASTE DERIVED ETHANOL.—The term "waste derived ethanol" means ethanol derived from—

(A) animal wastes, including poultry fats and poultry wastes, and other waste materials; or

(B) municipal solid waste.

(3) ETHANOL.—The term "ethanol" means cellulosic biomass ethanol and waste derived ethanol.

(b) RENEWABLE FUEL PROGRAM.—Notwithstanding any other provision of law, not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations ensuring that each gallon of gasoline sold or dispensed to consumers in the contiguous United States contains 10 percent ethanol by 2015.

Mr. DAYTON. Mr. President, we have been talking about the laudable goals of recycling, our Nation's dependency on foreign oil, and developing alternative sources of energy. The old saying goes, actions speak louder than words. Our current energy program and practices are taking this country in the opposite direction—toward increased imports of foreign oil.

Even with the renewable fuel standard in the Senate bill, which some want to eliminate, the projected gasoline consumption in our country will increase from 135 billion gallons this year to 168 billion gallons in 2012. That is a 26-percent increase in America's use of gasoline in just 7 years. At a time that worldwide demand is also expected to increase significantly, where we will get the increased supplies? How much will we have to pay for them?

As my colleague, Senator CANTWELL from Washington State, courageously warned last week, even with the adoption of the Senate's renewable fuel standard, our imports of foreign oil would increase from 59 percent currently to 62 percent in 2012. Without adopting the Senate renewable fuel standard, our oil imports would be over 67 percent in just 7 years.

Taking yesterday's world price for oil, which was over $59 a barrel, we will spend $220 billion this year for foreign imports of oil, and we would spend $243 billion in 2012, even with the renewable fuel standard. Anyone who believes the world price of oil in 2012 will not be higher than it is today is beyond optimistic.

Of course, if we can continue to get all the oil we need at today's prices or lower, we would have no need to develop alternatives. That has been our national energy strategy today. People say we do not have an energy policy. I respectfully disagree. Our policy has been and continues to be to maintain the status quo for as long as possible. We continue to depend almost entirely upon oil and oil products, natural gas and its products, coal, nuclear, and hydroelectric power for over 97 percent of our total energy needs nationwide, just as we did in 1970 before our so-called energy crisis began.

The so-called alternative fuels provided less than 2 percent of our country's energy in 1970. They provide less than 3 percent today. None of them are likely to provide significantly more of our total supply 10 or even 20 years from now except for ethanol and other biofuels such as biodiesel. That is why we do not see full-page ads attacking solar, wind, or geothermal energy by the Petroleum Institute or other major energy sources, because they know the alternatives are no threat to replace them anytime soon.

The only alternative source of energy the American Petroleum Institute is attacking is ethanol. Why is that huge industry, oil and gas special interest, spreading misinformation about a business competitor? Because they recognize that ethanol has the ability—not just potential but the ability now, not 10, 20, or 40 years from now but right now—to replace gasoline, to replace not just MTBE, the—3 percent additive to regular gasoline, but to replace the gasoline itself.

I know that from my own experience driving a Ford Explorer that has run on a blend of 85 percent ethanol and 15 percent gasoline all over Minnesota during the past 3 years. My Senate office leased a van that has run on the 85 percent fuel for the last 4 years. Both vehicles have factory-made flexible-fuel engines which can run on the 85-percent ethanol or on regular unleaded gasoline or any mixture of the two. However, for the past 9 years, every car, SUV, or pickup truck in Minnesota has run on a blend of 90 percent gasoline and 10 percent ethanol.

The courageous Republican Governor, Arne Carlson, and the Minnesota Legislature passed a 10-percent ethanol mandate law. Back then, the oil and gas industries tried the same scare tactics they are using on Capitol Hill now: More ethanol will be prohibitively expensive, unsafe, and unreliable. But for the last 9 years, every motorist in Minnesota has put a gasoline containing 10 percent ethanol into every vehicle at every service station with no problems and at prices that are lower than our neighboring States. Just 2 weeks ago, I bought E85 fuel in 11 Minnesota cities at prices ranging from 25 to 70 cents a gallon less than regular unleaded gasoline. Unleaded gas costs between $1.90 and $2.05 a gallon and E85 between $1.35 and $1.65 a gallon.

I have introduced legislation that will require all of the gasoline-consuming cars, SUVs, and trucks sold in America after 2008 to have these flex-fuel engines which would give their owners the choice between ethanol and gasoline every time they fueled up. Every time, consumers could choose the lower priced option, and that consumer choice would provide healthy competition for both fuels.

Certainly there are other good reasons to buy ethanol instead of gasoline, such as putting that money into the pockets of American farmers rather than Arab sheiks or using a cleaner burning ethanol fuel that is better for engines and the environment. However, the automobile industry will not support such an engine requirement because not enough consumers ask for it or insist upon those flex-fuel engines, even though on most models there is no difference to consumers in the sticker price. Without consumer demand, most service stations do not yet carry E85 fuel.

When I visited Ford and General Motors plants recently to better understand their challenges and costs in designing, producing, and selling vehicles with flex-fuel engines, I told their engineer and executives that the transition to fleets with flex-fuel engines could only occur with their support, not over their opposition. After all, they make the engines, warranty them, and service them. I was greatly impressed with their success in designing and manufacturing those engines that can measure the ethanol content in a fuel tank from 0 to 85 percent and adjust the fuel intake and carburetor to burn a more dense 87 octane gasoline or a less dense 104 octane ethanol, or any blend of the two, and then produce the same acceleration efficiency and other performances from either fuel.

If E85, without its tax subsidies, now equivalent to 43 cents a gallon, and after accounting for its 15-percent fewer miles per gallon because of its lesser density, is still cheaper than regular unleaded gas, which it is at its current price in many parts of Minnesota, then savvy consumers, of whom there are now 100,000 in Minnesota, will decide they, too, are sick of ever higher and higher gasoline prices and they, too, want to take advantage of ethanol's lower cost and equal, if not better, performance in their engines. Then when consumers ask for and insist upon flex-fuel engines at no additional cost in the vehicles they buy, automobile manufacturers will produce them. A marketplace will drive that transition. My bill would accelerate it, but this Congress and this country are not yet ready for that conversion.

My other legislation, Senate amendment No. 790, would have an even greater impact on our country's energy independence, on reducing our imports of foreign oil, on putting more of that $220 billion we now send out of our country to import that foreign oil into our U.S. economy instead.

This bill would require that in 10 years, the rest of America would do what Minnesota has done for the past 9 years—require that every gallon of gasoline contain at least 10 percent ethanol. Right now, the nationwide use of ethanol is about 2.5 percent of gasoline. The Senate's renewable fuel standard in this bill would raise nationwide ethanol consumption to almost 5 percent of gasoline by 2012—an amount of gasoline which I said earlier is expected to be 26 percent more than what we are consuming this year nationwide.

For the gasoline that is refined from that oil, 62 percent of which would be imported foreign oil with our renewable fuel standard, replacing 5 percent of that gasoline with ethanol is real progress, but it is small progress. It is only half of what we could achieve by a 10-percent ethanol mandate nationwide. Ten percent of the 168 billion gallons of gasoline that Americans are projected to consume in 2012 would be 16.8 billion gallons of fuel. If gasoline remained at $2 a gallon, substituting ethanol for 10 percent would shift almost $34 billion each year from a nonrenewable fuel, over half of it foreign, to annually rely on American grown and American manufactured oil that could supply over half of all that oil and gasoline.

Now we see why the American Petroleum Institute is attacking ethanol and why, regrettably, it has convinced some of my Senate colleagues to do the same. I am deeply dismayed by accusations made in the Senate that I and other ethanol proponents are trying to foist some huge additional costs on American motorists in order to increase the profits of one company or to create some profits for our Midwestern farmers. I am beholden to no company or industry. I certainly support policies that benefit Minnesota farmers, but I would never, ever try to advance their economic interests at the expense of all other Americans.

Americans are almost certain to be plagued by higher energy prices in the years ahead. They do not deserve any congressional action that would cause those prices to go even higher. Americans do, however, want congressional leadership to redirect our country away from our continued reliance on the same energy sources—oil, natural gas, coal, and nuclear—and they know we cannot replace something with nothing.

It is true that conservation—using less energy—remains our best energy alternative. Individually and collectively, Americans will need to conserve more and consume less energy in the future. That conservation is essential, but it is not enough. If we are to reduce our national consumption of oil and oil products, we will have to replace them with something else. Electric cars, hydrogen cells, and hybrids may sound good, but they are years away from being able to replace gasoline. Ethanol can replace gasoline today.

Ethanol is cheaper than gasoline in Minnesota today. That may not yet be true on the west coast or the east coast due to transportation costs because most ethanol is transported in relatively small amounts by truck or by rail rather than in large quantities by pipelines.

A nationwide commitment to increased use of ethanol would involve developing a transportation system or, better yet, producing ethanol locally, as Minnesota farm co-ops are doing today.

Ethanol can be made from many different sources, including wood chips, corn stalks, organic garbage, and even animal waste. I will rejoice when California, New York, and other farmers and small business entrepreneurs begin to produce ethanol and sell it locally or regionally. They can make decent profits while still offering consumers lower fuel prices for cleaner burning fuels. If they fail to do so, consumers can continue to buy gasoline, but they will have a choice.

Again, none of this would be necessary if we could continue to get all the oil and gasoline we need at prices no higher than they are today. In the past, we have taken that gamble, and most of the time we have come out ahead. That is evidently what we will continue to do, despite the benefits of this legislation, even if those benefits survive a conference with the House and the administration and if they survive all the efforts to defeat them by the American Petroleum Institute and the other established energy interests because they will still make their profits, no matter how much their energy prices increase, as long as Americans have no alternatives.

They profit and the rest of us pay. That will not change unless we take action to change it. We cannot, and we will not, change our dependence on foreign oil or on any of our current energy sources by wishing them away or by making speeches about alternatives or by waiting for the next energy crisis to demand them. We have to take actions—and sustain those actions—to make the transition to using significant amounts of other sources of energy and to use enough of them for long enough to enable new entrepreneurs and expanding businesses to produce those supplies, transport them, sell them, and service them.

There is no magic wand. There is no overnight cure. There is not even a guaranteed success. There is only the choice to try to maintain the same old energy supplies and pay for them or to develop real alternatives. Ethanol is ready now. And when America is ready, I will offer my amendments again.

AMENDMENT NO. 790 WITHDRAWN

Mr. President, I ask unanimous consent to withdraw amendment No. 790.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DAYTON. Mr. President, I yield the floor. I thank my colleague from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 817

Mr. HAGEL. Mr. President, I rise today with my colleagues, Senators PRYOR, ALEXANDER, LANDRIEU, CRAIG, DOLE, MURKOWSKI, VOINOVICH, and STEVENS, to offer an amendment to H.R. 6, the Energy Policy Act of 2005.

This amendment incorporates two bills I introduced earlier this year, the Climate Change Technology Deployment Act and the Climate Change Technology Deployment in Developing Countries Act. Taken together, these bills propose a comprehensive, effective U.S. global climate change policy.

The climate change debate is not a debate about who is for or against the environment. No one wants dirty air, dirty water, prolonged drought or declining standards of living for their children or grandchildren. We all agree on the need for a clean environment and stable climate.

The debate is not about whether we should take action but, rather, what kind of action we should take. A sound energy policy must include sensible and effective climate policies reflecting the reality that strong economic growth and abundant clean energy supplies go hand in hand.

The amendment my colleagues and I are offering is comprehensive and practical. Bringing in the private sector, creating incentives for technological innovation, and enlisting developing countries as partners will all be critical to real progress on global climate policy. This amendment seeks to do exactly that, by authorizing new programs, policies, and incentives to reduce greenhouse gas intensity.

It focuses on expanding clean energy supplies, enhancing the role of technology, establishing partnerships between the public and private sectors and between the U.S. and developing countries. Innovation and technology are the building blocks for an effective and sustainable climate policy.

This amendment uses greenhouse gas intensity as a measure of success. Greenhouse gas intensity is the measurement of how efficiently a nation uses carbon-emitting fuels and technology in producing goods and services. It best captures the links between energy efficiency, economic development, and the environment.

The first section of this amendment supports establishing domestic public-private partnerships for demonstration projects that employ greenhouse gas intensity reduction technologies. These provisions are similar to those of title XIV of H.R. 6 but are tied more directly to climate policy. This plan provides credit-based financial assistance and investment protection for American businesses and projects that deploy advanced climate technologies and systems. Federal financial assistance includes direct loans, loan guarantees, standby interest coverage, and power production incentive payments.

We are most successful in confronting the most difficult and complicated issues when we draw on the strength of the private sector. Public-private partnerships meld together the institutional leverage of the Government with the innovation of industry.

This amendment directs the Secretary of Energy to lead an interagency process to develop and implement a national climate technology strategy developed by the White House Office of Science and Technology Policy. It establishes an executive branch Climate Coordinating Committee and Climate Credit Board to assess, approve, and fund these projects.

The second section of this amendment provides the Secretary of State with new authority for coordinating assistance to developing countries for projects and technologies that reduce greenhouse gas intensity. Current international approaches to global climate change overlook the role of developing countries as part of either the problem or the solution. That is, at best, unrealistic and shortsighted.

According to the Congressional Research Service, China is already the world's second largest consumer of oil, with its demand projected to more than double over the next 25 years. It is estimated that coal-burning emissions by China alone, over the next 25 years, would be twice the emissions reductions that would be achieved if all nations that ratified the Kyoto Protocol met their obligations. China and other developing nations will not be able to achieve greenhouse gas reductions until they achieve higher standards of living. They lack clean energy technology, and they cannot absorb the economic impact of necessary changes to reduce emissions reductions. New policies will require recognition of the limitations of developing nations to meet these standards and the necessity of including them in future emission-reduction initiatives.

This amendment works with those limitations by supporting the development of a U.S. global climate strategy to expand the role of the private sector, develop public-private partnerships, and encourage the deployment of greenhouse gas intensity reducing technologies in developing countries.

Further, this amendment directs the Secretary of State to engage global climate change as a foreign policy issue. It directs the U.S. Trade Representative to identify trade-related barriers to the export of greenhouse gas intensity reducing technologies and establishes an interagency working group to promote the export of greenhouse gas intensity reducing technologies and practices from the United States.

Finally, the amendment authorizes fellowship and exchange programs for foreign officials to visit the United States and acquire the expertise and knowledge to reduce greenhouse gas intensity in their countries.

The action we take must be as comprehensive as possible in order to be effective in reducing international greenhouse gas emissions. That means any climate change initiatives we adopt must capture the links between energy use, the environment, and economic development in a global context.

Climate change does not recognize national borders. It is an international issue. It is a shared responsibility for all nations. Focusing on solutions that are too narrow may resolve one problem just to create or exacerbate another problem somewhere else in the world.

Consider, for example, the U.S. manufacturing sector. According to one recent study written for the National Association of Manufacturers, this sector accounts for some 15 million jobs in the United States, producing everything from semiconductors to food products. It is a cornerstone of our economy, and it is the largest consumer of energy in our country.

Rising energy costs and shrinking supply, especially of natural gas, are already a factor in the loss of U.S. manufacturing jobs today. These rising costs, in part a result of regulations and other self-imposed limitations, contribute to a less competitive position for U.S. companies around the world—just as the world economy is becoming increasingly more and more competitive.

Some of these companies are going out of business. Others are going offshore to locations with lower costs and more accessible energy sources. In the end, long-term success will come from stimulating increased energy efficiency and new lower carbon systems, not from actions that set up a system to continually constrain energy supplies.

There are viable policy options for protecting the environment without sacrificing economic performance in manufacturing and other sectors here in this country or in other nations. That will involve ensuring adequate supplies of energy at globally competitive prices. By promoting new energy supplies and clean energy technologies, we could potentially add millions of new jobs and improve our economic performance, as well as the economic performance of all nations, increasing all standards of living across the globe, assuring more stability and secure living environments around the world, with less conflict, less war around the world.

At the same time, there are policies under discussion today that would restrict energy supplies either now or in the future. These policies would hurt our economic performance without necessarily improving environmental quality. Too often, such policies are considered in isolation of other real-life factors instead of comprehensively and internationally.

America's climate policy needs to be a comprehensive policy that captures the links between our energy use and our economic and environmental well-being. That will mean expanding the availability of cleaner fuels and improving the efficiency of our energy use and production through new technologies. Right now, fuel substitution possibilities are limited, and the rate of innovation is not fast enough to keep pace with our demand.

Natural gas supplies in the U.S. are constricted. No new nuclear powerplants have been constructed in many years. Renewables are promising but not at an adequate level of development for the needs of our growing dynamic economy.

Achieving reductions in greenhouse gas emissions is one of the more important challenges of our time. We recognize that. In developing a sound energy policy, however, America has an opportunity and a responsibility for global climate policy leadership. But it is a responsibility to be shared by all nations.

Mr. President, I look forward to working with my colleagues; the Bush administration, which has done a significant amount in dealing with this issue, especially in market-based, technology-driven projects; the private sector, from which innovation comes; the public interest groups that help focus our attention; and America's allies—American's allies—key to any achievable climate change policies. I look forward to working with all of these individuals, institutions, bodies, and nations to achieve a climate change policy that is workable, sustainable.

By harnessing our many strengths, we can help shape a worthy future for all people in the world.

I encourage my colleagues to review this amendment, and I ask for their consideration and support.

Mr. President, I thank you and yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me say how proud I am to speak in behalf of and in favor of the climate change amendment we have just heard thoroughly explained by Senator HAGEL and to thank him and Senator PRYOR for joining in a bipartisan way to provide for us the underpinnings of a path forward on the issue of climate change and to meet both this Nation's and the global needs that are obvious when we talk about climate change and, in that context, economic progress.

In addition, this legislation will provide a sound basis for productive engagements with our friends and allies in sharing a need to cooperatively work literally around the globe on this issue. If we are talking about climate change, we are not talking about it only in the United States. It is literally the climate of the world we are talking about and a concern about those elements that are introduced by man into the environment that make the change or could make the change.

An essential element in this legislation is an active engagement of developing countries. My views on this point are not new, but I do believe they are worth repeating as we begin this important debate on national energy policy and as we step into the arena of climate change.

Our policy must recognize the legitimate needs of our bilateral trading partners to use their resources and meet their needs for their people. For too long, the climate policy debate has been about fixing and assigning blame and inflicting pain. This is most harmful. It is counterproductive. When the climate change community said to the world, save the world by turning out your lights and turning off your economies, the world in large part said: Wait a moment. We don't think we can do that. We have to look at this issue differently.

Our best technological advances, our research activities, all are focusing on how we become cleaner. And as we become cleaner, we immediately provide and send that technology to the world, and we meet their needs while they grow and develop and provide for their own people.

Senator HAGEL, Senator PRYOR, and those of us who support this amendment have made it clear that there are important issues we ought to be about when we talk about climate change. Above all, this legislation is a true acknowledgment that climate variability and change is a top priority of the United States and of all nations, and we have not shirked from that. There can be an honest debate about whether the United States should do more or whether too much reliance is being placed on voluntary initiatives. But to claim that the United States is not acting seriously reflects at best a lack of knowledge or at worst political posturing.

An objective review of government and private sector programs to reduce increases in greenhouse gases now and in the future would have to conclude that the United States is doing at least as much, if not more, than countries that are part of the Kyoto Protocol which went into effect last February. The best evidence of this is our domestic rate of improvement in greenhouse gas intensity relative to improvements in other countries. The term I just used—and it is one we ought to all become familiar with because it is the true measurement of this issue, not the politics of the issue, it is in fact the scientific measurement—"greenhouse gas intensities" is defined in the legislation Senator HAGEL has just offered as the ratio of greenhouse gas emissions to economic output. This is a far wiser measure of progress because it compliments rather than conflicts with a nation's goal of growing its economy and meeting the needs of its aspiring citizens.

Too much attention has been paid to the mandatory nature of Kyoto, and too little is resulting from it because nations simply can't go there. Most of the countries that ratified Kyoto will not meet the greenhouse gas reduction targets by the deadlines required by Kyoto. So why did they ratify it? Was it the politics of the issue or were they really intent on meeting the goals? We did not ratify it because we knew that it couldn't be done in this country. Yet we are the most technologically advanced country of the world.

Why couldn't it be done here? Simple reason: When we stated on the floor some years ago that we would have to take a hit of at least 3 million jobs in our country to dial ourselves down to meet the Kyoto standards, we were right. In fact, at the depths of this last recession we have just come out of, with 2.9 million people unemployed, we met the standards that we were supposed to meet under Kyoto. Most fascinating is the recent news that Great Britain needs more allocation of credits to meet its targets under Kyoto.

Imagine this, the most aggressive advocate of Kyoto, the nation best positioned to meet the requirements of the treaty, is now backsliding because they can't hit their targets. They need more relief.

At a recent COP–10—that is a climate change conference in Buenos Aires I attended along with many of our colleagues—delegates from a variety of countries came up to us and said very clearly, we need the intensity approach in order to avert harsh, clearly unmanageable, unattainable consequences of Kyoto. Indeed, a conference delegate from Italy informed me and others attending COP–10 that Italy will bow out—they were early to ratify Kyoto—by 2012 because they couldn't comply with phase 2 of the treaty. Remarkable stuff? No. Real stuff. Now that the politics have died down, in every country except this one, where we still want some degree of political expression—now that the politics have died down in these other countries that have ratified the treaty, they don't know what to do because they can't get there.

Let me tell you what they can do. They can follow the guidance and direction of the Hagel-Pryor amendment that I hope will become law. In that law we will engage with them in the use of our technology to advance a cleaner fuel system and systems for the world and not have to ask them to turn their economy down.

The United States is currently spending in excess of $5 billion annually on scientific and technological initiatives. That is far more than any other nation in the world. In fact, I believe we are spending more as a nation than all of the other nations combined on the issue of cleaner emissions—therefore, proclimate change, pro-Kyoto. But nobody talks about it because it wasn't one bill. It wasn't one vote. It wasn't a great big press conference. It is a collective initiative on the part of our Government with some of our direction over the course of a decade to become better at what we do and cleaner in how we do it.

The Bush administration has entered into more than a dozen bilateral agreements with other countries to improve their energy efficiencies and reduce greenhouse gas growth rates and has received compliments from major industries and worked with them to make improvements in the use and the effective efficiencies of their energy sources. These programs are designed to advance our state of knowledge, accelerate the development and deployment of energy technologies, aid developing nations in using energy more efficiently, and achieve the 18-percent reduction in energy intensity by 2012, as our President laid out.

Domestically, the United States continues to make world-leading investments in climate change and climate science technology. The United States has also implemented a wide range of national greenhouse gas control initiatives, carbon sequestration, and international collaborative agreements.

Let me cite from a summary of what we have done: The climate change technology program, a $3 billion program; the climate change science program, a $2 billion program; DOE's registry for greenhouse gas reporting, another major program; DOE's climate vision partnership for industry reductions that includes 12 major industry sectors and the Business Roundtable.

Here are some examples: Refineries committed to improve energy efficiency by 10 percent between 2002 and 2012. The chemical industry will improve greenhouse gas intensity by 18 percent between 1990 and 2012. Mining sites committed to increase efficiency by 10 percent. That is in that initiative alone.

EPA'S climate leaders for individual company reductions: Over 60 major corporate-wide reduction goals are in place, including GM, Alcoa, British Petroleum, IBM, Pfizer, and the list goes on and on.

We could spend an hour talking about the initiatives that are underway in this country. What I told the chairman of the Energy Committee last night as we discussed the issue of climate change was: Mr. Chairman, we ought to take this whole bill and call it the climate change bill of 2005. Why? Clean coal, wind, solar, nuclear, hydrogen—all kinds of incentives and new technologies all designed to keep this economy roaring and to keep the economy greener, if you want to say it that way, certainly to keep it cleaner.

Remember the term that I used a few moments ago when I talked about the term in the legislation, to dramatically improve our greenhouse gas intensity as it relates to emissions per units of economic output. That is where the Hagel-Pryor bill goes. That is where this Senate ought to be going. But we still have an attitude around here that you have to point fingers and you have to inflict pain because that is the only way you can sell an idea to the American people. That is wrong. We have already proven that if we were to walk the walk and talk the talk of Kyoto, there would be 3 million Americans not working today. How would we deal with that? A wink and a nod and simply say we did it because it makes the world cleaner? I know what my young sons would say who might be out of work as a result of that. They would say: Dad, we are the smartest country in the world. We are the most technologically advanced. We can't figure out a way to do it better?

Yes, we can. And we are. The Hagel bill does it. That is why we ought to be supporting it. The key issue is not whether there is any human influence effect on the globe today. Instead the issue is how large any human influence may be as it compares with natural variabilities in our climate; how costly and how effective human intervention may be in reversing, justifying, moderating any form of variability that exists out there; if, in fact, we could possibly do it. What technologies may be required over the near and long term is to determine all that they relate to as it relates to intensity and the climate change issue itself.

It is an important issue for the Senate to address. I believe it has been brought to us today in the proper format, not only to drive technologies at home but to embrace other countries around the world. Why in the air high over Ohio today do we find carbon not from the United States but from China? And we do. Gases, carbon-containing gases, high in the atmosphere over the United States today are coming from the largest burner of coal as a nation in the world. And they are outside Kyoto, and we don't do anything about it. The Hagel bill does. It embraces them. It begins to work with them.

It begins to recognize that if we are going to clean up the world beyond where it is today, if we did it alone, it would be but a moment of time. We must engage our colleagues from all over the world in a comprehensive fashion that deals with technology, that causes the world to be relatively transparent in all that they do, for the developing nations of the world not to say to them, Just turn your lights out and stay where you are. They won't. They haven't. And now we need to work with them to make sure that in our pursuit of a cleaner world, we allow our technology to embrace their problems along with our problems. That is recognized and understood by the Hagel-Pryor amendment. I am pleased to be a cosponsor of it.

I urge my colleagues in the final analysis of this debate, this is the right direction to go. We ought to take it and be happy we are moving in this direction.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I rise today in support of the Hagel-Pryor climate change amendment and to discuss the reality of global warming. I also thank my colleagues for some of the kind comments on the Senate floor and the kind comments I have heard in the last few days just in the hallways around the Senate. They have been encouraging.

Climate change is not a new issue to this body, to the scientific community, or to the public at large. This issue has been discussed, dissected, and debated for years—with little or no action. I believe this is because the complexities and uncertainties about the magnitude, the timing, and the rate of climate change have led to a stalemate on policy recommendations.

Mr. President, Senator HAGEL and I, as well as the other cosponsors, are trying to move past this stalemate. We bring to the table a market-driven, technology-based approach that will begin to address this controversial yet pressing matter.

Our amendment—also cosponsored by Senators ALEXANDER, CRAIG, DOLE, MURKOWSKI, VOINOVICH, and STEVENS—does not dump all of the responsibility on industry, nor does it force a one-size-fits-all mandate. Over and over again, we have watched such approaches result in failure on the Senate floor. We can no longer afford to do nothing.

The business and the environmental sectors do not have to be mutually exclusive. With this amendment, we treat them as partners brought together through innovation for the common and necessary good.

A third partner in this relationship is the Government, with institutional leverage and funding mechanisms that will help spur industry to create new technologies targeted at reducing greenhouse gas emissions.

In a nutshell, we are encouraging American ingenuity, partnerships and, above all, progress.

This comprehensive climate change amendment has two main components. It identifies what must be accomplished domestically and internationally to reduce greenhouse gas emissions.

The domestic component of our amendment would authorize the Federal Government to make financial commitments for research and development and technology.

The Hagel-Pryor amendment authorizes direct loans, loan guarantees, standby default and interest coverage for projects which deploy technologies that reduce greenhouse gas emissions.

Additionally, we are asking for an authorization of $2 billion over 5 years in tax credits to support these technologies and to create a new investment and construction tax credit for nuclear power facilities.

In Little Rock, we have a small company called ThermoEnergy, which is developing technology that eliminates most air emission from new fossil fuel powerplants. They use a process that increases plant efficiency but also eliminates adverse environmental and health effects associated with the use of fossil fuels, especially coal. I know there are many other companies all over this country that have great potential to achieve a broad range of energy security and environmental goals. They simply need the resources to expand their capabilities into the marketplace.

Under this amendment, a wide variety of greenhouse gas-reducing technologies would be eligible for tax credits or loans, ranging from renewable energy products, lower emission transportation, carbon sequestration, coal gasification and liquefaction, and other energy efficiency enhancements.

This amendment also establishes a climate coordinating committee and climate credit board to assess, approve, and fund projects; and it directs the Secretary of Energy to lead an interagency process to implement a national climate change strategy. While we deal with climate change here in the United States, let us not forget that people in other parts of the world are already experiencing the effects of global warming.

I have heard quite a bit about the 11,000 residents of Tuvalu, who live on a 10-mile square scattered over the Pacific Ocean near Fiji. Tuvalu has no industry, burns little petroleum, and creates less carbon pollution than a small town in America. This tiny place, nevertheless, is on the front line of climate change. The increasing intensity of weather and rising sea level could soon wash away this tiny island. Other low-lying countries, such as Sri Lanka and Bangladesh, are experiencing similar phenomena.

The United States is a contributor to climate change, and we must take action to reduce greenhouse gas emissions, but we cannot prevent global warming on our own. That is why we have included an international component to this amendment to encourage developing countries to adopt U.S. technologies. In doing so, we have asked the Secretary of State and the U.S. Trade Representative to assume additional roles.

First, we provide the Secretary of State with new authority to work with developing countries on deployment and demonstration projects and technologies that reduce greenhouse gas emissions.

Second, the U.S. Trade Representative is directed to negotiate the removal of trade-related barriers to the export of greenhouse gas-reducing technologies.

Furthermore, this amendment would establish an interagency working group to promote the exports of certain technologies and practices.

It is in the shared interests of the United States and industrialized nations to help other countries by sharing cleaner technology.

Mr. President, this amendment is not the solution for all of our climate change problems. It is meant to serve as a catalyst in bringing the necessary technology to the marketplace. I am hopeful that with the resources provided through this amendment, private industry will swiftly create or adopt cleaner technologies as they become available and move us in the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I rise for a moment to commend the Senator from Nebraska and the Senator from Arkansas for their leadership on this amendment and, in particular, for their approach. As a freshman Member of this body, I have looked forward with anticipation to the great debate on the Energy bill. I know that for basically a decade we have been without an energy policy and desperately in need of one.

As a member of the Environment and Public Works Committee, and because of earlier legislation this year, I am critically aware of the climate change concerns and the desires by some to establish absolute standards on carbon. Senator HAGEL and Senator PRYOR have done precisely the right thing—precisely the thing America has done over and over again to address problems and bring about positive solutions.

As Senator PRYOR just outlined, there is no reason for the business and development community of America and the environmental community's interests to be mutually exclusive. In fact, they should be mutually inclusive. Legislation such as this, which promotes incentives to find solutions to greenhouse gases, carbon emissions, develop alternative energy sources and new mechanisms of taking old sources such as coal and making them clean technologies, is absolutely correct.

I rise for one purpose, and that is to talk about a prime example of what Senators PRYOR and HAGEL are proposing. A number of years ago, the Department of Energy put out competition to ask private sector electric generation companies to bid on doing a demonstration project to see if coal gasification was possible and through its generation electricity could be produced at an economically viable and competitive rate.

In my neighboring State of Alabama, next to my home of Georgia, in Wilsonville, AL, such a project took place in the Southern Company. The Department of Energy began a joint project and invested money and developed technology that today leads to the construction of a plant in Orlando, FL, in conjunction with the Orlando Utility Company, where, through the new technique of coal gasification, electricity will be generated and retailed in that part of middle Florida without the emission of greenhouse gases.

That is what America is all about—positive incentives to do the right thing and to find solutions. This amendment by the Senators from Nebraska and Arkansas will do just that. I rise happily to give it my endorsement and my support.

One final comment. As we talk about the need to protect our environment and ensure that greenhouse gases don't run away from us and that we preserve all that we have, we have to understand that we have to incentivize every part of the energy sector and the energy segment, and as we develop new technologies, we also ought to reuse and reintroduce those great technologies of nuclear and others that have produced clean, efficient, reliable energy without the production either of carbon or the greenhouse gases.

So I commend the Senator from Nebraska and the Senator from Arkansas on their leadership. I support the Hagel-Pryor amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the Senator from Georgia for his good example and his leadership in this legislation. I especially salute the Senator from Nebraska for having the unerring good judgment to suggest to us the right next step.

This Energy bill we have been debating in the last 2 weeks and working on for the last several months is really a no-carbon, low-carbon energy bill. Since carbon in the air is the principal contributor to the worry about global climate change, this bill is the solution to that problem.

There is still a lot of work to do, and there are a lot of minds that are changing, studying, assessing the science, and trying to make certain we make good policy judgments here. But anyone who watches this debate or reads it closely should understand that, in my view, the Senate is developing a clean energy bill. The Senator from Idaho said it was a climate change energy bill. But it represents, to me, a recognition that it is time to take a more significant step toward putting us on a path of transforming the way we create electricity in this country and use energy so that we can produce less carbon. A big part of that is the concern we have about what we might be doing as human beings to cause global climate change.

So the Senate is like a big train: it is hard to get started, but once it gets going, it moves steadily down the track. We are moving steadily down the track toward a completely different emphasis on the production of electricity and the use of energy, and the whole focus is no-carbon and low-carbon.

Sometimes we elected officials have a way of saying things like that, and they just turn into little programs that don't amount to much. That is not the case here. This is the whole core of this piece of legislation. If you are really trying to create a way to produce electricity in a country that uses 25 percent of all the energy in the world—and that is what we do—you have to start with conservation.

This legislation, the Domenici-Bingaman legislation that is before us, begins with provisions about efficiency, and it has in it provisions that will shave off between 20 and 40 percent of the anticipated growth of energy demand by 2015.

It would save the equivalent of building 170 300-megawatt plants. So we begin with conservation and we begin with efficiency.

No. 2, the bill—before we get to the Hagel amendment of which I am glad to be a cosponsor—puts a focus on the one way today that we create carbon-free electricity far and above everything else, and that is nuclear power. If we are worried about global warming, the solution is nuclear power. Nuclear power produces 70 percent of our carbon-free electricity. We know how to do it, we invented it. We have never had a single reactor accident in the dozens of Navy vessels that are powered by nuclear reactors that we have used since the 1950s. We have shipped this technology to France which now is nearly 80 percent in terms of supplying its electricity from nuclear power. Japan builds new nuclear powerplants every year.

If we care about low-carbon, no-carbon electricity, after we have aggressive conservation, we should make it easier to produce nuclear power, and in a variety of ways this legislation does that.

Waiting in the wings, if we care about low-carbon, no-carbon power, is an example of what the Senator from Georgia talked about. We call that coal gasification with carbon sequestration. That is such a long-sounding title that nobody could possibly imagine what it is. But what it does is it simply takes this hundreds and hundreds of years' supply of coal that we have and turns it, by burning it, into gas, and then we burn the gas. That gets rid of the sulfur, the nitrogen, and the mercury, but it leaves the carbon.

The technology of carbon sequestration is to take that carbon and store it in the ground or do something else with it.

As the Senator from Nebraska has said, if through his initiative, his incentive program, we are able to encourage the science and technology capacity of the United States and the world to advance through demonstration coal gasification, reduce its costs somewhat, and then to solve the problem of carbon sequestration, that is the single best way, after nuclear power, to create clean air in the world. Many in the environmental community prefer it to nuclear power because of their concerns about storage of spent fuel and about proliferation.

So conservation, nuclear power, and coal gasification with carbon sequestration are the ways to solve any concerns we might have about global warming because, especially with the Hagel-Pryor provisions, we are able to accelerate that technology not just for ourselves but for the world.

We also have in this legislation important support for solar power which has basically been left out of our renewable production tax credit. It has not gotten any of the money—almost any of the money. Biomass, which is becoming more important, wind power—many of my colleagues know I think we have gone overboard on wind power, but there are substantial generous provisions in here.

Add up all those renewable fuels and they are a few percent. They are important, but we have to put them in their proper perspective.

There is an oil savings amendment in this bill that reduces the amount of carbon in the air. And then there is the tax title to the Energy bill that we will be considering later this week which Senator GRASSLEY, Senator BAUCUS, and their committee have produced which—with a couple of exceptions, which I will talk about at another time—I think is a great step forward. It would have to be considered a low-carbon, no-carbon tax title with clean energy bonds for certified coal property, with consumer incentives for hybrid and diesel vehicles.

There is an amendment being discussed, of which I hope to be a part, that would add incentives to retooling automobile plants so that we can see that those hybrid cars and advanced diesel vehicles are built in the United States and not in Yokohama.

There is in the tax title energy-efficient proposals to support energy-efficient appliances and buildings. There is in the tax title support for investment tax credits for the coal gasification plants I mentioned.

There is in the Energy and Natural Resources bill a new financing procedure that Senator DOMENICI has envisioned which would be loan guarantees for all of these forms of clean energy.

There is support for solar deployment, and then there is support for advanced nuclear power facilities so that we can build smaller, less expensive nuclear power facilities.

All this adds up to a clean Energy bill that puts its focus on low-carbon and no-carbon electricity. What Senator HAGEL has done is say that is a good direction, but let's accelerate it by encouraging technology. It is not a top-down idea. It is to say to someone in Tennessee or Minnesota who might be producing carbon in their business or a utility: Bring us your baseline. Tell us how much carbon you have been producing. Tell us how much less you plan to produce. Then this board would create the incentives for that, and we would see where we go with that.

There are other important steps, and we are about to debate one of them. Senators McCAIN and LIEBERMAN have worked hard to take us to what I would call the next generation or the next step, which would be mandatory caps on carbon.

I have supported one version of legislation that has a mandatory cap on carbon. It was the bill introduced by Senator CARPER last year. I did it primarily because I care about clean air, and I wanted less sulfur, nitrogen, and mercury in the air, and it had more aggressive standards than the President's proposals. But it also included a carbon cap and that fitted my understanding of where the technology is.

The more I have studied this I think the Hagel approach is the better approach because it fits with the low-carbon legislation which we have. It accelerates it, gives it some juice. Then I like what Senator DOMENICI said last night in his statement about the discussions we have been having with Senator BINGAMAN about his proposal for the possibility of caps.

Senator DOMENICI said we should begin immediately, in July, holding hearings on the Hagel legislation and on whatever the next steps might be. In other words, this is not just passing an energy bill and then wait 10 to 15 years and pass another one. This is recognizing we have created a completely different direction for production of energy and electricity in the United States; that we are adding to it with the Hagel amendment; that we have serious proposals from Senators McCAIN and LIEBERMAN, and Senator BINGAMAN has made some. The National Commission on Energy Policy, many of whose suggestions are a part of this bill, have made some.

So my hope is that Chairman DOMENICI and Senator BINGAMAN, if we should adopt the Hagel amendment, will take us to the next step in July and August and let us see how we might implement it and where we might go.

Speaking as one Senator, this is a significant shift of direction. I am not willing to go further with mandates at this point. I like the concepts, but I am leery of applying such a complex, detailed set of mandates as some have proposed to such a big complex economy as we have today.

I prefer the Hagel approach. It is the right next step. It fits easily into this no-carbon, low-carbon Energy bill. I salute the Senator from Nebraska and the Senator from Arkansas for their leadership. I look forward to voting for it.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, on behalf of the leader, I have a unanimous consent request which has been cleared on both sides.

I ask unanimous consent that there now be 60 minutes of debate in relation to the pending amendment with the following Senators recognized: Senator VOINOVICH, 15 minutes; Senator REID or his designee, 15 minutes; Senator INHOFE, 15 minutes; Senator HAGEL, 15 minutes. I further ask unanimous consent that following the use or yielding back of the time the Senate proceed to a vote in relation to the Hagel amendment, with no second-degree amendments in order to the amendment prior to that vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand that this is satisfactory with Senator HAGEL.

Mr. HAGEL. Mr. President, it is. I thank the chairman.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I know we just set this in motion, but I ask Senator HAGEL if I could use 2 minutes of his time now.

Mr. HAGEL. I yield as much time as the chairman needs.

Mr. DOMENICI. Mr. President, before we are finished with the votes on global warming—and I will have a little to say; I will get time from somebody—I will present to the Senate a detailed summary of the bill that is pending before the Senate in terms of what it does to move the United States of America toward a reduction in the so-called greenhouse gases led by carbon.

This bill we are going to vote out of here hopefully tomorrow or the next day that we worked so hard on in the Committee on Energy and Natural Resources, with Senator BINGAMAN, my ranking member, and Senators such as LAMAR ALEXANDER who have worked very hard, it does take some giant steps toward the reduction of carbon in the American economy. It does so in ways that if our business communities want to spend money and use innovative technology, the opportunities are there.

If our scientists want to make breakthroughs to clean up, it is there. If people want to move with nuclear power, which is the cleanest—right now, as my friend from Tennessee has reminded me, 70 percent of the carbon-free emissions in America come from the nuclear powerplants. That is rather astounding. We run around thinking we have done so much cleanup, but these very old—old in that we have not built one in 23 years—these nuclear powerplants are the ones that are cleaning up right now.

All I am saying is, this bill says if we are right, we are going to build some nuclear powerplants during the era of trying to reduce carbon. That is going to be part of our world, both economic and cleanup world, as provided in this bill.

We will summarize that. There is no attempt to delude the efficacy of the other bills, be it Hagel or McCain, but merely to say we recognized this in our committee, but we just did not think we ought to do global warming per se. That is where we are.

The Senate is confronted with the unanimous consent agreement which we have just laid before it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HAGEL. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that time that elapses during the quorum call be charged equally to all sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, I rise as a cosponsor of the bipartisan amendment proposed by Senators HAGEL and PRYOR to add a climate change title to the Energy bill. I commend them for their leadership on this very important issue.

Man's relationship with the world's climate has long been a focus of scientists and policymakers. Thirty years ago, there was great concern about global cooling, as evidenced by articles in Science Digest in February, 1973, entitled "Brace Yourself for an Ice Age" and Time Magazine in June, 1974, entitled "Another Ice Age?"

Today, many are worried instead about global warming, with claims that urgent and dramatic actions are needed to avoid catastrophic impacts. As the chairman of the Environment and Public Works Clean Air, Climate Change, and Nuclear Safety Subcommittee, I have spent a great deal of time studying this issue, as our committee has held numerous hearings on climate change.

The chairman of the committee, Senator INHOFE from Oklahoma, has spent countless hours personally examining climate change science. He has recently given several speeches on the Senate floor, pointing out serious flaws in the four principal beliefs underlying what some call a consensus on global warming. His work points out very clearly that we are far from a consensus and many questions remain.

I am hopeful today he will take the floor some time to go into more of the details on that, as he has in the past.

Despite the scientific debate, the issue of global warming and proposals to address this perceived threat have received a lot of attention lately in the Senate. On one side of this debate, there are proposals to create a mandatory domestic program to reduce greenhouse gas emissions, such as the amendment that will be proposed by Senator MCCAIN, to my understanding, and I strongly urge my colleagues to vote against this amendment.

It is my understanding that the amendment, according to Charles Rivers Associates, which analyzed its provisions, would cause the loss of 24,000 to 47,000 Ohio jobs, in 2010, and energy-intensive industries to shrink by 2.3 to 5.6 percent in 2020. We are talking about manufacturing industries, energy-intensive manufacturing and chemical and many others.

The McCain amendment will put coal out of business by forcing fuel switching to natural gas. This might even be why some organizations are pushing this amendment. Last year, I was shocked to read that a Sierra Legal Defense Fund staff lawyer said:

> In general, our long-term objective is to make sure that coal-fired plants get closed.

This is an unacceptable outcome for my State and our Nation. Nearly 90 percent of Ohio's electricity comes from coal. For the Nation, it is about 50 percent. Companies depend on this low-cost energy to compete in the global marketplace. We do not live in a cocoon. Companies are moving overseas because of increased health care costs, litigation costs, and energy costs are also a major factor.

According to a recent survey of industrial executives, the No. 1 barrier to U.S. manufacturing growth in the coming year is high energy prices. It becomes even more costly for companies to operate in this country when you consider the new air quality standards for ozone and particulate matter. States and localities have yet to fully understand how difficult and expensive it will be to come in compliance with the standards.

Over the last decade, the use of natural gas in electricity generation has risen significantly, while domestic supplies of natural gas have fallen.

That is why we are trying to do something about more natural gas in this Energy bill. The results are predictable: Tightening supplies of natural gas, higher natural gas prices, and higher electricity prices.

Because of this situation, U.S. natural gas prices are the highest in the developed world. Families that use natural gas to heat their homes, farmers that use it to make fertilizer, and the manufacturers who use it as a feed stock are getting hammered due to these higher costs.

The chemical industry's 8-decade run as a major exporter ended in 2003 with a $19 billion trade surplus in 1997 becoming a $9.6 billion deficit.

So we have lost the chemical industry for all intents and purposes because of the high cost of natural gas.

The President of one major pharmaceutical company that employs 22,000 people in the United States called me recently and said unless we do something about natural gas prices, his company will be forced to move many of its operations overseas.

The bottom line is, if you kill coal with a mandatory cap on carbon, you force more people to go to natural gas to produce electricity. We just add to the crisis that we already have.

The energy bill tries to address this crisis, but the amendment we are going to be getting later on would reverse those efforts and cause an even worse situation than what exists today. The U.S. has a responsibility to develop a policy that harmonizes the needs of our economy and our environment. These are not competing needs. A sustainable environment is critical to a strong economy, and a sustainable economy is critical to providing the funding necessary to improve our environment.

If we kill the golden goose, we will not have the money for the technology to do the things that we need to do, to improve the environment. A carbon cap—and that is what we are going to be hearing more about—means fuel switching, the end of manufacturing in my State, enormous burdens on the least of our brethren, and moving jobs and production overseas.

It is already happening. We have a $162 billion trade deficit with China and almost all of it is in the manufacturing area. These are people who are moving out because of the high cost of producing here in the United States.

Ironically, a carbon cap, a cap on carbon, as I say, is going to have a dramatic negative impact on our manufacturing. A couple of years ago, when Senator JEFFORDS was promoting a bill that would put a cap on carbon, I said to him: Senator, those jobs that you are killing in Ohio are not going to Vermont. They are going to China, and they are going to go to India.

I have also discussed this issue twice with British Prime Minister Tony Blair, who has made climate change one of the focuses of the upcoming G8 meeting. I think he understands that Kyoto is not working, and we need to do something else.

Furthermore, many of the countries that did ratify the Kyoto treaty are not expected to meet their commitments. According to a Washington Times article of May 16 entitled "Broken Promises, Hot Air," 12 of the 15 European Union countries are currently 20 to 70 percent above their emissions target levels.

I think the Senator from Idaho mentioned earlier in his remarks that the Italians have basically said they are not going to be able to meet their commitments that they made when they signed the Kyoto treaty.

So last week I became a cosponsor of three pieces of legislation that comprehensively address climate change by focusing on tax incentives, technology development, and international deployment.

The amendment that we have proposed today contains the domestic and international proposal. It does not include the tax incentives because the Energy bill now includes an amendment by the Finance Committee to add over $14 billion, over 10 years, in tax incentives.

I will only briefly explain the amendment since it has been explained by colleagues. It proposes the adoption of technologies that reduce greenhouse gas intensity by creating a Climate Coordinating Committee and Climate Credit Board to assess, approve, and fund projects. Addressing climate change must be accomplished through the development of new technologies, as there currently is no technology available to capture and control carbon dioxide emissions.

Many people today are promoting combined gas—integrated gas combined cycle technology, which will reduce NOx and SOx and deal with mercury. The fact of the matter is, in terms of greenhouse gases, it does not get the job done.

Second, the amendment focuses on the notion that all nations must be part of this effort. It directs the Department of State to work with the top 25 greenhouse gas-emitting developing countries to reduce their greenhouse gas intensity. It also promotes the export of greenhouse gas intensity reducing technologies.

I really think, if this amendment to the Energy bill is agreed to, it is something the President, when he goes to the G8 meeting, can refer to in terms of its importance, getting everybody at the table to start to do something realistic about the problem of greenhouse gases.

I am concerned that the very nature of this amendment is misleading: that is, that we are adding a climate title to the Energy bill, which means that maybe it does not address climate change. This is not true.

I commend Senators DOMENICI and BINGAMAN for putting together a bipartisan energy bill that deals with climate change in several ways. In other words, the underlying bill already deals with climate change.

First, the bill provides research and development funding for long-term zero- or low-emitting greenhouse technologies. These include fuel cells, hydrogen cells, coal gasification—with the greatest potential to capture and control carbon dioxide emissions.

Second, the bill includes extensive provisions to increase energy conservation.

Third, the bill promotes the use of nuclear power, which is emissions-free power. There is no greenhouse gas with nuclear power.

I restate this for my colleagues: The Energy bill already addresses climate change. For all those concerned about climate change, the underlying bill deals with it. The Hagel-Pryor amendment simply adds to these provisions. Let me restate this for my colleagues: This bill, without any amendments, including ours, addresses climate change.

Some might be further misled to think that our country is currently not doing anything because the Energy bill does all of this to address a climate change. However, this is far from the truth. In fact, our Nation is taking so many actions on this front that I am going to try to run through them very quickly. In other words, we are doing an enormous amount in our country in terms of greenhouse gases and dealing with this whole issue of carbon emissions.

The President established a climate change policy to reduce the greenhouse gas intensity of our economy by 18 percent over the next 10 years through voluntary measures. This is more than most of the countries involved in the Kyoto Protocol. Unlike the rest of the world, we are on target to meet our goal—not like the Europeans, 12 to 70 percent away from meeting their goals.

We have the Climate VISION Partnership which involves 12 major industrial sectors and the members of the Business Roundtable who have committed to work with Cabinet agencies to reduce greenhouse gas emissions in the next decade.

We have the climate leader's program, an EPA partnership encouraging individual companies to develop long-term comprehensive climate change strategy. Sixty-eight corporations are already participating in the program.

The administration's budget for 2006 is $5.5 billion for extensive climate change technology and science programs and energy tax incentives.

The United States is also taking a lead internationally—and again, we get no credit. There is $198 million included in the President's fiscal year 2006 budget for international climate change.

The PRESIDING OFFICER. The time of the Senator is expired.

Mr. HAGEL. Mr. President, I extend the time of the Senator from Ohio by another 3 minutes if that would assist the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. As I mentioned, we are taking a lead internationally. The United States is by far the largest funder of activities under the United Nations Framework Convention on Climate Change and the Intergovernmental Panel on Climate Change. Also, despite complaints to the contrary, the United States remains fully engaged in multilateral negotiations under the United Nations Framework Convention on Climate Change.

Announced by EPA in July of 2004, along with 13 other countries, the Methane-to-Markets partnership is a new and innovative program to help promote energy security, improve environmental quality, and reduce greenhouse gas emissions throughout the world.

The United States hosted the first Ministerial Meeting of the International Partnership for Hydrogen Economy, the Carbon Sequestration Leadership Forum and Earth Observation Summit. We never hear anything about this. It is as if we are doing nothing.

Despite all that we are doing and all that is contained in the Energy bill, we can even do more by passing this amendment proposed today by Senators HAGEL and PRYOR. I strongly urge my colleagues to vote against any amendments that contain mandatory programs which work against the very purpose of the Energy bill and cause substantial harm to our economy, its workers, and our families. Instead, I urge the support of this bipartisan amendment which builds on all we are doing and will do under the Energy bill to address climate change responsibly and comprehensively.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. It is my understanding I have 13 minutes.

Mr. President, first of all, let me commend Senator HAGEL for the work he has done and for the realistic approach he is taking. Right now, there is so much misinformation out there in conjunction with the whole issue of climate change.

Someone said the other day that climate change is not a scientific discussion, it is a religion. People have such strong feelings about it or they want to believe so badly. If my staff had the charts, I would show a few of them, but I will wait until we are debating the McCain-Lieberman bill to show them.

I vividly remember not too long ago the front page of Time magazine, the front page of Science magazine, huge pictures: Another ice age is coming; we are all going to die. If some people cannot be hysterical and think the end is coming, they are not happy.

One important area in this debate is to recognize, as I think the Senator from Idaho and the Senator from Ohio both did, that this President has done quite a bit more than science would justify in pursuing the notion, first of all, is there a warming trend that is outside of natural variances; No. 2, if that is the case, is it due to anthropogenic gasses—methane, CO_2. I suggest science does not show that either is true. It is not just me saying this. I don't know why people totally ignore the fact that we had the Heidelburg accords, when 4,000 scientists questioned that there is any major change.

By the way, this morning's Wall Street Journal plots out the changes in the Earth's surface since 1000 A.D. and what has perhaps caused these changes. They have come to the conclusion that it could not be anthropogenic gases because at that time there were not any. There were not human-induced gases until about 1940.

In 1940, what happened? In 1940, there was a cooling period that went all the way to the end of the 1970s. That is when you saw all the articles saying the ice age is coming. The largest increase in anthropogenic gases came right around 1940 and following World War II. You know, instead of precipitating a warming period, it precipitated a cooling period. So just the opposite of what they are saying seems to be true.

We have the Heidelburg accords, 4,000 scientists say there is not a relationship between manmade gases and climate change. Then we have the Oregon Petition and 17,000 scientists coming to the same conclusion. We have the Smithsonian-Harvard peer-reviewed study that evaluated everything done so far and came to that same conclusion.

Since 1999, science has been on the other side refuting the fact that, No. 1, climate is changing; and No. 2, it is due to manmade gases or to anthropogenic gases.

People do not realize what this President has done. One would think by reading some of the magazines, publications, and watching TV that this President is not doing a good job with the environment. He is doing everything he can to determine if there is a relationship between these anthropogenic gases and climate change. If anyone does not believe it, look at the amount of money being spent. His 2006 budget proposed $5.5 billion for climate change programs, energy tax incentives, and these types of things. I see the Hagel bill as extending what the President is doing right now and is actually addressing what is happening internationally.

I was very pleased to be part of the 95-to-0 vote on the Hagel-Byrd amendment some time ago that said that if you go to Kyoto meeting, we should oppose signing on to any kind of a treaty that does not treat developing countries the same as developed nations. That is exactly what happened.

Now, at least in the Hagel approach, we are looking internationally. It is true, what the Senator from Idaho said a few minutes ago. Over the State of Ohio, if you get high up, that which is up there originated in China. The pollution—not that that is pollution, because it is not, it is a fertilizer. But in terms of SOx, NOx, mercury, they do not stop at State lines.

We have a President giving the benefit of the doubt to the fact there might be something there. He is putting money into research. The Hagel bill is carrying that on to a logical conclusion.

Quite frankly, when the Hagel bill first came up, I was a little concerned because the price tag, as I calculated it—and I would certainly stand to be corrected if it is not accurate—would have been $4 billion over a 5-year period; around $800 million a year. To add that to what is already being expended—perhaps we are talking about too much money. He has changed it and said such sums "as necessary." This is a little bit disturbing to me. We do not know who will be in the White House. We do not know who will control Congress. We do not know what will happen in the future. I hate to leave it open-ended like that.

When we look at the arguments out there, we will have ample time to debate when the next amendment comes up—the McCain Lieberman amendment—that the science clearly has turned around and is in favor right now of refuting some of the earlier suggestions.

This whole thing started in 1998 when Michael Mann from Virginia came out with his hockey stick theory. He plotted out all the temperatures and came through the 20th century. Temperatures started going up as of late on the hockey stick. What he neglected to realize, prior to that time, the medieval warming period, which was around 1000 to 1300 A.D., the temperatures were actually higher at that time than they were in the 20th century.

All these things are going to be discussed in the next amendment. I believe that reason is prevailing in this approach. I applaud the Senator from Nebraska for coming up with something measured and reasonable that will help convince a lot of the people that are right now participating in this religion called global warming to realize maybe this is something for which we shouldn't have to suffer economically.

A lot of people have asked the question, If the science is not there and if we know as a result of the Wharton Econometric Survey that it will cause a dramatic increase in the cost of energy—it will cost each average family of four $2,700 a year—if the science is not there, what is the motivation? I suggest there are people outside of the United States who would love to see us become partners and sign on to the Kyoto treaty.

Jacques Chirac said global warming is not about climate change but for leveling the playing field for big business worldwide. The same thing was stated by Margot Wallstrom, the Environmental Minister for the European Union, that it is leveling that playing field.

Cooler heads are prevailing, and in this amendment we have a chance to look at this, study this as time goes by, and take whatever actions are necessary in the future but not react to fictitious science and to science that just flat is not there.

I applaud the Senator from Nebraska for the fine work he has done. I believe this will be a good approach to making this through the current debate.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry, Mr. President: is there a quorum call?

The PRESIDING OFFICER. No, there is not.

Mr. DOMENICI. Further parliamentary inquiry: what is the regular order at this point?

The PRESIDING OFFICER. The time is divided between three speakers on the Hagel amendment, and each have time remaining. Senator INHOFE has 1 minute, Senator HAGEL has 6 minutes, and Senator REID or his designee has 10 minutes.

Mr. DOMENICI. Further parliamentary inquiry: Is there any other time on behalf of any other Senators on either side?

The PRESIDING OFFICER. No, there is not.

Mr. DOMENICI. Might I ask, when those are finished, what is the regular order after that?

The PRESIDING OFFICER. The Senate will then vote on the Hagel amendment.

Mr. DOMENICI. Mr. President, have the yeas and nays been ordered on the Hagel amendment?

The PRESIDING OFFICER. No, they have not.

Mr. DOMENICI. I ask the Senator, would you like to get the yeas and nays on your amendment?

Mr. HAGEL. I say to the chairman, I am waiting for one additional sponsor.

Mr. DOMENICI. We can get the yeas and nays now?

Mr. HAGEL. Yes.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays at this time.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I yield myself 5 minutes. I ask unanimous consent that I be permitted to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, I have a very detailed analysis I would like put in the RECORD which relates to provisions within the Bingaman-Domenici bill that is before the Senate which would promote responsible progress on climate change.

What I tried to do here was to say to the Senate: Please understand that your Energy and Natural Resources Committee, from the inception, was worried about climate change and the gases that have an impact on climate change according to scientists in the United States. Now, there are some who contest that, but let me just follow through.

The bill before us might even have been called the Clean Energy Act because so much of it is directed at producing, in the future, for these United States, energy that will have little or no effect in terms of emitting carbon that is the principal problem with global warming. Having said that, the statement goes into detail. Indeed, it is a detailed statement.

So I would, just for summary, say there is an entire title which we chose to call Incentives For Innovative Technology, title XIV of the bill. This is a very different section than you find in most technology-promoting or science-promoting bills because it says this entire provision is aimed at new technologies that will produce energy sources that have no global warming emissions.

Then it says, in order to do that, the Secretary of Energy—we put all this in the Energy Department so there is no mixup as to who is doing what—it allows so-called guaranteed loans to be issued for the purpose of building clean energy-producing plants, mechanisms, or activities. It says the Secretary shall analyze them. If they are feasible, he can use whatever peer review he would like.

Then they ask of the Congressional Budget Office: How much should this loan require by way of insurance, insurance for the risk? If they say 10 percent, then the company asking for the money to build the new technology, which will produce clean energy, has to put up 10 percent of the cost in cash. And then we lend them the money, on an 80-20 basis, and they proceed, under the direction of the Secretary, to produce this new facility.

We believe this is going to say to our Federal Government for the first time: Take a look out there and see what we can do in the next decade to move new technology along that will take the carbon out of coal, perhaps even move with the very first generation of pilot projects for the sequestration of coal and of carbon—meaning get rid of it, putting it in the ground or whatever. At the same time, who knows, that technology may take the mercury and other pollutants out of it.

But we are going to put in place an opportunity for the Secretary to do this so long as he thinks they are moving in the right direction. And the right direction is the same direction as the technology-laden proposal by Senator HAGEL.

We also have in this bill expanded research and development for bioenergy which concentrates on solar. We expanded R&D for nuclear power. Now, for anybody interested in that, that is completely different than the incentives to build nuclear powerplants soon. This is research and development in what we call Generation IV. It is the next, next generation of nuclear powerplants. And we start moving on that. Why? Because there is a lot of money and a lot of hope that we will be moving toward a hydrogen economy. I am not predicting that will be the case but many are.

In any event, it is sufficiently important. The President moved in that direction. This bill and the appropriators have spent money in that way. And what we are saying in this bill is that we should spend money for the next-two-generations-out nuclear powerplants because that kind of powerplant may be the source of heat that will produce hydrogen.

At this point hydrogen must be produced. But the other day Senator BINGAMAN and I were on a television show and somebody asked: How are we going to produce hydrogen? My friend from New Mexico said right now we could produce it from natural gas. I had forgotten about that. That is true. But natural gas is in short supply, and it takes a lot of it to produce hydrogen. So we need another source. That R&D for a new generation of powerplants is aiming in the same direction as everything I have spoken of. It is seeking a way to get away from carbon-laden energy and move with more hydrogen potential.

This bill has an 8 billion gallon renewable fuel standard, which means ethanol. Many people around here and some in the country have said ethanol isn't any good. We should not be doing it. Maybe when the price of crude oil was $8 or $7—I can remember when Senator Henry Bellmon from Oklahoma was here, it was $6. He used to say the arithmetic doesn't work. At $6 it is not worth producing ethanol. But at the price now, it is worth it. I don't know if eight is the right number, but we did that here because we said if we can produce ethanol, we will have had a dramatic effect on the prospect of contributing more carbon, which is what Senator HAGEL is trying to do in his technology-pushing amendment, is to produce less carbon, thus less pressure on what many believe is the human contributor to global warming. There is another one that is in this bill. Senator HAGEL doesn't have to have ethanol in his bill because ethanol is in this bill.

We also require alternative fuel use, dual fuel in all Federal vehicles. We have reforms for alternative fuel programs. We have some incentives for hybrid cars. On the nuclear side, we all think that new nuclear powerplants is one of the best ways to address the issue of carbon in the atmosphere and global warming. I think my friend from Nebraska would agree. Right now in America 70 percent of the carbon-clean smokestack gases. 70 percent that is totally free of carbon comes from nuclear powerplants. So the underlying bill says: Let's build some nuclear powerplants. And it does everything possible, extending Price Anderson. So I would assume that if you had a tax-promoting bill that didn't have this underlying bill that we produced in our committee, say it was a standalone Hagel bill, he might even put Price Anderson in there because in a sense it would surely be moving the technology ahead by providing some of the security necessary for nuclear power.

Beyond that, we have changes in the geothermal leasing to get more geothermal. Everywhere we turn in the bill we have produced we have moved in the direction of trying to produce carbon-free energy for the future.

As I understand it, the distinguished Senator from Nebraska and his sponsors want to move in that direction with loan guarantees and other kinds of consortia arrangements to move ahead with technology. They have an international feature to their bill. Obviously, we don't have an international feature to our bill, but Senator HAGEL has chosen to put some provisions in that would move us in the right direction if they can become law. It says that the world has a problem, not just America, and that the international community, with America as part of it, ought to do some things to move ahead with global warming contributors that will come from outside the United States, which is a very good idea.

I ask that my full analysis of the bill before us, before the Hagel amendment, which will be amplified if the Hagel amendment is agreed to—this statement shows everything we are doing in this bill to contribute to cleaner energy sources for the future in terms of our electricity production which will greatly minimize carbon production—I ask unanimous consent that summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SENATE ENERGY BILL ADDRESSES CLIMATE CHANGE

Support for the provisions in the energy bill passed by the Senate Energy Committee would promote responsible progress on climate change.

HIGHLIGHTS

The Bingaman RPS floor amendment that requires at least 10% of electricity in 2020 to be generated from low-emission renewable sources, such as solar, wind, geothermal and biomass. EIA estimates that such an RPS would result in a reduction of greenhouse gases of nearly 3 percent by 2025.

In addition, the energy efficiency improvements embodied in Title I is estimated by ACEEE to reduce carbon dioxide emissions by 433 million metric tons by 2020 and reduce electricity demand by 23 quadrillion Btus.

The incentive provisions contained in Titles IV (Coal), IX (R&D), and XIV (Incentives) are designed to improve efficiency performance and reduce carbon emissions from electric generating stations, industrial power and gasification applications and to encourage the development of new clean energy sources such as advanced nuclear power and renewable energy.

LONG TERM TECHNOLOGIES

Research in the energy bill could lead to fundamental reductions in GHG emission trends even with a healthy growing economy. The new technologies could be used in developing countries where greenhouse gas emissions are growing most rapidly. R&D on Long-term zero-greenhouse gas (GHG) and low-GHG technologies include:

Hydrogen Fuels—funding enhances the potential for practical use of hydrogen fuels by addressing everything from safe delivery to the codes and standards for hydrogen use.

Coal Gasification, Carbon Sequestration and Efficiency Improvements—could allow coal to be used to generate carbon-free or low-carbon electricity.

Fuel Cell Research—will address technical and cost issues and potentially speed fuel cell use in residential, commercial and transportation applications.

Energy Conservation and Efficiency—the Next Generation Lighting Initiative and initiatives like advanced electric motor control device research could significantly reduce overall energy use, further reducing GHG emissions.

NEAR-TERM TECHNOLOGIES

The energy bill promotes or requires actions to improve energy efficiency and reduce greenhouse gas emissions throughout the economy. Research and incentives for near- and medium-term zero and low-GHG intensive technologies include:

National Requirements for increased ethanol use and decreased petroleum use;

Federal Agency Requirements covering metering, percentage reduction schedules and new options for contracting to reduce energy use and GHG emissions;

Communities and States have new funding for energy efficient appliance programs, weatherization assistance and state energy conservations plans;

Efficiency Standards and Incentives for Public Housing will improve energy efficiency;

Efficiency Standards and Incentives for Individuals and Businesses adds energy conservation standards for a wide range of commercial appliances and other products.

NEAR TERM ENERGY SOURCES

Incentives and improved flexibility for near- and medium-term expansion of zero and low-GHG energy sources include:

Renewable Energy options for increased production of renewable energy on federal lands;

Natural Gas incentives and reduction of barriers to marginal or unconventional natural gas and installation of LNG terminals will increase supplies of this lowest-carbon fossil fuel;

Nuclear Power options improve, promoting continued use of carbon-free nuclear power, development of new modular nuclear reactors.

DETAILS ON THE ENERGY BILL'S CONTRIBUTION TO ENERGY EFFICIENCY AND RESPONSIBLE CLIMATE POLICY

The energy bill advances the following significant actions on potential climate change.

CRITICAL RESEARCH, DEVELOPMENT AND DEMONSTRATION OF ZERO OR LOW-GHG TECHNOLOGY OPTIONS

HYDROGEN

Authorizes $12.5 billion over 10 years for the Next Generation Nuclear Plant Project for research, development, design, construction and operation of an advanced, next-generation, nuclear energy system leading to alternative approaches to reactor-based generation of hydrogen. (Title VI—Nuclear Matters, Sec. 631–635—6/8/05)

Authorizes $3.2 billion over five years for programs enhancing the potential for using as an energy source in the U.S. economy. Program elements address:

Hydrogen and Fuel Cell Technology Research and Development ($1.9 billion);

Hydrogen Supply and Fuel Cell Demonstration Program ($1.3 billion);

Development of Safety Codes and Standards ($38 million);

Reports ($7.5 million); (Title VIII—Hydrogen—6/8/05)

ENERGY EFFICIENCY

Authorizes $1.8 billion over nine years for the Clean Coal Power Initiative for projects that advance efficiency, environmental performance or cost competitiveness of coal gasification and related projects. Establishes a 60% thermal efficiency target for coal gasification technologies and 7% improvements in thermal efficiencies of existing units. (Title IV-Coal, Sec. 401, 402, 405, 406, 407—6/8/05)

Authorizes $2.8 billion over eight years for energy efficiency and conservation research, development, demonstration and commercial applications including:

Minimum $400 million over eight years for the Next Generation Lighting Initiative for energy efficient advanced solid-state lighting technologies. (Title IX: Research and Development, Sec. 911, 912—6/8/05)

Creates National Building Performance Initiative to, in part, energy conservation. (Title IX: Research and Development, Sec. 913—6/8/05)

Minimum $21 million over three years for research, development and demonstration for improving performance, service life and cost of used vehicle batteries in secondary applications. (Title IX: Research and Development, Sec. 911, 914—6/8/05)

Minimum $105 million over three years for Energy Efficiency Science Initiative. (Title IX: Research and Development, Sec. 915—6/8/05)

$825 million over three years to promote distributed energy and electric energy systems including:

High Power Density Industry Program to improve the energy efficiency of data centers, server farms and telecommunications facilities; (Title IX: Research and Development, Sec. 921—6/8/05)

Micro-Cogeneration Energy Technology for increased efficiency in small-scale combined heat and power for residential applications; (Title IX: Research and Development, Sec. 923—6/8/05)

Distributed Energy Technology Demonstration Program to accelerate utilization of efficient and low-emitting technologies such as fuel cells, micro-turbines and combined heat and power systems. (Title IX: Research and Development, Sec. 924—6/8/05)

Electric Transmission and Distribution Programs to ensure in part, energy efficiency of electrical transmission and distribution systems. (Title IX: Research and Development, Sec. 925—6/8/05)

Authorizes $140 million over five years for fuel cell research on proton exchange membrane technology for commercial, residential and transportation applications. (Title IX: Research and Development, Sec. 951, 952—6/8/05)

Authorizes $891 million over three years for R&D and commercial application programs to facilitate systems including integrated gasification combined cycle, advanced combustion systems, turbines for synthesis gas derived from coal, carbon capture and sequestration research and development. (Title IX: Research and Development, Sec. 951, 955—6/8/05)

Establishes a Federal/State cooperative program for research, development, and deployment of energy efficiency technologies. (Title I—Energy Efficiency, Sec. 126—6/8/05)

Authorizes $110 million over three years to establish a research partnership to develop and demonstrate railroad locomotive technologies that, in part, increase fuel economy. (Title VII—Vehicles and Fuels, Sec. 721—6/8/05)

Mandates a study of feasibility and effects of reducing the use of fuel for automobiles. (Title XIII—Studies, Sec. 1309—6/8/05)

Calls for a study of how to measure energy efficiency. (Title XIII—Studies, Sec. 1323—6/8/05)

RENEWABLE ENERGY

Authorizes $20 billion over three years for renewable energy research, development and demonstration including:

Biofuels research aimed at making fuels that are price-competitive with gasoline or diesel in internal combustion or fuel- cell-powered vehicles; (Title IX: Research and Development, Sec. 931, 932—6/8/05)

Concentrating Solar Power Research Program for the production of hydrogen including cogeneration of hydrogen and electricity. (Title IX: Research and Development, Sec. 931, 933—6/8/05)

Hybrid Solar lighting R&D for novel lighting that combines sunlight and electrical lighting. (Title IX: Research and Development, Sec. 934—6/8/05)

Evaluation of other technologies including ocean, wave, wind, and coal gasification technologies; (Title IX: Research and Development, Sec. 935—6/8/05)

Establishes a Federal/State cooperative program for research, development, and deployment of renewable energy technologies. (Title I—Energy Efficiency, Sec. 126—6/8/05)

Establishes the Advanced Biofuel Technologies Program to demonstrate advanced technologies for the production of alternative transportation fuels. (Title II—Renewable Energy, Sec. 209—6/8/05)

Requires a study of the Energy Policy Act of 1992 and its impact on alternative fueled vehicle technology, availability of technology and cost of alternative fueled vehicles. (Title XIII—Studies, Sec. 1305—6/8/05)

Requires a strategy for a research, development, demonstration, and commercial application program to develop hybrid distributed power systems that combine one or more renewable electric power generation technologies. (Title XIII—Studies, Sec. 1310—6/8/05)

NUCLEAR

Authorizes $1.6 billion over 3 years for Nuclear Energy research, development, demonstration and commercial application activities including:

Research to examine reactor designs for large-scale production of hydrogen using thermochemical processes. (Title IX: Research and Development, Sec. 942—6/8/05)

Nuclear Energy Plant Optimization Program to address productivity, reliability, and availability of nuclear plants. (Title IX: Research and Development, Sec. 942—6/8/05)

Generation IV Nuclear Energy Systems initiative to advance understanding of efficiency and cost opportunities for next generation nuclear power plants. (Title IX: Research and Development, Sec. 942—6/8/05)

SEQUESTRATION

Establishes grant program to encourage projects that sequester carbon dioxide as part of enhanced oil recovery. (Title III—Oil and Gas, Sec. 327—6/8/05)

Mandates research on technologies to capture carbon dioxide from pulverized coal combustion units. (Title IX—Research and Development, Sec. 956—6/8/05)

Institutes loan guarantees for projects that avoid, reduce, or sequester anthropogenic emissions of greenhouse gases and employ new or significantly improved technologies. (Title XIV—Incentives for Innovative Technologies, Sec. 1401-1404—6/8/05)

SCIENCE

Authorizes $13.7 billion over three years for basic science research that could have significant implications for long-term trends in the nation's greenhouse gas emissions. (Title IX: Research and Development, Sec. 961—6/8/05). These programs include:

Fusion Energy Science Program (Sec. 962);

Fusion and Fusion Energy Materials Research Program (Sec. 969);

Catalysis science research that may contribute to new fuels for energy production and more efficient material fabrication processes (Sec. 964);

Nanoscale science and engineering research (Sec. 971);

Advanced scientific computing for energy missions (Sec. 967);

Genomes to Life Program with a goal of developing technologies and methods that will facilitate production of fuels, including hydrogen, and convert carbon dioxide to organic carbon (Sec. 968).

USE OF HIGH-EFFICIENCY TECHNOLOGIES AND ZERO OR LOW-GHG ENERGY SOURCES

NATIONAL

Mandates that motor vehicle fuel sold in U.S. contains 4 billion gallons of renewable fuel in 2006, rising to 8 billion gallons in 2012. (Title II—Renewable Energy, Sec. 204—6/8/05)

Establishes a self-sustaining national public energy education program which will cover, among other things, conservation and energy efficiency, and the impact of energy use on the environment. (Title I—Energy Efficiency, Sec. 133—6/8/05)

Authorizes $450 million over five years to create a comprehensive national public awareness program regarding the need to reduce energy consumption, the benefits of reducing energy consumption during peak use periods, and practical, cost-effective energy conservation measures. (Title I—Energy Efficiency, Sec. 134—6/8/05)

Requires the President to implement measures to reduce U.S. petroleum consumption by one million barrels per day in 2015 as compared to 2005 EIA reference case. (Title I—Energy Efficiency, Sec. 151—6/8/05)

FEDERAL AGENCIES

Directs Secretary of Energy to revise Federal building energy efficiency performance standards to require, if life-cycle cost-effective, that new Federal buildings achieve energy consumption levels at least 30 percent below the most recent version of ASHRAE or the International Energy Conservation Code. (Title I—Energy Efficiency, Sec. 107—6/8/05)

Promotes plans for energy and water savings measures in Congressional buildings as well as reductions in energy consumption in federal buildings nationwide. Authorizes $10 million over five years for the Architect of the Capitol to carry out the Master Plan Study. (Title: I—Energy Efficiency, Sec. 101—6/8/05)

Establishes percentage reduction schedule for fuel use per gross square foot of Federal buildings for 2006 through 2015. (Title: I—Energy Efficiency, Sec. 102—6/8/05)

Calls for all Federal buildings to be metered or sub-metered to promote efficient energy use and reduce electricity costs. (Title I—Energy Efficiency, Sec. 103—6/8/05)

Directs federal agencies to procure Energy Star or FEMP designated-energy efficient products. (Title I—Energy Efficiency, Sec. 104—6/8/05)

Permanently extends and expands existing federal agency authority to contract with energy service companies to assume the capital costs of installing energy and water conservation equipment and renewable energy systems in federal facilities, and recover life-cycle energy cost savings over the term of the contract. (Title I—Energy Efficiency, Sec. 105—6/8/05)

Authorizes the Secretary of Energy to enter into voluntary agreements with energy intensive industrial sector entities to significantly reduce the energy intensity of their production activities. (Title I—Energy Efficiency, Sec. 106—6/8/05)

Promotes increased use of recovered mineral component in Federally funded projects involving procurement of cement or concrete. (Title I—Energy Efficiency, Sec. 108—6/8/05)

Amends the Energy Policy Act of 1992 to require Federal agencies to purchase ethanol-blended gasoline and biodiesel. (Title II—Renewable Energy, Sec. 205—6/8/05)

Amends Energy Policy and Conservation Act to promote Federal agencies' use of alternative fuels in duel-fuel vehicles. (Title VII—Vehicles and Fuels, Sec. 701—6/8/05)

Requires energy savings goals for each Federal agency and requires the use of fuel cell vehicles, hydrogen energy systems, and stationary, portable, and micro fuel cells. Authorizes $450 million over five years to achieve these goals. (Title VII—Vehicles and Fuels, Sec. 732, 733—6/8/05)

Mandates a study on energy conservation implications of widespread adoption of telecommuting by Federal employees. (Title XIII—Studies, Sec. 1324—6/8/05)

Requires a study on the amount of oil demand that could be reduced by oil bypass filtration technology and total integrated thermal systems and feasibility of using the technologies in Federal motor vehicle fleets. (Title XIII—Studies, Sec. 1325, 1326—6/8/05)

COMMUNITIES AND STATES

Amends the Energy Conservation and Production Act and reauthorizes $1.2 billion over three years for weatherization assistance. (Title I—Energy Efficiency, Sec. 121—6/8/05)

Authorizes $325 million over three years and amends the Energy Policy and Conservation Act to promote State review their energy conservation plans, with a state energy efficiency goal of a 25 percent or more improvement by 2012 compared to 1992. (Title I—Energy Efficiency, Sec. 122—6/8/05)

Authorizes $250 million over five years for State energy efficient appliance rebate programs. (Title I—Energy Efficiency, Sec. 123—6/8/05)

Authorizes $150 million over five years for grants to State agencies to assist local governments in constructing new energy efficient public buildings that use at least 30 percent less energy than comparable public building meeting the International Energy Conservation codes. (Title: Energy Efficiency, Sec. 124—6/8/05)

Authorizes $100 million over five years for grants to local government, private, and non-profit community development organizations, and Indian tribes to improve energy efficiency, develop alternative renewable energy supplies, and increase energy conservation in low income rural and urban communities. (Title I—Energy Efficiency, Sec. 125—6/8/05)

Authorizes $1.25 billion worth of grants over five years to States to develop and implement building codes that exceed the energy efficiency of the most recent building energy codes. (Title I—Energy Efficiency, Sec. 127—6/8/05)

Calls for a study of State and regional policies that promote utilities to undertake cost-effective programs reducing energy consumption. (Title I—Energy Efficiency, Sec. 139—6/8/05)

Authorizes $25 million for States to carry out programs that encourage energy efficiency and conservation of electricity or natural gas. (Title I—Energy Efficiency, Sec. 140—6/8/05)

EFFICIENCY STANDARDS AND INCENTIVES FOR PUBLIC HOUSING

Encourages increased energy efficiency and water conservation through amendments to the U.S. Housing Act of 1937 by promoting installation of equipment conforming to new standards. (Title I—Energy Efficiency, Sec. 161—6/8/05)

Requires public housing agencies to purchase energy-efficient appliances that are Energy Star products or FEMP-designated products when purchasing appliances unless these products are not cost-effective. (Title I—Energy Efficiency, Sec. 162—6/8/05)

Includes energy efficiency standards in amendments to the Cranston-Gonzalez National Affordable Housing Act. (Title I—Energy Efficiency, Sec. 163—6/8/05)

Directs the Secretary of Housing and Urban Development to develop and implement an integrated strategy to reduce utility expenses at public and assisted housing through cost-effective energy conservation, efficiency measures, as well as energy efficient design and construction. (Title I—Energy Efficiency, Sec. 164—6/8/05)

EFFICIENCY STANDARDS AND INCENTIVES FOR INDIVIDUALS AND BUSINESSES

Creates energy conservation standards for commercial clothes washers, ice makers, refrigerators, freezers, air conditioners, and heaters. (Title I—Energy Efficiency, Sec. 136—6/8/05)

Authorizes $6 million for pilot projects designed to conserve energy resource by encouraging use of bicycles in place of motor vehicles. (Title VII—Vehicles and Fuels, Sec. 722—6/8/05)

Authorizes $95 million over three years to reduce energy use by reducing heavy-duty vehicle long-term idling. (Title VII—Vehicles and Fuels, Sec. 723—6/8/05)

Authorizes $15 million over three years for a biodiesel testing partnership with engine, fuel injection, vehicle and biodiesel manufacturers to test and improve biodiesel technologies. (Title VII—Vehicles and Fuels, Sec. 724—6/8/05)

Authorizes $10 million over five years for CAFÉ enforcement obligations. (Title VII—Vehicles and Fuels, Sec. 711—6/8/05)

Establishes a DOE/EPA voluntary Energy Star Program under the Energy Policy and Conservation Act to identify and promotes energy-efficient products and buildings. (Title I—Energy Efficiency, Sec. 131—6/8/05)

Directs the Secretary of Energy in cooperation with EPA to undertake an educational program for homeowners and small businesses on energy savings from properly maintained air conditioning, heating, and ventilating systems. (Title I—Energy Efficiency, Sec. 132—6/8/05)

Adds energy conservation standards definitions for additional products (e.g. lamps, battery chargers, refrigerators, external power supply, illuminated exit sign, low-voltage, transformer, traffic signal module) to the Energy Policy and Conservation Act. (Title I—Energy Efficiency, Sec. 135—6/8/05)

Initiates a rulemaking under the Energy Policy and Conservation Act to evaluate and improve the effectiveness of current energy efficiency labeling on consumer products. (Title I—Energy Efficiency, Sec. 138—6/8/05)

Requires natural gas and electric utilities to evaluate energy efficiency or other demand reduction programs and, if beneficial and feasible, to adopt them. (Title I—Energy Efficiency, Sec. 141—6/8/05)

Supply of High-Efficiency Technologies and Zero or Low-GHG Energy Sources

RENEWABLE ENERGY AND INCREASED EFFICIENCY

Authorizes study of the potential for increasing hydroelectric power production capability at federally owned or operated water regulation, storage, and conveyance facilities. (Title XIII—Studies, Sec. 1302—9/29/03)

Prioritizes funds for renewable energy production incentives, placing emphasis on solar, wind, geothermal and closed-loop biomass technologies. (Title II—Renewable Energy, Sec. 202, 9/29/03)

Establishes goals for the share of federal government purchases of electricity from renewable sources to the extent economically feasible and technically practicable. (Title II—Renewable Energy, 203, 9/29/03)

Authorizes $36 million for the establishment of a Sugar Cane Ethanol Program to promote the production of ethanol from sugar cane. (Title II—Renewable Energy, Sec. 207—6/8/05)

Expands the scope of the Commodity Credit Corporation Bioenergy Program. (Title II—Renewable Energy, Sec. 208—6/8/05)

Authorizes $125 million over 5 years for grants to facilities that use biomass to produce electricity, sensible heat, transportation fuels or substitutes for petroleum-based products. (Title II—Renewable Energy, Sec. 232, 9/29/03)

Authorizes $125 million over 5 years for grants to persons researching ways to improve the use of biomass or add value to biomass utilization. (Title II—Renewable Energy, Sec. 233, 9/29/03)

Improves geothermal energy leasing procedures, terms and conditions to increase use of geothermal energy. (Title II—Renewable Energy, Subtitle D, 9/29/03)

Facilitates use of the OCS for alternative energy sources such as wind power and ocean thermal energy. (Title III—Oil and Gas, Sec. 321, 9/29/03)

Calls for a study of the potential for renewable energy on Federal land and make recommendations for statutory and regulatory mechanisms for developing these resources. (Title XIII—Studies, Sec. 1304—6/8/05)

NATURAL GAS SUPPLIES

Provides incentives to continue natural gas production on low-yield (marginal) properties by reducing the royalty rate when prices fall. (Title III—Oil and Gas, Sec. 313, 9/29/03)

Provides incentives for natural gas production from deep wells in the shallow water of the Gulf of Mexico. (Title III—Oil and Gas, Sec. 314, 9/29/03)

Extends royalty relief for natural gas production in the deepwater of the Gulf of Mexico. (Title III—Oil and Gas, Sec. 315, 9/29/03)

Authorizes $125 million over five years to reduce fugitive methane emissions by establishing a program to properly plug and abandon orphaned, abandoned, or idled wells on federal land. (Title III—Oil and Gas, Sec. 319, 9/29/03)

Authorizes $350 million over five years to facilitate timely action on natural gas leases and permits and creation of Best Management Practices for processing permits. (Title III—Oil and Gas, Sec. 342, 9/29/03)

Requires the creation of a Memorandum of Understanding between the Department of Interior and Department of Agriculture to facilitate natural gas development on National Forest lands. (Title III—Oil and Gas, Sec. 343, 9/29/03)

Establishes a Federal Permit Streamlining Pilot Project to expedite processing of natural gas permits. (Title III—Oil and Gas, Sec. 344—6/8/05)

Facilitates the building of LNG terminals thereby increasing the supply of natural gas. (Title III—Oil and Gas, Sec. 381, 9/29/03)

Authorizes $165 million over 5 years for research aimed at facilitating production of natural gas from Methane Hydrates. (Title IX—Research and Development, Sec. 953—6/8/05)

NUCLEAR ENERGY TECHNOLOGIES

Reauthorizes for 20 years the Price-Anderson Act, the long-standing liability insurance system for all nuclear operations in the country. This system has existed for more than 40 years and never required payment from the federal government. (Title VI—Nuclear Matters, Sec. 602—6/8/05)

Improves the regulatory treatment modular reactors, facilitating the installation of new, more cost effective nuclear power reactor designs. (Title VI—Nuclear Matters, Sec. 608—6/8/05)

Mr. DOMENICI. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Nebraska has 6 minutes remaining.

Mr. HAGEL. Mr. President, let me summarize the Hagel-Pryor climate change amendment. This amendment offers a comprehensive voluntary approach to addressing the issue of climate change by connecting domestic and international economic, environmental, and energy policies. It takes a market-driven, technology-based approach to climate change by using public-private partnerships to meld together the institutional leverage of the Government with the innovation of industry.

With that, I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAGEL. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 817.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 29, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—66

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Brownback
Burns
Burr
Chambliss
Clinton
Coburn
Cochran
Coleman
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Levin
Lincoln
Lott
Lugar
Martinez
McConnell
Mikulski
Murkowski
Murray
Nelson (NE)
Pryor
Reid
Roberts
Rockefeller
Salazar
Santorum
Schumer
Sessions
Shelby
Smith
Specter
Stabenow
Stevens
Talent
Thomas
Vitter
Voinovich
Warner

NAYS—29

Akaka
Biden
Boxer
Bunning
Byrd
Cantwell
Carper
Chafee
Collins
Corzine
Dodd
Durbin
Feingold
Gregg
Harkin
Inouye
Kennedy
Kohl
Lautenberg
Leahy
Lieberman
McCain
Nelson (FL)
Obama
Reed
Sarbanes
Snowe
Sununu
Wyden

NOT VOTING—5

Dorgan
Jeffords
Johnson
Kerry
Thune

The amendment (No. 817) was agreed to.

Mr. HAGEL. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I hope the Senator from Colorado, Mr. SALAZAR, will find his way to the Senate Chamber because he asked us to get him some time, and we are doing that right now in this request.

The suggestion I have for the Senate is as follows: I understand Senator SALAZAR from Colorado would like to speak for 3 minutes as in morning business about a deceased general in his State. Then Senator McCAIN will offer a climate change amendment along with his cosponsor, Senator LIEBERMAN. That will be debated tonight, and we will set some additional debate time for tomorrow if required by the distinguished Senators or anybody in opposition.

We may, however, have an additional vote tonight. I want everybody to know this. We might have a vote tonight. It will not be on the McCain amendment, but we will set that amendment aside, without objection from the Senator from Arizona, and take up this other amendment.

We have a number of amendments that are pending, besides the one I just indicated. One of those is a DeWine-Kohl amendment. We are going to try to work that in here and that would be without a rollcall vote. The Voinovich amendment is the one on which we will be voting.

We will proceed, as I have indicated, and recognize the Senator from Colorado, if he is here. If he is not here, we are going right to Senator McCAIN. If he comes, maybe the Senator from Arizona can accommodate Senator SALAZAR. If not, we will let Senator McCAIN proceed.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, may I ask unanimous consent to speak for 30 seconds as in morning business while we are waiting?

Mr. DOMENICI. We are not waiting. Senator McCAIN is yielding time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I thank my colleagues from New Mexico and Arizona. I thank my colleague from New Mexico for moving this Energy bill forward and making such progress.

(The remarks of Ms. LANDRIEU and Ms. STABENOW are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 826

Mr. McCAIN. Mr. President, I have an amendment at the desk on behalf of myself and Senator LIEBERMAN. I ask unanimous consent the pending amendment be set aside, and the amendment on behalf of myself and Senator LIEBERMAN be considered.

The PRESIDING OFFICER. Without objection, the amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself and Mr. LIEBERMAN, proposes an amendment numbered 826.

Mr. McCAIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. McCAIN. Mr. President, first I would like to congratulate the sponsors of the amendment that was just passed. They did a good job on the amendment. I appreciate it because it is very indicative of where this debate has gone.

My dear friend from Connecticut and I, last October of 2003, forced a vote—or we had a vote on, basically, this issue, although we have changed this somewhat with the inclusion of the incentives for technological advances, as well as some nuclear power provisions which have proven somewhat controversial with some of our environmental friends.

At that time the debate on the amendment was: there is no such thing, it is a myth, this simply bears no relation to reality—on and on. There were some fascinating statements made about what a myth climate change was.

Now, obviously, we have, by passage of the Hagel amendment, recognized—at least by a majority of the Senate—that climate change is real and action needs to be taken. So I believe we have made significant progress since October 2003. At the same time, I have noticed on other reform issues that I have been involved in over the years, once the opponents of reform see reality, then they try to put up some kind of legislation which appears to address the issue but actually does not. Unfortunately, the amendment by my good friend from Nebraska that was just approved by the Senate simply has no bearing on the requirement that we act.

The Senator from Connecticut and I are going to present, not our opinions but evidence, scientific evidence, that climate change is real, it is happening, and as we speak we will see things happening to our environment which will have long-term devastating effects on this globe on which we reside. When we talk about scientific evidence and opinion, with the exception of those who may somehow be financially related to certain opponents of this legislation, there is very little doubt as to the scientific evidence of every objective observer, not to mention our European friends who have so concluded and are acting to reduce the effects of greenhouse gas emissions in the world.

By the way, they have not faced Armageddon to their economies, as predicted by some of the speakers who have already addressed this issue. I found them entertaining. Do you know why I found them entertaining? Because every time I have been in a reform issue—whether it be installation of safety belts in automobiles, or airbags, or campaign finance reform—the Apocalypse was upon us.

In this amendment we encourage technology in order to reduce greenhouse gas emissions and make energy use more efficient, and we are trying at the expense of some support to recognize that nuclear power is a very important contributor to our energy needs in the coming years, particularly since 20 percent of our energy supply is already supplied by nuclear power and those powerplants are going out of business fairly soon. We have a proposal that is balanced and fair and not only tries to minimize and, over time, reduce the damage that has already been inflicted by greenhouse gas emissions, but also will provide for energy that this world—our country as well as others—needs.

Is this Kyoto that Senator LIEBERMAN and I are proposing? No. Sometimes I wish that it were, but it is not. It is far less stringent in its requirements to address the issue of greenhouse gas emissions. It is something that we believe is not only affordable but doable.

Does it involve some sacrifice on the part of the American people? Yes. I have to tell you, every time I talk to young Americans and say, Are you willing to make some sacrifice to prevent the occurrences that we see are happening now, these young Americans are more than willing to do so.

When we talk about jobs, these Draconian estimates of lost jobs that they have hired some think tank to come up with, what about the jobs and the economic effect on the United States of America that is already taking place when we have four hurricanes in one season in Florida; when we have greater and more extreme climatic effects generated by greenhouse gas emissions? How much is it going to cost when the great barrier reef dies? The Australian Government has said that the great barrier reef will die by—I think the year is 2040. What happens then to the food chain? What is the cost then?

What is the cost to the Alaskan Inuit Tribe when, as we speak, their villages are falling into the ocean because of the melting of the permafrost? What are those costs?

I will tell you what they are; they are astronomical. They may hire a lot of people, in the form of emergency workers and FEMA and all of that.

I have a very long statement. I am not going to take too long because I want my friend, Senator LIEBERMAN, to talk. But why is it that our best partner in Europe, Tony Blair, is so dedicated to the proposition that we need to act on this issue? I do not find him to be an irrational individual. What does Prime Minister Tony Blair say? I think he puts it better than anyone.

The opponents, particularly my friend from Oklahoma, will come down and say all this climate change is just a myth, the Earth is not warmer, there is no real basis for this whatsoever. And he will find some obscure scientist who will say, yes, it is a myth—despite the overwhelming body of evidence that dictates that climate change is real and its effects are already being felt in a variety of ways.

Suppose the Senator from Connecticut and I, and the overwhelming body of scientific evidence, and Tony Blair, and all the Europeans, and all the signatories to the Kyoto treaty, they are all wrong and we went ahead and made these modest proposals. What would we have? We would have a cleaner Earth. We would have an Earth with a less polluted atmosphere. We would have cleaner technologies. We would have found a way to again utilize nuclear power in a safe and efficient fashion.

But suppose that we are right. Let's suppose the National Academy of Sciences is right when they say:

> There will always be uncertainty in understanding a system as complex as the world's climate, however there is now strong evidence that significant global warming is occurring.

This comes from the National Academy of Sciences, the National Academies from the G8 countries along with those from Brazil, China, and India.

> The scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action. It is vital that all nations identify cost-effective steps that they can take now to contribute to substantial and long-term reduction in net global greenhouse gas emissions.

Remember, this is from the U.S. National Academy of Sciences, National Academies from other G8 countries along with other countries:

> We urge all nations to take prompt action to reduce the causes of climate change, adapt to its impact, and ensure that the issue is included in all relevant national and international strategies.

Suppose they are right. Suppose they are right and we, as stewards of our environment, have failed to act. The consequences are clear. The effects are devastating. They are extremely difficult to reverse, as any scientist will tell you. And we will have done such a terrible thing to future generations not only in America but in the world because of our enormous contributions to the greenhouse gas emissions which are causing such devastating effects already as we speak.

I am going to yield to my friend from Connecticut. But I hope my colleagues make no mistake about what we just did, which is nothing—which is nothing. There is nothing in the last amendment that has any requirements whatsoever—except perhaps some more reporting. I believe the time for reports is past. I think we have a sufficient number of reports and assessments. It has done nothing.

This amendment, I am sure, will be attacked—thousands of jobs will be lost, we will find some obscure scientist, some will talk about the dangers of encouraging the use of nuclear power. The fact is, we are going to win on this issue. The reason we are going to win is because every single month there is another manifestation of the terrible effects of what climate change is doing to our Earth. The problem is how late will it be when we win? How devastating will be the effects of climate change on this Earth on which we live? I am very much afraid that every day that goes by our challenge becomes greater and greater.

That is what this debate is all about. I know the chances of our passing this amendment are probably not as good as we would like. But I hope my colleagues and the American people will pay attention to this debate because it may be the most important single issue that is addressed by this Senate in all the time that I have been here.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from Arizona with whom I am proud, once again, to sponsor the Climate Stewardship and Innovation Act to combat global warming.

Senator McCAIN has, as is his characteristic mode of behavior, talked straight. He has sounded a clarion call. He has spoken in words that I would echo right now: This is the challenge of our generation, environmentally. It will begin to affect the way we live on planet Earth.

We feel so strongly about it that we are going to stick together, and I believe our ranks will grow over time. I hope before the worst effects of global warming occur, before the most cataclysmic effects occur.

We are going to get this done because it has to be done. This amendment we are offering is the only proposal the Senate will consider that will actually put a halt to the rise in carbon emissions that cause global warming. It will also spur technological innovations to deal with that problem.

In some sense, as I view this—and I have spent a lot of time working on it—what is involved is a conflict between science and the resistance to change. Change is frightening sometimes, particularly when the worst consequences of not changing are not apparent. This is why this is such a great challenge to our political system because, although we are beginning to see the effects of global warming, the worst effects are over the horizon.

The challenge now, having been put on notice by science, is whether the political leadership of our country will take the steps necessary to protect the generations that will follow from the worst consequences of global warming.

I will paraphrase Jonas Salk, who invented the polio vaccine: One of the tests of every generation is whether we have been good ancestors, whether we have acted in a way that those who follow us will say that we had farsighted ancestors who saw this problem coming and dealt with it.

That is the challenge this amendment offers. Because it is about science. With the distinguished Presiding Officer, particularly, I cannot resist going into a bit of history. It was 100 years ago this month, June 30, 1905, that Albert Einstein finished a paper with the very dense title "On the Electrodynamics of Moving Bodies." Today we know it better as the Theory of Special Relativity or E equals MC squared.

Why do I bring this up in the context of global warming? Because when Einstein first proposed the theory, it was dismissed as unrealistic, as a dream. Its consequences were widely misunderstood. Over time, the best scientists agreed not only that Einstein's theory was true, but they expanded upon it and used it to the extraordinary benefit of the generations that have followed.

With apologies to another great scientist, Darwin, this process might be called the "Evolution of Theory." The theory that the Earth is warming with dire consequences may have started off with little understanding or acceptance. In fact, when we first began to talk about it, Senator McCAIN and I, a lot of people including in this Senate discussed it as if it had a Chicken Little "sky is falling" quality. The fact is, we were basing our actions and our arguments on temperatures that were rising. But the worst effects that we were projecting were based on scientific modeling.

Now the best scientific minds in the world have examined the evidence and stated that climate change is real. Its cost to our economies will be devastatingly real. Its costs to our people and the way they live will be devastatingly real if we do not act.

Just a few months ago, the head of the International Panel on Climate Change, Dr. Pachauri, whose candidacy for that position that was supported by the Bush administration, said:

> We are already at a dangerous point when it comes to global warming. Immediate and very deep cuts in greenhouse gases are needed if humanity, as we know it, is to survive.

The truth is, at this point, we do not need the scientists to tell us that the globe is warming. We can see it with our own eyes. The most compelling evidence is the satellite photographs of the polar ice caps. Look back 10, 15, 20 years: they are shrinking before our eyes.

Consider this very real example that is a consequence of that warming: 184 Alaskan coastal villages already are facing the threat of relocation because their land and infrastructure are being impacted by advancing seas and warmer temperatures that are melting the permafrost. One estimate I have seen says it will cost $100 million to locate just one of those villages or towns. I hesitate to articulate this fear, but what would be the price if we needed to relocate New Orleans or Miami or Santa Cruz, CA?

One of North America's leading reinsurers, Swiss Re, projects that climate-driven disasters could cost global financial centers more than $150 billion per year within the next 10 years. That is not Senator McCAIN or me or some environmental group. It is a business, an insurance company, which is on the line for the costs of climate-driven disasters: $150 billion a year within the next 10 years.

I could go on with stories of wildlife appearing in places where they have never appeared before. Even in Connecticut, we have certain birds that are lingering longer in our State, because it is staying warmer longer. In Maine, our colleagues say the sugar maples are being affected by the alteration in the climate.

What is the United States doing? The United States, the largest emitter, the largest source of the greenhouse gases that cause global warming, what are we doing? Nothing. Literally nothing. In some sense, less than nothing because we pulled out of the Kyoto Protocol that subsequently has been ratified by enough of the industrialized world.

I agree with Senator McCAIN about the preceding amendment. It is a fig leaf. It may allow some people to say we are doing something about global warming but it does not do anything. It leaves it all to voluntary action to support some research. It asks for reports. This goes back to the early 1990s, when the first President Bush was very actively involved in the Rio conference on global warming and recognized the reality of global warming, supported measures to deal with it, and set voluntary standards. They did not work. That is why Kyoto came along in 1997.

We saw, in the intervening years, if you leave it just plain voluntary, nothing will happen. People will continue to do things as before. Sources of greenhouse gases will not change. We have to show some leadership.

The last amendment I call "fiddling while the Earth is warming." In its way, it is more consequential than Rome burning.

The Climate Stewardship and Innovation Act, which Senator McCAIN and I introduced as an amendment to this Energy bill, is the needed first step, second step, and third step. It is the only proposal that will come before the Senate that puts an absolute stop to the increase in greenhouse gas emissions by America. In that sense, it brings us back to some point of moral responsibility. This is a problem for the whole globe. We are the biggest source of it. Yet we are doing nothing about it, while a lot of other countries are.

This amendment is the only proposal that will come before the Senate that creates not old-fashioned command and control but a true market mechanism reflecting the punishing social and economic costs of global warming. And this amendment, the Climate Stewardship and Innovation Act, is the only proposal that will come before the Senate that harnesses these market forces and steers them toward new energy technology that will not only help us meet the standards but will energize our economy because it will create jobs; those jobs will create products that will fill a growing global demand for energy-efficient greenhouse gas-resistant technologies.

Let me briefly state the basics of our bill. The original Climate Stewardship Act was the result itself of a lengthy process Senator McCain and I were involved in, with the stakeholders, sources of greenhouse gases, environmentalists, and scientists working together. A major role was played by the Pew Trust. The original Climate Stewardship Act asked the American people, businesses, to reduce our carbon emissions to 2000 levels by the end of the decade—by 2012—easier to achieve than what Kyoto asked. Kyoto asked to go back to 1990.

There was a graph in one of the papers yesterday that shows reductions from Kyoto about here; if we do nothing, about there; McCain-Lieberman was in between. It is always nice to be in the middle—the golden mean. That is exactly what this proposal is. Our proposal then, and now, will reduce carbon emissions by use of the market, by putting a price on those emissions, with a cap and trade policy modeled on the one used so successfully in the Clean Air Act of 1990 which, as we all know, has reduced acid rain at far less cost than expected without the old "command and control" Government.

Simply put, a business that does not reach its emissions target can buy emissions credits from an entity who has managed to move themselves under the target.

Because the cap and trade system creates a market price for greenhouse gas emissions, it exposes the true cost of burning fossil fuels and will drive investments toward lower carbon-emitting technologies. It will, incidentally, also help us break our dangerous dependence on foreign oil which now is approaching $60 a barrel and rising. I fear, as so many others do, no matter how strong we are militarily, it can ultimately compromise our national security.

As the new title of this amendment implies, we have added an innovation section to our original bill because technological change and innovation are the keys in both the fight against global warming and the battle for energy independence. Our amendment creates a dedicated public sector fund for ensuring that investment is directed at the new technologies we need, including, but not limited to, biofuels, clean coal technology, solar and nuclear power, to name just a few off an open-ended menu of climate-friendly technology choices.

Instead of turning to the taxpayer to fund these, our bill uses a very creative self-funding mechanism. It empowers the Secretary of Energy to use some of the money generated through the purchase of emissions credits, funneled through a new public corporation our bill would create to help bring those innovations to market. The amendment will ensure the most important and efficient technological alternatives are supported. We did not pick winners and losers. That is for the market to do. Our bill does make sure, however, that if there are barriers to developing or using these new technologies to meet the standards and cap in our proposal, the resources are available to knock those barriers down.

If we do not help bring these new low carbon or zero carbon technologies to market, believe me, we will be buying them from the nations that do. Here is exhibit A to prove that point: Hybrid cars today are popular. There are waiting lists for them. I heard there is a market where people sell the ticket they have in the line so somebody can buy a hybrid car, low-emitting vehicles that consumers have clearly shown they want.

Where did American companies get the technology to build those hybrids? They have licensed it from Japan. Our bill will ensure that assistance is provided to American manufacturers to help with the transition to new technologies and energy productions with programs to reduce consumer costs and help dislocated workers and communities. The point is, we want what we know will be an enormous market for low carbon, zero carbon, low/zero greenhouse gas-emitting products to be filled by products made in the United States.

When Senator McCain and I sat down to write this bill, we knew it had to pass three tests: First, it had to guarantee that it would achieve a real reduction in total greenhouse gas emissions across our society. Second, it had to create a true wide-open market for emissions reductions. And third, it had to provide businesses, and ultimately consumers, with a wide range of low-emission, low-cost energy choices through technological innovations.

I am proud to say to my colleagues our amendment meets all three of those tests.

The Senate should scrutinize any alternatives that are offered to this amendment we have proposed and ask whether those meet those same tests, whether, as the planet is warming and the rest of the world is trying to do something about it, the United States is fiddling.

I mentioned at the outset that 100 years ago this month that young man sitting in a Swiss patent office changed our understanding of the universe with the power of his new ideas.

A century later, we are facing a real threat. To meet it, we need to empower our best minds to use the power of new ideas to help provide new sources of power to our world. If we do not take these simple steps now, steps that are well within both our technological and financial reach, the generations that come will rightfully look back at us with scorn and ask why we acted so selfishly, why we yielded to the status quo that did not want to change, why we cared only for short-term comforts or profits, and why we left them a global environment in danger.

Einstein once said:

> The significant problems we face cannot be solved at the same level of thinking with which we created them.

Senator McCain and I and our other cosponsors and supporters believe the Climate Stewardship and Innovation Act will not only set standards for reducing global warming but will lead us to the new thinking, to the new ideas, and the new products we need to halt global warming, achieve energy independence and protect the world as we know it and love it for the generations to come.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to say thank you to both Senator Lieberman and Senator McCain for giving this Senate the first real start to reduce global warming. I was one who voted for the Hagel amendment, but I did so realizing it really had very little bang for the buck. This is the first real global warming bill this body will come to grips with. I think it is extraordinarily important.

In real terms, passage of this bill would mean that instead of having 8 billion tons of greenhouse gases emitted into the air in 2010, as would be the case if we do not pass the amendment, we will emit slightly less than 6 billion tons in 2010. That means this amendment would reduce emissions by almost 2 billion tons, or 25 percent, by the end of the decade.

In order to achieve the goal, the amendment would implement a market-based emissions cap and trade system. Currently, the United States is the largest emitter of greenhouse gases in the world. We account for one-fourth of all global greenhouse gas emissions.

In a single year, the average American produces the same greenhouse gas emissions as 4.5 people in Mexico or 18 people in India or 99 people in Bangladesh.

In the past 200 years, since the Industrial Revolution, the concentration of carbon dioxide in the Earth's atmosphere has risen by roughly 30 percent. If we do nothing to reduce these emissions, CO2 levels are estimated to again rise by 30 percent in only the next 50 years.

Here it is on the chart. You see, as temperature rises, global warming takes place, and carbon dioxide emissions increase.

The hottest year on record is 1998, followed by a tie for the second hottest year between 2002 and 2003.

Let me say what the National Academy of Sciences has reported. Let me just briefly quote:

> Since the 1900s global average temperature and atmospheric carbon dioxide concentration have increased dramatically, particularly compared to their levels in the 900 preceding years.

Carbon dioxide is the No. 1 global warming gas. We have already begun to see, as both Senators MCCAIN and LIEBERMAN have said, the real impacts of global warming.

Glaciers are beginning to disappear throughout the United States and around the world at a rapid rate. This chart demonstrates the rapid loss of the South Cascade Glaciers in Washington State. In addition, it is predicted that all the glaciers in Glacier National Park in Montana will be gone by 2030.

Here on the chart, you can see the South Glacier. In 1928, you could see the full glacier. Then, this is what you saw in 1979. And you can see that in 2003 it was just about one-half of what it was.

Since 1979, more than 20 percent of the polar ice cap has melted away due to the increase of global temperatures. Senator LIEBERMAN mentioned that in his speech, but I think this chart shows it dramatically. This line indicates the Arctic sea ice boundary in 1979. You can see how large it was. And you see more than 20 percent of the polar ice cap has already melted away. That is disastrous because the top of the planet is more impacted than the bottom of the planet.

Now, this is forcing Eskimos in Alaska to move inland. My husband just visited an Eskimo village. They were preparing to move their village because it was being inundated by the ocean.

Over the last century, the global sea level has risen by 6 inches. The United Nations Intergovernmental Panel on Climate Change predicts that by the next century, the global sea level will rise even higher to anywhere from 4 inches to 3 feet. That is enormous when you look at these changes.

Let me just speak for a moment about my State.

Since 1900, California has warmed by 2 degrees Fahrenheit. Annual precipitation has decreased over much of the State—by 10 to 25 percent in many areas. The EPA estimates that the temperature in California could rise by as much as 5 degrees by the end of this century if the current global warming trends continue.

That increase is going to have a drastic impact on many facets of California life—water, for one. As the largest agricultural State in the Union, we need it to farm and grow our crops. We need water to keep the ecosystem in balance, and we need water for 37.5 million people to drink, to wash, and to water crops and plants.

The Sierra Nevada snowpack is the largest source of water. The snowpack equals about half the storage capacity of all of California's man-made reservoirs. It is estimated that by the end of the century, the shrinking of the snowpack will eliminate the water source for 16 million people. That is equal to all of the people in the Los Angeles Basin. That is how big this is.

What this chart shows is, if we take strong action to curb greenhouse gas emissions, 27 percent of the snowpack will remain in the Sierras; strong action will only protect 27 percent. If we do nothing to reduce our greenhouse gas emissions, only 11 percent of the Sierra Nevada snowpack will be left by the end of the century. You clearly see it. That is Armageddon for California. That is Armageddon for the fifth largest economy on Earth.

Now, we have already begun to see a decline in the Sierra Nevada snowpack due to warmer winter storms that bring more rain than snow and also cause a premature melting of the snowpack.

If just a third of the snowpack is lost, it would mean losing enough water to serve 8 million households. So you can see how big this is. That is why this bill is so important—the first bill that actually does something about it.

Let me talk for just a second about our wine industry. It is recognized throughout the world. It is a $45 billion industry in sales, jobs, tourism, and tax revenue.

Grown throughout the State, wine grapes are sensitive to temperature and moisture. It is predicted that by the end of the century, grapes will ripen up to 2 months earlier and will be of poorer quality. The result is a decline for California's premier wine industry.

Let me talk about dairy. We are the largest dairy-producing State in the Union, much to the chagrin of my distinguished colleague from Wisconsin. Studies indicate that due to increased temperatures, our milk production could be reduced anywhere from 5 to 20 percent. This would not only have a drastic impact on California's agriculture industry, but it would also affect other States that rely on California to provide milk and other dairy products.

Beaches and coastlines—we are known for them. When most people think of California, they think about our beaches. The rising sea level, due to global warming, is slowly swallowing these beaches and eroding the coastline. Over the last century, the sea level has risen 3 to 8 inches. Scientists predict it will continue to rise an additional 13 to 19 inches by the end of this century. This will force municipalities to replenish land on beaches stretching from Santa Barbara to San Diego. The EPA says this could cost from $174 million to $3.5 billion.

Global warming is California's No. 1 environmental problem.

Now, let me talk for a moment about what cities are doing. Cities are not waiting for us. Cities are moving. Members of the United States Conference of Mayors unanimously passed a resolution earlier this month that requires their member cities to attempt to meet or exceed emissions standards set by Kyoto. They have agreed to try to meet or beat the Kyoto Protocol targets in various communities around the Nation. They have agreed to urge their State governments and the Federal Government to enact policies to reduce greenhouse gas emissions, and they have agreed to urge us to pass the McCain-Lieberman bill.

So far, 167 cities have signed up to enforce the Kyoto requirements.

Nearly 40 States, to date, have developed their own climate plans. Four-fifths of the United States is moving on its own because we are so slow to act.

An emission trading system is emerging in the Northeast that will require large power plants from Maine to Delaware to reduce their carbon emissions.

Eighteen States and the District of Columbia have enacted standards to require that electricity be generated with renewable fuels rather than fossil fuels. These States include California, Arizona, Colorado, Connecticut, Hawaii, Iowa, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island, Texas, and Wisconsin.

The point is, our States are moving. Why are we so bloody slow? California has enacted legislation that will reduce greenhouse gas emissions from vehicle tailpipes. It is expected that the Northeastern States and Canada will also follow California's lead.

Yet, without concerted Federal action, the United States will not be able to achieve real, significant greenhouse gas reductions. If Members of the U.S. Senate agree with the science, if they agree with virtually all of the literature to date, if they look out and study the weather and they see the changes, if they see the fluctuation in weather patterns, the aberrant behavior of weather, they will come to the conclusion that global warming is real. It is real, and we now have the first bill to do something positive about it, and that is the Lieberman-McCain legislation.

I believe all of California supports it. I am proud to support it. I urge its passage to this distinguished body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank our friend and colleague from California for a very powerful statement. In a personal sense, and I know I speak for Senator MCCAIN, we are grateful for her support. We are honored to have it. But what a statement. I hope every Member of the Senate gets a chance to read the text of the Feinstein statement. In very practical terms, it describes the impact of inaction on our largest State—California—on water supply, not to mention the dairy industry and, perhaps of more national significance, the California wine industry. But this is real-life stuff. Shame on us if we don't take real action to stem the problem.

I thank my colleague.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMARKS ON GUANTANAMO BAY

Mr. DURBIN. Mr. President, more than most people, a Senator lives by his words. Words are the coin of the realm in our profession. Occasionally, words will fail us. Occasionally, we will fail words.

On June 14, I took the floor of the Senate to speak about genuine, heartfelt concerns about the treatment of prisoners and detainees at Guantanamo and other places. I raised legitimate concerns that others have raised, including Secretary of State Colin Powell, about the policies of this administration and whether they truly do serve our needs to make America safer and more secure; whether, in fact, some of the policies might, in fact, endanger our troops or in some way disparage the image of America around the world.

During the course of that presentation, I read an e-mail from the Federal Bureau of Investigation that was discovered to exist last August and has now been produced as part of a Freedom of Information Act. After reading the horrible details in that memo, which characterized the treatment of prisoners at Guantanamo, I then, on my own—my own words—made some characterizations about that memo. I made reference to the Nazis, to the Soviets, and other repressive regimes.

Mr. President, I have come to understand that was a very poor choice of words. Last Friday, I tried to make this very clear, that I understood that those analogies to the Nazis and Soviets and others were poorly chosen. I issued a release which I thought made my intentions and my innermost feelings as clear as I possibly could. Let me read to you what I said in that release last Friday:

> I have learned from my statement that historical parallels can be misused and misunderstood. I sincerely regret if what I said caused anyone to misunderstand my true feelings: Our soldiers around the world and their families deserve our respect, admiration and total support.

It is very clear that even though I thought I had said something that clarified the situation, to many people it was still unclear. I am sorry if anything I said caused any offense or pain to those who have such bitter memories of the Holocaust, the greatest moral tragedy of our time. Nothing should ever be said to demean or diminish that moral tragedy.

I am also sorry if anything I said in any way cast a negative light on our fine men and women in the military. I went to Iraq a few months ago with Senator HARRY REID and a delegation, a bipartisan delegation; the Presiding Officer was part of it. When you look in the eyes of the soldiers, you see your son or your daughter. They are the best. I never, ever intended any disrespect for them. Some may believe that my remarks crossed the line. To them, I extend my heartfelt apologies.

There is usually a quote from Abraham Lincoln that you can turn to in moments such as this. Maybe this is the right one. Lincoln said: If the end brings me out right, what is said against me won't amount to anything. If the end brings me out wrong, 10,000 angels swearing I was right wouldn't make any difference.

In the end, I don't want anything in my public career to detract from my love for this country, my respect for those who serve it, and this great Senate.

I offer my apologies to those who are offended by my words. I promise you that I will continue to speak out on the issues that I believe are important to the people of Illinois and to the Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I rise to say what is unnecessary, and that is that the Senator from Illinois just made a heartfelt statement, one of apology. All of us, I believe, who have had the opportunity to serve in public life from time to time have said things that we deeply regret. I know that I have. I can't speak for the other Members of this body. I would like to say to the Senator from Illinois, he did the right thing, a courageous thing, and I believe we can put this issue behind us. I thank the Senator from Illinois.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I want very briefly to thank my friend and colleague, Senator DURBIN, for the statement he has just made. I know it has been a very difficult period of time for him. Which one of us has not erred? Which one of us, particularly in public life, has not said something that didn't come out exactly as we intended it to and certainly had an impact we never could have imagined?

When I first heard about what Senator DURBIN said last week, and I heard some people at home in Connecticut who were agitated by it, I said: I know DICK DURBIN. I know he would never really compare the suffering of people in the Nazi concentration camps or the Soviet gulag or under Pol Pot to what is happening in Guantanamo, as much as he is concerned and has criticized some of what we have learned, including in the FBI report he cited. It is just not him. I know his character. I know his person.

Look, we have seen it today. It takes a big person to stand up and apologize on the floor of the Senate. He has done it. I just appeal to everyone now to move on. Let this be the end of this. Anyone who will continue to try to fester this some more is doing a disservice to the Senate and to our country. Senator DURBIN has made clear his regrets for what he said and the way it was misunderstood. He is a good man. He is an extraordinary Senator. He is a good friend. I thank him for the courage he showed in coming up and saying what is hard for us in public life, but we are no different than anybody else: I am sorry. I made a mistake.

To err is human, but it is also important to say that to forgive is not only divine, it ought to be human as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry: Does the Senator from New Mexico have the floor?

The PRESIDING OFFICER. Yes.

Mr. DOMENICI. I believe that I could now argue against the pending amendment, but I choose at this point, if we could, because I made some arrangements that I don't think are inconsistent with the minority leader—not agreements but arrangements—if we could let Senator INHOFE, who is now in opposition to the amendment, proceed, he would like to speak for 10 minutes.

Mr. REID. Mr. President, the Senator from New Mexico has the floor. I would like to speak for a couple minutes before that.

Mr. DOMENICI. And then could we go to Senator INHOFE for 10 minutes?

Mr. REID. I think maybe 5 more minutes, and then we will get to him.

Mr. DOMENICI. OK. This is an interesting moment. I don't want to object.

Mr. REID. We will be very quick.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. I ask unanimous consent that following my remarks, the Senator from California be recognized for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have stated on a number of occasions publicly my great affection for my friend from Illinois. We came together to Congress. He has been a very close personal friend. I have such great admiration for him. He has been a great whip during the 5 months that I have been the leader. As we know, he has been a strong supporter of the troops. He has worked for the Guard and Reserve especially, more than anyone I know in the Senate. I know how hard it was for him to come and speak as he has today.

I have said things in the past that I wish I hadn't said. In the last 6 or 7 months, they have been noted more than in the past. So I certainly appreciate the strength and the courage of my friend from Illinois.

I also want to say a word about my friend who is not on the floor now, JOHN MCCAIN. He and I came to this body also with Senator DURBIN. He and I have been very close in seniority. He is one ahead of me because the State of Arizona is larger than the State of Nevada. That is what happened when we came to the Senate. For someone with his military background to say what he just said about Senator DURBIN is very typical for JOHN MCCAIN. Not only do I express my appreciation for the statement of my friend from Illinois but also for the statement of the Senator from Arizona. It was a very typical JOHN MCCAIN statement, and it shows that he is a person who speaks from the heart.

If I may impose on my friend from Oklahoma, the other Senator from Illinois is here. Senator FEINSTEIN has 2 minutes. May I give him 2 minutes?

Mr. INHOFE. No objection.

Mr. REID. I ask unanimous consent that following Senator FEINSTEIN, Senator OBAMA be recognized for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Democratic leader and Senator INHOFE for this courtesy.

I don't think there is a Member of this body who hasn't gone to an event, made a speech, answered a question, advocated a cause, who hasn't said: Oh, I wish I had done it differently. I don't think there are any of us who haven't awoken the next morning and said: Gee, I really meant it, and I am sure it is going to be taken out of context, or they are going to think I meant this or that. I don't think there are any of us who haven't sometimes written letters to correct what we have said.

We know DICK DURBIN. We know he is patriotic. We know he cares about the men and women serving. And we know that he would do nothing to ever mean anything to the contrary.

I was very much taken by his remarks. More importantly, I was taken by the emotion behind the remarks. We have been having in the Judiciary Committee a legitimate debate on Guantanamo. Hearings have been held. Debate is taking place. That is healthy. That is what this system is all about. Senator DURBIN has played a role in that debate. I hope, too, that this will mark the end of it.

I thank, too, the Senator from Arizona for what he said. No one has a more distinguished military record than he. I also hope that everyone who has heard Senator DURBIN tonight recognizes his sincerity and his depth of concern. Let this be the end of it.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, I thank Senator INHOFE, Senator REID, and Senator DOMENICI for allowing me this time.

I know DICK DURBIN. I serve with him in Illinois. We have traveled together through the byways and highways of our great State. I have rarely met someone with greater dedication to ordinary Americans, a stronger belief in the greatness of this Nation, or a more longstanding commitment to public service as an expression of that patriotism than DICK DURBIN.

This recent episode obviously has pained him a great deal because although I am new in the Senate, one of the things I am discovering is that we have a tendency, perhaps because we don't share as much time on the floor as we should, perhaps because our politics seem to be ginned up by interest groups and blogs and the Internet, we have a tendency to demonize and jump on and make mockery of each other across the aisle. That is particularly pronounced when we make mistakes. Each and every one of us is going to make a mistake once in a while. We are going to say something unartful; we are going to say something that doesn't appropriately describe our intentions. And what we hope is that our track record of service, the scope of how we have operated and interacted with people, will override whatever particular mistake we make.

Senator DURBIN has established himself as one of the people in this Chamber who cares deeply about our veterans and our troops. He hasn't just talked the talk, he has walked the walk. I have been distressed to see my partner from Illinois placed in the situation in which he has been placed. I am grateful he had the courage to stand up and acknowledge that he should have said what he said somewhat differently. But I am also grateful that people, such as the distinguished Senator from Arizona and others, recognize this for what it was—a simple misstatement—and that now we can move on to talk about the substance of the issues that are of legitimate concern to this body, including making certain that when we operate institutions such as those at Guantanamo, we hold the United States to that high standard that all of us expect.

I yield the floor.

AMENDMENT NO. 826

The PRESIDING OFFICER (Mr. BURR). The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, I thank the leader for allowing me to get in about 10 minutes to respond to some of the things said about the McCain-Lieberman legislation. First of all, I know how sincere both Senators MCCAIN and LIEBERMAN are. They deeply believe in their cause.

However, as chairman of the Environment and Public Works Committee, I feel compelled to refute some of the things that have been said. So what I have done—and I think I can do this in a very short period of time—is look at some of the statements made and respond to them. Now, tomorrow, we will have enough time to get into a lot of details. I have charts I wish to show. I will give a full-blown presentation. For tonight, I will let my colleagues know there are a lot of things we should be looking at and not just assuming that everything that has been said is true. I know they believe it, but some of these things are not true.

First of all, the discussion on hurricanes—that hurricanes are going to be impacted in a way that will be detrimental and we are all going to blow away. Let's keep in mind that the same people who are talking about global warming and all of the catastrophic things are the same ones who were talking about gobal cooling about 25 years ago, saying that another ice age is coming, that we are all going to die. On hurricanes, according to Dr. Christopher Lansey, one of the foremost experts today on hurricanes, he said that hurricanes are going to continue to hit the United States on the Atlantic and gulf coast, and the damage will probably be more extensive than in the past, but this is due to natural climate cycles, which cause hurricanes to be stronger and more frequent and rising property prices on the coast, not because of any affect of CO_2 emissions on weather. He goes on to say that it is determined that the total number of Atlantic hurricanes making landfall in the United States decreased from the normalized trend of U.S. hurricanes. The damage reveals a decreasing rate. In other words, they are decreasing. Finally, contrary to the belief—this is Dr. Christopher Lansey—reducing CO_2 emissions will not lessen the impact of hurricanes.

We can say anything we want on the floor of the Senate. These are scientists. He says the best way to reduce the toll hurricanes will take on coastal communities is through adaptation and preparation. I believe that is true.

Second, they brought up the Arctic. I think when you look at some of the reports on the Arctic—I will quote from the report that was given before the Commerce Committee, Senator MCCAIN's Committee, at that time. He said:

> Arctic climate varies dramatically from one region to another and, over time, in ways that cannot be accurately reproduced by climate models. The quantitative impacts of natural and anthropogenic factors remain highly uncertain, especially for a region as complex as the Arctic. In contrast to global and hemispheric temperatures, the maritime Arctic temperature was higher in the 1930s through the early 1940s than it was in the 1990s.

That contradicts everything that has been said about the Arctic. I will elaborate on this tomorrow.

It has been stated by one of the proponents of the McCain-Lieberman bill that there are modest costs involved. I will look at the impact. This is the CRA International analysis—not of S. 139 as it was before but as it has been pared down and supposedly will have less economic impact. They said that enacting McCain-Lieberman will cost the economy $507 billion in year 2020. Enacting McCain-Lieberman would mean a loss of 840,000 U.S. jobs in 2010. It will result in 1.306 million jobs in 2020. That is not just a domino effect. Enacting McCain-Lieberman would cost the average U.S. household up to $810 in 2020. The figure used before was $2,700 for the average family of four.

The NAS, a letter about the NAS, let's take a look at that. The National Academy of Sciences—and I will quote out of their report—said:

> There is considerable uncertainty and current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols.

Further quoting:

> A casual linkage between the buildup of greenhouse gases and the observed climate change in the 20th century cannot be unequivocally established; thirdly, the IPCC—

That is the report of the International Panel on Climate Change of the United Nations.

> Summary for policymakers could give an impression that the science of global warming is settled, even though many uncertainties still remain.

Again, that is the National Academy of Sciences.

The Senator from California brought up the hockey stick theory. I believe that deserves more time than we will have tonight. I plan on talking about this tomorrow because when Michael Mann came up with the whole hockey stick theory, he talked about projecting the temperatures over the period of time, until the 20th century came along, and then they went up and off the charts. What he neglected to say, I say to my friend from Connecticut, is that there was another blade to this hockey stick, and that was the blade there during the medieval warming period. It is pretty well established now that the temperatures during the medieval warming period were actually higher than they were during this century—the current blade he talks about. That is significant. We will have a chance to elaborate on that.

Finally, in the timeframe I have, I will say that when it is referred to that the Senator from Oklahoma will come up with some "obscure" scientist who might disagree, you are right, he will, because there are a lot of them out there who are pretty well educated. The Oregon Petition was made up of 17,800 scientists. I will quote from their report. They said:

> There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gases is causing, or will in the foreseeable future cause, catastrophic heating of the earth's atmosphere and disruption of the earth's climate. Moreover, there is substantial scientific evidence that increases in atmospheric carbon dioxide produce many beneficial effects upon the natural plant and animal environments of the earth.

I think we are going to have an opportunity—at least I will—to talk about many of the other scientists. At least we have to come to the conclusion that there are uncertainties out there. I think the people who try to say the science is settled believe that if they keep saying the same thing over and over again, people will believe it. Quite frankly, there is a very friendly media to the alarmists, those who want to believe there is a real serious problem that, No. 1, the climate is changing; and, No. 2, the changes are due to anthropogenic gases or manmade gases, when, in fact, the science is not settled.

I believe this is very important for people to realize. People might ask the question, If the science is not settled and if there is that much of an economic problem with this, then what could be motivating people to be so concerned about our signing on to the Kyoto treaty? Margot Wallstrom is the EU Environment Commissioner. She said that Kyoto is about the economy, about leveling the playing field for big business worldwide. Another hero to some, Jacques Chirac, had a lot to say when he weighed in. Talking about it has nothing to do with climate change, he said that Kyoto represents the first component of an authentic global governance.

There are people who are motivated by wanting to effect economic damage to our country. Tomorrow, we will have opportunity to cover in much more detail the fact that there is another side to this story.

I yield the floor.

The PRESIDING OFFICER (Mr. BURR). The senior Senator from Ohio.

Mr. DEWINE. What is the pending business?

The PRESIDING OFFICER. The current business is amendment No. 826 offered by the Senators from Arizona and Connecticut.

Mr. DEWINE. I yield to my colleague from New Mexico.

Mr. DOMENICI. Mr. President, I have already told the minority what I was going to do if I can get an understanding. Senators DEWINE and KOHL want to offer an amendment. I ask them if they could complete their amendment—allowing the Senator from New Mexico 1 minute—in 6 minutes between the two.

Mr. DEWINE. We can certainly do whatever the Senator would like us to do.

Mr. DOMENICI. I am not trying to tell you; I am asking if you can do that.

Mr. DEWINE. Yes.

Mr. DOMENICI. That will be voice voted, however it turns out. Then we are going to proceed, without objection, to Senator VOINOVICH, who has an amendment which has been circulated for a while. He desires to debate that amendment and have a rollcall vote, correct?

Mr. VOINOVICH. Yes.

Mr. DOMENICI. If anybody wants to speak in opposition, I will ask that they have 1 minute and that you have 6 minutes on your side. Is that satisfactory?

Mr. VOINOVICH. Yes.

Mr. DOMENICI. Mr. President, I ask unanimous consent for that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I ask that it be in order to ask for the yeas and nays now for the Voinovich amendment when it is appropriately before the Senate.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. DOMENICI. We can proceed with the rest of the consent agreement, and then we are back on the Senator's amendment. If I failed to ask that the McCain-Lieberman be temporarily set aside while this is occurring, I so request.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Mr. President, let me understand the unanimous consent agreement. The pending amendment would be set aside.

The PRESIDING OFFICER. Senator DEWINE and Senator KOHL will be recognized for 6 minutes.

Mr. MCCAIN. And Senator VOINOVICH will be recognized, and we will have a vote following that; is that correct?

The PRESIDING OFFICER. That is correct. And one addition; the Senator from New Mexico wants 1 minute to speak.

Mr. MCCAIN. Now I understand.

Mr. DOMENICI. I thank the Senator. I am sorry I did not make it clear enough. I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The senior Senator from Ohio is recognized for 6 minutes.

AMENDMENT NO. 788

Mr. DEWINE. Mr. President, I send to the desk amendment No. 788.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Ohio [Mr. DEWINE], for himself, Mr. KOHL, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, Mr. FEINGOLD, Mr. COBURN, Mr. LEVIN, Ms. SNOWE, Mrs. BOXER, and Mr. DAYTON, proposes an amendment numbered 788.

Mr. DEWINE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Sherman Act to make oil-producing and exporting cartels illegal)

At the appropriate place, insert the following:

SEC. ___. NO OIL PRODUCING AND EXPORTING CARTELS.

(a) SHORT TITLE.—This section may be cited as the "No Oil Producing and Exporting Cartels Act of 2005" or "NOPEC".

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

"SEC. 7A. OIL PRODUCING CARTELS.

"(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

"(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

"(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

"(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

"(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

"(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

"(d) ENFORCEMENT.—The Attorney General of the United States and the Federal Trade Commission may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.".

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking "or" after the semicolon;

(2) in paragraph (7), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(8) in which the action is brought under section 7A of the Sherman Act.".

Mr. DEWINE. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DEWINE. Mr. President, today I join my colleague, Senator KOHL, and 16 cosponsors to offer the No Oil Producing and Exporting Cartels Act of 2005 to the Energy bill. This amendment would give the Department of Justice and the Federal Trade Commission legal authority to bring an antitrust case against the Organization of Petroleum Exporting Countries.

We need this amendment because, simply put, gas and oil prices are too high, and it is time that we do something about it. Every consumer in America knows that gasoline prices are simply too high.

What is the cause? There are a number of causes, but certainly one of them, the primary cause, is the increase in imported crude oil prices. Who sets these prices? OPEC does. The unacceptably high price of imported crude oil is a direct result of price fixing by the OPEC nations to keep the price of oil unnaturally high.

What this amendment does is to give the executive branch permission or authority—it does not compel them to do it—it gives them authority to file under our antitrust laws against OPEC. If this was any other business, if this was any business in this country or any other international business, they could be filed against. What this amendment simply does is it makes it very clear that they come under our antitrust laws.

It is the right thing to do. I ask my colleagues to adopt the amendment.

Mr. President, I yield to my colleague, Senator KOHL.

Mr. KOHL. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Wisconsin has 3 minutes 50 seconds.

Mr. KOHL. Mr. President, I rise to offer, with Senator DEWINE, an amendment which will authorize our Government, for the first time, to take action against the illegal conduct of the OPEC oil cartel. Indeed, it is time for the U.S. Government to fight back on the price of oil and hold OPEC accountable when it acts illegally. This amendment, identical to our NOPEC bill, which passed the Judiciary Committee unanimously three times over the past 5 years, most recently this past April, will enable our Government to hold OPEC member nations to account under U.S. antitrust law for illegal conduct in limiting supply and fixing prices in violation of the most basic prices of free competition.

Let me tell you what our amendment does and what it does not do. What it does is it simply authorizes our Government to take legal action against OPEC member nations to participate in a conspiracy to limit the supply or fix the price of oil. But this amendment will not require the Government to bring legal action against OPEC member nations. This decision will remain entirely in the discretion of the executive branch. Private suits are not authorized. All our amendment will do is give our law enforcement agencies a tool to employ against the OPEC oil cartel. The decision whether to use this tool will be entirely up to the administration. They can use this tool as often as they see fit, however they see fit to file a legal action, to jawbone OPEC in diplomatic discussions, or defer from any action should they judge foreign policy or other considerations that warrant it.

The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit or fix price. There can be no free market without this foundation, and we should not permit any nation to flout this fundamental principle.

There is nothing remarkable about applying U.S. antitrust law overseas. Our Government has not hesitated to do so when faced with the clear evidence of anticompetitive conduct that harms American consumers. If OPEC were a group of international private companies rather than foreign governments, their actions would be nothing more than an illegal price-fixing scheme. But OPEC members have used the shield of sovereign immunity to escape accountability for their price fixing. The Foreign Sovereign Immunities Act, however, already recognizes that the commercial activity of nations is not protected by sovereign immunity. And it is hard to imagine an activity that is more obviously commercial than selling oil for profit as OPEC nations do.

The suffering of consumers across our country in the last year demonstrates yet again that this legislation is necessary. Our amendment will have, at a minimum, a deterrent effect on nations that seek to join forces to fix oil prices to the detriment of consumers. It will force OPEC member nations to face substantial and real antitrust sanctions should they persist in their illegal conduct.

Before yielding the floor, I want to express my gratitude to my good friend and colleague, Senator DEWINE, for all his efforts over the past 5 years on this important measure. I also wish to thank the many cosponsors who have joined us on this amendment, including the chairman and the ranking member of the Judiciary Committee.

I thank the Chair. I yield the floor.

Mr. LEAHY. I am proud to cosponsor this amendment, as I have been glad to cosponsor the "No Oil Producing and Exporting Cartels Act," which we have been working to pass since 2001. I commend our lead sponsors Senators DeWine and Kohl.

I wish that we could have considered and passed this bill, S. 555, on its own. This bill passed out of the Judiciary Committee with overwhelming support earlier this year. I have repeatedly called for its consideration by the Senate over the last several months.

In the face of crude oil prices over $55 a barrel and gas prices at historic and sustained high levels, and in the face of determined inaction by the White House, we must seize whatever opportunity presents itself.

It is long past time for the Congress to hold OPEC accountable for its anticompetitive behavior. This amendment will prevent the U.S. from being at the mercy of the OPEC cartel by making them subject to our antitrust laws. It will allow the Federal Government to take legal action against any foreign state, including members of OPEC, for price fixing and other anticompetitive activities.

In March of 2004, more than a year ago, I wrote Senator HATCH to request a hearing about the skyrocketing cost of gasoline. In that letter, I raised concerns that this increase was largely due to market manipulation by OPEC, and I cited the high average price for a gallon of gasoline, which at the time was around $1.74. Many of us would today consider that price a bargain, having been forced to pay over $2.00, and even more this year. At that hearing, witnesses told us what we had suspected to be true: The price of crude oil, determined by OPEC's artificial production quotas, is the factor that most explains the price Americans pay at the pump.

The artificial pricing scheme enforced by OPEC affects all of us. This week, Vermonters were paying $2.10 for a gallon of regular gasoline, just three cents below the national average. These prices affect everyone. Higher fuel prices can add thousands of dollars in yearly costs to a 100-head dairy operation in the Northeast. And as our summer months approach, many families are going to find that OPEC has put an expensive crimp in their plans. Some are likely to stay home—others will pay more to drive or to fly so that they can visit their families or take their well-deserved vacations.

Rising interest rates are also adding to the burden felt by working Americans. Pension insecurity is another catastrophe for some and a looming specter for too many others. Millions of Americans who trusted that the pensions they were promised by their employers would be there for them when they retired are being shocked by rulings in bankruptcy cases that let their employers off the hook and turn their pension security into a hollow promise.

Congress needs to do more. The administration needs to do more. Authorizing action against illegal oil price fixing and taking that action without delay is one thing we can do without additional obstruction or delay.

Last month, as some Republicans were pushing this body to the brink of the so-called nuclear option, Americans were thinking not about the handful of controversial judicial nominees on which the Senate was fixated, but about the pinch they feel at the pump every time they fill up their cars. A survey by the Pew Research Center for the People & the Press showed that Americans were following news about gasoline prices more closely than any other story, including the ongoing conflict in Iraq. It is long passed the time for walking hand-in-hand with Saudi princes and exchanging kisses with those who are responsible for the artificially high prices that are gouging American working families at the pump.

The President's solution to high gasoline prices this summer is to open the Arctic National Wildlife Refuge, pristine wilderness area, to oil drilling. The only catch is drilling in ANWR will not provide any new oil for at least 7 to 12 years. ANWR drilling will do absolutely nothing to help my constituents who have sticker shock at the gas pump or will be facing record-high home heating prices in a few months.

This amendment will provide law enforcement with the tools necessary to fight OPEC's anticompetitive practices immediately, and help reduce gasoline prices now, rather than waiting for another decade.

Again, I am pleased to support this amendment and urge my colleagues to maintain it in the final version of the bill. After the years of Judiciary consideration, including a hearing on this topic, after twice reporting the measure to the Senate, it is time for Senators to finally say "no" to OPEC.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, is there any time remaining?

The PRESIDING OFFICER. There is 20 seconds.

Mr. DEWINE. Mr. President, this is what our bill says: When you want to do business with America, you must abide by our antitrust laws and rules of the free market. When OPEC one day abides by the rules of the free market, we will all see lower oil and gas prices. That is what this amendment is about.

I yield the floor. I thank Senator DOMENICI.

The PRESIDING OFFICER. All time has expired. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, obviously I am letting this amendment proceed, but, frankly, I do not think the amendment should be on this bill. I do not think it could ever become law. The United States has never done this. These are sovereign nations, and for us to decide here on the Senate floor that we are going to establish some new forum for jurisdiction and litigation against the OPEC cartel is nothing short of incredible.

Nonetheless, I do not question the goodwill and the authenticity of the two Senators in their approach. They do not insist on a rollcall vote, and I will not insist on one. We will, therefore, have a voice vote. I hope those who are listening to this and see what we do understand that the Senate does things different ways at different times.

After the amendment is adopted by voice vote, I will tell the Senate and those interested what is going to happen to the amendment.

I yield the floor and suggest that we vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 788.

The amendment (No. 788) was agreed to.

Mr. DOMENICI. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, we are going to proceed to the Voinovich amendment. I thank Senator DEWINE for accommodating us tonight and for his good intention. I wish we could do something and accomplish what he wanted to do today. I want everybody to know because we had a voice vote and accepted this amendment, we will go to conference with the House. It should be clearly understood that the House does not have anything like this. I want everybody to know that this amendment is going to have to be bundled up with this bill. Those are the rules. But it might get lost between the floor and the time we get over to the Senate, and we may not be able to find it when we get over there, just so everybody understands what the fate of this amendment is. But it has been adopted.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Ohio.

AMENDMENT NO. 799

Mr. VOINOVICH. Mr. President, I wish to make a brief statement before we vote on the Voinovich, Carper, Feinstein, Jeffords, Hutchison, Stevens, Clinton, Obama, Lautenberg, DeWine, Levin, and Alexander amendment. It is based on the Diesel Emissions Reduction Act of 2005, S. 1265. That bill is cosponsored by the Environment and Public Works Committee chairman, JIM INHOFE, Ranking Member JEFFORDS, Senators TOM CARPER, JOHNNY ISAKSON, HILLARY CLINTON, KAY BAILEY HUTCHISON, and DIANNE FEINSTEIN.

The bill was developed in close consultation with a strong and diverse group of environmental, industrial, and public officials. The groups range from the Environmental Defense, to the Union of Concerned Scientists, to the Associated General Contractors of America, to the Engine Manufacturers Association, to the Chamber of Commerce, to the National Conference of State Legislators.

The cosponsors and these groups do not agree on many issues, which is why this amendment is so special. It is focused on improving air quality and protecting public health. It establishes voluntary national and State level grant and loan programs to promote the reduction of diesel emissions. It authorizes $1 billion over 5 years, $200 million annually.

Onroad and nonroad diesel vehicles and engines account for roughly one-half of the nitrogen oxide and particulate matter mobile source emissions nationwide, and diesel retrofits have proven to be one of the most cost-effective emission reduction strategies. The bill has a 13-to-1 cost-benefit ratio. Spectacular.

This would help bring counties into attainment with new air quality standards by encouraging the retrofitting and replacements of diesel engines.

The Diesel Emissions Reduction Act of 2005 enjoys broad bipartisan support and is needed desperately. I urge my colleagues to vote for this amendment.

Mr. President, I would like to now yield the remainder of my time to my longstanding good friend, Senator CARPER, and say it is wonderful to be on the floor of the Senate cosponsoring with him an amendment that has such broad support.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I thank the Senator for the leadership he has shown on this particular issue to unite environmental groups and business groups, people from the Republican chairman of our Environment and Public Works Committee, to the junior Senator from New York on our side. It is a remarkable coalition that has been put together in a very short period of time.

With respect to diesel engines, there is good news and bad news. The good news is that diesel engines last a long time. The bad news is that old diesel engines that are still on our highways and roads last a long time. In fact, there are about 11 million of them. While next year our new EPA requirements for lean-burn, clean-burn diesel engines—so-called tier 2 standards—kick in and requirements for lower sulfur content diesel fuel kick in, we have 11 million older diesel vehicles, some of which will be around until 2030 belching out nitrogen oxide.

Half the nitrogen oxide we emit comes from these 11 million diesel engines—school buses, regular buses, boats, locomotives, trucks. That is where half of our nitrogen oxide emissions come from. It causes fog, and the particulates that come out of our diesel engines lead to all kinds of lung diseases in people young and old. That is the bad news.

There is some more good news. The good news is we can do something about it. Senator VOINOVICH and others said the thing to do is create a partnership with the Federal Government, State government, EPA, and some of the private sector folks to put in place retrofit devices on these older diesel engines to reduce emissions of nitrogen oxide and particulate, in some cases, by as much as 85 percent.

It is cost effective. The effect will be immediate. We do not have to wait until 2030 until these vehicles are off the road to start cleaning up our engines.

The last thing I will say is good environmental policy can also be good business policy. Companies such as Corning, Cummings, Caterpillar are making these devices and installing these devices, and they will do a whole lot more in the days to come. They will make money, a profit, from doing this. They will create products that can be exported, not jobs but products that can be exported to other parts of the world.

We will have cleaner air and, frankly, a stronger economy. That is a great win-win situation for all of us. I am delighted Senator VOINOVICH proposed this. I am delighted to join him as a principal sponsor on our side and anxious to get this vote recorded.

My hope is that maybe we can actually pass this unanimously. That would be a wonderful thing for our country and a good thing for this bill. I thank my friend from Ohio for yielding this time and providing such terrific leadership.

Mr. LEVIN. Mr. President, I am pleased to join my colleague from Ohio as a cosponsor of this important amendment to improve air quality and public health by reducing emissions from diesel engines.

I believe that this amendment will take important strides not only toward the stated goal of reducing emissions but also in making advanced clean diesel technology more viable in the United States. Diesel engines now can increase fuel economy by as much as 25 to 40 percent. If we can do that—and do it without harmful tailpipe emissions—we could make significant progress toward improving overall fuel economy and reducing our oil consumption.

This bipartisan amendment would establish national and State grant and loan programs to promote reduction of diesel emissions. The amendment authorizes $200 million annually for 5 years to fund programs that will help us to replace older diesel technology with newer, cleaner diesel technology. The grant program, which will be administered by the Environmental Protection Agency, has the potential to result in significant reductions in diesel particulate matter and help communities in meeting national ambient air quality standards.

Under this amendment, 70 percent of the funds available would be to provide grants and low-cost revolving loans on a competitive basis for retrofit of buses, heavy duty trucks, locomotives, or non-road engines to help achieve significant emissions reductions particularly from fleets operating in poor air quality areas. The remaining 30 percent of the funds would go for grant and loan programs administered by states.

The important steps that will be taken by these programs offer great promise for reducing diesel emissions and making clean diesel a commercially viable advanced vehicle technology in the U.S. Our friends in Europe have taken advantage of the opportunities that diesel offers for improving fuel economy and reducing oil dependence. We have not been able to do so here in the U.S. because of our concerns about tailpipe emissions. Initiatives such as those included in this amendment will help the U.S. to develop advanced diesel technology that will be able to meet our emissions standards in a cost-effective manner.

I am pleased to join my colleagues today in supporting this amendment.

Mr. INHOFE. Mr. President, I rise in support of the Voinovich amendment on diesel emissions reductions. I am an original cosponsor of the legislation which is the same as this amendment. I agree with the intent of this amendment. I believe it is helpful to provide a voluntary national and state-level grant and loan program to promote the reduction of diesel emissions. However, I am concerned that this proposal is being rushed through the process without the benefit of consideration by the committee of jurisdiction, the Environment and Public Works Committee, which I chair.

I would prefer, prior to Senate action, that the Environment and Public Works Committee conduct legislative hearings on the issue, and ensure that the program design meets its goals in a cost-effective manner. I am concerned about the $1 billion cost of the program and I believe the goals might be accomplished with a smaller sum. I also believe that if this amendment is adopted, it needs to be reconciled with section 723 of this bill. I hope these issues will be given consideration as this legislation is reconciled with the House of Representatives.

The PRESIDING OFFICER. Is there further debate?

Mr. DOMENICI. I did not hear. Pardon me. What is the question?

Mr. CARPER. I have no question.

Mr. DOMENICI. Are we finished? Is the Senator finished with his time?

The PRESIDING OFFICER. Is there further debate?

Mr. DOMENICI. I understand that there is no further time. I am supposed to sit down. We are not supposed to ask for a motion, say we move to proceed, we just sit down, and then the Chair does it.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 799. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. JOHNSON), the

Senator from Massachusetts (Mr. KERRY), and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring the vote?

The result was announced—yeas 92, nays 1, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—92

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Cornyn
Corzine
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Durbin
Ensign
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Vitter
Voinovich
Warner
Wyden

NAYS—1

Enzi

NOT VOTING—7

Conrad
Dorgan
Jeffords
Johnson
Kerry
Lautenberg
Thune

The amendment (No. 799) was agreed to.

Mr. DOMENICI. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we are not going to have any additional votes tonight. That is the first announcement I would like to make. But I also would like to suggest that, while the principal amendment, in terms of time tomorrow, is the McCain-Lieberman amendment on global climate change, there are now a number of amendments that are percolating up on the Democratic side predominantly. We are unable yet to come up with a list, but we are trying.

It seems the distinguished Senator from New York, standing right in front of me, might have one we could go with rather quickly in the morning and perhaps the Senator from California, but I have to consult both with Senator BINGAMAN, obviously, and others.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I am here to speak on the importance of a national energy policy and to express my staunch opposition to the inclusion of an amendment offered by my colleagues from Arizona and Connecticut that creates a mandatory carbon cap and trade program.

Before doing so, however, I want to take a moment to thank the chairman of the Energy and Natural Resources Committee, Senator DOMENICI, for his hard work on the bill. Senator DOMENICI has worked exceedingly hard to craft truly bipartisan consensus legislation. I commend him for that work. I commend everyone that has worked on this bill under his direction. It is extremely important we have an energy policy.

I remember 1973 when OPEC shut off the supply. We had gas lines for what little natural gas there was. At that time, the seat I now hold was held by Senator Cliff Hansen from Wyoming. He expressed the need for an energy policy. Ever since that time we have been talking about the need for an energy policy. Now is the time we can have an energy policy. Let's finish the job.

From the time I was first elected to be the mayor of Gillette, WY, during the energy boom years of the 1980s, I have advocated the need for a comprehensive national energy policy. I come to the Senate today as a strong advocate for such a policy and to share my support for the version of the bill pending before the Senate. We have debated the merits of a comprehensive Energy bill for years. We have come close to passing an Energy bill on a number of occasions. At the end of the day, however, the Congress has not made those discussions a reality and our inaction has caused the energy situation in our Nation to worsen.

Oil prices have reached nearly $60 a barrel, more than double what they were in 2000. Unfortunately, as our demand for gasoline has increased, our Nation's refining capacity has not. This has led to record-high gasoline prices, and while high natural gas prices have helped my State, they continue to have damaging effects on consumers across the Nation.

Without a comprehensive national energy strategy, there is no end in sight for the problems we see. The high energy prices that are hurting small business will continue to make increased investment in those businesses difficult. The high energy prices that limit the ability of families to go on vacations will continue to make those trips more and more rare. The high energy prices that make it difficult for lower income people to pay their bills each month will continue to price them out of proper heating in the winter and proper cooling in the summer.

Never before has there been a time when it is more appropriate for Congress to act. Before the Senate, we have a comprehensive Energy bill that is a step in the right direction. This bill balances the need for increased domestic production while maintaining a commitment to environmental protection and energy conservation. It will help reduce our dependence on foreign sources of oil and will enhance our energy security.

This bill provides a blueprint for future energy production. At the same time, it addresses our energy needs of today. In its current form, the bill recognizes that the production of energy and the protection of environment are not mutually exclusive. It recognizes we can grow our economy and conserve energy.

Specifically, I am pleased this bill includes a number of important provisions that support and promote clean coal development. Coal is an extremely important resource in Wyoming and throughout our Nation. We have as many Btu's in coal in Wyoming as the Middle East has in oil. Wyoming has the largest coal reserves in our Nation. In fact, the county in which I served as a mayor has more coal than most foreign countries. Thus, any comprehensive energy solution that seeks to lessen our dependence on foreign energy sources must make coal a central part of the discussion.

Recognizing this, H.R. 6 authorizes $200 million per year for fiscal years 2006 through 2014 to be spent on clean coal technologies. It also incorporates a number of necessary changes to the Mineral Leasing Act to promote the development of our Federal coal resources.

The bill also repeals the Public Utility Holding Company Act of 1935, also known as PUHCA. PUHCA was enacted to eliminate unfair practices and other abuses by electricity and gas holding companies by requiring Federal control and regulation of interstate public utility holding companies. In 1935, that made sense. But today, with the oversight by the Federal Energy Regulatory Commission, by State public utility commissions, by the Department of Justice, and by the Federal Trade Commission, what was once a useful and necessary tool now unnecessarily stands as a barrier to increased investment in transmission capacity.

I am pleased that the tax title of the bill includes a provision to address our Nation's need for increased refinery capacity. I am pleased that it promotes increased investment in renewable technologies, such as wind power and hydrogen. There is no question that we need to pass the energy bill we are debating because it will truly benefit our nation.

While I support this bill as it is currently written, the amendment that is currently pending would have a disastrous effect on our economy and would ignore principles that the Senate laid out in previous debates dealing with the issue of climate change. Passage of an amendment like the one before us, that would implement a mandatory carbon cap-and-trade program, would jeopardize my support of the overall bill. I want to take a moment to share my staunch opposition to that amendment.

Climate change is a topic that we have debated for years. This topic should be familiar to us. Nonetheless, it is important to share a historical perspective about where the Senate stands on climate change and to make clear that the proposal we are discussing, which implements a mandatory carbon cap-and-trade program, flies in the face of the Senate's stated position on global climate change.

I took advantage of the opportunity to go to Kyoto for the global climate change conference that was held there. At that conference, the Kyoto Protocol was drafted. One of the things I noticed when I got to the conference was that the United States was the only country there that thought it was an environmental conference. The rest of the world approached it as an economic conference, one where they had an opportunity to slow down the U.S. economy and allow for growth in their nations.

On the other hand, we approached it as an environmental conference. In doing so, we laid out some strict guidelines for our delegation to work within as they tried to reach an agreement. Unfortunately, on the last night some of those were compromised. The United States made some agreements that would be impossible for us to ever meet.

Before the debate first began in Kyoto about the need to control carbon emissions—that was in 1997—the Senate made a clear and direct statement of principle on that subject. When it came to negotiations on climate, we stated that any agreement that did not treat all nations, both developed and developing, equally was unacceptable. We also made it clear that we would not support an agreement that would cause serious harm to our economy. By a vote of 95 to 0, on July 25, 1997, the Senate approved the Byrd-Hagel resolution that explicitly stated the Senate's position.

The Byrd-Hagel resolution addressed the concerns of those who believe that a global climate change policy would "result in serious harm to the United States economy, including significant job loss, trade disadvantages, and increased energy and consumer costs."

It also addressed concerns that any effort to reduce global emissions would be imposed only on developed nations, ignoring developing nations where emissions would continue to rise without any effective controls. Let me repeat that again. We would oppose any efforts to reduce global emissions that would be imposed only on developed nations, ignoring the developing world where emissions would continue to rise without any effective controls.

Now, the Senate agreed to take this position in the 105th Congress. Since that time, nothing has changed. The science behind global climate change remains uncertain. The modeling that many used to "prove" that climate change exists remains fatally flawed. Yet we continue to have the same debate year after year.

We ignore the fact that the Bush administration has taken steps to reduce our carbon emissions. We ignore the fact that as a nation we are doing better than nearly every European signatory of the Kyoto Protocol when comparing greenhouse gas intensity reductions.

We also ignore the fact that climate change is a global problem. Unless we engage the developing world, whatever reductions we have in the United States will not improve the situation on a global scale.

We are just a couple of years from having China exceed the emissions that we have in the United States. They will do so without any of the environmental safeguards that we have already put in place.

When I was at the Kyoto conference, I had an opportunity to meet with the Chinese delegation. I had a couple things that I was interested in: One, why they thought, as a developing nation, they should not have to do anything to address climate change; and, just as importantly, at what point they thought they would no longer be a developing nation so they could participate in this.

They let me know they expected to always be a developing nation and to never have a part in the Kyoto Protocol. It is pretty easy to sign something that you do not have to do anything on, especially when it will force one of your main economic competitors to comply and reduce their production.

Then, I even asked: Is there any time at some future, unspecified date that you would be willing to participate? They said no. That is as loose as you can make it: some future, unspecified date. And they are not interested in participating.

Not only is the rest of the developing world not participating. The biggest polluter—in a couple of years—is not going to be a part of any of the action to reduce carbon emissions in the world.

Now, instead of working to improve the science and to improve technologies that will inevitably reduce the amount of carbon released into the atmosphere, a number of my colleagues focus on the need for a mandatory carbon cap-and-trade system. They focus on implementing what can only be described as another energy tax. Such a tax will cause the United States to lose jobs and will shift production to other parts of the world where the environmental standards are not as strict. Instead of having the effect of lowering the amount of carbon that seeps into our atmosphere, the effect will be the opposite as those developing nations allow for production without any environmental controls.

Yet, without sound science, without sound economics, and without the developing world, some Senators continue to insist that we must implement a cap-and-trade system in the United States.

As stated by the Cooler Heads Coalition:

> The risks of global warming are speculative; the risks of global warming policy are all too real.

The proposal offered by my colleagues from Arizona and Connecticut ignores the principles expressed in the Byrd-Hagel resolution. Passage of their mandatory cap-and-trade proposal will dramatically harm our economy at home without incorporating the developing world. It would lead to a drastic increase in transportation costs and home electricity costs. It would be costly for small business owners, and it would cause manufacturers to pay even more than they already do for natural gas.

Overall, according to the Independent Energy Information Administration, the Nation's energy costs would increase between $64 billion and $92 billion in 2010, between $152 billion and $214 billion by 2020, and between $220 billion and $274 billion in 2025.

My constituents simply cannot afford to have us enact such legislation. If we, as a Senate, really want to stand for improving global conditions, then we need to stand behind the principles of the Byrd-Hagel Resolution, as we did earlier this afternoon when we voted in favor of an amendment offered by the Senator from Nebraska. His legislation took a technology-based approach at home and encouraged the spread of the technology to the developing world. It made sound environmental and economic sense, and I voted in favor of that proposal.

While I oppose the pending amendment on policy alone, I think it is important for my colleagues to recognize the overall impact of including the current amendment in the Energy bill. Passage of this proposal has the potential to derail this important legislation. The Senate and House versions of the Energy bill are very different, and even without a climate change amendment, the conference with the House will be difficult. The addition of a mandatory carbon cap and trade program could be the poison pill that brings this Energy bill to a halt.

Why are we going to risk derailing a comprehensive Energy bill to implement a system that will harm our economy and will have little effect on the amount of carbon emissions released into the atmosphere? Why are we moving forward with something when the science behind the proposals remains unproven and the models used to prove that science remain flawed?

We must consider all of these issues as we cast our vote on this amendment. I will be opposing it, and I will urge other Members to do the same.

It is important to note, that although I oppose any attempt to include a mandatory carbon cap-and-trade program in the Energy bill, I strongly support the overall Energy bill. Comprehensive energy policy will undoubtedly benefit our Nation, and I look forward to working with my colleagues to finally make this legislation a reality.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. REID. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 839

Mr. REID. Mr. President, on behalf of Senator LAUTENBERG, I call up amendment No. 839 and ask that once it is reported by the clerk, it be set aside.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LAUTENBERG, proposes an amendment numbered 839.

The amendment is as follows:

(Purpose: To require any Federal agency that publishes a science-based climate change document that was significantly altered at White House request to make an unaltered final draft of the document publicly available for comparison)

At the appropriate place, insert the following:

TITLE —SAVE CLIMATE SCIENCE

SEC. —01. SHORT TITLE.

This title may be cited as the "Save Climate Scientific Credibility, Integrity, Ethics, Nonpartisanship, Consistency, and Excellence Act" or the "Save Climate SCIENCE Act".

SEC. —02. FINDINGS.

The Congress finds the following:

(1) Federal climate-related reports and studies that summarize or synthesize science that was rigorously peer-reviewed and that cost taxpayers millions of dollars, were altered to misrepresent or omit information contained in the underlying scientific reports or studies.

(2) Reports of such alterations were exposed by scientists who were involved in the preparation of the underlying scientific reports or studies.

(3) Such alteration of Federal climate-related reports and studies raises questions about the credibility, integrity, and consistency of the United States climate science program.

SEC. —03. PUBLICATION REQUIREMENT.

(a) IN GENERAL.—Within 48 hours after an executive agency (as defined in section 105 of title 5, United States Code) publishes a summary, synthesis, or analysis of a scientific study or report on climate change that has been modified to reflect comments by the Executive Office of the President that change the force, meaning, emphasis, conclusions, findings, or recommendations of the scientific or technical component of the study or report, the head of that agency shall make available on a departmental or agency website, and on a public docket, if any, that is accessible by the public both the final version and the last draft version before it was modified to reflect those comments.

(b) FORMAT AND EASE OF COMPARISON.—The documents shall be made available—

(1) in a format that is generally available to the public; and

(2) in the same format and accessible on the same page with equal prominence, or in any other manner that facilitates comparison of the 2 texts.

SEC. —04. ENFORCEMENT.

The failure, by the head of an executive agency, to comply with the requirements of section —02 shall be considered a failure to file a report required by section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.).

SEC. —05. ANNUAL REPORT BY COMPTROLLER GENERAL.

The Comptroller General shall transmit to the Congress within 1 year after the date of enactment of this Act, and annually thereafter, a report on compliance with the requirements of section —02 by executive agencies that includes information on the status of any enforcement actions brought under section 104 of the Ethics in Government Act of 1978 (5 U.S.C. App.) for violations of section —02 of this Act during the 12-month period covered by the report.

SEC. —06. WHISTLEBLOWER EXTENSION FOR DISCLOSURES RELATING TO INTERFERENCE WITH CLIMATE SCIENCE.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 2302(b)(8) of title 5, United States Code, are amended—

(1) in clause (i), by striking "or" at the end;

(2) in clause (ii), by adding "or" at the end; and

(3) by inserting after clause (ii) the following:

"(iii) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading,".

(b) CONFORMING AMENDMENTS.—

(1) Section 1212(a)(3) of title 5, United States Code, is amended—

(A) by striking "regulation, or gross" and inserting "regulation; gross"; and

(B) by adding at the end the following: "or tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading;"

(2) Section 1213(a) of such title is amended—

(A) in paragraph (1)—

(i) by striking "or" at the end of subparagraph (A);

(ii) by inserting "or" at the end of subparagraph (B); and

(iii) by inserting after subparagraph (B) the following:

"(C) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading;"; and

(B) in paragraph (2)—

(i) by striking "or" at the end of subparagraph (A);

(ii) by striking "safety." in subparagraph (B) and inserting "safety; or"; and

(C) by inserting after subparagraph (B) the following:

"(C) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading.".

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the Energy bill tomorrow morning, Senator FEINSTEIN be recognized in order to offer an amendment relating to LNG; provided further that there be 60 minutes equally divided for debate, with no second-degree amendments in order prior to the vote in relation to the Feinstein amendment.

I further ask that following the debate on the Feinstein amendment, Senator BYRD be recognized in order to offer an amendment related to rural gas prices; provided further, that when the Senate resumes debate on the McCain-Lieberman climate change amendment, there be 3 additional hours for debate, with Senator MCCAIN or his designee in control of 90 minutes, Senator DOMENICI in control of 30 minutes, and Senator INHOFE in control of the remaining 60 minutes; further, that following that debate, the Senate proceed to a vote in relation to the McCain amendment and there be no second-degree amendments in order to the amendment prior to the vote. I understand this has been cleared.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. DOMENICI. Mr. President, we had another good day debating the amendments on this Energy bill, and we disposed of a number of them. We are going to return tomorrow with a lineup in the morning, and we are going to talk about that in a minute. We are going to have amendments relating to the LNG, liquefied natural gas, the world gas prices, to SUVs and the continuation of the climate change debate. Having said that, I remind everyone this is our second week of considering this bill. I am very pleased and thankful for the cooperation we have had on both sides of the aisle. Our leader has said on a number of occasions that we need to finish this bill this week. Therefore, on behalf of the majority leader, I now send a cloture motion to the desk to the underlying bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 6, a bill to ensure jobs for our future with secure, affordable, and reliable energy.

Bill Frist, Pete Domenici, Lamar Alexander, Kay Bailey Hutchison, Jim DeMint, Michael Enzi, Ted Stevens, Larry Craig, Craig Thomas, Mike Crapo, Conrad Burns, David Vitter, Richard Burr, Kit Bond, Wayne Allard, Jim Inhofe, Lisa Murkowski, George Voinovich.

Mr. DOMENICI. I ask unanimous consent that the live quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. For the information of all Senators, this vote will occur on Thursday. In the meantime, I expect another full day to tomorrow with votes throughout the day. The cloture vote Thursday will enable us to bring this debate to a close and have a final vote on passage of the Energy bill this week.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUVENILE DIABETES

Ms. LANDRIEU. Mr. President, I thought I would take a moment to acknowledge that here with us today around the Capitol are hundreds of young advocates for a cure for juvenile diabetes. There are three young women who came to my office a few moments ago: Dominique Legaux, Liz Kramm, and Laura Rutledge. I would like to take this opportunity to submit their letters for the RECORD. All of these letters call on us to focus on the challenges before so many of our young people with juvenile diabetes and call on us to explore the possibility of stem cell research on their behalf.

I thank the chairman. I ask unanimous consent these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR SCHEDULER CENICOLA, thank you for talking the time to schedule a meeting between myself and Senator Landrieu. I know that you must be very busy, but your time will not be wasted scheduling this meeting. The continued research for juvenile diabetes is very important to me and I wish to convey this message to Senator Landrieu on June 21.

Many thanks,

DOMINIQUE LEGANX.

DEAR MS. AMY CENICOLA, my name is Liz Kramm and I am a children's delegate for JDRF's 2005 Children's Congress. Thanks so much for helping me set up a meeting with Senator Landrieu on the 21st of June.

Many thanks,

LIZ KRAMM.

DEAR MS. CENICOLA, my name is Laura Rutlege, I am eleven years old, and I am a 2005 Juvenile Diabetes Research Foundation Children's Congress delegate. I was diagnosed with Type One Diabetes when I was 17 months old. I suffer daily and deal with a lot of self-control and discipline. Thank you for helping me meet with Senator Landrieu on June 21!

Many thanks,

LAURA RUTLEDGE.

Ms. STABENOW. Mr. President, will my colleague yield for a question?

Ms. LANDRIEU. For one moment, yes.

Ms. STABENOW. Mr. President, I was going to ask a question relating to stem cell research. I had a wonderful group of young people from Michigan in my office as well. I commend the Senator from Louisiana for bringing up this issue. We have families here talking literally about saving lives and about hope for their children.

I am hopeful, as I am sure the Senator from Louisiana is, that we will, by July, have the opportunity to bring before this body the very important issue of stem cell research and have a vote by this body.

I thank my colleague from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleague from Michigan. I yield the floor.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

EXPLANATION OF ABSENCE

• Mr. DORGAN. Mr. President, I will be necessarily absent from the business of the Senate for a portion of today in order to attend the high school graduation ceremonies for my son. I will also necessarily be absent from the Senate beginning tomorrow afternoon and continuing into late afternoon Thursday, in order to join my colleagues from North Dakota and Minnesota to attend the hearings of the base-closing commission that are being held in Grand Forks, ND. I have notified the leadership of these expected absences.•

DEMOCRACY AND HUMAN RIGHTS EDUCATION IN MIDDLE EAST

Mr. CHAFEE. Mr President, I recently spoke on the floor about the Ninth Annual World Congress on Civic Education in Amman, Jordan sponsored by the Center for Civic Education. The purpose of that conference was to share information about successful education programs under the Civitas: An International Civic Education Exchange Program, an authorized program of the No Child Left Behind Act and one which is helping to strengthen democratization efforts throughout the world.

A recent news editorial in The Jordan Times supporting the goals of the conference and the outstanding work the Center for Civic Education and their international colleagues are doing in this strategic part of the world was welcome support. I ask unanimous consent that the editorial from The Jordan Times on Sunday, June 5. 2005, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Jordan Times, Jun. 5, 2005]

CIVIC RESPONSIBILITY

Parents, teachers and official policy makers should be keeping a keen eye on an important congress taking place in Amman this week—the World Congress on Civic Education. But more importantly, they, and all citizens should be made aware of the work of the Jordanian Centre for Civic Education Studies (JCCES) and the Arab Civic Education Network (Arab Civitas)

In a nutshell, these organisations are teaching our children about being good citizens. They are teaching them about not only their rights as citizens, but also their responsibilities. They are teaching elementary school students to respect the basics of democracy by engaging them, through stories, on the concepts of responsibility, privacy, authority and justice.

To many, democracy, and all that it entails, is taken for granted. It never should be.

That Jordan brought back an elected Parliament in 1989 was a milestone in the process of the country's democratisation. And while that process has been confronted with obstacles that have contributed to its regression, one arena that can save and enhance it is education.

It was therefore encouraging to hear Minister of Education Khalid Touqan address the opening plenary of the congress on behalf of Her Majesty Queen Rania and say that "efforts are still being exerted to make democracy part of our daily life, in families, schools, public life and mass media."

When the ministry accepted to introduce civic education as a separate subject in the Kingdom's schools, the first big step was taken. Today, the Project Citizen programme, being undertaken in schools as well as universities through the JCCES and Arab Civitas, is preparing generations of civic-minded citizens by educating them and involving them in problem-solving issues affecting their community and society, such as pollution, basic utilities, elections, the jobless rate and taxes. The programme helps instill a sense of community responsibility while educating the students on their rights.

It is precisely this sort of awareness that will help motivate citizens to vote for candidates who will fulfil their needs, not tribal members who will perpetuate the culture of "waste." It is precisely this sort of programme that will help guarantee His Majesty King Abdullah's plan to bring local government back to the people and this time have it work.

This is why the JCCES and Arab Civitas projects and programmes must be supported and even extended to the larger community.

TRIBUTE TO SENATOR JIM EXON

Mr. LEVIN. Mr. President, it's an honor to pay tribute to a great man, a distinguished Senator, and a dear friend who passed away on June 10, Senator Jim Exon of Nebraska.

Last week, I joined several of my colleagues in attending his funeral in Lincoln, NE. It was inspiring to be with the people who knew him best and loved him most. Jim was a giant in Nebraska politics not because of the power he wielded but because of the respect and affection he had earned.

Jim Exon was a decent man, without pretension or prejudice. He spoke plainly. He called it like he saw it. He did what he thought was right, regardless of the pressure that might have been put on him. Jim laughed the same wonderful, booming laugh with Presidents as he did with the people back home. He was a large man, and he had a heart to match.

That is why he was beloved in Nebraska and never lost an election, serving two terms as Governor and then three terms as Senator. That is why he was popular even as the father of the Democratic Party in an overwhelmingly Republican State. And that is why his friendship and kindness meant the world to me.

Jim and I were both members of the class of 1978, and we—and our wives—quickly became close friends. We served together on the Armed Services Committee; in fact, we sat next to each other for 18 years. We had honest, substantive debates about our defense policy, and I will always cherish the memories of that time. His only interest was the security and prosperity of our country and his beloved Nebraska.

Jim worked for a strong national defense. He supported responsible budget policies. And he was ahead of his time in warning against terrorism and arguing for a Department of Homeland Security. For so many of us, he was a source of wise counsel and trusted advice. With Jim, you could always be certain he was telling you what he thought was right, and he usually was right.

We will miss him terribly, but we are fortunate to have had him for so long. My thoughts and prayers, and those of my wife Barbara, are with his loving wife Pat and his entire family.

HONORING OUR ARMED FORCES

TYLER L. CREAMEAN, DUSTIN C. FISHER, AND PHILLIP N. SAYLES

Mrs. LINCOLN. Mr. President, today I rise with a heavy heart to honor the lives of three very special Arkansans; Army Specialists Phillip N. Sayles, Tyler L. Creamean, and Dustin C. Fisher. They will be remembered by their family and friends as loving souls who lived their lives with energy and passion; they will be remembered by their Nation as dedicated soldiers who bravely answered their Nation's call to service and gave their lives in the defense of our freedom.

Those who knew Phillip Sayles often spoke of his quiet demeanor and the way he showed determination whenever there was a task at hand, focusing on getting the job done and never complaining. He called the central Arkansas town of Jacksonville home, and attended nearby North Pulaski High School. In school, he was active in the ROTC program, where his leadership skills and discipline quickly distinguished him with the qualities of a soldier. Spc. Sayles transferred to Cabot High School for his senior year and, upon his graduation in 1997, enlisted in the U.S. Army.

Despite being born in Texas, Tyler Creamean also spent most of his childhood in Jacksonville. Known for his energy and his light-hearted nature, he had a personality that allowed him to make friends with nearly everyone he encountered. He was also known for playing pranks and causing mischief but did not have a mean bone in his body. Instead, he had a gift for lightening dark moods and bringing a quick smile to the faces of those around him when they needed it most. Spc. Creamean attended Jacksonville High School but left after his sophomore year to join the Youth ChalleNGe Program, a 22-week program sponsored by the Arkansas National Guard to help young adults develop as leaders, earn their G.E.D. and acquire the skills necessary to succeed in life. It was an opportunity for Spc. Creamean to learn more about himself and what he wanted in life, and he did just that. He went on to earn the program's spirit award and shortly after his graduation, he joined the Army in April of 2003.

Spc. Sayles and Spc. Creamean were both a part of the Army's 25th Infantry Division and spent time at Fort Lewis in Washington prior to their service in Operation Iraqi Freedom. While in Iraq, Spc. Creamean served with the 73rd Engineer Company and conducted more than 600 patrols, sweeping roads for explosive devices and clearing the way so that fellow soldiers as well as Iraqi civilians could pass through safely. In late February, he returned home on leave and on February 24, his 21st birthday, he married the love of his life, his girlfriend KaMisha. KaMisha, also a soldier, was stationed at Fort Still, OK, and had begun preparations for her deployment to Iraq. As a result, Spc. Creamean now set his sights on reenlistment, so that his new wife would not have to serve in Iraq without him nearby.

Dustin Fisher was born in the Northwest Arkansas town of Fort Smith. He spent his childhood as many children do; hanging out with his friends, playing sports, and making life difficult for his sister. He was a fun-loving person who had a gift for story-telling and was always quick with a sarcastic remark to lighten a conversation. If looking for him, he could often be found cruising around town in his pink pickup truck, a gift from his father that he used to draw attention and meet girls.

Upon his graduation from Van Buren High School in 2001, Spc. Fisher tried a year of college but found it was not for him. It became apparent that he wanted to make something of himself, so he followed his father and brother into military service. Shortly after joining the U.S. Army, he was sent down to Fort Stewart, GA. At Fort Stewart, he not only seemed to find his niche in life, but he also met his soul mate, a young woman named Alicia. Her presence made him truly happy and two were married just days before his deployment to Iraq in late January.

While serving in Operation Iraqi Freedom, Spc. Fisher's mission often entailed escorting dignitaries across the war-torn country. Although it placed him in ever-present danger, he downplayed its significance to comfort his family and friends. Although he had originally thought of re-enlisting, he now considered returning home to be with Alicia and potentially become a firefighter. He had last been home for Christmas, and was looking forward to returning for a 2-week leave in late June.

Despite the many differences between these three Arkansans, each was a true soldier in every way. Not only did they share a love for their country, but they embodied a selfless courage in the name of freedom that continually put them in harm's way. One week in late May would ensure their fates would forever be intertwined. Early on May 22, while routinely sweeping a stretch of the main highway south of Mosul, Spc. Creamean's military vehicle hit a roadside bomb that killed him and a fellow soldier. On May 24, while escorting a high-ranking Iraqi official, Spc.

Fisher was one of three soldiers killed when a car bomb exploded near their convoy. On May 28, Spc. Sayles was checking for weapons in three cars that had been pulled over by American troops in Mosul. An improvised explosive device was detonated nearby, killing him and wounding 21 others; including 13 American troops and 8 Iraqi civilians.

Words cannot adequately express the sorrow felt in the hearts of the families and loved ones of Phillip Sayles, Tyler Creamean, and Dustin Fisher, but I pray they can find solace in the courageous way they lived their lives. Although they may no longer be with us, their spirit will forever live on in the examples they set and the many lives they touched. My thoughts and prayers go out to their families, their friends, and to all those who knew and loved them.

NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT

Mr. AKAKA. Mr. President, I rise today to talk about S. 147 the Native Hawaiian Government Reorganization Act of 2005. My colleague, the junior Senator from Arizona, for whom I have great respect, has inserted several documents written by outside sources into the CONGRESSIONAL RECORD over the past months, criticizing my legislation as a racebased measure. I vehemently disagree with his characterization of my bill as race-based.

We will be debating S. 147 on the floor of the Senate in a few weeks and, at that time, we will have a full opportunity to talk about the legislation, which extends the Federal policy of selfgovernance and self-determination to Native Hawaiians, Hawaii's indigenous peoples, thereby establishing parity in Federal policy toward American Indians, Alaska Natives and Native Hawaiians.

S. 147 is widely supported in Hawaii. Governor Linda Lingle has testified twice in 4 years in support of this bill. The Hawaii State Legislature has passed resolutions in support of Federal recognition for Native Hawaiians in 2000, 2001, and 2005. Resolutions in support have also been passed by the Alaska Federation of Natives and National Congress of American Indians. Finally, a substantial number of my constituents, Native Hawaiians and non-Native Hawaiians support this bill.

In 1993, P.L. 103–150, the Apology Resolution, was enacted into law. The Act provides an apology to Native Hawaiians for the participation of U.S. agents in the overthrow of the Kingdom of Hawaii in 1893 and sets up a process of reconciliation between Native Hawaiians and the United States. My colleague from Arizona has submitted multiple articles criticizing the Apology Resolution and purporting to justify one of the most painful experiences in Hawaii's history, the overthrow of the Kingdom of Hawaii in 1893.

I have worked on this bill for the past 6 years with the rest of my colleagues in Hawaii's Congressional delegation. This bill is a step in the right direction for all people of Hawaii because it provides a structured process that will allow us to finally resolve many of the longstanding issues resulting from the overthrow. It is disturbing that opponents to the bill rely so heavily on mischaracterizations of the legislation to advocate their position.

I stand by Hawaii's history as enacted in P.L. 103–150. The facts as cited are well-documented by historians. It greatly saddens me that the opponents to my bill feel the need to rewrite Hawaii's history, as painful as it is for those of us who have lived it, in order to advocate their position on S. 147. It is one thing to oppose my bill. It is quite another, however, to trivialize the history of Hawaii.

THIRTY-THIRD ANNIVERSARY OF TITLE IX

Ms. CANTWELL. Mr. President, I rise today to mark the 33rd anniversary of the enactment of title IX, a law that has opened doors to educational opportunities for countless women and girls across America.

Prior to passing title IX, roughly 295,000 girls participated in high school sports, and only about 25,000 played sports at the college level. When President Nixon signed the educational amendments of 1972 into law 33 years ago, skeptics claimed the law would do little to change women's participation in sports.

They could not have been more wrong. Recent data show that nearly 2.6 million high school girls and over 135,000 women in college participate in organized sports, constituting more than 40 percent of all high school athletes.

In Washington State, women at public colleges and universities represented less than one-third of most schools' athletes less than 15 years ago. Today, women represent 48 percent of athletes at public institutions of higher education in our State. As the numbers of girls participating in sports has increased, there has been a decrease in the number of girls who drop out of school, smoke, drink alcohol or have unwanted pregnancies. What's more, adolescent girls that participate in organized sports enjoy improved physical and mental health throughout their lives.

Today, 1 in every 2.5 girls participates in athletics, which is an 800-percent increase in participation rates since the enactment of title IX. Yet attempts to weaken title IX persist. Last March, the Department of Education issued a policy guidance that would weaken Title IX. The new clarification would allow institutions to avoid offering sports opportunities to women if a sufficient number of the student body failed to respond to an e-mail survey expressing interest in the program. This allows universities to use what may be highly questionable, potentially inaccurate e-mail survey results to prove that the interests and abilities of the underrepresented sex have been accommodated, as title IX requires.

I am deeply concerned that this policy guidance represents the current administration's repeated attempts to diminish the enforcement of this very important law and believe that e-mail surveys will likely underestimate the need to expand athletic opportunities for women. The growth of opportunity for women and girls should not hang on the outcome of such informal means of data collection.

Our Nation has taken great strides toward equity, and title IX has played a significant role in that success. Millions of girls have access to opportunities that their mothers never knew. However, there is still much to be done before we can say that males and females are treated equitably in education. Further progress hinges on our continued commitment to the principles of title IX and proper enforcement of the law.

GENERAL BERNARD ADOLPH SCHRIEVER

Mr. SALAZAR. Mr. President, it is with deep sorrow that I come to speak on the floor of the Senate today. The father of the United States Air Force space and missile program, General Bernard Adolph Schriever, died today of natural causes. He is survived by his wife, his three children, and his two step-children. I offer them my deepest condolences and prayers as they go through this difficult time.

General Schriever was a great American. Born in Bremen, Germany in 1910, Schriever's family moved to America 7 years later, where he became a naturalized citizen in 1923. Schriever would give 33 years of distinguished military service to his new home.

During his exceptional career in the Air Force, General Schriever led America's charge into space. When President Dwight Eisenhower assigned the Nation's highest priority to the development of an Inter-Continental Ballistic Missile, the Air Force assigned Schriever to manage the program. He demanded sweeping authority to accomplish the job, authority that Schriever's commander gladly granted him.

The success of the ballistic missile and space programs managed by Schriever was phenomenal. The progression of the Thor Intermediate Range Ballistic Missile, from program approval to the Initial Operational Capability, took only 3½ years. The Atlas's development time was little more than 5 years, and the Titan's less than 6. Moreover, even as the first Titan lifted off from Cape Canaveral, Schriever's group was already developing the more advanced Titan II.

The Minuteman, from start to finish, took only 4 years and 8 months to deploy. The first ten were on combat alert in their underground silos in October of 1962. Schriever's organization could rightfully take credit for winning the Cold War's race for missile supremacy, helping to ensure America's safety and security in perilous times.

Schriever had assembled an organization with the highest educational level of any U.S. military organization either before or since that time. More than a third of his hand-picked officers had Ph.D.s and Master's degrees. Schriever believed that America had to develop its mind power if the country was to survive in the space age, a belief we would be well served to listen to today.

General Schriever's legacy lives on in the men and women of Schriever Air Force Base in Colorado Springs. The more than 3,400 military and civilian employees continue to provide our Nation with an aerospace capability second to none. The base flies nearly all of the Department of Defense's satellites.

Colorado is proud of the men and women who serve at Schriever Air Force Base, and we are proud of the legacy left to us by General Bernard Adolph Schriever.

ADDITIONAL STATEMENTS

CHAMBER OF COMMERCE MILESTONES

• Mr. ALLEN. I am pleased today to recognize the Prince William County-Greater Manassas Chamber of Commerce which celebrates its 70th anniversary this year. For seven decades, the Chamber has supported the community, educational and business interests of Prince William County and the cities of Manassas and Manassas Park.

In 1935, a small group of citizens gathered together in the Town of Manassas with an idea to form the Chamber of Commerce. These leaders founded an organization that has prevailed through times of prosperity and depression, and that continues to grow and prosper. Today, the Chamber has almost 1,000 members, and it holds an accreditation from the United States Chamber of Commerce. Only 15 percent of Chambers of Commerce throughout the country have earned this distinction.

The Prince William County-Greater Manassas Chamber of Commerce continues to perform outstanding work in representing and promoting its citizens and the entire Commonwealth of Virginia. I congratulate its members on seventy successful years, and thank them for the work they are doing to make Virginia a better place to live, work and raise a family.•

TRIBUTE TO ROCK SPRINGS CHURCH

• Mr. CHAMBLISS. Mr. President, today I would like to pay tribute to a very special group of people in my home State who will soon celebrate an important 1-year anniversary.

Deep in the heart of Georgia, right in the middle of my former House district, a small Congregational Methodist Church has been ministering to the people in their community for more than 150 years. This small town church is making a big difference in many lives across my State. Since 1852, this group of Christians has faithfully gathered each Sunday in the halls of a humble church building to worship God and seek His guidance for their lives.

It is clear that God has heard and answered their prayers. One year ago, under the leadership of my good friend of Dr. Benny Tate, Rock Springs Church in Milner opened the doors to their new sanctuary—a room that seats more than double that of the previous sanctuary. The new sanctuary has equipped this thriving church with the tools they need to minister to even more folks than ever in the long life of this church.

I am personally encouraged by the dedication of this congregation to do whatever it takes to see that they could provide a place of worship for the growing number of people attending Sunday services.

As the son of a minister, I spent my youth traveling across the southeast, as my dad served in the Episcopal Church. I know first hand the challenges of church leadership and the joys of seeing God answer prayers.

Dr. Tate, known by his friends as Pastor Benny, has demonstrated remarkable vision and direction as the head pastor of Rock Springs Church. My wife Julianne and I have had the opportunity to attend Rock Springs Church as Pastor Benny's guests on "Friend Day" and the parishioners there always make us feel welcome.

I am proud to recognize my friends at Rock Springs Church in celebration of this momentous occasion and encourage each new member to reflect on the offerings and sacrifice on the part of those faithful few who helped make this new sanctuary a reality.•

LIBRARY OF THE YEAR

• Mr. PRYOR. Mr. President, it is with the greatest pleasure that I rise today to honor the Fayetteville Public Library which was recently named the 2005 "Library of the Year" by Thompson Gale and Library Journal. The Library of the Year Award honors the library that is most dedicated to community service through its creativity and leadership. Thompson Gale and Library Journal will present a check for $10,000 to the Fayetteville Public Library later this month during the American Library Association's annual conference in Chicago, IL.

I would like to recognize Louise Schapter, Executive Director of the Fayetteville Public Library, and her outstanding staff for their commitment to providing such a quality community resource to the citizens of Northwest Arkansas. During Ms. Schapter's tenure, library usage has soared. Visits have increased from 192,179 to 576,773, checkouts have risen from 271,187 to 718,159, program attendance has grown from 14,448 to 41,658, and cardholders have leaped from 15,662 to 48,419. What a remarkable accomplishment!

I would also like to mention that the library has more than 160 regular volunteers who deliver books to the homebound, shelve and cover books, staff the computer lab and conduct various programs. This involvement by the community is truly commendable and makes all of us in Arkansas proud.

I ask my colleagues to join me in congratulating the Fayetteville Public Library on receiving this well-deserved honor.•

150TH ANNIVERSARY OF THE SOO LOCKS

• Ms. STABENOW. Mr. President, this year marks the 150th anniversary of one of our Nation's most visionary engineering feats—the construction of the world famous Soo Locks at Sault Ste. Marie, MI. The Soo Locks shaped the course of our Nation's history and have become a key part of Michigan's cultural heritage. There will be a grand celebration on Engineers Day, June 24, to kick off a summer of special events in commemoration of this significant anniversary.

The St. Mary's River is the connection between Lake Superior and the other Great Lakes. The challenge with this natural link is the 21-foot drop in elevation between Lake Superior and the lower lakes which creates the St. Mary's Rapids. Early traders were forced to unload their cargo, haul it around the rapids by land, and then reload it into other boats. And if it wasn't for the vision of three men, Alpheus Felch, Pierre Barbeau, and James P. Pendill, we might still be using the same shipping methods today.

The story of the Soo Locks really begins in 1850 when two Senators from Michigan, Lewis Cass and Alpheus Felch, realized the need for a large-scale lock system at the Soo in order to transport iron ore from Michigan Hills to the mills in Pennsylvania and Ohio. As a former governor of Michigan, Senator Felch took charge of the project. He met with Mayor Pierre Barbeau and the two convinced the people of the Soo to vote to build the locks. Now that they had the public's support, they needed the materials for construction. The lumber for this ambitious project was provided by James Pendill. who owned the land that would be later gifted to the American public as Hiawatha National Forest. Construction began in 1853 and a system of two 350-foot locks was designated. The State locks opened in 1855.

It soon became clear that the State lock and canal were of national importance for commerce. In 1881. the locks were transferred to the United States Army Corps of Engineers. The Corps operates and maintains the locks to this day. The lock system gives safe passage to a variety of ships and creates the major artery for shipping and trade in the Great Lakes.

I hope that my colleagues will join me in honoring and celebrating the Sesquicentennial of the Soo Locks and the vision of the people of Michigan.●

TRIBUTE TO McCROSSAN BOYS RANCH

● Mr. THUNE. Mr. President, today I rise to congratulate the McCrossan Boys Ranch of South Dakota. McCrossan Boys Ranch is a nonprofit organization that provides mentoring services to troubled boys and helps guide them into becoming responsible and balanced adults.

Some of the valuable services they provide are education and GED classes, help with chemical dependency, individual and group therapy, psychiatric care and moral development.

They will be celebrating their 50th anniversary on June 29 and I would like to recognize the valuable service they have provided to the many boys and families they have helped over the years.●

MESSAGE FROM THE HOUSE

At 2:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill. in which it requests the concurrence of the Senate:

H.R 2863. An act making appropriations for the Department of Defense for the fiscal year ending September 30. 2006, and for other purposes.

The message also announced that pursuant to 10 U.S.C. 9355(a), amended by public law 108–375, and the order of the House of January 4. 2005, the Speaker appoints the following Member of the House of Representatives to the Board of Visitors to the United States Air Force Academy: Ms. KILPATRICK of Michigan.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2863. An act making appropriations for the Department of Defense for the fiscal year ending September 30. 2006, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2745. An act to reform the United Nations, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2667. A communication from the Administrator, General Service Administration, transmitting, a report relative to lease prospectuses supporting the Administration's fiscal year 2006 program; to the Committee on Environment and Public Works.

EC–2668. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "2003 Drinking Water Infrastructure Needs Survey and Assessment: Third Report to Congress"; to the Committee on Environment and Public Works.

EC–2669. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, the Commission's monthly status report on its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–2670. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia: VOC Emission Standards in the Hampton Roads VOC Emissions Control Area" (FRL# 7925–6) received on June 17. 2005; to the Committee on Environment and Public Works.

EC–2671. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Awards of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY 2005 Appropriations Act" received on June 17, 2005; to the Committee on Environment and Public Works.

EC–2672. A communication from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Fee Schedules, Fee Recovery for FY 2005" (RIN3150–AH61) received on June 16. 2005; to the Committee on Environment and Public Works.

EC–2673. A communication from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Broadening Scope of Access Authorization and Facility Security Clearance Regulations" (RIN3150–AH52) received on June 16, 2005; to the Committee on Environment and Public Works.

EC–2674. A communication from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: HI–STORM 100 Revision" (RIN3150–AH64) received on June 16. 2005; to the Committee on Environment and Public Works.

EC–2675. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning an amendment to Parts 120, 123, 124, 126, and 127 of the International Traffic in Arms Regulations; to the Committee on Foreign Relations.

EC–2676. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–2677. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–2678. A communication from the Secretary, Department of Agriculture, transmitting, pursuant to law, the Department's annual report entitled "Assessment of the Cattle, Hog, and Poultry Industries"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2679. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the Corporation's annual report for calendar year 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2680. A communication from the Management Analyst, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR Parts 1700 and 1709, Assistance to High Energy Cost Rural Communities" (RIN0572–AB91) received on June 17, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2681. A communication from the Director, Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Designated Marketing Associations for Peanuts" (RIN0560–AH20) received on June 17, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2682. A communication from the Acting Administrator, Agriculture Marketing Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon, Decreased Assessment Rate" (Docket No. FV05–958–1 IFR) received on June 17, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2683. A communication from the Acting Administrator, Agriculture Marketing Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur

County, Oregon, Relaxation of Handling Regulations" (Docket No. FV05-945-1 FR) received on June 17, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2684. A communication from the Acting Administrator, Agriculture Marketing Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Suspension of Handling and Reporting Requirements, Extension of the Suspension of Outgoing Inspection and Volume Control Regulations, and Extension of the Suspension of the Prune Import Regulation" (Docket No. FV05-993-2 IFR) received on June 17, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2685. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 to Belarus; to the Committee on Finance.

EC-2686. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 to Vietnam; to the Committee on Finance.

EC-2687. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Finality of Foreign Adoptions" (Rev. Proc. 2005-31) received on June 16, 2005; to the Committee on Finance.

EC-2688. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—April 2005" (Rev. Rul. 2005-37) received on June 16, 2005; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. LEVIN, and Mr. AKAKA):

S. 1274. A bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to achieve communications inter-operability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development for first responder communications, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 1275. A bill to designate the facility of the United States Postal Service located at 7172 North Tongass Highway, Ward Cove, Alaska, as the "Alice R. Brunsich Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORNYN:

S. 1276. A bill to amend section 1111 of the Elementary and Secondary Education Act of 1965 regarding challenging academic content standards for physical education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 1277. A bill to amend title XVIII of the Social Security Act to require hospitals and critical access hospitals, as a condition of participation under the medicare program, to meet certain requirements in order to advertise that the hospital has the capability of addressing emergency and acute coronary syndromes; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. CHAFEE, Mr. KENNEDY, Mr. CORZINE, Mr. JEFFORDS, Mrs. BOXER, Mr. FEINGOLD, Mrs. MURRAY, Mr. DAYTON, and Mr. LAUTENBERG):

S. 1278. A bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. COBURN (for himself, Mr. BROWNBACK, Mr. DEMINT, Mr. INHOFE, Mr. CORNYN, Mr. SANTORUM, Mr. SESSIONS, Mr. BUNNING, Mr. ENSIGN, Mr. ALLEN, and Mr. VITTER):

S. 1279. A bill to establish certain requirements relating to the provision of services to minors by family planning projects under title X of the Public Health Service Act; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Ms. CANTWELL, Mr. STEVENS, and Mr. INOUYE):

S. 1280. A bill to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. HUTCHISON (for herself and Mr. NELSON of Florida):

S. 1281. A bill to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010; to the Committee on Commerce, Science, and Transportation.

By Mr. BURNS:

S. 1282. A bill to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes; considered and passed.

By Mrs. CLINTON (for herself, Mr. WARNER, Ms. MIKULSKI, Mr. SMITH, Mr. KENNEDY, Ms. COLLINS, Mr. JEFFORDS, Mr. BOND, Mrs. MURRAY, Mr. COCHRAN, Mrs. BOXER, Ms. SNOWE, Mr. KERRY, Mr. TALENT, Mr. NELSON of Nebraska, Mr. COLEMAN, Mr. DURBIN, and Mr. HAGEL):

S. 1283. A bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1284. A bill to designate the John L. Burton Trail in the Headwaters Forest Reserve, California; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 37

At the request of Mrs. HUTCHISON, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

At the request of Mrs. FEINSTEIN, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Montana (Mr. BAUCUS) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 37, supra.

S. 185

At the request of Mr. NELSON of Florida, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 354

At the request of Mr. ENSIGN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 354, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 392

At the request of Mr. LEVIN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 401

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 401, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 455

At the request of Mr. COLEMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 455, a bill to amend the Mutual Educational and Cultural Exchange Act of 1961 to facilitate United States openness to international students, scholars, scientists, and exchange visitors, and for other purposes.

S. 467

At the request of Mr. DODD, the names of the Senator from Oregon (Mr.

SMITH) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 467, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 484

At the request of Mr. WARNER, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 580

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 580, a bill to amend the Internal Revenue Code of 1986 to allow certain modifications to be made to qualified mortgages held by a REMIC or a grantor trust.

S. 611

At the request of Ms. COLLINS, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 611, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on emergency Medical Services Advisory Council, and for other purposes.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 642

At the request of Mr. FRIST, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 662

At the request of Ms. COLLINS, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Hawaii (Mr. AKAKA) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 662, a bill to reform the postal laws of the United States.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 757

At the request of Mr. CHAFEE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 760

At the request of Mr. INOUYE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 760, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 843

At the request of Mr. SANTORUM, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 852

At the request of Mr. SPECTER, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Georgia (Mr. ISAKSON), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Virginia (Mr. WARNER), the Senator from Alaska (Mr. STEVENS) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 852, a bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

S. 863

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 863, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 911

At the request of Mr. CONRAD, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 911, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 1047

At the request of Mr. SUNUNU, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Michigan (Mr. LEVIN) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 1047, a bill to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

S. 1086

At the request of Mr. HATCH, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1088

At the request of Mr. KYL, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1088, a bill to establish streamlined procedures for collateral review of mixed petitions, amendments, and defaulted claims, and for other purposes.

S. 1103

At the request of Mr. BAUCUS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1103, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

S. 1132

At the request of Mr. COLEMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1132, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1152

At the request of Ms. SNOWE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1152, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program.

S. 1197

At the request of Mr. BIDEN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1208

At the request of Mr. ALEXANDER, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 1208, a bill to provide for local control for the siting of windmills.

S. 1265

At the request of Mr. VOINOVICH, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. OBAMA), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 1265, a bill to make grants and loans available to

States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines.

S.J. RES. 15

At the request of Mr. BROWNBACK, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S.J. Res. 15, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S.J. RES. 19

At the request of Mr. BROWNBACK, the names of the Senator from California (Mrs. BOXER), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Louisiana (Mr. VITTER), the Senator from Ohio (Mr. VOINOVICH) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S.J. Res. 19, a joint resolution calling upon the President to issue a proclamation recognizing the 30th anniversary of the Helsinki Final Act.

S. CON. RES. 37

At the request of Mr. DEWINE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Con. Res. 37, a concurrent resolution honoring the life of Sister Dorothy Stang.

S. RES. 31

At the request of Mr. COLEMAN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 31, a resolution expressing the sense of the Senate that the week of August 7, 2005, be designated as "National Health Center Week" in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

S. RES. 154

At the request of Mr. BIDEN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Res. 154, a resolution designating October 21, 2005 as "National Mammography Day".

AMENDMENT NO. 799

At the request of Mr. VOINOVICH, the names of the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. JEFFORDS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. OBAMA), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. DEWINE), the Senator from Michigan (Mr. LEVIN), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of amendment No. 799 proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

At the request of Mr. SALAZAR, his name was added as a cosponsor of amendment No. 799 proposed to H.R. 6, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. LEVIN, and Mr. AKAKA):

S. 1274. A bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development for first responder communications, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to introduce legislation designed to finally address one of the most long-standing and difficult problems facing our Nation's first responders—the lack of communications interoperability.

I want to thank Chairman COLLINS of the Homeland Security and Governmental Affairs Committee, Senator LEVIN and Senator AKAKA for joining me in this effort.

I don't want to be confused with the evil road captain in "Cool Hand Luke," but there is only one way to say this: "What we have here is a failure to communicate!"

By now, we all know that the inability of first responders to talk to one another when responding to emergencies costs lives during terrorist attacks or natural disasters. According to the 9/11 Commission, the lack of interoperability contributed to the deaths of more than 100 fire fighters in New York on 9/11.

However, this failure to communicate also creates problems during every day emergency operations, endangering both first responders and the public while also wasting precious resources. For example, when law enforcement officers cannot communicate effectively about a suspect fleeing across jurisdictions, criminals can escape.

It is past time we fixed this problem.

Achieving interoperability is the top priority for State homeland security advisors. It is essential for first responders to achieve the national preparedness goals that the Department of Homeland Security has established for the Nation.

However, for most States obtaining the equipment and technology to fulfill this goal remains a challenge. And a major hurdle continues to be lack of sufficient funding. A non-partisan task force of the Council on Foreign Relations recommended spending at least $6.8 billion over five years. DHS has also estimated the cost of modernizing equipment for 2.5 million public safety first responders across the country at $40 billion.

I am convinced that we can achieve interoperability for much less—but only if strong national leadership drives cooperation and adoption of smart new technology solutions.

Achieving interoperability is difficult because some 50,000 local agencies typically make independent decisions about communications systems. The result is that first responders typically operate on different radio systems, at different frequencies, unable to communicate with one another.

Strong national leadership is necessary to ensure that different jurisdictions come together to work out the often complex issues that prevent interoperability in the first place.

The legislation we are introducing today will provide this much needed Federal leadership and provide dedicated grants, enhance technical assistance to State and local first responders, promote greater regional cooperation, and foster the research and development necessary to make achieving interoperability a realistic national goal.

The "Improve Interoperable Communications for First Responders Act of 2005" or the ICOM Act for short, gets us there in three distinct ways.

First, the ICOM Act will provide the Office of Interoperability and Compatibility (OIC) within DHS the resources and authorities necessary to systematically overcome the barriers to achieving interoperability.

ICOM requires OIC to conduct extensive, nationwide outreach and facilitate the creation of task forces in each State to develop interoperable solutions. It requires coordinated and extensive technical assistance through the Office of Domestic Preparedness' Interoperable Communications Technical Assistance Program. OIC will also be charged with developing a national strategy and national architecture so that we systematically move towards a truly national system of public safety communications.

This Act authorizes OIC to fund and conduct pilot programs to evaluate and validate new technology concepts needed to encourage more efficient use of spectrum and other resources and deploy less costly public safety communications systems.

Second, the ICOM Act will identify and answer the policy and technology questions necessary to achieve interoperability by requiring the Secretary to establish a comprehensive, competitive research and development program.

This research agenda will focus on: understanding the strengths and weaknesses of today's diverse public safety communications systems; examining how current and emerging technology can make public safety organizations more effective, and how local, State, and Federal agencies can utilize this technology in a coherent and cost-effective manner; evaluating and validating new technology concepts; and advancing the creation of a national strategy to promote interoperability and efficient use of spectrum.

The legislation authorizes some $126 million for each of fiscal years 2006 through 2009 for the operations of the Office for Interoperability and Compatibility so DHS can finally provide the national leadership necessary to achieve interoperability in the most cost effective manner; for research and development; and to provide enhanced technical assistance to state and local officials around the country.

Third, the ICOM Act will provide consistent, dedicated funding by authorizing $3.3 billion over five years for initiatives to achieve short-term or long-term solutions to interoperability. It authorizes grants directly to States or regional consortium within each State to be used specifically for key aspects of the communications life-cycle, including: State-wide or regional communications planning; system design and engineering; procurement and installation of equipment; training and exercises; or other activities determined by the Secretary to be integral to the achievement of this essential capability.

The bill adopts the same formula for distributing funds in S. 21, the Homeland Security Grants Enhancement Act as reported by the Homeland Security and Government Affairs Committee. Each State will receive a minimum baseline amount of 0.55 percent of the total funds appropriated under the bill. States that are larger/and or more densely populated receive a higher baseline amount, based on a formula that combines population and population density.

The remaining funds—over 60 percent of the total—will be distributed based on additional threat and risk-based factors. This will ensure that the majority of funds are distributed to those areas at highest risk, while we systematically ensure that this very basic communications capability is built in every state across our country.

The Secretary will be required to establish a panel of technical experts, first responders, and other State and local officials, to review and make recommendations on grant applications.

This legislation also promotes regional cooperation, consistent with the National Preparedness Goal, which identifies the essential capabilities States and localities need to fight the war on terrorism, rewarding those jurisdictions that join together in robust regional bodies to apply for funds.

Most importantly, this dedicated funding program for interoperability will ensure that jurisdictions can receive and rely on a consistent stream of funding for vital interoperability projects, without also being forced to neglect all of the other essential capabilities DHS has said they need to develop.

This legislation is crucial for the safety of our citizens and the men and women who go to work everyday pledged to protect them. It will ensure that, for the first time, achieving communications interoperability is an achievable national goal, a genuine national priority.

To win the war on terrorism and protect the American people, we cannot have a failure to communicate.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improve Interoperable Communications for First Responders Act of 2005".

SEC. 2. FINDINGS.

Congress finds the following:

(1) A major barrier to sharing information among police, firefighters, and others who may be called on to respond to terrorist attacks and other large-scale emergencies is the lack of interoperable communications systems, which can enable public safety agencies to talk to one another and share important, sometimes critical, information in an emergency.

(2) Communications interoperability has been identified by the Department of Homeland Security as 1 of the most essential capabilities necessary for first responders to achieve the national preparedness goal the Department of Homeland Security has established for the Nation.

(3) The lack of interoperability costs lives during terrorist attacks or natural disasters, but also during everyday emergency operations.

(4) Achieving interoperability is difficult because some 50,000 local agencies typically make independent decisions about communications systems. This lack of coordination also dramatically increases the cost of public safety communications to Federal, State, local, and tribal governments

(5) Achieving the level of communications interoperability that is needed will require an unprecedented level of coordination and cooperation among Federal, State, local, and tribal public safety agencies. Establishing multidisciplinary, cross-jurisdictional governance structures to achieve the necessary level of collaboration is essential to accomplishing this goal.

(6) The Intelligence Reform and Terrorism Prevention Act of 2004 requires the Secretary of Homeland Security, in consultation with other Federal officials, to establish a program to ensure public safety interoperable communications at all levels of government.

(7) However, much more remains to be done. For example, in January 2005, the National Governors Association reported that while achieving interoperability ranked as the top priority for States, obtaining the equipment and technology to fulfill this goal remains a challenge. The large majority of States report that they have not yet achieved interoperability in their States.

(8) Over 70 percent of public safety communications equipment is still analog, rather than digital. In fact, much of the communications equipment used by emergency responders is outdated and incompatible, which inhibits communication between State and local governments and between neighboring local jurisdictions. Additional grant funding would facilitate the acquisition of new technology to enable interoperability.

(9) Stronger and more effective national, statewide, and regional leadership are required to improve interoperability. The Department of Homeland Security must provide national leadership by conducting nationwide outreach to each State, fostering the development of regional leadership, and providing substantial technical assistance to State, local, and tribal public safety officials, while more effectively utilizing grant programs that fund interoperable equipment and systems.

(10) The Department of Homeland Security must implement pilot programs and fund and conduct research to develop and promote adoption of next-generation solutions for public safety communications. The Department of Homeland Security must also further develop its own internal expertise to enable it to better lead national interoperability efforts and to provide technically sound advice to State and local officials.

(11) Achieving interoperability requires the sustained commitment of substantial resources. A non-partisan task force of the Council on Foreign Relations recommended spending at least $6,800,000,000 over 5 years towards achieving interoperability. The Department of Homeland Security has estimated the cost of modernizing first-responder equipment for the 2,500,000 public safety first responders across the country at $40,000,000,000.

(12) Communications interoperability can be accomplished at a much lower cost if strong national leadership drives cooperation and adoption of smart, new technology solutions.

SEC. 3. OFFICE FOR INTEROPERABILITY AND COMPATIBILITY.

(a) IN GENERAL.—Section 7303(a)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(2)) is amended to read as follows:

"(2) OFFICE FOR INTEROPERABILITY AND COMPATIBILITY.—

"(A) ESTABLISHMENT OF OFFICE.—There is established an Office for Interoperability and Compatibility within the Directorate of Science and Technology of the Department of Homeland Security to carry out this subsection.

"(B) DIRECTOR.—There shall be a Director of the Office for Interoperability and Compatibility, who shall be appointed by the Secretary of Homeland Security.

"(C) RESPONSIBILITIES.—The Director of the Office for Interoperability and Compatibility shall—

"(i) assist the Secretary of Homeland Security in developing and implementing the program described in paragraph (1);

"(ii) carry out the Department of Homeland Security's responsibilities and authorities relating to the SAFECOM Program;

"(iii) carry out section 510 of the Homeland Security Act of 2002; and "(iv) conduct extensive, nationwide outreach and foster the development of interoperable communications systems by State, local, and tribal governments and public safety agencies, and by regional consortia thereof, by—

"(I) developing, updating, and implementing a national strategy to achieve communications interoperability, with goals and timetables;

"(II) developing a national architecture, which defines the components of an interoperable system and how they fit together;

"(III) establishing and maintaining a task force that represents the broad customer base of State, local, and tribal public safety agencies, as well as Federal agencies, involved in public safety disciplines such as law enforcement, firefighting, public health, and disaster recovery, in order to receive input and coordinate efforts to achieve communications interoperability;

"(IV) working with the Office of Domestic Preparedness Interoperable Communication Communications Technical Assistance Program to—

"(aa) provide technical assistance to State, local, and tribal officials; and

"(bb) facilitate the creation of regional task forces in each State, with appropriate governance structures and representation from State, local, and tribal governments and public safety agencies and from the Federal Government, to effectively address interoperability and other information-sharing needs;

"(V) promoting a greater understanding of the importance of interoperability and the benefits of sharing resources among all levels of State, local, tribal, and Federal government;

"(VI) promoting development of standard operating procedures for incident response and facilitating the sharing of information on best practices (including from governments abroad) for achieving interoperability;

"(VII) making recommendations to Congress about any changes in Federal law necessary to remove barriers to achieving communications interoperability;

"(VIII) funding and conducting pilot programs, as necessary, in order to—

"(aa) evaluate and validate new technology concepts in real-world environments to achieve public safety communications interoperability;

"(bb) encourage more efficient use of existing resources, including equipment and spectrum; and

"(cc) test and deploy public safety communications systems that are less prone to failure, support new non-voice services, consume less spectrum, and cost less; and

"(IX) performing other functions necessary to achieve communications interoperability.

"(D) SUFFICIENCY OF RESOURCES.—The Secretary of Homeland Security shall provide the Office for Interoperability and Compatibility with the resources and staff necessary to carry out the purposes of this section. The Secretary shall further ensure that there is sufficient staff within the Office of Interoperability and Compatibility, the Office for Domestic Preparedness, and other offices of the Department of Homeland Security as necessary, to provide dedicated support to public safety organizations consistent with the responsibilities set forth in subparagraph (C)(iv).".

(b) DEFINITION.—Section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1)) is amended to read as follows:

"(1) INTEROPERABLE COMMUNICATIONS AND COMMUNICATIONS INTEROPERABILITY.—The terms 'interoperable communications' and 'communications interoperability' mean the ability of emergency response providers and relevant Federal, State, and local government agencies to communicate with each other as necessary, utilizing information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.".

(c) Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following:

"SEC. 314. INTEROPERABILITY ASSESSMENT AND REPORT.

"(a) BASELINE ASSESSMENT.—The Secretary, acting through the Director of the Office for Interoperability and Compatibility, shall conduct a nationwide assessment to determine the degree to which communications interoperability has been achieved to date and to ascertain the needs that remain for interoperability to be achieved.

"(b) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary, acting through the Director of the Office for Interoperability and Compatibility, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the Department's progress in implementing and achieving the goals of the Improve Interoperable Communications for First Responders Act of 2005. The first report submitted under this subsection shall include a description of the findings of the assessment conducted under subsection (a).".

SEC. 4. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), as amended by section 3, is amended by adding at the end the following:

"SEC. 315. INTEROPERABILITY RESEARCH AND DEVELOPMENT.

"(a) IN GENERAL.—The Secretary shall establish a comprehensive research and development program to promote communications interoperability among first responders, including by—

"(1) promoting research on a competitive basis through the Directorate of Science and Technology Homeland Security Advanced Research Projects Agency; and

"(2) considering establishment of a Center of Excellence under the Department of Homeland Security Centers of Excellence Program, using a competitive process, focused on enhancing information and communications systems for first responders.

"(b) PURPOSES.—The purposes of the program established under subsection (a) include—

"(1) understanding the strengths and weaknesses of the diverse public safety communications systems currently in use;

"(2) examining how current and emerging technology can make public safety organizations more effective, and how Federal, State, and local agencies can utilize this technology in a coherent and cost-effective manner;

"(3) exploring Federal, State, and local policies that will move systematically towards long-term solutions;

"(4) evaluating and validating new technology concepts, and promoting the deployment of advanced public safety information technologies for interoperability; and

"(5) advancing the creation of a national strategy to promote interoperability and efficient use of spectrum in communications systems, improve information sharing across organizations, and use advanced information technology to increase the effectiveness of first responders in valuable new ways.".

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to the funds authorized to be appropriated by section 7303(a)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(3)), there are authorized to be appropriated for the operations of the Office for Interoperability and Compatibility, to provide technical assistance through the office for Domestic Preparedness, to fund and conduct research under section 315 of the Homeland Security Act of 2002, and for other appropriate entities within the Department of Homeland Security to support the activities described in section 7303 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194) and sections 314 and 315 of the Homeland Security Act of 2002, as added by this Act—

(1) $127,232,000 for fiscal year 2006;

(2) $126,549,000 for fiscal year 2007;

(3) $125,845,000 for fiscal year 2008;

(4) $125,121,000 for fiscal year 2009; and

(5) such sums as are necessary for each fiscal year thereafter.

SEC. 5. DEDICATED FUNDING TO ACHIEVE INTEROPERABILITY.

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITLE XVIII—DEDICATED FUNDING TO ACHIEVE INTEROPERABILITY.

"SEC. 1801. INTEROPERABILITY GRANTS.

"(a) IN GENERAL.—The Secretary, through the Office, shall make grants to States and eligible regions for initiatives necessary to achieve short-term or long-term solutions to statewide, regional, national and, where appropriate, international interoperability.

"(b) USE OF GRANT FUNDS.—Grants awarded under subsection (a) may be used for initiatives to achieve short-term or long-term solutions to interoperability within the State or region and to assist with any aspect of the communication life cycle, including—

"(1) statewide or regional communications planning;

"(2) system design and engineering;

"(3) procurement and installation of equipment;

"(4) training and exercises; and

"(5) other activities determined by the Secretary to be integral to the achievement of communications interoperability.

"(c) COORDINATION.—The Secretary shall ensure that the Office coordinates its activities with Office of Interoperability and Compatibility, the Directorate of Science and Technology, and other Federal entities so that grants awarded under this section, and other grant programs related to homeland security, fulfill the purposes of this Act and facilitate the achievement of communications interoperability consistent with the national strategy.

"(d) APPLICATION.—

"(1) IN GENERAL.—A State or eligible region desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) MINIMUM CONTENTS.—At a minimum, each application submitted under paragraph (1) shall—

"(A) identify the critical aspects of the communications life cycle, including planning, system design and engineering, procurement and installation, and training for which funding is requested;

"(B) describe how—

"(i) the proposed use of funds would be consistent with and address the goals in any applicable State homeland security plan, and, unless the Secretary determines otherwise, are consistent with the national strategy and architecture; and

"(ii) the applicant intends to spend funds under the grant, to administer such funds, and to allocate such funds among any participating local governments; and

"(C) be consistent with the Interoperable Communications Plan required by section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)).

"(e) State Review and Submission.—

"(1) In general.—To ensure consistency with State homeland security plans, an eligible region applying for a grant under this section shall submit its application to each State within which any part of the eligible region is located for review before submission of such application to the Secretary.

"(2) Deadline.—Not later than 30 days after receiving an application from an eligible region under paragraph (1), each such State shall transmit the application to the Secretary.

"(3) State disagreement.—If the Governor of any such State determines that a regional application is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

"(A) notify the Secretary in writing of that fact; and

"(B) provide an explanation of the reasons for not supporting the application at the time of transmission of the application.

"(f) Award of Grants.—

"(1) Considerations.—In approving applications and awarding grants under this section, the Secretary shall consider—

"(A) the nature of the threat to the State or eligible region;

"(B) the location, risk, or vulnerability of critical infrastructure and key national assets, including the consequences from an attack on critical infrastructure in nearby jurisdictions;

"(C) the size of the population, as well as the population density of the area, that will be served by the interoperable communications systems, except that the Secretary shall not establish a minimum population requirement that would disqualify from consideration an area that otherwise faces significant threats, vulnerabilities, or consequences;

"(D) the extent to which grants will be utilized to implement interoperability solutions—

"(i) consistent with the national strategy and compatible with the national architecture; and

"(ii) more efficient and cost effective than current approaches;

"(E) the number of jurisdictions within regions participating in the development of interoperable communications systems, including the extent to which the application includes all incorporated municipalities, counties, parishes, and tribal governments within the State or eligible region, and their coordination with Federal and State agencies;

"(F) the extent to which a grant would expedite the achievement of interoperability in the State or eligible region with Federal, State, and local agencies;

"(G) the extent to which a State or eligible region, given its financial capability, demonstrates its commitment to expeditiously achieving communications interoperability by supplementing Federal funds with non-Federal funds;

"(H) whether the State or eligible region is on or near an international border;

"(I) the extent to which geographic barriers pose unusual obstacles to achieving communications interoperability; and

"(J) the threats, vulnerabilities, and consequences faced by the State or eligible region related to at-risk site or activities in nearby jurisdictions, including the need to respond to terrorist attacks arising in those jurisdictions.

"(2) Review panel.—

"(A) In general.—The Secretary shall establish a review panel under section 871(a) to assist in reviewing grant applications under this section.

"(B) Recommendations.—The review panel established under subparagraph (A) shall make recommendations to the Secretary regarding applications for grants under this section.

"(C) Membership.—The review panel established under subparagraph (A) shall include individuals with technical expertise in communications interoperability as well as emergency response providers and other relevant State and local officials.

"(3) Availability of funds.—Any grant funds awarded that may be used to support interoperability shall, as the Secretary may determine, remain available for up to 3 years, consistent with section 7303(e) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(e)).

"(4) Allocation.— .

"(A) In general.—In awarding grants under this subsection, the Secretary shall ensure that each State receives, for each fiscal year, the greater of—

"(i) 0.55 percent of the amounts appropriated for grants under this section; or

"(ii) the eligible State's sliding scale baseline allocation of 28.62 percent of the amounts appropriated for grants under this section.

"(B) Other entities.—Notwithstanding subparagraph (A), the Secretary shall ensure that for each fiscal year—

"(i) the District of Columbia receives 0.55 percent of the amounts appropriated for grants under this section;

"(ii) the Commonwealth of Puerto Rico receives 0.35 percent of the amounts appropriated for grants under this section;

"(iii) American Samoa, the Commonwealth of the Northern Mariana islands, Guam, and the Virgin Islands each receive 0.055 percent of the amounts appropriated for grants under this section; and

"(C) Possessions.—Except as provided in subparagraph (B), no possession of the United States shall receive a baseline distribution under subparagraph (A).

"(g) Definitions.—As used in this section, the following definitions apply:

"(1) Eligible region.—The term 'eligible region' means—

"(A) 2 or more contiguous incorporated municipalities, counties, parishes, Indian tribes or other general purpose jurisdictions that—

"(i) have joined together to enhance communications interoperability between first responders in those jurisdictions and with State and Federal officials; and

"(ii) includes the largest city in any metropolitan statistical area, as defined by the Office of Management and Budget; or

"(B) any other area the Secretary determines to be consistent with the definition of a region in the national preparedness guidance issued under Homeland Security Presidential Directive 8.

"(2) Interoperable communications and communications interoperability.—The terms 'interoperable communications' and 'communications interoperability' mean the ability of emergency response providers and relevant Federal, State, and local government agencies to communicate with each other as necessary, utilizing information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.

"(3) Office.—The term 'office' refers to the Office of Domestic Preparedness of the Office of State and Local Government Preparedness and Coordination within the Department of Homeland Security.

"(4) Sliding scale baseline allocation.—The term 'sliding scale baseline allocation' means 0.0001 multiplied by the sum of—

"(A) the value of a State's population relative to that of the most populous of the 50 States of the United States, where the population of such States has been normalized to a maximum value of 100; and

"(B) ¼ of the value of a State's population density relative to that of the most densely populated of the 50 States of the United States, where the population density of such States has been normalized to a maximum value of 100

"(h) Authorization of Appropriations.—There are authorized to be appropriated to carry out the purposes of this section—

"(1) $400,000,000 for fiscal year 2006;

"(2) $500,000,000 for fiscal year 2007;

"(3) $600,000,000 for fiscal year 2008;

"(4) $800,000,000 for fiscal year 2009;

"(5) $1,000,000,000 for fiscal year 2010; and

"(6) such sums as are necessary each fiscal year thereafter.".

SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.

The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by—

(1) inserting after the item relating to section 313 the following:

"Sec. 314. Interoperability assessment and report.

"Sec. 315. Interoperability research and development.".

(2) adding at the end the following:

"TITLE XVIII—DEDICATED FUNDING TO ACHIEVE INTEROPERABILITY.

"Sec. 1801. Interoperability grants.".

Ms. COLLINS. Mr. President, I am very pleased to join my good friend, the Senator from Connecticut, Senator LIEBERMAN, in introducing the Improve Interoperable Communications for First Responders Act of 2005. This legislation will strengthen our capabilities to prevent and respond to acts of terrorism. The bill we are introducing will improve communications among the various levels of government and will assist our State and local first responders in upgrading their communications equipment. I thank Senator LIEBERMAN for his efforts in putting together this very important legislation and for working with me to make this bill a bipartisan effort.

According to the 9/11 Commission Report, interoperability—the ability for emergency responders to communicate with one another during an incident—was a serious problem on 9/11. On that fateful day, the NYPD Emergency Service Unit did manage to successfully convey evacuation instructions to personnel in the North Tower after the South Tower's collapse. This was accomplished by a combination of "1. the strength of the radios. 2. the relatively small numbers of individuals using them, and 3. use of the correct channel by all." On the other hand, the 9/11 Commission Report pointed out that "the same three factors worked against successful communication among FDNY personnel. First, the radios' effectiveness was drastically reduced in the high-rise environment. Second, tactical channel 1 was simply overwhelmed by the numbers of units attempting to communicate on it at 10:00 a.m. Third, some firefighters were on the wrong channel or simply lacked radios altogether."

In addition, a Government Accountability Office report on interoperable communications released in June 2004 notes that the lives of first responders and those they are trying to assist can be lost when first responders cannot communicate effectively. That is the crux of the matter that the Lieberman-Collins bill seeks to address. A substantial barrier to effective communications, according to the GAO, is the use of incompatible wireless equipment by many agencies and levels of government when they are responding to a major emergency. From computer systems to emergency radios, the technology that should allow these different levels of government to communicate with each other too often is silenced by incompatibility. Clearly, the barrier to a truly unified effort against terrorism is a matter of both culture and equipment. This legislation will help break down that barrier.

The GAO recommends that Federal grants be used to encourage States to develop and implement plans to improve interoperable communications and that the Department of Homeland Security should establish a long-term program to coordinate these same communications upgrades throughout the Federal Government. Our legislation would do much to implement these sensible recommendations.

The National Governors Association recently released a survey of State and territorial homeland security advisors to determine their top 10 priorities and challenges facing states in the future. The number one priority was achieving interoperability in communications.

One of the most persistent messages that I hear from Maine's first responders is strong concern about the lack of compatibility in communications equipment. It remains a substantial impediment to their ability to respond effectively in the event of a terrorist attack. For a State like mine that has the largest port by tonnage in New England, two international airports, key defense installations, hundreds of miles of coastline, and a long international border, compatible communications equipment is essential. Yet it remains an illusive goal.

Maine's firefighters, police officers, and emergency medical personnel do an amazing job in providing aid when a neighboring town is in need. Fires, floods, and accidents are local matters in which they have great expertise and experience. Their work on the front lines in the war against terrorism is, however, a joint responsibility. Maine's first responders, along with first responders across the country, are doing their part, but they need and deserve Federal help.

It is vitally important that we assist the States in getting the right communications technology into the hands of their first responders. That would be accomplished by the interoperability grant program in this legislation. The grant program guarantees every state a share of interoperability funding and makes additional funding available for states with special needs and vulnerabilities. It is designed to get this vital funding to first responders quickly, in coordination with a statewide plan.

A recent study by the Council on Foreign Relations estimates the total cost of nationwide communications compatibility at $6.8 billion.

Our legislation authorizes a total of $3.3 billion over a 5 year period for grants dedicated to achieving communications interoperability. That is a reasonable and necessary contribution by the Federal Government to this important partnership.

The legislation will also help to identify and answer the policy and technology questions necessary to achieve interoperability. It directs the Secretary of Homeland Security to establish a comprehensive, competitive research and development program. This includes conducting research through the Directorate of Science and Technology Homeland Security Advanced Research Projects Agency (HSARPA), and establishing a Center of Excellence focused on enhancing information and communications systems for first responders.

The Intelligence Reform and Terrorism Prevention Act of 2002, P.L. 108-458, which Senator LIEBERMAN and I authored, directs the Office for Interoperability and Compatibility (OIC) in DHS to provide overall federal leadership to achieve interoperability. Our legislative initiative builds on this current policy by providing the OIC the resources and authorities necessary to conduct extensive, nationwide outreach, develop a national strategy and national architecture, and conduct pilot programs to evaluate and validate new technology concepts.

We must all work together to achieve interoperability for all our first responders. Coordination and cooperation among all stakeholders will be imperative if the brave men and women who risk their lives on a daily basis are to be fully prepared.

I urge my colleagues to join us in supporting this legislation to build a better and stronger homeland security partnership with our first responders.

Mr. LEVIN. Mr. President, I join my colleagues in introducing the Improve Interoperable Communications For First Responders, or "ICOM," Act of 2005. We have all heard the stories of how the first responders could not communicate on 9/11 and this lack of communication cost lives. The same situation is happening all over this country and we need to improve interoperable communications before more lives are lost. Attaining this objective will require substantial resources and a strong commitment by Congress and the Administration. This legislation takes an important first step in this effort.

We have seen how bad the problem is in Michigan. For example, on the morning of Sunday, October 26, 2003, Michigan first responders held an exercise to test the emergency communications response capabilities at Michigan's international border with Canada. As we all know, during any emergency, effective communications is an absolute requirement. However, during the exercise, in order to communicate between fire agencies, the fire commanding officer needed 3 portable radios literally hanging around his neck and hooked to his waist band to attempt scene coordination. The Incident Commander was shuffling radios up and down to his ear and mouth in an attempt to figure out "who" was requesting or providing information. Further, the fire commanding officer had no communication with any law enforcement or Emergency Medical Service agencies. To communicate with those agencies, 5 additional radios would be required. This is totally unacceptable.

First and foremost, the ICOM Act will provide dedicated funding for initiatives to achieve short- and long-term solutions to interoperability to States or regional consortia within each State for State-wide or regional communications planning, system design and engineering, procurement and installation of equipment, training and exercises, or other activities determined by the Secretary of Homeland Security to be integral to the achievement of communications interoperability.

This legislation will also provide the recently authorized Office for Interoperability and Compatibility the resources and authorities necessary to conduct extensive, nationwide outreach, develop a national strategy, facilitate the creation of regional task forces in each State, fund and conduct pilot programs to evaluate and validate new technology concepts, encourage more efficient use of resources, and test and deploy more reliable and less costly public safety communications systems. Finally, the ICOM Act also requires the Secretary of Homeland Security to establish a comprehensive, competitive research and development program. This includes promoting research through the Directorate of Science and Technology and Homeland Security Advanced Research Projects Agency, and considering establishing a Center of Excellence. The research agenda will focus on understanding the strengths and weaknesses of today's diverse public safety communications systems, examining how current and emerging technology can make public safety organizations more effective, and how local, State, and Federal agencies can utilize this technology in a coherent and cost-effective manner, evaluating and validating new technology concepts, and advancing the creation of a national strategy to promote interoperability and efficient use of spectrum.

I recently authored an amendment that passed the Homeland Security and Governmental Affairs Committee that would assist our first responders by creating demonstration projects at our northern and southern borders. The ICOM Act will complement that legislation by providing funding, support, research and development to improve interoperable communications on a national level.

Mr. AKAKA. Mr. President, I rise today to join my colleagues, Senators LIEBERMAN, COLLINS, and LEVIN, in introducing the Improve Interoperable Communications for First Responders Act of 2005 (the ICOM Act), which will strengthen the interoperability of first responder communications across the country.

Since September 11, Federal, State, and local authorities have grappled with the challenge of achieving interoperable communications for emergency response personnel. This should not be a difficult task since the necessary technology exists. But as with many public policy challenges, achieving interoperability comes down to organization and funding.

The 9–11 Commission found that the inability of first responders to communicate at the three September 11 crash sites demonstrated "that compatible and adequate communications among public safety organizations at the local, State, and Federal levels remains a important problem." In my home State of Hawaii, for example, first responders are unable to communicate by radio over 25 percent of the Island of Hawaii because of inadequate infrastructure and diverse geography. The Commission recommended that federal funding of local interoperability programs be given a high priority.

The Department of Homeland Security (DHS) estimated it would cost $40 billion to modernize communications equipment for the Nation's 2.5 million public safety first responders. In 2003, an independent task force sponsored by the Council on Foreign Relations recommended investing $6.8 billion over five years to ensure dependable, interoperable first responder communications, a need which they describe as "so central to any kind of terrorist attack response."

However, funding alone will not solve this urgent problem. The Government Accountability Office (GAO) has found that DHS leadership is critical to utilizing effectively interoperability technologies. In an April 2005 report, "Technology Assessment: Protecting Structures and Improving Communications during Wildland Fires," GAO stated that even if two neighboring jurisdictions have the funding to purchase an interconnection device, such as an audio switch, organizational challenges remain. GAO stated, "To effectively employ the device, they must also jointly decide how to share its cost, ownership, and management; agree on the operating procedures for when and how to deploy it; and train individuals to configure, maintain, and use it." Achieving such planning and coordination will require federal leadership.

According to GAO, the federal government has increased interoperability planning and coordination efforts in recent years. However the Wireless Public Safety Interoperable Communications Program (SAFECOM), which is run out of the Office for Interoperability and Compatibility (OIC) in DHS, has made limited progress in achieving communications interoperability among entities at all levels of government.

The ICOM Act will increase federal coordination and provide dedicated funding for interoperability. Our bill will increase the resources and authority of the OIC, which was established by the Intelligence Reform and Terrorism Prevention Act of 2004. Specifically, the OIC will be tasked with creating a national strategy and national architecture, facilitating the creation of regional task forces, and conducting pilot programs to evaluate new technology concepts. The OIC will be responsible not only for short-term solutions, but also for simultaneously pursuing a long-term interoperability strategy, something that has been lacking from Federal efforts to date.

The ICOM Act will also create an interoperability grant program and authorize $3.3 billion over five years for the program. Recognizing that achieving interoperability is crucial to every State's emergency response capabilities, the bill gives each State a baseline amount of .55 percent of the funding.

The ICOM Act also requires the Secretary to look to at the unique geographic barriers in each State which may impede interoperability when awarding grants. This is key to States like Hawaii that may require additional transmitter towers and other types of equipment to overcome the obstacles that come with being a mountainous or island State.

Last year, I joined Senators LIEBERMAN and COLLINS in introducing S. 2701, the Homeland Security Interagency and Interjurisdictional Information Sharing Act of 2004. Many of the provisions in S. 2701 were incorporated into the Intelligence Reform and Terrorism Prevention Act. However, there still continue to be problems in terms of leadership and funding in federal interoperability policy. I ask my colleagues to not wait another year to begin to fill this hole. I urge support of this important piece of legislation.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 1275. A bill to designate the facility of the United States Postal Service located at 7172 North Tongass Highway, Ward Cove, Alaska, as the 'Alice R. Brusich Post Office Building'; to the Committee on Homeland Security and Governmental Affairs.

Mr. STEVENS. Mr. President, I send to the desk legislation to designate the U.S. Post Office located at 7172 North Tongass Highway in Ward Cove, AK after Alice R. Brusich.

Alice Brusich started her career with the Postal Service in 1954 as an Assistant Postmaster. Through her hard work and efforts, she became Postmaster in 1956.

During her service with the Postal Service, Alice was also one of the founders of the Tongass Community Club. She was also one of the founding members and top officer of the Alaska Chapter 51 National Association of Postmasters in the United States.

Alice was also in charge of the Ketchikan Post Office in the 70's. In 1985, Alice retired after 31 years of service. She remains an active supporter of the Postal service and is dedicated to improving the services at the Ward Cove Post Office. Alice has always been a strong advocate of improving and maintaining the Postal Service in Alaska, and it is only appropriate that we honor her service by dedicating the Ward Cove Post Office after her.

By Mr. LEAHY (for himself, Mr. CHAFEE, Mr. KENNEDY, Mr. CORZINE, Mr. JEFFORDS, Mrs. BOXER, Mr. FEINGOLD, Mrs. MURRAY, Mr. DAYTON, and Mr. LAUTENBERG):

S. 1278. A bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Today I am introducing the Uniting American Families Act. This legislation would allow U.S. citizens and legal permanent residents to petition for their foreign same-sex partners to come to the United States under our family immigration system. It is nearly identical to the Permanent Partners Immigration Act that I introduced in the last Congress, and which Congressman NADLER—who is introducing this bill in the House today—has sponsored for the last four Congresses. I am pleased to have Senators CHAFEE, KENNEDY, CORZINE, JEFFORDS, BOXER, FEINGOLD, MURRAY, DAYTON, and LAUTENBERG as cosponsors.

Under current law, committed partners of Americans are unable to use the family immigration system, which accounts for about 75 percent of the green cards and immigrant visas granted annually by the United States. As a result, gay Americans who are in this situation must either live apart from their partners, or leave the country if they want to live legally and permanently with them.

This bill rectifies that problem while retaining strong prohibitions against fraud. To qualify as a permanent partner, petitioners must prove that they are at least 18 and are in a committed, intimate relationship with another adult in which both parties intend a lifelong commitment, and are financially interdependent with one's partner. They must also prove that they are not married to, or in a permanent partnership with, anyone other than that person, and are unable to contract with that person a marriage cognizable under the Immigration and Nationality Act. Proof could include sworn affidavits from friends and family and documentation of financial interdependence. Penalties for fraud would be the same as penalties for marriage fraud—up to five years in prison and $250,000 in fines for the U.S. citizen partner, and deportation for the alien partner.

There are Vermonters who are involved in permanent partnerships with foreign nationals and who have felt abandoned by our laws in this area. This bill would allow them—and other gay and lesbian Americans throughout our Nation who have come to feel that our immigration laws are discriminatory—to be a fuller part of our society.

The idea that immigration benefits should be extended to same-sex couples has become increasingly prevalent around the world. Indeed, sixteen nations—Australia, Belgium, Brazil, Canada, Denmark, Finland, France, Germany, Iceland, Israel, the Netherlands, New Zealand, Norway, South Africa, Sweden and the United Kingdom—recognize same-sex couples for immigration purposes.

Our immigration laws treat gays and lesbians in committed relationships as second-class citizens, and that needs to change. It is the right thing to do for the people involved, it is the sensible step to take in the interest of having a fair and consistent policy, and I hope that the Senate will act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.

(a) SHORT TITLE.—This Act may be cited as the "Uniting American Families Act" or the "Permanent Partners Immigration Act".

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed as the amendment or repeal of a section or other provision, the reference shall be considered to be made to that section or provision in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 2. DEFINITIONS.

Section 101(a) (8 U.S.C. 1101(a)) is amended—

(1) in paragraph (15)(K)(ii), by inserting "or permanent partnership" after "marriage"; and

(2) by adding at the end the following:

"(51) The term 'permanent partner' means an individual 18 years of age or older who—

"(A) is in a committed, intimate relationship with another individual 18 years of age or older in which both parties intend a lifelong commitment;

"(B) is financially interdependent with the individual described in subparagraph (A);

"(C) is not married to or in a permanent partnership with anyone other than the individual described in subparagraph (A);

"(D) is unable to contract, with the individual described in subparagraph (A), a marriage cognizable under this Act; and

"(E) is not a first, second, or third degree blood relation of the individual described in subparagraph (A).

"(52) The term 'permanent partnership' means the relationship that exists between 2 permanent partners.".

SEC. 3. WORLDWIDE LEVEL OF IMMIGRATION.

Section 201(b)(2)(A)(i) (8 U.S.C. 1151(b)(2)(A)(i)) is amended—

(1) by inserting "permanent partners," after "spouses,";

(2) by inserting "or permanent partner" after "spouse" each place such term appears; and

(3) by striking "remarries." and inserting "remarries or enters into a permanent partnership with another person.".

SEC. 4. NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.

(a) PER COUNTRY LEVELS.—Section 202(a)(4) (8 U.S.C. 1152(a)(4)) is amended—

(1) in the paragraph header, by inserting ", PERMANENT PARTNERS," after "SPOUSES";

(2) in the header to subparagraph (A), by inserting ", PERMANENT PARTNERS," after "SPOUSES"; and

(3) in the header to subparagraph (C), in the heading by inserting "WITHOUT PERMANENT PARTNERS" after "DAUGHTERS".

(b) RULES FOR CHARGEABILITY.—Section 202(b) (8 U.S.C. 1152(b)) is amended—

(1) by striking "except that (1)" and inserting the following: ", except that—

"(1)";

(2) by striking "(2) if an alien" and inserting the following:

"(2) if an alien";

(3) by striking "his spouse" and inserting "the spouse or permanent partner of the alien"

(4) by inserting "or permanent partners" after "husband and wife";

(5) by striking "the spouse he" and inserting "the spouse or permanent partner who the alien";

(6) by striking "such spouse" and inserting "such spouse or permanent partner";

(7) by striking "(3) an alien" and inserting the following:

"(3) an alien"; and

(8) by striking "(4) an alien" and inserting the following:

"(4) an alien".

SEC. 5. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY MEMBERS OF PERMANENT RESIDENT ALIENS AND CITIZENS.—Section 203(a) (8 U.S.C. 1153(a)) is amended—

(1) in paragraph (2), by striking "(2)" and all that follows through "permanent residence," and inserting the following:

"(2) SPOUSES, PERMANENT PARTNERS, AND UNMARRIED SONS AND DAUGHTERS WITHOUT PERMANENT PARTNERS OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are—

"(A) the spouses, permanent partners, or children of an alien lawfully admitted for permanent residence; or

"(B) the unmarried sons without permanent partners or unmarried daughters without permanent partners of an alien lawfully admitted for permanent residence,"; and.

(2) in paragraph (3), by striking "(3)" and all that follows through "citizens" and inserting the following:

"(3) MARRIED SONS AND DAUGHTERS OF CITIZENS AND SONS AND DAUGHTERS OF CITIZENS WITH PERMANENT PARTNERS.—Qualified immigrants who are the married sons, married daughters, or sons or daughters with permanent partners, of citizens".

(b) EMPLOYMENT CREATION.—Section 203(b)(5)(A)(ii) (8 U.S.C. 1153(b)(5)(A)(ii)) is amended by inserting "permanent partner," after "spouse,".

(c) TREATMENT OF FAMILY MEMBERS.—Section 203(d) (8 U.S.C. 1153(d)) is amended by inserting ", permanent partner," after "spouse" each place such term appears.

SEC. 6. PROCEDURE FOR GRANTING IMMIGRANT STATUS.

(a) CLASSIFICATION PETITIONS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)(ii), by inserting "or permanent partner" after "spouse";

(2) in subparagraph (A)(iii)—

(A) by inserting "or permanent partner" after "spouse" each place such term appears; and

(B) in subclause (I), by inserting "or permanent partnership" after "marriage" each place such term appears; and

(3) in subparagraph (B)—

(A) by inserting "or permanent partner" after "spouse" each place such term appears; and

(B) by inserting "or permanent partnership" after "marriage" each place such term appears.

(b) IMMIGRATION FRAUD PREVENTION.—Section 204(c) (8 U.S.C. 1154(c)) is amended—

(1) by inserting "or permanent partner" after "spouse" each place such term appears; and

(2) by inserting "or permanent partnership" after "marriage" each place such term appears.

SEC. 7. ANNUAL ADMISSION OF REFUGEES AND ADMISSION OF EMERGENCY SITUATION REFUGEES.

Section 207(c) (8 U.S.C. 1157(c)) is amended—

(1) in paragraph (2)—

(A) by inserting ", permanent partner," after "spouse" each place such term appears; and

(B) by inserting ", permanent partner's," after "spouse's"; and

(2) in paragraph (4), by inserting ", permanent partner," after "spouse".

SEC. 8. ASYLUM.

Section 208(b)(3) (8 U.S.C. 1158(b)(3)) is amended—

(1) in the paragraph header, by inserting "OR PERMANENT PARTNER" after "SPOUSE"; and

(2) in subparagraph (A), by inserting ", permanent partner," after "spouse".

SEC. 9. ADJUSTMENT OF STATUS OF REFUGEES.

Section 209(b)(3) (8 U.S.C. 1159(b)(3)) is amended by inserting ", permanent partner," after "spouse".

SEC. 10. INADMISSIBLE ALIENS.

(a) Classes of Aliens Ineligible for Visas or Admission.—Section 212(a) (8 U.S.C. 1182(a)) is amended—

(1) in paragraph (3)(D)(iv), by inserting "permanent partner," after "spouse," each place such term appears;

(2) in paragraph (4)(C)(i)(I), by inserting ", permanent partner," after "spouse";

(3) in paragraph (6)(E)(ii), by inserting "permanent partner," after "spouse," each place such term appears; and

(4) in paragraph (9)(B)(v), by inserting ", permanent partner," after "spouse" each place such term appears.

(b) Waivers of Inadmissibility on Humanitarian and Family Unity Grounds.—Section 212(d) (8 U.S.C. 1182(d)) is amended—

(1) in paragraph (11), by inserting "permanent partner," after "spouse,"; and

(2) in paragraph (12), by inserting ", permanent partner," after "spouse".

(c) Waivers of Inadmissibility on Health-Related Grounds.—Section 212(g)(1)(A) (8 U.S.C. 1182(g)(1)(A)) is amended by inserting ", permanent partner," after "spouse".

(d) Waivers of Inadmissibility on Criminal and Related Grounds.—Section 212(h)(1)(B) (8 U.S.C. 1182(h)(1)(B)) is amended by inserting "permanent partner," after "spouse," each place such term appears.

(e) Waiver of Inadmissibility for Misrepresentation.—Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is amended—

(1) by inserting "permanent partner," after "spouse,"; and

(2) by inserting ", permanent partner," after "resident spouse".

SEC. 11. NONIMMIGRANT STATUS FOR PERMANENT PARTNERS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.

Section 214(r) (8 U.S.C. 1184(r)) is amended—

(1) in paragraph (1), by inserting "or permanent partner" after "spouse"; and

(2) in paragraph (2), by inserting "or permanent partnership" after "marriage" each place such term appears.

SEC. 12. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN SPOUSES, PERMANENT PARTNERS, AND SONS AND DAUGHTERS.

(a) Section Heading.—

(1) In general.—The section header for section 216 (8 U.S.C. 1186a) is amended by striking "**AND SONS**" and inserting "**, PERMANENT PARTNERS, SONS,**".

(2) Clerical amendment.—The table of contents is amended by amending the item relating to section 216 to read as follows:

"Sec. 216. Conditional permanent resident status for certain alien spouses, permanent partners, sons, and daughters.".

(b) In General.—Section 216(a) (8 U.S.C. 1186a(a)) is amended—

(1) in paragraph (1), by inserting "or permanent partner" after "spouse"; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting "or permanent partner" after "spouse"; and

(B) by inserting "permanent partner," after "spouse," each place it appears.

(c) Termination of Status if Finding That Qualifying Marriage Improper.—Section 216(b) (8 U.S.C. 1186a(b)) is amended—

(1) in the subsection header, by inserting "OR PERMANENT PARTNERSHIP" after "MARRIAGE";

(2) in paragraph (1)(A)—

(A) in the matter preceding clause (i), by inserting "or permanent partnership" after "marriage"; and

(B) by amending clause (ii) to read as follows—

"(ii) has been judicially annulled or terminated, or has ceased to satisfy the criteria for being considered a permanent partnership under this Act, other than through the death of a spouse or permanent partner; or".

(d) Requirements of Timely Petition and Interview for Removal of Condition.—Section 216(c) (8 U.S.C. 1186a(c)) is amended—

(1) in paragraphs (1), (2)(A)(ii), (3)(A)(ii), (3)(C), (4)(B), and (4)(C), by inserting "or permanent partner" after "spouse" each place such term appears; and

(2) in paragraphs (3)(A), (3)(D), (4)(B), and (4)(C), by inserting "or permanent partnership" after "marriage" each place such term appears.

(e) Contents of Petition.—Section 216(d)(1) (8 U.S.C. 1186a(d)(1)) is amended—

(1) in subparagraph (A)—

(A) in the header, by inserting "OR PERMANENT PARTNERSHIP" after "MARRIAGE";

(B) in clause (i)—

(i) in the matter preceding subclause (I), by inserting "or permanent partnership" after "marriage";

(ii) in subclause (I), by adding at the end the following: "or is a permanent partnership recognized under this Act;"; and

(iii) in subclause (II)—

(I) by inserting "or has not ceased to satisfy the criteria for being considered a permanent partnership under this Act," after "terminated,"; and

(II) by striking ", and" and inserting "or permanent partner; and" after "spouse"; and

(C) in clause (ii), by inserting "or permanent partner" after "spouse"; and

(2) in subparagraph (B)(i)—

(A) by inserting "or permanent partnership" after "marriage"; and

(B) by inserting "or permanent partner" after "spouse".

(f) Definitions.—Section 216(g) (8 U.S.C. 1186a(g)) is amended—

(1) in paragraph (1)—

(A) by inserting "or permanent partner" after "spouse" each place such term appears; and

(B) by inserting "or permanent partnership" after "marriage" each place such term appears;

(2) in paragraph (2), by inserting "or permanent partnership" after "marriage";

(3) in paragraph (3), by inserting "or permanent partnership" after "marriage" each place such term appears; and

(4) in paragraph (4)—

(A) by inserting "or permanent partner" after "spouse" each place such term appears; and

(B) by inserting "or permanent partnership" after "marriage".

SEC. 13. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN ENTREPRENEURS, SPOUSES, PERMANENT PARTNERS, AND CHILDREN.

(a) Section Heading.—

(1) In general.—Section 216A (8 U.S.C. 1186b) is amended in the heading by inserting "**PERMANENT PARTNERS,**" after "**SPOUSES,**".

(2) Clerical amendment.—The table of contents is amended by amending the item relating to section 216A to read as follows:

"Sec. 216A. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.".

(b) In General.—Section 216A(a) (8 U.S.C. 1186b(a)) is amended by inserting "or permanent partner" after "spouse" each place such term appears.

(c) Termination of Status if Finding That Qualifying Entrepreneurship Improper.—Section 216A(b)(1) (8 U.S.C. 1186b(b)(1)) is amended by inserting "or permanent partner" after "spouse".

(d) Requirements of Timely Petition and Interview for Removal of Condition.—Section 216A(c) (8 U.S.C. 1186b(c)) is amended by inserting "or permanent partner" after "spouse" each place such term appears.

(e) Definitions.—Section 216A(f)(2) (8 U.S.C. 1186b(f)(2)) is amended by inserting "or permanent partner" after "spouse" each place such term appears.

SEC. 14. DEPORTABLE ALIENS.

(a) In General.—Section 237(a) (8 U.S.C. 1227(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D)(i), by inserting "or permanent partners" after "spouses" each place such term appears;

(B) in subparagraph (E), by inserting "permanent partner," after "spouse," each place such term appears;

(C) in subparagraph (H)(i)(I), by inserting "or permanent partner" after "spouse"; and

(D) by adding at the end the following:

"(I) Permanent partnership fraud.—An alien shall be considered to be deportable as having procured a visa or other documentation by fraud (within the meaning of section 212(a)(6)(C)(i)) and to be in the United States in violation of this Act (within the meaning of subparagraph (B)) if—

"(i) the alien obtains any admission to the United States with an immigrant visa or other documentation procured on the basis of a permanent partnership entered into less than 2 years before such admission and which, not later than 2 years after such admission, is terminated because the criteria for permanent partnership are no longer fulfilled, unless the alien establishes to the satisfaction of the Secretary of Homeland Security that such permanent partnership was not contracted for the purpose of evading any provisions of the immigration laws; or

"(ii) it appears to the satisfaction of the Secretary of Homeland Security that the alien has failed or refused to fulfill the alien's permanent partnership which in the opinion of the Secretary of Homeland Security was made for the purpose of procuring the alien's admission as an immigrant.";

(2) in paragraph (2)(E)(i), by inserting "or permanent partner" after "spouse" each place such term appears; and

(3) in paragraph (3)(C)(ii), by inserting "or permanent partner" after "spouse" each place such term appears.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 237(a) (8 U.S.C. 1227(a)) is amended by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security".

SEC. 15. REMOVAL PROCEEDINGS.

Section 240(e)(1) (8 U.S.C. 1229a(e)(1)) is amended by inserting "permanent partner," after "spouse,".

SEC. 16. CANCELLATION OF REMOVAL; ADJUSTMENT OF STATUS.

Section 240A(b) (8 U.S.C. 1229b(b)) is amended—

(1) in paragraph (1)(D), by inserting "permanent partner," after "spouse,"; and

(2) in paragraph (2)—

(A) in the header, by inserting ", PERMANENT PARTNER," after "SPOUSE"; and

(B) in subparagraph (A), by inserting ", permanent partner," after "spouse" each place such term appears.

SEC. 17. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE.

(a) PROHIBITION ON ADJUSTMENT OF STATUS.—Section 245(d) (8 U.S.C. 1255(d)) is amended by inserting "or permanent partnership" after "marriage".

(b) AVOIDING IMMIGRATION FRAUD.—Section 245(e) (8 U.S.C. 1255(e)) is amended—

(1) in paragraph (1), by inserting "or permanent partnership" after "marriage"; and

(2) by adding at the end the following:

"(4) Paragraph (1) and section 204(g) shall not apply with respect to a permanent partnership if the alien establishes by clear and convincing evidence to the satisfaction of the Secretary of Homeland Security that the permanent partnership was entered into in good faith and in accordance with section 101(a)(51) and the permanent partnership was not entered into for the purpose of procuring the alien's admission as an immigrant and no fee or other consideration was given (other than a fee or other consideration to an attorney for assistance in preparation of a lawful petition) for the filing of a petition under section 204(a) or 214(d) with respect to the alien permanent partner. In accordance with regulations, there shall be only 1 level of administrative appellate review for each alien seeking relief under this paragraph.".

(c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS PAYING FEE.—Section 245(i)(1)(B) (8 U.S.C. 1255(i)(1)(B)) is amended by inserting ", permanent partner," after "spouse".

SEC. 18. MISREPRESENTATION AND CONCEALMENT OF FACTS.

Section 275(c) (8 U.S.C. 1325(c)) is amended by inserting "or permanent partnership" after "marriage".

SEC. 19. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL CHARACTER, ATTACHMENT TO THE PRINCIPLES OF THE CONSTITUTION.

Section 316(b) (8 U.S.C. 1427(b)) is amended, in the matter following paragraph (2), by inserting "or permanent partner" after "spouse".

SEC. 20. FORMER CITIZENS OF UNITED STATES REGAINING UNITED STATES CITIZENSHIP.

Section 324(a) (8 U.S.C. 1435(a)) is amended, in the matter following "after September 22, 1922,", by inserting "or permanent partnership" after "marriage" each place such term appears.

SEC. 21. APPLICATION OF FAMILY UNITY PROVISIONS TO PERMANENT PARTNERS OF CERTAIN LIFE ACT BENEFICIARIES.

Section 1504 of the LIFE Act Amendments of 2000 (114 Stat. 2763A09325) is amended—

(1) in the section header, by inserting ", **PERMANENT PARTNERS,**" after "**SPOUSES**";

(2) in subsection (a), by inserting ", permanent partner," after "spouse"; and

(3) in subsections (b) and (c)—

(A) in the subsection headers, by inserting ", PERMANENT PARTNERS," after "SPOUSES"; and

(B) by inserting ", permanent partner," after "spouse" each place such term appears.

By Ms. SNOWE (for herself, Ms. CANTWELL, Mr. STEVENS, and Mr. INOUYE):

S. 1280. A bill to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, today I am pleased to introduce the Coast Guard Authorization Act of 2005.

The Coast Guard serves as the guardian of our maritime homeland security and provides many critical services for our Nation. Last year alone, the Coast Guard responded to over 32,000 calls for assistance, and saved 5,500 lives. These brave men and women risk their lives to defend our borders from drugs, illegal immigrants, acts of terror, and other national security threats. In 2004, the Coast Guard seized 376,000 pounds of illegal narcotics, preventing them from reaching our streets and playgrounds. They also stopped over 11,000 illegal migrants from reaching our shores. In addition they conducted 4,500 boardings to protect our vital fisheries stocks and they responded to 23,904 pollution incidents.

In today's post-9/11 world, the men and women of the Coast Guard have been working harder than ever securing the nation's coastline, waterways, and ports. This rapid escalation of the Coast Guard's homeland security mission catalogue continues today. Last year alone, the Coast Guard aggressively defended our homeland by conducting more than 36,000 port security patrols, boarded over 19,000 vessels, escorted over 7,200 vessels, and maintained more than 115 security zones. While our new reality requires the Coast Guard to maintain a robust homeland security posture, these new priorities must not diminish the Coast Guard's focus on its traditional missions such as marine safety, search and rescue, aids to navigation, fisheries law enforcement, and marine environmental protection.

By introducing the Coast Guard Authorization bill today, I intend to continue giving the Coast Guard my full support, and I hope my colleagues will work with me to provide the Coast Guard with the resources it needs to carry out its many critically important missions that it provides to this Nation. Unfortunately, the Coast Guard's rapid operational escalation has come on the backs of its 42,000 men and women who faithfully serve our country. Additionally, it has taken a significant toll on the ships, boats, and aircraft that the Coast Guard uses on a daily basis. I believe we need to shift this burden off our people and instead adequately provide the Coast Guard with the resources it needs, primarily through the full support of its recapitalization project known as Deepwater.

The bill I introduce today would authorize funding at $8.2 billion for Fiscal Year 2006 and $8.8 billion for Fiscal Year 2007. This represents an 8 percent annual budget increase over the levels contained in last year's authorization bill. This authorization will continue to allow the Coast Guard to perform non-homeland security missions such as search and rescue, fisheries enforcement, and marine environmental protection, as well as fund the necessary missions related to ports, waterways, and coastal security.

This bill also includes numerous measures that would allow the Coast Guard to enforce provisions of the Maritime Transportation Security Act, an essential element in securing the Nation's ports and waterways. Additionally, it would address maritime safety issues by allowing the Coast Guard to continue training both the commercial fishing industry and the recreational boating public in issues regarding safety at sea. Joint training for foreign Nations is also addressed, which allows for nation-building and the development of bilateral agreements that allow the Coast Guard to effectively combat the trafficking of illegal narcotics into our Nation, keeping them off the streets and out of our schools.

In response to the final report of the United States Commission on Ocean Policy, this bill includes provisions that would allow the Coast Guard to work with other Federal, State, and local agencies in developing plans to assist vessels in distress, thus eliminating the potential for loss of life and environmental damage. It also directs the Coast Guard to develop steps that will allow it to better detect and interdict vessels, both American and foreign flagged, that are violating fishing regulations.

Finally, we must recognize that the United States Coast Guard is a force conducting 21st century operations with 20th century technology. To accomplish its many vital missions, the Coast Guard desperately needs to recapitalize its offshore fleet of cutters and aircraft. The Coast Guard operates the third oldest of the world's 42 similar naval fleets with several cutters dating back to World War II. These platforms are technologically obsolete, require excessive maintenance, lack essential speed, and have poor interoperability which in turn limit their overall mission effectiveness and efficiency. Unfortunately, they are reaching the end of their serviceable life just when the Coast Guard needs them the most.

The Coast Guard continues to progress with its major recapitalization program for the ships and aircraft designed to operate more than 50 miles offshore. The Integrated Deepwater System acquisition program is critical to the future viability of the Coast Guard. I wholeheartedly support this initiative and the procurement strategy the Coast Guard is utilizing. This bill would authorize full funding for this critical long-term recapitalization program.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 2005".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Sec. 103. Web-based risk management data system.

TITLE II—HOMELAND SECURITY, MARINE SAFETY, FISHERIES, AND ENVIRONMENTAL PROTECTION

Sec. 201. Extension of Coast Guard vessel Anchorage and movement authority.
Sec. 202. Enhanced civil penalties for violations of the Maritime Transportation Security Act.
Sec. 203. Icebreakers.
Sec. 204. Cooperative agreements.
Sec. 205. Pilot program for dockside no fault/no cost safety and survivability examinations for uninspected commercial fishing vessels.
Sec. 206. Reports from mortgagees of vessels.
Sec. 207. International training and technical assistance.
Sec. 208. Reference to Trust Territory of the Pacific Islands.
Sec. 209. Bio-diesel feasibility study.
Sec. 210. Certification of vessel nationality in drug smuggling cases.
Sec. 211. Jones Act waivers.
Sec. 212. Deepwater oversight.
Sec. 213. Deepwater report.
Sec. 214. LORAN-C.
Sec. 215. Long-range vessel tracking system.
Sec. 216. Marine vessel and cold water safety education.
Sec. 217. Suction anchors.

TITLE III—UNITED STATES OCEAN COMMISSION IMPLEMENTATION

Sec. 301. Place of refuge.
Sec. 302. Implementation of international agreements.
Sec. 303. Voluntary measures for reducing pollution from recreational boats.
Sec. 304. Integration of vessel monitoring system data.
Sec. 305. Foreign fishing incursions.

TITLE IV—COAST GUARD PERSONNEL, FINANCIAL, AND PROPERTY MANAGEMENT

Sec. 401. Reserve officer distribution.
Sec. 402. Coast Guard band director.
Sec. 403. Reserve recall authority.
Sec. 404. Expansion of equipment used by auxiliary to support Coast Guard missions.
Sec. 405. Authority for one-step turnkey design-build contracting.
Sec. 406. Officer promotions.
Sec. 407. Redesignation of Coast Guard law specialists as judge advocates.
Sec. 408. Boating safety director.
Sec. 409. Hangar at Coast Guard air station at Barbers Point.

TITLE V—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 501. Government organization.
Sec. 502. War and national defense.
Sec. 503. Financial management.
Sec. 504. Public contracts.
Sec. 505. Public printing and documents.
Sec. 506. Shipping.
Sec. 507. Transportation.
Sec. 508. Mortgage insurance.
Sec. 509. Arctic research.
Sec. 510. Conservation.
Sec. 511. Conforming amendment.
Sec. 512. Anchorage grounds.
Sec. 513. Bridges.
Sec. 514. Lighthouses.
Sec. 515. Oil pollution.
Sec. 516. Medical care.
Sec. 517. Conforming amendment to Social Security Act.
Sec. 518. Shipping.
Sec. 519. Nontank vessels.
Sec. 520. Drug interdiction report.
Sec. 521. Acts of terrorism report.

TITLE VI—EFFECTIVE DATES

Sec. 601. Effective Dates.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating the following amounts:

(1) For the operation and maintenance of the Coast Guard $5,594,900,000, of which $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,424,852,000, to remain available until expended, of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and

(B) $1,100,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems.

(3) For the use of the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $24,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,014,080,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $17,400,000, of which $2,500,000, to remain available until expended, may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(6) For environmental compliance and restoration $12,000,000, to remain available until expended for environmental compliance and restoration functions under chapter 19 of title 14, United States Code.

(7) For operation and maintenance of the Coast Guard reserve program, $119,000,000.

(b) There are authorized to be appropriated for fiscal year 2007 to the Secretary of the department in which the Coast Guard is operating the following amounts:

(1) For the operation and maintenance of the Coast Guard $6,042,492,000, of which $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,538,840,160, to remain available until expended, of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and

(B) $1,188,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems.

(3) For the use of the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $25,920,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel

and their dependents under chapter 55 of title 10, United States Code, $1,095,206,400, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $18,792,000, of which $2,500,000, to remain available until expended, may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(6) For environmental compliance and restoration $12,960,000, to remain available until expended for environmental compliance and restoration functions under chapter 19 of title 14, United States Code.

(7) For operation and maintenance of the Coast Guard reserve program, $128,520,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2006.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2006, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

SEC. 103. WEB-BASED RISK MANAGEMENT DATA SYSTEM.

There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating $1,000,000 to continue deployment of a web-based risk management system to help reduce accidents and fatalities.

TITLE II—HOMELAND SECURITY, MARINE SAFETY, FISHERIES, AND ENVIRONMENTAL PROTECTION

SEC. 201. EXTENSION OF COAST GUARD VESSEL ANCHORAGE AND MOVEMENT AUTHORITY.

Section 91 of title 14, United States Code, is amended by adding at the end the following:

"(d) As used in this section, the term 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.".

SEC. 202. ENHANCED CIVIL PENALTIES FOR VIOLATIONS OF THE MARITIME TRANSPORTATION SECURITY ACT.

The second section enumerated 70119 of title 46, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Any"; and

(2) by adding at the end the following:

"(b) CONTINUING VIOLATIONS.—Each day of a continuing violation shall constitute a separate violation, with a total fine per violation not to exceed—

"(1) for violations occurring during fiscal year 2006, $50,000;

"(2) for violations occurring during fiscal year 2007, $75,000; and

"(3) for violations occurring after fiscal year 2007, $100,000.

"(c) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, and such other matters as justice may require.

"(d) COMPROMISE, MODIFICATION, AND REMITTAL.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty imposed under this section.".

SEC. 203. ICEBREAKERS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall take all necessary measures—

(1) to ensure that the Coast Guard maintains, at a minimum, its current vessel capacity for carrying out ice-breaking in the Arctic and Antarctic regions, including the necessary funding for operation and maintenance of such vessels; and

(2) for the long-term recapitalization of these assets.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating $100,000,000 to carry out this section.

SEC. 204. COOPERATIVE AGREEMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on opportunities for and the feasibility of co-locating Coast Guard assets and personnel at facilities of other Armed Services branches throughout the United States. The report shall—

(1) identify the locations of possible sites;

(2) identify opportunities for cooperative agreements that may be established between the Coast Guard and such facilities with respect to maritime security and other Coast Guard missions; and

(3) analyze anticipated costs and benefits associated with each site and such agreements.

SEC. 205. PILOT PROGRAM FOR DOCKSIDE NO FAULT/NO COST SAFETY AND SURVIVABILITY EXAMINATIONS FOR UNINSPECTED COMMERCIAL FISHING VESSELS.

(a) PILOT PROGRAM.—The Secretary shall conduct a pilot program to determine the effectiveness of mandatory dockside crew survivability examinations of uninspected United States commercial fishing vessels in reducing the number of fatalities and amount of property losses in the United States commercial fishing industry.

(b) DEFINITIONS.—In this section:

(1) DOCKSIDE CREW SURVIVABILITY EXAMINATION.—The term "dockside crew survivability examination" means an examination by a Coast Guard representative of an uninspected fishing vessel and its crew at the dock or pier that includes—

(A) identification and examination of safety and survival equipment required by law for that vessel;

(B) identification and examination of the vessel stability standards applicable by law to that vessel; and

(C) identification and observation of—

(i) proper crew training on the vessel's safety and survival equipment; and

(ii) the crew's familiarity with vessel stability and emergency procedures designed to save life at sea and avoid loss or damage to the vessel.

(2) COAST GUARD REPRESENTATIVE.—The term "Coast Guard representative" means a Coast Guard member, civilian employee, Coast Guard Auxiliarist, or person employed by an organization accepted or approved by the Coast Guard to examine commercial fishing industry vessels.

(3) UNINSPECTED FISHING VESSEL.—The term "uninspected fishing vessel" means a vessel, not including fish processing vessels or fish tender vessels (as defined in section 2101 of title 46, United States Code), that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

(c) SCOPE OF PILOT PROGRAM.—The pilot program shall be conducted—

(1) in at least 5, but no more than 10, major United States fishing ports where Coast Guard statistics reveal a high number of fatalities on uninspected fishing vessels within the 4 fiscal year period beginning with fiscal year 2000, but shall not be conducted in Coast Guard districts where a fishing vessel safety program already exists;

(2) for a period of 5 calendar years following the date of the enactment of this Act;

(3) in consultation with those organizations and persons identified by the Secretary as directly affected by the pilot program;

(4) as a non-fee service to those persons identified in paragraph (3) above;

(5) without a civil penalty for any discrepancies identified during the dockside crew survivability examination; and

(6) to gather data identified by the Secretary as necessary to conclude whether dockside crew survivability examinations reduce fatalities and property losses in the fishing industry.

(d) REPORT.—Not later than 180 days after end of the third year of the pilot program, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of the pilot program. The report shall include—

(1) an assessment of the costs and benefits of the pilot program including costs to the industry and lives and property saved as a result of the pilot program;

(2) an assessment of the costs and benefits to the United States government of the pilot program including operational savings such as personnel, maintenance, etc., from reduced search and rescue or other operations; and

(3) any other findings and conclusions of the Secretary with respect to the pilot program.

SEC. 206. REPORTS FROM MORTGAGEES OF VESSELS.

Section 12120 of title 46, United States Code, is amended by striking "owners, masters, and charterers" and inserting "owners, masters, charterers, and mortgagees".

SEC. 207. INTERNATIONAL TRAINING AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 149 of title 14, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 149. Assistance to Foreign Governments and Maritime Authorities;

(2) by inserting "(a) DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS.—" before "The President"; and

(3) by adding at the end the following:

"(b) TECHNICAL ASSISTANCE TO FOREIGN MARITIME AUTHORITIES.—The Commandant, in coordination with the Secretary of State, may, in conjunction with regular Coast Guard operations, provide technical assistance, including law enforcement and maritime safety and security training, to foreign navies, coast guards, and other maritime authorities.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 7 of title 14, United

States Code, is amended by striking the item relating to section 149 and inserting the following:

"149. Assistance to Foreign Governments and Maritime Authorities".

SEC. 208. REFERENCE TO TRUST TERRITORY OF THE PACIFIC ISLANDS.

Section 2102(a) of title 46, United States Code, is amended—

(1) by striking "37, 43, 51, and 123" and inserting "43, 51, 61, and 123";

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SEC. 209. BIO-DIESEL FEASIBILITY STUDY.

(a) STUDY.—The Secretary of the department in which the Coast Guard is operating shall conduct a study that examines the technical feasibility, costs, and potential cost savings of using bio-diesel fuel in new and existing Coast Guard vehicles and vessels, and which focuses on the use of bio-diesel fuel in ports which have a high-density of vessel traffic, including ports for which vessel traffic systems have been established.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall transmit a report containing the findings, conclusions, and recommendations (if any) from the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 210. CERTIFICATION OF VESSEL NATIONALITY IN DRUG SMUGGLING CASES.

Section 3(c)(2) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)(2)) is amended by striking the last sentence and inserting "The response of a foreign nation to a claim of registry under subparagraph (A) or (C) may be made by radio, telephone, or similar oral or electronic means, and is conclusively proved by certification of the Secretary of State or the Secretary's designee.".

SEC. 211. JONES ACT WAIVERS.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), a vessel that was not built in the United States may transport fish or shellfish within the coastal waters of the State of Maine if the vessel—

(1) meets the other requirements of section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) and section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802) for engaging in the coastwise trade;

(2) is ineligible for documentation under chapter 121 of title 46, United States Code, because it measures less than 5 net tons;

(3) has transported fish or shellfish within the coastal waters of the State of Maine prior to December 31, 2004; and

(4) has not undergone a transfer of ownership after December 31, 2004.

SEC. 212. DEEPWATER OVERSIGHT.

No later than 90 days after the date of enactment of this Act, the Coast Guard, in consultation with Government Accountability Office, shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on—

(1) the status of the Coast Guard's implementation of Government Accountability Office's recommendations in its report, GAO-04-380, "Coast Guard Deepwater Program Needs Increased Attention to Management and Contractor Oversight"; and

(2) the dates by which the Coast Guard plans to fully implement such recommendations if any remain open as of the date the report is transmitted to the Committees.

SEC. 213. DEEPWATER REPORT.

The Secretary of Homeland Security shall submit to the Congress, in conjunction with the transmittal by the President of the Budget of the United States for Fiscal Year 2007, a revised Deepwater baseline that includes—

(1) a justification for the projected number and capabilities of each asset (including the ability of each asset to meet service performance goals);

(2) an accelerated acquisition timeline that reflects project completion in 10 years and 15 years (included in this timeline shall be the amount of assets procured during each year of the accelerated program);

(3) the required funding for each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;

(4) anticipated costs associated with legacy asset sustainment for each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;

(5) anticipated mission deficiencies, if any, associated with the continued degradation of legacy assets in combination with the procurement of new assets within each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;

(6) a comparison of the amount of required assets in the current baseline to the amount of required assets according to the Coast Guard's Performance Gap Analysis Study; and

(7) an evaluation of the overall feasibility of achieving each accelerated acquisition timeline (including contractor capacity, national shipbuilding capacity, asset integration into Coast Guard facilities, required personnel, training infrastructure capacity on technology associated with new assets).

SEC. 214. LORAN-C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, $25,000,000 for fiscal year 2006 and $25,000,000 for fiscal year 2007. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the Department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 215. LONG-RANGE VESSEL TRACKING SYSTEM.

(a) PILOT PROJECT.—The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall conduct a pilot program for long range tracking of up to 2,000 vessels using satellite systems with an existing nonprofit maritime organization that has a demonstrated capability of operating a variety of satellite communications systems providing data to vessel tracking software and hardware that provides long range vessel information to the Coast Guard to aid maritime security and response to maritime emergencies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating $4,000,000 for each of fiscal years 2006, 2007, and 2008 to carry out subsection (a).

SEC. 216. MARINE VESSEL AND COLD WATER SAFETY EDUCATION.

The Coast Guard shall continue cooperative agreements and partnerships with organizations in effect on the date of enactment of this Act that provide marine vessel safety training and cold water immersion education and outreach programs for fishermen and children.

SEC. 217. SUCTION ANCHORS.

Section 12105 of title 46, United States Code, is amended by adding at the end the following:

"(c) No vessel without a registry or coastwise endorsement may engage in the movement of anchors or other mooring equipment from one point over or on the United States outer Continental Shelf to another such point in connection with exploring for, developing, or producing resources from the outer Continental Shelf.

TITLE III—UNITED STATES OCEAN COMMISSION IMPLEMENTATION

SEC. 301. PLACE OF REFUGE.

(a) IN GENERAL.—Within 12 months after the date of enactment of this Act, the United States Coast Guard, working with hazardous spill response agencies, marine salvage companies, State and local law enforcement and marine agencies, and other Federal agencies including the National Oceanic and Atmospheric Administration and the Environmental Protection Agency, shall, in accordance with the recommendations of the United States Commission on Ocean Policy in its final report, develop a comprehensive and effective process for determining whether and under what circumstances damaged vessels may seek a place of refuge in the United States suitable to the specific nature of distress each vessel is experiencing.

(b) REPORT.—The Commandant of the Coast Guard shall transmit a report annually to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure describing the process established and any cases in which a vessel was provided with a place of refuge in the preceding year.

(c) PLACE OF REFUGE DEFINED.—In this section, the term "place of refuge" means a place where a ship in need of assistance can take action to enable it to stabilize its condition and reduce the hazards to navigation and to protect human life and the environment.

SEC. 302. IMPLEMENTATION OF INTERNATIONAL AGREEMENTS.

The Secretary of the department in which the Coast Guard is operating shall, in consultation with appropriate Federal agencies, work with the responsible officials and agencies of other Nations to accelerate efforts at the International Maritime Organization to enhance flag State oversight and enforcement of security, environmental, and other agreements adopted within the International Maritime Organization, including implementation of—

(1) a code outlining flag State responsibilities and obligations;

(2) an audit regime for evaluating flag State performance;

(3) measures to ensure that responsible organizations, acting on behalf of flag States, meet established performance standards; and

(4) cooperative arrangements to improve enforcement on a bilateral, regional or international basis.

SEC. 303. VOLUNTARY MEASURES FOR REDUCING POLLUTION FROM RECREATIONAL BOATS.

The Secretary of the department in which the Coast Guard is operating shall, in consultation with appropriate Federal, State, and local government agencies, undertake outreach programs for educating the owners and operators of boats using two-stroke engines about the pollution associated with such engines, and shall support voluntary programs to reduce such pollution and that encourage the early replacement of older two-stroke engines.

SEC. 304. INTEGRATION OF VESSEL MONITORING SYSTEM DATA.

The Secretary of the department in which the Coast Guard is operating shall integrate vessel monitoring system data into its maritime operations databases for the purpose of improving monitoring and enforcement of Federal fisheries laws, and shall work with the Undersecretary of Commerce for Oceans and Atmosphere to ensure effective use of such data for monitoring and enforcement.

SEC. 305. FOREIGN FISHING INCURSIONS.

(a) IN GENERAL.—No later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on steps that the Coast Guard will take to significantly improve the Coast Guard's detection and interdiction of illegal incursions into the United States exclusive economic zone by foreign fishing vessels.

(b) SPECIFIC ISSUES TO BE ADDRESSED.—The report shall—

(1) focus on areas in the exclusive economic zone where the Coast Guard has failed to detect or interdict such incursions in the 4 fiscal year period beginning with fiscal year 2000, including the Western/Central Pacific; and

(2) include an evaluation of the potential use of unmanned aircraft and offshore platforms for detecting or interdicting such incursions.

(c) BIENNIAL UPDATES.—The Secretary shall provide biannual reports updating the Coast Guard's progress in detecting or interdicting such incursions to the Senate Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

TITLE IV—COAST GUARD PERSONNEL, FINANCIAL, AND PROPERTY MANAGEMENT

SEC. 401. RESERVE OFFICER DISTRIBUTION.

Section 724 of title 14, United States Code, is amended—

(1) by inserting "Reserve officers on an Active-duty list shall not be counted as part of the authorized number of officers in the Reserve." after "5,000." in subsection (a); and

(2) by striking so much of subsection (b) as precedes paragraph (2) and inserting the following:

"(b)(1) The Secretary shall, at least once a year, make a computation to determine the number of Reserve officers in an active status authorized to be serving in each grade. The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving in an active status on the date the computation is made. The number of Reserve officers in an active status below the grade of rear admiral (lower half) shall be distributed by pay grade so as not to exceed percentages of commissioned officers authorized by section 42(b) of this title. When the actual number of Reserve officers in an active status in a particular pay grade is less than the maximum percentage authorized, the difference may be applied to the number in the next lower grade. A Reserve officer may not be reduced in rank or grade solely because of a reduction in an authorized number as provided for in this subsection, or because an excess results directly from the operation of law.".

SEC. 402. COAST GUARD BAND DIRECTOR.

(a) BAND DIRECTOR APPOINTMENT AND GRADE.—Section 336 of title 14, United States Code, is amended—

(1) by striking the first sentence of subsection (b) and inserting "The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications.";

(2) by striking "a member so designated" in the second sentence of subsection (b) and inserting "an individual so designated";

(3) by striking "of a member" in subsection (c) and inserting "of an individual";

(4) by striking "of lieutenant (junior grade) or lieutenant." in subsection (c) and inserting "determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual.";

(5) by striking "A member" in subsection (d) and inserting "An individual"; and

(6) by striking "When a member's designation is revoked,"in subsection (e) and inserting "When an individual's designation is revoked,".

(b) CURRENT DIRECTOR.—The incumbent Coast Guard Band Director on the date of enactment of this Act may be immediately promoted to a commissioned grade, not to exceed captain, determined by the Secretary of the department in which the Coast Guard is operating to be most appropriate to the qualifications and experience of that individual.

SEC. 403. RESERVE RECALL AUTHORITY.

Section 712 of title 14, United States Code, is amended—

(1) by striking "during" in subsection (a) and inserting "during, or to aid in prevention of an imminent,";

(2) by striking "or catastrophe," in subsection (a) and inserting "catastrophe, act of terrorism (as defined in section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))), or transportation security incident as defined in section 70101 of title 46, United States Code,";

(3) by striking "thirty days in any four month period" in subsection (a) and inserting "60 days in any 4-month period";

(4) by striking "sixty days in any two-year period" in subsection (a) and inserting "120 days in any 2-year period"; and

(5) by adding at the end the following:

"(e) For purposes of calculating the duration of active duty allowed pursuant to subsection (a), each period of active duty shall begin on the first day that a member reports to active duty, including for purposes of training.".

SEC. 404. EXPANSION OF EQUIPMENT USED BY AUXILIARY TO SUPPORT COAST GUARD MISSIONS.

(a) MOTORIZED VEHICLE AS FACILITY.—Section 826 of title 14, United States Code, is amended—

(1) by inserting "(a)" before "Members"; and

(2) adding at the end the following:

"(b) The Coast Guard may utilize to carry out its functions and duties as authorized by the Secretary any motorized vehicle placed at its disposition by any member of the auxiliary, by any corporation, partnership, or association, or by any State or political subdivision thereof to tow government property.".

(b) APPROPRIATIONS FOR FACILITIES.—Section 830(a) of title 14, United States Code, is amended by striking "or radio station" each place it appears and inserting "radio station, or motorized vehicle utilized under section 826(b)".

SEC. 405. AUTHORITY FOR ONE-STEP TURNKEY DESIGN-BUILD CONTRACTING.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

"§ 677. Turn-key selection procedures

"(a) AUTHORITY TO USE.—The Secretary may use one-step turn-key selection procedures for the purpose of entering into contracts for construction projects.

"(b) DEFINITIONS.—In this section—

"(1) ONE-STEP TURN-KEY SELECTION PROCEDURES.—The term 'one-step turn-key selection procedures' means procedures used for the selection of a contractor on the basis of price and other evaluation criteria to perform, in accordance with the provisions of a firm fixed-price contract, both the design and construction of a facility using performance specifications supplied by the Secretary.

"(2) CONSTRUCTION.—The term 'construction' includes the construction, procurement, development, conversion, or extension, of any facility.

"(3) FACILITY.—The term 'facility' means a building, structure, or other improvement to real property.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 17 of title 14, United States Code, is amended by inserting after the item relating to section 676 the following:

"677. Turn-key selection procedures".

SEC. 406. OFFICER PROMOTION.

Section 257 of title 14, United States Code, is amended by adding at the end the following:

"(f) The Secretary of the Department in which the Coast Guard is operating may waive subsection (a) of this section to the extent necessary to allow officers described therein to have at least 2 opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.".

SEC. 407. REDESIGNATION OF COAST GUARD LAW SPECIALISTS AS JUDGE ADVOCATES.

(a) Section 801 of title 10, United States Code, is amended—

(1) by striking "The term 'law specialist' " in paragraph (11) and inserting "The term 'judge advocate', in the Coast Guard,";

(2) by striking "advocate; or" in paragraph (13) and inserting "advocate."; and

(3) by striking subparagraph (C) of paragraph (13).

(b) Section 727 of title 14, United States Code, is amended by striking "law specialist" and inserting "judge advocate".

(c) Section 465(a)(2) of the Social Security Act (42 U.S.C. 665(a)(2)) is amended by striking "law specialist" and inserting "judge advocate".

SEC. 408. BOATING SAFETY DIRECTOR.

(a) IN GENERAL.—Subchapter A of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

"§ 337. Director, Office of Boating Safety

"The initial appointment of the Director of the Boating Safety Office shall be in the grade of Captain.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 336 the following:

"337. Director, Office of Boating Safety".

SEC. 409. HANGAR AT COAST GUARD AIR STATION BARBERS POINT.

No later than 180 days after the date of enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall provide the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure with a proposal and cost analysis for constructing an enclosed hangar at Air Station Barbers Point. The proposal should ensure that the hangar has the capacity to shelter current aircraft assets and those projected to be located at the station over the next 20 years.

TITLE V—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 501. GOVERNMENT ORGANIZATION.

Title 5, United States Code, is amended—

(1) by inserting "The Department of Homeland Security." after "The Department of Veterans Affairs." in section 101";

(2) by inserting "the Secretary of Homeland Security," in section 2902(b) after "Secretary of the Interior,"; and

(3) in sections 5520a(k)(3), 5595(h)(5), 6308(b), and 9001(10), by striking "of Transportation" each place it appears and inserting "of Homeland Security".

SEC. 502. WAR AND NATIONAL DEFENSE.

The Soldiers' and Sailors' Civil Relief Act of 1940 (Pub. L. 76-861, 56 Stat. 1178, 50 U.S.C. App. 501 et seq.) is amended—

(1) by striking "Secretary of Transportation" each place it appears in section 515 and inserting "Secretary of Homeland Security"; and

(2) by striking "Secretary of Transportation" in section 530(d) and inserting "Secretary of Homeland Security".

SEC. 503. FINANCIAL MANAGEMENT.

Title 31, United States Code, is amended—

(1) by striking "of Transportation" in section 3321(c) and inserting "of Homeland Security.";

(2) by striking "of Transportation" in section 3325(b) and inserting "of Homeland Security";

(3) by striking "of Transportation" each place it appears in section 3527(b)(1) and inserting "of Homeland Security"; and

(4) by striking "of Transportation" in section 3711(f) and inserting "of Homeland Security".

SEC. 504. PUBLIC CONTRACTS.

Section 11 of title 41, United States Code, is amended by striking "of Transportation" each place it appears and inserting "of Homeland Security".

SEC. 505. PUBLIC PRINTING AND DOCUMENTS.

Sections 1308 and 1309 of title 44, United States Code, are amended by striking "of Transportation" each place it appears and inserting "of Homeland Security".

SEC. 506. SHIPPING.

Title 46, United States Code, is amended—

(1) by striking "a Coast Guard or" in section 2109;

(2) by striking the second sentence of section 6308(a) and inserting "Any employee of the Department of Transportation, and any member of the Coast Guard, investigating a marine casualty pursuant to section 6301 of this title, shall not be subject to deposition or other discovery, or otherwise testify in such proceedings relevant to a marine casualty investigation, without the permission of the Secretary of Transportation for Department of Transportation employees or the Secretary of Homeland Security for military members or civilian employees of the Coast Guard."; and

(3) by striking "of Transportation" in section 13106(c) and inserting "of Homeland Security".

SEC. 507. TRANSPORTATION; ORGANIZATION.

Section 324 of title 49, United States Code, is amended by striking subsection (b); and redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 508. MORTGAGE INSURANCE.

Section 222 of the National Housing Act of 1934 (12 U.S.C. 1715m) is amended by striking "of Transportation" each place it appears and inserting "of Homeland Security".

SEC. 509. ARCTIC RESEARCH.

Section 107(b)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4106(b)(2)) is amended—

(1) by striking "and" after the semicolon in subparagraph (J);

(2) by redesignating subparagraph (K) as subparagraph (L); and

(3) by inserting after subparagraph (J) the following new subparagraph:

"(K) the Department of Homeland Security; and".

SEC. 510. CONSERVATION.

(a) Section 1029(e)(2)(B) of the Bisti/De-Na-Zin Wilderness Expansion and Fossil Protection Act of 1996 (16 U.S.C. 460kkk(e)) is amended by striking "of Transportation" and inserting "of Homeland Security".

(b) Section 312(a)(2)(C) of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2441(c)) is amended by striking "of Transportation" and inserting "of Homeland Security".

SEC. 511. CONFORMING AMENDMENT.

Section 3122 of the Internal Revenue Code of 1986 is amended by striking "Secretary of Transportation" each place it appears and inserting "Secretary of the Department in which the Coast Guard is operating".

SEC. 512. ANCHORAGE GROUNDS.

Section 7 of the Rivers and Harbors Act of 1915 (33 U.S.C. 471) is amended by striking "of Transportation" and inserting "of Homeland Security".

SEC. 513. BRIDGES.

Section 4 of the General Bridge Act of 1906 (33 U.S.C. 491) is amended by striking "of Transportation" and inserting "of Homeland Security".

SEC. 514. LIGHTHOUSES.

(a) Section 1 of Public Law 70-803 (33 U.S.C. 747b) is amended by striking "of Transportation" and inserting "of Homeland Security".

(b) Section 2 of Public Law 65-174 (33 U.S.C. 748) is amended by striking "of Transportation" and inserting "of Homeland Security".

(c) Sections 1 and 2 of Public Law 75-515 (33 U.S.C. 745a, 748a) are amended by striking "of Transportation" each place it appears and inserting "of Homeland Security".

SEC. 515. OIL POLLUTION.

The Oil Pollution Act of 1990 (33 U.S.C. 2701 et. seq.) is amended—

(1) by inserting "Homeland Security," in section 5001(c)(1)(B) (33 U.S.C. 2731(c)(1)(B)) after "the Interior,";

(2) by striking "of Transportation." in section 5002(m)(4) (33 U.S.C. 2732(m)(4)) and inserting "of Homeland Security.";

(3) by striking section 7001(a)(3) (33 U.S.C. 2761(a)(3)) and inserting the following:

"(3) MEMBERSHIP.—

"(A) The Interagency Committee shall include representatives from the Department of Commerce (including the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology), the Department of Energy, the Department of the Interior (including the Minerals Management Service and the United States Fish and Wildlife Service), the Department of Transportation (including the Maritime Administration and the Pipeline and Hazardous Materials Safety Administration), the Department of Defense (including the Army Corps of Engineers and the Navy), the Department of Homeland Security (including the United States Coast Guard and the United States Fire Administration in the Federal Emergency Management Agency), the Environmental Protection Agency, and the National Aeronautics and Space Administration, as well as such other Federal agencies the President may designate.

"(B) A representative of the Department of Transportation shall serve as Chairman."; and .

(4) by striking "other" in section 7001(c)(6) (33 U.S.C. 2761(c)(6)) before "such agencies".

SEC. 516. MEDICAL CARE.

Section 1(g)(4)(B) of the Medical Care Recovery Act of 1962 (42 U.S.C. 2651(g)(4)(B)) is amended by striking "of Transportation," and inserting "of Homeland Security,".

SEC. 517. CONFORMING AMENDMENT TO SOCIAL SECURITY ACT.

Section 201(p)(3) of the Social Security Act (42 U.S.C. 405(p)(3)) is amended by striking "of Transportation" each place it appears and inserting "of Homeland Security".

SEC. 518. SHIPPING.

Section 27 of the Merchant Marine Act of 1920 (46 U.S.C. App. 883) is amended by striking "Satisfactory inspection shall be certified in writing by the Secretary of Transportation" and inserting "Satisfactory inspection shall be certified in writing by the Secretary of Homeland Security.".

SEC. 519. NONTANK VESSELS.

Section 311(a)(26) of the Federal Water Pollution Control Act (33 U.S.C. 1321(A)(26)) is amended to read as follows:

"(26) 'nontank vessel' means a self-propelled vessel—

"(A) of at least 400 gross tons as measured under section 14302 of title 46, United States Code, or, for vessels not measured under that section, as measured under section 14502 of that title;

"(B) other than a tank vessel;

"(C) that carries oil of any kind as fuel for main propulsion; and

"(D) that is a vessel of the United States or that operates on the navigable waters of the United States including all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.".

SEC. 520. DRUG INTERDICTION REPORT.

(a) IN GENERAL.—Section 89 of title 14, United States Code, is amended by adding at the end the following:

"(d) QUARTERLY REPORTS ON DRUG INTERDICTION.—Not later than 30 days after the end of each fiscal year quarter, the Secretary of Homeland Security shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report on all expenditures related to drug interdiction activities of the Coast Guard on an annual basis.".

(b) CONFORMING AMENDMENT.—Section 103 of the Coast Guard Authorization Act of 1996 (14 U.S.C. 89 note) is repealed.

SEC. 521. ACTS OF TERRORISM REPORT.

Section 905 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (46 U.S.C. App. 1802) is amended—

(1) by striking "Not later than February 28, 1987, and annually thereafter, the Secretary of Transportation shall report" and

inserting "The Secretary of Homeland Security shall report annually"; and

(2) by inserting "Beginning with the first report submitted under this section after the date of enactment of the Maritime Transportation Security Act of 2002, the Secretary shall include a description of activities undertaken under title I of that Act and an analysis of the effect of those activities on port security against acts of terrorism." after "ports.".

TITLE VI—EFFECTIVE DATES

SEC. 601. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment.

(b) EXCEPTION.—Sections 501 through 518 of this Act and the amendments made by those sections shall take effect on March 1, 2003.

Ms. CANTWELL. Mr. President, I am pleased to join Chairwoman SNOWE to introduce the Coast Guard Authorization Act of 2005.

Those of us from coastal States are especially aware of the important role of the U.S. Coast Guard in maritime security, marine safety, and search and rescue of mariners. In addition, the Coast Guard is instrumental in protecting our ocean resources through fisheries enforcement and response to oil spills.

We ask a lot of the Coast Guard, and I am grateful to the men and women of the U.S. Coast Guard for their dedication and hard work. In this bill, I believe we have provided the Coast Guard with direction and authorizations that will help them better serve the public and meet the growing demands of the future.

The bill includes authorizations for Fiscal Year 2006 and 2007 appropriations that are approximately 8 percent higher than for each preceding year. The bill also authorizes a number of important new programs including recommendations of the United States Commission on Ocean Policy, makes a number of changes sought by the Coast Guard for personnel and property management, and makes necessary technical corrections resulting from the Coast Guard's move from the Department of Transportation to the Department of Homeland Security.

I am especially pleased that the committee legislation authorizes $47,500,000 for the Coast Guard's continued operation and maintenance of the Nation's only Polar Ice Breaker fleet. The administration's budget for fiscal year 2006 proposed transferring the funding for operation and maintenance of these vessels to the National Science Foundation, while leaving operational responsibility with the Coast Guard. No other Coast Guard asset is funded in this manner. Subjecting the icebreaker program to the budgeting decisions of another federal agency would definitely lead to an uncertain future for the Coast Guard's three icebreakers, ultimately undermining the ability of the Coast Guard to maintain these assets, and threatening the ability of the United States to maintain a presence in the polar regions over the long term. Section 203 of this legislation specifically calls on the Coast Guard to take all necessary measures to maintain its current fleet of polar icebreakers, rather than transferring this responsibility to the NSF.

This bill includes important funding for additional Coast Guard capital improvement priorities including $10,000,000 for the completion of the vessel traffic system upgrade for Puget Sound, one of two regions nationwide that has not yet benefited from this important upgrade in maritime traffic management and safety. This upgraded vessel traffic system will improve vessel traffic efficiency and safety throughout Washington's coastal waters. This funding also includes $3 million for completion of a Coast Guard administrative building on Pier 36 in Seattle that was badly damaged in the Olympia earthquake in 2001. This building is the Command Center for the Coast Guard's Puget Sound search and rescue and homeland security activities and these funds will greatly improve the Coast Guard's capabilities in this area.

I am also pleased that the bill directs the Coast Guard to report to the Commerce Committee on opportunities for, the feasibility of, co-locating Coast Guard assets and personnel at facilities of other armed services branches, and entering into cooperative agreements for carrying out various Coast Guard missions. One such facility where co-location may prove beneficial to both the Coast Guard and the Navy is Naval Station Everett, which will be included in the Coast Guard's evaluation.

In addition, the bill promotes the use of alternative fuels by requiring the Coast Guard to evaluate the feasibility, costs, and potential cost savings of using bio-diesel fuel in new and existing Coast Guard vehicles and vessels, with a focus on ports such as the Port of Seattle with very high vessel traffic density. Bio-diesel and other alternative vehicle fuels are already used by the Army at Fort Lewis, King County Metro Transit, and several school districts and cities in Washington State.

We have included in the bill a provision that would extend a requirement for non-tank vessels of over 400 gross tons, operating in waters out to 12 miles from the U.S., to prepare emergency response plans for oil spills. As we have learned with unfortunate oil spills in the past, such as the recent Daleo Passage Spill, every second matters. Requiring large vessels operating in coastal waters to have an emergency response plan will help prevent oil spill disasters and, in the event of a spill, mitigate their effects through preparedness.

Finally, the bill makes several important changes to the Coast Guard's management of personnel. One of these changes modifies current Coast Guard rules regarding recalling reservists for acts of terrorism and for longer periods of time. This provision ensures that the clock for the length of the recall begins to run on the first day that a reservist reports to active duty, including for training. Another provision ensures that the director of the Boating Safety Office remains a uniformed officer at the level of captain, in response to concerns from the boating safety community that the Coast Guard was eliminating this billet.

Effective Coast Guard operations are important for the State of Washington and for the Nation. I am pleased to join Senators SNOWE, STEVENS, and INOUYE in introducing this legislation and I look forward to working with my colleagues on the Commerce Committee and with the Coast Guard to move this legislation quickly through the Committee and the Senate.

By Mrs. HUTCHISON (for herself and Mr. NELSON of Florida):

S. 1281. A bill to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010; to the Committee on Commerce, Science, and Transportation.

Mrs. HUTCHISON. Mr. President, my friend and colleague, the senior Senator from Florida, and I are today introducing a far-reaching bill to reauthorize the National Aeronautics and Space Administration for 5 years, from fiscal year 2006 through fiscal year 2010.

This legislation is already the product of close bipartisan cooperation among Republicans and Democrats, which should be a surprise to no one, for space exploration is something that is important to all Americans, and promises and provides benefits to all of us, to all of humanity.

This bill represents an important opportunity for the Congress to play its fundamental role, in conjunction with the executive branch, in establishing the policies and principles that will guide our Nation's exploration and utilization of space.

The President has outlined an ambitious new Vision for Exploration that enables us to see where we can be 30 and 40 years ahead, with a renewed US presence on the Moon and crews and habitats on Mars, and perhaps even beyond. I support and endorse that vision and believe it describes a course America must take into the future.

This legislation expresses the sense of the Congress that such a broad, visionary goal is important and necessary to help stimulate our efforts today to develop the capabilities and the skills to reach that goal, and to reap tremendous benefits and rewards for all of us here on Earth as we do.

The bill authorizes funding for NASA for the next 5 fiscal years, from fiscal year 2006 to fiscal year 2010. The authorized levels are close to those requested in the President's budget request for 2006 and increase at a level to keep pace with estimates of inflation over the subsequent years.

Where the legislation differs from the President's request or from the plans that have been developed at NASA to begin the vision for exploration, we believe the adjustments made in this legislation will improve NASA's capability to carry out those plans and to sustain the high level of public and congressional support necessary for the long-term success of the vision for exploration.

Those differences revolve around two major areas of concern: (1) the need to ensure a sustained, continuous ability for the United States to launch crews and cargo into orbit; and (2) the need to maintain our existing commitments to both our international partners and our scientific partners in the International Space Station.

In other areas of space policy and programs, we have included language which expands on the administration proposals. We provide for the establishment, by the President, of a proposed National Policy for Aeronautics and Aeronautical Research, to provide a framework for making intelligent and far-reaching decisions about this crucial aspect of our Nation's ability to remain competitive in the global market of aeronautics. We must know what capabilities must be retained in our present aeronautics research infrastructure and what may be better served by changes that would remove the competition within NASA for limited resources in a constrained budgetary environment. Difficult choices must be made, but the first step in making informed decisions is to have a comprehensive policy framework to guide those decisions.

We endorse and expand, by repeated references in several portions of the bill, the desire to open the door for greater commercial participation in the exploration and utilization of space and space-based assets, from the development of basic launch capabilities, to crew-capable launch vehicles, to resupply and even research management of the International Space Station, and missions to the Moon and Mars, to Earth observation and remote sensing capabilities.

Commercial capabilities have experienced a dramatic upsurge in the recent past which makes this an especially important and promising aspect of this legislation. Just one year ago, on June 21, 2004, SpaceShipOne, built by the private firm of Scaled Composites, flew into the lower reaches of outer space, making pilot Mike Melvill the first civilian to fly a commercially-built spaceship out of the atmosphere and the first private pilot to earn astronaut wings.

As I said earlier, we believe the provisions of this legislation will make it easier for NASA to pursue the vision for exploration. Let me, in conclusion, expand briefly on that statement by referring to two specific areas of interest: the development of a crew exploration vehicle, and the assembly and operation of the International Space Station.

NASA has begun several efforts in the past decade, to develop a replacement vehicle for human space flight, with a view to eventually retiring the space shuttle. Each of them has failed, after considerable expense, to find the technological breakthrough that was necessary for their success. They were focused on new technologies, new systems that were largely untested, and unproven. We are now out of time, and can no longer afford the luxury of attempting to develop a dramatically new and different human space flight capability.

This legislation directs NASA, wherever practical, to use existing technology and industrial capacity, derived from our 24 years of experience with the space shuttle, in developing alternative means for launching crews and cargo into space. This approach promises not only to result in less cost to NASA and less risk of failure in development, but it will enable this nation to avoid an unacceptable—and potentially dangerous—situation where we do not have a capability to launch humans in space, especially at a time when the number of nations who have that capability is increasing, as the entry of China into that long-exclusive "club" has demonstrated.

NASA has said it cannot afford to continue to provide for all the research that has been planned for years to be accomplished aboard the International Space Station. It has begun the process of narrowing the scope of the use of the space station to those experiments that can contribute directly to the needs of the vision for exploration, and the support of human missions to the Moon, Mars, and beyond. This legislation states strongly that such a restriction on the range of research disciplines aboard the ISS is not in the best interests of the Nation, or of our partners.

The bill directs NASA to retain and support those "non-vision" science disciplines, and authorizes an additional $100 million, initially, for NASA to do that. But more importantly, the bill designates the U.S. portion of the ISS as a national laboratory facility, and directs NASA to provide a plan, by March of next year, which will enable a national laboratory, within NASA, to assume research management responsibility for that on-orbit national laboratory facility.

The potential gain for NASA is that the national laboratory will be empowered to bring other, non-NASA, resources to bear in operating the ISS, thus freeing NASA of much of that operational responsibility, while at the same time allowing it to support the specific research it needs for the vision for exploration.

The legislation provides other authorities, as requested by the administration, to facilitate NASA operations and management, and addresses other issues, such as continued monitoring of safety-related issues. While it adds some reporting requirements for NASA, it also eliminates a number of statutory reporting requirements that are no longer necessary.

This legislation to reauthorize NASA is necessary and vital to the future success of our Nation's effort in the exploration of space, and I take great satisfaction in offering it today for the Senate's consideration. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as "National Aeronautics and Space Administration Authorization Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SUBTITLE A—AUTHORIZATIONS

Sec. 101. Fiscal year 2006.
Sec. 102. Fiscal year 2007.
Sec. 103. Fiscal year 2008.
Sec. 104. Fiscal year 2009.
Sec. 105. Fiscal year 2010.
Sec. 106. Evaluation criteria for budget request.

SUBTITLE B—GENERAL PROVISIONS

Sec. 131. Implementation of a science program that extends human knowledge and understanding of the Earth, sun, solar system, and the universe.
Sec. 132. Biennial reports to Congress on science programs.
Sec. 133. Status report on Hubble Space Telescope servicing mission.
Sec. 134. Develop expanded permanent human presence beyond low-Earth orbit.
Sec. 135. Ground-based analog capabilities.
Sec. 136. Space launch and transportation transition, capabilities, and development.
Sec. 137. National policy for aeronautics research and development.
Sec. 138. Identification of unique NASA core aeronautics research.
Sec. 139. Lessons learned and best practices.
Sec. 140. Safety management.
Sec. 141. Creation of a budget structure that aids effective oversight and management.
Sec. 142. Earth observing system.

SUBTITLE C—LIMITATIONS AND SPECIAL AUTHORITY

Sec. 161. Official representational fund.
Sec. 162. Facilities management.

TITLE II—INTERNATIONAL SPACE STATION

Sec. 201. International Space Station completion.
Sec. 202. Research and support capabilities on international Space Station.
Sec. 203. National laboratory status for International Space Station.
Sec. 204. Commercial support of International Space Station operations and utilization.
Sec. 205. Use of the International Space Station and annual report.

TITLE III—NATIONAL SPACE TRANSPORTATION POLICY

Sec. 301. United States human-rated launch capacity assessment.
Sec. 302. Space Shuttle transition.
Sec. 303. Commercial launch vehicles.
Sec. 304. Secondary payload capability.

TITLE IV—ENABLING COMMERCIAL ACTIVITY

Sec. 401. Commercialization plan.
Sec. 402. Authority for competitive prize program to encourage development of advanced space and aeronautical technologies.
Sec. 403. Commercial goods and services.

TITLE V—MISCELLANEOUS ADMINISTRATIVE IMPROVEMENTS

Sec. 501. Extension of indemnification authority.
Sec. 502. Intellectual property provisions.
Sec. 503. Retrocession of jurisdiction.
Sec. 504. Recovery and disposition authority.
Sec. 505. Requirement for independent cost analysis.
Sec. 506. Electronic access to business opportunities.
Sec. 507. Reports elimination.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) It is the policy of the United States to advance United States scientific, security, and economic interests through a healthy and active space exploration program.

(2) Basic and applied research in space science, Earth science, and aeronautics remain a significant part of the Nation's goals for the use and development of space. Basic research and development is an important component of NASA's program of exploration and discovery.

(3) Maintaining the capability to safely send humans into space is essential to United States national and economic security, United States preeminence in space, and inspiring the next generation of explorers. Thus, a gap in United States human space flight capability is harmful to the national interest.

(4) The exploration, development, and permanent habitation of the Moon will—

(A) inspire the Nation;

(B) spur commerce, imagination, and excitement around the world; and

(C) open the possibility of further exploration of Mars.

(5) The establishment of the capability for consistent access to and stewardship of the region between the Moon and Earth is in the national security and commercial interests of the United States.

(6) Commercial development of space, including exploration and other lawful uses, is in the interest of the United States and the international community at large.

(7) Research and access to capabilities to support a national laboratory facility within the United States segment of the ISS in low-Earth orbit are in the national policy interests of the United States, including maintenance and development of an active and healthy stream of research from ground to space in areas that can uniquely benefit from access to this facility.

(8) NASA should develop vehicles to replace the Shuttle orbiter's capabilities for transporting crew and heavy cargo while utilizing the current program's resources, including human capital, capabilities, and infrastructure. Using these resources can ease the transition to a new space transportation system, maintain an essential industrial base, and minimize technology and safety risks.

(9) The United States should remain the world leader in aeronautics and aviation. NASA should align its aerospace research to ensure United States leadership. A national effort is needed to assess NASA's aeronautics programs and infrastructure to allow a consolidated national approach that ensures efficiency and national preeminence in aeronautics and aviation.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Aeronautics and Space Administration.

(2) ISS.—The term "ISS" means the international space station.

(3) NASA.—The term "NASA" means the National Aeronautics and Space Administration.

(4) SHUTTLE-DERIVED VEHICLE.—The term "shuttle-derived vehicle" means any new space transportation vehicle, piloted or unpiloted, that—

(A) is capable of supporting crew or cargo missions; and

(B) uses a major component of NASA's Space Transportation System, such as the solid rocket booster, external tank, engine, and orbiter.

(5) IN-SITU RESOURCE UTILIZATION.—The term "in-situ resource utilization" means the technology or systems that can convert indigenous or locally-situated substances into useful materials and products.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SUBTITLE A—AUTHORIZATIONS

SEC. 101. FISCAL YEAR 2006.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2006 $16,556,400,000, as follows:

(1) For science, aeronautics and exploration, $9,661,000,000 for the following programs (including amounts for construction of facilities).

(2) For exploration capabilities, $6,863,000,000, (including amounts for construction of facilities), which shall be used for space operations, and out of which $100,000,000 shall be used for the purposes of section 202 of this Act.

(3) For the Office of Inspector General, $32,400,000.

SEC. 102. FISCAL YEAR 2007.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2007, $17,052,900,000, as follows:

(1) $10,549,800,000 for science, aeronautics and exploration (including amounts for construction of facilities).

(2) For exploration capabilities, $6,469,600,000, for the following programs (including amounts for construction of facilities), of which $6,469,600,000 shall be for space operations.

(3) For the Office of Inspector General, $33,500,000.

SEC. 103. FISCAL YEAR 2008.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2008, $17,470,900,000.

SEC. 104. FISCAL YEAR 2009.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2009, $17,995,000,000.

SEC. 105. FISCAL YEAR 2010.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2010, $18,534,900,000.

SEC. 106. EVALUATION CRITERIA FOR BUDGET REQUEST.

It is the sense of the Congress that each budget of the United States submitted to the Congress after the date of enactment of this Act should be evaluated for compliance with the findings and priorities established by this Act and the amendments made by this Act.

SUBTITLE B—GENERAL PROVISIONS

SEC. 131. IMPLEMENTATION OF A SCIENCE PROGRAM THAT EXTENDS HUMAN KNOWLEDGE AND UNDERSTANDING OF THE EARTH, SUN, SOLAR SYSTEM, AND THE UNIVERSE.

The Administrator shall—

(1) conduct a rich and vigorous set of science activities aimed at better comprehension of the universe, solar system, and Earth, and ensure that the various areas within NASA's science portfolio are developed and maintained in a balanced and healthy manner;

(2) plan projected Mars exploration activities in the context of planned lunar robotic precursor missions, ensuring the ability to conduct a broad set of scientific investigations and research around and on the Moon's surface;

(3) upon successful completion of the planned return-to-flight schedule of the Space Shuttle, determine the schedule for a Shuttle servicing mission to the Hubble Space Telescope, unless such a mission would compromise astronaut or safety or the integrity of NASA's other missions;

(4) ensure that, in implementing the provisions of this section, appropriate inter-agency and commercial collaboration opportunities are sought and utilized to the maximum feasible extent;

(5) seek opportunities to diversify the flight opportunities for scientific Earth science instruments and seek innovation in the development of instruments that would enable greater flight opportunities;

(6) develop a long term sustainable relationship with the United States commercial remote sensing industry, and, consistent with applicable policies and law, to the maximum practical extent, rely on their services;

(7) in conjunction with United States industry and universities, develop Earth science applications to enhance Federal, State, local, regional, and tribal agencies that use government and commercial remote sensing capabilities and other sources of geospatial information to address their needs; and

(8) plan, develop, and implement a near-Earth object survey program to detect, track, catalogue, and characterize the physical characteristics of near-Earth asteroids and comets in order to assess the threat of such near-Earth objects in impacting the Earth.

SEC. 132. BIENNIAL REPORTS TO CONGRESS ON SCIENCE PROGRAMS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act and every 2 years thereafter, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science setting forth in detail—

(1) the findings and actions taken on NASA's assessment of the balance within its science portfolio and any efforts to adjust that balance among the major program areas, including the areas referred to in section 131;

(2) any activities undertaken by the Administration to conform with the Sun-Earth science and applications direction provided in section 131; and

(3) efforts to enhance near-Earth object detection and observation.

(b) External Review Findings.—The Administrator shall include in each report submitted under this section a summary of findings and recommendations from any external reviews of the Administration's science mission priorities and programs.

SEC. 133. STATUS REPORT ON HUBBLE SPACE TELESCOPE SERVICING MISSION.

Within 60 days after the landing of the second Space Shuttle mission for return-to-flight certification, the Administrator shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science a one-time status report on a Hubble Space Telescope servicing mission.

SEC. 134. DEVELOP EXPANDED PERMANENT HUMAN PRESENCE BEYOND LOW-EARTH ORBIT.

(a) In General.—As part of the programs authorized under the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.), the Administrator shall establish a program to develop a permanently sustained human presence on the Moon, in tandem with an extensive precursor program, to support security, commerce, and scientific pursuits, and as a stepping-stone to future exploration of Mars. The Administrator is further authorized to develop and conduct international collaborations in pursuit of these goals, as appropriate.

(b) Requirements.—In carrying out this section, the Administrator shall—

(1) implement an effective exploration technology program that is focused around the key needs to support lunar human and robotic operations;

(2) as part of NASA's annual budget submission, submit to the Congress the detailed mission, schedule, and budget for key lunar mission-enabling technology areas, including areas for possible innovative governmental and commercial activities and partnerships;

(3) as part of NASA's annual budget submission, submit to the Congress a plan for NASA's lunar robotic precursor and technology programs, including current and planned technology investments and scientific research that support the lunar program; and

(4) conduct an intensive in-situ resource utilization technology program in order to develop the capability to use space resources to increase independence from Earth, and sustain exploration beyond low-Earth orbit.

SEC. 135. GROUND-BASED ANALOG CAPABILITIES.

(a) In General.—The Administrator shall establish a ground-based analog capability in remote United States locations in order to assist in the development of lunar operations, life support, and in-situ resource utilization experience and capabilities.

(b) Locations.—The Administrator shall select locations for subsection (a) in places that—

(1) are regularly accessible;

(2) have significant temperature extremes and range; and

(3) have access to energy and natural resources (including geothermal, permafrost, volcanic, and other potential resources).

(c) Involvement of Local Populations; Private Sector Partners.—In carrying out this section, the Administrator shall involve local populations, academia, and industrial partners as much as possible to ensure that ground-based benefits and applications are encouraged and developed.

SEC. 136. SPACE LAUNCH AND TRANSPORTATION TRANSITION, CAPABILITIES, AND DEVELOPMENT.

(a) Post-Orbiter Transition.—The Administrator shall develop an implementation plan for the transition to a new crew exploration vehicle and heavy-lift launch vehicle that uses the personnel, capabilities, assets, and infrastructure of the Space Shuttle to the fullest extent possible and addresses how NASA will accommodate the docking of the crew exploration vehicle to the ISS.

(b) Automated Rendezvous and Docking.—The Administrator is directed to pursue aggressively automated rendezvous and docking capabilities that can support ISS and other mission requirements and include these activities, progress reports, and plans in the implementation plan.

(c) Congressional Submission.—Within 120 days after the date of enactment of this Act the Administrator shall submit a copy of the implementation plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science.

SEC. 137. NATIONAL POLICY FOR AERONAUTICS RESEARCH AND DEVELOPMENT.

(a) In General.—The President, through the Director of the Office of Science and Technology Policy, shall develop, in consultation with NASA and other relevant Federal agencies, a national aeronautics policy to guide the aeronautics programs of the United States through the year 2020.

(b) Content.—At a minimum the national aeronautics policy shall describe—

(1) national goals for aeronautics research;

(2) the priority areas of research for aeronautics through fiscal year 2011;

(3) the basis of which and the process by which priorities for ensuing fiscal years will be selected; and

(4) respective roles and responsibilities of various Federal agencies in aeronautics research.

(c) National Assessment of Aeronautics Infrastructure and Capabilities.—In developing the national aeronautics policy, the President, through the Director of the Office of Science and Technology Policy, shall conduct a national study of government-owned aeronautics research infrastructure to assess—

(1) uniqueness, mission dependency, and industry need; and

(2) the development or initiation of a consolidated national aviation research, development, and support organization.

(d) Schedule.—No later than 1 year after the date of enactment of this Act, the President's Science Advisor and the Administrator shall submit the national aeronautics policy to the Appropriations Committees of the House of Representatives and the Senate, the House Committee on Science, and the Senate Committee on Commerce, Science, and Transportation.

SEC. 138. IDENTIFICATION OF UNIQUE NASA CORE AERONAUTICS RESEARCH.

Within 180 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science that assesses the aeronautics research program for its current and potential application to new aeronautic and space vehicles and the unique aeronautical research and associated capabilities that must be retained and supported by NASA to further space exploration and support United States economic competitiveness.

SEC 139. LESSONS LEARNED AND BEST PRACTICES

(a) In General.—The Administrator shall provide an implementation plan describing NASA's approach for obtaining, implementing, and sharing lessons learned and best practices for its major programs and projects within 180 days after the date of enactment of this Act. The implementation plan shall be updated and maintained to assure that it is current and consistent with the burgeoning culture of learning and safety that is emerging at NASA.

(b) Required Content.—The implementation plan shall contain as a minimum the lessons learned and best practices requirements for NASA, the organizations or positions responsible for enforcement of the requirements, the reporting structure, and the objective performance measures indicating the effectiveness of the activity.

(c) Incentives.—The Administrator shall provide incentives to encourage sharing and implementation of lessons learned and best practices by employees, projects, and programs; as well as penalties for programs and projects that are determined not to have demonstrated use of those resources.

SEC. 140. SAFETY MANAGEMENT.

Section 6 of the National Aeronautics and Space Administration Authorization Act, 1968 (42 U.S.C. 2477) is amended—

(1) by inserting "(a) In General.—" before "There";

(2) by striking "to it" and inserting "to it, including evaluating NASA's compliance with the return-to-flight and continue-to-fly recommendations of the Columbia Accident Investigation Board,";

(3) by inserting "and the Congress" after "advise the Administrator";

(4) by striking "and with respect to the adequacy of proposed or existing safety standards and shall" and inserting "with respect to the adequacy of proposed or existing safety standards, and with respect to management and culture. The Panel shall also";

(5) by adding at the end the following:

"(b) Annual Report.—The Panel shall submit an annual report to the Administrator and to the Congress. In the first annual report submitted after the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005, the Panel shall include an evaluation of NASA's safety management culture.

"(c) Sense of the Congress.—It is the sense of the Congress that the Administrator should—

"(1) ensure that NASA employees can raise safety concerns without fear of reprisal;

"(2) continue to follow the recommendations of the Columbia Accident Investigation Board for safely returning and continuing to fly; and

"(3) continue to inform the Congress from time to time of NASA's progress in meeting those recommendations.".

SEC. 141. CREATION OF A BUDGET STRUCTURE THAT AIDS EFFECTIVE OVERSIGHT AND MANAGEMENT.

In developing NASA's budget request for inclusion in the Budget of the United States for fiscal year 2007 and thereafter, the Administrator shall—

(1) include line items for—

(A) science, aeronautics, and exploration;

(B) exploration capabilities; and

(C) the Office of the Inspector General;

(2) enumerate separately, within the science, aeronautics, and exploration account, the requests for—

(A) space science;

(B) Earth science; and

(C) aeronautics;

(3) include, within the exploration capabilities account, the requests for—

(A) the Space Shuttle; and

(B) the ISS; and

(4) enumerate separately the specific request for the independent technical authority within the appropriate account.

SEC. 142. EARTH OBSERVING SYSTEM.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and the Director of the United States Geological Survey, shall submit a plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science to ensure the long-term vitality of the earth observing system at NASA.

(b) PLAN REQUIREMENTS.—The plan shall—

(1) address such issues as—

(A) out-year budgetary projections;

(B) technical requirements for the system; and

(C) integration into the Global Earth Observing System of Systems; and

(2) evaluate—

(A) the need to proceed with any NASA missions that have been delayed or canceled;

(B) plans for transferring needed capabilities from some canceled or de-scoped missions to the National Polar-orbiting Environmental Satellite System;

(C) the technical base for exploratory earth observing systems;

(D) the need to strengthen research and analysis programs; and

(E) the need to strengthen the approach to obtaining important climate observations and data records.

(c) EARTH OBSERVING SYSTEM DEFINED.—In this section, the term "earth observing system" means the series of satellites, a science component, and a data system for long-term global observations of the land surface, biosphere, solid Earth, atmosphere, and oceans.

SUBTITLE C—LIMITATIONS AND SPECIAL AUTHORITY

SEC. 161. OFFICIAL REPRESENTATIONAL FUND.

Amounts appropriated pursuant to paragraphs (1) and (2) of section 101 may be used, but not to exceed $70,000, for official reception and representation expenses.

SEC. 162. FACILITIES MANAGEMENT.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may convey, by sale, lease, exchange, or otherwise, including through leaseback arrangements, real and related personal property under the custody and control of the Administration, or interests therein, and retain the net proceeds of such dispositions in an account within NASA's working capital fund to be used for NASA's real property capital needs. All net proceeds realized under this section shall be obligated or expended only as authorized by appropriations Acts. To aid in the use of this authority, NASA shall develop a facilities investment plan that takes into account uniqueness, mission dependency, and other studies required by this Act.

(b) APPLICATION OF OTHER LAW.—Sales transactions under this section are subject to section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411).

(c) NOTICE OF REPROGRAMMING.—If any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the House of Representatives Committee on Science and the Senate Committee on Commerce, Science, and Transportation.

(d) DEFINITIONS.—In this section:

(a) NET PROCEEDS.—The term "net proceeds" means the rental and other sums received less the costs of the disposition.

(2) REAL PROPERTY CAPITAL NEEDS.—The term "real property capital needs" means any expenses necessary and incident to the agency's real property capital acquisitions, improvements, and dispositions.

TITLE II—INTERNATIONAL SPACE STATION

SEC. 201. INTERNATIONAL SPACE STATION COMPLETION.

(a) ELEMENTS, CAPABILITIES, AND CONFIGURATION CRITERIA.—The Administrator shall ensure that the ISS will be able to—

(1) fulfill international partner agreements and provide a diverse range of research capacity, including a high rate of human biomedical research protocols, countermeasures, applied bio-technologies, technology and exploration research, and other priority areas;

(2) have an ability to support crew size of at least 6 persons;

(3) support crew exploration vehicle docking and automated docking of cargo vehicles or modules launched by either heavy-lift or commercially-developed launch vehicles; and

(4) be operated at an appropriate risk level.

(b) CONTINGENCY PLAN.—The transportation plan to support ISS shall include contingency options to ensure sufficient logistics and on-orbit capabilities to support any potential hiatus between Space Shuttle availability and follow-on crew and cargo systems, and provide sufficient pre-positioning of spares and other supplies needed to accommodate any such hiatus.

(c) CERTIFICATION.—Within 180 days after the date of enactment of this Act, and before making any change in the ISS assembly sequence in effect on the date of enactment of this Act, the Administrator shall certify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science NASA's plan to meet the requirements of subsections (a) and (b).

(d) COST LIMITATION FOR THE ISS.—Within 6 months after the date of enactment of this Act, the Administrator shall submit to the Congress information pertaining to the impact of the Columbia accident and the implementation of full cost accounting on the development costs of the International Space Station. The Administrator shall also identify any statutory changes needed to section 202 of the NASA Authorization Act of 2000 to address those impacts.

SEC. 202. RESEARCH AND SUPPORT CAPABILITIES ON INTERNATIONAL SPACE STATION.

(a) IN GENERAL.—The Administrator shall—

(1) within 60 days after the date of enactment of this Act, provide an assessment of biomedical and life science research planned for implementation aboard the ISS that includes the identification of research which can be performed in ground-based facilities and then, if appropriate, validated in space to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science;

(2) ensure the capacity to support ground-based research leading to spaceflight of scientific research in a variety of disciplines with potential direct national benefits and applications that can advance significantly from the uniqueness of micro-gravity;

(3) restore and protect such potential ISS research activities as molecular crystal growth, animal research, basic fluid physics, combustion research, cellular biotechnology, low temperature physics, and cellular research at a level which will sustain the existing scientific expertise and research capabilities until such time as additional funding or resources from sources other than NASA can be identified to support these activities within the framework of the National Laboratory provided for in section 203 of this Act; and

(4) within 1 year after the date of enactment of this Act, develop a research plan that will demonstrate the process by which NASA will evolve the ISS research portfolio in a manner consistent with the planned growth and evolution of ISS on-orbit and transportation capabilities.

(b) MAINTENANCE OF ON-ORBIT ANALYTICAL CAPABILITIES.—The Administrator shall ensure that on-orbit analytical capabilities to support diagnostic human research, as well as on-orbit characterization of molecular crystal growth, cellular research, and other research products and results are developed and maintained, as an alternative to Earth-based analysis requiring the capability of returning research products to Earth.

(c) ASSESSMENT OF POTENTIAL SCIENTIFIC USES.—The Administrator shall assess further potential possible scientific uses of the ISS for other applications, such as technology development, development of manufacturing processes, Earth observation and characterization, and astronomical observations.

(d) TRANSITION TO PUBLIC-PRIVATE RESEARCH OPERATIONS.—By no later than the date on which the assembly of the ISS is complete (as determined by the Administrator), the Administrator shall initiate steps to transition research operations on the ISS to a greater private–public operating relationship pursuant to section 203 of this Act.

SEC. 203. NATIONAL LABORATORY STATUS FOR INTERNATIONAL SPACE STATION.

(a) IN GENERAL.—In order to accomplish the objectives listed in section 202, the United States segment of the ISS is hereby designated a national laboratory facility. The Administrator, after consultation with the Director of the Office of Science and Technology Policy, shall develop the national laboratory facility to oversee scientific utilization of an ISS national laboratory within the organizational structure of NASA.

(b) NATIONAL LABORATORY FUNCTIONS.—The Administrator shall seek to use the national laboratory to increase the utilization of the ISS by other national and commercial users and to maximize available NASA funding for research through partnerships, cost-sharing agreements, and arrangements with non-NASA entities.

(c) IMPLEMENTATION PLAN.—Within 1 year after the date of enactment of this Act, the Administrator shall provide an implementation plan to the Senate Committee on Commerce, Science, and Transportation and the

House of Representatives Committee on Science for establishment of the ISS national laboratory facility which, at a minimum, shall include—

(1) proposed on-orbit laboratory functions;

(2) proposed ground-based laboratory facilities;

(3) detailed laboratory management structure, concept of operations, and operational feasibility;

(4) detailed plans for integration and conduct of ground and space-based research operations;

(5) description of funding and workforce resource requirements necessary to establish and operate the laboratory;

(6) plans for accommodation of existing international partner research obligations and commitments; and

(7) detailed outline of actions and timeline necessary to implement and initiate operations of the laboratory.

(d) U.S. SEGMENT DEFINED.—In this section the term "United States Segment of the ISS" means those elements of the ISS manufactured—

(1) by the United States; or

(2) for the United States by other nations in exchange for funds or launch services.

SEC. 204. COMMERCIAL SUPPORT OF INTERNATIONAL SPACE STATION OPERATIONS AND UTILIZATION.

The Administrator shall purchase commercial services for support of the ISS for cargo and other needs to the maximum extent possible, in accordance with Federal procurement law.

SEC. 205. USE OF THE INTERNATIONAL SPACE STATION AND ANNUAL REPORT.

(a) POLICY.—It is the policy of the United States—

(1) to ensure diverse and growing utilization of benefits from the ISS; and

(2) to increase commercial operations in low-Earth orbit and beyond that are supported by national and commercial space transportation capabilities.

(b) USE OF INTERNATIONAL SPACE STATION.—The Administrator shall conduct broadly focused scientific and exploration research and development activities using the ISS in a manner consistent with the provisions of this title, and advance the Nation's exploration of the Moon and beyond, using the ISS as a test-bed and outpost for operations, engineering, and scientific research.

(c) REPORTS.—No later than March 31 of each year the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the use of the ISS for these purposes, with implementation milestones and associated results.

TITLE III—NATIONAL SPACE TRANSPORTATION POLICY

SEC. 301. UNITED STATES HUMAN-RATED LAUNCH CAPACITY ASSESSMENT.

Notwithstanding any other provision of law, the Administrator shall, within 60 days after the date of enactment of this Act, provide to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science, a full description of the transportation requirements needed to support the space launch and transportation transition implementation plan required by section 136 of this Act, as well as for the ISS, including—

(1) the manner in which the capabilities of any proposed human-rated crew and launch vehicles meet the requirements of the implementation plan under section 136 of this Act;

(2) a retention plan of skilled personnel from the legacy Shuttle program which will sustain the level of safety for that program through the final flight and transition plan that will ensure that any NASA programs can utilize the human capital resources of the Shuttle program, to the maximum extent practicable;

(3) the implications for and impact on the Nation's aerospace industrial base;

(4) the manner in which the proposed vehicles contribute to a national mixed fleet launch and flight capacity;

(5) the nature and timing of the transition from the Space Shuttle to the workforce, the proposed vehicles, and any related infrastructure;

(6) support for ISS crew transportation, ISS utilization, and lunar exploration architecture;

(7) for any human rated vehicle, a crew escape system, as well as substantial protection against orbital debris strikes that offers a high level of safety;

(8) development risk areas;

(9) the schedule and cost;

(10) the relationship between crew and cargo capabilities; and

(11) the ability to reduce risk through the use of currently qualified hardware.

SEC. 302. SPACE SHUTTLE TRANSITION.

(a) IN GENERAL.—In order to ensure continuous human access to space, the Administrator may not retire the Space Shuttle orbiter until a replacement human-rated spacecraft system has demonstrated that it can take humans into Earth orbit and return them safely, except as may be provided by law enacted after the date of enactment of this Act. The Administrator shall conduct the transition from the Space Shuttle orbiter to a replacement capability in a manner that uses the personnel, capabilities, assets, and infrastructure of the current Space Shuttle program to the maximum extent feasible.

(b) REPORT.—After providing the information required by section 301 to the Committees, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science containing a detailed and comprehensive Space Shuttle transition plan that includes any necessary recertification, including requirements, assumptions, and milestones, in order to utilize the Space Shuttle orbiter beyond calendar year 2010.

(c) CONTRACT TERMINATIONS; VENDOR REPLACEMENTS.—The Administrator may not terminate any contracts nor replace any vendors associated with the Space Shuttle until the Administrator transmits the report required by subsection (b) to the Committees.

SEC. 303. COMMERCIAL LAUNCH VEHICLES.

It is the sense of Congress that the Administrator should use current and emerging commercial launch vehicles to fulfill appropriate mission needs, including the support of low-Earth orbit and lunar exploration operations.

SEC. 304. SECONDARY PAYLOAD CAPABILITY.

In order to help develop a cadre of experienced engineers and to provide more routine and affordable access to space, the Administrator shall provide the capabilities to support secondary payloads on United States launch vehicles, including free flyers, for satellites or scientific payloads weighing less than 500 kilograms.

TITLE IV—ENABLING COMMERCIAL ACTIVITY

SEC. 401. COMMERCIALIZATION PLAN.

(a) IN GENERAL.—The Administrator, in consultation with the Associate Administrator for Space Transportation of the Federal Aviation Administration, the Director of the Office of Space Commercialization of the Department of Commerce, and any other relevant agencies, shall develop a commercialization plan to support the human missions to the Moon and Mars, to support Low-Earth Orbit activities and Earth science mission and applications, and to transfer science research and technology to society. The plan shall identify opportunities for the private sector to participate in the future missions and activities, including opportunities for partnership between NASA and the private sector in the development of technologies and services.

(b) REPORT.—Within 180 days after the date of enactment of this Act, the Administrator shall submit a copy of the plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science.

SEC. 402. AUTHORITY FOR COMPETITIVE PRIZE PROGRAM TO ENCOURAGE DEVELOPMENT OF ADVANCED SPACE AND AERONAUTICAL TECHNOLOGIES.

Title III of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the end the following:

"SEC. 316. PROGRAM ON COMPETITIVE AWARD OF PRIZES TO ENCOURAGE DEVELOPMENT OF ADVANCED SPACE AND AERONAUTICAL TECHNOLOGIES.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Administrator may carry out a program to award prizes to stimulate innovation in basic and applied research, technology development, and prototype demonstration that have the potential for application to the performance of the space and aeronautical activities of the Administration.

"(2) USE OF PRIZE AUTHORITY.—In carrying out the program, the Administrator shall seek to develop and support technologies and areas identified in section 134 of this Act or other areas that the Administrator determines to be providing impetus to NASA's overall exploration and science architecture and plans, such as private efforts to detect near Earth objects and, where practicable, utilize the prize winner's technologies in fulfilling NASA's missions. The Administrator shall widely advertise any competitions conducted under the program and must include advertising to research universities.

"(3) COORDINATION.—The program shall be implemented in compliance with section 138 of the National Aeronautics and Space Administration Authorization Act of 2005.

"(b) PROGRAM REQUIREMENTS.—

"(1) COMPETITIVE PROCESS.—Recipients of prizes under the program under this section shall be selected through one or more competitions conducted by the Administrator.

"(2) ADVERTISING.—The Administrator shall widely advertise any competitions conducted under the program.

"(c) REGISTRATION; ASSUMPTION OF RISK.—

"(1) REGISTRATION.—Each potential recipient of a prize in a competition under the program under this section shall register for the competition.

"(2) ASSUMPTION OF RISK.—In registering for a competition under paragraph (1), a potential recipient of a prize shall assume any and all risks, and waive claims against the United States Government and its related entities, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in the competition, whether such injury, death, damage, or loss arises through negligence or otherwise, except in the case of willful misconduct.

"(3) Related entity defined.—In this subsection, the term 'related entity' includes a contractor or subcontractor at any tier, a supplier, user, customer, cooperating party, grantee, investigator, or detailee.

"(d) Limitations.—

"(1) Total amount.—The total amount of cash prizes available for award in competitions under the program under this section in any fiscal year may not exceed $50,000,000.

"(2) Approval required for large prizes.—No competition under the program may result in the award of more than $1,000,000 in cash prizes without the approval of the Administrator or a designee of the Administrator.

"(e) Relationship to Other Authority.—The Administrator may utilize the authority in this section in conjunction with or in addition to the utilization of any other authority of the Administrator to acquire, support, or stimulate basic and applied research, technology development, or prototype demonstration projects.

"(f) Availability of Funds.—Funds appropriated for the program authorized by this section shall remain available until expended.".

SEC. 403. COMMERCIAL GOODS AND SERVICES.

It is the sense of the Congress that NASA should purchase commercially available space goods and services to the fullest extent feasible in support of the human missions beyond Earth and should encourage commercial use and development of space to the greatest extent practicable.

TITLE V—MISCELLANEOUS ADMINISTRATIVE IMPROVEMENTS

SEC. 501. EXTENSION OF INDEMNIFICATION AUTHORITY.

Section 309 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2458c) is amended by striking "December 31, 2002" and inserting "December 31, 2007", and by striking "September 30, 2005" and inserting "December 31, 2009".

SEC. 502. INTELLECTUAL PROPERTY PROVISIONS.

Section 305 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457 et seq.), is amended by inserting after subsection (f) the following:

"(g) Assignment of Patent Rights, Etc.—

"(1) In general.—Under agreements entered into pursuant to paragraph (5) or (6) of section 203(c) of this Act (42 U.S.C. 2473(c)(5) or (6)), the Administrator may—

"(A) grant or agree to grant in advance to a participating party, patent licenses or assignments, or options thereto, in any invention made in whole or in part by an Administration employee under the agreement; or

"(B) subject to section 209 of title 35, grant a license to an invention which is Federally owned, for which a patent application was filed before the signing of the agreement, and directly within the scope of the work under the agreement, for reasonable compensation when appropriate.

"(2) Exclusivity.—The Administrator shall ensure, through such agreement, that the participating party has the option to choose an exclusive license for a pre-negotiated field of use for any such invention under the agreement or, if there is more than 1 participating party, that the participating parties are offered the option to hold licensing rights that collectively encompass the rights that would be held under such an exclusive license by one party.

"(3) Conditions.—In consideration for the Government's contribution under the agreement, grants under this subsection shall be subject to the following explicit conditions:

"(A) A nonexclusive, nontransferable, irrevocable, paid-up license from the participating party to the Administration to practice the invention or have the invention practiced throughout the world by or on behalf of the Government. In the exercise of such license, the Government shall not publicly disclose trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552 (b)(4) of title 5, United States Code, or which would be considered as such if it had been obtained from a non-Federal party.

"(B) If the Administration assigns title or grants an exclusive license to such an invention, the Government shall retain the right—

"(i) to require the participating party to grant to a responsible applicant a nonexclusive, partially exclusive, or exclusive license to use the invention in the applicant's licensed field of use, on terms that are reasonable under the circumstances; or

"(ii) if the participating party fails to grant such a license, to grant the license itself.

"(C) The Government may exercise its right retained under subparagraph (B) only in exceptional circumstances and only if the Government determines that—

"(i) the action is necessary to meet health or safety needs that are not reasonably satisfied by the participating party;

"(ii) the action is necessary to meet requirements for public use specified by Federal regulations, and such requirements are not reasonably satisfied by the participating party; or

"(iii) the action is necessary to comply with an agreement containing provisions described in section 12(c)(4)(B) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(4)(B)).

"(4) Appeal and review of determination.—A determination under paragraph (3)(C) is subject to administrative appeal and judicial review under section 203(b) of title 35, United States Code.".

SEC. 503. RETROCESSION OF JURISDICTION.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 502 of this Act, is further amended by adding at the end the following:

"SEC. 317. RETROCESSION OF JURISDICTION.

"Notwithstanding any other provision of law, the Administrator may, whenever the Administrator considers it desirable, relinquish to a State all or part of the legislative jurisdiction of the United States over lands or interests under the Administrator's control in that State. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State may otherwise provide.".

SEC. 504. RECOVERY AND DISPOSITION AUTHORITY.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 603 of this Act, is further amended by adding at the end the following:

"SEC. 318. RECOVERY AND DISPOSITION AUTHORITY.

"(a) In General.—

"(1) Control of remains.—Subject to paragraph (2), when there is an accident or mishap resulting in the death of a crewmember of a NASA human space flight vehicle, the Administrator may take control over the remains of the crewmember and order autopsies and other scientific or medical tests.

"(2) Treatment.—Each crewmember shall provide the Administrator with his or her preferences regarding the treatment accorded to his or her remains and the Administrator shall, to the extent possible, respect those stated preferences.

"(b) Definitions.—In this section:

"(1) Crewmember.—The term 'crewmember' means an astronaut or other person assigned to a NASA human space flight vehicle.

"(2) NASA human space flight vehicle.—The term 'NASA human space flight vehicle' means a space vehicle, as defined in section 308(f)(1), that—

"(A) is intended to transport 1 or more persons;

"(B) designed to operate in outer space; and

"(C) is either owned by NASA, or owned by a NASA contractor or cooperating party and operated as part of a NASA mission or a joint mission with NASA.".

SEC. 505. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

Section 301 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2459g) amended—

(1) by striking "Phase B" in subsection (a) and inserting "implementation";

(2) by striking "$150,000,000" in subsection (a) and inserting "$250,000,000";

(3) by striking "Chief Financial Officer" each place it appears in subsection (a) and inserting "Administrator";

(4) by inserting "and consider" in subsection (a) after "shall conduct"; and

(5) by striking subsection (b) and inserting the following:

"(b) Implementation Defined.—In this section, the term 'implementation' means all activity in the life cycle of a program or project after preliminary design, independent assessment of the preliminary design, and approval to proceed into implementation, including critical design, development, certification, launch, operations, disposal of assets, and, for technology programs, development, testing, analysis and communication of the results to the customers.".

SEC. 506. ELECTRONIC ACCESS TO BUSINESS OPPORTUNITIES.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 604 of this Act, is further amended by adding at the end the following:

"SEC. 319. ELECTRONIC ACCESS TO BUSINESS OPPORTUNITIES.

"(a) In General.—The Administrator may implement a pilot program providing for reduction in the waiting period between publication of notice of a proposed contract action and release of the solicitation for procurements conducted by the National Aeronautics and Space Administration.

"(b) Applicability.—The program implemented under subsection (a) shall apply to non-commercial acquisitions—

"(1) with a total value in excess of $100,000 but not more than $5,000,000, including options;

"(2) that do not involve bundling of contract requirements as defined in section 3(o) of the Small Business Act (15 U.S.C. 632(o)); and

"(3) for which a notice is required by section 8(e) of the Small Business Act (15 U.S.C. 637(e)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)).

"(c) Notice.—

"(1) Notice of acquisitions subject to the program authorized by this section shall be made accessible through the single Government-wide point of entry designated in the

Federal Acquisition Regulation, consistent with section 30(c)(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 426(c)(4)).

"(2) Providing access to notice in accordance with paragraph (1) satisfies the publication requirements of section 8(e) of the Small Business Act (15 U.S.C. 637(e)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)).

"(d) SOLICITATION.—Solicitations subject to the program authorized by this section shall be made accessible through the Government-wide point of entry, consistent with requirements set forth in the Federal Acquisition Regulation, except for adjustments to the wait periods as provided in subsection (e).

"(e) WAIT PERIOD.—

"(1) Whenever a notice required by section 8(e)(1)(A) of the Small Business Act (15 U.S.C. 637(e)(1)(A)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)) is made accessible in accordance with subsection (c) of this section, the wait period set forth in section 8(e)(3)(A) of the Small Business Act (15 U.S.C. 637(e)(3)(A)) and section 18(a)(3)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(3)(A)), shall be reduced by 5 days. If the solicitation applying to that notice is accessible electronically in accordance with subsection (d) simultaneously with issuance of the notice, the wait period set forth in section 8(e)(3)(A) of the Small Business Act (15 U.S.C. 637(e)(3)(A)) and section 18(a)(3)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(3)(A)) shall not apply and the period specified in section 8(e)(3)(B) of the Small Business Act and section 18(a)(3)(B) of the Office of Federal Procurement Policy Act for submission of bids or proposals shall begin to run from the date the solicitation is electronically accessible.

"(2) When a notice and solicitation are made accessible simultaneously and the wait period is waived pursuant to paragraph (1), the deadline for the submission of bids or proposals shall be not less than 5 days greater than the minimum deadline set forth in section 8(e)(3)(B) of the Small Business Act (15 U.S.C. 637(e)(3)(B)) and section 18(a)(3)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(3)(B)).

"(f) IMPLEMENTATION.—

"(1) Nothing in this section shall be construed as modifying regulatory requirements set forth in the Federal Acquisition Regulation, except with respect to—

"(A) the applicable wait period between publication of notice of a proposed contract action and release of the solicitation; and

"(B) the deadline for submission of bids or proposals for procurements conducted in accordance with the terms of this pilot program.

"(2) This section shall not apply to the extent the President determines it is inconsistent with any international agreement to which the United States is a party.

"(g) STUDY.—Within 18 months after the effective date of the program, NASA, in coordination with the Small Business Administration, the General Services Administration, and the Office of Management and Budget, shall evaluate the impact of the pilot program and submit to Congress a report that—

"(1) sets forth in detail the results of the test, including the impact on competition and small business participation; and

"(2) addresses whether the pilot program should be made permanent, continued as a test program, or allowed to expire.

"(h) REGULATIONS.—The Administrator shall publish proposed revisions to the NASA Federal Acquisition Regulation Supplement necessary to implement this section in the Federal Register not later than 120 days after the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005. The Administrator shall—

"(1) make the proposed regulations available for public comment for a period of not less than 60 days; and

"(2) publish final regulations in the Federal Register not later than 240 days after the date of enactment of that Act.

"(i) EFFECTIVE DATE.—

"(1) IN GENERAL.—The pilot program authorized by this section shall take effect on the date specified in the final regulations promulgated pursuant to subsection (h)(2).

"(2) LIMITATION.—The date so specified shall be no less than 30 days after the date on which the final regulation is published.

"(j) EXPIRATION OF AUTHORITY.—The authority to conduct the pilot program under subsection (a) and to award contracts under such program shall expire 2 years after the effective date established in the final regulations published in the Federal Register under subsection (h)(2).".

SEC. 507. REPORTS ELIMINATION.

(a) REPEALS.—The following provisions of law are repealed:

(1) Section 201 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2451 note).

(2) Section 304(d) of the Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992 (49 U.S.C. 47508 note).

(3) Section 323 of the National Aeronautics and Space Administration Authorization Act of 2000.

(b) AMENDMENTS.—

(1) Section 315 of the National Aeronautics and Space Administration Act of 1958 (42 U.S.C. 2459j) is amended by striking subsection (a) and redesignating subsections (b) through (f) as subsections (a) through (e).

(2) Section 315(a) of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (42 U.S.C. 2487a(c)) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

Mr. NELSON of Florida. Mr. President, I am pleased to join Senator HUTCHISON today in sponsoring a NASA Authorization Act that provides policy guidance for keeping NASA on track to achieve their objectives; and to ensure that there is a good balance between the different activities that NASA performs.

As chair and ranking member of the Commerce Committee's Subcommittee on Science and Space, Senator HUTCHISON and I believe that through this bill, Congress can provide constructive support to the good work being done by Administrator Michael Griffin, as they begin to implement the President's vision and prepare NASA for the challenges of the future.

This is a 5-year bill, authorizing NASA from 2006 through 2010. It authorizes NASA appropriations in excess of the President's Budget Request.

For fiscal year 2006, the President requested $16.456 billion, which is a 2.4 percent increase over the fiscal year 2005 NASA operating budget. This bill authorizes $16.556 billion for fiscal year 2006, which is a 3.0 percent increase over the fiscal year 2005 NASA operating budget. This bill authorizes increases at a level of about 3 percent each year, consistently providing more funding than the President's budget projection.

Like many of our colleagues, we believe that recent NASA budget requests have been below the levels required for NASA to perform its various missions effectively. Once this bill is enacted, we intend to work with the Appropriations Committee to ensure that adequate funds are provided for NASA to succeed.

This legislation authorizes NASA to return humans to the Moon, to explore it, and to maintain a human presence on the Moon. Consistent with the President's vision, it also requires using what we learn and develop on the Moon as a stepping-stone to future exploration of Mars.

To carry out these missions, our bill requires NASA to develop an implementation plan for the transition from shuttle to crew exploration vehicle, CEV. The plan will help NASA to make a smooth transition from retirement of the space shuttle orbiters to the replacement spacecraft systems. The implementation plan will help make sure that we can keep the skills and the focus that are needed to assure that each space shuttle flight is safe through retirement of the orbiters, and to retain those personnel needed for the CEV and heavy lift cargo spacecraft.

It is essential to our national security that we prevent any hiatus or gap in which the United States cannot send astronauts to space without relying on a foreign country. The Russians have been good partners in construction of the international space station, and the Soyuz spacecraft has been a reliable vehicle for our astronauts. But with all of the uncertainties in our relationship with Russia, we simply cannot allow ourselves the vulnerability of being totally dependent on the Soyuz. We need to maintain assured access to space by U.S. astronauts on a continuous basis. We therefore require in this legislation, that there not be a hiatus between the retirement of the space shuttle orbiters and the availability of the next generation U.S. human-rated spacecraft.

We recognize that NASA has some concerns regarding our position on a hiatus, and we are aware of Dr. Griffin's efforts to reduce the potential for a gap. We will work with NASA as this legislation moves forward to ensure that a compromise is reached that is mutually satisfying. This provision does not unduly tie the Administrator's hands, while still guaranteeing us assured access to space.

Our bill directs NASA to plan for and consider a Hubble servicing mission after the 2 space shuttle return to flight missions have been completed.

Americans are inspired by the images that Hubble produces. The new instruments to be added during the SM-4 Hubble servicing mission will produce higher quality images; enable us to see further into space; and give scientists a better understanding of our Universe's past, and perhaps of our future. The replacement gyroscopes and batteries that are planned for the mission will extend Hubble's life by 5 or more years.

This NASA authorization bill calls for utilization of the international space station for basic science as well as exploration science. It is important that we reap the benefits of our multibillion dollar investment in the space station. The promise of some basic science research requires a microgravity or a space environment for us to better understand the problem that we are trying to solve. This bill ensures that NASA will maintain a focus on the importance of basic science.

This bill directs NASA to improve its safety culture. According to the Columbia Accident Investigation Board, CAIB, report, the safety culture at NASA was as much a cause of the Columbia tragedy as the physical cause. Low and mid-level personnel felt that you could not elevate safety concerns without reprisals, or being ignored. NASA has already taken significant steps to address these problems, but we need to assure that the safety culture improves as quickly as possible and that it continues to improve.

This legislation proposes that the Aerospace Safety Advisory Panel monitor and measure NASA's improvements to their safety culture, including employees' fear of reprisals for voicing concerns about safety.

It also contains policy regarding NASA's need to consider and implement lessons learned, in order to avoid another preventable tragedy like the Challenger and Columbia disasters.

This authorization bill addresses NASA aeronautics and America's preeminence in aviation. The Europeans have stated their intent to dominate the airplane market by 2020. This bill directs the President, through the Director of the Office of Science and Technology Policy, OSTP, to work with NASA and other Federal agencies to develop a national policy for aeronautics. It also directs NASA to evaluate its core aeronautics research.

Many people do not realize that NASA does research for improving airplanes. NASA conducts research that makes airplanes safer, quieter, more fuel efficient, and less polluting. This important function of NASA needs to be continued and further developed.

Senator HUTCHISON and I expect to mark this bill up in the Commerce Committee later this week, and hope to have time to consider it on the floor before the August recess. I will urge all of my colleagues to support this important legislation. NASA has a new direction, and they have outstanding new leadership in Dr. Griffin.

We have an opportunity to authorize NASA for: implementing the Vision for Space Exploration; renewing our commitment to U.S. aviation and NASA aeronautics research; retaining or resurrecting very important science activities at NASA; and assuring that America has continuous human access to space.

By doing so, we will continue to advance our national security, strengthen our economy, inspire the next generation of explorers, and fulfill our destiny as explorers.

By Mrs. CLINTON (for herself, Mr. WARNER, Ms. MIKULSKI, Mr. SMITH, Mr. KENNEDY, Ms. COLLINS, Mr. JEFFORDS, Mr. BOND, Mrs. MURRAY, Mr. COCHRAN, Mrs. BOXER, Ms. SNOWE, Mr. KERRY, Mr. TALENT, Mr. NELSON of Nebraska, Mr. COLEMAN, Mr. DURBIN, and Mr. HAGEL):

S. 1283. A bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am proud to reintroduce the Lifespan Respite Care Act of 2005 today with my colleague Senator JOHN WARNER. I'd like to express my sincere thanks to Senator WARNER for his leadership on this legislation which would make much needed quality respite care available and accessible to families and family caregivers in need.

Caregiving needs do not discriminate: they demand the time and resources of millions of American families from all socioeconomic, ethnic, and educational backgrounds.

Caregivers today provide an enormous portion of our health and long-term care for older adults and individuals with disabilities. Although much of family caregiving is unpaid, it is not without cost. In fact, it is estimated that if services provided by family caregivers were provided instead by paid professionals, they would cost over $200 billion annually. In addition, food, medicines and other caregiving necessities place added strain on already tight family budgets.

Because of their responsibilities at home, it is much more difficult for caregivers to find or maintain jobs. Many caregiving families are struggling to stay afloat. We simply cannot afford to continue to ignore their struggles.

In addition to the financial costs of family caregiving, this labor of love often results in substantial physical and psychological hardship. Research suggests that caregivers often put their own health and well being at risk while assisting loved ones. Meeting these difficult demands can lead to depression, physical illness, anxiety, and emotional strain.

One way to reduce the burden of caregiving is through respite care.

As you know, respite care is a service that temporarily relieves a family member of his or her caregiving duties.

Respite care provides some much needed relief from the daily demands of caregiving for a few hours or a few days. These welcome breaks help protect the physical and mental health of the family caregiver, making it possible for the individual in need of care to remain in the home.

Unfortunately, across our country quality respite care remains hard to find, and too many caregivers do not even know how to find information about available services. Where community respite care services do exist, there are often long waiting lists. There are more caregivers in need of respite care than there are available respite care resources.

And many caregiving families are hesitant to take advantage of these scant resources. Parents and spouses and other family caregivers are understandably hesitant to leave their loved ones with untrained staff.

In an effort to recognize and support the heroic efforts of our family caregivers, my husband signed the National Family Caregiver Support Program into law as an amendments to the reauthorization of the Older Americans Act in 2000.

Prior to the establishment of this program, there was no comprehensive Federal program that supported family caregivers.

Although the National Family Caregiver Support Program took a step in the right direction, further efforts are now necessary to meet the increasing needs of family caregivers.

That is why I am reintroducing the Lifespan Respite Care Act today with Senator JOHN WARNER. This legislation would improve efficiency and reduce duplication in respite service development and delivery. And it would make quality respite care available and accessible to families and family caregivers, regardless of their Medicaid status, disability, or age. It would assure that quality respite care is available for all caregivers who provide this labor of love to individuals across the lifespan.

My legislation picks up where the National Family Caregiver Support Program leaves off, by recognizing respite as a priority for caregivers and elevating respite as a policy priority at the Federal and State levels.

This bill would provide grants to develop a coordinated system of respite care services for family caregivers of individuals with special needs regardless of age. Funds could also be used to increase respite care services or to train respite care workers or volunteers.

There is much to do at the local, State, and Federal levels to address the growing needs of family caregivers. It is time that we make caregiving a national priority and provide the support that our family caregivers so desperately need.

I would like to thank my Senate colleagues for their support of this legislation which passed the Senate last Congress. I look forward to working with you all to improve the lives of our family caregivers, and those for whom they care.

By Mrs. BOXER (for herself and Mrs. Feinstein):

S. 1284. A bill to designate the John L. Burton Trail in the Headwaters Forest Reserve, California; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, I am honored to introduce today a bill—cosponsored by Senator Feinstein—to designate a trail in the Headwaters Forest Reserve in California after John L. Burton, one of California's great public servants. The entire California Democratic delegation in the House, led by Representative George Miller, introduced the same bill last week.

John served honorably in the United States House of Representatives in the early 1980s and in the California State Assembly, before being elected to the California State Senate. There, in 1998, his colleagues elected him as the California Senate's President Pro Tem. John devoted his career to the service of all Californians, and for that, we honor him with this legislation.

Designating this particular trail is a fitting tribute because a few years ago, John was instrumental in protecting the pristine and invaluable land that is now known as the Headwaters Forest Reserve. Comprised of more than 7,000 acres of ancient redwoods, many of which are over 2,000 years old and 300 feet high, the Reserve was saved from potentially devastating logging in 1999. Numerous plant species and wildlife, including the Marbled Murrelet, dwell in this Reserve. The Reserve also protects rivers and streams that provide habitat essential for threatened salmon.

For his service to the people of California and his essential role in protecting a priceless parcel of California land, I am proud to introduce the John L. Burton Trail Act. Through this small action, we recognize and honor a great man and his great work.

AMENDMENTS SUBMITTED AND PROPOSED

SA 809. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, To ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table.

SA 810. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 811. Mr. SCHUMER (for himself, Ms. Cantwell, and Mr. Lautenberg) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 812. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 813. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 814. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 815. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 816. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 817. Mr. HAGEL (for himself, Mr. Pryor, Mr. Alexander, Ms. Landrieu, Mr. Craig, Mrs. Dole, Ms. Murkowski, Mr. Voinovich, and Mr. Stevens) proposed an amendment to the bill H.R. 6, supra.

SA 818. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 819. Mr. TALENT (for himself and Mr. Johnson) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 820. Mrs. HUTCHISON (for herself, Mr. Cornyn, Mr. Inhofe, and Ms. Landrieu) submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 821. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 822. Mr. VOINOVICH (for himself and Mr. DeWine) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 823. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 824. Ms. COLLINS (for herself, Ms. Cantwell, Ms. Snowe, Mr. Jeffords, and Mr. DeWine) submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 825. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 826. Mr. McCAIN (for himself and Mr. Lieberman) proposed an amendment to the bill H.R. 6, supra.

SA 827. Mr. BINGAMAN (for Mr. Dorgan) submitted an amendment intended to be proposed by Mr. Bingaman to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 828. Mr. BINGAMAN (for Mr. Dorgan) submitted an amendment intended to be proposed by Mr. Bingaman to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 829. Mr. BINGAMAN (for Mr. Jeffords) submitted an amendment intended to be proposed by Mr. Bingaman to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 830. Mr. BINGAMAN (for Mr. Jeffords) submitted an amendment intended to be proposed by Mr. Bingaman to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 831. Mr. BINGAMAN (for Mr. Jeffords) submitted an amendment intended to be proposed by Mr. Bingaman to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 832. Mr. BINGAMAN (for Mr. Jeffords) submitted an amendment intended to be proposed by Mr. Bingaman to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 833. Mr. KOHL (for himself, Mr. DeWine, Mr. Lieberman, Mr. Levin, and Mr. Reed) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 834. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 835. Mrs. CLINTON (for herself and Mr. Allard) submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 836. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 837. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 838. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 839. Mr. LAUTENBERG (for himself, Mr. Reid, Mr. Lieberman, and Mr. Jeffords) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra.

SA 840. Mr. SMITH (for himself and Mrs. Lincoln) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 809. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 37, between the matter following line 12 and 13, insert the following:

SEC. 109. MANHATTAN PROJECT FOR ENERGY INDEPENDENCE.

(a) Findings.—Congress finds that—

(1) the welfare and security of the United States require that adequate provision be made for activities relating to the development of energy-efficient technologies; and

(2) those activities should be the responsibility of, and should be directed by, an independent establishment exercising control over activities relating to the development and promotion of energy-efficient technologies sponsored by the United States.

(b) Purpose.—The purpose of this section is to establish the Energy Efficiency Development Administration to develop technologies to increase energy efficiency and to reduce the demand for energy.

(c) Definitions.—In this section:

(1) Administration.—The term "Administration" means the Energy Efficiency Development Administration established by subsection (d)(1).

(2) Administrator.—The term "Administrator" means the head of the Administration appointed under subsection (d)(3)(A).

(3) Advisory committee.—The term "Advisory Committee" means the Policy Advisory Committee established by subsection (f)(1)(A).

(4) Energy-efficient technology activity.—

(A) In general.—The term "energy-efficient technology activity" means an activity that improves the energy efficiency of any sector of the economy, including the transportation, building design, electrical generation, appliance, and power transmission sectors.

(B) Inclusion.—The term "energy-efficient technology activity" includes an activity that produces energy from a sustainable biomass, wind, small-scale hydroelectric, solar, geothermal, or other renewable source.

(d) Energy Efficiency Development Administration.—

(1) Establishment.—There is established as an independent establishment in the executive branch the Energy Efficiency Development Administration.

(2) Mission.—The mission of the Administration shall be to reduce United States imports of oil by—

(A) 5 percent by 2008;

(B) 20 percent by 2011; and

(C) 50 percent by 2015.

(3) Administrator; deputy administrator.—

(A) Administrator.—

(i) Appointment.—The Administration shall be headed by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate.

(ii) Pay.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Administrator, Energy Efficiency Development Administration.".

(iii) Duties.—The Administrator shall—

(I) exercise all powers and perform all duties of the Administration; and

(II) have authority over all personnel and activities of the Administration.

(iv) Limitation on rulemaking authority.—The Administrator shall not modify any energy-efficiency standards or related standards in effect on the date of enactment of this Act that would result in the reduction of energy efficiency in any product.

(B) Deputy administrator.—

(i) Appointment.—There shall be in the Administration a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate.

(ii) Pay.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Deputy Administrator, Energy Efficiency Development Administration.".

(iii) Duties.—The Deputy Administrator shall—

(I) supervise the project development and engineering activities of the Administration;

(II) exercise such other powers and perform such duties as the Administrator may prescribe; and

(III) act for, and exercise the powers of, the Administrator during the absence or disability of the Administrator.

(4) Transfer of functions.—

(A) Definition of function.—In this paragraph, the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(B) Transfer of functions.—

(i) In general.—There are transferred to the Administrator—

(I) all functions previously exercised by the Assistant Secretary of Energy for Efficiency and Renewable Energy; and

(II) any authority to promulgate regulations relating to fuel efficiency previously exercised by the Secretary of Transportation.

(ii) Inclusions.—Functions transferred under clause (i) include all real and personal property, personnel funds, and records of the Office of Energy Efficiency and Renewable Energy of the Department of Energy.

(iii) Determination of functions.—The Director of the Office of Management and Budget shall determine the functions that are transferred under clause (i).

(C) Presidential transfers.—

(i) In general.—The President, until the date that is 4 years after the date of enactment of this Act, may transfer to the Administrator—

(I) any function of any other department or agency of the United States, or of any officer or organizational entity of any department or agency, that relates primarily to the duties of the Administrator under this section; and

(II) any records, property, personnel, and funds that are necessary to carry out that function.

(ii) Reports.—The President shall submit to Congress a report that describes the nature and effect of any transfer made under clause (i).

(D) Abolishment of office.—The Office of Energy Efficiency and Renewable Energy of the Department of Energy is abolished.

(5) Duties.—

(A) In general.—The Administrator shall—

(i) plan, direct, and conduct energy-efficient technology activities; and

(ii) provide for the widest appropriate dissemination of information concerning the activities of the Administration and the results of those activities.

(B) Objectives.—The energy-efficient technology activities of the United States carried out from the Administrator or carried out with financial assistance by the Administrator shall be conducted so as to contribute significantly to 1 or more of the following objectives:

(i) Expansion of knowledge about energy-efficient technologies and the use of those technologies.

(ii) Improvement of existing energy-efficient technologies or development of new energy-efficient technologies.

(iii) Identification of mechanisms to introduce energy-efficient technologies into the marketplace.

(iv) Conduct of studies of—

(I) the potential benefits gained, such as environmental protection, increasing energy independence, and reducing costs to consumers; and

(II) the problems involved in the development and use of energy-efficient technologies.

(v) The most effective use of the scientific resources of the United States, with close cooperation among all interested agencies of the United States so as to avoid duplication of effort, facilities, and equipment.

(e) Powers.—The Administrator shall—

(1) not later than 180 days after the date of enactment of this Act, submit to Congress a personnel plan for the Administration that—

(A) specifies the initial number and qualifications of employees needed for the Administration;

(B) describes the functions and General Service classification and pay rates of the initial employees; and

(C) specifies how the Administrator will adhere to or deviate from the civil service system;

(2) appoint and fix the compensation of such officers and employees as are necessary to carry out the functions of the Administration;

(3) establish the entrance grade for scientific personnel without previous service in the Federal Government at a level up to 2 grades higher than the grade provided for such personnel in the General Schedule (within the meaning of section 5104 of title 5, United States Code) and fix the compensation of the personnel accordingly, as the Administrator considers necessary to recruit specially qualified scientific, environmental, and industry-related expertise;

(4) acquire, construct, improve, repair, operate, and maintain such laboratories, research and testing sites and facilities, and such other real and personal property or interests in real and personal property, as the Administrator determines to be necessary for the performance of the functions of the Administration;

(5) enter into and perform such contracts, leases, cooperative agreements, or other transactions as are necessary in the performance of the duties of the Administrator with any—

(A) agency or instrumentality of the United States;

(B) State, Territory, or possession;

(C) political subdivision of any State, Territory, or possession; or

(D) person, firm, association, corporation, or educational institution;

(6)(A) with the consent of Federal and other agencies, with or without reimbursement, use the services, equipment, personnel, and facilities of those agencies; and

(B) cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities; and

(7) establish within the Administration such offices and procedures as the Administrator considers appropriate to provide for the greatest possible coordination of the activities of the Administration with related scientific and other activities of other public and private agencies and organizations.

(f) Organizational Structure.—

(1) Policy advisory committee.—

(A) Establishment.—There is established in the Administration a Policy Advisory Committee.

(B) Membership.—

(i) Composition.—The Advisory Committee shall be composed of 12 members, of whom—

(I) 4 members shall be representatives of the energy efficiency and environmental protection community;

(II) 4 members shall be representatives of—

(aa) industries involved in the generation, transmission, or distribution of energy products; or

(bb) the transportation industry; and

(III) 4 members shall be representatives of the scientific and university research community.

(ii) Appointment.—The Speaker of the House of Representatives, the majority leader of the Senate, the minority leader of the House of Representatives, and the minority leader of the Senate shall each appoint 1 member described in subclauses (I), (II), and (III) of clause (i).

(C) Duties.—The Advisory Committee shall—

(i) act as a steering committee for the Administration; and

(ii) formulate a long-term strategy for—

(I) achieving the mission of the Administration under subsection (d)(2); and

(II) identifying energy-efficient technologies and initiatives that—

(aa) have the potential to increase energy efficiency over the long term; and

(bb) should be further explored by the Administration.

(D) STAFF.—The Advisory Committee may appoint not more than 24 employees to assist in carrying out the duties of the Advisory Committee, of whom—

(i) 8 shall report to the members appointed under subparagraph (B)(i)(I);

(ii) 8 shall report to the members appointed under subparagraph (B)(i)(II); and

(iii) 8 shall report to the members appointed under subparagraph (B)(i)(III).

(E) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Advisory Committee.

(2) OFFICE OF ADMINISTRATION.—

(A) ESTABLISHMENT.—There is established in the Administration an Office of Administration.

(B) ASSISTANT DEPUTY ADMINISTRATOR.—The head of the Office of Administration shall be an Assistant Deputy Administrator for Administration, to be appointed by the Administrator.

(C) PUBLIC INFORMATION DIVISION.—

(i) ESTABLISHMENT.—There is established in the Office of Administration a Public Information Division.

(ii) DUTIES.—The Public Information Division shall serve as a liaison between the Administration, the public, and other entities.

(D) ENERGY EFFICIENCY ECONOMICS DIVISION.—

(i) ESTABLISHMENT.—There is established in the Office of Administration an Energy Efficiency Economics Division.

(ii) STAFF.—The Energy Efficiency Economics Division shall be composed of economists and individuals with expertise in energy markets, consumer behavior, and the economic impacts of energy policy

(iii) DUTIES.—The Energy Efficiency Economics Division shall study the effects of existing and proposed energy-efficient technologies on the economy of the United States, with an emphasis on assessing—

(I) the impacts of those technologies on consumers; and

(II) the contributions of those technologies on the economic development of the United States.

(E) INCENTIVES DIVISION.—

(i) ESTABLISHMENT.—There is established in the Office of Administration an Incentives Division.

(ii) DUTIES.—The Incentives Division shall—

(I) conduct a study of economic incentives that would assist the Administration in—

(aa) developing energy-efficient technologies; and

(bb) introducing those technologies into the marketplace; and

(II) submit to Congress a report on the results of the study conducted under subclause (I).

(F) EDUCATION DIVISION.—

(i) ESTABLISHMENT.—There is established in the Office of Administration an Education Division.

(ii) DUTIES.—The Education Division shall provide—

(I) to the public, information concerning—

(aa) how to conserve energy, including—

(AA) what type of products are energy-efficient; and

(BB) where such products may be purchased; and

(bb) the importance of conserving energy; and

(II) provide to building owners, engineers, contractors, and other businesspersons training in energy-efficient technologies.

(G) LEGISLATIVE COUNSEL DIVISION.—There is established in the Office of Administration a Legislative Counsel Division to provide legal assistance to the Administrator.

(3) OFFICE OF POLICY, RESEARCH, AND DEVELOPMENT.—

(A) ESTABLISHMENT.—There is established in the Administration an Office of Policy, Research, and Development to establish the organizational structure of the Administration relating to the project development and engineering activities of the Administration.

(B) ASSISTANT DEPUTY ADMINISTRATOR.—The head of the Office of Policy, Research, and Development shall be an Assistant Deputy Administrator for Policy, Research, and Development, to be appointed by the Administrator.

(C) POWERS.—In establishing the organizational structure under subparagraph (A), the Office of Policy, Research, and Development may—

(i) incorporate a flat organizational structure comprised of project-based teams;

(ii) focus on accelerating the development of energy-efficient technologies during the period from fundamental research to implementation;

(iii) coordinate with the private sector; and

(iv) adopt organizational models used by other Federal agencies conducting advanced research.

(4) OFFICE OF VENTURE CAPITAL.—

(A) ESTABLISHMENT.—There is established in the Administration an Office of Venture Capital.

(B) ASSISTANT DEPUTY ADMINISTRATOR.—The head of the Office of Venture Capital shall be an Assistant Deputy Administrator for Venture Capital, to be appointed by the Administrator.

(C) DUTIES.—The Office of Venture Capital shall—

(i) accept applications from companies requesting financial assistance for energy-efficient technology proposals;

(ii) accept recommendations and input from the Deputy Administrator and the Policy Advisory Committee on applications submitted under clause (i); and

(iii) from among the applications submitted under clause (i), award financial assistance to applicants to carry out the proposals that are most likely to improve energy efficiency.

(g) INITIAL TECHNOLOGY SOLICITATIONS.—

(1) IN GENERAL.—The Administrator may, based on the criteria described in paragraph (2), initiate the development of technologies for—

(A) fuel-efficient tires;

(B) construction of a hydrogen infrastructure;

(C) high-temperature superconducting cable;

(D) improved switches, resistors, capacitors, software and smart meters for electrical transmission systems;

(E) combined heat and power;

(F) micro turbines;

(G) fuel cells;

(H) energy-efficient lighting;

(I) energy efficiency training for building contractors;

(J) retrofitting or rehabilitation of existing structures to incorporate energy-efficient technologies; and

(K) efficient micro-channel heat exchangers.

(2) CRITERIA.—In determining which technologies to develop under paragraph (1), the Administrator shall consider—

(A) the current status of development of the technology;

(B) the potential for widespread use of the technology in commercial markets;

(C) the time and costs of efforts needed to bring the technology to full implementation; and

(D) the potential of the technology to contribute to the goals of the Administration.

(3) REPORT.—As soon as practicable after the date of enactment of this Act, but not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report that—

(A) assesses the potential for the technologies described in paragraph (1) to contribute to the goals of the Administration; and

(B) describes the plans of the Administration to develop the technologies under paragraph (1).

(h) REPORTS.—

(1) BY THE ADMINISTRATOR.—Semiannually and at such other times as the Administrator considers appropriate, the Administrator shall submit to the President a report that describes the activities and accomplishments of the Administration.

(2) BY THE PRESIDENT.—In January of each year, the President shall submit to Congress a report that includes—

(A) a description of the activities and accomplishments of all agencies of the United States in the field of energy efficiency during the preceding calendar year;

(B) an evaluation of the activities and accomplishments of the Administrator in attaining the objectives of this section; and

(C) such recommendations for additional legislation as the Administrator or the President considers appropriate for the attainment of the objectives described in this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $5,000,000,000 for fiscal year 2006;

(2) $6,000,000,000 for fiscal year 2007;

(3) $7,500,000,000 for each of fiscal years 2008 and 2009;

(4) $9,000,000,000 for each of fiscal years 2010 and 2010; and

(5) $10,000,000,000 for each of fiscal years 2011 through 2016.

SA 810. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page 395, strike line 3 and all that follows through page 401, line 25.

SA 811. Mr. SCHUMER (for himself, Ms. CANTWELL, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 120, between lines 20 and 21, insert the following:

SEC. 142. MOTOR VEHICLE TIRES SUPPORTING MAXIMUM FUEL EFFICIENCY.

(a) STANDARDS FOR TIRES MANUFACTURED FOR INTERSTATE COMMERCE.—Section 30123 of title 49, United States Code, is amended—

(1) in subsection (b), by inserting after the first sentence the following: "The grading system shall include standards for rating the fuel efficiency of tires designed for use on passenger cars and light trucks."; and

(2) by adding at the end the following:

"(d) NATIONAL TIRE FUEL EFFICIENCY PROGRAM.—(1) The Secretary shall develop and carry out a national tire fuel efficiency program for tires designed for use on passenger cars and light trucks.

"(2) The program shall include the following:

"(A) Policies and procedures for testing and labeling tires for fuel economy to enable tire buyers to make informed purchasing decisions about the fuel economy of tires.

"(B) Policies and procedures to promote the purchase of energy-efficient replacement tires, including purchase incentives, website listings on the Internet, printed fuel economy guide booklets, and mandatory requirements for tire retailers to provide tire buyers with fuel-efficiency information on tires.

"(C) Minimum fuel economy standards for tires, promulgated by the Secretary.

"(3) The minimum fuel economy standards for tires shall—

"(A) ensure that the average fuel economy of replacement tires is equal to or better than the average fuel economy of tires sold as original equipment;

"(B) secure the maximum technically feasible and cost-effective fuel savings;

"(C) not adversely affect tire safety;

"(D) not adversely affect the average tire life of replacement tires;

"(E) incorporate the results from—

"(i) laboratory testing; and

"(ii) to the extent appropriate and available, on-road fleet testing programs conducted by the manufacturers; and

"(F) not adversely affect efforts to manage scrap tires.

"(4) The policies, procedures, and standards developed under paragraph (2) shall apply to all types and models of tires that are covered by the uniform tire quality grading standards under section 575.104 of title 49, Code of Federal Regulations (or any successor regulation).

"(5) Not less often than every three years, the Secretary shall review the minimum fuel economy standards in effect for tires under this subsection and revise the standards as necessary to ensure compliance with requirements under paragraph (3). The Secretary may not, however, reduce the average fuel economy standards applicable to replacement tires.

"(6) Nothing in this chapter shall be construed to preempt any provision of State law relating to higher fuel economy standards applicable to replacement tires designed for use on passenger cars and light trucks.

"(7) Nothing in this chapter shall apply to—

"(A) a tire or group of tires with the same SKU, plant, and year, for which the volume of tires produced or imported is less than 15,000 annually;

"(B) a deep tread, winter-type snow tire, space-saver tire, or temporary use spare tire;

"(C) a tire with a normal rim diameter of 12 inches or less;

"(D) a motorcycle tire; or

"(E) a tire manufactured specifically for use in an off-road motorized recreational vehicle.

"(8) In this subsection, the term 'fuel economy', with respect to tires, means the extent to which the tires contribute to the fuel economy of the motor vehicles on which the tires are mounted.

(b) CONFORMING AMENDMENT.—Section 30103(b) of title 49, United States Code, is amended in paragraph (1) by striking "When" and inserting "Except as provided in section 30123(d) of this title, when".

(c) TIME FOR IMPLEMENTATION.—The Secretary of Transportation shall ensure that the national tire fuel efficiency program required under subsection (d) of section 30123 of title 49, United States Code (as added by subsection (a)(2)), is administered so as to apply the policies, procedures, and standards developed under paragraph (2) of such subsection (d) beginning not later than March 31, 2008.

SA 812. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 755, after line 25, add the following:

SEC. 1329. CONSOLIDATION OF GASOLINE INDUSTRY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the consolidation of the refiners, importers, producers, and wholesalers of gasoline with the sellers of the gasoline at retail.

(b) CONTENTS.—The study conducted under subsection (a) shall include an analysis of the impact of the consolidation on—

(1) the retail price of gasoline;

(2) small business ownership;

(3) other corollary effects on the market economy of fuel distribution;

(4) local communities; and

(5) other market impacts of the consolidation.

(c) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress the study conducted under subsection (a).

SA 813. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 296, after line 25, add the following:

SEC. 347. FINGER LAKES NATIONAL FOREST WITHDRAWAL.

All Federal land within the boundary of Finger Lakes National Forest in the State of New York is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws; and

(2) disposition under all laws relating to oil and gas leasing.

SA 814. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end of title XV (as agreed to) add the following:

Subtitle G—High Gas Price Relief

PART I—RELIEF FOR RURAL COMMUTERS

SEC. 1581. EXCLUSION FOR CERTAIN FUEL COSTS OF RURAL COMMUTERS.

(a) IN GENERAL.—Section 132(f)(1) (defining qualified transportation fringe) is amended by adding at the end the following new subparagraph:

"(D) In the case of an eligible rural commuter, the cost of fuel for a highway vehicle of the taxpayer the primary purpose of which is to travel between the taxpayer's residence and place of employment.".

(b) LIMITATION ON EXCLUSION.—Section 132(f)(2) (relating to limitation on exclusion) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) $50 per month in the case of the benefit described in subparagraph (D).".

(c) ELIGIBLE RURAL COMMUTER.—Section 132(f)(5) (relating to definitions) is amended by adding at the end the following new subparagraph:

"(F) ELIGIBLE RURAL COMMUTER.—The term 'eligible rural commuter' means any employee—

"(i) who resides in a rural area (as defined by the Bureau of the Census),

"(ii) who works in an area which is not accessible by a transit system designed primarily to provide daily work trips within a local commuting area, and

"(iii) who is not be eligible to claim any qualified transportation fringe described in subparagraph (A) or (B) of paragraph (1).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses incurred on and after the date of the enactment of this Act and before January 1, 2006.

PART II—ECONOMIC SUBSTANCE DOCTRINE

SEC. 1582. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

"(o) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

"(1) GENERAL RULES.—

"(A) IN GENERAL.—In any case in which a court determines that the economic substance doctrine is relevant for purposes of this title to a transaction (or series of transactions), such transaction (or series of transactions) shall have economic substance only if the requirements of this paragraph are met.

"(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—A transaction has economic substance only if—

"(I) the transaction changes in a meaningful way (apart from Federal tax effects) the taxpayer's economic position, and

"(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

In applying subclause (II), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

"(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

"(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

"(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

"(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

"(2) SPECIAL RULES FOR TRANSACTIONS WITH TAX-INDIFFERENT PARTIES.—

"(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

"(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

"(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

"(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

"(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

"(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

"(C) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

"(D) TREATMENT OF LESSORS.—In applying paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease—

"(i) the expected net tax benefits with respect to the leased property shall not include the benefits of—

"(I) depreciation,

"(II) any tax credit, or

"(III) any other deduction as provided in guidance by the Secretary, and

"(ii) subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

"(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

"(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 1583. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

"SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

"(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

"(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

"(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

"(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

"(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

"(A) there is a lack of economic substance (within the meaning of section 7701(o)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701(o)(2), or

"(B) the transaction fails to meet the requirements of any similar rule of law.

"(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

"(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

"(2) APPLICABLE RULES.—The rules of paragraphs (2) and (3) of section 6707A(d) shall apply for purposes of paragraph (1).

"(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

"(f) CROSS REFERENCES.—

"(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

"(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).".

(b) COORDINATION WITH OTHER UNDERSTATEMENTS AND PENALTIES.—

(1) The second sentence of section 6662(d)(2)(A) is amended by inserting "and without regard to items with respect to which a penalty is imposed by section 6662B" before the period at the end.

(2) Subsection (e) of section 6662A is amended—

(A) in paragraph (1), by inserting "and noneconomic substance transaction understatements" after "reportable transaction understatements" both places it appears,

(B) in paragraph (2)(A), by inserting "and a noneconomic substance transaction understatement" after "reportable transaction understatement",

(C) in paragraph (2)(B), by inserting "6662B or" before "6663",

(D) in paragraph (2)(C)(i), by inserting "or section 6662B" before the period at the end,

(E) in paragraph (2)(C)(ii), by inserting "and section 6662B" after "This section",

(F) in paragraph (3), by inserting "or noneconomic substance transaction understatement" after "reportable transaction understatement", and

(G) by adding at the end the following new paragraph:

"(4) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).".

(3) Subsection (e) of section 6707A is amended—

(A) by striking "or" at the end of subparagraph (B), and

(B) by striking subparagraph (C) and inserting the following new subparagraphs:

"(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction, or

"(D) is required to pay a penalty under section 6662(h) with respect to any transaction and would (but for section 6662A(e)(2)(C)) have been subject to penalty under section 6662A at a rate prescribed under section 6662A(c) or under section 6662B,".

(c) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

"Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 1584. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163(m) (relating to interest on unpaid taxes attributable to nondisclosed reportable transactions) is amended—

(1) by striking "attributable" and all that follows and inserting the following: "attributable to—

"(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

"(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).", and

(2) by inserting "AND NONECONOMIC SUBSTANCE TRANSACTIONS" in the heading thereof after "TRANSACTIONS".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

SA 815. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 768, after line 20, add the following:

TITLE XV—ENERGY AND CLIMATE CHANGE

SECTION 1501. SHORT TITLE

This title may be cited as the "Energy and Climate Change Act of 2005".

Subtitle A—National Strategy

SEC. 1511. DEFINITIONS.

In this subtitle:

(1) Climate-Friendly Energy Technology.—The term "climate-friendly energy technology" means any energy supply, transmission, or end-use technology that, over the life of the technology and compared to similar technology in commercial use—

(A) results in reduced emissions of greenhouse gases or increased sequestration of greenhouse gases; and

(B) may—

(i) substantially lower emissions of other pollutants; or

(ii) generate substantially smaller or less hazardous quantities of solid or liquid waste.

(2) Director.—The term "Director" means the Director of Climate Change Policy appointed under section 1513(a).

(3) Greenhouse Gas.—The term "greenhouse gas" means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perflurorocarbons; and

(F) sulfur hexafluoride.

(4) Interagency Task Force.—The term "Interagency Task Force" means the Interagency Task Force on Climate Change Policy established under section 1514(a).

(5) Stabilization of Greenhouse Gas Concentrations.—The term "stabilization of greenhouse gas concentrations" means the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, recognizing that such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened, and to enable economic development to proceed in a sustainable manner, as contemplated by the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

(6) Strategy.—The term "Strategy" means the national climate change strategy developed or updated under section 1512.

SEC. 1512. NATIONAL CLIMATE CHANGE STRATEGY.

(a) In General.—

(1) Development.—The President, acting through the Interagency Task Force and the Director and in consultation with Congress, shall develop a National Climate Change Strategy.

(2) Actions.—The Strategy shall describe appropriate actions by the United States that, in conjunction with actions by other nations—

(A) will lead to the long-term stabilization of greenhouse gas concentrations;

(B) are consistent with the relevant treaty obligations of the United States; and

(C) are carried out in a manner that supports the long-term economic growth of the United States.

(3) Timing.—The Strategy shall reflect the fact that the stabilization of greenhouse gas concentrations will take from many decades to more than a century to accomplish, but that significant actions by current and prospective major emitters of greenhouse gases must begin in the near term.

(b) Elements.—The Strategy shall be comprised of—

(1) interim greenhouse gas emission goals and specific near-term and medium-term programs and actions to meet the goals, developed on the basis of a broad range of emission scenarios (including scenarios evaluated by the Intergovernmental Panel on Climate Change) and taking into account the need for actions by other nations;

(2) expanded climate-related technology research, development, demonstration, and commercial application activities, including—

(A) a national commitment to double research and development on climate-friendly energy technologies by public and private sectors in the United States; and

(B) domestic and international demonstration and deployment programs that employ bold, breakthrough technologies (including climate-friendly energy technologies) that will make possible a profound transformation of the energy, transportation, industrial, agricultural, and building sectors of the United States;

(3) climate adaptation research that—

(A) assesses the sensitivity, adaptive capacity, and vulnerability of natural and human systems to natural climate variability, climate change, and the potential impacts of the variability and climate change; and

(B) identifies potential strategies and actions that can reduce vulnerability to natural climate variability and climate change and damage resulting from impacts of climate change; and

(4) climate science research that—

(A) continually builds on existing scientific understanding of the climate system; and

(B) focuses on resolving the remaining scientific, technical, and economic uncertainties with respect to the causes of, impacts from, and potential responses to climate change.

(c) Report.—Not later than 2 years after the date of enactment of this Act, the President, acting through the Interagency Task Force and the Director, shall submit to Congress a report that includes—

(1) a description of the Strategy and the goals of the Strategy, including the manner in which the Strategy addresses each of the elements outlined in subsection (b);

(2) an inventory and evaluation of Federal and non-Federal programs and activities intended to carry out the Strategy;

(3) a description of the manner in which the Strategy will serve as a framework for climate change response actions by all Federal agencies, including a description of coordination mechanisms and interagency activities;

(4) a description of the manner in which the Strategy is consistent with other energy, transportation, industrial, agricultural, forestry, environmental, economic, and other relevant policies of the United States;

(5) a description of the manner in which the Strategy—

(A) does not result in serious harm to the economy of the United States;

(B) uses market-oriented mechanisms; and

(C) minimizes any adverse short-term and long-term social, economic, national security, and environmental impacts;

(6) a description of the manner in which changes in energy supply (including a full range of energy sources and technologies) could reduce greenhouse gas emissions;

(7) a description of the manner in which changes in energy end-use (including demand-side management) could reduce greenhouse gas emissions;

(8) a description of the manner in which the Strategy will minimize potential risks associated with climate change to public health and safety, private property, public infrastructure, biological diversity, ecosystems, and domestic food supply and commodities, while not diminishing the quality of life in the United States;

(9) a description of the manner in which the Strategy was developed with participation by, and consultation among, Federal, State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties;

(10) a description of Federal activities that promote, to the maximum extent practicable, public awareness, outreach, and information-sharing to further the understanding of the full range of climate change-related issues; and

(11) recommendations for legislative or administrative changes to Federal programs or activities implemented to carry out the Strategy, in light of new knowledge of climate change and the impacts and costs or benefits of climate change, or technological capacity to improve mitigation or adaptation activities.

(d) Update.—Not later than 4 years after the date of submission of the initial report on the Strategy developed pursuant to this section, and at the end of each 4-year period thereafter, the President shall submit to Congress an updated version of the Strategy, along with an updated report under subsection (c).

(e) National Academy of Sciences Review.—

(1) In general.—Not later than 90 days after the date of publication of the Strategy under subsection (c) and each update under subsection (d), the Director of the National Science Foundation, on behalf of the Director and the Interagency Task Force, shall enter into appropriate arrangements with the National Academy of Sciences to conduct a review of the Strategy or update.

(2) Criteria.—The review by the National Academy of Sciences shall evaluate the goals and recommendations contained in the Strategy or update, taking into consideration—

(A) the adequacy of effort and the appropriateness of focus of the totality of all public, private, and public-private sector actions of the United States with respect to the Strategy;

(B) the adequacy of the budget and the effectiveness with which each participating Federal agency is carrying out the responsibilities of the Federal agency;

(C) current scientific knowledge regarding climate change and the impacts of climate change;

(D) current understanding of human social and economic responses to climate change, and responses of natural ecosystems to climate change;

(E) advancements in energy technologies that reduce, avoid, or sequester greenhouse gases or otherwise mitigate the risks of climate change;

(F) current understanding of economic costs and benefits of mitigation or adaptation activities;

(G) the existence of alternative policy options that could achieve the Strategy goals at lower economic, environmental, or social cost; and

(H) international activities and the actions taken by the United States and other nations to achieve the long-term goals of the Strategy.

(3) Report.—

(A) In general.—Not later than 1 year after the date of the submission to Congress of the Strategy or update, as appropriate, the National Academy of Sciences shall prepare and submit to Congress and the President a report concerning the results of the review of the National Academy of Sciences, along with any recommendations, as appropriate.

(B) AVAILABILITY TO PUBLIC.—The report under subparagraph (A) shall be made available to the public.

(f) SAVINGS PROVISION.—Nothing in this section creates a new legal obligation for any person or other entity (except for prescribing duties in connection with the development, updating, and review of the Strategy).

(g) CONFORMING AMENDMENT.—Section 1103(b) of the Global Climate Protection Act of 1987 (15 U.S.C. 2901 note; Public Law 100–204) is amended by inserting ", the Department of Energy, and other Federal agencies as appropriate" after "Environmental Protection Agency".

SEC. 1513. DIRECTOR OF CLIMATE CHANGE POLICY.

(a) APPOINTMENT.—The President shall appoint a qualified individual within the Executive Office of the President, by and with the advice and consent of the Senate, to serve as the Director of Climate Change Policy.

(b) DUTIES.—The Director shall carry out climate change policy activities and shall—

(1) coordinate the development and periodic update of the Strategy;

(2) facilitate the work of the Interagency Task Force and serve as the primary liaison between Federal agencies in developing and implementing the Strategy;

(3) coordinate the submission of Federal agency budget requests as needed to carry out interagency programs and policies necessary to meet the goals of the Strategy;

(4) advise the President concerning—

(A) necessary changes in organization, management, budgeting, and personnel allocation of Federal agencies involved in climate change activities;

(B) the extent to which existing or newly created tax, trade, or foreign policies and energy, transportation, industrial, agricultural, forestry, building, and other relevant sector programs are capable of achieving the Strategy individually or in combination; and

(C) the extent to which any proposed international treaties or components of treaties that have an influence on activities that affect greenhouse gas emissions are consistent with the Strategy;

(5) establish and maintain a process to ensure the participation of Federal, State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties in the formulation of climate change-related advice to be provided to the President; and

(6) promote public awareness, outreach, and information sharing to further the understanding of climate change-related issues.

(c) PERSONNEL.—

(1) IN GENERAL.—The Director may employ a professional staff of not more than 10 individuals to carry out the responsibilities and duties prescribed in this section.

(2) OTHER AGENCIES AND INSTITUTIONS.—In addition to the personnel employed under paragraph (1), the Director may obtain staff for a limited term from Federal agencies, State agencies, institutions of higher education, nonprofit institutions of a scientific or technical character, or a National Laboratory, pursuant to—

(A) section 3374 of title 5, United States Code;

(B) section 14(a)(2) of the National Science Foundation Act of 1950 (42 U.S.C. 1873(a)(2)); or

(C) section 301 of the Hydrogen Future Act of 1996 (42 U.S.C. 7238).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Executive Office of the President for the Director to carry out the duties under this section $5,000,000 for each of fiscal years 2006 through 2015, to remain available until expended.

SEC. 1514. INTERAGENCY TASK FORCE ON CLIMATE CHANGE.

(a) IN GENERAL.—The President shall establish an Interagency Task Force on Climate Change to coordinate Federal climate change activities and programs carried out in furtherance of the Strategy.

(b) COMPOSITION.—The Interagency Task Force shall be composed of—

(1) the Director, who shall serve as Chairperson;

(2) the Secretary of State;

(3) the Secretary of Energy;

(4) the Secretary of Defense;

(5) the Secretary of Commerce;

(6) the Secretary of Transportation;

(7) the Secretary of Agriculture;

(8) the Secretary of the Interior;

(9) the Director of the National Science Foundation;

(10) the Administrator of the National Aeronautics and Space Administration;

(11) the Administrator of the Environmental Protection Agency;

(12) the Chairman of the Council of Economic Advisers;

(13) the Chairman of the Council on Environmental Quality;

(14) the Director of the Office of Science and Technology Policy;

(15) the Director of the Office of Management and Budget; and

(16) the heads of such other Federal agencies as the President considers to be appropriate.

(c) STRATEGY.—The Interagency Task Force shall serve as the primary forum through which the Federal agencies represented on the Interagency Task Force jointly advise the President on—

(1) the development and periodic update of the Strategy; and

(2) the implementation of interagency and agency programs to carry out activities in furtherance of the goals and objectives of the Strategy.

(d) WORKING GROUPS.—

(1) IN GENERAL.—The Director, in consultation with the members of the Interagency Task Force, may establish such topical working groups as may be necessary to carry out the duties of the Interagency Task Force in furtherance of the Strategy, taking into consideration the elements of the Strategy as outlined in this subtitle.

(2) COMPOSITION.—The working groups may be comprised of members of the Interagency Task Force or their designees.

(e) STAFF.—The Federal agencies represented on the Interagency Task Force may provide staff from the agencies to support information, data collection, and analyses required by the Interagency Task Force.

(f) HEARINGS.—On the request of the Director, the Interagency Task Force may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Interagency Task Force considers to be appropriate.

SEC. 1515. ANNUAL REPORT.

In consultation with the Interagency Task Force and other interested parties, the Director shall prepare an annual report for submission by the President to Congress, along with the budget request under section 1105 of title 31, United States Code, that includes—

(1) a description of the Strategy and the goals of the Strategy;

(2) an inventory of Federal programs and activities intended to carry out the Strategy;

(3) an evaluation of Federal programs and activities implemented as part of the Strategy against the goals outlined in the Strategy;

(4) a description of changes to Federal programs or activities implemented to carry out the Strategy, in light of new knowledge of climate change and the impacts and costs or benefits of climate change, or technological capacity to improve mitigation or adaptation activities;

(5)(A) a description of all Federal spending on climate change for the current fiscal year and each of the 5 preceding fiscal years, categorized by Federal agency and program function (including scientific research, energy research and development, international conservation and technology transfer, regulation, education, and other activities); and

(B) a recommendation for Federal spending on climate change for the next fiscal year;

(6) an estimate of the budgetary impact for the current fiscal year and each of the 5 preceding fiscal years of any Federal tax credits, tax deductions, or other incentives claimed by taxpayers that are attributable to greenhouse gas emission reduction activities;

(7) an estimate of the quantity, in metric tons, of greenhouse gas emissions reduced, avoided, or sequestered as a result of the implementation of the Strategy; and

(8) recommendations for legislative or administrative actions or adjustments that will accelerate progress towards meeting the goals contained in the Strategy or improve the efficiency and effectiveness of Federal programs that are part of the Strategy.

SEC. 1516. INTEGRATION WITH OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

(a) PRIORITY GOALS.—Section 101(b) of the National Science and Technology Policy, Organization, and Practices Act of 1976 (42 U.S.C. 6601(b)) is amended—

(1) by redesignating paragraphs (7) through (13) as paragraphs (8) through (14), respectively; and

(2) by inserting after paragraph (6) the following:

"(7) improving efforts to understand, assess, predict, mitigate, and respond to global climate change;".

(b) FUNCTIONS OF THE DIRECTOR.—Section 204(b)(1) of the National Science and Technology Policy, Organization, and Practices Act of 1976 (42 U.S.C. 6613(b)(1)) is amended by striking ", but not limited to," and inserting "global climate change,".

(c) ADDITIONAL FUNCTIONS OF DIRECTOR.—Section 207 of the National Science and Technology Policy, Organization, and Practices Act of 1976 (42 U.S.C. 6616) is amended—

(1) by redesignating subsections (a), (b), and (c) as subsections (b), (c), and (d), respectively; and

(2) by inserting before subsection (b) (as so redesignated) the following:

"(a) ADVICE TO DIRECTOR OF CLIMATE CHANGE POLICY.—In carrying out this Act, the Director shall advise the Director of Climate Change Policy on matters concerning science and technology as the matters relate to global climate change.".

Subtitle B—Technology Programs

SEC. 1521. OFFICE OF CLIMATE CHANGE TECHNOLOGY.

(a) IN GENERAL.—Title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.) (as amended by section 502(a)) is amended by adding at the end the following:

"OFFICE OF CLIMATE CHANGE TECHNOLOGY

"Sec. 218. (a) There shall be established within the Department an Office of Climate Change Technology to be headed by a Director, who shall—

"(1) be appointed in the Senior Executive Service; and

"(2) report to the Secretary in such manner as the Secretary may prescribe.

"(b) The Director shall be a person who, by reason of professional background and experience, is specially qualified to coordinate climate change policy and technical activities.

"(c) The Director shall—

"(1) promote and coordinate issues, policies, and activities within the Department related to climate change and coordinate the issuance of such reports relating to climate change as may be required by law;

"(2) lead the formulation and periodic revision of a comprehensive strategy of the Department for energy research, development, demonstration, and commercial application to implement national climate change strategy, including quantitative performance and deployment goals for energy technologies that reduce, avoid, or sequester emissions of greenhouse gases;

"(3) analyze the research, development, demonstration, and commercial application activities of the Department to assess the contribution of the activities to the strategy under paragraph (2) and make recommendations to the appropriate officers of the Department;

"(4) facilitate, in cooperation with appropriate programs of the Department, the development of domestic and international cooperative research and development agreements (as that term is defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))), or similar cooperative, cost-shared partnerships with non-Federal organizations to accelerate the rate of domestic and international demonstration and deployment of energy technologies that reduce, avoid, or sequester emissions of greenhouse gases;

"(5) participate in the planning activities of relevant Department programs;

"(6) participate in the development and assessment of domestic and international policies in order to determine and report on the effects of the policies on the generation, reduction, avoidance, and sequestration of greenhouse gases from activities related to the production and use of energy;

"(7) help develop national climate change strategy by—

"(A) fostering the development of tools, data, and capabilities to ensure that the United States has a robust capability for evaluating alternative climate change response scenarios and that the Office can provide long-term analytical continuity on climate change issues; and

"(B) providing technical support, on request, to the President, interagency groups, or other Federal agencies;

"(8) carry out programs to raise public awareness of climate change, the relationship of climate change to energy production and use, and means by which to mitigate human-induced climate change through changes in energy production or use;

"(9) at the direction of the Secretary or another appropriate officer of the Department, serve as the representative of the Department for interagency and multilateral policy discussions relating to global climate change, including the activities of—

"(A) the Committee on Earth and Environmental Sciences established by section 102 of the Global Change Research Act of 1990 (15 U.S.C. 2932) and any successor committee; and

"(B) other interagency committees coordinating policies or activities relating to global climate change; and

"(10) in accordance with law administered by the Secretary and other applicable Federal law and contracts (including patent and intellectual property laws) and in furtherance of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992—

"(A) identify for, and transfer, deploy, diffuse, and apply to, parties to the Convention (including the United States) any technologies, practices, or processes that reduce, avoid, or sequester emissions of greenhouse gases if the technologies, practices, or processes have been developed with funding from the Department or any of the facilities or laboratories of the Department; and

"(B) support reasonable efforts by the parties to the Convention (including the United States) to identify and remove legal, trade, financial, and other barriers to the use and application of any technologies, practices, or processes that reduce, avoid, or sequester emissions of greenhouse gases.".

(b) Conforming Amendments.—

(1) Section 1603 of the Energy Policy Act of 1992 (42 U.S.C. 13383) is repealed.

(2) The table of contents for the Energy Policy Act of 1992 (42 U.S.C. prec. 13201) is amended by striking the item relating to section 1603.

(3) The table of contents for the Department of Energy Organization Act (42 U.S.C. prec. 7101) (as amended by section 502(b)(1)(B)) is amended by adding at the end of the items relating to title II the following:

"Sec. 217. Office of Climate Change Technology.".

SEC. 1522. CLIMATE CHANGE AND CLEAN ENERGY TECHNOLOGY PROGRAMS.

(a) In General.—Title XVI of the Energy Policy Act of 1992 (42 U.S.C. 13381 et seq.) is amended by adding at the end the following:

"SEC. 1610. CLIMATE CHANGE TECHNOLOGY PROGRAM.

"(a) Establishment.—There is established within the Office of Climate Change Technology of the Department a program to support accelerated research and development projects on energy technologies that—

"(1) have significant potential to—

"(A) reduce or avoid anthropogenic emissions of greenhouse gases;

"(B) remove and sequester greenhouse gases from emission streams; or

"(C) remove and sequester greenhouse gases from the atmosphere;

"(2) are not being addressed significantly by other Department programs;

"(3) would represent a substantial advance beyond currently available technology; and

"(4) are not expected to be applied commercially before 2020.

"(b) Program Plan.—

"(1) In general.—Not later than 1 year after the date of enactment of this section, the Secretary shall prepare and submit to Congress a 10-year program plan to guide activities to be carried out under this section.

"(2) Updates.—After the initial preparation and submission of the plan, the Secretary shall biennially update and resubmit to Congress the program plan, including—

"(A) an evaluation of progress toward meeting the goals of the comprehensive strategy of the Department for energy research, development, demonstration, and commercial application to implement the National Climate Change Strategy;

"(B) an evaluation of the contributions of all energy technology programs of the Department to the National Climate Change Strategy; and

"(C) recommendations for actions by the Department and other Federal agencies to address the components of energy-related technology development that are necessary to support the National Climate Change Strategy.

"(c) Proposals.—

"(1) In general.—A proposal may be submitted by an applicant or consortium of 1 or more—

"(A) industrial entities;

"(B) institutions of higher education (as that term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))); or

"(C) National Laboratories.

"(2) Minimum requirements.—At a minimum, each proposal shall include—

"(A) a multiyear management plan that outlines the manner in which the proposed research, development, demonstration, and deployment activities will be carried out;

"(B) quantitative technology goals and greenhouse gas emission reduction targets that can be used to measure performance against program objectives;

"(C) the total cost of the proposal for each year for which funding is requested, and a breakdown of those costs by category;

"(D) evidence that the applicant has in existence or has access to—

"(i) the technical capability to enable the applicant to make use of existing research support and facilities in carrying out the objectives of the proposal;

"(ii) a multidisciplinary research staff experienced in technologies or practices able to sequester, avoid, or capture greenhouse gas emissions;

"(iii) access to facilities and equipment to enable the conduct of laboratory-scale testing or demonstration of technologies or related processes undertaken through the program; and

"(iv) a commitment for matching funds and other resources as may be needed from non-Federal sources, including cash, equipment, services, materials, appropriate technology transfer activities, and other assets directly related to the cost of the proposal;

"(E) evidence that the proposed activities are supplemental to, and not duplicative of, existing research and development activities carried out, funded, or otherwise supported by the Department;

"(F) a description of the technology transfer mechanisms and public-private partnerships that the applicant will use to make available research results to industry and to other researchers;

"(G) a statement whether the unique capabilities of a National Laboratory warrant collaboration with that Laboratory, and the extent of any such collaboration proposed; and

"(H) evidence of the ability of the applicant to undertake and complete the proposed project.

"(d) Centers.—

"(1) In general.—The Secretary may fund 1 or more centers to improve—

"(A) methods of climate monitoring and prediction;

"(B) climate modeling; or

"(C) quality and dissemination of climate data from Department or other Federal climate change programs.

"(2) Location.—In reviewing proposals for centers under competitive procedures, the

Secretary shall seek to locate centers in regions that face significant climate-related ecosystem challenges.

"(e) PROCUREMENT AUTHORITIES.—The Office of Climate Change Technology may use any of the authorities available to the Department—

"(1) to solicit proposals for projects under this section; and

"(2) to encourage partnerships that will increase the likelihood of success of the projects.

"(f) RELATIONSHIP TO DEPARTMENT PROGRAMS.—Each project funded under this section shall be—

"(1) initiated only after consultation by the Office of Climate Change Technology with 1 or more appropriate offices in the Department that support research and development in areas relating to the project; and

"(2) either—

"(A) managed directly by the Office of Climate Change Technology; or

"(B) managed by the appropriate office (or by a cross-functional team from several offices) in the Department that supports research and development in areas related to the project, using funds transferred by the Office of Climate Change Technology.

"(g) COST SHARING.—

"(1) IN GENERAL.—Except as provided in paragraph (2), each project under subsection (a) shall be subject only to such cost-sharing requirements as the Office of Climate Change Technology may provide.

"(2) PUBLICATION.—Each cost-sharing agreement under this subsection shall be published in the Federal Register by the Office of Climate Change Technology.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $40,000,000 for fiscal year 2006 and $400,000,000 for each of fiscal years 2007 through 2016, to remain available until expended.

"SEC. 1611. CLEAN ENERGY TECHNOLOGY EXPORTS PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) CLEAN ENERGY TECHNOLOGY.—The term 'clean energy technology' means an energy supply or end-use technology that, over the life cycle of the technology and compared to a similar technology already in commercial use in any developing country or country with an economy in transition—

"(A) results in reduced emissions of greenhouse gases; and

"(B)(i) may substantially lower emissions of air pollutants; or

"(ii) may generate substantially smaller or less hazardous quantities of solid or liquid waste.

"(2) COUNTRY WITH AN ECONOMY IN TRANSITION.—The term 'country with an economy in transition' means a country listed in Annex I of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, with the notation that the country is 1 of the 'Countries that are undergoing the process of transition to a market economy.'.

"(3) DEVELOPING COUNTRY.—The term 'developing country' means any country not listed in Annex I of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

"(4) INTERAGENCY WORKING GROUP.—The term 'interagency working group' means the Interagency Working Group on Clean Energy Technology Exports established under subsection (b).

"(b) INTERAGENCY WORKING GROUP.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary, the Secretary of Commerce, and the Administrator of the United States Agency for International Development shall jointly establish a Interagency Working Group on Clean Energy Technology Exports.

"(2) COMPOSITION.—The interagency working group shall—

"(A) be jointly chaired by representatives appointed by the agency heads under paragraph (1); and

"(B) include representatives from—

"(i) the Department of State;

"(ii) the Department of the Treasury;

"(iii) the Environmental Protection Agency;

"(iv) the Export-Import Bank;

"(v) the Overseas Private Investment Corporation;

"(vi) the Trade and Development Agency; and

"(vii) other Federal agencies determined to be appropriate by all 3 agency heads under paragraph (1).

"(3) SUBSIDIARY WORKING GROUPS.—The interagency working group may establish such subsidiary working groups as are necessary to carry out this section.

"(4) PROGRAM.—The interagency working group shall develop a program, consistent with the subsidy codes of the World Trade Organization, to open and expand energy markets and transfer clean energy technology to those developing countries and countries with an economy in transition that are expected to experience, over the next 20 years, the most significant growth in energy production and associated greenhouse gas emissions, including through technology transfer programs under the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, other international agreements, and relevant Federal efforts.

"(5) DUTIES.—The interagency working group shall—

"(A) analyze technology, policy, and market opportunities for international development, demonstration, and deployment of clean energy technology;

"(B) investigate issues associated with—

"(i) building capacity to deploy clean energy technology in developing countries and countries with an economy in transition, including energy sector reform;

"(ii) creation of open, transparent, and competitive markets for clean energy technologies;

"(iii) availability of trained personnel to deploy and maintain the clean energy technology; and

"(iv) demonstration and cost-buydown mechanisms to promote first adoption of the technology;

"(C) examine relevant trade, tax, international, and other policy issues to assess what policies would help open markets and improve United States clean energy technology exports in support of—

"(i) enhancing energy innovation and cooperation, including energy sector and market reform, capacity building, and financing measures;

"(ii) improving energy end-use efficiency technologies, including buildings and facilities, vehicle, industrial, and cogeneration technology initiatives; and

"(iii) promoting energy supply technologies, including fossil, nuclear, and renewable technology initiatives;

"(D) establish an advisory committee involving the private sector and other interested groups on the export and deployment of clean energy technology;

"(E) establish a single coordinated mechanism for information dissemination to the private sector and the public on clean energy technologies and clean energy technology transfer opportunities;

"(F) monitor the progress of each agency represented in the interagency working group towards meeting goals in the 5-year strategic plan submitted to Congress pursuant to the Energy and Water Development Appropriations Act, 2001 (Public Law 106–377), and the Energy and Water Development Appropriations Act, 2002 (Public Law 107-66);

"(G) make recommendations to heads of appropriate Federal agencies on ways to streamline Federal programs and policies to improve the role of each agency in the international development, demonstration, and deployment of clean energy technology;

"(H) make assessments and recommendations regarding the distinct technological, market, regional, and stakeholder challenges necessary to carry out the program; and

"(I) recommend conditions and criteria that will help ensure that United States funds promote sound energy policies in participating countries while simultaneously opening the markets of the participating countries and exporting United States clean energy technology.

"(c) FEDERAL SUPPORT FOR CLEAN ENERGY TECHNOLOGY TRANSFER.—Notwithstanding any other provision of law, each Federal agency or Government corporation carrying out an assistance program in support of the activities of United States persons in the environment or energy sector of a developing country or country with an economy in transition shall support, to the maximum extent practicable, the transfer of United States clean energy technology as part of the program.

"(d) ANNUAL REPORT.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and on March 31 of each year thereafter, the interagency working group shall submit to Congress a report on the activities of the interagency working group during the preceding calendar year.

"(2) CONTENT.—The report shall include—

"(A) a description of the technology, policy, and market opportunities for international development, demonstration, and deployment of clean energy technology investigated by the interagency working group in that year; and

"(B) any policy recommendations to improve the expansion of clean energy markets and United States clean energy technology exports.

"(e) REPORT ON USE OF FUNDS.—Not later than January 1, 2006, and each year thereafter, the Secretary of State, in consultation with other Federal agencies, shall submit to Congress a report describing the manner in which United States funds appropriated for clean energy technology exports and other relevant Federal programs are being directed in a manner that promotes sound energy policy commitments in developing countries and countries with economies in transition, including efforts pursuant to multilateral environmental agreements.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the departments, agencies, and entities of the United States described in subsection (b) such sums as are necessary to support the transfer of clean energy technology as part of assistance programs carried out by those departments, agencies, and entities in support of activities of United States persons in the energy sector of a developing country or country with an economy in transition.

"SEC. 1612. INTERNATIONAL ENERGY TECHNOLOGY DEPLOYMENT PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) DEVELOPING COUNTRY.—The term 'developing country' means any country not listed in Annex I of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

"(3) INTERNATIONAL ENERGY DEPLOYMENT PROJECT.—The term 'international energy deployment project' means a project—

"(A) to—

"(i) construct an energy production facility outside the United States for the production of energy to be consumed outside the United States; or

"(ii) improve the efficiency of energy use outside the United States, if the energy is also generated and consumed outside the United States; and

"(B) that, when deployed, results in a greenhouse gas reduction per unit of energy produced or used (when compared to the technology that would otherwise be deployed) of—

"(i) 20 percentage points or more, in the case of a unit or energy-efficiency measure placed in service before January 1, 2010;

"(ii) 40 percentage points or more, in the case of a unit or energy-efficiency measure placed in service after December 31, 2009, and before January 1, 2020; or

"(iii) 60 percentage points or more, in the case of a unit or energy-efficiency measure placed in service after December 31, 2019, and before January 1, 2030.

"(4) QUALIFYING INTERNATIONAL ENERGY DEPLOYMENT PROJECT.—The term 'qualifying international energy deployment project' means an international energy deployment project that—

"(A) is submitted by a United States firm to the Secretary in accordance with procedures established by the Secretary by regulation;

"(B) meets the criteria of section 1608(k), and uses technology that has been successfully developed or deployed in the United States;

"(C) is selected by the Secretary without regard to the country in which the project is located, with notice of the selection being published in the Federal Register; and

"(D) complies with such other terms and conditions as the Secretary establishes by regulation.

"(5) STATE.—The term 'State' means—

"(A) a State;

"(B) the District of Columbia;

"(C) the Commonwealth of Puerto Rico; and

"(D) any other territory or possession of the United States.

"(6) UNITED STATES.—The term 'United States', when used in a geographical sense, means all of the States.

"(b) PILOT PROGRAM FOR FINANCIAL ASSISTANCE.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall, by regulation, provide for a pilot program that provides financial assistance for qualifying international energy deployment projects.

"(2) FINANCIAL ASSISTANCE.—

"(A) IN GENERAL.—For each qualifying international energy deployment project selected by the Secretary to participate in the pilot program, the Secretary shall make available a loan or loan guarantee for not more than 50 percent of the total cost of the project, to be repaid at an interest rate equal to the rate for Treasury obligations then issued for periods of comparable maturity.

"(B) DEVELOPED COUNTRIES.—A loan or loan guarantee made available for a project to be carried out in a country listed in Annex I of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, shall require at least a 50 percent contribution towards the total cost of the loan or loan guarantee by the host country.

"(C) DEVELOPING COUNTRIES.—A loan or loan guarantee made for a project to be carried out in a developing country shall require at least a 10 percent contribution toward the total cost of the loan or loan guarantee by the host country.

"(D) CAPACITY BUILDING RESEARCH.—

"(i) IN GENERAL.—A proposal made for a project to be carried out in a developing country may include a research component intended to build technological capacity within the host country.

"(ii) RESEARCH.—The research shall—

"(I) be related to the technologies being deployed; and

"(II) involve both an institution in the host country and a participant from the United States that is either an industrial entity, an institution of higher education, or a National Laboratory.

"(iii) HOST INSTITUTION CONTRIBUTION.—The host institution shall contribute at least 50 percent of funds provided for the capacity-building research.

"(c) COORDINATION WITH OTHER PROGRAMS.—A qualifying international energy deployment project funded under this section shall not be eligible as a qualifying clean coal technology under section 415 of the Clean Air Act (42 U.S.C. 7651n).

"(d) REPORT AND RECOMMENDATION.—

"(1) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall submit to the President a report on the results of the pilot projects conducted under this section.

"(2) RECOMMENDATION.—Not later than 60 days after receiving the report, the President shall submit to Congress a recommendation, based on the results of the pilot projects as reported by the Secretary, concerning whether the financial assistance program under this section should be continued, expanded, reduced, or eliminated.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $100,000,000 for each of fiscal years 2006 through 2015, to remain available until expended.".

(b) DEFINITION OF NATIONAL LABORATORY.—Section 2 of the Energy Policy Act of 1992 (42 U.S.C. 13201) is amended to read as follows:

"SEC. 2. DEFINITIONS.

"In this Act:

"(1) NATIONAL LABORATORY.—The term 'National Laboratory' means any of the following laboratories owned by the Department of Energy:

"(A) Ames Laboratory.

"(B) Argonne National Laboratory.

"(C) Brookhaven National Laboratory.

"(D) Fermi National Accelerator Laboratory.

"(E) Idaho National Engineering and Environmental Laboratory.

"(F) Lawrence Berkeley National Laboratory.

"(G) Lawrence Livermore National Laboratory.

"(H) Los Alamos National Laboratory.

"(I) National Energy Technology Laboratory.

"(J) National Renewable Energy Laboratory.

"(K) Oak Ridge National Laboratory.

"(L) Pacific Northwest National Laboratory.

"(M) Princeton Plasma Physics Laboratory.

"(N) Sandia National Laboratories.

"(O) Stanford Linear Accelerator Center.

"(P) Thomas Jefferson National Accelerator Facility.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of Energy.".

(c) CONFORMING AMENDMENTS.—The table of contents for the Energy Policy Act of 1992 (42 U.S.C. prec. 13201) is amended—

(1) by striking the item relating to section 2 and inserting the following:

"Sec. 2. Definitions.";

and

(2) by adding at the end of the items relating to title XVI the following:

"Sec. 1610. Climate change technology program.

"Sec. 1611. Clean energy technology exports program.

"Sec. 1612. International energy technology deployment program.".

SEC. 1523. COMPREHENSIVE PLANNING AND PROGRAMMING FOR ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

Section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905) is amended—

(1) in the second sentence of subsection (a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting ", and"; and

(C) by adding at the end the following—

"(4) solutions to the effective management of greenhouse gas emissions in the long term by the development of technologies and practices designed to—

"(A) reduce or avoid anthropogenic emissions of greenhouse gases;

"(B) remove and sequester greenhouse gases from emission streams; and

"(C) remove and sequester greenhouse gases from the atmosphere."; and

(2) in subsection (b)—

(A) in the first sentence of paragraph (2), by striking "subsection (a)(1) through (3)" and inserting "paragraphs (1) through (4) of subsection (a)"; and

(B) in the second sentence of paragraph (3)—

(i) in subparagraph (R), by striking "and" at the end;

(ii) in subparagraph (S), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(T) to pursue a long-term climate technology strategy designed to demonstrate a variety of technologies by which stabilization of greenhouse gases might be best achieved, including accelerated research, development, demonstration, and deployment of—

"(i) renewable energy systems;

"(ii) advanced fossil energy technology;

"(iii) advanced nuclear power plant design;

"(iv) fuel cell technology for residential, industrial, and transportation applications;

"(v) carbon capture and sequestration practices and technologies, including agricultural and forestry practices that store and sequester carbon;

"(vi) efficient electrical generation, transmission, and distribution technologies; and “(vii) efficient end-use energy technologies.”.

Subtitle C—Greenhouse Gas Emissions Database

SEC. 1531. DEFINITIONS.

In this subtitle:

(1) ADMINISTERING INSTITUTION.—The term “administering institution” means the institution selected under section 1532(c) to operate and administer the database.

(2) CARBON DIOXIDE EQUIVALENT.—The term “carbon dioxide equivalent” means, with respect to each greenhouse gas, the quantity of the greenhouse gas that makes the same contribution to global warming as 1 metric ton of carbon dioxide.

(3) DATABASE.—The term “database” means the national greenhouse gas emissions database established under section 1532(b).

(4) DESIGNATED AGENCIES.—The term “designated agencies” means—

(A) the Department of Energy;

(B) the Department of Commerce; and

(C) the Environmental Protection Agency.

(5) DIRECT GREENHOUSE GAS EMISSIONS.—The term “direct greenhouse gas emissions” means greenhouse gas emissions directly emitted from a facility that is owned or controlled by the reporting entity, including emissions from—

(A) production of electricity, heat, or steam, or other activities involving combustion in stationary equipment;

(B) physical or chemical processing of materials;

(C) equipment leaks, venting from equipment or facilities, or other types of fugitive emissions (such as emissions from piles, pits, and cooling towers); and

(D) combustion of fuels in transportation vehicles or equipment.

(6) ENTITY.—The term “entity” means—

(A) a person; or

(B) an agency or instrumentality of the Federal Government or State or local government.

(7) FACILITY.—The term “facility” means a building, structure, or installation located on any 1 or more contiguous or adjacent properties of an entity in the United States.

(8) FARMING OPERATION.—The term “farming operation” has the meaning given the term in section 101(21) of title 11, United States Code.

(9) GREENHOUSE GAS.—The term “greenhouse gas” means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; and

(F) sulfur hexafluoride.

(10) INDIRECT GREENHOUSE GAS EMISSIONS.—The term “indirect greenhouse gas emissions” means emissions that—

(A) are a consequence of activities of a reporting entity; but

(B) occur from a source controlled by another entity.

(11) LEAD AGENCY.—The term “lead agency” means the lead agency selected under section 1532(a).

(12) REPORTING ENTITY.—The term “reporting entity” means an entity that submits a report under subsection (a) or (b) of section 1533.

(13) SEQUESTRATION.—The term “sequestration” means the long-term separation, isolation, or removal of greenhouse gases from the atmosphere, including through a biological or geologic method such as reforestation or an underground reservoir.

(14) STATE.—The term ‘State’ means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(15) UNITED STATES.—The term “United States”, when used in a geographical sense, means all of the States.

SEC. 1532. NATIONAL GREENHOUSE GAS EMISSIONS DATABASE.

(a) DESIGNATION OF LEAD AGENCY.—The President shall select a lead agency from among the designated agencies for the purpose of implementing this subtitle.

(b) ESTABLISHMENT.—The head of the lead agency, in consultation with the other designated agencies, States, the private sector, and nongovernmental organizations concerned with establishing standards for reporting of greenhouse gas emissions, shall establish a national greenhouse gas emissions database to collect emissions information reported under section 1533 and emission reduction information reported under section 1534.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The head of the lead agency shall enter into a contract with a nonprofit institution to—

(A) design and operate the database;

(B) establish an advisory body with broad representation from industry, agriculture, environmental groups, and State and local governments to guide the development and management of the database;

(C) provide coordination and technical assistance for the development of proposed protocols and methods to be published by the Secretary under section 1535(a); and

(D) certify organizations independent of reporting entities to verify the data submitted by reporting entities, and audit the plans and performance of certifying organizations.

(2) SELECTION.—

(A) IN GENERAL.—The head of the lead agency shall award an initial 5-year contract to the institution under paragraph (1), subject to the procurement regulations of the lead agency.

(B) CONSIDERATIONS.—In determining which institution to award a contract under subparagraph (A), the head of the lead agency shall consider—

(i) the technical expertise of each institution; and

(ii) the ability of each institution to work with a broad and diverse group of interested parties.

(C) RENEWABILITY.—A contract under this paragraph may be renewed for additional terms, based on the satisfactory performance of the institution as determined by the head of the lead agency.

(d) AVAILABILITY OF DATA TO THE PUBLIC.—The head of the lead agency shall ensure that the administering institution publishes all information in the national greenhouse gas emissions database (including in electronic format on the Internet), except with respect to facility-level emission data in any case in which publishing the information would disclose—

(1) information vital to national security; or

(2) confidential business information that—

(A) cannot be derived from information that is otherwise publicly available; and

(B) would cause competitive harm if published.

(e) RELATIONSHIP TO OTHER GREENHOUSE GAS DATABASES OR REPORTING REQUIREMENTS.—To the maximum extent practicable, the head of the lead agency shall ensure coordination between the national greenhouse gas emissions database and existing and developing Federal and State greenhouse gas databases and registries.

(f) NO EFFECT ON OTHER REQUIREMENTS.—Nothing in this subtitle affects any existing requirements for reporting of greenhouse gas emission data or other data relevant to calculating greenhouse gas emissions.

(g) REPORT TO CONGRESS.—If reporting is required under section 1533(b)(2), the head of the lead agency shall, not later than 180 days after the date on which the reporting is required, submit to Congress a report that describes the need for harmonization of legal requirements within the United States relating to greenhouse gas reporting.

SEC. 1533. GREENHOUSE GAS EMISSIONS REPORTING.

(a) VOLUNTARY REPORTING.—

(1) IN GENERAL.—After the establishment of the greenhouse gas emissions database under section 1532 and publication of protocols under section 1535, an entity may voluntarily submit to the administering institution, for inclusion in the database, a report of greenhouse gas emissions in the United States of the entity with respect to the preceding calendar year.

(2) DATE OF SUBMISSION.—Each report under paragraph (1) shall be submitted not later than the July 1 that follows the end of the calendar year described in the report.

(b) REVIEW OF PARTICIPATION.—

(1) IN GENERAL.—On the date that is 4 years after the date of enactment of this Act, the Director of Climate Change Policy shall determine, after notice and public comment, whether the emissions reported to the greenhouse gas database for the most recent calendar year for which data are available represent less than 60 percent of the national aggregate greenhouse gas emissions from non-agricultural, anthropogenic sources for that year.

(2) INCREASED APPLICABILITY OF REQUIREMENTS.—If the Director determines pursuant to paragraph (1) that emissions reported to the greenhouse gas database for the most recent year for which data are available represent less than 60-percent quantity described in paragraph (1) for that year, each entity that exceeds the threshold for reporting under subsection (c) shall submit to the administering institution, not later than July 1 of each year thereafter, for inclusion in the database, a report of greenhouse gas emissions in the United States of the entity with respect to the preceding calendar year in accordance with this section.

(3) RESOLUTION OF DISAPPROVAL.—The determination of the Director of Climate Change Policy under paragraph (1) shall be considered to be a major rule (as defined in section 804(2) of title 5, United States Code) subject to the congressional disapproval procedure under section 802 of title 5, United States Code.

(c) THRESHOLD FOR REPORTING.—

(1) IN GENERAL.—An entity shall submit a report under subsection (b)(2) for greenhouse gas emissions if, in the relevant calendar year, 1 of the following exceeds 10,000 metric tons of carbon dioxide equivalent:

(A) The direct greenhouse gas emissions of any facility of the entity located in the United States.

(B) The indirect greenhouse gas emissions of any facility of the entity located in the United States that are associated with generation of purchased or imported electricity, heat, or steam by the entity (excluding electricity purchased for resale).

(C) After publication of the relevant protocols under section 1535(a), the total calculated greenhouse gas emissions imputed under paragraph (3) to an entity reporting under that paragraph.

(2) AGRICULTURAL EXEMPTION.—Greenhouse gas emissions from a farming operation, feedlot, or forest owned or leased by an entity shall not be considered in determining whether the entity exceeds the threshold under paragraph (1).

(3) THRESHOLD ADJUSTMENT.—

(A) INCREASE.—The head of the lead agency, by rule, may increase the 10,000 metric ton reporting threshold under paragraph (1) to a higher threshold if the head of the lead agency determines that the reports under this section at the higher threshold will include at least 80 percent of greenhouse gas emissions in the United States.

(B) DECREASE.—The head of the lead agency may not decrease the reporting threshold under paragraph (1) to a value lower than 10,000 metric tons of carbon dioxide equivalent.

(d) CONTENT OF REPORTS.—Each greenhouse gas report under this section shall—

(1) express greenhouse gas emissions in metric tons of each greenhouse gas and in metric tons of the carbon dioxide equivalent of each greenhouse gas;

(2) report (except de minimis emissions)—

(A) direct greenhouse gas emissions; and

(B) indirect greenhouse gas emissions associated with the generation of electricity, heat, or steam that is purchased or imported by a reporting entity, for use in its facility (but not including electricity purchased for resale), from a source owned or controlled by another entity;

(3) provide the information under paragraph (2)—

(A) on an entity-wide basis; and

(B) subject to paragraph (4), on a facility-wide basis for each facility owned or controlled by the entity;

(4) report emissions from a facility with shared ownership or control based on the control of the facility, consistent with the treatment of the facility by the entities for financial reporting purposes under generally accepted accounting principles of the United States;

(5) contain any adjustments to greenhouse gas emission reports from prior years to take into account—

(A) errors that significantly affect the quantity of greenhouse gases in the prior greenhouse gas emissions report;

(B) changes in protocols or methods for calculating greenhouse gas emissions under section 1535(a);

(C) the need to maintain data comparability from year to year in the event of significant structural changes in the organization of the reporting entity; or

(D) any transfer of a facility from the control of 1 entity to another;

(6) include a statement describing the reasons for—

(A) any adjustment under paragraph (5); and

(B) any significant change between the greenhouse gas emissions report for the preceding year and the greenhouse gas emissions reported for the current year;

(7) include an appropriate certification, signed by a senior official with management responsibility for the 1 or more persons completing the report, regarding the accuracy and completeness of the report; and

(8) be reported electronically to the administering institution in such form and to such extent as may be required by the institution or the head of the lead agency.

(e) DE MINIMIS EMISSIONS.—The head of the lead agency, by rule, shall specify the level of greenhouse gas emissions from a source within a facility that shall be considered de minimis for purpose of subsection (d)(2).

(f) VERIFICATION OF REPORT REQUIRED.—Before including the information from a greenhouse gas emission report in the database, the administering institution shall—

(1) verify the completeness and accuracy of the emission report using information provided under section 1535(b)(1); or

(2) require the verification of the completeness and accuracy of the emissions report by a certified person under section 1535(b)(2).

(g) PROHIBITION ON CERTAIN ADJUSTMENTS TO PRIOR-YEAR EMISSION DATA.—An entity may not adjust a greenhouse gas emission report from a prior year under subsection (d)(5) in order to account for changes by the entity that are the result of normal business growth or decline, including—

(1) increases or decreases in production output;

(2) plant openings or closures; or

(3) changes in the mix of products manufactured or sold by the entity.

(h) VOLUNTARY REPORTING OF EARLIER EMISSIONS.—

(1) IN GENERAL.—An entity that submits a report under this section may submit to the administering institution, for inclusion in the national greenhouse gas emissions database, a greenhouse gas emission report for the entity with respect to 1 or more calendar years prior to 2006, if the report meets the requirements of subsections (c) and (d) and section 1534.

(2) TRANSITION ASSISTANCE TO ENTITIES IN EXISTING PROGRAM.—The head of the lead agency may provide financial assistance to an entity that submitted a report on greenhouse gas emissions under section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)), for calendar years prior to 2006, for purpose of improving the report so that the report meets the requirements of subsections (c) and (d) and section 1534.

(i) CONTINUITY OF VOLUNTARY REPORTING.—An entity that reports emissions under subsection (a) or (b) that fails to submit a report in any year after submission of the first report of the entity shall be prohibited from including emissions or reductions reported under this subtitle in the calculation of the baseline of the entity in future years.

(j) VOLUNTARY REPORTING OF OTHER INDIRECT EMISSIONS.—An entity that submits a greenhouse gas emission report under this section may voluntarily include in the report, as separate estimates prepared in accordance with the protocols published under section 1535, other indirect greenhouse gas emissions.

(k) CONTINUITY OF INFORMATION ON FACILITIES IN DATABASE.—If ownership or control of a facility for which emissions were included in a report under subsection (b)(2) is transferred to another entity, any entity subsequently having ownership or control of the facility shall submit a greenhouse gas emissions report regarding the transferred facility, even if the entity does not otherwise exceed the threshold for reporting under subsection (c).

SEC. 1534. GREENHOUSE GAS EMISSION REDUCTIONS AND SEQUESTRATION REPORTING.

(a) IN GENERAL.—After the establishment of the greenhouse gas emission database under section 1532 and publication of protocols under section 1535, an entity may voluntarily submit to the administering institution, for inclusion in the database, a report of greenhouse gas emission reductions or sequestration resulting from projects carried out by the entity during the preceding year for—

(1) reduction of direct greenhouse gas emissions; or

(2) sequestration of a greenhouse gas.

(b) DATE OF SUBMISSION.—Each report shall be submitted by the July 1 that follows the end of the calendar year described in the report.

(c) PROJECT TYPES.—Projects referred to in subsection (a) may include projects relating to—

(1) fuel switching;

(2) energy efficiency improvements;

(3) use of renewable energy;

(4) use of combined heat and power systems;

(5) management of cropland, grassland, or grazing land;

(6) a forestry activity that increases forest carbon stocks or reduces forest carbon emissions;

(7) methane recovery;

(8) reduction of natural gas venting or flaring; or

(9) carbon capture and sequestration.

(d) VERIFICATION OF REPORT REQUIRED.—Before including the information from a report under subsection (a) in the database, the administering institution shall—

(1) verify the completeness and accuracy of the report using information provided under section 1535(b)(1); or

(2) require the verification of the completeness and accuracy of the report by a certified person under section 1535(b)(2).

(e) REQUIRED ACCOMPANYING INFORMATION.—An entity that submits a report under subsection (a) shall include sufficient information to verify under section 1535(b) that the report represents—

(1) in the case of a report of direct greenhouse gas emission reductions—

(A) actual reductions in direct greenhouse gas emissions of the entity—

(i) relative to historic emissions levels of the entity; and

(ii) after accounting for any increases in direct or indirect greenhouse gas emissions of the entity; or

(B) in the case of a reported reduction that exceeds the entity-wide net reduction of direct greenhouse gas emissions, adjusted so as not to exceed the net reduction; and

(2) in the case of a report of greenhouse gas sequestration, actual increases in net sequestration, taking into consideration the total systems use of materials and energy in carrying out the sequestration.

(f) PROJECTS PRIOR TO PUBLICATION PROTOCOLS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than July 1 of the calendar year following publication of protocols under section 1535, an entity may submit to the administering institution, for inclusion in the database, a report of greenhouse gas emission reductions or sequestration resulting from projects, carried out by the entity during the period beginning January 1, 1990, and ending on the date of publication of the protocols for—

(A) reduction of direct greenhouse gas emissions; or

(B) sequestration of a greenhouse gas.

(2) CONDITIONS FOR ENTRY.—The information from a report under this subsection shall be entered into the database only if the report meets the requirements of subsections (c) and (d).

(g) IDENTIFICATION AND TRACKING OF GREENHOUSE GAS REDUCTION PROJECTS.—For each verified project entered in the database under this section, the administering institution shall provide to the entity reporting the project a unique identifier to allow for—

(1) the registration of emission reductions associated with the project, in a quantity not to exceed the entity-wide net emission reductions of the entity reporting the project during the same period;

(2) the transfer of those reductions through voluntary private or other transactions; and

(3) tracking of transfers under paragraph (2).

SEC. 1535. DATA QUALITY AND VERIFICATION.

(a) PROTOCOLS AND METHODS.—

(1) IN GENERAL.—The head of the lead agency, after taking into account the recommendations of the administering institution, shall, by rule, establish protocols and methods to ensure completeness, consistency, transparency, and accuracy of data on greenhouse gas emissions and emissions reductions submitted to the database that include—

(A) accounting and reporting standards for greenhouse gas emissions and greenhouse gas emission reductions;

(B) standardized methods for calculating greenhouse gas emissions in specific industries from other readily available and reliable information, such as energy consumption, materials consumption, production data, or other relevant activity data;

(C) standardized methods of estimating greenhouse gas emissions (along with information on the accuracy of the estimations), for cases in which the head of the lead agency determines that methods under subparagraph (B) are not feasible;

(D) methods to avoid double-counting of greenhouse gas emissions, or greenhouse gas emission reductions, within a single major category of emissions, such as direct greenhouse gas emissions;

(E) protocols to prevent an entity from avoiding the reporting requirements of this subtitle by reorganization into multiple entities or by outsourcing operations or activities that emit greenhouse gases;

(F) protocols for verification of data on greenhouse gas emissions, and greenhouse gas emission reductions, by reporting entities and verification organizations independent of reporting entities; and

(G) protocols necessary for the database to maintain valid and reliable information on baselines of entities so that, in the event of any future action by Congress to require entities, individually or collectively, to reduce greenhouse gas emissions, Congress will be able—

(i) to take into account that information; and

(ii) to avoid enacting legislation that penalizes entities for achieving and reporting reductions.

(2) BEST PRACTICES.—The protocols and methods developed under paragraph (1) shall conform, to the maximum extent practicable, to the best practices that have the greatest support of experts in the field.

(3) OUTREACH PROGRAM.—The administering institution shall conduct an outreach program to provide information to all reporting entities and the public on the protocols and methods developed under this subsection.

(b) VERIFICATION.—

(1) INFORMATION BY REPORTING ENTITIES.—Each reporting entity shall—

(A) provide information sufficient for the administering institution to verify, in accordance with the protocols and methods developed under subsection (a), that the greenhouse gas emissions, or greenhouse gas emission reductions, of the reporting entity have been completely and accurately reported; and

(B) ensure the submission or retention of data sources, information on internal control activities, information on assumptions used in reporting emissions, uncertainty analyses, and other relevant data to facilitate the verification of reports submitted to the database.

(2) INDEPENDENT THIRD-PARTY VERIFICATION.—A reporting entity may—

(A) obtain verification of the completeness and accuracy of the greenhouse gas emissions report, or greenhouse gas emissions reduction report, of the reporting entity from a person independent of the reporting entity that has been certified according to the standards issued under paragraph (3); and

(B) present the results of the verification under subparagraph (A) to the administering institution in lieu of verification by the administering institution under paragraph (1).

(3) CERTIFICATION OF INDEPENDENT VERIFICATION ORGANIZATIONS.—

(A) IN GENERAL.—The head of the lead agency shall, by rule, establish certification and audit standards to be applied by the administering institution in certifying persons who verify greenhouse gas emission reports, or greenhouse gas emission reductions reports, under paragraph (2).

(B) CONFLICTS OF INTEREST.—The standards established under subparagraph (A) shall prohibit conflicts of interest on the part of certified persons.

SEC. 1536. ANNUAL SUMMARY REPORT.

Not later than January 1, 2006, and annually thereafter, the head of the lead agency shall publish an annual summary report on the database that includes—

(1) a report on the quantity of the total greenhouse gas emissions and emission reductions included in the database, and the fraction of total greenhouse gas emissions in the United States reported to the database, relative to the year covered by the report (if applicable);

(2) analyses, by entity and sector of the economy of the United States, of the emissions and emission reductions in paragraph (1), including a comparison to total greenhouse gas emissions in the United States by all sectors of the economy;

(3) information on the operations of the database, including the development of protocols and methods during the year covered by the report; and

(4) a summary of the views of the advisory board under section 1532(c)(1)(B) on the operations and effectiveness of the database during the year covered by the report.

SEC. 1537. ENFORCEMENT.

The head of the lead agency may bring a civil action in United States district court against an entity that fails to comply with a requirement of this subtitle, or a rule promulgated under this subtitle, to impose a civil penalty of not more than $25,000 for each day that the failure to comply continues.

Subtitle D—Research Programs

CHAPTER 1—DEPARTMENT OF ENERGY PROGRAMS

SEC. 1541. DEFINITION OF SECRETARY.

In this chapter, the term "Secretary" means the Secretary of Energy, acting through the Office of Science of the Department of Energy.

SEC. 1542. DEPARTMENT OF ENERGY GLOBAL CHANGE SCIENCE RESEARCH.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive research program—

(1) to increase understanding of the global climate system; and

(2) to investigate and analyze the effects of energy production and use on that system.

(b) PROGRAM ELEMENTS.—The program under this chapter shall include—

(1) research and modeling activities on the radiation balance from the surface of the Earth to the upper limit of the atmosphere, including the effects of aerosols and clouds;

(2) research and modeling activities—

(A) to investigate and understand the global carbon cycle, including the role of the terrestrial biosphere as a source or sink for carbon dioxide; and

(B) to develop, test, and improve carbon-cycle models;

(3)(A) research activities to understand the scales of response of complex ecosystems to environmental changes, including identification of the underlying causal mechanisms and pathways of environmental changes and the ways in which those mechanisms and pathways are linked; and

(B) research and modeling activities on the response of terrestrial ecosystems to changes in climate, atmospheric composition, and land use;

(4) research and modeling activities to develop integrated assessments of the economic, social, and environmental implications of climate change and policies relating to climate change, with emphasis on—

(A) improving the resolution of models for integrated assessments on a regional basis;

(B) developing next-generation models and testing those models as pilots on selected regional areas (including States and territories of the United States in the Pacific, on the Gulf of Mexico, or in agricultural or forested areas of the continental United States);

(C) developing and improving models for technology innovation and diffusion; and

(D) developing and improving models of the economic costs and benefits of climate change and policies relating to climate change; and

(5) development of high-end computational resources, information technologies, and data assimilation methods—

(A) to carry out the program under this chapter;

(B) to make more effective use of large and distributed data sets and observational data streams; and

(C) to increase the availability and utility of climate change and energy simulations to researchers and policy makers.

(c) EDUCATION AND INFORMATION DISSEMINATION.—

(1) IN GENERAL.—The Secretary, in collaboration with similar programs in other Federal agencies, shall include education and training of undergraduate and graduate students as an integral part of the programs under this chapter.

(2) ANALYSIS CENTER.—The Secretary shall support a Carbon Dioxide Information and Analysis Center—

(A) to serve as a resource for researchers and others interested in global climate change; and

(B) to accommodate data and information requests relating to the greenhouse effect and global climate change.

SEC. 1543. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this chapter, to remain available until expended—

(1) $150,000,000 for fiscal year 2006;

(2) $175,000,000 for fiscal year 2007;

(3) $200,000,000 for fiscal year 2008;

(4) $230,000,000 for fiscal year 2009; and

(5) $266,000,000 for fiscal year 2010.

(b) LIMITATION ON FUNDS.—Funds authorized to be appropriated under this section shall not be used for the development, demonstration, or deployment of technology to reduce, avoid, or sequester greenhouse gas emissions.

CHAPTER 2—DEPARTMENT OF COMMERCE PROGRAMS

SEC. 1551. DEFINITION OF SECRETARY.

In this chapter, the term "Secretary" means the Secretary of Commerce.

SEC. 1552. ABRUPT CLIMATE CHANGE RESEARCH PROGRAM.

(a) DEFINITION OF ABRUPT CLIMATE CHANGE.—In this section, the term "abrupt climate change" means a change in the climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the climate as changed.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish in the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration, and shall carry out, a program of scientific research on abrupt climate change.

(c) PURPOSES OF PROGRAM.—The purposes of the program are—

(1) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to sufficiently identify and describe past instances of abrupt climate change;

(2) to improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change;

(3) to incorporate the mechanisms into advanced geophysical models of climate change; and

(4) to test the output of the models against an improved global array of records of past abrupt climate changes.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section, to remain available until expended—

(1) $20,000,000 for fiscal year 2006;

(2) $22,000,000 for fiscal year 2007;

(3) $24,000,000 for fiscal year 2008;

(4) $26,000,000 for fiscal year 2009; and

(5) $28,000,000 for fiscal year 2010.

SEC. 1553. REGIONAL CLIMATE ASSESSMENT AND ADAPTATION.

(a) IN GENERAL.—The Secretary shall establish in the Department of Commerce a National Climate Vulnerability and Adaptation Program for regional impacts related to increasing concentrations of greenhouse gases in the atmosphere and climate variability.

(b) COORDINATION.—In designing the program described in subsection (a), the Secretary shall consult with appropriate Federal, State, tribal, and local government entities.

(c) REGIONAL VULNERABILITY ASSESSMENTS.—The program shall—

(1) evaluate, based on information developed under this subtitle, under the National Climate Program Act (15 U.S.C. 2901 et seq.), and by the global climate modeling community, regional vulnerability to phenomena associated with climate change and climate variability, including—

(A) increases in severe weather events;

(B) sea level rise and shifts in the hydrological cycle;

(C) natural hazards, including tsunami, drought, flood, and fire; and

(D) alteration of ecological communities at the ecosystem or watershed level; and

(2) build upon information developed in the scientific assessments prepared under the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.).

(d) PREPAREDNESS RECOMMENDATIONS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that identifies and recommends implementation and funding strategies for short- and long-term actions that may be taken at the national, regional, State, and local level—

(1) to minimize threats to human life and property;

(2) to improve resilience to hazards;

(3) to minimize economic impacts; and

(4) to reduce threats to critical biological and ecological processes.

(e) INFORMATION AND TECHNOLOGY.—The Secretary shall—

(1) make available appropriate information, technologies, and products that will assist national, regional, State, and local efforts to reduce loss of life and property from increased concentrations of greenhouse gases and climate variability; and

(2) coordinate dissemination of such technologies and products.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $4,500,000 for each of fiscal years 2006 through 2010.

SEC. 1554. COASTAL VULNERABILITY AND ADAPTATION.

(a) DEFINITIONS.—Any term used in this section that is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453) has the meaning given the term in that section.

(b) REGIONAL ASSESSMENTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with appropriate Federal, State, tribal, and local governmental entities, shall conduct regional assessments of the vulnerability of coastal areas to hazards associated with climate change, climate variability, sea level rise, and fluctuation of Great Lakes water levels.

(2) DEVELOPMENT.—The Secretary may consult with the governments of Canada and Mexico as appropriate in developing regional assessments.

(3) PREPARATION.—In preparing the regional assessments, the Secretary shall—

(A) collect and compile current information on climate change, sea level rise, natural hazards, and coastal erosion and mapping; and

(B) specifically address impacts on Arctic regions and the Central, Western, and South Pacific regions.

(4) EVALUATION.—The regional assessments shall include an evaluation of—

(A) social impacts associated with threats to and potential losses of housing, communities, and infrastructure;

(B) physical impacts, including coastal erosion, flooding and loss of estuarine habitat, saltwater intrusion of aquifers and saltwater encroachment, and species migration; and

(C) economic impact on regional, State, and local economies, including the impact on abundance or distribution of economically important living marine resources.

(c) COASTAL ADAPTATION PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a national coastal adaptation plan, composed of individual regional adaptation plans that recommend targets and strategies to address coastal impacts associated with climate change, sea level rise, or climate variability.

(2) DEVELOPMENT.—The national coastal adaptation plan shall be developed with the participation of other Federal, State, tribal, and local government agencies that will be critical in the implementation of the plan at the State, tribal, and local levels.

(3) REGIONAL PLANS.—The regional plans covered by the national coastal adaptation plan shall—

(A) be based on the information contained in the regional assessments; and

(B) identify special needs associated with Arctic areas and the Central, Western, and South Pacific regions.

(4) RECOMMENDATIONS.—The national coastal adaptation plan shall recommend both short- and long-term adaptation strategies, including recommendations regarding—

(A) Federal flood insurance program modifications;

(B) areas that have been identified as high risk through mapping and assessment;

(C) mitigation incentives, including rolling easements, strategic retreat, Federal or State acquisition in fee simple or other interest in land, construction standards, and zoning;

(D) land and property owner education;

(E) economic planning for small communities dependent upon affected coastal resources, including fisheries; and

(F) funding requirements and mechanisms.

(d) TECHNICAL PLANNING ASSISTANCE.—

(1) IN GENERAL.—The Secretary, acting through the National Ocean Service, shall establish a coordinated program to provide technical planning assistance and products to coastal State and local governments as the coastal States and local governments develop and implement adaptation or mitigation strategies and plans.

(2) STATE AND LOCAL PLANS.—Products, information, tools and technical expertise generated from the development of the regional assessments and the regional adaptation plans shall be made available to coastal State and local governments to develop State and local plans.

(e) COASTAL ADAPTATION GRANTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide grants of financial assistance to coastal States with Federally approved coastal zone management programs to develop and begin implementing coastal adaptation programs.

(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), a coastal State shall provide a Federal-to-State match—

(A) in the first fiscal year of the program, of 4 to 1;

(B) in the second fiscal year of the program, of 2.3 to 1;

(C) in the third fiscal year of the program, of 2 to 1; and

(D) in each subsequent fiscal year, of 1 to 1.

(3) FORMULA.—Distribution of funds under this subsection to coastal States shall be based on the formula established under section 306(c) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455(c)), adjusted in consultation with the States as necessary to provide assistance to particularly vulnerable coastlines.

(f) COASTAL RESPONSE PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a 4-year pilot program to provide financial assistance to coastal communities that—

(A) are most adversely affected by the impact of climate change or climate variability; and

(B) are located in States with Federal-approved coastal zone management programs.

(2) ELIGIBLE PROJECTS.—A project is eligible for financial assistance under the pilot program if the project—

(A) will restore or strengthen coastal resources, facilities, or infrastructure that have been damaged by the impact of climate change or climate variability, as determined by the Secretary;

(B) meets the requirements of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) and is consistent with the coastal zone management plan of the State in which the project will be carried out; and

(C) will not cost more than $100,000 for each project.

(3) FUNDING SHARE.—

(A) IN GENERAL.—The Federal funding share of any project under this subsection may not exceed 75 percent of the total cost of the project.

(B) ADMINISTRATION.—In carrying out this paragraph—

(i) the Secretary may take into account in-kind contributions and other non-cash support of any project to determine the Federal funding share for that project; and

(ii) the Secretary may waive the requirements of this paragraph for a project in a community if—

(I) the Secretary determines that the project is important; and

(II) the economy and available resources of the community in which the project is to be conducted are insufficient to meet the non-Federal share of the cost of the project.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

(1) to carry out subsections (b) through (d), $5,000,000 for each of fiscal years 2006 through 2010;

(2) for coastal adaptation grants under subsection (e), $5,000,000 for each of fiscal years 2006 through 2010; and

(3) to carry out the pilot program established under subsection (f), $3,000,000 for each of fiscal years 2006 through 2010.

SEC. 1555. FORECASTING PROJECTS.

(a) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration and the Administrator of the National Oceanic and Atmospheric Administration shall establish, through the Coastal Services Center of the National Oceanic and Atmospheric Administration, a program of grants for competitively awarded 3-year pilot projects to explore the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs to forecast a plan for adaptation to coastal zone and land use changes that may result as a consequence of global climate change or climate variability.

(b) PREFERRED PROJECTS.—In awarding grants under this section, the Center shall give preference to projects that—

(1) focus on areas that are most sensitive to the consequences of global climate change or climate variability;

(2) make use of existing public or commercial data sets;

(3) integrate multiple sources of geospatial information (including geographic information system data, satellite-provided positioning data, and remotely sensed data) in innovative ways;

(4) offer diverse, innovative approaches that may serve as models for establishing a future coordinated framework for planning strategies for adaptation to coastal zone and land use changes related to global climate change or climate variability;

(5) include funds or in-kind contributions from non-Federal sources;

(6) involve the participation of commercial entities that process raw or lightly processed data, often merging that data with other geospatial information, to create data products that have significant value added to the original data; and

(7) considered together, demonstrate as diverse a set of public sector applications as practicable.

(c) OPPORTUNITIES.—In carrying out this section, the Center shall seek opportunities to assist—

(1) in the development of commercial applications potentially available from the remote sensing industry; and

(2) State, local, regional, and tribal agencies in applying remote sensing and other geospatial information technologies for management and adaptation to coastal and land use consequences of global climate change or climate variability.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrators described in subsection (a) to carry out this section—

(1) $15,000,000 for fiscal year 2006;

(2) $17,500,000 for fiscal year 2007;

(3) $20,000,000 for fiscal year 2008;

(4) $22,500,000 for fiscal year 2009; and

(5) $25,000,000 for fiscal year 2010.

SEC. 1556. INTERNATIONAL PACIFIC RESEARCH AND COOPERATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall conduct international research in the Pacific region that will increase understanding of the nature and predictability of climate variability in the Asia-Pacific sector, including regional aspects of global environmental change.

(2) COOPERATION.—Research activities under this section shall be conducted in cooperation with other nations of the Pacific region.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section for fiscal year 2006, to remain available until expended—

(1) $2,000,000 to the National Oceanic and Atmospheric Administration, including $500,000 for the Pacific El Nino-Southern Oscillation Applications Center; and

(2) $1,500,000 to the National Aeronautics and Space Administration.

SEC. 1557. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY PROGRAMS.

(a) ESTABLISHMENT, FUNCTIONS, AND ACTIVITIES.—Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(1) in paragraph (21), by striking “and” at the end;

(2) by redesignating paragraph (22) as paragraph (23); and

(3) by inserting after paragraph (21) the following:

“(22) perform research to develop enhanced measurements, calibrations, standards, and measurement technologies which will enable the reduced production in the United States of greenhouse gases associated with global warming, including carbon dioxide, methane, nitrous oxide, ozone, perfluorocarbons, hydrofluorocarbons, and sulfur hexafluoride; and”.

(b) PROGRAMS RELATED TO CLIMATE CHANGE.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) by redesignating section 32 as section 33; and

(2) by inserting after section 31 the following:

“SEC. 32. PROGRAMS RELATED TO CLIMATE CHANGE.

“(a) IN GENERAL.—The Director shall establish a program to perform and support research on measurements, calibrations, data, models, and reference material standards with the goal of providing scientific and technical knowledge and generally recognized measurements, procedures, analytical tools, software, measurement technologies, and measurement standards applicable to the understanding, monitoring, and control of greenhouse gases.

“(b) PROGRAM EXECUTION AND COORDINATION.—

“(1) IN GENERAL.—The Director may conduct the program under this section through—

“(A) the National Measurement Laboratories or other appropriate elements of the Institute; or

“(B) grants, contracts, and cooperative agreements with appropriate entities.

“(2) VOLUNTARY LABORATORY ACCREDITATION PROGRAM.—The Director may establish a voluntary laboratory accreditation program (including specific calibration and test standards, methods, and protocols) to meet the need for accreditation in the measurement of greenhouse gases.

“(3) CONSULTATION.—The Director shall carry out the program under this section in consultation with appropriate Federal agencies, including the Environmental Protection Agency, the Department of Energy, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, and the National Science Foundation.”.

CHAPTER 3—INTERAGENCY PROGRAMS

SEC. 1561. GLOBAL CHANGE RESEARCH.

(a) FINDINGS.—Section 101(a) of the Global Change Research Act of 1990 (15 U.S.C. 2931(a)) is amended by adding at the end the following:

“(7) The present rate of advance in research and development, and the application of those advances, is inadequate and new developments must be incorporated rapidly into services for the benefit of the public.

“(8) The United States lacks adequate infrastructure and research to meet national climate monitoring and prediction needs.”.

(b) UPDATING AUTHORIZATION FOR COMMITTEE STRUCTURE.—

(1) DEFINITIONS.—Section 2 of the Global Change Research Act of 1990 (15 U.S.C. 2921) is amended—

(A) in paragraph (1), by inserting before the semicolon the following: “or a successor committee”; and

(B) in paragraph (2), by inserting before the semicolon the following: “or a successor body”.

(2) COMMITTEE ON EARTH AND ENVIRONMENTAL SCIENCES.—Section 102 of the Global Change Research Act of 1990 (15 U.S.C. 2932) is amended—

(A) in subsection (b), by striking the last sentence and inserting “The representatives shall be the Deputy Secretary or the designee of the Deputy Secretary (or, in the case of an agency other than a department, the deputy head of that agency or the designees of the deputy).”;

(B) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(C) by inserting after subsection (c) the following:

“(d) SUBCOMMITTEES AND WORKING GROUPS.—

“(1) IN GENERAL.—There shall be a Subcommittee on Global Change Research, which shall carry out such functions of the

Committee as are assigned by the Committee.

"(2) OTHER SUBCOMMITTEES AND WORKING GROUPS.—The Committee may establish such additional subcommittees and working groups as the Committee considers appropriate."; and

(D) in subsection (f) (as redesignated by subparagraph (B)), by striking paragraph (6) and inserting the following:

"(6) routinely consult with actual and potential users of the results of the Program to assess information needs and ensure that the results are useful in developing international, national, regional, and local policy responses to global change; and".

(c) NATIONAL GLOBAL CHANGE RESEARCH PLAN.—Section 104 of the Global Change Research Act of 1990 (15 U.S.C. 2934) is amended—

(1) in the last sentence of subsection (a), by inserting before the period ", including not later than 180 days after the date of enactment of the Energy and Climate Change Act of 2005";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting "short-term and long-term" before "goals"; and

(ii) by striking "usable information on which to base policy decisions relating to" and inserting "information relevant and readily usable by Federal, State, tribal, and local decision makers and other end-users, for the formulation of effective decisions and strategies for measuring, predicting, preventing, mitigating, and adapting to";

(B) in paragraph (6)(D), by striking "and" at the end;

(C) by redesignating paragraph (7) as paragraph (9); and

(D) by inserting after subsection (6) the following:

"(7) evaluate and explain the accuracy of provided predictions in a manner that will enhance use of the predictions by Federal, State, tribal, and local decision makers and other end-users of the information; and

"(8) identify the categories of decision makers and describe how the program (including modeling capabilities) will develop decision support capabilities for the decision makers described in paragraph (7); and";

(3) in subsection (c), by adding at the end the following:

"(6) Research necessary to monitor and predict societal and ecosystem impacts, to design adaptation and mitigation strategies, and to understand the costs and benefits of climate change and related response options.

"(7) Methods for integrating information to provide predictive and other tools for planning and decisionmaking by governments, communities, and the private sector."; and

(4) in subsection (d)—

(A) in paragraph (2), by striking "and" at the end; and

(B) by striking paragraph (3) and inserting the following:

"(3) conduct routine assessments of the information needs of Federal, State, tribal, and local policy makers and other end-users;

"(4) combine and interpret data from various sources to produce information readily usable by local, tribal, State, and Federal policymakers and other end-users attempting to formulate effective decisions and strategies for preventing, mitigating, and adapting to the effects of global change;

"(5) develop methods for improving modeling and predictive capabilities and assessment methods to guide national, regional, and local planning and decisionmaking on land use, hazards related to water (including flooding, storm surges, and sea-level rise), and related issues; and

"(6) establish a common assessment and modeling framework that may be used in both research and operations to predict and assess the vulnerability of natural and managed ecosystems and human society in the context of other environmental and social changes.".

(d) RESEARCH GRANTS.—Section 105 of the Global Change Research Act of 1990 (15 U.S.C. 2935) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) RESEARCH GRANTS.—

"(1) LIST OF PRIORITY RESEARCH AREAS.—The Committee shall develop a list of priority areas for research and development on climate change that are not being addressed by Federal agencies.

"(2) TRANSMISSION OF LIST.—The Director of the Office of Science and Technology Policy shall transmit the list to the National Science Foundation.

"(3) FUNDING.—

"(A) BUDGET REQUEST.—The National Science Foundation shall include funding for research in the priority areas on the list developed under paragraph (1) as part of the annual budget request for integrative activities of the National Science Foundation.

"(B) AUTHORIZATION.—For fiscal year 2006 and each subsequent fiscal year, to carry out research in the priority areas, there is authorized to be appropriated to the National Science Foundation not less than $17,000,000, to be managed through the Science and Technology Policy Institute.".

(e) SCIENTIFIC ASSESSMENT.—Section 106 of the Global Change Research Act of 1990 (15 U.S.C. 2936) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3)—

(A) by striking "human-inducted" and inserting "human-induced"; and

(B) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) evaluates the information being developed under this title, considering in particular the usefulness of the information to national, State, tribal, and local decision makers and other interested persons, including those in the private sector, after providing a meaningful opportunity for considering the views of those persons on the effectiveness of the Program and the usefulness of the information.".

(f) NATIONAL CLIMATE SERVICE PLAN.—Title I of the Global Change Research Act of 1990 (15 U.S.C. 2931 et seq.) is amended by adding at the end the following:

"SEC. 109. NATIONAL CLIMATE SERVICE PLAN.

"Not later than 1 year after the date of enactment of the Energy and Climate Change Act of 2005, the Secretary of Commerce, after review by the Interagency Task Force on Climate Change established under section 103 of that Act, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a plan of action for a National Climate Service that contains recommendations and funding estimates for—

"(1) a national center for operational climate monitoring and predicting with the functional capacity to monitor and adjust observing systems as necessary to reduce bias;

"(2) the design, deployment, and operation of an adequate national climate observing system that builds upon existing environmental monitoring systems and closes gaps in coverage by existing systems;

"(3) the establishment of a national coordinated modeling strategy, including a national climate modeling center to provide a dedicated capability for climate modeling and a regular schedule of projections on a long-term and short-term time schedule and at a range of spatial scales;

"(4) improvements in modeling and assessment capabilities needed to integrate information to predict regional and local climate changes and impacts;

"(5) in coordination with the private sector, improving the capacity to assess the impacts of predicted and projected climate changes and variations;

"(6) a program for long term stewardship, quality control, development of relevant climate products, and efficient access to all relevant climate data, products, and critical model simulations; and

"(7) mechanisms to coordinate among Federal agencies, State, tribal, and local government entities and the academic community to ensure timely and full sharing and dissemination of climate information and services, both in the United States and internationally.".

Subtitle E—Forests and Agriculture

SEC. 1571. DEFINITIONS.

In this subtitle:

(1) ADVISORY PANEL.—The term "Advisory Panel" means the Soil and Forestry Carbon Sequestration Panel established under subsection 1574(a).

(2) ELIGIBLE FOREST CARBON ACTIVITY.—The term "eligible forest carbon activity" means a forest management action that—

(A) helps restore forest land that has been underproducing or understocked for more than 5 years;

(B) maintains natural forest under a permanent conservation easement;

(C) provides for protection of a forest from nonforest use;

(D) allows a variety of sustainable management alternatives;

(E) maintains or improves a watershed or fish and wildlife habitat; or

(F) demonstrates permanence of carbon sequestration and promotes and sustains native species.

(3) FOREST CARBON RESERVOIR.—The term "forest carbon reservoir" means carbon that is stored in aboveground or underground soil and other forms of biomass that are associated with a forest ecosystem.

(4) FOREST CARBON SEQUESTRATION PROGRAM.—The term "forest carbon sequestration program" means the program established under subsection 1572(a).

(5) FOREST LAND.—

(A) IN GENERAL.—The term "forest land" means a parcel of land that is, or has been, at least 10 percent stocked by forest trees of any size.

(B) INCLUSIONS.—The term "forest land" includes—

(i) land on which forest cover may be naturally or artificially regenerated; and

(ii) a transition zone between a forested area and nonforested area that is capable of sustaining forest cover.

(6) FOREST MANAGEMENT ACTION.—

(A) IN GENERAL.—The term "forest management action" means an action that—

(i) applies forestry principles to the regeneration, management, use, or conservation of forests to meet specific goals and objectives;

(ii) demonstrates permanence of carbon sequestration and promotes and sustains native species; and

(iii) maintains the ecological sustainability and productivity of the forests or protects natural forests under a permanent conservation easement.

(B) INCLUSIONS.—The term "forest management action" includes management and use of forest land for the benefit of aesthetics, fish, recreation, urban values, water, wilderness, wildlife, wood products, or other forest values.

(7) REFORESTATION.—

(A) IN GENERAL.—The term "reforestation" means the reestablishment of forest cover naturally or artificially.

(B) INCLUSIONS.—The term "reforestation" includes planned replanting, reseeding, and natural regeneration.

(8) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(9) SOIL CARBON SEQUESTRATION PROGRAM.—The term "soil carbon sequestration program" means the program established under section 1573(a)(1).

(10) STATE.—

(A) IN GENERAL.—The term "State" means—

(i) a State; and

(ii) the District of Columbia.

(B) INCLUSION.—The term "State" includes a political subdivision of a State.

(11) WILLING OWNER.—The term "willing owner" means a State or local government, Indian tribe, private entity, or other person or non-Federal organization that owns forest land and is willing to participate in the forest carbon sequestration program.

SEC. 1572. FOREST CARBON SEQUESTRATION PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Chief of the Forest Service and in collaboration with State foresters, State resource management agencies, and interested nongovernmental organizations, shall establish a forest carbon sequestration program under which the Secretary, directly or through agreements with 1 or more States, may enter into cooperative agreements with willing owners to carry out forest management actions or eligible forest carbon activities on not more than a total of 5,000 acres of forest land holdings to create or maintain a forest carbon reservoir.

(b) ASSISTANCE TO STATES.—

(1) IN GENERAL.—The Secretary shall provide assistance to States to enter into cooperative agreements with willing owners to carry out eligible forest carbon activities on forest land.

(2) REPORTING.—As a condition of receiving assistance under paragraph (1), a State shall annually submit to the Secretary a report disclosing the estimated quantity of carbon stored through the cooperative agreement.

(c) BONNEVILLE POWER ADMINISTRATION.—Each of the States of Idaho, Oregon, Montana, and Washington may apply for funding from the Bonneville Power Administration to fund a cooperative agreement that—

(1) meets the fish and wildlife objectives and priorities of the Bonneville Power Administration under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.); and

(2) meets the objectives of this section.

SEC. 1573. SOIL CARBON SEQUESTRATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary, acting through the Chief of the Natural Resources Conservation Service and in cooperation with the Consortium for Agricultural Soils Mitigation of Greenhouse Gases, shall carry out at least 4 pilot programs to—

(A) develop, demonstrate, and verify the best management practices for enhanced soil carbon sequestration on agricultural land; and

(B) evaluate and establish standardized monitoring and verification methods and protocols.

(2) CRITERIA.—The Secretary shall select a pilot program based on—

(A) the merit of the proposed program; and

(B) the diversity of soil types, climate zones, crop types, cropping patterns, and sequestration practices available at the site of the proposed program.

(b) REQUIREMENTS.—A pilot program carried out under this section shall—

(1) involve agricultural producers in—

(A) the development and verification of best management practices for carbon sequestration; and

(B) the development and evaluation of carbon monitoring and verification methods and protocols on agricultural land;

(2) involve research and testing of the best management practices and monitoring and verification methods and protocols in various soil types and climate zones;

(3) analyze the effects of the adoption of the best management practices on—

(A) greenhouse gas emissions, water quality, and other aspects of the environment at the watershed level; and

(B) the full range of greenhouse gases; and

(4) use the results of the research conducted under the program to—

(A) develop best management practices for use by agricultural producers;

(B) provide a comparison of the costs and net greenhouse effects of the best management practices;

(C) encourage agricultural producers to adopt the best management practices; and

(D) develop best management practices on a regional basis for use in watersheds and States not participating in the pilot programs.

SEC. 1574. SOIL AND FORESTRY CARBON SEQUESTRATION PANEL.

(a) ESTABLISHMENT.—The Secretary, acting through the Chief of the Forest Service and the Chief of the Natural Resources Conservation Service, shall establish a soil and forestry carbon sequestration panel to—

(1) advise the Secretary in the development and updating of guidelines for accurate voluntary reporting of greenhouse gas sequestration from forest management actions and agricultural best management practices;

(2) evaluate the potential effectiveness (including cost effectiveness) of the guidelines in verifying carbon inputs and outputs and assessing impacts on other greenhouse gases from various forest management strategies and agricultural best management practices;

(3) estimate the effect of proposed implementation of the guidelines on—

(A) carbon sequestration and storage; and

(B) the net emissions of other greenhouse gases;

(4) provide estimates on the rates of carbon sequestration and net nitrous oxide and methane impacts for forests and various plants, agricultural commodities, and agricultural practices to assist the Secretary in determining the acceptability of the cooperative agreement offers made by willing owners;

(5) propose to the Secretary the standardized methods for—

(A) measuring carbon sequestered in soils and in forests; and

(B) estimating the impacts of the forest carbon sequestration program and the soil carbon sequestration program on other greenhouse gases; and

(6) assist the Secretary in reporting to Congress on the results of the forest carbon sequestration program and the soil carbon sequestration program.

(b) MEMBERSHIP.—The Advisory Panel shall be composed of the following members with interest and expertise in soil carbon sequestration and forestry management, appointed by the Secretary:

(1) 1 member representing national professional forestry organizations.

(2) 1 member representing national agriculture organizations.

(3) 2 members representing environmental or conservation organizations.

(4) 1 member representing Indian tribes.

(5) 3 members representing the academic scientific community.

(6) 2 members representing State forestry organizations.

(7) 2 members representing State agricultural organizations.

(8) 1 member representing the Environmental Protection Agency.

(9) 1 member representing the Department of Agriculture.

(c) TERMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Advisory Panel shall be appointed for a term of 3 years.

(2) INITIAL TERMS.—Of the members first appointed to the Advisory Panel—

(A) 1 member appointed under each of paragraphs (2), (4), (6), and (8) of subsection (b), as determined by the Secretary, shall serve an initial term of 1 year; and

(B) 1 member appointed under each of paragraphs (1), (3), (5), (7), and (9) of subsection (b), as determined by the Secretary, shall serve an initial term of 2 years.

(3) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Advisory Panel shall be filled in the manner in which the original appointment was made.

(B) PARTIAL TERM.—A member appointed to fill a vacancy occurring before the expiration of a term shall be appointed only for the remainder of the term.

(C) SUCCESSIVE TERMS.—An individual may not be appointed to serve on the Advisory Panel for more than 2 full consecutive terms.

(d) EXISTING COMMITTEES.—The Secretary may use an existing Federal advisory committee to perform the tasks of the Advisory Panel if—

(1) representation on the advisory committee, the terms and background of members of the advisory committee, and the responsibilities of the advisory committee reflect those of the Advisory Panel; and

(2) those responsibilities are a priority for the advisory committee.

SEC. 1575. STANDARDIZATION OF CARBON SEQUESTRATION MEASUREMENT PROTOCOLS.

(a) ACCURATE MONITORING, MEASUREMENT, AND REPORTING.—

(1) IN GENERAL.—The Secretary, in collaboration with the States, shall—

(A) develop standardized measurement protocols for—

(i) carbon sequestered in soils and trees; and

(ii) impacts on other greenhouse gases;

(B)(i) develop standardized forms to monitor sequestration improvements made as a result of the forest carbon sequestration program and the soil carbon sequestration program; and

(ii) distribute the forms to participants in the forest carbon sequestration program and the soil carbon sequestration program; and

(C) at least once every 5 years, submit to the appropriate committees of Congress a report on the forest carbon sequestration program and the soil carbon sequestration program.

(2) Contents of Report.—A report under paragraph (1)(C) shall describe—

(A) carbon sequestration improvements made as a result of the forest carbon sequestration program and the soil carbon sequestration program;

(B) carbon sequestration practices on land owned by participants in the forest carbon sequestration program and the soil carbon sequestration program; and

(C) the degree of compliance with any cooperative agreements, contracts, or other arrangements entered into under this section.

(b) Educational Outreach.—The Secretary, acting through the Administrator of the Cooperative State Research, Education, and Extension Service, and in consultation with the Consortium for Agricultural Soils Mitigation of Greenhouse Gases, shall conduct an educational outreach program to collect and disseminate to owners and operators of agricultural and forest land research-based information on agriculture and forest management practices that will increase the sequestration of carbon, without threat to the social and economic well-being of communities.

(c) Periodic Review.—At least once every 2 years, the Secretary shall—

(1) convene the Advisory Panel to evaluate the latest scientific and observational information on reporting, monitoring, and verification of carbon storage from forest management and soil sequestration actions; and

(2) issue, as necessary, revised recommendations for reporting, monitoring, and verifying carbon storage from forest management actions and agricultural best management practices.

SA 816. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. REACTOR DEMONSTRATION PROGRAM

(1) Not later than 120 days after the date of enactment, and notwithstanding Section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5)), the Secretary is authorized to take title to the spent nuclear fuel withdrawn from the demonstration reactor remaining from the Cooperative Power Reactor Demonstration Program (Pub. L. No. 87-315, Sec. 109, 75 Stat. 679), the Dairyland Power Cooperative La Crosse Boiling Water Reactor. Immediately upon the Secretary's taking title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage, from the date of taking title until the Secretary removes the spent nuclear fuel from the Dairyland Power Cooperative La Crosse Boiling Water Reactor site. The Secretary's obligation to take title or compensate the holder of the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel under this section shall include all of such fuel, regardless of the delivery commitment schedule for such fuel under the Secretary's contract with the Dairyland Power Cooperative as the contract holder under Section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) or the acceptance schedule for such fuel under section 106 of this Act.

(2) As a condition to the Secretary's taking of title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the contract holder for such fuel shall enter into a settlement agreement containing a waiver of claims against the United States as provided in this section.

(3) Nothing in this section shall limit the Secretary's existing authority to enter into settlement agreements or address shutdown reactors and any associated public health and safety or environmental concerns that may arise.

SA 817. Mr. HAGEL (for himself, Mr. Pryor, Mr. Alexander, Ms. Landrieu, Mr. Craig, Mrs. Dole, Ms. Murkowski, Mr. Voinovich, and Mr. Stevens) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE XV—CLIMATE CHANGE

Subtitle A—National Climate Change Technology Deployment

SEC. 1501. GREENHOUSE GAS INTENSITY REDUCING TECHNOLOGY STRATEGIES.

Title XVI of the Energy Policy Act of 1992 (42 U.S.C. 13381 et seq.) is amended by adding at the end the following:

"SEC. 1610. GREENHOUSE GAS INTENSITY REDUCING STRATEGIES.

"(a) Definitions.—In this section:

"(1) Carbon sequestration.—The term 'carbon sequestration' means the capture of carbon dioxide through terrestrial, geological, biological, or other means, which prevents the release of carbon dioxide into the atmosphere.

"(2) Committee.—The term 'Committee' means the Interagency Coordinating Committee on Climate Change Technology established under subsection (c)(1).

"(3) Developing country.—The term 'developing country' has the meaning given the term in section 1608(m).

"(4) Greenhouse gas.—The term 'greenhouse gas' means—

"(A) carbon dioxide;

"(B) methane;

"(C) nitrous oxide;

"(D) hydrofluorocarbons;

"(E) perfluorocarbons; and

"(F) sulfur hexafluoride.

"(5) Greenhouse gas intensity.—The term 'greenhouse gas intensity' means the ratio of greenhouse gas emissions to economic output.

"(6) National laboratory.—The term 'National Laboratory' means a laboratory owned by the Department of Energy.

"(7) Working group.—The term 'Working Group' means the Climate Change Technology Working Group established under subsection (f)(1).

"(b) Office of Science and Technology Policy Strategy.—

"(1) In general.—Not later than 18 months after the date of enactment of this section, the Director of the Office of Science and Technology Policy shall, based on applicable Federal climate reports, submit to the Secretary and the President a national strategy to promote the deployment and commercialization of greenhouse gas intensity reducing technologies and practices developed through research and development programs conducted by the National Laboratories, other Federal research facilities, universities, and the private sector.

"(2) Availability of strategy; updates.—The President shall—

"(A) on submission of the strategy to the President under paragraph (1), make the strategy available to the public; and

"(B) update the strategy as the President determines to be necessary.

"(c) Interagency Coordinating Committee on Climate Change Technology.—

"(1) In general.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish an Interagency Coordinating Committee on Climate Change Technology to—

"(A) integrate current Federal climate reports; and

"(B) coordinate Federal climate change activities and programs carried out in furtherance of the strategy developed under subsection (b)(1).

"(2) Membership.—The Committee shall be composed of at least 6 members, including—

"(A) the Secretary;

"(B) the Secretary of Commerce;

"(C) the Chairman of the Council on Environmental Quality;

"(D) the Secretary of Agriculture;

"(E) the Administrator of the Environmental Protection Agency; and

"(F) the Secretary of Transportation.

"(3) Staff.—The Secretary shall provide such personnel as are necessary to enable the Committee to perform the duties of the Committee.

"(d) Climate Change Science Program and Climate Change Technology Program.—

"(1) Climate change science program.—Not later than 180 days after the date on which the strategy is submitted under subsection (b)(1), the Secretary of Commerce, in cooperation with the Committee, shall permanently establish within the Department of Commerce the Climate Change Science Program to assist the Committee in the interagency coordination of climate change science research and related activities, including—

"(A) assessments of the state of knowledge on climate change; and

"(B) carrying out supporting studies, planning, and analyses of the science of climate change.

"(2) Climate change technology program.—Not later than 180 days after the date on which the strategy is submitted under subsection (b)(1), the Secretary, in cooperation with the Committee, shall permanently establish within the Department of Energy, the Climate Change Technology Program to assist the Committee in the interagency coordination of climate change technology research, development, demonstration, and deployment to reduce greenhouse gas intensity.

"(e) Technology Inventory.—

"(1) In general.—The Secretary shall conduct an inventory and evaluation of greenhouse gas intensity reducing technologies that have been developed, or are under development, by the National Laboratories, other Federal research facilities, universities, and the private sector to determine which technologies are suitable for commercialization and deployment.

"(2) Report.—Not later than 180 days after the completion of the inventory under paragraph (1), the Secretary shall submit to the Secretary of Commerce and Congress a report that includes the results of the completed inventory and any recommendations of the Secretary.

"(3) Use.—The Secretary, in consultation with the Secretary of Commerce, shall use the results of the inventory as guidance in the commercialization and deployment of greenhouse gas intensity reducing technologies.

"(4) Updated inventory.—The Secretary shall—

"(A) periodically update the inventory under paragraph (1); and

"(B) make the updated inventory available to the public.

"(f) Climate Change Technology Working Group.—

"(1) In general.—The Secretary, in consultation with the Committee, shall establish within the Department of Energy a Climate Change Technology Working Group to identify statutory, regulatory, economic, and other barriers to the commercialization and deployment of greenhouse gas intensity reducing technologies and practices in the United States.

"(2) Composition.—The Working Group shall be composed of the following members, to be appointed by the Secretary, in consultation with the Committee:

"(A) 1 representative shall be appointed from each National Laboratory.

"(B) 3 members shall be representatives of energy-producing trade organizations.

"(C) 3 members shall represent energy-intensive trade organizations.

"(D) 3 members shall represent groups that represent end-use energy and other consumers.

"(E) 3 members shall be employees of the Federal Government who are experts in energy technology, intellectual property, and tax.

"(F) 3 members shall be representatives of universities with expertise in energy technology development that are recommended by the National Academy of Engineering.

"(3) Report.—Not later than 1 year after the date of enactment of this section and annually thereafter, the Working Group shall submit to the Committee a report that describes—

"(A) the findings of the Working Group; and

"(B) any recommendations of the Working Group for the removal or reduction of barriers to commercialization, deployment, and increasing the use of greenhouse gas intensity reducing technologies and practices.

"(4) Compensation of members.—

"(A) Non-federal employees.—A member of the Working Group who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Working Group.

"(B) Federal employees.—A member of the Working Group who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

"(C) Travel expenses.—A member of the Working Group shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

"(g) Greenhouse Gas Intensity Reducing Technology Deployment.—

"(1) In general.—Based on the strategy developed under subsection (b)(1), the technology inventory conducted under subsection (e)(1), and the greenhouse gas intensity reducing technology study report submitted under subsection (e)(2), the Committee shall develop a program for implementation by the Climate Credit Board established under section 1611(b)(2)(A) that would provide for the removal of domestic barriers to the commercialization and deployment of greenhouse gas intensity reducing technologies and practices.

"(2) Requirements.—In developing the program under paragraph (1), the Committee shall consider in the aggregate—

"(A) the cost-effectiveness of the technology;

"(B) fiscal and regulatory barriers;

"(C) statutory and other barriers; and

"(D) intellectual property issues.

"(3) Report.—Not later than 18 months after the date of enactment of this section, the Committee shall submit to the President and Congress a report that—

"(A) identifies, based on the report submitted under subsection (f)(3), any barriers to, and commercial risks associated with, the deployment of greenhouse gas intensity reducing technologies; and

"(B) includes a plan for carrying out eligible projects with Federal financial assistance under section 1611.

"(h) Procedures for Calculating, Monitoring, and Analyzing Greenhouse Gas Intensity.—

"(1) In general.—The Committee, in collaboration with the Administrator of the Energy Information Administration and the National Institute of Standards and Technology, shall develop and propose standards and best practices for calculating, monitoring, and analyzing greenhouse gas intensity.

"(2) Content.—The standards and best practices shall address measurement of greenhouse gas intensity by industry sector.

"(3) Publication.—To provide the public with an opportunity to comment on the standards and best practices proposed under paragraph (1), the standards and best practices shall be published in the Federal Register.

"(4) Applicable law.—To ensure that high quality information is produced, the standards and best practices developed under paragraph (1) shall conform to the guidelines established under section 515 of the Treasury and General Government Appropriations Act, 2001 (commonly known as the 'Data Quality Act') (44 U.S.C. 3516 note; 114 Stat. 2763A–1543), as enacted into law by section 1(a)(3) of Public Law 106–554.

"(i) Demonstration Projects.—

"(1) In general.—The Secretary shall, subject to availability of appropriations, conduct and participate in demonstration projects recommended for approval by the Committee, including demonstration projects relating to—

"(A) coal gasification and coal liquefaction;

"(B) carbon sequestration;

"(C) cogeneration technology initiatives;

"(D) advanced nuclear power projects;

"(E) lower emission transportation;

"(F) renewable energy; and

"(G) transmission upgrades.

"(2) Criteria.—The Committee shall recommend a demonstration project under paragraph (1) if the proposed demonstration project would—

"(A) increase the reduction of the greenhouse gas intensity to levels below that which would be achieved by technologies being used in the United States as of the date of enactment of this section;

"(B) maximize the potential return on Federal investment;

"(C) demonstrate distinct roles in public-private partnerships;

"(D) produce a large-scale reduction of greenhouse gas intensity if commercialization occurred; and

"(E) support a diversified portfolio to mitigate the uncertainty associated with a single technology.

"(j) Cooperative Research and Development Agreements.—In carrying out greenhouse gas intensity reduction research and technology deployment, the Secretary may enter into cooperative research and development agreements under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

"(k) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

SEC. 1502. CLIMATE INFRASTRUCTURE CREDIT.

Title XVI of the Energy Policy Act of 1992 (42 (U.S.C. 13381 et seq.) (as amended by section 1501) is amended by adding at the end the following:

"SEC. 1611. CLIMATE INFRASTRUCTURE CREDIT.

"(a) Definitions.—In this section:

"(1) Advanced climate technology or system.—The term 'advanced climate technology or system' means a climate technology or system that is not in general usage as of the date of enactment of this section.

"(2) Board.—The term 'Board' means the Climate Credit Board established under subsection (b)(2)(A).

"(3) Direct loan.—The term 'direct loan' has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

"(4) Eligible project.—The term 'eligible project' means a demonstration project that is recommended for approval under section 1610(i)(1).

"(5) Eligible project cost.—The term 'eligible project cost' means any amount incurred for an eligible project that is paid by, or on behalf of, an obligor, including the costs of—

"(A) construction activities, including—

"(i) the acquisition of capital equipment; and

"(ii) construction management;

"(B) acquiring land (including any improvements to the land) relating to the eligible project; and

"(C) financing the eligible project, including—

"(i) providing capitalized interest necessary to meet market requirements;

"(ii) capital issuance expenses; and

"(iii) other carrying costs during construction.

"(6) Federal financial assistance.—The term 'Federal financial assistance' means any credit-based financial assistance, including a direct loan, loan guarantee, a line of credit (which serves as standby default coverage or standby interest coverage), production incentive payment under subsection (g)(1)(B), or other credit-based financial assistance mechanism for an eligible project that is—

"(A) authorized to be made available by the Secretary for an eligible project under this section; and

"(B) provided in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

"(7) INVESTMENT-GRADE RATING.—The term 'investment-grade rating' means a rating category of BBB minus, Baa3, or higher assigned by a rating agency for eligible project obligations offered into the capital markets.

"(8) LENDER.—The term 'lender' means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), including—

"(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

"(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

"(9) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee or other pledge by the Secretary to pay all or part of the principal of and interest on a loan or other debt obligation that is issued by an obligor and funded by a lender.

"(10) OBLIGOR.—The term 'obligor' means a person or entity (including a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality) that is primarily liable for payment of the principal of, or interest on, a Federal credit instrument.

"(11) PROJECT OBLIGATION.—The term 'project obligation' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of an eligible project, other than a Federal credit instrument.

"(12) RATING AGENCY.—The term 'rating agency' means a bond rating agency identified by the Securities and Exchange Commission as a Nationally Recognized Statistical Rating Organization.

"(13) REGULATORY FAILURE.—The term 'regulatory failure' means a situation in which the Secretary determines that, because of a breakdown in a regulatory process or an indefinite delay caused by a judicial challenge to the regulatory consideration of a specific eligible project, the Federal or State regulatory or licensing process governing the siting, construction, or commissioning of an eligible project does not produce a definitive determination that the eligible project may go forward or stop within a predetermined and prescribed time period.

"(14) SECURED LOAN.—The term 'secured loan' means a loan or other secured debt obligation issued by an obligor and funded by the Secretary in connection with the financing of an eligible project.

"(15) STANDBY DEFAULT COVERAGE.—The term 'standby default coverage' means a pledge by the Secretary to pay all or part of the debt obligation issued by an obligor and funded by a lender, plus all or part of obligor equity, if an eligible project fails to receive an operating license in a period of time established by the Secretary because of a regulatory failure or other specific issue identified by the Secretary.

"(16) STANDBY INTEREST COVERAGE.—The term 'standby interest coverage' means a pledge by the Secretary to provide to an obligor, at a future date and on the occurrence of 1 or more events, a direct loan, the proceeds of which shall be used by the obligor to maintain the current status of the obligor on interest payments due on 1 or more loans or other project obligations issued by an obligor and funded by a lender for an eligible project.

"(17) SUBSIDY AMOUNT.—The term 'subsidy amount' means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument issued by the Secretary to an eligible project, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

"(18) SUBSTANTIAL COMPLETION.—The term 'substantial completion' means that an eligible project has been determined by the Board to be in, or capable of, commercial operation.

"(b) DUTIES OF THE SECRETARY.—

"(1) IN GENERAL.—The Secretary shall make available to eligible project developers and eligible project owners, in accordance with this section, such financial assistance as is necessary to supplement private sector financing for eligible projects.

"(2) CLIMATE CREDIT BOARD.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish within the Department of Energy a Climate Credit Board composed of—

"(i) the Under Secretary of Energy, who shall serve as Chairperson;

"(ii) the Chief Financial Officer of the Department of Energy;

"(iii) the Assistant Secretary of Energy for Policy and International Affairs;

"(iv) the Assistant Secretary of Energy for Energy Efficiency and Renewable Energy; and

"(v) such other individuals as the Secretary determines to have the experience and expertise (including expertise in corporate and project finance and the energy sector) necessary to carry out the duties of the Board.

"(B) DUTIES.—The Board shall—

"(i) implement the program developed under section 1610(g)(1) in accordance with paragraph (3);

"(ii) issue regulations and criteria in accordance with paragraph (4);

"(iii) conduct negotiations with individuals and entities interested in obtaining assistance under this section;

"(iv) recommend to the Secretary potential recipients and amounts of grants of assistance under this section; and

"(v) establish metrics to indicate the progress of the greenhouse gas intensity reducing technology deployment program and individual projects carried out under the program toward meeting the criteria established by section 1610(i)(2).

"(3) GREENHOUSE GAS INTENSITY REDUCING TECHNOLOGY DEPLOYMENT PROGRAM.—Not later than 1 year after the date of enactment of this section, the Board, with the approval of the Secretary, shall implement the greenhouse gas intensity reducing technology deployment program developed under section 1610(g)(1).

"(4) REGULATIONS AND CRITERIA.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Board, in coordination with the Secretary and after an opportunity for public comment, shall issue such regulations and criteria as are necessary to implement this section.

"(B) REQUIREMENTS.—The regulations and criteria shall provide for, at a minimum—

"(i) a competitive process and the general terms and conditions for the provision of assistance under this section;

"(ii) the procedures by which eligible project owners and eligible project developers may request financial assistance under this section; and

"(iii) the collection of any other information necessary for the Secretary to carry out this section, including a process for negotiating the terms and conditions of assistance provided under this section.

"(C) ELIGIBILITY AND CRITERIA.—The determination of eligibility of, and criteria for selecting, eligible projects to receive assistance under this section shall be carried out in accordance with subsection (c) and the regulations issued under subparagraph (A).

"(D) CONDITIONS FOR PROVISION OF ASSISTANCE.—The Board shall not provide assistance under this section unless the Board determines, in accordance with the regulations issued under subparagraph (A), that the terms, conditions, maturity, security, schedule, and amounts of repayments of the assistance are reasonable and appropriate to protect the financial interests of the United States.

"(5) CONFIDENTIALITY.—In accordance with section 552 of title 5, United States Code, and any related regulations applicable to the Department of Energy, the Board shall protect the confidentiality of any information provided by an applicant for assistance under this section that the applicant certifies to be commercially sensitive or that is protected intellectual property.

"(c) DETERMINATION OF ELIGIBILITY; PROJECT SELECTION.—

"(1) ELIGIBILITY.—To be eligible to receive assistance under this section, an eligible project shall, as determined by the Board—

"(A) be supported by an application that contains all information required to be included by, and is submitted to and approved by the Board in accordance with, the regulations and criteria issued by the Board under subsection (b)(4);

"(B) be nationally or regionally significant by—

"(i) reducing greenhouse gas intensity;

"(ii) contributing to energy security; and

"(iii) contributing to energy and technology diversity in the energy economy of the United States;

"(C) contain an advanced climate technology or system that could—

"(i) significantly improve the efficiency, security, reliability, and environmental performance of the energy economy of the United States; and

"(ii) reduce greenhouse gas emissions;

"(D) have revenue sources dedicated to repayment of credit support-based project financing, such as revenue—

"(i) from the sale of sequestered carbon;

"(ii) from the sale of energy, electricity, or other products from eligible projects that employ advanced climate technologies and systems;

"(iii) from the sale of electricity or generating capacity, in the case of electricity infrastructure; or

"(iv) associated with energy efficiency gains, in the case of other energy projects;

"(E) include a project proposal and agreement for project financing repayment that demonstrates to the satisfaction of the Board that the dedicated revenue sources described in subparagraph (D) will be adequate to repay project financing provided under this section; and

“(F) reduce greenhouse gas intensity on a national, regional, or company basis.

“(2) LIMITATIONS.—Except as otherwise provided in this section—

“(A) the total cost of an eligible project provided Federal financial assistance under this section shall be at least $40,000,000;

“(B) the Federal share of an eligible project provided Federal financial assistance under this section shall be not more than 25 percent of eligible project costs;

“(C) not more than $200,000,000 in Federal financial assistance shall be provided to any individual eligible project; and

“(D) an eligible project shall not be eligible for financial assistance from any other Federal grant program during any period that Federal financial assistance (other than a Federal loan or loan guarantee) is provided to the eligible project under this section.

“(3) SELECTION AMONG ELIGIBLE PROJECTS.—

“(A) ESTABLISHMENT OF SELECTION CRITERIA.—The Board, in consultation with the Secretary and [the Interagency Coordinating Committee on Climate Change Technology established under section 1610(c)(1)], shall, in accordance with the regulations issued under subsection (b)(4)(A), establish criteria for selecting which eligible projects will receive assistance under this section.

“(B) REQUIREMENTS.—The selection criteria shall include a determination by the Board of the extent to which—

“(i) the eligible project reduces greenhouse gas intensity beyond reductions achieved by technology available as of October 15, 1992;

“(ii) financing for the eligible project has appropriate security features, such as a rate covenant, to ensure repayment;

“(iii) assistance under this section for the eligible project would foster innovative public-private partnerships and attract private debt or equity investment;

“(iv) assistance under this section for an eligible project would enable the eligible project to proceed at an earlier date than would otherwise be practicable; and

“(v) the eligible project uses new technologies that enhance the efficiency, reduce greenhouse gas intensity, improve the reliability, or improve the safety, of the eligible project.

“(C) FINANCIAL INFORMATION.—An application for assistance for an eligible project under this section shall include such information as the Secretary determines to be necessary concerning—

“(i) the amount of budget authority required to fund the Federal credit instrument requested for the eligible project;

“(ii) the estimated construction costs of the proposed eligible project;

“(iii) estimates of construction and operating costs of the eligible project;

“(iv) projected revenues from the eligible project; and

“(v) any other financial aspects of the eligible project, including assurances, that the Board determines to be appropriate.

“(D) PRELIMINARY RATING OPINION LETTER.—The Board shall require each applicant seeking assistance for an eligible project under this section to provide a preliminary rating opinion letter from at least 1 credit rating agency indicating that the senior obligations of the eligible project have the potential to achieve an investment-grade rating.

“(E) RISK ASSESSMENT.—Before entering into any agreement to provide assistance for an eligible project under this section, the Board, in consultation with the Secretary, the Director of the Office of Management and Budget, and each credit rating agency providing a preliminary rating opinion letter under subparagraph (D), shall determine and maintain an appropriate capital reserve subsidy amount for each line of credit established for the eligible project, taking into account the information contained in the preliminary rating opinion letter.

“(F) INVESTMENT-GRADE RATING REQUIREMENT.—

“(i) IN GENERAL.—The funding of any assistance under this section shall be contingent on the senior obligations of the eligible project receiving an investment-grade rating from at least 1 credit rating agency.

“(ii) CONSIDERATIONS.—In determining whether an investment-grade rating is appropriate under clause (i), the credit rating agency shall take into account the availability of Federal financial assistance under this section.

“(4) MAXIMUM AVAILABLE CLIMATE CREDIT SUPPORT.—Notwithstanding any assistance limitation under any other provision of this section, the Secretary shall not provide energy credit support to any eligible project in the form of a secured loan or loan guarantee under subsection (f), production incentive payments under subsection (g), or other credit-based financial assistance under subsection (h), the combined total of which exceeds 25 percent of eligible project costs, excluding the value of standby default coverage under subsection (d) and standby interest coverage under subsection (e), as determined by the Secretary.

“(d) STANDBY DEFAULT COVERAGE.—

“(1) AGREEMENTS; USE OF PROCEEDS.—

“(A) AGREEMENTS.—

“(i) IN GENERAL.—Subject to subparagraph (B), the Board, in consultation with the Secretary, may enter into agreements to provide standby default coverage for advanced climate technologies or systems of an eligible project.

“(ii) RECIPIENTS.—Coverage under clause (i) may be provided to 1 or more obligors and debt holders to be triggered at future dates on the occurrence of certain events for any eligible project selected under subsection (c).

“(B) USE OF PROCEEDS.—The proceeds of standby default coverage made available under this subsection shall be available to reimburse all or part of the debt obligation for an eligible project issued by an obligor and funded by a lender, plus all or part of obligor equity, in the event that, because of a regulatory failure or other event specified by the Secretary pursuant to this section, an eligible advanced climate technology or system for an eligible project fails to receive an operating license in a period of time specified by the Board in accordance with this subsection.

“(2) TERMS AND LIMITATIONS.—

“(A) IN GENERAL.—Standby default coverage under this subsection with respect to an eligible project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Board determines to be appropriate.

“(B) MAXIMUM AMOUNTS.—The total amount of standby default coverage provided for an eligible project shall not exceed 25 percent of the reasonably anticipated eligible project costs, including debt and equity.

“(C) EXERCISE.—Any exercise on the standby default coverage shall be made only if a facility involved with the eligible project fails, because of regulatory failure or other specific issues specified by the Secretary, to receive an operating license by such deadline as the Secretary shall establish.

“(D) COST OF COVERAGE.—The cost of standby default coverage shall be assumed by the Secretary subject to the risk assessment calculation required under subsection (c)(4)(E) and the availability of funds for that purpose.

“(E) FEES.—In carrying out this section, the Secretary may—

“(i) establish fees at a level sufficient to cover all or a portion of the administrative costs incurred by the Federal Government in providing standby default coverage under this subsection; and

“(ii) require that the fees be paid upon application for a standby default coverage agreement under this subsection.

“(F) PERIOD OF AVAILABILITY.—In the event that regulatory approval to operate a facility is suspended as a result of regulatory failure or other circumstances specified by the Secretary, standby default coverage shall be available beginning on the date of substantial completion and ending not later than 5 years after the date on which operation of the facility is scheduled to commence.

“(G) RIGHTS OF THIRD-PARTY CREDITORS.—

“(i) AGAINST FEDERAL GOVERNMENT.—A third-party creditor of an obligor shall not have any right against the Federal Government with respect to any amounts other than those specified in clause (ii).

“(ii) ASSIGNMENT.—An obligor may assign all or part of the standby default coverage for an eligible project to 1 or more lenders or to a trustee on behalf of the lenders.

“(H) RESULT OF EXERCISE OF STANDBY DEFAULT COVERAGE.—If standby default coverage is exercised by the obligor of an eligible project—

“(i) the Federal Government shall become the sole owner of the eligible project, with all rights and appurtenances to the eligible project; and

“(ii) in accordance with applicable provisions of law, the Board shall dispose of the assets of the eligible project on terms that are most favorable to the Federal Government, which may include continuing to licensing and commercial operation or resale of the eligible project, in whole or in part, if that is the best course of action in the judgment of the Board.

“(I) ESTIMATE OF ASSETS AT TIME OF TERMINATION.—If standby default coverage is exercised and an eligible project is terminated, the Board, in making a determination of whether to dispose of the assets of the eligible project or continue the eligible project to licensing and commercial operation, shall obtain a fair and impartial estimate of the eligible project assets at the time of termination.

“(J) RELATIONSHIP TO OTHER CREDIT INSTRUMENTS.—An eligible project that receives standby default coverage under this subsection may receive a secured loan or loan guarantee under subsection (f), production incentive payments under subsection (g), or assistance through a credit-based financial assistance mechanism under subsection (h).

“(K) OTHER CONDITIONS AND REQUIREMENTS.—The Secretary may impose such other conditions and requirements in connection with any insurance provided under this subsection (including requirements for audits) as the Secretary determines to be appropriate.

“(e) STANDBY INTEREST COVERAGE.—

“(1) IN GENERAL.—

“(A) AGREEMENTS.—Subject to subparagraph (B), the Board, in consultation with the Secretary, may enter into agreements to make standby interest coverage available to

1 or more obligors in the form of loans for advanced climate or energy technologies or systems to be made by the Board at future dates on the occurrence of certain events for any eligible project selected under subsection (c)(4).

“(B) USE OF PROCEEDS.—Subject to subsection (c)(3), the proceeds of standby interest coverage made available under this subsection shall be available to pay the debt service on project obligations issued to finance eligible project costs of an eligible project if a delay in commercial operations occurs due to a regulatory failure or other condition determined by the Secretary.

“(2) TERMS AND LIMITATIONS.—

“(A) IN GENERAL.—Standby interest coverage under this subsection with respect to an eligible project shall be made on such terms and conditions (including a requirement for an audit) as the Secretary determines appropriate.

“(B) MAXIMUM AMOUNTS.—

“(i) TOTAL AMOUNT.—The total amount of standby interest coverage for an eligible project under this subsection shall not exceed 25 percent of the reasonably anticipated eligible project costs of the eligible project.

“(ii) 1-YEAR DRAWS.—The amount drawn in any 1 year for an eligible project under this subsection shall not exceed 25 percent of the total amount of the standby interest coverage for the eligible project.

“(C) PERIOD OF AVAILABILITY.—The standby interest coverage for an eligible project shall be available during the period—

“(i) beginning on a date following substantial completion of the eligible project that regulatory approval to operate a facility under the eligible project is suspended as a result of regulatory failure or other condition determined by the Secretary; and

“(ii) ending on a date that is not later than 5 years after the eligible project is scheduled to commence commercial operations.

“(D) COST OF COVERAGE.—Subject to subsection (c)(4)(E), the cost of standby interest coverage for an eligible project under this subsection shall be borne by the Secretary.

“(E) DRAWS.—Any draw on the standby interest coverage for an eligible project shall—

“(i) represent a loan;

“(ii) be made only if there is a delay in commercial operations after the substantial completion of the eligible project; and

“(iii) be subject to the overall credit support limitations established under subsection (c)(5).

“(F) INTEREST RATE.—

“(i) IN GENERAL.—Subject to clause (ii), the interest rate on a loan resulting from a draw on standby interest coverage under this subsection shall be established by the Secretary.

“(ii) MINIMUM RATE.—The interest rate on a loan resulting from a draw on standby interest coverage under this subsection shall not be less than the current average market yield on outstanding marketable obligations of the United States with a maturity of 10 years, as of the date on which the standby interest coverage is obligated.

“(G) SECURITY.—The standby interest coverage for an eligible project—

“(i) shall be payable, in whole or in part, from dedicated revenue sources generated by the eligible project;

“(ii) shall require security for the project obligations; and

“(iii) may have a lien on revenues described in clause (i), subject to any lien securing project obligations.

“(H) RIGHTS OF THIRD-PARTY CREDITORS.—

“(i) AGAINST FEDERAL GOVERNMENT.—A third-party creditor of the obligor shall not have any right against the Federal Government with respect to any draw on standby interest coverage under this subsection.

“(ii) ASSIGNMENT.—An obligor may assign the standby interest coverage to 1 or more lenders or to a trustee on behalf of the lenders.

“(I) SUBORDINATION.—A secured loan for an eligible project made under this subsection shall be subordinate to senior private debt issued by a lender for the eligible project.

“(J) NONRECOURSE STATUS.—A secured loan for an eligible project under this subsection shall be nonrecourse to the obligor in the event of bankruptcy, insolvency, or liquidation of the eligible project.

“(K) FEES.—The Board may impose fees at a level sufficient to cover all or part of the costs to the Federal Government of providing standby interest coverage for an eligible project under this subsection.

“(3) REPAYMENT.—

“(A) TERMS AND CONDITIONS.—The Secretary shall establish a repayment schedule and terms and conditions for each loan for an eligible project under this subsection based on the projected cash flow from revenues for the eligible project.

“(B) REPAYMENT SCHEDULE.—Scheduled repayments of principal or interest on a loan under this subsection shall—

“(i) commence not later than 5 years after the end of the period of availability specified in paragraph (2)(C); and

“(ii) be completed, with interest, not later than 10 years after the end of the period of availability.

“(C) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this subsection shall include—

“(i) the sale of electricity or generating capacity;

“(ii) the sale or transmission of energy;

“(iii) revenues associated with energy efficiency gains; or

“(iv) other dedicated revenue sources, such as carbon use.

“(D) PREPAYMENT.—

“(i) USE OF EXCESS REVENUES.—At the discretion of the obligor, any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan, and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations, may be applied annually to prepay the secured loan without penalty.

“(ii) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

“(f) SECURED LOANS AND LOAN GUARANTEES.—

“(1) IN GENERAL.—

“(A) AGREEMENTS.—Subject to subparagraph (B), the Board, in consultation with the Secretary, may enter into agreements with 1 or more obligors to make secured loans for eligible projects involving advanced climate technologies or systems.

“(B) USE OF PROCEEDS.—Subject to paragraph (2), the proceeds of a secured loan for an eligible project made available under this subsection shall be available, in conjunction with the equity of the obligor and senior debt financing for the eligible project, to pay for eligible project costs.

“(2) TERMS AND LIMITATIONS.—

“(A) IN GENERAL.—A secured loan under this subsection with respect to an eligible project shall be made on such terms and conditions (including requirements for an audit) as the Board, in consultation with the Secretary, determines appropriate.

“(B) MAXIMUM AMOUNT.—Subject to subsection (c)(5), the total amount of the secured loan for an eligible project under this subsection shall not exceed 25 percent of the reasonably anticipated eligible project costs of the eligible project.

“(C) PERIOD OF AVAILABILITY.—The Board may enter into a contract with the owner or operator of an eligible project to provide a secured loan during the period—

“(i) beginning on the date that the financial structure of the eligible project is established; and

“(ii) ending on the date of the start of construction of the eligible project.

“(D) COST OF COVERAGE.—Subject to subsection (c)(4)(E), the cost of a secured loan for an eligible project under this subsection shall be borne by the Secretary.

“(E) INTEREST RATE.—

“(i) IN GENERAL.—Subject to clause (ii), the interest rate on a secured loan under this subsection shall be established by the Secretary.

“(ii) MINIMUM RATE.—The interest rate on a loan resulting from a secured loan under this subsection shall not be less than the current average market yield on outstanding marketable obligations of the United States of comparable maturity, as of the date of the execution of the loan agreement.

“(F) SECURITY.—The secured loan—

“(i) shall be payable, in whole or in part, from dedicated revenue sources generated by the eligible project;

“(ii) shall include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

“(iii) may have a lien on revenues described in clause (i), subject to any lien securing project obligations.

“(G) RIGHTS OF THIRD-PARTY CREDITORS.—

“(i) AGAINST FEDERAL GOVERNMENT.—A third-party creditor of the obligor shall not have any right against the Federal Government with respect to any payments due to the Federal Government under this subsection.

“(ii) ASSIGNMENT.—An obligor may assign the secured loan to 1 or more lenders or to a trustee on behalf of the lenders.

“(H) SUBORDINATION.—A secured loan for an eligible project made under this subsection shall be subordinate to senior private debt issued by a lender for the eligible project.

“(I) NONRECOURSE STATUS.—A secured loan for an eligible project under this subsection shall be non-recourse to the obligor in the event of bankruptcy, insolvency, or liquidation of the eligible project.

“(J) FEES.—The Board may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making secured loans for an eligible project under this subsection.

“(3) REPAYMENT.—

“(A) SCHEDULE AND TERMS.—The Board shall establish a repayment schedule and terms and conditions for each secured loan for an eligible project under this subsection based on the projected cash flow from revenues for the eligible project.

“(B) REPAYMENT SCHEDULE.—Scheduled repayments on a secured loan for an eligible project under this subsection shall—

“(i) commence not later than 5 years after the scheduled start of commercial operations of the eligible project; and

“(ii) be completed, with interest, not later than 35 years after the scheduled date of the start of commercial operations of the eligible project.

“(C) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this subsection shall include—

“(i) the sale of carbon or carbon compounds;

“(ii) the sale of electricity or generating capacity;

“(iii) the sale of sequestration services;

“(iv) the sale or transmission of energy;

“(v) revenues associated with energy efficiency gains; or

“(vi) other dedicated revenue sources.

“(D) DEFERRED PAYMENTS.—

“(i) AUTHORIZATION.—If, at any time during the 10-year period beginning on the date of the scheduled start of commercial operation of an eligible project, the eligible project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal or interest on the secured loan, the Secretary may, subject to clause (iii), allow the obligor to add unpaid principal or interest to the outstanding balance of the secured loan.

“(ii) INTEREST.—Any payment deferred under clause (i) shall—

“(I) continue to accrue interest in accordance with paragraph (2)(E) until fully repaid; and

“(II) be scheduled to be amortized over the number of years remaining in the term of the loan in accordance with subparagraph (B).

“(iii) CRITERIA.—

“(I) IN GENERAL.—Any payment deferral under clause (i) shall be contingent on the eligible project meeting criteria established by the Secretary.

“(II) REPAYMENT STANDARDS.—The criteria established under subclause (I) shall include standards for reasonable assurance of repayment.

“(E) PREPAYMENT.—

“(i) USE OF EXCESS REVENUES.—At the discretion of the obligor, any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan, and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations, may be applied annually to prepay the secured loan without penalty.

“(ii) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

“(4) SALE OF SECURED LOANS.—

“(A) IN GENERAL.—Subject to subparagraph (B), as soon as practicable after substantial completion of an eligible project and after notifying the obligor, the Board may sell to another entity or reoffer into the capital markets a secured loan for the eligible project if the Board determines that the sale or reoffering can be made on favorable terms.

“(B) CONSENT OF OBLIGOR.—In making a sale or reoffering under subparagraph (A), the Board may not change the original terms and conditions of the secured loan without the written consent of the obligor.

“(5) LOAN GUARANTEES.—

“(A) IN GENERAL.—The Board may provide a loan guarantee to a lender, in lieu of making a secured loan, under this subsection if the Board determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

“(B) TERMS.—

“(i) IN GENERAL.—Except as provided in clause (ii), the terms of a guaranteed loan shall be consistent with the terms for a secured loan under this subsection.

“(ii) INTEREST RATE; PREPAYMENT.—The interest rate on the guaranteed loan and any prepayment features shall be established by negotiations between the obligor and the lender, with the consent of the Board.

“(g) PRODUCTION INCENTIVE PAYMENTS.—

“(1) SECURED LOAN.—

“(A) IN GENERAL.—The Secretary may enter into an agreement with 1 or more obligors to make a secured loan for an eligible project selected under subsection (c)(4) that employs 1 or more advanced climate technologies or systems.

“(B) PRODUCTION INCENTIVE PAYMENTS.—

“(i) IN GENERAL.—Amounts loaned to an obligor under subparagraph (A) shall be made available in the form of a series of production incentive payments provided by the Board to the obligor during a period of not more than 10 years, as determined by the Board, beginning after the date on which commercial project operations start at the eligible project.

“(ii) AMOUNT.—Production incentive payments under clause (i) shall be for an amount equal to 25 percent of the value of—

“(I) the energy produced or transmitted by the eligible project during the applicable year; or

“(II) any gains in energy efficiency achieved by the eligible project during the applicable year.

“(2) TERMS AND LIMITATIONS.—

“(A) IN GENERAL.—A secured loan under this subsection shall be subject to such terms and conditions, including any covenant, representation, warranty, and requirement (including a requirement for an audit) that the Secretary determines to be appropriate.

“(B) AGREEMENT COSTS.—Subject to subsection (c)(4), the cost of carrying out an agreement entered into under paragraph (1)(A) shall be paid by the Secretary.

“(C) INTEREST RATE.—

“(i) IN GENERAL.—Subject to clause (ii), the interest rate on a secured loan under this subsection shall be established by the Secretary.

“(ii) MINIMUM RATE.—The interest rate on a secured loan under this subsection shall not be less than the current average market yield on outstanding marketable obligations of the United States of comparable maturity, as of the date on which the agreement under paragraph (1)(A) is executed.

“(D) SECURITY.—The secured loan—

“(i) shall be payable, in whole or in part, from dedicated revenue sources generated by the eligible project;

“(ii) shall include a rate covenant, coverage requirement, or similar security feature supporting the eligible project obligations; and

“(iii) may have a lien on revenues described in clause (i), subject to any lien securing eligible project obligations.

“(E) RIGHTS OF THIRD-PARTY CREDITORS.—

“(i) AGAINST FEDERAL GOVERNMENT.—A third-party creditor of the obligor shall not have any right against the Federal Government with respect to any payments due to the Federal Government under the agreement entered into under paragraph (1)(A).

“(ii) ASSIGNMENT.—An obligor may assign production incentive payments to 1 or more lenders or to a trustee on behalf of the lenders.

“(F) SUBORDINATION.—A secured loan under this subsection shall be subordinate to senior private debt issued by a lender for the eligible project.

“(G) NONRECOURSE STATUS.—A secured loan under this subsection shall be nonrecourse to the obligor in the event of bankruptcy, insolvency, or liquidation of the eligible project.

“(H) FEES.—The Secretary may impose fees at a level sufficient to cover all or part of the costs to the Federal Government of providing production incentive payments under this subsection.

“(3) REPAYMENT.—

“(A) SCHEDULE, TERMS, AND CONDITIONS.—The Secretary shall establish a repayment schedule and terms and conditions for each secured loan under this subsection based on the projected cash flow from revenues of the eligible project.

“(B) REPAYMENT SCHEDULE.—Scheduled repayments of principal or interest on a secured loan under this subsection shall—

“(i) commence not later than 5 years after the date on which the last production incentive payment is made by the Board under paragraph (1)(B); and

“(ii) be completed, with interest, not later than 10 years after the date on which the last production incentive payment is made.

“(C) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this subsection include—

“(i) the sale of electricity or generating capacity,

“(ii) the sale or transmission of energy;

“(iii) revenues associated with energy efficiency gains; or

“(iv) other dedicated revenue sources.

“(D) DEFERRED PAYMENTS.—

“(i) AUTHORIZATION.—If, at any time during the 10-year period beginning on the date on which commercial operations of the eligible project start, the eligible project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal or interest on a secured loan under this subsection, the Secretary may, subject to criteria established by the Secretary (including standards for reasonable assurances of repayment), allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

“(ii) INTEREST.—Any payment deferred under clause (i) shall—

“(I) continue to accrue interest in accordance with paragraph (2)(C) until fully repaid; and

“(II) be scheduled to be amortized over the number of years remaining in the term of the loan in accordance with subparagraph (B).

“(E) PREPAYMENT.—

“(i) USE OF EXCESS REVENUES.—At the discretion of the obligor, any excess revenues that remain after satisfying scheduled debt service requirements on the eligible project obligations and the secured loan, and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing eligible project obligations, may be applied annually to prepay loans pursuant to an agreement entered into under paragraph (1)(A) without penalty.

“(ii) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

“(4) SALE OF SECURED LOANS.—

“(A) IN GENERAL.—Subject to subparagraph (B), as soon as practicable after the date on which the last production incentive payment is made to the obligor under paragraph (1)(B) and after notifying the obligor, the Secretary may sell to another entity or reoffer into the capital markets a secured loan for the eligible project if the Secretary determines that the sale or reoffering can be made on favorable terms.

“(B) CONSENT REQUIRED.—In making a sale or reoffering under subparagraph (A), the Board may not change the original terms and conditions of the secured loan without the written consent of the obligor.

"(h) Other Credit-Based Financial Assistance Mechanisms for Eligible Projects.—

"(1) In general.—

"(A) Agreements.—The Board may enter into an agreement with 1 or more obligors to make a secured loan to the obligors for eligible projects selected under subsection (c) that employ advanced technologies or systems, the proceeds of which shall be used to—

"(i) finance eligible project costs; or

"(ii) enhance eligible project revenues.

"(B) Credit-based financial assistance.—Amounts made available as a secured loan under subparagraph (A) shall be provided by the Board to the obligor in the form of credit-based financial assistance mechanisms that are not otherwise specifically provided for in subsections (d) through (g), as determined to be appropriate by the Secretary.

"(2) Terms and limitations.—

"(A) In general.—A secured loan under this subsection shall be subject to such terms and conditions (including any covenants, representations, warranties, and requirements (including a requirement for an audit)) as the Secretary determines to be appropriate.

"(B) Maximum amount.—Subject to subsection (c)(5), the total amount of the secured loan under this subsection shall not exceed 50 percent of the reasonably anticipated eligible project costs.

"(C) Period of availability.—The Board may enter into a contract with the obligor to provide credit-based financial assistance to an eligible project during the period—

"(i) beginning on the date that the financial structure of the eligible project is established; and

"(ii) ending on the date of the start of construction of the eligible project.

"(D) Agreement costs.—Subject to subsection (c)(4)(E), the cost of carrying out an agreement entered into under paragraph (1)(A) shall be paid by the Board.

"(E) Interest rate.—

"(i) In general.—Subject to clause (ii), the interest rate on a secured loan under this subsection shall be established by the Board.

"(ii) Minimum rate.—The interest rate on a secured loan under this subsection shall not be less than the current average market yield on outstanding marketable obligations of the United States of comparable maturity, as of the date of the execution of the secured loan agreement.

"(F) Security.—The secured loan—

"(i) shall be payable, in whole or in part, from dedicated revenue sources generated by the eligible project;

"(ii) shall include a rate covenant, coverage requirement, or similar security feature supporting the eligible project obligations; and

"(iii) may have a lien on revenues described in clause (i), subject to any lien securing eligible project obligations.

"(G) Rights of third-party creditors.—

"(i) Against Federal Government.—A third-party creditor of the obligor shall not have any right against the Federal Government with respect to any payments due to the Federal Government under this subsection.

"(ii) Assignment.—An obligor may assign payments made pursuant to an agreement to provide credit-based financial assistance under this subsection to 1 or more lenders or to a trustee on behalf of the lenders.

"(H) Subordination.—A secured loan under this subsection shall be subordinate to senior private debt issued by a lender for the eligible project.

"(I) Nonrecourse status.—A secured loan under this subsection shall be nonrecourse to the obligor in the event of bankruptcy, insolvency, or liquidation of the eligible project.

"(J) Fees.—The Board may establish fees at a level sufficient to cover all or part of the costs to the Federal Government of providing credit-based financial assistance under this subsection.

"(3) Repayment.—

"(A) Schedule and terms and conditions.—The Board shall establish a repayment schedule and terms and conditions for each secured loan under this subsection based on the projected cash flow from eligible project revenues.

"(B) Repayment schedule.—Scheduled loan repayments of principal or interest on a secured loan under this subsection shall—

"(i) commence not later than 5 years after the date of substantial completion of the eligible project; and

"(ii) be completed, with interest, not later than 35 years after the date of substantial completion of the eligible project.

"(C) Sources of repayment funds.—The sources of funds for scheduled loan repayments under this subsection shall include—

"(i) the sale of electricity or generating capacity;

"(ii) the sale or transmission of energy;

"(iii) revenues associated with energy efficiency gains; or

"(iv) other dedicated revenue sources, such as carbon sequestration.

"(D) Deferred payments.—

"(i) Authorization.—If, at any time during the 10-year period beginning on the date of the start of commercial operations of the eligible project, the eligible project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal or interest on a secured loan under this subsection, the Secretary may, subject to criteria established by the Secretary (including standards for reasonable assurances of repayment), allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

"(ii) Interest.—Any payment deferred under clause (i) shall—

"(I) continue to accrue interest in accordance with paragraph (2)(E) until fully repaid; and

"(II) be scheduled to be amortized over the number of years remaining in the term of the loan in accordance with subparagraph (B).

"(E) Prepayment.—

"(i) Use of excess revenues.—At the discretion of the obligor, any excess revenues that remain after satisfying scheduled debt service requirements on the eligible project obligations and secured loan, and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing eligible project obligations, may be applied annually to prepay a secured loan under this subsection without penalty.

"(ii) Use of proceeds of refinancing.—A secured loan under this subsection may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

"(4) Sale of secured loans.—

"(A) In general.—Subject to subparagraph (B), as soon as practicable after the start of commercial operations of an eligible project and after notifying the obligor, the Board may sell to another entity or reoffer into the capital markets a secured loan for the eligible project under this subsection if the Secretary determines that the sale or reoffering can be made on favorable terms.

"(B) Consent of obligor.—In making a sale or reoffering under subparagraph (A), the Board may not change the original terms and conditions of the secured loan without the written consent of the obligor.

"(i) Federal, State, and Local Regulatory Requirements.—The provision of Federal financial assistance to an eligible project under this section shall not—

"(1) relieve any recipient of the assistance of any obligation to obtain any required Federal, State, or local regulatory requirement, permit, or approval with respect to the eligible project;

"(2) limit the right of any unit of Federal, State, or local government to approve or regulate any rate of return on private equity invested in the eligible project; or

"(3) otherwise supersede any Federal, State, or local law (including any regulation) applicable to the construction or operation of the eligible project.

"(j) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2006 through 2010, to remain available until expended.".

Subtitle B—Climate Change Technology Deployment in Developing Countries

SEC. 1511. CLIMATE CHANGE TECHNOLOGY DEPLOYMENT IN DEVELOPING COUNTRIES.

The Global Environmental Protection Assistance Act of 1989 (Public Law 101-240; 103 Stat. 2521) is amending by adding at the end the following:

"PART C—TECHNOLOGY DEPLOYMENT IN DEVELOPING COUNTRIES

"SEC. 731. DEFINITIONS.

"In this part:

"(1) Carbon sequestration.—The term 'carbon sequestration' means the capture of carbon dioxide through terrestrial, geological, biological, or other means, which prevents the release of carbon dioxide into the atmosphere.

"(2) Greenhouse gas.—The term 'greenhouse gas' means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

"(3) Greenhouse gas intensity.—The term 'greenhouse gas intensity' means the ratio of greenhouse gas emissions to economic output.

"SEC. 732. REDUCTION OF GREENHOUSE GAS INTENSITY.

"(a) Lead Agency.—

"(1) In general.—The Department of State shall act as the lead agency for integrating into United States foreign policy the goal of reducing greenhouse gas intensity in developing countries.

"(2) Reports.—

"(A) Initial report.—Not later than 180 days after the date of enactment of this part, the Secretary of State shall submit to the appropriate authorizing and appropriating committees of Congress an initial report, based on the most recent information available to the Secretary from reliable public sources, that identifies the 25 developing countries that are the greenhouse gas emitters, including for each country—

"(i) an estimate of the quantity and types of energy used;

"(ii) an estimate of the greenhouse gas intensity of the energy, manufacturing, agricultural, and transportation sectors;

"(iii) a description the progress of any significant projects undertaken to reduce greenhouse gas intensity;

“(iv) a description of the potential for undertaking projects to reduce greenhouse gas intensity;

“(v) a description of any obstacles to the reduction of greenhouse gas intensity; and

“(vi) a description of the best practices learned by the Agency for International Development from conducting previous pilot and demonstration projects to reduce greenhouse gas intensity.

“(B) Update.—Not later than 18 months after the date on which the initial report is submitted under subparagraph (A), the Secretary shall submit to the appropriate authorizing and appropriating committees of Congress, based on the best information available to the Secretary, an update of the information provided in the initial report.

“(C) Use.—

“(i) Initial report.—The Secretary of State shall use the initial report submitted under subparagraph (A) to establish baselines for the developing countries identified in the report with respect to the information provided under clauses (i) and (ii) of that subparagraph.

“(ii) Annual reports.—The Secretary of State shall use the annual reports prepared under subparagraph (B) and any other information available to the Secretary to track the progress of the developing countries with respect to reducing greenhouse gas intensity.

“(b) Projects.—The Secretary of State, in coordination with Administrator of the United States Agency for International Development, shall (directly or through agreements with the World Bank, the International Monetary Fund, the Overseas Private Investment Corporation, and other development institutions) provide assistance to developing countries specifically for projects to reduce greenhouse gas intensity, including projects to—

“(1) leverage, through bilateral agreements, funds for reduction of greenhouse gas intensity;

“(2) increase private investment in projects and activities to reduce greenhouse gas intensity; and

“(3) expedite the deployment of technology to reduce greenhouse gas intensity.

“(c) Focus.—In providing assistance under subsection (b), the Secretary of State shall focus on—

“(1) promoting the rule of law, property rights, contract protection, and economic freedom; and

“(2) increasing capacity, infrastructure, and training.

“(d) Priority.—In providing assistance under subsection (b), the Secretary of State shall give priority to projects in the 25 developing countries identified in the report submitted under subsection (a)(2)(A).

“SEC. 733. TECHNOLOGY INVENTORY FOR DEVELOPING COUNTRIES.

“(a) In General.—The Secretary of State, in coordination with the Secretary of Energy and the Secretary of Commerce, shall conduct an inventory of greenhouse gas intensity reducing technologies that are developed, or under development in the United States, to identify technologies that are suitable for transfer to, deployment in, and commercialization in the developing countries identified in the report submitted under section 732(a)(2)(A).

“(b) Report.—Not later than 180 days after the completion of the inventory under subsection (a), the Secretary of State and the Secretary of Energy shall jointly submit to Congress a report that—

“(1) includes the results of the completed inventory;

“(2) identifies obstacles to the transfer, deployment, and commercialization of the inventoried technologies;

“(3) includes results from previous Federal reports related to the inventoried technologies; and

“(4) includes an analysis of market forces related to the inventoried technologies.

“SEC. 734. TRADE-RELATED BARRIERS TO EXPORT OF GREENHOUSE GAS INTENSITY REDUCING TECHNOLOGIES.

“(a) In General.—Not later than 1 year after the date of enactment of this part, the United States Trade Representative shall (as appropriate and consistent with applicable bilateral, regional, and mutual trade agreements)—

“(1) identify trade-relations barriers maintained by foreign countries to the export of greenhouse gas intensity reducing technologies and practices from the United States to the developing countries identified in the report submitted under section 732(a)(2)(A); and

“(2) negotiate with foreign countries for the removal of those barriers.

“(b) Annual Report.—Not later than 1 year after the date on which a report is submitted under subsection (a)(1) and annually thereafter, the United States Trade Representative shall submit to Congress a report that describes any progress made with respect to removing the barriers identified by the United States Trade Representative under subsection (a)(1).

“SEC. 735. GREENHOUSE GAS INTENSITY REDUCING TECHNOLOGY EXPORT INITIATIVE.

“(a) In General.—There is established an interagency working group to carry out a Greenhouse Gas Intensity Reducing Technology Export Initiative to—

“(1) promote the export of greenhouse gas intensity reducing technologies and practices from the United States;

“(2) identify developing countries that should be designated as priority countries for the purpose of exporting greenhouse gas intensity reducing technologies and practices, based on the report submitted under section 732(a)(2)(A);

“(3) identify potential barriers to adoption of exported greenhouse gas intensity reducing technologies and practices based on the reports submitted under section 734; and

“(4) identify previous efforts to export energy technologies to learn best practices.

“(b) Composition.—The working group shall be composed of—

“(1) the Secretary of State, who shall act as the head of the working group;

“(2) the Administrator of the United States Agency for International Development;

“(3) the United States Trade Representative;

“(4) a designee of the Secretary of Energy; and

“(5) a designee of the Secretary of Commerce.

“(c) Performance Reviews and Reports.—Not later than 180 days after the date of enactment of this part and each year thereafter, the interagency working group shall—

“(1) conduct a performance review of actions taken and results achieved by the Federal Government (including each of the agencies represented on the interagency working group) to promote the export of greenhouse gas intensity reducing technologies and practices from the United States; and

“(2) submit to the appropriate authorizing and appropriating committees of Congress a report that describes the results of the performance reviews and evaluates progress in promoting the export of greenhouse gas intensity reducing technologies and practices from the United States, including any recommendations for increasing the export of the technologies and practices.

“SEC. 736. TECHNOLOGY DEMONSTRATION PROJECTS.

“(a) In General.—The Secretary of State, in coordination with the Secretary of Energy and the Administrator of the United States Agency for International Development, shall promote the adoption of technologies and practices that reduce greenhouse gas intensity in developing countries in accordance with this section.

“(b) Demonstration Projects.—

“(1) In general.—The Secretaries and the Administrator shall plan, coordinate, and carry out, or provide assistance for the planning, coordination, or carrying out of, demonstration projects under this section in at least 10 eligible countries, as determined by the Secretaries and the Administrator.

“(2) Eligibility.—A country shall be eligible for assistance under this subsection if the Secretaries and the Administrator determine that the country has demonstrated a commitment to—

“(A) just governance, including—

“(i) promoting the rule of law;

“(ii) respecting human and civil rights;

“(iii) protecting private property rights; and

“(iv) combating corruption; and

“(B) economic freedom, including economic policies that—

“(i) encourage citizens and firms to participate in global trade and international capital markets;

“(ii) promote private sector growth and the sustainable management of natural resources; and

“(iii) strengthen market forces in the economy.

“(3) Selection.—In determining which eligible countries to provide assistance to under paragraph (1), the Secretaries and the Administrator shall consider—

“(A) the opportunity to reduce greenhouse gas intensity in the eligible country; and

“(B) the opportunity to generate economic growth in the eligible country.

“(4) Types of projects.—Demonstration projects under this section may include—

“(A) coal gasification, coal liquefaction, and clean coal projects;

“(B) carbon sequestration projects;

“(C) cogeneration technology initiatives;

“(D) renewable projects; and

“(E) lower emission transportation.

“SEC. 737. FELLOWSHIP AND EXCHANGE PROGRAMS.

“The Secretary of State, in coordination with the Secretary of Energy, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall carry out fellowship and exchange programs under which officials from developing countries visit the United States to acquire expertise and knowledge of best practices to reduce greenhouse gas intensity in their countries.

“SEC. 738. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as are necessary to carry out this part (other than section 736).

“SEC. 739. EFFECTIVE DATE.

“Except as otherwise provided in this part, this part takes effect on October 1, 2005.”.

SA 818. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 15, strike lines 3 through 20.

On page 719, strike lines 11 through 20 and insert the following:

as part of the process of updating the Master Plan Study for the Capitol complex, shall—

(A) carry out a study to evaluate the energy infrastructure of the Capitol complex to determine how to augment the infrastructure to become more energy efficient—

(i) by using unconventional and renewable energy resources;

(ii) by—

(I) incorporating new technologies to implement effective green building solutions,

(II) adopting computer-based building management systems; and

(III) recommending strategies based on end-user behavioral changes to implement low-cost environmental gains; and

(iii) in a manner that would enable the Capitol complex to have reliable utility service in the event of power fluctuations, shortages, or outages;

(B) carry out a study to explore the feasibility of installing energy and water conservation measures on the rooftop of the Dirksen Senate Office Building, including the area directly above the food service facilities in the center of the building, including the installation of—

(i) a vegetative covering area, using native species to the maximum extent practicable, to—

(I) insulate and increase the energy efficiency of the building;

(II) reduce precipitation runoff and conserve water for landscaping or other uses;

(III) increase, and provide more efficient use of, available outdoor space through management of the rooftop of the center of the building as a park or garden area for occupants of the building; and

(IV) improve the aesthetics of the building; and

(ii) onsite renewable energy and other state-of-the-art technologies to—

(I) improve the energy efficiency and energy security of the building or the Capitol complex by providing additional or backup sources of power in the event of a power shortage or other emergency;

(II) reduce the use of resources by the building; or

(III) enhance worker productivity; and

(C) not later than 180 days after the date of enactment of this Act, submit to Congress a report describing the findings and recommendations of the study under subparagraph (B).

SA 819. Mr. TALENT (for himself and Mr. Johnson) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 420, strike lines 5 through 16 and insert the following:

SEC. 702. FUEL USE CREDITS.

(a) In General.—Section 312 of the Energy Policy Act of 1992 (42 U.S.C. 13220) is amended to read as follows:

"SEC. 312. FUEL USE CREDITS.

"(a) Definitions.—In this section:

"(1) Biodiesel.—The term 'biodiesel' means a diesel fuel substitute produced from nonpetroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545).

"(2) Qualifying volume.—The term 'qualifying volume' means—

"(A) in the case of biodiesel, when used as a component of fuel containing at least 20 percent biodiesel by volume—

"(i) 450 gallons; or

"(ii) if the Secretary determines by rule that the average annual alternative fuel use in light duty vehicles by fleets and covered persons exceeds 450 gallons or gallon equivalents, the amount of the average annual alternative fuel use; and

"(B) in the case of an alternative fuel, the amount of the fuel determined by the Secretary to have an equivalent energy content to the amount of biodiesel defined as a qualifying volume under subparagraph (A).

"(b) Allocation.—

"(1) In general.—The Secretary shall allocate 1 credit under this section to a fleet or covered person for each qualifying volume of alternative fuel or biodiesel purchased for use in a vehicle operated by the fleet.

"(2) Limitation.—The Secretary may not allocate a credit under this section for the purchase of an alternative fuel or biodiesel that is required by Federal or State law.

"(3) Documentation.—A fleet or covered person seeking a credit under paragraph (1) shall provide written documentation to the Secretary supporting the allocation of the credit to the fleet or covered person.

"(c) Use.—At the request of a fleet or covered person allocated a credit under subsection (b), the Secretary shall, for the year in which the purchase of a qualifying volume is made, consider the purchase to be the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title, title IV, or title V.

"(d) Treatment.—A credit provided to a fleet or covered person under this section shall be considered to be a credit under section 508.

"(e) Issuance of Rule.—Not later than 180 days after the date of enactment of the Energy Policy Act of 2005, the Secretary shall issue a rule establishing procedures for the implementation of this section.".

(b) Table of Contents Amendment.—The table of contents of the Energy Policy Act of 1992 is amended by striking the item relating to section 312 and inserting the following:

"Sec. 312. Fuel use credits.".

SA 820. Mrs. HUTCHISON (for herself, Mr. Cornyn, Mr. Inhofe, and Ms. Landrieu) submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. AMORTIZATION OF DELAY RENTAL PAYMENTS.

(a) In General.—Section 167 (relating to depreciation) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) Amortization of Delay Rental Payments for Domestic Oil and Gas Wells.—

"(1) In general.—Any delay rental payment paid or incurred in connection with the development of oil or gas wells within the United States (as defined in section 638) shall be allowed as a deduction ratably over the 24-month period beginning on the date that such payment was paid or incurred.

"(2) Half-year convention.—For purposes of paragraph (1), any payment paid or incurred during the taxable year shall be treated as paid or incurred on the mid-point of such taxable year.

"(3) Exclusive method.—Except as provided in this subsection, no depreciation or amortization deduction shall be allowed with respect to such payments.

"(4) Treatment upon abandonment.—If any property to which a delay rental payment relates is retired or abandoned during the 24-month period described in paragraph (1), no deduction shall be allowed on account of such retirement or abandonment and the amortization deduction under this subsection shall continue with respect to such payment.

"(5) Delay rental payments.—For purposes of this subsection, the term 'delay rental payment' means an amount paid for the privilege of deferring development of an oil or gas well under an oil or gas lease.".

(b) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. ___. AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

(a) In General.—Section 167 (relating to depreciation), as amended by this Act, is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) Amortization of Geological and Geophysical Expenditures.—

"(1) In general.—Any geological and geophysical expenses paid or incurred in connection with the exploration for, or development of, oil or gas within the United States (as defined in section 638) shall be allowed as a deduction ratably over the 24-month period beginning on the date that such expense was paid or incurred.

"(2) Special rules.—For purposes of this subsection, rules similar to the rules of paragraphs (2), (3), and (4) of subsection (h) shall apply.".

(b) Conforming Amendment.—Section 263A(c)(3) is amended by inserting "167(h), 167(i)," after "under section".

(c) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.

SA 821. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place add the following:

SEC.   . INCREASE IN EXCLUSION EQUIVALENT OF UNIFIED CREDIT AGAINST ESTATE TAX; REDUCTION IN ESTATE TAX RATE TO CAPITAL GAINS RATE.

(a) Increase in Exclusion Equivalent of Unified Credit.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (relating to unified credit against estate tax) is amended to read as follows:

"(c) Applicable Credit Amount.—

"(1) In general.—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under section 2001(c) if the amount with respect to which such tentative tax is to be computed were the applicable exclusion amount. For purposes of the preceding sentence, the applicable exclusion amount is $10,000,000.

"(2) Inflation adjustment.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.".

(b) Estate Tax Flat Rate Equal to Capital Gains Rate.—Subsection (c) of section 2001 of the Internal Revenue Code of 1986 (relating to imposition and rate of tax) is amended to read as follows:

"(c) Rate of Tentative Tax.—In the case of estates of decedents dying, and gifts made, in any calendar year after 2009, the rate of the tentative tax is the rate specified in section 1(h)(1)(C) for such year.".

(c) Effective Date.—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2009.

(d) Modifications to Estate Tax.—

(1) In general.—Subtitles A and E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such subtitles, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subtitles, and amendments, had never been enacted.

(2) Sunset not to apply.—

(A) Subsection (a) of section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking "this Act" and all that follows and inserting "this Act (other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.".

(B) Subsection (b) of such section 901 is amended by striking ", estates, gifts, and transfers".

(3) Conforming amendment.—Subsection (e) of section 511 of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendment made by such subsection, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsection and amendment had never been enacted.

SA 822. Mr. VOINOVICH (for himself and Mr. DeWine) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 120, between lines 20 and 21, insert the following:

SEC. 14___. FUEL EFFICIENT ENGINE TECHNOLOGY FOR AIRCRAFT.

(a) In General.—The Secretary and the Administrator of the National Aeronautics and Space Administration shall enter into a cooperative agreement to carry out a multiyear engine development program to advance technologies to enable more fuel efficient, turbine-based propulsion and power systems for aeronautical and industrial applications.

(b) Performance Objective.—The fuel efficiency performance objective for the program shall be to achieve a fuel efficiency improvement of more than 10 percent by exploring—

(1) advanced concepts, alternate propulsion, and power configurations, including hybrid fuel cell powered systems; and

(2) the use of alternate fuel in conventional or nonconventional turbine-based systems.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section $60,000,000 for each of fiscal years 2006 through 2010.

SA 823. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 15, strike lines 3 through 20.

On page 719, strike lines 11 through 20 and insert the following:

as part of the process of updating the Master Plan Study for the Capitol complex, shall—

(A) carry out a study to evaluate the energy infrastructure of the Capitol complex to determine how to augment the infrastructure to become more energy efficient—

(i) by using unconventional and renewable energy resources; and

(ii) in a manner that would enable the Capitol complex to have reliable utility service in the event of power fluctuations, shortages, or outages;

(B) carry out a study to explore the feasibility of installing energy and water conservation measures on the rooftop of the Dirksen Senate Office Building, including the area directly above the food service facilities in the center of the building, including the installation of—

(i) a vegetative covering area, using native species to the maximum extent practicable, to—

(I) insulate and increase the energy efficiency of the building;

(II) reduce precipitation runoff and conserve water for landscaping or other uses;

(III) increase, and provide more efficient use of, available outdoor space through management of the rooftop of the center of the building as a park or garden area for occupants of the building; and

(IV) improve the aesthetics of the building; and

(ii) onsite renewable energy and other state-of-the-art technologies to—

(I) improve the energy efficiency and energy security of the building or the Capitol complex by providing additional or backup sources of power in the event of a power shortage or other emergency;

(II) reduce the use of resources by the building; or

(III) enhance worker productivity; and

(C) not later than 180 days after the date of enactment of this Act, submit to Congress a report describing the findings and recommendations of the study under subparagraph (B).

SA 824. Ms. COLLINS (for herself, Ms. Cantwell, Ms. Snowe, Mr. Jeffords, and Mr. DeWine) submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 556, between lines 9 and 10, insert the following new section:

SEC. 972. ABRUPT CLIMATE CHANGE RESEARCH PROGRAM.

(a) Establishment of Program.—The Secretary of Commerce shall establish within the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration, and shall carry out, a program of scientific research on abrupt climate change.

(b) Purposes of Program.—The purposes of the program are as follows:

(1) To develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to sufficiently identify and describe past instances of abrupt climate change.

(2) To improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change.

(3) To incorporate such mechanisms into advanced geophysical models of climate change.

(4) To test the output of such models against an improved global array of records of past abrupt climate changes.

(c) Abrupt Climate Change Defined.—In this section, the term "abrupt climate change" means a change in the climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the climate as changed.

(d) Authorization of Appropriations.—There is authorized to be appropriated to the Department of Commerce for each of fiscal years 2006 through 2008, to remain available until expended, $10,000,000 to carry out the research program required under this section.

SA 825. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 208, after line 24, insert the following:

SEC. 303. SMALL BUSINESS AND AGRICULTURAL PRODUCER ENERGY EMERGENCY DISASTER LOAN PROGRAM.

(a) Small Business Producer Energy Emergency Disaster Loan Program.—

(1) Disaster loan authority.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (3) the following:

"(4)(A) In this paragraph—

"(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, gasoline, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

"(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, gasoline, or propane during the subsequent calendar month, commonly known as the 'front month'; and

"(iii) the term 'significant increase' means—

"(I) with respect to the price of heating oil, natural gas, gasoline, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

"(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant.

"(B) The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene occurring on or after January 1, 2005.

"(C) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

"(D) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the $1,500,000 limitation.

"(E) For purposes of assistance under this paragraph—

"(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

"(ii) if no declaration has been made pursuant to clause (i), the Governor of a State in which a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

"(F) Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating oil, natural gas, gasoline, propane, or kerosene to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.".

(2) CONFORMING AMENDMENTS.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting ", significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene" after "civil disorders"; and

(B) by inserting "other" before "economic".

(b) AGRICULTURAL PRODUCER EMERGENCY LOANS.—

(1) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(A) in the first sentence—

(i) by striking "operations have" and inserting "operations (i) have"; and

(ii) by inserting before ": *Provided*," the following: ", or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after January 1, 2005, in connection with an energy emergency declared by the President or the Secretary";

(B) in the third sentence, by inserting before the period at the end the following: "or by an energy emergency declared by the President or the Secretary"; and

(C) in the fourth sentence—

(i) by inserting "or energy emergency" after "natural disaster" each place that term appears; and

(ii) by inserting "or declaration" after "emergency designation".

(2) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subparagraph (A) to meet the needs resulting from natural disasters.

(c) GUIDELINES AND RULEMAKING.—

(1) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration and the Secretary of Agriculture shall each issue guidelines to carry out this section and the amendments made by this section, which guidelines shall become effective on the date of their issuance.

(2) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(4)(A)(iii)(II) of the Small Business Act (15 U.S.C. 636(b)(4)(A)(iii)(II)), as added by this section.

(d) REPORTS.—

(1) SMALL BUSINESS ADMINISTRATION.—Not later than 12 months after the date on which the Administrator of the Small Business Administration issues guidelines under subsection (c)(1), and annually thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(4) of the Small Business Act, as added by this section, including—

(A) the number of small business concerns that applied for a loan under such section 7(b)(4) and the number of those that received such loans;

(B) the dollar value of those loans;

(C) the States in which the small business concerns that received such loans are located;

(D) the type of energy that caused the significant increase in the cost for the participating small business concerns; and

(E) recommendations for ways to improve the assistance provided under such section 7(b)(4), if any.

(2) DEPARTMENT OF AGRICULTURE.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under subsection (c)(1), and annually thereafter, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(A) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section; and

(B) contains recommendations for ways to improve the assistance provided under such section 321(a).

(e) EFFECTIVE DATE.—

(1) SMALL BUSINESS.—The amendments made by subsection (a) shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Administrator of the Small Business Administration under subsection (c)(1) or 30 days after the date of enactment of this Act, with respect to assistance under section 7(b)(4) of the Small Business Act, as added by this section.

(2) AGRICULTURE.—The amendments made by subsection (b) shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Secretary of Agriculture under subsection (c)(1) or 30 days after the date of enactment of this Act, with respect to assistance under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section.

SA 826. Mr. MCCAIN (for himself and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

DIVISION —CLIMATE STEWARDSHIP AND INNOVATION

SEC. ——01. SHORT TITLE.

This division may be cited as the "Climate Stewardship and Innovation Act of 2005".

SEC. ——02. TABLE OF CONTENTS.

The table of contents for this division is as follows:

Sec. ——01. Short title.
Sec. ——02. Table of contents.
Sec. ——03. Definitions.

TITLE I—FEDERAL CLIMATE CHANGE RESEARCH AND RELATED ACTIVITIES

Sec. —0101. National Science Foundation fellowships.
Sec. —0102. Report on United States impact of Kyoto protocol.
Sec. —0103. Research grants.
Sec. —0104. Abrupt climate change research.
Sec. —0105. Impact on low-income populations research.
Sec. —0106. NIST greenhouse gas functions.
Sec. —0107. Development of new measurement technologies.
Sec. —0108. Enhanced environmental measurements and standards.
Sec. —0109. Technology development and diffusion.
Sec. —0110. Agricultural outreach program.

TITLE II—NATIONAL GREENHOUSE GAS DATABASE

Sec. —0201. National greenhouse gas database and registry established.
Sec. —0202. Inventory of greenhouse gas emissions for covered entities.
Sec. —0203. Greenhouse gas reduction reporting.
Sec. —0204. Measurement and verification.

TITLE III—MARKET-DRIVEN GREENHOUSE GAS REDUCTIONS

SUBTITLE A—EMISSION REDUCTION REQUIREMENTS; USE OF TRADEABLE ALLOWANCES

Sec. —0301. Covered entities must submit allowances for emissions.
Sec. —0302. Compliance.
Sec. —0303. Borrowing against future reductions.
Sec. —0304. Other uses of tradeable allowances.
Sec. —0305. Exemption of source categories.

SUBTITLE B—ESTABLISHMENT AND ALLOCATION OF TRADEABLE ALLOWANCES

Sec. —0331. Establishment of tradeable allowances.
Sec. —0332. Determination of tradeable allowance allocations.

Sec. —0333. Allocation of tradeable allowances.
Sec. —0334. Ensuring target adequacy.
Sec. —0335. Initial allocations for early participation and accelerated participation.
Sec. —0336. Bonus for accelerated participation.

SUBTITLE C—CLIMATE CHANGE CREDIT CORPORATION

Sec. —0351. Establishment.
Sec. —0352. Purposes and functions.

SUBTITLE D—SEQUESTRATION ACCOUNTING; PENALTIES

Sec. —0371. Sequestration accounting.
Sec. —0372. Penalties.

TITLE IV—INNOVATION AND COMPETITIVENESS

Sec. —0401. Findings.

SUBTITLE A—INNOVATION INFRASTRUCTURE

Sec. —0421. The Innovation Administration.
Sec. —0422. Technology transfer opportunities.
Sec. —0423. Government-sponsored technology investment program.
Sec. —0424. Federal technology innovation personnel incentives.
Sec. —0425. Interdisciplinary research and commercialization.
Sec. —0426. Climate innovation partnerships.
Sec. —0427. National medal of climate stewardship innovation.
Sec. —0428. Math and science teachers' enhancement program.
Sec. —0429. Patent study.
Sec. —0430. Lessons-learned program.

SUBTITLE B—SPECIFIC PROGRAM INITIATIVES

Sec. —0451. Transportation.
Sec. —0452. Agricultural sequestration.
Sec. —0453. Geological storage of sequestered greenhouse gases.
Sec. —0454. Energy efficiency audits.
Sec. —0455. Adaptation technologies.
Sec. —0456. Advanced research and development for safety and nonproliferation.

SUBTITLE C—CLIMATE TECHNOLOGY DEPLOYMENT PROGRAM

PART I—PROGRAM AUTHORITY

Sec. —0471. Government-industry partnerships for first-of-a-kind engineering design.
Sec. —0472. Demonstration programs.

PART II—FINANCING

Sec. —0481. Climate Technology Financing Board.
Sec. —0482. Responsibilities of the Secretary.
Sec. —0483. Limitations.
Sec. —0484. Source of funding for programs.

PART III—DEFINITIONS

Sec. —0486. Definitions.

SUBTITLE D—REVERSE AUCTION FOR TECHNOLOGY DISSEMINATION

Sec. —0491. Climate technology challenge program.

SEC. ———03. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) BASELINE.—The term "baseline" means the historic greenhouse gas emission levels of an entity, as adjusted upward by the Administrator to reflect actual reductions that are verified in accordance with—

(A) regulations promulgated under section —0201(c)(1); and

(B) relevant standards and methods developed under this title.

(3) CARBON DIOXIDE EQUIVALENTS.—The term "carbon dioxide equivalents" means, for each greenhouse gas, the amount of each such greenhouse gas that makes the same contribution to global warming as one metric ton of carbon dioxide, as determined by the Administrator.

(4) COVERED SECTORS.—The term "covered sectors" means the electricity, transportation, industry, and commercial sectors, as such terms are used in the Inventory.

(5) COVERED ENTITY.—The term "covered entity" means an entity (including a branch, department, agency, or instrumentality of Federal, State, or local government) that—

(A) owns or controls a source of greenhouse gas emissions in the electric power, industrial, or commercial sectors of the United States economy (as defined in the Inventory), refines or imports petroleum products for use in transportation, or produces or imports hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride; and

(B) emits, from any single facility owned by the entity, over 10,000 metric tons of greenhouse gas per year, measured in units of carbon dioxide equivalents, or produces or imports—

(i) petroleum products that, when combusted, will emit,

(ii) hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride that, when used, will emit, or

(iii) other greenhouse gases that, when used, will emit,

over 10,000 metric tons of greenhouse gas per year, measured in units of carbon dioxide equivalents.

(6) DATABASE.—The term "database" means the national greenhouse gas database established under section —0201.

(7) DIRECT EMISSIONS.—The term "direct emissions" means greenhouse gas emissions by an entity from a facility that is owned or controlled by that entity.

(8) FACILITY.—The term "facility" means a building, structure, or installation located on any 1 or more contiguous or adjacent properties of an entity in the United States.

(9) GREENHOUSE GAS.—The term "greenhouse gas" means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; and

(F) sulfur hexafluoride.

(10) INDIRECT EMISSIONS.—The term "indirect emissions" means greenhouse gas emissions that are—

(A) a result of the activities of an entity; but

(B) emitted from a facility owned or controlled by another entity.

(11) INVENTORY.—The term "Inventory" means the Inventory of U.S. Greenhouse Gas Emissions and Sinks, prepared in compliance with the United Nations Framework Convention on Climate Change Decision 3/CP.5).

(12) LEAKAGE.—The term "leakage" means—

(A) an increase in greenhouse gas emissions by one facility or entity caused by a reduction in greenhouse gas emissions by another facility or entity; or

(B) a decrease in sequestration that is caused by an increase in sequestration at another location.

(13) PERMANENCE.—The term "permanence" means the extent to which greenhouse gases that are sequestered will not later be returned to the atmosphere.

(14) REGISTRY.—The term "registry" means the registry of greenhouse gas emission reductions established under section —0201(b)(2).

(15) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(16) SEQUESTRATION.—

(A) IN GENERAL.—The term "sequestration" means the capture, long-term separation, isolation, or removal of greenhouse gases from the atmosphere.

(B) INCLUSIONS.—The term "sequestration" includes—

(i) agricultural and conservation practices;

(ii) reforestation;

(iii) forest preservation; and

(iv) any other appropriate method of capture, long-term separation, isolation, or removal of greenhouse gases from the atmosphere, as determined by the Administrator.

(C) EXCLUSIONS.—The term "sequestration" does not include—

(i) any conversion of, or negative impact on, a native ecosystem; or

(ii) any introduction of non-native species.

(17) SOURCE CATEGORY.—The term "source category" means a process or activity that leads to direct emissions of greenhouse gases, as listed in the Inventory.

(18) STATIONARY SOURCE.—The term "stationary source" means generally any source of greenhouse gases except those emissions resulting directly from an engine for transportation purposes.

TITLE I—FEDERAL CLIMATE CHANGE RESEARCH AND RELATED ACTIVITIES

SEC. 101. NATIONAL SCIENCE FOUNDATION FELLOWSHIPS.

The Director of the National Science Foundation shall establish a fellowship program for students pursuing graduate studies in global climate change, including capability in observation, analysis, modeling, paleoclimatology, consequences, and adaptation.

SEC. 102. REPORT ON UNITED STATES IMPACT OF KYOTO PROTOCOL.

Within 6 months after the date of enactment of this Act, the Secretary shall execute a contract with the National Academy of Science for a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the effects that the entry into force of the Kyoto Protocol without United States participation will have on—

(1) United States industry and its ability to compete globally;

(2) international cooperation on scientific research and development; and

(3) United States participation in international environmental climate change mitigation efforts and technology deployment.

SEC. 103. RESEARCH GRANTS.

Section 105 of the Global Change Research Act of 1990 (15 U.S.C. 2935) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) RESEARCH GRANTS.—

"(1) COMMITTEE TO DEVELOP LIST OF PRIORITY RESEARCH AREAS.—The Committee shall develop a list of priority areas for research and development on climate change that are not being addressed by Federal agencies.

"(2) DIRECTOR OF OSTP TO TRANSMIT LIST TO NSF.—The Director of the Office of Science and Technology Policy shall transmit the list to the National Science Foundation.

"(3) FUNDING THROUGH NSF.—

"(A) BUDGET REQUEST.—The National Science Foundation shall include, as part of the annual request for appropriations for the

Science and Technology Policy Institute, a request for appropriations to fund research in the priority areas on the list developed under paragraph (1).

"(B) AUTHORIZATION.—For fiscal year 2005 and each fiscal year thereafter, there are authorized to be appropriated to the National Science Foundation not less than $25,000,000, to be made available through the Science and Technology Policy Institute, for research in those priority areas.".

SEC. 104. ABRUPT CLIMATE CHANGE RESEARCH.

(a) IN GENERAL.—The Secretary, through the National Oceanic and Atmospheric Administration, shall carry out a program of scientific research on potential abrupt climate change designed—

(1) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order sufficiently to identify and describe past instances of abrupt climate change;

(2) to improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change;

(3) to incorporate these mechanisms into advanced geophysical models of climate change; and

(4) to test the output of these models against an improved global array of records of past abrupt climate changes.

(b) ABRUPT CLIMATE CHANGE DEFINED.—In this section, the term "abrupt climate change" means a change in climate that occurs so rapidly or unexpectedly that human or natural systems may have difficulty adapting to it.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal year 2005 $60,000,000 to carry out this section, such sum to remain available until expended.

SEC. 105. IMPACT ON LOW-INCOME POPULATIONS RESEARCH.

(a) IN GENERAL.—The Secretary shall conduct research on the impact of climate change on low-income populations everywhere in the world. The research shall—

(1) include an assessment of the adverse impact of climate change on developing countries and on low-income populations in the United States;

(2) identify appropriate climate change adaptation measures and programs for developing countries and low-income populations and assess the impact of those measures and programs on low-income populations;

(3) identify appropriate climate change mitigation strategies and programs for developing countries and low-income populations and assess the impact of those strategies and programs on developing countries and on low-income populations in the United States; and

(4) include an estimate of the costs of developing and implementing those climate change adaptation and mitigation programs.

(b) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit a report on the research conducted under subsection (a) to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, the House of Representatives Committee on Science, and the House of Representatives Committee on Energy and Commerce.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $2,000,000 to carry out the research required by subsection (a).

SEC. 106. NIST GREENHOUSE GAS FUNCTIONS.

Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(1) by striking "and" after the semicolon in paragraph (21);

(2) by redesignating paragraph (22) as paragraph (23); and

(3) by inserting after paragraph (21) the following:

"(22) perform research to develop enhanced measurements, calibrations, standards, and technologies which will facilitate activities that reduce emissions of greenhouse gases or increase sequestration of greenhouse gases, including carbon dioxide, methane, nitrous oxide, ozone, perfluorocarbons, hydrofluorocarbons, and sulfur hexafluoride; and".

SEC. 107. DEVELOPMENT OF NEW MEASUREMENT TECHNOLOGIES.

To facilitate implementation of section —0204, the Secretary shall initiate a program to develop, with technical assistance from appropriate Federal agencies, innovative standards and measurement technologies to calculate greenhouse gas emissions or reductions for which no accurate or reliable measurement technology exists. The program shall include—

(1) technologies (including remote sensing technologies) to measure carbon changes and other greenhouse gas emissions and reductions from agriculture, forestry, and other land use practices; and

(2) technologies to calculate non-carbon dioxide greenhouse gas emissions from transportation.

SEC. 108. ENHANCED ENVIRONMENTAL MEASUREMENTS AND STANDARDS.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) by redesignating sections 17 through 32 as sections 18 through 33, respectively; and

(2) by inserting after section 16 the following:

"SEC. 17. CLIMATE CHANGE STANDARDS AND PROCESSES.

"(a) IN GENERAL.—The Director shall establish within the Institute a program to perform and support research on global climate change standards and processes, with the goal of providing scientific and technical knowledge applicable to the reduction of greenhouse gases (as defined in section ———03(8) of the Climate Stewardship and Innovation Act of 2005) and of facilitating implementation of section —0204 of that Act.

"(b) RESEARCH PROGRAM.—

"(1) IN GENERAL.—The Director is authorized to conduct, directly or through contracts or grants, a global climate change standards and processes research program.

"(2) RESEARCH PROJECTS.—The specific contents and priorities of the research program shall be determined in consultation with appropriate Federal agencies, including the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration. The program generally shall include basic and applied research—

"(A) to develop and provide the enhanced measurements, calibrations, data, models, and reference material standards which will enable the monitoring of greenhouse gases;

"(B) to assist in establishing a baseline reference point for future trading in greenhouse gases and the measurement of progress in emissions reduction;

"(C) that will be exchanged internationally as scientific or technical information which has the stated purpose of developing mutually recognized measurements, standards, and procedures for reducing greenhouse gases; and

"(D) to assist in developing improved industrial processes designed to reduce or eliminate greenhouse gases.

"(c) NATIONAL MEASUREMENT LABORATORIES.—

"(1) IN GENERAL.—In carrying out this section, the Director shall utilize the collective skills of the National Measurement Laboratories of the National Institute of Standards and Technology to improve the accuracy of measurements that will permit better understanding and control of these industrial chemical processes and result in the reduction or elimination of greenhouse gases.

"(2) MATERIAL, PROCESS, AND BUILDING RESEARCH.—The National Measurement Laboratories shall conduct research under this subsection that includes—

"(A) developing material and manufacturing processes which are designed for energy efficiency and reduced greenhouse gas emissions into the environment;

"(B) developing chemical processes to be used by industry that, compared to similar processes in commercial use, result in reduced emissions of greenhouse gases or increased sequestration of greenhouse gases; and

"(C) enhancing building performance with a focus in developing standards or tools which will help incorporate low- or no-emission technologies into building designs.

"(3) STANDARDS AND TOOLS.—The National Measurement Laboratories shall develop standards and tools under this subsection that include software to assist designers in selecting alternate building materials, performance data on materials, artificial intelligence-aided design procedures for building subsystems and 'smart buildings', and improved test methods and rating procedures for evaluating the energy performance of residential and commercial appliances and products.

"(d) NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM.—The Director shall utilize the National Voluntary Laboratory Accreditation Program under this section to establish a program to include specific calibration or test standards and related methods and protocols assembled to satisfy the unique needs for accreditation in measuring the production of greenhouse gases. In carrying out this subsection the Director may cooperate with other departments and agencies of the Federal Government, State and local governments, and private organizations.".

SEC. 109. TECHNOLOGY DEVELOPMENT AND DIFFUSION.

The Director of the National Institute of Standards and Technology, through the Manufacturing Extension Partnership Program, may develop a program to promote the use, by the more than 380,000 small manufacturers, of technologies and techniques that result in reduced emissions of greenhouse gases or increased sequestration of greenhouse gases.

SEC. 110. AGRICULTURAL OUTREACH PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture, acting through the Global Change Program Office and in consultation with the heads of other appropriate departments and agencies, shall establish the Climate Change Education and Outreach Initiative Program to educate, and reach out to, agricultural organizations and individual farmers on global climate change.

(b) PROGRAM COMPONENTS.—The program—

(1) shall be designed to ensure that agricultural organizations and individual farmers receive detailed information about—

(A) the potential impact of climate change on their operations and well-being;

(B) market-driven economic opportunities that may come from storing carbon in soils and vegetation, including emerging private sector markets for carbon storage; and

(C) techniques for measuring, monitoring, verifying, and inventorying such carbon capture efforts;

(2) may incorporate existing efforts in any area of activity referenced in paragraph (1) or in related areas of activity;

(3) shall provide—

(A) outreach materials to interested parties;

(B) workshops; and

(C) technical assistance; and

(4) may include the creation and development of regional centers on climate change or coordination with existing centers (including such centers within NRCS and the Cooperative State Research Education and Extension Service).

TITLE II—NATIONAL GREENHOUSE GAS DATABASE

SEC. 201. NATIONAL GREENHOUSE GAS DATABASE AND REGISTRY ESTABLISHED.

(a) ESTABLISHMENT.—As soon as practicable after the date of enactment of this Act, the Administrator, in coordination with the Secretary, the Secretary of Energy, the Secretary of Agriculture, and private sector and nongovernmental organizations, shall establish, operate, and maintain a database, to be known as the "National Greenhouse Gas Database", to collect, verify, and analyze information on greenhouse gas emissions by entities.

(b) NATIONAL GREENHOUSE GAS DATABASE COMPONENTS.—The database shall consist of—

(1) an inventory of greenhouse gas emissions; and

(2) a registry of greenhouse gas emission reductions and increases in greenhouse gas sequestrations.

(c) COMPREHENSIVE SYSTEM.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to implement a comprehensive system for greenhouse gas emissions reporting, inventorying, and reductions registration.

(2) REQUIREMENTS.—The Administrator shall ensure, to the maximum extent practicable, that—

(A) the comprehensive system described in paragraph (1) is designed to—

(i) maximize completeness, transparency, and accuracy of information reported; and

(ii) minimize costs incurred by entities in measuring and reporting greenhouse gas emissions; and

(B) the regulations promulgated under paragraph (1) establish procedures and protocols necessary—

(i) to prevent the double-counting of greenhouse gas emissions or emission reductions reported by more than 1 reporting entity;

(ii) to provide for corrections to errors in data submitted to the database;

(iii) to provide for adjustment to data by reporting entities that have had a significant organizational change (including mergers, acquisitions, and divestiture), in order to maintain comparability among data in the database over time;

(iv) to provide for adjustments to reflect new technologies or methods for measuring or calculating greenhouse gas emissions;

(v) to account for changes in registration of ownership of emission reductions resulting from a voluntary private transaction between reporting entities; and

(vi) to clarify the responsibility for reporting in the case of any facility owned or controlled by more than 1 entity.

(3) SERIAL NUMBERS.—Through regulations promulgated under paragraph (1), the Administrator shall develop and implement a system that provides—

(A) for the verification of submitted emissions reductions registered under section —0204;

(B) for the provision of unique serial numbers to identify the registered emission reductions made by an entity relative to the baseline of the entity;

(C) for the tracking of the registered reductions associated with the serial numbers; and

(D) for such action as may be necessary to prevent counterfeiting of the registered reductions.

SEC. 202. INVENTORY OF GREENHOUSE GAS EMISSIONS FOR COVERED ENTITIES.

(a) IN GENERAL.—Not later than July 1st of each calendar year after 2008, each covered entity shall submit to the Administrator a report that states, for the preceding calendar year, the entity-wide greenhouse gas emissions (as reported at the facility level), including—

(1) the total quantity of direct greenhouse gas emissions from stationary sources, expressed in units of carbon dioxide equivalents, except those reported under paragraph (3);

(2) the amount of petroleum products sold or imported by the entity and the amount of greenhouse gases, expressed in units of carbon dioxide equivalents, that would be emitted when these products are used for transportation in the United States, as determined by the Administrator under section —0301(b);

(3) the amount of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, expressed in units of carbon dioxide equivalents, that are sold or imported by the entity and will ultimately be emitted in the United States, as determined by the Administrator under section —0301(d); and

(4) such other categories of emissions as the Administrator determines in the regulations promulgated under section —0201(c)(1) may be practicable and useful for the purposes of this division, such as—

(A) indirect emissions from imported electricity, heat, and steam;

(B) process and fugitive emissions; and

(C) production or importation of greenhouse gases.

(b) COLLECTION AND ANALYSIS OF DATA.—The Administrator shall collect and analyze information reported under subsection (a) for use under title III.

SEC. 203. GREENHOUSE GAS REDUCTION REPORTING.

(a) IN GENERAL.—Subject to the requirements described in subsection (b)—

(1) a covered entity may register greenhouse gas emission reductions achieved after 1990 and before 2010 under this section; and

(2) an entity that is not a covered entity may register greenhouse gas emission reductions achieved at any time since 1990 under this section.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The requirements referred to in subsection (a) are that an entity (other than an entity described in paragraph (2)) shall—

(A) establish a baseline; and

(B) submit the report described in subsection (c)(1).

(2) REQUIREMENTS APPLICABLE TO ENTITIES ENTERING INTO CERTAIN AGREEMENTS.—An entity that enters into an agreement with a participant in the registry for the purpose of a carbon sequestration project shall not be required to comply with the requirements specified in paragraph (1) unless that entity is required to comply with the requirements by reason of an activity other than the agreement.

(c) REPORTS.—

(1) REQUIRED REPORT.—Not later than July 1st of the each calendar year beginning more than 2 years after the date of enactment of this Act, but subject to paragraph (3), an entity described in subsection (a) shall submit to the Administrator a report that states, for the preceding calendar year, the entity-wide greenhouse gas emissions (as reported at the facility level), including—

(A) the total quantity of direct greenhouse gas emissions from stationary sources, expressed in units of carbon dioxide equivalents;

(B) the amount of petroleum products sold or imported by the entity and the amount of greenhouse gases, expressed in units of carbon dioxide equivalents, that would be emitted when these products are used for transportation in the United States, as determined by the Administrator under section —0301(b);

(C) the amount of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, expressed in units of carbon dioxide equivalents, that are sold or imported by the entity and will ultimately be emitted in the United States, as determined by the Administrator under section —0301(d); and

(D) such other categories of emissions as the Administrator determines in the regulations promulgated under section —0201(c)(1) may be practicable and useful for the purposes of this division, such as—

(i) indirect emissions from imported electricity, heat, and steam;

(ii) process and fugitive emissions; and

(iii) production or importation of greenhouse gases.

(2) VOLUNTARY REPORTING.—An entity described in subsection (a) may (along with establishing a baseline and reporting emissions under this section)—

(A) submit a report described in paragraph (1) before the date specified in that paragraph for the purposes of achieving and commoditizing greenhouse gas reductions through use of the registry and for other purposes; and

(B) submit to the Administrator, for inclusion in the registry, information that has been verified in accordance with regulations promulgated under section —0201(c)(1) and that relates to—

(i) any activity that resulted in the net reduction of the greenhouse gas emissions of the entity or a net increase in sequestration by the entity that were carried out during or after 1990 and before the establishment of the database, verified in accordance with regulations promulgated under section —0201(c)(1), and submitted to the Administrator before the date that is 4 years after the date of enactment of this Act; and

(ii) with respect to the calendar year preceding the calendar year in which the information is submitted, any project or activity that resulted in the net reduction of the greenhouse gas emissions of the entity or a net increase in net sequestration by the entity.

(3) PROVISION OF VERIFICATION INFORMATION BY REPORTING ENTITIES.—Each entity that submits a report under this subsection shall provide information sufficient for the Administrator to verify, in accordance with

measurement and verification methods and standards developed under section —0204, that the greenhouse gas report of the reporting entity—

(A) has been accurately reported; and

(B) in the case of each voluntary report under paragraph (2), represents—

(i) actual reductions in direct greenhouse gas emissions—

(I) relative to historic emission levels of the entity; and

(II) after accounting for any increases in indirect emissions described in paragraph (1)(C)(i); or

(ii) actual increases in net sequestration.

(4) FAILURE TO SUBMIT REPORT.—An entity that participates or has participated in the registry and that fails to submit a report required under this subsection shall be prohibited from using, or allowing another entity to use, its registered emissions reductions or increases in sequestration to satisfy the requirements of section —0301.

(5) INDEPENDENT THIRD-PARTY VERIFICATION.—To meet the requirements of this section and section —0203, an entity that is required to submit a report under this section may—

(A) obtain independent third-party verification; and

(B) present the results of the third-party verification to the Administrator.

(6) AVAILABILITY OF DATA.—

(A) IN GENERAL.—The Administrator shall ensure that information in the database is—

(i) published; and

(ii) accessible to the public, including in electronic format on the Internet.

(B) EXCEPTION.—Subparagraph (A) shall not apply in any case in which the Administrator determines that publishing or otherwise making available information described in that subparagraph poses a risk to national security or discloses confidential business information that can not be derived from information that is otherwise publicly available and that would cause competitive harm if published.

(7) DATA INFRASTRUCTURE.—The Administrator shall ensure, to the maximum extent practicable, that the database uses, and is integrated with, Federal, State, and regional greenhouse gas data collection and reporting systems in effect as of the date of enactment of this Act.

(8) ADDITIONAL ISSUES TO BE CONSIDERED.—In promulgating the regulations under section —0201(c)(1) and implementing the database, the Administrator shall take into consideration a broad range of issues involved in establishing an effective database, including—

(A) the data and information systems and measures necessary to identify, track, and verify greenhouse gas emissions in a manner that will encourage private sector trading and exchanges;

(B) the greenhouse gas reduction and sequestration measurement and estimation methods and standards applied in other countries, as applicable or relevant;

(C) the extent to which available fossil fuels, greenhouse gas emissions, and greenhouse gas production and importation data are adequate to implement the database; and

(D) the differences in, and potential uniqueness of, the facilities, operations, and business and other relevant practices of persons and entities in the private and public sectors that may be expected to participate in the database.

(d) ANNUAL REPORT.—The Administrator shall publish an annual report that—

(1) describes the total greenhouse gas emissions and emission reductions reported to the database during the year covered by the report;

(2) provides entity-by-entity and sector-by-sector analyses of the emissions and emission reductions reported;

(3) describes the atmospheric concentrations of greenhouse gases;

(4) provides a comparison of current and past atmospheric concentrations of greenhouse gases; and

(5) describes the activity during the year covered by the period in the trading of greenhouse gas emission allowances.

SEC. 204. MEASUREMENT AND VERIFICATION.

(a) STANDARDS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish by rule, in coordination with the Administrator, the Secretary of Energy, and the Secretary of Agriculture, comprehensive measurement and verification methods and standards to ensure a consistent and technically accurate record of greenhouse gas emissions, emission reductions, sequestration, and atmospheric concentrations for use in the registry.

(2) REQUIREMENTS.—The methods and standards established under paragraph (1) shall include—

(A) a requirement that a covered entity use a continuous emissions monitoring system, or another system of measuring or estimating emissions that is determined by the Secretary to provide information with precision, reliability, accessibility, and timeliness similar to that provided by a continuous emissions monitoring system where technologically feasible;

(B) establishment of standardized measurement and verification practices for reports made by all entities participating in the registry, taking into account—

(i) protocols and standards in use by entities requiring or desiring to participate in the registry as of the date of development of the methods and standards under paragraph (1);

(ii) boundary issues, such as leakage;

(iii) avoidance of double counting of greenhouse gas emissions and emission reductions;

(iv) protocols to prevent a covered entity from avoiding the requirements of this division by reorganization into multiple entities that are under common control; and

(v) such other factors as the Secretary, in consultation with the Administrator, determines to be appropriate;

(C) establishment of methods of—

(i) estimating greenhouse gas emissions, for those cases in which the Secretary determines that methods of monitoring, measuring or estimating such emissions with precision, reliability, accessibility, and timeliness similar to that provided by a continuous emissions monitoring system are not technologically feasible at present; and

(ii) reporting the accuracy of such estimations;

(D) establishment of measurement and verification standards applicable to actions taken to reduce, avoid, or sequester greenhouse gas emissions;

(E) in coordination with the Secretary of Agriculture, standards to measure the results of the use of carbon sequestration and carbon recapture technologies, including—

(i) soil carbon sequestration practices; and

(ii) forest preservation and reforestation activities that adequately address the issues of permanence, leakage, and verification;

(E) establishment of such other measurement and verification standards as the Secretary, in consultation with the Secretary of Agriculture, the Administrator, and the Secretary of Energy, determines to be appropriate;

(F) establishment of standards for obtaining the Secretary's approval of the suitability of geological storage sites that include evaluation of both the geology of the site and the entity's capacity to manage the site; and

(G) establishment of other features that, as determined by the Secretary, will allow entities to adequately establish a fair and reliable measurement and reporting system.

(b) REVIEW AND REVISION.—The Secretary shall periodically review, and revise as necessary, the methods and standards developed under subsection (a).

(c) PUBLIC PARTICIPATION.—The Secretary shall—

(1) make available to the public for comment, in draft form and for a period of at least 90 days, the methods and standards developed under subsection (a); and

(2) after the 90-day period referred to in paragraph (1), in coordination with the Secretary of Energy, the Secretary of Agriculture, and the Administrator, adopt the methods and standards developed under subsection (a) for use in implementing the database.

(d) EXPERTS AND CONSULTANTS.—

(1) IN GENERAL.—The Secretary may obtain the services of experts and consultants in the private and nonprofit sectors in accordance with section 3109 of title 5, United States Code, in the areas of greenhouse gas measurement, certification, and emission trading.

(2) AVAILABLE ARRANGEMENTS.—In obtaining any service described in paragraph (1), the Secretary may use any available grant, contract, cooperative agreement, or other arrangement authorized by law.

TITLE III—MARKET-DRIVEN GREENHOUSE GAS REDUCTIONS

SUBTITLE A—EMISSION REDUCTION REQUIREMENTS; USE OF TRADEABLE ALLOWANCES

SEC. 301. COVERED ENTITIES MUST SUBMIT ALLOWANCES FOR EMISSIONS.

(a) IN GENERAL.—

(1) SUBMISSION OF ALLOWANCES.—Except as provided in paragraph (2), beginning with calendar year 2010—

(A) each covered entity in the electric generation, industrial, and commercial sectors shall submit to the Administrator one tradeable allowance for every metric ton of greenhouse gases, measured in units of carbon dioxide equivalents, that it emits from stationary sources, except those described in subparagraph (B);

(B) each producer or importer of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride that is a covered entity shall submit to the Administrator one tradeable allowance for every metric ton of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, measured in units of carbon dioxide equivalents; that it produces or imports and that will ultimately be emitted in the United States, as determined by the Administrator under subsection (d) and

(C) each petroleum refiner or importer that is a covered entity shall submit one tradeable allowance for every unit of petroleum product it sells that will produce one metric ton of greenhouse gases, measured in units of carbon dioxide equivalents, as determined by the Administrator under subsection (b), when used for transportation.

(2) TENNESSEE VALLEY AUTHORITY.—Paragraph (1) shall apply to the Tennessee Valley Authority beginning with calendar year 2016.

(b) DETERMINATION OF TRANSPORTATION SECTOR AMOUNT.—For the transportation sector, the Administrator shall determine the amount of greenhouse gases, measured in units of carbon dioxide equivalents, that will be emitted when petroleum products are used for transportation.

(c) Exception for Certain Deposited Emissions.—Notwithstanding subsection (a), a covered entity is not required to submit a tradeable allowance for any amount of greenhouse gas that would otherwise have been emitted from a facility under the ownership or control of that entity if—

(1) the emission is deposited in a geological storage facility approved by the Administrator under section —0204(a)(2)(F); and

(2) the entity agrees to submit tradeable allowances for any portion of the deposited emission that is subsequently emitted from that facility.

(d) Determination of Hydroflurocarbon, Perfluorocarbon, and Sulfur Hexafluoride Amount.—The Administrator shall determine the amounts of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, measured in units of carbon dioxide equivalents, that will be deemed to be emitted for purposes of this division.

SEC. 302. COMPLIANCE.

(a) In General.—

(1) Source of tradeable allowances used.—A covered entity may use a tradeable allowance to meet the requirements of this section without regard to whether the tradeable allowance was allocated to it under subtitle B or acquired from another entity or the Climate Change Credit Corporation established under section —0351.

(2) Verification by Administrator.—At various times during each year, the Administrator shall determine whether each covered entity has met the requirements of this section. In making that determination, the Administrator shall—

(A) take into account the tradeable allowances submitted by the covered entity to the Administrator; and

(B) retire the serial number assigned to each such tradeable allowance.

(b) Alternative Means of Compliance.—For the years 2010 and after, a covered entity may satisfy up to 15 percent of its total allowance submission requirement under this section by—

(1) submitting tradeable allowances from another nation's market in greenhouse gas emissions if—

(A) the Secretary determines that the other nation's system for trading in greenhouse gas emissions is complete, accurate, and transparent and reviews that determination at least once every 5 years;

(B) the other nation has adopted enforceable limits on its greenhouse gas emissions which the tradeable allowances were issued to implement; and

(C) the covered entity certifies that the tradeable allowance has been retired unused in the other nation's market;

(2) submitting a registered net increase in sequestration, as registered in the database, adjusted, if necessary, to comply with the accounting standards and methods established under section —0372;

(3) submitting a greenhouse gas emissions reduction (other than a registered net increase in sequestration) that was registered in the database by a person that is not a covered entity; or

(4) submitting credits obtained from the Administrator under section —0303.

(c) Dedicated Program for Sequestration in Agricultural Soils.—If a covered entity chooses to satisfy 15 percent of its total allowance submission requirements under the provisions of subsection (b), it shall satisfy at least 01.5 percent of its total allowance submission requirement by submitting registered net increases in sequestration in agricultural soils, as registered in the database, adjusted, if necessary, to comply with the accounting standards and methods established under section —0371.

SEC. 303. BORROWING AGAINST FUTURE REDUCTIONS.

(a) In General.—The Administrator shall establish a program under which a covered entity may—

(1) receive a credit in the current calendar year for anticipated reductions in emissions in a future calendar year; and

(2) use the credit in lieu of a tradeable allowance to meet the requirements of this division for the current calendar year, subject to the limitation imposed by section —0302(b).

(b) Determination of Tradeable Allowance Credits.—The Administrator may make credits available under subsection (a) only for anticipated reductions in emissions that—

(1) are attributable to the realization of capital investments in equipment, the construction, reconstruction, or acquisition of facilities, or the deployment of new technologies—

(A) for which the covered entity has executed a binding contract and secured, or applied for, all necessary permits and operating or implementation authority;

(B) that will not become operational within the current calendar year; and

(C) that will become operational and begin to reduce emissions from the covered entity within 5 years after the year in which the credit is used; and

(2) will be realized within 5 years after the year in which the credit is used.

(c) Carrying Cost.—If a covered entity uses a credit under this section to meet the requirements of this division for a calendar year (referred to as the use year), the tradeable allowance requirement for the year from which the credit was taken (referred to as the source year) shall be increased by an amount equal to—

(1) 10 percent for each credit borrowed from the source year; multiplied by

(2) the number of years beginning after the use year and before the source year.

(d) Maximum Borrowing Period.—A credit from a year beginning more than 5 years after the current year may not be used to meet the requirements of this division for the current year.

(e) Failure to Achieve Reductions Generating Credit.—If a covered entity that uses a credit under this section fails to achieve the anticipated reduction for which the credit was granted for the year from which the credit was taken, then—

(1) the covered entity's requirements under this Act for that year shall be increased by the amount of the credit, plus the amount determined under subsection (c);

(2) any tradeable allowances submitted by the covered entity for that year shall be counted first against the increase in those requirements; and

(3) the covered entity may not use credits under this section to meet the increased requirements.

SEC. 304. OTHER USES OF TRADEABLE ALLOWANCES.

(a) In General.—Tradeable allowances may be sold, exchanged, purchased, retired, or used as provided in this section.

(b) Intersector Trading.—Covered entities may purchase or otherwise acquire tradeable allowances from other covered sectors to satisfy the requirements of section —0301.

(c) Climate Change Credit Corporation.—The Climate Change Credit Corporation established under section —0351 may sell tradeable allowances allocated to it under section —0332(a)(2) to any covered entity or to any investor, broker, or dealer in such tradeable allowances. The Climate Change Credit Corporation shall use all proceeds from such sales in accordance with the provisions of section —0352.

(d) Banking of Tradeable Allowances.—Notwithstanding the requirements of section —0301, a covered entity that has more than a sufficient amount of tradeable allowances to satisfy the requirements of section —0301, may refrain from submitting a tradeable allowance to satisfy the requirements in order to sell, exchange, or use the tradeable allowance in the future.

SEC. 305. EXEMPTION OF SOURCE CATEGORIES.

(a) In General.—The Administrator may grant an exemption from the requirements of this division to a source category if the Administrator determines, after public notice and comment, that it is not feasible to measure or estimate emissions from that source category, until such time as measurement or estimation becomes feasible.

(b) Reduction of Limitations.—If the Administrator exempts a source category under subsection (a), the Administrator shall also reduce the total tradeable allowances under section —0331(a)(1) by the amount of greenhouse gas emissions that the exempted source category emitted in calendar year 2000, as identified in the 2000 Inventory.

(c) Limitation on Exemption.—The Administrator may not grant an exemption under subsection (a) to carbon dioxide produced from fossil fuel.

Subtitle B—Establishment and Allocation of Tradeable Allowances

SEC. 331. ESTABLISHMENT OF TRADEABLE ALLOWANCES.

(a) In General.—The Administrator shall promulgate regulations to establish tradeable allowances, denominated in units of carbon dioxide equivalents, for calendar years beginning after 2009, equal to—

(1) 5896 million metric tons, measured in units of carbon dioxide equivalents, reduced by

(2) the amount of emissions of greenhouse gases in calendar year 2000 from non-covered entities.

(b) Serial Numbers.—The Administrator shall assign a unique serial number to each tradeable allowance established under subsection (a), and shall take such action as may be necessary to prevent counterfeiting of tradeable allowances.

(c) Nature of Tradeable Allowances.—A tradeable allowance is not a property right, and nothing in this title or any other provision of law limits the authority of the United States to terminate or limit a tradeable allowance.

(d) Non-covered entity.—

(1) In general.—In this section the term "non-covered entity" means an entity that—

(A) owns or controls a source of greenhouse gas emissions in the electric power, industrial, or commercial sectors of the United States economy (as defined in the Inventory), refines or imports petroleum products for use in transportation, or produces or imports hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride; and

(B) is not a covered entity.

(2) Exception.—Notwithstanding paragraph (1), an entity that is a covered entity for any calendar year beginning after 2009

shall not be considered to be a non-covered entity for purposes of subsection (a) only because it emitted, or its products would have emitted, 10,000 metric tons or less of greenhouse gas, measured in units of carbon dioxide equivalents, in the year 2000.

SEC. 332. DETERMINATION OF TRADEABLE ALLOWANCE ALLOCATIONS.

(a) IN GENERAL.—The Secretary shall determine—

(1) the amount of tradeable allowances to be allocated to each covered sector of that sector's allotments; and

(2) the amount of tradeable allowances to be allocated to the Climate Change Credit Corporation established under section —0351.

(b) ALLOCATION FACTORS.—In making the determination required by subsection (a), the Secretary shall consider—

(1) the distributive effect of the allocations on household income and net worth of individuals;

(2) the impact of the allocations on corporate income, taxes, and asset value;

(3) the impact of the allocations on income levels of consumers and on their energy consumption;

(4) the effects of the allocations in terms of economic efficiency;

(5) the ability of covered entities to pass through compliance costs to their customers;

(6) the degree to which the amount of allocations to the covered sectors should decrease over time; and

(7) the need to maintain the international competitiveness of United States manufacturing and avoid the additional loss of United States manufacturing jobs.

(c) ALLOCATION RECOMMENDATIONS AND IMPLEMENTATION.—Before allocating or providing tradeable allowances under subsection (a) and within 24 months after the date of enactment of this Act, the Secretary shall submit the determinations under subsection (a) to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, the House of Representatives Committee on Science, and the House of Representatives Committee on Energy and Commerce. The Secretary's determinations under paragraph (1), including the allocations and provision of tradeable allowances pursuant to that determination, are deemed to be a major rule (as defined in section 804(2) of title 5, United States Code), and subject to the provisions of chapter 8 of that title.

SEC. 333. ALLOCATION OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—Beginning with calendar year 2010 and after taking into account any initial allocations under section —0335, the Administrator shall—

(1) allocate to each covered sector that sector's allotments determined by the Administrator under section —0332 (adjusted for any such initial allocations and the allocation to the Climate Change Credit Corporation established under section —0351); and

(2) allocate to the Climate Change Credit Corporation established under section —0351 the tradeable allowances allocable to that Corporation.

(b) INTRASECTORIAL ALLOTMENTS.—The Administrator shall, by regulation, establish a process for the allocation of tradeable allowances under this section, without cost to covered entities, that will—

(1) encourage investments that increase the efficiency of the processes that produce greenhouse gas emissions;

(2) minimize the costs to the government of allocating the tradeable allowances;

(3) not penalize a covered entity for emissions reductions made before 2010 and registered with the database; and

(4) provide sufficient allocation for new entrants into the sector.

(c) POINT SOURCE ALLOCATION.—The Administrator shall allocate the tradeable allowances for the electricity generation, industrial, and commercial sectors to the entities owning or controlling the point sources of greenhouse gas emissions within that sector.

(d) HYDROFLUOROCARBONS, PERFLUOROCARBONS, AND SULFUR HEXAFLUORIDE.—The Administrator shall allocate the tradeable allowances for producers or importers of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride to such producers or importers.

(e) SPECIAL RULE FOR ALLOCATION WITHIN THE TRANSPORTATION SECTOR.—The Administrator shall allocate the tradeable allowances for the transportation sector to petroleum refiners or importers that produce or import petroleum products that will be used as fuel for transportation.

(f) ALLOCATIONS TO RURAL ELECTRIC COOPERATIVES.—For each electric generating unit that is owned or operated by a rural electric cooperative, the Administrator shall allocate each year, at no cost, allowances in an amount equal to the greenhouse gas emissions of each such unit in 2000, plus an amount equal to the average emissions growth expected for all such units. The allocations shall be offset from the allowances allocated to the Climate Change Credit Corporation.

(g) EARLY AUCTION FOR TECHNOLOGY DEPLOYMENT AND DISSEMINATION.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Energy and the Secretary of Commerce, shall allocate tradeable allowances by the Climate Change Credit Corporation for auction before 2010. The Climate Change Credit Corporation shall use the proceeds of the auction, together with any funds received as reimbursements under subtitle C of title IV of this division, to support the programs established by that subtitle until the secretary of Energy and the Corporation jointly determine that the purposes of those programs have been accomplished. The Corporation shall also use the proceeds of the auction to support the programs established by subtitle D of title IV of this division until 2010.

(2) DETERMINATION OF ALLOCATION.—In determining the amount of tradeable allowances to be allocated to the Climate Change Credit Corporation under this subsection, the Administrator shall consider—

(A) the expected market value of tradeable allowances for auction;

(B) the annual funding required for the programs established by subtitle C of title IV;

(C) the repayment provisions of those programs; and

(D) the allocation factors in section —0332(b).

(3) LIMITATION.—In allocating tradeable allowances under paragraph (1) the Administrator shall take into account the purposes of section —0331 and the impact, if any, the allocation under paragraph (1) may have on achieving those purposes.

(h) ALLOCATION TO COVERED ENTITIES IN STATES ADOPTING MANDATORY GREENHOUSE GAS EMISSIONS REDUCTION PROGRAMS.—For a covered entity operating in any State that has adopted a legally binding and enforceable program to achieve and maintain reductions that are consistent with, or more stringent than, reductions mandated by this Act, and which requirements are effective prior to 2010, the Administrator shall consider such binding state actions in making the final determination of allocation to such covered entities.

SEC. 334. ENSURING TARGET ADEQUACY.

(a) IN GENERAL.—Beginning 2 years after the date of enactment of this Act, the Under Secretary of Commerce for Oceans and Atmosphere shall review the allowances established by section —0331 no less frequently than biennially—

(1) to re-evaluate the levels established by that subsection, after taking into account the best available science and the most currently available data, and

(2) to re-evaluate the environmental and public health impacts of specific concentration levels of greenhouse gases,

to determine whether the allowances established by subsection (a) continue to be consistent with the objective of the United Nations' Framework Convention on Climate Change of stabilizing levels of greenhouse gas emissions at a level that will prevent dangerous anthropogenic interference with the climate system.

(b) REVIEW OF 2010 LEVELS.—The Under Secretary shall specifically review in 2008 the level established under section —0331(a)(1), and transmit a report on his reviews, together with any recommendations, including legislative recommendations, for modification of the levels, to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, the House of Representatives Committee on Science, and the House of Representatives Committee on Energy and Commerce.

SEC. 335. INITIAL ALLOCATIONS FOR EARLY PARTICIPATION AND ACCELERATED PARTICIPATION.

(a) Before making any allocations under section —0333, the Administrator shall allocate—

(1) to any covered entity an amount of tradeable allowances equivalent to the amount of greenhouse gas emissions reductions registered by that covered entity in the national greenhouse gas database if—

(A) the covered entity has requested to use the registered reduction in the year of allocation;

(B) the reduction was registered prior to 2010; and

(C) the Administrator retires the unique serial number assigned to the reduction under section —0201(c)(3); and

(2) to any covered entity that has entered into an accelerated participation agreement under section —0336, such tradeable allowances as the Administrator has determined to be appropriate under that section.

(b) Any covered entity that is subject to a State mandatory greenhouse gas emissions reduction program that meets the requirements of subsection (h) of section —0333 shall be eligible for the allocation of allowances under this section and section —0336 if the requirements of the State mandatory greenhouse gas emission reduction program are consistent with, or more stringent than, the emission targets established by this Act.

SEC. 336. BONUS FOR ACCELERATED PARTICIPATION.

(a) IN GENERAL.—If a covered entity executes an agreement with the Administrator under which it agrees to reduce its level of greenhouse gas emissions to a level no greater than the level of its greenhouse gas emissions for calendar year 1990 by the year 2010, then, for the 6-year period beginning with calendar year 2010, the Administrator shall—

(1) provide additional tradeable allowances to that entity when allocating allowances under section —0334 in order to recognize the additional emissions reductions that will be required of the covered entity;

(2) allow that entity to satisfy 20 percent of its requirements under section —0301 by—

(A) submitting tradeable allowances from another nation's market in greenhouse gas emissions under the conditions described in section —0312(b)(1);

(B) submitting a registered net increase in sequestration, as registered in the National Greenhouse Gas Database established under section —0201, and as adjusted by the appropriate sequestration discount rate established under section —0371; or

(C) submitting a greenhouse gas emission reduction (other than a registered net increase in sequestration) that was registered in the National Greenhouse Gas Database by a person that is not a covered entity.

(b) Termination.—An entity that executes an agreement described in subsection (a) may terminate the agreement at any time.

(c) Failure to Meet Commitment.—If an entity that executes an agreement described in subsection (a) fails to achieve the level of emissions to which it committed by calendar year 2010—

(1) its requirements under section —0301 shall be increased by the amount of any tradeable allowances provided to it under subsection (a)(1); and

(2) any tradeable allowances submitted thereafter shall be counted first against the increase in those requirements.

Subtitle C—Climate Change Credit Corporation

SEC. 351. ESTABLISHMENT.

(a) In General.—The Climate Change Credit Corporation is established as a nonprofit corporation without stock. The Corporation shall not be considered to be an agency or establishment of the United States Government.

(b) Applicable Laws.—The Corporation shall be subject to the provisions of this title and, to the extent consistent with this title, to the District of Columbia Business Corporation Act.

(c) Board of Directors.—The Corporation shall have a board of directors of 5 individuals who are citizens of the United States, of whom 1 shall be elected annually by the board to serve as chairman. No more than 3 members of the board serving at any time may be affiliated with the same political party. The members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate and shall serve for terms of 5 years.

SEC. 352. PURPOSES AND FUNCTIONS.

(a) Trading.—The Corporation—

(1) shall receive and manage tradeable allowances allocated to it under section —0333(a)(2); and

(2) shall buy and sell tradeable allowances, whether allocated to it under that section or obtained by purchase, trade, or donation from other entities; but

(3) may not retire tradeable allowances unused.

(b) Use of Tradeable Allowances and Proceeds.—

(1) In general.—The Corporation shall use the tradeable allowances, and proceeds derived from its trading activities in tradeable allowances, to reduce costs borne by consumers as a result of the greenhouse gas reduction requirements of this division. The reductions—

(A) may be obtained by buy-down, subsidy, negotiation of discounts, consumer rebates, or otherwise;

(B) shall be, as nearly as possible, equitably distributed across all regions of the United States; and

(C) may include arrangements for preferential treatment to consumers who can least afford any such increased costs.

(2) Transition assistance to dislocated workers and communities.—The Corporation shall allocate a percentage of the proceeds derived from its trading activities in tradeable allowances to provide transition assistance to dislocated workers and communities. Transition assistance may take the form of—

(A) grants to employers, employer associations, and representatives of employees—

(i) to provide training, adjustment assistance, and employment services to dislocated workers; and

(ii) to make income-maintenance and needs-related payments to dislocated workers; and

(B) grants to State and local governments to assist communities in attracting new employers or providing essential local government services.

(3) Phase-out of transition assistance.—The percentage allocated by the Corporation under paragraph (2)—

(A) shall be 20 percent for 2010;

(B) shall be reduced by 2 percentage points each year thereafter; and

(C) may not be reduced below zero.

(4) Adaptation and mitigation assistance for low-income persons and communities.—The Corporation shall allocate at least 10 percent of the proceeds derived from its trading activities to funding climate change adaptation and mitigation programs to assist low-income populations identified in the report submitted under section —0105(b) as having particular needs in addressing the impact of climate change.

(5) Adaptation assistance for fish and wildlife habitat.—The Corporation shall fund efforts to strengthen and restore habitat that improves the ability of fish and wildlife to adapt successfully to climate change. The Corporation shall deposit the proceeds from no less than 10 percent of the total allowances allocated to it in the wildlife restoration fund subaccount known as the Wildlife Conservation and Restoration Account established under section 3 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b). Amounts deposited in the subaccount under this paragraph shall be available without further appropriation for obligation and expenditure under that Act.

(6) Technology deployment programs.—The Corporation shall establish and carry out a program, through direct grants, revolving loan programs, or other financial measures, to provide support for the deployment of technology to assist in compliance with this Act by distributing the proceeds from no less than 50 percent of the total allowances allocated in support of the program established under section —0491.

(c) Appropriations.—Notwithstanding any other provision of this Act, no funds may be obligated or expended by the Corporation except as provided by appropriations Acts.

Subtitle D—Sequestration Accounting; Penalties

SEC. 371. SEQUESTRATION ACCOUNTING.

(a) Sequestration Accounting.—If a covered entity uses a registered net increase in sequestration to satisfy the requirements of section —0301 for any year, that covered entity shall submit information to the Administrator every 5 years thereafter sufficient to allow the Administrator to determine, using the methods and standards created under section —0204, whether that net increase in sequestration still exists. Unless the Administrator determines that the net increase in sequestration continues to exist, the covered entity shall offset any loss of sequestration by submitting additional tradeable allowances of equivalent amount in the calender year following that determination.

(b) Regulations Required.—The Secretary, acting through the Under Secretary of Commerce for Science and Technology, in coordination with the Secretary of Agriculture, the Secretary of Energy, and the Administrator, shall issue regulations establishing the sequestration accounting rules for all classes of sequestration projects.

(c) Criteria for Regulations.—In issuing regulations under this section, the Secretary shall use the following criteria:

(1) If the range of possible amounts of net increase in sequestration for a particular class of sequestration project is not more than 10 percent of the median of that range, the amount of sequestration awarded shall be equal to the median value of that range.

(2) If the range of possible amounts of net increase in sequestration for a particular class of sequestration project is more than 10 percent of the median of that range, the amount of sequestration awarded shall be equal to the fifth percentile of that range.

(3) The regulations shall include procedures for accounting for potential leakage from sequestration projects and for ensuring that any registered increase in sequestration is in addition that which would have occurred if this Act had not been enacted.

(d) Updates.—The Secretary shall update the sequestration accounting rules for every class of sequestration project at least once every 5 years.

SEC. 372. PENALTIES.

Any covered entity that fails to meet the requirements of section —0301 for a year shall be liable for a civil penalty, payable to the Administrator, equal to thrice the market value (determined as of the last day of the year at issue) of the tradeable allowances that would be necessary for that covered entity to meet those requirements on the date of the emission that resulted in the violation.

TITLE IV—INNOVATION AND COMPETITIVENESS

SEC. 401. FINDINGS.

The Congress finds the following:

(1) Innovation, the process that ultimately provides new and improved products, manufacturing processes, and services, is the basis for technological progress. This technological advancement is a key element of sustained economic growth.

(2) The innovation economy is fundamentally different from the industrial or even the information economy. It requires a new vision and new approaches.

(3) Changing innovation processes and the evolution of the relative contribution made by the private and public sectors have emphasized the need for strong industry-science linkages.

(4) Patent regimes play an increasingly complex role in encouraging innovation, disseminating scientific and technical knowledge, and enhancing market entry and firm creation.

(5) Increasing participation and maintaining quality standards in tertiary education in science and technology are imperative to meet growing demand for workers with scientific and technological knowledge and skills.

(6) Research, innovation, and human capital are our principal strengths. By sustaining United States investments in research and finding collaborative arrangements to leverage existing resources and funds in a scarce budget environment, we ensure that America remains at the forefront of scientific and technological capability.

(7) Technology transfer of publicly funded research is a critical mechanism for optimizing the return on taxpayer investment, particularly where other benefits are not measurable at all or are very long-term.

(8) Identifying metrics to quantify program effectiveness is of increasing importance because the entire innovation process is continuing to evolve in an arena of increasing global competition. Metrics need to take into account a wide range of steps in a highly complex process, as well as the ultimate product or service, but should not constrain the continued evolution or development of new technology transfer approaches.

(9) The United States lacks a national innovation strategy and agenda, including an aggressive public policy strategy that energizes the environment for national innovation, and no Federal agency is responsible for developing national innovation policy.

SUBTITLE A—INNOVATION INFRASTRUCTURE

SEC. 421. THE INNOVATION ADMINISTRATION.

(a) IN GENERAL.—Section 5 of the Stevenson-Wydler Technology Innovation Act of 1990 (15 U.S.C. 3704) is amended—

(1) by striking "a Technology" in subsection (a) and inserting "an Innovation";

(2) by striking "The Technology" in subsection (a) and inserting "The Innovation";

(3) by striking "of Technology" in subsection (a)(3) and inserting "of Innovation";

(4) by striking "Technology" each place it appears in subsection (b) and in subsection (c)(1) and inserting "Innovation";

(5) by inserting "(1) IN GENERAL.—" before "The Secretary" in subsection (c) and redesignating paragraphs (1) through (15) as subparagraphs (A) through (O); and

(6) by adding at the end of subsection (c) the following:

"(2) SPECIFIC INNOVATION-RELATED DUTIES.—

"(A) IN GENERAL.—The Secretary, through the Under Secretary, shall—

"(i) provide advice to the President with respect to the policies and conduct of the Innovation Administration, including ways to improve research and development concerning climate change innovation and the methods of collecting and disseminating findings of such research;

"(ii) provide advice to the President and the Congress on the development of climate change innovation research programs;

"(iii) develop and monitor metrics to be used by the Federal government in managing the innovation process;

"(iv) develop and establish government wide climate change innovation policy and strategic plans, consistent with the strategic plans of the United States Climate Change Science Program and the United States Climate Technology Challenge Program, including an implementation plan, developed in consultation with the Secretary of Energy and the Climate Change Credit Corporation, for the Climate Technology Challenge Program under section —0491, addressing technology priorities, total funding, opportunities for Federal procurement, and other issues;

"(v) review and evaluate on a continuing basis—

"(I) technologies available for transfer and deployment to the commercial sector;

"(II) all statutes and regulations pertaining to Federal programs which assist in the transfer and deployment of technologies, both domestically and internationally; and

"(III) new and emerging innovation policy issues affecting the deployment of new technologies, including identification of barriers to commercialization and recommendations for removal of those barriers;

"(vi) assess the extent to which such policies, programs, practices, and procedures facilitate or impede the promotion of the policies set forth in subsection (b);

"(vii) gather information about the implementation, effectiveness, and impact of the deployed climate change related technologies based on metrics developed under clause (iii);

"(viii) make recommendations to the President and the Congress and other officials of Federal agencies or other Federal entities, regarding ways to better promote the policies developed under paragraph (1)(B);

"(ix) provide advice, recommendations, legislative proposals to the Congress on a continuing basis, and any additional information the Agency or the Congress deems appropriate;

"(x) make recommendations to the President, the Congress, and Federal agencies or entities regarding policy on Federal purchasing behavior that would provide incentives to industry to bring new products to market faster;

"(xi) conduct economic analysis in support of climate change technology development and deployment;

"(xii) work with academia to develop education programs to support the multi-disciplinary nature of innovation;

"(xiii) establish partnerships with industry to determine the needs for the future workforce to support deployed technologies;

"(xiv) assist in the search for partners to establish public-private partnerships, and in searching for capital funds from the investment community for new businesses in the climate change technology sector; and

"(xv) identify opportunities to promote cooperation on research, development, and commercialization with other countries and make recommendations, based on the opportunities so identified to the Secretary of State.

"(B) ANNUAL REPORT.—

"(i) IN GENERAL.—The Administrator shall prepare and submit to the President and the appropriate committees of the Congress a report entitled 'Climate Change Innovation: A Progress Report' within 6 months after the date of enactment of the Climate Stewardship and Innovation Act of 2005 and annually thereafter.

"(ii) CONTENTS.—The report shall assess the status of the Nation in achieving the purposes set forth in subsection (b), with particular focus on the new and emerging issues impacting the deployment of new climate change technologies. The report shall present, as appropriate, available data on research, education, workforce, financing, and market opportunities. The report shall include recommendations for policy change.

"(iii) CONSULTATION REQUIRED.—In determining the findings, conclusions, and recommendations of the report, the Agency shall seek input from industry, academia, and other interested parties.".

(b) REFERENCES.—Any reference to the Technology Administration in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document or pertaining to the Technology Administration or an officer or employee of the Technology Administration, is deemed to refer to the Innovation Administration or an officer or employee of the Innovation Administration, as appropriate.

SEC. 422. TECHNOLOGY TRANSFER OPPORTUNITIES.

(a) IN GENERAL.—The Secretary of Commerce shall conduct a study of technology transfer barriers, best practices, and outcomes of technology transfer activities at Federal laboratories related to the licensing and commercialization of energy efficient technologies, and other technologies that, compared to similar technology in commercial use, result in reduced emissions of greenhouse gases, increased ability to adapt to climate change impacts, or increased sequestration of greenhouse gases. The Secretary shall submit a report setting forth the findings and conclusions of the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act. The Secretary shall work with the existing interagency working group to address identified barriers to technology transfer.

(b) BUSINESS OPPORTUNITIES STUDY.—The Secretary of Commerce shall perform an analysis of business opportunities, both domestically and internationally, available for climate change technologies. The Secretary shall transmit the Secretary's findings and recommendations from the first such analysis to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act, and shall transmit a revised report of such findings and recommendations to those Committees annually thereafter.

(c) AGENCY REPORT TO INCLUDE INFORMATION ON TECHNOLOGY TRANSFER INCOME AND ROYALTIES.—Paragraph (2)(B) of section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is amended—

(1) by striking "and" after the semicolon in clause (vi);

(2) by redesignating clause (vii) as clause (ix); and

(3) by inserting after clause (vi) the following:

"(vii) the number of fully-executed licenses which received royalty income in the preceding fiscal year for climate-change or energy-efficient technology;

"(viii) the total earned royalty income for climate-change or energy-efficient technology; and".

(d) INCREASED INCENTIVES FOR DEVELOPMENT OF CLIMATE-CHANGE OR ENERGY-EFFICIENT TECHNOLOGY.—Section 14(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)) is amended—

(1) by striking "15 percent," in paragraph (1)(A) and inserting "15 percent (25 percent for climate change-related technologies),"; and

(2) by inserting "($250,000 for climate change-related technologies)" after "$150,000" each place it appears in paragraph (3).

SEC. 423. GOVERNMENT-SPONSORED TECHNOLOGY INVESTMENT PROGRAM.

(a) PURPOSE.—It is the purpose of this section to provide financial support for the development, through private enterprise, of technology that has potential application to climate change adaptation and mitigation.

(b) FINANCIAL SUPPORT.—The Secretary of Commerce may establish a nonprofit government sponsored enterprise for the purpose of providing investment in private sector technologies that show promise for climate change adaptation and mitigation applications.

(c) TERMS; CONDITIONS; TRANSPARENCY.—The Secretary shall report within 30 days after the end of each calendar quarter to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on its operations during that preceding calendar quarter.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the use of the enterprise established under subsection (b) such sums as may be necessary to carry out the purpose of this section.

SEC. 424. FEDERAL TECHNOLOGY INNOVATION PERSONNEL INCENTIVES.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following:

"SEC. 24. FEDERAL TECHNOLOGY INNOVATION PERSONNEL INCENTIVES.

"(a) IN GENERAL.—The head of a Federal laboratory may authorize the participation by any employee of the laboratory in an activity described in subsection (b) in order to achieve the purposes of this division.

"(b) AUTHORIZED ACTIVITIES.—

"(1) COMMERCIAL DEVELOPMENT PARTICIPATION ARRANGEMENTS.—

"(A) IN GENERAL.—The head of a Federal laboratory may, under the authority provided by section 12(b)(5) of this Act, authorize an employee to participate, as an officer or employee, in the creation of an enterprise established to commercially exploit research work realized in carrying out that employee's responsibilities as an employee of that laboratory for a period of up to 24 months. The authority may be renewed for an additional 12-month period.

"(B) LIMITATIONS.—In addition to the requirements set forth in section 12, an employee may not be authorized under subparagraph (A) to participate in such an enterprise if—

"(i) it would be prejudicial to the normal functioning of the laboratory;

"(ii) by its nature, terms and conditions, or the manner in which the authority would be exercised, participation by that employ would reflect adversely on the functions exercised by that employee as an employee of the laboratory, or risk compromising or calling in question the independence or neutrality of the laboratory; or

"(iii) the interests of the enterprise are of such a nature as to be prejudicial to the mission or integrity of the laboratory or employee.

"(C) RELATIONSHIP TO LABORATORY EMPLOYMENT.—

"(i) REPRESENTATION.—The employee may not represent the employee's official position or the laboratory while participating in the creation of the enterprise.

"(ii) FEDERAL EMPLOYMENT STATUS.—Beginning with the effective date of the authorization under subsection (a), an employee shall be placed in a temporary status without duties or pay and shall cease all duties in connection with the laboratory.

"(iii) RETURN TO SERVICE.—At the end of the authorization period, the employee may be restored to his former position in the laboratory upon termination of any employment or professional relationship with the enterprise.

"(2) SERVICE IN PRIVATE SECTOR ADVISORY CAPACITY.—

"(A) IN GENERAL.—The head of a Federal laboratory may, under the authority provided by section 12(b)(5) of this Act, authorize an employee to serve, as a member of the board of directors of, as a member of an advisory committee to, or in any similar capacity with a corporation, partnership, joint venture, or other business enterprise for a period of not more than 5 years in order to provide advice and counsel on ways to improve the diffusion and use of an invention or other intellectual property of a Federal laboratory.

"(B) QUALIFYING INVESTMENT.—Under the authorization, an employee authorized to serve on the board of directors of a corporation may purchase and hold the number of qualifying shares of stock needed to serve as a member of that board.

"(C) PARTICIPATION IN CERTAIN PROCEEDINGS.—An employee authorized under subparagraph (A) may not participate in any grant evaluation, contract negotiation, or other proceeding in which the corporation, partnership, joint venture, or other business enterprise has an interest during the authorization period.".

SEC. 425. INTERDISCIPLINARY RESEARCH AND COMMERCIALIZATION.

(a) IN GENERAL.—The Director of the National Science Foundation shall develop and implement a plan to increase and establish priorities for funding for multidisciplinary and interdisciplinary research at universities in support of the adaptation to and mitigation of climate change. The plan shall—

(1) address the cross-fertilization and fusion of research within and across the biological and physical sciences, the spectrum of engineering disciplines, and entirely new fields of scientific exploration; and

(2) include the area of emerging service sciences.

(b) REPORT TO CONGRESS.—The Director shall transmit a copy of the plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act.

(c) SERVICE SCIENCE DEFINED.—In this section, the term "service science" means the melding together of the fields of computer science, operations research, industrial engineering, mathematics, management science, decision sciences, social sciences, and legal sciences in a manner that may transform entire enterprises and drive innovation at the intersection of business and technology expertise.

SEC. 426. CLIMATE INNOVATION PARTNERSHIPS.

(a) IN GENERAL.—The Secretary of Commerce, in consultation with the Director of the National Science Foundation, shall create a program of public-private partnerships that—

(1) focus on supporting climate change related regional innovation;

(2) bridge the gap between the long-term research and commercialization;

(3) focus on deployment of technologies needed by a particular region in adapting or mitigating the impacts of climate change; and

(4) support activities that are selected from proposals submitted in merit-based competitions.

(b) INSTITUTIONAL DIVERSITY.—In creating the program, the Secretary and the Administrator shall—

(1) encourage institutional diversity; and

(2) provide that universities, research centers, national laboratories, and other nonprofit organizations are allowed to partner with private industry in submitting applications.

(c) GRANTS.—The Secretary may make grants under the program to the partnerships, but the Federal share of funding for any project may not exceed 50 percent of the total investment in any fiscal year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

SEC. 427. NATIONAL MEDAL OF CLIMATE STEWARDSHIP INNOVATION.

(a) IN GENERAL.—There is established a National Medal of Climate Stewardship Innovation, which shall be of such design and materials, and bear such inscription, as the President may prescribe. The President shall award the medal on the basis of recommendations submitted by the National Science Foundation and the Secretary of Commerce to individuals who, in the judgment of the President, are deserving of special recognition by reason of their outstanding contributions to knowledge in the field of climate change innovation.

(b) CRITERIA.—The medal shall be awarded in accordance with the following criteria:

(1) ANNUAL LIMIT.—No more than 20 individuals may be awarded the medal in any calendar year.

(2) CITIZENSHIP.—No individual may be awarded the medal unless, at the time the award is made, the individual is—

(A) a citizen or other national of the United States; or

(B) an alien lawfully admitted to the United States for permanent residence who—

(i) has filed a petition for naturalization in the manner prescribed by section 334 of the Immigration and Nationality Act (8 U.S.C. 1445); and

(ii) is not permanently ineligible to become a citizen of the United States.

(3) POSTHUMOUS AWARD.—

(A) IN GENERAL.—Notwithstanding paragraph (2), the medal may be awarded posthumously to an individual who, at the time of death, met the conditions set forth in paragraph (2).

(B) 5-YEAR LIMITATION.—Notwithstanding subparagraph (A), the medal may not be awarded posthumously to an individual after the fifth anniversary of that individual's death.

(c) INSCRIPTION AND CERTIFICATE.—Each medal shall be suitably inscribed. Each individual awarded the medal shall also receive a citation descriptive of the award.

(d) PRESENTATION.—The presentation of the medal shall be made by the President with such ceremonies as the President deems proper, including attendance by appropriate Members of Congress.

SEC. 428. MATH AND SCIENCE TEACHERS' ENHANCEMENT PROGRAM.

(a) IN GENERAL.—The Director of the National Science Foundation shall establish within the Foundation a climate change science and technology enhancement program for teachers.

(b) PURPOSE.—The purpose of the program is to provide for professional development of mathematics and science teachers at elementary, middle, and secondary schools (as defined by the Director), including improving the education and skills of those teachers with respect to—

(1) teaching strategies;

(2) subject-area expertise; and

(3) the understanding of climate change science and technology and the environmental, economic, and social impacts of climate change on commerce.

(c) PROGRAM AREAS.—In carrying out the program under this section, the Director shall focus on the areas of—

(1) scientific measurements;

(2) tests and standards development;

(3) industrial competitiveness and quality;

(4) manufacturing;

(5) technology transfer; and

(6) any other area of expertise that the Director determines to be appropriate.

(d) APPLICATION PROCEDURE.—The Director shall prescribe procedures and selection criteria for participants in the program.

(e) AWARDS.—The Director shall issue awards under the program to participants. In issuing the awards, the Director shall ensure that the maximum number of participants practicable participate in the program. In order to ensure a maximum level of participation of participants, the program under this section shall be conducted on an annual basis during the summer months, when a majority of elementary, middle, and secondary schools are not in classes.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director for carrying out this section—

(1) $2,500,000 for fiscal year 2006; and

(2) $2,500,000 for fiscal year 2007.

SEC. 429. PATENT STUDY.

(a) IN GENERAL.—The Director of the Patent and Trademark Office, in consultation with representatives of interested parties in the private sector, shall conduct a study to determine the extent to which changes to the United States patent system are necessary to increase the flow of climate change-related technologies. The study shall address—

(1) the balance between the protection of the inventor and the disclosure of information;

(2) the role of patents in innovation within the covered sectors;

(3) the extent to which patents facilitate increased investments in climate change research and development;

(4) the international deployment of United States developed climate change related technologies on the United States patent system;

(5) ways to leverage databases as innovation tools;

(6) best practices for collaborative standard setting; and

(7) any other issues the Director deems appropriate.

(b) REPORT.—Within 6 months after the date of enactment of this Act, the Director shall transmit a report setting forth the findings and conclusions of the study to the Congress.

SEC. 430. LESSONS-LEARNED PROGRAM.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary of Energy shall establish a national lessons-learned and best practices program to ensure that lessons learned and best practices concerning energy efficiency and greenhouse gas emission reductions are available to the public. The program shall contain consumer awareness initiatives including product labeling and campaigns to raise public awareness. The Secretary shall determine the process and frequency by which the information is provided.

(b) PROGRAM CONTENT.—The program—

(1) may include experiences realized outside of the Federal government;

(2) shall include criteria by which entries in the program are determined;

(3) shall use a standardized, user-friendly format for data reports; and

(4) may include any other matters the Secretary deems appropriate.

SUBTITLE B—SPECIFIC PROGRAM INITIATIVES

SEC. 451. TRANSPORTATION.

(a) IN GENERAL.—The Secretary of Energy, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation shall establish jointly a competitive, merit-based research program to fund proposals that—

(1) develop technologies that aid in reducing fuel use or reduce greenhouse gas emissions associated with any fuel;

(2) further develop existing or new technologies to create renewable fuels created from less carbon or energy-intensive practices than current renewable fuel production; or

(3) remove existing barriers for deployment of existing fuels that dramatically reduce greenhouse gas emissions;

(4) support low-carbon transportation fuels, including renewable hydrogen, advanced cellulosic ethanol, and biomass-based diesel substitutes, and the technical hurdles to market entry;

(5) support short-term and long-term technology improvements for United States cars and light trucks that reduce greenhouse gas emissions, including advanced, high-power hybrid vehicle batteries, advanced gasoline engine designs, fuel cells, hydrogen storage, power electronics, and lightweight materials;

(6) support advanced heavy-duty truck technologies to reduce greenhouse gas emissions from the existing and new fleets, including aerodynamics, weight reduction, improved tires, anti-idling technology, high-efficiency engines, and hybrid systems; or

(7) expand research into the climatological impacts of air travel and support advanced technologies to reduce greenhouse gas emissions from aircraft including advanced turbines, aerodynamics, and logistics technology that reduces delays, increases load factors and cuts in-air emissions.

(b) REAL-WORLD TEST PROCEDURES.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) conduct research and establish a Federal test procedure for certifying fuel economy of heavy duty vehicles; and

(2) update Federal test procedures for certifying fuel economy of automobiles and light duty trucks so the results better reflect real-world operating conditions.

(c) INCORPORATION INTO PROGRAM.—The Secretaries shall ensure that the program established under subsection (a) is incorporated into the United States Climate Technology Challenge Program.

(d) MARKETING STUDY.—The Secretary of Transportation, in coordination with the Secretary of Commerce, shall conduct a study on how the government can accelerate the market for low-carbon vehicles. The results of the study shall be submitted to the Congress within 6 months after the date of enactment of this Act.

SEC. 452. AGRICULTURAL SEQUESTRATION.

(a) IN GENERAL.—The Director of the Office of Science and Technology Policy shall establish an interagency panel of representatives from the United States Forest Service, Agriculture Research Service, Agricultural Experiment Stations and Extension Service, Economic Research Service Natural Resource Conservation Service, Environmental Protection Agency, the U.S. Geological Survey, and the National Institute of Standards and Technology to establish standards for measurement (and re-measurement) of sequestered carbon, including lab procedures, field sampling methods, and accuracy of sampling statistics.

(b) DUTIES.—The interagency panel shall—

(1) develop discounted default values for the amount of greenhouse gas emission reductions due to carbon sequestration or emissions reductions from improved practices and technologies;

(2) develop technologies for low-cost laboratory and field measurement;

(3) develop procedures to improve the accuracy of equations used to estimate greenhouse gas emissions reductions produced by adoption of improved land management technologies and practices;

(4) develop local and regional databases on carbon sequestration in soils and biomass, greenhouse gas emissions, and adopted land management technologies and practices;

(5) develop computation methods for additionality discounts for prospective greenhouse gas offsets;

(6) develop entitywide reporting requirements to evaluate project-level leakage;

(7) develop commodity-specific greenhouse gas offset discount factors for market-level leakage, and update those factors periodically;

(8) develop guidelines and standards for greenhouse gas offset and reduction project monitoring and verification and uniform qualifications for third party verifiers, including specification of conflict of interest conditions;

(9) increase landowner accessibility to technologies and practices by—

(A) improving and expanding availability and adoption of best management practices for soils, crop residues, and forests to achieve additional carbon sequestration that meets standards as bona fide greenhouse gas offsets;

(B) improving and expanding availability and adoption of best management practices for soils, crop residues, and forests to achieve reductions in emissions of carbon dioxide, methane, and nitrous oxides that meet standards as bona fide greenhouse gas emissions reductions; and

(C) establishing incentives for land managers to help finance investments in facilities that produce bona fide greenhouse gas offsets or reductions through carbon sequestration or direct greenhouse gas emissions reductions; and

(10) establish best practices to address nonpermanence and risk of release of sequestered greenhouse gases by—

(A) assessing and quantifying risks, both advertent and inadvertent, of release of greenhouse gases sequestered in soils and biomass; and

(B) establishing insurance instruments concerning the release, both advertent and inadvertent, of sequestered greenhouse gases.

(c) ADDITIONALITY DEFINED.—In this section the term "additionality" means emissions reduction and sequestration activities that result in atmospheric benefits that would not otherwise have occurred.

SEC. 453. GEOLOGICAL STORAGE OF SEQUESTERED GREENHOUSE GASES.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall establish guidelines for setting individual project baselines for reductions of greenhouse gas emissions and greenhouse gas storage in various types of geological formations to serve as the basis for determining the amount of greenhouse gas reductions produced by the project.

(b) SPECIFIC ACTIVITIES.—The Secretary of Energy, in consultation with the Director of the U.S. Geological Survey, shall—

(1) develop local and regional databases on existing practices and technologies for

greenhouse gas injection in underground aquifers;

(2) develop methods for computation of additionality discounts for prospective greenhouse gas reductions or offsets due to carbon dioxide injection and storage in underground aquifers;

(3) develop accepted standards for monitoring of carbon dioxide stored in geological subsurface reservoirs by—

(A) developing minimum suitability standards for identifying and monitoring of geological storage sites including oil, gas, and coal bed methane reservoir and deep saline aquifers; and

(B) testing monitoring standards using sites with long term (multi-decade) large injections of carbon dioxide into oil field enhanced recovery projects; and

(4) address non-permanence and risk of release of sequestered greenhouse gas by—

(A) establishing guidelines for risk assessment of inadvertent greenhouse gas release, both long-term and short-term, associated with geological sequestration sites; and

(B) developing insurance instruments to address greenhouse gas release liability in geological sequestration.

(c) NATIONAL GEOLOGICAL CARBON SEQUESTRATION ASSESSMENT.—

(1) FINDINGS.—The Congress finds the following:

(A) One of the most promising options for avoiding emissions of carbon dioxide is through long-term storage by geological sequestration in stable geological formations, which involves—

(i) capturing carbon dioxide from industrial sources; and

(ii) injecting the captured carbon dioxide into geological storage sites, such as deep saline formations, unmineable coal seams, and depleted gas and oil fields.

(B) As of the date of introduction of this Act, there are only very broad estimates of national geological storage capacity.

(C) The potential to recover additional oil and gas resources through enhanced oil and gas recovery using captured carbon dioxide emissions is an option that could add the equivalent of tens-of-billions of barrels of oil to the national resource base.

(D) An initial geological survey of storage capacity in the subsurface of sedimentary basins in the United States would—

(i) provide estimates of storage capacity based on clearly defined geological parameters with stated ranges of uncertainty;

(ii) allow for an initial determination of whether a basin or 1 or more portions of the basin may be developed into a storage site; and

(iii) provide information on—

(I) a baseline for monitoring injections and post injection phases of storage; and

(II) early opportunities for matching carbon dioxide sources and sinks for early deployment of zero-emissions fossil fuel plants using capture and storage technologies.

(2) NATIONAL GEOLOGICAL CARBON SEQUESTRATION ASSESSMENT.—

(A) DEVELOPMENT AND TESTING OF ASSESSMENT METHODOLOGY.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director of the United States Geological Survey shall develop and test methods for the conduct of a national assessment of geological storage capacity for carbon dioxide.

(ii) OPPORTUNITY FOR REVIEW AND COMMENT.—During the period beginning on the date that is 180 days after the date of enactment of this Act and ending on the date of completion of the development and testing of the methodologies under clause (i), the Director shall provide the Under Secretary for Oceans and Atmosphere of the Department of Commerce, the Secretary of Energy, the Administrator of the Environmental Protection Agency, the Director of the Minerals Management Service, the Director of the Bureau of Land Management, the heads of other Federal land management agencies, the heads of State land management agencies, industry stakeholders, and other interested parties with an opportunity to review and comment on the proposed methodologies.

(B) ASSESSMENT.—

(i) IN GENERAL.—The Director shall conduct the assessment during the period beginning on the date on which the development and testing of the methodologies is completed under subparagraph (A) and ending 4 years after the date of enactment of this Act.

(ii) AVAILABILITY OF INFORMATION.—The Director shall establish an Internet database accessible to the public that provides the results of the assessment, including a detailed description of the data collected under the assessment.

(iii) REPORT.—Not later than 1 year after the date on which the assessment is completed under clause (i), the Director shall submit to the appropriate committees of Congress and the President a report that describes the findings of the assessment.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 to carry out this section for fiscal years 2006 through 2009.

SEC. 454. ENERGY EFFICIENCY AUDITS.

(a) IN GENERAL.—The Secretary of Energy shall establish a program to reduce greenhouse gas emissions through the deployment of energy efficiency measures, including appropriate technologies, by large commercial customers by providing for energy audits. The program shall provide incentives for large users of electricity or natural gas to obtain an energy audit.

(b) COMPONENTS.—The energy audit shall provide users with an inventory of potential energy efficiency measures, including appropriate technologies, and their cost savings over time, along with financing options to initiate the project.

(c) REIMBURSEMENT OF AUDIT COSTS.—If any of the recommendations of an energy audit implemented by a facility owner result in cost savings greater than 5 times the cost of the original audit, then the facility owner shall reimburse the Secretary for the cost of the audit.

SEC. 455. ADAPTATION TECHNOLOGIES.

(a) IN GENERAL.—The Director of the Office of Science and Technology Policy shall establish a program on adaptation technologies as part of the Climate Technology Challenge Program. The Director shall perform an assessment of the climate change technological needs of various regions of the country. This assessment shall be provided to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act.

(b) REGIONAL ESTIMATES.—The Director of the Office of Science and Technology Policy, in consultation with the Secretaries of Transportation, Homeland Security, Agriculture, Housing and Urban Development, Health and Human Services, Defense, Interior, Energy, and Commerce, the Administrator of the Environmental Protection Agency, the Director of U.S. Geologic Survey, and other such Federal offices as the Director deems necessary, along with relevant State agencies, shall perform 6 regional infrastructure cost assessments covering the United States, and a national cost assessment, to provide estimates of the range of costs that should be anticipated for adaptation to the impacts of climate change. The Director shall develop those estimates for low, medium, and high probabilities of climate change and its potential impacts. The assessments shall be provided to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 1 year after the date of enactment of this Act.

SEC. 456. ADVANCED RESEARCH AND DEVELOPMENT FOR SAFETY AND NONPROLIFERATION.

The Secretary of Energy shall establish, operate, and report biannually to Congress the results of—

(1) a program of research and development focused on advanced once-through fuel cycles;

(2) a Nuclear System Modeling project to carry out the analysis, research, simulation, and collection of engineering data needed to evaluate all fuel cycles with respect to cost, inherent safety, waste management and proliferation-avoidance and -resistance; and

(3) an Advanced Diversified Waste-Disposal Research Program for deep-bore hole disposal options, alternative geological environments, and improved engineered barriers.

SUBTITLE C—CLIMATE TECHNOLOGY DEPLOYMENT PROGRAM

PART I—PROGRAM AUTHORITY

SEC. 471. GOVERNMENT-INDUSTRY PARTNERSHIPS FOR FIRST-OF-A-KIND ENGINEERING DESIGN.

(a) IN GENERAL.—The Corporation may provide funding for a cost-sharing program to address first-of-a-kind engineering costs inherent in building the first facility of a substantially new design that generates electricity with low or no net greenhouse gas emissions or produces transportation fuels that result in low or no net greenhouse gas emissions, including Integrated Gasification Combined Cycle Advanced Coal power generating facilities using carbon capture technology with geological storage of greenhouse gases, advanced reactor designs, large scale biofuels facilities that maximize the use of cellulosic biomass, and large scale solar concentrating power facilities.

(b) PROJECT SELECTION.—The Secretary of Energy in coordination with the Corporation shall select the final designs to be supported, in terms of reducing greenhouse gas emissions, demonstrating a new technology, meeting other clean air attainment goals, generating economic benefits, contributing to energy security, contributing to fuel and technology diversity, maintaining price stability, and attaining cost effectiveness and economic competitiveness.

(c) COST-SHARING LIMITATIONS.—

(1) CORPORATION'S SHARE OF COSTS.—Costs for the program shall be shared equally between the Corporation and the builder of such first facilities.

(2) NUCLEAR REACTORS.—Funding under this section for any nuclear facility—

(A) may not exceed $200,000,000 for an individual project; and

(B) shall be available for no more than 1 of each of the 3 designs certified by the Nuclear Regulatory Commission.

(d) REIMBURSEMENT OF COSTS.—For any subsequently-built facility that uses a design supported by the cost-sharing program under this section, the Secretary of Energy and the

Corporation shall specify an amount to be paid to the Corporation in order for the Corporation to receive full reimbursement for costs the Corporation incurred in connection with the design, considering the program's objectives, including the costs of promoting the deployment of cost-effective, economically competitive technologies with no or low net greenhouse gas emissions.

(e) REIMBURSEMENT FOR DELAY.—If the construction of such a first facility of a substantially new design is not started within 10 years after the date on which a commitment under the cost-sharing program is made by the Secretary, then the industry partner shall reimburse the Corporation for any costs incurred by the Corporation under the program.

(f) JURISDICTION.—

(1) NUCLEAR REGULATORY COMMISSION.—Nothing in this Act shall affect the jurisdiction of the Nuclear Regulatory Commission over nuclear power plant design approvals or combined construction and operating licenses pursuant to the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

(2) REGULATORY AGENCIES.—Nothing in this Act affects the jurisdiction of any Federal, State, or local government regulatory agency.

SEC. 472. DEMONSTRATION PROGRAMS.

(a) NUCLEAR REGULATORY COMMISSION LICENSING PROCESS.—

(1) DEMONSTRATION PROGRAM.—Within 24 months after the date of enactment of this Act, the Secretary of Energy shall establish a demonstration program to reduce the first-time regulatory costs of the current Nuclear Regulatory Commission licensing process incurred by the first applicant using an advanced reactor design.

(2) PERMITS; LICENSES; COST-SHARING.—

(A) The demonstration program shall—

(i) address the Early Site Permit applications and the combined construction and operating license applications; and

(ii) be jointly funded by the Department of Energy and the applicant.

(B) The Secretary shall work with the applicant to determine the appropriate percentage of costs that the Department and the applicant shall each provide.

(3) REIMBURSEMENT FOR LICENSE TRANSFER.—If an applicant decides to transfer a permit granted by the Commission under the program to another entity, the applicant shall reimburse the Department for its costs in obtaining the permit.

(b) RETOOLING OF ADVANCED VEHICLE MANUFACTURING.—

(1) IN GENERAL.—Within 24 months after the date of enactment of this Act, the Secretary of Energy shall establish a program to demonstrate the effectiveness of retooling an existing vehicle or vehicle component manufacturing facility to reduce reduced greenhouse gas emissions from vehicles and increasing competitiveness of advanced technology vehicle production facilities.

(2) PROGRAM ELEMENTS.—

(A) ACTIVITIES SUPPORTED.—The demonstration program shall be designed—

(i) to re-equip an existing manufacturing facility to produce advanced technology vehicles or components that will result in reduced greenhouse gas emissions; and

(ii) to conduct engineering integration activities of advanced technological vehicles and components.

(B) FUNDING.—The program shall be jointly funded by the private sector and the Department of Energy. Secretary of Energy shall work with participating entities to determine the appropriate percentage of costs that each shall provide.

(C) ELIGIBLE COMPONENTS AND ACTIVITIES.—The Secretary, in coordination with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, shall determine what advanced technology components and engineering integration activities will qualify for support under the program.

(D) ELIGIBLE COSTS.—Costs eligible to be shared under this subsection include the cost of engineering tasks related to—

(i) incorporating qualifying components into the design of advanced technology vehicles; and

(ii) designing new tooling and equipment for production facilities that produce qualifying components or advanced technology vehicles.

(3) LIMITATION.—No more than 2 facilities may receive financial assistance under the program for re-equipment and expansion or for engineering integration.

(4) ADVANCED TECHNOLOGY VEHICLE DEFINED.—In this subsection, the term "advanced technology vehicle" means a light duty motor vehicle that is either a hybrid or advanced lean burn technology motor vehicle, and that meets the following additional performance criteria:

(A) The vehicle shall meet the Tier II Bin 5 emission standard established in regulations prescribed by the Administrator under that Act.

(B) The vehicle shall meet any new emission standard for fine particulate matter prescribed by the Administrator under that Act.

(C) The vehicle shall achieve at least 125 percent of the base year city fuel economy for its weight class.

PART II—FINANCING

SEC. 481. CLIMATE TECHNOLOGY FINANCING BOARD.

(a) PURPOSE.—The Climate Technology Financing Board shall work with the Sedretary of Energy to make financial assistance available to joint venture partnerships and promote private sector participation in financing eligible projects under this subtitle.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall establish within the Department of Energy a Climate Technology Financing Board, which shall be responsible for assisting the Secretary in carrying out this subtitle.

(2) MEMBERSHIP.—The Climate Technology Financing Board shall be comprised of—

(A) the Secretary of Energy, who shall serve as chair; and

(B) 6 additional members appointed by the Secretary, including—

(i) the Chief Financial Officer of the Department of Energy;

(ii) at least 1 representative of the Corporation; and

(iii) other members with experience in corporate and project finance in the energy sector as deemed necessary by the Secretary to carry out the functions of the Board.

(3) REPRESENTATION OF FEDERAL INTEREST.—The Climate Technology Financing Board shall represent the Federal government's interest in all negotiations with project developers interested in forming joint venture partnerships and obtaining secured loans or loan guarantees under this subtitle.

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Climate Technology Financing Board, through the Secretary of Energy, shall publish in the Federal Register such final regulations as may be necessary to implement section —0482 of this title.

(2) PROJECT SELECTION CRITERIA.—In selecting eligible projects for financial assistance under this subtitle, the Board shall consider, among other relevant criteria—

(A) the extent to which the project reduces greenhouse gases, demonstrates new technologies, meets other clean air attainment goals, generates economic benefits, contributes to energy security, contributes to fuel and technology diversity, and maintains price stability, cost effectiveness, and economic competitiveness;

(B) the extent to which assistance under this subtitle would foster innovative public-private partnerships and attract private equity investment;

(C) the likelihood that assistance under this subtitle would enable the project to proceed at an earlier date than the project would otherwise be able to proceed without such assistance;

(D) the extent to which the project represents the construction of the first generation of facilities that use substantially new technology; and

(E) any other criteria deemed necessary by the Secretary for the promotion of long-term cost effective climate change-related technologies.

(3) MANDATORY REGULATORY PROVISIONS.—The regulations required by paragraph (1) shall include the following:

(A) The general terms and conditions under which non-recourse financial assistance will be provided. Those terms shall include—

(i) a debt-to-equity ratio of up to 80 percent debt from the Corporation, approved by the Secretary, and no less than 20 percent equity from the project developer;

(ii) a pledge of the eligible project's assets to the Secretary and the project developer to secure their respective loan and equity contributions; and

(iii) loan repayment terms generally consistent with financial terms available to project developers in the United States power generation industry.

(B) The general terms and conditions under which loan guarantees will be provided, which shall be consistent with section —0483(c).

(C) The procedures by which project owners and project developers may request such financial assistance.

(D) A process under which the Climate Technology Financing Board, the joint venture partnership, and the project developer shall negotiate commercially reasonable terms consistent with terms generally available in the United States power generation industry regarding cost, construction schedule, and other conditions under which the project developer shall acquire the loan from the joint venture partnership and repay the secured loan and acquire an undivided interest in the eligible project when the project achieves commercial operation. Terms prescribed under this subparagraph shall include—

(i) a defined right of the joint venture partnership to terminate the loan agreement upon a date certain for project delays that are not the fault of the project developer; and

(ii) may not refer to the Federal Acquisition Regulations.

(E) Provisions to retain independent third-party engineering assistance, satisfactory to the Climate Technology Financing Board, the project developer, and the joint venture partnership, to verify and validate construction costs and construction schedules, to monitor construction, and authorize draws on financing during construction to ensure that construction is consistent with generally accepted utility practice, and to make recommendations as to the cause of delay or cost increases should such delays or cost increases occur.

(F) Provisions to ensure—

(i) continued project development and construction in the event of a delay to achieving commercial operation caused by an event outside the control of the joint development partners and the project developer; and

(ii) continued project operations in the event the sale of the eligible project to the project developer is not executed due to an event outside the control of the project developer.

(G) Any other information necessary for the Secretary of Energy to discharge fully the obligation conferred under this subtitle, including a process for negotiating the terms and conditions of such financial assistance.

(d) COMPREHENSIVE IMPLEMENTATION PLAN.—Not later than 12 months after the date of enactment of this Act, the Climate Technology Financing Board shall prepare and transmit to the President and Congress a comprehensive plan for implementation of this subtitle.

(e) PROGRESS REPORTS.—Not later than 12 months after the comprehensive plan required by subsection (d) and annually thereafter the Secretary shall prepare and transmit to the President and the Congress a report summarizing progress in satisfying the requirements established by the subtitle.

SEC. 482. RESPONSIBILITIES OF THE SECRETARY.

(a) FINANCIAL ASSISTANCE.—Subject to the requirements of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), the Secretary, in coordination with the Corporation, may make available to joint venture partnerships for eligible project costs such Federal financial assistance as the Climate Technology Financing Board determines is necessary to enable access to, or to supplement, private sector financing for projects if the Board determines that such projects are needed to reduce greenhouse gas emissions, contribute to energy security, fuel or technology diversity, or clean air attainment goals. The Secretary, in coordination with the Corporation, shall prescribe such terms and conditions for financial assistance as the Secretary deems necessary or appropriate to protect the financial interests of the United States.

(b) REQUIREMENTS.—Approval criteria for financial assistance under subsection (a) shall include—

(1) the creditworthiness of the project;

(2) the extent to which Federal financial assistance would encourage public-private partnerships, attract private-sector investment, and demonstrate safe and secure electric generation or fuel production technology;

(3) the likelihood that Federal financial assistance would hasten commencement of the project;

(4) in the case of a nuclear power plant, whether the project developer provides reasonable assurance to the Secretary that the project developer can successfully manage nuclear power plant operations;

(5) the extent to which the project will demonstrate safe and secure reduced or zero greenhouse gas emitting electric generating or fuel production technology; and

(6) any other criteria the Secretary deems necessary or appropriate.

(c) RESERVE AMOUNT.—Before entering into any agreements under this subtitle, the Secretary, in consultation with the Director of the Office of Management and Budget, shall determine an appropriate capital reserve subsidy amount for any loan or loan guarantee provided by the agreement. The Secretary, in consultation with the project developer, shall determine the appropriate type of Federal financial assistance to be provided for eligible projects.

(d) CONFIDENTIALITY.—The Secretary and the Corporation shall protect the confidentiality of any information that is certified by a project developer to be commercially sensitive.

(e) FULL FAITH AND CREDIT.—All loans or loan guarantees provided by the Secretary under this subtitle shall be general obligations of the United States backed by the full faith and credit of the United States.

SEC. 483. LIMITATIONS.

(a) SECURED LOANS.—

(1) IN GENERAL.—The financial assistance provided by this subtitle for secured loans or loan guarantees—

(A) shall be available for new low or zero greenhouse gas emitting energy generating or fuel production facilities, including—

(i) no more than 3 integrated gasification combined cycle coal power plants with carbon capture and geological storage of greenhouse gases;

(ii) no more than the first of each of the 3 advanced reactor design projects for which applications for combined construction and operating licenses have been filed on or before December 31, 2015;

(iii) no more than 3 large scale biofuels production facilities that encourage a diversity of pioneer projects relying on different feedstocks in different regions of the country and maximizing the use of cellulosic biomass; and

(iv) no more than 3 large scale solar facilities of greater than 5 megawatts capacity which begin operation after December 31, 2005, and before January 1, 2011; and

(B) may not exceed 80 percent of eligible project costs for each project.

(2) GOVERNMENT-CAUSED DELAYS.—Paragraph (1)(B) of this subsection does not apply if—

(A) with respect to a nuclear power plant—

(i) the conditions specified in the construction and operation license issued by the Nuclear Regulatory Commission change; and

(ii) the changed conditions result in project delays or changes in project scope after the start of construction that are not attributable to private sector project management, construction, or variances from the Nuclear Regulatory Commission's approved design criteria or safety requirements; or

(B) with respect to an advanced coal power plant, biofuels production facility, solar power facility, or other eligible facility—

(i) the conditions specified in the construction permit change; and

(ii) the changed conditions result in project delays or changes in project scope after the start of construction that are not attributable to private sector project management, construction, or variances from the approved design criteria or safety requirements.

(3) ADDITIONAL ASSISTANCE.—If paragraph (1)(B) of this subsection does not apply for reasons described in paragraph (2), then the financial assistance payable to the project developer shall include additional capital costs, costs of project oversight, lost replacement power, and calculated interest, as determined appropriate by the Secretary of Energy.

(b) LOAN REPAYMENT TERMS.—

(1) The repayment terms for non-recourse secured loans made under this subtitle shall be negotiated among the Climate Technology Financing Board, the joint venture partnership, and the project developer prior to issuance of the loan and commencement of construction.

(2) The project developer shall purchase the joint venture partnership's interest in the project after the start of the eligible project's commercial operation pursuant to the conditions of the loan with the proceeds of refinancing from non-Federal funding sources.

(3) The value of the joint venture partnership's interest in the eligible project shall be determined in negotiations prior to issuance of a secured loan under the subtitle.

(4) The interest rate on loans made under this subtitle shall not be less than the yield on United States Treasury securities of a similar maturity to the maturity of the loan on the date of execution of the loan agreement.

(5) A secured loan for an eligible project under this subtitle shall be non-recourse to the joint venture partnership in the event of bankruptcy, insolvency, liquidation, or failure of the project to start commercial operation when the project is ready for commercial operation.

(c) LOAN GUARANTEE TERMS.—

(1) IN GENERAL.—A loan guarantee shall apply only when a project developer defaults on a loan solely as a result of the regulatory actions, directly applied to the project, of a State, Federal or local government.

(2) LIMITATION.—Nothing in this subsection shall obligate the Corporation or Secretary to provide payments in the event of a default that results from a project developer's malfeasance, misfeasance, or mismanagement of the construction or operation of the project, or from conduct or circumstances unrelated to the regulatory actions of any governmental entity.

(3) ESCROW.—The corporation shall hold in escrow the amounts necessary for payments in the event of a default by the project developer in accordance with the terms of this subsection.

SEC. 484. SOURCE OF FUNDING FOR PROGRAMS.

Notwithstanding any other provision of law, or any other provision of this division, authorizing or appropriating funds to carry out the provisions of this division, no funds may be made available to carry out any activity under this subtitle except proceeds from the auction authorized by section —0333(g) of this division, subject to the limitation in section —0333(g)(3).

PART III—DEFINITIONS

SEC. 486. DEFINITIONS.

In this subtitle:

(1) ADVANCED REACTOR DESIGN.—The term "advanced reactor design" means any reactor design approved and certified by the Nuclear Regulatory Commission.

(2) CELLULOSIC ETHANOL.—The term "cellulosic ethanol" means ethanol produced from fibrous or woody plant materials.

(3) COMMERCIAL OPERATION.—

(A) NUCLEAR POWER FACILITY.—With respect to a nuclear power plant, the term "commercial operation" means the date—

(i) on which a new nuclear power plant has received a full power 40-year operating license from the Nuclear Regulatory Commission; and

(ii) by which all Federal, State, and local appeals and legal challenges to such operating license have become final.

(B) ADVANCED COAL POWER PLANTS.—With respect to an advanced coal power plant, the term "commercial operation" means the date—

(i) on which a new power plant has received a full power rating; and

(ii) by which all Federal, State, and local appeals and legal challenges to the operating license for the power plant have become final.

(4) CORPORATION.—The term "Corporation" means the Climate Change Credit Corporation.

(5) ELIGIBLE PROJECT.—The term "eligible project" means—

(A) any commercial nuclear power facility for the production of electricity that uses one or more advanced reactor designs;

(B) any advanced coal power plant utilizing the integrated gasification combined cycle technology with carbon capture and geological storage of greenhouse gases;

(C) any biofuels production facility which uses cellulosic feedstock; or

(D) any power facility which uses solar energy for the production of more than 75 percent of its annual output, which output capacity shall not be less than 10 megawatts as determined by common engineering practice.

(6) ELIGIBLE PROJECT COSTS.—The term "eligible project costs" means all costs related to the development and construction of an eligible project under this subtitle, including, without limitation, the cost of—

(A) development phase activities, including site acquisition and related real property agreements, environmental reviews, licensing and permitting, engineering and design work, off-taker agreements and arrangements, and other preconstruction activities;

(B) fabrication and acquisition of equipment, project construction activities and construction contingencies, project overheads, project management costs, and labor and engineering costs incurred during construction;

(C) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction; and

(D) any other costs that the Climate Technology Financing Board deems reasonable and appropriate as eligible project costs.

(7) FEDERAL FINANCIAL ASSISTANCE.—The term "Federal financial assistance" means project construction financing of up to 80 percent of a project's eligible project costs in the form of a non-recourse secured loan or loan guarantee.

(8) FIRST-OF-A-KIND ENGINEERING COSTS.—The term "first-of-a-kind engineering costs" means the extra costs associated with the first units of a design category for engineering work that develops the design details that finish plant standardization up to a complete plant design and that can be reused for building subsequent units.

(9) JOINT VENTURE PARTNERSHIP.—The term "joint venture partnership" means a special purpose entity, including corporations, partnerships, or other legal entities established to develop, construct, and finance an eligible project and to receive financing proceeds in the form of non-recourse secured loans provided by the Secretary and private equity provided by project developers.

(10) LOAN.—The term "loan" means a direct non-recourse loan issued to a joint venture partnership engaged in developing an eligible project and funded by the Secretary under this subtitle, which is subject to repayment by the joint venture partnership under terms and conditions to be negotiated among the project developer, joint venture partnership, and the Secretary before the start of construction on the project.

(11) LOAN GUARANTEE.—The term "loan guarantee" means any guarantee or other pledge by the Secretary to pay all or part of the principle and interest on a loan or other debt obligation issued by a project developer related to its equity investment and funded by a lender.

(12) PROJECT DEVELOPER.—The term "project developer" means a corporation, partnership, or limited liability company that—

(A) provides reasonable assurance to the Secretary that the project developer can successfully manage plant operations;

(B) has the financial capability to contribute 20 percent equity to the development of the project; and

(C) upon commercial operation, will purchase the project from the joint venture partnership.

(13) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(14) SUBSIDY AMOUNT.—The term "subsidy amount" means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal government of a loan, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays, in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SUBTITLE D—REVERSE AUCTION FOR TECHNOLOGY DISSEMINATION

SEC. 491. CLIMATE TECHNOLOGY CHALLENGE PROGRAM.

(a) IN GENERAL.—The Secretary of Energy, in coordination with the Climate Change Credit Corporation, shall develop and carry out a program in fiscal years 2006 through 2009, to be known as the "Climate Technology Challenge Program". The Secretary shall award funding through the program to stimulate innovation in development, demonstration, and deployment of technologies that have the greatest potential for reducing greenhouse gas emissions. The program shall be conducted as follows:

(1) The Secretary shall post a request for zero or low greenhouse gas energy services or products along with a suggested level of funding for each competition.

(2) The Secretary shall award the funding to the lowest bidder in each competition who meets all other qualifications in a form of a production incentive to supply—

(A) the requested services for a specified period of time; or

(B) the requested product within a specified period of time.

(b) FUNDING.—

(1) SOURCE.—Notwithstanding any other provision of law, or any other provision of this division, authorizing or appropriating funds to carry out the provisions of this division, no funds may be made available to carry out any activity under this subtitle except proceeds from the auction authorized by section —0333(g) of this division, subject to the limitation in section —0333(g)(3).

(2) OPERATING FUNDS.—Beginning with fiscal year 2010, the Climate Change Credit Corporation shall administer the Climate Technology Challenge Program using funds generated under section —0352 of this division.

(c) PROGRAM REQUIREMENTS.—

(1) COMPETITIVE PROCESS.—Recipients of awards under the program shall be selected through competitions conducted by the Secretary.

(2) ADVERTISEMENT OF COMPETITIONS.—The Secretary shall widely advertise any competitions conducted under the program.

(3) CATEGORIES OF COMPETITIONS.—The Secretary shall conduct separate competitions in the following areas of energy and fuel production and services:

(A) Advanced coal (including integrated gasification combined cycle) with carbon capture and storage.

(B) Renewable electricity.

(C) Energy efficiency (including transportation).

(D) Advanced technology vehicles.

(E) Transportation fuels.

(F) Carbon sequestration and storage.

(G) Zero and low emissions technologies.

(H) Adaptation technologies.

(I) The Secretary may also conduct competition for a general category to stimulate additional, unanticipated advances in technology.

(4) EVALUATIONS AND CRITERIA FOR COMPETITIONS.—

(A) PANEL OF EXPERTS.—The Secretary shall establish a separate panel of experts to evaluate proposals submitted under each competition.

(B) COMPETITION CRITERIA.—The Secretary, in consultation with other relevant Federal agency heads, shall set minimum criteria, including performance and safety criteria, for each competition. Proposals shall be evaluated on their ability to reduce, avoid, or sequester greenhouse gas emissions at a given price.

(C) FULL LIFE CYCLE.—All proposals within a competition shall compete on full life cycle avoided greenhouse gas emissions (as weighted by global warming potential) per dollar of incentive.

(5) REPORT OF AWARDS.—In 2009 and every 5 years thereafter the Secretary shall issue a report on the awards granted by the program, funding provided, and greenhouse gas emissions avoided or sequestered.

(6) PROGRAM EVALUATION.—The Secretary, in coordination with the National Academies of Science, shall evaluate the continued necessity of the program and future funding needs after fiscal year 2009. The evaluation shall be submitted 3 months before the end of fiscal year 2009 to the Congress and the Climate Change Credit Corporation.

(7) REVIEW AND REVISION BY CORPORATION.—The Climate Change Credit Corporation shall review and revise the awards program every 5 years starting in 2009, issuing new guidelines for the next 5 years of Climate Technology Challenge Program by the end of the fiscal year in which the evaluation in paragraph (6) is reported. The Climate Change Credit Corporation shall assess and adjust the categories of competitions as described in paragraph (3) to ensure new developing technologies that reduce, avoid, or sequester greenhouse gases and are in need of financial assistance for further development and deployment are the focus of the awards program.

(d) BUDGETING AND AWARDING OF FUNDS.—

(1) AVAILABILITY OF FUNDS.—Any funds appropriated to carry out this section shall remain available until expended, but for not more than 4 fiscal years.

(2) DEPOSIT AND WITHDRAWAL OF FUNDS.—When an award is offered, the Secretary shall deposit the total amount of funding made available for that award in the Climate Technology Challenge Trust Fund. If funding expires before an award is granted, the Secretary shall deposit additional funds in the account to ensure the availability of funding for all awards. If an award competition expires before its goals are met, the Secretary may redesignate those funds for a new challenge, but any redesignated funds will be considered as newly deposited for the purposes of paragraph (3). All cash awards made

under this section shall be paid from that account.

(3) MAXIMUM AWARD.—No competition under the program may result in the award of more than $100,000,000 without the approval of the Secretary.

(4) POST-2010 FUNDING.—Funding for the competitions after fiscal year 2010 shall be taken from the Climate Change Credit Corporation.

(e) REGISTRATION; ASSUMPTION OF RISK.—

(1) REGISTRATION.—Each potential recipient of an award in a competition under the program under this section shall register for the competition.

(2) ASSUMPTION OF RISK.—In registering for a competition under paragraph (1), a potential recipient of a prize shall assume any and all risks, and waive claims against the United States Government and its related entities (including contractors and subcontractors at any tier, suppliers, users, customers, cooperating parties, grantees, investigators, and detailees), for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in the competition, whether such injury, death, damage, or loss arises through negligence or otherwise, except in the case of willful misconduct.

(f) RELATIONSHIP TO OTHER AUTHORITY.—The Secretary may exercise the authority in this section in conjunction with or in addition to any other authority of the Secretary to acquire, support, or stimulate basic and applied research, technology development, or prototype demonstration projects that promote reduced greenhouse gas emissions.

SA 827. Mr. BINGAMAN (for Mr. DORGAN) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . EXTENSION OF RENEWABLE ELECTRICITY PRODUCTION CREDIT THROUGH 2010.

Paragraphs (1), (2), (3), (5), (6), (7), (9), and (10) of section 45(d) of the Internal Revenue Code of 1986, as amended by title XV, are amended by striking "2009" each place it appears and inserting "2011".

SA 828. Mr. BINGAMAN (for Mr. DORGAN) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end appropriate place insert the following:

SEC. ___. EXPANSION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY TO INCLUDE ELECTRIC THERMAL STORAGE UNIT.

(a) IN GENERAL.—Section 25C(b) of the Internal Revenue Code of 1986 (relating to limitation), as added by title XV, is amended—

(1) by striking "and" at the end of paragraph (2),

(2) by striking the period at the end of paragraph (3) and inserting ", and", and

(3) by adding at the end the following new paragraph:

"(4) $250 for any electric thermal storage unit.".

(b) ELECTRIC THERMAL STORAGE UNIT.—Section 25C(c)(2)(A) of such Code, as so added, is amended—

(1) by striking "or" at the end of clause (ii),

(2) by striking the period at the end of clause (iii) and inserting ", or", and

(3) by adding at the end the following new clause:

"(iv) an electric thermal storage unit which converts low-cost, off-peak electricity to heat and stores such heat for later use in specially designed ceramic bricks.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2005.

SA 829. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 746, line 9, insert ", in consultation with the Administrator of the Environmental Protection Agency," after "Secretary".

SA 830. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 732, lines 6 and 7, insert ", in consultation with the Administrator of the Environmental Protection Agency," after "Administration".

SA 831. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 726, line 21, insert ", in consultation with the Administrator of the Environmental Protection Agency," after "Secretary".

SA 832. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 724, line 12, insert before "shall enter" the following: ", in consultation with the Administrator of the Environmental Protection Agency,".

On page 726, line 5, insert "and the Administrator of the Environmental Protection Agency" after "Interior".

On page 726, line 10, insert before "shall report" the following: "and the Administrator of the Environmental Protection Agency".

On page 726, line 14, strike "Secretary's agreement or disagreement" and insert "agreement or disagreement of the Secretary of the Interior and the Administrator of the Environmental Protection Agency".

SA 833. Mr. KOHL (for himself, Mr. DEWINE, Mr. LIEBERMAN, Mr. LEVIN, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 53, strike lines 4 through 8 and insert the following:

Small Business Administration shall make program information available directly to small businesses and through other Federal agencies, including the Federal Emergency Management Agency and the Department of Agriculture, and coordinate assistance with the Secretary of Commerce for manufacturing-related efforts, including the Manufacturing Extension Partnership Program.".

SA 834. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 52, line 24, strike "efficiency; and" and all that follows through page 53, line 8 and insert the following: "efficiency;

"(C) understanding and accessing Federal procurement opportunities with regard to Energy Star technologies and products; and

"(D) identifying financing options for energy efficiency upgrades.

"(2) The Secretary, the Administrator of the Environmental Protection Agency, and the Administrator of the Small Business Administration shall make program information available to small business concerns directly through the district offices and resource partners of the Small Business Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives (SCORE), and through other Federal agencies, including the Federal Emergency Management Agency and the Department of Agriculture.

"(3) The Secretary, on a cost shared basis in cooperation with the Administrator of the Environmental Protection Agency, shall provide to the Small Business Administration all advertising, marketing, and other written materials necessary for the dissemination of information under paragraph (2).

"(4) There are authorized to be appropriated in fiscal year 2006, such sums as may be necessary to carry out this subsection, which shall remain available until expended.".

SA 835. Mrs. CLINTON (for herself and Mr. ALLARD) submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 159, after line 23, add the following:

SEC. 2___. NATIONAL PRIORITY PROJECT DESIGNATION.

(a) DESIGNATION OF NATIONAL PRIORITY PROJECTS.—

(1) IN GENERAL.—There is established the National Priority Project Designation (referred to in this section as the "Designation"), which shall be evidenced by a medal bearing the inscription "National Priority Project".

(2) DESIGN AND MATERIALS.—The medal shall be of such design and materials and bear such additional inscriptions as the President may prescribe.

(b) MAKING AND PRESENTATION OF DESIGNATION.—

(1) IN GENERAL.—The President, on the basis of recommendations made by the Secretary, shall annually designate organizations that have—

(A) advanced the field of renewable energy technology and contributed to North American energy independence; and

(B) been certified by the Secretary under subsection (e).

(2) PRESENTATION.—The President shall designate projects with such ceremonies as the President may prescribe.

(3) USE OF DESIGNATION.—An organization that receives a Designation under this section may publicize the Designation of the organization as a National Priority Project in advertising.

(4) CATEGORIES IN WHICH THE DESIGNATION MAY BE GIVEN.—Separate Designations shall be made to qualifying projects in each of the following categories:

(A) Wind and biomass energy generation projects.

(B) Photovoltaic and fuel cell energy generation projects.

(C) Energy efficient building and renewable energy projects.

(D) First-in-Class projects.

(c) SELECTION CRITERIA.—

(1) IN GENERAL.—Certification and selection of the projects to receive the Designation shall be based on criteria established under this subsection.

(2) WIND, BIOMASS, AND BUILDING PROJECTS.—In the case of a wind, biomass, or building project, the project shall demonstrate that the project will install not less than 30 megawatts of renewable energy generation capacity.

(3) SOLAR PHOTOVOLTAIC AND FUEL CELL PROJECTS.—In the case of a solar photovoltaic or fuel cell project, the project shall demonstrate that the project will install not less than 3 megawatts of renewable energy generation capacity.

(4) ENERGY EFFICIENT BUILDING AND RENEWABLE ENERGY PROJECTS.—In the case of an energy efficient building or renewable energy project, in addition to meeting the criteria established under paragraph (2), each building project shall demonstrate that the project will—

(A) comply with third-party certification standards for high-performance, sustainable buildings;

(B) use whole-building integration of energy efficiency and environmental performance design and technology, including advanced building controls;

(C) use renewable energy for at least 50 percent of the energy consumption of the project;

(D) comply with applicable Energy Star standards; and

(E) include at least 5,000,000 square feet of enclosed space.

(5) FIRST-IN-CLASS USE.—Notwithstanding paragraphs (2) through (4), a new building project may qualify under this section if the Secretary determines that the project—

(A) represents a First-In-Class use of renewable energy; or

(B) otherwise establishes a new paradigm of building integrated renewable energy use or energy efficiency.

(d) APPLICATION.—

(1) INITIAL APPLICATIONS.—No later than 120 days after the date of enactment of this Act, and annually thereafter, the Secretary shall publish in the Federal Register an invitation and guidelines for submitting applications, consistent with this section.

(2) CONTENTS.—The application shall describe the project, or planned project, and the plans to meet the criteria established under subsection (c).

(e) CERTIFICATION.—

(1) IN GENERAL.—Not later than 60 days after the application period described in subsection (d), and annually thereafter, the Secretary shall certify projects that are reasonably expected to meet the criteria established under subsection (c).

(2) CERTIFIED PROJECTS.—The Secretary shall designate personnel of the Department to work with persons carrying out each certified project and ensure that the personnel—

(A) provide each certified project with guidance in meeting the criteria established under subsection (c);

(B) identify programs of the Department, including National Laboratories and Technology Centers, that will assist each project in meeting the criteria established under subsection (c); and

(C) ensure that knowledge and transfer of the most current technology between the applicable resources of the Federal Government (including the National Laboratories and Technology Centers, the Department, and the Environmental Protection Agency) and the certified projects is being facilitated to accelerate commercialization of work developed through those resources.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2006 through 2010.

SA 836. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 346, between lines 21 and 22, add the following:

Subtitle C—Loan Guarantees

SEC. 421. LOAN GUARANTEES.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary may provide loan guarantees for a project to produce energy and clean fuels from Western subbituminous coal using appropriate coal liquefaction technology.

(b) REQUIREMENTS.—The project described in subsection (a) shall use coal owned by a State government, in combination with private and Tribal coal resources.

SA 837. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 53, line 8, strike the quotation marks and the final period and insert the following:

"(3) NATIONAL CENTER FOR APPROPRIATE TECHNOLOGY SMALL BUSINESS ENERGY CLEARINGHOUSE.—The Secretary and the Administrator of the Small Business Administration, as a part of the outreach to small business concerns regarding the Energy Star Program required by this subsection, may enter into a cooperative agreement with the National Center for Appropriate Technology to establish, maintain, and promote a Small Business Energy Clearinghouse (in this section referred to as the 'Clearinghouse'). The Secretary and the Administrator shall ensure that the Clearinghouse provides a centralized resource where small business concerns may access, telephonically and electronically, technical information and advice to help increase energy efficiency and reduce energy costs.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection, to remain available until expended.".

SA 838. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 6. to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 656, between lines 19 and 20, insert the following:

SEC. 1237. KENTUCKY PILOT PROGRAM.

(a) EQUITABILITY WITHIN TERRITORY RESTRICTED ELECTRIC SYSTEMS.—Section 212(j) of the Federal Power Act (16 U.S.C. 824k(j)) is amended—

(1) by striking "October 1, 1991" and inserting "April 1, 2005"; and

(2) by striking the period at the end and inserting ": *Provided further*, That this subsection shall not apply in the Commonwealth of Kentucky.".

(b) STUDY AND REPORT.—

(1) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the costs, benefits, and other effects of the amendment made by this section, including differing costs to electricity consumers in the Commonwealth of Kentucky.

(B) INCLUSION.—In conducting the study under subparagraph (A), the Comptroller General shall evaluate the potential costs and benefits of granting the Federal Energy Regulatory Commission jurisdiction over the entire Tennessee Valley Authority grid with respect to sales and purchases of electricity by the Tennessee Valley Authority.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report describing the findings of the study under paragraph (1).

SA 839. Mr. LAUTENBERG (for himself, Mr. REID, Mr. LIEBERMAN, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

At the appropriate place, insert the following:

TITLE —SAVE CLIMATE SCIENCE

SEC. —01. SHORT TITLE.

This title may be cited as the "Save Climate Scientific Credibility, Integrity, Ethics, Nonpartisanship, Consistency, and Excellence Act" or the "Save Climate SCIENCE Act".

SEC. —02. FINDINGS.

The Congress finds the following:

(1) Federal climate-related reports and studies that summarize or synthesize science that was rigorously peer-reviewed and that cost taxpayers millions of dollars, were altered to misrepresent or omit information contained in the underlying scientific reports or studies.

(2) Reports of such alterations were exposed by scientists who were involved in the preparation of the underlying scientific reports or studies.

(3) Such alteration of Federal climate-related reports and studies raises questions

about the credibility, integrity, and consistency of the United States climate science program.

SEC. —03. PUBLICATION REQUIREMENT.

(a) In General.—Within 48 hours after an executive agency (as defined in section 105 of title 5, United States Code) publishes a summary, synthesis, or analysis of a scientific study or report on climate change that has been modified to reflect comments by the Executive Office of the President that change the force, meaning, emphasis, conclusions, findings, or recommendations of the scientific or technical component of the study or report, the head of that agency shall make available on a departmental or agency website, and on a public docket, if any, that is accessible by the public both the final version and the last draft version before it was modified to reflect those comments.

(b) Format and Ease of Comparison.—The documents shall be made available—

(1) in a format that is generally available to the public; and

(2) in the same format and accessible on the same page with equal prominence, or in any other manner that facilitates comparison of the 2 texts.

SEC. —04. ENFORCEMENT.

The failure, by the head of an executive agency, to comply with the requirements of section —02 shall be considered a failure to file a report required by section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.).

SEC. —05. ANNUAL REPORT BY COMPTROLLER GENERAL.

The Comptroller General shall transmit to the Congress within 1 year after the date of enactment of this Act, and annually thereafter, a report on compliance with the requirements of section —02 by executive agencies that includes a information on the status of any enforcement actions brought under section 104 of the Ethics in Government Act of 1978 (5 U.S.C. App.) for violations of section —02 of this Act during the 12-month period covered by the report.

SEC. —06. WHISTLEBLOWER EXTENSION FOR DISCLOSURES RELATING TO INTERFERENCE WITH CLIMATE SCIENCE.

(a) In General.—Subparagraphs (A) and (B) of section 2302(b)(8) of title 5, United States Code, are amended—

(1) in clause (i), by striking "or" at the end;

(2) in clause (ii), by adding "or" at the end; and

(3) by inserting after clause (ii) the following:

"(iii) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading,".

(b) Conforming Amendments.—

(1) Section 1212(a)(3) of title 5, United States Code, is amended—

(A) by striking "regulation, or gross" and inserting "regulation; gross"; and

(B) by adding at the end the following: "or tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading;"

(2) Section 1213(a) of such title is amended—

(A) in paragraph (1)—

(i) by striking "or" at the end of subparagraph (A);

(ii) by inserting "or" at the end of subparagraph (B); and

(iii) by inserting after subparagraph (B) the following:

"(C) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading;"; and

(B) in paragraph (2)—

(i) by striking "or" at the end of subparagraph (A);

(ii) by striking "safety." in subparagraph (B) and inserting "safety; or"; and

(C) by inserting after subparagraph (B) the following:

"(C) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading.".

SA 840. Mr. SMITH (for himself and Mrs. Lincoln) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TAX INCENTIVES FOR TRUCKS WITH NEW DIESEL ENGINE TECHNOLOGIES.

(a) Investment Credit for Trucks With New Diesel Technology.—

(1) In general.—

(A) Allowance of credit.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting after section 48 the following new section:

"SEC. 48E: NEW DIESEL TECHNOLOGY CREDIT.

"(a) General Rule.—For purposes of section 46, the new diesel technology credit for any taxable year is 5 percent of the cost of any qualified truck which is placed in service on or after January 1, 2007, and before January 1, 2008.

"(b) Qualified Truck.—For purposes of this section, the term 'qualified truck' means any motor vehicle (as defined in section 30(c)(2)) which—

"(1) is first placed in service on or after January 1, 2007,

"(2) is propelled by diesel fuel,

"(3) has a gross vehicle weight rating of more than 33,000 pounds, and

"(4) complies with the regulations of the Environmental Protection Agency with respect to diesel emissions for model year 2007 and later.".

(B) Credit treated as part of investment credit.—Section 46 of such Code, as amended by this Act, is amended by striking "and" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting ", and", and by adding at the end the following new paragraph:

"(7) the new diesel technology credit.".

(C) Conforming amendments.—

(i) Section 49(a)(1)(C) of such Code, as amended by this Act, is amended by striking "and" at the end of clause (v), by striking the period at the end of clause (vi) and inserting ", and", and by adding at the end the following new clause:

"(vii) the basis of any qualified truck.".

(ii) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code, as amended by this Act, is amended by inserting after the item relating to section 48 the following new item:

"Sec. 48E. New diesel technology credit.".

(2) Credit allowed against AMT.—

(A) In general.—Subsection (c) of section 38 of such Code is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) Special rules for new diesel technology credit.—

"(A) In general.—In the case of the new diesel technology credit—

"(i) this section and section 39 shall be applied separately with respect to such credit, and

"(ii) in applying paragraph (1) to such credit—

"(I) the tentative minimum tax shall be treated as being zero, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the new diesel technology credit).

"(B) New diesel technology credit.—For purposes of this subsection, the term 'new diesel technology credit' means the portion of the investment credit under section 46 determined under section 48E.".

(B) Conforming amendments.—Paragraphs (2)(A)(ii)(II), (3)(A)(ii)(II), and (4)(A)(ii)(II) of section 38(c) of such Code are each amended by inserting "or the new diesel technology credit" after "the specified credits".

(3) Effective date.—The amendments made by this subsection shall apply to periods after December 31, 2006, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(b) Election to Expense Qualified Trucks.—

(1) In general.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting after section 179B the following new section:

"SEC. 179E. ELECTION TO EXPENSE NEW DIESEL TECHNOLOGY TRUCKS.

"(a) Treatment as Expenses.—A taxpayer may elect to treat the cost of any qualified truck (as defined in section 48E) as an expense which is not chargeable to a capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which the qualified truck is placed in service.

"(b) Election.—

"(1) In general.—An election under this section for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

"(2) Election irrevocable.—Any election made under this section may not be revoked except with the consent of the Secretary.

"(c) Termination.—This section shall not apply to property placed in service after December 31, 2007.".

(2) Conforming amendment.—The table of sections for part VI of subchapter B of chapter 1 of such Code, as amended by this Act, is amended by inserting after the item relating to section 179D the following new item:

"Sec. 179E. Election to expense new diesel technology trucks.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service on or after January 1, 2007.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the hearing previously scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources for Tuesday, June 28, 2005 at 3 p.m. has been cancelled.

The purpose of the hearing was to receive testimony on the water supply status in the Pacific Northwest and its impact on power production, as well as to receive testimony on S. 648, to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance.

For further information, please contact Kellie Donnelly 202-224-9360 or Steve Waskiewicz at 202-224-9313.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 21, 2005, at 9:30 a.m., to receive a classified briefing regarding improvised explosive devices (IEDS).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 21, 2005, at 10 a.m., to conduct a hearing on "The Consideration of Regulatory Relief Proposals."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 21, 2005 at 9:30 a.m. to hold a hearing on Russia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 21, 2005 at 2:30 p.m., to hold a hearing on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, June 21, 2005, at 9:15 a.m., for a hearing titled, "Juvenile Diabetes: Examining the Personal Toll on Families, Financial Costs to the Federal Health Care System, and Research Progress Toward a Cure."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, June 21, 2005, at 10 a.m., to conduct a hearing to examine the issue of voter verification in the Federal elections process.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES AND COAST GUARD

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries and Coast Guard be authorized to meet on Tuesday, June 21, 2005, on Coast Guard's Revised Deepwater Implementation Plan at 10 a.m., in SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HAGEL. Mr. President, I further ask consent that Eric Loewen of my staff be granted floor privileges during consideration of the Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Mr. President, I ask unanimous consent that Max Frances Moran of my office be granted floor privileges during the debate on the Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I ask unanimous consent that Douglas Rathbun be granted the privilege of the floor for the duration of debate on H.R. 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING COMMUNICATIONS SATELLITE ACT OF 1962

Mr. DOMENICI. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1282 that was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1282) to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DOMENICI. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1282) was read the third time and passed, as follows:

S. 1282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINANCIAL INTERESTS OF OFFICERS, MANAGERS, OR DIRECTORS.

Section 621(5)(D) of the Communications Satellite Act of 1962 (47 U.S.C. 763(5)(D)) is amended—

(1) by striking "(I)" in clause (ii);

(2) by striking "signatories, or (II)" in clause (ii) and all that follows through "mechanism;" and inserting "signatories; and";

(3) by striking "organization; and" in clause (iii) and inserting "organization."; and

(4) by striking clause (iv).

SEC. 2. CRITERIA FOR INTELSAT SEPARATED ENTITIES.

Subtitle B of title VI of the Communications Satellite Act of 1962 (47 U.S.C. 763 et seq.) is amended by striking section 623 (47 U.S.C. 763b).

SEC. 3. PRESERVATION OF SPACE SEGMENT CAPACITY OF THE GMDSS.

Section 624 of the Communications Satellite Act of 1962 (47 U.S.C. 763c) is amended to read as follows:

"SEC. 624. SPACE SEGMENT CAPACITY OF THE GMDSS.

"The United States shall preserve the space segment capacity of the GMDSS. This section is not intended to alter the status that the GMDSS would otherwise have under United States laws and regulations of the International Telecommunication Union with respect to spectrum, orbital locations, or other operational parameters, or to be a barrier to competition for the provision of GMDSS services.".

SEC. 4. SATELLITE SERVICE REPORT.

(a) ANNUAL REPORT.—The Federal Communications Commission shall review competitive market conditions with respect to domestic and international satellite communications services and shall include in an annual report an analysis of those conditions. The Commission shall transmit a copy of the report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

(b) CONTENT.—The Commission shall include in the report—

(1) an identification of the number and market share of competitors in domestic and international satellite markets;

(2) an analysis of whether there is effective competition in the market for domestic and international satellite services; and

(3) a list of any foreign nations in which legal or regulatory practices restrict access to the market for satellite services in such nation in a manner that undermines competition or favors a particular competitor or set of competitors.

MEASURE PLACED ON THE CALENDAR—H.R. 2745

Mr. DOMENICI. I understand there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The bill clerk read as follows:

A bill (H.R. 2745) to reform the United Nations, and for other purposes.

Mr. DOMENICI. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceeding.

The PRESIDING OFFICER. The objection is heard. The bill will be placed on the calendar.

ORDERS FOR WEDNESDAY, JUNE 22, 2005

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 22. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time of the two leaders be reserved, and the Senate then resume consideration of H.R. 6, the Energy bill, provided that when the Senate resumes consideration of the Energy bill, Senator FEINSTEIN be recognized to offer an amendment as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOMENICI. Tomorrow, the Senate will resume consideration of the Energy bill. Under the previous order, as we have just indicated, Senator FEINSTEIN will offer a liquefied natural gas amendment in the morning, under 1-hour time agreement. Following that debate, the Senator from West Virginia, Senator BYRD, will offer an amendment regarding rural gas prices. It is my hope that we will be able to stack the votes in relation to the Feinstein amendment with additional votes tomorrow morning. Senators should expect at least 1 vote prior to lunch.

For the remainder of the day, we will continue working through the amendments on the bill.

We reached an agreement tonight with respect to the McCain-Lieberman climate change amendment. We expect to dispose of the amendment tomorrow afternoon. We will consider additional amendments tomorrow, and Senators should expect rollcall votes throughout the day and into the evening.

Finally, I remind Senators we just filed cloture on the bill. That cloture vote will occur on Thursday, as we try to complete the bill this week.

As a reminder, under the provisions of rule XXII, the first-degree amendments must be filed by 1 p.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DOMENICI. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:58 p.m., adjourned until Wednesday, June 22, 2005, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, June 21, 2005*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Miss McMORRIS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 21, 2005.

I hereby appoint the Honorable CATHY McMORRIS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from South Carolina (Mr. BARRETT) for 2 minutes.

GOING FORWARD TO VICTORY IN IRAQ

Mr. BARRETT of South Carolina. Madam Speaker, we have been talking a lot about Iraq, and a lot of people have different ideas and different thoughts about what we are doing over there. In recent days and weeks, some have suggested we need a specific timeline or date that indicates when our troops will begin to withdraw from Iraq.

I would like to read an e-mail that one of my staffers received at the end of last week from a friend of hers currently serving in Iraq. The soldier says: "I know there are growing doubts, questions and concerns by many regarding our presence here and how long we should stay. For what it is worth, the attachment hopefully tells you why we are trying to make a positive difference in this country's future."

This is the attachment, Madam Speaker, and a picture truly is worth 1,000 words.

The soldier went on to say in ending his e-mail: "I hope to head home in 80 days with a feeling that I contributed something and made this world a better place for these guys."

Madam Speaker, any date for withdrawal would be arbitrary. We must allow our plan to go forward and not abandon it halfway through. This is not just about their future, it is about the future of all of us. Let us not talk about an exit strategy; let us talk about victory.

CONTINUING FUNDING OF PUBLIC BROADCASTING

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, as we watch the ebb and flow here in Washington, DC, the controversies, the complexities, there has never been a more important time for the thought-provoking service that is supplied by Public Broadcasting. The educational, cultural and community awareness, together with the politics and policy formats, form the framework for citizens to cope with the myriad of challenges and demands of today's modern living, much as we are struggling with them here in Washington, DC.

If there has never been a more important time for public broadcasting, there has never been a worse time for Congress to be part of a campaign against public broadcasting. We formed the Public Broadcasting Caucus 5 years ago here on Capitol Hill to help promote the exchange of ideas surrounding public broadcasting, to help equip staff and Members of Congress to deal with the issues that surround that important service.

There are complexities in areas of legitimate disagreement and technical matters, make no mistake about it, and our caucus is a great platform for Congress to explore these items and to be heard by the various public broadcasting constituencies, their boards and staff.

Cutting funding, especially the proposals from the subcommittee, are the worst approach in dealing with public broadcasting. President Bush has requested over $413 million in his budget for fiscal year 2006. The subcommittee has recommended that that be slashed to $300 million, cutting by almost ⅖, this year's funding for the Corporation for Public Broadcasting and eliminating entirely the President's $23 million request for Ready-To-Learn.

Madam Speaker, these are as Draconian as they are unjustified. Every week, 82 million people demonstrate the worth of public broadcasting by viewing public television and over 30 million people a week listen to NPR.

But the cuts are not only cutting at the fabric of the programming; they will devastate small rural markets that are hard to serve without the extra resources provided by the Federal Government. Larger metropolitan areas will be hurt as well. The area that I represent in Oregon will suffer about a 25 percent cut, but ultimately they will still have some service. In many small rural areas, public broadcasting, which is expensive to provide, is likely to disappear altogether, because the sparsely populated communities are not able to make up the gap.

The good news is that the public outcry is being heard. Already the full committee has voted to reverse its decision to completely eliminate the advanced funding for fiscal year 2008. That reversal is an important step to provide certainty and continuity, to give a hint of stability for Public Broadcasting and keeping our commitments.

There will be an amendment to reverse the $100 million rescission for fiscal 2006, and I strongly support that effort. In the meantime, I would urge my colleagues to become involved with the public broadcasting issues, to join over 100 other Members of Congress who are members of the Public Broadcasting Caucus and engage in its activities. It is important to show the same bipartisan support for public broadcasting as we have in other controversial matters in recent weeks. The American public deserves no less.

RECOGNIZING THE POSITIVE IMPLICATIONS OF CAFTA

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized during morning hour debates for 1 minute.

Ms. ROS-LEHTINEN. Madam Speaker, it is critical for us to recognize the positive, far-reaching implications of CAFTA.

CAFTA is not solely about trade, it is about lives. It is about promoting U.S. national security objectives in our own backyard. By strengthening our allies, our neighboring countries, we are helping to strengthen our own efforts to fight the scourge of terrorism. Free

---

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

markets and economic development are the best weapons against tyranny, against poverty and against disease.

CAFTA will promote democratic governance, thus advancing stability and consolidating freely-elected governments who are allies in the war against drugs and the War on Terror. Failure to pass CAFTA in Congress will cripple our efforts to freeze out narco-terrorist gangs and others who threaten our national security.

Madam Speaker, I encourage my colleagues to support CAFTA. A vote for CAFTA is a vote for our U.S. national security interests.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 9 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Your love is consistent and deep. You must have a way of remaining in love with us, even when we neglect Your presence or disobey Your commands. Otherwise, how could You forgive us so readily and always hope for our deeper conversion of heart.

Be present to the Members of the House of Representatives and all who work for this noble institution today. Hold out a strong hand to those who are weak or fainthearted. Be patient with the bold and the arrogant.

By Your Spirit, enable all to be patient, forgiving, and understanding to one another so they may be ready to receive the same gracious gifts from You in the same measure they have treated others.

You alone are the lasting judge of all, and the full measure of goodness to which no other can be compared, for You are Lord, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HONORING THE SERVICE OF OUR TROOPS

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Madam Speaker, over 9 million innocent human beings were killed in the Nazi death camps. Over 3 million were killed in the Soviet gulags under Joseph Stalin. Over 1.5 million were killed by the Khmer Rouge under Pol Pot in Cambodia.

And how many have been killed at Guantanamo Bay? Zero.

But that has not stopped a Democratic leader, a Democratic Senator, and the Democratic Party from drawing parallels between what is happening in Guantanamo and the horrors of Hitler or Stalin and Pol Pot.

That message belies the suffering of the victims of those terrible atrocities. That message discourages our brave men and women in uniform, when national leaders compare their actions to those of the Nazis. That kind of rhetoric incites our enemies and hinders our efforts in the war on terror.

I challenge every Democratic leader to denounce these ridiculous comparisons. Show our enemies that we are united in our actions against terror, and show our troops that we honor their service.

CONGRATULATING SECRETARY OF STATE CONDOLEEZZA RICE FOR STANDING UP FOR DEMOCRACY

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Madam Speaker, I would like to congratulate Secretary of State Condoleezza Rice for standing up for democratic principle, for finally saying what needed to be said. During a speech in Cairo yesterday, Secretary Rice criticized Middle East leaders for failing to encourage democracy.

My colleagues in this Chamber know well that when I disagree with this administration, I let my opinion be known. I disagree with their proposals for Social Security, their stewardship of the economy, their plan for the Iraq war and occupation, and how they treat critics. Yet, on advocating Mid-East Democracy, I do not disagree. I agree with the Secretary of State and her comments.

Unfortunately, when it comes to our allies in the Middle East, America too often turns a blind eye to their failings of leadership. We rightfully denounce countries with repressive regimes like those in Iran and Syria, but others such as Egypt and Saudi Arabia receive a pass.

Yesterday, Secretary Rice spoke up on behalf of America; she represented the best of American ideals and our steadfast belief in basic human rights and democracy. This will serve America well as we battle for the hearts and minds of the Muslim world.

Madam Speaker, I do not often agree with this administration, but I know a good thing when I see it. When it comes to democracy and all that comes with democracy, no one gets a pass.

LEAVE A GOOD LEGACY: STOP CLONING NOW

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, every Member of this body is mindful of his or her legacy, and that is good.

There is an issue facing this Nation that should cause us all to consider that legacy carefully. The issue is human cloning, and it is closer to reality than we think. We learned that from Korean scientists last month, but we have the ability to stop it here in America before it is too late.

So Members of this body should ask themselves, Do you want your legacy to be that we stood by as scientists started cloning human beings in America? Members leaving this body after next year should ask, Do you want to tell your grandkids some day that you had a chance to act to stop cloning but did nothing?

If we do nothing, Madam Speaker, cloning will come, and this Congress will be judged not by job numbers or a national energy plan or highway dollars, but by our failure to stop human cloning. I do not want that on my conscience; no one does, but our lack of action will make us responsible for its arrival.

Let us leave a good legacy, a legacy that guards the uniqueness of life. Let us act to stop human cloning.

UNDERMINING OF AMERICAN VALUES

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Madam Speaker, the Bush administration and Republican leaders are engaged in a pathetic attempt to make Senator DICK DURBIN'S condemnation of the use of torture at Guantanamo Bay an issue.

As a result of the revelations of conditions at Guantanamo, Abu Ghraib, the Bagram Prison in Afghanistan, the Republicans owe the American people, our soldiers, and veterans an apology for undermining American values such as the rule of law, for putting our troops at greater risk around the world, and for cutting veterans health benefits when they come home, and failing to provide our troops the equipment they need to protect themselves on the battlefield.

Clearly the Republicans are reading the polls and watching their approval as well as the approval for the misguided war plummet. So in a desperate attempt to shift the blame, they want to shoot the messenger.

Everyone knows what Senator DURBIN meant, and he was right. The United States of America stands for the rule of law, not for torture. It is this administration and the Republican leaders, certainly not our soldiers and not Senator DURBIN, who has tarnished the image of our great country.

THE REAL GUANTANAMO BAY

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, I rise today in response to the ill-timed and ill-conceived remarks by the Democratic Senator. The Senator's deplorable comparison of American servicemen and women at Guantanamo Bay to Nazi Soviet gulags and to Pol Pot are injurious to our military and provide a propaganda victory to our enemy.

Sadly, the words of this United States Senator now serve to give aid and comfort to Islamic terrorists. The senior Senator from Illinois seems to have taken poetic license with whatever document he has failed to produce as evidence of his allegations.

The brave men and women of America's military put their lives on the line each day to meet the demands of Gitmo's prisoners. These al Qaeda and Taliban detainees are being treated consistent with the principles of the Geneva Conventions and, most importantly, yet seemingly overlooked by some Democrats, consistent with military necessity.

Intelligence gained at Gitmo has and will continue to prevent terrorist attacks and help save American lives. I am hopeful that certain Democratic Senators will quit being a part of the problem and start being part of the solution.

Because of Gitmo, the U.S. is learning organizational structure of terrorist groups, the extent of terrorist presence in the world, Al Qaeda's pursuit of WMDs, methods of recruitment and location of centers, terrorist skillsets, and how seemingly legitimate financial operations are used to disguise and fund terrorist operations.

GUANTANAMO BAY

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, recent comments alleging mistreatment of prisoners at Guantanamo are not only insulting, they are wrong.

The 545 prisoners being interrogated at Guantanamo are properly housed and fed, they receive medical care, and have their religious needs met.

A U.S. Senator made statements last week that were clearly imprudent and unwise, comparing treatment of detainees to acts of genocide and repression. Millions of people died in the camp cited by the Senator, and no one has died at Guantanamo. While American troops are busy attacking and defeating terrorism, our tax dollars are providing Korans, prayer rugs, and healthy meals to the terrorist prisoners at Guantanamo. It is not Pol Pot at Guantanamo, it is pot roast. To purport that there is a moral equivalency between the acts of dictatorial madmen of the 20th century and the treatment of detainees at Guantanamo does a disservice to history, to our national honor, and to each member of our military who risk their lives every day preserving the privileges we enjoy.

I call on the Senator to talk to the guards at Guantanamo and get the facts straight. Then he should apologize to them, to the rest of our soldiers, and to the American people.

REPUBLICANS ATTEMPT TO DIVERT ATTENTION AWAY FROM WAR IN IRAQ

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUTTERFIELD. Madam Speaker, these attacks against the gentlewoman from California (Leader PELOSI) and Senator DURBIN are nothing more than an attempt by the congressional Republicans to divert attention away from the war in Iraq to comments made by two of our Democratic colleagues.

Republicans know that the war in Iraq is not going well right now. They have an administration that is clearly not leveling with the American people. Earlier this month, Vice President CHENEY told a national audience that the insurgency in Iraq was in its last throes. Well, we all know that is not the case.

I think Washington columnist Richard Cohen got it right this morning when he wrote that these partisan attacks are the latest in a series of attacks by Washington Republicans to silence the opposing views. Cohen wrote, "The contempt the Bush administration has shown for world opinion and international law, not to mention American traditions of jurisprudence, is costing us plenty. We are not the Soviet Union, and we are not Nazi Germany, and DICK DURBIN did not intend to say we are. His detractors have to know that. Their intention, however, is not to answer criticism, but to silence a critic."

Democrats will not be silenced.

ONE WEEK LATER AND STILL NO APOLOGY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, the people of Illinois and the United States are rightfully concerned about the recent smear and slander made by Democrat Whip Senator DICK DURBIN.

After Democrat Whip DURBIN likened U.S. troops to murderous dictators, columnist John Kass of the Chicago Tribune called on Senator DURBIN to apologize to the Nation for his irresponsible and dangerous comments. Kass wrote, "Hitler, Stalin and Pol Pot murdered roughly 50 million people. At Guantanamo, suspected terrorists have been made uncomfortable, including a minion of Osama bin Laden's, but I haven't heard of anyone being killed there. We're at war, Senator."

The people of Illinois deserve a Senator who accurately represents their strong appreciation for the men and women who bravely serve our country at home and abroad. Democrat Whip DURBIN made his reckless comments almost a week ago, and he has still not apologized for his comments. As the second ranking Democrat in the U.S. Senate, DURBIN should take responsibility for his comments and immediately apologize to the U.S. troops and American families. I am grateful my son served in Iraq.

In conclusion, God bless our troops, and we will never forget September 11.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members that remarks in debate may not engage in personalities towards Senators.

NOW IS THE TIME TO ENACT HUMAN CLONING BAN

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, human cloning is coming. Despite ominous developments in South Korea and in laboratories across the land, last week, the House Committee on Appropriations rejected, by a narrow margin, a thoughtful amendment authored by the gentleman from Florida (Mr. WELDON). The Weldon cloning amendment would essentially prohibit any entity, institution, private or public, from receiving

NIH funds if that entity engages in human cloning for research or reproductive purposes.

While that amendment failed, human cloning continues to advance, and the breakthrough in this unethical and morally questionable science is around the corner.

Now is the time for Congress to act. On two separate occasions, Congress has enacted the Weldon-Stupak cloning ban by a 60 percent-plus bipartisan majority. And the time is now, after last week's disappointing vote in the Committee on Appropriations, with the Labor-HHS bill headed to the floor, now is the time, this summer, to once again bring a human cloning ban to the floor and enacted into law.

LET US SEE FOR OURSELVES AT GUANTANAMO BAY

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Madam Speaker, I was a former judge. I saw jails, I saw prisons. I saw numerous prisons and jails. Now we hear about this torture chamber down in Guantanamo Bay. Some people call it Gitmo. Well, I think we ought to "Gitmo" information, information about Guantanamo.

The statements made by our colleagues down the hallway are uninformed, irrational, and totally irresponsible.

I ask this person who says this torture chamber down in Gitmo is uninhabitable, well, I will ask you, what did you have for breakfast this morning? Was it pancakes with syrup, fresh fruit, and coffee? Oatmeal, scrambled eggs, orange juice or cranberry juice; your choice?

□ 1015

Well, that is what those Guantanamo Bay prisoners had for breakfast today. Meanwhile, American troops in Iraq and Afghanistan, what are they eating? They are eating C-rations out of cans. We know that the prisoners in Guantanamo Bay have actually gained weight.

It sounds like the characterizations to this and Nazi prisoner of war camps are irresponsible. So I invite the good Senator to go with me to Guantanamo Bay, and let us GITMO information about his place and let us go down and check it out firsthand before more comments are made.

Meanwhile, apologies need to be made to American troops overseas.

GITMO

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, over the past week, we have watched as those across the aisle, led by Minority Leader PELOSI and Senator DURBIN, made comments regarding our troops, our war on terror, and our operations at Guantanamo Bay. Apparently, to some in this body, America can do nothing right.

But I want Americans to remember that months ago, these people who are now calling Iraq and the war on terror a disaster were declaring that the elections would not be a total success, that they would be a failure. Now, are these folks seeking success, or are they seeking failure?

The critics today say they hate Guantanamo Bay. Do we want to be running Guantanamo Bay? No. But you know what, we have to remember, there are people who would like to murder Americans by the thousands. Have we forgotten September 11?

We cannot sanction their homelands because they do not operate as part of a national military. Thus we are forced to run Guantanamo Bay. Americans get captured by the terrorists and they are slaughtered, they are beheaded; and we have seen the photos. That is not what we do to the enemy combatants at Guantanamo, and the idea that the two can be compared is reprehensible.

SENATOR DURBIN'S COMMENTS

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Madam Speaker, Senator DURBIN spoke for millions of Americans who are horrified and shocked about the treatment, the mistreatment of prisoners who have not been given the right to be notified of where they are, prisoners who were hung by their arms, who reported homicides, the scandals and the cover-ups.

Yes, these are dangerous people that are in these prisons. Many of them may be guilty of very serious crimes. But the fact of the matter is America cannot be a beacon for freedom and justice and liberty when it is doing it by abusing prisoners.

As Senator DURBIN said, if you have read these without knowing the country, you would be horrified because these are the practices that are associated with dictatorships and countries without the rule of law and countries of repression. The fact of the matter is, this administration should have an independent investigation of the treatment of prisoners in Afghanistan and Guantanamo Bay. They should do it immediately so that we do not continue to have these incidents become magnets for the recruitment of the insurgents.

If somebody is worried about our troops, maybe the Republicans and the President could apologize for sending them into battle without body armor, for sending them into battle without sufficient numbers to protect them, to send them in battle without properly armed Humvees, because that is what causes parents to grieve for the loss of their lives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

RECOGNIZING THE 100TH ANNIVERSARY OF FARMHOUSE FRATERNITY, INC.

Miss McMORRIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 207) recognizing the 100th anniversary of FarmHouse Fraternity, Inc.

The Clerk read as follows:

H. RES. 207

Whereas FarmHouse Fraternity, Inc. was founded on April 15, 1905, by 7 students from the College of Agriculture at the University of Missouri-Columbia;

Whereas FarmHouse Fraternity, Inc. is widely known and respected on college campuses throughout the United States and Canada as a fraternity that encourages values-based leadership, has a strong academic focus, and is dedicated to service;

Whereas FarmHouse Fraternity, Inc. focuses on building the whole man—intellectually, spiritually, socially, morally, and physically;

Whereas more than 24,000 men have been members of FarmHouse Fraternity, Inc., including governors, congressmen, top scientists, innovators in agriculture, university presidents, Nobel Prize winners, Pulitzer Prize winners, doctors, lawyers, and Hall of Fame athletes;

Whereas FarmHouse Fraternity, Inc. members volunteer countless hours of service each year to help improve the communities they serve; and

Whereas hundreds of FarmHouse Fraternity, Inc. alumni and student members will gather in Columbia, Missouri, from April 14 to April 17, 2005, for the celebration of the 100th anniversary of the fraternity: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 100th anniversary of FarmHouse Fraternity, Inc. and commends the fraternity and its members for a century of service.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Washington (Miss McMORRIS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Washington (Miss McMORRIS).

GENERAL LEAVE

Miss McMORRIS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Miss McMORRIS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Res. 207 offered by my colleague, the gentleman from Missouri (Mr. HULSHOF).

House Resolution 207 honors the FarmHouse Fraternity on the occasion of its 100th anniversary. The FarmHouse Fraternity was founded on April 15, 1905, by seven men from the College of Agriculture at the University of Missouri, Columbia, who acknowledged a need for recognition of a small, specialized group in the area of higher education.

Originally formed as an agricultural club, the FarmHouse Fraternity has become widely known and respected on college campuses throughout the United States and Canada as a fraternity that encourages value-based leadership, has strong academic focus, and is dedicated to service.

FarmHouse promotes the moral and intellectual welfare of its members and encourages social growth; loyalty among its members to their country, their community, their university, and their fraternity; and the well-rounded personality of members.

The FarmHouse Fraternity helps transform the young men of today into the leaders of tomorrow's world. More than 24,000 men have been members of the FarmHouse Fraternity, including Governors, Congressmen, top scientists, innovators in agriculture, university presidents, Noble Peace Prize winners, Pulitzer Prize winner, doctors, lawyers, and Hall of Fame athletes.

In addition, members of the FarmHouse Fraternity volunteer countless hours of service each year to help improve the communities they serve.

Madam Speaker, it is my pleasure to recognize and honor the FarmHouse Fraternity for the celebration of its 100th anniversary and commend the fraternity and its members for a century of service and achievement. I urge my colleagues to help support House Resolution 207.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I stand in support of House Resolution 207, which recognizes the 100th anniversary of FarmHouse Fraternity, Incorporated. The organization was first founded by seven students from the College of Agriculture at the University of Missouri, Columbia. Currently, FarmHouse Fraternity has 24,000 members; and it continues to increase its membership on college campuses throughout the United States and Canada, notwithstanding the fact that today there are fewer farm families and fewer young men with the traditional agricultural background.

Farming issues today are much more complex than a century ago. In addition to concerns about the impact of drought and disease on crop production, farmers today must concern themselves with agricultural trade policies, competition from major foreign producers and exporters and agroterrorism.

While farming issues may have changed, the fraternity's objectives have remained constant. Today, just as in 1905, the fraternity still aims to promote good fellowship, encourage studiousness, and build character and integrity amongst its members.

I congratulate each of the members of FarmHouse Fraternity on their 100th anniversary and wish them continued success in the future.

Madam Speaker, I yield back the balance of my time.

Miss McMORRIS. Madam Speaker, I yield as much time as he may consume to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Madam Speaker, I rise and ask my colleagues in the House to support this resolution. In addition to the kind words that already have been mentioned, FarmHouse had a unique, but a humble, beginning in my home town of Columbia, Missouri.

Like many social organizations at the University of Missouri campus, there were few students back in 1905 to draw from for its members. Its purpose, its objective back then was really not clearly defined or understood. And so it attracted little attention. It was not the result of any sort of a crisis among ag students, but was rather the result of a need for recognition of a small and subordinate and specialized group in the area of higher education.

The University of Missouri College of Agriculture was established back in 1870 as part of the land grant system. A lot of my colleagues here still to this day defend mightily the land grant system. It was a small division of the ag school back in 1905 within the University of Missouri. There were less than 100 students. It was not really held in the same high regard or high esteem as the school of law or the school of medicine, and most of those students were all farm-reared boys.

But a rather close relationship developed among this group of 35, a lot of them attended the same class, everyone knew each other, and there developed among them this sense of camaraderie. So as an outgrowth of this fellowship and the friendships that were formed, there were three men, D. Howard Doane, Henry P. Rusk and Earl Rusk, who conceived this idea of forming an agricultural club in order to perpetuate this congenial association.

In fact, as history has it, at least as we tell it, they began to have this discussion on a Sunday afternoon at a YMCA Bible meeting. So it was desirable that they were going to make this group, and they proposed to rent a house and live together, and this was in the spring of 1905.

And from the diary of Mr. Doane comes the following record: "At the close of my freshman year, there was organized a club of farmers, principally from the freshman class, to run a clubhouse to be known as the FarmHouse. When school opened in September, only seven of the group returned."

I mentioned Mr. Doane and the two brothers Rusk, and the others that joined them were Robert F. Howard, Claude B. Hutchison, Henry H. Krusekopf, and Melvin E. Sherwin.

Back now to Mr. Doane's diary: "They took the house on their hands and turned it into a regular rooming and boarding house. Those seven fellows were the best bunch that ever got together. During the whole year they managed the house without one single disagreeable incident."

I am tempted to go into a parenthetical aside regarding this body, but I will choose not to do that. And then finally from Mr. Doane's diary: "Many a night this dear old bunch assembled with gravest doubts assailing them and wondering if it was all worth while."

Well, Mr. Doane, in the humble opinion of this FarmHouse alum, it was indeed worthwhile. Thirty chapters across the country, including Canada, with a list of notable alumni, including just a smattering of those: former Kansas Governor, John Carlin; George Beadle, who received a Noble Prize in medicine and genetics back in 1958; Pulitzer Prize winner Ezra George Thiem; and Hall of Fame athletes Ed Widseth from Minnesota and legendary Missouri Coach Don Faurot; 49 past national FFA officers; one former U.S. Secretary of Agriculture; and entertainers Leroy Van Dyke, Michael Martin Murphey, and Pat Green.

More than 24,000 men have become members of FarmHouse Fraternity. And while the others do not necessarily hold a title, each has made his own mark within the community and the family in which they live, putting into action the FarmHouse motto: "Builder of Men."

I was honored to be invited to speak to an event back in Columbia, Missouri, over 530 participants, back in April of this year. And I would ask that this body, that the House of Representatives today recognize the 100th anniversary of FarmHouse Fraternity and commend the fraternity and its members for a century of service.

Miss McMORRIS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Washington (Miss McMORRIS) that the House suspend the rules and agree to the resolution, H. Res. 207.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF THE HOUSE IN REMEMBRANCE OF BRAVE SERVICEMEN WHO PERISHED IN APRIL 24, 1980, RESCUE ATTEMPT OF AMERICAN HOSTAGES IN IRAN

Mr. SAXTON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 256) expressing the sense of the House of Representatives in remembrance of the brave servicemen who perished in the disastrous April 24, 1980, rescue attempt of the American hostages in Iran, as amended.

The Clerk read as follows:

H. RES. 256

Whereas on November 4, 1979, Islamic extremists occupied the United States Embassy in Tehran, Iran, and took 66 American hostages, of whom 13 were released in a matter of days, on November 19 and 20, 1979;

Whereas after months of unsuccessful diplomatic negotiations for the release of the remaining 53 hostages and after extensive planning and intergovernmental debate, a complex rescue mission designated as "Operation Eagle Claw" was approved by President Carter on April 16, 1980;

Whereas on April 24, 1980, a task force comprised of Army Special Operations Forces, Army Rangers, Air Force Special Operations Wing personnel, and United States Navy, Marine, and Air Force pilots succeeded in moving thousands of miles undetected until reaching a remote location in the Iranian desert 200 miles from Tehran designated by the code name "Desert One";

Whereas at Desert One, a combination of helicopters and MC-130/EC-130 gunships rendezvoused with the intention of rescuing the hostages 200 miles away in Tehran the following evening;

Whereas the bravery, dedication, and level of operational expertise of the men who participated in the mission were evident from the onset and tested by the mechanical and weather problems suffered en route to the rendezvous point;

Whereas due to mechanical failures and weather problems only six out of eight helicopters successfully arrived at the Desert One rendezvous;

Whereas six helicopters was the minimum number of helicopters that could successfully complete Operation Eagle Claw;

Whereas once the six helicopters arrived, the rescue attempt was dealt a final blow when it was learned that one of the helicopters had lost its primary hydraulic system and would be unsafe to use fully loaded for the final assault on Tehran;

Whereas as the various aircraft began moving into position to return to their respective launching points, one of the helicopters collided with a C–130 aircraft on the ground;

Whereas flames engulfed the helicopter and the C–130 and resulted in the death of 5 airmen and 3 Marines;

Whereas other members of the task force were burned but survived, while their comrades acted bravely in restoring order and managed to evacuate the wounded personnel and salvageable equipment back to friendly territory;

Whereas Members of Congress were dismayed with the poor equipment, lack of funding, and inattention that had been given to special operations forces up to that time that came to light because of the aborted rescue mission;

Whereas in response, legislation was enacted in 1986 to establish a new unified command for special operations forces that is designated as the United States Special Operations Command (USSOCOM);

Whereas the United States Special Operations Command continues to prove its immense value to the national defense as witnessed by the performance of special operations forces in Afghanistan, in Iraq, and in many other countries of the world; and

Whereas the Nation owes a great debt of gratitude to special operations forces personnel and their families: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the bravery, sacrifice, and patriotism of the soldiers, sailors, airmen, and Marines who participated in Operation Eagle Claw in April 1980 in the attempt to rescue American hostages in Iran and particularly remembers the sacrifice of those who died in that attempt; and

(2) commends all special operations forces personnel currently in service.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, to begin, let me extend my sincere gratitude and appreciation to the gentleman from California (Mr. HUNTER) for his assistance in bringing this resolution to the floor.

□ 1030

The men and women of our Armed Forces are fortunate to have such a dedicated person serving as chairman of the Committee on Armed Services and I am deeply honored to serve with him.

Madam Speaker, on November 4, 1979, Americans were shocked by the news that terrorists had stormed our embassy in Tehran and took 66 of our fellow citizens hostage. This deplorable act of barbarism caught our Nation off guard and, frankly, ill-prepared to fully realize the growing threat in the region.

As days became weeks and weeks became months, back-channel diplomacy was failing. The American people were becoming impatient and a wide array of individuals were demanding action. As a Nation, the United States was being held hostage by a regime that had no intention of negotiating.

Finally, President Carter made the decision that enough was enough; it was time to bring our people home. On April 16, 1980 a plan called "Operation Eagle Claw" was approved, and our Nation's Special Operations Forces were prepared to answer the call.

Madam Speaker, 8 days later on April 24, a task force of highly trained personnel from the Army, Navy, Marine Corps, and Air Force was formed. The task force was comprised of highly trained individuals and intensely dedicated people, probably the most dedicated ever assembled to set forth on a mission that would end abruptly in disaster.

The plan called for 8 helicopters, 12 airplanes and a lethal combination of United States Army Special Operations Forces, Army Rangers, Air Force Special Operations Wing personnel, and United States Navy, Marine, and Air Force pilots to work without a unified command structure deep inside hostile territory, a daunting task.

The mission's first objective called for the task force to rendezvous at a location named Desert One. Once there, U.S. Special Forces combat controllers and translators were to be offloaded from Air Force airplanes, C–130s, and reloaded onto Navy helicopters which would take them to the outskirts of Tehran, in preparation for the final rescue.

Before the rendezvous could even take place, weather problems and mechanical failures plagued the mission. Eight helicopters took off from the USS Nimitz, but only 6, the bare minimum required to complete the mission successfully, successfully arrived at Desert One.

Once the birds were on the ground, Operation Eagle Claw received its final blow when one of the remaining helicopters' hydraulic system malfunctioned and therefore rendered the bird useless for the final assault on Tehran. At that point, despite the desired and sheer ability of the Special Operations Forces on the ground, the order to abort the mission was given.

As the helicopters and airplanes maneuvered to return to their respective launching points, another disaster struck. One of the helicopters collided with a parked C–130 and both aircraft erupted in flames. In the chaos that followed, the soldiers on the ground acted courageously, with absolutely no regard for their personal safety, and managed to save many of their colleagues.

But despite this uncanny display of bravery, 8 of America's finest young men lost their lives: Captain Harold L. Lewis, Jr., Captain Lyn D. McIntosh, Captain Richard L. Baake, Captain Charles McMillan, Master Sergeant Joel C. Mayo, Staff Sergeant Dewey Johnson, Sergeant John D. Harvey, and Corporal George N. Holmes. They deserve our admiration and appreciation for the supreme sacrifice made on behalf of our country.

This morning, Madam Speaker, when I looked at my e-mail, I had received an e-mail from someone who read an op-ed which was published, which I wrote for the Washington Times, which was published yesterday. I would like to read it in part.

He says: I will never forget the day, as a young second lieutenant serving in the 82nd Air Force Division, across Fort Bragg from Special Forces Headquarters, we knew very little about the Special Forces people at that time, but I did know the leader's daughter. So in addition to recognizing that these were America's finest warriors with all the physical strength, hooah, and military skills one can imagine, I also appreciated that they had families who loved them dearly and who suffered anguish, fear, and loss in Eagle Claw. So that is what I recall from my 25 years ago and what I recall every day when I open the newspaper and read of the tremendous sacrifice our forces make, each of them with families who love them.

Madam Speaker, although the results of the mission were tragic, Operation Eagle Claw's contribution to the American military was invaluable. One of the central recommendations made by the investigative commission called upon the military commanders and policy makers to look at ways to bring together various Special Operations Forces of each branch of the military. This crucial observation led to the creation of the United States Special Operations Command, SOCOM, a model of jointness that serves as an example of the transformed 21st century military which we are seeking to help create.

Today, SOCOM officers and soldiers and others who are serving our Nation serve under one command structure, and they are leading the war on terror. As chairman of the Subcommittee on Terrorism, Unconventional Threats and Capabilities, I have the distinct honor of working with the members of SOCOM. It is clear that our Nation's Special Operations Forces are the most unified, well equipped and fiercest fighting force in the world. In the post-911 world that we live in, their contribution to our national security is more important than ever.

Madam Speaker, we stand here today in remembrance of the lives that were lost in Operation Eagle Claw. We are also thankful for the men who have followed in their footsteps. As the warriors of SOCOM continue to lead the fight in the war on terror, I join my colleagues in applauding their efforts and successes and thanking them for their dedication to our country.

The meaning of Operation Eagle Claw will be remembered in different ways by different people, but it will always be remembered.

Madam Speaker, I reserve the balance of my time.

Mr. BUTTERFIELD. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of the chairman's resolution which commemorates the bravery of soldiers, sailors, airmen and Marines who took part in Operation Eagle Claw 25 years ago. I want to thank my friend, the chairman from New Jersey, for his extraordinary leadership on this issue.

Madam Speaker, the resolution also commends our Special Operations Forces who are risking their lives for our country today. On April 24, 1980, 8 patriots lost their lives in an effort to rescue hostages from the U.S. Embassy in Tehran. The classified mission was noble in its purpose, yet difficult and risky.

On November 4, 1979, terrorists stormed the U.S. Embassy in Tehran and took 66 American hostages. President Carter sought the hostages' release through diplomatic means but his efforts were to no avail. Ultimately, he approved a hostage rescue mission known as Operation Eagle Claw.

On April 24, 1980 a task force of Army Special Operations Forces, Army Rangers, Air Force Special Operations Wing personnel, and U.S. Navy, Marine and Air Force pilots launched Operation Eagle Claw. They landed in a remote desert in Iran, 200 miles away from Tehran, and planned to execute the hostage rescue mission the following day. However, Madam Speaker, a series of mishaps forced Operation Eagle Claw to be aborted and led to the deaths of 5 brave airmen and 3 Marines.

On January 20, 1981, after 444 days, the U.S. hostages were freed. Nevertheless, it was clear from the tragic deaths of those brave servicemembers during Operation Eagle Claw that our Special Operations Forces needed and deserved more and better resources to do their job.

Congress created the U.S. Special Operations Command, or SOCOM, so that their needs would be met. Today SOCOM consists of more than 50,000 uniformed personnel, jointly integrated from the Army, the Navy, and the Air Force and the Marine Corps, all striving to support our Nation's national security interests.

Operation Eagle Claw represented the best equipment and personnel available at the time. However, SOCOM has elevated crew-on-crew familiarity, team proficiency, and equipment interconnectivity to a new level of excellence.

Madam Speaker, our Nation owes a debt of gratitude to the members of the Special Operations community, particularly those who have given their lives, such as those 8 service members who died during our Operation Eagle Claw. Our Special Operations Forces are truly, truly the quiet professionals committed to the concept of selfless service.

So as we face the challenges of terrorists and weapons of mass destruction, Special Operations Forces provide a vital tool to defend our great Nation abroad. The resolution brought before us today recognizes this contribution. And I again want to thank the gentleman from New Jersey (Mr. SAXTON) for offering this resolution. I urge all of my colleagues to support its adoption.

Madam Speaker, I yield back the balance of my time.

Mr. SAXTON. Madam Speaker, I yield 5 minutes to the gentleman from western Florida (Mr. MILLER) whose district is the home of the Air Force component of the Special Operations Command, AFSOC.

Mr. MILLER of Florida. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, "They tried and that was important," said Colonel Thomas Schaefer, the U.S. Embassy defense attache and one of hostages. "It is tragic 8 men died, but it is important America had the courage to attempt the rescue."

It was 90 young men who volunteered to go to the desert, and 9 of them never made it home. The oldest, 35; the youngest, 21. Between them, they left 13 children. Captain Harold Lewis has 2 children, Dr. Jim Lewis, now on the medical staff at the Moffitt Cancer Center in Tampa, and Kimberly Lewis, who joined the Coast Guard. Captain Lynn McIntosh has 3 children, Scott, Stewart and Mark, who is currently enrolled in Lincoln Memorial University, Tennessee. Sergeant John Harvey has 2 children, Lauren and John. Tech Sergeant Joel Mayo has 4 children, Douglas, Joel, Jr., Brett, and Kurt, who also served in the Air Force and was honorably discharged in 1998. Finally, Staff Sergeant Dewey Johnson has 2 children, Wesley and Lee Ann.

One of those who died was Air Force Tech Sergeant Joel C Mayo. He was 34. He was from Bonifay, Florida in my district near Hurlburt Field.

Sergeant Mayo, the flight engineer on EC–130, performed his fire control duties so others might escape, until it was too late for him to save his own life. He died while trying to rescue his pilot, Captain Lewis.

One of his comrades and good friends, retired Master Sergeant Taco Sanchez, had this to say about his friend Sergeant Mayo: "I talked to him that night. It is important people understand. Joel had no idea he was going to give his life that night. But if you told him that he was going to die, he still would've gone."

Not only did he die a true hero. But his death gave life to what we now know today as Special Operations Command and the Air Force Special Operations Command.

The Air Force personnel who died were members of the 8th Special Operations Squadron based at Hurlburt Field. At Desert One the 8th SOS was given its motto: "The Guts to Try." The patch of the 15th SOS has 5 burning fires, representing the 5 Air Force personnel who lost their lives. The men who died have not and never will be forgotten.

To all the families we say this: If your loved ones had not died that fateful day, the enormity of the task of integrating the military at the time might not have been realized. The urgency of the situation might not have been fully understood and the creation of the truly Joint Special Operations Command could have been delayed for a number of years, resulting in who knows how many further U.S. causalities.

□ 1045

Of course, this does not bring them back to us, and nothing can replace the emptiness where they once were. Hopefully, time has done all that it can in that regard, but you should know that every citizen of this country owes a special debt of gratitude to your husbands, brothers, sons, fathers, cousins, and comrades who died on that day.

Can you imagine if we had not had the capabilities of Special Operations Command after September 11? We would have still pursued and destroyed the enemy, but who knows how many more American lives would have been lost if we had only had conventional forces to rely on.

Cailin Mayo is one of Joel's grandchildren. She is old enough now to understand our grandfather's sacrifice. It is to her and all the other grandchildren of those eight men that I say this: do not ever forget the sacrifices of your grandfathers. Know that they are all with God and that they will forever look down upon and continue to protect each of you.

Retired Master Sergeant Sanchez's words about his friend Joel Mayo capture the essence of every man on this mission. They were a brave, courageous group of men attempting the impossible for a noble and a worthy cause. They were Marines and airmen, but they came together for one purpose, and that was to rescue Americans, and as Americans, they died together in the desert. They had the guts to try.

God bless them, their families and these United States.

Mr. SAXTON. Madam Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. KLINE), a great veteran of the United States Marine Corps.

Mr. KLINE. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise today to recognize the heroic efforts of the servicemen who participated, and even more so, those who perished in the unsuccessful rescue attempt of American hostages in Iran, now over 25 years ago.

Madam Speaker, during my 25 years in the Marine Corps, I had the good fortune to know personally many of the heroes of that fateful day, and counted some among my close friends. These brave men were asked, and cheerfully volunteered, to undertake the challenge of rescuing their fellow Americans in a mission of the utmost secrecy and gravest danger.

Members from all branches of our armed services came together, bringing with them the best of skills and experience, but it was not enough to do the job.

In the end, woefully inadequate equipment, tremendous sand storms, and extraordinary logistical challenges contributed to the death of five U.S. Air Force men and three Marines, serious injuries to five additional servicemen and the loss of eight aircraft. But these circumstances in no way diminished the skill and the bravery of the men who took on this hazardous mission against all odds.

The challenge of Operation Eagle Claw began with the isolated location of Tehran. I remember looking at a map after this unfolded and being astonished at the distances involved. Surrounded by more than 700 miles of desert and mountains, the city was essentially cut off, cut off from ready attack by U.S. air or naval forces. We simply did not have anything in the inventory. In addition, the embassy staff and the embassy itself were located in the heart of the city, congested by more than 4 million people.

Even more taxing was the primitive state of the technology and helicopters and equipment with which these men were asked to complete their mission and the secrecy demanded for the planning, training, and execution of the mission.

Madam Speaker, I knew many of the Marines that became the pilots of the Navy CH-53s that were used. In fact, one of my very close friends in the squadron that I was serving with at the time was pulled off for an assignment. He went out with the others and trained in the desert for weeks. We had no idea of the mission. I did not find out about the mission until the rest of America saw it on the news that April.

It was unbelievable secrecy under which these men worked. The equipment by today's standard is incredible. My son is a pilot in the 101st Airborne, and he has got the latest technology and night vision goggles, lightweight devices that clip to his helmet and flip down, allowing him a full view of the cockpit of the Blackhawk helicopter which he flies.

These men did not have that. They had equipment night vision goggles taken from ground crews. They had no visibility outside the narrow tunnel that they were viewing; and yet they took this equipment that, by today's standards, would not be allowed near an aircraft, and trained in harsh conditions for a mission that they knew was going to be extremely, extremely difficult.

Madam Speaker, a fitting tribute to the men of Operation Eagle Claw is to learn from their experience and apply these lessons to the challenges facing our men and women in uniform today. Some of those have been discussed by my colleagues here on the floor: the creation of the United States Special Operations Command, the joint effort, new technology that is being developed and employed and tested sometimes in battle today.

We must bear in mind the importance of continuing to provide our troops with the resources they need to succeed in a mission and not launch them out with equipment simply unsuited for the job.

To those who perished in Operation Eagle Claw, I offer my gratitude, my deep appreciation, my great respect. To their families and friends, I offer my prayers and my condolences. It is hard to imagine greater heroes taking on a tougher challenge and making such a sacrifice.

Mr. MCINTYRE. Madam Speaker, I rise today in strong support of H. Res. 256, an important measure that recognizes the brave servicemen who perished during Operation Eagle Claw, the unfortunate April 24, 1980 attempt to rescue American hostages in Iran. The resolution also recognizes the sacrifice of those who survived and commends all of the Special Operations Forces currently in service. Operation Eagle Claw is truly a moment in our military's history that must be remembered, and I urge my colleagues to come together out of compassion, cooperation and commitment to recognize the valiant soldiers, sailors, airmen and Marines who participated in this difficult mission.

First, we must demonstrate compassion for the servicemen who participated in Operation Eagle Claw and those that made the ultimate sacrifice by giving their lives. These dedicated individuals left their families and friends behind to protect American citizens from those who were being held against their will. Although unsuccessful, their mission will be remembered. We must never forget their bravery, and we must do all we can to honor their lives, their sacrifice and their patriotism.

We must also demonstrate a sense of cooperation to ensure that the efforts of the servicemen of Operation Eagle Claw will not go unrecognized. On that tragic day, members of the U.S. Army Special Operations Forces, Army Rangers, Air Force Special Operations, the U.S. Navy, Marines and Air Force all joined together to conduct their mission. Because of their valiant efforts to conduct the mission while dealing with poor equipment and a lack of funding, the U.S. Congress subsequently formed the U.S. Special Operations Command (USSOCOM). Today, USSOCOM continues to prove its immense value to our national defense, and it is important that we come together today and properly honor their courage by cooperating here in Congress to support these fine men and women in every way possible!

And, finally, we must uphold our commitment to ensure that our Special Operations Forces and our military have all the resources they need to continue to protect our country in the days to come. During my tenure in Congress, I have had the honor to represent or share representation of Fort Bragg, which is home to the U.S. Army Special Operations Command and the Joint Special Operations Command—vital components of USSOCOM. I will continue to work with my colleagues on the House Armed Services Committee to ensure that we do our part to meet the needs of our special operators and the officers who are charged with leading them into the battlefield. In fact, I have spearheaded the Special Operations Forces Caucus, along with four of my colleagues, Representatives ROBIN HAYES (NC), JEFF MILLER (FL) and JIM DAVIS (FL) to ensure that the needs of our special operators are met.

Each and every day, our Special Operations Forces, along with our other servicemen and women in all the branches of our military, put themselves in harm's way to fight for our nation's freedoms here at home and abroad. Now is the time that we come together with compassion, cooperation and commitment to remember those that served during Operation Eagle Claw and ensure that they are properly recognized and honored. They are our heroes, and I am pleased to support H. Res. 256, which takes the necessary step to honor not only those who perished on that tragic day, but also those courageous individuals who make up our Special Operations Forces. May God bless all of them and their families.

Mr. SAXTON. Madam Speaker, we have no more speakers on our side, and we yield back the balance of our time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and agree to the resolution, H. Res. 256, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Resolution expressing the sense of the House of Representatives in remembrance of the members of the Armed Forces who perished in the April 24, 1980, rescue attempt of the American hostages being held in Iran and commending all special operations forces personnel currently in service.".

A motion to reconsider was laid on the table.

APPROVING THE RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

Mr. SHAW. Madam Speaker, I move to suspend the rules and agree to the joint resolution (H.J. Res. 52) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The Clerk read as follows:

H.J. RES. 52

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress approves the renewal of the import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. SHAW) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of the resolution offered by the gentleman from California (Mr. LANTOS), my friend. In 2003, Congress passed the Burmese Freedom and Democracy Act, which among a number of things imposed an import ban on all products from Burma. Today, the House considers extending this import ban for an additional year.

Madam Speaker, the situation in Burma remains deeply troubling. The actions by the military in Burma continue to demonstrate its inability to promote an equitable way of life for millions of Burmese.

Despite the deplorable conditions in Burma today, the United States remains committed to political and social change in Burma. In fact, the United States is one of the few leaders willing to shine the light on the lack of human rights in Burma. Within the international community, the United States has cosponsored resolutions within the United Nations Commission on Human Rights condemning the human rights situation in Burma. It is tremendously important that we continue to pressure the Burmese Government to become a transparent society, free from human rights abuses that have plagued this Asian nation for so many years.

Pressure must remain in place. Extending trade sanctions puts pressure on the Burmese junta to change its ways. For the pressure to be truly effective, the sanctions must be multilateral and include Burma's main trading partners. Therefore, I encourage the administration to continue to pursue a multilateral response to the atrocities in Burma. This is a critical component for ending the military stranglehold on this society.

I urge all my colleagues to support the resolution that is before us today.

Madam Speaker, I reserve the balance of my time.

Mr. CARDIN. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. LANTOS), the sponsor of the resolution, the ranking member of the Committee on International Relations; and I want to congratulate him for his strong leadership and consistent leadership on human rights issues in this body.

Mr. LANTOS. Madam Speaker, I want to thank my friend and distinguished colleague from Maryland for the time, who has been a champion of human rights globally throughout his tenure.

I also want to express my appreciation to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, my friend, and the gentleman from Florida (Mr. SHAW) for their consistent support of human rights work.

Madam Speaker, in this day and age, nothing is in shorter supply than men and women of moral authority and courage. Burmese democracy leader and Nobel Laureate Aung San Suu Kyi is among the giants of our age. She is right there with Nelson Mandela of South Africa and Vaclav Havel of the Czech Republic, both of whom were prepared to sacrifice years of their lives so that their people could live in a free and open and democratic society.

Madam Speaker, this past weekend, this great lady and champion of democracy celebrated her 60th birthday; but instead of being surrounded by family and friends on this happy day, Aung San Suu Kyi remained imprisoned in Burma, cut off from her supporters, both her family and the people of Burma.

Last Friday, I attempted to deliver 6,000 birthday cards from Americans from across this Nation to Aung San Suu Kyi to the Burmese embassy in Washington. The gate was locked. No Burmese diplomat was willing to accept the birthday greetings to Burma's greatest citizen; but Madam Speaker, I have been dealing with dictatorial regimes all my life, and I do not expect a warm reception from any of them.

I do want Aung San Suu Kyi to know that the entire Congress of the United States and the American people wish her a very happy birthday and the moral fortitude and physical stamina to continue her struggle for the Burmese people and, indeed, for democracy globally.

Madam Speaker, I can think of no better birthday present for Aung San Suu Kyi than the legislation we are discussing at this moment. The only hope for promoting far-reaching political change is by making Burma's ruling thugs pay an economic price for running the Burmese nation and their economy into the ground. By renewing import sanctions for an additional year, fewer dollars will flow into the

Swiss bank accounts of the Burmese thugs who run that country.

The tough approach maintained by our country towards Burma, including import sanctions, is encouraging other nations to reconsider their more shortsighted and lenient views on the Rangoon regime.

□ 1100

Some members of the Association of Southeast Asian Nations for the first time have begun to criticize Burma for its human rights abuses.

Last November, the European Union itself strengthened its Burma policy in response to ongoing human rights violations. In both cases, it was the strong stand of this Congress that has stiffened backbones and increased the prospects that a multilateral sanctions regime against Burma is possible.

Madam Speaker, Congress must act decisively to renew import sanctions against Burma. We must send a strong signal of support for the restoration of democracy and human rights in that impoverished and subdued Nation.

This great woman, Aung San Suu Kyi, before long will occupy her rightful position as the democratically elected leader of the people of Burma, and I look forward to being there in Rangoon as she is sworn in as the leadership of a free and democratic country. I urge all of my colleagues to support the Burmese Freedom and Democracy Act in its accession.

Madam Speaker, I reserve the balance of my time.

Mr. SHAW. Madam Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. SMITH) who himself has gained a great reputation in this Congress as being a champion of human freedoms.

Mr. SMITH of New Jersey. Madam Speaker, I thank the gentleman from Florida (Mr. SHAW) for his leadership on this issue and so many other issues on the Committee on Ways and Means. I also commend the gentleman from California (Mr. LANTOS), the ranking member of the Committee on International Relations, for offering this legislation which would renew the Freedom and Democracy Act of 2003 for Burma and the import restrictions that are contained in that important legislation.

As my colleagues know, Burma today remains one of the most repressive military dictatorships in the world, where human rights are routinely and systematically repressed and violated. So it is fitting and necessary that Congress today is moving to renew this important legislation.

The Burmese dictatorship today incarcerates 1,400 political prisoners and continues to harass and repress one of the bravest leaders of our time, Nobel Peace Prize winner Aung San Suu Kyi, who, by the way, turned 60 this past weekend. I, like many other Members in this body, have tried to get into Burma to press for human rights; and my visa, like others, has been turned down, denying Member of Congress the opportunity to even meet with the military junta that continues to repress its citizens.

Madam Speaker, up to 70,000 child soldiers are exploited in Burma, more than any other country in the world. Up to 2 million people have been forced to flee the country as refugees and migrants. Burning of villages continues in eastern Burma, especially in Karen and Karenni states. And Aung San Suu Kyi continues to be persecuted and harassed by this brutal dictatorship.

Sanctions do work, I say to my colleagues. But they often take time. Other countries, I'm happy to say, are beginning to follow the lead of the United States. In a major and important move, the European Union in October 2004 followed the lead of the United States and significantly strengthened its sanctions in Burma, including a ban on investments in enterprises of the ruling regime and a strengthened visa ban. The EU also pledged to join the United States in opposing loans to Burma's regime from the International Monetary Fund and the World Bank. Support at the United Nations is growing as well. Burma was one of the few countries on the resolution's list that passed at the United Nations Commission on Human Rights. I was there in Geneva working that resolution as well as resolutions on Cuba, Sudan, and Belaurus, and it was as one of the few that made it through.

After the United States Senate and the House passed resolutions in October 2004 calling on the Security Council to address the situation in Burma, the Parliament of Australia followed suit. Their motion called on the government to support the Burmese National League for Democracy's call for the U.N. Security Council to convene a special session to consider what further measures the U.N. can take to encourage democratic reform and respect for human rights in Burma.

Additionally, the European Parliament passed a resolution calling on the U.N. Security Council to address the situation in Burma as a matter of urgency. Additionally, 289 members of our friends in the British Parliament tabled a motion calling on the U.N. Security Council to address the situation in Burma.

There has even been unprecedented action within the ASEAN countries. Whereas in the past they refused to even comment on what they deemed to be Burma's internal affairs, many members of that organization are now publicly pressing Burma to step aside as the chair of the association in 2006. The tough approach maintained by the U.S. toward Burma, including import sanctions and a possible boycott of 2006 meetings, is encouraging many Asian countries to rethink whether the Burmese regime should assume that rotating chairmanship. There is widespread belief within the leadership of the ASEAN countries that Burma has failed, and failed miserably, to deliver on its promises to the region.

All in all, and I point to these abovementioned instances, the strong stand of the United States, and I commend President Bush and former President Clinton because both have been united in their belief that Burma needs to be sanctioned and isolated in a way that hopefully leads to reform and change. Moreover, our resolution to promote freedom and democracy in Burma has stiffened the backbones of many countries around the world.

Today the EU, the U.N., and ASEAN countries are moving in the right direction to take a strong stand against Burma's dictatorship.

And to Aung San Suu Kyi: Your courage and goodness and persistence are beyond extraordinary. Our prayers are with you.

Mr. CARDIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as the gentleman from California (Mr. LANTOS) has pointed out, June 19 marked the 60th birthday of Aung San Suu Kyi, who has dedicated her life to bringing about democracy in Burma and was awarded the Nobel Peace Prize in 1991.

Her party, the National League of Democracy, won a landslide victory in the country's 1990 elections; but the results were not recognized by the ruling Burmese military junta. Unfortunately, Ms. Aung San Suu Kyi, who has spent 10 out of the last 16 years in confinement, could not celebrate her birthday with her friends and supporters. Instead, she remains under house arrest.

The plight of Aung San Suu Kyi is a sign of how little things have changed in Burma. According to the U.S. State Department's March 2005 report to Congress on conditions in Burma and U.S. policy toward Burma, "prospects for meaningful political change and reform in Burma have continued to decline."

The Government of Burma continues to harass and arrest people for taking part in peaceful political activities; more than 1,200 people remain in jail for their political beliefs. The State Peace and Development Council, the controlling military junta, has continued to severely abuse its citizens' human rights. Freedom of speech, press, religion, assembly, and association remain greatly restricted. In ethnic minorities areas, the Burmese Government has engaged in persecution, torture, extrajudicial executions, demolition of places of worship, rape, and forced labor.

Security forces regularly monitor the movements and communications of residents, search homes without warrants, and relocate people forcefully without compensation or legal recourse.

In light of Burma's continued dismal record in respecting human rights and suppressing democracy, I urge my colleagues to extend the ban on imports on Burmese products for another year. The utter disregard of the Government of Burma for the rights of its citizens cannot be ignored.

Madam Speaker, I reserve the balance of my time.

Mr. SHAW. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Madam Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of this resolution. Burma is ruled by a ruthless military regime. I visited the Thai-Burma border a few years ago, and I met with victims of the horrific repression that is occurring there, the IDPs, former political prisoners, democracy activists, women who have been raped, landmine victims, orphans, and widows. The SPDC uses rape has a weapon of terror. They engage in ethnic cleansing, wiping out whole villages and towns, killing women, men, and children. They seek to eliminate the ethnic minorities in the tribal areas such as Karen and Karenni.

Many believe that we need to reverse our course on sanctions in order to help the Burmese people. They are wrong. The Burmese economy is so rotted under this corrupt regime that trade does not help the people. It is like pouring money into a pocket with a hole in it. The road to change in Burma is not trade, it is political reform.

The SPDC must release Aung San Suu Kyi, the duly elected leader. ASEAN must take a clear stand against the Burmese leadership and deny it from leadership and chairing ASEAN. And the U.S. must do a better job of organizing support at the U.N. Security Council for a comprehensive resolution calling for national transition and reconciliation. Sanctions are absolutely necessary. I urge passage of this resolution.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I congratulate the gentleman from Florida (Mr. SHAW) on this bill, and also comment about the long history of human rights protection of the gentleman from California (Mr. LANTOS). I rise in strong support of the Burmese Freedom and Democracy Act and urge my colleagues to join me in voting for this bill.

There has been a brutal campaign of village burnings, destruction of rice supplies, killings by Burmese military, this outlaw regime, and it has resulted in displacement of between 500,000 and 1 million innocent citizens living in eastern Burma. Hundreds of thousands of these internal refugees we call internally displaced persons, IDPs, are persecuted for their commitment to democracy and their belief in human rights. These IDP victims are being systematically hunted down by the evil tyrants of this military regime in Burma. Secretary Rice has rightly called Burma one of the six outposts of tyranny in our world. These tactics used by the junta in Burma add up to ethnic cleansing.

Many Americans are not aware of what is occurring in Burma, but this act is a step in the direction that will show all peoples in the world that Americans care about freedom and democracy, no matter where it is and where it hopes to be in the world.

It is my desire and hope for my colleagues cosponsoring this bill that these sanctions called for in this joint resolution will continue to grab the attention of the Burmese junta and pressure them to release Aung San Suu Kyi and allow their country to enjoy the freedoms and rights of a true democracy so that all people may have the right, as President Jefferson said, to life, liberty and the pursuit of happiness.

Mr. CARDIN. Mr. Speaker, I urge support of this resolution, and I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I include for the RECORD an article that appeared in the International Herald Tribune this past Sunday, written by Seth Mydans. The article is on Ms. Aung San Suu Kyi who we have heard so much about during this debate, really a true heroine in our time.

[From the International Herald Tribune, June 19, 2005]

TEST OF WILLS: THE BURMESE CAPTIVE WHO WILL NOT BUDGE

(By Seth Mydans)

BANGKOK.—Seventeen years ago, as the people of Myanmar filled the streets in mass protests against their military dictatorship, a striking, self-possessed woman rose to address a rally at the great golden Shwedagon Pagoda. At the time, nobody realized the price she would pay for her outspokenness.

The woman, Daw Aung San Suu Kyi, was visiting from her home in England to tend to her sick mother when pro-democracy protests swelled throughout the country in August 1988 despite a brutal response by the military that took thousands of lives.

In the months that followed she emerged, through a combination of charisma and pedigree, to lead what has so far been a futile opposition to the country's military leaders.

On Sunday, Mrs. Aung San Suu Kyi will mark her 60th birthday under house arrest, where she has spent most of the intervening years, in an increasingly dilapidated house, more cut off than ever from contacts outside her weed-filled compound.

Her birthday has become an occasion for new international protests against a military junta that holds the country in its grip, jailing its opponents while ruining the country's economy and waging war against its ethnic minorities.

From one of the region's most refined and richly endowed nations, Myanmar has become its most desperate and reviled.

As the daughter of the country's founding hero, U Aung San, she held a nearly mystical appeal for people desperate to regain their freedoms and self-respect. With her dignity, self-sacrifice and perseverance, she has created a legend of her own.

She was awarded the Nobel Peace Prize in 1991 and has joined the company of Nelson Mandela and the Dalai Lama of Tibet as international icons of a struggle for freedom. But in a contest between brute force and principle, between repression and the clearly expressed will of the people of Myanmar, it is the men with the guns who have managed so far to prevail, and the country's moral symbol who is their prisoner.

Calls for the release of Mrs. Aung San Suu Kyi have come from around the world in recent days, including statements from Washington and from Secretary General Kofi Annan of the United Nations.

In Norway, the chairman of the Nobel Committee, Ole D. Mjoes, issued a rare statement about a past laureate, saying: "We ask that she be set free immediately. We look forward to the day that democracy again rules her country."

But the generals have released her twice already, most recently in May 2002, only to be shaken and shamed at her continuing, overwhelming popularity: huge crowds that gathered wherever she appeared.

One year after her last release, her convoy was attacked by an organized mob in what some analysts believe was an attempt to kill her, and she was returned to house arrest after a period of harsh treatment in prison.

"She has become the only leader that the Burmese people have acknowledged since the death of her father in 1947," said Josef Silverstein, an expert on Myanmar at Rutgers University. "I would add that she has in every way possible emulated what her father stood for, which was for the right of the people to govern themselves and to have a free and democratic country."

Shortly after her address at the Shwedagon Pagoda, she explicitly assumed her father's mantle, saying she would dedicate her life to the people of her country as he had done.

She made that clear in 1999 when she chose not to visit her husband, Michael Aris, in England, when he was dying of cancer, because she feared that the government would bar her from re-entering Myanmar. The Myanmar authorities had refused to allow him to visit her.

The United States, the European Union and other nations have responded to repression in Myanmar with economic penalties that have done little to affect its leadership. Myanmar's giant neighbors, China and India, with several other Asian nations, offer it an economic lifeline.

But opposition from the West is putting pressure on the junta now as it prepares to take over the rotating leadership of the regional 10-member political and economic grouping, the Association of Southeast Asian Nations, next year.

The United States and some other nations have hinted strongly in recent weeks that they will boycott an annual meeting to which they are invited if it is held in Myanmar. Its regional neighbors, facing potential embarrassment, are beginning to press the junta to skip its turn as regional leader if it does not release Mrs. Aung San Suu Kyi and improve its record on human rights.

At the same time, there has been an eruption of internal turmoil among the ruling generals, though like most things in Myanmar its details and its causes are unclear.

In October, Prime Minister Khin Nyunt, who was the head of military intelligence and one of the country's most powerful leaders, was fired and placed under house arrest. His trial on expected corruption charges has either begun or is about to begin, according to conflicting reports.

Over the years, as repression has continued in Myanmar, some of Mrs. Aung San Suu Kyi's allies abroad have complained about what they call her stubbornness and intransigence. But it is the military leaders who have several times switched track, ignoring her and vilifying her, opening and closing dialogues, freeing and rearresting her.

She has also been criticized for demanding that the government recognize the results of a parliamentary election in 1990 that was won overwhelmingly by her party, the National League for Democracy.

The remarkably open parliamentary election was a characteristic misjudgment by the junta, which had apparently expected to win. When Mrs. Aung San Suu Kyi's party won more than 80 percent of the seats, the generals refused to recognize the results and clung to power.

Many who won seats were arrested. Bit by bit over the years the junta has whittled away at their party. Today its leaders are aging—Mrs. Aung San Suu Kyi is the youngest—and its youth wing has atrophied

More and more, the democratic opposition to military rule in Myanmar is personified by one isolated and determined woman. "Her stubbornness is her strength," Mr. Silverstein said. "This woman will not bend and will not break."

Mr. CROWLEY. Mr. Speaker, In recognition of the Burmese State Peace and Development Council's (SPDC) failure to comply with the conditions described in H.R. 2330, "Burmese Freedom and Democracy Act of 2003," I commend my colleague and the ranking Member of the Committee on International Relations, Rep. TOM LANTOS for his strong stand on restoring democracy in Burma and holding the military Junta accountable.

Seventeen years ago the people of Myanmar rose up in mass protest against the SPDC, which had established power through a military coup. Daw Aung San Suu Kyi, daughter of the country's founding hero, U Aung San, was arrested as a result of her pro-democracy stance during these protests. Following in her father's footsteps, she devotes her life to the people of Burma and freedom. As a leader of the National League for Democracy, NLD, she was seen as a threat to the SPDC power basis and unjustly imprisoned.

In 1990 Parliamentary elections were held, in which an eighty percent majority voted in support the NLD. In 1991, Mrs. Kyi was awarded the Nobel peace prize in recognition for her instrumental role in Burma's struggle for freedom.

Since the SPDC has taken power, it has continued to dismiss and neglect any meaningful dialogue with the United Nations in addressing their continuing persecution of opposition members. The SPDC continually fails to address their past and present human rights violations and fails to cooperate with U.S. efforts to stop the exporting of heroin and methamphetamines; while providing safety and harbor for persons involved with narcotics trafficking.

The SPDC supports the integration of the military into all facets of the economy, thus destroying all notions of a free economy; while using currency generated from the Burmese people to purchase and sponsor an institution of terror and repression.

The SPDC has done everything in its power to repress democracy and the will of the people of Burma.

It is clear further sanctions must be taken in order for this struggle to come to an end. Despite sanctions taken by the U.S. the European Union and many other nations, economic relief is still available for the SPDC. China, India and many other ASEAN countries still trade with Burma providing them with the necessary lifeline to maintain their reign of oppression.

If economic penalties are to be effective, multi-lateral support is necessary.

Mr. Speaker, I rise in support with President Bush, Secretary General Kofi Annan of the United Nations, Ole D. Mjoes of the Nobel Committee and my fellow Congressional colleagues in calling for an end of state sponsored tyranny in Burma. Justice can only be served when the release of all political prisoners, freedom of speech and the press, freedom of association and the peaceful exercise of religion become constitutional rights.

The fact that Bufria will be the rotating chair of the Association of South East Asian Nations, ASEAN is troubling. I believe President Bush and Secretary Rice should engage our allies Singapore, Thailand, India as well as China to focus on using their ties with the government of Burma to promote democracy in Burma and freedom for the Burmese people.

An agreement between the SPDC and NLD must be made so that the transfer of power to a civilian government, that is accountable to the Burmese people through democratic elections under the rule of law, can be made. For those reasons H.R. 2330 must be renewed. We cannot waiver on our policy until democracy and freedom are restored to the people or Burma.

Mr. SOUDER. Mr. Speaker, I rise in strong support of H.J. Res. 52 and of the people of Burma. The people of Burma toil every day under the cruel and heavy yoke of military dictatorship. The military rulers of Burma stifle dissent, persecute minorities, and thwart every attempt at democracy.

The democratically elected and legal leader of Burma, Aung San Suu Kyi, remains imprisoned. Contact between Suu Kyi and the outside is virtually non-existent. Despite growing calls for her release, there is no sign that she will be released from her prison any time soon. Many hundreds of other Burmese men and women remain in appallingly horrible prisons, not because of any truly criminal act, but because of their efforts to bring freedom to Burma.

Burma has more than 600,000 internally displaced people. Furthermore, over 100,000 people are living in refugee camps along the Thai-Burma border. Thousands more are in hiding in China and India. Where Burma was once a country of peaceful coexistence, it has, under this brutal regime, become a place of strife and discord.

The military junta in Burma continues to persecute minority groups. The Burmese military continues to burn villages, destroy crops, and eliminate opponents no matter how peaceful or non-threatening. The destruction of medical supplies and first aid stations continues apace. These acts are not random acts of a few rogue military units far from any authority. These acts are orchestrated at the highest levels by cruel generals sitting in government offices in Rangoon.

Now more than ever, the democratic forces at work in Burma need the continued support of the United States of America. H.J. Res. 52, which I am proud to co-sponsor, will continue the sanctions imposed by the Burmese Freedom and Democracy Act.

When the Burmese Freedom and Democracy Act was passed, few other countries paid more than scant attention to the tragedy unfolding in Burma. More interested in regional comity or economic gain, many of the same countries we call allies were content to turn a blind eye to Burma's abuses and despicable cruelty.

Since 2003, the veil has been lifted somewhat. Calls for the release of Aung San Suu Kyi and other political prisoners and the establishment of democracy have gone out from previously silent quarters. Once mute ASEAN nations, particularly Singapore, the Philippines, and Malaysia, have gradually increased pressure on Burma to change.

Support for this bill will make it clear to Burmese despots that their military dictatorship, which maintains power through force and terror, is unacceptable. Support for continued sanctions will demonstrate to the world that the United States is serious about bringing change to Burma. It is my hope that our efforts embodied in the Burmese Freedom and Democracy Act sanctions will encourage more countries, organizations, and individuals to work for freedom, democracy, and a prosperous Burma.

I urge a "yes" vote on H.J. Res. 52.

Mr. THOMAS. Mr. Speaker, as a cosponsor of this bill, I support extending sanctions on Burma for a third year within the framework enacted into law under the Burmese Freedom and Democracy Act of 2003.

I generally don't believe in unilateral trade sanctions. By preventing trade with Burma, we isolate Burmese citizens from the world and deny them the economic opportunity and better working conditions that trade can create. As a result, sanctions often have the unintended consequence of ultimately harming the people we are seeking to help. In fact, the State Department, for the second time, notes that one effect of the Burma import restrictions has been to cause the closure of more than 100 garment factories and the loss of tens of thousands of Burmese textile jobs. I don't see how those people are better off today than they were a year or two ago.

At the same time, the actions of the ruling junta in Burma continue to be unacceptable. One of the requirements of the law passed in 2003 is for the administration to issue a report on whether the sanctions have been effective in improving conditions in Burma and in furthering U.S. objectives. The State Department, in its second report, observes that Burma's already poor human rights record has worsened over the past year. Moreover, the junta's exclusion of pro-democracy groups from the National Convention assembled to draft a new constitution suggests that Burma is not on the road to true democratic reform. Given the current situation, I believe action by the United States is warranted and sanctions are appropriate if they are limited, targeted, and effective.

At the same time, the State Department also acknowledges that some opposition politicians in Burma question whether U.S. sanctions have any chance of success and whether they are worth the pain caused to Burmese workers. I share this skepticism. No other country has implemented the same set of economic sanctions as the United States. If we are to successfully influence the government of Burma, sanctions must be truly multilateral and international like those used to bring an end to apartheid rule in South Africa. While I support the extension of the sanctions for another year, this effort to build multilateral pressure is key to my continued support for sanctions against Burma.

Mr. KIRK. Mr. Speaker, I would like to express my support of House Joint Resolution 52, supporting the renewal of the import restrictions contained in the Burmese Freedom and Democracy Act of 2003. As an original cosponsor of this Resolution, I urge my colleagues to join me in voting in favor of this resolution. Today we must send a strong message to the ruthless military dictators in Rangoon that their repressive rule over what Secretary Rice deemed an "outpost of tyranny," is antithetical to the fundamental American values of freedom, liberty, and democracy.

On May 30, 2003, Congress passed the Burmese Freedom and Democracy Act in response to the junta's merciless crackdown on democratic reformers. The National League for Democracy's popular elected leader, Aung San Suu Kyi, was placed under house arrest and many of her colleagues were murdered. This important bill banned imports from Burma, mainly affecting the textile and garment industries, until the junta made major progress to end human rights violations. According to the bill, until the military regime ceases its systemic campaign of repression, aggression, and state-sponsored terror against its own people, meaningful sanctions will persist.

Two years later, the junta's extremely poor human rights record has not improved, instead it worsened. Aung San Suu Kyi recently spent her 60th birthday detained under house-arrest in her dilapidated home. Citizens in Burma still do not have the right to criticize their government. Security forces continue to murder political opponents with impunity. Disappearances persist, and security forces rape, torture, beat, and otherwise abuse prisoners and detainees. Hundreds of thousands of displaced persons in eastern Burma have been uprooted from their homes and forced to live in relocation sites under horrendous humanitarian conditions.

As the United States is developing its future 21st Century relationship with Southeast Asia, the regime in Burma is stuck in an early 20th Century destabilizing military style of governance. International pressure is mounting on Burma for reform. Burma's neighbors, including Malaysia, are calling for the release of Aung San Suu Kyi. If Burma wants to participate in the international community, and be recognized as the rotating chairman of ASEAN, it must undergo sweeping democratic reforms. The United States ought to continue advocating a policy of zero tolerance by renewing its ban on imports from Burma until such reforms are made. Congress must seize this opportunity to demonstrate its resolve to uphold the highest standards of human rights by supporting House Joint Resolution 52.

Mr. BLUMENAUER. Mr. Speaker, I rise in strong support of H.J. Res. 52 and the renewal of sanctions on Burma. It is high time that the Burmese junta release Aung San Suu Kyi, the key to political transition in Burma, and allow the restoration of democracy in Burma. I will continue to support stronger efforts by the United States, the United Nations, and others to ensure that the continued abuse of human rights in Burma becomes neither accepted nor forgotten. Sanctions are necessary pressure, but insufficient. In particular, I believe that the Association of Southeast Asian Nations (ASEAN) should deny Burma the rotating chair, as having Burma in a leadership position would be an embarrassment to all ASEAN members.

Mr. SHAW. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the joint resolution, H.J. Res. 52.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SHAW. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 52.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1115

RECOGNIZING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 160) recognizing the historical significance of Juneteenth Independence Day, and expressing the sense of Congress that history should be regarded as a means for understanding the past and solving the challenges of the future.

The Clerk read as follows:

H. CON. RES. 160

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2 years after President Lincoln's Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War;

Whereas on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free;

Whereas African Americans who had been slaves in the Southwest celebrated June 19, commonly known as Juneteenth Independence Day, as the anniversary of their emancipation;

Whereas African Americans from the Southwest continue the tradition of Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas for more than 135 years, Juneteenth Independence Day celebrations have been held to honor African American freedom while encouraging self-development and respect for all cultures;

Whereas although Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress recognizes the historical significance of Juneteenth Independence Day to the Nation;

(2) Congress supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation;

(3) the President is urged to issue a proclamation calling on the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(4) it is the sense of Congress that—

(A) history should be regarded as a means for understanding the past and solving the challenges of the future; and

(B) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

The SPEAKER pro tempore (Mr. ISSA). Pursuant to the rule, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

GENERAL LEAVE

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Government Reform, I rise in support of House Concurrent Resolution 160 that recognizes the historical significance of Juneteenth Independence Day.

This resolution, offered by my distinguished colleague the gentleman from Illinois (Mr. DAVIS), is a meaningful reminder of the monumental day that marks the end of slavery in the United States. Originally an African-American celebration, Juneteenth is certainly now a day for all Americans to observe the end of slavery in the United States which was, with little question, the most dreadful period in our Nation's history.

Mr. Speaker, as the Civil War raged in late 1862, President Abraham Lincoln issued the Emancipation Proclamation, which would become effective on January 1, 1863. The proclamation declared all slaves in the Southern Confederate States free from New Year's Day 1863 forward.

Juneteenth is a celebration of June 19, 1865, on which date news of the Emancipation Proclamation finally reached Texas, which was the last secessionist State to emancipate its slaves, nearly 2 years after the Emancipation Proclamation was issued. The delay was a result of there being nearly no Union presence in south Texas to implement President Lincoln's decree. Not until Union General Gordon Granger arrived in Galveston, Texas, on the gulf coast and read the proclamation from the docks on the original Juneteenth day did the slaves learn they were freed. The news quickly spread throughout Texas, and celebrations and unimaginable jubilation followed.

After the war ended, Congress ratified the 13th amendment to the Constitution in December 1865 which outlawed all nonpunitive slavery and involuntary servitude in any part of the United States. While it is a wonderful event, Juneteenth Independence Day remains primarily a somber date. It is a day to honor and show consideration for those who lived and suffered through the tortures of more than 2½ centuries of slavery in America. It is a day that our Nation has gradually accepted. During reconstruction, law usually dictated that Juneteenth celebrations must be held in the outskirts of towns. Finally, June 19th became a Texas State holiday in 1979. Today, people of all backgrounds across the Nation observe Juneteenth Independence Day through a variety of activities.

Mr. Speaker, I thank the gentleman from Illinois for authoring House Concurrent Resolution 160. This past Sunday marked the 140th anniversary of Juneteenth Independence Day, and I am pleased that this body has chosen to consider this resolution in such a timely fashion. I strongly support the purpose of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join with the gentlewoman from Florida in consideration of this resolution and appreciate very much her remarks. I also want to commend Chairman TOM DAVIS and Ranking Member HENRY WAXMAN of the Committee on Government Reform and the Speaker for the expeditious way in which they moved this matter to the floor.

Mr. Speaker, June 19, Juneteenth as it is called, is a unique people's holiday. It is the oldest known celebration of the end of slavery in the United States. It marks the day that Union soldiers arrived in Galveston, Texas, in 1865 with news that the war had ended and that all slaves were now free. Unfortunately, it was 2½ years after the Emancipation Proclamation had been issued. We do not know why it took so long for the news to get to Texas, but we do know that the military general order which was posted that day read in part, "The people of Texas are informed that in accordance with the proclamation from the executive of the United States, all slaves are free."

The news spread like wildfire, and spontaneous celebrations sprang up throughout the State and were repeated each June 19 of each following year. We continue to celebrate Juneteenth because of the importance of slavery in American history and because the lingering effects of slavery remain a part of the legacy of our country. The legacy of slavery continues to play a role in our daily lives and politics. The vast racial disparities in employment, income, home ownership, education, voter registration and participation, health status and mortality all continue to exist. The great historian John Hope Franklin wrote, "Much history occurs of which some historians decide to take no notice."

Juneteenth is the people's answer to the obscuring and distortion of much of the history and experience of African Americans in this country. It is an enduring statement that the truth cannot be suppressed forever, and that the struggle for justice and equality will and must continue. Juneteenth is a great time, not only to celebrate but to remember and renew our hope that tomorrow will be different than yesterday.

I thank all of those who were cosigners onto this resolution and urge that all my colleagues support it.

Mr. Speaker, I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield such time as he may consume to my distinguished colleague the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentlewoman from Florida, the gentleman from Illinois, and all who have joined together to bring this proclamation to the floor, House Concurrent Resolution 160.

Let me turn to the third page of the bill. I think it is important, because some people do ask the question why do we seem to continue to try and repeat history or review history, and I think this section of the bill speaks volumes of the purpose of this resolution. It states, History should be regarded as a means for understanding the past and solving the challenges of the future. It also suggests that this celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

Often in the early morning hours, I find myself jogging down the Mall. I end there at, or at least my halfway point is the Lincoln Memorial, Abraham Lincoln's shrine, if you will, to what I believe is one of the most noble and great acts of any American President who, despite popular opinion at the time, took the battle to those who would ensnare and harbor our brothers and sisters in slavery. An evil part of our history unfolded back in that decade and that century, to free these people from this wretched, wretched behavior of our past.

So today it is about obviously looking backwards in time to try and paint a portrait for young people today to suggest never ever again should this type of behavior be ever allowed in a free soil with free people and that we learn from this tragedy and this horrible dark period in our history the lessons that all men are created equal, that they are endowed by their Creator with certain inalienable rights, and that they are and should be given liberty and justice. I thank all those parties who are involved in this resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from Iowa (Mr. BOSWELL), an original cosponsor of this resolution.

Mr. BOSWELL. Mr. Speaker, this is a very special day. I congratulate and I thank the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and my dear friend from Chicago, Illinois (Mr. DAVIS). Perhaps this is one of those times where everything has been said but maybe all of us have not said it yet, but I think it needs repetition. We have been at this for a while. It should have happened some time ago. Efforts were actually made.

Can you imagine the feeling that went on there in the Southwest when the general rode in and said, "I've got a message. Well, it's 2 years old, but you're free." I cannot imagine how they must have felt. It celebrates ideals that all Americans share. The desire for freedom and self-determination are at the very soul of the American dream. I think we all understand that. Throughout the history of the United States, we have grown as a Nation and a people. Learning from our past, as has been said, learning that freedom and liberty are ideals we must to work for and there is yet work to do.

Since the first Juneteenth celebration in Galveston, this remembrance has grown into a regional, national and global celebration of freedom. In my own State of Iowa, the seventh State to recognize this independence day, Juneteenth is met with multiple days of education, history, camaraderie, celebration and community spirit.

Last Saturday in Evelyn Davis Park, one of the favorite places in Des Moines, Iowa, the African-American community and many others, the mayor, myself, others, we came together to celebrate and to share together and to enjoy this really national remembrance. A week prior at the Fort Des Moines Hotel, Dr. Myers, Reverend Myers, if you will, came to key-note speak to us and give us the background and history of the other efforts that have been made. I am very, very proud of the efforts that he made to come all the way from Alabama, a man who has given his life work to try to make life better for those that are wanting to climb the ladder of success.

I am very proud of my African American constituency in my home State of Iowa. Gary Lawson, chairman of the Iowa Juneteenth committee, has stayed focused and stayed on this, and so when we talked about this over time and we came to the gentleman from Illinois (Mr. DAVIS), we were really in concert that this needed to be done.

If I may, I would like to share a couple of names here: Minnie Mallard, Reverend Keith Ratliff, Reverend Elder Day, Linda Carter-Lewis, Ako Abdul-Samad who is on our school board, Kim Baxter, Jonathan Narcisse, Mary Ann Spicer who is very active in many activities with the African American community, Odell McGhee, Willie Glanton, France Hawthorne, Cheryl Bolden, State Representative Wayne Ford, Amelia Morris, Rudy Simms, Floyd Jones, Dr. Mary Chapman, Odell Jenkins, Barbara Oliver-Hall. Of course, I have mentioned Reverend Ronald Myers. I am sure I have left some out and I probably should not have gone there, but I am very proud to have worked with the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) on House Concurrent Resolution 160 recognizing Juneteenth.

History must be regarded as a means of understanding the past and solving the future. It is my hope that we will pass this resolution today. Each one of us should speak to our two Senators and press them to have quick action in the Senate and get this over to the President for his signature. This is the right thing to do, long overdue.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas (Mr. POE).

Mr. POE. I thank the gentlewoman from Florida for yielding me this time.

Mr. Speaker, I rise in support of H. Con. Res. 160, recognizing the historical significance of Juneteenth. Juneteenth is the oldest known African American celebration commemorating the ending of slavery in the United States. This holiday actually started because of events back in my home State of Texas. On June 19, 1865, Union General Gordon Granger led Northern soldiers into Galveston, Texas, first to announce the ending of the War Between the States and to order the release of the last remaining slaves.

□ 1130

President Lincoln had actually issued the Emancipation Proclamation 2 years earlier freeing the slaves. He did so on January 1, 1863, in the midst of the War between the States. This was called the peculiar institution of slavery in the South, and it continued until this historic day, June 19, 1865, in Texas.

So on that day, June 19, 1865, Major General Granger dramatically declared when he landed in Galveston, Texas, "The people of Texas are informed that in accordance with the proclamation from the Executive of the United States, all slaves are free. This involves absolute equality of rights and rights of property between former masters and slaves." Thus the phrase "Juneteenth" originated.

It is interesting to note that the Emancipation Proclamation only freed the slaves in the South, not the border States. It took the 13th amendment to the Constitution to free all remaining slaves in the United States.

In any event, Juneteenth has not only become a Texas holiday but a national event. This past Sunday, thousands of Americans across the Nation celebrated Juneteenth through cultural displays and various educational activities. There have been numerous African American freedom fighters throughout countless generations, and they paid a precious price to deliver equality and freedom. We have made significant strides in assuring that this country fulfills the words of our national anthem: "The land of free and the home of the brave." But we must remain ever vigilant, and these events such as Juneteenth will help us to remember that the Declaration of Independence must be a true reality for all peoples.

As that Declaration of Independence says, written by Thomas Jefferson: "We" do "hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights; that among these are Life, Liberty, and the" absolute "pursuit of Happiness."

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I will simply close. Abraham Lincoln once made the statement that our Nation could not survive half slave and half free. Perhaps, as we look at ourselves today, we might say that our Nation will never become all that it has the possibility of being as long as we continue to experience the great disparities, disparities in health care, disparities in job opportunities, disparities in educational opportunities, disparities in housing, disparities in hope that one can experience the fulfillment of their dreams.

So as we support this resolution, we reflect upon the need for equal justice and continuing the pursuit for equal opportunity to every man his chance, his golden opportunity, to become all that he or she would have the potential of being, all that their hard work, integrity, the essence of their strength, all that their history and culture will combine to make them. That is, indeed, as Thomas Wolf would say, the promise of America. So Juneteenth is a day of hope and a day of promise that America will indeed become the land of the free, home of the brave.

I thank all of those who have come to the floor to speak on this concurrent resolution, all of the co-sponsors who co-sponsored and brought it to us today. I urge all of my colleagues to agree to it so that America does become the America that has never been, but the America that we all know can be.

Mr. AL GREEN of Texas. Mr. Speaker, I would like to extend my support for House Concurrent Resolution 160, a resolution that honors the national significance of June 19, 1865 when slaves in Texas were finally freed. I would like to thank Congressman DAVIS for his leadership and all of the supporters of this important piece of legislation.

On June 19, 1865, General Gordon Granger rode into Galveston, Texas and announced the freedom of the last American slaves; belatedly freeing 250,000 slaves in Texas nearly two and a half years after Abraham Lincoln signed the Emancipation Proclamation. The day coined "Juneteenth" was first celebrated in the Texas state capital in 1867 under the direction of the Freedmen's Bureau. Today, Juneteenth remains the oldest known celebration of slavery's demise. It commemorates freedom while acknowledging the sacrifices and contributions made by courageous African Americans towards making our great Nation the more conscious and accepting country that it has become.

Not until 1979 when my friend State Representative Al Edwards introduced the bill did Juneteenth become a Texas state holiday. It was first celebrated as such in 1980. Now 25 years later the United States House of Representatives will pass House Concurrent Resolution 160 as our Nation celebrates Juneteenth. As the Representative of the 9th Congressional District of Texas, I am pleased to join my colleagues in acknowledging the historical significance of Juneteenth as we remain ever-vigilant in recognizing that "history should be regarded as a means for understanding the past and solving the challenges of the future."

Civil rights pioneer Martin Luther King Jr. once said, "Freedom is never free," and African American labor leader A. Phillip Randolph often said "Freedom is never given. It is won." We should all recognize the power and the ironic truth of those statements and we should pause to remember the enormous price paid by all Americans in our country's quest to realize its promise. Juneteenth honors the end of the 400 years of suffering African Americans endured under slavery and celebrates the legacy of perseverance that has become the hallmark of the African American community and its struggle for equality.

As we celebrate the 140th anniversary of Juneteenth, I ask that all of my colleagues join me in reflecting upon its significance. Because it was only after that day in 1865 when General Granger rode into Galveston, Texas, on the heels of the most devastating conflict in our country's history, in the aftermath of a civil war that pitted brother against brother, neighbor against neighbor and threatened to tear the fabric of our union apart forever that America truly became the land of the free and the home of the brave.

Mr. HOLT. Mr. Speaker, I rise today as a cosponsor of H. Con. Res. 160, a resolution recognizing the importance of the Juneteenth anniversary celebrations held nationwide on June 19. On that date 140 years ago, Union forces arrived at Galveston, Texas, bringing news of the Confederate surrender and enforcing, finally, President Abraham Lincoln's two-and-a-half-year old emancipation of the slaves. The ensuing celebration quickly became an annual event, spreading west to Seattle, north to Minneapolis, and east to Portland, Maine. In my own state of New Jersey, Juneteenth is celebrated at churches, community centers, and family picnics across the state.

I strongly support H. Con. Res. 160, which recognizes the significance of the Juneteenth anniversary and proclaims the sense of Congress that history should be regarded as a means for understanding the past and solving the challenges of the future. I rise to honor the celebration, and to honor the myriad contributions that African-Americans have made to American society in the years before and since. As inventors, teachers, firemen, soldiers, doctors, and statesmen, African-Americans have honored this country with their service and dedication. The longevity of the Juneteenth celebration is an enduring testament to the virtue of celebrating diversity.

Unfortunately, Mr. Speaker, I must also rise today to recognize the struggle that still faces us. Juneteenth evokes in all of us thoughts of a dark chapter in our Nation's history, and reinforces that which we already know: the struggle for equality is far from over. The joyous celebration of the emancipation of the slaves of Galveston, Texas, serves to remind us all of the need to remain committed to the justice, and freedom.

Today, Juneteenth is the longest-running celebration of the end of slavery in the United States. Its durability alone illustrates its significance. For that reason, Mr. Speaker, and for all the reasons above, I hope that my colleagues will join me in supporting H. Con. Res. 160.

Mr. SHAYS. Mr. Speaker, I rise in strong support of House Concurrent Resolution 160, which recognizes the historic significance of Juneteenth Independence Day and encourages its continued celebration so all Americans can learn more about our country's past.

The resolution also rightly expresses the sense of Congress that knowing our history helps us solve challenges we face in the future, and that the celebration of the end of slavery is an important part of the history and heritage of the United States.

Mr. Speaker, Juneteenth has long been recognized as the day to celebrate the end of slavery in the United States. Juneteenth is the traditional celebration of the day on which the last slaves in America learned they had been freed.

Although slavery was abolished officially in 1863, it took over 2 years for news of freedom to spread to slaves. On June 19th, 1865, U.S. General Gordon Granger rode into Galveston, Texas and announced that the State's 200,000 slaves were free. Vowing never to forget the date, the former slaves coined the nickname Juneteenth, a blend of the words June and 19th. This holiday originated in the Southwest, but today it is celebrated throughout the Nation.

H. Con. Res. 160 underscores that the observance of Juneteenth Independence Day is an opportunity for all Americans to learn more about our common past and to better understand the experiences that have shaped our great Nation. I urge my colleagues to support this important resolution.

Mr. PAUL. Mr. Speaker, I am pleased to support H. Con. Res. 160, legislation commemorating a monumental day in the history of liberty, Juneteenth Independence Day. Juneteenth marks the events of June 19, 1865, when slaves in Galveston, Texas learned that they were at last free men and women. The slaves of Galveston were the last group of slaves to learn of the end of slavery. Thus, Juneteenth represents the end of slavery in America.

I hope all Americans will take the time to commemorate Juneteenth. Friends of human liberty should celebrate the end of slavery in any country. The end of American slavery is particularly worthy of recognition since there are few more blatant violations of America's founding principles, as expressed in the Declaration of Independence, than slavery. I am particularly pleased to join the recognition of Juneteenth because I have the privilege of representing Galveston.

I thank the gentleman from Illinois for introducing this resolution, which I am proud to cosponsor. I thank the House leadership for bringing this resolution to the floor, and I urge all of my colleagues to honor the end of slavery by voting for H. Con. Res. 160.

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H. Con. Res. 160, a bill recognizing Juneteenth Independence Day as an important event in our Nation's history.

I am pleased to join my colleagues in commemorating the end of slavery, and I believe Juneteenth Independence Day provides the people of the United States a unique opportunity to look back and reflect on the experiences that have shaped our national history.

This year marks the 140th commemoration of Juneteenth Independence Day, which was originally celebrated by slaves in Galveston Texas on June 19th, 1865. On that day, Union general Gordon Granger read aloud Lincoln's Emancipation Proclamation, signed more than two years earlier. With the arrival of Union troops in Texas, the Proclamation's promise of freedom was finally fulfilled and the last American slaves were freed.

Juneteenth Independence Day is the oldest known celebration of the end of slavery. It is intended to honor not only African-American freedom, but also promote respect for all cultures, and remind us of what it means to be an American.

Juneteenth Independence Day commemorates a moment when the United States took an important step towards achieving the vision established in the Declaration of Independence, an America which recognizes that we truly are all created equal.

Mr. Speaker, I thank the gentleman from Illinois for introducing this important resolution, and I urge my colleagues to support its passage.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I urge all Members to support the adoption of House Concurrent Resolution 160, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 160.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING FIREFIGHTER LIFE SAFETY SUMMIT INITIATIVES AND MISSION OF NATIONAL FALLEN FIREFIGHTERS FOUNDATION AND UNITED STATES FIRE ADMINISTRATION

Mr. BOEHLERT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 180) to support initiatives developed by the Firefighter Life Safety Summit and the mission of the National Fallen Firefighters Foundation and the United States Fire Administration to reduce firefighter fatalities and injuries, to encourage implementation of the new "Everyone Goes Home" campaign to make firefighter safety a national priority, and to support the goals of the national "stand down" called by fire organizations.

The Clerk read as follows:

H. CON. RES. 180

Whereas for over 350 years our Nation's firefighters have dedicated their lives to ensuring the safety of their fellow citizens and communities;

Whereas throughout our Nation's history too many firefighters have died in the line of duty, leaving behind family members and friends to grieve their tragic losses;

Whereas these volunteer and career firefighters served with pride and died with honor;

Whereas in 1992 Congress created the National Fallen Firefighters Foundation to lead a nationwide effort to remember the Nation's fallen firefighters and assist their survivors through a variety of programs;

Whereas the National Fallen Firefighters Foundation is dedicated to preventing future firefighter deaths and injuries;

Whereas the National Fallen Firefighters Foundation convened the first ever Firefighter Life Safety Summit in March 2004 to support the United States Fire Administration's goal of reducing firefighter fatalities by 25 percent within 5 years and 50 percent within 10 years through a commitment of energy and resources;

Whereas the Life Safety Summit developed 16 initiatives to significantly reduce firefighter fatalities and injuries, including the need to—

(1) define and advocate the need for a cultural change within the fire service relating to safety, incorporating leadership, management, supervision, accountability, and personal responsibility;

(2) enhance the personal and organizational accountability for health and safety throughout the fire service;

(3) focus greater attention on the integration of risk management with incident management at all levels, including strategic, tactical, and planning responsibilities;

(4) empower all firefighters to stop unsafe practices;

(5) develop and implement national standards for training, qualifications, and certification (including regular recertification) that are equally applicable to all firefighters, based on the duties they are expected to perform;

(6) develop and implement national medical and physical fitness standards that are equally applicable to all firefighters, based on the duties they are expected to perform;

(7) create a national research agenda and data collection system that relates to the initiatives;

(8) utilize available technology wherever it can produce higher levels of health and safety;

(9) thoroughly investigate all firefighter fatalities, injuries, and near misses;

(10) ensure that grant programs support the implementation of safe practices and mandate safe practices as an eligibility requirement;

(11) develop and champion national standards for emergency response policies and procedures;

(12) develop and champion national protocols for response to violent incidents;

(13) provide firefighters and their families access to counseling and psychological support;

(14) provide public education more resources and champion it as a critical fire and life safety program;

(15) strengthen advocacy for the enforcement of codes and the installation of home fire sprinklers; and

(16) make safety be a primary consideration in the design of apparatus and equipment; and

Whereas the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Volunteer Fire Council, and the Congressional Fire Services Institute have partnered with a number of other fire service organizations to call on all fire departments across the Nation to conduct a "stand down" for firefighter safety beginning Tuesday, June 21, 2005, during which fire departments are urged to suspend all nonemergency activity and instead focus entirely on firefighter safety in order to raise the level of awareness toward firefighter safety and call attention to the unacceptable number of line-of-duty deaths and injuries: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports initiatives developed by the Firefighter Life Safety Summit and the mission of the National Fallen Firefighters Foundation and the United States Fire Administration to reduce firefighter fatalities and injuries;

(2) encourages implementation of the new "Everyone Goes Home" campaign to make firefighter safety a national priority; and

(3) supports the goals of the national "stand down" called by fire organizations beginning on June 21, 2005, and encourages all career, volunteer and combination fire departments across the country to participate in this important and life saving effort.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BOEHLERT) and the gentlewoman from Oregon (Ms. HOOLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 180.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the early 1970s, a report by the President's National Commission on Fire Prevention and Control, entitled "America Burning," presented a dismal assessment of fire safety in the United States. The report found that the U.S. had one of the worst, one of the worst, fire safety records in the industrialized world with nearly 12,000 citizens and 250 firefighters lost to fires annually.

In the years that followed that seminal report, the U.S. Fire Administration was created. Fire prevention and fire safety awareness programs were made a priority in communities across the country. And by 1980, deaths suffered from both citizens and firefighters had been significantly reduced. These improvements steadily continued into the 1980s, and by the end of the 1990s, firefighter deaths had been reduced to an average of about 100 annually. A dramatic drop; still too many.

Unfortunately, after 3 decades of great progress, firefighter deaths are disturbingly once again on the rise. In 2003, 112 firefighters lost their lives in the line of duty. Last year 117 died. And so far this year, there have been 58 deaths, on pace for about 130, which is about a 30 percent increase over the average of the previous decade. That, Mr. Speaker, is totally unacceptable.

These troubling statistics have triggered an unprecedented effort by the leadership of America's fire service to address this problem, and the concurrent resolution before us today recognizes and supports those efforts.

Specifically, the concurrent resolution supports three important efforts, which I will briefly describe. First, the resolution supports the 16 fire safety initiatives developed at a recent Firefighter Life Safety Summit convened by the National Fallen Firefighters Foundation. The initiatives were developed to support the U.S. Fire Administration's goal, developed under the strong leadership of Administrator David Paulison, of reducing firefighter fatalities by 25 percent within 5 years and 50 percent within 10 years. We are talking about life.

The initiatives range from broad ideas on the need for cultural change within the fire service related to safety to specific goals such as the development of national standards for training, certification, and physical fitness.

The second effort recognized by this concurrent resolution is the "Everyone Goes Home" campaign to make firefighter safety a national priority. The campaign, led by the National Fallen Firefighters Foundation, intends to raise fire safety awareness and bring fire prevention to the forefront, using the 16 fire safety initiatives as a blueprint for change.

And the third effort recognized by this concurrent resolution is a national "stand down" for firefighter safety. Today, all across the country, fire departments are being urged to suspend all nonemergency activity and instead focus entirely on firefighter safety, calling attention to the unacceptable number of line-of-duty deaths and injuries. During the stand down, fire departments will talk about the causes of line-of-duty deaths, check apparatus and equipment, discuss health and safety regulations, review fire ground safety issues, and take stock of training needs and fitness goals. The International Association of Fire Chiefs has also requested that all volunteer departments conduct a special safety meeting the evening of June 21, today, or as near to this date as is possible.

I am pleased that we have the opportunity to bring attention to the firefighter safety problem that the fire service is facing today and recognize the importance of these efforts. But this problem, of course, cannot be addressed with one day of recognition. It will take years of steadfast commitment and cooperation by those in the fire service as well as the general public to achieve the fire safety goals set forth by the U.S. Fire Administration. But I am confident that if we work together, we will be successful; and I am hopeful that today's stand down marks an important turning point in our struggle to reduce line-of-duty deaths by firefighters.

And let me just add parenthetically that I am proud to be a Member of this great institution, the Congress of the United States, which has been responsible for initiating the Fire Safety Grant Award program, the SAFER program, providing resources. They get enough words from us on Capitol Hill about how supportive we are of the fire services. They want deeds, and we on a bipartisan basis have followed through by providing literally hundreds of million of dollars to firefighters across the country to get the necessary lifesaving equipment they need to do the job we expect of them: protecting us in our homes and our neighborhoods, our communities.

So we all should take a brief moment to pat ourselves on the back for what we have done responsibly to respond to the problem. But that is not enough, and the fight continues, and I am proud to be a warrior in that fight. None of us had to be drafted. We enlisted.

Mr. Speaker, I reserve the balance of my time.

Ms. HOOLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 180, which supports initiatives by the National Fire Service to reduce firefighter fatalities and injuries.

I want to congratulate the gentleman from Maryland (Mr. HOYER) for introducing this important measure. The gentleman from Maryland (Mr. HOYER) is co-chair of the Fire Caucus and is a leading supporter of fire services in Congress and would be here now speaking except that he is in a markup on another legislation.

This concurrent resolution calls attention to the need to take action to reduce firefighter deaths and injury. It explicitly endorses a call from the major fire service organizations for a stand down to promote fire safety. The stand down would apply to every volunteer and career fire department in the Nation.

□ 1145

It would require that each department suspend all nonemergency activities in order to concentrate on measures to raise awareness of safety issues and to institute steps to improve safety.

A growing perception of the need to take corrective action to improve safety was the motivation for a major summit meeting of the fire service community in March 2004. The summit developed 16 firefighter life safety initiatives which are listed in the House resolution.

Unfortunately, despite widespread dissemination and discussion of the initiatives, corrective action has been slow to develop, and the trend in loss in life in the fire service has not improved. The stand down constitutes an action to try to change the culture, which is widely believed to be a key factor in bringing about constructive change.

The fire services perform a critical public safety role, and all Americans respect the high level of devotion to duty and sacrifice that characterize the service personnel. I applaud this resolution that seeks to reduce the loss of life and serious injury that too often occur to firefighters during the performance of their hazardous duties.

Mr. Speaker, I commend this resolution to my colleagues and ask for their support in its passage by the House. Our firefighters have done an incredible job of fire prevention and rescue, saving millions of lives. It is our turn to make sure that we help them by reducing loss of life and serious injury through this resolution.

If I may, I would just like to take a moment to read the names of those that have died in Oregon since 1997. There are 23 names: Randall E. Carpenter, Coos Bay Fire and Rescue; Jeffrey E. Common, Coos Bay Fire and Rescue; Chuck Hanners, Coos Bay Fire and Rescue; Paul E. Gibson, First Strike Environmental, Roseburg, Oregon; David Kelly Hammer, First Strike Environmental, Roseburg, Oregon; Jeffrey D. Hingel, First Strike Environmental, Roseburg; Jesse James, First Strike Environmental, Roseburg; Richard Burt "Richie" Moore, First Strike Environmental, Roseburg; Leland Price, First Strike Environmental, Roseburg, Oregon Department of Forestry Contractor; Mark Robert Ransdell, First Strike Environmental, Roseburg, Oregon; Ricardo M. Ruiz, First Strike Environmental, Roseburg, Oregon; Robert Chisholm, Gearhart Volunteer Fire Department; Daniel Eric Rama, Grayback Forestry, Inc.; Bartholomew Blake Bailey, Grayback Forestry; Retha Mae Shirley, Grayback Forestry, Inc.; Larry A. Brown, Kingsley Field Fire Department, Klamath Falls; John Robert Hazlett, Odell Fire District; D. Craig Mackey, Oregon Department of Forestry; Lawrence J. "Larry" Hoffman, Oregon Department of Forestry; Thomas Howard Kistler, Polk County Fire District 1; Randall Harmon, Superior Helicopter, Grants Pass; George P. Converse, USDA Forest Service; Alan W. Wyatt, USDA Forest Service; and Richard W. Black, Weyerhaeuser, Eugene Helicopter Operation.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

In wrapping up, I just want to recall a story about when I was a freshman Member of this great body 23 years ago. I sat on the Committee on Science, and we have jurisdiction over firefighter programs. I recall one of the witnesses being asked if there was a distinction between the professional and volunteer firefighters, and one of my senior colleagues at the time quickly demanded recognition from the chair, and he said to that Member asking the question, There are no amateurs in this business; they are all professionals. Some are paid, some are volunteer, but they are all professionals.

The recognition of that has prompted all of us to initiate the fire safety Grant program, to initiate the SAFER program. We expect so much of our firefighters. They need the resources to do the job that we demand that they do every single day.

All of us in our consciousness have a new appreciation for what the firefighters of America do as a result of 9/11 when 343 firefighters lost their lives. They gave their all for this Nation. Since then, we have developed in some quarters, where there was no prior recognition of the need of the fire service, a new appreciation for what we have to do.

Once again, let me credit this institution. We are often criticized for not being as responsive as some would like to some of the issues facing us across this country. But this institution, on a bipartisan basis, has responded to the call.

Today's resolution is about words and concepts and ideas, but more meaningful is the action, the deeds that we do by appropriating money, by following through to make certain that money is used for its intended purpose and used wisely, and it is. So this, in a sense, is an affirmation of our great appreciation for the firefighters, the men and women all across America on a very professional basis who daily are providing some measure of security for us in our homes and in our communities, and in our Nation.

Mr. Speaker, I yield back the balance of my time.

Ms. HOOLEY. Mr. Speaker, I yield myself such time as I may consume.

I read a list of 23 names from just those in Oregon, but that list could go on and on and on, depending on the State. I am hoping that through this resolution, although I am not foolish enough to believe that there will be no names, but I would sure like to see that reduced to as few as possible. They have done an incredible service to our country, to our communities, and I wish that for every profession we could look at a little bit later on and say, you have done this amazing job of prevention. Mr. Speaker, they are the ones that really make sure that every home, every business had a fire detector, and we think of the number of lives they have saved just by making sure we had that prevention piece. They have done it over and over and over again.

Mr. Speaker, the gentleman from New York (Mr. BOEHLERT) is right, they were volunteers, but they were professional. They were there training, they were there every night of the week training, they worked all day. Yet when a fire called, they came from wherever they were to make sure that they helped put out that fire and saved and rescued lives. I represent a district that has many rural communities and, again, we have many volunteer fire departments, but they are professional. I hope my colleagues would support this measure.

Mr. HOYER. Mr. Speaker, I am pleased the House is considering this important resolution, which I have introduced with fire caucus co-chairmen CURT WELDON, SHERRY BOEHLERT and ROB ANDREWS.

I would like to express my sincere gratitude not only for their hard work and support on this measure, but for their years of dedication and leadership on issues of importance to the men and women serving our communities, and our Country, in the fire service.

I would also like to also recognize the contributions of Hal Bruno and Ron Siarnicki at the National Fallen Firefighters Foundation, as well as the United States Fire Administrator David Paulison, for having convened the Firefighter Life Safety Summit that resulted in the recommendations upon which this resolution is based.

Finally, Bill Webb at the Congressional Fire Services Caucus, as he does on so many issues, worked to coordinate the efforts of NFFF, USFA, the fire service organizations and our Congressional offices to make this resolution a reality.

Mr. Speaker, for a number of years, the Congressional Fire Services Caucus has worked with the Nation's fire service organizations to identify and address some of the major challenges facing career and volunteer fire departments across the Country.

Among the results of these efforts has been the establishment and funding of such critical federal programs as the Fire Grants and SAFER.

These programs have resulted in billions of dollars being appropriated to help meet the equipment, training and staffing needs of fire departments in large cities, small towns and rural communities across the Country.

And there is no doubt the dollars provided by these programs have helped save the lives of firefighters and the citizens they protect.

But there is also no escaping the reality that despite the amount of money spent, and the impact of these programs on improving the effectiveness and efficiency of fire departments, we still lose more than 100 firefighters every year to line of duty deaths, so many of which are preventable.

The NFFF and USFA recognized this, and convened the firefighter life safety summit last year, with a goal of reducing firefighter fatalities by 25 percent within 5 years and 50 percent within 10 years.

These are ambitious goals that will only be attained if every member of the Nation's fire service, from the presidents of national organizations to individual firefighters, is committed to implementing the 16 initiatives recommended at the summit, and supported by this resolution.

These recommendations range from developing medical and physical fitness standards for all firefighters to empowering all firefighters to stop unsafe practices.

To highlight the need to adopt these common sense changes, the International Association of Fire Chiefs is leading a national stand down this week, whereby all fire departments are urged to suspend all non-emergency activity and focus on firefighter safety.

This resolution supports this effort, and encourages every fire department to participate in this national stand down in order to raise awareness among our firefighters about the need to take responsibility for their health and safety.

Mr. Speaker, the job of fighting fires is one of the most dangerous and physically demanding activities one can undertake.

The real tragedy is that we have allowed unsafe practices and unhealthy habits to make the job even more hazardous than it already is.

Congress has, and will, continue to accept our responsibility to provide funding for the equipment, training and staffing needs of our departments, but we must insist that our firefighters accept responsibility for making themselves safer on the job.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. ANDREWS. Mr. Speaker, House Concurrent Resolution 180 speaks to the heart of how we as a nation value the lives of each and every one of our firefighters. This resolution is a wake-up call to make firefighter safety a national priority. It is a wake-up call to remind us that we need to do more to prevent and reduce firefighter fatalities and injuries. It begins today, where fire departments across the country are participating in "stand down." Today, at participating departments, all non-emergency activities are suspended and firefighters instead will focus only on firefighter safety. Firefighters are so used to putting their lives at risk to save others that their health and well-being is often neglected. Today we hope to begin a new trend where firefighter safety becomes a top priority for every firefighter, whether volunteer or paid, rural or urban, young or old.

The safety and health of firefighters has never been a more important issue. Firefighters now have more responsibilities with the increased focus on homeland security and hazard response. We rely on them to protect us from harm while we are at home, at work, and everywhere in between. Regrettably, more than 58 firefighters have died this year, a number that far exceeds the annual pace. This is especially disturbing because most, if not all, of these deaths are preventable. There are measures to be taken to reduce the number of fatalities—measures that are described in this resolution. These firefighters don't have to die. The number of deaths can be reduced, but we have to do more. Not only can we ill-afford to lose over 100 firefighters a year, but we cannot afford to lose any. I fully support the goals of the National Fallen Firefighters Foundation and the United States Fire Administration with respect to firefighter safety. I truly believe that at the end of the day, every firefighter must go home.

Ms. HOOLEY. Mr. Speaker, I rise in support of H. Con. Res. 180, which supports initiatives by the national fire services to reduce fire fighter fatalities and injuries.

I want to congratulate the gentleman from Maryland, Mr. HOYER, for introducing this important measure. Mr. HOYER is a co-chair of the Fire Caucus and is a leading supporter of the fire services in Congress.

This resolution calls attention to the need to take action to reduce fire fighter deaths and injuries. It explicitly endorses the call from the major fire service organizations for a stand down to promote fire fighter safety.

The stand down would apply to every volunteer and career fire department in the Nation. It would require that each department suspend all non-emergency activities in order to concentrate on measures to raise awareness of safety issues and to institute steps to improve safety.

A growing perception of the need to take corrective action to improve safety was the motivation for a major summit meeting of the fire service community in March 2004. The summit developed 16 fire fighter life safety initiatives, which are listed in the resolution before the House.

Unfortunately, despite widespread dissemination and discussion of the initiatives, corrective action has been slow to develop, and the trend in loss of life in the fire services has not improved.

The stand down constitutes an action to try to change the culture, which is widely believed to be the key factor in bringing about constructive change.

The fire services perform a critical public safety role and all Americans respect the high level of devotion to duty and sacrifice that characterize fire service personnel. I applaud this resolution that seeks to reduce the loss of life and serious injury that too often occur to fire fighters during the performance of their hazardous duties.

Mr. Speaker, I comment this resolution to my colleagues and ask for their support in its passage by the House.

Since 1997, 29 Oregon firefighters have been listed in the Fallen Firefighter Memorial Database of the U.S. Fire Administration. They are:

Sanit Arovitx, Richard Hernandez and Kip Krigbaum (Columbia Helicopters, USDA Fire Service contractor);

Randall E. Carpenter, Jeffrey E. Common and Robert Charles Hanners (Coos Bay Fire and Rescue);

Paul E. Gibson, David Kelly Hammer, Jeffery D. Hengel, Jesse D. James, Richard Burt

Moore, II, Leland Price, Jr., Mark Robert Ransdell and Ricardo M. Ruiz (First Strike Environmental, Roseburg, Oregon Department of Forestry Contractor);

Robert Chisholm (Gearhart Volunteer Fire Department);

Jake Martindale, Zachary Zigich, Daniel Eric Rama, Bartholomew Blake Bailey, and Retha Mae Shirley (Grayback Forestry, Inc., USDA Forest Service Contractor);

Larry A. Brown (Kingsley Field Fire Department, Klamath Falls);

John Robert Hazlett (Odell Fire District);

David Craig Mackey (Oregon Department of Forestry, Western Lane District);

Lawrence J. Hoffman (Oregon Department of Forestry);

Thomas Howard Kistler (Polk County Fire District #1);

Gerald Meyers (Sumpter Fire Department);

Randall Harmon (Superior Helicopter, LLC, Grants Pass);

Richard Warren Black (Weyerhaeuser, Eugene Helicopter Operation); and

Tony B. Chapin (Willamina Fire Department).

Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentleman from New York (Mr. BOEHLERT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 180.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BOEHLERT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PROVIDING FOR CONSIDERATION OF H.J. RES. 10, CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 330 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 330

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 10) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States. The joint resolution shall be considered as read. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) two hours of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Watt of North Carolina or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.J. Res. 10 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the joint resolution to a time designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 330 is a structured rule, and it provides 2 hours of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. It waives all points of order against consideration of the joint resolution. It makes in order the amendment in the nature of a substitute printed in the Committee on Rules report accompanying the resolution, if offered, by the gentleman from North Carolina (Mr. WATT) or his designee, which shall be separately debatable for 1 hour, equally divided between the proponent and an opponent.

The rule waives all points of order against the amendment printed in the report, provides that notwithstanding the ordering of the previous question, the Chair may postpone further consideration of the joint resolution to a time designated by the Speaker, and it allows one motion to recommit, with or without instructions.

Mr. Speaker, in 1989, the United States Supreme Court Texas v. Johnson decision nullified the laws of 48 States banning flag desecration. Today, all 50 States have passed resolutions requesting Congress to approve a Constitution amendment for ratification that would ban flag burning.

The House of Representatives has passed the same, if not similar, legislation for five consecutive Congresses. In the 104th Congress, the House of Representatives passed a proposed amendment with the necessary two-thirds majority by a vote of 312 to 120; while the 105th House passed it 310 to 114, the 106th House passed it 305 to 124, the 107th House passed it 298 to 125, and in the last Congress, the 108th, the House passed it by a vote of 300 to 125.

Our flag, with 50 stars and 13 stripes, represents the history, culture, and ideology of democracy for the world. Millions of Americans throughout our Nation's history died defending our flag and the ideals it represents. To burn a flag is to disrespect America and disrespect democracy. For our enemies, those who embrace terrorism, communism, and totalitarianism, burning the American flag is a sign of defiance, because freedom threatens the existence of tyranny. For our soldiers fighting in Afghanistan and Iraq, our flag is motivation to keep fighting, to move ahead, and reason to liberate a people from fear of oppression, as it has been in every conflict in which our Nation has fought.

□ 1200

For our veterans, the desecration of the flag is a slight for everything they fought for. And it serves to dishonor their friends and fellow soldiers who gave their lives for our country. To the parts of Europe occupied by the allied powers during World War II, the sight of our flag brought tears of joy because it symbolizes an end to atrocity and oppression and the return of freedom.

A constitutional amendment to ban flag desecration is not the end of our first amendment liberties. The Constitution was drafted as a living document that is capable of changing when called for by the overwhelming desire of the American people.

The debate to end flag desecration is an important issue that carries the overwhelming public support needed to pass an amendment to our Constitution. The Constitution is the foundation of our government, and modifying it should not be taken lightly. However, the American citizens have consistently spoken in favor of this amendment for more than 10 years, and it is an issue that is more than 3 decades old.

Our laws provide an opportunity for every citizen to express their opinions freely. If someone does not like the policies of our Nation, the party in power, our military, or even a specific law, they have the ability to protest, to voice concerns, write letters to their Congressmen without the consequences of death or imprisonment.

This freedom is not found in all nations. The desecration of the American flag, however, is not a form of free speech. It is a challenge to the institution that defends liberty. Although some may disagree, the United States is not the root of the world's problems; rather, we have provided relief from subjugation and freedom to many nations.

For those liberated by America and those who cherish freedom, our flag represents more than a Nation, government, or people. It is an emblem of liberty and justice. Our flag deserves to be respected and protected because it is more than just star-studded fabric; it is the symbol of democracy.

With that in mind, I request unanimous support of this rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend, the gentleman from Georgia (Mr. GINGREY), for yielding me time, and I yield myself such time as I may consume.

I would like to ask my colleague from Georgia a question, if he does not mind, and engage in just a brief colloquy.

Does the gentleman know or has his staff related to him, when the last time occurred in America that a flag was burned, and how often that occurs, let us say, in the last year or 2?

Mr. GINGREY. Well, if the gentleman will yield, since the Supreme Court decision, in response to my good friend, the gentleman from Florida (Mr. HASTINGS), since 1994 it is my understanding that there have been at least 119 reports of incidents involving flag desecration.

The Supreme Court ruling, that 5 to 4 decision that allowed flag desecration, flag burning as part of free speech, that was 1989. Since 1994, to the gentleman from Florida (Mr. HASTINGS), my understanding is 119 incidents.

Mr. HASTINGS of Florida. And reclaiming my time, does the gentleman distinguish between flag burning and other forms of desecration when he cites the 119? I have no memory of a flag burning in recent times. And I am curious to know whether or not you do.

Flag burning is what this Congress constitutional amendment is about.

Mr. GINGREY. In response to the gentleman, no, I do not know.

Mr. HASTINGS of Florida. That is my point, reclaiming my time, among others. This is not something that happens frequently.

We begin this debate today as patriotic Americans, you and I, Dr. GINGREY, and the other 433 Members, voting Members of the House of Representatives, and the five delegates to this House.

We began this day with one of our celebrated ideals. It was in 1777 that the Founding Fathers of this Nation determined that there should be a flag as a symbol. Symbol, that is what it is. All of us abhor desecration of the flag. Desecrating the flag is disrespectful and downright disgusting.

But I am curious, because I asked two people in my district, knowing that I would be handling this rule, to observe on their way to work on June 14 the number of people that flew their flags. It is astounding, all of this talk about the flag, and how few people on June 14, that is just recently, on Flag Day, flew their flags.

I am curious, I wonder how many Members did that as well. We begin this debate today with an unresolved war in Afghanistan and Iraq. We begin this debate today with Americans dying in Iraq and Afghanistan and families crying as a result thereof.

We begin this day with the President of the United States saying that we have a Social Security crisis, and one would argue not against the notion that Social Security needs to be reformed in an appropriate manner by the body.

We began this day with a serious Medicaid crisis in this country which we are not addressing. We began this day with an equally serious Medicare crisis which we are not addressing.

We began this day with AIDS raging throughout this country, and sexually transmitted diseases are ripe in our society; and we are not doing as much as we can about it. But yet we come to debate embedding the flag in our precious Constitution in as far as its desecration is concerned.

We begin this debate with millions of Americans without jobs. Some unemployed, some underemployed, and some never to be employed again as a result of the laws of industry in this country from a manufacturing point of view.

This debate begins with oil magnates and their companies receiving their highest profit ever in the history of this country, and American drivers paying the highest prices ever for gasoline; and yet we do not have an energy policy, and other than a handful of us, including myself, no one is introducing legislation to address the high cost of gasoline.

We began this debate today with more than 40 million Americans without health care, 2 million Americans in jail, millions of children dropping out of school. And the best we can do is stir up emotions and divisions by holding a debate about our precious flag. Nothing in the way of positive understandings is coming about as far as immigration problems in this country.

So, Mr. Speaker, I rise today in strong opposition to the underlying resolution. I firmly believe that passing this bill would abandon the very values and principles upon which this country was founded.

Make no mistake, all of us, as I have said, abhor the desecration of the flag. The flag is a symbol of our country and a reminder of our great heritage. When I graduated from high school in 1954, my assigned topic at that graduation had to do with the song, "The Old Flag Never Touched the Ground."

When Frances Scott Key wrote the Star Spangled Banner," the flag was tattered and torn; when it was raised in Montezuma or at Arlington Cemetery, all of us are proud every day that that flag flies over this Capitol and elsewhere.

I find it unfortunate that a few individuals choose to desecrate that which we hold so dear. However, it is because of my love for the flag and the country for which it stands that unfortunately I have no choice but to oppose this well-intentioned, yet misguided, legislation.

Our country was founded on certain principles. Our Founders had the broadest visionary scope of their times. Chief among these principles are freedom of speech and expression. These freedoms were included in the Bill of Rights because the Founding Fathers took deliberate steps to avoid creating a country in which individuals' civil liberties could be abridged by the government.

Yet, that is exactly what this amendment would do. In my opinion, it begins a dangerous trend in which the government can decide which ideas are legal and which must be suppressed.

I believe that the true test of a nation's commitment to freedom of expression is shown through its willingness to protect ideas which are unpopular, such as flag desecration. When I was a lawyer, I represented a member of the Ku Klux Klan, because they would not let him put his ad on a Negro station at that time that was owned by members of the Jewish faith.

I won that lawsuit, and I stood for his rights, because I knew if they took his rights away, it would be just a matter of time before they could be able to take mine away. As the Supreme Court Justice, the eminent Oliver Wendell Holmes, wrote in 1929, it is an imperative principle of our Constitution, that it protects not just freedom for thought and expression we agree with, but freedom for the thoughts we hate.

To the gentleman from Georgia (Mr. GINGREY), you and I and all of our colleagues hate it when someone burns a flag. I remember the very last time that I saw one burned sitting in my living room with my mom.

And almost without hesitation, both of us referred to those people as fools, and we used choice words in front of the word fools. Throughout this debate, Mr. Speaker, I am sure that some of our colleagues are going to try to paint some of us Democrats as unpatriotic. They will tell the American people that because we support the protection of our civil liberties and the constitutional right for an American to burn her flag, we are therefore not loyal citizens. They will demagogue us, and some may even accuse the judiciary, a separate and equal branch of government established under article 3 of the Constitution, of being a body filled with activist judges because the highest court in our land has already said that the act of burning an American flag is permissible under the first amendment of the Constitution.

To those who intend to levy such artificial claims, I say shame on you. You see, Mr. Speaker, this Congress and the Bush administration loves draping itself in the flag when talking about troops and terrorism. And there is absolutely nothing wrong with that, if they so choose to do that.

Yet this is the same administration that while standing, as the gentleman from Georgia (Mr. GINGREY) did just a moment ago, in his comments talking about our troops who are dying for us to have the right to be here, and you and I and all of our colleagues are proud of the fact that we can serve in this United States Congress, and there are people as we speak, and certainly more than 1,700 Americans have died in Iraq, and some substantial number in Afghanistan, and, yet, when they come home to Dover, Delaware, with flag-draped coffins, this administration who is so proud of the flag and all of you who would support its being made a part of a Constitution, refuses to let the public see the pictures of those persons with those flag-draped coffins, and I might add, punishes the media for trying to access them.

The hypocrisy is so thick, that you can choke on it.

□ 1215

Last night in the Committee on Rules, I offered an amendment to the underlying legislation and I said to the gentleman from Wisconsin (Chairman SENSENBRENNER) that I found a way that I can support his measure to put the flag in the Constitution. It came by way of an incident that occurred in Durham, North Carolina on May 25 of this year. Three crosses were burned in Durham; one in front of a church, designed to intimidate people. The cross, the precious cross was burned. And yet we find ourselves here talking about the flag. I wonder about my colleagues which offends them more; or do they, as they do me, both offend me highly.

In 2003, the United States Supreme Court upheld a Virginia law banning cross burning in Virginia. The court ruled the burning of a cross by a terrorist organization such as the Ku Klux Klan is not protected by the first amendment because of the maliciousness and intent to intimidate behind the action.

Justice Sandra O'Connor wrote in the majority's opinion, "While a burning cross does not inevitably convey a message of intimidation, often the cross burner intends that the recipients of the message fear for their lives. And when a cross burning is used to intimidate, few if any messages are more powerful."

Mr. Speaker, as I began my discussion with my good friend, the gentleman from Georgia (Mr. GINGREY), I asked, When was the last time we saw a flag burn? I have not seen a flag burning in America. And I might add, when it burns abroad it offends me just as much as when it burns in this country, but I have not seen one of those desecrations in quite some time. But cross burnings continue to plague the South and are used by hate groups to incite, intimidate, and, in some instances, harm and murder. Despite this real epidemic, Congress has always been silent on the issue.

Had my amendment been made in order, and it was not considered to be made in order in the Committee on Rules, the House would have been able to debate this important issue for the first time. The House will not be debating that issue, nor will we be debating the myriad of other issues of critical importance to the American people. There are so many other things that this body could be doing today instead of drawing up another way to impede our constitutionally protected rights.

We could be expanding veterans health care benefits. We could be increasing military pay. We could be providing our soldiers with adequate body armor and protection. We could be improving our schools, creating incentives for affordable housing, ensuring our seniors have long-term health care. We could be completing a transportation reauthorization bill and new school construction. These are just a few of the things, in addition to others that I have mentioned, that we could be doing.

Mr. Speaker, are we so insecure in our own patriotism that seeing someone else burning a flag will lead us to question our commitment to this great Nation? Let us ask ourselves the question, What is America? We know that its symbol stands tall no matter the circumstances.

I love this country and everything our flag stands for, even the things with which I do not agree, and they are numerous; for better or for worse, that is the cost we pay for democracy. I ask you to please consider, when you are talking about putting something in the United States Constitution, that you get past political rhetoric and that you understand the serious dynamics that are involved when we are talking about asking two-thirds of the States in this country and two-thirds of this body and the other body to pass something that will allow us to become more insecure.

I tell you, when I see somebody burn the flag, it makes me mad: it does not make me insecure. And that is what ought cause us to be reaching across to each other, because it is at that one point in time when somebody desecrates the flag that the gentleman from Georgia (Mr. GINGREY) and I have the exact same view, and that is everybody that is here. Therefore, it is a uniting thing, not a dividing thing between the first amendment rights of people.

Civil liberties are important. I do not like the fools who burn the flag, but I will stand up and protect their right to do so because to take their right means one day somebody might try to take mine.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume in response to a number of the points that my good friend, the gentleman from Florida (Mr. HASTINGS), just made so eloquently.

He asked me a little while ago about the incidences that had occurred, the 119 since 1994, and how many of those were burnings in contrast to how many might be other forms of desecration. I did not have that information for him at the moment, but I do now, and I want to share that with him: 75 of those actually were burnings.

I want to anecdotally mention one of those 75. In April 18, 2005, this occurred in Topeka, Kansas, this burning. Fire and police investigators looked into a case of arson in which flags were burned at the Topeka and Shawnee County Public Library. Someone came into the library grounds between 12:21 a.m. and 1:15 a.m. They lowered the library's flags and they burned them near the building.

Now, it was not illegal then and now to burn your own flag. It was illegal to burn someone else's. But that is the point that I wanted to make; that in fact 75 of 119 were burnings. Furthermore, I want to also mention that the word "desecration" in this constitutional amendment resolution was selected because of its broad nature in encompassing many actions against the flag.

Such broad terms are commonly used in constitutional amendments. For example, free exercise in the first amendment; unreasonable searches and seizures, probable cause, in the fourth amendment; due process and equal protection in the 14th. Thus, it is essential that we continue to use broad terms in constitutional amendments such as the word "desecration" in order to give Congress discretion when it moves to enact implementing legislation. Debate and discussion as to what forms of desecration should be outlawed, such as burning, will come at a later date in Congress.

Also, Mr. Speaker, the gentleman from Florida (Mr. HASTINGS) was talking about in regard to his own amendment. The Supreme Court decision in 2003, Virginia v. Black, held that "a ban on cross burning carried out with the intent to intimidate is proscribable under the first amendment," allowable under the first amendment. So it is really unnecessary to pass a constitutional amendment to prohibit cross burnings, since statutes prohibiting cross burnings with the intent to harm are currently enforceable.

In contrast, the Supreme Court has concluded in Texas v. Johnson in 1989 that, 5 to 4 decision, that flag desecration is protected by the first amendment, leaving a constitutional amendment as the only remaining option to protect the flag, since statutes doing so in 50 States, 48 States before 1989, are currently unenforceable.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I for one would like to let my friend, the gentleman from Florida (Mr. HASTINGS), know that I am not so weak in my faith that burning of a cross would somehow destroy my faith. And yet I still believe that when somebody burns the cross, that the effect on our society, the chances of a riot, the chances that it will lead to violence are so high that society has a right to protect itself from the inevitable outcome of that kind of action. Furthermore, I do not believe we are acting as a body in order to tell the American people what to do.

I believe we reflect on a bipartisan basis, an overwhelming bipartisan basis, which reflects the will of the people, their desire to see this protection. That is why 50 States have all passed resolutions. Some of these States are very much Democrat States, some very much Republican.

This is not about patriotism or party. This is about the will of the people. We must respond to the will of the people. I believe in the Constitution as a not easily changeable document, and I respect the idea that we should not change it lightly. But just as this Constitution began without Indians, African Americans, women, or even people below the age of 21 being able to vote, and we have revised and revised and revised to get a more perfect democracy, we too must respond to this generation's request.

This generation's request of us is, in fact, to establish a special respect level, not an overly high one, but a special respect level for the flag. Not because America will somehow be destroyed if one or one million flags are burned, but because the American people have called on this body to offer them an opportunity to amend the Constitution, and we do so here today. We attempt to give the American people that opportunity to revise the Constitution.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I would say to the gentleman from California (Mr. ISSA) before he leaves the floor, that every time that we have amended the Constitution it has been to expand liberties and rights, not to restrict them. If this amendment passes, this would be the first time in the history of this country that we would pass an amendment that would restrict rights and liberties.

Mr. ISSA. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from California.

Mr. ISSA. I might remind the gentleman from Florida (Mr. HASTINGS), my friend, that we limited the terms of how many times someone could run for President as a constitutional amendment. That is fluid document. It may add or subtract. It may reflect the will of the people. The will of the people in our lifetime was to limit the amount of terms that a President could serve, no differently than the question of whether or not you can incite a riot by burning a flag.

Mr. HASTINGS of Florida. Reclaiming my time, I cannot believe my colleague would even try to make such a specious argument, but the fact of the matter is there have only been 15 incidents in a country of 300 million people between the years of 2000 and 2005. There are substantial laws on the books that will prosecute fools who desecrate the flag.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. ACKERMAN), my very good friend on the House Committee on International Relations.

Mr. ACKERMAN. Mr. Speaker, I love our flag and that for which it stands. It stands for a Nation founded by people fleeing from oppressors. It stands for freedoms, not the least of which is the freedom of opinion and the unimpeded expression thereof, including the freedom to protest. This was a Nation founded by protesters.

When our Founding Fathers sought to guarantee these freedoms, they created not a flag, but a Constitution, debating the meaning of each and every word, every amendment of the Bill of Rights, each and every one of which gives people rights. They did not debate a flag. The flag would become a symbol of these rights.

What is the threat to the Republic today that drives us to dilute the Bill of Rights? Well, someone burned the flag once this year. Whatever happened to fighting to the death for somebody's right to disagree?

□ 1230

We now choose instead to react by taking away a form of protest. Most people abhor flag burners; but even a despicable, low-life malcontent has a right to disagree and to disagree in an obnoxious fashion. That is the true test of free expression.

Flag burners are rare, but vile, acts of desecration that have been cited by those who would propose changing our founding document, but these acts do not harm anybody. If a jerk burns a flag, America is not threatened. If a jerk burns a flag, democracy is not under siege. If a jerk burns a flag, freedom is not at risk. We are offended. To change our Bill of Rights because someone offends us is, in itself, unconscionable.

Who bans flag burning? Hitler did. Mussolini did. Saddam Hussein did. Dictators fear flag burners. The reason our flag is different is because it stands for burning the flag.

Though we in proper suits may decry the protesters and the flag burners, protecting their right is the stuff of democracy. The real threat to our society is not the occasional burning of a flag, but the permanent banning of the burners. The real threat is that some of us have now mistaken the flag for a religious icon to be worshipped as would pagans, rather than to be kept as a beloved symbol of our freedom that is to be cherished.

It is not the flag burners who threaten democracy. Rather, it is those who would deny them.

The Constitution this week is being nibbled to death by small men with press secretaries. If the flag burners offend us, do not beat a cowardly retreat by rushing to ban them. Meet their ideas with bigger ideas, for an even better America to protect the flag by protecting democracy, not by retreating from it.

The choice today is substance or symbolism. We cannot kill a flag. It is a symbol; and, yes, patriots have died, but they have died for liberty. They have died for democracy. They have died for the right of the protestors. They died for values.

The flag is a symbol of those values. Saying that people died for the flag is symbolic language. What they really died for are American principles. The Constitution gives us our rights. The Constitution guarantees our liberties. The Constitution embodies our freedoms. It is our substance. The flag is the symbol for which it stands.

True patriots choose substance over symbolism. Diminish the Constitution by removing but one right and the flag shall forever stand for less. Do not pass this amendment. Do not diminish the Constitution. Do not cheapen our flag.

Mr. GINGREY. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, let me just say to the gentleman from New York in his last presentation, for over 2 centuries the first amendment was already understood to permit flag protection. In fact, before the 1989 case, what he is talking about was not even germane because 48 States had already had in place that the flag was protected. Only Wyoming and Alaska did not have it; and now all 50 States, contrary to what the gentleman is talking about, want this amendment, H.J. Res. 10, to pass so that we have protections for our flag.

So he is acting like there has not been historically, little protection for this flag, but historically, for 2 centuries, the first amendment was in place and the flag was protected. H.J. Res. 10 will not amend the first amendment.

Let us not forget that we are not talking about amending the first amendment or limiting the rights guaranteed under the Bill of Rights. So let us make that perfectly clear.

As I pointed out, for 200 years in this country, the first amendment was understood to permit simple flag protection. That conduct has always and continues to be regulated by the United States Government. That is our job. Both State and Federal criminal codes prohibit conduct that could conceivably be protected by the first amendment: yet their constitutionality is not questioned.

Let me give my colleagues an example. Defacing currency, urinating in the public, pushing over a tombstone, public nudity are all actions which can be utilized to express a particular political or social message, but are unquestionably, unquestionably illegal. Flag desecration was once included in that list as a form of conduct our society chose not to condone. However, the Supreme Court's opinion in 1989 in Johnson and Eichman usurped the people's will in this respect.

So after 1989, then we had this problem. H.J. Res. 10 will simply return to where we were 200 years ago, overturn this erroneous decision. That is all we are doing here, restoring the original meaning to the first amendment that had persisted for over 200 years.

As we stand here today, we have a flag behind us here in the House. That flag was like the flag that we saw on 9/11. Who can forget the iconic photo taken on the terrible day of September 11, 2001, of three New York City firefighters raising our flag from the rubble of the World Trade Center?

What did that do? That symbolizes America's mourning, but also it symbolized a determination by the American people to pursue justice. How sad it would be to come to the point where we would allow this flag that projects the symbolism of American mourning and the symbolism of a determination to pursue justice, that we would allow it to be burned.

So we are here to move forward on this amendment. I urge my colleagues to support the rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I would ask the gentleman from Florida (Mr. STEARNS), my friend, does the gentleman know of any time that we have amended the Bill of Rights in the United States of America?

Mr. STEARNS. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, I think I would ask my colleague why he is against 200 years in this country, when we protected our flag, why is he standing on the floor today not respecting the tradition of this country for 200 years and realizing that all 50 States want us to enact this legislation.

Mr. HASTINGS of Florida. Mr. Speaker, reclaiming my time, because I believe in the first amendment. That was the first thing done in the United States Constitution; and I believe that in 1777, when the Founders of this Nation established the flag as our symbol that they were correct then and they are correct now.

I do not know whether my colleague was on the floor when I said to him, and I rather suspect he was not, that I resent flag burning, but I respect rights, and I will respect the rights of individuals within the framework of the Declaration of Independence and the Bill of Rights for as long as I am here.

Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. ACKERMAN), my colleague.

Mr. ACKERMAN. Mr. Speaker, I would appreciate it if the gentleman from Florida (Mr. STEARNS) does not leave the floor for a moment.

I appreciate very much his lecture about 9/11. I happen to live in New York. I am a New Yorker. I am a New York Representative. I was born in New York, and let me tell the gentleman how proud we are of those firemen. Let me tell the gentleman how proud we are of the act that they did in raising that flag and how proud each and every one of us is of that flag.

But let me also tell the gentleman this: we are proud of that flag because it represents a set of values that are different from al Qaeda's values, from oppressors' values. That flag represents our Constitution, and that Constitution is what makes the difference between us and others.

It is not a flag because it is a different shape or has different colors. It is what it represents, and for the gentleman to stand up and cite why we are against doing this and citing history, we have laws against, as the gentleman from Florida said, public urination or nudity in public. Those laws, could the gentleman tell me where there is a constitutional amendment to ban that? There is none. We take care of that with other laws.

In the history which the gentleman is so fond of citing in this country, never has there been a case where we amended the Founding Fathers' Bill of Rights. We have never amended the Constitution's Bill of Rights. We have never once taken away rights of Americans.

Mr. STEARNS. Mr. Speaker, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, the gentleman from New York would agree that we are not amending the first amendment or otherwise limiting in any way the guarantees under the Bill of Rights. Is that not true what we are doing?

Mr. ACKERMAN. No, that is not true. That is absolutely not true.

What my colleagues are doing is amending the Constitution which, for the first time since Prohibition, takes away the right; and there was such a hue and cry in Prohibition and that was because more people happened to drink than burn the flag, appropriately so, I might say.

Mr. STEARNS. Mr. Speaker, if the gentleman would continue to yield, I understand the gentleman is kind to give me this time. It is the gentleman's time, but the point is this is a constitutional amendment. It is not changing the first amendment.

Mr. ACKERMAN. Reclaiming my time, of course it takes away a recognized form of protest and freedom of expression. If a person burns the flag, if they burn someone else's flag, that is a crime. If they urinate in public, as the gentleman's side is so apt to talk about, on the flag, which is a despicable thing to do, there are laws that protect against those things occurring in public.

Mr. STEARNS. Mr. Speaker, if the gentleman would further yield, I have one question for the gentleman. If I went to the New York City firefighters who raised our flag on the rubble of the World Trade Center and I said to them, do you want to protect this flag from desecration and burning, what does my colleague think their answer would be?

Mr. ACKERMAN. Mr. Speaker, reclaiming my time, they were there to protect lives and protect Americans. They raised the flag in an act of patriotism, to show why this great country is different from those that attacked us, and that is because we have a Constitution.

Mr. HASTINGS of Florida. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Florida (Mr. HASTINGS) has 1½ minutes remaining. The gentleman from Georgia (Mr. GINGREY) has 15½ minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I would urge my colleague from Georgia, if he is interested in this colloquy continuing, perhaps it is that he would yield some time to the gentleman from Florida (Mr. STEARNS), who may in turn yield time to the gentleman from New York (Mr. ACKERMAN) and myself and the gentleman from New York (Mr. NADLER).

Mr. GINGREY. Mr. Speaker, I have no other speakers at this time. I plan to reserve the balance of my time, but I will be happy to yield 2 minutes to the gentleman from Florida (Mr. HASTINGS) in the interest of continuation of this colloquy.

Mr. HASTINGS of Florida. Mr. Speaker, I yield to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Well, we have been through this debate, and in all respect to the gentleman from New York, he has come down here and he pulls a box out and he has the American flag on handkerchiefs and he has got it on his tie. I respect him for doing that because he is really saying that the American flag comes in many forms and people use it to adorn, maybe even upholstery, but that is a little different. That is a little different than taking the flag and burning it.

The fact that when this country was founded and we have all the States up until 1989 supporting the idea of protection of the flag, I mean, that tradition alone, by saying to the American people we are going to forget all that tradition, so have we been wrong?

Mr. HASTINGS of Florida. Mr. Speaker, reclaiming my time, I—

Mr. STEARNS. Mr. Speaker, I think I have got the time now.

Mr. HASTINGS of Florida. No, the gentleman does not.

The SPEAKER pro tempore. Did the gentleman from Georgia (Mr. GINGREY) allocate time to the gentleman from Florida (Mr. HASTINGS) or the gentleman from Florida (Mr. STEARNS)?

Mr. GINGREY. Mr. Speaker, I yield 2 additional minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, what the gentleman is saying when we think about it, my good colleague from Florida and New York, were the people in this country wrong for 200 years to protect the flag from desecration?

Mr. HASTINGS of Florida. No.

Mr. STEARNS. Mr. Speaker, now the gentleman, as a Congressman in this 21st century, is saying they were all wrong, the judge in the Johnson and Eichman case was absolutely right? He was not respecting the 200 years we had and now suddenly out of thin air he has decided to change the courts?

Mr. HASTINGS of Florida. Mr. Speaker, reclaiming my time, I do not want to create a constitutional morass, but I had the time and yielded to the gentleman from Florida (Mr. STEARNS), and I tried to reclaim my time. The Chair then permitted the gentleman from Georgia (Mr. GINGREY) to yield time to the gentleman from Florida (Mr. STEARNS), which should come after the time that I have utilized.

Mr. STEARNS. Mr. Speaker, I think we need a clarification who has the time. I understood that my side had given me 2 minutes.

The SPEAKER pro tempore. The gentleman from Florida (Mr. STEARNS) will suspend.

Did the gentleman from Georgia initially allocate debate time to the gentleman from Florida (Mr. HASTINGS) or the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, he has been very generous with my time. I do not want to take his time away because he is on the rule.

The SPEAKER pro tempore. The Chair is asking the gentleman from Georgia (Mr. GINGREY) who he initially allocated time to.

Mr. GINGREY. Mr. Speaker, may I inquire as to how much time our side has remaining?

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) has 11½ minutes remaining after this time has expired. However, the question to the gentleman from Georgia is, who initially did the gentleman allocate time to, the gentleman from Florida (Mr. HASTINGS) or the gentleman from Florida (Mr. STEARNS)?

□ 1245

Mr. GINGREY. Mr. Speaker, that was my mistake. I intended to yield that time to the gentleman from Florida (Mr. STEARNS) rather than the gentleman from Florida (Mr. HASTINGS). I apologize for that mistake.

Mr. HASTINGS of Florida. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Florida (Mr. HASTINGS) has 1½ minutes remaining. The gentleman from Georgia (Mr. GINGREY) has 11½ minutes remaining; and, the gentleman from Florida (Mr. STEARNS) has 3 minutes remaining.

PARLIAMENTARY INQUIRY

Mr. ACKERMAN. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from Florida (Mr. STEARNS) yield to the gentleman from New York (Mr. ACKERMAN) for the parliamentary inquiry?

Mr. STEARNS. Mr. Speaker, I do.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. ACKERMAN. Mr. Speaker, if the gentleman from Georgia (Mr. GINGREY), who controls the time, yielded 2 minutes, which is an allocation of time to the gentleman from Florida (Mr. HASTINGS), should not the gentleman from Florida (Mr. HASTINGS) have 3½ minutes even if they are New York minutes?

Mr. Speaker, 1½ plus 2 are 3½ even in Florida.

The SPEAKER pro tempore. It is the understanding of the Chair, upon asking the gentleman from Georgia to clarify his initial allocation of time, that he intended to yield an initial 2 minutes and a subsequent 2 minutes to the gentleman from Florida (Mr. STEARNS). The gentleman from Florida (Mr. STEARNS) has the time.

Mr. ACKERMAN. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from Florida yield to the gentleman from New York (Mr. ACKERMAN) for a parliamentary inquiry?

Mr. STEARNS. I do.

Mr. ACKERMAN. Is what counts in the rules of procedure of the House what the gentleman's intent was or what the gentleman did?

The SPEAKER pro tempore. The Chair asked the gentleman from Georgia for a clarification. The gentleman from Georgia initially indicated he was yielding 2 minutes to the gentleman from Florida and the Chair did not hear which gentleman from Florida he intended to yield time to. Upon seeking clarification, the gentleman from Georgia indicated he intended to yield to the gentleman from Florida (Mr. STEARNS).

The gentleman from Florida (Mr. STEARNS) may proceed.

Mr. STEARNS. Mr. Speaker, I am going to wrap up here. I did not intend to get into this kind of debate.

Mr. Speaker, only to make my point, as a conservative, when we look at the issue and say there are 200 years of tradition here of protecting the flag, I think we should not throw that tradition out and remember it is only this judge in Johnson v. Eichman in 1989 that made that change, and now again we have 50 States that are asking for us as Members of Congress to vote to support H.J. Res. 10.

Mr. GINGREY. Mr. Speaker, I reserve the balance of my time for the purpose of closing.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I would just comment, in the Johnson case, it was Justice Scalia that was the fifth vote that made the ruling that the gentleman from Florida (Mr. STEARNS) was speaking of just a moment ago. I would hope that he would know that.

The sum fact of the matter is none of us are in favor of anybody burning a flag. But the simple fact of the matter is all of us ought to be about the business of protecting the rights and the liberties of United States citizens.

What I have said I repeat, and that is I am not so insecure that when I see a fool burn a flag that it makes me anything more than incensed. It does not cause me to lose any respect for my country at all, but the rights of that individual are the things that we must be here to protect.

Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, the gentleman from Florida (Mr. STEARNS) indicated this does not implicate free speech. I would simply point out that we see movies all the time. In those movies we see actors dressed up as Nazis, as German soldiers in German World War II trampling and burning the flag. Do we go out and arrest those actors? Of course not, because we know the actors do not mean it; they are playing a role.

But this amendment says if an American citizen to make a point, a point that he disagrees with the actions of his government, were to do the same thing, then we would arrest him. So what are we really saying? It is not the act of the flag burning that matters; it is the point of view associated with the flag burning which is why this is a free speech issue and why we should not pass this amendment.

Mr. GINGREY. Mr. Speaker, I yield myself the balance of my time.

In closing, I thank the gentleman from California (Mr. CUNNINGHAM) for introducing this legislation and to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for being steadfast and persistent in trying to bring resolution to the issue of flag desecration.

On June 14, 1777, the Continental Congress approved the stars and stripes design as the official flag of the United States in order to designate and protect our ships from friendly fire at sea.

Since 1994, 119 incidents of flag desecration, and yes, 75 of those were flag burnings, have been reported in the United States and its territories. A constitutional amendment will send a strong message of respect for our country and what it represents. Every Memorial Day, civic groups volunteer their time placing flags on the graves of our fallen soldiers. It was said earlier on Flag Day, June 14, that very few of our citizens took their liberty to display their personal flags. It is regrettable. It is regrettable that on Memorial Day, instead of honoring our fallen, our KIAs in this great country, people, many people, most people, in fact, just use it as a long weekend, another day, a holiday, not really remembering. But, of course, we do not throw out Memorial Day just because our citizens are not paying the proper respect.

Whenever a soldier or a government leader dies, a flag is given to his or her family in honor of their service to our country. Our flag means something to these civic groups, these family members, our veterans, our soldiers, and all Americans.

Every day men and women selflessly give of themselves to protect our country and our liberties, and they do not deserve to be dishonored, just as our firefighters and our policemen in the great City of New York gave of themselves on that fateful day of 9/11.

During our war against terrorism, we need to send a strong message to the enemies of America and the enemies of freedom by protecting the symbol and values of our Nation. With that said, Mr. Speaker, I urge my colleagues to pass this rule, to oppose the Watt substitution, and pass the underlying legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to H. Res. 330 the Rule governing debate on H.J. Res. 10, an amendment to the Constitution to prohibit physical desecration of the flag of the United States. I oppose the Rule to H.J. Res. 10 because the Rule allows inadequate debate on a resolution is an overly broad infringement on the First Amendment Right to Freedom of Speech. This partisan, structure rule, severely limits amendment and debate on issues that affect every American citizen—the United States Constitution and the First Amendment.

I fully support the amendment offered by the Gentleman from North Carolina, the distinguished Chairman of the Congressional Black Caucus, Mr. WATT. That amendment is so simple that it nearly restates the First Amendment to the Constitution—which further exemplifies the ridiculous nature of the underlying legislation we debate before the Committee of the Whole House. It is a shame that Members have to propose and offer amendments that require adherence to the U.S. Constitution—as Representatives of the United States of America, we are charged with the duty of upholding individual rights, not restrict them.

In last Congress's iteration of this very legislation, I proposed an amendment that was not made in order. My amendment to that bill was designed to protect Americans' right to express their opinions and views about government activity. My amendment stated in pertinent part, "a person shall not have violated a prohibition under that section for desecrating the flag, if such desecration is an expression of disagreement or displeasure with an act taken or decision made by a local, State, or Federal Government of the United States."

Under my amendment Americans would have retained their freedom to speak out against actions taken by local, State, and Federal Governments through desecrations of the flag symbolizing their views. Our democratic government is a government of the people. Our citizen's freedom of expression is at the very heart of our democracy. An attack on American's freedom of expression is an attack on our entire democracy. My amendment would have protected our democracy and protects our citizens.

This Rule, on the other hand, is potentially harmful to our democracy and America's citizens. Freedom of speech and freedom of expression are fundamental components of our democracy. Limiting the ability of American citizens to voice their opinions about their government, through flag desecrations or otherwise, is a violation of the principles of our democracy that are symbolized in the American flag, including the First Amendment right to freedom on expression.

I hope that the Republican leadership sees the irony of their decision to draft such a restrictive rule. We are debating a resolution that, if passed, will severely restrict American's ability to speak openly, freely, and fully, on issues that are of great concern to the public. Under this rule, my colleagues on this side of the isle are restricted from speaking openly, freely, and fully, on an issue that will have a drastic impact on the public, the First Amendment.

This proposed amendment to the Constitution, H.J. Res. 10, is a severe abridgement of the freedom of expression protected by the First Amendment of the United States Constitution. This rule is a severe abridgement of our ability to debate an issue that may have a profound impact on one of America's most fundamental rights.

Mr. Speaker, I oppose this Rule and I encourage my colleagues to do likewise.

Mr. GINGREY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2475, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 331 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 331

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2475) to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The bill shall be considered as read. The amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) One hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; (2) the further amendment printed in part B of the report of the Committee on Rules, if offered by Representative Maloney of New York or her designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 331 is a structured rule that provides for consideration of H.R. 2475, authorizing appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System.

I am pleased to bring this resolution to the floor for its consideration. The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. The rule waives all points of order against consideration of the bill.

It provides that the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence modified by the amendment printed in part A of the Committee on Rules report accompanying the resolution shall be considered as adopted and shall be considered as read.

It makes in order an amendment offered by the gentlewoman from New York (Mrs. MALONEY) or her designee which shall be considered as read and shall be debatable for 30 minutes equally divided and controlled by the proponent and opponent, and all points of order against the amendment are waived.

The rule provides for a motion to recommit with or without instructions.

Mr. Speaker, I am proud to present for consideration the rule for the Intelligence Authorization Act for fiscal year 2006. I want to commend the gentleman from Michigan (Mr. HOEKSTRA) and his hard-working ranking member, the gentlewoman from California (Ms. HARMAN), for their excellent work on this legislation. More than any other committee in the Congress, we rely on the Permanent Select Committee on Intelligence to do work that we have confidence in and that is accurate and honest. The committee is the eyes and ears of this Congress in the intelligence community. We depend on them to be aware of what the rest of the world and our own community is up to. We put our faith in them to practice oversight and to produce a legislative product that addresses the needs of our intelligence community, and therefore our Nation.

The committee does an outstanding job of working on a bipartisan basis to provide for our men and women who are fighting the war on terror on a variety of fronts.

I want to take a moment to salute those men and women who are working around the globe in a variety of capacities doing so much in a quiet, discreet way for our security and liberty. Linguists, analysts, case officers, mathematicians, and engineers, some of the brightest minds that our Nation produces, work in the intelligence community taking, in many cases, an option that is not as generous as the private sector may be if they were to put that intellect and those talents and skills into some other capacity in the private sector.

But they do it as a labor of love, as a part of public service identical to that which calls men and women into uniform in the armed services and which calls men and women into our firefighter and police and other first responding capacities. No differently than those uniformed members, the men and women in our intelligence community throughout the world are performing a huge public service for which we can never show enough gratitude and appreciation.

□ 1300

The Intelligence Committee has reported out a bill that continues the House's commitment to the global war on terrorism and to ensuring that intelligence resources are directed in a balanced way toward threats to our national security. This legislation authorizes more than last year's appropriated amount and more than the President's request to continue to fight the war on terror.

The bill does an effective job of balancing our intelligence resources and strengthening human intelligence gathering by increasing the number of case officers and training and support infrastructure. A long-term counterterrorism program is established to reduce the dependence on supplemental appropriations. Additionally, it authorizes the full amount of funds expected for heightened operations for counterterrorism operations and the war in Iraq.

H.R. 2475 enhances the analytic workforce by providing additional linguists and analysts as well as improved training and tools. Furthermore, the bill continues to invest in technical programs, funding systems end to end, investing in R&D and increased use of signature intelligence, and reflects the results of a comprehensive survey to review and rationalize technical collection programs.

For the first time, the Intelligence Authorization Act funds the new Office of the Director of National Intelligence and allows for increased positions. The National Counterterrorism Center is enhanced through improved information sharing activities and collaboration provisions. The bill improves physical and technical infrastructure of intelligence agencies with new facilities.

This authorization bill is a perfect example of how Congress can achieve a bipartisan product that meets the needs of our Nation. Again, I thank Chairman HOEKSTRA, Ranking Member HARMAN, and the members of the committee for their admirable work. I urge Members to support the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume. First, let me thank the gentleman from Florida (Mr. PUTNAM) for yielding me the time.

Mr. Speaker, I rise in support of this rule providing for the consideration of the Intelligence Authorization Act for fiscal year 2006.

First, Mr. Speaker, let me remind my colleagues that Members who wish to do so can go to the Intelligence Committee office to examine the classified schedule of authorizations for the programs and activities of the intelligence and intelligence-related activities of the national intelligence program. This includes authorizations for the CIA as well as the foreign intelligence and counterintelligence programs within, among other things, the Department of Defense, the National Security Agency, the Departments of State, Treasury and Energy, and the FBI. Also included in the classified documents are the authorizations for the tactical intelligence and related activities and joint military intelligence program of the Department of Defense.

Today more than ever, we must make the creation of a strong and flexible intelligence apparatus one of the highest priorities of this body. The terrorist attacks of September 11, combined with the continuing threat of further attacks, underscore the importance of this legislation, and I am pleased that it has been brought to the floor before the July 4 recess.

Now, Mr. Speaker, while I generally support this bill, it is not closed to improvements. As the Democrats noted in our additional views, this bill is the first authorization bill to be considered since the Intelligence Reform and Terrorism Prevention Act of 2004 became law last December. The reforms undertaken last year, in the aftermath of two intelligence failures, created a Director of National Intelligence and dramatically reshaped the intelligence community. This authorization bill will therefore help define the authorities, priorities, and direction of the Director of National Intelligence and the entire intelligence community.

Mr. Speaker, I am pleased that the committee rejected the President's paltry request for counterterrorism funding and, instead, fully funded the intelligence community's needs. Fully funding counterterrorism represents bipartisanship and good public policy. Of course, this does not seem to be the first time that this administration does not heed the advice of its own intelligence experts, but I digress.

Let me speak also briefly about the fact that this bill and the report accompanying it are pretty much silent on one of the most salient issues of the day, our military prison at Guantanamo Bay, Cuba. The allegations of severe human rights abuses at Guantanamo Bay are at best extremely disturbing and at worst unforgivable sins of our Nation, which has always led the fight for human rights. I do not work there, so I cannot speak to the veracity of every single allegation. But I do know that Guantanamo Bay is a stealth prison, an unrecognizable blip on the radar screen of domestic and international law. Surrounded by a world of laws, treaties, norms and practices. Guantanamo is an unrecognizable entity, a small space where the law simply does not penetrate.

The prisoners are in judicial limbo, with limited access to lawyers and no legal recourse to profess their guilt or innocence or to protect themselves from abuse. In fact, many of them have now been jailed for more than 3 years without even having been charged with a crime. It sounds a bit Kafkaesque to me. Requests from objective outside observers to examine the condition of the prisoners have been rebuffed time and again. The Bush administration seems to trust in only itself to determine whether the prisoners are deserving of legal protections.

I am disheartened by the intelligence authorization bill's silence on this matter. The Members of this body should be greatly concerned with the utter lack of respect for the law or adherence to international agreements that characterize Guantanamo Bay. Former Supreme Court Justice Louis Brandeis once said, "If the government becomes a lawbreaker, it breeds contempt for law."

Congress has a responsibility to prevent Guantanamo Bay from becoming the personal prison of convenience for the Bush administration to stash people it does not want to suffer legal rights to. This body would be greatly remiss if we shucked that responsibility in favor of turning a blind eye to what very well might be the biggest terrorism recruitment tool since the attacks on September 11.

Mr. Speaker, as I have said, this bill provides authorizations and appropriations for some of the most important national security programs in this country. With the adoption of the manager's amendment, which we will hear about in much greater detail presently, I look forward to supporting the bill's ultimate passage.

Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. McGOVERN), my colleague with whom I serve on the Rules Committee.

Mr. McGOVERN. Mr. Speaker, I rise in opposition to this rule.

Mr. Speaker, on June 8, the gentleman from California (Mr. WAXMAN), the ranking member on the Committee on Government Reform, came before the Committee on Rules asking that two amendments be made in order. One amendment calls for a select committee to be established in Congress to investigate abuses of detainees held under U.S. military custody. The other amendment establishes an independent commission for the same purpose.

Mr. Speaker, these are matters that merit the attention of this House and deserve to be debated and voted upon by the Members of this body. But the majority party on the Rules Committee feels otherwise. The Republican leadership believes it is better to sweep these matters under the rug, hide them, forget about them, but certainly not investigate them. It makes no difference whether such an inquiry takes place inside the Congress or outside the Congress, any form of independent investigation is out of the question.

But questions about the abuse and torture of detainees simply will not go away, whether it is Guantanamo or Abu Ghraib or the countless other prisons, jails and detention facilities under U.S. control in Afghanistan and Iraq. Every week brings new revelations of abuses.

Mr. Speaker, I do not blame our soldiers for these abuses. It is their leaders who have failed. It is the leaders up and down the chain of command whose incompetence and arrogance have led to a systemic breakdown of standards and codes of conduct that our military has lived by since its creation.

Mr. Speaker, I would like to read a few lines from the June 13 edition of Newsweek. The article is entitled "Good Intentions Gone Bad." In it, Rod Nordland, Newsweek's Baghdad bureau chief, who is departing after 2 years in Iraq, shares a few final thoughts. He writes:

"Two years ago I went to Iraq as an unabashed believer in toppling Saddam Hussein. I knew his regime well from previous visits. WMDs or no, ridding the world of Saddam would surely be for the best, and America's good intentions would carry the day. What went wrong? A lot, but the biggest turning point was the Abu Ghraib scandal. Since April 2004, the liberation of Iraq has become a desperate exercise in damage control. The abuse of prisoners at Abu Ghraib alienated a broad swath of the Iraqi public. On top of that, it didn't work. There is no evidence that all the mistreatment and humiliation saved a single American life or led to the capture of any major terrorist, despite claims by the military that the prison produced actionable intelligence. The most shocking thing about Abu Ghraib was not the behavior of U.S. troops but the incompetence of their leaders."

Mr. Speaker, this is why we should be debating the Waxman amendments. We cannot run and hide from this abuse. It haunts us, Mr. Speaker. It haunts us. If ever a matter needed the light of day, it is this one.

Oppose this rule. Support debate on the Waxman amendments. Restore America's credibility on human rights and military conduct.

Mr. Speaker, I submit for the RECORD articles from Newsweek and from the Baltimore Sun.

[From Newsweek, Jun. 13, 2005]

GOOD INTENTIONS GONE BAD

(By Rod Norland)

Two years ago I went to Iraq as an unabashed believer in toppling Saddam Hussein. I knew his regime well from previous visits; WMDs or no, ridding the world of Saddam would surely be for the best, and America's good intentions would carry the day. What went wrong? A lot, but the biggest turning point was the Abu Ghraib scandal. Since April 2004 the liberation of Iraq has become a desperate exercise in damage control. The abuse of prisoners at Abu Ghraib alienated a broad swath of the Iraqi public. On top of that, it didn't work. There is no evidence that all the mistreatment and humiliation saved a single American life or led to the capture of any major terrorist, despite claims by the military that the prison produced "actionable intelligence."

The most shocking thing about Abu Ghraib was not the behavior of U.S. troops, but the incompetence of their leaders. Against the conduct of the Lynndie Englands and the Charles Graners, I'll gladly set the honesty and courage of Specialist Joseph Darby, the young MP who reported the abuse. A few soldiers will always do bad things, that's why you need competent officers, who know what the men and women under their command are capable of—and make sure it doesn't happen.

Living and working in Iraq, it's hard not to succumb to despair. At last count America has pumped at least $7 billion into reconstruction projects, with little to show for it but the hostility of ordinary Iraqis, who still have an 18 percent unemployment rate. Most of the cash goes to U.S. contractors who spend much of it on personal security. Basic services like electricity, water and sewers still aren't up to prewar levels. Electricity is especially vital in a country where summer temperatures commonly reach 125 degrees Fahrenheit. Yet only 15 percent of Iraqis have reliable electrical service. In the capital, where it counts most, it's only 4 percent.

The most powerful army in human history can't even protect a two-mile stretch of road. The Airport Highway connects both the international airport and Baghdad's main American military base, Camp Victory, to the city center. At night U.S. troops secure the road for the use of dignitaries; they close it to traffic and shoot at any unauthorized vehicles. More troops and more helicopters could help make the whole country safe. Instead the Pentagon has been drawing down the number of helicopters. And America never deployed nearly enough soldiers. They couldn't stop the orgy of looting that followed Saddam's fall. Now their primary mission is self-defense at any cost—which only deepens Iraqis' resentment.

The four-square-mile Green Zone, the one place in Baghdad where foreigners are reasonably safe, could be a showcase of American values and abilities. Instead the American enclave is a trash-strewn wasteland of Mad Max-style fortifications. The traffic lights don't work because no one has bothered to fix them. The garbage rarely gets collected. Some of the worst ambassadors in U.S. history are the GIs at the Green Zone's checkpoints. They've repeatedly punched Iraqi ministers, accidentally shot at visiting dignitaries and behave (even on good days) with all the courtesy of nightclub bouncers—to Americans and Iraqis alike. Not that U.S. soldiers in Iraq have much to smile about. They're overworked, much ignored on the home front and widely despised in Iraq, with little to look forward to but the distant end of their tours—and in most cases, another tour soon to follow. Many are reservists who, when they get home, often face the wreckage of careers and family.

I can't say how it will end. Iraq now has an elected government, popular at least among

Shiites and Kurds, who give it strong approval ratings. There's even some hope that the Sunni minority will join the constitutional process. Iraqi security forces continue to get better trained and equipped. But Iraqis have such along way to go, and there are so many ways for things to get even worse. I'm not one of those who think America should pull out immediately. There's no real choice but to stay, probably for many years to come. The question isn't "When will America pull out?"; it's "How bad a mess can we afford to leave behind?" All I can say is this: last one out, please turn on the lights.

[From the Baltimore Sun, June 5, 2005]

CLOSE CAMP DELTA

(By Michael Posner)

For many around the world, the detention facility at the U.S. Naval Base at Guantanamo Bay, Cuba, has become one of the most prominent, negative symbols of America's departure from the rule of law since 9/11.

Camp Delta, as the prison on Guantanamo is called, holds more than 520 men from about 40 countries. Many of these people have been detained there for more than three years; none has been given any indication of when, or even if, he will be released. The U.S. government has classified all of the detainees as "enemy combatants."

While the term is not recognized in international human rights or humanitarian law, it has provided the U.S. government with a rationale for denying detainees any rights whatsoever, either under the Geneva Conventions (the laws of war) or U.S. criminal law. This situation has prompted some Bush administration officials to dub Guantanamo "the legal equivalent of outer space." This label would also apply to the dozens of secret U.S. detention sites in Iraq, Afghanistan, Pakistan and Jordan and aboard ships at sea.

But just as Guantanamo has become a powerful negative symbol, it has the potential to be a positive one if the United States is willing to take steps to recognize the possibility. One step, and it is a bold one, would be to shut down the Guantanamo prison—to close its doors and, in doing so, open a public debate among members of Congress, military officers and intelligence and law enforcement leaders on interrogation and detention practices around the world.

Shuttering Guantanamo not only would allow the United States to broadcast to the world its commitment to the rule of law—by moving all security detainees into an established legal process—it also would serve America's security interests. Those around the world who use the symbol of Guantanamo to fuel anti-American sentiments would lose one of their most potent rallying cries. And autocratic governments no longer would be able to hide behind American's example, as they do now, in justifying their own practices of indefinite detention and abuse.

The closing of Guantanamo would, by its very nature, require an evaluation of all the locations where the United States is holding security prisoners because Guantanamo derives much of its infamy from what it has wrought: Guantanamo was the testing ground for coercive interrogation techniques. Torture was exported to other facilities from there.

In the spring of 2003, Defense Secretary Donald H. Rumsfeld explicitly approved 24 interrogation techniques for Guantanamo, including "dietary manipulation," "environmental manipulation," "sleep adjustment" and "isolation," all of which has been previously prohibited by U.S. law and explicit military policy. He did so despite strenuous objections from senior military lawyers, the FBI and others in the government. This policy is still in place.

By mid-2003, the military extended the Guantanamo rules to Iraq. In fact, in August 2003, the Pentagon sent the Guantanamo commander, Maj. Gen. Geoffrey Miller, to Abu Ghraib prison, reportedly with the instruction to "Gitmo-ize" the Iraqi prisons. The revelation of pictures from Abu Ghraib last spring tells part of that story.

But the story is much bigger—and more troubling—than what those photos depict. Consider this: Since December 2002, 108 people have died in U.S. custody, according to Pentagon figures. Of these deaths, no less than 28 were criminal homicides, the Defense Department acknowledges. The victims were tortured to death.

An official investigation into the cases of two young men who were beaten to death at a U.S.-run facility in Bagram, Afghanistan, revealed that more than two dozen soldiers were involved in these deaths. The interrogators, believe that they could deviate from the well-tested rules because, as one said, "there was the Geneva Conventions for enemy prisoners of war, but nothing for terrorists."

Despite its benefits, the prospect of Guantanamo being closed any time soon is unlikely. Last week, Vice President Dick Cheney said of the prison: "What we're doing down there has, I think, been done perfectly appropriately." And yet, the vice president's assertion flies in the face of leaked FBI and International Red Cross reports as well as comments by a former U.S. military translator who published his observations of detainee mistreatment and sexual humiliation.

What can be done when there is such a discrepancy between the facts and the official interpretation of them? In a democracy, the best way to deal with this is openness: Congress should authorize the creation of an independent, bipartisan commission to conduct a thorough investigation of U.S. detention and interrogation policies worldwide. This would allow the United States to assess what went wrong and why and to recommend corrective action.

Until Congress does this, Guantanamo and the other U.S. detention centers will continue to serve as the symbol of America's tarnished reputation.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased and privileged to yield 4 minutes to the gentlewoman from California (Ms. HARMAN), the distinguished ranking member of the Permanent Select Committee on Intelligence.

Ms. HARMAN. Mr. Speaker, I commend the gentleman for yielding me this time and for his service both on the Rules Committee and on the Intelligence Committee, and I thank the gentleman from Florida (Mr. PUTNAM) as well for his comments earlier in this debate.

Mr. Speaker, I urge my colleagues to oppose the previous question so that we can have a debate on the Waxman amendment. Yesterday, we had an open rule for the Defense Appropriations Act which funds the intelligence community. I fail to see why we cannot have an open rule for the authorization bill for those same intelligence programs. I also think it is sad that the leadership scheduled consideration of this authorization bill after our vote on the appropriations bill. This makes little sense and erodes our ability to establish clear guidance for how money will be spent.

Mr. Speaker, this rule should have made in order all of the amendments that were offered. Only 10 amendments were submitted to the Rules Committee. Of those, nine were offered by Democrats, and of those nine, only one was made in order. Each amendment was responsible. Each deserves full consideration on the House floor. Members on both sides of the aisle should have an opportunity to debate the important issues raised by these amendments, but as a result of this unnecessarily restrictive rule, neither Republicans nor Democrats will have that opportunity.

Mr. Speaker, I want to highlight one amendment that the Rules Committee will not let us debate, the Waxman amendment to establish an independent commission on detainee issues. Detentions and interrogations are vital tools. We need those tools. But they must take place according to our laws and our values. To do anything less puts our own troops in harm's way and erodes our moral credibility in the world.

Today, our intelligence professionals operate in what I call a "fog of law," a confusing patchwork of laws, treaties, memos and policies. The Intelligence Committee's oversight subcommittee is conducting a serious bipartisan investigation into the practice of renditions and interrogations under the able leadership of the gentleman from Texas (Mr. THORNBERRY) and the gentleman from Alabama (Mr. CRAMER). But this investigation is largely classified. We also need a public unclassified investigation so that the public can have confidence that our Constitution and our laws are respected. A public bipartisan investigation will help us learn precisely what happened, who should be accountable at senior as well as operational levels, and how to fix the problems.

□ 1315

Mr. Speaker, I will enter into the RECORD an op-ed from the June 7 Washington Post by civil rights attorney Floyd Abrams, former Representative Bob Barr, and Ambassador Tom Pickering, which called for the creation of an independent commission. They wrote: "Only with such a commission are we likely to enact the reforms needed to restore our credibility among the nations of the world."

I agree. Shutting off the lights at Guantanamo will not solve the problem. Only Congress can solve the problem by addressing the policies underlying Guantanamo. Article I, section 8 of the Constitution states that it is

Congress's responsibility to make rules concerning captures on land and water, and that is why, in addition to calling for this independent commission, I believe we need bipartisan legislation. The safety of our troops and our moral credibility in the world are on the line.

I urge my colleagues to oppose this restrictive rule and the previous question.

The material previously referred to is as follows:

[From the Washington Post, Jun. 7, 2005]

JUSTICE BEFORE POLITICS

(By Floyd Abrams, Bob Barr and Thomas Pickering)

After the attacks of Sept. 11, 2001, came widespread shock and horror—and some tough questions. Could the United States have prevented this catastrophe? What corrective action might we take to protect ourselves from other terrorist attacks?

After political struggles and initial resistance by many political leaders, Congress and the president created the Sept. 11 commission in 2002. This bipartisan group of 10 prominent Americans was charged with conducting an independent and complete investigation of the terrorist attacks of Sept. 11 and with providing recommendations for preventing such disasters. In July 2004 the commission released its report, and in December Congress passed legislation to implement many of its recommendations.

In the spring of 2004, the scandal involving the abuse of prisoners at Abu Ghraib became public. Additional allegations of abuse surfaced in connection with prisoners detained by the United States at Guantanamo Bay, Cuba, and elsewhere. Many Americans asked themselves the same painful questions about these allegations: How could such terrible actions have taken place? Who was responsible? What reforms might we implement to prevent such problems? Once again, a year later, these questions remain unanswered.

We believe that the American public deserves answers. We are members of the bipartisan Liberty and Security Initiative of the Constitution Project, which is based at Georgetown University's Public Policy Institute. We have joined with other members of the initiative—Republicans and Democrats, liberals and conservatives—to call for the establishment of an independent bipartisan commission to investigate the issue of abuse of terrorist suspects. We urge Congress and the president to immediately create such a commission and to use the Sept. 11 commission as a model.

No investigation completed to date has included recommendations on how mistreatment at detention facilities might be avoided. Even the Pentagon's much-heralded report by Vice Adm. Albert T. Church, completed in March, concluded only that there were "missed opportunities in the policy development process" and that these opportunities "should be considered in the development of future interrogation policies."

Establishing an independent, bipartisan commission would also be beneficial for U.S. relationships abroad. The abuse of terrorist suspects in U.S. custody has undermined the United States' position in the world. This is a time when we should be making extra efforts to reach out to Muslims and to ask them to work with us in the war against terrorism. Instead, our failure to undertake a thorough and credible investigation has created severe resentment of the United States.

An independent bipartisan investigation can generate widespread acceptance and support for its findings. Only with such a commission are we likely to enact the reforms needed to restore our credibility among the nations of the world.

We must move beyond the partisan battles of our highly charged political climate. To provide a credible investigation and a plan for corrective action, and to show the world that the United States takes seriously its obligations to uphold the rule of law, we urge Congress and the president to establish a commission to investigate abuse of terrorist suspects.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the words of the gentlewoman from California (Ms. HARMAN) and the gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from Florida (Mr. HASTINGS) as it relates to these issues. It reflects a legitimate disagreement over the direction that this investigation should take, whether it should be based in the legislative branch or based in the executive branch or some combination, which has been the history.

In fact, here in our own Congress, the Senate has had eight hearings on detainee abuse, and three on Abu Ghraib specifically. General Myers, the chairman of the Joint Chiefs; the Chief of Staff of the Army; the Secretary of Defense; and the Acting Secretary of the Army have all conducted independent reviews. There are 12 other Department of Defense reviews that have occurred, and the House Committee on Armed Services in this body has held three hearings and numerous briefings.

The legislative branch has been diligent in their oversight responsibility. And I appreciate that there are differences on this, but I particularly appreciate the way that my colleagues on the other side of the aisle have handled this. Unlike in the Senate where the detainee abuse was equated with the regime of Pol Pot and Hitler and Stalin, there is a measured approach to disagreement in this Chamber, and I think that that is the responsible approach, unlike the direction that the Senate has gone. To equate Guantanamo Bay with regimes that murdered millions of people is absurd, and it is dangerous, and it gives aid and comfort to the enemy.

As the chairman of the Committee on Armed Services in this body pointed out, detainees in Guantanamo are provided their own prayer rugs. If that were done in the public school system, it would be against the law. They are called to prayer five times a day. If that were done on the average high school intercom system, it would be a violation of the law. They are fed three nutritious meals per day at an average of $12 per detainee per day. If we multiplied what we spend on the school lunch program times three meals, they would be receiving less than a detainee in Guantanamo Bay.

And because of the ongoing judicial review that our government is engaged in with those detainees, at the end of that process, 234 detainees so far have been released from Guantanamo. And to show their great gratitude, at least a dozen of them have been identified as returning to the fight against American servicemen and -women.

I think that it is important that we keep those facts in mind, as well, as we move through this debate.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Before yielding to the gentleman from California (Mr. WAXMAN), I would just say to my friend from Florida that this judicial review that he talks about evidently is going to take place forever.

It is not about food, Mr. Speaker. The detainees are properly fed. But they cannot see their relatives. Most of them cannot see a lawyer, and most of them have not been told what they are charged with. When I say it is Kafkaesque, Franz Kafka wrote the book "The Trial" that said how horrible it was to be in a situation where one does not know their accusers, they do not know what they are charged with, and they are convicted of something in sitting there. We cannot do that in this country. It is not about food. It is about rights. It is about human rights and dignity.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. WAXMAN), ranking member of the Committee on Government Reform.

Mr. WAXMAN. Mr. Speaker, it has been over a year since we saw the horrific photographs of the torture of the prisoners in Abu Ghraib prison in Iraq. Yet in Congress, we have ignored our fundamental responsibility to investigate this issue. And it is not just Abu Ghraib, but other prison camps as well where we are hearing more and more reports of instances of disrespect of the Koran and denial of human rights to detainees.

Under our system of checks and balances, the House of Representatives has a constitutional duty to ensure proper oversight of the executive branch, and for this reason I submitted an amendment to this bill to create either a select committee of the House of Representatives to examine the matter or an independent commission to conduct such an investigation. But the Republican leadership blocked both amendments. They do not want an investigation inside the House or outside by an independent group. The independent commission, I believe, would have filled this huge oversight vacuum. It was denied, and that is why I am in opposition to the previous question on the rule and the rule itself.

The reports of detainee abuse are undermining one of our Nation's most valuable assets, our reputation and respect for human rights. And they are endangering our Armed Forces and inciting hatred against the United States. As Senator BIDEN said, Guantanamo is the "greatest propaganda tool for the recruitment of terrorists worldwide."

Some of the allegations that have been replayed over and over again around the world may not be true. President Bush calls them "absurd." But we will not know what is true and what is not true unless we investigate. And when we refuse to conduct thorough, independent investigations, the rest of the world thinks we have something to hide. When we ignore our constitutional obligations, we are not doing the administration any favor. A lack of oversight leads to a lack of accountability, and no accountability breeds arrogance and abuse of power.

Over the past year, more and more instances of detainee abuse from a growing number of locations around the world have come to light. In just the past few weeks, new evidence emerged of the desecration of the Koran at Guantanamo Bay; the involvement of Navy Seals in beating detainees in Iraq; and the gruesome, ultimately fatal torture of Afghans at the U.S. detention center at Bagram Airbase in Afghanistan. It is time for this House to put aside political calculations and fulfill our constitutional oversight responsibilities.

Let me just point out to my colleagues that we have not had an investigation since Abu Ghraib. The House held only 5 hours of public hearings in the Committee on Armed Services to investigate the abuses. In contrast, the House spent 140 hours taking witness testimony to examine whether President Clinton mishandled his Christmas card list. What is more important for the use of oversight and investigative powers of the House?

While the Senate review has been more extensive, it has not involved comprehensive public review of all relevant agencies and personnel, nor has it produced comprehensive conclusions regarding individual accountability and necessary corrective actions.

We must do our job. We need to examine these allegations and take our oversight responsibilities seriously. I urge a "no" vote on the rule.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

Unquestionably, Congress's responsibility to properly oversee the activities of the entire Federal Government is preeminent, and that is why I am proud that, under the leadership of the gentleman from California (Chairman HUNTER), they have had hearings. In the Senate they have had hearings. And today, as we speak, the House Permanent Select Committee on Intelligence also has an oversight subcommittee devoted to investigating all of these issues.

Mr. Speaker, to elaborate on that, I yield 5 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the distinguished chairman of that committee.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, I rise in support of the rule. And before I move on to address some of the discussion that has been on the floor today, let me talk about some of the issues in the rule; and I think later on we will have an opportunity to talk about what may be unusual in this bill.

But as my colleagues on the other side today may try to destroy, we have developed a bill that will set a direction for the intelligence community and we have done it in a bipartisan way. We have checked the issues as to whether the bill is sufficient in terms of the resources to have an effective intelligence community. We have made important decisions as to the relative balance between HUMINT and our technical capabilities. We have made important decisions about the direction of our technical capabilities, and we have done it on a bipartisan basis.

This bill came out of committee with a voice vote. It shows the continued commitment of the House to support the global war on terrorism and our troops deployed abroad. We attempted this year to keep ancillary issues out of the bill, to focus the full attention of the committee on careful oversight and review of our Nation's intelligence programs. Our goal was to properly align the resources of those programs to counter the threats facing our Nation. I appreciate the efforts of the Committee on Rules to keep floor debate similarly focused on the programs that are authorized in the bill and related issues.

Again, we are setting a strategic direction for where we think the intelligence community needs to go. There will be some changes that were made as a result of the rule that we will vote on in the next few minutes, and these again were an attempt to make sure that there was not confusion about what direction we wanted to go in, what we wanted to get done, and make sure that the underlying direction for the reform of the intelligence community was the bill that was signed into law by the President last December.

I will say that I agree with some of my colleagues on the other side. My ranking member said it is the responsibility of Congress to do its work. Congress will do its work. We have been doing our work. We have had a bipartisan, constructive effort, led by the gentleman from Texas (Mr. THORNBERRY) and the gentleman from Alabama (Mr. CRAMER), to take a look at the allegations that are out there. We have been investigating these issues.

My colleague here says we have not been doing any work. My colleague has not done the basics. He maybe could have asked, has the Permanent Select Committee on Intelligence on the House side done anything to take a look at the alleged allegations or the abuses at Guantanamo, the intelligence community's relationships to Abu Ghraib? I think my ranking member on the other side has said that we have had a constructive, bipartisan effort to take a look at the allegations, to take a look at the role of the intelligence community, and to take a look at how we move forward on these types of things. But sometimes people do not even want to raise the basic questions and get the basic information that they need.

These are serious issues. The information that the folks may have in Guantanamo may save American lives. It will make our war on terror more effective.

Should these allegations be investigated? Absolutely. Are they being investigated? Absolutely. And members on the Permanent Select Committee on Intelligence know that that work has been going on, and it has been going on in a very constructive and a very effective method.

□ 1330

I look forward to passing this bill today. I look forward to this committee continuing the work that Congress has asked it to do, and us going back and doing it in an effective way, to make sure that we will have an effective intelligence community. It is time to stop bashing our troops and our intelligence community. These people put their lives on the line every day. It is time to show them some support.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, at this time I am pleased to yield 2 minutes to my friend and classmate, the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise to oppose this restrictive rule for not making in order the Waxman amendment to provide for an investigation by a bipartisan, independent commission of the detainee abuses alleged at Abu Ghraib, Guantanamo Bay, and other sites.

Let me say at the outset that the men and women in our armed services ought to be praised for their selfless sacrifices. They deserve not to have their names and their good works associated with the torture and abuse that has been alleged in newspapers and other reports. That is why it is so important to have a complete and full investigation and to receive assurances that torture and abuse are not standard operating procedure in our armed forces, even if torture was authorized by Secretary Rumsfeld and Attorney General Gonzales. It is not authorized by Congress or by the American people who ultimately get to have the final say.

It also bothers me that these detainees do not have any way of asserting their innocence. The President says they are all terrorists, but what if some of them were cases of mistaken identity? What if some of them had nothing to do with terrorism? What if they have a similar name or a similar appearance, but are indeed factually innocent of all charges?

It seems to me that if the government is so sure that everyone we are holding is a terrorist, there should be no trouble convincing a court, a judge, or a military court. That would be preferable to having the government assert that all of these people are terrorists, just trust us. We cannot allow that type of abuse of power to continue in our name.

This assertion of the right to hold people forever, with no specific evidence and no due process, has not been asserted in an English-speaking country since before Magna Carta, 800 years ago, until this President had the nerve to besmirch the good name of the United States by making such an assertion. This is not how America became the Shining City on a Hill so admired by people the world over.

No executive should be permitted the power to lock people up forever without ever having to prove their guilt. That is a power that I would trust to no man, no king, no dictator, and no President.

Let me say one other thing. Torture and abuse of prisoners is not just a shameful violation of human rights, it does not work. People under torture will say anything. Intelligence professionals know better than to believe or to rely on information extracted under torture. Torture and abuse of detainees is wrong for so many reasons. It is a horrendous practice, it produces nothing but shame and more enemies for the United States, and anger from the rest of the world.

We need to aggressively investigate these abuses and put safeguards and policies into place to prevent them from ever happening again.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

Perhaps we should remind the gentleman of some of the 545 people who are being detained in Guantanamo; 545, by the way, is fewer people than are in my county's jail on a Saturday night.

But of those 545 people who killed innocent women and children, they included a detainee named Katani who was stopped before he could board one of the planes used to strike the World Trade Center and the Pentagon, or taking care of Osama bin Laden's body guards, other members of al Qaeda and other terrorist networks and members of the Taliban. These are not your average, run-of-the-mill pick-pockets and thieves. They are hardened terrorists who have pledged everything to destroy American service men and women, to come into our homeland and wreak havoc and cause mayhem and cause death and destruction within these borders of the United States of America. They are being monitored. They are under ongoing judicial review. The eyes of the world, as this debate has evidenced, are on Guantanamo.

These are individuals who represent the very worst in our global society who would do anything to bring us harm. Yet we seem to lose all of that perspective in this very dramatic, theatrical debate that began in the Senate when there was an equation of Guantanamo with the regimes of Stalin and Hitler and Pol Pot which resulted in the torture and mutilation and death of millions of human beings. And for this similar equation to be made on the House floor that we, in our activities in Guantanamo, are even remotely close to those regimes is out of bounds.

There have been numerous Department of Defense investigations into detainee abuse, numerous House Committee on Armed Services hearings on detainee abuse, Senate committee hearings on detainee abuse, and ongoing Intelligence subcommittee reviews of what is going on there.

It is important that we step back and understand that this is an intelligence authorization bill that gives our men and women the tools they need to fight people around the world that we would not invite over for dinner; people who would do everything in their power to bring down our society, our form of government, our cloak of safety. Let us keep those things in mind when we go forward with this debate about Guantanamo and Abu Ghraib.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Just one thing for my friend from Florida: Charge it and prove it. That is all. This is a great Nation. We can charge those folks with a crime, and we can prove that they did what the gentleman said.

Mr. Speaker, I am pleased at this point to yield 3 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Education and the Workforce.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to this rule.

We have been led to believe that the use of torture in Iraq, Afghanistan, and Guantanamo Bay, Cuba were isolated incidents; that murder, sexual assault, and physical abuse were the work of a few low-ranking guards who are now being brought to justice.

The new evidence indicates we have been misled.

Recent news accounts have detailed the deaths of two detainees in 2002 at the Bagram Collection Point in Afghanistan during interrogation by military intelligence. One man was hung by his arms in his jail cell for days and beaten so severely in the legs that he died, even though, as the newspapers reported, soldiers involved in the detention believed that the man was innocent.

Despite being ruled homicide by the coroners, the deaths were described by a military spokesman as resulting from natural causes. In the meantime, the officer was promoted and placed in charge of interrogations in Iraq's Abu Ghraib Prison.

But this story is not about low-ranking soldiers who independently ran afoul of the system; it is not a matter of a few bad apples. It is one tale in what is emerging to be a pattern of systematic abuse carried out with the knowledge and approval of senior military and civilian officials.

How do we know that the Defense Department and senior military commanders knew what was going on? Because their own documents say so. Their own documents show that the general in charge of our troops in Afghanistan knew that unapproved techniques were being used in those interrogatories. So what did he do? He made a list of these techniques and sent them to the Joint Chiefs of Staff, who were looking for ways to alter interrogations in Guantanamo Bay.

In fact, the only time the general in charge of U.S. forces in Afghanistan seems to have issued any written policy is when he recommended that the Geneva Convention techniques be removed for everyone, regardless of whether or not they were tied to al Qaeda or the Taliban.

So let me sum it up. Advanced torture techniques were developed and used in Afghanistan and resulted in the deaths of multiple detainees. The deaths were covered up and the investigations were stalled. The techniques were shared with the interrogators at Guantanamo Bay and then spread to Iraq where the same people responsible for the deaths in Afghanistan were put in charge of the Abu Ghraib prison.

From Afghanistan to Guantanamo to Abu Ghraib, torture, lies, and coverup. This is not an accident, this is a pattern of abuse.

I want to enter into the RECORD an editorial from my hometown paper on this.

That is why I join my colleagues in calling for the creation of an independent commission on detainee abuse. The leadership in the House and, more specifically, the chairman of the Committee on Armed Services have proven both negligent and incapable of dealing with this issue as they have looked the other way and led the country to continue to believe that this is only a few bad apples, a few malcontents that went about it the wrong way when, in fact, the evidence from our own Defense Department tells us differently and has irreparably damaged the reputation of the United States, and has cast doubt on our foreign policy, and it is a new recruitment tool, as so many have commented, both in the intelligence community and in the Congress, that raises the likelihood that U.S. troops captured by enemy combatants or terrorists will be killed or tortured. It gives the radical opponents of the United States and the insurgents the fuel to feed the insurgency against U.S. soldiers and the new Iraqi Government.

The failure of this administration, which so often demands accountability of others to deal with this issue in an honest and forthright fashion, undermines our ability to implement the strategy for success in Iraq and Afghanistan and tears down our forces.

SUSPICIOUS TREATMENT

First, there were the sickening photos smuggled out of Abu Ghraib prison a year ago that shocked the world and fueled anti-American sentiment throughout the Middle East. Then, there were allegations from prisoners recently freed from Guantanamo Bay that U.S. military guards had beaten false confessions out of them and desecrated the Quran. Then, earlier this month, the New York Times reported that military interrogators at a U.S. prison in Afghanistan had killed detainees during questioning, then tried to cover up the cause of death. The interrogators didn't believe one of the men was involved in terrorism, but had beaten him to death—allegedly by accident—anyway.

Now, Amnesty International U.S.A. has released a scathing report calling the U.S. Navy Base at Guantanamo Bay, Cuba, "the gulag of our times." The report's authors accuse Defense Secretary Donald Rumsfeld, Attorney General Alberto Gonzales and other top U.S. officials of being "architects of torture."

The human rights watchdog organization called on foreign governments to use international law to investigate U.S. officials for their abuse of detainees accused of having terrorist ties.

Meanwhile, the Associated Press has obtained 1,000 pages of U.S. government tribunal transcripts under a Freedom of Information Act lawsuit that offers chilling, firsthand accounts of alleged prisoner abuse. In one case, a Guantanamo Bay prisoner told a military panel that American soldiers had beaten him so badly, he now wets his pants.

Vice President Dick Cheney insists that the prisoners are "peddling lies" and that the Guantanamo detainees have been "well-treated, treated humanely and decently." President Bush blasted the Amnesty report Tuesday, calling it "absurd."

Yet, It is quite unsettling that prisoners in Guantanamo, Afghanistan and Iraq have told strikingly similar stories.

Bush administration officials' unapologetic defense of military conduct at Guantanamo and other U.S. military prisons—in the face of mounting evidence of serious problems—is symptomatic of its increasingly familiar refusal to acknowledge mistakes and take responsibility. This arrogant stonewalling must not be allowed, especially when so much is at stake.

The well-publicized mistreatment of Muslim detainees at U.S.-run military prisons has severely damaged the United States' reputation abroad. It is the height of hypocrisy to talk of spreading democracy while our government tramples all over individual civil liberties. In the United States, a person is innocent until proven guilty, yet Muslim detainees are essentially guilty until proven innocent. Nearly 600 people have been held without charges. Up until a year ago, they could not even challenge their detentions in U.S. courts. The U.S. government had argued that as foreigners on foreign soil, they had no legal recourse, which is absurd as well as un-American.

It is high time that President Bush and Congress appoint a bipartisan panel to investigate the allegations of abuse of terrorist suspects. People on both sides of the ideological spectrum have called for such a commission, ranging from conservative former U.S. Rep. Bob Barr, R-Ga., to the Center for American Progress on the left.

If, as Rumsfeld claims, released detainees are a bunch of liars, the administration has nothing to hide.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

Perhaps the gentleman, out of his concern for torture, would read into the RECORD the similar treatments, the abuse, the torture, the behavior shown Jessica Lynch. Perhaps the gentleman would also read into the RECORD the actions of the gentlemen who boarded American airplanes and crashed them into the World Trade Center and the Pentagon. Perhaps, out of his sense of concern about torture, he would enter into the RECORD transcripts and videos of the beheadings that have been taking place in Iraq. Perhaps the gentleman, out of his sense of concern about torture, would cover those bad apples, those bad actors, and the actions that are being taken against them.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in opposition to any further investigation of either what is taking place at Guantanamo Bay with our detainees or further investigation of Abu Ghraib.

I want to speak about Guantanamo first, because I heard some of the reports when we first brought detainees there, and I went down and visited. I walked among the prisoners. I saw the housing, I saw how they were treated. I was asked what I thought when I saw the whole thing, and I want to use my quote here on the floor. I said, "I thought it was too good for the bastards."

I stand here today appalled at my colleagues who, in fact, are concerned about the rights of mass murderers. And that is exactly what we have here. We have international mass murderers, enemy combatants. They had no consideration, in support of a regime, the al Qaeda regime and Osama bin Laden, who slaughtered thousands of people on our soil, and many of whom were both Americans and internationals.

What right did they respect of Barbara Olson, who worked for our Committee on Government Reform, whose plane crashed into the Pentagon that morning? And I remember Barbara. What right did they respect of Neal Levin, who I met with at the World Trade Centers, who was trapped, along with everyone who helped me and our Subcommittee on Aviation, who were all murdered on the morning of September 11 when they were in the Windows on the World restaurant? What right did they defend of those people?

How quickly we forget September 11. I am reading the book "102 Minutes." I wish everyone would read it, about the thousands of people who were left trapped in the World Trade Center. What rights did these people who supported that activity exercise?

Abu Ghraib, if I hear one more thing about that and the actions of our military folks; someone described "horrific torture." I saw worse things at fraternity houses in college than what our troops were involved in. And to continue the harassment.

The gentlewoman from Florida (Ms. ROS-LEHTINEN) brought into the Committee on International Relations two prisoners; one, I recall, was from Abu Ghraib. I did not see anyone from the other side there. I did not see anyone from the press there when they described their treatment under Saddam Hussein. Do my colleagues know how he dealt with overcrowding? He took them out and slaughtered them. I did not see anyone from the other side concerned about the rights of those prisoners.

One gentleman told us how he was taken from Abu Ghraib Prison; well, he described not only the beheadings, but the limb amputations, the pulling out of tongues, the electrical shocks. How dare anyone from the House or the other body compare the treatment our troops afforded this scum of the earth?

What about an investigation of the 300,000 mass graves that our troops have uncovered and the treatment that those people received.

Finally, again, that one prisoner, and no one here bothered on the other side to even attend the meeting with the prisoners to hear how Saddam Hussein treated them. He described how he was taken out, he and others, and they were all shot, and the bulldozer pushed over dirt on them; he was shot five times, and only managed to crawl away and somehow survive to tell how the other side truly tortures.

☐ 1345

Mr. HASTINGS of Florida. I am convinced of some things: some of my colleagues just do not get it when it comes to human rights.

Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague for yielding me time.

Mr. Speaker, I rise to oppose the rule with a very simple question: What is the House Republican leadership afraid of? We say we want to promote democracy around the world. We say we want to set a good example to others, and yet the House leadership seeks to block a vote today. That is what this argument is about, a vote today on the Waxman amendment, which would simply create an independent, bipartisan commission to investigate abuses at Abu Ghraib, Guantanamo Bay, and other places around the world.

Unfortunately, the only example we seem to be setting these days is the example of the ostrich, to bury our heads in the sand, to ignore the facts, to ignore the truth.

The Bush administration and my colleagues on the other side of the aisle say that the reports of human rights abuses at these facilities have been greatly exaggerated. Then what are they afraid of? The chairman of the Intelligence Committee just says these are serious issues. They are serious issues.

We do not want quarter-truths; we do not want half-truths. Let us get at the full truth, the good, the bad and the ugly. People around the world look to the United States, not just for the statements we make, but for the actions we take. And Americans have been shocked at the reports of abuses because they know these actions do not reflect our values, and that is what this is about, our values.

And they do not represent us as a people. The United States throughout its history has been a great beacon of human rights. And very sadly, that beacon has been dimmed by the abuses that have been taking place. And the best way to reclaim our credibility on this issue is to squarely face the facts and those abuses.

We must lead by our example. We must show we will not run from the truth even when it is unpleasant. Only by confronting the truth can we learn from our mistakes. Only by examining our own conduct can we credibly talk about the misconduct of others. Let us show the world that a strong, competent Nation does not run from or hide from the truth. Let us once again lead by example.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Texas (Mr. THORNBERRY), the seeker of that truth, the chairman of the oversight subcommittee tasked with looking into alleged abuse.

Mr. THORNBERRY. Mr. Speaker, I thank the gentleman from Florida for yielding and commend him on the handling of this rule, but also in helping us put this whole issue into greater context.

Because, Mr. Speaker, I think it is important for us to remind ourselves that this bill contains a number of things which try to help defend the country, try to help keep us all safer, try to prevent gross inhumane acts of slaughter by the terrorists, which we know they are intent upon committing.

And so I think it is important as we focus down on some of these specific issues, and we should talk about them, to keep the larger context in mind. The gentleman from Florida has helped to do that. In a little bit, I want to talk in greater length about the oversight subcommittee, because I think it is important to say that the chairman of the Intelligence Committee and the ranking member of the Intelligence Committee, at the beginning of this Congress, decided to create a special oversight subcommittee of the House Intelligence Committee.

And our charge is to focus at greater depth and with greater persistency on some of the key intelligence issues which we face. And we take that job very seriously. And I think we can do the job very seriously, in part because we usually do not do our job in front of the cameras. We do not do our job for partisanship.

We do not come out on the floor, in press conferences or in other places, and try to bash the administration or to protect the administration. We try to be tough, but fair. And that is the way that real oversight, particularly in the area of national security, ought to be done, rather than posturing and other things that we have seen from time to time. The problem is the work you do in the Intelligence Committee cannot be talked about openly. And so there is very little one can say about the specifics.

But just because we cannot come and detail all of our activities and some of what we found and what more we have to do, one should never take that to mean that there is not serious oversight and investigation ongoing, because there is.

And, in fact, Mr. Speaker, I believe that worldwide terrorism presents a number of challenges to us. It is absolutely true, as many of the speakers have said, that we must maintain our American values, and at the same time try to prevent acts of terrorism.

Our problem is, when we just focus on one part of that equation, when we forget that the purpose here is to prevent acts of terrorism, then I think we become unbalanced, our rhetoric becomes more sensational, and unfortunately I think the American people do not benefit from such talk.

I can only say that with my partner, the gentleman from Alabama (Mr. CRAMER), and other members of the subcommittee, with our bipartisan staff, we take our job very seriously. And we will pursue that investigation very seriously. And we will try to make sure that American values are maintained, and at the same time our troops, our homeland security folks, our policemen and others, have the information they need to keep us safe. We will keep both goals in mind.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend, the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank the gentleman for his leadership and for yielding me this time.

Mr. Speaker, I rise to engage today in a colloquy with the gentlewoman from California (Ms. HARMAN), our ranking member of the Permanent Select Committee on Intelligence. And let me first thank the gentlewoman for her consistent leadership on so many national security issues.

Let me just say briefly that I appreciate this opportunity to discuss an issue very briefly that is of critical importance, that is, making sure that the United States Government is not involved in violating the will of any people anywhere in the world which duly elects a government through democratic means.

In 1982, Congress passed the Boland amendment, which prohibited the Federal Government from using taxpayer dollars for the purpose of overthrowing the Government of Nicaragua. I offered an amendment to this intelligence authorization bill that broadens this concept to ensure that our Federal intelligence dollars are not used to support groups or individuals engaged in efforts to overthrow democratically elected governments. Unfortunately it was not made in order.

In an ideal world, we would not specifically stipulate this, but events in Haiti and more recently in Venezuela have led me to wonder whether we need to codify this straightforward, nonpartisan position. So I think that we must do all we can not only to support the spirit of democracy throughout the world, but also to ensure that it is allowed to flourish and to grow.

I would like to ask the gentlewoman from California (Ms. HARMAN) if she has any thought about how we need to move forward, basically because I believe again, as I said earlier, that such actions fly in the face of our own democratic principles.

Ms. HARMAN. Mr. Speaker, will the gentlewoman yield?

Ms. LEE. I yield to the gentlewoman from California.

Ms. HARMAN. Mr. Speaker, I thank the gentlewoman for yielding.

I thank the gentlewoman for raising this issue. I want to assure her that I understand and support the general principle she has raised, and I believe that we should be mindful of that issue.

Ms. LEE. Mr. Speaker, I want to thank the gentlewoman for her comments and her attention to this issue. I look forward to working with her.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. DANIEL E. LUNGREN.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, one of the previous speakers said we just do not get it. To him I would say, and to others, yes, we do get it.

I came back to this body after 9/11 precisely because of the attack on Americans and the loss of three people that I knew personally. I came back here with the idea that we needed to fight for America and defend ourselves and not tear up the Constitution in the process.

The suggestion made by some that we are engaged in wide-scale torture, that we are somehow morally equivalent with others is absolutely absurd. The proper way for us to respond to allegations is to do what the Congress is supposed to do, and what the gentleman from Texas (Mr. THORNBERRY) said we are about, which is the proper congressional oversight, not mock hearings like we had last week, not setting up independent commissions, not politicizing this, but doing it in the way the Constitution requires us to do it.

If there is any problem, it is with the Congress not doing proper oversight. We have the commitment from the committees and the subcommittees to do it. Let us rise above partisanship. Let us do the right thing, and let us get rid of this nonsense of a moral equivalency between the United States and some of those terrible regimes around the world. It is not worthy of this body.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield such time as she may consume to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong opposition to this restrictive rule.

The gentleman from California (Mr. WAXMAN) offered a reasonable amendment, which was rejected by the Rules Committee, that would have put the House on record in support of a bipartisan, independent investigation into detainee abuse at Abu Ghraib prison in Iraq and the facility at Guantanamo Bay.

Because there are known cases of abuse, and there are more questions than answers about the extent of abuse on people held by or for the United States, we need to shine a very bright light on detainee treatment. Only when we know the full scale of the problem will we be able to stop, prevent, and correct any wrongs that have been done in our country's name.

And if it is true, as Vice President CHENEY says, that the prisoners are peddling lies, then let us investigate prisoner treatment so that we have evidence and not just assertions. The United States should be the standard bearer of democracy, freedom and human rights throughout the world. However, it has been over a year since the story broke about prisoner abuse at Abu Ghraib, and we have yet to conduct a through independent investigation.

Opening the door to an independent investigation would be a major step toward returning our country's standing as a moral leader. And to those who would try to justify what we do by saying, well, it is not as bad as those unspeakable beheadings or other things, well, I should certainly hope not, because we are not like them. We are better than them. We are the United States of America.

And now, those who call on our country to uphold the rule of law and who reject becoming debased ourselves by conducting torture, they become the object of relentless criticism. Those patriots who want to stand up to our values and our belief in the rule of law, we are a proud and a great Nation blessed with immense freedom and with military personnel who proudly defend us. We should not fear the truth; we should demand it with an independent investigation.

Mr. PUTNAM. Mr. Speaker, the gentlewoman is absolutely right when she says we are better than them. She is absolutely right when she says we are not equal to them. I hope she shares that thought with the senior Senator from Illinois.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I have listened to this debate with interest. And I rise in support of the rule and in support of a realistic foreign policy that some in this Chamber apparently misunderstand.

The actions of September 11, 2001, were not criminal acts; they were acts of war against this Nation.

□ 1400

One of the fundamental problems when you separate all the venom and vitriol that we have heard in this debate and certainly from someone in the other body who compared American fighting men and women to the Soviets with their gulags and the Third Reich and Pol Pot's regime in Cambodia, one of the fundamental problems seems to be the willingness of many to equate this with some sort of law enforcement problem. It is not.

And to those who are expending such efforts and such rhetoric on behalf of the alleged rights of enemies of this country, let me remind you that the Constitution's first three words are "We the people," not "they the terrorists," or "they the insurgents," or "they the accused."

In wartime the Constitution is a mechanism for the survival of the Republic. And as Mr. Justice Jackson pointed out years ago, the Constitution is not a suicide pact. This need not be a partisan controversy. One look only so far as the History Channel as columnist Thomas Sowell pointed out 2 weeks ago. Do you know what happened at World War II to unfortunate combatants; that is, those without representing a nation state or wearing the uniform or insignia of a military nation or state during World War II?

When those unlawful combatants were apprehended, they were lined up and shot. The Commander in Chief at that time was Franklin Delano Roosevelt. That was in adherence with the Geneva Convention.

We are in a war where people behead Americans. It would be nice to see one-tenth of the passion on behalf of American citizens that we see for the terrorists and their alleged rights. Vote in favor of the rule.

Mr. PUTNAM. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. FLAKE). The gentleman from Florida (Mr. PUTNAM) has 2 minutes remaining. The gentleman from Florida (Mr. HASTINGS) has 1½ minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I want to take a second to speak to my friend from Florida (Mr. HASTINGS), and he is my friend, but I think he is wrong when he says human rights issues are something that we just do not get.

Well, that is wrong. I think we do get it. I think it is fairly clear to the Members of this body, it is fairly clear to the people of this country, that many of you Democrats are very interested in human rights of the prisoners down in Guantanamo Bay, people who would kill your children, who would kill your families and destroy your homes. And we are interested in getting information in a reasonable manner from prisoners or terrorists in order to save the lives of American people, to save the lives of our military.

So it is a simple matter. It comes down to whose side are you really on? Are you on the side of the terrorists so you can be against President Bush, or are you on the side of the American people and the American families?

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I answer the gentleman from Georgia (Mr. NORWOOD). I am on the side of the American people and I am on the side of the rights that I believe are principles inherent in our United States Constitution and throughout the United States Constitution.

I do not have time to yield to the gentleman, otherwise I would.

Make no mistake about it, most of us feel as strongly as most of you do, and I do not think that anybody here ought question our patriotism.

This Nation is the greatest Nation on this Earth, and we do not have to have anything to fear. We do not have to have any worry about trying people who harm this Nation.

Mr. Speaker, I will be asking Members to oppose the previous question. If the previous question is defeated, I will modify this rule so we can consider the amendment by the gentleman from California (Mr. WAXMAN) that was rejected in the Committee on Rules last night.

Mr. Speaker, I ask unanimous consent to insert the text of this amendment immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, the Waxman amendment has been explained. It would establish an independent commission, similar to the 9/11 Commission, to conduct an extensive, bipartisan, and thorough investigation into the multiple accounts of prisoner abuse that have occurred in Iraq, Afghanistan, and Guantanamo.

Mr. Speaker, it has been well over a year since the shocking and humiliating photographs of prisoner abuse at Abu Ghraib first became public. I doubt there is any Member of this Chamber who was not appalled at that disgraceful act. Yet, in spite of these events, the House has done very little of substance.

Mr. Speaker, if you allow me to conclude by saying, a "no" vote will allow Members to vote on the Waxman amendment, so we can take immediate steps to fully investigate these very disturbing incidents of prisoner mistreatment.

Mr. PUTNAM. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this has been a vibrant, robust debate and a good solid beginning of the undeniable debate that will follow on the underlying bill.

In case you missed it from the debate over the rule, there is a lot more to this rule than just Abu Ghraib and Guantanamo. This is an important rule that allows us to consider the intelligence authorization bill that gives our men and women around the world the tools and skill and support they need to win the war against terrorism on our behalf, important new assets in terms of technical capabilities, and a tremendous investment in the most important piece that we have in intelligence, which is those hardworking men and women who were called to public service.

This is a fair rule. It allows for a great deal more consideration of these issues that we have already begun to discuss in terms of detainees and the role of American intelligence in our society and the tools that they need around the world. I encourage everyone to support it and to support the underlying bill.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION ON H. RES. 331—RULE FOR H.R. 2475 INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2006

"In the resolution strike "and (3)" and insert the following:

"(3) the amendment printed in Section 2 of this resolution if offered by Representative Waxman of California or a designee, which shall be in order without intervention of any point of order or demand for division of the question, shall not be subject to amendment, shall be considered as read, and shall be separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent; and (4)

SEC. 2. The amendment by Representative Waxman referred to in Section 1 is as follows:

AMENDMENT TO H.R. 2475, AS REPORTED
OFFERED BY MR. WAXMAN OF CALIFORNIA

At the end, add the following new title:

TITLE V—ESTABLISHMENT OF INDEPENDENT COMMISSION TO INVESTIGATE DETAINEE ABUSES

SEC. 501. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the Independent Commission on the Investigation of Detainee Abuses (in this title referred to as the "Commission").

SEC. 502. DUTIES.

(a) INVESTIGATION.—The Commission shall conduct a full and complete investigation of the abuses of detainees in connection with intelligence and intelligence-related activities of Operation Iraqi Freedom, Operation Enduring Freedom, or any operation within the Global War on Terrorism, including but not limited to the following:

(1) The extent of the abuses.

(2) Why the abuses occurred.

(3) Who is responsible for the abuses.

(4) Whether any particular Department of Defense, Department of State, Department of Justice, Central Intelligence Agency, National Security Council, or White House policies, procedures, or decisions facilitated the detainee abuses.

(5) What policies, procedures, or mechanisms failed to prevent the abuses.

(6) What legislative or executive actions should be taken to prevent such abuses from occurring in the future.

(7) The extent, if any, to which Guantanamo Detention Center policies influenced policies at the Abu Ghraib prison and other detention centers in and outside Iraq.

(b) ASSESSMENT, ANALYSIS, AND EVALUATION.—During the course of its investigation under subsection (a), the Commission shall assess, analyze, and evaluate relevant persons, policies, procedures, reports, and events, including but not limited to the following:

(1) The Military Chain of Command.

(2) The National Security Council.

(3) The Department of Justice.

(4) The Department of State.

(5) The Office of the White House Counsel.

(6) The Defense Intelligence Agency and the Central Intelligence Agency.

(7) The approval process for interrogation techniques used at detention facilities in Iraq, Cuba, and Afghanistan.

(8) The integration of military police and military intelligence operations to coordinate detainee interrogation.

(9) The roles and actions of private civilian contractors in the abuses and whether they violated the Military Extraterritorial Jurisdiction Act or any other United States statutes and international treaties.

(10) The role of nongovernmental organizations' warnings to United States officials about the abuses.

(11) The role of Congress and whether it was fully informed throughout the process that uncovered these abuses.

(12) The extent to which the United States complied with the applicable provisions of the Geneva Conventions of 1949, and the extent to which the United States may have violated international law by restricting the access of the International Committee of the Red Cross to detainees.

SEC. 503. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be jointly appointed by the minority leader of the Senate and the minority leader of the House of Representatives, who shall serve as vice chairman of the Commission;

(3) 2 members shall be appointed by the majority leader of the Senate;

(4) 2 members shall be appointed by the Speaker of the House of Representatives;

(5) 2 members shall be appointed by the minority leader of the Senate; and

(6) 2 members shall be appointed by the minority leader of the House of Representatives.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(2) OTHER QUALIFICATIONS.—Individuals that shall be appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, law, public administration, intelligence gathering, human rights policy, and foreign affairs.

(3) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed within 45 days following the enactment of this Act.

(4) MEETINGS.—The Commission shall meet and begin the operations of the Commission as soon as practicable. After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members.

(c) QUORUM; VACANCIES.—Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) CONFLICTS OF INTEREST.—Each member appointed to the Commission shall submit a financial disclosure report pursuant to the Ethics in Government Act of 1978, notwithstanding the minimum required rate of compensation or time period employed.

SEC. 504. POWERS OF COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(2) Subpoenas.—

(A) Issuance.—

(i) In general.—A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) Signature.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(B) Enforcement.—

(i) In general.—In the case of contumacy or failure to obey a subpoena issued under this subsection, the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) Additional enforcement.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this subsection, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(3) Scope.—In carrying out its duties under this Act, the Commission may examine the actions and representations of the current Administration as well as prior Administrations.

(b) Contracting.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties of this Act.

(c) Information From Federal Agencies.—

(1) In general.—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government, information, suggestions, estimates, and statistics for the purposes of this Act. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) Receipt, handling, storage, and dissemination.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive Orders.

(d) Assistance From Federal Agencies.—

(1) General Services Administration.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) Other departments and agencies.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) Gifts.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 505. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) In General.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) Public Meetings and Release of Public Versions of Reports.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under section 509.

(c) Public Hearings.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 506. STAFF OF COMMISSION.

(a) In General.—

(1) Appointment and compensation.—The chairman, in consultation with vice chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) Personnel as federal employees.—

(A) In general.—The staff director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) Members of commission.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) Detailees.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) Consultant Services.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 507. COMPENSATION AND TRAVEL EXPENSES.

(a) Compensation.—Each member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) Travel Expenses.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 508. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

(a) In General.—Subject to subsection (b), the appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

(b) Exception.—No person shall be provided with access to classified information under this title without the appropriate required security clearance access.

SEC. 509. REPORTS OF COMMISSION; TERMINATION.

(a) Interim Reports.—The Commission may submit to Congress and the President interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) Final Report.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress and the President a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) Form of Report.—Each report prepared under this section shall be submitted in unclassified form, but may contain a classified annex.

(d) Recommendation to Make Public Certain Classified Information.—If the Commission determines that it is in the public interest that some or all of the information contained in a classified annex of a report under this section be made available to the public, the Commission shall make a recommendation to the congressional intelligence committees to make such information public, and the congressional intelligence committees shall consider the recommendation pursuant to the procedures under subsection (e).

(e) Procedure for Declassifying Information.—

(1) The procedures referred to in subsection (d) are the procedures described in—

(A) with respect to the Permanent Select Committee on Intelligence of the House of Representatives, clause 11(g) of Rule X of the Rules of the House of Representatives, One Hundred Ninth Congress; and

(B) with respect to the Select Committee on Intelligence of the Senate, section 8 of Senate Resolution 400, Ninety-Fourth Congress.

(2) In this section, the term "congressional intelligence committees" means—

(A) the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Select Committee on Intelligence of the Senate.

SEC. 510. TERMINATION.

(a) IN GENERAL.—The Commission, and all the authorities of this Act, shall terminate 60 days after the date on which the final report is submitted under section 509(b).

(b) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

SEC. 511. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated funds not to exceed $5,000,000 for purposes of the activities of the Commission under this Act.

(b) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

Mr. PUTNAM. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 224, nays 201, not voting 8, as follows:

[Roll No. 288]

YEAS—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Carter
Herseth
Lewis (GA)
Murphy
Sessions
Walden (OR)
Whitfield
Young (FL)

□ 1431

Mr. GENE GREEN of Texas changed his vote from "yea" to "nay."

Mr. GILLMOR and Mr. ISTOOK changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HAYES). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF MEMBERS TO ATTEND FUNERAL OF THE HON. "JAKE" PICKLE

(Mr. THOMAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS. Mr. Speaker, the gentleman from New York (Mr. RANGEL) and I are in the process of putting together the potential list for flying to the Jake Pickle funeral tomorrow at 4 p.m. It is very short notice, and it will be an imposition on the funeral site. We are in contact now.

What we need to know are how many Members, beyond the Texas delegation and the Committee on Ways and Means, have a very strong interest in attending the Jake Pickle funeral? We would leave with ample time to get there prior to the 4 p.m. funeral time, and then we would immediately return. Any Member who has an interest, would they call the Committee on Ways and Means and ask for Allison Giles, 53630. We need to pull together an approximate number of Members who have a strong interest in attending the Jake Pickle funeral.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. HOEKSTRA. Mr. Speaker, pursuant to House Resolution 331, I call up the bill (H.R. 2475) to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes and ask for its immediate consideration.

The SPEAKER pro tempore. Pursuant to House Resolution 331, the bill is considered read for amendment.

The text of H.R. 2475 is as follows:

H. R. 2475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2006".

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Department of Justice.

(11) The Federal Bureau of Investigation.

(12) The National Reconnaissance Office.

(13) The National Geospatial-Intelligence Agency.

(14) The Coast Guard.

(15) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2006, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. _______ of the One Hundred Ninth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2006 under section 102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify promptly the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2006 the sum of $________. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2007.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized ____ full-time personnel as of September 30, 2006. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2006 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2007.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2006, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2006 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of National Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2006 the sum of $.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

The SPEAKER pro tempore. The committee amendment in the nature of a substitute printed in the bill, modified by the amendment printed in Part A of House Report 109–141, is adopted.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H. R. 2475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Authority of the Director of National Intelligence to assign individuals to United States missions in foreign countries to coordinate and direct intelligence and intelligence-related activities conducted in that country.

Sec. 304. Clarification of delegation of transfer or reprogramming authority.

Sec. 305. Approval of personnel transfer for new national intelligence centers.

Sec. 306. Additional duties for the Director of Science and Technology.

Sec. 307. Comprehensive inventory of special access programs.

Sec. 308. Sense of Congress on budget execution authority procedures.

Sec. 309. Sense of Congress with respect to multi-level security clearances.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Clarification of role of the Director of Central Intelligence Agency as head of human intelligence collection.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Department of Justice.

(11) The Federal Bureau of Investigation.

(12) The National Reconnaissance Office.

(13) The National Geospatial-Intelligence Agency.

(14) The Coast Guard.

(15) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) Specifications of Amounts and Personnel Ceilings.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2006, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 2475 of the One Hundred Ninth Congress.

(b) Availability of Classified Schedule of Authorizations.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) Authority for Adjustments.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2006 under section 102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions.

(b) Notice to Intelligence Committees.—The Director of National Intelligence shall notify promptly the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) Authorization of Appropriations.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2006 the sum of $446,144,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2007.

(b) Authorized Personnel Levels.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 817 full-time personnel as of September 30, 2006. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) Classified Authorizations.—

(1) Authorization of Appropriations.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2006 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2007.

(2) Authorization of Personnel.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2006, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) Reimbursement.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2006 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of National Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2006 the sum of $244,600,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 304. CLARIFICATION OF DELEGATION OF TRANSFER OR REPROGRAMMING AUTHORITY.

Paragraph (5)(B) of section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403–1(d)), as added by section 1011(a) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3643), is amended by striking "or agency involved" in the second sentence and inserting "involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)".

SEC. 306. ADDITIONAL DUTIES FOR THE DIRECTOR OF SCIENCE AND TECHNOLOGY.

(a) Coordination and Prioritization of Research Conducted by Elements of the Intelligence Community.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e), as added by section 1011(a) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3643), is amended—

(1) by inserting "and prioritize" after "coordinate" in paragraph (3)(A); and

(2) by adding at the end the following new paragraph:

"(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be carried out by elements of the intelligence community.".

(b) Development of Technology Goals.—Section 103E of such Act (50 U.S.C. 403–3e), as so added, is amended—

(1) in subsection (c)—

(A) by striking "and" at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph:

"(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the community; and"; and

(2) by adding at the end the following new subsection:

"(e) Goals for Technology Needs of the Intelligence Community.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

"(1) perform systematic identification and assessment of the most significant intelligence challenges that require technical solutions; and

"(2) examine options to enhance the responsiveness of research and design programs to meet the requirements of the intelligence community for timely support.".

(c) Report.—Not later than June 30, 2006, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021. Such report may be submitted in classified form and shall include—

(1) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(2) goals for advanced research and development and a strategy to achieve such goals;

(3) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(4) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(5) a plan to incorporate technology from research and development projects into National Intelligence Program acquisition programs.

SEC. 307. COMPREHENSIVE INVENTORY OF SPECIAL ACCESS PROGRAMS.

Not later than January 15, 2006, the Director of National Intelligence shall submit to the congressional intelligence committees (as defined in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7))) a classified report providing a comprehensive inventory of all special access programs under the National Intelligence Program (as defined in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6))).

SEC. 308. SENSE OF CONGRESS ON BUDGET EXECUTION AUTHORITY PROCEDURES.

It is the sense of Congress that the Director of National Intelligence should expeditiously establish the necessary budgetary processes and procedures with the heads of the departments containing agencies or organizations within the intelligence community, and the heads of such agencies and organizations, in order to—

(1) implement the budget execution authorities provided under, and submit the reports to Congress required by, subsection (c) of section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended by section 1011(a) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3643); and

(2) carry out the duties and authorities of the Director of National Intelligence with respect to the transfer and reprogramming of funds under the National Intelligence Program under subsection (d) of such section, as so amended.

SEC. 309. SENSE OF CONGRESS WITH RESPECT TO MULTI-LEVEL SECURITY CLEARANCES.

It is the sense of Congress that the Director of National Intelligence should promptly establish *and oversee the implementation of a multi-level security clearance system across the intelligence community to leverage the cultural and linguistic skills of subject matter experts and individuals proficient in foreign languages critical to national security.*

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in the report, if offered by the gentlewoman from New York (Mrs. MALONEY), or her designee, which shall be considered read, and shall be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in strong support of H.R. 2475, the Intelligence Authorization Act for Fiscal Year 2006. This is a very good bill, a bill we can be very proud of, and a bill that every Member of the House can and should support.

Before I talk about some of the details in the bill, I would like to recognize the gentlewoman from California (Ms. HARMAN). We have worked hard on the Permanent Select Committee on Intelligence to keep this committee focused on the job that needs to be done and to do so on a bipartisan basis, and I thank the gentlewoman for working with us in that process and being able to maintain that spirit as we bring this bill to the floor on a bipartisan basis. I also thank her staff and our staff for helping us through this process in bringing this bill here today.

Mr. Speaker, 3 years ago when he was chairman of the Permanent Select Committee on Intelligence, Porter Goss, now director of the Central Intelligence Agency, asked me to take a strategic look at the technical capabilities within the United States intelligence community. He wanted me to see how the technical intelligence collection systems all work together, evaluate their individual contributions to national security, and see if there were redundancies to understand the affordability of the many systems and, most importantly, understand the impacts on the rest of the intelligence community.

What Mr. Goss really asked us to do was to go back, and we have expanded that in the committee over the past 8 or 9 months, to take a look at the strategic framework that we face in the world today and how we should respond to the threats. So we spent a considerable amount of time looking at the threats that America faces: What is the threat environment that is out there today; what do we expect it to be in 3, 5 and 7 years, so we can shape the proper intelligence community to give our policymakers and our military the right information to make good decisions and keep our soldiers safe?

We have then taken that to take a look at the feedback we have gotten from the 9/11 Commission, the feedback we have gotten from the WMD Commission as to the particular strengths within the intelligence community and also some of the particular weaknesses.

So as we put this bill together, we really focused on making sure that we had a good balance between our human capabilities, the investment we were making in our human capabilities for the long term, and the investment we were making in our technical capabilities. This bill does that by investing more in our human capabilities.

On the technical capabilities, it takes a very, very hard look at the different programs that we have in place there. It makes sure that what we do is put in place programs that will complement each other, give us the information that we need, and hopefully put us on a framework and on a pathway to balancing human capabilities with our technical capabilities.

Also in that area, this bill moves forward and holds some of our contractors accountable for their performance. This is an area where tactically we may disagree on some of the points on how to make that happen, but we are very much in sync on a bipartisan basis that we need a strategic plan and we need to have our contractors perform. It will also lay the framework for a discussion we will have throughout this year about how to make sure that in a time where we have limited budgets and limited programs underway, that we maintain the industrial base here in the United States.

So there are a lot of things that we do in this bill to make sure that we have got the balance and are moving in the right direction on our technical capabilities.

Another key element of this bill is we have heard consistently from our field personnel and others within the intelligence community, especially those involved in the counterterrorism effort, that we cannot fund counterterrorism on an ad hoc basis. So what we did in this bill is we have authorized the majority of the dollars that we believe will be needed to build our intelligence capability and to fund the war on terrorism.

We think it is important to send to the intelligence community a clear signal of how much money they are going to have so they can do the appropriate planning and the ramping up of resources in the waging of this global war on terrorism.

As I said at the beginning of my statement, we have done this on a bipartisan basis. We have taken a strategic look at what the intelligence community, where it needs to be and where it needs to go. We are going to continue working in that effort. I think as Members see through the debate, we have made a lot of progress and there is more work to do.

Mr. Speaker, I reserve the balance of my time.

Ms. HARMAN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 2475, the strongest intelligence authorization bill to emerge from the Permanent Select Committee on Intelligence in recent memory. Without the funding authorized in this bill, the brave men and women of the intelligence community would not be able to do their jobs which are so vital to the defense of our country. I and many other members of the committee have visited these intelligence professionals in some of the most austere places of the world, and they deserve our gratitude and support.

I appreciate the comments of the gentleman from Michigan (Mr. HOEKSTRA) and thank him and all of the members and staff of our hardworking committee for their bipartisanship and patriotism. As one of our members, the gentleman from Maryland (Mr. RUPPERSBERGER) often says, we put America first.

Our members have made a difference. In April 2004, all nine Democrats on the Intelligence Committee introduced legislation that became the basis for the 9/11 Commission's Report and the intelligence reform legislation passed by Congress last fall. That reform dramatically reshaped our intelligence community, unifying 15 agencies under the leadership of a director of National Intelligence.

This year's intelligence authorization bill authorizes funds for that new office. The DNI must succeed in his job and he deserves our support. He is responsible for ensuring that intelligence is timely, accurate and actionable. To do this, he needs authority to build and execute budgets and move personnel. So I am pleased that we removed a provision in this bill that would have severely eroded the DNI's authority to move personnel around the intelligence community.

Mr. Speaker, in the fight against terrorists, intelligence is the tip of the spear. Some see this fight as a traditional war, requiring wartime emergency budgets and wartime authorities for the President. That may have been the right approach immediately after 9/11. We fought a war in Afghanistan and achieved an impressive victory.

But the terrorist threat has changed. Today we no longer face a centralized top-down terrorist organization operating out of one country. We face a network of loosely affiliated terrorist groups which operate as franchises around the world, and that is why I believe we are living in an era of terror.

This legislation does some good things to help us achieve victory in an era of terror.

First, it ends our reliance on emergency supplemental budgets for counterterrorism. The budget the President sent to Congress this year funded less than 40 percent of the intelligence community counterterrorism requirements, leaving the rest for emergency supplementals. This bill changes that on a bipartisan basis, and we fund 100 percent of CT requirements.

Second, this legislation incorporates a resolution introduced by all nine Democrats, urging the new DNI to establish a multi-tiered security clearance system to allow patriotic Americans with relatives in foreign countries to obtain security clearances and serve our Nation. It is high time we do this. This will help with field officers who can speak the languages and blend in with terrorist groups, penetrate proliferation networks, and recruit spies against the toughest targets.

□ 1445

Victory in an era of terror will not be achieved by military might alone, Mr. Speaker. Victory will require America to win the argument for the hearts and minds of the next generation in the Arab and Muslim world. I fear that we are presently losing that argument.

The ongoing revelations about abuses at Guantanamo Bay and elsewhere undermine our ability to maintain the moral high ground and be seen as a beacon of democracy and human rights. I am encouraged that our committee's new oversight subcommittee is investigating abuses that have occurred in our interrogation and detention programs within the intelligence community. This is a serious bipartisan investigation. But I also support a broader public bipartisan inquiry into detention policies across the government so that our efforts to fight the terrorists do not become a moral black eye for America that undermines our security.

One area where this legislation can be improved, Mr. Speaker, is in its approach to technical systems. The details of these systems are classified and cannot be discussed openly. But I am concerned that we have made sudden, drastic cuts to certain programs that may lead to a gap in our intelligence capabilities and erode the industrial base needed to develop critical capabilities in the future. I am pleased that the chairman is committed to addressing this problem with me as the bill moves to conference.

Overall, Mr. Speaker, this is strong legislation that puts us on the right track to achieve victory in an era of terror. There is more, much more, we must do and we will. The brave men and women of the intelligence community deserve nothing less.

Mr. Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. RENZI), a member of the committee.

Mr. RENZI. Mr. Speaker, I rise in support of H.R. 2475. As a member of the Permanent Select Committee on Intelligence from Arizona, securing our borders has become one of our top priorities. Intelligence and border security go hand in hand as America strengthens and secures its borders, particularly in the Southwest. This bill funds activities necessary to keep America safe and, under the gentleman from Michigan's leadership, for the first time this bill helps to provide our Nation with actionable intelligence when it comes to border security.

This legislation addresses the critical need for enhanced counternarcotics and counterterrorism collection and analysis throughout Mexico and Central and South America. It provides full funding to the director of National Intelligence to develop and implement a comprehensive intelligence collection strategy to help stem the illegal flow of drugs, contraband and special interest aliens. In addition, this bill authorizes the necessary funds to provide the intelligence community the resources required to fulfill the intelligence operations in Iraq and other pressing intelligence missions around the globe. The bill increases the funding over last year that provides additional personnel billets for linguists, analysts and human collection, invests in new facilities and training opportunities, and develops innovative technical tools.

In line with the President's priorities, this legislation significantly enhances our global human intelligence collection capabilities. Human intelligence requires boots on the ground across the globe and those boots need linguistic skills, in-depth cultural and tradecraft training, technical tools and a dedicated support staff to be successful. H.R. 2475 provides both the people and the infrastructure to expand and improve U.S. human intelligence collection in regions around the world.

Experts estimate that almost 100 foreign entities, including both state and nonstate actors, actively engage in espionage against the United States. H.R. 2475 significantly reduces these threats and improves our counterintelligence activities. Intelligence is our first line of defense. Actionable intelligence saves lives and determines battlefield victory. I ask my colleagues to support this bipartisan bill and help reduce the threat and make America more secure.

Ms. HARMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL) who is ranking member of the Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, a mouthful that we call HACI.

Mr. BOSWELL. Mr. Speaker, I do rise in support of H.R. 2475. It may not be a perfect bill, but there are many, many good things in it. I am very pleased that the bill before us today no longer includes a provision that would have undermined the authorities of Ambassador Negroponte, the newly appointed director of National Intelligence. My colleagues and I put a lot of effort into passing an intelligence reform bill last year as was just discussed. We worked hard on giving the director of National Intelligence all the authorities he needed to make the intelligence community function as a community, including the authority to transfer people to new intelligence centers if and as needed. To tie Ambassador Negroponte's hands before his organization has been stood up, it did not seem like a smart thing to do. I would not have supported this bill had the provision limiting the DNI's personnel transfer authorities not been taken out of the bill.

I thank the gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) for their efforts to remove this provision and I thank 9/11 Commission chairmen, Governor Tom Kean and Congressman Lee Hamilton, for clearly stating their opposition to it. I look forward to us addressing the other recommendations by the Commission. It is also my belief that the DNI has to control the money to be able to fulfill his charge of responsibility.

I am pleased that this year's authorization bill also fixes the number one issue my colleagues and I raised last year, full funding for counterterrorism operations. H.R. 2475 authorizes full funding for the intelligence community's counterterrorism operations this year. That should remove impediments to the intelligence community's ability to plan their operations. Maybe this will be the year we are able to hunt down Osama bin Laden. I certainly hope so, and I know we all feel that way. The world will be better off once he is taken care of.

Again, I thank the gentleman from Michigan and the gentlewoman from California for leading the Intelligence Committee in a bipartisan fashion. National security must be a bipartisan issue and that is the direction the committee is returning to.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON), the chairwoman of the Subcommittee on Technical and Tactical Intelligence.

Mrs. WILSON of New Mexico. Mr. Speaker, I thank the gentleman for bringing forward this bill and I want to thank the ranking member as well for making this a bipartisan bill and working together. I think a lot of credit also goes to our very capable staff who have worked very hard and very professionally to pull together a very good piece of work.

The technical and tactical subcommittee has been very active over the last 5 months looking at our intelligence systems as they relate to the military and also the high-cost technical collection programs that our Nation relies on. The members of that committee have given their personal time and traveled in many instances across the country, and I wanted to thank the members of the subcommittee and particularly the gentlewoman from California (Ms. ESHOO) for working very hard in this area. We have tried to understand what works, what is not working, do a detailed review of some of these very expensive programs, looking at what complements each other, where the gaps are, where the overlaps are, so that we can improve our intelligence capability and make sure that we are using every dollar wisely.

This bill makes several very important changes in direction in our intelligence community. We have found that research and development is underfunded pretty much across the entire intelligence community and it is poorly coordinated, both in pathfinding research and in incremental research in our current capabilities.

There are several large programs that are significantly off track which causes a draining of funds away from other intelligence priorities. We will not give contractors blank checks to cover cost, schedule, and performance problems that they have failed to manage. We have to control this budget because cost overruns compromise other intelligence programs and put us as Members of Congress in the difficult position of managing different risks.

This bill strengthens human intelligence. It strengthens our analytical capability. It strengthens translation and language capability. And we insist that systems have to include plans to task sensors, exploit the bits and bytes that come out of sensors, and disseminate information to people who need it. If you do not have that, what you really have is a science experiment, not an intelligence capability. In short, we have come forward with an integrated strategic approach to the purchase of high-cost technologies.

We have much work yet to do to win the war on terrorism. When we win it, it will be because of two things: the bravery of our soldiers and the superiority of American intelligence. I thank the gentleman for bringing this bill forward. I look forward to voting for it.

Ms. HARMAN. Mr. Speaker, the new news on our committee is that we have stood up an oversight subcommittee. Much discussion has been made about this already today.

It is my pleasure to yield 2 minutes to the gentleman from Alabama (Mr. CRAMER) who is ranking member of the intelligence oversight subcommittee.

Mr. CRAMER. Mr. Speaker, I thank the ranking member, I thank the chairman, I thank the staff of both sides of the aisle. I stand in enthusiastic and strong support of H.R. 2475. This bill addresses several issues of great concern to the members of the committee and, in fact, to all Americans. These issues were first raised or detailed by several blue ribbon commissions that reviewed the performance of the intelligence community after 9/11 and by the Congress in the intelligence reform bill that was passed last year.

This bill invests in an analytical initiative that draws on expertise resident at three centers: the Missile and Space Intelligence Center in Huntsville, Alabama; the National Air and Space Intelligence Center in Dayton, Ohio; and at the National Ground Intelligence Center in Charlottesville, Virginia. These centers will collaboratively assess the vulnerabilities of aircraft to foreign missiles and other airborne threats and will develop countermeasures to protect commercial aircraft at home and protect military aircraft for our troops in Iraq and Afghanistan. The bill provides for much needed upgrades to information networks in these centers, allowing them to eliminate possible information gaps and to integrate stovepiped information. As recommended by the WMD Commission, this will ensure that analysts and operators have the information they need when they need it.

Last year's intelligence legislation significantly reformed the intelligence community. Real reform, however, requires accountability and oversight. I want to thank the chairman and the ranking member. This year, we have set up, and the gentleman from Texas (Mr. THORNBERRY) is here and I assume is going to speak in a few minutes as well, this oversight subcommittee. This oversight subcommittee has been working just as it should work. I am encouraged by our efforts to date to provide meaningful congressional oversight of the entire intelligence community. We have initiated in-depth reviews of intelligence community interrogation and detention operations, and we are actively pursuing answers to tough questions. We are also monitoring the standup of the new DNI, ensuring that the intelligence community implements the changes specified in the legislation.

Again, I thank the chairman, I thank the ranking member. We are off to a fine start and this is an excellent bill. The Members should support it.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY), the chairman of the Subcommittee on Oversight who has been working very effectively with the gentleman from Alabama (Mr. CRAMER) to do the work that an oversight subcommittee is expected to do.

Mr. THORNBERRY. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of this bill. I also rise in appreciation for the work that the chairman and the ranking member have done in this bill and in fulfilling Congress' role vis-a-vis the intelligence agencies in general. Further, I appreciate my partner on the oversight subcommittee, the gentleman from Alabama (Mr. CRAMER), and all that he means to this joint effort.

Mr. Speaker, the members of this committee are serious, hardworking, knowledgeable, committed members. So much of what we do on the Intelligence Committee is done behind closed doors. That can be an advantage and a disadvantage. It is an advantage, in a sense, not to do work in front of the television cameras and without press releases and without all the partisanship that sometimes attends some of what we do in Congress. It can be a disadvantage because we cannot talk with our constituents or even many of our colleagues about what we do. The only reason to be on this committee is to contribute to the national security of the country, and I believe that all members on both sides of the aisle in fact do that.

At the beginning of this Congress, the chairman and the ranking member decided to create an oversight subcommittee. It became clear from the report of the 9/11 Commission, from the Rob Silverman Commission on Weapons of Mass Destruction, in fact, a host of other studies and reports, some even before the attacks of September 11, 2001, that Congress has to do its job.

□ 1500

It is not enough just to say that the executive branch needs to change the way it does its work in the post-Cold War world. We have to do our job as well, and we should expect more of ourselves.

One of the things we have done differently is to create this oversight subcommittee to, as I mentioned a few moments ago, have greater depth but also greater persistence in our oversight of key intelligence issues. The rules of the full Permanent Select Committee on Intelligence give us our mandate this year, which include oversight of the intelligence reform bill that Congress passed last fall. It gives specific emphasis on items for oversight that include community-wide information-sharing, leaks of classified information, analysis and information-assuring technologies, as well as audits and investigation and tracking congressionally directed actions.

That is our mandate and it is a full plate, but members on both sides of the aisle are going about that agenda working in not just a bipartisan but really nonpartisan way.

And, in addition, I think Members on both sides agree with the Robb-Silberman panel when they suggest that we should have these oversight subcommittees, but we should not just hop around following newspaper articles and doing our efforts, that we ought to have strategic oversight. In fact, they say on page 338 of their commission report: "We suggest that . . . the oversight committees limit their activities to 'strategic oversight,' meaning they would set an agenda at the start of the year or session of Congress, based on top priorities, such as information sharing, and stick to that agenda."

That is exactly what the gentleman from Alabama (Mr. CRAMER) and I are attempting to do: to be tough but fair, to not be apologists for the administration but not to be bashers of the administration, to try to pursue the national security interests of the country as it relates to intelligence oversight. That is the way serious oversight is done, and I look forward to continuing to work from that perspective.

Ms. HARMAN. Madam Speaker, my home State of California produces many of the platforms and systems that give us the technical edge in intelligence, and I yield 2½ minutes to the gentlewoman from California (Ms. ESHOO), my California friend, ranking member of the Technical and Tactical Intelligence Subcommittee of the Permanent Select Committee on Intelligence.

Ms. ESHOO. Madam Speaker, first I would like to thank the gentlewoman from California (Ms. HARMAN), our distinguished ranking member, for her exceptional leadership on the committee; certainly to the gentleman from Michigan (Chairman Hoekstra) for the tone that he has brought to the committee. I think it is much improved, and I think it is a result of the bipartisanship that we have enjoyed since the chairman has arrived that we see it in this piece of legislation which I am proud to support.

I am especially pleased to see the multilevel security clearance legislation introduced in March by committee Democrats, my colleagues that I am so proud of, that is in this bill. This provision will help the intelligence community leverage the cultural and linguistic skills of a broader candidate pool, which is so important to our intelligence community.

During the markup of this bill, I offered an amendment requiring inspectors general at the Defense and State Departments, the CIA, and the DNI inspector general to establish telephone hotlines for intelligence professionals to report complaints if they believe policymakers are attempting to unduly or improperly influence them. I think that it is an important effort because there is a question mark in the mind of the American people on this very subject.

As a result, the chairman agreed to include language in this bill about the need to ensure ombudsmen in these agencies to fulfill their role to protect analysts and other professionals within the intelligence community. The committee made a commitment to perform effective oversight in this matter; so I withdraw my amendment, and I thank the chairman for that effort.

As the ranking member of the Technical and Tactical Intelligence Subcommittee, I am concerned that this bill reduces or eliminates funding for several key programs in the administration's request without full justification. Missing is an in-depth consideration of the effect that funding reductions will have on the overall intelligence architecture, the viability of our industrial base, which is essential. Once that disassembles, we cannot put Humpty Dumpty back together again, as well as overarching national security requirements. I hope the DNI and the Secretary of Defense will conduct a comprehensive review and explain the strategic linkages between collection requirements, capabilities, and developing programs. This review would better support future funding deliberations and decisions by the committee. It is very important that that be done.

In closing, I want to express one of my deep concerns, and I know that it is the concern that many of my colleagues share, and that is the continuing reports of torture and other abuses of detainees. From Abu Ghraib to Guantanamo Bay, the mounting revelations have become more than an embarrassment to our country. They are a liability to our deployed servicemembers. If, in fact, the Congress and its committees of jurisdiction fail to fully investigate, I support a special commission to do so. We have to have a full accounting for the American people and have the determination to seek that.

So, in closing, I want to thank my colleagues, the chairman, certainly our ranking member, all of my colleagues on the committee, and most especially a superb and dedicated staff. I salute them. I respect them for the work that they have done certainly on both sides of the aisle.

Mr. HOEKSTRA. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. MCHUGH), a new member of the committee, a very valuable member, and also a member of the House Committee on Armed Services.

Mr. MCHUGH. Madam Speaker, I thank the chairman for yielding me this time.

Madam Speaker, I rise in strong support of this legislation, H.R. 2475. As the distinguished chairman so graciously recognized, I am one of the newer members of this committee; and I must say in that respect, I am enormously impressed by the bipartisan attitude that all the members bring to this very important issue, that of national security and its interface with our intelligence communities. That is a tribute to all of the members, Democrat and Republican alike, but I think it is a particular tribute to the distinguished gentleman from Michigan (Chairman HOEKSTRA) and also the gentlewoman from California (Ms. HARMAN), ranking member, who have worked so well together and provided that leadership of bipartisanship.

The chairman noted, Madam Speaker, that I am a member of the House Committee on Armed Services, and in that capacity I have the honor of serving as chairman of the Military Personnel Subcommittee; and as such, I have been particularly interested in programs that aid the warfighter, those brave men and women who are putting their lives on the line each and every day for our freedoms and for our interests. And I am pleased to report that this legislation contains very important increases in funding for military intelligence programs.

In particular, H.R. 2475 includes significant increases in funding for operations in Iraq, Afghanistan, for the global war on terrorism, and thereby decreases the reliance on supplemental budgeting. Budgeting by supplemental, at least in my opinion, Madam Speaker, is inefficient; and it hinders the effective planning of our intelligence operations. And this bill very importantly takes a major step away from reliance on those supplementals and seeks to provide full funding to fight terrorism and for intelligence operations in Iraq.

There is also increased funding for critical initiatives such as foreign language training for our troops in the field and for greater numbers of defense intelligence analysts. This intelligence authorization bill builds upon actions already taken by the House Committee on Armed Services dictating a career path for military linguists, and we should be very proud of this initiative in these regards.

The net result, Madam Speaker, is that our intelligence personnel and our military will be better trained and equipped to perform their invaluable missions. These are important steps, and they have been taken with the necessary consultation with the Committee on Armed Services. And I am happy to report that the Permanent Select Committee on Intelligence has worked very closely with the gentleman from California (Chairman HUNTER), with the gentleman from Missouri (Mr. SKELTON), distinguished ranking member, with respect to our authorizations. And I would certainly argue that they complement one another very closely. To the extent that there are differences, and I think differences are and will continue to be inevitable, I know all of us on both sides of the aisle and in both committees will work to constructively breach those differences and bring about agreements on remaining issues as the authorization process continues.

So I urge unanimous support of this very fine piece of legislation.

Ms. HARMAN. Madam Speaker, I now yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), ranking member on the Intelligence Policy Subcommittee.

Mr. HOLT. Madam Speaker, I thank the gentlewoman from California for yielding me this time, and I also thank the chairman and the staff for putting together in a congenial atmosphere a good bill.

There are some good features to the bill, and I am pleased that it gives the new Director of National Intelligence the authority and resources necessary for him to succeed, and I am also satisfied that the bill gives the intelligence community 100 percent of the funds that it needs for counterterrorism programs. I am encouraged by the bill's emphasis on human intelligence and the recommendation to create a multilevel security clearance system that will allow the intelligence community to harness the power of America's diversity.

More must be done, however, to encourage the use of open source, or public, information. Last year we gave the intelligence community an urging to increase its collection, analysis, and use of open-source information. And I look forward to working with the DNI to move these efforts forward.

I am also pleased that the bill advances our foreign language training efforts within the intelligence community, and I will continue to work with my colleagues to strengthen our language capabilities throughout the Federal Government.

I do want to express serious concern about a couple of matters. First, the administration's recommendations to close or realign military bases has the potential to disrupt vital intelligence expertise. Bases like Fort Monmouth, in my home State of New Jersey, play critical intelligence roles that have not been taken fully into account in the process. I would like to thank the chairman and ranking member for urging the Director of National Intelligence to evaluate the effect of base realignment on our Nation's intelligence capabilities, and I will include their letter at this point in the RECORD.

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, May 26, 2005.

Ambassador JOHN NEGROPONTE,
Director of National Intelligence, New Executive Office Building, Washington, DC.

DEAR AMBASSADOR NEGROPONTE: During the markup of the Fiscal Year 2006 Intelligence Authorization bill, Members of the Committee raised questions about the potential impacts that the Defense Department's Base Realignment and Closure (BRAC) Commission recommendations could have on the nation's intelligence capabilities. The Members believe strongly that such impacts should be factored into the final decision process.

Many intelligence programs, for example, are dependent on subject matter experts made up of military personnel, government civilians, and contractors. These people form the analytic depth and breadth of the Intelligence Community, as well as much of the core of its engineering, scientific and technical expertise. Based on past BRAC experiences, we can logically assume that many of the intelligence personnel that would be affected by the latest recommendations could refuse to uproot their families and relocate. The Intelligence Community depends on this intellectual capital, and we should well understand how the resulting loss of these people would affect intelligence activities and, thereby, the nation's security.

The BRAC recommendations could affect the nation's intelligence capabilities in many other ways. Accordingly, we want to ensure that these intelligence-related impacts be considered in the deliberations that result in the final BRAC decisions. We believe that your position as the Director of National Intelligence puts you in a unique position to best understand and, accordingly, respond to these potential impacts.

Therefore, we ask you to evaluate the affects of base realignment and closure on the nation's intelligence capabilities. We further ask that you provide the Committee with the results of your review no later than the date that the President provides his final approval and certification of the BRAC report to the Congress.

Sincerely,

PETER HOEKSTRA,
Chairman.
JANE HARMAN,
Ranking Member.

Madam Speaker, I also express my deep disappointment with the decision of the Committee on Rules to disallow a moderate and reasonable amendment by the gentleman from California (Mr. WAXMAN) that would have mandated the creation of a 9/11-style commission to investigate how the executive branch has handled detainees. We need that investigation, and we can do some of it within the committee; but we do need a public 9/11-style commission.

Madam Speaker, I support this bill, and I urge my colleagues to support it as well.

Mr. HOEKSTRA. Madam Speaker, I reserve the balance of my time.

Ms. HARMAN. Madam Speaker, I served for 6 years on the Committee on Armed Services and came to admire greatly our next speaker.

Madam Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), ranking member.

Mr. SKELTON. Madam Speaker, I certainly thank the gentlewoman for yielding me this time. She is doing such a superb job on the Permanent Select Committee on Intelligence. We thank her for her efforts, along with the chairman as well.

Let me say I rise in support of this intelligence authorization bill. In doing so, I want to make a few observations about the state of our national intelligence capabilities, as well as some comments about the bill.

Within the span of 2 years, the United States had two very obvious and public examples of intelligence failures: the September 11, 2001, terrorist attacks; and the completely incorrect conclusions reached about Iraq's weapons of mass destruction programs. These and other failures have been recognized by both the 9/11 Commission and the Robb-Silberman Commission on Weapons of Mass Destruction.

Last year's intelligence reform bill was an important first step in rectifying deficiencies in our intelligence capabilities. I believe intelligence is the tip of the spear. It is the tip of the spear in helping our warfighters. The new Director of National Intelligence represents an important benchmark in the creation of a Goldwater-Nichols-like structure for our intelligence community.

The Goldwater-Nichols law, as we all know, altered command relationships among our military services in such a way that has fostered joint operations and enabled our military to become the very best in the world.

□ 1515

I am optimistic that the new director of Intelligence will be able to unify the group of disparate intelligence organizations that comprise the intelligence community to produce better capability, communication, and inoperability than has been the case in the past. I am also pleased that the gentleman from California (Chairman HUNTER) and the gentleman from Michigan (Chairman Hoekstra) have been able to resolve their differences over the transfer of personnel who perform intelligence functions.

While the establishment of the director of National Intelligence is an important step, I believe much more remains to be done if we are to really improve our intelligence capability. First, I think Congress needs to do a better job of overseeing our intelligence operations than it has in the past. My own view is that some of our intelligence failures could have been avoided with vigorous congressional oversight.

Second, we need to aggressively follow up on the 9/11 Commission's recommendations.

We need to expand our efforts to secure international stores of nuclear materials, particularly in the nations ofthe former Soviet Union. Governor Kean, co-chair of the 9/11 Commission, recently said there is no greater danger to our country than a terrorist group acquiring these materials. I want to echo his concern that we must be sensitive to the fact that intelligence activities can sometimes intrude upon the lives of Americans. In a free society, we must have checks and balances. I think we need to appoint a Federal civil liberties board to prevent and redress constitutional abuses by intelligence and law enforcement agencies. Although last year's law created a civil liberties board, the administration has yet to name any members to the board, something that is long overdue.

Madam Speaker, this is a good bill I believe members should support. I commend the gentleman from Michigan, Chairman HOEKSTRA, and the gentlewoman from California, Ranking Member HARMAN, for a job well done.

Mr. HOEKSTRA. Madam Speaker, I yield 2 minutes to the gentleman from

California (Mr. HUNTER), the chairman of the House Committee on Armed Services, and our partner in making sure that we have a solid and strong intelligence community as well as the best fighting forces, the best military in the world.

Mr. HUNTER. Madam Speaker, I want to thank the chairman for his kind words. It is appropriate that I follow the ranking member of the Committee on Armed Services, the distinguished gentleman from Missouri and his remarks, because he talked about Goldwater-Nichols, and Goldwater-Nichols did drive jointness in the military.

Another thing that Goldwater-Nichols did, and it was primarily as a result of the debacle in Lebanon with the marines, is to drive what was known as the chain of command rule, meaning that when you had a combatant commander, formerly known as a CINC, that combatant commander was in charge of everything in that warfighting theater, whether it was a rivet joint aircraft or a soldier or a marine, special operator, or a tactical intelligence gatherer in that area. That was a major issue that we had to work on, and we had to build a seam and a protection for the chain of command and, at the same time, afford to the national intelligence gatherers the resources and the opportunity to carry out their mission.

I think that the bill, the 9/11 bill did a pretty good job of that, and I want to commend the gentleman from Michigan (Chairman HOEKSTRA) and the gentlewoman from California (Ranking Member HARMAN) for their participation in working that. My good colleague, the gentleman from Missouri (Mr. SKELTON) and I really look forward to Mr. Negroponte getting off to the right start. He is a guy with a lot of good judgment, great experience in very difficult and inconvenient and dangerous missions, in my estimation, and I think that is probably a requisite for this job.

I want to thank the gentleman from Michigan (Mr. HOEKSTRA) also, because there were a couple of provisions in this bill that we thought had a chain of command problem, and he looked at those and worked on them and took them out in the rule, and I want to let him know I appreciate that. That was important to us. We are working together, and we both want to see this new apparatus, this intelligence apparatus that has to work so well with the defense apparatus moving off to a good new start in this war against terror.

So my thanks to the chairman and thanks to the ranking member. We have a lot of work to do, but we have a good bill here, and I hope every Member supports it.

Ms. HARMAN. Madam Speaker, I yield myself 15 seconds to say to the last speaker that I applaud his comments about the need for this new legislation to succeed. It is critical, in my view, to move from a 1947 business model, which is the one we were operating under, to this one.

I also would point out to our colleagues, as the last speaker knows, that battlefield intelligence is not included in the DNI construct that we built.

Madam Speaker, it is now my pleasure to yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), a recent addition to our committee, who is a very active member of our new Subcommittee on Oversight.

Mr. RUPPERSBERGER. Madam Speaker, as my colleagues have pointed out, a lot of good, hard, work has been put into this bill, which places our committee and the intelligence community on the path of success for achieving the goals set forth in the recommendations of the 9/11 Commission and the WMD Commissions. The turf battles are ending and we now have a director of National Intelligence to oversee and coordinate efforts, but we all must work together in order to make sure that the DNI can succeed.

I thank the gentleman from Michigan (Chairman HOEKSTRA) and the gentlewoman from California (Ranking Member HARMAN) for leading by example and promoting bipartisan efforts in our oversight role. I also want to thank our staff for their hard work.

Our newly established Subcommittee on Oversight has already taken the reins of leadership and is investigating the abuses that have occurred in our interrogation and detention programs. These abuses only serve to embolden terrorist actions against us and it increases risk to our military forces and American citizens abroad. These abuses also hurt our reputation abroad and allow the insurgents to recruit people to attack us.

I also look forward to continuing work with my colleagues on solutions to the security clearance challenges faced by the intelligence community and State and local governments who need to access information to protect our homeland. This bill's endorsement of a multilevel security clearance system will enhance flexibility in hiring practices and access to information. Current clearance wait times sometimes exceed a year. Terrorists will not wait a year, and neither can we.

Let me close by praising the excellent work of the Armed Forces Medical Intelligence Center and the National Security Agency, NSA, based in my district. Our committee recognizes their challenges, and we fully support their efforts in the global war on terrorism and in Iraq and Afghanistan. I urge my Democratic colleagues to join me in supporting this bill.

Mr. HOEKSTRA. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, as we take a look at the technical programs and we take a look at the structure of the intelligence community, at the end of the day it is about the people in the intelligence community. As we have conducted our oversight responsibilities in developing this bill, we have had the opportunity to meet and work with many of the intelligence professionals throughout the community and around the world. I believe I can speak for the rest of my colleagues when I say that we hold in the highest regard the work accomplished by these dedicated U.S. intelligence community personnel.

At great sacrifice, often under extreme and intense conditions, and at great personal risk, the men and women of the intelligence community continue to perform their missions with great energy, professionalism, and devotion to the national security mission. I commend these patriots for their heroism, their integrity, and their perseverance. These honorable people form the first line of defense for our Nation. Our freedoms and the very security of our country rely on their successes. Those successes are things we cannot and do not often have the opportunity to talk about.

Unfortunately, and quite wrongly, it is the rare but overlooked publicized failures that they are credited with. I stand here today and say thank you to these tremendous people. They deserve our support, and that is what we are doing with this legislation today.

Madam Speaker, I reserve the balance of my time.

Ms. HARMAN. Madam Speaker, I associate myself totally with the comments that our chairman just made.

Madam Speaker, it is now my pleasure to yield 2¼ minutes to the gentleman from Massachusetts (Mr. TIERNEY), our rookie on our side.

Mr. TIERNEY. Madam Speaker, I thank the gentlewoman for yielding me this time.

I rise to discuss H.R. 2475. It is a bill that, as people have said, takes a number of steps to strengthen our intelligence capabilities and, for those reasons, is supportable. Nevertheless, like most bills, it has parts that need to be moved on and worked on still.

As was mentioned, I am new to this committee, so first I want to recognize the efforts of all of my colleagues on the committee and the staff who did incredible work on this. I also want to acknowledge the fact that my minority colleagues have been outspoken during the past couple of years on a number of issues, and I want to thank them and my majority colleagues for incorporating those issues in this bill and, of course, the majority adding their own approval.

On the plus side, as has been mentioned, 100 percent funding for counterterrorism in the base budget is a huge step forward. We need to make sure we build on that. The White House proposal to fund 60 percent of that in a supplemental budget would have undermined our plans and operations, so 100 percent is a big step in the right direction. The bipartisan willingness to keenly scrutinize architectural programs for the quality, for the program management, for the budget responsibility, for cost is also important. It is helpful to allow for investments in human intelligence, and it can bring more public confidence to the work we do in this area.

I think it would be well-placed to put that kind of scrutiny on the whole budget at large, and I think we should consider making more of the Select Committee on Intelligence budget process public, to the extent possible, including at least the aggregate amount of money being spent so that the public will be able to focus on that and have more confidence.

The best intelligence oversight begins with looking at the 9/11 Commission's recommendations for reform of Congress's intelligence committees. We still need to do a considerable amount of work there concerning how those committees will be formulated and what budgetary appropriation aspect will be within what body. We need renewed oversight, and the Subcommittee on Oversight that has been formed and mentioned earlier is an improvement. Its time would be well spent if we ensure that the DNI and the DNI office is set up largely in line with Commission recommendations. We do not need another sprawling bureaucracy. It will be well-served to have a streamlined executive staff that utilizes existing agencies and moves forward on that basis. And it has to have the authority to ensure that the network agencies are reformed, coordinated, and effective. It also needs the authority to make sure that we have the appropriate budgetary and personnel powers within the DNI to work.

The DNI should follow the recommendation of the blue ribbon commission to establish a Civil Liberties Board and ensure that it effectively protects the civil liberties, even as we make sure aggressive intelligence measures are pursued. This too is essential to maintain public trust. It is as important as it is to require that we use taxpayer money wisely, and it is every bit as essential that our intelligence operate within the law.

Mr. HOEKSTRA. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, I would like to get to some of the specifics of the legislation. I want to make an observation about the overall position we have taken. It is my belief, and we have seen it today, that we may be harshly criticized by some for being too bold or aggressive with some of our actions. Indeed, we have already been told that we were not incremental enough. I want to take head-on those who take such positions.

There is no question that what is being proposed today is bold and sweeping in some areas. Without getting into the classified specifics, based on our strategic review, we are cutting back dramatically in some cases, on some technical programs that have had poor performance or could be modified for better utility for the Nation's intelligence efforts.

We are terminating some programs that we do not believe fit in the overall architecture for the intelligence community. We have analyzed these programs extensively, asked the tough questions, and focused on the resulting intelligence output. To paraphrase from a Hollywood movie line, these programs have been weighed, they have been measured, and they have been found wanting.

We are then taking the resulting savings and applying that to historically underfunded areas in the human intelligence and human capital areas. Specifically, we are focusing needed emphasis on adding human intelligence specialists, improving the training of analysts, improving the training of case officers, and making more robust the infrastructure necessary to gain their expertise, and then better employ that expertise.

We have quite simply in the past paid too much lip service to those basic needs, while continuing to fund expensive technical programs that, although important, do not make up for the lack of analysts, lack of worldwide coverage, lack of training, and lack of basic infrastructure. In sum, we are doing the heavy lifting that should have been done long ago. We are acting boldly and positively on the task our former chairman gave us.

Madam Speaker, I reserve the balance of my time.

Ms. HARMAN. Madam Speaker, I yield myself 1 minute to comment on the remarks the chairman just made.

Madam Speaker, it is not a zero-sum game, it is not a trade-off between what we call HUMINT, that is, human intelligence, which is primarily the use of spies to tell us the plans and intention of the bad guys, and technology. It is a positive-sum game, or we hope it is a positive-sum game, that balances correctly our investments in HUMINT and our investments in technology.

I said earlier that my home State of California makes many of the technical platforms that we use effectively to gather intelligence. I agree with our chairman that we should take a clear-eyed look at what works and what does not work and what capabilities we need to defeat present and future threats. But some of us, I would say a majority on the minority side, believe that the weighing, measuring, and finding wanting that has gone on in this bill needs further review, that the balance can be better struck.

I look forward to working with the chairman on a better balance as this bill comes to conference, keeping in mind that we want a positive-sum outcome.

Madam Speaker, it is now my pleasure to yield 1 minute to the gentleman from New York (Mr. CROWLEY), a very serious Member of this body, not on our committee.

Mr. CROWLEY. Madam Speaker, I thank my gentle friend and colleague from California for yielding me this time.

I rise in strong support of the national intelligence bill. I want to thank the committee for its great work. I especially want to focus my praise on the gentlewoman from California (Ranking Member HARMAN) for her great work in leading on this issue. It was Democrats, led by the gentlewoman from California (Ms. HARMAN) and the gentleman from Florida (Mr. HASTINGS), that pushed the 9/11 Commission to be started last year, as the Republicans and the White House blocked their work and opposed their mission. I believe the Republicans fear the truth that may come from that Commission.

Later, when the 9/11 Commission issued its recommendations and the Speaker said he would not implement any legislative changes without a majority of the majority, it was again Democrats and the gentlewoman from California (Ms. HARMAN) who led the fight for a real intelligence shakeup and for the creation of a director of National Intelligence.

□ 1530

Democrats fixed those problems and fought back changes this year to bring us back to the bad old days of intelligence turf wars.

This bill reflects the new world we live in, a dangerous world that has gotten more dangerous since September 11; and we need to be involved, and more heavily involved, to protect all Americans, no matter where they are on this planet and the bill does that.

Representing one of the most diverse congressional districts in the U.S., I interact with a number of immigrants and their families who are from every corner of the globe. And the one thing that unifies them all is their love of this great country. And they can and will be helpful in helping this country infiltrate terror networks that threaten our country.

This bill will help them do that.

Mr. HOEKSTRA. Madam Speaker, I yield 2 minutes to my colleague, the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Madam Speaker, I want to just first compliment the chairman and ranking member for their excellent work on this legislation, their excellent work in general, and frankly the work that they have done in helping to create such a strong structure for intelligence.

The Cold War is over. The world is a more dangerous place. We need to be able to not contain and react to an event; we need to be able to detect and prevent it. It means that we need very good intelligence, both intelligence directed with technology and intelligence that occurs from very good human capital.

I think the gentleman from Michigan (Mr. HOEKSTRA) and our incredible ranking member, the gentlewoman from California (Ms. HARMAN), have done an excellent job in drafting this legislation. My compliments to both of them. They give credit to the full Congress and the work that they have done.

Ms. HARMAN. Madam Speaker, I thank the last speaker for his generous words and ask how much time remains on each side.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentlewoman from California (Ms. HARMAN) has 8 minutes remaining. The gentleman from Michigan (Mr. HOEKSTRA) has 8½ minutes remaining.

Ms. HARMAN. Madam Speaker, we at the moment have no other speakers on the floor. And I reserve the right to close for our side.

Madam Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Speaker, we have no additional speakers at this time either, so I believe I have the right to close. The gentlewoman will close on her side, and we will have no additional speakers. I will close on our side.

Ms. HARMAN. Madam Speaker, I yield myself the balance of our time.

Madam Speaker, the last 4 years have witnessed two of the worst intelligence failures in our Nation's history. Congress passed intelligence reform and created the DNI position to give the brave women and men of the intelligence community the tools they need to collect and analyze accurate and timely intelligence.

We cannot have any more catastrophic failures where we fail to connect the dots or believe too fervently in the claims of bogus sources. This legislation, the authorization bill we are considering today, is the first funding bill under our new intelligence organization.

It is a strong bill that deserves our support. As we said earlier, for the first time we fully funded counterterrorism in the base budget so we can plan CT operations against our enemies. For the first time we have urged the DNI to create multitier security clearances so we can field a diverse group of intelligence officers who speak the languages and understand the cultures of our adversaries.

I am proud to say these were two ideas offered by the committee Democrats that gained bipartisan support in our committee. As I have said, there are ways this bill can be improved further. And I look forward to working on this as we move to conference. But this is a bipartisan product that deserves bipartisan support.

And before I close, I do want to thank again the hard-working members on both sides of the committee who put so much effort into it day after day, and moreover the hard-working staff on a bipartisan basis.

And let me just identify those on the minority side who are sitting on the floor with me today: David Buckley, staff director; Chuck Gault, deputy staff director; Jeremy Bash, general counsel; Mike DeLaney; Larry Hanauer; John Keefe; Pam Moore; Wyndee Parker, special counsel; and Christine York. They make us look good, and I urge passage of this legislation before us.

Madam Speaker, I yield back the balance of my time.

(Mr. HOEKSTRA asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. HOEKSTRA. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, today before closing general debate, I would like to briefly offer congratulations and recognition to Mr. Charles G. Allen, as many of us know him, Charlie, as he completes his tour of duty as the assistant director of the Central Intelligence Agency for collection.

He has served the intelligence community with great distinction, and I will later seek consent in the House to submit a more lengthy tribute into the RECORD.

But just briefly, he is a native of North Carolina. Mr. Allen has served the Central Intelligence Agency and the Nation with distinction since 1958, holding a variety of positions of increasing responsibility, both in analytical and managerial capacity. He served overseas in an intelligence liaison capacity from 1974 to 1977, and from 1977 to 1980 he held management positions of increasing responsibility and importance in the Directorate of Intelligence.

I think that all of the Members in the House, and all of the Members and the staff on the committee who have gotten to know Mr. Allen over the last number of years, number one, we are glad that he is still working on special assignment with Mr. Goss; but we really want to extend our congratulations to him for almost slightly over 45 years of service to this country within the intelligence community, a real national asset in the intelligence business.

Madam Speaker, I include for the RECORD a statement on Assistant Director Allen.

Madam Speaker, I rise today to offer congratulations and recognition to Mr. Charles E. Allen as he completes his tour of duty as the Assistant Director of Central Intelligence for Collection. Since its creation by the Congress 7 years ago, he has served in this position with distinction.

Mr. Allen was appointed as the first Assistant Director of Central Intelligence for Collection. As such, he was responsible for Intelligence Community collection management, and specifications for our next generation of collection systems. During these past 7 years he has come to personify the position, personalize the management of this nation's scarce intelligence collection assets, confound his early critics, and overall achieve positive results beyond even the expectations of his supporters, who are legion. His service has been a great asset, and Congress has regularly drawn upon his experience and judgment.

A native of North Carolina, Mr. Allen has served the Central Intelligence Agency and the Nation with distinction since 1958, holding a variety of positions of increasing responsibility both in analytic and managerial capacities. He served overseas in an intelligence liaison capacity from 1974 to 1977, and from 1977 to 1980 he held management positions of increasing responsibility and importance in the Directorate of Intelligence.

Mr. Allen served as program manager of a major classified project, from 1980 to 1982 in the Office of the Director of Central Intelligence, and was subsequently detailed to the Office of the Secretary of Defense where he held a senior position in strategic mobilization planning.

In 1985 the Director of Central Intelligence requested Mr. Allen's return from the Secretary of Defense's office to serve as the National Intelligence Officer for Counterterrorism, and later as Chief of Intelligence in the CIA's newly established Counterterrorist Center. Many of Mr. Allen's successes have and shall continue to remain secret, but two that have become more publicly known illustrate his contributions; he played a key role in apprehending the hijackers who killed an American citizen on the cruise ship *Achille Lauro*, and he correctly brought to the DCI's attention certain matters which served to stimulate the Iran-Contra investigation.

Mr. Allen served as the National Intelligence Officer for Warning from 1988 to 1994 and chaired the Intelligence Community's Warning Committee. From these positions he issued timely warnings of events of momentous importance, confounding most intelligence officers who did not share his prescience.

Mr. Allen was awarded the National Intelligence Medal for Achievement in 1983 by DCI Casey and the President's Award for Distinguished Federal Civilian Service in 1986 by President Reagan. In 1991, he was presented the CIA Commendation Medal for provision of warning intelligence in Desert Shield/Desert Storm.

He and his wife, Kay, reside in Herndon, Virginia, where they raised four children.

Madam Speaker, Mr. Allen has already enjoyed a long and luminous career in intelligence, and as he steps down from his current position I hope all my colleagues will recognize the extraordinary contributions Mr. Charles E. Allen has made to our National Security as a lifelong professional intelligence officer. I hope my colleagues will honor him as a great American and pioneer in the management of intelligence collection inter alia.

Finally, Madam Speaker, I ask my colleagues to join me in expressing our confidence in his continued ability and willingness to serve the Nation as she shall call upon him.

Ms. HARMAN. Madam Speaker, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentlewoman from California.

Ms. HARMAN. I thank the chairman for yielding to me. Charlie Allen is as close as you can come to a legend in the intelligence community. Before the intelligence reform bill passed last year, he was one of the few senior intelligence officers who could get 15 disparate agencies to function as a community. He did that mainly through sheer force of personality.

Our Nation collects intelligence through a variety of means, from spies on the ground to satellites overhead, and everything in between. In his capacity as the assistant director for collection, Charlie got the collectors to understand that they were most effective when they worked together as a team against the hardest targets.

He got them to understand that integrated collection strategies yielded the best outcomes. Under Charlie's leadership, the collectors in the intelligence community have scored some truly impressive victories, and it is unfortunate that these cannot be recounted in public.

I will just tell you that Charlie's service to the Nation was made clear to me the day he told the committee that he had been with the CIA for nearly 50 years. That is an astounding record, and it is certainly appropriate as we close debate on what I think is one of the best authorization bills ever, that we recognize Charlie's service to our Nation.

Mr. HOEKSTRA. Madam Speaker, in closing, again I would like to thank my colleagues on the other side of the aisle, the staff on both sides of the aisle who have worked to put together a very, very good bill, my colleagues on my side of the aisle.

We have put together, I think, a very, very strong bill. I think it deserves broad bipartisan support. It sets us in the right direction. As my colleague has indicated, there is more work to do. We do need to take a look at the technical programs. These are critical to the long-term success of our intelligence community, to make sure that public policymakers have the information that we need to make the right decisions.

I appreciate the gentlewoman from California's (Ms. HARMAN) support as we have gone through this process and recognizing that there are issues and concerns about the performance of some of these programs and so that we have the agreement on that.

Where we are disagreeing and having some discussions right now is what is the most effective way to respond to those problems and issues. We want accountability. We want performance. We want to spend the taxpayer dollars wisely. And I am sure that as we continue to go through this process, work with our colleagues on the other side of this building, and work with the administration, we will come to a conclusion, hopefully, that we can all agree to.

I applaud the committee and our work in taking some of these steps that I think we all recognize needed to be taken and that we are committed to addressing those problems.

With that, Madam Speaker, I would encourage my colleagues to support this bill.

Ms. PELOSI. Madam Speaker, the preamble to the Constitution tells us that one of the first responsibilities of the Federal government is to "provide for the common defense."

My 10 years on the House Intelligence Committee have given me an appreciation for the vital role the men and women in our intelligence agencies play in doing just that.

Many of them take extraordinary risks on a daily basis in an effort to gather the information policy makers and military commanders need to make sound decisions. They are deeply dedicated to preserving our country's security, and each of us is grateful for their hard work and sacrifice.

They need an intelligence system that is as strong, smart, and competent as they are, and this bill takes several strong steps towards making sure we have that system.

I want to commend Chairman HOEKSTRA and Ranking Member HARMAN for their leadership and hard work in making sure that this legislation addresses not only the immediate needs of the intelligence community, but helps plan for the future as well.

However, it would be a mistake for us to pass this bill and declare that our work is done and that we have fulfilled our responsibility to the intelligence community and the American people.

It has now been more than 1,700 days since the September 11th terrorist attacks changed our Nation, and laid bare the holes in our intelligence gathering system.

It has been 11 months since the independent 9/11 Commission issued its findings and made its recommendations about how to close those gaps.

It has been nearly a year since the Senate Intelligence Committee concluded that our intelligence on Iraq's weapons of mass destruction capabilities was fundamentally flawed—a conclusion that was recently confirmed by the Presidential Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction.

In part, this bill provides the resources the intelligence community needs to prepare for the future by learning from mistakes made in the past. However, these recent reports—notably those of the 9/11 Commission and the Robb-Silberman Commission—point to the need to do far more than simply fund the intelligence community.

These two commissions made many recommendations for significant change in the way the intelligence agencies operate and are overseen by Congress, the way the intelligence community is managed, and in other matters associated with better protecting the American people from the threats posed by terrorists, particularly terrorists armed with weapons of mass destruction.

It was an intelligence authorization bill that established the 9/11 Commission, and it is therefore appropriate that in the context of the debate on this authorization measure, and with the first anniversary of the release of the Commission's report and recommendations fast approaching, we reflect on the recommendations that have been implemented, and on those that have not.

The Commission concluded that more centralized management of the intelligence community was needed, and that the manager had to have considerable power over people and money. The first Director of National Intelligence, Ambassador Negroponte is now in office. He faces a daunting task. We all hope he is successful in it.

That is why it was so surprising and regrettable that the Intelligence Committee, over the objections of Congresswoman HARMAN and the other Democratic Members, chose to welcome him with an effort to restrict his power. What a terribly negative message that provision sent about the commitment of the majority to intelligence reform. This bill is much improved with that provision removed, as the rule has done.

The impetus for this ill-advised action reportedly came from officials in the Department of Defense. We created the position of DNI to help address the interagency squabbling that leads to intelligence failures. This is simply no place for power grabs or bureaucratic self-protection and preservation on the part of the Pentagon.

Just as it was an intelligence authorization bill that created the 9/11 commission, I had hoped that this intelligence authorization would include Mr. WAXMAN's proposal to create a commission to investigate the prisoner abuses in Afghanistan, at Abu Ghraib, and at Guantanamo.

That will not occur as a result of actions taken by the Republican majority on the Rules Committee. For our international standing, our sense of fairness and decency, and to establish more effective means of intelligence gathering, these abuses must be examined.

As former Ambassador Thomas Pickering, attorney Floyd Abrams, and our former colleague Bob Barr wrote in The Washington Post on June 7: "This is a time when we should be making extra efforts to reach out to Muslims and to ask them to work with us in the war against terrorism. Instead, our failure to undertake a thorough and credible investigation has caused severe resentment of the United States."

Some of those who opposed most strongly an independent investigation of the 9/11 attacks also oppose an independent investigation of the prisoner abuse scandal. That is unacceptable.

But just as the American people would not accept the initial refusal to establish a 9/11 Commission, so too will demands continue for an independent commission to investigate the prisoner abuses in Iraq, Guantanamo Bay, and elsewhere.

Our country's standing in the eyes of the world depends on getting to the bottom of the prisoner abuse matter—a fact that will ultimately force the majority of this House to stop placing obstacles in the path of a full and independent inquiry.

Unfortunately this is not the only initiative this Congress has failed to act on. Despite the unanimity with which they were adopted and the near universal acclaim they have produced, some critical recommendations made by the 9/11 Commission have gone unfulfilled. For example, Chairman Kean pointed earlier this month to the failure to allocate more of the broadcast spectrum to first responder communications as "almost a scandal." Congresswoman HARMAN has been a leader in trying to resolve this problem and I congratulate her for her efforts.

Chairman Kean also emphasized what has long been known to Members of the Intelligence Committee: the greatest danger facing the United States is a terrorist attack involving weapons of mass destruction, and the best way to address that is to safeguard or destroy WMD components, especially nuclear material, at its source.

Intelligence plays a huge role in efforts to combat proliferation of nuclear material and technology, but money is needed to better protect or acquire these materials in the countries where they were developed. We are simply not providing enough resources to this effort.

Finally, the 9/11 Commissioners have been clear in their assessment that, unless Congress overhauls the procedures by which it oversees the work of the intelligence agencies, intelligence reform will not be successful.

The House has not undertaken the kind of comprehensive review of the oversight process that the Commission believes to be necessary. I have let the Speaker know, repeatedly, that Democrats are prepared to work cooperatively on this review. It is imperative that we begin this task soon—we have already waited far too long.

This bill enjoys broad bipartisan support from members of the Committee, and I intend to support it. In doing so, however, I urge that the House dedicate itself to finishing the job begun last fall with the adoption of the 9/11 intelligence reform bill and address completely all of the recommendations of the 9/11 Commission.

Mr. EVERETT. Madam Speaker, I rise today in strong support of H.R. 2475, the Intelligence Authorization Bill for fiscal year 2006.

As one of several "cross-over" members who serve on both the Intelligence and Armed Services Committees, this legislation strikes a reasonable balance between our national intelligence needs, and the needs of our warfighters. As we know from our work on the Intelligence Reform Act last fall, this is not an easy task.

Madam Speaker, it would be disingenuous to state that all is well within the Intelligence Community. For a number of years, the Select Committee on Intelligence has been systematically identifying major shortfalls in providing for our foreign intelligence needs. These include: funding shortfalls, major limitations in human intelligence, limited capabilities in foreign language specialists, aging information technology systems, and the lack of strategic planning with regard to the Intelligence Community's overhead intelligence collection programs.

Madam Speaker, this bill represents a major step forward in correcting many of these problems by funding programs, operations, and personnel that are vital to the security of the United States. The policies and programs in this bill will enable us to strengthen our intelligence capabilities to ensure that we are providing the best foreign intelligence efforts possible.

In particular, this bill begins to balance the resources applied to technical collection programs with those applied to human source collection. In years past, funding cuts greatly reduced the Intelligence Community's ability to provide global collection and analytic coverage. The global war on terrorism has led to increased funding, but there is still only limited capability to focus on other issues around the world. This bill reinvigorates capabilities that have long been ignored.

I have a personal concern about the Intelligence Community's capabilities against foreign missile systems. Therefore, at my direction the bill includes specific funding increases to allow for expanded modeling and simulation of foreign systems, exploitation of foreign missile systems, and all-source missile event analysis.

Madam Speaker, this bill puts a great deal of emphasis on getting the Intelligence Community "back to the basics." In short, this bill continues to correct the systemic problems that left us underprepared for warning against terrorist attacks on America, and begins the process of returning human intelligence collection to a worldwide endeavor.

I feel that this is a good bill that balances the increased investment against critical priorities with procedures for effectively monitoring the wise investment of the taxpayers' money. Madam Speaker, I urge my colleagues to support H.R. 2475.

Mr. TIAHRT. Mr. Speaker, I rise in support of H.R. 2475, "The Intelligence Authorization Act for Fiscal Year 2006". I thank my friend and colleague from Michigan for yielding me this time.

For almost 4 years, the U.S. Intelligence Community has been at the forefront of the Global War on Terror. Working long hours, under often primitive conditions, the men and women of the Intelligence Community have performed spectacularly under the most stressing of operational tempos. The legislation before us today authorizes the funding necessary to support the men and women of the Intelligence Community and to keep our country safe. However, a sufficient balance must be maintained between fighting terror and maintaining global awareness of emerging threats. Therefore, the legislation before us lays the budgetary and programmatic groundwork that will ensure that the U.S. Intelligence Community is prepared and able to face the challenges and national security threats of the future.

First and foremost, this legislation provides the appropriate balance between technical, human and open source collection.

This bill provides sufficient funds to ensure that the U.S. retains its technical collection edge for the next 20 years. It also increases the resources necessary to provide a strong, global human and open source intelligence collection capability. Achieving this balance required some hard choices on several highly regarded technical collection systems, however, the Committee was able to reach bipartisan consensus on the need to eliminate some redundant or outdated systems.

Second, this legislation strengthens innovation across the Intelligence Community.

The legislation includes a significant increase in the resources devoted to advanced research and technology development including increased funding for new sensors and platforms, data mining and information assurance technologies. To ensure that these resources are used wisely, this legislation also strengthens the authorities and responsibilities of the Intelligence Community's Chief Scientist.

Third, this legislation revitalizes our intelligence analysis and production capabilities.

Our intelligence community analysts are frequently asked to turn fragmentary and seemingly random puzzle pieces into a coherent picture. To help bring the picture into focus, this legislation provides for improved training opportunities (particularly for languages), new analytic tools, increased personnel and better tools to enable information sharing.

Fourth and finally, this legislation continues the efforts begun in the Intelligence Reform and Terrorism Prevention Act of 2004 to strengthen and define the authorities and responsibilities of the Director of National Intelligence.

The Intelligence Community is our first-line of defense against an elusive and unstructured threat that has shown willingness to harm America. It is vital that this community has the resources and authorities necessary to effectively target both the terrorist threats of today as well as new threats of tomorrow. H.R. 2475 provides those resources.

I strongly urge my colleagues to support this legislation in the bipartisan manner that our national security efforts demand.

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I rise in strong support of H.R. 2475, the Intelligence Authorization Act of 2006. I congratulate Chairman HOEKSTRA for presenting a strong bill that addresses our major intelligence requirements.

Madam Speaker, as chair of the Intelligence Policy Subcommittee, I have been tasked to look at the vast range of threats faced by the United States, and work to ensure that the intelligence services devote the necessary resources to respond to those threats.

As we consider this bill, we are in the midst of a war with a vicious enemy—a war on terrorism that must be won. Our troops are also engaged in a bloody effort to stabilize Iraq.

Our war-fighters must have timely, accurate information about the enemy, and this bill makes every effort to guarantee that intelligence is provided. Thus, there is an essential force protection component to this authorization.

But we cannot focus solely on the collection of near-term, tactical battlefield intelligence. We must also ensure that our political leaders have good information about big picture threats to U.S. interests globally.

The Intelligence Community must focus its resources on the nuclear programs in Iran, North Korea, and other major proliferators of weapons of mass destruction.

We must fully understand the ongoing military modernization of China, and know how Beijing intends to use its emerging capabilities. Russia remains a nuclear superpower with thousands of nuclear warheads, and prudence dictates we have good intelligence regarding Russia's intentions.

The behavior of these important nations can have a deep impact on our national security, and the United States must not become the victim of a "strategic surprise".

To protect our people and inform our political leaders, we must have the capability to collect good, accurate information. It is increasingly difficult to predict where the next crisis may erupt, but our leaders must have the ability to anticipate significant events.

H.R. 2475 places much needed emphasis on our collection and analysis capabilities. I am pleased that this bill increases the investment in human intelligence and the capabilities they provide for us.

It provides additional resources for professional training and language education for intelligence officers being deployed overseas.

The legislation also authorizes powerful new tools that will assist our intelligence analysts to sort through and properly understand the information that has been gathered.

At a time when the threats to u.s. national security are so great, H.R. 2475 supports the effort to provide our leaders with focused, timely intelligence. I urge my colleagues to support this legislation and once again, I congratulate my chairman on his outstanding effort.

Mr. MURTHA. Madam Speaker, the Intelligence Authorization Bill provides resources vital to the continuing effort to improve our nation's intelligence capabilities and to transform the intelligence community to ensure that we do everything possible to prevent another event like September 11, 2001. As such, I support this legislation.

In particular, I am gratified that this bill provides resources above the President's request to increase our human intelligence capabilities. This is an issue that has concerned me for many years and one that I have worked to correct. The House-passed FY 2006 Defense Appropriations bill includes substantial, new HUMINT resources, which I will make every effort to protect as we go into conference with the Senate later this year.

Additionally, the authorization bill includes provisions to strengthen Ambassador Negroponte's hand as he undertakes the tremendous responsibility of defining the role of the Office of the Director of National Intelligence and transforming the intelligence community. I am hopeful that the authorizers and the appropriators can work together to support the DNI in this critical first year.

Certainly, there are areas of the bill, particularly some of the technical programs, where I am a little disappointed in the resource levels recommended by the Intelligence Committee. I look forward to working with my colleagues on the committee to find a mutually acceptable approach to meet the nation's space platform requirements. However, overall, I believe that this is a good bill that goes a long way to meeting the needs of the intelligence community.

Mr. REYES. Madam Speaker, I rise in support of H.R. 2475.

I commend the leadership of the Chairman and Ranking Member, and thank them for supporting the amendment I offered at markup to align the authorization for an important technical program with the level set by the Armed Services Committee.

H.R. 2475 also underscores the importance the Committee places on providing full-funding of intelligence requirements related to the global war on terrorism. For years, Intelligence Committee Democrats have fought hard for this. If fact, some of us voted against the intelligence bill last year because it contained less than one-third of the funding needed for counterterrorism. This year, I'm pleased the Committee has finally brought a bill before the House that provides full intelligence funding for our dedicated men and women on the front lines.

This bill also includes House Resolution 173, a measure which encourages the DNI to establish a uniform, multi-tiered security clearance system. Such a system is needed to ensure all intelligence agencies fully-leverage the cultural knowledge and foreign language skills of people who may not be able to be cleared, in a timely manner, to the highest levels. It will also help increase the workforce diversity and skills-mix, both of which are critical to the future success and viability of the Intelligence Community.

The report accompanying H.R. 2475 also highlights the work of the El Paso Intelligence Center (EPIC). Although EPIC is funded through DEA in other legislation instead of this bill because of its drug-related intelligence mission, its work is critically important to the U.S. national security overall. I look forward to working with my colleagues to ensure EPIC's activities are funded at an appropriate and consistent level.

In addition to highlighting the strengths of this bill, I must also note my serious concerns about the general oversight of systematic failures related to the handling and interrogation of detainees. While it is critical that we collect actionable intelligence from detainees to prevent future threats, it is imperative that we do so in a way that respects U.S. law, and international conventions and treaties.

Although there were some issues some of us would have resolved differently, H.R. 2475 is, on balance, a sound bill.

Mr. HOEKSTRA. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT OFFERED BY MRS. MALONEY

Mrs. MALONEY. Madam Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. MALONEY:

At the end of title III (page 14, after line 23) insert the following:

SEC. 310. REPORTS ON FAILURE TO TIMELY IMPLEMENT THE NATIONAL COUNTERTERRORISM CENTER.

(a) INITIAL REPORT ON FAILURE TO MEET DEADLINES IMPOSED UNDER LAW.—Not later than 30 days after the date of the enactment of this Act, the President shall provide written notice to Congress explaining the failure of the executive branch to implement the National Counterterrorism Center, as established under section 119 of the National Security Act of 1947, as added by section 1021 of the National Security Intelligence Reform Act of 2004 (title I of the Intelligence Reform and Terrorism Prevention Act of 2004; Public Law 108–458), by the deadlines imposed under section 1097(a) of such Act for the implementation of such Center, including the failure by the President to nominate an individual to serve as Director of the National Counterterrorism Center.

(b) SUBSEQUENT MONTHLY UPDATES.—The President shall provide to Congress monthly updates to the initial notice to Congress under subsection (a) until the National Counterterrorism Center is fully implemented and operational.

The SPEAKER pro tempore. Pursuant to House Resolution 331, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Madam Speaker, I yield myself such time as I may consume.

Our amendment requires the President to keep the Congress and the American people updated monthly on the progress of the implementation and operation of the National Counterterrorism Center until it is fully implemented and operational.

The Congress and the President recognize the National Counterterrorism Center as a critical office for the safety of our country. The Congress and the President agreed that it had to be up and running, fully operational and fully staffed, by June 17, 2005, or last Friday.

While director Admiral John Redd was nominated on June 10, he has yet to be confirmed by the Senate, and he has many challenges before him, chief among which is to get this center fully staffed and operational.

The Bush administration manages by goals and reports. A fully operational and staffed NCTC is a goal that must be attained as quickly as possible.

The National Counterterrorism Center was a core element of the Intelligence Reform and Terrorism Prevention Act of 2004. The center must be the central organization for analyzing and integrating all foreign and domestic intelligence on terrorism.

It also is to conduct strategic operational planning for counterterrorism operations at home and abroad, integrating all elements of national power. In short, the NCTC was created to bring all of the pieces together to prevent a future attack. The Congress and the President established June 17, last Friday, as the deadline for the NCTC.

Unfortunately, we cannot stand here today and say that it is fully operational and fully implemented. This is not the only deadline in this important bill to be missed. I have a chart that I requested from the Congressional Research Service. It is an 8-page chart of deadlines.

And what CRS found is no fewer than 22 deadlines have been missed in the first 6 months of this bill becoming law. And many other important deadlines are looming. Some of the deadlines we have missed include: developing a national transportation strategy, a number of port security strategic plans, and streamlining the security clearance process.

We must keep the implementation of this bill on track; hence the need for this amendment. This is not to say that there has not been substantial progress. Prior to the NCTC being created in law, President Bush created the NCTC last August by executive order.

This center has operated for months under the direction of an interim director. A positive step towards the goal of implementation took place on June 10 when Retired Vice Admiral John Redd was nominated to be the permanent director of the NCTC.

□ 1545

I would like to note that when we originally submitted this amendment to the Committee on Rules on June 2, no NCTC director had been nominated. Upon confirmation, the new director and Ambassador Negroponte will be faced with a number of issues before full implementation. Chief among these issues is working out the inconsistencies between the statute and the executive order. The existing inconsistencies which have been identified by CRS hold much danger of creating confusion which could undermine the maximum functioning of the NCTC.

Another example of these inconsistencies relates to the danger that the tactic supplied to foreign intelligence collection may be applied against U.S. citizens. Thus, the importance of a robust Civil Liberties Board, the beginnings of which were included in the enacted statute.

This amendment will motivate all of the participants to get the job done to protect the American people. I am confident that the Permanent Select Committee on Intelligence, under the leadership of the gentleman from Michigan (Mr. HOEKSTRA) and the ranking member, the gentlewoman from California (Ms. HARMAN), will relentlessly monitor the implementation of these important deadlines. It is too important to the safety of the American people.

Just as the Goldwater-Nichols bill unified the Army, Navy, and Air Force into a single effective fighting force, so too does the intelligence reform legislation draw together the isolated elements of the intelligence community into a unified shield to protect the American people.

The basic function of the NCTC is to prevent another 9/11. As someone who represents a city that was attacked on 9/11, we owe it to the victims and to all Americans to put this central defense mechanism against future attacks in place. We must fulfill the promise of this functional restructuring of the intelligence community for the safety of the American people.

For me, the intelligence bill was the most important bill we passed since I have been in this Congress, and I am deeply grateful to the families of the victims who fought so hard for the enactment of this bill along with the President and my colleagues in this Congress.

Our amendment is a step towards implementing this important bill.

Madam Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Speaker, I rise to claim the time in opposition to the amendment, but I do not object to the amendment.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Is there objection to the gentleman from Michigan controlling the time in opposition?

There was no objection.

Mr. HOEKSTRA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I will not oppose this amendment. I believe the author will have a perfecting amendment.

Mrs. MALONEY. Madam Speaker, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentlewoman from New York.

Mrs. MALONEY. Madam Speaker, I appreciate very much the gentleman from Michigan (Chairman HOEKSTRA) not opposing my amendment and all the hard work that he and the gentlewoman from California (Ms. HARMAN) did on the intelligence bill.

I would like to note the concern that the gentleman reported to me or gave to me about the reporting requirement.

MODIFICATION TO AMENDMENT OFFERED BY MRS. MALONEY

Mrs. MALONEY. Madam Speaker, I ask unanimous consent that the amendment be modified to accept changing the reporting requirement in the amendment from the President to the Director of National Intelligence, Ambassador Negroponte.

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Amendment as modified, offered by Mrs. MALONEY:

At the end of title III (page 14, after line 23) insert the following:

SEC. 310. REPORTS ON FAILURE TO TIMELY IMPLEMENT THE NATIONAL COUNTERTERRORISM CENTER.

(a) INITIAL REPORT ON FAILURE TO MEET DEADLINES IMPOSED UNDER LAW.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall provide written notice to Congress explaining the failure of the executive branch to implement the National Counterterrorism Center, as established under section 119 of the National Security Act of 1947, as added by section 1021 of the National Security Intelligence Reform Act of 2004 (title I of the Intelligence Reform and Terrorism Prevention Act of 2004; Public Law 108–458), by the deadlines imposed under section 1097(a) of such Act for the implementation of such Center, including the failure by the President to nominate an individual to serve as Director of the National Counterterrorism Center.

(b) SUBSEQUENT MONTHLY UPDATES.—The Director of National Intelligence shall provide to Congress monthly updates to the initial notice to Congress under subsection (a) until the National Counterterrorism Center is fully implemented and operational.

The SPEAKER pro tempore. Without objection, the amendment is modified.

There was no objection.

Mr. HOEKSTRA. Reclaiming my time, I thank my colleague, the gentlewoman from New York (Mrs. MALONEY) for that change.

I think the reason we are accepting the amendment is in the spirit that it was offered by my colleague from New York and, I believe, my colleague from Connecticut. We on the committee, the gentlewoman from California (Ms. HARMAN) and myself have laid down as one of the parameters and one of the things that we expect from the oversight subcommittee is to vigorously and aggressively track the implementation of the intelligence reform bill.

I agree in the time that the gentlewoman and I have been in Congress together until we pass Federal prison industries reform, this will be one of the most significant pieces of legislation that we will have worked on together.

There are some talking points on the technicality as to what "fully operational" means, and those types of things; and whether it is fully operational now and whether it could have been fully operational before June 17, because that is when the law came into effect, we fully understand and appreciate the concern that the gentlewoman has in bringing this amendment forward, that we on the committee and that Congress and the American people be fully informed as to the progress we are making in implementing the intelligence reform bill.

We are committed to doing that. We are committed to staying informed on the committee, riding herd over the director of National Intelligence to make sure that this bill is implemented to the full intent of Congress when we passed it.

So it is in light of the spirit of that approach that we accept this amendment.

Madam Speaker, I reserve the balance of my time.

Mrs. MALONEY. Madam Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. HARMAN), the ranking member.

Ms. HARMAN. Madam Speaker, I thank the gentlewoman for yielding me time. I want to commend her and the gentleman from Connecticut (Mr. SHAYS) for the enormous work they did outside the intelligence committee. As we were considering the intelligence reform legislation last year, the faces that I saw on a constant basis were theirs and the families. And I often have said that the families were the wind beneath our wings. I would add a couple of Members of Congress to that, too, and I thank them for all they did.

I am very pleased that the majority is accepting the amendment. It is a good idea for us to make absolutely clear that the NCTC, the National Counter Terrorism Center, is a vital piece of the reform we enacted last year and that it needs to be fully operational ASAP.

To explain further, one of the big mistakes we made leading up to 9/11 is everyone now knows our failure to connect the dots. Obviously, having a fusion center designed for this purpose is a very good way to make sure we do not fail to connect the dots the next time.

So it took, I would say, the introduction of this amendment to cause the President to nominate a very able fellow, Vice Admiral Redd, to be the director of the NCTC. He did that 2 days after this amendment was presented in the Committee on Rules. And perhaps now that we are accepting it as part of today's debate, the NCTC will become fully operational even before that prison reform bill is enacted.

In conclusion, Madam Speaker, I strongly support this. I support the team that has brought this to us. And I would note to this body, that bill last year that we worked so hard on gets its real sea legs today as the House takes this necessary step in funding its critical parts and in making clear that we will not accept any efforts to roll back the jurisdiction of the DNI, who is going to be the commander of the tip of the spear in this era of terror.

Mr. HOEKSTRA. Madam Speaker, I reserve the balance of my time.

Mrs. MALONEY. Madam Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. SHAYS), and I commend his leadership and support on this amendment and his hard work on the intelligence reform committee. We both had many victims that were lost from our respective districts and we worked closely throughout that period with the families and with our colleagues on that important bill. I thank the gentleman for his hard work.

Mr. SHAYS. Madam Speaker, I thank the gentlewoman for yielding me time. I thank her for her very hard work and the work again of the gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN).

I rise, obviously, in support of this amendment that we are offering, as amended, which would require the director of National Intelligence to provide Congress written explanation why the National Counter Terrorism Center, NCTC, is not fully operational since the June 17 deadline set forth in Public Law 108-458.

The Joint Inquiry and the 9/11 Commission both found that the lack of information-sharing and coordination within the intelligence community led to numerous missed opportunities to detect and prevent September 11 terrorist attacks.

The establishment of the NCTC was a key 9/11 Commission recommendation and an integral part of the effort to increase information-sharing and coordination among intelligence agencies.

The director will serve a critical function in our Nation's intelligence capability, as he will report to the President and to the director of National Intelligence.

The NCTC, once fully operational, will be the Nation's primary agency for now analyzing terrorist threats and planning counterterrorism operations at home and abroad.

The deadline by which the NCTC was required by law to be fully operational has passed, and while I am pleased the President nominated Vice Admiral John Redd as the Center's permanent director on June 10, I wish Congress had received this nomination sooner than a week before the deadline so that the Center could have been operational on time.

The bottom line is it has been done. We are making progress. I thank the gentleman from Michigan (Mr. HOEKSTRA) for accepting this amendment and the gentlewoman from California (Ms. HARMAN) as well. It is an amendment that I think deserves passage and I thank them for accepting it.

Mr. HOEKSTRA. Madam Speaker, I yield myself the balance of my time.

I thank my colleagues for working through this amendment and making the necessary changes. As I indicated earlier, we are willing to accept this amendment.

Madam Speaker, I yield back the balance of my time.

Mrs. MALONEY. Madam Speaker, I yield myself the balance of my time.

I thank the gentleman from Michigan (Chairman HOEKSTRA) for accepting the amendment. Certainly certain issues are above partisan politics. The defense, the protection of our Nation, intelligence reform, is certainly among them.

The gentleman and the ranking member have really worked together in the best interest of the American people on this important issue. I thank the gentleman for his support.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise to show my support for the men and women who work in the intelligence community each day sacrificing their lives so that we may remain safe. This measure, H.R. 2475, does authorize 100 percent of the funding requests made by the community, which is a positive departure from the measure proposed in 2005, which funded only 26 percent of the requests. In addition, this legislation improves upon the President's request of only 40 percent of the community's counterterrorism funding needs. This departure is important because this measure is the first authorization bill to come to the floor since passage of the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108–458)—the families of the victims of 9/11 as well as the entire international community still look to us for responsible action in the area of intelligence.

I also applaud the Committee's inclusion of provisions for the recruitment and clearing of personnel adept in language skills necessary to truly aid our intelligence-gathering and processing initiative.

However, I join my colleagues in disagreeing with Section 305 of the bill as reported out of Committee. This section gives congressional committees a "pocket veto" of the personnel transfers that the new Director of National Intelligence might recommend. Absent passage of the Manager's Amendment offered by Mr. HOEKSTRA, this provision will contravene much of the authority conferred in the Intelligence Reform and Terrorism Prevention Act that was signed into law by the President last year. Public Law 108–458 contains provisions that I offered that deal with commercial alien smuggling such as penalty enhancement as well as an outreach section that would require publication of the enhancements by DHS to act as a deterrent.

I support the amendment that will be offered by my colleague from New York, Mrs. MALONEY that would require a report to Congress until the Director of the National Counterterrorism Center has been confirmed and until the Center is fully functional.

Madam Speaker, for the reasons above stated, I support the legislation with reservations.

Mrs. MALONEY. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 331, the previous question is ordered on the bill and the amendment, as modified, offered by the gentlewoman from New York (Mrs. MALONEY).

The question is on the amendment, as modified, offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment, as modified, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Madam Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WAXMAN. I am, Madam Speaker, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Waxman of California moves to recommit the bill H.R. 2475 to the Permanent Select Committee on Intelligence with instructions to report the same back to the House forthwith with the following amendment:

At the end, add the following new title:

TITLE V—ESTABLISHMENT OF INDEPENDENT COMMISSION TO INVESTIGATE DETAINEE ABUSES

SEC. 501. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the Independent Commission on the Investigation of Detainee Abuses (in this title referred to as the "Commission").

SEC. 502. DUTIES.

(a) Investigation.—The Commission shall conduct a full, complete, independent, and impartial investigation of intelligence and intelligence-related activities carried out in Operation Iraqi Freedom, Operation Enduring Freedom, and any operation within the Global War on Terrorism in connection with abuses of detainees, including but not limited to the following:

(1) The extent of the abuses.

(2) Why the abuses occurred.

(3) Who is responsible for the abuses.

(4) Whether any particular Department of Defense, Department of State, Department of Justice, Central Intelligence Agency, National Security Council, or White House policies, procedures, or decisions facilitated the detainee abuses.

(5) What policies, procedures, or mechanisms failed to prevent the abuses.

(6) What legislative or executive actions should be taken to prevent such abuses from occurring in the future.

(7) The extent, if any, to which Guantanamo Detention Center policies influenced policies at the Abu Ghraib prison and other detention centers in and outside Iraq.

(b) Assessment, Analysis, and Evaluation.—During the course of its investigation under subsection (a), the Commission shall assess, analyze, and evaluate relevant persons, policies, procedures, reports, and events, including but not limited to the following:

(1) The Military Chain of Command.

(2) The National Security Council.

(3) The Department of Justice.

(4) The Department of State.

(5) The Office of the White House Counsel.

(6) The Defense Intelligence Agency and the Central Intelligence Agency.

(7) The approval process for interrogation techniques used at detention facilities in Iraq, Cuba, Afghanistan, and elsewhere.

(8) The integration of military police and military intelligence operations to coordinate detainee interrogation.

(9) The roles and actions of private civilian contractors in the abuses and whether they violated the Military Extraterritorial Jurisdiction Act or any other United States statutes or international treaties to which the United States is a party.

(10) The role of nongovernmental organizations' warnings to United States officials about the abuses.

(11) The role of Congress and whether it was fully informed throughout the process that uncovered these abuses.

(12) The extent to which the United States complied with the applicable provisions of the Geneva Conventions of 1949, and the extent to which the United States may have violated international law by restricting the access of the International Committee of the Red Cross to detainees.

(13) The extent to which the United States complied with the applicable provisions of other human rights treaties, including the International Covenant on Civil and Political Rights and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. 503. COMPOSITION OF COMMISSION.

(a) Members.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President;

(2) 1 member shall be jointly appointed by the minority leader of the Senate and the minority leader of the House of Representatives;

(3) 2 members shall be appointed by the majority leader of the Senate;

(4) 2 members shall be appointed by the Speaker of the House of Representatives;

(5) 2 members shall be appointed by the minority leader of the Senate; and

(6) 2 members shall be appointed by the minority leader of the House of Representatives.

(b) Qualifications; Initial Meeting.—

(1) Nongovernmental appointees.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(2) Other qualifications.—Individuals that shall be appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, law, public administration, intelligence gathering, international human rights and humanitarian law, and foreign affairs.

(3) Deadline for appointment.—All members of the Commission shall be appointed within 45 days following the enactment of this Act.

(4) Chairman and vice chairman.—The chairman and vice chairman of the Commission shall be elected by a majority vote of the members.

(5) Meetings.—The Commission shall meet and begin the operations of the Commission as soon as practicable. After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members.

(c) Quorum; Vacancies.—Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) Conflicts of Interest.—Each member appointed to the Commission shall be independent of any agency, individual, or institution that may be the subject of investigation by the Commission.

SEC. 504. POWERS OF COMMISSION.

(a) In General.—

(1) Hearings and evidence.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(2) Subpoenas.—

(A) In general.—A subpoena may be issued under this subsection only—

(i) by the agreement of the chairman and the vice chairman; or

(ii) by the affirmative vote of 6 members of the Commission.

(B) Signature.—Subject to subparagraph (A), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(3) Scope.—In carrying out its duties under this Act, the Commission may examine the actions and representations of the current Administration as well as prior Administrations.

(b) Contracting.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties of this Act.

(c) Information From Federal Agencies.—

(1) In general.—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government, information, suggestions, estimates, and statistics for the purposes of this Act. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) Receipt, handling, storage, and dissemination.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive Orders.

(d) Assistance From Federal Agencies.—Departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

SEC. 505. PUBLIC HEARINGS.

(a) Public Meetings and Release of Public Versions of Reports.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under section 509.

(b) Public Hearings.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 506. STAFF OF COMMISSION.

(a) Appointment and Compensation.—The chairman and the vice chairman jointly, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions.

(b) Detailees.—Any Federal Government employee may be detailed to the Commission.

(c) Consultant Services.—The Commission is authorized to procure the services of experts and consultants.

SEC. 507. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at a reasonable rate for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence.

SEC. 508. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

(a) IN GENERAL.—Subject to subsection (b), the appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

(b) EXCEPTION.—No person shall be provided with access to classified information under this title without the appropriate required security clearance access.

SEC. 509. REPORTS OF COMMISSION; TERMINATION.

(a) INTERIM REPORTS.—The Commission may submit to Congress and the President interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress and the President a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) FORM OF REPORT.—Each report prepared under this section shall be submitted in unclassified form, but may contain a classified annex.

(d) RECOMMENDATION TO MAKE PUBLIC CERTAIN CLASSIFIED INFORMATION.—If the Commission determines that it is in the public interest that some or all of the information contained in a classified annex of a report under this section be made available to the public, the Commission shall make a recommendation to the congressional intelligence committees to make such information public, and the congressional intelligence committees shall consider the recommendation pursuant to the procedures under subsection (e).

(e) PROCEDURE FOR DECLASSIFYING INFORMATION.—

(1) The procedures referred to in subsection (d) are the procedures described in—

(A) with respect to the Permanent Select Committee on Intelligence of the House of Representatives, clause 11(g) of Rule X of the Rules of the House of Representatives, One Hundred Ninth Congress; and

(B) with respect to the Select Committee on Intelligence of the Senate, section 8 of Senate Resolution 400, Ninety-Fourth Congress.

(2) In this section, the term "congressional intelligence committees" means—

(A) the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Select Committee on Intelligence of the Senate.

SEC. 510. TERMINATION.

(a) IN GENERAL.—The Commission, and all the authorities of this Act, shall terminate 60 days after the date on which the final report is submitted under section 509(b).

(b) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

SEC. 511. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated funds not to exceed $5,000,000 for purposes of the activities of the Commission under this Act.

(b) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

Mr. WAXMAN (during the reading). Madam Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1600

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Pursuant to the rule, the gentleman from California (Mr. WAXMAN) is recognized for 5 minutes in support of his motion.

Mr. WAXMAN. Madam Speaker, this motion to recommit would amend the bill to add language establishing an independent commission to examine detainee abuses.

In the year since the horrific photographs of prisoner abuse at Abu Ghraib surfaced, more and more instances of detainee abuse from a growing number of locations around the world have come to light.

The reports of detainee abuse are undermining one of our Nation's most valuable assets: our reputation for respect for human rights.

The Pentagon's internal investigations of the abuse allegations have resulted in conflicting conclusions. Some of these reports have been little more than whitewashes.

Congress has failed to conduct a comprehensive public investigation of detainee abuse allegations at Guantanamo, Abu Ghraib, Bagram and other facilities. We have abdicated our constitutional duty to conduct responsible oversight.

My motion to recommit would fill the huge oversight gap. A lack of oversight leads to a lack of accountability, and no accountability breeds arrogance and abuse of power.

It is time for this House to take our oversight responsibility seriously, and I urge a "yes" vote on the motion to recommit.

Mr. Speaker, I yield to the gentlewoman from California (Ms. HARMAN), the ranking member of the Permanent Select Committee on Intelligence, my colleague.

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding to me and commend him for sponsoring this notion of an independent commission to look at detainee abuses.

Mr. Speaker, though I am a strong supporter of this legislation, I think it would be even better if it included language to establish this commission, and so I support the motion to recommit the bill for the purpose of adding the gentleman from California's (Mr. WAXMAN) amendment.

Military historians often talk about the "fog of war." I believe our intelligence professionals operate in a fog of law, a confusing patchwork of treaties, laws, memos and policies.

Article I, section 8 of the Constitution says that it is Congress' responsibility to establish rules concerning captures on land and water. I hope that we will seize this responsibility.

But as Congress studies the policy options going forward, it is vital that we have the facts. Only a bipartisan, independent commission can get to the bottom of what happened among administration policymakers within the military chain of command and out in the field.

The steady stream of revelations about Guantanamo and other facilities around the world erode our moral credibility, just as we are trying to win the hearts and minds of the Arab and Muslim world.

It is vital to our national security, Mr. Speaker, that we fix this problem so that our detention and interrogation policies get us actionable intelligence without creating a whole new generation of terrorist recruits. Pretending that there is no problem is not a strategy for success.

So in conclusion, Mr. Speaker, our committee, on a bipartisan basis, is looking into these issues through our Subcommittee on Oversight. I commend our progress; but in addition, I think the public will have more confidence in what we are doing if we also have an outside, independent commission.

In that spirit, I support the Waxman motion to recommit.

Mr. WAXMAN. Mr. Speaker, the failure to have an investigation of detainee abuse is eroding our moral standard in the world. It is also endangering our Armed Forces and inciting hatred against the United States. As Senator BIDEN said about Guantanamo, it is the greatest propaganda tool for the recruitment of terrorists worldwide.

Some of the allegations that have been repeated over and over again may not be true. In fact, I hope they are not true. President Bush calls them absurd, but we do not know what is true and what is not unless we investigate; and when we refuse to conduct a thorough, independent, credible investigation, the rest of the world thinks we have something to hide.

The independent commission established by this proposal would establish a 10-member bipartisan commission modeled on the successful 9/11 commission. I think we need this. I think we need it badly.

If the Congress had done its job of oversight, we might well say the job is done and we do not need to do anything further; but Congress has done relatively little on this whole matter. The reports that have been issued by the various investigative agencies have been in conflict.

This is why I ask my colleagues to support this motion to recommit. Vote "aye."

Mr. HOEKSTRA. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. HOEKSTRA) is recognized.

Mr. HOEKSTRA. Mr. Speaker, I am a little confused, as I listened to those on the other side as to whether we have or have not done oversight. The author of the amendment says there has been no oversight. My ranking member applauds the work that the committee has done in its role of doing oversight on a bipartisan basis.

Mr. Speaker, we are at a time of war that was not begun by the making of the United States. We are at war against an international terrorist movement that has engaged our country in a clash of values driven by those who fundamentally oppose American democracy and freedom.

The 9/11 Commission emphasized the importance of engaging the terrorists in the "struggle of ideas," noting that many views in the Muslim world of the United States are "at best uninformed about the United States and, at worst, informed by cartoonish stereotypes among intellectuals who caricature U.S. values and policies. Local newspapers and the few influential satellite broadcasters, like al Jazeera, often reinforce the jihadist theme that portrays the United States as anti-Muslim."

Mr. Speaker, comments that significantly exaggerate and overstate the situation in Guantanamo Bay do nothing but reinforce the false perceptions of America that have encouraged our enemies.

There is aggressive oversight under way by the executive branch and by Congress into our detention procedures. It is only because of this aggressive oversight and the freedoms provided by American democracy that we are having this discussion in the first place. The system is working properly, and we should continue to let it work; and for those who do not know about the work that is going on, perhaps they could ask.

So when senior Members of Congress, including a member of the minority leadership in the Senate, exaggerate and distort these issues, including by comparing American soldiers to Nazis, those comments do nothing but reinforce the false prejudices abroad that have led us to war.

As an example, I note that the al Jazeera network gave prominent coverage to the remarks of a Member of the Senate comparing the actions of U.S. soldiers to Nazis, Soviet gulags, and a mad regime like Pol Pot's Khmer Rouge in Cambodia.

A columnist in the Chicago Sun Times said of those remarks: "He should at least be made a little uncomfortable over what he's done." What did he do? "In a time of war, make an inflammatory libel against his country's military that has no value whatsoever except to America's enemies."

We are better than those who oppose us. Our oversight has exposed our weaknesses. Now is the time to move on.

To quote from President Roosevelt's "Man in the Arena" speech: "It is not the critic who counts, not the man who points out how the strong man stumbles or where the doer of deeds could have done them better."

I want this Congress to be seen as a doer of deeds. If we fail, we fail while daringly great. To do anything less would be unworthy of the House of Representatives.

Self-loathing of America on the floor of this House accomplishes nothing but fueling the fires abroad that seek to destroy America's democracy and our way of life. I encourage my colleagues to vote "no" on this motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WAXMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. PETRI). Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes, if ordered, on passage of H.R. 2475 and on the motions to suspend the rules previously postponed in the following order:

H.J. Res. 52, by the yeas and nays.

H. Con. Res. 160, by the yeas and nays.

H. Con. Res. 180, de novo.

The vote was taken by electronic device, and there were—yeas 197, nays 228, not voting 8, as follows:

[Roll No. 289]

YEAS—197

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—228

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole (OK)
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall

Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—8

Carter
Conaway
Herseth
Lewis (GA)
Murphy
Pence
Sessions
Young (FL)

☐ 1639

Mrs. KELLY, Mr. BUYER, and Mr. ABERCROMBIE changed their vote from "yea" to "nay."

Messrs. GONZALEZ, ETHERIDGE and CHANDLER changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PETRI). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOEKSTRA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 16, not voting 8, as follows:

[Roll No. 290]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)

NAYS—16

Conyers
Duncan
Jackson (IL)
Kucinich
Lee
McDermott
McKinney
Oberstar
Owens
Paul
Payne
Rangel
Stark
Waters
Watson
Woolsey

NOT VOTING—8

Carter
Conaway
Herseth
Lewis (GA)
Murphy
Pence
Sessions
Young (FL)

☐ 1647

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CONAWAY. Mr. Speaker, I was detained and unable to cast a vote on H.R. 2475, the Intelligence Authorization Act for FY06, on June 21, 2005. I was enroute to Brownwood, Texas to attend the funeral of Lance Corporal Mario Castillo, a Marine from the 11th District of Texas. Please let the RECORD reflect that had I been here, I would have voted "yes."

AUTHORIZING CLERK TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES IN ENGROSSMENT OF H.R. 2475, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2475, the Clerk be authorized to make such technical and confirming changes as necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mr. PETRI). Is there objection to the request of the gentleman from Michigan?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, the remaining votes will be 5-minute votes.

There was no objection.

APPROVING THE RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, H.J. Res. 52.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the joint resolution, H.J. Res. 52, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 2, not voting 8, as follows:

[Roll No. 291]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—2

Flake
Paul

NOT VOTING—8

Carter
Conaway
Deal (GA)
Herseth
Lewis (GA)
Murphy
Sessions
Young (FL)

☐ 1655

So (two thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 160.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 160, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 8, as follows:

[Roll No. 292]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest

Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—8

Carter
Conaway
Deal (GA)
Herseth
Lewis (GA)
Murphy
Sessions
Young (FL)

□ 1705

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CARTER. Mr. Speaker, on June 21, 2005, I was unavoidably detained on official business in my Congressional District. During rollcall vote No. 288, if present, I would have voted "yea." On rollcall vote No. 289, I would have voted "no." On final passage of H.R. 2475, authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities, rollcall vote 290, I would have voted "yea." On passage of H.J. Res. 52, rollcall vote 291, I would have voted "yea." On passage of H. Con. Res. 160, rollcall vote 292, I would have voted "yea."

PERSONAL EXPLANATION

Mr. MURPHY. Mr. Speaker, due to official business relating to the visit of BRAC Commissioner General Lloyd Newton to the 911th Airlift Wing, Air Force Reserve in my Congressional District, I was not present in the Chamber on Tuesday, June 21, 2005, and was regrettably unable to cast my vote on rollcall No. 288, rollcall No. 289, rollcall No. 290, rollcall No. 291, and rollcall No. 292.

Had I been present, I would have voted "yea" on rollcall No. 288; "no" on rollcall No. 289; "yea" on rollcall No. 290; "yea" on rollcall No. 291; and "yea" on rollcall No. 292.

SUPPORTING FIREFIGHTER LIFE SAFETY SUMMIT INITIATIVES AND MISSION OF NATIONAL FALLEN FIREFIGHTERS FOUNDATION AND UNITED STATES FIRE ADMINISTRATION

The SPEAKER pro tempore (Mr. PETRI). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 180.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BOEHLERT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 180.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. REGULA, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109–143) on the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MCCAUL of Texas). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TAKING STEPS TO FIX NICS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY. Mr. Speaker, currently, when someone wants to buy a gun, they are subject to a background check, and once he or she is cleared, the records of that transaction are destroyed after 24 hours. But 24 hours is simply not enough time to ensure a gun is not sold to someone who should not be buying guns. Why? Because the National Instant Background Check System, or NICS, is not effective enough to warrant such a quick turnaround time on gun purchase records.

NICS is a database to check potential firearm buyers for any criminal record or history of mental illness.

□ 1715

Mr. Speaker, however, the NICS system is only as good as the information States provide. Twenty-five States have automated less than 60 percent of their felony convictions into the NICS system.

In these States, many felons will not be listed on the NICS system and would be able to purchase guns with no questions asked. In 13 States, domestic violence restraining orders are not accessible through the NICS system. Common sense would dictate that you do not sell a gun to someone who has been recently served with a restraining order.

Thirty-three States have not automated or do not share mental health records that would disqualify certain individuals from purchasing a gun under existing law. Also felony convictions in some States will not show up on another State's background check.

I understand the political realities of this Congress when it comes to new gun laws. Many on both sides of the aisle see anything longer than a 24-hour period to hold records as a de facto gun registry.

So we must take measures to fix the NICS system to make sure that our existing laws are enforced. I have introduced legislation with the gentleman from Michigan (Mr. DINGELL), the NICS Improvement Act of 2005, that will give States grants to update their NICS database.

This is the same bill that passed the House by a voice vote in the 107th Congress. No one person was denied his or her second amendment rights because of this bill. Even the National Rifle Association approved the bill in 2002.

It is the States' responsibility to make sure that NICS databases are in order. But if so many States are facing budget problems, many simply cannot afford to dedicate resources to updating their NICS system.

Meanwhile, too many criminals are slipping through the cracks of our background check system. This is unacceptable, especially in the post-9/11 era. Until we fix the NICS system, our law enforcement officers will continue to be within a tight deadline to determine whether or not background checks cover all of the bases.

With my bill, we can ensure that the NICS system does its job at the point of purchase. Mr. Speaker, please bring the NICS Improvement Act up for a vote this summer. It is time that we close the legal loopholes that make it so easy for criminals to buy guns and so difficult for law enforcement agencies to keep us safe.

Mr. Speaker, this is a bill that can work. This is a bill that has bipartisan support. This is a bill that can save lives, especially those of our police officers.

BRING DOWN AMERICA'S DRUG PRICES

The SPEAKER pro tempore (Mr. MCCAUL of Texas). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise again tonight to talk about prescription drugs, and more importantly about what Americans pay for prescription drugs compared to consumers in other industrialized countries.

I have this chart, and I know that on television it is a little hard for the Members who are watching their offices to see these numbers, but if you go to my Web site at gil.house.gov, you can see this chart and other comparisons that we have, not only with the United States and Germany, as this chart is, but with other countries, because we now have pharmacists literally around the world who regularly share with us what their prices are for prescription drugs.

What you see here are 10 of the most commonly prescribed drugs in the United States. You can buy those drugs in Frankfurt, Germany for $455.57. Those same 10 drugs here in the United States are $1,040.04. Americans pay 128 percent more for the same drugs made in the same plants under the same FDA approval.

Let me give you one example we have talked about before: Zocor, an excellent drug. Many heart patients take Zocor. As a matter of fact, some of our colleagues here in Congress take Zocor. And depending on what Federal program you are under, you can be paying a copay of $30 for that drug. Federal Members of Congress may be paying $30 when consumers in Germany can walk into the Metropolitan Pharmacy in Frankfurt, Germany, and they can buy that drug for $23.80.

The copay here in the United States, in many cases, is $30. The regular price in Rochester, Minnesota, for that drug, $85.39. And again, these are the same drugs, made in the same plants with the same FDA approval. What is wrong with this picture?

Well, what is wrong with this picture is that American consumers are held hostage. In countries like Germany, they have what is called parallel trade. So a pharmacist in Frankfurt, for example, if they want to buy that Zocor, if they can buy that Zocor in Sweden cheaper than they can buy it from the distributors in Germany, they are allowed to do that.

That creates a competitive marketplace. That is what we are trying to encourage with the Pharmaceutical Market Access Act. Now, our Founders understood that the Federal Government is created by the States and not the other way around.

But the States in many cases have been referred to as the laboratory of democracy. And the interesting thing is State governments, and more importantly the Governors of those States, are not standing by idly.

What they are doing is they are creating their own programs. In Illinois, in Kansas, in my own State of Minnesota. Minnesotans now have access to buying drugs from Canada, and they recently added Great Britain.

The I-SaveRx program, now in Illinois, includes Canada, the United Kingdom, and Ireland. Now, many of the people here in Washington, our own FDA says that is not safe. Well, some of these States have now over a year of experience and they have demonstrated that this can be done safely.

The list goes on. Missouri. Nevada, I think was just signed into law either yesterday or today, the law takes effect July 1st, so that people in Nevada will have access to drugs from foreign countries at much more competitive prices. New Hampshire, North Dakota has joined the list. We now have 11 States, and we do not know how many cities have joined this list.

But it really is time for us at the Federal level to do our job to make sure that Americans have access to world-class drugs at world-market prices. Mr. Speaker, this is not a mystery. It can be done. What we know is that the Europeans are not intrinsically smarter than we are.

If they figured out how to do this parallel trade, we can do it as well. Mr. Speaker, it is time for Americans to have access to these drugs at 128 percent cheaper than they can buy them in the United States.

BEST GOVERNMENT MONEY CAN BUY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, we often hear that the American people have a negative opinion of the job we do here in Congress. In fact, recent polling indicates that 53 percent of the country disapproves of the way Congress handles its job.

In a recent CNN poll, 71 percent of the American people said Congress fails to share their priorities and values. Some around here may wonder why that is. Could it be because while American families struggle to pay their education bills, their medical bills, save for their retirement, this Congress has come to be handing out special favors, and that is all they see of this Congress?

Could it be because ours has become a government of the special interests, for the special interests? Mr. Speaker, when your gavel comes down, it is to open the people's House, not the auction house. What have the American people seen of late?

They have seen that when we had a tax bill problem of $4 billion on the corporate side, we were trying to fix a $4 billion problem, it ended up costing the taxpayers $150 billion in special interest favors. Only in this Congress, only in this country could you stick the taxpayers with a $150 billion bill to bail out corporate interests, when you were trying to fix only a $4 billion problem.

And rather than creating jobs as the bill was intended, it is creatively named the Jobs Creation Bill, it was nothing more than a multi-billion dollar giveaway to special interests. Or consider last year's prescription drug bill for Medicare.

It is about an $800 billion handout to the prescription drug industry after having been one of the largest contributors to the campaign committee, both for Democrats and Republicans; and it actually ended up with producing an additional $153 billion in profits for the pharmaceutical industry.

While we were working on that legislation, a Member of this body was actually negotiating a job to go to work for that industry and represent it. Or now that we are talking about the energy bill, we are talking about a $14 billion taxpayer giveaway to the energy industry, and oil is now being charged at $59 a barrel.

If it is not profitable at $59 a barrel, what more do we have to give them? Neither does it ever reduce our dependence on foreign oil. And the pundits here in Washington wonder why the American people out in the country do not like their Congress?

But it is not just the administration and their congressional allies that have worked to craft legislation benefiting a single industry. In some cases the special interests actually sit at the table drafting the legislation that impacts them.

For instance, recently we were all shocked to learn that Philip Cooney, the former chief of staff for the White House counsel on environmental quality and a former lobbyist at the American Petroleum Institute, consistently changed government reports on global warming.

After leaving the White House, and having been discovered having literally changed government reports on the impacts of global warming, where does he end up with a job? Exxon, a company opposed to any legislation on global warming. Then there is the tobacco lawsuit. The U.S. Government won its case handily against Big Tobacco; but rather then seeking the maximum penalty of $130 billion, the government suddenly decided to only ask for $10 billion where Philip Morris' attorney said they were very surprised at this decision.

Nobody seems to know how the decision was made, but in the past weeks it has become clear that the associate attorney general, Robert McCalum, a former employee at a firm representing tobacco executives and industry, forced the government to reduce its own penalties to pennies on the dollar.

But if Americans are not turned off by the corporate goodies dished out by Congress, and if industry execs crafting the policies that benefit their own companies do not get them worked up, maybe it is the revolving door between the public and private sector.

As I mentioned, a colleague of ours went off to represent the prescription drug industry known as Big Pharma, after having passed an $800 billion prescription drug bill.

And, by the way, the chairman of the health subcommittee dealing with the very same bill is now employed by other drug companies. Mr. Speaker, the American people are concerned that Congress does not reflect their priorities or their values. Sadly, they are right.

We have a government that has become beholden to the special interests; and their voices, the voices of the American people have been quieted by the voices of the special interests.

And as far as the government special interests are concerned, this is the best government money can buy. Mr. Speaker, the gavel marks the opening of the people's HOUSE, not the auction house. This election is about returning that gavel to its rightful owners, the American people.

The President and his advisors tout the fact that they do not pay attention to polling data. Well, maybe, it is time they did, because the message is loud and clear, the American people want their House back.

GUANTANAMO BAY AND THE KORAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, over the past week or 10 days, we have heard a lot of haranguing about what is going on down at the Guantanamo detention facility regarding the prisoners who were involved in terrorist activities and opposed our troops over in Iraq and elsewhere in the world.

And some people in the Congress have even equated what is going on down there with Hitler, Stalin, Pol Pot, and what happened in World War II and the concentration camps. And it is reprehensible that that comparison is even being thought about, let alone being expressed by one of my colleagues.

So I wanted to come tonight and give to the American people who may be paying attention back in their offices some facts about Guantanamo and what is going on down there.

Forgive me for reading this to you, but I think it is extremely important. I want to put everything in context. Our men and women down there are serving with honor and dignity.

Since September 11, 2001, more than 70,000 detainees have been captured in the global war on terror in Afghanistan and in Iraq. Some 800 suspected members of al Qaeda or the Taliban have been sent to GITMO, no one under 18 years of age. Approximately 520 remain.

Approximately 235 have been released, transferred to other countries, and 61 are awaiting release or transfer right now. GITMO houses some of the most dangerous individuals linked to the most dangerous organizations in the world, all wishing harm to the United States of America and our citizens: terrorist trainers and financiers, would-be suicide bombers, bomb makers and Osama bin Laden's own personal body guard. One such terrorist currently being detained at GITMO is Mohammed Al-Khatani, believed to be the intended 20th hijacker that attacked the World Trade Center, the Pentagon, and other areas back on 9/11.

Al-Khatani and his fellow murderers and criminals have provided valuable information at GITMO, including organizational structure of al Qaeda and other terrorist groups; the extent of terrorist presence in Europe, the U.S. and the Middle East; al Qaeda's pursuit of weapons of mass destruction; terrorist skill sets; general and specialized operative training; and how to legitimize financial activities that are used to hide terrorist operations.

Mr. Speaker, intelligence gained at Guantanamo has literally prevented terrorist attacks and saved possibly thousands, maybe hundreds of thousands, of American lives. U.S. misconduct versus detainee misconduct; there has been a lot of misinformation about that. After the much publicized and now retracted May 2005 Newsweek article alleging Koran abuse by the U.S. military officials, Brigadier General Jay Hood conducted an exhaustive investigation.

□ 1730

Brigadier General Hood's investigation determined some interesting findings which run contrary to the claims we are hearing about today. For instance, U.S. soldiers used latex gloves and clean towels while even handling the Koran. U.S. soldiers routinely must search detainees Korans when they refuse to show them for security searches. U.S. soldiers inspect for weapons by touching the Koran through surgical masks. Surgical masks are used to hang detainees' Korans during security searches. And when a guard accidentally knocked one of them off, it was fully investigated and deemed an accident.

An outside contractor stepped on a Koran during an interrogation. After an investigation was completed, the contractor apologized and was terminated because he accidentally stepped on the Koran.

On the contrary, Mr. Speaker, Brigadier General Hood's investigation found the detainees themselves regularly displayed less regard for the Koran. For instance, on May 14, 2003, a guard observed a detainee ripping up his Koran in small pieces. July 5, 2003, a guard observed two detainees accuse a third of not being a man. In response, the detainee urinated on one of their Korans. January 19, 2005, four guards witnessed a detainee tear up his Koran and flush it down the toilet. January 23, 2005, four guards witnessed a detainee rip pages out of his Koran and throw them down the toilet. The detainee stated he did so because he wanted to be moved to another camp.

These detainees are trained to resist interrogation. The U.S. discovered a captured al Qaeda training manual, the terrorist training manual, the Manchester document, that instructs members to allege abuse and mistreatment and torture if they are captured.

Mr. Speaker, it is also important to note that detainees are only sent to GITMO after a thorough screening process that identifies individuals who pose a threat to the United States of America or who have valuable intelligence information.

Combatant status review tribunals. All detainees have been reviewed by a tribunal. There is an administrative review board which reviews each case at least once annually for possible release based on the threat. More than 130 boards have been completed to date. Military commissions, trials with full and vigorous representation for those suspected of committing war crimes, awaiting resolution of various U.S. Federal court rulings and reviews.

Mr. Speaker, I am sorry I am out of time. There is more information that needs to be given to my colleagues and the American people. But we have treated those terrorists down there so well compared to the way they treat our people, beheading and everything that has gone on in Iraq and elsewhere in the world. Our troops are doing the humane main thing in accordance with the humanity of their fellow man, and they are treating those terrorists so much better than is being publicized in the press, and the American people have a right to know about it.

So let's talk about what is really going on at GTMO, where I want to stress, that the vast majority of our brave service men and women are serving with honor and dignity.

Since September 11, 2001, more than 70,000 detainees have been captured in the global war on terror in Afghanistan and Iraq.

Some 800 suspected members of Al Qaeda or the Taliban have been sent to GTMO (no one under 18 years old).

Approximately 520 remain; approximately 235 have been released/transferred to other countries; and, 61 are awaiting release or transfer.

GTMO houses some of the most dangerous individuals, linked to the most dangerous organizations in the world, all wishing to harm the U.S., including:

Terrorist trainers and financiers; would-be suicide bombers; bomb makers; and, Osama bin Laden's own bodyguards.

One such terrorist currently being detained at GTMO is Mohammed Al-Khatani, believed to be the intended 20th 9/11 hijacker.

Al-Khatani and his fellow murderers and criminals have provided valuable information, including:

Organization structure of Al-Qaeda and other terrorist groups; extent of terrorist presence in Europe, the U.S., and the middle east; Al-Qaeda's pursuit of WMD; terrorist skill sets: general and specialized operative training; and, how legitimate financial activities are used to hide terrorist operations.

Mr. Speaker, intelligence gained at Guantanamo has literally prevented terrorist attacks and saved American lives.

After the much publicized—and now retracted—May 2005 Newsweek article alleging Koran abuse by U.S. military officials, Brigadier General Jay Hood conducted an exhaustive investigation.

Brig. Gen. Hood's investigation determined some interesting findings, which run contrary to the claims we are hearing today. For instance:

U.S. soldiers used latex gloves and clean towels while handling the Koran—U.S. soldiers routinely must search detainee's Korans when they refuse to show them for security searches;

U.S. soldiers inspected for weapons by touching Koran through surgical mask—surgical masks are used to hang detainee's Korans during security searches. When a guard accidentally knocked one off it was fully investigated and deemed an accident.

An outside contractor stepped on a Koran during a interrogation—after an investigation was completed, the contractor apologized and was terminated.

On the contrary Mr. Speaker, Brig. Gen. Hood's investigation found that detainees themselves regularly displayed far less regard for the Koran, for instance:

May 14, 2003—A guard observed a detainee rip his Koran into small pieces.

June 5, 2003—A guard observed two detainees accuse a third of not being a man. In response, the detainee urinated on one of their Korans.

January 19, 2005—Four guards witnessed a detainee tear up his Koran and try to flush it down the toilet.

January 23, 2005—Four guards witnessed a detainee rip pages out of his Koran and throw them down the toilet. The detainee stated he did so because he wanted to be moved to another camp.

These detainees are trained to resist interrogation.

The U.S. discovered a "captured al Qaeda training manual"—the Manchester Document—that instructs members to allege abuse & torture if captured.

Mr. Speaker, it is also important to note that detainees are only sent to GTMO after a thorough screening process that identifies individuals who pose a threat to the U.S. or have valuable intelligence info.

Combatant status review tribunals—All detainees have been reviewed by a tribunal.

Administrative review boards—Review each case at least once annually for possible release based on threat. More than 130 boards completed to date.

Military Commissions—Trials with full and vigorous representation for those suspected of committing war crimes. *Awaiting resolution of various U.S. Federal Court rulings and reviews.

The GTMO detention facility is transparent and has been fully scrutinized.

To set the record straight Mr. Speaker, the U.S. Government has released more than 16,000 pages of documents regarding detainee operation, including classified interrogation techniques.

Since 2002, GTMO has provided granted access to the following:

International Red Cross—Had 24/7 access to the facility at it's discretion and a permanent presence; Media—400 visits by 1,000 national and international journalists; 11 Senators, 77 Represenatives, and 99 Congressional staff members; and, lawyers for detainees.

RENEGOTIATE CAFTA

The SPEAKER pro tempore (Mr. McCAUL of Texas). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, 13 months ago the President of the United States signed the Central American Free Trade Agreement. The trade agreement is an agreement between the United States and six Latin American countries, five in Central America and the Dominican Republic. It has been 13 months, as I said, since the President signed this agreement.

The majority leader, the gentleman from Texas (Mr. DELAY), the most powerful Republican in the House, promised a vote in 2004. He promised a vote by Memorial Day. Now he promised a vote, I think he means it this time, by July 4.

It is simple, the reason we have not voted on the Central American Free Trade Agreement, and that is because of the broad opposition in this House and among the American people. Republicans and Democrats by the dozens in this House oppose the Central American Free Trade Agreement. Business organizations, labor unions, both in the United States and in the six Latin American countries, oppose the Central American Free Trade Agreement. The Latin American Council of Churches, as do many religious leaders and churches and organizations in the United States, oppose the Central American Free Trade Agreement. Environmentalists, active environmentalists, food safety advocates, all kinds of very broad-based organizations oppose the Central American Free Trade Agreement.

Today, Mr. Speaker, the gentleman from North Carolina (Mr. JONES) and I did a news conference at the Capitol with 23 business leaders speaking out, business leaders representing 23 businesses speaking out against the Central American Free Trade Agreement. The reason is simply that our policy is not working. Our trade policy in this country has failed us for 12 years.

Just look at this chart. Since 1992, the year I was elected to Congress, the trade deficit, number of dollars' worth of exports versus imports, our trade deficit internationally was $38 billion. Today after NAFTA, PNTR, TPA, all these trade agreements, our trade deficit last year was $618 billion. From $38 billion to $618 billion.

Now, maybe those are just numbers, but those numbers translate into something much more important than economist data. These numbers translate into manufacturing job losses. The States in red have lost 20 percent of their manufacturing in the last 5 years. The States in blue have lost 15 to 20 percent. Ohio, my State, 217,000 jobs lost; Michigan 210,000; Illinois 224,000. These are just manufacturing job losses. People who make a decent wage, a middle-class wage, who have health benefits, who have earned pensions, thousands, hundreds of thousands of them, have lost their jobs: 228,000 in North Carolina; 130,000 in Mississippi and Alabama; 353,000 in California; 201,000 in the State of Texas; 200,000 in the State of Pennsylvania; 72,000 in the State of Florida. In State after State after State, we are losing hundreds of thousands of manufacturing jobs.

Our the trade policy is not working. CAFTA is more of the same. CAFTA is a dysfunctional cousin of the North American Free Trade Agreement. It was an agreement that was negotiated by the select few, benefiting the select few.

Now, supporters of CAFTA tell us, as they always do in trade agreements, that as a result of this agreement U.S. companies will export more products to the developing world. Unfortunately, Mr. Speaker, if you look at this chart, that is simply not the case.

The U.S. typical average wage is $38,000. The average wage in El Salvador is 4,800; Honduras 2,600; Nicaragua 2,300. To say that people in those countries are going to buy products made in this country simply does not pass the credibility test. Hondurans are not going to be able to buy cars made in Ohio. Nicaraguans making $2,300 a year are not going to be able to buy prime beef raised in Nebraska. Guatemalans making $4,100 a year are not going to be able to buy steel from Pennsylvania or apparel from North and South Carolina, or be able to buy software from Seattle.

Mr. Speaker, those 23 business organizations that spoke out against CAFTA today, labor unions in all seven countries, environmentalists, food safety advocates, small businesses, farmers and ranchers in all seven countries, in Latin America and in this country, are simply saying renegotiate CAFTA; come up with a different Central American Free Trade Agreement that will help all of us.

If we are going to protect prescription drugs, we should protect workers. If we are going to protect Hollywood films, as CAFTA does, we should protect the environment and food safety.

Mr. Speaker, we should pass a trade agreement that works for all of us in this country, not just a select few.

HUMANE TREATMENT FOR GITMO PRISONERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, it is about supper time here in the United States. I wonder what is on the plates across our dinner tables. Perhaps lemon baked fish, broccoli, steamed carrots, fresh fruit. Sounds healthy to me, maybe delicious to some. This menu could be on any menu of any home or restaurant in the United States tonight.

But, Mr. Speaker, this menu is also what is being served in Guantanamo Bay prison on any given night. Mr. Speaker, we have a purpose in Guantanamo Bay. It is to house outlaws, criminals, radical terrorists; they are locked up there.

These detainees are people that have killed Americans and want to keep killing Americans. These are people picked up off the battlefield. They were not wearing uniforms. They were not state sponsored, but there were there for a reason, and that was to execute innocent people on the battlefield.

The Geneva Convention, Mr. Speaker, protects those people who are at war, who have a chain of command. They wear a uniform. They do not have concealed weapons and they do not kill the innocents. Mr. Speaker, terrorists do just the opposite. They kill innocents. They have concealed weapons. They certainly do not wear uniforms, and there is no chain of command. They are not protected, Mr. Speaker, by the Geneva Convention.

International law allows any nation the right to detain any combatants for a conflict's duration to prevent them from killing and to gather further useful information. The detainees at Guantanamo are enemy combatants. They are there because they shot our troops. They were involved in terrorism. Any many of them have information that could prevent further attacks.

Some of them have been released. And at least 12 of them have been recaptured on the battlefield trying to kill Americans.

Ann Coulter describes the tactics at Guantanamo Bay in her latest article. She said, Interrogators there cannot yell at detainees. They cannot serve the detainees cold meals except in certain circumstances. Cannot poke the detainees in the chest or engage in any type of pushing without some type of monitor. And we cannot subject the detainees to temperatures changes, of all things.

Once a suspected terrorist gets to Guantanamo, they are not treated like the Nazis treated the Poles and the Jews in World War II. Those that compare the Nazi concentration camps to Guantanamo owe an apology to those people and those families that died in those concentration camps, and they owe an apology to the American troops.

My dad served in World War II. He helped liberate those concentration camps, and 50 years later I went to Dachau and saw what it was like. And Guantanamo Bay, to be compared to a Nazi concentration camp, it is a sham and it is shameful conduct.

We even know that some of the prisoners at Guantanamo Bay have actually gained weight while they have been there. Mr. Speaker, before I became a Member of Congress, I dealt with criminals all my life. First, as a prosecutor, as you did, and then as a criminal court judge for 22 years. I saw murderers, thieves and street terrorists. And they came through my court. And we sent them to jail. We sent them to Texas jails and Texas prisons. And, Mr. Speaker, those are jails, those are prisons where no one wants to go. That is what prison and jail is about.

So I invite those that criticize the activities in Guantanamo Bay to go there, go with me and see firsthand, before other outrageous statements are made about the conduct there.

So tomorrow night at Guantanamo Bay, orange glazed chicken, fresh fruit crepes, steamed peas, and mushrooms and rice pilaf. It does not sound like bread and water to me.

And do you think our troops and in Afghanistan and Iraq are getting crepes tonight? Probably not. They are eating C-rations out of cans as they stand there in the desert and the heat, protecting the world for democracy.

Those that say there is inhumane torture there in Guantanamo, let me say this: That dog just will not hunt.

We need to be more concerned about Americans being killed by terrorists in Iraq than we are about some terrorist that is locked up in Guantanamo Bay that gets a cold blueberry muffin.

EXCHANGE OF SPECIAL ORDER TIME

Ms. CORRINE BROWN of Florida. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Oregon (Mr. DEFAZIO).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

AMTRAK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Once again in the Subcommittee on Transportation of the Committee on Appropriations, we see Amtrak being treated like an ugly stepchild of this Nation's transportation system.

If we are wondering why only 19 percent of the American people feel that the Congress is in tune with their priorities, the cuts in Amtrak is one blatant reason why.

Yesterday we passed a $408 billion defense appropriations bill, and it did not even include the costs of the war in Iraq. We are cutting Amtrak routes to local governments throughout the United States that have no other form of public transportation. We are spending $1 billion a week in Iraq, $4 billion a month, but this administration zeroes out funding for Amtrak, and the Committee on Appropriations does not even give them enough money to operate the Northeast corridor.

Just one week's investment in Iraq would significantly improve passenger rail for the entire country for an entire year. The current funding issue concerning Amtrak brings up a fundamental question as to where this Nation stands on public transportation. We have an opportunity to improve the system that serves our needs for passenger rail service, or we can let it fall apart and leave this country's travelers and businessmen with absolutely no alternative forms of public transportation.

□ 1745

Without the funding Amtrak needs to keep operating, we will soon see people that rely on Amtrak to get to work each day waiting for a train that is not coming.

We continue to subsidize highways and aviation; but when it comes to our passenger rail system, we refuse to provide the money Amtrak needs to survive.

This issue is much bigger than just transportation. This is about safety and national security. Not only should we be giving Amtrak the money it needs to continue to provide services; we should be providing security money to upgrade their tracks and improve safety and security measures in the entire rail system.

Once again, we see the Bush administration paying for its failed policies by cutting funds to vital public services and jeopardizing more American jobs.

It is time for this administration to step up to the plate and make a decision about Amtrak based on what is best for the traveling public, not what is best for the right wing of the Republican Party and the bean counters at OMB.

I represent central Florida, which depends on tourists for its economic survival. We need people to be able to get to the State and enjoy it. Ever since September 11, more and more people are turning from the airlines to Amtrak; and they deserve safe and dependable service.

This is just one example of Amtrak's impact on my State. Amtrak runs four long distance trains from Florida, employing 990 residents, with wages totaling over $43 million, who purchased over $13 million in goods and services last year. They are doing the same thing in every State that they run in.

Some people think the solution to the problem is privatizing the system. If we privatize, we will see the same thing we saw when we deregulated the airline industry. Only the lucrative routes will be maintained and routes to rural locations will be expensive and few.

I was in New York shortly after September 11 when the plane leaving JFK airport crashed into the Bronx. I, along with many of my colleagues in both the House and Senate, took Amtrak back to Washington. I realized once again just how important Amtrak is to the American people and how important it is for the Nation to have alternative modes of transportation.

This is not about fiscal policy. This is about providing a safe and reliable public transportation system that the citizens of this country need and deserve.

I am asking all of my colleagues to join me and support the full funding of Amtrak.

INFORMATION THE AMERICAN PEOPLE DESERVE

The SPEAKER pro tempore (Mr. McCaul of Texas). Under a previous order of the House, the gentleman from Texas (Mr. Paul) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, last week H.J. Res. 55 was introduced. This resolution requires the President to develop and implement a plan for the withdrawal of U.S. troops from Iraq. The plan would be announced before December 31, 2005, with the withdrawal to commence no later than October 1, 2006.

The media and the opponents of this plan immediately and incorrectly claimed it would set a date certain for a total withdrawal. The resolution, hardly radical in nature, simply restates the policy announced by the administration. We have been told repeatedly that there will be no permanent occupation of Iraq and the management will be turned over to the Iraqis as soon as possible.

The resolution merely pressures the administration to be more precise in its stated goals and make plans to achieve them in a time frame that negates the perception we are involved in a permanent occupation of Iraq.

The sharpest criticism of this resolution is that it would, if implemented, give insurgents in Iraq information that is helpful to their cause and harmful to our troops. This is a reasonable concern, which we address by not setting a precise time for exiting Iraq. The critics, though, infer that the enemy should never have any hint as to our intentions.

Yet, as we prepared to invade Iraq, the administration generously informed the Iraqis exactly about our plans to use "shock and awe" military force. With this information, many Iraqi fighters, anticipating immediate military defeat, disappeared into the slums and hills and survived to fight another day, which they have.

One could argue that this information made available to the enemy was clearly used against us. This argument used to criticize H.J. Res. 55, that it might reveal our intentions, is not automatically valid. It could just as easily be argued that conveying to the enemy that we do not plan an indefinite occupation, as is our stated policy, will save many American lives.

But what we convey or do not convey to the Iraqi people is not the most crucial issue. The more important issue is this. Do the American people deserve to know more about our goals: the length of time we expect to be in Iraq; how many more Americans are likely to be killed and wounded; will there be a military draft; what is the likelihood of lingering diseases that our veterans may suffer, remember Agent Orange and the Persian Gulf War syndrome; and how many more tax dollars are required to fight this war indefinitely?

The message insurgents do need to hear and believe is that we are serious when we say we have no desire for a permanent occupation of Iraq. We must stick to this policy announced by the administration.

A plausible argument can be made that the guerrillas are inspired by our presence in Iraq, which to them seems endless. Iraqi deaths, whether through direct U.S. military action, collateral damage, or Iraqis killing Iraqis, serve to inspire an even greater number of Iraqis to join the insurgency. Because we are in charge, justly or not, we are blamed for all the deaths.

Continuing to justify our presence in Iraq because we must punish those for 9/11 is disingenuous to say the least. We are sadly now at greater risk than before 9/11. We refuse to deal with our own borders while chastising the Syrians for not securing their borders with Iraq. An end game needs to be in place, and the American people deserve to know exactly what that plan is. They are the ones who must send their sons and daughters off to war and pay the bills when they come due.

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

SMART SECURITY AND IRAQ WITHDRAWAL PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. Woolsey) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, our Constitution states that Members of Congress must be chosen by the people of the United States and Congress must represent the people of the United States. That means that we, as Members of Congress, need to listen and act when the people speak.

Well, the American people have spoken. The latest Gallup poll released last week indicates that the American people are ready for our military forces in Iraq to begin coming home.

Nearly 60 percent of Americans believe that the United States should bring home some or all of our troops from Iraq. Just as revealing, the Gallup poll showed that only 36 percent of Americans support maintaining our current troop levels in Iraq. This is the lowest level of support for the war since it began in March 2003.

The American people have stated loud and clear where they stand, and their numbers are increasing. They know that the only way to keep our sons and daughters from being killed in Iraq and the only way to end the death and destruction that occur there every single day is to start the process of bringing our troops home. Clearly, the American people are way ahead of Congress on this issue.

Unfortunately, the President of the United States is way behind on the issue of Iraq. We have asked the President to come up with a plan for ending the war. He has not; so we will.

Our efforts to come up with a plan began in January when I introduced legislation calling for the President to begin bringing our troops home. Thirty-five Members of Congress support this legislation.

We continued our effort on May 25 when I introduced an amendment to the defense authorization bill calling for the President to create a plan for Iraq; 128 Members of Congress, including five Republicans and one Independent, voted in favor of this sensible amendment.

It is clear that the United States must develop a smarter agenda, an agenda for Iraq, an agenda that will go beyond when we bring our troops home from Iraq.

It is more important that we have a plan for the future than a continued military occupation, because this 2-year war has left us disturbingly weakened, weakened against the true security threats we face here at home. Let us not forget that Osama bin Laden is still at large, and al Qaeda continues to recruit new members in Iraq and elsewhere.

Once we have a plan in place to end the war in Iraq, we can start the long process of securing the United States and Iraq for the future. We can accomplish this through SMART Security. SMART Security, which has the support of 50 Members of Congress, is a Sensible Multilateral American Response to Terrorism for the 21st Century, and it will help us address the threats we face as a Nation.

SMART Security will prevent acts of terrorism in countries like Iraq by addressing the root conditions which give rise to terrorism in the first place: poverty, despair, resource scarcity, and lack of educational opportunities.

SMART Security encourages the United States to work with other nations to address the most pressing global issues. SMART addresses global emergencies diplomatically, instead of by resorting to armed conflict.

Instead of maintaining a long-term military occupation of Iraq, our future efforts to help the Iraqi people must follow the SMART approach: humanitarian assistance, coordinated with our international allies to rebuild Iraq's war-torn physical and economic infrastructure.

That is what I mean when I talk about SMART Security. We can defend America by relying on the very best of American values, our commitment to peace and freedom, our compassion for the people of the world, and our capacity for multilateral leadership.

Mr. Speaker, we must follow a smarter approach, and we must do this as we work to help the Iraqi people. That means implementing a plan to end the war in Iraq. I invite the President, all Americans, and all Members of Congress to join me in this effort.

MEDIA SPIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, in this job, all of us are used to misinformation, lies and distortions and manipulation by the media. We refer to that as spin; but, Mr. Speaker, I never expected such spin to come from the no-spin zone of Bill O'Reilly.

Mr. Speaker, on Friday my staff confirmed that I was to do a television show with Mr. O'Reilly last evening. It was initially scheduled to be seven o'clock. I had a 5:15 meeting scheduled with the Secretary of Energy.

At some point in time yesterday morning, the O'Reilly show changed that appointment to 5:50. My 5:15 meeting was still in place. My staff was fully in touch with the O'Reilly show. We gave them the information, and I attended a very important meeting with Secretary of Energy Bodman in his office, a classified meeting, on the specific problems with the threats of the nuclear program and capabilities of the former Soviet states.

That meeting ran over, partly because the meeting was interrupted several times by important phone calls the Secretary had to make.

Following that meeting, which ended somewhere around 6:15, as my colleagues know, we had a series of six votes on the House floor.

Mr. O'Reilly proceeded to tell his national audience last night that I "snubbed" him; that I failed to call him; that I was inconsiderate; that I was rude.

Talk about spin, Mr. Speaker. So today, I sent a memo to Mr. O'Reilly explaining the facts, and I would remind Mr. O'Reilly that the Secretary of Energy and an important meeting on nuclear issues in the former Soviet States takes my top priority.

☐ 1800

So do the six votes I had to pass last night on the defense appropriation bill for 2006.

Mr. O'Reilly, we do not need more spin. We need honesty and candor. You call for it every day. Now perhaps your staff is not providing the appropriate level of service to you.

Mr. Speaker, because I had some contacts from constituents and Members, I would put the summary of my statement to Mr. O'Reilly and the notes of my staff about their contact with Mr. O'Reilly's show into the CONGRESSIONAL RECORD.

BILL O'REILLY, I have now witnessed the ultimate spin—from, of all people, you.

My scheduled taping last evening between 6–6:30 pm was pre-empted by a prolonged 5:15 pm meeting with the Secretary of Energy Sam Bodman regarding important National Security issues related to non-proliferation activities in the former Soviet states and by a series of 6 recorded votes on the Floor of the House that started at 6:30 pm and lasted until 7:15 pm.

Contrary to your spin, my staff did give notice to your staff of both conflicts and kept them informed of my status during the scheduled taping. In addition my staff offered for me to appear as soon as votes ended. Finally when I tried to personally reach you, your staff was not willing to provide my staff with a suitable number.

As much as I would have enjoyed returning to your show, my job as a Member of Congress and as Vice Chairman of both the House Armed Services Committee and Homeland Security Committee is to cast my recorded vote on issues that affect our nation, in this case, the 2006 Defense Appropriations bill and related amendments which will fund our troops through 2006.

I hope you understand these obligations and I apologize for any inconvenience this unanticipated series of events caused to you and your staff.

CURT WELDON.

As of Friday, O'Reilly was marked as tentative on the PR calendar and CW's calendar at 7:00 pm.

After I left on Friday the DOE meeting was set up for 5:15 pm.

At some point on Monday morning, O'Reilly was confirmed by PR and changed on their calendar to 5:50.

At 12:35 pm, I was notified of the change via e-mail from Kristina.

I spoke to Peter on the phone and asked if O'Reilly could be moved to later given Curt's 5:15 meeting. He informed me it couldn't but not to worry if Curt wasn't there right at 6:00.

The change was made to CW's calendar at 1:25 pm.

I spoke to Porter around 1:30 and informed him of Curt's schedule prior to O'Reilly (i.e. a meeting with the Sec. of DOE). I told him Russ would be with him and gave him mine and Russ' numbers.

From 5:45–6:30 Porter called me looking for Curt and Russ. I informed him they were still in the classified meeting and I was not able to get in touch with him.

Around 6:15 I asked if they need to cancel—Porter said that wasn't an option.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEARCE). Members are reminded to address their comments to the Chair.

IMMIGRATION REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as I raise this issue with my colleagues, first I want to acknowledge that I believe that there are a number of efforts trying to make their way through the House and Senate on immigration reform that really should give us an opportunity to have a degree of synergism to respond to the concerns of the American people.

I rise today because I just finished a hearing in the Subcommittee on Immigration and Claims on the important topic of employer sanctions. It would seem we should have agreement that employers should be penalized when they engage in the hiring of undocumented aliens. But interestingly enough, there is not agreement. The business community is particularly sensitive to this, claiming they are not able to find enough workers to fill these jobs. Then, of course, I think the AFL–CIO has a meritorious argument that when you enforce employer sanctions, employers who are unscrupulous will then enforce them against innocent persons, some documented and some undocumented, by either massively firing them or punishing them with lower wages and bad working conditions.

Interestingly enough, those who are fired will go out the door and that unscrupulous employer will then find others who are more timid to fulfill those jobs and they themselves may be undocumented. There are many issues that cannot be handled piecemeal.

Let me share another thought that came up in the hearing. There is a basic pilot program that requires employers to provide certain documentation when they hire an individual. Interestingly enough, only a few of the employers around the Nation can participate. Why? Because we have not given the Department of Homeland Security enough dollars to work the program beyond it being a pilot program.

It was also brought to our attention that maybe we should look to those who make the fraudulent documents and find a way to weed them out.

What this Nation really needs is comprehensive immigration reform. And so I offer to my colleagues the Save America Comprehensive Immigration Act of 2005. It is H.R. 2092. We call it the fix-it bill. There are many fine efforts going through the United States Congress. But what I think immigrants need is a bill that fixes some of the 1996 immigration reform effort.

So we start off by focusing on family-based immigration by increasing the allocation of family-based visas. In speaking to a group of IndoAmericans, it was sad to hear the complaint about not being able to have loved ones come to the United States simply for a visit or simply to visit relatives in the United States that are ill or having some event. I have heard that from many, many immigrant communities around America, many of them documented with status, but yet they cannot invite their relatives to visit.

Another issue is protection against processing delays. Many offices have had to deal with constituents of Members when they call the various centers that deal with immigration where they have lost paperwork or lost fingerprints, stopping the good flow of immigration.

This bill includes acquisition of citizenship for children born abroad and out of wedlock to a United States citizen father. It allows aunts, uncles or grandparents to adopt orphaned or abandoned children of the deceased relative so it does not leave in limbo children outside of the country who have a United States citizen father, or orphaned children here in the United States who do not have an immediate parent, a mother or father.

It provides earned access to legalization. We run away from the language of amnesty only because people give it just a bad name. But we give earned access to people who are hardworking and providing income and taxes to the United States. We realize that intelligence, meaning keeping the bad guys out, is important so we provide more resources for border security. And we understand the issues of OTMs, other than Mexicans, that are coming across the border, maybe some who may want to do us harm, and we want to build up security at the northern and southern border.

Employment-based immigration. We want to deal with the unfair immigration-related employment practices, and we have in this particular legislation protection for American jobs. We have in this legislation training of Americans and the ability for an employer to have to attest that they cannot find an American for this job before they can hire someone who is not a citizen of the United States of America.

We address the question of removal waivers. We address the question of diversity visas.

Mr. Speaker, in conclusion, we address the question of the violence against women who happen to be undocumented. This is a comprehensive approach to the broken immigration system. I for one look forward to working with my colleagues and to give a hearing to all of the immigration bills that bring together the various thought processes of this Congress, Republicans and Democrats alike. Until we open the door to listening to all of us who have these ideas, we are not going to move immigration reform along.

I call on the chairmen and ranking members of our respective hearings to call for hearings in the House and the Senate on this important legislation and the legislation of my colleagues so we can finally answer the concerns of the American people.

REMEMBERING THE HON. JAKE PICKLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. MCCAUL) is recognized for 5 minutes.

Mr. MCCAUL of Texas. Mr. Speaker, Texas and our Nation has lost one of its most genuine and gracious public servants. Last Saturday morning, James Jarell Pickle, "Jake," passed away on Saturday, with his wife by his side. For 31 years, Congressman Jake Pickle represented my hometown in this esteemed body as a Representative to the 10th Congressional District of Texas. And he did so with integrity, humility, honor, and a sense of humor that we should all attempt to mirror.

As a current holder of Congressman Pickle's seat, I work hard every day to provide the same kind of service to my constituents that Jake Pickle did to those he served. He was not just good at what he did, he was the best.

His family talks about the proudest vote he ever cast was in 1964 when he voted for the Civil Rights Act. He was one of only six southern Representatives to vote for that important piece of legislation. In the 1980s, he worked hours on end to protect Social Security and keep it solvent. He worked even harder in the 1990s to turn Austin into the high-tech society that it is today.

It is because of Jake Pickle that Austin continues to see new high-tech businesses locate to Texas's capital city. The University of Texas has also benefited greatly because of Jake Pickle. UT would not be churning out the latest in technology and new patents, as it now does every year, without the help that Congressman Pickle provided. It is also my honor to represent the research arm of the University of Texas which bears the name J.J. Pickle Research Campus.

But even as good and as smart a politician as he was, he is known today not for his ability to influence legislation or to help bring new business to his district, but rather for being a good and decent man. It is for this reason his nickname was Gentleman Jake. This gentleman served in the Navy during World War II, and worked his way through college by delivering milk to Austin homeowners. During his first congressional campaign and every time after when he was out in public, he was shaking the hands of those he served.

He enjoyed hearing about their lives and telling stories about his. He listened to their problems and sometimes used his own money to fix whatever problems they were having.

Representative Jake Pickle was a good man who will be terribly missed by all who knew him.

So tonight as I stand in the well of this esteemed body, a place so loved and respected by Jake, I am comforted in the thought that the Lord above is thankful to have this great servant back home in heaven where I am sure he is telling stories and shaking the hands of everyone that he meets.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2985, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2006

Mr. LINCOLN DIAZ-BALART of Florida from the Committee on Rules, submitted a privileged report (Rept. No. 109–144) on the resolution (H. Res. 334) providing for consideration of the bill (H.R. 2985) making appropriations for the legislative branch for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DEFEAT CENTRAL AMERICAN FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, we have coming before us pretty soon an issue called CAFTA, the Central America Free Trade Agreement. I want to start my comments, Ross Perot, when he was a candidate for the Presidency on October 19, 1992 at a Presidential debate said, "You implement that the NAFTA, the Mexican trade agreement where they pay people a dollar an hour, have no health care, no retirement, no pollution controls, and you are going to hear a giant sucking sound of jobs being pulled out of this country right at a time when we need the tax base to pay the debt."

Mr. Speaker, Mr. Perot was exactly right. We know Ross Perot as a successful businessman and a man who loves and cares about America.

Let me tell Members what happened since December 1993 when NAFTA became the law of the land. Before NAFTA, we ran a trade surplus with Mexico. Now the U.S. runs a $45 billion annual trade deficit with Mexico; from a trade surplus to a trade deficit.

In addition, my home State of North Carolina since NAFTA became the law of the land has lost over 200,000 manufacturing jobs. The United States has lost over 2.5 million manufacturing jobs.

Let me give some facts about illegal aliens coming from Mexico across the border. Prior to NAFTA, the average was 2 million. Since NAFTA, it is better than 7.5 million. CAFTA will continue these trends. Eighty-five percent of the language in CAFTA is identical to the language in NAFTA.

Let me give another example of what has happened to American jobs. In 2002, the Congress, I did not support this legislation, decided to give the President trade promotion authority, known as TPA. Since that time, America's annual trade deficit grew $195 billion to $617 billion. That is how much the trade deficit grew.

Let me give an example of TPA and how it relates to North Carolina. Since TPA passed, North Carolina has lost over 52,000 manufacturing jobs. The United States has lost over 600,000 manufacturing jobs.

□ 1815

Mr. Speaker, on my left I have got two news articles, one from a couple of years ago in the Raleigh paper known as the News & Observer; it says, Pillowtex Goes Bust, erasing 6,450 jobs. These were five plants in North Carolina that lost that many jobs, 6,450. Then I have got another article from a business in my county I share with the gentleman from North Carolina (Mr. BUTTERFIELD), the Wilson Daily Times, says VF Jeanswear Closes Plants, Last 445 Jobs Gone By Next Summer. The jobs are going down to Honduras.

Mr. Speaker, a couple of more points. CAFTA means more U.S. job losses. We know what NAFTA has done. We know what Trade Promotion Authority, TPA, has done. CAFTA provides every incentive to outsource jobs to Central America. Average wages in Nicaragua are 95 cents an hour; Guatemala, $1 an hour; El Salvador, $1.25 an hour. Plus, these countries have few labor and environmental standards and CAFTA does little to improve them.

CAFTA will allow the Chinese to backdoor fabrics into Central America where it can be assembled and shipped into United States duty-free. The last thing we need is to help China. We have already outsourced 1.5 million jobs to China in the last 15 years.

Mr. Speaker, as I begin to close, I want to show my fellow colleagues that might be watching in their offices, recently this was dropped by my office, and it says candy decorated fruit snacks, real fruit. Then you turn it over and it says, "made in China." If the candy we are eating now in America, many of it is made in China, then I wonder if one day at the rate we are going of losing these manufacturing jobs, that we might be buying our tanks for our military from China.

I hope, Mr. Speaker, that does not happen. I hope the House will defeat CAFTA. It is not good for America, it is not good for the American worker, and I do not even believe it is good for the people who live in Central America.

Mr. Speaker, with that I will close by asking God to please bless our men and women in uniform and their families and ask God to please continue to bless America.

THE BUDGET DEFICIT

The SPEAKER pro tempore (Mr. McCAUL of Texas). Under the Speaker's announced policy of January 4, 2005, the gentleman from South Carolina (Mr. SPRATT) is recognized for 60 minutes as the designee of the minority leader.

Mr. SPRATT. Mr. Speaker, this is not the first nor will it be the last time that we take the floor of the House here in the well of the House to address a problem that is of great concern to all of us, and that is the budget deficit. This year past, it was $412 billion and while it appears to be improving, thankfully, a bit for the current fiscal year, it still will come in likely in the range of $350 billion, and that will make it the third-largest deficit in our Nation's history, the third in a row where we have approached the pinnacle, the largest deficits we have run in our country's history.

We are not here to score political points. We are here to call attention to a problem that we think has grave consequences. It may be that we do not feel or see the consequences right now, but we feel that a day of reckoning lies on or just over the horizon. I believe that, because sooner or later the fundamentals in any market begin to take hold. It happened to the dot coms; it could happen again to us with the budget deficit that we are running today and the trade deficit we are running also today. It could hammer the dollar. After all, the fundamental is, simply stated, like this. When you raise the demand for credit, which is what you do when the government runs a deficit of $312 billion, $412 billion, when you raise the demand for credit, eventually you raise the price of credit. In other words, you raise interest rates. What do interest rates do when they go up? They stifle growth in the economy, long-term growth and short-term growth. They could have devastating consequences, for example, on the housing market, on the automobile market. That is a likely consequence of the policies we are running today.

For the time being, we have not felt or seen the results, the consequences, and largely that is due to the fact that this country is running large current account deficits, which means we are pumping dollars into the world economy which come back here, are recycled here by the purchase of our Treasury bonds and Treasury notes. So for now, foreigners are lending us the money to bridge our budget, which is sparing us the effect of high interest rates.

But at the same time, debt means dependence, and over the course of years if we continue this practice, we will find ourselves having undercut our independence in foreign policy which is something none of us wants. Even when foreigners buy our debt and spare us the outlay for now, we still have to pay the interest. We still have debt service. The debt service in the total budget this past year was $165 billion, $170 billion, and it is going up inexorably because we have got more debt, and interest rates are rising again. As those two factors converge, you are going to see the debt service, the interest we pay on the national debt, go up to $200 billion, $225 billion, $250 billion within the foreseeable future. This is an obligation that has to be paid. Indeed, there is no other item in the budget that is more obligatory. The United States of America has to pay its interest on its national debt or otherwise our currency and our credit would collapse. But once we pay the debt, once we pay the debt service, the effects are that priorities in the budget we could otherwise afford and fund and increase, such as medical research and scientific research and education for our children and Social Security and Medicare for the elderly become all the harder to fund because the interest has to be paid first.

This deficit problem is all the more distressing because it did not have to be. Just a few short years ago in the year 2000, the last full fiscal year of the Clinton administration, this country was running a surplus of $236 billion. It is a fact. You can look it up. Every year the Clinton administration was in office due to two budget plans we adopted, one in 1993, another in 1997, the bottom line of the budget got better and better and better.

The President came to office and inherited a deficit of $290 billion. He sent us on February 17 a deficit reduction plan that barely passed the House, a one-vote margin, barely passed the Senate, the Vice President's tie-breaking vote.

But look what happened, as this chart here shows. The deficit every year came down and down and down to the point where in the year 2000, we had a surplus, without including Social Security, a unified surplus of $236 billion. Unprecedented. This was the surplus that President Bush inherited when he came to office in the year 2001. And that is why I say this did not have to be. We did not just fall out of the sky with these enormous deficits. We did it because of policies that were adopted and passed in this House. Not by all of us. Most of us on our side of the aisle voted against them. Foreseeing this problem and knowing how difficult it had been to move the budget finally back into the black again for the first time in 30, 40 years, we did not want to see us backslide into deficit, but that is exactly what happened.

What we have seen now is that we have gone from a surplus, projected, of $5.6 trillion between 2002 and 2011. That was the 10-year projection that Mr. Bush's own economists made at the Office of Management and Budget when he took office, $5.6 trillion. We have gone from a projected surplus of $5.6 trillion to a projected deficit of $3.8 trillion over that same 10-year period of time. That is a swing of $9.4 trillion in the wrong direction. We have never seen a fiscal reversal like this, at least since the Great Depression, $9.4 trillion in the wrong direction, and much of that was policy driven.

The President says we have got to get our hands around spending, but a large part of this problem was driven by his insistence that we have unprecedentedly large tax cuts, and when the surpluses that we thought were going to obtain over that 10-year period of time appeared to be overstated substantially, by some estimates as much as 50 percent, the President charged ahead with his tax cuts. In 2002, 2003, in addition to 2001, there were substantial tax cuts, and the loss of revenues has had a big impact on the bottom line and has helped put the deficit almost intractably in the red again.

But most of the spending increases have come on the discretionary side of the budget in the appropriation bills that we adopt every year in four different accounts, four different programmatic areas, which is important to know, because all of these areas are areas where the President has sought and we have provided what he has sought in the way of additional increases in spending.

If you look at the increases in spending over and above current services, and that is the amount of money necessary to maintain the government services at their existing level, if you look at those spikes in the budget that rise above funding for current services alone, you will find the landscape for 4 years dotted by the same increases, namely, defense, homeland security, the response to 9/11, they account for 90 to 95 percent of the increases in spending.

So, while the President is saying that Congress needs to tighten spending, in truth much of the spending that has driven the budget into deficit is spending that has been called for for defense and homeland security and for the response to 9/11, called for by the President, passed by the Congress, and the fact of the matter is we are simply not paying the tab for these necessary expenses.

I am not disputing the need for this money. What I am disputing and calling attention to is the fact that we are taking the tab for defense in our time against terrorists in the Middle East and elsewhere and shoving this tab off onto our children.

That is why I often say that the deficit is a problem for the economy because eventually it will raise interest rates and stifle long-term growth, eventually it will affect the priorities in the budget because debt service is obligatory and has to be paid; and as debt service increases, other things get eclipsed and shoved aside. But the biggest problem with the deficit in my book is moral, because what we are doing is instead of paying for defense in our time, we are telling our children they have got to pay for defense in their time and our time, too, or at least the incremental cost of it.

This is the concern that we would like to address tonight, the fact that we are not facing up to the situation that confronts us and the fact that we have a budget deficit of enormous proportions and by any honest, fair, and accurate calculation or projection of what it is likely to be, it shows little signs of abating over the next 10 years, as this particular chart right here will show.

This chart shows where we believe, using Congressional Budget Office numbers, the President's budget, if implemented over the next 10 years, will take us. The budget deficit will get a bit better, as indeed it is scheduled to improve this year, probably $350 billion. Good news. The bad news is that the President in projecting the future course of the deficit, number one, is only giving us a 5-year projection; and, number two, he has left out some significant costs, such as the cost of maintaining troops in Afghanistan and Iraq after the year 2005, such as the cost of fixing Social Security, such as the cost of repairing something we call the alternative minimum tax, which actually raises tax revenues above the level that would otherwise exist if people were not required to pay this alternative minimum tax. It will soon, by 2010, affect 30 million tax filers as opposed to 4 million this year.

I do not think politically that is likely to happen, and if you fix it to avert that problem, the problem of having the alternative minimum tax apply to middle-income families, for whom it was never intended, then you get a result here of a deficit, 10 years from now, equal to $621 billion. No improvement; and indeed after a few years of slight moderation, a worsening deficit every year to the point where at the end of our 10-year time frame, it is up to $621 billion.

Let me just wrap up this introductory presentation of what concerns us about the budget by showing you sort of the back-of-an-envelope, the easiest way I know to explain what I think is an out-of-control situation. Back in 2001 when the Bush administration was pushing its tax cuts, they came to us and they said, The future looks so rosy that you can pass these tax cuts, you can pass these defense increases, you can pass our budget, and we won't be back to ask you to increase the debt ceiling of the United States, a legal limit beyond which we cannot borrow. We won't be back until 2008, 2010.

Well, the Republicans in the House and the Republicans in the Senate passed the President's budget pretty much as he requested, with a few moderations. The next year they were back, hat in hand. 2002, notwithstanding what they told us the previous year, they needed an increase in the debt ceiling of the United States of $450 billion. The following year, 2003, they were back again. This time they wanted a phenomenal increase in the debt ceiling of the United States, $984 billion, an increase in 1 year of $984 billion. How much is that? That amount is equal to the entire debt of the United States the year that Ronald Reagan took office. It is a bit more than that, as a matter of fact. The following year, having obtained a $984 billion increase on May 26, 2003, the following September, 2004, Secretary Snow was back saying, I need $800 billion more.

□ 1830

They ran through $984 billion of debt ceiling in 1 fiscal year and came back hat in hand and asked for $800 billion more, which the Congress passed in late November of last year. And then when the budget resolution was brought to the floor this year, the Republican budget resolution, when it passed the House and passed the Senate, buried in it was a provision that called for another increase in the debt ceiling of $781 billion.

This is a budget which they claim will eventually move us to halving the deficit over 5 years. At the same time they make that claim, they bury in that budget a request provision that Congress increase the debt ceiling by $781 billion. Add those together, 4 fiscal years, we get an increase in the deficit, an increase in the national debt of $3.015 trillion. That is just phenomenal.

There it is on the back of an envelope. It sums up the fiscal course and policy of this administration as succinctly as anything we can present: $3 trillion of additional debt-borrowing capacity, which will basically all be used up by the end of this fiscal year, and they will be back again asking for more.

So this is what concerns us. We frankly do not think the country can continue on this course. And that is why we are here tonight to talk about a problem that we think should be a front-burner problem for both parties, both Houses, both executive branch and the Congress. It needs more attention than it is now receiving.

Mr. Speaker, I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for organizing this event to talk about the Federal deficit and the Federal debt. And the chart he has up there is really significant.

What our Republican friends are doing, if we look at what they do and not what they say, they have decided that the most important thing in this country is to increase payments for interest on the national debt. It makes no sense, but that is what they are doing. And let me give a couple of numbers. In 2004, the Federal Government paid $160 billion for net interest on the Federal debt held by public investors. By 2010, we will be spending about $312 billion, almost double the $160 billion that we spent last year.

So it is pretty clear when we look at the chart in front of us here today that over the next 6 years education spending will not go up much at all, environmental spending will be about the same, spending on veterans benefits will go up slightly; but there is an explosion in interest on the national debt. So the Republicans in this House are basically saying we are not spending enough on interest on the national debt. The trouble with that is that it is of virtually no use, virtually no use to any of us.

Think about the contrast between fiscal year 2005, which we are in, and fiscal year 2006, the coming year. There is an increase in spending on interest on the national debt of $36 billion. That is with a "B." Thirty-six billion dollars, that is what we will spend on interest in the national debt next year more than we have spent this year.

And then let us look at what we are doing. This year how much is the increase that the Department of Education is getting from Labor, Health and Human Services, and Education bill? $118 million. That is the increase in the bill, a tiny increase. Far less than 1 percent. $36 billion more this coming year for interest on the national debt, $118 million more for education. Those priorities are completely out of whack.

Mr. SPRATT. Mr. Speaker, reclaiming my time, the chart we have here shows graphically exactly what the gentleman is saying, namely, interest just a bit over $150 billion in 2004, the last fiscal year; but by 2010 if the Bush policies are completely implemented over the next 6 years, look what happens to debt service. That big rising red spike goes from $150 billion to over $300 billion, and it eclipses everything else in the budget.

Mr. ALLEN. Mr. Speaker, will the gentleman yield further?

Mr. SPRATT. I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Speaker, just one more point here. I think we have a moral obligation to our children that can be easily summarized: number one, protect them from harm. And that is what governments at all levels do, try to do, and that is what a lot of social service agencies try to do, protect our children from harm.

Number two, we need to give them a healthy start in life. We have to provide them with quality health care. Number three, we have to create opportunity for them, and that means investing in education, giving them a chance to succeed in life.

So as I said before, $36 billion more is what the Republicans in the House want to spend on interest on the national debt. But they are cutting the Maternal and Child Health block grant by $24 million, or 3 percent. They are failing to raise the maximum Pell grant by even $100. They are doing that by only $50. The bill is making a 5 percent cut in the Healthy Start Initiative, which makes targeted grants to improve prenatal and infant care in areas with high infant mortality rates.

So in those areas with high infant mortality rates, we are just saying we are going to take money away from those parents and their kids. We are going to take it away because we have to pay interest on the national debt. They are freezing money for the child care block grant at last year's level. They are freezing after-school health care funds. It goes on and on. It is just an abomination.

To do what we are doing in this budget to our children, cutting their health care funds, decreasing opportunity, simply so we can pay for tax cuts and a war in Iraq is beyond belief, and we need to reverse it.

I want to thank the gentleman for yielding to me. I want to thank the gentleman from Virginia for letting me go at this moment in the proceeding. And I am very grateful for all the work the gentleman from South Carolina is doing.

Mr. SPRATT. Mr. Speaker, I thank the gentleman from Maine for his comments.

Mr. Speaker, I now yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding to me.

I just want to point out some of the things that he did not mention in his presentation, and using this same chart. Could he explain what PAYGO means?

Mr. SPRATT. Mr. Speaker, PAYGO is shorthand for a rule we adopted in 1991 and helped us achieve the phenomenal fiscal results I just showed the Members, where every year from 1993 to the year 2000, we had a better bottom line and a surplus of $236 billion in the year 2000. PAYGO simply provides that if we want to have a tax cut when we have got a deficit, it has to be deficit neutral. That is to say the tax cut must be offset by a tax increase somewhere else within the Tax Code, or we must go to an entitlement program, which is permanent spending, and cut it enough to offset the loss of revenues. By the same token, if we want to increase or improve a new entitlement, we have to identify a revenue stream or other entitlement cuts to pay for it.

It has to be, bottom line, deficit neutral.

Mr. SCOTT of Virginia. And if the gentleman will continue to yield, as a result of that fiscal responsibility and the tough votes that we cast, we were able to eliminate the deficit and go into surplus, a $236 billion surplus.

What we are looking at now is it does not get any better. After we have gotten back into the ditch, it does not get any better.

Could the gentleman explain what this blue line up here is?

Mr. SPRATT. Reclaiming my time, Mr. Speaker, the blue line, believe it or not, is the path the Bush administration plotted when it was trying to sell its initial budget, its tax cuts, its defense increases, to the Congress of the United States. They said even with these policies, this is the budget we foresee. This is the bottom line that we foresee between 2005 and 2011.

Mr. SCOTT of Virginia. And, Mr. Speaker, just a few years later, look at where we are. The President, down in the ditch where we are now, has promised to reduce the deficit 50 percent. First of all, how modest a goal is that from someone who inherited a $5 trillion surplus to say that he is going to clean up half the mess that he has caused? Is that a realistic goal? Is that a fair goal to be judged by?

Mr. SPRATT. Mr. Speaker, reclaiming my time, I do not think, given his budget policies, it is a realistic statement of what is likely to happen. One can call it a goal if they will, but I do not think it is a goal that is likely to be achieved under the policies that are now being furthered by this administration.

Mr. SCOTT of Virginia. Mr. Speaker, in other words, what the gentleman is saying is that he started with a surplus; he is now in a deficit, only promises to eliminate half the deficit; and he probably will not even be able to do that.

Mr. SPRATT. Reclaiming my time, Mr. Speaker, the gentleman is holding a chart there that indicates the likely path that we think the budget will follow if we factor everything into it that is politically realistic: a fix in Social Security, a fix to the alternative minimum tax, and some reasonable provision for maintaining troops in Afghanistan and Iraq after 2005.

Mr. SCOTT of Virginia. Mr. Speaker, if the gentleman will continue to yield, if we run up deficits, we have to pay interest on the national debt. And we had a $5 trillion surplus projected. Now we have over $3 trillion in deficits. The interest that we are going to pay goes up. By 2010, according to this chart, where the interest we were going to pay was going down and the interest we have got to pay is going up, by 2010 the increase in interest is over $230 billion, and that is $230 billion that we are going to have to pay for interest on the national debt going down the drain that we are not going to be able to spend on public broadcasting; NASA Langley Research, in my area, aeronautics research.

We are closing bases. We are only going to save a few billion dollars in base closings, certainly not $230 billion that we are going to have to spend in interest payments. We are closing bases, and the highest estimate I have seen over the course of time is about $40 billion that we may save. $230 billion and growing interest on the national debt. We are cutting back on ship building. We do not have the ship building budget that we ought to have. Cops on the beat being cut. Education programs, Pell grants. Ask somebody who is going to college how much tuition went up: 5, 10, 15 percent. Pell grants are going up 1 percent under this budget.

And it is getting worse before it gets better because, as we look at the interest on the national debt that we are going to be paying going on and the cost of these tax cuts exploding, the gentleman indicated that we only had a 5-year budget, and when we look at the cost of the tax cuts after 5 years, we can see why they did not want to reveal a 10-year budget. But this shows the exploding cost of the tax cuts going out to 2015.

What it does not show is the Social Security trust fund changing from a surplus, going into a deficit in 2018. That is when we have to be best prepared financially to be able to withstand the difference in the $100 billion surplus we are getting out of Social Security going into a growing deficit. And we are going into that change in our worst possible fiscal situation.

Finally, when we put all these tax cut proposals into perspective, we see that the cost of making the tax cuts permanent, about $12 billion is a lot more than the Social Security shortfall. In fact, the tax cuts for the top 1 percent is almost enough to cover the entire Social Security shortfall. So we cannot separate the tax cut policy from the spending priorities that we are going to have to address.

When we talk about public broadcasting, education, ship building, base closings, aeronautics research in my area, cops on the beat, education, this budget includes requirements to cut school lunches and student loans because we are funding tax cuts for the wealthy. There is even one tax cut that is going into effect in the next couple of years, the PEP and Pease, Personal Exemption Phase-out, and the Pease tax, which the President wants to repeal, that is about $10 billion a year when the President finally gets his way to repeal those provisions.

$10 billion a year and 97 percent of that money goes to those making $200,000 or more. Almost half of it goes to about the top one-fifth of 1 percent. Those making $1 million or more, about half of the benefit of that goes to that group, and we are cutting taxes approximately $10 billion a year when it is fully phased in and at the same time cutting school lunches and student loans. How moral a decision is that to make?

So I would thank the gentleman for his answers. And also we have a chart up here saying what the promises were as we went along, as we went into skyrocketing deficits. We were first told that we could do tax cuts without budget deficits and then the next year our budget will run a little deficit, but it will be short term, then our current deficit is not large; and now he is promising maybe to clean up half of it.

When we run up that kind of debt, and the gentleman has a chart right at his feet, who owns the debt and what is the pattern there? Could the gentleman explain that chart?

Mr. SPRATT. Mr. Speaker, reclaiming my time, I said earlier that one reason we do not have the sort of moral outrage in the country about the deficit, that people are concerned about it but they do not quite feel and see it, this is the reason why.

□ 1845

Foreigners have been buying our debt in copious quantities, relieving us of, for now, the outlay that we would have to make, digging out of our own capital and our own savings, they are picking it up, for now. But what this means is that over time, debt means dependence, and we are incurring dependence to our debtors, and this has happened increasingly since the year 2000.

In the year 2000, foreigners held 30 percent of our Federal debt. Today, at least at the end of the last fiscal year, that had risen by 50 percent, almost 50 percent, or 44 percent; almost half of our debt is held today by foreigners, and that is a matter of some concern. It has to be one of the reasons that we do not need to be running persistent, perennial, huge deficits.

Mr. SCOTT of Virginia. Mr. Speaker, I want to thank the gentleman for his leadership. Just one final question. We have complained about how bad a situation we have gotten into, how much work we did to eliminate the deficit, running into surplus. Does the gentleman from South Carolina have a plan to get us back on track?

Mr. SPRATT. We did. We offered it on the House floor this past budget season, and we will put it up again. As my colleagues will see, it involves foregoing some of the tax cuts that the Bush administration has pushed through Congress, primarily for the reason that the projections upon which those tax cuts were based have not been obtained, they have not come about, they are a fraction of what was forecasted and expected.

So, we have to adjust our budget, our taxes, back to fiscal reality. If we do that, by the year 2010, 2012, we are back in the black again. But it is a big decision. It is a big decision. It can be done, and that was one of the purposes of our budget presentation, was to show that it can be done. We can argue about how to do it, but it is certainly feasible.

Mr. SCOTT of Virginia. I thank the gentleman.

Mr. SPRATT. Mr. Speaker, I thank the gentleman from Virginia, and I now yield to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Mr. Speaker, I thank the gentleman for having this Special Order and for giving us an opportunity to talk to the American people about what is happening in our country.

Mr. Speaker, on February 17, 2004, the national debt of the United States of America exceeded $7 trillion for the first time in our Nation's history. Sixteen months later, our national debt now stands at $7.8 trillion. In that time, our country has added $800 billion to our national debt, which I believe is unconscionable.

Two months ago, this House approved an increase of $781 billion in the statutory debt limit, raising that figure to a record $9 trillion.

Mr. Speaker, enough.

The out-of-control rise in the national debt over the last year and the rise in our debt demonstrated in the fiscal year 06 budget resolution conference reports are further signs of the dangerous position I think in which we find our country and our future. In 2001, this country had 10-year projected surpluses of $5.6 trillion, and now we have likely 10-year deficits of, deficits instead of surpluses, of $3.8 trillion. That is a $9.4 trillion reversal.

Whether intentional or otherwise, our country's current fiscal policies are depriving the Federal Government of future revenues at a time when unprecedented numbers of people are going to start to retire, the baby boomers, and that is going to put a tremendous strain, a tremendous strain on our country and our ability to pay for Social Security and Medicare.

Our current fiscal irresponsibility is going to land squarely on the shoulders of our children.

Mr. Speaker, we talk so much here in Washington, D.C. and in Congress about values, and I say to my colleagues, putting our children deeper and deeper and deeper in debt is not a family value. My dad taught me when I was a little kid that you should live within your means, live within a budget, and do not spend more money than you have, and I think that truly is a value that we should teach our children. It is truly a value that we should follow here in Congress for our country. Because if we put our country and our children and grandchildren in a hole so deep we will never be able to climb out, we will not have done them any favors, and I think we will have committed an immoral act on them.

A true measure of values is not always what people say; it is where people decide they are going to spend their money. Congress is all about setting priorities, and part of the priorities, if we decide the priorities in this country are going to be more tax cuts, the permanent elimination of the estate tax is going to cost $280 billion over 10 years, as opposed to raising the credit to $3.5 billion, or $3.5 million, which is only going to cost $80 billion over 10 years: $80 billion versus $280 billion over 10 years. If we decide that is what is important, then we are going to have to make cuts in other domestic spending, such as children nutrition programs or not funding No Child Left Behind, which we shortchanged $9 billion the first year it was implemented, and other important domestic programs.

I think values need to be discussed in real terms and we need to understand that again, a true measure of values is where we decide we are going to spend our money. If tax cuts are the most important thing for us, then that is the way it is going to be. But if we decide other things are important to us, children's nutrition programs, education, and all the other domestic programs, then we need to make those decisions.

I thank the gentleman for providing the time this evening.

Mr. SPRATT. Mr. Speaker, I recognize the gentleman and yield to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, I thank the gentleman from South Carolina for yielding. I want to take a little bit different tack, because I think our audience has heard a blizzard of numbers and sometimes it is hard to take in all that data at one time.

This chart shows right here a few dates on our calendar. One date is the year 2004, last year. Most Americans got through that year all right, and they do not realize the fiscal gravity of our situation. Do not take my word for it. Our Nation's top accountant said that the year 2004 was "arguably the worst year in our fiscal history."

That says a lot. That is a big statement. That includes the Great Depression, that includes all the world wars, the Civil War. How on earth could 2004 have been "arguably the worse year in our fiscal history?" Because in that one year, Congress promised $13 trillion worth of future spending that is completely unpaid for. Never in American history has Congress been that irresponsible, and that is why our Nation's top accountant made that declaration about 2004.

We will look at some future years. The debt that we are running up that our colleagues have explained so well is going to cost us so much in interest, that by about the last year of the Bush administration, we will be spending more money on interest payments to our Nation's creditors than we will be on regular domestic government in America. In a sense, it will be a better deal to be a creditor of this country than to be a citizen of this country, because the creditors will be getting more money than we will be, if we look at regular, nondefense, discretionary spending.

Let us look at another key date in our future. This was in the Wall Street Journal. At the rate that foreigners are lending us money, buying our debt, by February 9, 2012, the Chinese will have bought the last bond from a U.S. citizen, and then they will own all of our foreign debt. Their pace of buying our debt, of loaning us money, of getting us dependent on their credit is so ravenous that just a few short years from now, they will own all the foreign debt, if current trends continue.

Look at another key date. By the year 2017, that will be the first honest picture of the deficit in American history, because today the true size of the deficit is being disguised by the Social Security surplus. Last year, people like to say the deficit was $412 billion. Well, the true deficit was $567 billion, because $155 billion of Social Security surplus was used to disguise the true size of the deficit. We owe that money to Social Security recipients. That is one of the most solemn obligations our country has ever made, and yet people never mention the true size of the deficit. Well, by 2017 there will not be a surplus anymore, and then the true deficit will be revealed.

Look at the year 2035. A reputable group, Standard & Poor's, they rate all of the debt in corporate America, all the debt in the world. They are predicting that the U.S. Treasury bond by that year will achieve junk bond status. If that is not a dire warning, I do not know what is, because the U.S. Treasury obligation is the soundest obligation on this Earth. We have always paid our debts as a Nation. That is the gold standard of bonds. But here is Standard & Poor's, the most reputable private sector debt-rating organization, saying that if current trends continue, our bonds will be junk bond status.

Look at the final date on here. I think it is 2040. That is when, again, our Nation's top accountant says that it will take all revenues collected by the Federal Government to do one thing; every penny collected from Federal income tax, Federal corporate tax, all the other taxes to do one thing. What? Service the debt, pay our creditors. Interest alone. There will not be one red cent left for any national defense, for any Social Security, for any Medicare, for any anything. That is not my prediction; that is our Nation's top accountant.

That is the sort of fiscal hole that these numbers that my colleagues have revealed are leading us into. This is a problem. This is a true crisis. I have called this the "road to ruin." That is what it is. We have to change course.

Let me show my colleagues this. A lot of folks say, well, 9/11 did all this. What people do not realize is the Cato Institute revealed in a recent study that President George W. Bush and the Republican Congress are the biggest domestic spenders, nondefense spending, since Lyndon Baines Johnson. The title of the report is called "The Grand Old Spending Party: How the Republicans Became the Party of Big Government," and this graph shows it. One might think that some previous Democratic Presidents were big spenders, but look at this: Carter and Clinton, they are down toward the bottom. Lyndon Johnson did try to give us a guns-and-butter budget, but only President George W. Bush has approached him in terms of growth of domestic spending. These are the true numbers; this is what the American people need to focus on. We have a dire deficit situation, and we need action.

So I appreciate the gentleman, my good friend from South Carolina, holding this Special Order. It is very important that all the business people of America, all the citizens of America, wake up and take notice of this situation, because they are not seeing it on regular television, they are not hearing the truth, they need to focus on reality.

Mr. SPRATT. Mr. Speaker, I thank the gentleman from Tennessee.

I now yield to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for yielding, and I thank him also for taking out this Special Order so that a group of our colleagues can speak with our constituents and speak with the American people about the budget situation that we face. And I think the previous presentations have left little doubt that it is a budget in crisis, it is a budget in moral crisis in terms of the priorities that this Nation needs to be addressing. It is also a budget in fiscal crisis, taking us over the cliff.

One might find that easier to take if, as the reward for our efforts, so to speak, we were getting adequate funding for major priorities, or if we were getting a good stimulus for the economy, but it actually seems we are getting the worst of both worlds. We are going over the cliff fiscally and we are not getting these other benefits.

So the American people are asking, where is this economic stimulus? Where is this support for what our communities need to grow and prosper and widen opportunity? I am afraid the answer is a lot of this money is down the rat hole, so to speak, in terms of the budget deficit, the growing debt; a lot of red ink, but not very much to show for it.

Our colleague, the gentleman from Maine (Mr. ALLEN) was saying earlier that there is a familiar refrain these days about there is just not enough money to do this and that, and I can vouch for that as a member of the Committee on Appropriations. I think there is probably no refrain that we hear more often, and we hear it on bill after bill after bill, that we would like to have more adequate funding for cancer research and heart disease research and the work of the Institutes of Health; we would like to build more highways, because we know this creates jobs and because we know it is a boost to the economy; we would like to do right by Medicaid because we know that millions of people are probably going to have their medicaid benefits cut or leave the rolls altogether, and that adds to the number of uninsured, the number of people who are not getting good health care.

Sometimes our colleagues say, well, we would like to improve the military quality of life. We know that we are actually spending less than we did before the Iraq war on base housing and on some of the provisions for our military families that do determine their quality of life.

Sometimes it is said, we would like to do more for first responders here, too. We are doing less for our first responders than we did before 9/11. And by first responders, we mean the people on the front lines every day protecting our communities, policemen, firefighters, emergency medical personnel, but there just is not enough money.

□ 1900

Sometimes we hear not enough money for after-school programs or other educational programs designed to close the achievement gap and to help communities meet this challenge of No Child Left Behind.

After all, No Child Left Behind was not just supposed to be a program for labeling classes failing. No Child Left Behind was supposed to be a way of diagnosing problems that needed addressing and then having some resources to address those needs. But we hear there is just not enough resources.

This very day, marking up the transportation bill in the Appropriations Committee, we heard there is just not enough money for Amtrak, not enough money to maintain rail passenger service in this country. We heard there is just not enough for community development block grants for the infrastructure and the rehabilitation of housing, to make our neighborhoods viable, and on and on and on. We just do not have enough money, we hear.

And, Mr. Speaker, I say this as a Member who does not believe any program, domestic or foreign, should have a blank check. Of course, we need to economize, and of course we need to be responsible with public funds. But I also believe that we need to be honest about where the problem is coming from in the Republican budget. And the problem is not mainly coming from domestic discretionary spending. And the ranking member of the Budget Committee has made this very, very clear. And we need to underscore it here tonight.

Our friends over at the Center For Budget and Policy Priorities asked an interesting question a while back. They said, where did that $9.5 trillion fiscal reversal come from, going from $5.5 trillion in projected surpluses over the next 10 years at the beginning of the Bush administration? What is now, Mr. Ranking Member, the projected addition to the national debt?

Mr. SPRATT. We say we have gone from a projected surplus between 2002 and 2011 of $5.6 trillion to a cumulative deficit, over the same time period, of $3.8 trillion. That is your $9.4 trillion.

Mr. PRICE of North Carolina. That is the $9.4 trillion reversal. And the analysts asked, Where did that money go? The largest chunk of it went to President Bush's tax cuts, which mainly benefit the wealthiest people in this country. A significant chunk of it went to defense and security spending after 9/11.

And of course in many ways we have had agreement that that spending needs to increase, but it is not the bulk of the increase we are talking about. It is not the bulk of the fiscal reversal that we are talking about.

The poor economy produced some of that. So there are many reasons for this. The tax cuts are the main reason. But the one thing that does not figure prominently in the fiscal reversal is domestic discretionary spending. That has not been all that much above projected levels.

So the strategy of the administration and the strategy of the Republican leadership here in the House to pretend that we are going broke in this country because of these domestic investments, who can believe that? Who can believe we are going too broke because we are doing too much cancer research or because we are building too many highways?

The chart here pretty well tells the story. The Republican tax agenda worsens the deficit by $2 trillion. And the gentleman can confirm, we are talking about $1.4 trillion over the next 10 years and a worsened deficit situation because of the Bush tax cuts. And then if we take account of the alternative minimum tax and fix that, then that is another $600 billion.

So something like $2 trillion that the Republican tax agenda is going to cost us in the next 10 years is what that chart says to me. And then we have the next chart.

Mr. SPRATT. Yes, sir.

Mr. PRICE of North Carolina. Then the next chart shows that the story is worse than that, because the Bush budget omits a number of 10-year costs. The repairing of the AMT I have already mentioned, over $600 billion. The cost of social security privatization, $750 billion.

The realistic estimate of war costs, beyond what we are appropriating this year, almost $400 billion. Paying interest on all of this accumulated debt, $267 billion; that is another $2 trillion. Where is it going to end?

This is a deeper and deeper hole that we are digging, and very little of it has to do with domestic discretionary spending. But the main victims are these domestic investments that we are seeing every day on the Appropriations Committee squeezed mercilessly, and squeezed in a way that really do shut off growth and opportunity for our people.

Just think what we could do with the interest alone on this growing debt. This chart shows how interest payments are dwarfing appropriations for other priorities. The red bar is interest. The blue is education spending. The brown is environmental spending. The dark bar is veterans spending. And then you look ahead to 2010, you see the disparity is even more.

That is money down the rat hole, money that anyone in our hearing tonight could think of better public and private uses for that money that we are paying mainly to foreign purchasers of our national debt.

But that is where the money is going. It would be more than enough, of course, to fix the Social Security problem totally. And it is, in the meantime, preempting so much that this country needs to be doing to ensure expanding opportunity for all.

So I thank the gentleman from South Carolina (Mr. SPRATT) for the Special Order tonight, for the presentations, which I think have underscored quite clearly the deficit situation that we are facing, the accumulating debt, and what we are paying for that, the kind of opportunities lost because of this fiscal excess.

Mr. SPRATT. I thank the gentleman for his insights into this very critical problem. And I yield again to the gentleman from Virginia (Mr. SCOTT.)

Mr. SCOTT of Virginia. Well, I would just ask the gentleman, we have outlined what some would think would be quite a crisis. If you look at this chart, something happened in 2001: we passed all of those tax cuts. I would just ask the gentleman from South Carolina (Mr. SPRATT) if this administration or the majority in Congress has ever expressed any acknowledgment that there is a problem.

Mr. SPRATT. Well, the administration avows its aversion to debt. And yet it keeps tacking debt on top of debt. The deficit in the year 2003 of $378 billion, a record. A deficit the next year of $412 billion, another record. A deficit this year of $350 billion. And they claim to be cutting it in half, but it does not appear that way if you accurately project it.

And then the Bush administration begins it second term with this policy initiative, the first that the President brought forth, namely, to privatize Social Security. In order to privatize Social Security, the Bush administration would allow workers today to take up to a third of their payroll taxes, take them out of the Social Security trust fund account where they accumulate to a surplus, and put them instead into private accounts.

That means a diversion of well over $3 trillion over the next 10 years, or the first 10 years during which that program would be implemented. And here is a depiction in bar graphs of how much additional debt would be stacked on top of the enormous mountain of debt already accumulated if privatization took place as the President proposed it. As you can see by the year 2025, 2028, we would have racked up $4.9 trillion in additional debt on top of even more debt incurred in the ordinary budget of the United States.

So the Bush administration claims that it does not like debt any more than anyone else, but its policies contradict that claim; and the Social Security proposal coming on top of an already out-of-control deficit-ridden budget just leaves one incredulous as to what they say about their fiscal policy.

Mr. SCOTT of Virginia. So in other words, they have not only failed to acknowledge a problem, they are actually, with their policies, making the problem worse?

Mr. SPRATT. This would clearly make the problem worse, probably 100 percent worse over this 20-year period of time

Mr. SCOTT of Virginia. Now, if you did not acknowledge that there is a problem, how likely is it that you will take the very difficult, make the very difficult decisions that we had to make in 1993?

Mr. SPRATT. What we have seen in the 1980s and 1990s in coming to grips with the budget deficit, a compelling problem that nevertheless eluded a solution for years, is that unless the administration, the President and the leadership of the Congress, is focused upon this problem and there is a driving priority, it simply will not be resolved.

And that is the problem we have today. When we finally put the budget to bed, the deficit to bed, got rid of the remaining deficit in 1997, it was because President Clinton had not only made that his number one priority for his second term, but he put his first team on the field.

Every time we met for negotiations, Frank Raines was there, Bob Ruben was there, Erskine Bowles was there, everyone in the room had the President's proxy and could speak for him; and the participants, the budget principals, knew that the administration was pushing hard.

Unless everybody pulls hard in that same direction, there are too many otherwise outside forces that stray you off course. So you have got to have leadership to get this done. And we do not have that leadership.

Mr. PRICE of North Carolina. What you are saying about leadership, I think, really is important, because it is pretty easy to get cynical about Congress and the budget process over the 1980s and the 1990s as so often action was pretty ineffectual. But there were three times, were there not, when Congress rose to the occasion: once in 1990, on a bipartisan basis when the first President Bush joined with the Democratic congressional leadership and concluded a significant budget agreement; in 1993, with Democratic heavy lifting alone, an agreement that was actually rather similar to 1990 and moved the ball further; and then the 1997 agreement led by President Clinton, but with some bipartisan support.

Looking back to that 1990 agreement, which I think most of us remember as a difficult time, but a very positive achievement, is there any prospect that this present administration or this present congressional leadership has any inclination to undertake this sort of tack?

Mr. SPRATT. Well, if the gentleman will recall, in the late 1980s, we came to this conclusion that we had to have Presidential leadership as well as congressional leadership solidly behind us. And so we sponsored resolutions several years in a row which called for a budget summit.

We finally passed such a resolution, convened a summit, they met at Andrews Air Force Base something like 60 different days, and once again they succeeded. They capped discretionary spending; they devised the PAYGO rule. They reduced entitlements, rates of growth, did all of the things you needed to do.

The results were obscured by the fact that we had a recession. But the Clinton administration built upon the successes and upon the processes of the Bush administration, the Bush budget that moved us from a $290 billion deficit, to a $236 billion surplus. That was built on that foundation.

Mr. PRICE of North Carolina. If you fast forward to the present, as the gentleman from Virginia (Mr. SCOTT) was suggesting, the budget situation is actually worse; the objective budget situation is actually worse now than what we faced in 1990.

This President Bush, unlike the first President Bush, does not seem inclined to even agree there is a problem. And the congressional leadership is totally disinclined to take this up. So it strikes me as a very dangerous kind of complacency that really, I guess, bespeaks a deterioration of the budget process, but also of leadership to use the budget process to get our fiscal house in order

Mr. SPRATT. Well, the chart that the gentleman from Virginia (Mr. Scott) is holding tells an awful lot. Every year during the Clinton administration, due to those three budget agreements, which the gentleman just described, the bottom line of the budget got better and better to the point where we finally had the budget in surplus for the first time in 30 years.

Every year since the Bush administration came to office in 2001, the bottom line has gotten worse to the point where today we have record deficits, three in a row, record deficits: 378 last year, 412 in the year 2004, it looks like 350 this year. There have been changes made in the margins, but nothing as dramatic and emphatic as what we did in 1993 and 1997, and that is why you do not see any real results of any substance on the bottom line.

Mr. SCOTT of Virginia. In 1994, there was a change in leadership in Congress. What happened in 1995?

Mr. SPRATT. In 1995?

Mr. SCOTT of Virginia. When the Congress passed budgets that included massive tax cuts, what happened to those budgets?

Mr. SPRATT. Well, in 1995 and in 1996 we had better and better bottom lines because we had a PAYGO rule, and we had discretionary spending caps.

Mr. SCOTT of Virginia. But did President Clinton, when he looked at those irresponsible budgets, not have to veto those budgets, showing Presidential leadership?

□ 1915

Mr. SPRATT. He did indeed. And then we had a point where we could not come to a conclusion on the budget. As a consequence, the whole government was shut down and President Clinton, upon being reelected said, I do not want to go through that again. I would like to see the budget principals get together with the White House budget principals and try to negotiate a deal earlier in the fiscal year, as opposed to near the end of the fiscal year with our backs against the wall.

Mr. SCOTT of Virginia. But the Presidential leadership would not allow an irresponsible budget to become law?

Mr. SPRATT. Absolutely not. And then took the situation by the scruff of the neck the next year and saw to it that we finally brought it to a successful resolution, a phenomenal resolution: a surplus of $236 billion in the year 2000.

On that high point, since we are just about out of time, let me thank the gentleman from Virginia (Mr. Scott), the gentleman from North Carolina (Mr. Price) and the others who participated, about a subject that is of great concern to all of us. We all have this feeling that the day of reckoning awaits us, and we would like to see this done consensually, with good policy.

REPUBLICAN AGENDA

The SPEAKER pro tempore (Mr. McHenry). Under the Speaker's announced policy of January 7, 2003, the gentlewoman from Tennessee (Mrs. Blackburn) is recognized for 60 minutes as the designee of the majority leader.

Mrs. BLACKBURN. Mr. Speaker, I am pleased to be here with some of my colleagues this evening, and we have a great agenda. We are going to talk about the agenda that we have had for this session of the 109th Congress and some of the positive accomplishments that we have made. But before I start on that, I do want to make a couple of comments, Mr. Speaker, regarding my colleagues across the aisle and some of the things that they have had to say.

They are so very concerned about the budget and how the budget works and about spending. Mr. Speaker, I just have to say it is interesting for me to hear them. Some of them are talking about how we cannot have tax relief that grows the economy because we would be doing away with needed programs. And then we hear that we are not growing the economy enough. And the interesting thing is you cannot have it both ways. You cannot have it both ways. You know, you have to set a course and you have to move forward on that course, and that is what this leadership has done.

We know that it is the people's money that we are here to be good stewards of. And it was so interesting, one of my colleagues just said, tax cuts are going to cost us. Tax cuts are going to cost us. Well, you know what, every time we pass a bill that spends another dollar, it is costing everybody that is paying taxes. When we reduce taxes, we give money back to the people that earn that money, the taxpayers. We leave that money in home communities. We leave that money where it belongs, with families.

Right now in this great Nation of ours, taxes are the biggest part of any family budget. We will set about on a course, the leadership in this Congress has set about on a course, the President and the administration have set about on a course to get some of that burden off the backs of the American taxpayer; and we are working to reduce the size of this government.

Mr. Speaker, I tell you, I am so pleased that tonight we can take a moment and reflect. This is day number 169 on the 2005 calendar. It is day number 67 in our legislative calendar of the 109th Congress. And the majority in this Congress has, we are approaching the halfway point for this year and we have made substantial progress.

Mr. Speaker, you cannot help but notice that a remarkable thing has been happening on the floor of this very House over the past few months. It is something most people probably are not very aware of and I can assure you, listening to my colleagues tonight, it is something that the minority leader, the gentlewoman from California (Ms. Pelosi) probably hopes will remain unnoticed by most of the American people, but my colleagues across the aisle, many have been abandoning their party leadership in droves and they are voting in favor of a Republican agenda and our legislation. And it is worth noting tonight.

People say, oh, Washington is such a partisan town, nothing ever gets done. The town is in gridlock. And the minority leader will come to the floor and she will rail against the legislation that is being brought forth, and she will call it virtually everything in the book but good. And after all the hot air hits the rafters and people put their card in and cast their vote, dozens of Democrats vote for the legislation that she has just taken 5 minutes criticizing.

Why is it, Mr. Speaker? I think it is probably because the leadership in this body is crafting legislation to solve problems. We are here to solve problems for the American people. We are here to work to reduce regulation. We are here to lessen the tax burden. We are here to cast votes that will preserve individual freedoms for this great Nation. And we are attracting so many Democrat votes because the legislation that is in this body is legislation that appeals to the folks back home, regardless of what the party is. They are folks who are interested in a better life and a better quality of life for their families.

Here are just a few examples of what we have seen many of the Democrats come over and support, Mr. Speaker. One, bankruptcy reform. We passed that bill with 302 votes, 73 of those were Democrat votes.

Class action reform. We passed that with 200 the votes, 50 of those were Democrats.

The REAL ID Act. We passed that with 261 votes, and that included 42 Democrats who joined us in saying let us secure these borders, let us stiffen up these immigration policies.

The Continuity of Government Act passed with 329 votes, 122 of those were Democrats.

The Energy Policy Act passed with 249 votes, 41 of those were Democrats.

The Child Interstate Abortion Notification Act, 207 votes, 54 of those were Democrats.

Mr. Speaker, it is phenomenal, but the good thing is it is an agenda that the American people are interested in. It is an agenda that they support.

Mr. Speaker, I want to yield some time this evening to our chief deputy whip, the gentleman from Virginia (Mr. CANTOR) who is going to talk to us about some of the ways that that this legislation impacts those in his State.

Mr. CANTOR. Mr. Speaker, I thank the gentlewoman from Tennessee (Mrs. BLACKBURN), and I commend her for conducting this Special Order tonight. It is a great opportunity for us to gather here and to really do a number of things. First, to set the record straight after responding to the comments made from the other side; but also, as the gentlewoman pointed out, to talk a little bit about our vision for America and what the majority has been doing in pursuing that vision through legislation that we have worked on here in the House of Representatives.

First of all, I would like to join the gentlewoman in supporting her statement that we are here as shepherds of the people's money. It is and should be our aim to give back as much of the money that is earned by the taxpayers, to the people that are earning that money, so they can use the money and put it to the work in the best way and the most efficient way possible.

In that spirit, Mr. Speaker, I would also point out that the other side, in making the comment that the President nor the leadership has noticed that there is a problem with the deficit, nothing could be further from the truth. All that needs to be done is if they would look back to the deficit, to the budget that we passed to deal with the deficit. The President has set the goal that we must halve the deficit within 5 years. And this House of Representatives along with the entire Congress managed to pass a budget which for the first time in at least 8 years begins to chip away at the so-called entitlement programs. And we will have a bill later this year which does that, to begin to arrest the exponential growth in those programs.

But also we passed a budget that actually achieves an approximate 1 percent across-the-board cut in nondefense, non-homeland security spending. Although those savings may seem meager, this is the first time that we have done that since the Reagan era. So, Mr. Speaker, I would differ strongly with the statements made by the other side to remind the people across this country that we are serious. We are serious stewards of their taxpayer dollars, and aim to be able to give back more of the hard-earned money that the families and businesses across this country earn on a daily basis.

Now, let us turn to maybe the accomplishments that the gentlewoman talked about just now, and make an introductory remark about how we are leading this country, how we are responding to those issues that are on the top of people's minds across this country, and certainly are doing everything we can to make safer our young men and women in uniform as they have volunteered their time and made a sacrifice for us to go over and to conquer the enemy that poses a tremendous threat to our freedom.

First of all, almost 4 years ago, on September 11, 2001, there is no question that all convention in terms of security was turned on its head. It was on that day, Mr. Speaker, that we saw 19 terrorists kill 3,000 Americans in about 20 minutes with box cutters on a plane. And that was something that was really demonstrative of the fact that we were not thinking the unthinkable. I dare to say that not many of us would think that such an awful, awful terrorist attack could occur on our own soil, but it did. And as the gentlewoman mentioned, we rose to the occasion and we passed the REAL ID act to make sure that no longer could a terrorist have access to false identification issued by any State government to board an airplane and use that airplane as a missile to kill thousands of Americans. No longer will that happen.

And as the gentlewoman points out, we were able to garner an awful lot of support on the other side. But mind you, it was not support coming from the ranks of the minority leadership, but rather it was the leadership on the Republican side of the aisle that took the lead on that issue.

But in terms of security and what is going on here at home, we are also dealing with a very real problem, and that is the spread of gang violence. This is not only a State problem, it is a national problem. It is an international problem that reflects the growing influx and occurrence of terrorists making it across the border, joining gangs, and participating in some very violent acts.

A little over a month ago here on the House floor, we passed what was called the gang buster bill to provide Federal law enforcement with extra tools to go ahead and identify and apprehend individuals connected with these gangs, and also to strengthen penalties so that we can put an end to violent activity in our community.

Once again, leadership position that was taken on the majority side of the aisle and, frankly, has not been at all echoed or supported by the other side's leadership. None of this, Mr. Speaker, none of this would be possible if we do not ensure that our economy remains strong.

In going back to the point the gentlewoman made about ensuring that the more taxpayer dollars that we can return to the people that earn it, the better off and the more productive our economy can be, we have witnessed over the last several months an incredible surge in the rate of job creation in this country. We are at about a 5.1 percent unemployment rate nationally, which is a lower rate, the lowest rate that we have experienced in this country since September of 2001.

I can say, Mr. Speaker, in my home State of Virginia, we have an approximately 3 percent unemployment rate, which again demonstrates the productivity gains that we have made, but also demonstrates that we have got an environment where individuals have taken to putting their capital at risk to create jobs and creates value.

Now, we all know we are in a 24-7 global economy. We make no mistake about that. I think it is an agreed-upon fact that today we in this country, it is not just that our constituents are competing across town, that it is not the competitor there that we are only worried about, but the competitor across the globe.

☐ 1930

You talk to some of the economic developers that are active in today's global economy and they will tell you there is just as much of a chance that an individual or company looking to invest resources would do so in Lima, Peru, as they would in Lima, Ohio. That is the reality of today's global economy.

That is why we must compete. We must ensure that our tax laws are competitive. That is why we need to make sure that we enact some permanency in the Bush tax cuts because there is nothing more obvious than the impact of those tax cuts on the economy itself and the tremendous surge that we have experienced.

We need to make sure that the regulatory environment is competitive. We cannot have our regulators promulgating burdensome regulations that inhibit capital formation in this country, because literally we are competing with every nation in the world.

Mr. Speaker, we also must be mindful of what we have seen as the proliferation of junk lawsuits. Nothing can be more inhibitive of capital formation than for an individual or a company to realize that they may be subjected to frivolous lawsuits and exposure to liability that simply is not warranted.

All we have to do is recall the class action suits against some of the fast-food chains that posed a potential risk to them, exposing them to liability for making hot coffee. Frankly, for an individual to drive up to a drive-through window, purchase a cup of coffee and then not realize that it is so hot that if it spills on them it would cause a burn, to me, defies common sense and reason.

It is those types of frivolous lawsuits that were included in this class action reform bill that we have passed and the President actually signed into law. It is that type of legislation that has been guided through this House, through the support of our membership, and certainly at the direction of our Speaker and our leadership.

Mr. Speaker, we have a daunting task ahead of us in approaching the very real problem of Social Security.

This is one of the most successful programs that we have ever faced in this country; but yet it is a program, given the demographics that we face in this country, that frankly is unsustainable.

The law, as it stands today, will not allow us to continue on the current course, and we have got to do something to bend the curve to ensure long-term solvency of our Social Security system and, at the same time, ensure that it is not only today's seniors that are beneficiaries of that program but it is our children and our grandchildren.

That is what we and the majority side of the aisle have set out to do. That is where the proposals have stemmed from. It is from the majority side of the aisle, and to date, Mr. Speaker, save but one Member on the opposite side of the aisle, we have seen nothing, nothing, no contribution from the other side of the aisle, not even contributing to the discussion that there is a problem facing the Social Security system today.

It is on that note, Mr. Speaker, with an issue of such import that I implore the other side of the aisle to join our discussion, to contribute to trying to come up with solutions for the American people. I implore the other side and the leadership there to begin to join the discussion in arriving at solutions for the American people.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Virginia and thank him for his thoughts on the issue and the things that we have been able to accomplish so far in the 109th Congress. As the gentleman had said, there have been so many things that we have been able to do.

I have got a list of 100 ways in 100 days that we have been able to pass legislation that at some point he just mentioned: class action reform, funding for the troops, workforce job training, a highway jobs bill, a budget that reins in spending, boosting our border security and tsunami relief, all things that are very important. As he said, when it comes to issues of taxation, we are reducing the rate of taxation and the impact that has on our families.

Talking about the need for deregulation. We like to say in my district, we need deregulation that fosters innovation and spurs job creation because that is what it is about, creating those jobs, keeping this economy moving, keeping it effective. Of course, litigation, and being certain that we look at class action reform, the need for class action reform, the need for medical liability reform.

At this time, Mr. Speaker, I am going to yield to the gentleman from Georgia (Mr. PRICE) who has certainly been very active in this agenda that we have in the 109th Congress, the common sense Congress; and he has truly been a leader as we have looked at many of the taxation issues, as well as many of the health care issues in this great Nation.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentlewoman from Tennessee for yielding. I appreciate very much the opportunity to be involved with her in this discussion tonight.

I was listening a little earlier, and I was thinking, do you not just get tired of the naysayers? Do you not just get tired of the folks who have nothing but doom and gloom to offer? It really is remarkable. I do not know what I would do if I felt that way every single day; the other side of the aisle seems to be so depressed and demoralized about what is going on. They are obviously not paying attention. This is an exciting time to be an American. It is an exciting time for all Americans.

The gentleman from Virginia (Mr. CANTOR), our whip, mentioned that it is a serious time, and it is a very serious time; but it is an optimistic time as well.

The gentlewoman mentioned many of the issues that we have acted on these first 169 days. It is the summer solstice. It is the longest day of the year, and the light in this longest day we ought to use to shed light on what we have done over these first 169 days. The gentlewoman mentioned a couple of them that I wanted to touch on.

Class action reform is one of them, real lawsuit abuse reform that we have been able to enact, and we have been working on that in Congress for years, literally, trying to get that done, and it took Republican leadership and it took a Republican Congress to get it done. We will end some of the harassment that is going on in terms of local lawsuits and protect consumers.

The budget resolution was mentioned where we are actually cutting real spending. The unsustainable rate of Federal spending that we have we are ending. We are ending that unsustainable rate and moving in the right direction. That is optimistic. That is positive for our Nation.

REAL ID, the border security that she talked about, and we are getting good support from other side of the aisle for these things. Forty-two Democrats were on that who voted for that, and it is a first step in the right direction as it relates to border security.

The bankruptcy bill the gentlewoman mentioned as well. That is real reform that had 73 Democrats.

The energy bill we have not talked much about, 41 Democrats on that bill.

I want to talk briefly tonight about something that is near and dear to my heart and I know near and dear to the gentlewoman's and that is tax reform. The tax reform that we have acted upon this year in this Congress is the death tax, permanent repeal of the death tax.

This is part of that, those posters and the items that the gentlewoman talked about 100 days, 100 ways, what House Republicans have done to strengthen America. The death tax, the other side of the aisle earlier this evening said that tax cuts hurt Americans. I was dumbfounded when I heard that. Tax cuts hurt Americans. Do my colleagues know that the death tax itself costs the American economy up to 250,000 jobs annually? By permanently repealing the death tax, we would add more than 100,000 jobs each year. Nearly 60 percent of business owners say that they would add jobs over the coming year if death taxes were permanently and completely eliminated.

What does the death tax do? Well, it is the leading cause of the dissolution of thousands of family-run small businesses. Small businesses owned by families, the death tax comes at the end when somebody dies who is the senior in the family, and what happens is that that death tax is instituted, and they have to sell that family business in order to pay that death tax. It penalizes work. It penalizes savings. It deals an incredible death blow to small businesses.

Get this statistic: more than 70 percent of family businesses do not survive the second generation. Eighty-seven percent do not make it to the third generation. Why is that? How much does that death tax take? You talk about 15 percent taxes here is high, and 20 percent there, and the income tax has a rate that is higher than that; but what does the death tax take? Forty-seven percent. Forty-seven percent. It is no wonder that 70 percent of small businesses do not survive to the next generation.

So the death tax is unfair. It is unjust. It hampers economic growth. It increases the cost of capital. It artificially elevates interest rates, and this is another astounding fact: it probably costs the government and taxpayers more to collect the tax than the tax revenue that is gotten. That is the kind of nonsense that Americans are tired of.

So what did our Congress do, led by Republicans and joined by some commonsense Democrats? What did our Republican leadership and our Republican House do? We passed a bill to repeal permanently the death tax. I could not be more proud to serve with men and women who act on this issue and other issues in such a responsible way.

I am here to tell my colleagues that it is a positive thing that this Congress is doing, that this Republican leadership is doing, and that this Republican majority is doing; and we ought to be excited about where we are as Americans about the leadership that we have.

Mrs. BLACKBURN. Mr. Speaker, reclaiming my time, I am certain that in the gentleman's district in Georgia, just like in my mine in Tennessee, he has many family farmers. In our district in Tennessee, small business is the number one employer; and when I meet in my district with many of our farmers, with many of our small business owners, this is one of those issues, a permanent repeal of the death tax, this is something that they want to be certain gets signed into law. They are so supportive of the President and what he is doing there, and they want to be certain we get rid of that.

We look at it as a triple tax. You pay tax when you acquire an asset; you pay a tax when you earn your income; you pay a tax when you maintain that asset; and then you die and you go and you pay it again. I talk a lot about sweat equity. Being a small businessperson, when somebody goes in there and they have that bright idea and they start that business and they put years and years and years into building that business and building that customer base, they want to be able to with pride give that to their children and their grandchildren, for that to be their livelihood, to continue that legacy.

I look forward to our being able to put an end to such an egregious tax, and I thank the gentleman for his leadership on that issue; and I yield to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentlewoman ever so much. I appreciate that. I always thought it was two bites at the apple, but she is right. It is three bites that the government takes. That is unjust and unfair.

I just wanted to come and add a little perspective of what I believe is the optimism that this Congress is leading with, this Republican leadership and this Republican majority is leading with. I appreciate the gentlewoman doing this this evening and giving us an opportunity to show the American people and talk with the American people about the positive things that this Congress is doing, and I thank her very much.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Georgia (Mr. PRICE) for his comments, and he is so right. There is a spirit of optimism in America; and we see that in our districts, folks that are growing new businesses, folks that are working, getting new skills, training for new jobs; and we appreciate that about them. We love seeing that in our districts, and we like seeing that optimism, and certainly here on Capitol Hill we are encouraged when we hear from our constituents that they are excited about some of the legislation that we are passing here, whether it is with bankruptcy reform or the REAL ID Act, taking steps to secure those borders, reducing taxes, supporting our troops.

A gentleman who knows quite a bit about supporting those troops is the gentleman from Kentucky (Mr. DAVIS) with his military background. He is new to us this year here in Congress, and we welcome him, and we welcome his energy and his willingness to work on the great agenda that we have established in this 109th Congress.

Mr. Speaker, I yield to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Speaker, I thank the gentlewoman from Tennessee for yielding.

I believe that we have much to be pleased about; and contrary to the obstinate obstructionism of the far left, much is being done. There is a lot of talk about how Republicans and Democrats cannot seem to agree on anything, and I do not think that portrays an accurate picture of the work that is being done in the 109th Congress.

So far we have seen several significant pieces of legislation passed with overwhelming bipartisan support. We have watched as a significant number of Democrats have broken ranks to support business and family-friendly legislation.

□ 1945

So what have we been spending our time on? For starters, we have given a helping hand to small businesses by passing class action reform, a permanent repeal to the death tax, and a comprehensive energy policy, all of which contribute to the overall good health of our economy.

More importantly, these measures will help create jobs. Americans want to work. Americans want to earn a paycheck and want to feel like they have contributed to our part of the world.

We in Congress can help Americans do that by continuing to support and pass legislation that creates jobs. Consider this: the energy policy will create 40,000 new construction jobs by building about 27 large clean-coal plants. That will benefit the Commonwealth of Kentucky and the Ohio Valley, workers, suppliers, and also manufacturers and energy producers.

It will create 12,000 full-time permanent jobs related to plant operations, and the legislation allows for increased natural gas exploration and development that will create jobs and provide more than $500 million in increased revenue for our economy. The comprehensive energy policy passed with the support of 41 Democrats who believe more in creating jobs and establishing an energy policy than playing petty politics.

Let us also consider the permanent repeal of the death tax which passed with the support of 42 Members of the Democratic Party. They voted to allow small businesses and family farmers to keep jobs and our dollars in communities, rather than sending them to bureaucrats in Washington, D.C.

There is the highway bill that will create more than 47,000 new jobs for every $1 billion invested in our country's transportation system. Not only does this create jobs, but it increases road safety so that our families and everyone else who travels them can be assured of a safer ride. And 198 Democrats supported this legislation. The minority leader did not, despite the fact that that bill alone will lay a tremendous foundation for future growth and future economic development throughout this land.

Mr. Speaker, 71 Members of the Democratic Party joined with us to pass the Gang Deterrence and Protection Act of 2005, again without the strength or support of their leadership. Gangs are increasingly becoming a problem in nearly every community in the Nation, and we are starting to hear disturbing whispers about gangs that regularly bring illegal immigrants into this country to boost their gang membership and may be teaming up with terror cells to smuggle in terrorists. This is a serious threat to our national security that we must address.

But what can we expect from our Democratic leadership that continues to insult and denigrate our troops and the mission of our military, those who serve on the front lines? So we continue to be joined by rank-and-file Democrats, like the 54 Members who helped us pass the Child Interstate Abortion Notification Act, the 42 Members who helped us pass the Border Security Act, and the 122 Democrats who helped us pass the Continuity in Congress Act.

Moreover, 143 Democrats joined with us to support our troops at the tip of the spear, fighting the war on terror to protect our Nation and keep our communities and our homeland safe. They made sure that they ensured our troops have the resources and tools they need to fight and win this war on terror.

Contrary to what the liberal media implies, there is strong bipartisan work in Congress; and there is a lot being accomplished. It is just too bad that the Democratic leadership continues being obstinate and obstructive when there is so much at stake for our future, our continuing economic well-being, the security of our homeland, and the security and jobs of ordinary Americans who depend upon us to pass commonsense, reasonable legislation.

As a joint team, we are doing our part and we are getting some great help teaming with rank-and-file Democrats. It is too bad the liberal minority leader does not want to join her own colleagues who did the right thing in passing helpful and progressive legislation.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman for taking the time to share his thoughts tonight.

The gentleman is so right: it is family friendly, it is business friendly. That is the agenda that this leadership has. It is an agenda that is based on hope. It is an agenda that is based on the love of opportunity and knowing that we all want something better for our children, for our grandchildren. We all want to see America be vital and vibrant with a great economy and opportunity for all of our children.

As the gentleman was speaking, I thought about a great Tennessean, Alex Hailey, and a comment he used to make regularly. He was a wonderful author, and we are so proud of the works he created. He had a phrase that he would use often. It was "find the good and praise it." In this 109th Congress, the agenda that we have brought forward has a whole lot of good in it. It is wonderful to take a few moments on this first day of summer, on this 169th calendar day of the year, the 67th day of this 109th Congress, and praise the good work that is being done on this floor.

We have talked a lot about our economic security and homeland security. Let us focus on moral security and the obligation we have for health care in this great Nation. One of the leaders in this debate here in this Congress is the gentleman from New Hampshire (Mr. BRADLEY), and he is going to talk about health care and some of the items we have been able to accomplish on our health care agenda.

Mr. BRADLEY of New Hampshire. Mr. Speaker, it is a pleasure to join with the gentlewoman from Tennessee (Mrs. BLACKBURN) to talk about an agenda that helps get Americans back to work, that wins the war on terrorism and makes our Nation secure, and an agenda that focuses on affordable and accessible health care for all.

Like the gentlewoman, I go home every weekend and I do town hall meetings. I am going to do my 100th town hall meeting this weekend since I have been a Member of Congress. One of the things that keeps coming up is the cost of health care and what can we do to further that agenda.

There are a lot of things that we can do and have voted on in the past and will vote on in the future. It starts with the fact that doctors with high liability costs are being driven out of the practice of medicine because of those soaring liability costs. We need to confront that. We have done that on our side of the aisle and will continue to do that. Some reasonable limits on pain and suffering awards, which some States have enacted and have seen medical liability costs come down and stabilize.

In my State of New Hampshire, we have seen higher-risk specialty doctors, obstetricians, gynecologists, trauma doctors, surgeons, actually have to relinquish or curtail their practice because of soaring liability costs. What does that mean? It means people that need medical care may not be able to get it from the doctor of their choice, or they have to travel further, or it is simply not available in certain regions of my State. This is a national issue, and we need to get this on our agenda. This is something that we voted on on our side of the aisle and supported, and I hope that the other side of the aisle will join in this commonsense reform to make sure that doctors stay in business.

There are other things that we can do. Small businesses have so many employees, and they constitute about 70 percent of the new jobs; but for many small businesses they are also where, unfortunately, a number of Americans cannot afford health insurance through their business, the business owners, that represents a significant number of the uninsured people in our country. So allowing small businesses the same opportunities that large corporations have, to pool together and to do so across State lines, to join through bona fide business organizations, whether it is chambers of commerce, or like-minded business groups around the country, to be able to purchase health insurance through what are known as associated health plans, is a commonsense reform that, once again, we are leading the way on.

I hope that our colleagues on the other side of the aisle, and there are some that support this because it is a great idea, it will give small businesses the same buying power that large corporations have so they will get better discounts in health care. It will allow them to spread out the risk of expensive treatments and to spread out high administrative costs, all things that small businesses endure. I hope that we are able to pass this here in the House and the Senate to enact this reform.

A couple of things that we have done in the 108th Congress, and we need to look at that because one of the big things that we have done is going to take effect on January 1, 2006, and that is a Medicare drug benefit for senior citizens. It is long overdue for senior citizens, especially those who are lower income, who are facing the cost of high prescription medicines, to have access through Medicare to prescription drugs so they can live healthier, more independent, longer lives. This was a reform that was adopted in the 108th Congress and will be implemented on January 1, 2006.

As part of that legislation, we also allow families and businesses, if they choose to match contributions of families, to create health savings accounts, and to do so up to an amount of $5,000 for a family of tax-free dollars that they can actually use to purchase their own health insurance.

So this is a reform that we both know is something that will allow people to be wiser consumers of health care because it is their money that is going for either the purchase of health care or the purchase of higher deductible health insurance.

These are reforms, the Medicare drug benefit and health savings accounts, that we have accomplished in the last session of Congress. It is my hope that we will be able to push this agenda forward, this positive agenda, so we have lower liability costs for doctors and we allow small businesses to pool together to purchase health care in collective units.

Now one last thing that has enjoyed bipartisan support and the President deserves a great deal of credit for, those are community health centers. I have one in my district that recently got Federal funds that is going to expand its operation, nearly double its square footage. Community health centers are alternatives to more expensive hospitalization. And they give people of lower income or people who need preventive care, primary care, better access to health care facilities. We have dramatically increased the funding for community health centers over the last several years from about $1.1 billion when President Bush became President to this budget, the Labor-HHS budget, to about $1.83 billion. This will enable more of these community health centers to be built, improve access to all Americans, but in particular lower-income Americans.

Mrs. BLACKBURN. Mr. Speaker, I want to go back to the poster that is right behind the one that is displayed next to the gentleman. It is the commonsense Congress, and the gentleman has touched on this several times. I think it is worth drawing some special attention to: common sense.

The legislation that the leadership has brought forward in this Congress, the things that America supports us on that we are hearing from them, they are pleased with the agenda that we have moved forward on, is based on common sense. A couple of other things the gentleman has mentioned, whether it is the community health centers or the health savings accounts or the medical liability reforms, one of the points the gentleman just made is so true.

What we are talking about is the taxpayers' money. The gentleman said, "It is your money." That is so true. We realize this is the taxpayers' money. It is not our money. It is not government's money. It is the taxpayers' money. I agree so wholeheartedly with the gentleman from New Hampshire. We trust the individual to make those decisions on how to spend that money. We trust those local governments and those wonderful community health centers. The gentleman has them in his district. I have them in mine. What wonderful work they do, and how cost effective they are.

It is exciting to see that we have a budget where we have had a reduction in discretionary spending. We have a budget where we are putting the emphasis on priorities. We are beginning to turn this around. Forty years of Democrat control grew program upon program upon program without accountability. Now we are beginning over the past decade to see that accountability move in place; and with the positive proactive agenda that we have this year, we are seeing action.

Mr. BRADLEY of New Hampshire. Mr. Speaker, that brings something we have to reiterate. When the tax cuts the gentlewoman referred to were passed, we had an unemployment rate of over 6 percent. Today, that unemployment rate is 5.1 percent, and 3.5 million jobs have been created.

□ 2000

When we talk about making our economy more competitive so that Americans can compete around the world, tax reform is a significant issue, and a stimulus package that drives jobs is a huge issue to make sure that Americans have every opportunity, anybody that wants to find a job has the opportunity to find a job. As I have noted already, making health care more accessible and more affordable through some of the reforms that I outlined will make our economy more competitive and enable businesses to better afford health care for employees and our Nation to grow.

I thank the gentlewoman so much for organizing this hour.

Mrs. BLACKBURN. I thank the gentleman for joining us. He is so correct in jobs and talking about jobs. We are pleased that the unemployment rate is at 5.1 percent. One of the points that we have accomplished this year, with bipartisan support, is the jobs training bill, giving the training that is necessary, and allowing that to be accessed by individuals right there in their home communities so they have the skills necessary to move forward and to secure good jobs right there in their communities for their families.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. MCHENRY) for his comments and thoughts on the agenda in his first Congress here with this 109th Congress.

Mr. MCHENRY. I certainly appreciate the leadership of the gentlewoman from Tennessee here in Congress, and I know her constituents are well represented by her values here. We are talking about the GOP agenda here in the House, our conservative agenda, our agenda that has solutions, real solutions for the American people. We passed a conservative budget that reins in non-defense, non-homeland security discretionary spending by 1 percent. It is a start. It is a move in the right direction. It is the most conservative budget since Ronald Reagan was in office. However, at the same time it funds key priorities, like our national defense, our homeland security. It funds fire departments. It funds police officers. It does the right thing for the American people. We passed a good budget.

We also passed class action lawsuit reform with bipartisan support. It reins in trial lawyers. It reins in these out-of-control lawsuits and lawsuit abuse.

We passed bankruptcy reform that says you should make good on your bills. We have bankruptcy reform. It was bipartisan as well.

REAL ID, Border Security Act. Border security, ladies and gentlemen. The Republicans in this Congress have taken on this challenge and some Democrats bought in.

Death tax repeal, eliminating the death tax.

A transportation bill that ensures that we have good roads in this Nation and funds priorities.

We also passed pro-life legislation, reasonable pro-life legislation that does the right thing for minors and does the right thing for the unborn child as well. We have passed good legislation.

The American people need to know that, Mr. Speaker. The American people need to know that we are a Congress that is focused on getting real results for people. We are not here about partisan rhetoric. We are not here to complain about the process. We all know the process here in Washington, D.C. is not what it should be. That is the way it has been for over 200 years in this Nation. But we are a free people with high ideals that we try to live up to as a Nation. And we are a Congress that respects those values.

But I certainly appreciate the gentlewoman from Tennessee having this hour so that we can discuss the solutions that we have put forward, not just as Republicans but as Americans, working across the aisle on a bipartisan fashion.

Before me is a chart, Democrats Running to GOP Solutions. They are buying into our agenda. They are buying into our agenda. Bipartisan Victories for America Expose House Democrat Leadership's Lack of Vision. We have had five major pieces of legislation pass the House with strong bipartisan support that has an impact on people's lives.

Mrs. BLACKBURN. I thank the gentleman so much for his comments. I think this is one of the things that we hear repeatedly from our constituents. They want to see us solve problems. They have appreciated how aggressively we have attacked the agenda this year and have worked to move forward on a positive, proactive track.

Bankruptcy reform. That is something that they have tried to pass for years here in Washington. For years. As I was in the State Senate in Tennessee, we would hear about the gridlock in Washington in not being able to move this forward.

Class action reform. We have been hearing for a decade that that was needed.

The REAL ID Act. Since September 11, 2001, we heard about the need to secure our borders and to be certain that those driver's licenses were using proper documentation.

Permanent repeal of the death tax. I cannot remember a time that I was not hearing about the need to repeal this. A continuity of government, having a plan for that. There again, since September 11, 2001, we have been hearing of the need for this.

I would just express to the gentleman that I feel it has been a very aggressive 67 session days that we have had and 169 calendar days that we have seen so far, and we have our list that we have been talking through tonight of 100 ways, in 100 days, that we have been able to pass legislation.

One thing I think that is important to point out, also, is that not always does it mean when we say we are passing legislation that we are adding another law to the books. Many times what we are doing is repealing and taking laws off the books, repealing. We are deregulating instead of increasing regulation. We are lowering taxes instead of increasing taxes. We are trusting people to make the decisions they need to make for their families. I think that is one of the differences.

Mr. MCHENRY. If the gentlewoman will yield, the gentlewoman outlined a few major pieces of legislation. We had 73 Democrats vote with our Republicans for bankruptcy reform. The leader on the left voted no.

Class action lawsuit reform, we passed with 50 Democrat votes. Their leader, out of step with her own Members, voted no.

REAL ID Act, 42 Democrats voted yes. Their leader voted no.

Permanent repeal of the death tax. What happened? Forty-two Democrats voted yes. Their leader voted no.

Continuity of government, bipartisan support for this, included 122 Democrats voting for it. They thought it was the right thing to do. Their leader voted no.

The agenda on the left is all about no. No action, no results, no ideas. And we on the right, we the Republican majority, are acting. We are moving forward. We are trying to do what is right for all Americans, not just say no.

Mrs. BLACKBURN. We have a newspaper here in Washington, D.C. It is called The Hill. Today there was an article, Progressives to Unveil Their Core Principles. The article talks about how some of the liberal Members in the House felt sidelined, and I am quoting, "felt sidelined as more centrist Democrats have chosen to side with Republican leadership on several issues."

I would suggest to the gentleman that the reason so many Members of this body do talk with us, side with us, work with us, vote with us to pass this legislation, is because it is what America wants to see happen. It is what their expectation is and the legislation they want to see.

Mr. MCHENRY. That is a wonderful way you put that. We are trying to take a consensus agenda on what the American people need and want and the direction this country wants to continue heading. And that is more local control, individual ownership and responsibility, keeping more of what they earn to help their families, help their communities, help raise their children and improve small businesses around this country.

I certainly appreciate the gentlewoman from Tennessee taking the time to be here tonight to discuss our agenda, not a Republican agenda but an agenda for America, to do the right thing for all American people. That is what we are trying to do. My constituents back home in western North Carolina certainly have those same ideals in mind. I am sure yours do as well there in Tennessee. I thank the gentlewoman for hosting this hour.

Mrs. BLACKBURN. I thank the gentleman so much for being here this evening. I think one of the things that we have seen is that so many Members of this House have supported tax relief for every taxpayer. They know that this majority has supported tax relief for every single taxpayer, not for just a few. And, true, we have targeted that relief to those at the lower end of the earning scale and that is an important thing to do.

In the past few years, we have also reduced income tax rates across the board. We have eliminated that death tax. We hope that the Senate works with us, making this a permanent elimination.

We are allowing businesses, we talked about small businesses and jobs creation, allowing businesses to deduct more for their equipment, for their depreciation, for their leasing, so that they can up those capital expenditures. We are seeing capital investment increase and jobs growth take place.

For States like my State, Tennessee, and others that do not have a State income tax, we have passed a bill restoring the Federal sales tax deduction. In my State in Tennessee, that is putting hundreds of millions of dollars back into our State economy. It is a great thing. It is a great thing for Main Street. We know that it is the right thing to do, to be sure those dollars stay at home. The last thing we need to do is to take more out of somebody's paycheck, more out of their pocketbook, and turn around and send it here to Washington, D.C. to try to decide how we are going to send it back. Leave it at home.

The tax relief for individuals and for small businesses has paid off. We started with a recession in 2001 and now we are entering the 25th month of steady jobs growth. Twenty-five months. Since May 2003, this economy, not the government, not Washington, D.C., but this wonderful free enterprise system in this great Nation has created nearly 5 million new jobs. The reason we see this jobs growth is not because government is creating jobs, it is because this leadership in this Congress, in this administration, understands create the right environment and get out of the way. Let the free enterprise system do what they do best, which is create jobs. Over the past couple of years, 25 months, an average of 146,000 jobs a month. We have got historically low unemployment and we have got steady growth.

We have led on tax relief. We have led on the effort to eliminate waste, fraud, and abuse in government and on the effort to cut Federal spending. We passed a budget, despite outcry from the left, that allowed a .8 percent, nearly a full percent cut in budget authority in non-defense, non-homeland security spending.

An issue I know my constituents care deeply about is the growing problem of illegal immigration. We have taken a strong stance on this issue and have made a terrific start with passage of the REAL ID Act. We are funding more border agents. Our list goes on and on, 100 ways, in 100 days.

Mr. Speaker, I appreciate the opportunity to be here to visit with my colleagues tonight. We look forward to continuing the conversation and to continuing to work on a positive, progressive, proactive agenda for America.

ANNOUNCING FORMATION OF OUT OF IRAQ CAUCUS

The SPEAKER pro tempore (Mr. FITZPATRICK). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from California (Ms. WATERS) is recognized for 60 minutes.

Ms. WATERS. Mr. Speaker, I am here this evening to talk about something new and wonderful that has happened in the Congress of the United States of America. I am here to talk about a new caucus that is named Out of Iraq Caucus. I am here to talk about the men and women of this House who have decided they can be silent no longer. I am here to talk about men and women who represent various points of view relative to support for the President from the time that he first announced he was going into Iraq to now. I am here to talk about why we have formed this caucus, what we plan to do, but more than that this evening, we are going to focus on our soldiers and those who are in Iraq serving this country, those who are there in harm's way, those who have been killed in Iraq, those who are up at Walter Reed Hospital suffering from serious injuries, having lost limbs, having lost their eyesight, those who do not know what the future holds for them.

□ 2015

We are going to focus on that this evening because it is extremely important for the families of these soldiers to know and understand that we support these soldiers. We know that many of them went there because they were called to duty. They were recruited to go to Iraq because their President asked them to do so, and they wanted to serve this country despite the fact they did not understand all of the reasons why. Many of them went to serve because they thought that Saddam Hussein was responsible for 9/11. But, of course, we know now that Saddam Hussein was not responsible for 9/11, and many of the soldiers know that now.

So this caucus has been formed. We have 61 members, and they are still adding on. We met this morning at 10 a.m., and we will continue to meet as we develop our mission statement, as we help to define who we are.

Basically, we have come together to say we want out of Iraq. We want out, and this caucus is not putting a time certain. This caucus has not concocted demands about how we want to get out. We simply want our young people out of Iraq. So we will provide support to other Members of Congress, other caucuses who want to get out of Iraq. We will provide support to the citizens of this Nation, the organized national groups who want to get out of Iraq.

We will organize not only coming to the floor as we are this evening to talk about various aspects of this war. We will also organize workshops and seminars. We will travel, some of us, to different regions in this country, responding to citizens who are asking for Members of Congress to come and explain this public policy to them. We will be available to meet with the families of servicemembers who have been killed, who have been injured. We have families who are asking to meet with somebody, anybody. We have people who are asking to meet with Donald Rumsfeld, who cannot get any response, who are not being talked to. We are going to meet with them. We are going to talk with them. We are going to share with them what we know.

But more than that, we are going to be an ear to family members who need to talk with someone about why their son or daughter died in Iraq. We are going to spend the time and give them some attention because we think that the least that we can do is sit and talk and listen to family members.

Some of them will say that they are very proud that their child or their son or their relative served in this war, and we will commend them for the pride that they feel and the fact that their relative, their child, their brother, their father served. Some will say that "I once support the war but I no longer support it." We will listen to them, and we will hear what they have to say. And we will explain to them how we feel at this time about getting out of Iraq.

And so this is a caucus that will have the ability to extend itself not only to the organized groups and organizations but again to the family members.

I would like to point out something about this war. We have heard many of the statistics and much of the data over and over again. But we have to remind folks we have been there now since March 19, 2003. We have 1,722 soldiers who have died in this war, and the numbers mount each day. The number of soldiers injured: 13,074. We have many Members of Congress from both sides of the aisle who are going up to Walter Reed Hospital to see the soldiers there who are injured, and the stories that we hear coming back from those visits break one's heart. These are stories of young men and women who had hopes and dreams. Many of them went to war because they had no jobs. They did not know what the future held for them, and they thought, Perhaps if I go and serve my country and get an income, perhaps I can do good. I can not only serve my country, but perhaps I can get ahead. Perhaps I can learn a trade. Perhaps I can learn something. Perhaps I can exploit some of my talents and show what I can do. But when I come home, I want to go back to school. I want to go to college. I want to get married. I want to have children. I want to contribute to my community.

Well, unfortunately, these 1,722 will never be able to realize their hopes and their dreams. They have died. But the question still remains for many of us, Why are we in Iraq? What is the real story? We know now there are no weapons of mass destruction. Why are these young people dying?

I want to relate an interview that I watched on television this past Sunday. This past Sunday, as many folks in America do, I watched some of the great television shows, and I was watching George Stephanopoulos as he interviewed the Secretary of State, Condoleezza Rice. And he interviewed her. They talked about, of course, the work that she is doing in the Middle East, working with the issue of Israel, the Palestinians.

But then he segued to the war in Iraq. And he said to Condoleezza Rice, "As you know, there has been a lot of talk back here in the United States about these Downing Street memos, the minutes of a meeting with Prime Minister Tony Blair in the spring of 2002 where they discuss their meetings with the United States." And then he said, "I want to show you what one mother, Cindy Sheehan, the mother of a U.S. soldier, had to say about that memo this week." And then they showed Cindy Sheehan, mother. She said this: "The so-called Downing Street memo dated the 23rd of July, 2002, only confirms what I already suspected. The leadership of this country rushed us into an illegal invasion of another sovereign country on prefabricated and cherry-picked intelligence."

And then George Stephanopoulos said to the Secretary of State, Condoleezza Rice, "How do you respond to this, to what Mrs. Sheehan said? How do you respond to that?" Condoleezza Rice started out with her explanation. She started out by saying, "Well, I can only say what the President has said many, many times. The United States of America and its coalition decided that it was finally time to deal with the threat of Saddam Hussein." And she went on with the typical kind of discussion and explanation in line with the message that is given by this administration. Along the way, she said, "When you consider what the Iraqi people had gone through in the Saddam Hussein regime's reign, what about the responsibility to the Iraqi people?"

I was struck by this conversation because not one time did the Secretary of State, Condoleezza Rice, acknowledge Cindy Sheehan, who had been on the screen with the question that was raised by George Stephanopoulos. Not once on Father's Day did she say, we are sorry your son died, we feel your pain, we understand how you must feel. Not once did she recognize her. Not once did she recognize the death of her son. Not once did she show any sympathy. But oftentimes we hear from this administration how much they care about the soldiers.

Well, the Out of Iraq Caucus is going to show not only do we want them out of Iraq but we care about them. We will never fail to acknowledge a mother who is in deep pain about the loss of her son. Not ever will we be on national TV and not take a moment to say we too care about our soldiers. No. This conversation basically focused on our responsibility to the Iraqi people.

My first responsibility is to Americans and to those American soldiers. My first responsibility is to their safety. My first responsibility is to their well-being. My first responsibility is to acknowledge them and their families and their parents. And my responsibility, as a public policymaker, is to tell the truth. We all know now there were no weapons of mass destruction. We cannot tell these young people why they are really there. We cannot tell them that there is an exit strategy. We cannot tell them why many of their friends that they met in this war died in vehicles that had no armor. We cannot tell them why they died up in Fallujah. We cannot tell them why they died in Operation Lightning. We cannot tell them what they are doing in Operation Spear.

We hear all of these fancy, concocted names for the operations, but what we do not hear is the definition of why they are doing what they are doing. Are they simply being organized into these special operations to try to send a signal to the American people that they are really in charge? What are they to do when they go into these battles and into these special operations? Are they to shoot whatever moves?

We know that, yes, thousands of Iraqis have died because we have young people in these special operations, Operation Lightning, Operation Spear, operation this, operation that, who were told to shoot anything that moves. Many of them cannot live with the psychological damage that is fostered upon them because they are shooting and they are killing and they do not have all of the answers.

So today we focus on our soldiers, and we say to Cindy Sheehan we are sorry about the loss of her son and we thank her for caring enough to ask the questions, to be involved. We are trying to get public policymakers to do the right thing. So tonight, as we further announce the Out of Iraq Caucus and the Members who have signed up to do the work of providing the platform of creating the voice for those who want to speak out, we focus tonight on our soldiers in Iraq. Our prayers go out to them. We want them to be returned home. We want them to realize their dreams and their hopes and their aspirations.

I yield to the gentlewoman from California (Ms. WOOLSEY), who has been on this floor night after night talking about these issues, the gentlewoman from California that basically said we want out of Iraq; administration, tell us how you are going to do it.

Ms. WOOLSEY. Mr. Speaker, I thank the gentlewoman from California for starting tonight's dialogue.

It is true. I have been on the House floor, I think, 79 times, maybe 80 in the last year for 5 minutes after the end of our workday, of our congressional day. And my message has been we need to figure out how to bring our troops home. Never in that message have I said it is the troops' fault that we are there and that they are to be criticized. We are not going to pick on the warriors. We are not going to blame them because their leadership, their administration, sent them there to do a job that was not necessary.

The death of over 1,700 of our troops does not say to me that to honor those deaths we need to send more troops, we need to have more death.

□ 2030

I do not think that honors those who have died. I think that, in fact, it is a shame that we would even think of sending another young person, male, female, another older person, our National Guard, our Reservists, into an area that we did not need to be in in the first place. There is no excuse for the United States to have started a war in Iraq.

Mr. Speaker, our Constitution states that Members of Congress must be chosen by the people of the United States and that Congress must represent the people of the United States. That means that we as Members, Members of Congress, need to act and listen to the people when they speak. Well, I have been speaking for 80 days, every time we are in session, for 5 minutes, but now the American people are speaking. They have spoken.

The latest Gallup poll released last week indicates that the American people are ready for our military in Iraq to start coming home. They are saying, bring our troops home. They say this, and some actually supported the war at the beginning, but now, like the three of us up here, they want to honor our troops, they want to honor the families of our troops, they want to bring them home safe and whole.

When I say whole, I know what I am talking about. Two years ago, I had major, major back surgery at the Bethesda Naval Hospital. And when I was able to walk, I walked the halls and visited the troops that had come home then. It was August 2 years ago, so they were just beginning to come home from Iraq. I want to tell my colleagues, we are not talking about people that are hardly wounded at all, we are talking about young people who have virtually been destroyed physically. Their minds are there, though. They know what happened. But we are doing such a disservice to them if we send more young people, more troops in an area where they too are going to get injured or killed.

Nearly 60 percent of Americans believe that the United States should bring home some or all of our troops from Iraq, and the Gallup poll tells us that only 36 percent of Americans support maintaining our current troop level in Iraq. Only 36 percent. This is the lowest level of support for the war since it began in March 2003, and nobody is saying we do not support our troops. They know these statistics are all about bringing them home because we do support them, and we know that when they come home they will be safe. It is absolute in these numbers that Americans are not criticizing the troops, the warriors; they are criticizing the war, how we got into it, how badly it has been managed, and why there is absolutely no plan on how to bring our troops home.

The American people have stated loud and clear, and their numbers are increasing also; the more they see what is happening to their neighbor, a friend of their son or their daughter, they are realizing that, oh, my, it can happen to any single one of these young people that we send overseas for a war that was not necessary in the first place. The only way to end this death and destruction that occurs every single day is to start the process of bringing our troops home. Clearly, the American people are way ahead of Congress on this issue.

Unfortunately, the President of the United States is way behind on the issue of Iraq. We have asked the President to come up with a plan for ending the war. He has not. He has no plan for victory, except to leave our troops in harm's way as targets for a furious insurgency who look at our sons and daughters as occupiers. What, then, should Members of Congress do?

Well, I have been working hard on this, as the gentlewoman from California told us. For one thing, I came up with a plan in January when I introduced legislation that is H. Con. Res. 35, calling for the President to begin bringing our troops home. Thirty-five Members of Congress support this legislation. And then we continued this effort on May 25 by introducing an amendment to the defense authorization bill calling on the President to do this simple thing: Create a plan for Iraq and bring his plan to the appropriate House committee. Mr. Speaker, 128 Members of Congress, including five Republicans and one Independent, voted in favor of this sensible amendment.

It is clear that the United States must develop a plan to bring our troops home. That is the only fair thing to do for the people of this country but, most importantly, for the troops. They deserve to know when they get to come home, and their families deserve it equally.

I have loved being up here with my colleagues. I am proud to be a member of the Out of Iraq Task Force in the House of Representatives. It is not that we want to run away from anything; we certainly believe that when the United States pulls our troops home, that we do have a responsibility and we must be working with the Iraqis to help them with their failing economic and physical infrastructure. We know that we can help them with that, but we know we cannot do it while we are in the midst of destroying their cities at the same time we are trying to put them back together. First, we bring our troops home, then we work with the Iraqi government and we help them put their country back together.

We are also proud of the Iraqi citizens who went to the polls and voted, but we are also very clear that what they were voting for was the fact that they wanted their country back in control by the Iraqis, not by the United States military. As soon as we do this, we can start working with them, and we can work with the international world, get them all involved, so we can be doing the right thing for Iraq and the Iraqi people who are also being destroyed by this war.

So I thank the gentlewoman for letting me be a part of this. My colleagues will hear more from us. We have a lot of ideas, but our major idea is two words, "troops home," in honor of those young men and young women and the Reservists and the National Guard who are doing something that they were told they must do; and they are serving their country the best that they can, but they are getting very poor guidance from the leaders of this country.

Ms. WATERS. Mr. Speaker, I would like to thank the gentlewoman from California (Ms. WOOLSEY), not only for being here this evening, but for all of the work, all of the hours, all of the time that she has put into this effort.

I now yield time to the gentlewoman from California (Ms. LEE), who too has been a leader in opposing this war. She warned us early on that we should not just give permission to the President of the United States to go to war without understanding what the reasons were and without having that debate. So, unfortunately, our debate is taking place a little bit late, but it is taking place.

I would like to thank the gentlewoman from northern California, the Oakland area, (Ms. LEE), for all of her work and for being here this evening.

Ms. LEE. Mr. Speaker, I want to thank the gentlewoman from California (Ms. WATERS) for her leadership and for really seeing the wisdom and knowing that this is a defining moment to bring us all together in our Out of Iraq Caucus.

The gentlewoman from California (Ms. WATERS) has recognized the fact that there were those who voted for the war and those who voted against the war, but we know what is going on with our young men and women now, and so the gentlewoman decided to bring us all together to try to help us figure out how to get out of this mess. I think the country owes the gentlewoman a debt of gratitude.

Also, to the gentlewoman from California (Ms. WOOLSEY), I just want to say to her, sometimes she is the lone voice in the wilderness. Sooner or later, though, if you call it the way it is and stick with your principles and stick with what you believe is right, people will hear you: the country will hear and the world will hear, and I think that is what we are seeing now. So I just want to thank her for her leadership as well.

Mr. Speaker, so often we get caught up in the rhetoric of our positions and what we believe, and oftentimes forget about the human face and the toll of such a war, such an illegal and immoral war.

The gentlewoman from California (Ms. WATERS) so eloquently talked about the callousness and the insensitivity of this administration toward those who have died and who are risking their lives, when Secretary of State Condoleezza Rice did not acknowledge the sacrifices and the pain that a courageous mother, Cindy Sheehan, must be feeling.

As the daughter of a veteran of two wars, I feel this, and I understand this, and I think that our administration, whether they have children in Iraq or not, I think that they should stand up for these young men and women and feel their pain and try to help figure out how to first say, I am sorry; and secondly, say, let us begin to figure out how we develop a plan and begin to bring our young men and women out of harm's way.

Mr. Speaker, that is how we really support our troops. Empty rhetoric does not work when young men and women are dying.

So let me just say, I visited the troops, I guess it was probably a couple of years ago at Walter Reed Hospital. This is the untold story of this war. There are thousands of our kids who will be disabled for life, thousands of our young men and women who lost their limbs, who cannot see, their faces have been blown off. It has been a financial difficulty; they have come back to the lack of financial and economic security. Some of them are losing their houses, they have lost their jobs, their credit cards. And we serve on the Committee on Financial Services and we know how the credit card companies are messing with them in terms of their debt and the bankruptcy issues.

They come back and, upon their return, they see that they have very little in terms of veterans benefits. They have long lines they have to wait in. The mental health services are almost nonexistent. We know what post-traumatic stress syndrome is. Our young men and women need mental health services like they have never needed it before. Yet, we cannot get legislation nor funding to provide this kind of care for our kids, and I think that is a shame and a disgrace.

Mr. Speaker, I went to a funeral of a young man who was killed in my district in the war, and it was unbelievable. This young man was a proud soldier, and I was so proud of him, because he was determined that he was going to go and serve our country and wave the flag and make sure that democracy prevailed in Iraq, and he honorably died, and it was very sad. But his family told me that while they may not have agreed with what he wanted to do in terms of going into the military, that they supported him going; they loved him and they missed him, but they wanted to get more involved in trying to help us figure out a way to ensure that no more kids are killed like this. I hear this over and over and over again. I think all of us here hear that over and over again.

But yes, we went and we bombed the heck out of Iraq, so we have I think a duty and a responsibility to help rebuild and reconstruct the country. But as the gentlewoman from California (Ms. WOOLSEY) said, we need to first begin to develop a plan to get our young men and women and bring them home, get them out of harm's way, because they are the targets of the insurgency. I do not believe there is going to be any stability as long as the Iraqi people believe and see that their country is occupied by U.S. forces. So we are putting them and keeping them in harm's way.

So we need to bring them home, and we need to figure out a plan to do that as soon as possible.

Also, let me just say that in the Committee on International Relations, a committee upon which I serve, we had authorized or reauthorized the State Department Reauthorization Act a couple of weeks ago. So I tried to offer an amendment for withdrawal, and I think there were 12 or 13 votes for that. But then I decided that since the President and since Secretary Rice continued to say that we do not want to permanently occupy Iraq, we do not want permanent bases, I said, well, let me do an amendment to the State Department authorization bill and all it would say is we just do not intend to have permanent bases in Iraq. Well, I think, on a bipartisan vote, it got about 15 votes there.

Mr. Speaker, I share that because we hear the administration saying, no permanent presence, no permanent bases; yet we see just the opposite in terms of funding and appropriations and beginning to create this scenario to build permanent bases. So we have to ask the question: What is really going on?

□ 2045

We know that the administration misled the American people and the world that there were no weapons of mass destruction in Iraq. We knew that then. Now, I think the Downing Street memo and the other facts are coming out so that the public will understand what we said then, we knew that there was no connection between Saddam Hussein and al Qaeda and 9/11 and Iraq.

We knew that then, but now, thank God for the gentleman from Michigan (Mr. CONYERS) and the hearings that we are holding. We are beginning to educate the American people so that they know what we knew. And I think people are listening, people are beginning to say was this worth it? Was this worth it? Was this worth over 1,700 of our young people being killed, countless number of Iraqi civilians being killed, $300 billion-plus, and I think Defense Appropriations just had another $45 billion in it, that was not with my vote, but to that, some voted for the other day, and so where does this end? Where does this end?

And so I just wanted to say tonight in closing that we need to insist that the administration announce that they will develop a plan for bringing our young men and women home, announce a plan for stabilizing and to help bringing in the international community to stabilize Iraq, and this means the international community in a real way.

And we need to make sure that the administration says to the American people that there will be no permanent bases in Iraq. Because, if we do that, we are going to be up to trillions of dollars in terms of this war. And I hate to see that happen, because here we have people who are homeless, we have young kids who need a decent education, and we need affordable housing, we need a universal health care system.

And we need to take care of some domestic needs. With the war going on like this and with billions and billions of dollars being spent, especially if we intend to have permanent bases, we will never meet our domestic needs and the responsibility that we owe to our American citizens.

So I thank the gentlewoman from California (Ms. WATERS) for her leadership and for making sure that all of us come to this floor and call it like it is and tell the truth, and begin to beat that drum and begin to wake up America so that we can save our kids from being bombed and from the suicide attacks and from the violence that they are dealing with in such an honorable way.

These kids are courageous, they deserve our support, and they deserve our support in a real way. And that means our support by insisting that they come home so they can be with their families and get the type of care that they need.

Ms. WATERS. I thank the gentlewoman from California (Ms. LEE). We appreciate so very much the work that she has been doing and her wisdom and early warnings about this war.

Next, I would like to call on the Congressman from New York (Mr. RANGEL), who is a veteran who knows a lot about war because he served.

He is a gentleman who has been unsettled about this war for months. And he has taken many opportunities to ask what we are doing. When are we going to have a discussion? When are we going to speak out? When are we going to have hearings? What is going on with this?

Well, Mr. Speaker, I want to thank him for raising those questions. I wanted to thank him for being a part of what we are attempting to do with the Out of Iraq Caucus. And I welcome him this evening to this discussion.

Mr. RANGEL. Mr. Speaker, I just want people to know that the whole country is not run by distinguished women from California. But I certainly do appreciate the leadership that you have taken. God knows how much better off our country would have been if we had recognized the brain power that we have with minority women in this country. But we have that to work on.

I do not know where to start, because there are certain people that believe that we are not supporting the troops when we are anxious that they return home well to their families.

But I can say that I visited those that have been wounded. I have the

369th. They call themselves the Hell Fighters. They are a National Guard outfit. They have been to the Persian Gulf. They have been to Iraq. I am always there when they leave. I am always there when they come home. And I want the gentlewoman from California (Ms. WATERS) to know that they appreciate what we are doing for them.

What people do not understand when they talk about the patriotism of our fighting men and women, they are so right, unlike those of us who have a responsibility to participate, whether we are going to have peace or war for our great Nation, any veteran will tell you, when that flag goes up, you are in the military, you salute it. You do not challenge the military. You do not challenge the President. You do what you have been trained to do, and that is to destroy the enemy.

And so no matter how patriotic our men and women are, and they are that, bringing them home to their loved ones means we are patriotic too.

I remember when I first enlisted in the Army. I was 18 years old. I had not finished high school. Spinning my wheels. Did not know which way to go. Saw the uniform, saw the check, could send the check home to mom; my brother had before me. Seemed like a pretty good deal.

Now, no way did I know that in August of 1950 I would be sent to Korea, which I am embarrassed to admit I had no idea where it was, to engage in a police action, which did not sound too bad to me, being a policeman. I went there in August of 1950 and guess what? The Second Infantry Division that left Fort Washington to go there is still there today.

Getting into wars in countries is a heck of a lot easier than getting out of them. And so in that war, we did not even declare war. You know, it was a police action. It was the United Nations. It was Truman telling us to go. The majority of our outfit, they were either killed or captured.

And since I had an opportunity to be exposed about education, I felt for those who God blessed to allow to live, that we had a special obligation not to allow that to happen to other people's kids. Here we have a situation where people who have served their country and joined the Reserve have been called up two and three times. Families have been broken. I remember when I introduced my draft bill the first time, I got a call from Senator HOLLINGS from South Carolina.

He says, you are worried about minorities and poor folks. You better start thinking of my Reservists. Families are being broken. People have already served and being called two and three times. Wives are complaining, the employers have not called them since their favorite employee was twice called up to serve the country. Tuition has not been paid. Marriages have been broken.

And then you take a look at the other side, the Charlie Rangels all over the country, different colors, different backgrounds, different languages, some not even citizens, but spinning their wheels and hoping for a better way of life, getting an education like I got with the GI bill. Where do they come from?

Well, just ask the Pentagon. They do not come from communities that chief executive officers live in. They do not come from kids with families of those in the White House or in the Pentagon. As a matter of fact, I have talked with some of the private marketers that are hired by the Pentagon, and as someone says, they rob banks because that is where the money is. They fish because that is where the fish are. They recruit where the hopeless are in terms of unemployment.

I asked the question, Do most of them come from areas of high unemployment? Yes, that is where they recruit. It makes sense. Now we have not got the retention. People are not being retained. People are not volunteering. You would think that if the President of the United States believes that, and that fighting terrorism in Iraq is in our national defense, what a speech a President could gave to all of America. I could hear it now.

If we do not bring freedom and liberty to every country that seeks it, if we do not have regime change where we do not like people, if we do not bomb and invade and superimpose our government, then our country would be jeopardized. So what are you asking, Mr. President? We are asking all of you not to allow the poor to just carry on this fight. This is a fight for freedom and liberty; you should be so proud to enlist.

So you make a plea to the poor, to the middle class and to the wealthy, to the men and women of this country that love it. Volunteer. Instead, what do they say when they do not meet their quotas? Well, the $10,000 for 3 years did not work, so we doubled it to $20,000. Now it is $30,000. So do not worry, Mr. President, it is going to be $40,000, and we will get those kids one way or the other.

And now we have got parents saying, do not do that to my kid. He loves us. If I were offered $40,000 at 18 years old off the street of Harlem, I would ask how many years can I take? I mean, that is a lot of money even with inflation being what it is today.

It seems to me that we should not need a draft if Americans thought we were doing the right thing. Makes sense to me. You would leave your job in the Congress if you are young enough. If there is something I can do, I will do it because this country has been extremely good to me.

But I know one thing, that for all of the people that are talking about that they are supporting the war, I ask one question: Would you put your kids in harm's way to indicate your support for this war? It seems like it is so easy, when I was a kid for someone to pick a fight, and then when it is time to go to fight, they said I will hold your coat. That is what America is doing today.

Do not tell me that these young people want to fight, I suppose those people being drafted do, that would be an insult to all of the heroes and sheroes that have been drafted, or at least the men that have been drafted that defended this country. But the truth of the matter is that if we have a draft, if we had a draft, we would not be in Iraq today.

If we had a draft, we would not be rattling swords in North Korea. If we had a draft, we would not be threatening Syria and Iran. We would go to the international community with the strength of the United States of America and persuade those countries that terrorism is not just an American problem, it is an international problem, and with mutual respect, sit down and talk with them to see how we can bring peace to the Middle East.

This is going to be one of a series of nights that we know how awkward it is to be against the President when the Nation is at war. But that is true of so many things that happen that we are not proud of. It is so easy not to stand up. It is so easy to say, I hope they know what they are doing in Washington. It is so easy to hope that everything is going to work out okay.

But we have had a lot of problems in this country because people are waiting for someone else to do something. And I think as our numbers grow that we will soon make it comfortable for people just to ask the question: Why did we go in the first place? Was there a plan which projected for the 21st century to go to knock off Saddam Hussein before 9/11? Did everyone that was in the Cabinet that has written books, Clark did, Woodward who wrote the book on this, did O'Neill, who was Secretary of the Treasury when they said that after 9/11, the President was committed to go after Saddam Hussein, even though there was no evidence that they should go that way?

You hear more about the papers from England, the intelligence reports that we have got to show that even the British intelligence indicated that was the route that we were going. We find now all of the reasons that were given were not true. And as you hear us over and over, and listen to the priests and the nuns and the ministers and the imams and the rabbis recognize that all we are talking about is not defending our country, we have got a new standard now.

□ 2100

You do not go to war just when you are attacked. You do not go to war just when you have imminent danger of being attacked. Now, subjectively, we can go to war to avoid the attack being imminent. That subjective standard will no longer be just ours. It will belong to North Korea, South Korea. It will belong to India and Pakistan, and the moral value of the greatest democracy that has ever been created would be shattered just because no one stood up.

Well, we have seen what happened in history and we want to make it very comfortable for you not to get involved politically but to listen to the facts. And at the end of the day, when Condoleeza Rice and the President are asked, and maybe some Democrats, if you knew then what you know now, would you have committed this great country to war? Because all you got out of it is a pretty crummy election even by Florida standards, and the fact that we have no clue as to where we are going to get additional troops to stay there until they get their act together or to train them.

So I thank the three gentlewomen from California and especially, well, not especially, because all of the gentlewomen are giants in this. And one day, and I hope one day soon, the people who held us in suspicion because we are standing up, and we have to thank God that we have constituents that allow us to do it, that the least that we can say that we have done is to create an atmosphere where good people can stand up when they know in their hearts that they are doing the right thing.

Ms. WATERS. I want to thank the gentleman from New York (Mr. RANGEL) and ask him to remain for a colloquy if he has a few moments with all of us here. I thank the Members for focusing our discussion tonight on our soldiers and helping to remind people that these are real human beings, as I said before, with hopes and aspirations. And when they die, not only are those hopes and aspirations gone, but the family members are left devastated and destroyed by these deaths, and we have got to do more to slow our support for them.

It is not their fault if they are there. They answered the call for many reasons, some of which the gentleman described so wonderfully well in his presentation. Some people looking for just a job, for income. Some folks looking to serve their country, to answer the call for whatever reason. And what we have got to be sure about is that we do not allow these sacrifices to be taken lightly.

For example, we hear some Members saying, who wish to support the war, to continue to support the war, saying all they show on television are the bombings, the suicide bombings. All they show are the deaths and the destruction. They do not show the good stuff.

Well, I get very upset when I hear that, because what they are literally saying to me is that somehow the loss of lives of our soldiers should take second place or third place to some news about perhaps cleaning up a street somewhere. I cannot say news about new electricity or clean water or schools or any of that, but they simply say over and over again, all they show are these suicide bombings; they do not show the good stuff.

Well, I do not like hearing that because, again, they are relegating the loss of lives to some secondary status. And tonight we draw attention to the importance of the soldiers, how we are proud of them and their families. And I mentioned earlier that in this interview on Sunday with Mr. Stephanopoulos and Condoleeza Rice, even though he drew her attention to Cindy Sheehan, the mother who had a comment who had been here in the Congress trying to raise the discussion, he drew her attention to her and something she had said and Condoleeza Rice never acknowledged her, never said she was sorry about the death of her son, never gave any attention to the fact that this woman in pain was attempting to create this discussion.

So tonight there is a mother who has not been answered, who has been trying to get some response from Donald Rumsfeld. Now, the gentleman from California (Mr. GEORGE MILLER) has put together a letter to Rumsfeld saying, please talk to her. Not only has she been knocking down the door, making the telephone calls, she is talking about other mothers and other families. Please talk to her. Please respond to her.

I signed on to that letter today. We are going to encourage all the members of the Out of Iraq Congressional Caucus to sign on to that letter. But I would like to ask all Members here tonight, do you think that we should not only join as the Out of Iraq Caucus in asking Donald Rumsfeld to respond to Ms. Sheehan and perhaps other mothers and families, should we not have an organized way by which they really are talked to, that they have an opportunity to even come to Washington?

If we can offer $40,000 to their children to come to Iraq, can we not help them to come to Washington and be recognized and talk with them, not just in ceremony, not just one day perhaps out of the year; but when they say they need some answers that they want to know, should not we encourage Donald Rumsfeld and Condoleeza Rice and this administration to be more sensitive, more sensitive?

Ms. WOOLSEY. Well, I do not want to be a cynic but is not Donald Rumsfeld the same individual who was stamping his names on letters to families when he was sending his condolences to them when their family member had died in Iraq? He needs a lot of training on how to be compassionate.

I think it is a very good idea that we send that letter, but I do not think we should be surprised that that is the reaction that Cindy Sheehan has gotten from Condoleeza Rice and from Donald Rumsfeld.

There seems to be something missing in the picture, and that is compassion and really understanding what this means to those who are fighting the war and the families of those who have lost their loved ones and who are getting loved ones back who are totally, totally wounded, both physically and mentally. So yes, we should do that.

Mr. RANGEL. Let me try that. Suppose they did call and the mother would say, Would you remind me as to why my beloved child lost his or her life? Would they say because Saddam Hussein was a mean, evil man when we have so many mean and evil people in this world? Would they say that we wanted to show them what democracy really is and they had an election? Would they say that we want to bring order to this part of the world? Would they say that, and we are prepared to do this further, the President's inaugural address and speeches he has given?

How would they answer about the weapons of mass destruction if the bereaved asked?

Suppose they asked, Was this connected with the attack of 9/11? What would they say? Suppose they said, well, Whatever happened to Osama bin Laden? Was he not the villain, or did 15 of the 19 terrorists come from Saudi Arabia? Suppose they asked, What were you doing tip-toeing through the gardens at the ranch with the Crown Prince of Saudi Arabia?

Suppose they asked, Why did the Saudis get special treatment in leaving the country to go to Saudi Arabia? I do not know. Maybe, just maybe, we should not ask a mother to get those kind of answers. And just maybe, we should not have to lose a child to challenge those type of answers.

Ms. WATERS. Those are certainly tough questions and, of course, just as Condoleeza Rice gave the framed message that she always gives when she is speaking publicly, Saddam Hussein was a terrible man, Saddam Hussein was a threat to the United States. Now, the Middle East will be better off without Saddam Hussein. Those are the kind of answers I suspect that she would give. But I think when Condoleeza Rice is on national television in an interview where millions of people are watching, and you have a mother who is shown on television raising a question and you do not even take the time to acknowledge that mother, to say, Ms. Sheehan, I am sorry about the loss of your son.

Ms. LEE. I have noticed this administration is so detached, totally detached from the impact and the ramifications of what they have done in terms of their policy, their warmaking policies. Remember, Secretary Rice was one of the chief architects of this war. Perhaps it is very difficult for her to realize that being one of the chief architects of this war, that Cindy Sheehan lost someone that her policies were responsible for.

So I think not only should we encourage Secretary Rumsfeld to meet with them, we should insist on that. The Defense Department, the Pentagon, and the White House, they owe these families an audience. They owe them an audience.

And the gentleman from New York (Mr. RANGEL) asked the questions that would be very difficult, I think, for this administration to respond to if, in fact, Cindy Sheehan asked those questions. But I believe they have paid the supreme price and they deserve the Secretary of Defense and the Secretary of State and all of those who crafted this war, they deserve to meet with them to hear from them, and these parents need that audience and that is the minimal thing that we should insist on.

Mr. RANGEL. I tell you as a lawyer and someone that would advise somebody, I would not ask them to ask to see Secretary Rumsfeld.

Members have to remember this is the same person that told the whole country that he did not know whether we were winning or losing the war. Is that something to tell someone?

He said that it is a slog, whatever the heck that is. And he said something that he was so right in, that he really did not know whether we were creating more terrorists than we were killing. And we can answer him, and the world can, because we lack the sensitive sophistication to understand that a life is a life, whether it is an American, whether it is an Iraqi, in the tens of thousands and sometimes the hundreds of thousands.

I talked with Colin Powell about this and I asked him, How do you train a young patriotic soldier to go to a foreign country to kill terrorists that you do not know what they look like, what uniform they wear, what language they speak, and you can only react when you are being fired upon? Can you imagine how many terrorists we create when these cowardly people go to a school, go to a hospital, go to a mosque and fire at our troops? And those who have served would know, you have no option except to destroy where that fire is coming from. And if you destroy innocent people, we no longer call that human life. You know what we call it? Collateral damage.

Ms. WATERS. Well, Cindy Sheehan has already made the inquiry. She had made calls. She has written the letter and now she has asked the gentleman from California (Mr. GEORGE MILLER) to help her. He started to circulate a letter, which I signed, and I would like to encourage others, because we are not encouraging her to start this. She has already been doing it. And she is simply put out with the fact that she can get no response, no returned telephone calls, anything. And I think that we should give her some support.

In addition to that, I do think perhaps one of the things we should look at further is support for all the families who have questions, because what I am hearing is families are not being told how their children died. They get the message that it has happened, but when they start to ask for details and particulars they are not getting it. And as they put together these budgets, these budgets ask for whatever they think it is they need. And I think it is time to include in the budgets some assistance to the families, that they can at least be respected enough to be given the information, for somebody to sit down and talk with them and answer the questions, tell the truth. They may not get the truth. They may not get the questions answered in the way they want to, but I think we are going to have to try to work at forcing that to happen.

□ 2115

I am awfully sorry that our time has expired. I see two more Members just entered the room. The gentlewoman from California (Ms. WATSON) and the gentleman from New York (Mr. TOWNS) just entered the room and I know that they wanted to be part of this.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am honored to rise tonight with my distinguished colleagues in the newly formed Get Out of Iraq Caucus. We stand together in this hallowed place to advocate for the majority of Americans who believe that President Bush must get our men and women home from Iraq. It was the great politician and diplomat Adlai Stevenson who said: "Patriotism is not a short and frenzied outburst of emotion but the tranquil and steady dedication of a lifetime." I want to thank each and every American who believes strongly in this cause for making that dedication and speaking out about what you believe to be wrong for our great Nation.

I want start off by reading a very telling quote: "War should be the politics of last resort. And when we go to war, we should have a purpose that our people understand and support." This quote was made by none other than former Secretary of State Colin Powell, a senior member of the Bush Cabinet leading up to the war in Iraq. The truth is that this war was not a last resort, and it most certainly does not have the full support of the American people. The truth is that this Administration has continuously changed the truth about their motives for going to war. First they said it was about weapons of mass destruction, then when we found out the truth that there weren't any in Iraq, they said the war was now about Saddam, and today they tell us it's about establishing democracy in Iraq. The real truth is that this Administration has no real plan, they had no plan before going to war, they have no plan to get out of this war and most dangerous they have no plan to win this war. The truth is that our men and women of the Armed Forces are the ones caught in the middle, the ones who have to fight and risk their lives in a war that has not end in sight.

Earlier this week I offered an amendment to the Defense Appropriations bill which would have increased funding for training the Iraqi National Army by $500 million. This Amendment would have doubled the amount of money appropriated for training the Iraqi National Army within the Iraq Freedom Fund. However, Mr. Inslee's amendment to lift the $500 million cap on funds for training the Iraqi National Army was accepted into this Appropriation. Therefore, I will work with Chairman YOUNG and Ranking Member MURTHA to insure that additional funds are appropriated for training the Iraqi National Army. The Jackson-Lee and Inslee amendments reinforce the point that the best way to get U.S. troops out of Iraq is to train the Iraqi troops to take care of their own nation. Clearly, more money is needed to not only train these inexperienced troops to defeat the insurgency, but also to pay troops to enlist in this new army despite the obvious danger they face. At this time of increased danger for our troops, this Amendment reiterates the fact that we need to be transferring more responsibility upon the Iraqis to take care of their nation and develop a plan to remove our U.S. troops.

To this date at least 1,783 members of the U.S. military have died, 152 from the State of Texas alone, since the beginning of the Iraq war in March 2003. Since May 1, 2003, when President Bush declared that major combat operations in Iraq had ended, at least 1,585 U.S. military members have died. There have been at least 1,909 coalition deaths in Iraq, which means that more than 93 percent of the coalition deaths have come from the U.S. Armed Forces. This President told us that there would be an international coalition going in to fight the Iraq War, the truth is that it is our troops and our troops alone who are on those front lines suffering mass casualties and the burden of this war.

Just last month I wrote to President Bush respectfully requesting him to rescind and repeal the Defense Department rule that bars public viewing of the flag-draped coffins of fallen soldiers upon their arrival back to the United States in the spirit of patriotism, honor, and respect for the service that they have given. This overly restrictive rule contravenes the First, Ninth, and Tenth Amendments to the United States Constitution as well as the principles of due process and equal protection as it relates to the decedents, their families, and each American who wishes to honor one who has fought for his or her Nation. In addition, this rule violates the Freedom of Information Act by arbitrarily narrowing the scope of material that may be accessed under the law. While the stated objective of this policy is to protect the privacy of the decedents' families, its effect reaches unjustifiably broad and in a manner repugnant to the foundations of the democracy in which we live. The American public has been allowed to view and honor fallen soldiers of wars dating as recently as the Persian Gulf War in 1990–1991 under prior Administrations of both political parties. The current policy is clearly deceitful to the American people, who deserve to know the full truth about the War in Iraq.

When our American troops are the ones fighting abroad, it is our military families who must also suffer. They wait every day and night hoping to hear from the loved ones, praying that they are not put in harm's way, that they may come home soon. Too many families have not been so lucky, finding out the news of a loved one's death is not only emotionally traumatizing it can have long term effects for the family that may never be repaired. Such is the case with the family of Army Spc. Robert Oliver Unruh a 25-year-old soldier who was killed by enemy fire near Baghdad on September 25th of last year. Unruh was a combat engineer, who had been in Iraq less than a month when he was shot during an attack on his unit. Several days after learning of his death, his mother had gone to the hospital complaining of chest pains, Hamilton said. She was feeling better the next day but saw her son's body Saturday morning and collapsed that night in her kitchen. The poor woman literally died of a broken heart, her beloved son killed in action, the emotion of it all was just too much for her to take. There is also the story of the Danner family in Branson, Missouri who had to spend this last Father's Day sending their father off to War in Iraq. Col. Steve Danner will be heading to Fort Riley, Kan., on Monday to begin training before he begins a two-year tour in Iraq with the Army National Guard 35th Support Command. At 52, Danner isn't hesitating to fulfill his duty, but said it's going to be tough to leave his family. "I'm as ready as I'm going to be," Danner said. "My main regret is my youngest daughter is going to be a senior at Branson and I'll miss her softball games and probably her graduation next year. We have to recognize it's a reality. I've done this a lot of years. It's my turn again." Danner's wife, Katie, said she was "shocked" when she learned her husband would be headed to Iraq. "I knew there was always a possibility, but you would have thought, at his age, that the war wouldn't be at a point where they would need his talents," she said. The Danners have four children, Aryn Danner Richmond, 29, of Phoenix, Andrew, 20, Alex, 19, and Audrey, 17. Katie Danner said they understand why their father needs to leave, but "I don't think they really know what it will be like for Dad to be gone." It's a true shame that loyal soldiers like Col. Steve Danner have to be called up at the age of 52 because of this war and the current recruiting shortage. It's stories like that that make my heart ache and that strengthen my resolve to defend the rights and welfare of our American soldiers and their families.

We must all stand as champions for our men and women fighting abroad. These soldiers who bravely reported for duty, they are our sons and our daughters, they are our fathers and mothers, they are our husbands and wives, they are our fellow Americans and they deserve better than the predicament that this Administration has placed them in. Many of these soldiers are now themselves standing up and demanding answers about this war. One such brave individual is Sgt. Camilo Mejia, whose case I know that many tremendous anti-war organizations have championed. Camilo spent six months in combat in Iraq, and then returned for a 2-week furlough to the U.S. There he reflected on what he had seen, including the abuse of prisoners and the killing of civilians. He concluded that the war was illegal and immoral, and decided that he would not return. In March 2004 he turned himself in to the U.S. military and filed an application for conscientious objector status, for this he was sentenced to one year in prison for refusing to return to fight in Iraq. He has eloquently stated: "Behind these bars I sit a free man because I listened to a higher power, the voice of my conscience." He was finally released from prison on February 15th of this year. I applaud this young man for making a conscious decision not to fight in a war he does not believe in, it's a disgrace that this young man who truly is a conscientious objector was treated like a criminal.

Time and time again this Administration has said that there are no plans for a draft, that we have an all-volunteer Army, but all of us know the real truth that there is in effect a back door draft taking place. Individuals who have been out of the Armed Forces for years and many who were told that they had fulfilled their commitment are now being taken away from their families and put in this war. Under the Pentagon's "stop-loss" program, the Army can extend enlistments during war or national emergencies, about 7,000 active-duty soldiers have had their contracts extended under the policy, and it could affect up to 40,000 reserve soldiers depending on how long the war in Iraq lasts. The Army has defended the policy, saying the fine print on every military contract mentions the possibility that time of service may change under existing laws and regulations. Its just cowardly to hide behind fine print when it comes to peoples lives being at stake in this war, every day their tours are unjustly extended is another day they risk their lives. However, many of these individuals are now fighting back against this injustice, rightfully asking why they, who have already proudly served their Nation, must now be recalled for a war that has already claimed too many American lives. Fewer than two-thirds of the former soldiers being reactivated for duty in Iraq and elsewhere have reported on time, prompting the Army to threaten some with punishment for desertion. The former soldiers, part of what is known as the Individual Ready Reserve (IRR), are being recalled to fill shortages in skills needed for the conflicts in Iraq and Afghanistan.

The military families know the helplessness that many of their loved ones serving in Iraq feel because they are being given no voice in this war they are being told to fight. An article in the Christian Science Monitor article written in July 2003, almost two years ago when this war was still in its infancy, had a number of very telling quotes from U.S. soldiers in Iraq. One soldier said: "Most soldiers would empty their bank accounts just for a plane ticket home." Another soldier, an officer from the Army's 3rd Infantry Division said: "Make no mistake, the level of morale for most soldiers that I've seen has hit rock bottom." The open-ended deployments in Iraq and the constantly shifting time tables prompted one soldier to remark: "The way we have been treated and the continuous lies told to our families back home has devastated us all." In yet another Army unit, an officer described the mentality of troops: "They vent to anyone who will listen. They write letters, they cry, they yell. Many sometimes walk around looking visibly tired and depressed. . . . We feel like pawns in a game that we have no voice [in]." These quotes were taken almost two years ago, I can only imagine how these soldiers and others like them feel seeing that this war is still going on and with no real end in sight. These quotes individually are sad, but collectively they represent a pattern and unfortunately once again it is our men and women in the Armed Forces who are paying the price.

Even members of this Administration who orchestrated this war have their failures in this war. L. Paul Bremer, has said "horrid" looting was occurring when he arrived to head the U.S.-led Coalition Provisional Authority in Baghdad on May 6, 2003. "We paid a big price for not stopping it because it established an atmosphere of lawlessness," Bremer said. "We never had enough troops on the ground." Prior to those comments he had also stated last September that: "The single most important change . . . would have been having more troops in Iraq at the beginning and throughout." He said he "raised this issue a number of times with our government" but admitted that he "should have been even more insistent." Even Defense Secretary Rumsfeld, the architect in many ways for this war admitted U.S. intelligence was wrong in its conclusions that Iraq had weapons of mass destruction. "Why the intelligence proved wrong [on weapons of mass destruction], I'm not in a position to say," Rumsfeld said. "I simply don't know." When asked about any connection between Saddam and al Qaeda, Rumsfeld said, "To my knowledge, I have not seen any strong, hard evidence that links the two." With leadership such as this, how are our troops supposed to have any confidence in this Administration and their handling of this war??

This Administration is creating new veterans everyday by sending our soldiers to Iraq, meanwhile it has done nothing to help—the courageous veterans we already have here in our Nation. There are over 26,550,000 veterans in the United States. In the 18th Congressional district of Texas alone there are more than 38,000 veterans and they make up almost ten percent of this district's civilian population over the age of 18.

As soldiers return home from serving in Iraq and Afghanistan, perhaps the most disturbing trend is their inability to find jobs because of their veteran status. Take the story of Staff Sgt. Steven Cummings from Milan, Michigan. Cummings' wife took out two mortgages and the couple accumulated $15,000 in debt during his 14 months overseas, because his salary was less than he was making as a civilian electrical controls engineer. Looking back, those almost seem like the good times. In the year since he's been home, Cummings has been laid off from two jobs. While other reasons were given for the layoffs, Cummings thinks both were related to his duty in the Michigan National Guard and the time off it requires. Like some other veterans who have returned from Afghanistan and Iraq, he is struggling to find work. "I don't know what I'm going to do now. I'm in the exact position I was when I came back from Iraq," said Cummings, a father of two. "I'm 50 years old and I have a mortgage payment due. I'm tired of it." Cummings, a member of the 156th Signal Battalion who did telecommunications work in the Iraqi cities of Baghdad and Mosul, said he is surprised to find himself in this predicament. Cummings said he thought he was returning to Gentile Packaging Machinery Co., where he worked for 11 years in Bridgewater, Mich., but he was told he was laid off the first day he was back to work, he said. Cummings said he considered suing the owner, but freshly home from war, it just seemed overwhelming to do so because he felt "devastated, betrayed, worthless." A few months later through a veterans program he was able to get work at Superior Controls Inc., in Plymouth, Mich. But, he said he was laid off from that job on May 20. He said he was told the company was downsizing, but he believes it was because he complained about a company policy that said it could not promise to hire returning veterans from war. Some are changed by war, and find the civilian jobs they had before are no longer as meaningful. This has also been the case with Cpl. Vicki Angell, 32, who was assigned to the 324th Military Police Battalion out of Chambersburg, Pa. She gave up her job as a customer service supervisor at an equipment company to serve in Iraq, and it took her a year to find a job she was happy with as an editor at The Sheridan Press in Hanover, Pa. "You send out a lot of resumes. You try to do everything you can do, but it's really hard to account for the time you are in Iraq, and really to try to make that, the things you were doing in Iraq relevant to what an employer is looking for today," Angell said. Sgt. Benjamin Lewis, 36, who also lost a stepson to the War in Iraq, was a civilian chef who worked at a restaurant in Ann Arbor, Mich., that burned down while he was deployed in Iraq with the Michigan National Guard, said some employers directly told him they could not hire him because he could be deployed again and needed weekends and time off in the summer for drilling. Others, he said, asked if he struggled mentally because of his time at war. He got so desperate he considered returning to Iraq with a new unit. It is because of cases such as these and many others throughout our nation that I am a proud cosponsor of H.R. 1352, the Veterans Employment and Respect Act offered by my colleagues Representatives ALLYSON SCHWARTZ and JOE SCHWARZ. This vital legislation already has 161 Congressional cosponsors and would give companies up to $2,400 in tax credits for each veteran from the Afghanistan and Iraq wars that they hire. Unfortunately, we may be able to give companies incentive to hire recent war veterans but it seems we can not get this Administration to put the same effort in looking after our veterans in the first place.

As soldiers return home from serving in Iraq and Afghanistan the need for medical care, living assistance, and disability benefits are steadily increasing. This puts a strain on an already-overburdened Veterans Administration, which has not been adequately funded by the Bush Administration to meet these challenges. The fact is that more than 30,000 veterans are waiting six months or more for an appointment at VA hospitals, and there are more than 348,000 veterans on the waiting list for disability claim decisions. This President has long ignored pressing domestic concerns for a war that did not need to be fought and for which so many good American men and women have given their lives.

It was our second President John Adams who aptly said: "Great is the guilt of an unnecessary war." Unfortunately for our nation, our current President has not felt the weight of this guilt, for if he had our loved ones in the Armed Forces would be home now. This Administration told us that the international community would join us in Iraq; they said the world would be a better place because of this war and then they said major combat in Iraq was over. Today as we see our men and women every day giving their lives in Iraq, we know that this war has only caused a greater divide between our nation and the international community, this war has only increased hatred for our nation, it has not made us safer as promised, it has in fact put us in greater danger. President Abraham Lincoln speaking after the conclusion of the Civil War, gave a vision for our nation that I hope we can follow today, he said: "With malice toward none; with clarity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan-to do all which may achieve and cherish a just, and lasting peace, among ourselves and with all nations." Before I conclude I would like to take time to read some of the names of the soldiers from Houston who have given their lives in Iraq and honor them with a moment of silence.

Spc. Adolfo C. Carballo, 20, Houston, Texas Died: April 10, 2004, Baghdad, Iraq.

Pfc. Analaura Esparza Gutierrez, 21, Houston, Texas Died: October 1, 2003, Tikrit, Iraq.

Spc. John P. Johnson, 24, Houston, Texas Died: October 22, 2003, Baghdad, Iraq

Spc. Scott Q. Larson, 22, Houston, Texas Died: April 5, 2004, Baghdad, Iraq.

Sgt. Keelan L. Moss, 23, Houston, Texas Died: November 2, 2003, Al Fallujah, Iraq.

Pfc. Armando Soriano, 20, Houston, Texas Died: February 1, 2004, Haditha, Iraq.

Cpl. Tomas Sotelo Jr., 20, Houston, Texas Died: June 27, 2003, Baghdad, Iraq.

Staff Sgt. Brian T. Craig, 27, Houston, Texas, April 15, 2002, Afghanistan

Capt. Eric L. Allton, 34, Houston, Texas September 26, 2004, Ramadi, Iraq.

Capt. Andrew R. Houghton, 25, Houston, Texas August 9, 2004, Ad Dhuha, Iraq.

Lance Cpl. Thomas J. Zapp, 20, Houston, Texas November 8, 2004, Al Anbar Province, Iraq.

Cpl. Zachary A. Kolda, 23, Houston, Texas December 1, 2004, Al Anbar Province, Iraq.

Staff Sgt. Dexter S. Kimble, 30, Houston, Texas January 26, 2005, Ar Rutba, Iraq.

Pfc. Jesus A. Leon-Perez, 20, Houston, Texas January 24, 2005, Mohammed Sacran, Iraq.

(Moment of Silence.)

Ms. WATSON. Mr. Speaker, we have spent over $200 billion so far on the war in Iraq. According to the Congressional Budget Office, by 2010, our expenses might be as much as $600 billion.

The two hundred billion dollars we have spent so far would be enough money to provide health care for the 45 million Americans without health insurance.

That two hundred billion dollars would permit us to hire three and a half million elementary school teachers.

That two hundred billion dollars for the war in Iraq is going on America's credit card and that goes right to the deficit—a debt to be paid by our children and grandchildren.

All this might be worth it if we had something to show for it. I think two hundred billion dollars for peace and democracy is a bargain.

But we haven't gotten peace and democracy. That two hundred billion has bought us: over seventeen hundred dead Americans; an unknowable number of Iraqi civilian deaths; a dysfunctional country that cannot move its political process forward; a new haven and proving ground for anti-American extremism; a wellspring of mistrust from longtime friends and allies around the world; and a devastating erosion of American leadership and credibility.

So what are we still doing there? The President says we are pursuing our "ultimate goal of ending tyranny in our world." But the President has dragged onto a path that, at best, muddles that message.

We are building our nation's largest embassy in Iraq; even before it is complete, we have more than 1,000 embassy staff in Iraq. What is the average Iraqi on the streets of Fallujah—or average Jordanian on the streets of Amman—going to think when he sees that we are building the Largest American Embassy in the World in Baghdad?

I am sure the average Iraqi does not mourn the savage brutality of Saddam Hussein's regime. The question is whether he equates our never-ending American presence in Iraq with a new form of tyranny, rather than the freedom the President says he seeks to spread.

The underlying problem with our endless occupation of Iraq—a country that does not threaten the United States—is that it undermines our leadership on issues that DO threaten the United States. North Korean and Iranian nuclear weapons, global terrorism, emerging deadly international diseases—all these issues are imminent threats that we must confront. Our ability to convince other nations to join us in boldly confronting these threats has been hobbled both by our deceptive entry into Iraq and our lingering departure from it.

Mr. Speaker, our Iraq policy has become a festering wound that bleeds away more and more of America's wealth, America's security, America's leadership, and even America young men and women in uniform. I ask all my colleagues to join me in asking the President seek an exit from this venture at the earliest possible moment.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1282. An act to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes.

ELECTROMAGNETIC PULSE

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT. Mr. Speaker, what I want to spend a few moments talking about this evening is something that will be new to most Americans. They will not have heard about this subject. Indeed, nobody knew about this until 1962; that is, no one in this country knew about it.

There was an experiment over Johnston Island out in the Pacific Ocean that was called Operation Starfish. It was part of a series of nuclear tests that were called the Fishbowl Series. This was a unique one. The others had all been at ground level or some little distance above the ground. This one was an extra-atmospheric, a detonation above the atmosphere.

Nobody knew what was going to happen. It was the first time we had detonated a nuclear weapon in a test series above the atmosphere, and there were a number of ships and airplanes and radar, theater-like, that were tracking the missile that launched this nuclear bomb and noted its explosion. The explosion occurred about 400 kilometers above Johnston Island. That is well above the atmosphere.

Now, the Soviets have had very extensive experience with this kind of testing. This was our first and, indeed, our only experience with this. So our knowledge about this phenomenon comes from this single test, what we have learned from the Soviets and now the Russians and the number of simulations that we have done since that time.

There were no diagnostics to test the effects on Hawaii, which was about 800 miles away, because nobody expected there to be any effect there. Many of the instruments we were using for testing around Johnston Island were pegged; that is, they did not have enough capacity to register the effects that were produced by this extra-atmospheric explosion.

What happened in Hawaii may be open to some controversy, but there were some lights that went out. This was largely electrical. In those days it was not all of the electronics that we have today. A number of lights went out, and in the last couple of years, some of the evidence of what happened to that equipment was shown to a commission that I will talk about in a little bit that was set up in 2001 to investigate this phenomenon, and they submitted their report in 2004.

This phenomenon that we observed there that exceeded the capacity of the instruments at the test site, that went all the way, 800 miles away, to Hawaii, have been called electromagnetic pulse, EMP. We have learned since then that every extra-atmospheric explosion produces an EMP. You can develop a nuclear weapon, as we designed but as I understand never built and the Soviets both designed and have built, enhanced EMP weapons that limit the explosion but increased the electromagnetic effects.

What are the implications of EMP and why are we talking about it tonight? EMP could be probably the most asymmetric weapon that any adversary could use against us. By asymmetric, we mean a weapon that has a relatively small impact in terms of its local effect but could have an enormous impact on our military or our society because of its effect.

There are a number of asymmetric weapons. Terrorism is an asymmetric weapon. It does not cost them much money or take very big explosives, but it has a big effect on us. 9/11, of course, was a major asymmetric attack on us because those few people in those four airplanes have cost us billions and billions of dollars and totally changed our society. This is an example of an asymmetric attack.

Most Americans will not know about electromagnetic pulse and what it could do to our military, to our society, but I will guarantee my colleagues, Mr. Speaker, that all of our potential enemies know everything about EMP. In a little bit, I will show you some quotes from countries that could be our enemy that will indicate that they know all about EMP.

In 1999, I was sitting in a hotel room in Vienna, Austria. We were there near the end of the Kosovo conflict. There were eleven Members of Congress there, several staff members, three members of the Russian Duma and a personal representative, Slobodan Milosevic. We developed a framework agreement for ending the Kosovo conflict that was adopted 8 days later by the G–8.

One of the Russians who was there was a very senior Russian. His name is Vladimir Lukin. He was the ambassador to this country at the end of Bush I and the beginning of Clinton. At that time he was chair of their equivalent of our Committee on International Relations, a very senior and very respected Russian. He is a little short fellow with short arms and stocky build.

He sat in that hotel room in Vienna for 2 days with his arms folded across his chest, looking at the ceiling. He was very angry. He said at one point, You spit on us; now why should we help you?

What he meant by that was that the United States, the Clinton administration at that time, had indicated to the Russians that they really were not needed to help resolve this conflict, that we were big boys and we would handle this on our own. It soon became obvious to the Clinton administration that the only country in the world that had the real confidence of the Serbs was Russia, and they were added to the G–7 to make the G–8, which 5 days after we came back resolved the Kosovo conflict with the framework agreement that we had developed there.

The statement that Vladimir Lukin made was a startling statement. The chairman of our delegation was the gentleman from Pennsylvania (Mr. WELDON) who had been to Russia thirty-some times and he speaks some Russian and understands more. When Vladimir Lukin was speaking, he turned to me and said, Did you hear what he said? Yes, I heard what he said, but of course, I did not understand it; I just heard Russian words.

When it was translated, this was what he said, and by the way, he did not need a translator. Vladimir Lukin speaks very good English, but when you are talking with these folks, they frequently will speak in their native tongue so it has to be translated and then translated back to them when we speak so that gives them twice as long to formulate their answer. So if you do not know both languages, you are at somewhat of a disadvantage in dialoguing with them because they have twice as long to formulate an answer.

This was what surprised the gentleman from Pennsylvania (Mr. WELDON), and this is what he said: If we really wanted to hurt you, with no fear of retaliation, we would launch an SLBM. That's a submarine-launched ballistic missile. We would launch an SLBM. We would detonate a nuclear weapon high above your country, and we would shut down your power grid for 6 months or so.

Now, he made the observation that without fear of retaliation, because you would not know for certain where it came from, particularly today. Factor in the Cold War with only two superpowers, we absolutely would have known where it came from, but today, how would you know? There are many countries out there who can get a tramp steamer and a Scud launcher and a crude nuclear weapon and that is all it would take to produce an EMP attack because a Scud launcher goes about 180 miles apogee, and that is plenty high. It would not cover all of the United States, of course.

The third ranking Communist was there, a handsome, tall, blond fellow by the name of Alexander Shurbanov, and he smiled and said, if one weapon would not do it, we have some spares. I think at that time it was something like 7,000 spares that they had.

This was a very startling remark, and what it said was that the detonation of a single, large, appropriately designed nuclear weapon above our country could shut down our power grid and shut down our communications, he said, for 6 months or so. If that were true, and there is increasing evidence, as I will indicate, from the report that this commission gave us that it is true, that would mean that you would be in a world, Mr. Speaker, where the only person you could talk to was the person next to you unless you happened to have a vacuum tube handset, then you could talk because they are about a million times less susceptible to EMP than our current microelectronic systems, and the only way you could go anywhere was to walk.

Several years ago, we had a field hearing at Johns Hopkins University applied physics lab, and a Dr. Lowell Wood was there. I met Dr. Lowell Wood through Tom Clancy who lives on the eastern shore of Maryland and I know him. He has come to do several political events for me. I knew that he had done a book where EMP was a part of the scenario, and I knew he did very good research and he could tell me something about EMP. This was several years ago.

I called Tom Clancy and I asked him, and he said, gee, if you read my book you know all about EMP that I know, but he said let me refer you to the smartest man hired by the U.S. government. He referred me to a Dr. Lowell Wood from Lawrence Livermore Laboratory in California. We got his pager number. In those days it was pagers rather than cell phones that are so ubiquitous today, and I paged him, believing that he was in California. The pager signal went up to a satellite and back down, and he was in Washington, and within an hour, he was sitting in my office.

Dr. Lowell Wood at this field hearing out at the applied physics lab out in Howard County made the observation that an EMP lay down would be the equivalent of a giant continental time machine that would move us back a century in technology. What this would mean, of course, is that we would have no more capability for moving around, for communicating to each other, for plowing our fields, for moving our equipment and our food around than we had 100 years ago.

I said that, Dr. Wood, the population we have today, 285 million people and its distribution, largely in large cities and suburbia, could not be supported by the technology of a century ago. His unemotional response was, Yes, I know.

□ 2130

The population will shrink until it can be supported by the technology. The point I am trying to make is this could be a devastating asymmetric weapon. It may not be known to most Americans. I suspect not one in 100 have heard of nuclear electromagnetic pulse, but I can assure Members that all of our potential enemies know a great deal about EMP.

The first chart shows the effects of a single nuclear weapon. This one is detonated in the northwest corner of Iowa, and it blankets all of the United States.

The colors here indicate the intensity of the pulse you get from that. The purple as you can see from the scale is 50 percent. So what this says is whatever the intensity was at ground zero, and we are several hundred miles above that, but the intensity at that level which is the red here in the center, will be half that out at the margins of our country.

This little smile here and the distortion here is due to the magnetic field of the Earth that bends the electrons that I will describe in just a moment.

What is this electromagnetic pulse? It is produced from strong gamma rays from the nuclear explosion which produce electrons that move at the speed of light. They move now to everything within line of sight. If you are about 3 or 400 miles high over the center of the country, Iowa or Nebraska, that will blanket all of the United States.

If the voltage is high enough, it will disrupt or fry these microelectronics.

Mr. Speaker, if you want to work on the inside of your computer, you need to be very careful that the static electricity that you produce just by rubbing your clothes together will not damage it. You need to put a little wrist band on and ground yourself. At factories where most of these computers are made, and it is almost all women that I have seen there, this is one area where women do it better than men, and they are grounded to the floor. They have a metal anklet on, and they are grounded to the floor because static from just their movement could damage these very sensitive, very tiny microelectronics.

A little later I will show a chart that says the interview with some Russian generals have indicated that they have weapons that can produce 200 kilovolts per meter. They told us, and I cannot tell Members the exact voltage to which we have harkened, but I can say that the Russian generals told us they believe that this signal was several times higher than the voltage to which we had hardened. And even out at the periphery with 50 percent degradation, it was higher than we had hardened. By "hardening" I mean we have put some buffers in there that would intercept this pulse, like the surge protectors that we have for our computers which we have for lightning which will do no good for EMP because this pulse has such a rapid rise time measured in nanoseconds.

This pulse will be through the surge protector before the protector sees it. If you are 200 kilovolts at ground zero, it is 100 out at the periphery, and that is probably enough to weld, to fry all of our microelectronics, which is why Vladimir Lukin said they would detonate a nuclear weapon high above our country, shut down our power grid and our communications for 6 months or so.

From chart 2, I want to give some quotes from potential enemies to indicate that I am not letting the genie out of the bottle this evening. They know all about it. Not one in 50 Americans may know about EMP, but I want to assure Members our potential enemies know all about EMP.

This first quote is the quote that I heard myself sitting in that hotel room in Vienna, Austria when Vladimir Lukin said they could shut down our power grid and our communications. That was May 2, 1999. There were 10 other Congressmen there and several staff members.

Chinese military writings describe EMP as the key to victory and describe scenarios where EMP is used against U.S. aircraft carriers in a conflict over Taiwan. It is not like our potential enemies not only know about it. And they know that we know about it, so they feel free to put it in their public writings.

A survey of worldwide military and scientific literature sponsored by the EMP commission was set up, and they functioned for 2 years. They submitted a report and they are now continuously briefing additional entities, different organizations and people. They found widespread knowledge about EMP and its potential military utility, including in Taiwan, Israel, Egypt, India, Pakistan, Iran, and North Korea. Iran has tested launching a scud missile from a surface vessel, a launch mode that could support a national or transnational terrorist EMP attack against the United States.

By the way, we thought that launch was a failure because the device was detonated before it reached land. Now, that is exactly what you would do if you were rehearsing an EMP attack. By the way, there is no way that a nuclear weapon could do anywhere near as much damage against a sophisticated country like ours by dropping it on one of our cities as you could do to our country by detonating it at altitude. And you would not know it happened unless you were looking at it.

We are totally immune to EMP. It will not hurt us or damage buildings. All it does is to knock out all of our microelectronics, which means all of our computers. For instance, your car has several computers. Indeed, if you have a new car, they cannot even work on it in a shop without hooking it up to a computer to tell what is wrong with the vehicle. So an EMP with a high enough pulse would fry the computers in the car. They would not run. If you happen to have an old car with a coil and a distributor, that is probably going to work. That is probably less susceptible to EMP.

This chart shows additional quotes: "If the world's industrial countries fail to devise effective ways to defend themselves against dangerous electronic assaults, they will disintegrate within a few years. 150,000 computers belong to the U.S. Army. If the enemy forces succeed in infiltrating the information network of the U.S. Army, then the whole organization would collapse. The American soldiers could not find food to eat nor would they be able to fire a single shot." This is from Iranian Journal, December 1998.

"Terrorist information warfare includes using the technology directed energy weapons or electromagnetic pulse." This is from Iranian Journal of March 2000.

Terrorists have attempted to acquire non-nuclear radio frequency weapons. These are the weapons that would produce the directed energy effect. These produce a similar kind of pulse to EMP but does not have the broad spectrum. It only has part of the frequency involved. But if intense enough, if set up in this room, for instance, it could fry the computers in the cloak room which is not that far away. If it was set up in a van and went down Wall Street, if it were a really sophisticated device, it could take out all of the computers there, which would shut down our trading for quite a while if they were all taken down.

Some people might think that things similar to a Pearl Harbor incident are unlikely to take place during the Information Age. And this is a writing from China. Yet it could be regarded as a Pearl Harbor incident of the 21st century, if a surprise attack is conducted against the enemy's crucial information systems of command, control, and communication by such means as EMP weapons. Even a superpower, China says, like the United States, which possesses nuclear missiles and powerful armed forces, cannot guarantee its immunity. In their words, an open society like the United States is extremely vulnerable to electronic attacks. This is May 14, 1996 from a Chinese journal.

Iran has conducted tests with Shahab-3 missiles which have been described as failures. I mention that because they detonated it before it reached the ground. That is exactly what they would do if they were planning for an EMP attack. Iran Shahab-3 is a medium-range mobile missile that could be driven onto a freighter and transported to a point near the United States for an EMP attack.

By the way, an EMP laydown is always an early event in Chinese and Russian war games because it is the most asymmetric attack that they could lodge against our country.

Just a little bit of a time line here. Operation Starfish occurred in 1962. In 1995, there was a very interesting event that nearly started World War III. It has been written up in several books now. Most people never knew about it, but the Norwegians launched an atmospheric test rocket. They are fairly close to Russia, and they told the Russians that they were launching this rocket; but in the bureaucracy of Russia, that did not get communicated to the right people and when they launched it, it was interpreted as a first salvo from the United States. You do not have very long to respond if your enemy is about a half hour away in terms of these ballistic missiles. The Russians came very near to launching a major salvo of missiles with nuclear warheads on them against our country. This was a very narrow brush with destiny that tells us how important it is that we understand the potential of these weapons and how they could be misunderstood by an enemy.

In 1997, I sat in a hearing here on Capitol Hill and General Marsh was there. He was the general in charge of the President's Commission on Critical Infrastructure. He was looking at the critical infrastructure of our country and its vulnerability to enemy attack. I asked him if he had looked at EMP. He said, yes, he did. Well? Well, the commission thought there was not a high probability there would be an EMP attack, so they had not considered it any further.

My observation to that was, Gee, if you have not already, I am sure when you go home tonight you are going to cancel the fire insurance on your home because there is not a very high probability that your home will burn.

When you have an event like a potential fire in your home or an EMP attack, which is a very high-impact, but low-probability, event, that is just the kind of an event that you purchase insurance to protect you from. It is unlikely to happen; but if it happened, it would be so devastating you would need insurance to cover that.

Mr. Speaker, what we need is the equivalent in our country of the insurance policy that you bought on your home. We need to make an investment in the equivalent of an insurance policy so we will be able to anticipate if we can survive an EMP attack.

□ 2145

In 2001, we had some very interesting tests at Aberdeen with a directed energy weapon that was put together. This was really interesting, because we asked these engineers to put together the kind of a weapon that terrorists might put together if they were buying equipment only from Radio Shack. So they went to places like Radio Shack and they bought the equipment and they put it together in this van that could go down the street and it was kind of camouflaged so it was not sure what it was and this directed energy weapon had the ability to take out microelectronic equipment at considerable distance from it.

In 2001 because of my concerns about the potential for EMP, I had put in the authorization that year legislation that set up a commission to look at this eventuality. The next chart shows the commissioners that were on this. These are all very well known people. The first person that heads the list there is Dr. Johnny Foster who is the father of most of our modern nuclear weapons. He is the Edward Teller of today. Another one of our commission members, Dr. Lowell Wood that I have mentioned already, kind of inherited the mantle of Edward Teller. There were several other people. They had nine people altogether. Dr. Bill Graham who chaired it was the deputy chair of the emerging ballistic missile threat that was chaired by Donald Rumsfeld before he was the Secretary of Defense. Dr. Bill Graham has been the presidential science adviser. He has held a lot of very high posts. He is really very well known. Commissioner Richard Lawson was a USAF general, served on the Joint Chiefs of Staff and was Deputy Commander in Chief of the U.S.-European Command. The last member listed here, Dr. Joan Woodard, I had a very interesting experience with her. I did not remember the names of all the commission members and they had just been set up a little while and I went out to Albuquerque, New Mexico, to visit my son who works there in the laboratory. He brought home from the lab a little internal report that they were passing around that indicated to me that they might have some expertise at the lab there that would be useful in the work of the commission. And so I asked to have a briefing on it and, big surprise, Dr. Joan Woodard was one of the commissioners and she had been working for several months and had a number of her staff working with her and I had a 5-hour classified briefing on the potential effects of EMP not just on our military because they were spending most of their time on our national infrastructure. So we had this body of real experts that was working for 2 years. Ordinarily a commission works for 1 year. This one worked for 2 years and brought forth a big report. They are still writing, I think, the third volume of this report. They have now briefed the House, they have briefed the Senate, they are briefing a lot of key people. A lot more people are now knowing something about EMP and its potential effects.

What I want to do now in the next four charts, and we will look at this next one now, I want to quote directly from the EMP commission report. This is the EMP commission report that was Public Law 106-398, title 14. This was the law that set up this commission and all of this is from their report.

Over at the left of this chart, Mr. Speaker, you see the effects of an extra-atmospheric detonation above our country and the concentric circles there show the range that would be covered by detonations at different altitudes. You see you need to get up about 300 miles high, that is about 500 kilometers, before it covers all of the United States. These are direct quotes from the commission:

EMP is one of a small number of threats—indeed, I do not know any other threat—EMP is one of a small number of threats that may, one, hold at risk the continued existence of today's U.S. civil society. We need to put that in everyday kitchen language, Mr. Speaker. What they are saying is that this would end life as we know it in the United States. Let me read it again in their carefully couched language: Hold at risk the continued existence of today's U.S. civil society. If, Mr. Speaker, this EMP attack really did what Vladimir Lukin said it would do and that is to shut down our power grid and our communications for 6 months or so, if the only person you could talk to is the person next to you and the only way you could go anywhere was to walk, I think it is very obvious that that would end life as we know it in this country. Hold at risk, they say, the continued existence of today's U.S. civil society. Also, it has the power to disrupt our military forces and our ability to project military power. That is because, Mr. Speaker, for the last decade, more than the last decade, we have been waiving EMP hardening on almost all of our weapons systems. You see, when we had so little money to buy weapons, particularly during the Clinton years when they called it a build-down. I called it a teardown of the military, we could get a few more percent weapons systems that cost somewhere between 1 percent and 10 percent to harden, so you could get 1 percent to 10 percent more weapons systems if you did not harden, and so they just ran a calculated risk that we would not need the hardening. But, Mr. Speaker, the time when we are really going to need these weapons is when we are at war against a peer, and there will be a peer, a resurgent Russia or a China of the future and the first thing they are going to do, they say so in their writings, they say so in their war games, the first thing they are going to do is an EMP laydown which will then deny us the use of all of our military equipment which is not hardened. I am not sure why we are building it, we do not need it, to defeat countries like Iraq. We will really need it to defeat a peer and if it is not hardened, then it will not be available to us.

The number of U.S. adversaries capable of EMP attack is greater than during the Cold War. Yes, that is true. There was one then, the Soviet Union. Now there are a whole bunch. Let us try Iran if it gets a weapon, North Korea, India, Pakistan, a number of countries that are today our friends, England and France and Israel and the list goes on.

Quotes again from the commission, not my quotes. Potential adversaries are aware of the EMP's strategic attack option, obviously from what Vladimir Lukin said and you can glean that from their writings. The threat is not adequately addressed in U.S. national and homeland security programs, and that is a gross understatement. It is not only not adequately addressed, it is hardly addressed at all.

The second chart is again quotes from the EMP commission and we have redacted some names here. I am not sure the Russian generals would want the world to know who they were, but these are the two Russian generals that I mentioned. They claim that Russia has designed a super EMP nuclear weapon capable of generating 200 kilovolts per meter. I cannot tell you what we hardened to, but I can tell you that the Russian generals believe that this is several times the level to which we have hardened. Chinese, Russian, Pakistani scientists are working in North Korea and could enable that country to develop an EMP weapon in the near future. This is not my statement, Mr. Speaker. This is a direct quote from the EMP commission.

The next chart shows additional quotes from the EMP commission. States or terrorists may well calculate that using a nuclear weapon for EMP attack offers the greatest utility. Indeed, if they had a single weapon, taking out Los Angeles, San Francisco, New York, Philadelphia, Washington would have nowhere near the effect on our society as simply taking out all of our computers.

EMP offers a bigger bang for the buck against U.S. military forces in a regional conflict or a means of damaging the U.S. homeland. Again, these are not my words. These are quotes from the EMP commission.

This is a really interesting one. EMP may be less provocative of U.S. massive retaliation compared to a nuclear attack on a U.S. city that inflicts many prompt casualties. Even, Mr. Speaker, if we knew where it came from, if all they have done is take out our computers, are we justified in incinerating their grandmothers and their babies? Maybe we should respond in kind and take out all the computers in North Korea. I doubt that very few people in North Korea would care that we took out all their computers. This, Mr. Speaker, is really a very asymmetric attack because if we responded in kind, there are none of our enemies that are anywhere near as vulnerable as we are and some of them could hardly care less if we took out their computers and the few that the military has could easily be hardened if they were anticipating that they might need them hardened.

Strategically and politically, an EMP attack can threaten entire regional or national infrastructures that are vital to U.S. military strength and societal survival, challenge the integrity of allied regional coalitions, and pose an asymmetrical threat more dangerous to the high-tech West than to rogue states. Indeed, if we responded in kind, it would really be an asymmetric attack, because they would be little affected by taking out their computers since they little depend on their computers.

Technically and operationally, EMP attacks can compensate for deficiencies in missile accuracy, fusing, range, reentry. Suppose they are really lousy in the kind of missiles they have, their aim is very poor. If they missed the target by 100 miles, Mr. Speaker, it really does not matter. One hundred miles is as pretty much as good as a dead hit because 100 miles away really will not make that much difference in the very large areas that are covered by this EMP attack.

Terrorists could steal, purchase or be provided a nuclear weapon for an EMP attack against the United States simply by launching a primitive Scud missile off a freighter near our shores. We would have, Mr. Speaker, 3 or 4 minutes' notice. Scud missiles can be purchased on the world market today for less than $100,000. Al Qaeda is estimated to own about 80 freighters. So what they need is $100,000 to buy a Scud missile and a crude nuclear weapon that who knows where they might get that. Maybe some Russian scientist who has not been paid for 4 or 5 years.

Certain types of low-yield weapons can generate potentially catastrophic EMP effects. These are the enhanced EMP weapons that the Soviets, the Russians, have developed. Mr. Speaker, we have every reason to believe that these secrets are now held by China. There is no reason to entertain the thought that they do not have these secrets. And if China has them, who else has them? I think the safest thing to assume is that any potential enemy has them.

The last chart from the commission shows a very interesting little schematic on the right which shows the interrelationships of our very complex infrastructure. This was commented on a number of years ago by a scientist at Cal Tech who held a series of seminars called The Next 100 Years. He was theorizing, could we indeed recover from something, he did not know about EMP, so he was talking about a nuclear war, because he noted that we had developed a very interconnected, complicated infrastructure where one part depended on another part and we developed that from a base of high quality, readily available raw materials, oil that almost oozed out of the ground at Oil City, Pennsylvania, coal that was exposed by a heavy rain when the dirt was washed off, iron ore in the central part of our country that was such high quality that you could almost smelt it in a backyard smelter.

Indeed, there is one of those, you can drive up and see it just south of Thurmont on Route 15. It is called Catoctin Furnace and they denuded the hills up there to produce coke to make iron there. You see here a very interrelated infrastructure. The point they are making is that if one part of that comes down, suppose you do not have electric power, they have not drawn all the arrows they should have drawn because you are not going to have oil or gas, you are not going to have communications, you are not going to have water, you are not going to have banking or finance, you are not going to have government services, you are not going to have emergency services, you are not going to have transportation without electricity. So if you take down just that one thing, everything comes down. Of course, if you do not have any banking services, pretty soon everything will grind to a halt because they will not have the finances to keep the thing going.

One or a few high altitude nuclear detonations can produce EMPs simultaneously over wide geographic areas. Again, I am quoting from the commission. Unprecedented catastrophic failure of our electronics-dependent infrastructure could result. I think that you should almost put the verb in there, Mr. Speaker, would result. You may have noted in the paper just today, I think, or yesterday, there was an account that we almost had another big blackout, just almost tripped that big blackout and there is no catastrophic insult like an EMP laydown to cause that. Power, energy, transport, telecom and financial systems are particularly vulnerable and interdependent. We just talked about that, very vulnerable, lots of computers, very interdependent. One goes down and they all come down. EMP disruption of these sectors could cause large scale infrastructure failures for all aspects of the Nation's life.

□ 2200

Both civilian and military capabilities depend on these infrastructures. Without adequate protection, recovery could be prolonged months to years.

What would happen if that was prolonged months to years?

Increased dependence on advanced electronic systems results in the potential for an increased EMP vulnerability of our technologically advanced forces, making EMP probably the most attractive asymmetric weapon. EMP threatens the ability of the United States and Western nations to project influence and military power. We could be easily blackmailed by a country that has the ability to produce an EMP laydown if we are not prepared to protect ourselves from it.

Degradation of the infrastructures could have irreversible effects on the country's ability to support its population, and this one brief three-word sentence, "millions could die." That is what Dr. Lowell Wood said when I asked him how could the technology of a century ago support our present population and its distribution. And his unemotional answer was, "Yes, I know. The population will shrink until it can be supported by the technology." That shrink could easily, easily, Mr. Speaker, be in the millions or hundreds of millions of people.

There are two other charts that I want to show the Members, and this is what other people are saying. This is from an op-ed piece by Senator JOHN KYL, and I am delighted that Senator KYL is helping with spreading the word about this and the caution that we really need to be doing something. This was in The Washington Post, and he says: "Last week the Senate Judiciary Committee's Subcommittee on Terrorism, Technology and Homeland Security, which I chair," this was JOHN KYL, "held a hearing on a major threat to the United States not only from terrorists but from rogue nations like North Korea. An electromagnetic pulse, EMP, attack is one of only a few ways that America could be essentially defeated by our enemies, terrorists or otherwise. Few if any people would die right away, but the long-term loss of electricity would essentially bring our society to a halt. Few can conceive of the possibility that terrorists could bring American society to its knees by knocking out our power supply from several miles in the atmosphere, but this time we have been warned and we better be prepared." And this is his comment.

Another comment here, and this is from the Washington Times and just a couple of brief paragraphs here. This is from Major Franz Gayl: "The impact of EMP is asymmetric in relation to our adversaries. The less developed societies of North Korea, Iran, and other potential EMP attack perpetrators are less electronically dependent and less specialized while more capable of continued functionality in the absence of modern convenience."

That is an easy way to say they are not dependent upon computers like we are and we would suffer a whole lot more than them. And then in the next paragraph he pointed out that because of our enormous complexity, how technologically developed we are, that our great strength has become potentially our great weakness when we are talking about EMP.

Now, Mr. Speaker, I would like to close with some observations. Again, from the commission's report, the EMP threat is one of a few potentially catastrophic threats to the United States. By taking action, the EMP threat can be reduced to manageable levels.

I would like to say, Mr. Speaker, that the EMP Commission report is really a good-news story. One would not think it was good news pointing out how very vulnerable we are, but the good news is that we now know how vulnerable we are, and we know that this is fixable; and it is fixable for far, far less cost than the Iraq war. We just need, Mr. Speaker, to do it. It is not going to happen overnight. It is going to happen quicker in our military than in our private sector because we turn over our weapons programs quicker than we turn over our big transformers and our power grid and so forth. But we can little by little, year by year, fix our national infrastructure and fix our military so that we are not as vulnerable.

Mr. Speaker, being vulnerable like this, and I pointed out comments from the writings of a number of our potential enemies, it is not that they do not know this. Not one person in 50 in the United States will know it, but it is very obvious that all of our potential enemies know about this. Our very vulnerability invites that attack. Because we are so vulnerable, because it is so asymmetric, we invite that attack. Mr. Speaker, we need to do everything we can to lessen the probability of attack. And the longer we go unprotected from EMP, the more we invite this attack and the more vulnerable we are. U.S. strategy to address the EMP threat should balance prevention, preparation, protection, and recovery.

We have been talking primarily, Mr. Speaker, about prevention, about hardening, so that those pulses will not get through so that it will not fry the equipment and our infrastructure can keep working. There are a number of things we need to do in preparation.

One of the things we need to do is to have the equivalent of the old civil defense. In our homeland security we really are not looking at civil defense. Those who are my age and maybe a little younger but mostly my age can very well remember all those fallout shelters, and the young people may have noticed some of those rusting signs and wondered what they were because there were fall-out shelters almost everywhere a generation ago.

In the 1950s, IBM was lending their employees money interest-free to build backyard shelters. We were expecting the potential of a bolt out of the blue, that nuclear weapons would be rained down on us. And there were brochures put out by the government telling us how to build a fall-out shelter, what to put in the fall-out shelter, what we needed to buy. EMP is not going to be anywhere near as hard to protect ourselves against as a nuclear explosion and all that fall-out. But to the extent that each of us and our families and our communities are prepared for this, our country is going to be enormously stronger should this happen to us.

And, Mr. Speaker, whether one is preparing for an EMP attack or for a terrorist attack or anything that disrupts our usual economy, we have about 3 days' supply of food in any one of our big cities. If the trucks do not keep coming, the supermarket may be open 24 hours a day, but when we are in there, Mr. Speaker, we are going to see that as we are taking it off the shelf, they are stocking the shelves. This goes on continually because there are only about 3 days of food. What would happen if our trucks could not run? What would our cities do after those 3 days after the food was gone? It is very easy, Mr. Speaker, to stock far more than 3 days of food in one's house.

A number of years ago, there was a very well-known economist by the name of Howard Ruff. He had made some predictions about the stock market that made him kind of an icon in his day, and people would come to him for advice. And a very interesting story, when they came with their money and said, How should we invest our money Mr. Ruff, he would say, Do you have a year's supply of food for your family? They would say, No. He would say, If you do not have a year's supply of food for your family, you do not have any money to invest. The first thing you need to do is buy a year's supply of food for your family, and then come back and we will talk about how to invest the rest of your money because that is the best investment that you need to make.

They would come back, and he would say, You have a year's supply of food?

Yes, sir.

Well, he said, do you have a bag of silver?

A bag of silver is a bag of junk silver and one may do something else but they need the equivalent of this. That is junk silver. It is silver that has no numanistic value, and it is in bags that are sealed and they have a $1,000 face value. He said, Unless you have a bag of silver for each member of your family, you have not made the second most important investment you could make; so go buy that and come back and we will talk about what to do with the rest your money.

These are the kinds of things that Americans need to be thinking about. What can they do, Mr. Speaker, what can their family do, what can their church group do so that they are not going to be a liability on the society should there be a terrorist attack that shuts down these services or should there be a national EMP attack that shuts them down all over our country? We can do something, Mr. Speaker, to prepare ourselves so that we are going to have some sense that we can make it through so that we are not going to be a liability on the system.

Let me show the last chart here now in our conclusion. The fiscal year 2006 defense authorization bill contains a provision that extends the EMP Commission's life to ensure that their recommendations will be implemented. We want them watching to see what we are doing. We want them to tell us and to tell the public. We are a representative government here; and when our people call in and say, Are you doing this, are you doing that, my wife points out that if we do not represent our constituents, we will not represent our constituents. So if the people across our country demand that we be prepared, that we tell them how to be prepared themselves, then we will do this.

The terrorists are looking for vulnerabilities to attack, and our civilian infrastructure is particularly susceptible to this kind of an attack. Our very vulnerability invites this attack. Mr. Speaker, we obviously cannot do it yesterday. We certainty need to do it today and tomorrow to begin to protect ourselves against it.

The Department of Homeland Security needs to identify critical infrastructures. What are the first things, Mr. Speaker, that we need to turn our attention to? Where would a minimal investment pay the biggest dividends? And we need to have people studying this. The EMP Commission has made a lot of very good suggestions. If we simply followed those suggestions, we would be a long way to where we need to be. The Department of Homeland Security also needs to develop a plan to help citizens deal with such an attack should it occur, and then the little note that our citizens need to become as self-sufficient as possible.

Mr. Speaker, we have spent the better part of an hour talking about something that one might expect to see in a science fiction movie or in some magazine that is talking about the improbable. But what we are talking about here is a very possible, and I think probable, event. It is something that the American people have not been very much aware of. We hope that this awareness, as the EMP Commission continues its work, will be more widespread. We hope that the American people will respond by doing two things: one, demanding that their government, that their Representative make the right kinds of choices and appropriate the right kinds of moneys to start on the path to developing a military that is immune to EMP attacks and to, as quickly as possible, develop a national infrastructure that will not collapse like a house of cards with an EMP attack. And, also, I believe that our citizens will demand that we tell them what they can do.

There is an interesting phenomenon, Mr. Speaker. If in anticipation of a hurricane this fall, one goes to the grocery store now and stocks up on some things that they need, they are going to be a patriot because they are improving the economy. If they wait until the hurricane is on its way and then they go to the store to stock up on what they need, they are no longer a patriot. They are now a hoarder. So exactly the same act is really a very good act or a very bad act depending upon when they do it. If they buy it in long anticipation of the event, they are now a real patriot. They are providing some assurance that they will not be a liability and they are helping the economy. If they wait until the threat is at their door and they now buy it, now they are a hoarder and nobody wants a hoarder. So our homeland security needs to help us to know what we need to do so that we will be as self-sufficient as possible, an asset and not a liability.

Mr. Speaker, there is an old saying that to be forewarned is to be forearmed. I know that probably not even one in 50 Americans has ever heard of EMP, but I will assure the Members that all of our potential enemies know all about EMP. We see it in their writings. We see it in their war games. And what we need to do, Mr. Speaker, is to proceed as rapidly as we can to develop a military that is immune to EMP, to develop an infrastructure that as quickly as possible will be less and less damaged by EMP, and to provide each American citizen with the information they need so that they, their family, their social club, their church, as individuals, as families, as groups, can plan so that they will be as self-sufficient as possible in whatever emergency occurs.

And who knows what the terrorists might do to us. This is clearly the most devastating, the most asymmetric attack that could be made on our country; but there could be lesser ones that could for one's family, one's locality be just as devastating as an EMP attack.

Mr. Speaker, I know the American people will respond and know when our enemies see us responding that the risk of this kind of attack will be immensurably lessened because the less vulnerable we are, the less likely they are to attack.

☐ 2215

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the Special Order today by the distinguished gentlewoman from California (Ms. WATERS).

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEWIS of Georgia (at the request of Ms. PELOSI) for today and the balance of the week on account of illness in the family.

Mr. CARTER (at the request of Mr. DELAY) for today after noon and June 22 on account of official business.

Mr. CONAWAY (at the request of Mr. DELAY) for today after 2:30 p.m. and June 22 on account of attending the funeral of a fallen soldier who was killed in Iraq.

Mr. YOUNG of Florida (at the request of Mr. DELAY) for today on account of business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, June 28.

Mr. PAUL, for 5 minutes, today and June 22.

Ms. FOXX, for 5 minutes, June 23.

Mr. MCCAUL of Texas, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, June 22.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today and June 22.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1282. An act to amend the Communications Satellite Act of 1962 to strike the eprivatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes; to the Committee on Energy and Commerce.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on June 21, 2005 he presented to the President of the United States, for his approval, the following bill.

H.R. 483. To designate a United States courthouse in Brownsville, Texas, as the "Reynaldo G. Garza and Filemon B. Vela United States Courthouse".

ADJOURNMENT

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 22, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2428. A letter from the Assistant General Counsel (Banking & Finance), Department of the Treasury, transmitting the Department's final rule—Terrorism Risk Insurance Program: Additional Claims Issues; Insurer Affiliates (RIN: 1505–AB09) received June 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 1492. A bill to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes; with an amendment (Rept. 109–142). Referred to the Committee of the Whole House on the State of the Union.

Mr. REGULA: Committee on Appropriations. H.R. 3010. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–143). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 334. Resolution providing for consideration of the bill (H.R. 2985) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–144). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WAXMAN (for himself, Ms. PELOSI, Mr. SKELTON, Mr. HOYER, Mr. MENENDEZ, Mr. CLYBURN, Mr. SPRATT, Ms. HARMAN, Mr. LANTOS, Mr. MURTHA, Mr. CONYERS, Mr. DINGELL, Mr. OBEY, Mr. RANGEL, Ms. SLAUGHTER, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Ms. BALDWIN, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Mr. CARDOZA, Mr. CARNAHAN, Mr. CLAY, Mr. CLEAVER, Mr. COOPER, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DICKS, Mr. DOGGETT, Mr. DOYLE, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. GORDON, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KIND, Mr. KUCINICH, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MCNULTY, Mrs. MALONEY, Mr. MARKEY, Ms. MATSUI, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MOLLOHAN, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Kansas, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. REYES, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. SABO, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHERMAN, Mr. SMITH of Washington, Mr. SNYDER, Ms. SOLIS, Mr. STARK, Mr. STRICKLAND, Mr. STUPAK, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, Mr. WYNN, Ms. CARSON, and Mr. CASE):

H.R. 3003. A bill to establish an independent Commission to investigate detainee abuses; to the Committee on Armed Services.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. GREEN of Wisconsin, Mr. CHOCOLA, Mr. HAYES, Mr. REYNOLDS, Mr. PLATTS, Mr. WICKER, Mr. NORWOOD, Mr. GERLACH, Mr. UPTON, Mr.

EHLERS, Mr. SHERMAN, Mr. SHUSTER, Mrs. MYRICK, Mr. ETHERIDGE, Mr. MCHUGH, Mr. WALSH, Mr. GILLMOR, Mr. GOODLATTE, Mr. MURPHY, and Mr. DOYLE):

H.R. 3004. A bill to require the Secretary of the Treasury to analyze and report on the exchange rate policies of the People's Republic of China, and to require that additional tariffs be imposed on products of that country on the basis of the rate of manipulation by that country of the rate of exchange between the currency of that country and the United States dollar; to the Committee on Ways and Means.

By Mr. BRADY of Texas (for himself, Mr. LANTOS, Mr. BLUNT, and Mr. HOYER):

H.R. 3005. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with respect to research on pulmonary hypertension; to the Committee on Energy and Commerce.

By Mr. NADLER (for himself, Mr. MEEK of Florida, Mr. GUTIERREZ, Ms. BALDWIN, Mr. SMITH of Washington, Mrs. LOWEY, Mr. ANDREWS, Mr. BERMAN, Mr. MICHAUD, Mr. DELAHUNT, Mrs. NAPOLITANO, Mr. CROWLEY, Mr. ROTHMAN, Mr. ENGEL, Mr. HONDA, Mr. MORAN of Virginia, Mr. HOLT, Mr. INSLEE, Mr. SANDERS, Mr. TIERNEY, Mr. GEORGE MILLER of California, Ms. LEE, Mr. BROWN of Ohio, Ms. WOOLSEY, Ms. LINDA T. SÁNCHEZ of California, Mr. MCDERMOTT, Ms. HARMAN, Mr. SABO, Mr. FARR, Mr. KOLBE, Mr. FRANK of Massachusetts, Mr. ALLEN, Mr. SERRANO, Ms. CORRINE BROWN of Florida, Mr. MENENDEZ, Mr. PAYNE, Mr. LEWIS of Georgia, Mr. MCNULTY, Mr. KUCINICH, Mr. GONZALEZ, Mr. WAXMAN, Ms. SCHAKOWSKY, Ms. BERKLEY, Mr. CAPUANO, Mr. FILNER, Mr. PASTOR, Mrs. JONES of Ohio, Mr. RANGEL, Mr. WEINER, Mr. LANTOS, Mr. ABERCROMBIE, Ms. ESHOO, Mr. PALLONE, Mr. MOORE of Kansas, Mr. SIMMONS, Mr. STARK, Mrs. CAPPS, and Mr. SHERMAN):

H.R. 3006. A bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes; to the Committee on the Judiciary.

By Ms. HART:

H.R. 3007. A bill to combat terrorism financing, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLE of Oklahoma:

H.R. 3008. A bill to amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance payments to private for-profit agencies; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 3009. A bill to amend title 38, United States Code, to enable veterans to transfer from a State veterans home in one State to a State veterans home in another State, on a space-available basis, without a waiting period with respect to establishment of State residency; to the Committee on Veterans' Affairs.

By Mr. AKIN (for himself, Mr. ADERHOLT, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BISHOP of Utah, Mr. BLUNT, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. CANTOR, Mr. CHABOT, Mr. CRENSHAW, Mrs. JO ANN DAVIS of Virginia, Mr. FEENEY, Mr. FERGUSON, Mr. FORTENBERRY, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. GRAVES, Mr. HAYES, Mr. HENSARLING, Mr. HERGER, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. JEFFERSON, Mr. KENNEDY of Minnesota, Mr. MACK, Mr. MANZULLO, Mr. MCCAUL of Texas, Mr. MCHENRY, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. NORWOOD, Mr. OTTER, Mr. PAUL, Mr. PEARCE, Mr. PENCE, Mr. PITTS, Mr. RENZI, Mr. RYUN of Kansas, Mr. SESSIONS, Mr. SHADEGG, Mr. SHIMKUS, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. STEARNS, Mr. SULLIVAN, Mr. TIAHRT, Mr. WAMP, Mr. WELDON of Florida, Mr. WHITFIELD, Mr. WICKER, Mr. WILSON of South Carolina, and Mr. SODREL):

H.R. 3011. A bill to establish certain requirements relating to the provision of services to minors by family planning projects under title X of the Public Health Service Act; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 3012. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income health care subsidy payments made to employers by local governments on behalf of volunteer firefighters; to the Committee on Ways and Means.

By Mr. DEFAZIO:

H.R. 3013. A bill to provide for the disposal of certain Forest Service administrative sites in the State of Oregon, and for other purposes; to the Committee on Resources.

By Mr. HASTINGS of Washington:

H.R. 3014. A bill to amend the Act of August 9, 1955, regarding leasing of the Moses Allotments; to the Committee on Resources.

By Mr. LAHOOD:

H.R. 3015. A bill to suspend temporarily the duty on 2 benzylthio-3-ethyl sulfonyl pyridine; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3016. A bill to extend the temporary suspension of duty on carbamic acid; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself and Mr. HINCHEY):

H.R. 3017. A bill to provide certain requirements for the licensing of commercial nuclear facilities; to the Committee on Energy and Commerce.

By Ms. MOORE of Wisconsin (for herself, Ms. BALDWIN, Mr. KIND, Mr. HOLDEN, Mr. DAVIS of Illinois, Mr. SABO, Mr. HONDA, and Mr. MCDERMOTT):

H.R. 3018. A bill to amend the Hmong Veterans' Naturalization Act of 2000 to eliminate the application deadlines; to the Committee on the Judiciary.

By Mr. RAMSTAD (for himself, Mrs. JOHNSON of Connecticut, Mr. RANGEL, Mr. ENGLISH of Pennsylvania, Mr. HAYWORTH, Mr. REYNOLDS, Mr. HULSHOF, Mr. POMEROY, Mrs. JONES of Ohio, and Mr. MCNULTY):

H.R. 3019. A bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies; to the Committee on Ways and Means.

By Mr. BISHOP of New York (for himself and Mr. KING of New York):

H. Res. 335. A resolution supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families; to the Committee on Energy and Commerce.

By Mr. STUPAK (for himself, Mr. BRADY of Texas, Mr. MCNULTY, Mr. SCHIFF, and Mr. ENGEL):

H. Res. 336. A resolution requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in "National Night Out", which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. PICKERING and Mr. CANNON.
H.R. 47: Mr. JINDAL and Mr. PICKERING.
H.R. 69: Mr. PICKERING.
H.R. 111: Mr. STUPAK and Mr. DELAHUNT.
H.R. 147: Mr. KIRK.
H.R. 156: Mr. TOWNS, Mr. UDALL of New Mexico, and Mr. SHERMAN.
H.R. 478: Mr. PASCRELL.
H.R. 557: Mr. CANNON.
H.R. 558: Mr. PICKERING.
H.R. 565: Mr. ISRAEL.
H.R. 594: Mrs. CHRISTENSEN.
H.R. 595: Mr. SCOTT of Georgia.
H.R. 687: Mr. MURPHY.
H.R. 689: Mr. PICKERING.
H.R. 698: Mr. SULLIVAN.
H.R. 709: Ms. JACKSON-LEE of Texas.
H.R. 759: Mr. LYNCH.
H.R. 818: Ms. CORRINE BROWN of Florida and Mr. HONDA.
H.R. 819: Mr. BRADY of Texas.
H.R. 822: Mr. OSBORNE, Mr. SNYDER, Mr. MCGOVERN, and Ms. DEGETTE.
H.R. 831: Mr. MCGOVERN and Mr. GUTIERREZ.
H.R. 874: Mr. MCHENRY.
H.R. 881: Mr. NEAL of Massachusetts.
H.R. 897: Mr. KILDEE.
H.R. 920: Mr. SHUSTER.
H.R. 934: Mr. DENT.
H.R. 998: Mr. BOEHLERT.
H.R. 999: Mr. BISHOP of Georgia.
H.R. 1010: Mr. LINDER.
H.R. 1059: Ms. ESHOO.
H.R. 1105: Mr. LOBIONDO.
H.R. 1120: Mr. UDALL of New Mexico.
H.R. 1132: Mr. BROWN of Ohio, Mr. EMANUEL, Ms. ESHOO, Mr. BILIRAKIS, and Mr. ENGEL.
H.R. 1175: Mr. HOLT.
H.R. 1188: Mr. SALAZAR, Ms. HARRIS, Mr. UDALL of New Mexico, and Mr. MILLER of Florida.
H.R. 1245: Ms. DEGETTE, Mr. WALDEN of Oregon, and Ms. MATSUI.
H.R. 1246: Mr. JOHNSON of Illinois, Mr. UDALL of Colorado, Mr. CARNAHAN, Mr. BEAUPREZ, and Mrs. CHRISTENSEN.
H.R. 1248: Mr. MCCAUL of Texas.
H.R. 1272: Mr. EMANUEL.
H.R. 1298: Mr. RANGEL, Mr. THOMPSON of California, and Mr. RAMSTAD.

H.R. 1337: Mr. McCotter and Mr. Gillmor.

H.R. 1345: Mr. Hulshof.

H.R. 1370: Mr. Young of Alaska and Mr. Sessions.

H.R. 1402: Mr. McNulty.

H.R. 1449: Mr. McCaul of Texas.

H.R. 1461: Mr. McCotter and Mr. Aderholt.

H.R. 1468: Mr. Lewis of Georgia and Mr. McDermott.

H.R. 1474: Mr. Cleaver and Ms. Lee.

H.R. 1520: Mr. Terry.

H.R. 1587: Mr. Ryun of Kansas.

H.R. 1588: Mrs. McCarthy and Mr. Paul.

H.R. 1591: Mr. Gutierrez and Mr. Shays.

H.R. 1600: Mr. Whitfield.

H.R. 1602: Mr. Poe and Mr. Schwarz of Michigan.

H.R. 1607: Mr. Foley, Mr. Souder, and Mr. McCotter.

H.R. 1615: Mr. Van Hollen, Mr. Owens, Mr. Gonzalez, Mr. Lynch, Mr. Sherman, Ms. Norton, Mr. Grijalva, and Mr. McCotter:

H.R. 1634: Mr. Moran of Kansas and Mrs. Davis of California.

H.R. 1649: Mrs. Christensen.

H.R. 1696: Mr. Fossella and Mr. Doggett.

H.R. 1791: Mr. Meek of Florida.

H.R. 1816: Mr. Culberson, Mr. Hensarling, Mr. Pence, and Mr. Westmoreland.

H.R. 1898: Mr. Kline, Mr. Keller, and Mr. Marchant.

H.R. 1952: Mr. Fitzpatrick of Pennsylvania and Mr. Price of Georgia.

H.R. 1973: Mr. Smith of Washington and Mr. Owens.

H.R. 2051: Mr. Wilson of South Carolina.

H.R. 2071: Mr. Wexler and Mr. Brady of Pennsylvania.

H.R. 2193: Mr. Fossella.

H.R. 2209: Mr. Kuhl of New York.

H.R. 2238: Mr. Terry, Mr. Inslee, and Mr. Stark.

H.R. 2308: Ms. Jackson-Lee of Texas.

H.R. 2327: Ms. Waters, Mr. Salazar, and Mr. Crowley.

H.R. 2389: Mr. Deal of Georgia.

H.R. 2423: Mr. Holden and Mr. Walsh.

H.R. 2456: Mr. Conyers, Mr. Owens, Mr. McDermott, Mr. Grijalva, Ms. Woolsey, Mr. Crowley, Mr. Cummings, and Mr. Serrano.

H.R. 2498: Mr. Shimkus, Mr. Kuhl of New York, and Mr. Leach.

H.R. 2533: Mr. Ortiz, Mr. Moore of Kansas, and Ms. Baldwin.

H.R. 2617: Mr. Doyle, Mr. Hinchey, Ms. Watson, Mr. Jackson of Illinois, Mr. Udall of New Mexico, Mr. Waxman, Mr. Capuano, and Mr. Evans.

H.R. 2640: Mr. Gene Green of Texas, Mrs. Christensen, Mr. Ruppersberger, Mr. Grijalva, and Mr. Wynn.

H.R. 2680: Mr. Kildee, Mr. Skelton, and Mr. McDermott.

H.R. 2682: Mr. Ford.

H.R. 2730: Mr. Meek of Florida.

H.R. 2746: Mr. Davis of Illinois.

H.R. 2747: Ms. Harris.

H.R. 2793: Mrs. Jo Ann Davis of Virginia, Mr. Kline, and Mr. Price of North Carolina.

H.R. 2794: Mr. Rogers of Kentucky and Ms. Pryce of Ohio.

H.R. 2802: Mr. Davis of Illinois and Mrs. Christensen.

H.R. 2804: Mr. Gilchrest.

H.R. 2828: Ms. Berkley.

H.R. 2834: Mr. Gonzalez, Mrs. Jones of Ohio, and Mr. Case.

H.R. 2872: Mr. Leach, Mr. Kingston, Mr. Etheridge, Mr. Cummings, Mr. Kuhl of New York, Mr. Van Hollen, Mr. Boswell, Mr. McDermott, Ms. Lee, Mr. Spratt, Mr. Ruppersberger, Mr. Grijalva, Mr. Jefferson, Mr. Kucinich, Mr. Kennedy of Minnesota, Mrs. Christensen, and Mrs. Jones of Ohio.

H.R. 2876: Mr. Larson of Connecticut, Mr. Costa, Mrs. Wilson of New Mexico, Mrs. McCarthy, and Mr. Sessions.

H.R. 2877: Mr. Cooper and Mr. McNulty.

H.R. 2891: Mr. Owens, Mr. Udall of Colorado, and Mrs. Jones of Ohio.

H.R. 2959: Mr. Gutierrez, Ms. Corrine Brown of Florida, Mr. Strickland, Mr. Udall of New Mexico, and Mr. Reyes.

H.J. Res. 43: Mr. Goode.

H.J. Res. 53: Mr. Beauprez, Mr. Schwarz of Michigan, Mr. Kline, Mr. Wilson of South Carolina, and Mr. Deal of Georgia.

H.J. Res. 55: Mr. Farr, Ms. Moore of Wisconsin, Mr. Neal of Massachusetts, and Mr. Leach.

H. Con. Res. 69: Mr. McCotter.

H. Con. Res. 128: Mr. Rohrabacher and Mr. Berman.

H. Con. Res. 145: Mr. Manzullo.

H. Con. Res. 178: Mr. Goode, Mr. Coble, Mr. King of New York, Mr. Whitfield, Ms. Jackson-Lee of Texas, Mr. Wolf, and Mr. Castle.

H. Con. Res. 181: Mr. Terry.

H. Res. 17: Mr. Tom Davis of Virginia, Mr. Frelinghuysen, and Mr. Bass.

H. Res. 299: Mr. Michaud.

H. Res. 312: Mr. Kuhl of New York, Mr. Neugebauer, Mr. Skelton, and Mr. Udall of Colorado.

H. Res. 313: Mr. Davis of Illinois.

H. Res. 317: Mr. Kind.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3010

Offered By: Mr. DeFazio

Amendment No. 1: At the end of the bill (before the short title), insert the following:

Sec. _____. None of the funds made available in this Act may be used to carry out section 1860D–1(b)(4) of the Social Security Act.

EXTENSIONS OF REMARKS

HUMAN RIGHTS WATCH'S REPORT ON THE MUJAHEDIN E-KHALQ

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. TANCREDO. Mr. Speaker, I would like to bring to Congress's attention the following letter from COL David Phillips "Griffin-6" of the 89th Military Police Brigade, sent on May 27, 2005, to Mr. Kenneth Roth, Executive Director of Human Rights Watch, regarding Human Rights Watch's recent report on human rights abuses within the Mujahedin e-Khalq (MEK).

"I am the commander of the 89th Military Police Brigade and in that role was responsible for the safety and security of Camp Ashraf from January-December 2004. Over the year long period I was apprized of numerous reports of torture, concealed weapons and people being held against their will by the leadership of the Mujahedin e-Khalq. I directed my subordinate units to investigate each allegation. In many cases I personally led inspection teams on unannounced visits to the MeK/PMOI facilities where the alleged abuses were reported to occur. At no time over the 12 month period did we ever discover any credible evidence supporting the allegations raised in your recent report. I would not have tolerated the abuses outlined in your report, nor would I have sanctioned any acts on the part of the MeK/PMOI to hold people against their will. Each report of torture, kidnapping and psychological depravation turned out to be unsubstantiated. The MeK/PMOI in fact notified us on a routine basis of people who desired to leave the organization and then transported them to our gate. At your request, I can explain in detail specific allegations and the subsequent investigation by my units. To my knowledge, as the senior officer responsible for safeguarding and securing Camp Ashraf throughout 2004, there was never a single substantiated incident as outlined in your report.

I am very familiar with the leadership of the MeK/PMOI and personally know many of the 3000+ protected people. I've visited male and female units on a routine basis. Sometimes these visits were announced, but most frequently they were unannounced inspections. My subordinate units would randomly select billets, headquarters, warehouses and bunkers for no-notice inspections. Not one time did they discover any improper conduct on the part of the MeK/PMOI. Also, the MeK/PMOI never denied entry to any of their facilities.

I believe that your recent report was based on unsubstantiated information from individuals without firsthand knowledge or for reasons of person gain. I personally spent a year of my life in Iraq with the responsibility for Camp Ashraf. I have very extensive first hand knowledge of the MeK/PMOI and the operations at Camp Ashraf. My comments are based on a full year of on location experience. I look back with satisfaction knowing that my unit did an exemplary job and maintained the safety and security of not only the coalition forces at Ashraf, but also the 3000+ protected people.

I have spoken to large groups of MeK/PMOI members and have also had one on one private conversations with individual members. At no time did any member, ranging from young male and females to the very senior leadership, ever report any of the type conduct outlined in your recent report.

Iraq was very dangerous throughout 2004. In my opinion, Camp Ashraf was the safest place within my area of responsibility. There was not one incident or combat injury to my forces at Camp Ashraf. I personally felt safe even when surrounded in a room by hundreds of Mujahedin. We always had open dialog and debated difficult subjects. I was exceptionally impressed with the dedication of the female units. These units were professional and displayed strong support for freedom, democracy and equality for women. The dedication of these female members was inspirational. In the entire year only four female members asked to depart the MeK/PMOI. In one case a young woman requested to leave the MeK/PMOI, but first wanted to complete her responsibility as a singer in one of the holiday festivities. One of my subordinate commanders encouraged her to depart immediately as opposed to returning to her unit. She emphasized that she wanted to participate as a singer in the festival and would then depart from the organization in order to return home to her mother. Several days after the festival we were notified by the MeK/PMOI that the young woman was ready to leave and we picked her up at a hotel type facility. The other three females also voluntarily departed the MeK/PMOI. I never discovered a single incident where a female or male was held in the organization against their will. I observed a total freedom of choice on the part of the members to either remain or depart from the MeK/PMOI.

As I previously mentioned, I was very impressed specifically by the all female units. I would like my own daughters to someday visit these units for the cultural exchange. Were it not for the ongoing insurgency throughout Iraq, I would sanction my daughter to travel to Camp Ashraf and meet these very dedicated and professional female members of the Mujahedin e-Khalq.

Thank you for taking the time to read my comments as your report was a direct affront to the professionalism of my units. We maintained the safety and security of Camp Ashraf and can look back in years to come knowing that we made a difference.

Respectfully,

COL. DAVID PHILLIPS,

"Griffin-6", 89th Military Police Brigade."

CONGRESSIONAL TRIBUTE: RETIREMENT OF PAUL BLEWETT

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to Mr. Paul Blewett, a public school teacher who has served the young people of the Bark River Harris School District in Michigan's Upper Peninsula for the past 42½ years and has made a significant contribution to his professional organization.

Paul Blewett was born in Ishpeming, Michigan on January 21, 1940 to the late Fred and Evelyn Blewett. He graduated from Ishpeming High School in 1958 and received his BA and Masters Degree from Northern Michigan University in Marquette, Michigan. After being awarded his Professional Teaching Certificate in 1963, he entered the challenging and rewarding field of teaching in the Bark River Harris Public School System in Bark River in Michigan's Upper Peninsula.

Mr. Blewett's first position at Bark River Harris Schools began a very long and successful career and a true commitment to his community. Mr. Blewett taught Algebra I and II, General Math, Geometry, and Advance Mathematics for over 42 years to students in the Bark River Harris High School along with being the driver education instructor for 40 of those years. Paul made a commitment to his students in the classroom and to their activities outside of the regular classroom. They respected him as a teacher and appreciated the guidance and counseling that he provided.

Aside from his full time teaching responsibilities, Mr. Blewett also made a major commitment to his professional organization and contributed to the development and the building of the Michigan Education Association as one of the leading professional education organizations in the nation. Mr. Blewett was recognized by his colleagues for his talent, hard work and willingness to participate because they elected him to serve as the local Education Association President, Negotiator, Regional Council President, President and Treasurer of the Upper Peninsula Education Association, a member of the Board of Directors for the Michigan Education Association for thirteen years, a delegate to National Education Association Representative Assembly and a delegate to the State Representative Assembly for 30 years. He was also involved in the Political Action Committee of the Michigan Education Association. While doing all of this, Mr. Blewett held many other roles within his professional educational organization.

With so much time contributed to his teaching, community and professional development, Mr. Blewett extended family was his students and colleagues until he met a lovely nurse from Wisconsin. In April of 2003 he married Vera and gained a wonderful stepson, Lyndon. Mr. Blewett made time to pursue his love for photography. As a special project, he made a photographic record of many events in school to capture current student life with the intent of preserving history. In addition to exploring his craft through creative means, his natural talent made him in-demand for weddings and social events.

Mr. Speaker, it is time to say "Thank You" and recognize this teacher for his dedication

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to his students and his professional involvement with the Michigan Education Association at all levels of responsibilities. Paul's involvement in public education and his professional organization made a difference in the delivery and development of public education for the Upper Peninsula and the State of Michigan. We thank Paul for his commitment, his friendship and we wish him and his wife Vera the best in retirement.

CONGRATULATING MAYOR FRANK PAGANO UPON BEING NAMED PRESIDENT OF THE NEW YORK CONFERENCE OF MAYORS

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to recognize Village of Fredonia Mayor Frank Pagano, a colleague and a friend, whose leadership has recently earned him the position of President of the New York State Conference of Mayors (NYCOM).

At NYCOM's recent annual meeting in Saratoga, New York Attorney General Eliot Spitzer administered the oath of office as Mayor Pagano was sworn in to lead the Conference of Mayors.

Founded in 1910, NYCOM's mission is to collaborate and advocate on behalf of the municipalities across New York State. Originally composed of 42 mayors, the group's membership has grown to include 570 small cities and villages.

Mr. Speaker, for years Mayor Pagano has been delivering outstanding public service to the residents of Fredonia and all of Chautauqua County. The Mayors and residents of New York State will be well served by having Mayor Pagano as an aggressive activist and leader in the New York Conference of Mayors. It is an honor to recognize him here today and it will be a privilege to work with him to fight for the best interests of cities and villages in New York State.

IN HONOR OF DR. JOSE PROTACIO RIZAL AND THE ORDER OF THE KNIGHTS OF RIZAL, CLEVELAND CHAPTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Dr. Jose Protacio Rizal and the Order of the Knights of Rizal, Cleveland Chapter. The accomplished life and works of Dr. Rizal remains a great source of inspiration for the people of the beautiful island of the Philippines. His heroic and poignant writings and efforts continue to inspire and energize the people of the Philippines, and Filipino Americans as well.

During the 1800's Filipinos began expressing their anger and frustration over colonial rule. Intellectuals,' poets, artists and writers became the spiritual leaders in the Filipino quest for freedom and independence from Spain. It was the vital works by an unknown, young doctor from Lugana Province, Jose Rizal, which set fire to the independence movement. Dr. Rizal's explosive first novel, "Noli Me Tanere," (Touch Me Not), shattered the facade of colonial rule and shed light on the destructive limitations forced upon the Filipino people. The novel, though immediately banned by the Spanish rulers, was disseminated underground with other highly charged passages by Dr. Rizal and others.

In Manila, 1892, Rizal founded the independence movement, Luga Filipina. By 1898, an armed struggle for independence had begun, and government officials accused Dr. Rizal of leading the charge. Following the circus-like spectacle of an unjust trial, Rizal was found guilty. On the evening of December 30, 1896, Dr. Rizal was executed by firing squad in what is now known in Manila as Rizal Park. The night before his scheduled execution, he wrote 'Mi Ultimo Adios,' a heartrending and poignant poem as a last offering to the country and people he so loved.

Mr. Speaker and Colleagues, please join me in honor and celebration of the influential life of Dr. Jose Protacio Rizal. Dr. Rizal rose from the quiet life of a village doctor to become a beloved and courageous national hero of the Philippines—a man whose words blazed a trail of freedom throughout the Philippines. I also want to honor and recognize the leaders and members of the Order of the Knights of Rizal, Cleveland Chapter, for keeping the significant spirit of Dr. Jose Rizal alive for each new generation to know and understand. The life of Dr. Jose Rizal reflects an innate quest for freedom for all people, and highlights the ideology that despite the seemingly endless struggle, justice and liberty will rise.

AN AFRO-CARIBBEAN VIEW OF INTERNATIONAL RELATIONS FROM THE JAMAICAN PRIME MINISTER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. RANGEL. Mr. Speaker, I rise today to bring to the attention of my colleagues the advice of a wise individual in international relations and a champion of the issues of Afro-descendant groups across the world—the Prime Minister of Jamaica, Mr. P.J. Patterson. He is the leader of the Jamaican People's National Party and the longest-serving Prime Minister in Jamaican history.

Prime Minister Patterson is an individual with a unique history that speaks directly to many of the problems of the developed and developing worlds. As a proud Jamaican, he knows the struggles of individuals of African descent and is pioneering ways of overcoming those challenges. Campaigning on a platform that stressed recognition of minority rights and government responsibility, Prime Minister Patterson has built a coalition of national support that has popular appeal and speaks to the hearts and minds of the Jamaican people.

Throughout his life, he has seen the challenges of poor families and individuals in rising above their economic position and achieving prosperity. He thus has used his positions in government to champion actions to the benefit of the poor. Jamaica, like much of the Caribbean and Latin America, has struggled to overcome the effects of a global hegemony and the scourge of slavery on its people. It has seen the fights of the poor, the uneducated, and the disenfranchised for an equal chance in society. Prime Minister Patterson has worked to address the harmful and devastating effects of poverty, HIV/AIDS, and globalization on the tiny, but proud, island-nation of Jamaica.

Under the leadership of people like Prime Minister Patterson, Jamaica has stood as a principled defender of justice and equality for all individuals. He is currently the chair of Group of 77 and leads its efforts to expand debt relief for poor nations. He is profoundly concerned with creating a fair system of international governance for all countries. His actions in government and behavior in life demonstrate this commitment and concern.

Mr. Patterson is an important voice on global affairs and the importance of a global commitment to justice. His advice is often wise and insightful and it is important that this Congress hear the advice of this noble gentleman on the challenges of Afro-descendant populations in the Caribbean.

I therefore submit for the RECORD a Carib News op-ed written by the Prime Minister of Jamaica, P.J. Patterson on his views of the connection between slavery and globalization and the exploitation of the Afro-descendant populations.

FROM THE FIGHT AGAINST SLAVERY, RACISM AND COLONIALISM TO HIV/AIDS SCOURGE AND ADVERSE EFFECTS OF GLOBALIZATION

JUNE 21, 2005.—For almost 500 years, the Atlantic slave trade forcibly removed over 100 million Africans to destinations in the Americas.

This mass relocation has wreaked permanent and enormous damage to our ancestors and their descendants on every continent bordering the Atlantic. It led to the depopulation and stifling of African creativity and production, and was the genesis of a dependency relationship with Europe.

The resulting negative perception of persons of African ancestry is one we are still struggling to overcome. Undeniably, the slave trade was the first step toward modern Africa's current status as a region where development has lagged far behind that of the more industrialized nations. We in the Caribbean also suffer from this legacy.

When slavery was eventually abolished, authoritarian regimes were structured to keep us still in bondage so as to maintain and increase wealth for the colonial and imperial masters. The shift in Europe toward industry during the late 18th century heralded new and increasing challenges for continent and Diaspora alike.

Movements such as Pan Africanism grew out of our need to overcome these obstacles.

We cannot overlook the seminal contributions of Marcus Garvey whose concern for the problems of Blacks led him to found the Universal Negro Improvement Association (UNIA) in 1914. Its main objectives were to promote the spirit of racial pride, to foster worldwide unity among people of African descent and to establish the greatness of the

African heritage. The inspirational teachings of this influential Black leader in the 1920s were a springboard for the success in securing civil liberties for Blacks worldwide.

We cannot speak about African liberation without reference to one of the greatest sons of South Africa and a towering spirit of our times. I refer to Nelson Mandela, who for decades was engaged in resistance to the evil system of apartheid. Like Mahatma Gandhi, his unwavering resolve made it possible for a nation to throw off the shackles of oppression. He is a living lend for human compassion and the capacity to forgive. He reminds us of another truly great African who lived many centuries ago—St. Augustine.

I, for one, am proud of the contributions of Jamaica and the Caribbean region to the struggle against colonialism and apartheid in Africa through the works of our writers, musicians, orators, and artists. The music of Bob Marley, of Peter Tosh, and Jimmy Cliff has inspired Africans and non-Africans alike to not only recognize the continuation of the struggle for liberation and social justice, but to champion the international movements against colonialism and neo-colonialism. Songs such as "War" and "Zimbabwe" inspired freedom fighters and became anthems for change.

Nor should we overlook the refusal of our outstanding cricketers, Clive Lloyd, Sir Vivian Richards, Michael Holding and their colleagues who refused the lure of money to play in racist South Africa.

The year 1994 represented the culmination of the movement towards the liberation in Africa. The victory over apartheid was the outcome of the activist struggle of those who were oppressed. The contribution of the global anti-apartheid movement was critical to this outcome. Jamaica is proud of having sustained its commitment to the struggle against apartheid. Under Norman Manley, we were second only to India in declaring sanctions against South African products. Jamaicans of my generation could not bring ourselves to consume any product from a package marked "made in South Africa." Successive Jamaican administrations, from both sides of the political fence, have continued the struggle.

The hegemony of western nations has, however, over the years sparked conflicts in Rwanda, the Democratic Republic of Congo, Liberia, and Sierra Leone. Within the Caribbean context, Haiti, the first independent Black nation, has experienced 200 years of under-development. Small wonder that the message of peace, solidarity and redemption is of much significance today, in this, the 21st century, as in any other period in recent history.

In addition to the adverse effects of globalization, with its trade constraints and rapidly changing information and communication and communication technology, the survival of our countries is further threatened by the scourge of the HIV/AIDS pandemic. Notably, sub-Sahara Africa is the region most affected with the disease, followed by the Caribbean. Our womenfolk are at great risk and our orphanages threaten to multiply. This epidemic acts as a significant brake on economic growth and development. Its social and economic consequences are already being widely felt in education, industry, agriculture, transport, and human resources.

There are those of us in political life who have never concealed our unwavering commitment to equity and social justice, between nations and within our domestic borders. For this, we were once branded ideological heretics.

Today, it is conceded that the force of globalization and the building of a market economy will not by themselves bridge the disparities between the developed and developing world. Nor will it result in the reduction of poverty, ignorance, and disease.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. GRAVES. Mr. Speaker, on Friday June 17, 2005 I was unavoidably delayed and thus missed rollcall votes Nos. 282, 281, 280, 279, 278, 277, 276, 275, 274. Had I been present, I would have voted "yea" on Nos. 282, 280, 279, 278, 277, 276, 275, 274 and "nay"' on No. 281.

PERSONAL EXPLANATION

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Ms. HARRIS. Mr. Speaker, I encountered plane difficulties Monday, June 20, 2005, that caused me to miss floor votes regrding H.R. 2863, the Department of Defense Appropriations Act for Fiscal Year 2006. Since this bill is one that I believe is vital to our Nation, I am very dismayed that I was unable to participate. I would have voted "nay" on the Obey, Doggett, Velázquez, and DeFazio Amendments. Additionally, I would have voted "yea" on the Hunter Amendment and for final passage of H.R. 2863.

150TH ANNIVERSARY OF THE SOO LOCKS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. STUPAK. Mr. Speaker, I rise today to celebrate a historic symbol of exploration and commerce in my district. On Friday, June 24th the City of Sault Ste. Marie, Michigan will kick-off a summer of activities to honor the 150th Anniversary of the Soo Locks.

Hundreds of years ago settlers established the oldest city in Michigan and third oldest in the United States, Sault Ste. Marie, named by French explorer Father Jacques Marquette in honor of the Virgin Mary. The area, rich with fur trading and fishing, was difficult to travel by water because of the rapids or "Bawating" as referred to by the local Anishnabe Native American Tribe. As a voyager entered the St. Mary's River to sail from Lake Superior to Lake Huron the rapids dropped 21 feet and was too treacherous to traverse. Voyagers, explorers and tradesman were forced to portage their canoes, unloading and reloading their cargo via the land trail along side the rapids to complete their travels.

The Northwest Fur Company engineered the first locks on the Canadian side of Sault Ste. Marie in the late 1700's. The system involved moving a ship into a chamber of water, or a lock, and then raise or lower the water level to be even with the body of water they wished to traverse. This first set of locks was unfortunately destroyed in the War of 1812 and travelers were once again forced to carry their cargo by land. The present day lock system, mimicking the original design, was developed by civil engineers in 1850.

In 1852, Congress offered a large public land deal as payment to any company that would construct the new lock designed to continue commerce between the lakes. The Fairbanks Scale Company agreed to the proposal in 1853 because of its mining interests in the Upper Peninsula. On May 31st 1855, two 350 foot long locks were given to the State of Michigan. The State instituted a small toll in the early years of the lock for maintenance but in 1877, when commerce exceeded the capability of the locks, the State recognized that a new set of locks was necessary.

In 1881, the locks were transferred to the Federal government under the U.S, Army Corps of Engineers. Since that time, the Soo Locks have operated toll-free with two canals and fours locks that included the Davis, Poe, MacArther and Sabin locks.

The value of the Soo Locks was never fully appreciated until World War 11. As the United States was attacked, it became necessary for America to build the "arsenal of democracy". To build the world's arsenal, America needed steel for its ships, guns, tanks and vehicles. In order to make that steel, America needed to mine the iron ore rich regions of Minnesota and Michigan's Upper Peninsula. The only practical way to move the massive volume and weight of iron ore was by ship from Lake Superior, through the Soo Locks, down the St. Mary's River and out to Lake Huron, Michigan, Ontario, and Erie to the steel mills of Pennsylvania, Ohio, Michigan, Indiana and Illinois.

As the war's demand for iron ore was at its greatest, Congress authorized a new Soo Lock capable of handling the 640 foot ships loaded with up to 17,500 tons of iron ore during the 1942 Maritime Class. America worked around the clock to build the new lock to hold the iron ore boats that stoked the war machine.

With the end of World War II, the importance of the Soo Locks did not diminish. As trade and steel demand increased a new even larger lock was needed. In 1965, Congress authorized a new 1000 foot Super Lock. As with all the locks, the new lock was named after the engineer in charge of the Soo Lock, General Orlando M. Poe, also known for his eight lighthouses that grace Michigan's waterways.

The Poe Lock is the largest lock in the Western Hemisphere and the busiest lock in the world. Each year, 80 to 90 million tons of freight move through the Soo Locks. Still today, more than 70 percent of the raw materials needed to make steel pass through the locks, as does low sulfur coal and grain exports. The Great Lakes shipping industry helps sustain thousands of jobs in mining, construction, steel making and a multitude of support industries. In fact, shipping is so important to our economy that just one 1000 foot ore boat can deliver enough iron ore to build 60,000 cars.

Currently, ⅔ of all freight is restricted to the 32 year-old Poe lock, which is the only lock capable of handling 1000 foot ore boats. Without this lock, the steel, coal and grain industries would be helpless. Recognizing this, Congress authorized construction of another "Poe" size lock in 1986. Over the last eight years, I have been proud to secure funding for preconstruction, planning, engineering and design for the new lock. Since 2003 alone, over $10 million have been secured toward the construction of this new lock. I am pleased that the States of Michigan, Illinois and Pennsylvania recognize the economic importance of this additional lock by contributing their non-Federal cost shares to the project and encourage the other Great Lakes States to join us in securing the necessary funding to build this new lock.

Mr. Speaker, I ask the United States House of Representatives to join me in congratulating the historic engineering marvel we call the Soo Locks as they celebrate 150 years of exploration, commerce and trade. This engineering wonder has provided a proud past of innovation to evolve into the critical link to deliver the arsenal of democracy during world wars and the economic feasibility for the steel, coal and grain industries now and into the future, From the Anishnabe Tribe of Native Americans to the men and women who first explored, built and operated the locks; to the City of Sault Ste. Marie and her people; to a Nation at war; to tomorrow's commerce that flows to and from Lake Superior to the other four Great Lakes; the Soo Lock have withstood the test of time by meeting the demands of a great Nation, to traverse the "rapids" of history always opening its lock to a brighter future for America. Once again with the help of the United States Congress, I hope to continue the legacy of the Soo Locks by providing the resources to build another super lock that will ensure another successful 150 years of waterborne commerce by and through the Soo Locks located at Sault Ste. Marie, Michigan.

COMMENDING LULA TAYLOR AS THE RECIPIENT OF THE WOMAN OF ACHIEVEMENT AWARD

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to commend the exemplary public service of Lula Taylor, a resident of the Chautauqua County city of Jamestown, upon the occasion of her receiving the Woman of Achievement Award.

Lula Taylor graduated from Newton Central High School in Newton, North Carolina. After graduation, she attended cosmetology school and ran her own beauty shop. Lula met and married her husband Vivian, and moved to Jamestown where she attended Jamestown Community College. They have a son and a daughter and two grandchildren, Michael and Claudine.

Throughout her entire life Lula has been a woman to go against the flow and break down barriers. This is evident in her career and her social life. Lula was the first African-American woman to be hired at Proto Tool Division of Ingersoll Rand Corporation in 1964 and worked there until her retirement. She is the first African-American woman to be elected to any county legislature in New York. These two achievements have paved the way for others to follow their dreams and not give in to adversity.

Lula is one woman who never stops working for the things she believes in. She serves on the County Human Service Committee, Chautauqua County Board of Health, Chautauqua County Health Network Inc. Advisory Board, Office for the Aging Advisory Board, County Home Advisory Board, Safe House Committee, and is an AIDS Awareness Advocate.

When it comes to her heritage Lula works tirelessly. She has created numerous displays on African-American History, led tours for the Underground Railroad Tableau Steering Committee, Chautauqua County Black History Committee and is a founder of the Ebony Task Force. She is a member of the Blackwell Chapel, A.M.E. Zion Church. In the 1980's she stood up against adversity to coach and manage the Love School girl's softball team. This allowed girls to work as a team in a multi-ethnic situation. In 1985, she was instrumental in planning the first Martin Luther King Jr. celebration. Since then the celebration has grown considerably each year. On May 13, 2003, Lula and her husband Vivian were recognized by the New York State Democratic Rural Training Forum as the 2004 Chautauqua Democrats of the Year.

Lula is a woman of very strong conviction. Whenever there is something negative rearing its ugly head she is the first one to take a stand and put a positive spin on it. A perfect example of this was when the Nushawn Williams case sent Jamestown into a hot bed of negative publicity. Lula took that and turned it into a positive educational experience for everyone. She has worked so hard to lessen any racial tensions that exist. She has successfully brought together a very multiethnic team of girls in softball and has let her own voice be heard loudly in a predominantly Swedish and Italian community. Lula Taylor is an amazing woman and I am proud, Mr. Speaker, to have an opportunity to honor her today.

IN HONOR AND RECOGNITION OF U.S. MARINE STAFF SERGEANT DAN PRIESTLY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of United States Marine Sergeant Dan Priestly of Parma, Ohio, as we unite as a community to offer him our deepest gratitude for his dedicated service, and extend to him a warm welcome home.

Sergeant Priestly bravely and selflessly heeded the call to duty in Iraq, where he endured immense personal sacrifice on behalf of our country. On May 7, 2005, he was severely wounded when a roadside bomb exploded near his vehicle. Sergeant Priestly sustained major injuries to both legs, and has undergone weeks of intensive medical treatment and physical therapy.

As he journeys forward in his medical recovery, Sergeant Priestly consistently displays an unwavering resolve to heal—a determination energized and strengthened by the love of his family and friends. Sergeant Priestly lives his life with great joy and a deep sense of giving. His courageous spirit has bolstered his well-being and continues to be a source of inspiration for all.

Mr. Speaker and Colleagues, please join me in honor and recognition of United States Marine Sergeant Dan Priestly, and join me in offering him a warm welcome home. Sergeant Priestly's steadfast courage, immense sacrifice, and dedicated service to our country will be remembered always by our community and our Nation. I wish Sergeant Dan Priestly, his wife Lisa Priestly and their children Garrett and Tyler, an abundance of health, happiness and peace, today and in the future.

HONORING LOCAL 34 FEDERATION OF UNIVERSITY EMPLOYEES, UNITE-HERE INTERNATIONAL UNION AS THEY CELEBRATE THE 20TH ANNIVERSARY OF THE SIGNING OF THEIR FIRST CONTRACT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the many who have gathered to join Local 34 Federation of University Employees, UNITE–HERE International Union as they celebrate the 20th Anniversary of the signing of their first contract with Yale University. Two decades after their inception, Local 34 continues to provide a strong voice to the clerical workers, financial assistants, research technicians, and medical assistants they represent.

In the early nineteen eighties, across America there was a change in what was the traditional role of women in the workplace. Increasingly, women were not simply working for a little extra money, but were becoming career women—working to support themselves and their families. As this transition moved forward, clerical and technical employees at Yale University—positions a majority of which were held by women—began to meet and discuss possible opportunities for them to obtain such daring goals as equal pay for equal work and the availability of a pension plan that would be meaningful in their retirement. They began to look for similar employment protections that were offered to other employees at Yale University. It was from these early discussions that the Local 34 was organized.

With assistance from their brethren at Local 35, which represents the service and maintenance workers at the University, and Local 217, who represent hotel and restaurant workers in Connecticut and Rhode Island, the effort to establish Local 34 began. In May of 1983, clerical and technical workers at Yale took the historic step of voting to form Local 34. Their mission, as it still stands today, was simple.

They wanted to protect and advance the interests of their membership. During their first negotiations with Yale University, Local 34 fought for the concept of "comparable work," and focused not only on the specific issues of salaries and benefits, but on the larger social issues of women's and civil rights. With diligence and unwavering commitment to their cause, Local 34 and Yale University endured nineteen months of discussion, a total of ninety-two negotiating sessions, and a 10-week strike to sign their first contract. This significant moment not only provided clerical and technical workers with real changes in wages, benefits, and pensions, but, for the first time, these employees had a real voice on the job.

Twenty years later, Local 34 continues to serve the interests of their membership and in its work to improve the University and community as well. As they celebrate this remarkable milestone in their history, I am proud to stands and extend my sincere congratulations to the leadership and membership of Local 34 Federation of University Employees, UNITE--HERE International Union—past and present—for their many invaluable contributions to our community. I have and continue to be proud to work with them in these efforts which make such a difference in the lives of our hardworking men and women and their families.

HONORING DAN JOHNSON

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. WAMP. Mr. Speaker, a husband, father, businessman, accountant, and community leader. Dan Johnson is a man of values and integrity. He is a steady thoughtful leader who has been giving back to the community for more than three decades.

Born and raised in Tennessee, Dan Johnson graduated from the University of Tennessee at Knoxville with a degree in accounting. After faithful service to his country in the U.S. Army, Dan came to Chattanooga, established himself through civic and political involvement and founded Johnson, Hickey and Murchison, PC in 1977.

Dan's role as the CEO of the firm that bears his name has provided the platform for him to promote and encourage entrepreneurs and private investment. His contributions to job growth and economic development are significant.

In his new capacity as Chief of Staff to Chattanooga's Mayor Ron Littlefield, Dan offers seasoned political and legislative expertise, which will serve our citizens very well. Dan exemplifies the words in the Jaycee Creed, "Service to humanity is the best work of life."

Dan's selfless contributions have been recognized by our community and state: He received the Public Service Award from the Tennessee Society (Of Certified Public Accounts in 1997, the 2004 Benefactor Award by The Tennesee Council for Resource Development and the 2005 Tennessee Board of Regents Chancellor's Award for Excellence in Philanthropy—just to name a few.

Dan's affiliations and leadership positions include being president of the Chattanooga Jaycees and the Tennessee Jaycees, founding member of Jaycee Future Corporation and Jaycee Progress, Inc., which built housing for the elderly in Chattanooga. He is also a board member and past chairman of Chattanooga's public television station, WTCI Channel 45, member and past secretary of the Chattanooga Kiwanis Club, treasurer and co-founder of Blood Assurance, vice president and board member of the Chattanooga Chamber of Commerce, a member of the board of trustees at Erlanger Medical Center, vice president and board member of Orange Grove Center, past Chairman of the Hamilton County Republican Party, 1998 Chairman of the Year for the TN Society of Certified Public Accountants and my trusted campaign treasurer for more than a decade.

Dan and his wife of 43 years, Linda, live in Hixson. Their four children have blessed them with twelve grandchildren. The Johnsons have been active members of the First Baptist Church of Chattanooga for almost forty years.

A great man! A great mind! And a big heart! Thank you, Dan Johnson, for the example you set, your devotion to others and selfless service to mankind. We are all the better because of your dedication to our region, state and nation.

HONORING THE 100TH ANNIVERSARY OF ST. DOROTHEA'S CHURCH

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. HOLT. Mr. Speaker, I rise today to commemorate the 100th anniversary of St. Dorothea's Catholic Church in Eatontown, New Jersey.

The one hundred year history of St. Dorothea's Church is rich in stories of individuals' commitment to community service and helping others. The congregation was first established on October 1, 1905 in the small Quaker village of Eatontown made up of farmers, merchants and some professionals. Before enough funds were secured to build an actual structure, Mass was celebrated in the private homes of the few Catholics in the neighborhood. The first recorded Mass was celebrated in the "Buttonwood Cottage" on Main Street, on October 10, 1905.

Over the years, many pastors have served the community of St. Dorothea's. Rev. James B. Coyle, who served the parish from 1960–1990, oversaw the construction of a new, modern church in 1965, which offered more space for worship as well as youth and adult, educational programming and community activities. With the creation of the new building, St. Dorothea's has provided to the local residents of Eatontown and the surrounding communities in Monmouth County.

In recent years, Rev. G. Williams Evans has developed greater outreach and community service for St. Dorothea's. Some of the many programs that he has established are ministries to several segments of the population, the Knights of Columbus chapter and a "Prayer Garden" located on the grounds of the church. Currently, Rev. Evans is supervising the publication of St. Dorothea's one hundred year history, written by parishioner Gordon Bishop.

Some of the many community outreach programs that St. Dorothea's runs are religious education classes, Vacation Bible School for young parishioners as well as a youth group that provides structured activities and events for teenagers. Also groups of volunteers provide pastoral and hospital care for the community's sick and elderly, giving spiritual care to those in need. The parish continues to organize important events for fundraising and special occasions, and soon is commemorating its centennial anniversary with a series of events, including a picnic, parish trip, concert, mass, and dinner.

Mr. Speaker, I join Eatontown Mayor Gerald Tarantolo and many others in recognizing St. Dorothea's Church for its rich one hundred year history and service to the people of Eatontown. From the hard work of the original 18 parishioners in 1905 to the dedication of the over 1770 parishioners today, St. Dorothea's has provided an outstanding ministry to the people of Central New Jersey.

A TRIBUTE TO VERNON PARKER

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today to pay tribute to Vernon Parker. Little did I know as I sat in my Colorado history class in seventh grade my teacher, Mr. Vern Parker, was an extraordinary man.

The community where I grew up was small, and everyone knew everyone else. The school in Galeton was small, too. There were 17 students in my class. When we were in the seventh grade, one of our favorite classes was Colorado History. Evidently classroom space was limited, because we met in the music room and sat on folding chairs. It seemed a little odd not to have desks but we juggled our books on our laps and managed quite well.

Mr. Parker was enthusiastic about the subject and kept us all interested. I remember one quiz that he gave us, in particular. He gave us a list of towns and instructed us to identify those that were located in Colorado. Although I'm a native of the State, I wasn't sure about some of them. When I saw "Parker" on the list, I was convinced it was a trick question. After all, it was my teacher's last name. Needless to say, I didn't get 100 percent on that quiz.

Even though one of the boys in our class was Mr. Parker's nephew, who called him by his first name, I still was in awe of my teacher and I tried to do my best. Once Mr. Parker complimented me on my performance in a talent show and his praise gave me confidence and helped me more than he could ever know.

We were unaware of the incredible experiences Mr. Parker had before he came to be our teacher. We didn't know the hero that stood before us.

Mr. Parker served in the United States Army in the special unit known as "Wolfpack", which worked with friendly South Korean troops during the Korean War, and he was struck by lightning at Fort Riley between tours in Korea. He served from 1949 until he was wounded in 1953. During this time, he was awarded two Silver Stars for gallantry in action during a battle in which he destroyed a Communist tank using a bazooka. In that same battle, he was wounded by an exploding artillery shell and was awarded the Purple Heart.

When he went home, he married his sweetheart Sylvia Howard in 1953. Vern and Sylvia made sacrifices, and he earned his Master's degree from Colorado State College of Education in 1959. They were blessed with three children—Jim, Jerry, and Joe.

Mr. Parker began teaching school at Galeton, Colorado in 1958. He went on to become the principal of Galeton's elementary and junior high schools. He was the school Superintendent in Briggsdale, Colorado, for three years and he continued teaching in Weldona, Colorado, from 1976 to 1979.

When Mr. Parker retired he opened and ran a small business. He was a member of the Lions Club and the V.F.W., a Boy Scout leader, and a volunteer fireman. Vernon's love of teaching and working with young people has stayed with him always and he takes great pleasure in the accomplishments of his former students and scouts. He has served his community and his country well.

My classmates and I liked him a lot, and we thought he had a good sense of humor. Recently, I acquired one of the textbooks we used in his class. Every time I come across the book, it brings back good memories and I always stop and thumb through it.

I am proud to have been a student of Vernon Parker, and I know Congressman FRANKS is as well. Mr. Speaker, I'm very thankful for the positive influence Vern Parker had on my life as my teacher and I'm also very thankful as an American for the sacrifices he has made for our freedom and liberty. May God bless our teachers who positively influence young people, and may God bless our precious veterans who have made sacrifices on our behalf.

IN RECOGNITION OF THE COMPLETION OF THE WHEELCHAIR ACCESSIBLE TREEHOUSE AT CRADLE BEACH CAMP

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to recognize the completion of the state of New York's first wheelchair accessible treehouse at Cradle Beach Camp in Angola. This 650 square foot structure that sits among the trees eleven feet above the ground is another important chapter in Cradle Beach Camp's mission to provide rewarding and educational summer camp experience to children with disadvantages or special needs. This innovative treehouse will provide a valuable learning and recreational asset for wheelchair-bound campers.

Since 1888 Cradle Beach Camp has provided rewarding summer break fun and learning to disabled children and children who would often not be able to attend a camp. Now approximately 900 children every year are given an unforgettable experience, participating in energetic and entertaining activities while learning about themselves as well as their new friends.

The activities of Cradle Beach Camp are organized to follow the 40 developmental assets that have been identified by the Search Institute—an organization that provides resources to promote healthy children. By focusing on a child's development, the Cradle Beach Camp program helps their attendees learn about themselves and steer them away from damaging and dangerous activities later in life.

Cradle Beach Camp has always looked for challenges and innovative ways to enhance the stay of their campers. Cradle Beach's newest project is no different. The camp has overseen construction of a large treehouse capable of allowing children in wheelchairs to study and enjoy themselves in the treetops. This large treehouse capable of fitting 25 people will allow all campers to appreciate the simple joy of spending time surrounded by nature.

In closing Mr. Speaker, I wish to recognize this great achievement by the inspirational Cradle Beach Camp whose mission in its own words is "to provide children with a chance to learn more about themselves and their abilities, instead of their limitations." I would also like to recognize the generosity of the people of Western New York whose donations and volunteer efforts have made this project possible. Just as it has done many times in the past, the Cradle Beach Staff led by its president, Jeannine L. Higgins, and many other Western New Yorkers, have provided generously to help the mission of this wonderful camp continue well into the future.

TRIBUTE TO WDIA RADIO STATION

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. FORD. Mr. Speaker, I rise today to honor WDIA radio station in Memphis. The station is celebrating nearly sixty years of broadcasting with a new compact disc anthology featuring the rhythm and blues, soul and hip-hop classics that have made Memphis famous.

From its beginnings in 1948, as the first radio station in the United States featuring programming by African-Americans for an African-American audience, WDIA has introduced America to such world wide legends as B.B. King who recorded his first single at WDIA, Rufus Thomas and Isaac Hayes.

In its first years on the air, WDIA experienced great success and was the most popular station in the city. In 1954, WDIA expanded its signal to broadcast from South-West Missouri through the Mississippi River Delta to the Gulf Coast. This expansion brought its blues, gospel, and soul to ten percent of the United States' African-American population.

With its enormous success, WDIA has remained focused on improving the Memphis community and has earned the title of "the Goodwill Station." Throughout its distinguished history, WDIA has aided the community by announcing job openings, connecting individuals with agencies to help them resolve problems, establishing over 100 Little League teams for black children, and sponsoring charitable events to raise funds for community initiatives.

Almost sixty years since its launch, WDIA continues as a driving force in radio. From Bobby O'Jay and the Fun Morning Team, to the Bev Johnson Show to the Davis Brothers in the afternoon, to Ford Nelson and Mark Stansbury's Gospel Sunday, WDIA is not only the "Mother Station" for African-Americans, it is stands as a symbol of entertainment, entrepreneurship and philanthropy for our region and the entire nation.

Mr. Speaker, it is in recognition of and appreciation for WDIA's nearly six-decade-long history and its continued presence in the Memphis community that I ask my colleagues to join me in paying tribute to WDIA AM 1070, the Goodwill Station.

PERSONAL EXPLANATION

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. DELAHUNT. Mr. Speaker, on June 8, 2005, I inadvertently voted in the negative on rollcall 233 on H.R. 2744. It was my intention to be recorded as "yes" on this measure and I offer this clarification for the RECORD.

IN HONOR OF RAYMOND J. FATZ

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. FARR. Mr. Speaker, I am extremely proud to recognize an outstanding American who retires from Federal civilian service after 37½ years. On July 1st, Mr. Raymond J. Fatz of Herndon, VA, completes a long, and lustrous career in the Federal Government, which began as a soldier in the United States Army in 1967.

Mr. Fatz' extraordinary leadership and accomplishments as the senior executive for the Army's environmental, safety and occupational health programs have had a positive, direct, and lasting impact on the Soldiers and on the Army's ability to complete its peacetime and wartime missions—past, present and future.

I came to know Ray Fatz through his work on clean-up issues at Fort Ord. To anyone who has heard me preach about Fort Ord, you know how deep into the details I am. Whether it be cleaning up the UXO, filtering the contaminated water plume, or capping old landfills, I am passionate about getting clean up right. Ray Fatz not only understood this, he relished it. He went after Fort Ord clean up with a spirit that speaks volumes of his commitment to public service and dedication to

Army environmental principles. Though Fort Ord has been a tough nut to crack, I'm happy to say that under Ray Fatz's leadership, we are on a path to getting Fort Ord clean, back into the hands of civilians, and ready for an economic boom.

It has been Ray's collegial style and quiet diplomacy that has enabled him to navigate the difficult issues of military environmental stewardship. During times of tighter budgets but increased demands, Ray has done a masterful job of allocating resources where they can do the most public good. In that respect, we all should take a page out of Ray's rule book.

Today, I wish Ray Fatz the best in his well-deserved retirement. He can now improve his golf game, go fishing and spend more time with his family.

Mr. Fatz, I thank you, the Army thanks you, and your country thanks you for your extraordinary service.

RECOGNIZING STEVEN HAO

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Ms. LOFGREN of California. Mr. Speaker, I rise today to recognize Steven Hao for his selection as a finalist in the USA Biology Olympiad, sponsored by the Center for Excellence in Education.

Steven was selected as one of twenty students from more than 5,400 who will compete in the National Finals. The four gold medalists from the National Finals will represent the United States at the International Biology Olympiad in Beijing, China. We hope that these students will achieve the outstanding success of the 2004 U.S. Team, who won an unprecedented four gold medals, a feat accomplished for the first time in Biology Olympiad history.

The Biology Olympiad promotes education and creativity in a way that is vital to a youth's development. These types of activities encourage students to explore the fields of science and engineering. This kind of innovation will drive the United States' economy into the future. As a Member of Congress from Silicon Valley, I fully understand the importance and impact that these studies have on America's prosperity.

I am proud to stand here today to recognize Steven for his accomplishments at the USA Biology Olympiad. Steven was also recently recognized for winning a prize at the 56th Intel International Science and Engineering Fair Project for his project on "The Effects of Oxidative Damage on Protein Translation Efficiency." I urge him and all students to continue to take an interest in these fields, so that the U.S. will continue to lead the world in scientific research.

LITTLE RIVER COUNTY JUDGE CLYDE WRIGHT

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. ROSS. Mr. Speaker, today, I pay tribute to Little River County Judge Clyde Benton Wright. Judge Wright passed away on June 10, 2005 at the age of 63. I wish to recognize his legacy and lifetime of dedication to public service.

Judge Wright was born on October 30, 1941, in Little River County. Graduating from Foreman High School in 1959, he began a career in the United States Marine Corps with assignments that included Vietnam, Laos, and Cambodia. Judge Wright specialized in and instructed escape and evasion tactics and trained Navy Seals.

Following a distinguished career in the military, Judge Wright moved to Los Angeles and began a career that spanned over two decades with the Los Angeles Police Department, where he earned a prestigious Detective III rank. Following a special request from the government, Judge Wright also taught courses to new Federal Bureau of Investigation agents.

In 1984, Judge Wright returned with his family to Little River County. In 1988, he was elected to the post of Little River County Judge, and served in that post for more than eight consecutive terms. As Judge, he helped to secure funding for improvement of local roads and the hospital, and furthered industrial development in Little River County.

Judge Wright led a lifetime of devotion to his family, to public service, and to the betterment of the lives of others. I am honored to have known him and counted him as a friend.

I extend my deepest sympathies to his wife, Barbara Lampenfeld Wright, their sons, Lonnie Benton Wright of Little Rock and Marshall Alan Wright of Forrest City, their daughter-in-law, Kristen Collier Wright, and six-week old twin grandchildren, Collier and Syble, and his father, Bud Wright.

RECOGNIZING THE CONTRIBUTIONS OF JAIME CARDINAL SIN

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to honor the life of Jaime Cardinal Sin, a leader of the Roman Catholic Church of the Philippines. Cardinal Sin was a great man, a strong leader, and a tireless fighter of injustice in his home country of the Philippines and throughout the world for decades. His passing is indeed a significant loss.

Born on August 31, 1928, Sin was ordained a priest in the Archdioceses of Jaro on April 3, 1954. He was appointed Coadjutor Archbishop of Jaro on March 15, 1972, and on October 8, 1972, he assumed the office of Archbishop of Jaro, thus assuming full control of the archdiocese. On January 21, 1974, Sin was appointed Archbishop of Manila, and on May 25, 1976, Sin became the youngest member of the College of Cardinals, a distinction which he held until 1983.

As the spiritual leader of the largest concentration of Catholics In Asia, Cardinal Sin held a great deal of influence over a substantial number of people. Rather than be content to simply influence the spiritual lives of his people, Cardinal Sin worked to affect change in the political and social arenas. Cardinal Sin was the central figure around whom the Philippine people rallied during both the People Power movement which restored democracy to the Philippines and the recent reformist movement. He was an outspoken critic, and his support of democratic reform helped to facilitate peaceful transition.

Despite his retirement on September 15, 2003, Cardinal Sin remained a popular and beloved figure in the Philippines. He was a leading voice against abortion and the death penalty. He was outspoken against inequality and immorality, and his three decades of service to the Philippine people have left an indelible mark in history.

Because of its geographic proximity and its large Filipino population, my district of Guam has traditionally held a very close relationship with the Philippines. I join the millions of Filipinos on Guam, in the Philippines, and throughout the world in mourning the passing of this great man.

INTRODUCTION OF LEGISLATION TO ESTABLISH AN INDEPENDENT COMMISSION TO REVIEW DETAINEE ABUSES

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. WAXMAN. Mr. Speaker, it has been over a year since the photographs of prisoner abuse at Abu Ghraib shocked the nation and the world. Since then, the allegations of mistreatment, abuse, and torture of detainees in U.S. custody have multiplied.

In just the past few weeks, new evidence emerged of the desecration of the Koran at Guantanamo Bay, the involvement of Navy Seals in beating detainees in Iraq, and the gruesome, ultimately fatal torture of Afghans at the U.S. detention center at Bagram Airbase in Afghanistan.

The reports of detainee abuse are undermining one of our Nation's most valuable assets: our reputation for respect for human rights.

And they are endangering our armed forces and inciting hatred against the United States. As Senator JOE BIDEN said, Guantanamo is the "greatest propaganda for the recruitment of terrorists worldwide."

Our national interest demands a thorough independent review of the detention system. We need answers to basic questions: What happened? Who is responsible? And how do we move forward?

The Pentagon's internal investigations certainly do not meet this standard. The resulting reports have contained conflicting conclusions, and some have been little more than whitewashes.

And in Congress, we have ignored our fundamental constitutional responsibility to investigate.

When the Abu Ghraib photos surfaced, the House held a mere five hours of public hearings. The Senate review was more extensive but stopped far short of assessing individual accountability up the chain of command.

Our troops deserve better. Our nation deserves better.

Some of the allegations that have been replayed repeatedly around the world may not be true. President Bush calls them "absurd."

But we won't know what's true and what's not true unless we investigate. And when we refuse to conduct thorough, independent investigations, the rest of the world thinks we have something to hide.

The independent commission established by the bill we are introducing today would address this huge oversight gap. It would establish a 10-member bipartisan commission modeled on the successful 9–11 Commission.

The Commission would conduct a thorough review of the extent of the abuses, what individuals are responsible for the abuses, and what policies facilitated the abuses. The Commission would also make recommendations on legislative and executive actions necessary to prevent future abuses.

The bill already has 172 cosponsors, and it has the support of key leaders in Congress like NANCY PELOSI, the Minority Leader; STENY HOYER, the Minority Whip; IKE SKELTON, the ranking Democrat on Armed Services; and JANE HARMAN, the ranking Democrat on Intelligence. I commend these senior members for their leadership.

And I urge my other colleagues to join us in demonstrating that our system of checks and balances still works and that we are a nation committed to respect for human rights.

CONGRATULATING MARGARET ELLOR ON RECEIVING THE CONGRESSIONAL AWARD GOLD MEDAL

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mrs. BIGGERT. Mr. Speaker, I rise today to honor Margaret Ellor, who has earned The Congressional Award Gold Medal. On June 22, 2005, Ms. Ellor will receive the award, which honors individuals who have completed over 400 hours of community service in a two year span, 200 hours of both personal development and physical fitness activities, and a four-night expedition or exploration. This award is bestowed upon only the most deserving of America's youth. Based on her record of personal and community service, Ms. Ellor certainly deserves this honor.

Eighteen-year-old Margaret began volunteering for the Girl Scouts in Naperville, Illinois when she was five years old. Motivated by a desire to aid her fellow Americans living in rural West Virginia, she led a thirty-person crew into her community to collect donations, clothing, books, sporting goods, and other items for West Virginians in need. She then went to The Mountain State to personally deliver the items. She also spent one week in each of the past three summers remodeling and rebuilding homes in poor communities closer to home.

When not helping others, Maggie has devoted time to improving her public speaking and musical abilities. In addition, she has undertaken intense training in Tae Kwan Do, swimming, and cross training. She undertook a three year study of the German language and culture, which included three weeks living abroad with a German family. She could have spent this time with friends or working in a local business. But instead, she sought to broaden her horizons while helping others.

Mr. Speaker, it is clear that Margaret Ellor is an exceptional young woman. Her warm heart and sharp mind have proven, at her young age, to be of great value to her fellow citizens. Her good deeds in her home town are the sign of a good spirit and an even better soul. As the late tennis champion Arthur Ashe once said, "True heroism is remarkably sober, very undramatic. It is not the urge to surpass all others at whatever cost, but the urge to serve others, at whatever cost." I can think of no better example of that heroic ideal than Ms. Margaret Ellor of Aurora, Illinois. I congratulate her on receiving The Congressional Award Gold Medal and I look forward to watching where her career takes her in the months and years to come.

TRIBUTE TO RENOWNED SCIENTIST JACK ST. CLAIR KILBY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is with great honor and profound sadness that I rise to pay tribute to the life of Jack St. Clair Kilby of Dallas, Texas. After living a remarkably accomplished life that spanned 81 years, Dr. Kilby passed away on June 20, 2005.

Nobel laureate Jack St. Clair Kilby who set off the high-tech revolution with his invention of the semiconductor chip in 1958, graduated from University of Illinois at Urbana Champaign in 1947 with a bachelor's degree in Electrical Engineering.

Kilby joined Texas Instruments in 1958. That summer, the idea for the integrated circuit first came to him. Kilby and fellow TI officials put the first circuit to the test on September 12, 1958, marking the invention that transformed the industry.

Dr. Kilby held several engineering management positions at TI between 1960 and 1968 when he was named assistant Vice President. In 1970, he became Director of Engineering and Technology for the components group, before taking a leave of absence to become an independent consultant. Kilby officially retired from TI in 1983, but continued to do consulting work with the company.

In addition to his TI career, Kilby held the rank of Distinguished Professor of Electrical Engineering at Texas A&M University from 1978 to 1984. In 1990, he lent his name to The Kilby Awards Foundation, which commemorates "the power of one individual to make a significant impact on society." In addition to the Nobel Prize, Kilby received numerous honors and awards for his contributions to science, technology and the electronics industry.

It has been said that the ultimate measure of a person's life is the extent to which they made the world a better place. If this is the measure of worth in life, Dr. Kilby's family, colleagues and friends can attest to the success of the life he led.

Mr. Speaker, I ask all the Members of the House to join me in paying tribute to the life of Dr. Kilby. He touched our lives and our hearts, and he will be greatly missed.

CONGRATULATING MRS. DEBORAH BENJAMIN ON HER 50TH BIRTHDAY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. ACKERMAN. Mr. Speaker, I rise today to join the Benjamin family of Glen Head, New York in celebration of the 50th birthday of Mrs. Deborah Benjamin, which will be commemorated this Saturday, June 25th, 2005 at Gotham Hall in Manhattan.

Deborah Ann Coyle Benjamin was born on June 28, 1955, in Peninsula Hospital in Rockaway Beach, New York. Deborah is the eldest of Ken and Gladys Coyle's three children. Her sister, Denise DeVita, and brother, Ken Coyle, Jr., both live on Long Island in New York.

Deborah spent her childhood and early adulthood in Rockville Centre, New York, where she attended Hewitt Grammar School, and graduated from South Side High School. After high school she attended Elizabeth Seton College in Westchester, New York.

In the years after college, Deborah worked for her father's insurance company, the Wheatley Agency, for 20 years and retired in 2000 as Vice President of Group Insurance Sales.

In 2000, Deborah married her long-time best friend, Alvin Benjamin of Glen Head, New York. Alvin is the Owner/President of Benjamin Development in Garden City, New York. They currently reside in Glen Head, Manhattan, and Highland Beach, Florida.

Since her retirement, Mrs. Benjamin has devoted much of her time to charitable organizations dedicated to improving the lives of children. She is most actively involved with the Fanconi Anemia Research Fund, which is dedicated to finding a cure for this rare, but serious blood disease. Additionally, Mrs. Benjamin has lent her support to Palm Beach County-based Kids In New Directions, which assists children in making positive life choices and developing leadership skills. Countless children in New York, Florida, and throughout our nation have benefited from Deborah Benjamin's philanthropy and her generosity of time and spirt.

Al and Deborah Benjamin enjoy spending time with their families, friends, traveling, giving to charities in the New York and Florida area, and remain lovingly devoted to one another after 5 years of marriage.

Mr. Speaker, I ask the entire House of Representatives to join me now in thanking Deborah Benjamin for her selfless contributions to society, in congratulating her on her 50th birthday, and in extending our best wishes for her future success and happiness as she marks this important and joyous milestone.

DEMAND FOR FREEDOM ALIVE IN PUNJAB. KHALISTAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. TOWNS. Mr. Speaker, I rise today to take note of the demonstrations in Punjab, Khalistan that surrounded the 21st anniversary of the Indian government's attack on the Golden Temple. Groups such as Dal Khalsa and others marched through the streets of Amritsar, converging at the Golden Temple for a big rally, according to The Times of India. They carried posters of Sant Jarnail Singh Bhindranwale, a Sikh freedom leader killed in the Golden Temple attacks, as well as posters of the demolished Golden Temple.

As you know, the Indian government also attacked 125 other Gurdwaras—Sikh places of worship—at the same time. Over 20,000 Sikhs were killed. The Sikh holy book, the Guru Granth Sahib, was shot full of bullet holes. Sikh boys between the ages of 8 and 13 were shot on the premises.

Former Member of Parliament Simranjit Singh Mann said that the only way to assuage the wounds of the attack is by freeing Khalistan, the Sikh homeland. Another speaker said that the movement to free Khalistan is by peaceful means. Khalistan declared its independence from India in 1997. That is now eight years ago.

Police and intelligence operatives were surreptitiously watching this peaceful demonstration. Apparently, 21 years after the Golden Temple attack, the Sikhs' demand for freedom still frightens them.

India claims it is democratic, Mr. Speaker, yet it sends police to spy on a peaceful demonstration. In January, 35 Sikhs were arrested for raising the Sikh flag and making speeches. The Movement Against State Repression reports that over 52,000 Sikhs are political prisoners in "the world's largest democracy." More than a quarter of a million Sikhs have been murdered, according to figures compiled from the Punjab State Magistracy.

Sikhs are only one of India's targets. Other minorities such as Christians, Muslims, and others have also been subjected to tyrannical repression. More than 300,000 Christians have been killed in Nagaland, and thousands elsewhere in the country. Over 900,000 Kashmir Muslims, at least 2,000 to 5,000 Muslims in Gujarat, and thousands of other Muslims, have been victims of India's tyranny. And tens of thousands of people in Assam, Bodoland, Manipur, Tamil Nadu, and around the country, as well as countless Dalit "Untouchables" have been killed as well.

Mr. Speaker, this is unacceptable. We must take a stand for freedom for all, as the President committed us to doing in January. The time has come to stop all our aid and trade with India, to end our burgeoning military cooperation, and to demand the peaceful resolution of the situation in South Asia through a free and fair plebiscite for all the national groups there.

Mr. Speaker, I would like to put the Times of India article about the demonstration into the RECORD at this time.

[From the Times of India, Jun. 6, 2005]

KHALISTAN DEMAND RAISED ON GENOCIDE DAY

(By Yudhvir Rana)

Amritsar.—The pent up secessionist emotions of Sikh radicals whipped up on the Genocide Day observed as Ardas Divas at Akal Takht on Monday, as a large number of Sikh youth including women brandishing naked swords raised slogans for Sikh's independent state Khalistan while passing pejorative remarks against SAD-Badal president Parkash Singh Badal and SGPC president Bibi Jagir Kaur for not coming up to the aspirations of Sikhs and addressing their problems.

The ferocity of slogans multiplied after Sikh radical leader Simranjit Singh Mann, president of SAD (Amritsar) announced that Sikhs's hurt feelings could only be assuaged when Sikhs independent state Khalistan comes into existence. He suggested that Khalistan could be created on the buffer zone between India and Pakistan.

Baba Harnam Singh, 15th chief of Damdami Taksal joined Simranjit Singh Mann with his arms wielding supporters and announced to observe the martyrdom day of Sant Jarnail Singh Bhinderanwalae at Taksal's headquarters at Gurdwara Gurdarshan Parkash, Chowk Mehta on June 12.

The radical activists including from Dal Khalsa, Dal Khalsa, SAD(A), Damdami Taksal, Sikh Students Federation (Bittu), Akal Federation jointly put up the board of Shaheedee Gallery at the gallery situated outside Akal Takht against the wishes of SGPC. A large number of Sikhs and converged at Akal Takht on the 21st anniversary of Operation Bluestar.

Posters of demolished Akal Takht, Sikh militant leaders and pamphlet on the life of Jarnail Singh Bhinderanwalae were distributed among Sikh sangat.

A large number of policemen in plain clothes and sleuths of various intelligence agencies were hovering around the Akal Takht and its surrounding. A police officer of DSP rank remained present among Sikh sangat sitting in front of Akal Takht during the ceremony.

Earlier Parkash Singh Badal and Bibi Jagir Kaur condemned congress government for rubbing salt to the wounds of Sikhs. About the postponement of foundation stone alying ceremony of Yadgara-e-Shaheedan, Badal said the foundation stone would be laid once its design was approved.

Justifying the demand of Khalistan, Jagjit Singh Chauhan, a Khalistan ideologue said that they would peruse their mission through peaceful democratic means.

Jathedar of Akal Tkaht, Giani Joginder Singh Vedanti presented siropas's to Ishar Singh, Mata Pritam Kaur son and wife of Jarnail Singh Bhinderanwalae and relatives of other martyrs. Earlier addressing the gathering he said it was unfortunate that even after 21 years of Operation Bluestar, the central government has not condemned the incident nor those responsible for the 1984 anti Sikh riots have been brought to books and Operation Bluestar was a black chapter in the history of Independent India. The Sikhs had laid down their lives under the aegis of Sant Jarnail Singh Bhinderanwalae to protect the sanctity of gurdhams.

Meanwhile Damdami Taksal presented photographs of Jarnail Singh, Amrik Singh, Shubeg Singh and Thara Singh to Jathedar of Akal Takht Giani Joginder Singh Vedanti for displaying them in the gallery. Vedanti however asked them to contemplate over their request. Meanwhile chief spokesperson of Damdami Taksal, Bhai Mohkam Singh said that they also performed ardas at the gallery's gate. He said panth would decide if there was no desirable reply from Jathedar.

On the other hand SAD(A) had demanded to display the photograph of Jarnail Singh Bhinderanwalae at central Sikh Museum, handing over of personal belongings of Bhinderanwale by his family, Taksal and Army to panth without any conditions, naming the road between Sri Guru Arjun Dev Niwas to Sri Hargobind Niwas on Sant Jarnail Singh Marg, setting up of a Sant Jarnail Singh Dharmik Vidya Kendar and beginning of Shaheed Bhai Amrik Singh Award for those schools helping to check apostism among Sikhs and General Shubeg Sigh Award to promote traditional sports.

JUSTICE DELAYED, BUT JUSTICE FINALLY SERVED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. RANGEL. Mr. Speaker, I rise today to honor the memory of three heroic young men James Chaney, Andrew Goodman, and Michael Schwerner, brutally killed in Mississippi exactly 41 years ago today and to welcome today's verdict of the Mississippi jury that found Edgar Ray Killen guilty of three counts of manslaughter in their deaths. I would have preferred the murder convictions sought by Neshoba County district Attorney Mark Duncan in the deaths of these three brave civil rights activists but I recognize the important step Mississippi has taken in finally convicting Killen of the crimes he proudly and publicly took credit for after a jury was deadlocked in his 1964 Federal Civil Rights trial.

Killen was a recruiter and organizer for the Neshoba County Chapter of the Ku Klux Klan during the "freedom summer" in 1964 when Goodman and Schwerner came from New York to work with James Chaney and other civil rights activists in Mississippi to register African-American voters. Schwerner had been in Mississippi but returned with Goodman when he heard of the burning of an African-American Church and beatings of members of the congregation. The night Chaney, Goodman and Schwerner died they had been jailed for speeding by Neshoba County Deputy Sheriff Cecil Price. By the time they were released at 10 p.m., the plan formulated by Killen to kill them and bury their bodies in an earthen dam was in place.

The Klan had used fear, intimidation and murder to brutally oppress over African-Americans who sought justice and equality and it sought to respond to the young workers of the civil rights movement in Mississippi in the same way. The murders of Chaney, Goodman and Schwerner were intended as a message to civil rights activists that the Klan was to be feared in Mississippi. It was a message to stay out of Mississippi. The failure of the State of Mississippi and the local district attorney's office to charge a single person in the killings of Chaney, Goodman and Schwerner offered the same message and another even more chilling message. Not only was the state uninterested in killings of African-Americans, a fact well known in that state, but it was uninterested in the killings of white people trying to help them. The failure of the State of Mississippi to prosecute Killen and others was a sign of the influence of the Klan in the state.

Everyone involved in reopening and retrying this case should be proud of this success. I would particularly like to thank Representative BENNIE THOMPSON of Mississippi for his leadership in the House on this issue. Hopefully, the parents and families of Chaney, Goodman and Schwerner will find solace in the fact that, in the end, justice has defeated intimidation and fear.

While the verdict is an important sign that this Nation can and will face the ugliness of its past, it is also a reminder that we have far to go in creating a just and equal society. The verdict today shows Mississippi is changing. I agree with Ben Chaney, brother of James Chaney, that today's verdict is "recognition of the terrible thing that happened." I hope, as he does, that this conviction helps "shine some light" on what has happened in Mississippi. However, I also agree with Rita Schwerner Bender, widow of Michael Schwerner when she said: "I would hope that this case is just the beginning and not the end."

This Congress should lead the effort to reverse the centuries of discrimination and racism that has so long held us back and apart. We should close the inequalities in education, employment, civil rights and health care that impacts the poor and minorities of this country on a daily basis. We should not take another 41 years to achieve justice for all Americans.

HOUSE OF REPRESENTATIVES—*Wednesday, June 22, 2005*

The House met at 10 a.m.

The Reverend Dr. Richard LaPehn, Pastor, Milton Presbyterian Church, Rittman, OH, offered the following prayer:

Almighty God, we pray for our Nation and her leaders. Forgive us for allowing unworthy dreams to be focused upon by many. Lord, do not let worthy dreams be muted by limited horizons. May our hope for an improved tomorrow never be dulled by the habits of today nor visionary words be dimmed by contentment with the present. Within this House, may our elected leaders recognize the dangerous temptation to speak merely colorless sentiments that will not result in lasting goodness, justice, or peace. Without fear of political ostracism or ridicule, may our leaders speak prophetic words of truth to benefit our lives and those of generations to come.

We praise You, our God, for the blessings of life in this Nation, where our representative democracy allows both shrill and faint voices to be heard.

Grant wisdom to our leaders as they chart a course for our future. May they dare to entertain valiant dreams for the betterment of their district and State, for the blessing of our Nation and world. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arkansas (Mr. BOOZMAN) come forward and lead the House in the Pledge of Allegiance.

Mr. BOOZMAN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND DR. RICHARD LAPEHN

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, our chaplain today is the Reverend Dr. Richard LaPehn. He is a member of one of the first families of Ohio, tracing his heritage prior to 1800. And Ohio became a State, of course, in 1803. His parents, Donald and Rebecca, are both natives of Iowa, veterans of World War II, and after a career as a CPA and a homemaker, respectively, now live in Florida. His wife, Laura Miles LaPehn, is a national board certified teacher employed as an educator in Barberton, OH. Mrs. LaPehn is the daughter of Carl and Sharon Miles, a retired engineering executive and his wife a homemaker who both reside in Indianapolis, IN. Richard and Laura are the proud parents of two daughters, Samantha and Allison. Fortunately, the family is in the gallery today.

Reverend Dr. LaPehn serves as pastor to the very kind and caring members of the Milton Presbyterian Church. In addition, he serves the growing city of Rittman, OH, which, of course, is in the 16th District, as a member of the city council. That is kind of unusual for a pastor of a church to also be a member of a city council. It is my pleasure today to welcome our guest chaplain to the House.

TEACHER TAX RELIEF ACT

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, I rise today as a cosponsor of the Teacher Tax Relief Act authored by my good colleague and friend the gentleman from Michigan (Mr. CAMP). I thank the gentleman for his leadership and strongly urge my colleagues to join us in cosponsoring this important effort to expand and make permanent the teacher tax deduction set to expire at the end of this year.

America's teachers are depending on Congress to quickly pass this bill into law, and we must answer their call. Day in and day out, our teachers in New York's Hudson Valley spend remarkable time, energy and, yes, money from their own pocket to develop innovative and successful ways to motivate their students to learn. They are spending hundreds of dollars from their own paychecks to buy classroom supplies and learning materials ranging from pens and pencils to computer software programs. When teachers take such great initiative in their teaching methods, they should not be taxed on the money they are putting back into our classrooms to help our children learn.

As a former teacher myself, I urge this House to quickly pass the Teacher Tax Relief Act. Let us show our teachers we are behind their efforts to improve our classrooms. Do not leave our teachers in limbo. Let us make sure our teacher tax deduction is permanently in place before our teachers start preparing for their new classes this fall.

TRIBUTE TO THE LATE CORPORAL CHAD MAYNARD

(Mr. SALAZAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SALAZAR. Mr. Speaker, I stand here today to pay tribute and recognize Corporal Chad Maynard. Corporal Maynard was killed in the line of duty while serving his country in Iraq. Each day, men and women in the Armed Forces face danger in the hope of bringing peace and prosperity to those in need. We must not forget the individual stories of these soldiers who have served our country with courage and honor. Chad Maynard was from Montrose, CO. All his life he wanted to follow in his father's and brother's footsteps and serve in the Marines. He volunteered to serve in the Marines and was proud to wear our Nation's uniform. He was the pride of the ROTC and the local community. We should honor his dedication and courage and leadership.

He was a good man, a strong and courageous man. He was everything a soldier should be. He was the kind of person that boosted our pride in being an American. On Wednesday, June 15, 2005, Corporal Chad Maynard was killed in Ramadi, Iraq. Chad Maynard made the ultimate sacrifice for his country.

My heart goes out to Chad's parents Gene and Cindy, his brothers Jacob and Jeremiah and his sister Breanne. And to his wife Becky and their yet unborn child. I offer these words of condolence. Your courage in this time of hardship humbles all of us. We will not forget your sacrifice.

Mr. Speaker, I submit this recognition to the United States House of Representatives in honor of their sacrifice so that Chad Maynard may live on in memory.

IN MEMORY OF JAKE PICKLE

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. DELAY. What a good man he was, Mr. Speaker. What a friend, what a gentleman, what a servant. James Jarrell Pickle was born on October 11, 1913, the son of a grocer and his schoolteacher wife, and died June 18, 2005, a statesman of the first cut. He was in many ways the story of his country in the 20th century. Some of his earliest memories were of soldiers returning home from France, heroes back from winning the First World War. He witnessed the roaring twenties as a teenager and came of age—much like our Nation itself—during the Great Depression.

After graduating from the University of Texas in an age when the country turned to Washington for help, Jake Pickle came to Washington to help. He became a congressional aide, and quickly put his heart and mind into service for his country. That commitment to public service, though, was not to be limited to desk work. He served honorably in the United States Navy as an officer aboard the USS *Miami* and *St. Louis* during the war in the Pacific.

After the war, Pickle returned home to Texas to make his way in the world as a young entrepreneur, spending his postwar years, as so many of his countrymen did, earning his share of America's peace dividend. He returned again to Washington in 1963, this time as a young Congressman, the winner of a special election in Texas' 10th Congressional District.

Representative Pickle learned early that the 1960s would give no quarter to half measures. Sides had to be chosen and stands had to be made. J.J. Pickle cast his first significant vote in this building in favor of the Civil Rights Act of 1964, one of only a handful of Southerners to do so. A Southerner in the days of Jim Crow, he feared the vote would destroy his young career. Instead, Mr. Speaker, that vote of conscience and courage came to define him. He served nobly in this body but never forgot he was a Texan serving in Washington, and not the other way around. His family and his constituents, Texans all, were his passion and he loved them all with the heart of a servant.

It was in 1983, when he led the effort on the Ways and Means Committee to solve the short-term crisis facing Social Security, that Pickle reached the pinnacle of his congressional service. Over his 31 years in Congress, Jake Pickle served millions of people in his Austin-based district, and if he had his way, he would have gotten to know every last one of them. He was a good man, a good friend and a great Congressman. I think what may sum up his life and death is this: That as much as we will all miss his service to our Nation, he will still probably miss the opportunity to serve even more.

SOCIAL SECURITY

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise today to speak about the President's Social Security plan. Social Security represents the values of hardworking communities that Americans in small towns across this country hold dear. It is the fulfillment of our Nation's promise that if you work hard and follow the rules, you will be rewarded for your lifetime of work with a secure retirement.

Today, Social Security keeps 50 percent of seniors out of poverty. No politicians should be allowed to take away the retirement benefits that workers in rural America have earned through Social Security. As a part-time farmer myself, I know how much rural families rely on Social Security. Farm families have tight budgets, even in good years, and most do not have access to employer retirement accounts such as 401(k) plans. Instead of standing up for our rural communities and values, the President's Social Security plan cuts benefits and jeopardizes the most important safety net in rural areas for retirees, survivors and the disabled.

All of rural America needs to read the fine print on President Bush's plan to privatize Social Security. Protecting the promise of Social Security is important to every worker, to every generation and to every family, especially to rural America.

THE 125TH ANNIVERSARY OF WIEDERKEHR WINERY

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, this year marks the 125th anniversary of the Wiederkehr Wine Cellars near Altus, AR. Many of my colleagues might be surprised to know that fine wine is being produced in this small western Arkansas town and, in fact, has been for the past 125 years. In 1880, Johann Andreas Wiederkehr emigrated from Switzerland to America, choosing a spot in the beautiful Ozark Mountains to plant the grapes, blackberries and persimmons that would make the blend for his first wines. He chose the spot in the Ozark Mountains to settle because the soil, climb and shape of the countryside closely matched the conditions that had led to some of Europe's greatest wines.

One of the finest wineries in the country, the original cellar has been converted into the Weinkeller Restaurant, specializing in authentic dishes from the Wiederkehr family's homeland of Switzerland. The cellar is listed in the National Register of Historic Places.

Mr. Speaker, I would like to congratulate the Wiederkehr family on this milestone. I encourage my colleagues to take a tour of Arkansas' wine country on their next vacation.

□ 1015

SAVE SOCIAL SECURITY FIRST

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, recently some Senate Republicans have unveiled a proposal to dedicate the Social Security surplus to private accounts. Having worked in an administration that not only proposed saving Social Security first, but having dedicated the Social Security surplus funds to strengthening the system, I assume that this new idea has some concepts of how to pay back the $800 billion that has already been taken out of the surplus over the last 6 years. All of a sudden we have discovered we are going to dedicate the Social Security surplus to Social Security.

I welcome their new-found conviction, but I assume it also includes an idea of how to pay back the $800 billion that we have already diverted from the surplus already diverted from Social Security. What I did not read is how they are going to do that.

The Democratic position has been consistent since 1998: Save Social Security first. The President lacks a plan on how to do that. The half-baked plan being touted in the Senate fundamentally misses the goal here, which is to strengthen Social Security.

Mr. Speaker, the American people are not fools. They have rejected the President's proposal for privatization, and they will undoubtedly reject this new proposal. People like the security that comes with Social Security.

GUANTANAMO BAY PRISONERS EAT WELL

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, pancakes with syrup, whole wheat bagels, scrambled eggs. That is not what I had for breakfast this morning, but there is a good chance that the terrorist prisoners at Guantanamo Bay were eating this morning. And it is not something that prisoners held by the Nazis, the Soviets, Pol Pot, or any other despot would eat.

Yet some on the other side of the aisle have advocated closure of the prison at Guantanamo Bay. The prison there has held 800 suspected al Qaeda and Taliban terrorists; 235 have already been released; 61 are awaiting release or transfer.

The information shared by these prisoners has saved countless lives here and around the world. We go to great lengths to ensure proper treatment of detainees. In addition to good meals, we take care to offer the freedom of worship freely, like supplying copies of the Koran and prayer rugs. Each person is treated according to the Geneva Convention, though none of these prisoners meets the qualifications of soldiers under that treaty.

The left is content to criticize and demagogue, but Gitmo is a part of the war on terror. And as long as it stands, the soldiers there will be treated properly. That is more than I can say for dozens of prisoners executed by al Qaeda in the past.

BRING OUR TROOPS HOME

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, two reports from today's New York Times which prove why we need to continue to move in the direction of bringing our troops home from Iraq: The first, a new classified assessment by the Central Intelligence Agency says Iraq may prove to be an even more effective training ground for Islamic extremists than Afghanistan was in al Qaeda's early days, because it is serving as a real-world laboratory for urban combat. The report goes on to say that officials have said Saudi Arabia, Jordan, and other countries would soon have to contend with militants who leave Iraq equipped with considerable experience and training.

The next report says the following: that Iraqi rebels are refining bomb skills and pushing the G.I. toll even higher. Improvised explosive devices are now sufficiently sophisticated to destroy armored Humvees. That means our soldiers are more vulnerable and that casualty rates will go higher than ever.

It is time to bring our troops home. Support House Joint Resolution 55, a bipartisan bill to bring our troops home.

THE PRIORITY FOR THIS NATION

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, this is the 68th session day that we have had in this 109th Congress. We have passed bankruptcy reform, class action reform, an aggressive agenda, and many of the Democrats are voting for this agenda.

And today we are continuing to move forward with an appropriations bill. We are going to be passing the Labor, HHS, and Education appropriations bill. And I would like to take a moment to commend the gentleman from Ohio (Mr. REGULA), subcommittee chairman, and the gentleman from California (Mr. LEWIS), the Committee on Appropriations chairman, on a provision in this bill. This bill will do something we have talked about doing a lot: reducing spending, prioritizing. Fifty-six programs will be terminated, programs that have outlived their usefulness. It will be a $3.8 billion savings for the taxpayers.

And why do we have our focus on priorities? Why does this majority have its focus on priorities? Because we know funding the war on terror, keeping this homeland safe, preserving freedom, is the priority for this great Nation.

I commend the leadership for their good work. I look forward to the debate on this bill.

TRIBUTE TO THE LATE CONGRESSMAN JAKE PICKLE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this morning to pay tribute to the late Congressman Jake Pickle, who will be funeralized today in Austin, TX. What a giant. What a generous spirit. What an outstanding patriot and leader. And I am grateful that he served the people of Texas and the United States of America.

Yes, he was someone who had the common touch. In fact, many would speak of his travels from Washington to Austin where he worked the airplane aisles to shake hands with all the constituents and others who were flying back and forth with him.

He was committed to justice in this country and made a powerful vote when he voted for the 1964 Civil Rights Act. He made it out of conscience and passion and what was right.

And then I think what he thought was his greatest achievement because of his common touch, he helped fix Social Security in the right way, in a bipartisan manner, and had it to last for 40 and 50 years.

We are grateful for his life and my deepest sympathy to his family and friends. But all we can say today is farewell to our friend. We thank him for his service. We thank him for being a great patriot. We thank him for loving America and thank him for loving Texas.

THE WRIGHT AMENDMENT

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, almost 3 decades ago, the cities of Dallas and Fort Worth came together and made an historic agreement to have one regional airport. This local agreement was codified by congressional action known as the Wright amendment.

There are those in Congress today who now seek to repeal the Wright amendment. But, Mr. Speaker, it is my belief that if there is a change to occur to that agreement that it should come from the local level and not from Washington. I think the mayors and county officials on both sides of the Trinity River should make this decision, and if they come to us, if they propose a change to the agreement, then and only then should Congress become involved.

Our community in North Texas is fortunate to have two thriving airports. We serve millions of satisfied customers and employ hundreds of thousands of North Texans. We should not jeopardize that which is working well already.

As a Republican, I am all for competition. But as a Republican, I am also for local control, and I do not believe in a Washington top-down approach to problems. And, finally, as a Republican, I believe it is important to keep our word and keep our covenant, and that is exactly what we should do with the Wright amendment today.

WHY AN INDEPENDENT INVESTIGATION IS NEEDED

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, last week the Iraqi Bureau Chief for Newsweek Magazine left Iraq after being there for 2 years and wrote one final report entitled "Good Intentions Gone Bad." Rod Nordland said the turning point in the war was the Abu Ghraib scandal. Nordland wrote: "The abuse of prisoners at Abu Ghraib alienated a broad swath of the Iraqi public. There is no evidence that all the mistreatment and humiliation saved a single American life or led to the capture of any major terrorist."

The abuse of detainees in U.S. custody has severely undermined our Nation's position in the world. And yet congressional Republicans are still unwilling to call for an independent investigation to determine what exactly is happening in these prisons.

How can we possibly regain our credibility in the world until we actually investigate the possibilities of abuse? We still do not know why these abuses took place.

RONNIE EARLE AND ETHICS

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Mr. Speaker, I may be new to Washington politics. I may be new to this partisan game played here. But it appears to me there is more politics masquerading in legalese and ethics today.

The coordinated attack strategy by the Democrat leadership against our Republican leadership has been shown for what it is, once again. It is a political side show with partisanship as its base that is attempting to assassinate our good leaders' on the Republican side rights.

Yesterday's National Review reports that Ronnie Earle, the Texas prosecutor who is the designated hit man for the Democrats, has been indicting several companies over alleged campaign finance violations. But he dropped those charges when they would pay and make contributions to his pet projects, his pet causes. An end for those charges, those contributions, have been made. Dollars for dismissal, Mr. Speaker. Pay off the left-wing prosecutor with big donations to pretty pink projects, and they might get off the hook.

It turns out that the prosecutor has also been on a witch hunt against our leadership, and he has, in fact, appeared at Democrat fundraisers to brag about. It is more Democrat side show politics, and that is what this is all about.

REPUBLICAN ABUSES OF POWER: REPUBLICANS DO NOT WANT ETHICS COMMITTEE TO MEET

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, last week the gentleman from Texas (Mr. DELAY), majority leader, blamed House Democrats for the fact that the Committee on Standards of Official Conduct has still been unable to hear the case against him. Mr. Speaker, House Democrats are trying to abide by the rules that this House passed at the beginning of the year. It is the Republicans and the chairman who refuse to follow the rules. They want to appoint a partisan staff director to lead their efforts on the committee despite House rules that explicitly state staffers be nonpartisan professionals.

The Committee on Standards of Official Conduct is supposed to be a place where Members can get straight, unbiased, trustworthy ethics guidance. How can Members who might have disagreements with the House leadership feel comfortable going to the committee for advice if they fear committee staff members are incapable of performing their official duties in a nonpartisan fashion?

I wonder, Mr. Speaker, why the Republicans want to appoint partisan staffers to the Committee on Standards of Official Conduct. Could it be that they like a partisan staffer in a room when decisions are made about certain Members of this House? We have to wonder.

SOCIAL SECURITY REFORM

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, Social Security reform is an idea whose time has come. And thanks to the leadership of President George W. Bush, we are engaged in a national conversation about addressing the long-term 21st century challenges that the Social Security system faces when some 40 million retirees become 80 million retirees.

The American people, candidly, Mr. Speaker, have not agreed on what the right thing to do is yet. But most of my constituents know that we ought to stop doing the wrong thing. It has simply been wrong these last 4 decades for the Congress of the United States to take the Social Security surplus and apply it to spending on big government.

□ 1030

We need to stop raiding the Social Security trust fund. Use those resources to give younger Americans voluntary personal savings accounts and that will begin the reform of this critical entitlement. Let us stop the raid on the Social Security trust funds. Let us give younger Americans more choice. It is time to reform Social Security. Let the debate begin.

REALITY DISCONNECT

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, at a time when the Bush administration continues to paint a rosy picture of the situation in Iraq, Congress should really be investigating why exactly the administration is misleading both the American public and Members of this institution.

While most Republicans in this Chamber continue to take the Bush administration's rhetoric as fact, Republican Senator CHUCK HAGEL of Nebraska states in this week's U.S. News and World Report: "The White House is completely disconnected from reality. It's like they're just making it up as they go along."

That is a Republican Senator. It would be nice if other Republicans would follow suit. For some reason Republicans think they are supporting troops in Iraq if they remain silent about what is going on there. Are Republicans supporting our troops when they refuse to question misleading statements like that from Vice President CHENEY that the Iraqi insurgents are in their "last throes"? Are Republicans supporting our troops when they refuse to support investigation into prisoner abuse scandals, scandals that many, including former Secretary of State Colin Powell, believe are harming both our reputation and our troops?

Silence is not the best way to help our troops.

FALLEN HEROES CAMPAIGN

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I wish to praise the admirable actions of First Coast Energy Shell Corporation, a Jacksonville-based company from my congressional district.

During the third annual Tribute to Heroes campaign, First Coast Energy Shell has pledged to raise $75,000 for the Intrepid Fallen Heroes Fund. This fund provides military families whose loved ones have been killed or wounded in Iraq or Afghanistan with financial and emotional support.

Beginning on Memorial Day and continuing through the Fourth of July, First Coast Energy Shell will donate a portion of all gasoline sales to this fund. I share in First Coast Energy's belief that "the military is an important part of our community" and that we should all actively support and honor those heroes who have sacrificed so much for our country.

I am proud to represent such patriotic and generous constituents and strongly urge my fellow Members to visit www.fallenheroesfund.org to learn more about this very good campaign.

GREAT SOCIAL SECURITY PLAN

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, well, I welcome the born again saviors of Social Security on the Republican side of the aisle. They have been looting the program for years, and now they want to make it right.

The President this year will borrow $168 billion from Social Security, money only extracted from people who work for wages and salary, and will transfer part of it to the wealthiest in America, many of whom do not even pay Social Security tax. And he is replacing that money with these bonds. And now the President questions whether the government will honor these bonds with the full faith and credit of the Government of the United States.

So Republicans have a great new idea: Social Security will not hold the bonds anymore. They will issue them to individuals. Now, if we are not going to honor these bonds for all the people of America, what assurance do people have that those individual bonds will be honored, and the Republicans want to charge them a management fee and a so-called claw-back. So anybody that takes one of those individual bonds, if it is honored, is guaranteed to get less than they would under the existing system. Oh, that is a great plan, guys.

PROTECT THE FLAG

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, let us talk about something positive that both Republicans and Democrats are going to do today and that is pass the flag protection amendment.

Sixteen years ago, a difference of one vote, the Supreme Court by one vote erased 200 years of tradition that our forefathers set to protect our flag. Who supports it? In May, 81 percent of the American people supported this amendment; 146, all the veterans organizations, many of them here today, first responders, police, fire, our military men and women; all 50 States have ratified resolutions saying that they will ratify when this amendment passes.

We have 300 signatures. This bill passed by 300 votes; and for the first time we have a chance, an opportunity to pass it in the Senate.

Some claim that it impinges on the first amendment. It does not. There are some of my colleagues that will oppose this amendment. They are honorable men, but the supermajority oppose their position. Take a look and ask the men and women at Walter Reed or Bethesda, ask the police and fire that stood on top of the Trade Center and ask them and they will tell you. Help pass this amendment today.

INVESTIGATE GUANTANAMO BAY

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, yesterday the House had an opportunity to see what really happened at Guantanamo Bay. If the Republicans are so sure that nothing bad happened there, why can we not have some hearings?

Now, they continued to be reassured by the White House. This is the White House that told them there were weapons of mass destruction in Iraq. This is the administration that told them that the oil industry in Iraq would pay for all the reconstruction. We are now about $300 billion in. And this is the administration that last month said we are in the last throes of the insurgency.

If anybody on this floor ever served in the military, you know that what went on in Abu Ghraib and what goes on in Guantanamo did not start at the private and the corporal level. It started at the top. And until we do an investigation of the policy papers that were put out of the White House from the Attorney General who was then the President's counsel and the general, General Sanchez, he just got promoted. This is the guy in charge of Abu Ghraib. They put six or eight guys in jail, but he got a promotion. That needs an investigation.

VITAL WORK AT GUANTANAMO BAY

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today in support of the vital work that takes place at Guantanamo Bay. To say, as a member of the Senate Democratic leadership recently did, that this base is similar to Nazi Germany or Pol Pot is not only deeply offensive but also wholly incorrect.

Mr. Speaker, I visited Guantanamo twice with the House Committee on Armed Services. Let me tell you what I observed there: new and up-to-date facility that allows for the humane treatment of prisoners; prisoners being treated with dignity and in accordance with the Geneva Convention; detainees freely practicing their religious observances.

Mr. Speaker, the overwhelming majority of American troops are performing with honor. When someone throws around offensive slurs for the purpose of political posturing, they jeopardize the very safety of the men and women who protect us and add resolve to those terrorists who wish us harm. These slurs are a horrific disservice to the American people who are counting on us to stop terrorism from once again rearing its ugly head within our borders.

THREE-LEGGED STOOL

(Mr. MELANCON asked and was given permission to address the House for 1 minute.)

Mr. MELANCON. Mr. Speaker, we have all heard of the 3-legged stool that each of us should build when we are looking towards our retirement. Two of these legs, pensions and individual savings, are the responsibility of the individual and the employee.

Mr. Speaker, as events over the last month have shown, it is clear that the pension leg of the stool is being seriously undermined by companies who are striking their responsibilities to live up to the promises they made to their employees. The best example of this comes in the form of United Airlines who sold out its employees the first chance it got as a way to come out of bankruptcy.

Employees who have been promised $100,000 a year pensions will now have to settle for $45,000 a year, a dramatic cut in their promised benefits. That may still seem like a lot of money, but these employees were promised a lot more, and they are not going to receive it.

Couple that with the giant market crash in 2000 when the stock market lost $9 billion. Mr. Speaker, there is no question that there is a lot of uncertainty right now, and maybe that is why Americans are so determined to keep one thing that is certain, that is, Social Security from being privatized.

PATIENT CHOICE

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, as a third-generation physician who has practiced medicine for over 20 years, I have seen colossal increases in health care costs. Unfortunately, they do not seem to be slowing down. Health care costs are rising much faster than one can imagine, and in just the last year they have gone up by 8 percent. Employers continue to pass these costs on to their employees in the form of increased deductibles and payments for prescriptions and care. Employees have no choice but to pay these costs because they are stuck with somebody else making decisions about their care.

It is time we start thinking about health care in a new way. It is time to put patients back in charge. Nobody knows better than the patients themselves what kind of health care they need.

Mr. Speaker, change in our health care system is needed now more than ever before, and health care should respond to the needs of patients.

H. Res. 215, the Health Insurance Patient-Ownership Plan, puts health care choices back into the hands of patients where they should be. I urge my colleagues to support H. Res. 215.

TRADE DEFICIT

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, this Republican Congress may go down in history as the most fiscally irresponsible Congress in the history of this country. Our record budget deficit, our record debt, we have over $7.8 trillion in debt, and each citizen's share is over $26,000. Last week we learned that our trade deficit set a new record, over $195 billion in the first 3 months of this year. That is 6.4 percent of GDP on an annual basis, the largest trade deficit in the history of our country.

This Congress is not just raising the debt ceiling, and we have raised this debt ceiling three times recently, this Congress is shooting the Moon. It is totally out of control. And these irresponsible, wanton budget policies will be borne by our children and our grandchildren. Is that the legacy we want to leave?

GITMO MENU

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, let us look at the breakfast menu: pancakes with syrup, orange juice, butter and milk or raisin bran cereal or oatmeal and a bagel and orange juice and butter. Then for lunch we have pita bread, hamburger, honey glazed chicken, and potatoes.

What am I talking about? Not the Days Inn, not the Hampton Inn, not the menu here at the Capitol; but I am talking about what prisoners will be eating today in Guantanamo Bay. This is where the Democrats say they are being subjected to cruel and unusual punishment.

I will go on with the dinner menu. We have cooked potatoes, seasoned lentils, pita bread, potato wedge, wheat bread, fresh fruit, cauliflower. I will kind of admit that making them eat cauliflower is a little bit tough on them, but we do not make them eat beets or broccoli on the other hand.

You have got also lemon pepper chicken, pasta beef, fried chicken, honey chicken, bayou chicken. This is today's menu at Guantanamo Bay. There is where Democrats are saying we are being cruel and unusually mean to prisoners, prisoners of war, prisoners of terrorism, prisoners who because of their confinement have kept us from having another 9/11 attack on American soil. This is just one of the things they will not tell you about Guantanamo Bay.

SOME WAR ON TERRORISM

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, this morning's New York Times reveals that a new classified assessment by the Central Intelligence Agency says Iraq may prove to be an even more effective training ground for Islamic extremists than Afghanistan was in al Qaeda's early days because it is serving as a real-world laboratory for urban combat and that Iraq, since the American invasion of 2003, had assumed the role played by Afghanistan during the rise of al Qaeda as a magnet and a proving ground for Islamic extremists from Saudi Arabia and other Islamic countries.

Mr. Speaker, we know that there were no weapons of mass destruction in Iraq. We know there was no connection between Iraq and Osama bin Laden. We know the President deceived the American people on these subjects, got us into an unnecessary war, and has now created a danger zone in Iraq, a country that was no danger, no threat to the United States and now is a training ground for more al Qaeda extremists who will be more and more endangering to the United States in terrorism.

We have created a training ground. We have created a training ground for terrorists because of the President's deception of American people. Some war on terrorism.

□ 1045

DETROIT PISTONS ARE ALIVE AND WELL

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, this is not an insignificant matter I say to my colleagues.

It should be noted that the San Antonio Spurs have lost five games at home until last night, and I bring this to the attention of the gentleman from Texas (Mr. SMITH), my dear friend on the Committee on the Judiciary, that this is the first time that we have gone to seven games in 11 years, and no one has ever won their last two games in a national basketball championship on the road.

So it is with bated breath that I let everyone know that the Detroit Pistons are alive and well and, I think, up to this incredibly important athletic contest tomorrow night.

INDIVIDUAL TAX SIMPLIFICATION ACT OF 2005

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I have served in this House since 1988, and I have been on the Committee on Ways and Means since 1993. A lot has changed over this time, but one thing still seems to stay the same and that is the need to bring simplification to our Nation's Tax Code.

The former chairman of the Committee on Ways and Means said he was going to rip the Tax Code out by its roots so that we could start over and create a new system that was far more simple. He was unsuccessful, as have been most reformers that I have seen in my time on this committee.

Year after year, the problem gets worse. It is easy to call for simplification, but it is a lot harder to achieve it.

Last week, I introduced H.R. 2950, the Individual Tax Simplification Act of 2005, which I have done now for 6 years in a row. It is an outstanding first step in achieving a simpler Tax Code.

My bill would eliminate, and listen to this, it would eliminate the alternative minimum tax in a revenue-neutral fashion. It would also take 200 lines from tax forms, schedules and worksheets and make capital gains much easier to calculate.

As I have indicated, this is 6 years now that we have offered this legislation, but every year that passes our Code grows more and more complex. We have an opportunity to do away with the alternative minimum tax.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 330, I call up the joint resolution (H.J. Res. 10) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 330, the joint resolution is considered read.

The text of H.J. Res. 10 is as follows:

H.J. RES. 10

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"The Congress shall have power to prohibit the physical desecration of the flag of the United States.".

The SPEAKER pro tempore. After 2 hours of debate on the joint resolution, it shall be in order to consider the amendment in the nature of a substitute printed in House Report 109–140, if offered by the gentleman from North Carolina (Mr. WATT) or his designee, which shall be considered read, and shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

Pursuant to section 2 of the resolution, the Chair at any time may postpone further consideration of the joint resolution until a time designated by the Speaker.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 1 hour.

Mr. NADLER. Mr. Speaker, I will control the time.

The SPEAKER pro tempore. Without objection, the gentleman from New

York (Mr. NADLER) will control the time of the gentleman from Michigan (Mr. CONYERS).

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 10.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Joint Resolution 10, which would amend the Constitution to grant Congress the authority to prohibit the physical desecration of the American flag.

Mr. Speaker, the American flag represents the shared history and common future of all Americans and our collective commitment to the preservation of the ideals enshrined in our Constitution. The flag flies proudly in times of peace and war, prosperity and crisis, reminding the world of our unflinching resolve to protect the freedom and equality it symbolizes.

In the early days of the Republic through contemporary times, the flag has rallied and sustained the spirit of the Nation. In World War II, it was carried onto Normandy Beach by soldiers who liberated a continent from darkness, and raised on Iwo Jima to steel the resolve of embattled Marines. During the Cold War, it affirmed the universal values of human freedom and dignity for citizens of countries whose governments ignored both.

Following the attacks of September 11, 2001, the flag was unfurled at the Pentagon and raised from the rubble at Ground Zero to unify the spirit of a shaken Nation. Unique among all American symbols, the flag captures the pride and spirit of the American people and serves as an international symbol of freedom and opportunity.

For the first two centuries of our Constitution's existence, it was permissible to protect America's preeminent symbol from desecration. In 1989, the Federal Government and 48 States had exercised this authority. However, in the same year, a closely divided Supreme Court invalidated those laws by holding that burning an American flag as part of a political demonstration was protected by the First Amendment. The Congress quickly responded to this decision, but the following year in another 5 to 4 decision, the Court struck down the Federal Flag Protection Act in United States v. Eichman. Since 1994, over 119 incidents of flag desecration have been reported, and the flag of the United States remains vulnerable.

Mr. Speaker, the framers of the Constitution recognized that there would be circumstances necessitating changes to the Constitution. Toward that end, they provided the people with an amendment process embodied in Article V of the Constitution. The founders recognized that the constitutional amendment process is absolutely vital to maintaining the democratic legitimacy upon which republican self-government rests. While our courts have the authority to interpret the Constitution, under our system of government, the American people should and must have the ultimate authority to amend it.

As a result, House Joint Resolution 10 does not upset the doctrine of judicial review. Rather, it utilizes a remedy envisioned by the founders to effectuate the will of the people. Moreover, House Joint Resolution 10 will not prohibit flag desecration. Rather, should the States ratify the amendment, it will enable Congress to enact legislation to establish boundaries within which such conduct may be prohibited.

The amendment process is one that should not be taken lightly. However, because of the narrowly divided Johnson and Eichman Supreme Court decisions, the constitutional amendment provides the only remaining option for the American people and their elected representatives to restore protection to our Nation's preeminent symbol.

In December 1792, James Madison asked a question: "Who are the best keepers of the People's Liberty?" While it might come as a surprise to some, he did not answer the Supreme Court. Rather, Mr. Madison answered, "The People themselves. The sacred trust can be nowhere so safe as in the hands most interested in preserving it."

All 50 State legislatures have passed resolutions calling on Congress to pass a flag protection amendment, and polls demonstrate the overwhelming majority of Americans have consistently supported a flag protection amendment.

Language identical to House Joint Resolution 10 has passed the House on four separate occasions. The Congress must act with bipartisan dispatch to ensure that this issue is returned to the hands of those most interested in preserving freedom, the people themselves.

Mr. Speaker, the flag of the United States is a critical part of America's civic identity. Millions of Americans, including we as Members of Congress, pledge daily allegiance to the flag, and our National Anthem pays homage to it. America's soldiers salute the flag of the United States in times of peace, and generations of America's soldiers have fought and died for it in times of war.

I urge my colleagues to join me in supporting this important measure that provides this unique and sacred American symbol with the dignity and protection it deserves and demands. Pass the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I begin by thanking the gentleman from New York (Mr. NADLER), my colleague, who is the ranking member on the Subcommittee on the Constitution and has served us so well across the years in this regard.

I also want to commend the gentleman from Florida (Mr. HASTINGS), the minority member of the Committee on Rules, for conducting such a dispositive examination of the rule and the substance of the measure that is before us today.

Today's consideration of House Joint Resolution 10 will show whether we have the strength to remain true to our forefathers' constitutional ideals and defend our citizens' right to express themselves, even if we vehemently disagree with their method of expression.

I have been thinking about this. I have never met anyone that supports burning the American flag. Very few Americans favor burning the flag as an expression of free speech. I personally deplore the desecration of the flag in any form, but I still remain strongly opposed to this resolution because this resolution goes against the ideals that the flag represents and elevates a symbol of freedom over freedom itself. If adopted, this resolution would represent for the first time in our Nation's history that the people's representatives in this body voted to alter the Bill of Rights to limit the freedom of speech.

While some may say that this resolution is not the end of our first amendment liberties, it is my fear that it may be the beginning. By limiting the scope of the first amendment's free speech protections, we are setting a most dangerous precedent. If we open the door to criminalizing constitutionally protected expression related to the flag, which this is, it will be difficult to limit further efforts to censor such speech. Once we decide to limit freedom of speech, limitations on freedom of the press and freedom of religion may not be far behind.

It has been said that the true test of any Nation's commitment to freedom of expression lies in its ability to protect unpopular expression, such as flag desecration. Justice Oliver Wendell Holmes wrote as far back as 1929, the Constitution protects not only freedom for the thought and expression we agree with, but "freedom for the thought we hate."

This resolution is in response to two Supreme Court decisions, Texas v. Johnson in 1989 and the United States v. Eichman in 1990, two Supreme Court decisions in one bite. It is always tempting for Congress to want to show the Supreme Court who is boss by amending the Constitution to outlaw flag-related expression.

□ 1100

But if we do, we will not only be carving an awkward exception into a document designed to last for the ages, but will be undermining the very constitutional structure that Jefferson and Madison designed to protect our rights. In effect, we will be glorifying fringe elements who disrespect the flag and what it stands for while denigrating the Constitution itself, the vision of Madison and Jefferson.

Concern about the tyranny of the majority led the framers to create an independent judiciary free of political pressure to ensure that the legislative and executive branches would honor the Bill of Rights. A constitutional amendment banning flag desecration flies in the very face of this carefully balanced structure. The fact that the Congress would consider the first-ever amendment to the Bill of Rights without so much as a hearing in this Congress makes this all the more objectionable.

Mr. Speaker, no hearings. Why not? Well, we have done this before. If Members want to find out what the debate would be like, read it from four other times that we have done this.

James Madison warned us against using the amendment process to correct every perceived constitutional defect, particularly concerning issues which inflame public passion. And, unfortunately, there is no better illustration of Madison's concern than the proposed flag desecration amendment.

History has proven that efforts to legislate respect for the flag only serve to increase flag-related protest, and a constitutional amendment will no doubt increase such protests many times over. Almost as significant as the damage this resolution would do to our own Constitution is the harm it will inflict in our international standing in the area of human rights.

Mr. Speaker, demonstrators who ripped apart Communist flags before the fall of the Iron Curtain committed crimes against their country's laws, yet freedom-loving Americans applauded their brave actions. Yet if we pass this action, we will be aligning ourselves with those autocratic regimes, such as in the former Soviet Union and Iran, and diminish our own moral stature as a protector of freedom in all of its forms.

Those who oppose this amendment to the Constitution prohibiting the physical desecration of the flag express the sentiment of many Americans. In May 2005, just last month, a majority of Americans opposed such an amendment by 63 percent to 35 percent because of its first amendment restrictions. Our veterans, citizens who have risked their lives to defend the ideals the flag represents, oppose this amendment as well. Veterans for Common Sense and Veterans Defending the Bill of Rights, two organizations, do not want to see the first amendment unraveled and a desecration of what the flag represents.

For those who believe a constitutional amendment will honor the flag, I urge them to actually read the Supreme Court's 1989 decision in Texas v. Johnson. The majority wrote, and I concur, "The way to preserve the flag's special role is not to punish those who feel differently about these matters, it is to persuade them that they are wrong. We can imagine no more appropriate response to burning a flag than waving one's own, no better way to counter a flag burner's message than by saluting the flag. We do not consecrate the flag by punishing its desecration, for in doing so we dilute the freedom that this cherished emblem represents."

I urge my colleagues to maintain the constitutional ideal of freedom and reject this resolution.'

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. CUNNINGHAM), the author of the legislation.

Mr. CUNNINGHAM. Mr. Speaker, 200 years of tradition was wiped out 16 years ago. For 200 years our forefathers fought to protect the flag. All 50 States had resolutions to protect the flag prior to this, and since then all 50 States have passed resolutions that they will codify this vote.

I want to tell my friends on the other side of the aisle, some will oppose this amendment. Their opposition is honorable. They are my friends and they oppose this. But I would tell the gentleman that as of May, 81 percent of the American people oppose their arguments and their views.

The military, go out to Walter Reed or Bethesda and ask those men and women what they feel and they will tell you. All of the veterans organizations, and my colleague mentioned the veterans organizations are opposed to this. This is from the Citizen's Flag Alliance and list all of the veterans organizations that support this amendment, and I include that list for the RECORD.

AMVETS (American Veterans).

African-American Women's Clergy Association.

Air Force Association.

Air Force Sergeants Association.

American GI Forum of the U.S.

American GI Forum of the U.S. Founding Chapter.

The American Legion.

American Legion Auxiliary.

American Legion Riders, Department of Virginia.

American Merchant Marine Veterans.

American War Mothers.

American Wholesale Flags.

Ancient Order of Hibernians.

Association of the U.S. Army.

Baltic Women's Council.

Benevolent & Protective Order of the Elks.

Bunker Hill Monument Association, Inc.

Catholic Family Life Insurance.

Catholic War Veterans.

The Center for Civilian Internee Rights, Inc.

The Chosin Few.

Combat Veterans Association.

Croatian American Association.

Croatian Catholic Union.

Czech Catholic Union.

Czechoslovak Christian Democracy in the U.S.A.

Daughters of the American Colonists.

Drum Corps Associates.

Dust Off Association.

Eight & Forty (des Huit Chapeaux et Quarante Femmes).

Enlisted Association National Guard U.S. (EANGUS).

Family Research Council.

Fleet Reserve Association.

Forty & Eight (La Societe des Quarante Hommes et Huit Chevaux).

Fox Associates, Inc.

Gold Star Wives of America, Inc.

Grand Aerie, Fraternal Order of Eagles.

Grand Lodge Fraternal Order of Police.

Grand Lodge of Masons of Oklahoma.

Great Council of Texas, Order of Red Men.

Hungarian Association.

Hungarian Reformed Federation of America.

Jewish War Veterans of the USA.

Just Marketing, Inc.

Knights of Columbus.

Korean American Association of Greater Washington.

Ladies Auxiliary of Veterans of World War I.

MBNA America.

Marine Corps League.

Marine Corps Mustang Association, Inc.

Marine Corps Reserve Officers Association.

Medal of Honor Recipients for the Flag.

Military Officers Association of Indianapolis, MOAA (formally The Retired Officers Association of Indianapolis, TROA).

Military Order of the Purple Heart of the U.S.A.

The Military Order of the Foreign Wars.

Moose International.

National Alliance of Families for the Return of America's Missing Servicemen.

National Association for Uniformed Services.

National Association of State Directors of Veterans Affairs, Inc. (NASDVA).

National Center for Public Policy Research.

National Defense Committee.

National 4th Infantry (IVY) Division Association.

National Federation of American Hungarians, Inc.

National Federation of State High School Associations.

National FFA (Future Farmers of America).

National Grange.

National Guard Association of the U.S.

National League of Families of American Prisoners and Missing in SE Asia.

National Officers Association (NOA).

National Organization of World War Nurses.

National Service Star Legion.
National Slovak Society of the United States.
National Sojourners, Inc.
National Society of the Daughters of the American Revolution.
National Society of the Sons of the American Revolution.
National Twenty & Four.
National Vietnam & Gulf War Veterans.
Native Daughters of the Golden West.
Native Sons of the Golden West.
Navajo Codetalkers Association.
Naval Enlisted Reserve Association (NERA).
Navy League of the U.S.
Navy Seabee Veterans of America.
Non-Commissioned Officers Association.
PAC Pennsylvania Eastern Division.
Past National Commander's Organization (PANCO).
Patrol Craft Sailors Association.
Polish American Congress.
Polish Army Veterans Association (S.W.A.P.).
Polish Falcons of America.
Polish Falcons of America—District II.
Polish Home Army.
Polish Legion of American Veterans, U.S.A.
Polish Legion of American Veterans Ladies Auxiliary.
Polish National Alliance.
Polish National Union.
Polish Roman Catholic Union of North America.
Polish Scouting Organization.
Polish Western Association.
Polish Women's Alliance.
Robinson International.
Ruritan National.
Sampson WWII Navy Vets, Inc.
San Diego Veterans Services.
Scottish Rite of Freemasonry—Northern Masonic Jurisdiction.
Scottish Rite of Freemasonry—Southern Jurisdiction.
Sons of Confederate Veterans.
Sons of the American Legion.
Sons of the Revolution in the State of Wisconsin.
Sons of Union Veterans of the Civil War.
Sportsmen's Athletic Club—Pennsylvania.
Standing Rock Sioux Tribe.
Steamfitters Local Union # 449.
Team of Destiny.
Texas Society Sons of the American Revolution.
The General Society, Sons of the Revolution.
The Military Order of the World Wars.
The Orchard Lakes Schools.
The Reserve Officers Association of the United States.
The Retired Enlisted Association (TREA).
The Seniors Coalition.
The Travelers Protective Association.
TREA Senior Citizens League.
The Ukrainian Gold Cross.
The Uniformed Services Association (TUSA).
United Armed Forces Association.
United Veterans of America.
U.S. Coast Guard Enlisted Association.
U.S. Marine Corps Combat Correspondents Association.
U.S. Pan Asian American Chamber of Commerce.
U.S.A Letters, Inc.
U.S.S. Intrepid Association, Inc.
U.S.C.G. Chief Petty Officers Association.
Veterans of the Battle of the Bulge.
Veterans of the Vietnam War, Inc.
Vietnam Veterans Institute (VVI).
Vietnam Veterans of America, Chapter 415.
Vietnam Veterans of America, Chapter 566.
VietNow.
Virginia War Memorial Foundation.
WAVES National.
Women's Army Corps Veterans Association.
Women's Overseas Service League.
Woodmen of the World.
63rd Infantry Division Association, USAR.
66th Engineering TOPO Vets.
Total Member Organizations As Of May 10, 2005: 146.

Mr. CUNNINGHAM. Mr. Speaker, in the past debates people have brought forth trinkets, ties, gloves, and T-shirts and tried to confuse the issue with the American flag. What is the American flag? The flag is what we place over the coffins of our fallen soldiers. I would ask those individuals, if they still try this trickster debate, which of those items would you place on the casket of one of our fallen soldiers: it is not the American flag. I have a 6-year-old test. If you ask a 6-year-old what is the American flag and you hold up a tie or a T-shirt, they will say no, that is not the American flag. They know, and so do the American people.

In my district we had a group of Hispanics that were protesting over a bill that we passed on this floor years ago and it was on bilingual education, English First. There was a large protest. They started to burn the American flag in my district. A Hispanic man and woman jumped into the flames and rescued that flag. When the press asked them why, they said we value this flag and this country and we do not want anyone to desecrate it. They also pointed out that more Hispanics per capita have won the Medal of Honor and they support this flag and this country proudly.

I have another friend who was a prisoner of war for 6½ years. It took him 5 years to knit an American flag on the inside of his shirt when he was held prisoner in Vietnam. He would display this flag at his meetings until the guards broke in one day and brutally beat the prisoner of war, ripped the flag to shreds in the middle of the floor, drug the prisoner out of the cell, beat him unconscious. And when they placed him back in the cell, his friends tried to comfort him as much as they could and tend to his wounds, but he was unconscious. They went about their meetings, and a few minutes later they heard a stirring in the corner. That broken body prisoner of war had drug himself to the center of the floor and started gathering those pieces of thread so he could knit another American flag.

This is not political for us. It is a very bipartisan issue. We should get around 300 votes today, I tell my colleagues, both Republicans and Democrats.

I understand that some people oppose this, and for different reasons why, but I will tell you that they are opposed by many, many people. Members say that this violates the first amendment rights. There are a thousand ways that an individual can protest any event, and this does not take away first amendment rights but it just says please do not desecrate the flag.

Remember Mr. Giuliani and the first responders at the World Trade Center, remember how that inspired this country. It does have value. This value is part of our tradition and was part of our tradition for 200 years, and that is what the gentleman from Wisconsin (Mr. SENSENBRENNER) and the 300 Members who will support this amendment today are saying to my colleagues that are opposed to this. We disagree with you. We do not disagree lightly, and we think it is very, very important. But when the majority of the American people support it, we will vote with it.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are enduring the Republican rite of spring: A proposed amendment to the Bill of Rights to restrict what it calls flag desecration. Why spring? Because Members need to send out a press release extolling the need to protect the flag, as if the flag somehow needed Congress to protect it. It is easier than answering questions about the failure of this House to provide proper health care to our veterans, proper armor to save the lives of our troops, or proper support for their survivors.

Mr. Speaker, I have heard a number of speakers invoke the rescuers and heroes and first responders at Ground Zero on September 11 and the few weeks after.

Mr. Speaker, that is my district. I was there in the days after 9/11. I have seen the heroism and the self-sacrifice of the first responders. I have watched their betrayal by the Government of the United States, by the Federal and State and local governments which are not providing for their health care, which are not providing workers' comp when they cannot do their jobs because of World Trade Center health syndrome, which denies that they were present in the workers' comp proceedings after they get medals for rescuing people. That is the betrayal we should talk about. What they care about is being made whole, is having their health care taken care of and their lives restored, not this.

The flag is a symbol of our great Nation and the fundamental freedoms that have made this Nation great. If the flag needs protection at all, it needs protection from Members of Congress who value the symbol more than they value the freedoms the flag represents. Quite frankly, the crass political use of the flag to question the patriotism of those who value fundamental freedoms is a greater insult to those who died in the service of our Nation than is the burning of the flag.

I am certain we will hear speeches invoking the sacrifice of our troops in the field as a pretext for carving up the first amendment. We already have. That is a shameful exploitation of the patriotism and courage of these fine and courageous young people. It is the civic equivalent of violating the commandment against taking the Lord's name in vain.

If Members want to honor the sacrifice of our troops, protect the rights they fight for. Protect our civil liberties, and protect the rights of veterans. Playing games with the Constitution does not honor them.

People have rights in this country that supersede public opinion, even strongly held public opinion. That is why we have a Bill of Rights to protect minorities from the majority. If we do not preserve those rights, then the flag will have been desecrated far beyond the capability of any idiot with a cigarette lighter.

Let there be no doubt that this amendment is aimed directly at ideas. Current Federal laws say that the preferred way to dispose of a tattered flag is to burn it, but there are those who would criminalize the same act of burning the flag if it was done to express political dissent.

Mr. Speaker, the fact of the matter is I have seen motion pictures, I have seen movies reflecting the War of 1812 in which the British burned our capital. I saw in those movies, actors playing British soldiers burning the flag. Did we send in the police to arrest the actors for this flag desecration? Of course not. We do not mind that because we know they do not mean it. That is to say, they are not burning the flag as an expression of disdain for our values, as an expression of their opinions on political issues of their disagreement with the administration or with the government in power. No, they are doing it as part of a play, play-acting; so the physical act does not mean anything, so we do not care.

□ 1115

But under this amendment, if someone were to do the same thing, burn the flag at the same time as he says, I disagree with the policy of whatever it is, that would be a criminal act. So what is really being made criminal? Not the act of burning the flag. What is really being made criminal is the act of burning the flag combined with the expression of a dissident, unpopular political opinion.

The act of burning the flag to dispose of it is a praiseworthy act. The act of burning the flag as part of a movie or part of a play, that is okay. I do not think anybody contemplates arresting the actors. Really, what we are getting at here is the core expression of first amendment protected ideas. We will arrest people who as part of expressing their opinion about something burn the flag. But if they burn the flag without expressing an opinion contrary to the government as part of a play or for some other reason, that will be okay. That should tell us what this amendment is about. That is why the Supreme Court said that the law was unconstitutional, because it does violate the first amendment.

The distinguished ranking member is quite correct. If we carve out this exception for the first amendment, if we make this the first time that we will limit rights protected by the Bill of Rights, it will be easier to do it in the future. Then the next amendment will come along and say that, well, if you say things that we think, that somebody at the moment thinks endangers American troops, you say the war, whatever war it is at the moment, is wrong, our President shouldn't have done it, whoever the President may be at that moment, our troops shouldn't be in wherever they are, that is endangering our troops, we will make that illegal. That will be easier to do. That is why this amendment is so dangerous.

How many Members of Congress, used car dealers, fast-food restaurants, and other seemingly legitimate individuals and enterprises have engaged in the act of using the flag or parts of the flag for advertising, an act which our unconstitutional law defines as flag desecration? This amendment would presumably make that law constitutional once more. If ratified, I think there are more than a few people who will have to redesign their campaign materials to stay out of jail, except, of course, that probably no one will arrest them for that violation of the law because they will not be seen to be using it for dissident political speech, unless they are running on an unpopular platform, then maybe they will be. Again, that is the danger of this amendment.

As if this assault on the Bill of Rights is not enough, the Judiciary Committee once again did not even bother holding a hearing on this very significant constitutional amendment. The Subcommittee on the Constitution did not bother to consider it, to debate it, or to vote on it. Now, I know that they will say, We've held hearings in previous Congresses. Yeah, and we have rejected this amendment in previous Congresses. And this is a new Congress. There are new Members. There is no excuse for doing something or attempting to do something so significant to start tearing up the Bill of Rights without even a hearing to hear opinions on it just because prior Congresses may have held hearings.

This cavalier attitude toward the Bill of Rights is offensive and revealing. Why discuss it? Why look into it? It's only the Constitution. We're only talking about the rights of a few malcontents for whom even opponents of this amendment have contempt.

And we do have contempt for people who would burn the flag. None of us think that those people are doing something praiseworthy. We all think it is absurd and wrong, but we think their right to be wrong has to be protected. That is what America is all about. By the way, where is this epidemic of flag burning? I do not recall seeing anybody burning the flag in I do not know how many years. What is the danger we are legislating against? People have died for this great Nation and the rights which this flag so proudly represent. We are a shining beacon to the world because we allow dissent, even when that dissent is offensive or despicable. Let us not cease to be a shining beacon on the hill. Let us not diminish our liberty. Let us not destroy the way of life for which our troops have made the ultimate sacrifice.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have a deep respect for the arguments that have been advanced by the gentleman from New York and other opponents of this amendment. I disagree with them. And I think the vast majority of the American people disagree with them as well. There has to be a line that is drawn on what is acceptable behavior and what is not acceptable behavior. Most of our criminal code, as well as certain types of civil provisions that contain penalties, do draw the line and have a clear demarcation of what goes over the line and thus should be punished.

I think one of the reasons why we are here today as a result of both the Johnson and Eichman decisions was exemplified by a decision of the Supreme Court of my home State of Wisconsin on April 9, 1998, in the case of State of Wisconsin v. Matthew Janssen. Mr. Janssen was prosecuted for flag desecration because he defecated on the American flag. Then he left a note saying why he did it, which contained a political expression. Using the precedent that was set by the Supreme Court in the Johnson and Eichman cases, the Wisconsin Supreme Court unanimously affirmed the dismissal of the prosecution against Mr. Janssen and wrote an extensive decision that basically agrees with the arguments that were advanced by the gentleman from New York (Mr. NADLER).

But the last paragraph of that decision, I think, is very important; and I am going to read it into the RECORD. The Wisconsin Supreme Court through Justice John Wilcox said: "But in the end, to paraphrase Justice Frankfurter, we must take solace in the fact that as members of this court we are not justified in writing our private notions of policy into the Constitution, no matter how deeply we may cherish them or how mischievous we may deem their disregard," quoting the Barnette case with Justice Frankfurter dissenting. The Supreme Court of Wisconsin concluded by saying: "If it is the will of the people in this country to amend the United States Constitution in order to protect our Nation's symbol, it must be done through normal political channels."

Today, we are doing it through those normal political channels. That is why this amendment should be approved.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution.

Mr. CHABOT. Mr. Speaker, I rise in strong support of H.J. Res. 10, the flag protection amendment, and I would like to thank the distinguished gentleman from California (Mr. CUNNINGHAM) for his efforts to protect our country's most sacred symbol, the American flag. I would also like to thank our distinguished Judiciary chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his leadership in this area.

I would also like to very briefly just address some of the allegations, particularly the one about not having hearings. As has been stated, we have had a number of hearings on this in the past. The interesting thing is when one holds these hearings or had we chosen to hold hearings again this time, I might add we had experts on both sides come and testify about this, there are allegations thrown at us, oh, here we go again, why are we holding these hearings once again? So you are really damned if you do or damned if you do not.

I would also invite those who might be following this debate to listen to where the inflammatory rhetoric, which side it comes from, allegations thrown against us that this is a crass exploitation of the flag when we have not done this, that, or the other thing.

I think those of us on this side tend to want to keep this debate on a very civil level and I would encourage my colleagues to do that. Since this country's creation, nothing has represented the United States of America as honorably as has the American flag. From the top of this very Capitol building to porches all across our country, the flag is synonymous with the principles on which this country was founded and the principles on which we still stand. Each day it serves as a source of comfort and strength and holds the promise of a better future for all Americans.

However, there are those who, while claiming the very protections our country has to offer, would seek to defile it, to desecrate, to burn or otherwise destroy the very symbol that would seemingly protect their actions. Since 1994, and I want to emphasize this, there have been 119 incidents of such flag desecration, ones like the one that our distinguished chairman just indicated where somebody literally defecated on the flag. Despite the will of both the Federal and State governments to protect the flag from such abuse, the Supreme Court has struck down these efforts to protect our most sacred symbol and instead has protected these un-American acts.

Congress must act and a constitutional amendment is the only answer. If we could do this legislatively, if we could pass a statute as we have done in the past which has been struck down by the Supreme Court, we would do that. But the only way that we can protect the flag is to amend the Constitution, and that is what this is all about. Many of us believe very strongly in this. H.J. Res. 10, which has passed the House in its current form on four separate occasions, would give Congress the authority it needs to once again protect the flag. I would urge my colleagues to support this amendment.

Mr. NADLER. Mr. Speaker, I yield 6 minutes to the gentleman from Virginia (Mr. SCOTT), a distinguished member of the Committee on the Judiciary.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding me this time. I think it is important to put this debate in context because it occurs to me that every time we consider this resolution, we end up cutting veterans health care. So let us just see what we are doing this year on the health care budget for veterans. The Republican budget cuts veterans health care programs by more than $13.5 billion over the next 5 years compared to what would be needed just to keep up with inflation. The President even proposed a $15 billion cut and copays for a significant number of our veterans.

When the sponsor challenges us to ask wounded veterans in VA hospitals what they want us to do, I suspect that they would not be asking us to cut veterans health care at the same time we debate this resolution.

Furthermore, Mr. Speaker, just before we went on Memorial Day break and gave speeches just a few weeks ago, colleagues voted down a measure that would have offered TRICARE health coverage to National Guard members and Reservists. Reserve components make up 50 percent of our forces in Iraq and studies show that 20 percent have no health insurance. For younger Reservists it is as high as 40 percent have no health insurance coverage. How can we ask these young men and women to serve on the front line and not even provide for them the basic necessity of health care?

And so, Mr. Speaker, 25 million American veterans deserve respect and dignity and they deserve more than the debate on this constitutional amendment. We should be providing health care for our veterans, not this resolution.

Mr. Speaker, everyone here respects the flag. The question before us is not whether we respect the flag, but whether or not we ought to use the criminal code to prevent those who disagree with us to express their views. The Supreme Court has frequently considered restrictions on speech that are permissible by our government. For example, under the first amendment with respect to speech, speech may be regulated by time, place and manner, but not regulated by content.

There are, of course, exceptions. Speech may be restricted if it creates an imminent threat of violence or threatens safety or expresses a patently offensive message that has no redeeming social value, but we cannot restrict by content otherwise. The distinction: you can restrict by time, place and manner but not content.

So you can restrict the particulars of a march or a demonstration by what time it is held or where it is held or how loud the demonstration can be, but you cannot restrict what people are marching or demonstrating about. You cannot ban a particular march or demonstration just because you disagree with the message unless you decide to ban all marches. You cannot allow one political party to have a demonstration, but not the other. You cannot have a pro-war demonstration and then try to restrict an anti-war demonstration.

Speech protected by the Constitution we have to recognize will always be unpopular. Popular speech does not need protection. It is only that speech that provokes the local sheriff into wanting to arrest you for what you said that needs protection. Of course, speech protected by the first amendment will always be unpopular.

Some have referred to the underlying resolution as the anti-flag burning amendment, and they speak about the necessity of keeping people from burning flags. In reality, the only place you ever see a flag burned is in compliance with the Federal code at flag ceremonies disposing of a worn-out flag. Ask any Boy Scout or American Legion member how to dispose of a worn-out flag and they will tell you that the procedure is to burn the flag at a respectful ceremony.

□ 1130

In fact, the only time I have seen a flag burned is at one of these ceremonies. So the proposed constitutional amendment is all about expression and all about prohibiting expression in violation of the first amendment principles. In fact, the amendment does not even use the term "burning." It uses the term "flag desecration." And by using the word "desecration," we are giving government officials the power to decide that one can burn the flag if they are saying something nice and respectful, but they are a criminal if they burn this flag while they are saying something offensive or insulting.

This is an absurd distinction and is a direct contravention of the whole purpose of the first amendment, especially when the real impact of the legislation will be to have political protesters arrested because they disagree and express that disagreement of government policy.

Mr. Speaker, in addition to the violation of the spirit of the Bill of Rights, this amendment has practical problems. For example, what is a flag? Can one desecrate a picture of a flag? Can one desecrate a flag with the wrong number of stripes?

Mr. Speaker, during the Vietnam War, laws were passed prohibiting draft cards from being burned, and protesters with great flourish would say that they were burning their draft cards and offend everybody, but then nobody would know whether it was a draft card or just a piece of paper. And what happens if one desecrates their own flag in private? Are they subject to criminal prosecution if somebody finds out?

Mr. Speaker, I feel compelled to comment on suggestions that stealing and destroying somebody's personal property is protected if that property happens to be a flag. That is wrong. It is still theft and personal property. The other examples, there are other criminal codes that people can be prosecuted on. What this legislation is aimed at is criminalizing political speech, and we should not criminalize political speech just because we disagree with it, just because we have the votes.

So, Mr. Speaker, I hope that we would defeat this resolution, and I urge my colleagues to oppose the resolution.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. SODREL).

Mr. SODREL. Mr. Speaker, I appreciate the opportunity to speak in favor of this amendment.

Hampton Sides, in his book Ghost Soldiers, recounts the Ranger action to liberate the allied POWs from Cabanatuan in the Philippines. Most of them were survivors of the Bataan Death March. They were emaciated, sick and weak. Some of them had to be carried from the prison compound when it was taken by U.S. Army Rangers. What I will read now is the last paragraph of his narrative as told by its survivors.

"Along the way we saw an American flag set in a turret of a tank. It wasn't much of a flag, writhing in a weak breeze, but for the men of Cabanatuan, the sight was galvanizing. Ralph Hibbs said his heart stopped for he realized it was the first Stars and Stripes he'd seen since his surrender. All the men in all the trucks stood at attention and saluted. Then came the tears. 'We wept openly,' said Abie Abraham, 'and we wept without shame.'"

Some say our flag is just a piece of cloth, Mr. Speaker. Grown men, particularly combat veterans, do not typically cry at the sight of a piece of cloth. To all patriots, particularly the majority that served under it, the American flag stands for liberty. To us, desecrating our flag is not a demonstration of liberty; it is an attack on liberty. If it were merely a piece of cloth, our enemies would not trouble themselves to desecrate it.

All Americans are "endowed by their Creator with certain unalienable rights." Among those rights enumerated in our Constitution is the right of free speech. The Constitution does not, however, afford absolute freedom of action. One cannot spray-paint a bald eagle in protest. One cannot deface the Washington Monument. And one should not desecrate our flag with impunity either.

To those who say that these actions have to be taken in context, if one burns a flag for a movie it is different from burning a flag as a protest, I would say that all actions have to be taken in context. If one takes another person's life in process of defending oneself, it is considered in a different context then if they took another person's life to collect a life insurance policy. All actions are always taken in context, and I trust the juries of the United States to take this amendment in proper context when it is carried out.

I would like to urge my colleagues to vote in favor of the flag protection amendment.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

So, in other words, if one desecrates a flag to make a nice point, that is a good context. If they desecrate it to make an unpopular point, that should be jailable. I thank the gentleman from Indiana (Mr. SODREL) for making my point.

Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from California (Ms. ZOE LOFGREN), member of the Committee on the Judiciary.

Ms. ZOE LOFGREN of California. Mr. Speaker, too often this debate has been categorized about who loves the flag. And it has caused me to think back about the great affection I feel for our flag. The fondest memory I think I have of being a mother is standing on the school yard of the elementary school with my children and joining with them and the other mothers as they saluted our flag. I remember crying, looking at our flag the first time I went to a Democratic convention and we sang the National Anthem and our flag was there. It was overwhelming, that the flag was there for our democracy.

And when we enter this Capitol and see the flag flying above it, it is an overwhelming experience to see that flag. We love it so much. And why? Because our Nation's flag stands for the freedoms that define this country. One of those freedoms is freedom of speech. Our country is strong and free because Americans are free to express their opinions even when we do not agree with those opinions.

If enacted, this bill would for the first time in our Nation's history modify the Bill of Rights to limit freedom of speech. As has been stated, it is clear that this amendment would only limit speech that some do not agree with.

Why are the Republican leadership of the House pushing this amendment? I think it is obvious that it would amend the first amendment. I think the majority party cannot really tolerate dissent.

I would like to read something that General Colin Powell said about this amendment when we had hearings several years ago. General Powell: "The first amendment exists to ensure that freedom of speech and expression applies not just to that with which we agree or disagree but also to that which we find outrageous. I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away."

Jim Warner, a Vietnam veteran and prisoner of the North Vietnamese from 1967 to 1973, wrote this about the proposed amendment, and I quote this prisoner of war, this American hero: "The fact is the principles for which we fought, for which our comrades died, are advancing everywhere upon the earth while the principles against which we fought are everywhere discredited and rejected. The flag burners have lost, and their defeat is the most fitting and thorough rebuke of their principles which the human could devise. Why do we need to do more? An act intended merely as an insult is not worthy of our fallen comrades. It is the sort of thing our enemies did to us, but we are not them, and we must conform to a different standard . . . Now, when the justice of our principles is everywhere vindicated, the cause of human liberty demands that this amendment be rejected. Rejecting this amendment would not mean that we agree with those who burned our flag or even that they have been forgiven. It would, instead, tell the world that freedom of expression means freedom even for those expressions we find repugnant."

I think there is another reason why this amendment has been offered, and that is to divert attention from the shabby treatment of our veterans. Let us shift attention to our beloved flag; maybe the vets will not notice that Congress has not kept our promises to them.

According to the American Legion, 30,000 veterans are waiting 6 months or longer for an appointment at a veterans hospital. The Veterans of Foreign Wars estimates that as many as 220,000 men and women veterans could lose their benefits under the proposed veterans budget. Our veterans went to war to protect our Nation and to guarantee our freedoms, including freedom of speech and to ensure that those freedoms would be protected. Now we are about to undercut their sacrifice by amending the first amendment for the very first time. And to add injury to insult, we are also failing to provide the care our veterans earned with their blood and their sweat, and we are denying them what they deserve from a grateful Nation.

Some in the past have voted for this amendment assuming that the Senate will stop it, that we really will not do this bad thing to our country. I have great fear that the political landscape has changed. I think this is a sad and shameful day for our Nation.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, throughout the history of this Republic, the Congress has proposed constitutional amendments and sent them to the States to overturn Supreme Court decisions that were particularly onerous. The one that comes to mind as coming to the top of the list was the Dred Scott decision. That was based on constitutional grounds, and Congress proposed and the States ratified three amendments, the 13th, 14th and 15th amendment, to make sure that the mistake that was made by the Dred Scott decision would never be repeated again. There was a decision early in the country's history under the Constitution that related to the judicial power of the United States. The 11th amendment was proposed and ratified to correct that. And the Supreme Court also decided that levying income taxes violated the provision of the Constitution on apportionment of taxes, and the 16th amendment was proposed and ratified to correct that problem.

So when there is a court decision that has resulted in consequences that the Congress and the States collectively deem are so bad that it requires an amendment to the Constitution, this Congress has not hesitated to propose an amendment to the Constitution, and the States have ratified it.

Here we have had resolutions of all 50 State legislatures asking that we propose this amendment and send it to the States for ratification, and that is because the instances of flag desecration that have occurred have been deemed by them to be over the line and that the Supreme Court of the United States was wrong in its decision and it needs correction.

I just go back to the quote that I made of the Wisconsin Supreme Court when they effectively invalidated my State's flag desecration amendment. It is up to the people through the constitutional amendment process to make the correction, and that is why we are here today.

Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today to defend the flag of the United States of America. Throughout the history of our Nation, our flag has stood as the ultimate symbol of our freedom. From Yorktown to Fort McHenry, from Iwo Jima to Baghdad, our troops have fought behind our flag in the defense of liberty. Their dedication and their sacrifice in defense of freedom demands that we take this action today. And who can forget on September 11, 2001, when firefighters in New York pulled our flag out of the rubble of the World Trade Center and hoisted it in defiance of terror? And who can forget the flag that hangs in the American History Museum here in Washington, D.C. that was draped over the scarred Pentagon as a show of our Nation's resolve? We should not, we must not, and we cannot allow the desecration of our national symbol as some form of protest. Some things in this Nation are sacred, and the flag is the most sacred symbol of all. The flag binds our Nation together and must be protected. Let us take this action together today. Honor the service and sacrifice of those who have fought behind the flag in defense of our freedom.

And, Mr. Speaker, as was mentioned, 50 States have already passed resolutions indicating that they want to ratify this resolution we are debating today. Let the majority of Americans ratify their allegiance and pledge their allegiance to our flag.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague and classmate for yielding me this time.

I rise in support and as a cosponsor of H.J. Res. 10, an amendment to the Constitution authorizing the Congress to prohibit the physical desecration of the United States flag.

Our flag represents our country as a symbol of our Nation and our veterans bravery throughout history. Our servicemen and women are courageously fighting the war on terrorism and putting their lives on the line every day to protect our Nation and the freedoms that we enjoy.

While I am a strong supporter of the first amendment rights to freedom of speech and expression, hallowed symbols like the flag deserve to be respected and protected. Those who desecrate our flag undermine that powerful symbol that really unites millions of Americans, both alive and those who have died trying to defend our Nation.

□ 1145

Flag-burning shows an ultimate contempt, and I think that is really what it is for, to show contempt and disrespect for our men and women fighting overseas now.

We have the right to protest and object to the policies of this administration or any other. The most effective protest is not to burn the flag, but political action. Go vote and organize people who agree with you to change the policies. Protest as much as we want to change those policies, but you cannot burn the flag. That is just the bottom line.

This amendment would restore historic protection for our national symbol, and that is why I am proud to support this amendment.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I would like to thank the chairman for his good work on the Committee on the Judiciary. I would also like to thank the gentleman from California (Mr. CUNNINGHAM) for taking up this legislation once again. I would also like to thank the American Legion and the other veterans service organizations for their work behind this legislation before the House.

The legislation before the House today would protect "Old Glory" from desecration. This is not about free speech or the ability of our citizens to express displeasure at the actions of government. That right is fully protected by the first amendment and this proposed amendment.

The Supreme Court was right in their rulings to prohibit the shouting of "fire" in a crowded theater; and, equally, the Supreme Court was wrong to permit flag-burning. The burning of the flag is conduct that Congress is justified in regulating, and that is what we are doing in this legislation.

The Stars and Stripes is a powerful symbol of our Nation and the ideals that we as a people hold dear: the freedom of American citizens, the courage of those who have defended it, and the resolve of our people to protect liberty and justice for all from enemies from within and from without. The ideals that it embodies are very powerful and are recognized here at home, but also abroad, by friend and foe alike.

This symbol of liberty is so powerful that Congress should have the right to prohibit its willful and purposeful desecration. It is not a piece of cloth that rose from the ashes of the fallen Twin Towers or that was draped from the Pentagon in the aftermath of September 11. After that day, the flag suddenly seemed to appear everywhere, overnight, across this land, any size of fabric, even those made by schoolchildren from construction paper, I suppose, flags stuck in flowerpots, pinned on lapels, decals posted on the back windows of our automobiles and trucks. The message was the same: I am proud to be an American.

I have seen the flag on a distant battlefield, and those, like me who have seen it there, see it perhaps from a different perspective. Across the river from here is a memorial to the valiant efforts of our Marines to raise that flag on Iwo Jima. It was not just a piece of cloth that appeared in the sky on that day so many years ago, just as it is not a piece of cloth that Francis Scott Key saw over Baltimore Harbor centuries ago.

The flag was the physical embodiment of all we as Americans cherish: the triumph of liberty over totalitarianism, the freedoms we enjoy; our rights the government has an obligation to protect; and the duty we have to pass the torch of liberty to our children undimmed.

The flag is a symbol worth defending. Long may she wave. I urge the adoption of this constitutional amendment to protect the flag.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I rise in strong opposition to this resolution. The process may well be legal, but it is unwise.

The problem is minimal. This is more like a solution in search of a problem. We just do not need to amend the Constitution for so little a problem that we face in this regard. We are just looking for another job for the BATF to enforce this type of legislation.

It was stated earlier that this is the only recourse we have since the Supreme Court ruled the Texas law unconstitutional. That is not true. There are other alternatives.

One merely would be to use State law. There are a lot of State laws, such as laws against arson, disturbing the peace, theft, inciting riots, trespassing. We could deal with all of the flag desecration with these laws. But there is another solution that our side has used and pretends to want to use on numerous occasions, and that is to get rid of the jurisdiction from the Federal courts. We did it on the marriage issue; we can do it right here.

So to say this is the only solution is incorrect. It is incorrect. And besides, a solution like that would go quickly, pass the House by a majority vote, pass the Senate by a majority vote, send it to the President. The Schiavo legislation was expedited and passed quickly. Why not do it with the flag? It is a solution, and we should pay attention to it.

Desecration is reserved for religious symbols. To me, why this is scary is because the flag is a symbol today of the State. Why is it, our side never seems to answer this question when we bring it up, why is it that we have the Red Chinese, Cuba, North Korea, and Saddam Hussein who support the position that you severely punished those who burn a flag? No, they just gloss over this. They gloss over it. Is it not rather ironic today that we have troops dying in Iraq, "spreading freedom" and, yet, we are here trying to pass laws similar to what Saddam Hussein had with regard to the flag? I just do not see where that makes a lot of sense.

Mr. Speaker, a question I would like to ask the proponents of this legislation is this: What if some military officials arrived at a home to report to the family that their son had just been killed in Iraq, and the mother is totally overwhelmed by grief which quickly turns to anger. She grabs a flag and she burns it? What is the proper punishment for this woman who is grieved, who acts out in this manner? We say, well, these are special circumstances, we will excuse her for that; or no, she has to be punished, she burned a flag because she was making a political statement. That is the question that has to be answered. What is the proper punishment for a woman like that? I would say it is very difficult to mete out any punishment whatsoever.

We do not need a new amendment to the Constitution to take care of a problem that does not exist.

Another point: The real problem that exists rountinely on the House floor is the daily trashing of the Court by totally ignoring Act I Sec. 8. We should spend a lot more time following the Rule of Law, as defined by our oath of office, and a lot less on unnecessary constitutional amendments that expands the role of the Federal Government while undermining that extension of the States.

Mr. Speaker, let me summarize my views on this proposed amendment. I rise in opposition to this amendment. I have myself served 5 years in the military, and I have great respect for the symbol of our freedom. I salute the flag, and I pledge to the flag. I also support overriding the Supreme Court case that overturned state laws prohibiting flag burning. Under the Constitutional principle of federalism, questions such as whether or not Texas should prohibit flag burning are strictly up to the people of Texas, not the United States Supreme Court. Thus, if this amendment simply restored the state's authority to ban flag burning, I would enthusiastically support it.

However, I cannot support an amendment to give Congress new power to prohibit flag burning. I served my country to protect our freedoms and to protect our Constitution. I believe very sincerely that today we are undermining to some degree that freedom that we have had all these many years.

Mr. Speaker, we have some misfits who on occasion burn the flag. We all despise this behavior, but the offensive conduct of a few does not justify making an exception to the First Amendment protections of political speech the majority finds offensive. According to the pro-flag amendment Citizens Flag Alliance, there were only three incidents of flag desecration in 2004 and there have only been two acts of desecration thus far in 2005, and the majority of those cases involved vandalism or some other activity that is already punishable by local law enforcement!

Let me emphasize how the First Amendment is written, "Congress shall make no law." That was the spirit of our nation at that time: "Congress shall make no laws."

Unfortunately, Congress has long since disregarded the original intent of the Founders and has written a lot of laws regulating private property and private conduct. But I would ask my colleagues to remember that every time we write a law to control private behavior, we imply that somebody has to arrive with a gun, because if you desecrate the flag, you have to punish that person. So how do you do that? You send an agent of the government, perhaps an employee of the Bureau of Alcohol, Tobacco and Flags, to arrest him. This is in many ways patriotism with a gun—if your actions do not fit the official definition of a "patriot," we will send somebody to arrest you.

Fortunately, Congress has modals of flag desecration laws. For example, Sadam Hussein made desecration of the Iraq flag a criminal offense punishable by up to 10 years in prison.

It is assumed that many in the military support this amendment, but in fact there are veterans who have been great heroes in war on both sides of this issue. I would like to quote a past national commander of the American Legion, Keith Kreul. He said:

> Our Nation was not founded on devotion to symbolic idols, but on principles, beliefs and ideals expressed in the Constitution and its Bill of Rights. American veterans who have protected our banner in battle have not done so to protect a golden calf. Instead, they carried the banner forward with reverence for what it represents, our beliefs and freedom for all. Therein lies the beauty of our flag. A patriot cannot be created by legislation.

Secretary of State, former Chairman of the Joint Chiefs, and two-time winner of the Presidential Medal of Freedom Colin Powell has also expressed opposition to amending the Constitution in this manner: "I would not amend that great shield of democracy to hammer out a few miscreants. The flag will be flying proudly long after they have slunk away."

Mr. Speaker, this amendment will not even reach the majority of cases of flag burning. When we see flag burning on television, it is usually not American citizens, but foreigners who have strong objections to what we do overseas, (burning the flag). This is what I see on television and it is the conduct that most angers me.

One of the very first laws that Red China passed upon assuming control of Hong Kong was to make flag burning illegal. Since that time, they have prosecuted some individuals for flag burning. Our State Department keeps records of how often the Red Chinese prosecute people for burning the Chinese flag, as it considers those prosecutions an example of how the Red Chinese violate human rights. Those violations are used against Red China in the argument that they should not have most-favored-nation status. There is just a bit of hypocrisy among those Members who claim this amendment does not interfere with fundamental liberties, yet are critical of Red China for punishing those who burn the Chinese flag.

Mr. Speaker, this is ultimately an attack on private property. Freedom of speech and freedom of expression depend on property. We do not have freedom of expression of our religion in other people's churches; it is honored and respected because we respect the ownership of the property. The property conveys the right of free expression, as a newspaper would or a radio station. Once Congress limits property rights, for any cause, no matter how noble, it limits freedom.

Some claim that this is not an issue of private property rights because the flag belongs to the country. The flag belongs to everybody. But if you say that, you are a collectivist. That means you believe everybody owns everything. So why do American citizens have to spend money to obtain, and maintain, a flag if the flag is communally owned? If your neighbor, or the Federal Government, owns a flag, even without this amendment you do not have the right to go and burn that flag. If you are causing civil disturbances, you are liable for your conduct under state and local laws. But this whole idea that there could be a collective ownership of the flag is erroneous.

Finally, Mr. Speaker, I wish to point out that by using the word "desecration," which is traditionally reserved for religious symbols, the authors of this amendment are placing the symbol of the state on the same plane as the symbol of the church. The practical effect of this is to either lower religious symbols to the level of the secular state, or raise the state symbol to the status of a holy icon. Perhaps this amendment harkens back to the time when the state was seen as interchangeable with the church. In any case, those who believe we have "no king but Christ" should be troubled by this amendment.

We must be interested in the spirit of our Constitution. We must be interested in the principles of liberty. I therefore urge my colleagues to oppose this amendment. Instead, my colleagues should work to restore the rights of the individual states to ban flag burning, free from unconstitutional interference by the Supreme Court.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I want to begin by commending the gentleman from California (Mr. CUNNINGHAM) for not only his extraordinary and courageous service to our Nation in uniform, but for his ongoing service to our country in bringing this important legislation to the floor of the Congress. I also want to thank the distinguished chairman of the Committee on the Judiciary on which I have the privilege of serving. The gentleman from Wisconsin (Mr. SENSENBRENNER) continues to provide leadership that reflects the values of the overwhelming majority of the American people to this Congress. By entertaining this legislation and bringing this debate again to the floor, the gentleman from Wisconsin (Chairman SENSENBRENNER) demonstrates the quality of that leadership again.

After surviving the bloodiest battle since Gettysburg, a platoon of Marines trudged up Mount Suribachi on Sulfur Island with a simple task: to raise an American flag above the devastation below. When the flag was raised by Sergeant Mike Strank and his makeshift squad, history records that a thunderous cheer arose from our troops on land and sea, in foxholes and on stretchers, across Iwo Jima and its surrounding waters. Hope was returned to that battlefield when the American flag began flapping in the wind.

Mr. Speaker, it was written long ago: "Without a vision, the people perish." That day, on Mount Suribachi, the flag was the vision that inspired and rallied our troops; and that flag, Mr. Speaker, is still that vision for every American who cherishes those who stood ready, and this day stand ready, to make the sacrifices necessary to defend freedom.

By adopting the flag protection amendment, I humbly offer that we will raise Old Glory one more time. We will raise her above the decisions of a judiciary that was wrong on our law and our history and our traditions. We will raise the flag above the cynicism of our times. We will say to my generation of Americans, those most unwelcome of words: there are limits. Out of respect for those who serve beneath it and those who died within the sight of it, we must say that there are boundaries necessary to the survival of freedom.

C.S. Lewis said: "We laugh at honor and are shocked to find traitors in our midst." Mr. Speaker, let us this day cease to laugh at honor. Let us elevate out of dishonor our unique national symbol to its rightful place. Let us pass this amendment to restore to Old Glory the modest protections of the law she so richly deserves.

Mr. NADLER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, we are gathered here today to debate a constitutional amendment that would restrict the right of an American to make a foolish, foolish mistake with his or her own property. As Secretary of State Colin Powell said in a letter dated May 18, 1999 to Senator LEAHY: "If they are destroying a flag that belongs to someone else, that is a prosecutable crime. But if it is a flag they own, I really don't want to amend the Constitution to prosecute someone for foolishly desecrating their own property. We should condemn them and pity them instead."

Mr. Speaker, my primary objection to this amendment is not the effect it will have on those who physically desecrate their flags, because the numbers of people who physically desecrate the American flag are so small. My objection is that it will give government a tool with which to prosecute Americans with minority views, particularly at times of great national division, even if their behavior would have been perceived as patriotic if done by the majority. Unfortunately, our history has abundant examples of patriotism being used to hurt those who express views in disagreement with that of the majority. Let me share some news stories taken from the New York Times in years of great strife in America.

The first one I would like to read is from April 7, 1917. Headline: "Diners Resent Slight to the Anthem. Attack a Man and Two Women Who Refuse to Stand When It is Played. There was much excitement in the main dining room at Rector's last night following the playing of the 'Star Spangled Banner.' Frederick S. Boyd, a former reporter on the New York Call, a Socialist newspaper, was dining with Miss Jessie Ashley and Miss May R. Towle, both lawyers and suffragists. The three alone of those in the room remained seated. There were quiet, then loud and vehement, protests, but they kept their chairs. The angry diners surrounded Boyd and the two women and blows were struck back and forth, the women fighting valiantly to defend Boyd. He cried out he was an Englishman and did not have to get up, but the crowd would not listen to explanation.

"Boyd was beaten severely when Albert Dasburg a head waiter, succeeded in reaching his side. Other waiters closed in and the fray was stopped. The guests insisted upon the ejection of Boyd and his companions, and they were asked to leave. They refused to do so and they were escorted to the street and turned over to a policeman who took Boyd to the West 47th Street Station, charged with disorderly conduct. Before Magistrate Corrigan in night court, Boyd repeated that he did not have to rise at the playing of the National Anthem, but the court told him that while there was no legal obligation, it was neither prudent nor courteous not to do so in these tense times. Boyd was found guilty of disorderly conduct and was released on suspended sentence."

Another one from the New York Times, July 2, 1917, headline: "Boston 'Peace' Parade Mobbed. Soldiers and Sailors Break Up Socialist Demonstration and Rescue Flag. Socialist Headquarters Ransacked and Contents Burned, Many Arrests For Fighting. Riotous scenes attended a Socialist parade today which was announced as a peace demonstration. The ranks of the marchers were broken up by self-organized squads of uniformed soldiers and sailors, red flags and banners bearing Socialist mottos were trampled on, and literature and furnishings in the Socialist Headquarters in Park Square were thrown into the street and burned.

"At Scollay Square there was a similar scene. The American flag at the head of the line was seized by the attacking party, and the band, which had been playing the 'The Marseillaise' with some interruptions, was forced to play 'The Star-Spangled Banner' while cheers were given for the flag."

Headline: "Forced to Kiss the Flag. One Hundred Anarchists are Then Driven from San Diego. Nearly 100 Industrial Workers of the World, all of whom admitted they are anarchists, knelt on the ground at dawn today near San Onofre, a small settlement a short distance this side of the Orange County boundary line.

□ 1200

"The ceremony, which was unwillingly performed, was witnessed by 45 deputy constables and a large body of armed citizens of San Diego."

What do these stories have to do with this very important and heartfelt debate today, Mr. Speaker? The decision we make today, it seems to me, is a balancing, weighing, of what best preserves freedom for Americans.

There may well be a decrease in public deliberate incidents of flag desecration, acts that we all deplore, if this amendment becomes part of our Constitution, although they are already quite rare.

On the other side of the ledger, if this amendment becomes part of our Constitution, in my opinion, it will become a constitutionally sanctioned tool for the majority to tyrannize the minority. As evidenced by anecdotes from a time of great divisiveness in our Nation's history, a time much different from today, government, which ultimately as human beings with all of our strengths and weaknesses, may use this amendment to question the patriotism of vocal minorities and will use it to find excuses to legally attack demonstrations which utilize the flag in an otherwise appropriate manner, except for the fact that the flag is carried by those speaking for an unpopular minority.

Let me give you an example. I was at a rural county fair in Arkansas several years ago where a group had a booth with great patriotic display, in addition to their handouts and signs. They had laid across the table, like a tablecloth, an American flag. I knew these people thought this to be a patriotic part of their display.

I was standing a few booths down the way and watched as one of the volunteers sat on the table, oblivious to the fact he was sitting on our American flag. I believe that his action was a completely innocent mistake, and that he did not realize such behavior is inconsistent with good flag etiquette.

I believe that had this group been a fringe group, these with views contrary to the great majority, and should we have laws prohibiting physical desecration of the flag, and had this been a time of great national division, such an action as I described would not be excused as an innocent mistake.

Instead, a minority group might be prosecuted out of anger, out of disgust, but make no mistake, the motivation for such a prosecution would be that they hold a minority view. Mr. Speaker, I do not think our Constitution will be improved nor our freedoms protected by placing within it enhanced opportunity for minority views to be legally attacked, ostensibly because of their misuse of the flag they own, but in reality because of the views that many consider out of the mainstream.

Mr. Speaker, I urge a "no" vote on this proposed amendment.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, symbols matter. Certainly the cross has special meaning for millions of people. The menorah, the Koran, we saw that recently where false reports on desecration of the Koran led to riots and hundreds of people dying.

The statue sometimes has special meaning. The symbolic meaning of the toppling of the statue of Saddam Hussein was not lost on the Iraqi people or the other people around the world.

Buildings have symbolic value. The buildings that were destroyed or attempted to be destroyed during 9/11 were not randomly chosen. The World Trade Center symbolized the U.S. economy. The Pentagon symbolized our military might; and probably this building was also targeted because it symbolized the government.

And so for millions of Americans, the flag symbolizes the very essence of this country. It is more than fabric. It is what gives this Nation meaning. Millions have fought under this banner. Hundreds of thousands have died under the banner. Many have died on the battlefield simply protecting the flag itself, keeping it from being captured or from even hitting the ground.

And so for 200 years, this was a commonly accepted understanding of the importance of the flag, the symbolic meaning of the flag. And then came two 5–4 Supreme Court decisions in the 1980s which allowed flag desecration under the banner of free speech, which has really offended a great many people in this country. I think an overwhelming number of States, more than 80 percent of U.S. citizens, disagree with those Supreme Court decisions.

So I urge my colleagues to support H.J. Resolution 10, which states, "The Congress shall have power to prohibit the physical desecration of the flag of the United States of America."

Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his stand on this issue and for giving me this time to express my views.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin by reading excerpts of an article written in the "Retired Officer," a veterans magazine, by a Major James Warner, who was a POW in Vietnam for 6 years. He writes as follows: "In March of 1973, when we were released from a prisoner-of-war camp in North Vietnam, we were flown to Clark Air Base in the Philippines.

"As I stepped out of the aircraft, I looked up and saw the flag. I caught my breath then as tears filled my eyes. I saluted it. I never loved my country more than at that moment. Although I had received a Silver Star medal, and two Purple Hearts, they were nothing compared to the gratitude that I felt then for having been allowed to serve the cause of freedom.

"Because the mere sight of the flag meant so much to me when I saw it for the first time after 5½ years, it hurts me to see other Americans willfully desecrate it. It hurts to see the flag burned, but I part company with those who want to punish the flag burners. Let me explain myself."

He then goes on to talk about his experience in the POW camp. He says, "I remember one interrogation where I was shown a photograph of some Americans protesting the war by burning a flag. See, the officer said, people in your country protest against your cause. That proves you are wrong.

"No, I said, that proves I am right. In my country we are not afraid of freedom, even if it means that people disagree with us. The officer was on his feet in an instant, his face purple with rage. He smashed his fist onto the table and screamed at me to shut up. While he was ranting, I was astonished to see pain compounded by fear in his eyes. I have never forgotten that look, nor have I forgotten the satisfaction I felt at using his tool, the picture of the burning flag, against him.

"We do not need," he continues, "to amend the Constitution in order to punish those who burn our flag. They burn the flag because they hate America and they are afraid of freedom. What better way to hurt them than with a subversive idea of freedom? Do not be afraid of freedom, it is the best weapon we have."

This is, as I said, from Major James Warner, who was a POW in Vietnam for 6 years who understands freedom, and therefore opposes this amendment.

Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman from New York (Mr. NADLER) for yielding me time.

Mr. Speaker, I rise today in opposition to H.J. Res. 10, which would amend the Constitution to allow Congress to pass laws banning the desecration of a flag.

I find it abhorrent anyone would burn our flag, and if I saw someone desecrating the flag, I would do what I could to stop them, at risk of injury or incarceration.

For me, that would be a badge of honor. But I think this constitutional amendment is an overreaction to a nonexisting problem. Keep in mind the Constitution has only been amended 17 times since the Bill of Rights was passed in 1791. This is the same Constitution that eventually outlawed slavery, gave blacks and women the right to vote, and guaranteed freedom of speech and freedom of religion.

Amending the Constitution is a very serious matter. I do not think we should allow a few obnoxious attention-seekers to push us into a corner, especially since no one is burning the flag now without an amendment. I agree with Secretary Powell, who when he served as Chairman of the Joint Chief of Staffs, wrote, "It was a mistake to amend the Constitution, that great shield of democracy to hamper a few miscreants."

When I think of the flag, I think about the courageous men and women who have died defending it and the families they left behind. What they were defending was the Constitution of the United States and the rights it guarantees as embodied by the flag.

I love the flag for all it represents, but I love the Constitution even more. The Constitution is not just a symbol, it is the very principles on which our Nation was founded. I urge my colleagues to vote against this resolution.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, listening to it in my office earlier, it was claimed that veterans oppose this amendment. And I was a little startled by that statement.

And the veterans groups supposedly are called the Veterans for Common Sense, and Veterans Defending the Bill of Rights. These veterans groups were cited as being against this amendment.

Now, frankly, I have never heard of these groups. I am sure most of you have not heard of those groups. I am not saying they are not legitimate groups or they do not have well-meaning members. But I would contend that the vast majority of American veterans do indeed support the proposed amendment. And I cite the support of groups such as the American Legion and Veterans of Foreign Wars, whose membership combined is well over 5 million veterans.

All this proposed amendment does is protect traditional American values and jurisprudence. Before and after the ratification of the first amendment, the States prohibited the physical desecration of the American flag. Then, over the next 200 years, everyone understood that any prohibition of physically desecrating the American flag was allowable under Federal, State and common law, and understood to be consistent with free speech.

Civil libertarian jurists, such as Chief Justice Earl Warren, Justice Hugo Black, and Justice Abe Fortas wrote that the States and Federal Government have the power to protect the American flag. So it was the Supreme Court's decision in Texas v. Johnson in 1989, and U.S. v. Eichman in 1990, that overturned two centuries of traditional and commonly accepted legal practice.

Thanks to these, what I believe are dubious decisions, we are forced to act with this constitutional amendment. This amendment does not really restrict freedom of expression, because no idea or viewpoints would be suppressed. Anyone can still freely say that they hate America and everything for which it stands, they just cannot burn a flag to prove their point.

There are so many exceptions to free speech: Child pornography, cross burning, libel, fighting words. We are merely looking at a very extremely narrow exception to prevent the desecration of the symbol that represents so many wonderful things to so many people at home and around the world.

Mr. Speaker, I would finally point out to my colleagues that it is against Federal law to burn U.S. currency or willfully destroy U.S. mailboxes; yet we cannot protect the American flag? Mr. Speaker, I believe that we have a constitutional justification for this amendment. We also have the support of all 50 States and 80 percent of the American people. I urge my colleagues to support this amendment.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the fact of the matter is, there have been thousands of amendments introduced, thousands of proposed amendments introduced to the Constitution of the United States. Only 17 have been adopted since 1791 after the Bill of Rights.

Amendments were proposed after most unpopular Supreme Court decisions. After the one-man, one-vote decision in 1960, whatever it was, where they said you had to reapportion based on population, there were amendments introduced. Amendments have been introduced after every unpopular decision of the Supreme Court.

It is deliberately difficult to amend the Constitution because the framers of the Constitution were afraid of transient majorities. They were afraid of emotion, and they deliberately wanted it to be difficult to amend the Constitution so it would not be amended very often, and only under dire necessity. What is the dire necessity here?

What is the dire necessity, that in the last 20 years, I heard someone say 119 people have burned the flag. Well, a lot more than 119 people have burned the flag. Most, however, have burned the flag to dispose of it, which is the approved method of disposing of it.

I have heard the gentleman from Florida (Mr. STEARNS) say, and others say, this has nothing to do with free speech. People can say anything they want. But it is burning the flag. But the fact is, it is very much free speech.

That is why the Supreme Court decided as it did, because burning the flag for a proper purpose, that is, to say an approved purpose, to destroy it, to destroy a tattered flag, is approved; But burning the flag to express an unpopular viewpoint, we do not agree with the administration in power about whatever, that would be made a crime.

☐ 1215

So what is the real essence of the crime? Burning the flag in connection with unpopular speech. If you burn it in connection with popular speech, we respect the flag and we dispose of this, or this connection with popular speech because you are an actor playing the British burning Washington in 1814, that is okay. So this gets at the heart of free speech.

Now, it may not be all that important right now, and it is not. We do not see any epidemic of people burning flags. We have no great emotional issue at the moment that have people marching in the streets; but as the gentleman from Arkansas (Mr. SNYDER) pointed out, at times in our history we have, and at times in our history people have been persecuted and free speech has been violated. We should not repeat that.

We should not make it easier at times of emotion in the future on issues we cannot now foresee for unpopular minorities to be bullied. We should not make it easier for unpopular minorities in the future to have their free speech trampled or to give weapons to a future government with which to trample free speech.

We all love the flag. No one is divided on that in this Chamber. But those of us who understand, I think, the meaning of liberty and the meaning of what this country stands for, perhaps in a way, I would want to say better than others, but that would be a little arrogant, but to understand that as we do, understand that the real meaning of this country is to permit free speech, to magnify free speech, to magnify free speech of those we do not agree with, of those we find obnoxious. And what this amendment does is to sacrifice that.

The cloth of the flag is not what we revere. What we revere is the idea of the flag and the Republic for which it stands. That idea is threatened by this amendment, not protected by it; and that is why it should not be approved.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the argument that has been made against this amendment is that it infringes upon free speech guaranteed by the first amendment. As all of the people who served as Justices of the Supreme Court during the 20th century, I think everybody would recognize that the strongest first amendment absolutist was Justice Hugo L. Black. Let me read you what Justice

Black said in the case of Street v. New York, decided in 1969:

"It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of an American flag an offense."

The court changed its mind twice at the end of the decade of the 1980s. I do not think that anybody's free speech rights to express whatever they want to say about a policy, about the position of the American Government, about a stand that a candidate makes, a vote that a Congressman makes is going to be infringed by the passage of this amendment.

What is going to be stopped is deliberately burning the symbol of our country or otherwise desecrating it. That is what this amendment seeks to prescribe. And if you want to stop it, vote "yes." If you do not, vote "no." I am voting "yes."

Mr. BLUMENAUER. Mr. Speaker, the constitutional amendment to ban the desecration of the American flag has become a ritual here in Congress. Since I started in the House of Representatives this issue has come to the floor every Congress. Flag burning today is not a problem. In my years in Congress, no one back home in Oregon has ever complained about flag burning. The irony is that if this amendment becomes law more flags will be burned as psychos see this as their way to get on television.

While I do understand the outrage that most of us feel towards those who make their points by trampling on our flag, the proposed constitutional amendment is unnecessary and counterproductive. On a serious note, we should not make changes to the Bill of Rights to deal with specific circumstances every time we are offended.

No amount of rhetoric about flag burning will hide our failure to spotlight how Congress is missing the point. The most basic and important way to demonstrate our patriotism is to support our troops, our veterans, and their families. We need to focus on doing our job here.

Mr. HOYER. Mr. Speaker, I rise today in opposition to H.J. Res. 10, the proposed constitutional amendment to prohibit the physical desecration of our flag. And, in this respect, I take no pleasure in doing so: Like the vast majority of Americans, I too condemn those malcontents who would desecrate our flag—a universal symbol for democracy, freedom and liberty—to grab attention for themselves and inflame the passions of patriotic Americans. Without doubt, those misfits who desecrate our flag deserve our contempt.

Further, I fully appreciate and respect the motivations of those who offer and support this amendment, particularly the patriotic men and women who so faithfully served this Nation in our armed services and in other capacities. Their strong feelings on this issue should neither be questioned nor underestimated. They deserve our respect.

However, I respectfully disagree with them and will oppose this amendment for the reasons so eloquently articulated by Senator Mitch McConnell of Kentucky. In opposing a similar amendment a few years ago, Senator McConnell stated that it "rips the fabric of our Constitution at its very center: the First Amendment." He added, "Our respect and reverence for the flag should not provoke us to damage our Constitution, even in the name of patriotism."

Those of us who oppose this amendment do so not to countenance the actions of a few, but because we believe the question before us today is how we the United States of America—are to deal with individuals who dishonor our Nation in this manner.

I submit, Mr. Speaker, that a constitutional amendment is neither the appropriate nor best method for dealing with these malcontents. As the late Justice Brennan wrote for the Supreme Court in Texas v. Johnson: "The way to preserve the flag's special role is not to punish those who feel differently about these matters. It is to persuade them that they are wrong. . . . We can imagine no more appropriate response to burning a flag than waving one's own."

Furthermore, it troubles me that this amendment, if approved, would ensconce the vile actions of a few provocateurs into the very document that guarantees freedom of speech, freedom of religion, freedom of the press, freedom of assembly, and freedom to petition the government. That document, of course, is our Constitution.

In more than 200 years, our Constitution has been amended only 27 times, and nearly all of those amendments guarantee or expand rights, liberties and freedoms. Only one amendment—prohibition—constricted freedoms and soon was repealed.

I simply do not believe that our traditions, our values, our democratic principles—all embodied in our Constitution and the Bill of Rights—should be overridden to prohibit this particular manner of speech, even though I completely disagree with it.

Free speech is often a double-edged sword. However, if we value the freedoms that define us as Americans, we should refrain from amending the Constitution to limit those same freedoms to avoid being offended.

I remind my colleagues that if we approve this amendment, we put our great Nation in the company of the oppressive regimes in China, Iran, and Cuba—all of whom have similar laws protecting their flags. Needless to say, when it comes to free speech, the United States of America is the world's leader. It does not follow China, Iran or Cuba.

Our flag is far more than a piece of cloth, a few stripes, 50 stars. Our flag is a universal symbol for freedom, liberty, human rights and decency that is recognized throughout the world. The inflammatory actions of a few misfits cannot extinguish those ideals. We can only do that ourselves. And I submit that a constitutional amendment to restrict speech—even speech such as this—is the surest way to stoke the embers of those who will push for even more restrictions.

Mr. STARK. Mr. Speaker, I rise in opposition to H.J. Res. 10, which proposes a Constitutional amendment to ban desecration of the flag, because what people do with a piece of fabric, however meaningful, is not worthy of Congressional intervention. Flag burning has as much to do with patriotism as weapons of mass destruction had to do with our invasion of Iraq.

This is not the first time the Republican Majority has sought to divert attention from otherwise pressing matters. This body could be focusing on providing health insurance to our Nation's 45 million uninsured, improving our public education system, addressing our swollen deficit, or any number of equally important issues. Instead we are mired in the issues of Terri Schiavo, steroids in professional sports and flag burning.

If we wanted to show our patriotism and support our troops there are tangible options available. We could focus, instead, on providing them with enough bulletproof vests, ensuring veterans have access to the best possible health care, and sending our troops into war only as a last resort. Perhaps if the members of this body were so concerned with a symbol of democracy, an effort could be made by our leaders to hold themselves to the highest ethical standards.

Mr. Speaker, how patriotic do you think the American people feel when a chief negotiator of the Medicare drug bill leaves Congress to become the head of the pharmaceutical industry's lobbying group? How much pride in our democracy do Americans have when they learn that the President was planning to invade Iraq months before he bothered to tell them about it? How should the American people feel when they learn the Republican Majority votes to cut health care for millions of impoverished Americans and then boosts funding for no-bid defense contracts to Halliburton?

The Republican Majority consistently doesn't support our troops and has sold the government to the nation's wealthiest corporations; a debate about flag burning will not change these facts. Mr. Speaker, I will not vote to undermine our freedoms and make a mockery of our Constitution.

Mr. KIND. Mr. Speaker, I rise to join in this serious debate over the First Amendment and our Nation's flag, two of the most sacred institutions to this country.

America is somewhat unique in its devotion to the Nation's flag. Perhaps because we come from so many different backgrounds, cultural traditions, and ethnicities, we see the flag as a source of national unity. Like the majority of Americans, I have the utmost respect and reverence for our flag. For all of us, this reverence begins early on, when as school children we are taught the Pledge of Allegiance and recite it each day with our classmates. Or it begins when we attend a Memorial Day Parade with our parents and look in awe at the veterans, young and old, who still carry the flag with such pride. Seeing the flag treated with this reverence is a powerful lesson for our young people and makes them incredibly proud to be Americans.

The times I have been most proud of my country have been during my two trips to Iraq. Seeing our young men and women in uniform carrying out their mission under dangerous and difficult conditions is an inspiring thing. Seeing their devotion to our flag and all that it represents makes me so grateful to have grown up in this country and to have some small part in helping our troops.

I was struck, during my visits to the country, with how dedicated our servicemen and women are to helping everyday Iraqis. Our men and women in uniform appreciate the freedoms afforded to them, and are eager to see Iraqi citizens enjoy these same freedoms. Mr. Speaker, I believe one of our greatest freedoms is freedom of speech. Our forefathers, in their wisdom, made this the first amendment to the Bill of Rights. After fighting a war against Great Britain for their freedom, they made sure that future Americans would have the right to free speech and free expression.

In deference to our forefathers and out of respect for the brave patriots today who are serving overseas, I cannot in good conscience support this amendment. Burning or desecrating the American flag is an abhorrent action for which I have nothing but contempt. Much as I hate the act, it is not right to deny an American the freedom to express himself in this shameful way.

I would like to close by quoting a man who knows much of patriotism and freedom. Former soldier and Secretary of State Colin Powell, when asked for his views on this issue, said, "The First Amendment exists to ensure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous. I would not amend that great shield of democracy to hammer a few miscreants. This flag will still be flying proudly long after they have slunk away."

Mr. MORAN of Virginia. Mr. Speaker, I rise in opposition to this resolution because I disagree with this attempt to muddle our First Amendment rights.

I understand and acknowledge the passion that my friends and colleagues demonstrate today. It is disturbing to see images of someone burning the flag of the United States, particularly when we reflect upon the countless men and women who have given up their lives defending this symbol of freedom.

When I was first elected to the House, I cosponsored a flag burning amendment. I did so for many of the same reasons that proponents of the amendment have expressed today.

And yet looking back, I realize I was moved by my heart than by my head.

History reminds us that the strength of America is derived from its basic ideals, one of the most important of which is tolerance for the full expression of ideas, even the acts that we consider obnoxious.

As our Founding Fathers originally intended, the First Amendment to the Constitution has safeguarded the freedom of expression. Tested through times of war and peace, Americans have been able to write or publish almost anything without interference, to practice their religion freely and to protest against the Government in almost every way imaginable.

It is a sign of our strength that, unlike so many repressive nations on earth, ours is a country that not only accommodates a wide-ranging public debate, but encourages it.

Mr. Speaker, a friend of mine and former Senator of Virginia, Chuck Robb, is a man who sacrificed greatly for his nation, in both the Vietnam War and in his political career. Exemplifying a "profile in courage" Senator Robb stood against public popularity when he voted against this amendment in order to defend the very freedoms that the American flag represents.

In his moving Senate floor statement, Senator Robb described how as a soldier he had been prepared to give up his life in the Vietnam War in order to protect the very freedoms that this constitutional amendment would suppress. By showing the courage to vote against this amendment, he jeopardized his political career and subsequently lost his bid for me reelection.

Not having fought in a war, I should do no less than Senator Robb did in defense of die freedom he and so many of my peers were willing to defend with their lives.

Mr. Speaker, this amendment should be defeated. In our hearts and our minds we know that flag burning is not a threat to our freedom, limiting the exercise of individual liberty is.

Mr. SIMMONS. Mr. Speaker, I rise today in strong support of House Joint Resolution 4, the Constitutional Amendment to prohibit flag desecration.

Our flag is the strongest symbol of America's character and values. It tells the story of victories won—and battles lost—in defending the principles of freedom and democracy. These are stories of men and women from all walks of life who put their lives on hold to serve our Nation. Many of those brave Americans never returned home from distant battlefields. The flag reminds us of the sacrifices they made at Gettysburg, San Juan Hill, Iwo Jima, Normandy Beach, Korea, Da Nang, Kuwait, Afghanistan, Iraq and other places where America's men and women in uniform placed honor and duty above self. These Americans had a powerful symbol uniting them—the American flag. The American flag belongs to them as it belongs to all of us.

Critics of the amendment say it interferes with freedom of speech. They are wrong. It does not interfere with freedom of speech. Americans have access to public television; they can write letters to the editor to express their beliefs; they can speak freely at public forums; they can share their views with listeners by calling into radio stations. I meet with constituents everyday in order to best represent their interests in Washington. Americans can stand on the steps of their own City Hall or on the steps of our nation's Capitol to demonstrate their cause. Protecting the American flag from desecration does not deprive any American of the opportunity to speak clearly, openly and freely.

Let us be aware that it is speech, not action, that is protected by the Constitution. Our Founding Fathers protected free speech and freedom of the press because in a democracy, words are used to debate, persuade and to educate. A democracy must protect free and open debate, regardless of how disagreeable some might find the views of others. Prohibiting flag desecration does not undermine that tradition.

In 1989, in the case of Texas versus Gregory Lee Johnson, the Supreme Court ruled that a state flag protection statute was unconstitutional. The court was in error. It was not the thoughts or opinions expressed by Mr. Johnson that the Texas law restricted but the manner in which he expressed his thoughts and opinions. Mr. Johnson was free to speak his mind without fear of censorship. That freedom is guaranteed by the First Amendment. But desecrating the flag is not speech; it is action and action is not protected. For example, an individual is free to speak about the need for America to conserve its environment, but the individual would not be free to express those thoughts by destroying oil derricks. There is la difference between action and speech.

The proposed amendment would protect the flag from desecration, not from burning. As a member of the American Legion, I have supervised the disposal of over 7,000 unserviceable flags. But this burning is done with ceremony and respect. This is not flag desecration. More than 70 percent of the American people want the opportunity to vote to protect their flag. Numerous organizations, including the Medal of Honor Recipients for the Flag, the American Legion, the American War Mothers, the American G.I. Forum, and the African American Women's Clergy Association all support this amendment.

All fifty states have passed resolutions calling for constitutional protection for the flag. In the last Congress, the House of Representatives overwhelmingly passed this amendment by a vote of 298 to 125, and will rightfully pass it again this year.

Mr. Speaker, I am proud to be an original cosponsor of H.J. Res. 4 and ask that my colleagues join me in supporting this important resolution that means so much to so many.

Mr. SHUSTER. Mr. Speaker, I rise today to urge my colleagues to support H.J. Res. 10, the "Flag Protection Amendment." Every day we rise with dignity to salute and pledge allegiance to our Nation's flag. We do so because our flag stands for liberty, democracy, and all the sacred ideals that allow us to rise here at all.

The stars-and-stripes are recognized in almost every corner of the globe as an emblem of liberating hope. This great symbol we respect so much has cloaked the bodies of our fallen brave and graced the final moments of our presidents. On American soil, she stands tall before all other flags and is lowered in sorrow only for the greatest of patriots. She waves from our homes and churches and crowns our Nation's greatest houses of freedom, including the one in which we now deliberate.

Our flag is handled with the utmost care by those who have worked hardest to sustain and protect what she stands for, by those who have dedicated their lives to her. Let us never forget their sacrifice and remain diligent in protecting the greatest symbol of democracy and freedom from desecration.

We would never tolerate the desecration of this or any other public building. We would never tolerate the desecration of our Nation's hallowed graves or places of worship. We would never stand idly by if Lady Liberty, the Washington Monument, or the Liberty Bell were ever torn from their pedestals and dragged into the streets. Why then should we leave our Nation's most cherished and recognized symbol vulnerable and unprotected in the very land that had its birth beneath her glorious colors?

I urge my colleagues to ensure that our beloved banner will survive, unscathed, every "twilight's last gleaming." Guarantee that within our borders she will forever wave proudly "o'er the land of the free and the home of the brave." Please join me in voting for H.J. Res. 10, the "Flag Protection Amendment."

Mr. HOLT. Mr. Speaker, I rise today in opposition to this amendment. Just as everyone here today, I view the American flag with a special reverence, and I am deeply offended when people burn or otherwise abuse this precious national symbol.

At the start of the town hall meeting I host in my district, I always try take a few moments to lead those in attendance in the pledge of allegiance. I think this is an important and valuable portion of my town hall meetings when I can express my support for and share my deep respect of both our flag and our system of government-which our flag represents.

What makes America a great and free society, is our system of government and our Constitution. Our Constitution is the document that provides the basis for our great country. It is our Nation's operating manual. For over two centuries, the Constitution—the greatest invention of humans—has allowed our diverse people to live together, to balance our various interests, and to thrive. It has provided each citizen with broad, basic rights.

The Constitution doesn't fly majestically in front of government buildings. We do not pledge allegiance to it each day. Yet, it is the source of our freedom. It tells us that we are free to assemble peacefully. We are free to petition our government; we are free to worship without interference; free from unlawful search and seizure; and free to choose our leaders. It secures the right and means of voting. It is these freedoms that define what it is to be an American.

As a Member of Congress, I took an oath of office in which I swore ". . . that I will support and defend the Constitution of the United States." In fact, new citizens to our great nation make a similar pledge when they are sworn in as U.S. citizens. It is important to note that I am entrusted with the obligation to defend the Constitution, not the symbols, of our Nation. The Founders knew that it is our system of government that is essential to who were are as a people and what we stand for. While I deeply value the flag as a symbol of our Nation, what we need to ensure is that we protect the values and ideals of our country as contained within the Constitution.

In its more than 200 years, the Constitution has been amended only 27 times. With the exception of the Eighteenth Amendment, which was later repealed, these amendments have reaffirmed and expanded individual freedoms and the specific mechanisms that allow our self-government to function.

This Resolution before us today would not perfect the operation of our self-government. It would not expand our citizen's rights. Proponents of this constitutional amendment argue that we need to respect our flag. I believe that the vast majority of Americans already respect our flag, and I am unaware of a flag burning epidemic in America. To me this Resolution is a solution in search of a problem.

Let me be clear, it is wrong to desecrate or defile an American flag in any way. But making it unconstitutional will not prevent these incidents from occurring. What we should do, as a government and as American citizens, is promote civic values and a greater understanding of our democracy. We should encourage civic education in our schools and communities. People who value and understand the ideals of our country will also understand and value the symbols of our great Nation.

The issue before us is whether our Constitution should be amended so that the Federal Government can prosecute the handful of Americans who show disrespect for the flag. To quote James Madison, is this a "great and extraordinary occasion" justifying the use of a constitutional amendment? The answer is no; this is not such an occasion. I oppose this amendment because I believe that while attempting to preserve the symbol of the freedoms we enjoy in this country, it actually would harm the values and ideals that created of these freedoms.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to oppose this amendment to the Constitution. When Framer Thomas Jefferson penned the Declaration of Independence, he wrote that:

> We, therefore, the Representatives of the United States of America, in General Congress, assembled, solemnly publish and declare, that these colonies are . . . free and independent states . . . and we mutually pledge to each other our lives, our fortunes, and our sacred honor . . . our sacred honor.

My colleagues, this is what the American flag stands for—honor. But it also stands for something even more sacred—freedom. Freedom of expression as contained in the 1st Amendment and the Bill of Rights.

> Congress shall make no law . . . abridging the freedom of speech.

This amendment, if passed, for the first time in our Nation's history, would cut back on the First Amendment's guarantee of freedom of expression that is the bedrock of our democracy, and one of the fundamental guarantees contained in the Bill of Rights.

In his 1859 essay On Liberty, John Stuart Mill recognized the public good and enlightenment which results from the free exchange of ideas. He writes:

> First, if any expression is compelled to silence, that opinion for aught we can certainly know, be true . . . Secondly, though this silenced opinion be in error, it may, and very commonly does, contain a portion of the truth . . . Thirdly, even if the received opinion be not only true but the whole truth; unless it is suffered to be and actually is, vigorously and earnestly contested, it will by most of those who receive it, be held in the manner of a prejudice.

There is a distinct difference between real and forced patriotism.

Freedom cannot survive if exceptions to the First Amendment are made when someone in power disagrees with an expression! If we allow that, our right to free speech will depend on what Congress finds acceptable, precisely what the First Amendment was designed to prevent.

This amendment may provoke rather than diminish the very acts it purports to curtail. Our Nation's experiment with an amendment to the Constitution concerning Prohibition shows that a cure by amendment to the Constitution may itself incite harm of the very nature it seeks to prevent.

The flag desecration amendment is a solution in search of a problem. The expressive act, burning a flag, which this amendment attempts to curtail, is exceedingly rare. Professor Robert Justin Goldstein documented approximately 45 reported incidents of flag burning in the over 200 years between 1777 when the flag was adopted, and 1989, when Congress passed, and the Supreme Court rejected, the Flag Protection Act. About half of these occurred during the Vietnam War. Some of our great war heroes even share the spirit of my fellow Democratic colleagues in supporting efforts to preserve freedom through individual rights:

Dwight D. Eisenhower said that "Only our individual faith in freedom can keep us free."

Thomas Jefferson again said that "The price of freedom is eternal vigilance."

Finally, General Richard B. Myers USAF, Chairman of the Joint Chiefs of Staff stated that "In our profession and mine, (we are) working hard to defend our values, our way of life and our Constitution. We risk our comfort, our safety and our lives for what we believe in."

This quote says it all—our brave soldiers fighting on the battlefields see the Constitution as one of their main causes. When we trivialize the Constitution by haphazardly amending it based on personal proclivities, we frustrate the sacrifices of our troops.

This amendment would be the beginning, not the end, of the question of how to regulate a certain form of expression. It empowers Congress to begin the task of defining what the "flag" and "desecration" mean. The use of the flag as symbol is ubiquitous, from commerce, to art, to memorials, such that Congress would be in the position of defining broad rules for specific applications. Congress, the courts, and law enforcement agents would have to judge whether displaying the flag on Polo jeans is "desecration," but the Smithsonian's recent removal of two million stitches from the 188-year old flag that inspired Frances Scott Key, is not.

The United States Supreme Court has ruled consistently that flag burning is a form of speech protected by the First Amendment. In Texas v. Johnson (1989), the Supreme Court held it unconstitutional to apply to a protester a Texas law punishing people who "desecrate" or otherwise "mistreat" the flag in a manner that the "actor knows will seriously offend one or more persons likely to observe or discover his action." The Court found that the law made flag burning a crime only when the suspect's thoughts and message in the act of burning were offensive, thus violating the First Amendment's protections of freedom of the mind and freedom of speech. The next year, in United States v. Eichman (1990), the Court reviewed a Congressional statute that attempted to be neutral as to the messages that might be conveyed, prohibiting flag burning except when attempting the "disposal of a flag when it has become worn or soiled." The Court struck down this statute as another attempt to punish offensive thoughts.

To quote the legal philosopher, Lon Fuller on amending the U.S. Constitution, he stated that:

> We should resist the temptation to clutter up the Constitution with amendments relating to substantive matters. We must avoid

the obvious unwisdom of trying to solve tomorrow's problems today and the insidious danger of the weakening effect of such amendments on the moral force of the Constitution.

I continue to share the sentiment and spirit of this quote with my colleagues on the other side of the aisle because they continue to tread the unwise path of unnecessarily amending the Constitution. Mr. Speaker, for these reasons, I strenuously urge my colleagues to vote "no" on H.J. Res. 10.

Mr. OXLEY. Mr. Speaker, I stand in strong support of H.J. Res. 10, which calls for a constitutional amendment permitting Congress to protect our nation's flag.

Old Glory is far more than a piece of cloth. Especially in this post-September 11 era, it is the most visible symbol of our Nation and the freedoms we have too often taken for granted. It is a unifying sign in times of peace and war, instilling pride in our great country and continued hope for our future.

Americans from across the political spectrum and from every walk of life support the passage of this amendment. Since the Supreme Court in 1989 invalidated state-passed flag protection laws, the legislatures in each of the 50 states have passed resolutions petitioning Congress for this amendment. I am proud that the House is taking this important step toward a constitutional amendment today.

Mr. Speaker, my hometown of Findlay, Ohio, is well known for its civic pride and spirited celebration of the flag. The annual display of thousands of flags on houses and businesses throughout Findlay earned the community the designation "Flag City USA." Arlington, Ohio, which I am also privileged to represent, has been named "Flag Village USA" for the patriotism inherent in its citizens. The letters, phone calls, and e-mails I have received from Findlay, Arlington, and throughout my congressional district in recent weeks express strong support for the protection of Old Glory.

I am proud again this year to be a cosponsor of DUKE CUNNINGHAM's joint resolution, and recognize him for his unwavering leadership on this issue. I urge my colleagues to support their constituents and vote in favor of sending this amendment to the states for ratification.

Mr. UDALL of Colorado. Mr. Speaker, I cannot support this resolution.

I am not in support of burning the flag. But I am even more opposed to weakening the First Amendment, one of the most important things for which the flag itself stands.

I think that point was well put by Bill Holen of Littleton, Colorado, who wrote to express agreement with a recent Denver Post editorial against this proposed constitutional amendment. As he put it, "As a Vietnam veteran and one who fought honorably for this nation . . . Like Colin Powell, while I personally abhor the thought of anyone burning the American flag, the symbol under which I fought for this nation, I believe the principles embodied in the Constitution and the Bill of Rights are far more important."

I do not think there is a real need for this amendment. On that point, I agree with the Rocky Mountain News that "Flag-burning is not really a problem, as actual incidents of it are rare. It is disproportionately denounced rather than actually done. And defining desecration is tricky, especially given the widespread commercial and decorative use of the flag." And, in particular, I share that newspaper's view that "More importantly, tampering with the First Amendment opens the way to those laws of the kind that less democratic governments impose to shield themselves from criticism."

Mr. Speaker, every day, at home and abroad, our brave men and women in uniform are on guard to defend our country and our constitution from those who have no respect for either. In my opinion, anyone who thinks that burning the flag under which they serve would be an effective way to influence public opinion is grotesquely mistaken. And I think to say we need to amend the constitution in order to respond to people suffering from that delusion is to give them more importance than they deserve.

For the benefit of our colleagues, I attach the text of the newspaper editorial to which I referred earlier.

[From the Rocky Mountain News, Sept. 17, 2004]

FLAG-BURNING ISSUE A WASTE OF TIME

Today is the 217th anniversary of the signing of our Constitution. To celebrate that happy event, the White House has announced that scholar and historian Lynne Cheney, the wife of the vice president, will speak at Gunston Hall Plantation in northern Virginia.

Gunston Hall was the home of George Mason, whom the White House properly described as "Father of America's Bill of Rights." Mason wrote the prototype of the Bill of Rights for Virginia's constitution in 1776, and it was his intransigence that led to the adoption of those rights as the first 10 amendments to the Constitution.

The anniversary comes as the Republican Senate leadership is considering, with breathtaking political cynicism, bringing back for a vote a constitutional amendment outlawing flag-burning.

The Supreme Court has ruled simply and correctly, that flag-burning is political speech and as such has the absolute protection of the First Amendment. Thank you, Mr. Mason.

Flag-burning is not really a problem, as actual incidents of it are rare. It is disproportionately denounced rather than actually done. And defining desecration is tricky, especially given the widespread commercial and decorative use of the flag. More importantly, tampering with the First Amendment opens the way to those laws of the kind that less democratic governments impose to shield themselves from criticism.

Given her credentials, Lynne Cheney is the ideal person, Gunston Hall the ideal venue and Constitution Day the ideal occasion to denounce this latest attempt to undo George Mason's handiwork.

Mr. KOLBE. Mr. Speaker, today, I rise in opposition to H.J. Res. 10, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States. Since 1990, I have voted in opposition to a Constitutional amendment banning flag desecration or flag burning. I find flag desecration disgraceful, and I get as angry as anyone does when I see or hear about such things. But, I do not believe we should amend the U.S. Constitution to deal with this matter.

Not once during the 15 years I have voted on this amendment to the Constitution has a crisis occurred with people burning flags. As a combat veteran of the Vietnam War, I know well the sacrifices that have been made by many generations of Americans to protect our freedom. We, as Americans, should honor our flag. It is a symbol of our freedom. I am immensely gratified when I see all the flags flying in the face of terrorist attacks and in support of our troops fighting overseas. They make me very proud.

However, I am not at all comfortable with changing the Bill of Rights that guarantees our freedoms. The Bill of Rights guarantees freedom of expression including dissent. Individual freedom and opportunity have built our nation into the strongest on earth where liberties are enshrined in our Constitution. The First Amendment to the Constitution protects free speech and allows us to openly debate any issue in this country. As vile as flag desecration may be, the Supreme Court has ruled that it is political speech and, therefore, protected under the First Amendment.

I remain committed to preserving freedom and opportunity. In the true spirit of America, freedom must be maintained for those with whom we agree and, yes, those with whom we disagree. I believe we, as individuals, should honor the flag as a symbol of that freedom. Applying government coercion to prevent flag desecration actually chips away at that freedom of expression.

Old Glory can withstand a few exhibitionists looking for attention. We don't have to jeopardize our freedoms to protect it. It is a symbol of what protects us.

Mrs. CUBIN. Mr. Speaker, I stand before you today in strong and wavering support of the Flag Protection Amendment. I'm proud to be an original cosponsor of this important measure.

Our flag is more than just a piece of cloth. From Lexington to Gettysburg to Falluja, more than a million brave Americans have given their lives in defense of our flag and the American ideals it represents. We must honor their ultimate sacrifice, and the sacrifices made by the almost 60,000 veterans in my home state of Wyoming, by defending our flag with the courage and resolve they proved possible.

The Flag Protection Amendment will protect from desecration the most widely recognized symbol of freedom and democracy worldwide, one that offers hope and comfort to the students and teachers, lawmakers, and military men and women who pledge allegiance to the flag every day across the nation.

With that, I strongly urge final passage of the Flag Protection Amendment.

Mr. McCAUL of Texas. Mr. Speaker, today, I attended the funeral of Congressman J.J. "Jake" Pickle—a former member of the House who represented the 10th District of Texas for 31 years. As the current representative of the 10th District of Texas, it was my duty to pay homage to Congressman Pickle who gave so much to Texas and his constituents.

In doing so, I was absent for legislative business on the floor, and missed the opportunity to vote in favor of an amendment to the Constitution to prevent the desecration of the flag. As an original cosponsor of this amendment, I would have voted "yes" to preserve the ultimate icon of American values.

Since 1994, there have been 119 instances of reported flag burning or desecration in the United States, but just one occurrence of this should be reason enough to outlaw this heinous act.

All 50 States have enacted resolutions asking Congress to pass a flag protection amendment, and an overwhelming majority of the American people have consistently supported the protection of our flag. Accordingly, the House has passed a flag protection amendment by more than the ⅔ majority needed in 5 separate Congresses.

Countless men and women, including my father, who are all heroes, have served under the glory of its stars and bars and died to ensure its spirit, and desecrating our flag is a desecration of their contribution to America. The American flag serves as the world's most recognized symbol of freedom and democracy, and should be given the appropriate respect and protection.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate on the joint resolution has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WATT

Mr. WATT. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

The amendment in the nature of a substitute offered by Mr. WATT:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"Not inconsistent with the first article of amendment to this Constitution, the Congress shall have power to prohibit the physical desecration of the flag of the United States.".

The SPEAKER pro tempore. Pursuant to House Resolution 330, the gentleman from North Carolina (Mr. WATT) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this marks the sixth consecutive term of Congress in which I have engaged in this debate. I actually, when I first came to Congress and the first time I had the opportunity to participate in this, I resented having to go through this. But over the years I have come to believe that this is a healthy debate; and if we conduct it in a dignified way, the debate actually can be good for the entire country, and people can come away with a greater understanding and appreciation of how delicate our Constitution framework is.

This is about how individuals in our country perceive patriotism, the rights of free speech, the rights of protecting the views of people who quite often they may disagree with in content, but that is what our country has been about.

So I want to start by complimenting the chairman and the ranking member for the dignified way the debate has proceeded up to this point. And I hope that this amendment in the nature of a substitute does not get us off onto a different track, because this is the second or third time I have offered the amendment in the nature of a substitute, and I did it originally for the purpose of trying to get to a higher quality of debate and forcing my colleagues and whoever may be listening to the debate to think about some of these things.

What does the first amendment mean? What rights do we owe to people in our country whose views we may disagree with? What rights do we owe to the people in our country who may express those views in ways that we disagree with?

And I am confident that everybody in this body would think that desecration of the flag, burning of the flag would not be something that we would be supporting, so that is not what this amendment is about.

My amendment simply says if we are going to do a constitutional amendment, it should not just say that Congress has the authority to pass a law that prohibits the physical desecration of the flag. Whatever we do should be subject to the first amendment to the Constitution. And the amendment under my version would read, not inconsistent with the first article of amendment to the Constitution: "The Congress shall have power to prohibit the physical desecration of the flag of the United States."

My amendment, I believe, recognizes the long-standing legacy of the Bill of Rights. In over 200 years of history, our Constitution has been amended only 27 times and the Bill of Rights has never been amended, not once has the Bill of Rights been amended; and this proposed resolution would be the first time to do that.

I understand that the proposed resolution seeks to uphold the integrity of our flag; but my amendment seeks to ensure that the principles for which the flag stands, particularly freedom of expression and freedom of speech, are also reserved.

The first amendment to the United States Constitution stands for the proposition that all voices of dissent should be heard without governmental suppression. Disrespect for the flag is offensive to every Member of this body, but this is not a debate about patriotism. It is not a debate about whether flag desecration is good or bad. It is a debate about the values that underlie our Constitution. And I think former Secretary of State Colin Powell said it best when he said these words:

"The first amendment exists to ensure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous. I would not amend that great shield of democracy, the Constitution, to humor a few miscreants," he said. "The flag will be flying proudly long after they have slunk away." And that is the end of his quote for my purposes today.

It is the underlying values represented by the flag, not the cloth on which the stars and bars are sewn that our Constitution protects. Those are the values my amendment would preserve.

Mr. Speaker, following the horrific acts of terrorism against our country, our citizens were repeatedly cautioned not to cower in the face of terrorism. Do not curtail our freedoms, we were told, for to do so would be to surrender our way of life, to give up and give in to the terrorists. The terrorists would win.

I think if we pass the amendment as it has been proposed, we give in to those miscreants, as Colin Powell has characterized them, those people who we disagree with. We should be protecting their rights also to free speech.

I want to put this in context. I started by saying that I used to resent this debate and I would tell you, Mr. Speaker, that I came to Congress thinking that, I guess, I thought I had a monopoly on what the meaning of the Constitution was. And there is a history to that, because I had graduated from Yale Law School, took my constitutional law from Professor Robert Bork, who became so controversial when he was nominated to the United States Supreme Court. And in that class with me was a student by the name of Duncan Kennedy who is now a professor at Harvard Law School and for whom a whole theory of law has been patterned.

In that class with me, in that constitutional law class, was a guy named Paul Gewirtz, who is now a professor of constitutional law at Yale University Law School. So it was one of those law school classes that people would die for. And we analyzed the first amendment back and forth, right and left, Bork against Duncan, Bork against Gewirtz. I mean, there were good students in the class and then there were people like me who were sitting in the back of the room hoping that nobody would ever realize that we were there and I could avoid getting involved in that high level of debate.

But I was listening and understanding that the Constitution, the first amendment had different meanings to different people. And I thought I got a good balanced view. Actually, I thought I got a good balanced view until I went back to North Carolina and went into a law firm that was generally known as a civil rights law firm.

And one day my senior law partner, a gentleman by the name of Julius Chambers, called me in and said, I want you to go to eastern North Carolina to one of the counties in which Native Americans represent a high portion of the population, because a number of the Native Americans in that county have been charged with parading, using tomahawks, parading around; and they have been charged with resisting arrest and various other criminal offenses. And he did not tell me what they were down there demonstrating about. He just told me to go down there and represent them.

☐ 1230

I went and I started my interviews with the Native Americans, and during the course of my interviews with them, it became apparent that the reason that they had these tomahawks out there and they were demonstrating and parading was that they had a desire not to have to go to school with black people. They thought that the schools that they were going to be sent to with African Americans were inferior, and they did not want to do it.

Well, I being an African American myself, swallowed very hard and said, What has my law partner gotten me into? I could not wait until the end of the day to get in my car and race back to Charlotte, North Carolina, and confront my senior law partner.

I walked in and I said, Chambers, why would you send me to this county to represent these Indians who were demonstrating against going to school with African Americans? His response taught me more about the first amendment than either Robert Bork or Duncan Kennedy or Paul Gerwitz or any of the discussions that I had participated in in law school. He simply asked me one question. He said, Do you not believe in the first amendment?

This is a difficult issue, and this is not about patriotism, and I have come to understand over the years of debate that we have had this amendment under consideration, I started out saying to people on the opposite side, people like the gentleman from California (Mr. CUNNINGHAM) and people who served their country, You are unpatriotic because you do not agree with me about my interpretation of the first amendment; the first amendment was passed to protect the right of people to demonstrate and burn flags and you are unpatriotic because you do not agree with me.

But then I started to listen to what the gentleman from California (Mr. CUNNINGHAM) was saying and what my colleagues were saying and studied this issue more. Could it be that Justice Scalia and Justice Rehnquist, two conservative jurists, could be on opposite sides of this issue and it not be a difficult issue from a constitutional perspective? That is, can you imagine the debate that was taking place in the Supreme Court? I cannot imagine that Justice Rehnquist looked at Justice Scalia and said, You are unpatriotic because you do not agree with me. I cannot imagine that Justice Scalia looked at Justice Rehnquist and said, oh, no, you are unpatriotic because you disagree with me. They came down on opposite sides of the landmark case.

This is a difficult issue and it is all about what you think ought to be protected under the first amendment. It is not about whether you are patriotic or not.

Well, there is one thing I want for sure my colleagues to acknowledge, that this amendment, when it was first offered, started out just saying there shall be no physical desecration of the flag. For a couple of years it said that, but then the more recent versions of what we are considering today say that Congress shall have the power to prohibit the physical desecration of the flag. That means that Congress must pass a statute, which must then go to the Supreme Court ultimately to be evaluated. So, at some point, the Supreme Court is going to evaluate whether that statute complies with the first amendment or not.

In that sense, the language that I am proposing, I am going to first and foremost acknowledge, is redundant. It just specifically says that whatever we do as a Congress has got to be subject to the first amendment. That is redundant. As my colleagues know, whatever we do as a Congress is supposed to be subject to everything in the Constitution anyway, but I want to remind us that, at the same time, we protect the flag.

A principle of our Nation is also to protect speech, whatever that is; is it burning the flag, is it hollering "fire" in a crowded theater? Whatever it is, there needs to be some kind of balance. And this Congress, whether it adopts my amendment or does not adopt my amendment, is going to be subject to that anyway.

The proponents of this amendment who say that this is going to do something earth shattering or that my amendment is going to undercut their proposal, it is just not the case.

I just want to be sure that we acknowledge that whatever we do, we acknowledge it, that the first amendment is just as important as the flag. Just as important. Some people might argue that it is more important than the piece of cloth. My colleagues might argue that it is, that it is equal in value, but we at least need to come to grips with that, and that is what the Constitution, that is what the Supreme Court has been trying to do for a number of years. It is not an easy thing to do.

We have heard a lot of discussion about activist judges. This proposal encourages judges to be activists because it says you are giving Congress the right to prohibit the physical desecration of the flag. Do my colleagues think the Supreme Court is not going to exercise its constitutional responsibilities just because we said Congress can prohibit the physical desecration of the flag? It is going to have to. It is going to have to decide what that means. It is going to have to decide how we balance this provision, this statute, statutory authority that Congress gives against the first amendment. We are not going to be able to get around the Supreme Court here.

We like to punt these things and pretend that we are doing something earth shattering here, but the Supreme Court, I hope, is still going to be there, and I believe the Supreme Court is going to wrestle with this as they have in the past.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have listened attentively to the arguments made by the gentleman from North Carolina (Mr. WATT) in support of his amendment, and he said that his amendment is redundant. It is redundant, but it also is a gutting amendment to the base text of the constitutional amendment that we are debating today.

This substitute amendment should be rejected because it would constitutionally ratify the Supreme Court's decision in Texas v. Johnson and United States v. Eichman, rather than empower Congress to pass legislation to protect the flag from physical desecration.

In Johnson and Eichman, the Supreme Court held that flag desecration is expressive conduct protected by the first amendment. These decisions effectively invalidated the laws of 48 States and the Federal Government. In addition, based on these precedents, any law that prohibits the physical desecration of the flag will be struck down as an unconstitutional suppression of free expression, thus defeating the goal of our efforts to provide protection for the flag.

A constitutional amendment must be passed if the flag is to receive legal protection. Under the Watt substitute, the flag would not receive such protection because the Court would simply strike down as inconsistent to the first amendment any implementing legislation enacted into law.

Adoption of the substitute would not only render H.J. Res. 10 ineffective, but it would also constitutionally codify the Supreme Court decisions that a vast majority of the American public were erroneously decided, and which did not exist for the first 200 years of the Constitution's existence.

In other words, if the Watt amendment is passed and then a constitutional amendment is passed and ratified by the States, the Supreme Court can, in the future, recognize that it made a mistake, and that is why this amendment should be rejected.

Mr. Speaker, I reserve the balance of my time.

Mr. WATT. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from North Carolina (Mr. WATT) has 11 minutes remaining.

Mr. WATT. Mr. Speaker, I yield myself 1 minute just for the purpose of responding to this.

I do not agree at all with my chair, as much as I respect him, that this codifies anything. What it does is that it codifies and reaffirms and acknowledges the state of affairs that exists right now, that in the final analysis the Supreme Court is the ultimate arbiter of the Constitution and laws of our country. After we pass my amendment or the underlying amendment, the Supreme Court is still going to be the ultimate arbiter of that, and so my amendment neither does that or does not do it.

His amendment does not do it. If the Supreme Court changes its mind, the composition of the Supreme Court changes, and they decide that burning a flag is prohibited, is not protected under the first amendment, then that is going to be the last word on it. We do not have any way to go on that.

So I do not think I can agree with him that I am doing anything different than preserving the state of affairs.

Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT), my good friend.

Mr. SCOTT of Virginia. Mr. Speaker, let me just begin by saying our flag does not need protection from an occasional protester, we call them miscreants I think, who cannot see how ridiculous it is to try to protest by destroying the symbol of his right to protest. If he cannot see how ridiculous that is, obviously we do not need much protection from him.

Contrary to what has been suggested on the floor, the underlying amendment does not regulate conduct. Without the Watt amendment, it clearly regulates message.

Now, as the gentleman from North Carolina, sponsor of the amendment, points out, the underlying amendment does not repeal the first amendment. Even if we adopt this constitutional amendment, the first amendment will still be there, and so the amendment is, in fact, redundant, but it makes it clear and reminds people that it is still there.

What he seeks to clarify is whether or not it is indeed the message that is being criminalized rather than the conduct, whether or not those who support government policy, for example, and burn a flag without offending anybody, apparently they will be okay. But if you are a war protester who burns a flag, you can be arrested, and if you are a veteran, so disgusted with veterans health care, and burn the flag in protest, are we making him a criminal? Or if you are a member of a fringe political organization who burns his own flag on his own property, in private, can they be arrested if somebody finds out?

The question is whether or not we are criminalizing the message or the conduct. So the Watt amendment makes it clear that we are still protecting freedom of speech. The message, that will be clear, that we if we do not support the Watt amendment we just ought to acknowledge it is indeed the message, not conduct, which is the target of the underlying amendment.

□ 1245

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong opposition to the Watt substitute and in support of H.J. Res. 10, which would amend the Constitution to give Congress the authority to prevent the physical desecration of the American flag. The gentleman from North Carolina (Mr. WATT) says that the Bill of Rights has never been amended. It may be that the words have never been changed, but the United States Supreme Court on many, many, many occasions has amended the first amendment and other provisions in the Bill of Rights by changing the meaning of those words. This is one of those such occasions.

For 200 years, many Supreme Court Justices opined that flag desecration laws which were in effect in 49 States were not in violation of the first amendment of the Constitution. This is in defiance of the will of the overwhelming majority of the American people, the will of the overwhelming majority of the State legislatures, and as we will see later today, the will of the overwhelming majority of the United States Congress.

Clearly, free speech goes beyond the written or spoken word to include other forms of expression, including the wearing of symbols and other actions. However, not all actions constitute free speech, and I am hardly alone in asserting that flag desecration is not speech to be protected under the first amendment. In 1989, the United States Supreme Court in Texas v. Johnson unilaterally invalidated flag protection laws in 48 States and the District of Columbia, overturning 100 years of Federal and State precedent, banning the physical desecration of the American flag. When that occurs, and when the people and the Congress believe that is wrong, it is a constitutional amendment that corrects the error of the Supreme Court.

Following this decision for the first time in our Nation's history, an overwhelming 49 State legislatures petitioned Congress to send a flag desecration amendment to the States for ratification. The physical desecration of the American flag constitutes an assault on the most deeply shared experiences of the American people. Our flag is more than a piece of cloth; it a symbol of our freedom. It represents the sacrifices of those who gave their lives to win and preserve freedom.

There have been those who have gone unarmed into battle carrying the flag, and many have died to keep the flag from falling into the hands of our enemies. To burn a flag in front of a veteran or someone else who has put his or her life on the line for their country is an act not deserving protection.

Our Nation is unique in the world because our citizens represent a variety of heritages, religions, ethnicities, and political viewpoints. Indeed, we debate our differences openly and vigorously; yet we can always look to the flag and remember that we share certain core values that bind us together as a people.

For over 200 years, our flag has flown proudly over our Nation, a visible promise of our commitment to the preservation and expansion of democracy. However, symbols, like values, are eroded gradually. Each time they are desecrated, their symbolism is diminished. We must act now to protect one of our Nation's most sacred symbols because the Supreme Court has struck down Congress' effort to protect the flag by statute. It is now necessary to amend the Constitution to give Congress the authority to protect the flag.

Supreme Court Justices as varied as William Rehnquist, Warren Burger, and Hugo Black have all recognized the appropriateness of these desecration statutes that were struck down by the Court.

I urge my colleagues to support H.J. Res. 10.

Of course, words or other forms of expression do not have to be correct in order to be protected. And clearly, free speech goes beyond the written or spoken word to include other forms of expression, including the wearing of symbols and other actions. Not all actions constitute free speech, and I am hardly alone in asserting that flag desecration isn't free speech to be protected under the First Amendment.

"I believe that the states and federal government do have the power to protect the flag from acts of desecration and disgrace," wrote former Chief Justice Earl Warren. This view is shared by many past and present justices of the U.S. Supreme Court across the ideological spectrum, including Hugo Black, Abe Fortas, Byron White, John Paul Stevens, Sandra Day O'Connor and current Chief Justice William Rehnquist. These eminent men and women haven't taken a merely political stance based upon "shallow assumptions" or "perilously sloppy thinking." Rather, they rely upon well-established principles.

"Surely one of the high purposes of a democratic society," wrote Rehnquist, "is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people whether it be murder, embezzlement, pollution or flag burning." Free speech isn't the right to do anything you want to do anytime you want to do it. Rather, it's a precious liberty founded in law—a freedom preserved by respect for the rights of others.

To say that society isn't entitled to establish rules of behavior governing its members is either to abandon any meaningful definition of civilization or to believe that civilization can survive without regard to the feelings or decent treatment of others. To burn a flag in front of a veteran or someone else who has put his or her life on the line for their country is a despicable act not deserving protection.

It's well-established that certain types of speech may be prevented under some circumstances, including lewd, obscene, profane, libelous, insulting or fighting words. When it comes to actions, the proscriptions may be even broader. That's where I have voted to put flag desecration—back where 48 state legislatures thought it was when they passed laws prohibiting it.

This amendment doesn't, in any way, alter the First Amendment. It simply corrects a misguided court interpretation of that amendment. As Justice Rehnquist eloquently observed in concluding his dissent: "Uncritical extension of constitutional protection to the burning of the flag risks the frustration of the very purpose for which organized governments are instituted . . . The government may conscript men into the Armed Forces where they must fight and perhaps die for the flag, but the government may not prohibit the public burning of the banner under which they fight." I am proud to play a part in trying to right that wrong.

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am going to filibuster because I am waiting for some Members who would like to speak on this.

Let me respond to the comments of the gentleman from Virginia (Mr. GOODLATTE) that the Supreme Court has amended the Bill of Rights on a number of occasions. It did not amend the language of the Bill of Rights. It amended the interpretation of the Bill of Rights.

On a number of those occasions I have been really unhappy about the way the Supreme Court ruled and took away a right that I thought I had. I suspect if there were ever anybody in this institution who would be, should be railing against the Supreme Court, either the current Supreme Court or Supreme Courts throughout history, it might be the members of the Congressional Black Caucus who would have the highest standing and right to do that because in a number of cases the Supreme Court has ruled in ways that were absolutely counter to our interest.

I just want my colleagues to understand that this document that our drafters crafted for us has survived so much the test of time, the comings and goings of members of the Supreme Court differing in interpretations, as the gentleman from Virginia (Mr. GOODLATTE) said. If you want to look at it, they rewrote the Bill of Rights, but never changed the words.

I do not think that every time you get a Supreme Court decision that you disagree with in this country the way to resolve or to express your disagreement is to come to the Congress of the United States and propose that we amend the entire constitutional framework that we are operating under. I do not think that is the way to do it. Sometimes you win; sometimes you lose. Sometimes you have a progressive Supreme Court; sometimes you have a conservative Supreme Court. That does not mean that you do not go back and try to statutorily do what you think that you need to do to amend statutes, but amending our Constitution is an entirely different thing.

So one side of me says this is not a good idea to be amending the Constitution in this way. The other side of me really says this amendment has been made out to be a lot more than it really is because by saying that Congress can pass a statute that prohibits the physical desecration of the flag does not give us any more authority than we now have. We can pass a statute right now that prohibits the physical desecration of the flag.

The question is what would the United States Supreme Court say about that statute once it worked its way through the process and up to the United States Supreme Court. And if we pass this amendment, having amended for the first time in 200 years our Bill of Rights, gone through the whole process, the Supreme Court is still going to have the same right to do that.

This is a great, great discussion vehicle. As I said, I used to resent coming here and engaging in this debate every year or every 2 years. It always comes right before July 4. Somebody is always trying to make a political point. Democrats used to be saying Republicans were unpatriotic. Republicans used to be saying Democrats are unpatriotic. Now people are going whichever way they want to go. This is not a Republican or a Democratic amendment; this is a constitutional amendment. Democrats and Republicans have to exist in our constitutional framework. We have got to operate within our system. That is what I think this is about.

Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, I am a little ashamed to confess my mother is around the age of the gentleman from North Carolina (Mr. WATT). My mother used to tell me stories when she was a young woman in the segregated South that she would drive through parts of rural and western Alabama and that she would see crosses burned. My grandmother used to tell me stories that after Brown v. Board of Education, she remembers riding through parts of rural Alabama and seeing crosses burned.

The interesting thing about that is the burning of those crosses did not keep a single black child out of a public school. The burning of those crosses, frankly, did nothing to slow down the march of justice in this country over the 40-or-so years I have been around. I think that is relevant to this debate today.

Mr. Speaker, 15 years ago the U.S. Supreme Court would not let Congress ban flag-burning. And here we stand 15 years later in a country that is still deeply patriotic, a country that is still full of love of Americans toward each other. Frankly, I would submit in this last 4 or 5 years we have seen a rising tide of patriotism. We feel a greater faith in each other and a greater faith in our fighting forces now than we ever have. I wish advocates of this amendment understood we have won this battle. Those of us who believe in this country, those of us who believe in its decency, and those of us who believe in its power, we have won. Within our borders, we have won.

The people who would burn flags, just like the people who would burn crosses, have lost. And not only have they lost; they have been thrashed. They have been banished to the margins. They are not a legitimate part of our political debate. They are not acceptable viewpoints to most of us.

I wish we understood that every time we think about saying that one kind of speech is so obnoxious or so offensive that we ought to get rid of it, every time we even let ourselves think that, we would be so much better off if we trust in our better angels, because the best angels in our nature tell us that flag burners are wrong. They tell us that the instinct behind them is wrong and we have prevailed.

There is a reason we have had this 230-year constitutional tradition. It is because we have been strong enough and powerful enough and our values have been deep enough to withstand even the worst of ideas.

I thank the gentleman for offering this amendment and for calling us back to an understanding that even this august institution is limited by the United States Supreme Court, and that even the best values that we pronounce in this Chamber are limited by our Constitution.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I rise in opposition to the Watt amendment and support H.J. Res. 10.

It is interesting that we are hearing about freedom of speech right now. I was interested because yesterday in my district the ACLU, which holds itself as the arbiter of all freedom of speech in the Nation and in the world, actually shut down all comments from their own local chapter because one person was speaking out on an issue that they did not want him to speak on with their name hooked onto it. So the ACLU yesterday in the Second Congressional District of New Mexico actually said no freedom of speech is allowed if you are an ACLU officer.

□ 1300

Freedom of speech, we have also seen it compromised in our schools. We can talk about certain religions in schools, but we cannot talk about Christian religions in school and we find that the American public is saying, Why? Why can we not defend this sacred symbol of our freedom? It is not a difficult issue. When I see these World War II veterans coming to me with tears in their eyes knowing they are in the last year or two of their lives and saying, Why can't we do this finally, it is not a complicated issue. They do not see things in the complex legal arguments on the floor of this House or in the Supreme Court.

Mr. Speaker, we do recognize that symbols do mean more than what they actually stand for. Look at the debate right now in Guantanamo Bay. It is being said by the same people who want the freedom of speech to desecrate the symbol of our flag that we should not have the freedom to desecrate the Koran or even allege that it has been desecrated.

Mr. Speaker, it is time that we recognize that a symbol is more important than the actual fabric that it is made of. It is time for us to pass this constitutional amendment, to reject the substitute amendment, and to bring clarity to this issue where 50 States have passed resolutions asking us to get clarity. It is time for the Congress to speak in the way that the majority of Americans would have them to speak. I support the amendment.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the major argument that we have heard against the base amendment and in favor of the Watt substitute is that if we do not pass the Watt substitute, we will be amending the Bill of Rights for the first time in the history of this country. That is not true. In the Dred Scott decision, Chief Justice Taney claimed that the fifth amendment's due process clause, which he interpreted to include a substantive right to the protection of property, prohibited restrictions on slave ownership. The three amendments that were passed during the Civil War, the 13th, 14th and 15th amendments, corrected that gross constitutional misinterpretation and it slammed the door shut so tightly that that issue never has been raised again; and our country has been much, much better for it.

In a similar manner, House Joint Resolution 10 seeks to correct two Supreme Court precedents that repudiated 2 centuries of jurisprudence. The time to correct those two precedents is today. We must vote against the Watt substitute amendment which guts the thrust of House Joint Resolution 10 and then pass House Joint Resolution 10 by a two-thirds majority to send it to the other body.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). Pursuant to House Resolution 330, the previous question is ordered on the joint resolution and on the amendment in the nature of a substitute offered by the gentleman from North Carolina (Mr. WATT).

The question is on the amendment in the nature of a substitute offered by the gentleman from North Carolina (Mr. WATT).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WATT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 129, nays 279, not voting 25, as follows:

[Roll No. 293]

YEAS—129

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Berman
Blumenauer
Boucher
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Gilchrest
Gonzalez
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick (MI)
Kind
Larsen (WA)
Larson (CT)
Leach
Lofgren, Zoe
Lowey
Maloney
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Price (NC)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Slaughter
Solis
Spratt
Stark
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NAYS—279

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cunningham
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Markey
Marshall
McCarthy
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (WI)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwartz (PA)
Schwarz (MI)

Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—25

Barton (TX)
Becerra
Bonner
Boyd
Brown-Waite, Ginny
Carter
Conaway
DeLay
Doggett
Frank (MA)
Gohmert
Herseth
Hinojosa
Jackson-Lee (TX)
Lewis (GA)
Marchant
McCaul (TX)
Murtha
Ney
Oxley
Pickering
Pomeroy
Rangel
Smith (TX)
Thomas

□ 1328

Messrs. NEUGEBAUER, KOLBE, FLAKE, CROWLEY, LANTOS, COSTELLO, KUCINICH, and Ms. GRANGER changed their vote from "yea" to "nay."

Ms. ZOE LOFGREN of California and Mr. JEFFERSON changed their vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. BECERRA. Mr. Speaker, on Wednesday, June 22, 2005, I was unable to cast my floor vote on rollcall No. 293. The vote I missed was on agreeing to the Watt of North Carolina substitute amendment.

Had I been present for the vote, I would have voted "yea" on rollcall number 293.

Stated against:

Mr. GOHMERT. Mr. Speaker, on rollcall No. 293, I was unavoidably detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore (Mr. BASS). The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

□ 1330

MOTION TO RECOMMIT OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. BASS). Is the gentleman opposed to the resolution?

Mr. TAYLOR of Mississippi. In its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Taylor of Mississippi moves to recommit H.J. Res. 10 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments:

Page 3, line 8, insert "SECTION 1." before "The Congress".

Page 3, line 9, strike the closing quotation marks and the period that follows.

Page 3, after line 9 insert the following:

"SECTION 2. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 3. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 4. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 5. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 6. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 7. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 8. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 9. Sections 2 through 8 of this article shall take effect beginning with fiscal year 2008 or with the second fiscal year beginning after its ratification, whichever is later.".

Mr. TAYLOR of Mississippi. Mr. Speaker, given the nature of this motion, I ask unanimous consent that the Clerk read it again.

The SPEAKER pro tempore. Is there objection to the unanimous consent request of the gentleman from Mississippi?

Mr. SENSENBRENNER. Mr. Speaker, reserving the right to object, would the gentleman restate the unanimous consent request.

Mr. TAYLOR of Mississippi. Mr. Speaker, I ask unanimous consent, given the gravity of this motion, that the Clerk read the motion again since, apparently, no one on this floor, other than I, know what is in it.

The SPEAKER pro tempore. Is there objection to the Reading Clerk reading the motion to recommit again?

There was no objection.

The SPEAKER pro tempore. The Clerk will proceed.

The Clerk read the motion to recommit.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Speaker, I make a point of order against the motion to recommit.

The SPEAKER pro tempore. The gentleman will state the point of order.

Mr. SENSENBRENNER. Mr. Speaker, the motion to recommit is not germane to the original text of the House Joint Resolution 10.

House Joint Resolution 10 proposes an amendment to prohibit the physical desecration of the flag of the United States. The material proposed to be inserted in the motion to recommit, sections 2 and following, has nothing to do with the subject of prohibiting the physical desecration of the flag and, thus, is not germane under the rules of the House.

The SPEAKER pro tempore. Does any Member wish to be heard on the point of order?

Mr. TAYLOR of Mississippi. Mr. Speaker, what we are talking about today is a fairly simple thing. The text of the original bill is to give the 50 States the legal authority to, on a state-by-state basis, prevent the desecration of the flag, a symbol of our country. There is something a heck of a lot more serious going on than the desecration of the flag: it is the desecration of our Nation.

In the last 4 years alone, the national debt has increased by $2.1 trillion. We have taken money out of the Social Security trust fund. $632 billion out of that trust fund, and used it to run the country, leaving nothing there but an IOU. Money has been taken out of the Federal Employees Retirement System, now a total of $614 billion.

Mr. Speaker, if any business in America had taken that money out of the employees' trust fund——

The SPEAKER pro tempore. The gentleman from Mississippi will suspend.

The gentleman needs to confine his remarks to the point of order.

The gentleman may proceed.

Mr. TAYLOR of Mississippi. Mr. Speaker, the point of order is, why would we take the time to protect the symbol of our country if we will not take the time to protect the financial future of our country as well? That is my point.

The SPEAKER pro tempore. Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The gentleman from Wisconsin makes a point of order that the instructions contained in the motion to recommit offered by the gentleman from Mississippi are not germane.

One of the central tenets of the germaneness rule, clause 7 of rule XVI, is that one individual proposition is not germane to another individual proposition. The Chair finds that H.J. Res. 10, by proposing a constitutional amendment relating to flag desecration, presents a single, individual proposition.

The Chair also finds that the instructions contained in the motion to recommit offered by the gentleman from Mississippi, by proposing a constitutional amendment relating to the budget of the United States, constitutes a different individual proposition.

Therefore, the Chair concludes that the instructions contained in the motion to recommit are not germane to H.J. Res. 10.

The point of order is sustained and the motion is not in order.

PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Mr. Speaker, what is the procedure to appeal the ruling of the Chair? I would like the ability to speak to that, please.

The SPEAKER pro tempore. The ruling of the Chair may be appealed.

Mr. TAYLOR of Mississippi. Mr. Speaker, I am appealing the ruling of the Chair, and I would like to speak to that point.

The SPEAKER pro tempore. The question is, shall the decision of the Chair stand as the judgment of the House.

MOTION TO TABLE OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I move to table the appeal.

Mr. TAYLOR of Mississippi. Mr. Speaker, is that debatable?

The SPEAKER pro tempore. It is nondebatable. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TAYLOR of Mississippi. Mr. Speaker, it is my understanding under the rule passed by the Committee on Rules that the minority is guaranteed a motion to recommit.

The SPEAKER pro tempore. Is the gentleman asking for a recorded vote?

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 194, not voting 17, as follows:

[Roll No. 294]

AYES—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole (OK)
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Barton (TX)
Bonner
Boyd
Carter
Conaway
Doggett
Herseth
Hinojosa
Jackson-Lee (TX)
Lewis (GA)
McCaul (TX)
Ney
Oxley
Pomeroy
Rangel
Smith (TX)
Thomas

□ 1355

Mr. KENNEDY of Rhode Island and Ms. LORETTA SANCHEZ of California changed their vote from "aye" to "no."

Mr. PICKERING changed his vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. BASS). The gentleman will state his inquiry.

Mr. TAYLOR of Mississippi. Mr. Speaker, I take it from what just occurred is that I will not be able to offer the amendment to require a balanced budget amendment to the Constitution.

Now, is that the net effect of that vote that just occurred? Because I do have a follow-up.

The SPEAKER pro tempore. The motion to recommit was ruled out of order.

Mr. TAYLOR of Mississippi. Mr. Speaker, having read the rule, it said that the minority was to be given a motion to recommit. If that motion to recommit was ruled out of order, does the minority still have the right to offer another motion to recommit?

The SPEAKER pro tempore. A Member opposed to the bill may offer a proper motion to recommit.

MOTION TO RECOMMIT OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TAYLOR of Mississippi. Mr. Speaker, I am opposed to the bill in its present form.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Taylor of Mississippi moves to recommit H.J. Res. 10 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments:

Page 3, line 8, insert "SECTION 1." before "The Congress".

Page 3, line 9, strike the closing quotation marks and the period that follows.

Page 3, after line 9 insert the following:

"SECTION 2. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund shall not be counted as receipts or outlays of the United States.

"SECTION 3. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 4. Sections 2 and 3 of this Article shall take effect beginning with the first fiscal year beginning at least 180 days after its ratification.".

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Speaker, I make a point of order against the motion.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. SENSENBRENNER. Mr. Speaker, this motion is also not germane under House rule XVI, clause 7, because it is one individual proposition attempting to amend another individual proposition.

The base constitutional amendment relates to flag desecration. The amendment proposed in the motion to recommit relates to the Old Age Survivors and Disability Trust Fund and is a separate proposition.

□ 1400

The SPEAKER pro tempore (Mr. BASS). Does the gentleman from Mississippi (Mr. TAYLOR) wish to be heard on the point of order?

Mr. TAYLOR of Mississippi. Yes, Mr. Speaker.

Mr. Speaker, the underlying bill is to prevent the desecration of the flag, the trampling of our flag, the misuse of our flag. The amendment that I have offered is to prevent the wholesale theft and desecration of the Social Security trust fund.

In the past 4 years alone, this Congress, of which I am a part, has taken $632 billion out of the Social Security trust fund that we promised the citizens we would set aside just for Social Security payments and used to run the country.

The President has gone all around the country saying we have a crisis, that by 2017 we will be out of money.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. TAYLOR) will suspend.

The gentleman needs to confine his remarks to the point of order, and not to debate the substance of the motion to recommit.

Mr. TAYLOR of Mississippi. The point of order is to my colleagues, if you think it is wrong to desecrate the flag, I would hope that you would think it is wrong to misspend money taken out of people's wallets that we promised to spend on their Social Security and to protect that money in the Constitution.

The SPEAKER pro tempore. The Chair is prepared to rule on the point of order.

As in the case of the previous motion, the Chair must adhere to the principle that, to a joint resolution embodying a single individual proposition, an amendment proposing a different proposition, even of the same class, is not germane.

The motion is not in order.

Mr. TAYLOR of Mississippi. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is: Shall the decision of the Chair stand as the judgment of the House.

MOTION TO TABLE OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) to lay the appeal on the table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 190, not voting 21, as follows:

[Roll No. 295]

AYES—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—190

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Price (NC)
Rahall
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)

Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Wexler
Woolsey
Wu
Wynn

NOT VOTING—21

Barton (TX)
Bonner
Boyd
Carter
Conaway
Cox
Doggett
Herseth
Hinojosa
Jackson-Lee (TX)
Lewis (GA)
McCaul (TX)
Murtha
Ney
Oxley
Payne
Pomeroy
Rangel
Smith (TX)
Thomas
Weiner

□ 1418

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. TAYLOR of Mississippi. Mr. Speaker, in the interests of moving things along, I ask unanimous consent to engage the gentleman from Wisconsin (Mr. SENSENBRENNER) in about a 3-minute colloquy.

The SPEAKER pro tempore (Mr. BASS). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. TAYLOR) is recognized for 3 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, to the gentleman from Wisconsin, you have, using the power of the majority, blocked the vote on a constitutional amendment to balance the budget and the constitutional amendment to vote to protect the Social Security trust fund.

Now, I have additional motions at the desk. The next one would be a constitutional amendment to protect the Medicare trust fund. Would it be your intention to object to that as well and prevent a vote on this House floor?

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, the points of order that the gentleman from Wisconsin has been raising have been pursuant to House rules, and we should not be waiving the rules relative to the germaneness of motions to recommit.

Should the gentleman from Mississippi offer more nongermane motions to recommit, then I think it is incumbent upon me, as the manager of the bill, to raise a point of order, should the rules of the House be violated by the motion to recommit, as they have been in the past.

Mr. TAYLOR of Mississippi. Mr. Speaker, reclaiming my time, I would remind the Members of this body that this bill came to the floor waiving all points of order.

The Medicare prescription drug bill that is going to increase the national debt by $1.5 billion came to the floor waiving all points of order.

We have acquired $2.1 billion worth of new debt in just the past 4 years, waiving all points of order.

But if the gentleman is going to insist on not allowing a vote to protect the constitutional amendment to balance the budget, not allowing a vote to protect the Social Security trust fund, and not allowing a vote to protect the Medicare trust fund, I see no further reason other than to point out that I really thought the Republican majority meant it when they passed the Contract with America, that they said they would balance the budget.

I gave you an opportunity to do just that. I hope the Speaker will give us an opportunity in the near future for you guys to live up to your promises.

The SPEAKER pro tempore. The question is on the joint resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 286, nays 130, not voting 18, as follows:

[Roll No. 296]

YEAS—286

Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boustany
Bradley (NH)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cunningham
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Duncan
Edwards
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hobson
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
McCarthy
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Pallone
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Scott (GA)
Sensenbrenner
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (WA)
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—130

Abercrombie
Ackerman
Allen
Baldwin
Becerra
Berman
Blumenauer
Boucher
Brady (PA)
Butterfield
Capuano
Cardin
Carson
Case
Clay
Cleaver
Conyers
Cooper
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Dreier
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Frank (MA)
Gilchrest
Gonzalez
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hoekstra
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kilpatrick (MI)
Kind
Kolbe
Kucinich
Larsen (WA)
Leach
Lee
Levin
Lofgren, Zoe
Lowey
Maloney
Markey
Matheson
Matsui
McCollum (MN)
McDermott
McKinney
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pastor
Paul
Payne
Pelosi
Petri
Price (NC)
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Serrano
Shadegg
Shays
Slaughter
Snyder
Solis
Stark
Tanner
Tauscher
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—18

Barton (TX)
Bonner
Boyd
Brady (TX)
Carter
Conaway
Doggett
Herseth
Hinojosa
Jackson-Lee (TX)
Lewis (GA)
McCaul (TX)
Ney
Oxley
Pomeroy
Rangel
Smith (TX)
Thomas

☐ 1440

So (two-thirds having voted in favor thereof) the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CONAWAY. Mr. Speaker, I was detained and unable to cast a vote on H.J. Res. 10 on June 22, 2005. I was in Brownwood, Texas attending the funeral of Lance Corporal Mario Castillo, a Marine from the 11th District of Texas. Please let the RECORD reflect that had I been here, I would have voted "yea."

PROVIDING FOR CONSIDERATION OF H.R. 2985, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 334 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 334

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2985) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 334 is a structured rule that provides for the consideration of H.R. 2985, the fiscal year 2006 Legislative Branch Appropriations Act, as well as five amendments. The rule provides for one hour of general debate equally divided and controlled by the chairman and ranking minority member on the Committee on Appropriations. It also provides for one motion to recommit with or without instructions.

Mr. Speaker, the legislation before us today appropriates $2.87 billion for the operations of the legislative branch of government. The bill is fiscally sound and includes a modest 1.7 percent increase from the last fiscal year. It provides over a billion dollars for the operation of this House of Representatives.

☐ 1445

This includes funds for Members' representational allowances, leadership, and committee offices. These funds will help our Members fulfill their duties to legislate, represent their constituencies, and oversee the executive branch. These funds are very important in that they provide for that possibility, which is constitutionally mandated, Mr. Speaker, oversight of the executive branch. The Constitution grants Congress broad powers that include the oversight power. This includes getting to know what the executive branch is doing, how programs are being administered, by whom and at what cost, and whether officials are obeying the law and complying with legislative intent.

For the Capitol Police, the bill appropriates over $239 million. Also included is an Inspector General for the Capitol Police to help them with their financial management.

The bill also includes an important piece of legislation, H.R. 841, the Continuity in Representation Act of 2005. As we all know, on September 11, 2001, Flight 93 was headed toward Washington, D.C. If it were not for the truly heroic acts of the passengers on that flight, we could have been facing a situation where Congress would not have been able to function.

We have to do everything possible, Mr. Speaker, to prevent this from being a possibility even in the future. H.R. 841 would accelerate elections in case of a terrorist attack on the House of Representatives, in case such a terrorist attack left the House with over 100 vacancies. It provides for the expedited special election of new Members to fill seats left vacant in extraordinary circumstances.

The House of Representatives passed this bill earlier this year by an overwhelming bipartisan margin of 329–68. In the 108th Congress, the House passed a similar bill, H.R. 2844, by a vote of 306–97. However, each time the Senate has failed to consider this vital piece of legislation. I think it is time that we have legislation that can handle such a horrible possibility and does not leave our constitutional duty to legislate and oversee in limbo.

Mr. Speaker, H.R. 2985 was introduced by Chairman LEWIS and reported out of the Appropriations Committee on June 20 by voice vote. It is a good bill, essential to our continued ability to legislate, to our power of oversight, and to the continuity of our government. I would like to thank the chairman and the ranking member of the Appropriations Committee for their leadership on this important issue, as well as the subcommittee. I urge my colleagues to support both the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Florida for yielding me this time, and I yield myself such time as I may consume.

Mr. Speaker, we are here to debate the rule governing the debate for the fiscal year 2006 legislative branch appropriations measure. Through this bill, we will fund the operations for our institution and the many supporting bodies that we rely upon, such as the Library of Congress, the Government Accountability Office, and the Congressional Budget Office.

While I will ultimately support the underlying bill, I would first like to address a few aspects of the rule about which I have serious concerns, specifically, the committee's addition of legislative language providing for the continuity of Congress. One of the results of September 11, and we all agree, is that we need a mechanism to allow States to replace Members of Congress in the event of a major disaster. However, adding continuity language in the manner we are today is inappropriate.

While I am pleased that the Rules Committee voted to allow debate on the Baird amendment to remove this language from the bill, I am disappointed that this language was included in the bill at all. Legislation that will have a major impact on the representation of the American people, as this language unquestionably will, should be completely and thoroughly debated in an atmosphere conducive to debate. This proposal should be addressed in the same way any other authorizing legislation would be and as it was when the House passed this measure earlier this year in a stand-alone bill.

But the Republican leadership has decided otherwise, and I raise the question that if we are to discuss this weighty issue today, why then would the Rules Committee not allow an amendment by the gentleman from Massachusetts (Mr. TIERNEY) which would set up a select committee to look into contracting abuses in the Iraq war? To date, $9 billion is missing or unaccounted for in appropriated funds for the Iraq war. This is an issue of equal significance, especially as we consider the tight budget constraints Congress faces.

Regardless of how one would vote on the amendment itself, this idea deserves the same consideration and debate as the continuity of Congress measure. I am disappointed that this amendment was not made in order as well.

Mr. Speaker, I look forward to resuming the debate on the issue of the continuity of Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

This is an eminently fair rule. With regard to the issue of the continuity of government, twice before legislation has been brought to the floor on that issue, and there has been an extensive debate. So we certainly feel that the House has had a sufficient and very fair opportunity to consider this issue. In addition, as I stated before, the legislation we are bringing to the floor today includes H.R. 841, the Continuity in Representation Act of 2005, that is very specific on this issue. One of the great leaders in the House on the issue of making certain that even in a time, God forbid, of great crisis again in the Nation and specifically in the Congress, the Congress can function, is the chairman of the Committee on Rules.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time and thank him for his very strong commitment to this institution and our country. That is really what this legislation is all about. The legislative branch appropriations bill is about the funding for the first branch of government. People often do not focus attention on the realization that article 1 of the U.S. Constitution is in fact the first branch, and we have a very important constitutional responsibility, and that is what this legislation is all about.

As we looked at addressing this rule, it is a very fair and balanced rule which makes in order five amendments, makes in order amendments that will allow for the opportunity to address a wide range of issues that we obviously have a responsibility to address institutionally.

One of the amendments that we chose to make in order is an amendment that was offered by our friend, the gentleman from Washington (Mr. BAIRD). I believe it important that he again have an opportunity to address an issue that, frankly, has already been addressed by this institution. It has to do with the question of the continuity of Congress. As we sit here, I was just in a meeting with the Attorney General a few minutes ago, Mr. Speaker, and we were talking about September 11 and the PATRIOT Act and the challenges with which we contend on a regular basis, and one of the great tragic challenges that we do not even like to ponder is what would happen if there were to be an attack that would hit this building and that would see the loss of large numbers of Members of the people's House, the United States House of Representatives.

We passed, with nearly every Republican and 122 Democrats supporting, legislation that we call the Continuity of Congress legislation. It calls for special elections to be held on an expedited basis in the districts, where, when we have seen in excess of 100 Members of the United States House of Representatives killed, it would kick into place the structure that would allow for those special elections to take place in those States across the country that have been impacted.

Again, we do not like to think about this, we do not like to think about the possibility of this kind of attack, but we have a responsibility. We have a responsibility to this institution, to the Constitution, and to the American people to do just that. So what we have done is we have said, hold these elections, plan for these elections, and then the United States House of Representatives will remain exactly what it was envisaged as by James Madison, the Father of our Constitution.

He is the author, wrote the Constitution, and spent a great deal of time thinking about these issues. And one of the things that he was very careful about was in realizing that every single Federal office that exists can see someone attain that office by appointment. We all know that in the other body, the United States Senate, the body of the States, if a vacancy occurs, if someone resigns, if they are killed, pass away, whatever, if there is a vacancy, the Governors of States make those appointments.

We all learned in 1973 with the resignation of Spiro Agnew as Vice President that the then-minority leader in the House of Representatives, Gerald Ford, was, by appointment, made Vice President, and then when the resignation of President Nixon took place in 1974, Gerald Ford became President of the United States, having never had a single vote cast for him by the American people other than confirmation in the United States Senate.

The House of Representatives is the only Federal office where you must be elected by the people to serve. That is why this Madisonian vision of making sure that this is the body of the people was maintained. That is what the legislation that we have passed again with a very strong bipartisan vote here is designed to accomplish.

Unfortunately, since March, we have seen this legislation languish in the Senate, and we have not been able to have the kind of success that we believe is important to get what is a House issue addressed. It is not even a Senate issue. It is an issue for the House of Representatives. So what we have done is we have decided that the Appropriations Committee in its great wisdom include this continuity of Congress legislation with the legislative branch appropriations bill. I believe that in so doing, when we pass this bill to the Senate, we will have a chance to put into place very, very important continuity legislation for this institution.

The gentleman from Washington (Mr. BAIRD) sees it differently. He would like to amend the U.S. Constitution, an amendment to the Constitution that would call for Members of the House of Representatives to serve here in a way that is other than an elective capacity. They would be appointed to serve here. I just think that that goes clearly against James Madison's vision for this institution, and I hope very much that we are able to maintain the language that has passed again with strong bipartisan support and is included in this.

But there will be an amendment that is offered by the gentleman from Washington to strike that, and I am going to urge my colleagues to oppose that amendment that he will be offering.

Again, if you look at the level of funding that we have for the legislative branch appropriations bill, it is actually lower than was requested by the President in his budget. So this is a very fiscally responsible bill. I believe that it is a correct measure for us to take. I urge support of this rule, it makes a number of amendments in order, and support of the bill itself.

Ms. MATSUI. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentlewoman from California for yielding me this time.

Mr. Speaker, I rise in opposition to the rule. Regrettably, although the Rules Committee apparently found it in order to allow in the continuity of Congress aspect, it did not make in order an amendment that I offered to establish a special commission, a committee, to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq.

This amendment is critical toward ensuring that we effectively exercise our congressional oversight responsibilities.

Congress has already appropriated some $277 billion for military operations in Iraq and Afghanistan and that does not include the $45 billion in so-called bridge funding which was part of the defense appropriations bill which passed the House on Monday. We have repeatedly and rightfully recognized that we have to meet the operational, technical, and equipment needs of our troops that are stationed over in Iraq and Afghanistan. That is paramount.

□ 1500

However, the fact of the matter is that when it comes to ensuring that those funds that we have appropriated for that purpose are properly managed and monitored, Congress has been largely silent.

I am heartened the gentleman from Connecticut's (Mr. SHAYS) subcommittee held a hearing yesterday, and I am heartened that the Committee on Armed Services held a hearing in a subcommittee back in 2004. But that is not nearly the amount of activity this Congress should be taking. We must do much better. Every single dollar that is wasted or lost in Iraq and Afghanistan because of mismanagement or fraud in contracting is one less dollar that can go to protect our troops, one less dollar for body armor, and one less dollar for protective equipment that can save lives.

To that point, on Monday the Boston Globe cited the Marine Corps Inspector General's report and reported that the estimated 30,000 Marines in Iraq need twice as many heavy machine guns, more fully protected armored vehicles, and more communications equipment to operate in a region the size of Utah.

One of the functions of this select committee that is proposed would be to see that our soldiers are properly equipped to carry out their mission. In fact, the original Truman Committee that was put in place during World War II is believed to have saved thousands of lives as the result of its success in cutting through the bureaucracy and making sure that effective weapons and other war supplies were not a part of the problem in that enterprise. The bottom line in this Congress, however, is that we have not lived up to our oversight responsibilities. We have abdicated them. We have relied on the administration to perform that role for us, and they have not done it, and we have shunned our responsibilities.

Here is their most recent record: In March and early April, we learned that the Pentagon auditors found that $212 million was paid to Kuwaiti and Turkish subcontractors for fuel that the Pentagon auditors concluded was exorbitantly priced. Halliburton then passed those payments on to the taxpayer. In late April, according to the Washington Post, the Government Accountability Office found that officials from the Departments of Defense and Interior who were charged with overseeing a contract to provide interrogators at Abu Ghraib "did not fully carry out their roles and responsibilities, the contractor was allowed to play a role in the procurement process normally performed by the government."

In May, the Office of the Special Inspector General for Iraq Reconstruction found that out of $119.9 million allocated for rebuilding projects, $96.6 million could not be sufficiently documented or fully accounted for at all.

In June, a Committee on Government Reform report, prepared by the gentleman from California's (Mr. WAXMAN) staff, cited an instance of $600 million in cash being shipped from Baghdad to four regions in Iraq to allow commanders flexibility to fund local reconstruction projects. An audit of one of the four regions found that more than 80 percent of the funds could not be properly accounted for and that over $7 million was simply missing.

A pattern exists here, whether it is revenues from the Iraqi oil sales or whether it is funds from the pockets of the American taxpayers. We are not taking our responsibility, and flagrant lack of contractor and bureaucratic accountability is taking place under our eyes. If we do not sufficiently account for these measures and have vigorous congressional oversight, how can we assure that our troops are going to get sufficient protection and that our taxpayers' interests will be protected?

My colleagues know that this is not the first time that we have had this amendment on the floor. They have now had at least four opportunities to stand up and be accountable to the American taxpayer, to make sure that our troops are protected. In every instance it has been essentially a party-line vote, with only two Members of the majority standing up for the rights of the taxpayer and the rights of our troops in this instance.

It is difficult to fathom that tomorrow this majority is going to bring on the floor of this House a bill for Health and Human Services and Education where they are going to cut to the bone, saying that there is no money. There will be less money for Pell grants for kids that want to go to college. There will be less money for elementary and secondary schools. We will fall further behind in our commitments to No Child Left Behind. We will not fund appropriate health care costs, like health clinics. We will not even fund the President's own commitment to high school reform and to community colleges. All, ostensibly, because there is no money. And yet the majority in this Congress refuses to do the oversight on over almost $300 billion where we know there have been flagrant abuses.

We need to do the right thing in this Congress. This is time for us to take the previous question, defeat it, make sure that this amendment comes on the floor. We will give them yet another opportunity to show that this House will live up to its responsibilities and protect the integrity of this fine institution.

I urge my colleagues to vote "no" on the previous question.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I will be voting against this rule. I will be voting against the previous question on the rule. I will be voting against the bill itself. I will wait until debate on the bill in order to explain my vote on the latter.

But let me simply say two things with respect to the rule. The leadership of this House, the Republican leadership of this House, has chosen to insist that their continuity of Congress proposal, which is a totally unrelated matter, be added to the appropriation bill to finance the operations of the Congress. Our committee gave this all of about 10 minutes of consideration. No alternatives were presented. And what that means is that the House Republican leadership is insisting that a bill which the House has already passed once be passed again, because the Senate has declined to take up the bill that the House sent over in the first place.

I think they were wise not to take that bill up. I am in a distinct minority on this proposition. But what this proposition does is to say that, within 45 days of the Speaker's determining that 100 or more vacancies exist in the House, that he will call a special election.

A couple of problems with that. Number one, that means that a national election is left to the discretion of and to the timing selected by the Speaker. I do not think that is appropriate. Secondly, it means that for that 45-day period, if there are 100 vacancies in the House because of death and destruction associated with an attack, for instance, it means that those 100 districts would be unrepresented at a time when the most crucial decisions affecting the continuation of the Republic would be made. I do not think that is a good idea either.

If we are going to be forced to vote on any of those propositions, then, even though I am a Democrat, I much prefer the alternative presented by the gentleman from California (Mr. ROHRABACHER), a Republican. The alternative that he presented in the last session of Congress would have provided that each and every year when we are elected, we also have to supply a list of persons whom we feel are most qualified to take our place if something happens and we are killed by such a disastrous attack. I would submit to the Members that it is far more appropriate to have someone who is revealed ahead of time to be the person of choice in case a tragedy like that happened. I would suggest that is a far healthier situation than to have a situation in which a district was unrepresented for 45 days.

The gentleman from California (Mr. DREIER) suggested that it was important to maintain the distinction the House has that one must be elected in order to serve in this body. Well, obviously I would much prefer to have an elected person representing my district, but an appointed official is preferable to no one at all. And yet that is what we are stuck with under this misbegotten attachment that the House leadership is insisting that we add to this bill in a power play. So that is one reason I oppose this rule.

The second reason is that the Committee on Rules steadfastly refused to make in order the creation of a Truman-like committee to review waste and fraud in the war in Iraq. When Franklin Roosevelt was running this country, Harry Truman was appointed to lead a congressional review committee. Truman held 430 hearings. He issued 51 reports. A Democratic Congress investigating the activities in a Democratic administration. It was good for the Democratic Party. It was good for the Republican Party. It was good for the Republic. A lot of money was saved. A lot of chicanery was exposed and corrected.

But here we have horror story after horror story of waste, incompetence, fraud, theft in Iraq, all of the taxpayers' money. And yet what does this Congress do? Virtually zip in terms of the oversight that it is providing on these matters.

I think this Congress is derelict in its duty by not appointing such a committee. And for that reason alone, I think we ought to vote "no" on the previous question so we can change the rule so we can at least provide some protection for the taxpayers' money.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 5 minutes to the gentleman from Washington State (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank the gentlewoman for yielding me this time.

A few moments ago, the distinguished chairman of the Committee on Rules was here, and I want to begin by expressing my appreciation that my amendment will be made in order to extract what I believe is an inappropriate clause inserted by the majority. The gentleman from Wisconsin (Mr. OBEY), I think, articulated the issue well. It is true that we had a vote in this Congress already on the issue of the continuity of the Congress, but it is also true that there was not a hearing on various opportunities to solve this problem. Essentially one version of the bill was brought forward without adequate hearing. I was present at the markup of my own bill. The distinguished chair of the Committee on the Judiciary did not allow me to even speak to my own bill, though he mischaracterized it.

Now, what the majority is doing is taking what is clearly legislative, and it is consequential legislation; let us be clear about this. What they are doing is taking legislation that provides for how we would replace this very body. Many of us, myself, the gentleman from California (Mr. ROHRABACHER), and others, tried to get this body, tried to get the leadership to say that we would have an open debate on multiple proposals, multiple proposals, with full amendments and full debate by this entire body. We are now years post-September 11. This body still does not have an adequate plan to ensure that every person in this country will have representation if this body is eliminated. Indeed, this body is fully willing, according to the clause in this legislation today and appropriately placed in this legislation, to allow the executive branch to function completely unfettered.

I have to say to the distinguished gentleman from California, the chair of the Committee on Rules said I was contrary to Madison. Possibly so, in some ways; but I would warrant that he is even more contrary because Mr. Madison was absolutely clear that the fundamental principles of checks and balances are a core of this great Republic. The legislation being proposed by the majority would undermine that principle of checks and balances.

More importantly still, the average American needs to understand that this body is considering legislation which would prohibit them from having representation in the Congress and prohibit the Congress from having a check on the executive at a time of national crisis, and that is disastrous. If Members care about this body, if they believe in the principles of checks and balances, they should reject this clause, support the Baird amendment. They should insist not that we ram this through on an inappropriate appropriations bill, where it should not belong, but that we have a full and open debate with our colleagues from the other body.

I have to tell the Members that when I go home and talk to my constituents, and I would ask the Members to do this: Ask their constituents if they are comfortable, knowing that three or four people could serve as the House of Representatives under the rules we passed, which I believe are blatantly unconstitutional, if they believe that three or four people should be able to elect a Speaker of the House, that that person should then become the President of the United States, could declare martial law with absolutely no checks and no representation of hundreds of millions of Americans at the time that happens.

This is irresponsible. Madison and Jefferson and the rest would be spinning in their graves if they knew what you are up to here.

It is not just about germaneness, but that reason alone should cause Members to support the Baird amendment.

□ 1515

A matter of this importance should not be attached to an appropriations bill as a way to try to jam it through the Senate. It simply should not be.

Mr. Speaker, we owe it to posterity, we owe it to this institution to solve this problem, to solve it properly, and this amendment that I have introduced would at least prevent us from doing something bad. First, do no harm.

My friend, the gentleman from California, is wrong when he suggests that we are contrary to Madison.

Let me underscore the agenda here. The chairman of the Subcommittee on the Constitution of the Committee on the Judiciary of the United States House of Representatives said on this matter, we are going to have martial law anyway, we are going to have martial law anyway, so we do not need continuity provisions.

If that is your agenda, be straight with the American people. If that is the agenda, let us go home now. If that is the agenda, to believe that when our Nation has been attacked, we are going to leave the American people without representation, without a House of Representatives, with the Senate functioning without a House because they can be replaced more promptly, with an unelected President, probably a cabinet member serving, if you believe we would solve this problem, you are kidding yourselves. You can kid yourselves, but history will not look kindly upon this body if we have shirked our obligation. And passage of this legislation today with this provision in it is an insult to the Framers and an insult to the principles of representative democracy.

Vote "no" on the bill; vote "yes" on the Baird amendment.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will be asking Members to vote "no" on the previous question. If the previous question is defeated, I will offer an amendment to allow the House to consider the Tierney amendment on the Truman Commission that got defeated in the Committee on Rules last night by a straight party-line vote.

I ask unanimous consent that the text of the amendment be printed in the CONGRESSIONAL RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. FEENEY). Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, the Tierney amendment will establish a select committee to investigate the awarding and carrying out of war-related contracts in Afghanistan and Iraq. In 1941, with the United States engaged in a major military buildup as part of World War II, Senator Harry Truman, a Democrat from Missouri, became aware of widespread stories of contractor mismanagement in military contracts and created a committee to investigate such spending.

Since 2003, there have been many examples of the misuse of American taxpayer dollars and Iraqi contracting. Nearly $9 billion on money spent on Iraqi reconstruction is unaccounted for because of inefficiencies and bad management, according to the Special Inspector General for Iraqi Reconstruction. Ensuring vigilant oversight of taxpayer dollars should not be a partisan issue. The Truman Committee was created while Democrats controlled the White House, the House, and the Senate. We owe it to American taxpayers and to our brave soldiers to oversee how the billions of taxpayer dollars are being spent in Iraq and Afghanistan. A new Truman Committee would allow us to get the facts on U.S. contracting in both military and reconstruction activities and to fix whatever problems exist.

As always, Members should know that a "no" vote on the previous question will not stop consideration of the legislative branch appropriation bill. A "no" vote will allow the House to create a much-needed select committee to investigate government contracts in Iraq and Afghanistan. But a "yes" vote on the previous question will prevent the House from establishing this important select committee.

Again, vote "no" on the previous question.

Mr. Speaker, I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

We are bringing forth a very important appropriations bill today, with an issue that has received a tremendous amount of discussion and study and debate and actually has been voted on twice in overwhelming fashions by this House favorably. The last time, in the 108th Congress, the measure on the continuity of government, specifically of this House, which is included in the underlying legislation, had passed with 329 favorable votes and only 68 negative votes. Mr. Speaker, 122 of our friends on the other side of the aisle voted for this piece of legislation.

By the way, the rule, Mr. Speaker, by which we bring forth this legislation, also is permitting, as an amendment, a motion to strike that legislation by the distinguished gentleman from Washington (Mr. BAIRD). His alternative was debated previously in this Congress and received 63 votes; and we are, as I say, we are permitting him, under this rule, to strike, if he has the provision on the continuity of the House. So we are bringing this legislation forth in a very fair way.

In addition to the very important legislation which is included that has to do with, as we have heard debate about today, that has to do with continuity of this House in case of an emergency, the underlying legislation also provides for the funding of the legislative branch of government, and it does so in an efficient and effective way, and in a way which I think deserves the support of the entire membership of this House.

So, Mr. Speaker, I ask for the support of our colleagues for the rule and the underlying legislation being brought forth by the rule.

The material previously referred to by Ms. MATSUI is as follows:

PREVIOUS QUESTION FOR H. RES. 334 RULE ON H.R. 2985 LEGISLATIVE BRANCH APPROPRIATIONS FY06

At the end of the resolution, add the following:

"SEC. 2. Notwithstanding any other provision of this resolution the amendment specified in section 3 shall be in order as though printed after the amendment numbered 5 in the report of the Committee on Rules if offered by Representative Tierney of Massachusetts or a designee. That amendment shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent.

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT TO H.R. 2985, AS REPORTED OFFERED BY MR. TIERNEY OF MASSACHUSETTS

Page 6, insert after line 24 the following:

SELECT COMMITTEE

SEC. 102. (a) ESTABLISHMENT.—There is established in the House of Representatives a select committee to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism (hereinafter referred to as the "select committee").

(b) MEMBERSHIP AND FUNCTIONS.—The select committee is to be composed of 15 Members of the House, to be appointed by the Speaker (of whom 7 shall be appointed upon the recommendation of the minority leader), one of whom shall be designated as chairman from the majority party and one of whom shall be designated ranking member from the minority party. Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made. The select committee shall conduct an ongoing study and investigation of the awarding and carrying out of contracts by the Government to conduct activities in Afghanistan and Iraq and to fight the war on terrorism and make such recommendations to the House as the select committee deems appropriate regarding the following matters—

(1) bidding, contracting, and auditing standards in the issuance of Government contracts;

(2) oversight procedures;

(3) forms of payment and safeguards against money laundering;

(4) accountability of contractors and Government officials involved in procurement;

(5) penalties for violations of law and abuses in the awarding and carrying out of Government contracts;

(6) subcontracting under large, comprehensive contracts;

(7) inclusion and utilization of small businesses, through subcontracts or otherwise; and

(8) such other matters as the select committee deems appropriate.

(c) RULES AND PROCEDURES.—

(1) QUORUM.—One-third of the members of the select committee shall constitute a quorum for the transaction of business except for the reporting of the results of its study and investigation (with its recommendations) or the authorization of subpoenas, which shall require a majority of the committee to be actually present, except that the select committee may designate a lesser number, but not less than two, as a quorum for the purpose of holding hearings to take testimony and receive evidence.

(2) POWERS.—For the purpose of carrying out this section, the select committee may sit and act at any time and place within the United States or elsewhere, whether the House is in session, has recessed, or has adjourned and hold such hearings as it considers necessary and to require, by subpoena or otherwise, the attendance and testimony of such witnesses, the furnishing of information by interrogatory, and the production of such books, records, correspondence, memoranda, papers, documents, and other things and information of any kind as it deems necessary, including classified materials.

(3) ISSUANCE OF SUBPOENAS.— A subpoena may be authorized and issued by the select committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Authorized subpoenas shall be signed by the chairman or by any member designated by the select committee, and may be served by any person designated by the chairman or such member. Subpoenas shall be issued under the seal of the House and attested by the Clerk. The select committee may request investigations, reports, and other assistance from any agency of the executive, legislative, and judicial branches of the Government.

(4) MEETINGS.—The chairman, or in his absence a member designated by the chairman, shall preside at all meetings and hearings of the select committee. All meetings and hearings of the select committee shall be conducted in open session, unless a majority of members of the select committee voting, there being in attendance the requisite number required for the purpose of hearings to take testimony, vote to close a meeting or hearing.

(5) APPLICABILITY OF RULES OF THE HOUSE.—The Rules of the House of Representatives applicable to standing committees shall govern the select committee where not inconsistent with this section.

(6) WRITTEN COMMITTEE RULES.—The select committee shall adopt additional written rules, which shall be public, to govern its procedures, which shall not be inconsistent with this resolution or the Rules of the House of Representatives.

(d) ADMINISTRATIVE PROVISIONS.—

(1) APPOINTMENT OF STAFF.—The select committee staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(2) POWERS OF RANKING MINORITY MEMBER.—All staff provided to the minority party members of the select committee shall be appointed, and may be removed, by the ranking minority member of the committee, and shall work under the general supervision and direction of such member.

(3) COMPENSATION.—The chairman shall fix the compensation of all staff of the select committee, after consultation with the ranking minority member regarding any minority party staff, within the budget approved for such purposes for the select committee.

(4) REIMBURSEMENT OF EXPENSES.—The select committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of the their functions for the select committee.

(5) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the House such sums as may be necessary for the expenses of the select committee. Such payments shall made on vouchers signed by the chairman of the select committee and approved in the manner directed by the Committee on House Administration. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on House Administration.

(e) REPORTS.— The select committee shall from time to time report to the House the results of its study and investigation, with its recommendations. Any report made by the select committee when the House is not in session shall be filed with the Clerk of the House. Any report made by the select committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 219, nays 196, not voting 18, as follows:

[Roll No. 297]

YEAS—219

Aderholt
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole (OK)
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—18

Akin
Barton (TX)
Bonner
Boyd
Carter
Conaway
Doggett
Hinojosa
Jackson-Lee (TX)
Kucinich
Lewis (GA)
McCaul (TX)
Ney
Oxley
Pomeroy
Rangel
Smith (TX)
Thomas

☐ 1548

Messrs. STRICKLAND, MURTHA, LARSON of Connecticut, KANJORSKI, DINGELL and LEACH changed their vote from "yea" to "nay."

Mr. MILLER of Florida changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. FEENEY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 192, not voting 21, as follows:

[Roll No. 298]

AYES—220

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono

Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole (OK)
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—21

Barton (TX)
Bonner
Boucher
Boyd
Carter
Conaway
Davis (AL)
Davis, Tom
Doggett
Hinojosa
Jackson-Lee (TX)
Kucinich
Lewis (GA)
McCaul (TX)
Ney
Oxley
Pomeroy
Rangel
Sabo
Smith (TX)
Thomas

☐ 1601

Mr. WELLER changed his vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2985, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. FEENEY). Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 334 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2985.

☐ 1603

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2985) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes, with Mr. LINDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I might consume.

The legislative branch bill, Mr. Chairman, provides for $2.870 billion, an increase of only 1.7 percent over the fiscal year 2005. The bill represents a $270 million reduction from the budget request.

Mr. Chairman, although we did not agree on every item on this bill, we worked very closely with the gentleman from Wisconsin (Mr. OBEY) to produce a bipartisan bill for the legislative branch. I want to thank all the committee members for their contributions in putting this bill together.

While small in size, this is the bill that funds the work of the Congress, and it is a bill that we all can be very proud of.

The bill includes funding for the operations of the House and several joint items, the Capitol Police, the Compliance Board, the Congressional Budget Office, the Architect of the Capitol, the Library of Congress, the Government Printing Office, the General Accountability Office, and the Open World Leadership Program.

There will be no reductions in the current workforce.

The bill provides for all personnel cost-of-living increases and all other pay-related costs.

The bill also was reported out of the full committee on a voice vote.

The Capitol Visitor Center is funded at the cost-to-complete level of $36.9 million. The bill does not include funding for CVC operating expenses.

The bill establishes an Inspector General for the Capitol Police. The bill terminates the mounted horse unit and transfers the horses and equipment to the U.S. Park Service.

As part of an amendment in the full committee, I offered, and the committee adopted, the Continuity in Representation Act at the Speaker's request. This bill has passed the House twice, and just recently, the vote in March was 329 to 68.

Mr. Chairman, this is a good bill and one that benefits the entire legislative branch. Ultimately, this is the bill that reflects the work of the House. We are all in this together, Mr. Chairman, and because of that, I feel very strongly that this legislation should have the support of the entire House.

LEGISLATIVE BRANCH APPROPRIATIONS BILL 2006 (H.R. 2985)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - LEGISLATIVE BRANCH					
HOUSE OF REPRESENTATIVES					
Payments to Widows and Heirs of Deceased Members of Congress (emergency) (P.L. 109-13)	162	---	---	-162	---
Salaries and Expenses					
House Leadership Offices					
Office of the Speaker	2,708	2,788	2,788	+80	---
Office of the Majority Floor Leader	2,027	2,089	2,089	+62	---
Office of the Minority Floor Leader	2,840	2,928	2,928	+88	---
Office of the Majority Whip	1,741	1,797	1,797	+56	---
Office of the Minority Whip	1,303	1,345	1,345	+42	---
Speaker's Office for Legislative Floor Activities	470	482	482	+12	---
Republican Steering Committee	881	906	906	+25	---
Republican Conference	1,500	1,548	1,548	+48	---
Republic Policy Committee	---	307	307	+307	---
Democratic Steering and Policy Committee	1,589	1,945	1,945	+356	---
Democratic Caucus	792	816	816	+24	---
Nine minority employees	1,409	1,445	1,445	+36	---
Training and Program Development:					
Majority	290	290	290	---	---
Minority	290	290	290	---	---
Cloakroom Personnel:					
Majority	419	434	434	+15	---
Minority	419	434	434	+15	---
Subtotal, House Leadership Offices	18,678	19,844	19,844	+1,166	---
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail					
Expenses	525,195	564,536	538,109	+12,914	-26,427
Committee Employees					
Standing Committees, Special and Select	113,499	117,913	117,913	+4,414	---
Committee on Appropriations (including studies and investigations)	24,726	25,668	25,668	+942	---
Subtotal, Committee employees	138,225	143,581	143,581	+5,356	---
Salaries, Officers and Employees					
Office of the Clerk	20,534	21,911	21,911	+1,377	---
Office of the Sergeant at Arms	5,879	6,284	6,284	+405	---
Office of the Chief Administrative Officer	143,645	119,804	116,971	-26,674	-2,833
Office of the Inspector General	3,986	3,991	3,991	+5	---
Office for Emergency Planning, Preparedness and Operations	1,000	5,000	5,000	+4,000	---
Office of General Counsel	962	962	962	---	---
Office of the Chaplain	155	161	161	+6	---
Office of the Parliamentarian	1,673	1,767	1,767	+94	---
Office of the Parliamentarian	(1,459)	(1,546)	(1,546)	(+87)	---
Compilation of precedents of the House of Representatives	(214)	(221)	(221)	(+7)	---
Office of the Law Revision Counsel of the House	2,346	2,453	2,453	+107	---
Office of the Legislative Counsel of the House	6,721	6,963	6,963	+242	---
Office of Interparliamentary Affairs	687	720	720	+33	---
Other authorized employees	156	161	161	+5	---
Office of the Historian	---	---	405	+405	+405
Subtotal, Salaries, officers and employees	187,744	170,177	167,749	-19,995	-2,428

LEGISLATIVE BRANCH APPROPRIATIONS BILL 2006 (H.R. 2985)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Allowances and Expenses					
Supplies, materials, administrative costs and Federal tort claims	4,350	4,179	4,179	-171	---
Official mail for committees, leadership offices, and administrative offices of the House	410	410	410	---	---
Government contributions	203,900	214,422	214,422	+10,522	---
Miscellaneous items	690	703	703	+13	---
Capitol Visitor Center	---	9,965	3,410	+3,410	-6,555
Subtotal, Allowances and expenses	209,350	229,679	223,124	+13,774	-6,555
Total, Salaries and expenses	1,079,192	1,127,817	1,092,407	+13,215	-35,410
Total, House of Representatives	1,079,354	1,127,817	1,092,407	+13,053	-35,410
JOINT ITEMS					
Joint Economic Committee	4,139	4,276	4,276	+137	---
Joint Committee on Taxation	8,366	8,781	8,781	+415	---
Office of the Attending Physician					
Medical supplies, equipment, expenses, and allowances	2,508	2,545	2,545	+37	---
Capitol Guide Service and Special Services Office	3,844	4,268	4,268	+424	---
Statements of Appropriations	30	30	30	---	---
Total, Joint items	18,887	19,900	19,900	+1,013	---
CAPITOL POLICE					
Salaries	201,812	230,191	210,350	+8,538	-19,841
General expenses	39,657	59,948	29,345	-10,312	-30,603
Total, Capitol Police	241,469	290,139	239,695	-1,774	-50,444
OFFICE OF COMPLIANCE					
Salaries and expenses /1	2,402	3,112	3,112	+710	---
/1 Includes pending budget amendment of $470,000.					
CONGRESSIONAL BUDGET OFFICE					
Salaries and expenses	34,640	35,853	35,450	+810	-403
ARCHITECT OF THE CAPITOL					
General administration	79,704	76,982	77,002	-2,702	+20
Capitol building	28,626	27,105	22,097	-6,529	-5,008
Capitol grounds	15,118	7,801	7,723	-7,395	-78
House office buildings	64,830	68,698	59,616	-5,214	-9,082
Capitol Power Plant	60,744	65,755	65,185	+4,441	-570
Offsetting collections	-4,365	-6,500	-6,600	-2,235	-100
Net subtotal, Capitol Power Plant	56,379	59,255	58,585	+2,206	-670
Library buildings and grounds	39,776	83,318	31,318	-8,458	-52,000
Capitol police buildings and grounds	9,906	34,959	16,830	+6,924	-18,129
Botanic garden	6,275	10,613	7,211	+936	-3,402

LEGISLATIVE BRANCH APPROPRIATIONS BILL 2006 (H.R. 2985)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Capitol Visitor Center					
CVC Project (cost-to-complete)	---	6,900	36,900	+36,900	---
CVC Operations	---	5,285	---	---	-35,285
Total, Capitol Visitor Center	---	72,185	36,900	+36,900	-35,285
Total, Architect of the Capitol	300,614	440,916	317,282	+16,668	-123,634
LIBRARY OF CONGRESS					
Salaries and expenses	381,593	409,079	388,144	+6,551	-20,935
Authority to spend receipts	-6,299	-6,350	-6,350	-51	---
Subtotal, Salaries and expenses	375,294	402,729	381,794	+6,500	-20,935
Copyright Office, salaries and expenses	53,182	58,191	58,601	+5,419	+410
Authority to spend receipts	-33,209	-30,657	-35,946	-2,737	-5,289
Subtotal, Copyright Office	19,973	27,534	22,655	+2,682	-4,879
Congressional Research Service, salaries and expenses.	96,118	105,289	99,952	+3,834	-5,337
Books for the blind and physically handicapped, Salaries and expenses	53,977	55,243	54,049	+72	-1,194
Subtotal, Library of Congress	545,362	590,795	558,450	+13,088	-32,345
Rescission, Chapter 9, Division A, Misc. Appropriations Act, 2001	---	---	-15,500	-15,500	-15,500
Total, Library of Congress	545,362	590,795	542,950	-2,412	-47,845
GOVERNMENT PRINTING OFFICE					
Congressional printing and binding	88,090	92,283	88,090	---	-4,193
Office of Superintendent of Documents					
Salaries and expenses	31,697	33,837	33,337	+1,640	-500
Government Printing Office Revolving Fund	---	5,000	1,200	+1,200	-3,800
Total, Government Printing Office	119,787	131,120	122,627	+2,840	-8,493
GOVERNMENT ACCOUNTABILITY OFFICE					
Salaries and expenses	474,565	493,548	489,560	+14,995	-3,988
Offsetting collections	-7,360	-7,165	-7,165	+195	---
Total, Government Accountability Office	467,205	486,383	482,395	+15,190	-3,988
OPEN WORLD LEADERSHIP CENTER					
Payment to the Open World Leadership Center Trust Fund	13,392	14,000	14,000	+608	---
Grand total	2,823,112	3,140,035	2,869,818	+46,706	-270,217

LEGISLATIVE BRANCH APPROPRIATIONS BILL 2006 (H.R. 2985)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
RECAPITULATION					
House of Representatives	1,079,354	1,127,817	1,092,407	+13,053	-35,410
Joint Items	18,887	19,900	19,900	+1,013	---
Capitol Police	241,469	290,139	239,695	-1,774	-50,444
Office of Compliance	2,402	3,112	3,112	+710	---
Congressional Budget Office	34,640	35,853	35,450	+810	-403
Architect of the Capitol	300,614	440,916	317,282	+16,668	-123,634
Library of Congress	545,362	590,795	542,950	-2,412	-47,845
Government Printing Office	119,787	131,120	122,627	+2,840	-8,493
Government Accountability Office	467,205	486,383	482,395	+15,190	-3,988
Open World Leadership Center	13,392	14,000	14,000	+608	---
Grand total	2,823,112	3,140,035	2,869,818	+46,706	-270,217

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I know this seems a strange thing to say on a bill as small as the bill to fund the congressional budget, but I honestly believe, because of the attachment of the proposal for the continuity of Congress, that this bill is by far the worst bill to come to the floor in this session of Congress.

I believe that that continuity of representation provision attached to this bill is an assault on constitutional government. I believe it is an assault on checks and balances. It is an assault on the rule of law. It is an invitation to one-man rule and dictatorship. I think it is profoundly misguided, profoundly misgotten, and I think a profound disservice is done in not having months and months of hearings with constitutional scholars before such a drastic proposal is brought before the House.

I think there is a very good reason that the Senate has not taken it up. It is because it is a turkey of a proposal. It could leave us literally with 75 and 80 percent of the congressional districts in this country unrepresented in a time of crisis, at a time of terrorist attack, and unrepresented in the halls of Congress, and I think that is a bad way to do business.

What I would like to do now is to talk about another problem in this bill. That is the Congressional Visitors Center. I really believe that the Congressional Visitors Center has been mismanaged in such spectacular fashion that it is really sort of a metaphor for the way that the entire Federal budget deficit has been mismanaged, and let me explain what I mean.

This project originally started as a $95 million project to have a modest expansion of the Capitol, to give tourists an opportunity to come in and see a movie about what the Congress was all about before they visited the Capitol. But the security assault on this Capitol and 9/11 has, in my view, been used as an excuse to expand this operation. We have also had other efforts from the Library of Congress and other institutions to further expand this proposition; and so as a result, today, this project is a $500 million-plus project. It is more than a year behind schedule, and I think it is wasting taxpayers' money and wasting an opportunity that we had to provide much-needed usable space for the Congress at the same time.

What is happening out on the East Front is that over 2 acres of underground space is being added to the Capitol. Some of that is being added for purposes of a visitors center and some of the other space is being added for the purpose of expanding space under control of the Senate and the House to do their work.

We all know that this Congress needs more working space. In my view, the number one need of the Congress for working space is the need for additional rooms for conference committees between the Senate and the House because most of our hearings, especially on the Committee on Appropriations. When I came here, they were held behind closed doors. The press was not in, the public was not in. So there was plenty of room for a few people to get behind closed doors and work out deals and that is not the way government is supposed to work today.

Today, when we have a conference committee, the press has a right to be there. We need our staffs there, and the public has the right to be there, too. We have no real room in the Capitol for that kind of facility.

This is an opportunity to create that kind of room. Instead, what has happened? Instead, the only appreciable room of any quality in the new House space is what is called the House hearing room, but in plain language, that room is really a media center. That is going to be where the press focuses whenever there is a hearing in that room because it will have all of the creature comforts for the press. That room will have ample room for one hearing, one presentation, and whoever runs the Congress will be able to decide what subject it is that gets that attention. If you are trying to hold another public hearing on another subject in the Capitol, you are going to be stuck in tiny rooms that are worthless in terms of public access.

When I visited the visitors center, I asked the Architect why, with these vaulted ceilings that you have set aside for this hearing room, why could you not simply reduce the height of those rooms and at least provide two rooms of approximately the same size so that we had enough overflow room for the committees to do our work and to have conference committees? I have yet to get an answer from the Architect's office.

That is my problem. My problem is that with all of this space being created, much of it is not usable for the purpose that we need it used for.

Then we come to the other portion of the add-on, which is the portion devoted to the visitors center. Originally, that visitors center was supposed to have two media theaters so that the public could come in, see a short film about the Congress, and then be on its way.

Here is the problem. We have those two small orientation theaters, but in addition to that, we have this huge congressional auditorium, which is going to seat 450-plus people. I asked the Architect, and this is a vaulted theater, I asked why do we need another theater in the Capitol? What I was told by the Architect is, "Well, you can bring in large constituency groups." I would like to know how many Members of the House have ever brought 500 people into the Capitol. I do not think there are going to be many people would raise their hands.

The second thing the Architect told me is that, "Well, we need a place for where the House of Representatives can meet when the House Chamber is being remodeled."

☐ 1615

That I found a might strange, because we have just redecorated the Committee on Ways and Means room in the Longworth Building. That room was originally created to serve as an alternative meeting place for the House of Representatives when we had to repair this Chamber. So we have already got a spare room.

In addition, we have another spare room I cannot talk about because it is classified, but it is being built off campus somewhere. So in essence we will have three spare rooms. I do not know how much the off-campus room is costing the taxpayers or how much the Committee on Ways and Means room cost the taxpayers, but this room is going to cost a bundle.

I keep asking "What is the real purpose for this room?" You finally go back 10 years and look at the original plans, what do we find out. We find out that this was originally included in the plans at the request of the Library of Congress because they wanted another theater to show movies and give presentations. That might be nice for them to have, but this project is already 400 percent over original cost. I do not think it makes any sense. I think this is the last chance that we are going to have to reconfigure this center so we have some additional working space instead of the Taj Mahal show space we are going to have.

Another thing I do not like, we have been told we are likely to have three congressional seals in the new visitors center. Those seals, I have been told, will cost up to a million bucks. Does any Member really want to take the political heat when taxpayers find out that somebody is talking about spending $1 million on three congressional seals? Do Members remember the Cain that was raised when marble floors were put in four of our elevators in the Capitol? Does anybody have any memory? I would like to think so, but I guess not.

Mr. Chairman, I consider myself to be an institutional man. I usually support this piece of legislation; but out of frustration, I am not going to support it today because I think this Capitol Visitors Center, when it is finally built, is going to draw flies in terms of bad stories about waste of taxpayer money, misuse of space, and we are going to wind up not having enough room for the principal function of government. If this is, indeed, supposed to be a working Capitol, then we ought to be able to do better than this floor plan.

I really believe this package has been brought to us by staff who do not really understand how committees work and do not really understand the principal needs of this institution. This is the last time we are going to have a chance to repair this package and make it more usable for the 100 years at least that it will be used. I urge Members to vote against this bill so we can start over.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield 7 minutes to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Chairman, first of all, I want to extend thanks to the chairman of the full Committee on Appropriations, the gentleman from California (Mr. LEWIS). By this time next week, we will have completed all of the appropriation bills. This is a history-making event in the House of Representatives. I have been here for 11 years; and for the 11 years I have been here, I do not know of another time when we have completed all of our appropriation bills going right up to the July 4 recess break.

That is in large part due to the cooperation that the chairman received from the ranking member, the gentleman from Wisconsin (Mr. OBEY), but in large part also from the leadership exhibited by the chairman of the full committee. He set a very, very high bar, a high standard, and all of the subcommittee chairs comported with that; and we will have sent to the Senate all of our appropriation bills as of a week from today or a week from tomorrow. That is an accomplishment that should not go unnoticed, and I compliment the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) for their leadership and also the subcommittee chairmen for that kind of goal setting and then meeting those goals.

Secondly, this is an important bill. This is the legislative branch bill. This is the bill where we say to all of the people, and I personally say to all of the people around the Capitol campus, thank you for the good work you do. The clerks, the people taking down our words here, the CONGRESSIONAL RECORD that will be printed overnight, the Parliamentarians who do such good work in directing the proceedings of the House, all of the Capitol Hill police who stand guard 24–7 and protect the Capitol, the attending physician's office who keep us all healthy, the people who work in the cloakrooms, the people who help us write bills, the people at CRS who help us make sure that we get the words correct and get them done correctly in the bills that we prepare and take a lot of credit for.

The folks who work at the Library of Congress. The most magnificent facility on the Capitol campus is the Library of Congress. I hate to say it, but it is even more magnificent than this building, but the Library of Congress is a magnificent facility. Members have an opportunity to take full advantage of many of the books there and research that can be done. The Botanical Gardens is also a part of our campus. This is the bill that funds all of that.

This is Congress' opportunity to say thank you to all of the people who work around here. It includes the lawyers who make sure that we do things correctly, and all of the people who work hard day and night to keep this building open, keep Members on the right track, and make sure that the things we do are done by the book.

So I pay my compliments to all of the people who make this magnificent facility that we call the United States Capitol the great place that it is, where we make the laws and have the debates and have the opportunity to represent the people from all over the country. We could not do it without this bill, without the funding in this bill, and we could not do it without the people who provide all of the services, and are very dedicated, many of whom work late hours to keep this place going. I want to take my hat off to those folks.

I want to say a word about the visitors center. I want to say this: it is a done deal. The leadership decided several years we needed a visitors center. Has it been done all correctly? No. And the points that the gentleman from Wisconsin (Mr. OBEY) makes are correct points. A lot of the work that has been done has been done by direction of staff of the principals. The principals really have not been that involved. They said they wanted a visitors center, and then they allowed the staff over the last 4 or 5 years to give direction. The architects have had many masters on this visitors center, unfortunately.

But it is going to be built, and it is going to be a magnificent opportunity for people to have good shelter and safety. And after 9/11, we do not want people standing outside, we do not want people standing in inclement weather, and there will be an opportunity for people to get a little bit of history before they enter the Capitol. To say we should throw the whole bill out because of the visitors center does not make sense.

I also want to say something about a subject I have felt very strongly about for the last few years, thank the architect and the chief operating officer and others for helping me with this, and that is the development of a staff health fitness center. It is under way in the Rayburn garage. It is for the staff around here who work long hours. There will be a health fitness center that they will be able to take advantage of, to stay healthy and be able to exercise, to have an opportunity to do the same thing that all of the Members have the opportunity to do. I am grateful that we are finally getting that kind of opportunity for our staff to be able to make this happen.

With respect to the provision that was put in the bill having to do with respect to what do we do around here if another disaster happens, if the Members are injured or killed in some kind of an attack, there has to be something that guides the direction of the House in the event that something happens. The Speaker decided in order to get this moving and in order to get the Senate to go along with something, it had to be included in a bill, and it was put in this bill. It was put in, really, to get something done, to make something happen, to have some provision in the event that something happens.

It is probably not the best way to do it, but maybe it will end up to be the most efficient way to do it, to get the Senate finally to come around and sit down and talk to us about what do we do if something happens around here and how do we account for succession.

The Constitution calls for elections, not appointment. When there is a vacancy, there has to be an election. That is the way we get Members to congregate in this House. That is the way it should be.

My point is the idea that this was included and is some sort of nonessential thing, it is essential that we have a provision in the law that allows us to account for a situation in the event that Members need to be replaced. That is really the reason it was put in.

It is a part of the process here. If we want to get things moving, this is one of the ways to do it. It is not unprecedented. We have included other provisions in bills before to try and get some compromise with the Senate. I congratulate the Speaker for trying to get something done on this. If it does not happen here, it probably will not happen. We need to have this provision in the law.

I ask every Member to consider the good work that goes on around here, the fact that this is the bill that funds all of this. This is the bill that takes care of all of the work that we do around here. It is a good bill. My compliments go to the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) and the work of the staff people that made it possible for this bill to come to the floor today.

Mr. OBEY. Mr. Chairman, I yield 6 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the ranking member of the Committee on Appropriations for yielding me this time, but most particularly for his leadership.

The gentleman from Wisconsin (Mr. OBEY) made several points. Some of them were consistent with the comments of the gentleman from Illinois (Mr. LAHOOD) that there are a lot of good things about this institution and the facilities that we fund.

But the gentleman from Wisconsin (Mr. OBEY) pointed out some of the concerns that many of us share over the Capitol Visitors Center. I share those concerns as well, having been the ranking member of the legislative branch subcommittee before it was incorporated in the full committee. We raised these, the gentleman from Georgia (Mr. KINGSTON), and I.

It is not meant to be argumentative, but we have created a situation where the Capitol Visitors Center is going to create some substantial problems in the future. We have a facility that is going to cost well over what was originally estimated. The original estimate was $165 million. We are now over half a billion dollars. We were going to try to get private money. It is all Federal money now, of course. We were going to have it ready for the January 2005 inauguration. Obviously, we are way behind schedule; but that happens in a lot of construction projects.

We recognize this is going to be completed, and there will be a number of things that we will be proud to show. But some of these situations are going to cause more problems than they are worth. For example, we are creating an enormous capacity for visitors. One would think that would be a good thing, but what is going to wind up happening, they are going to be given a virtual tour of the Capitol. The reason for that is we have the capacity for twice as many people to come into that Capitol Visitors Center as can ever come into the Capitol itself.

Now, do you want to be the Member who tells your constituents, after traveling from any place in the United States, and for many of them it takes a whole day to get here, they stay here, they are all excited and they get to the Capitol Visitors Center and want to go to the Capitol and you have to tell them well, actually, there is no room?

Half of the people coming into the Capitol Visitors Center are probably going to have to be informed there is no room in the actual Capitol for you to be able to make a visit today. That is a substantial problem. I think we should have figured that out. I am glad we have capacity; but, again, is it consistent with our real objective, which is to enable all our constituents to see the U.S. Capitol itself?

☐ 1630

The taxpayer is paying for this. A lot of the decisions have really not been made by the Members as much as staff. I have to say. It is not the staff of the appropriations subcommittee that has made those decisions, but we have got some major concerns. I think they are well-founded concerns.

I want to raise one now, though, that is not a matter of legislation, but it is one that has been brought to my attention as cochair of the Congressional Prevention Coalition. We have tried to do some things to address public health concerns.

One of them is in regard to smoking. We have a ban on smoking in all Federal buildings but we exempt congressional office spaces. I do not want to change that necessarily, I can understand why there is an exemption in place, but we have a particular problem with the Rayburn cafeteria.

With that, I would like to enter into a colloquy with the chairman of the full committee on this because I do think we need to address it. In the Rayburn cafeteria, the main dining room is overflowing with patrons generally every Tuesday, Wednesday and Thursday; and so those patrons are forced to spill over into the designated smoking area. The same thing happens when we close the main cafeteria for receptions and special events. Because that main designated area is the only place available on that floor for smoking, it gets pretty asphyxiating according to many of the staff who have contacted me. I think we need to address it because some of these people have real serious health problems in terms of their breathing capabilities; some have asthma and other related problems. They just cannot deal with all of that smoke and they do not have any choice to avoid it given the situation that frequently occurs.

I yield to the chairman of the full committee to see if he has some suggestions in how we could alleviate this problem for the nonsmokers.

Mr. LEWIS of California. I appreciate very much the gentleman having this colloquy with me and raising this important issue. As we have discussed, the smoking policy in the House office buildings is under the jurisdiction of the House Office Building Commission. That commission is made up of leaders on both sides of the aisle; and, frankly, I am very hesitant to interfere with their responsibility or their work. But I think it is very important that the gentleman is raising this issue today, and I am happy to have this discussion with him.

Mr. MORAN of Virginia. I thank the chairman and I thank the interest of Ms. Johnson, the lead staff for the committee on legislative branch issues. Would the chairman be willing to make sure that this gets raised to the appropriate people so we could address it in a constructive way?

Mr. LEWIS of California. I would be very happy to join with the gentleman in that discussion. I think I probably will discuss it with my wife as well; but in the meantime, you and I work together on the committee, and I am happy to work with you on almost any issue you might raise.

Mr. MORAN of Virginia. I appreciate the gentleman's suggestion. I think we will pursue it in that manner rather than trying to find some legislative solution.

Mr. LEWIS of California. Mr. Chairman, I am happy to yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to commend Chairman LEWIS, the committee and the staff for their fine work on this bill and the process. We are coming down the home stretch, and we should all be proud of that.

This bill contains $10.5 million to pay our heating bill, natural gas. That is a 25 percent increase over last year. When we get that kind of an increase, the Architect asks us for more money and we provide it. If natural gas prices continue as they are, next year we will be looking at a 3 to $4 million increase to heat our Capitol complex for the same amount of heat. We can do that. We will provide the money. But when our folks back home heating their homes, running their businesses have these kind of natural gas increases, I think it is time for Congress to act.

As we speak, the fertilizer industry, the petrochemical industry, and the polymers and plastic industry are all making plans to leave this country permanently, because they use natural gas as heat and they use it to make products as an ingredient. Forty to 55 percent of their costs are natural gas. Natural gas prices in this country are an island to themselves. When we buy 58 or $60 oil, the whole world does. Our gas prices this week are $7.60. Canada's are $6. Europe's are 5-something. China's are $4 giving them a huge advantage, Trinidad $1.60, Russia 90 cents and North Africa 80 cents.

Folks, we will be looking next year at a 3 to $4 million increase to heat this Capitol. By that time, we will have lost some of the industries that I have talked about, and we will have seniors leaving their homes because they cannot afford to heat them. I am challenging this Congress to deal with the natural gas issue, the clean fuel, the fuel that does not have pollutants, the fuel we have an unlimited supply of for the next 50 to 100 years; and I am challenging this Congress to deal with natural gas.

Mr. LEWIS of California. Mr. Chairman, I yield 3½ minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Chairman, I thank the gentleman from California for allowing me to participate in this discussion. Would the chairman enter into a colloquy with me regarding an amendment I had wished to offer relative to placing a plaque in Statuary Hall?

Mr. LEWIS of California. If the gentleman will yield, I would be pleased to do so.

Mr. PRICE of Georgia. As the gentleman knows, I was interested in offering an amendment today that would require a plaque to be placed in Statuary Hall which would recognize that church services were held in the House Chamber from 1800 to 1868. Throughout the 1800s, the Speaker's podium in the Old House Chamber was converted into a preacher's pulpit on Sundays for church services. These services were nondiscriminatory and voluntary. The services were open to the public and became so popular that Thomas Jefferson and James Madison attended regularly.

As the gentleman knows, I withdrew my proposal in light of ongoing activities relative to the exhibitry in the Capitol Visitors Center. I wonder if the gentleman would not mind, please, explaining his understanding relative to Statuary Hall and the exhibit hall in the soon-to-be-opened Capitol Visitors Center.

Mr. LEWIS of California. Mr. Chairman, let me tell the gentleman that I am very appreciative of his interest in the institution's history. As he is aware, the Speaker controls the placement of plaques on the House side of the Capitol. Their placement is very restricted, and we attempt to achieve recognition of events and places normally through other means.

The Capitol Visitors Center is being designed to provide our visitors with a much fuller understanding and history of the House and Senate. Included in the CVC is a 16,000 square-foot exhibit hall. In this exhibit hall, the architectural and legislative history of the institution are highlighted.

As part of the currently proposed CVC exhibits are detailed sections on the history of the Capitol and included in this is the fact that when the Capitol was originally built, it was used for more than legislative meetings. It was commonly used as the community center for the citizens of Washington, D.C. During that time, there were few places for meetings or church services. Thus, it is correct that such religious services were held here.

All these facts are included in the CVC exhibits, and I would encourage that the education of citizens be pursued in this venue so that a more complete history beyond a plaque can be presented.

Mr. PRICE of Georgia. Mr. Chairman, I thank the gentleman, and I appreciate so much his working with me on this and look forward to appropriately recognizing the fact that there have been religious activities in this Capitol from the beginning of our Nation through the first 70 or 80 years.

Mr. LEWIS of California. There have been, and I very much appreciate the gentleman's interest in this matter. He and I will be pursuing it as we go forward in the months and, indeed, the years ahead.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Chairman, I rise in support of this legislation and commend my chairman for the good job that he has done, but I am opposed to one portion of the bill. The Baird/Rohrabacher amendment, which we will debate in a few moments, will remove title III from this appropriations bill. Title III not only should not be in this appropriations bill; it should not become law no matter how it is brought up. Title III is a statutory plan that has been rejected by the United States Senate because it will not work. It will not work because it was intended to ensure not the continuity of Congress but, as it turned out, it was intended and it is intended by what you can see and what it does to ensure the continuity of the election process, which are two different items.

The task force that got together to try to come up with a solution to this challenge of what we are going to do in case of a catastrophe where many of our people are killed or incapacitated became confused about what they were supposed to be doing. The idea is not to ensure the election process, but to ensure that this Congress can act in a time of emergency.

Instead, what we have gotten as our alternative, which is in title III of this bill, will put us in grave jeopardy for 7 weeks after a national catastrophe. I am pleading with my Republican friends to please open their eyes and not let the ego of the people on this task force who put together this and now will not look at any other alternative get in the way of watching out for the people of the United States.

If al Qaeda or any other enemy of our country manages to create a situation or explode a bomb or murder or incapacitate large numbers of our people, we cannot wait for 7 weeks of a special election in order to deal with that. What we have been offered is a plan that will lead to martial law at exactly the time when we need Congress functioning to represent the interests of the American people.

I am pleading with my Republicans to please not blindly follow along with a task force that got its working orders confused with what they were trying to do. Please think about what will happen if we have another major bombing in this country and it happens in this city. Let us not incapacitate Congress from working for 7 weeks, which is what title III does. Title III would say that we have to wait for special elections for up to 7 weeks. This is outrageous.

There is an alternative. The Baird/Rohrabacher constitutional alternative changes the rules. The alternative to what we have been offered by this task force which, as I say, lost their way on this is that we should change the way we do things so that we can cope with the challenge of this type of threat to our society, that is, we will run, we will select an alternate to run with us, the voters will vote for a team of people so that if we are incapacitated or murdered, the alternate can take that seat right away and Congress will not cease to function for 7 weeks.

☐ 1645

That person is elected, just like the Vice President of the United States is elected and will take over for the President of the United States. No one claims that the Presidency would not be elected if the Vice President takes over.

We have to get rid of these cliches. We have got to get rid of these blocks on thinking what will happen. Put ourselves in a position of what will happen in a catastrophe. Waiting 7 weeks for special elections, as presented in this bill, would be a disaster.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I must say I understand the points that the gentleman is making. I believe he has a constitutional amendment that proposes an alternative approach. I must say the Speaker has been most concerned, and he asked me to put this in this bill, because a constitutional amendment takes so long to accomplish. We could be out there for Lord knows how long if it is ever accomplished. In the meantime, he has a proposal that will go forward and will be altered significantly as we go forward in order to expedite the process. That is what the Speaker is asking us to do here.

Mr. ROHRABACHER. Mr. Chairman, reclaiming my time, is there any reason that we could not move forward with a constitutional amendment and a statutory proposal at exactly the same time that would accomplish the mission rather than leave us vulnerable for 7 weeks after a catastrophe?

Mr. LEWIS of California. Mr. Chairman, if the gentleman would yield further, he does have a constitutional amendment proposed. He knows how long and how risky constitutional proposals are. They hardly ever happen. And, therefore, the Speaker wants to make sure this proposal goes forward, and that is what we are suggesting.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

I want to simply say I congratulate the gentleman from California. I agree with the gentleman from California. I would be perfectly willing to vote for this proposition today if we had a constitutional amendment going at the same time, so that the solution in this bill would be only a temporary solution until we got a real one.

Without the Rohrabacher approach, or something similar, and I happen to prefer the one he introduced in the last Congress, but without something like that, we guarantee that we can have the President governing with literally a handful of people in the Congress. We could have hundreds of districts with no representation whatsoever. That is not continuity. That is chaos. That is martial law. That is one-man rule.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support both of the legislation and appropriation bill before us and also in strong support of the Capitol Visitors Center project. Having been very intimately involved in this project, I had the only two bills that were introduced and actually had congressional hearings on authorizing the visitors center, and then being the Speaker's designee to the Capitol Preservation Commission, which oversees this also on public works. I followed this project from day one.

Let me just for the record set the record straight. First, about private money, we did start out raising private money. Mr. Chairman, the last fundraiser that was held to raise private money I participated in downstairs in the Speaker's dining room on the evening of Monday, September 10, 2001. As the Members know, our world changed and the project changed, and after that we put substantial money into the project. Correct, it then went to $265 million. There was money put in the project prior to that time because we had two police officers killed at the front door of the Capitol. Go back and read the testimony of the Sergeant at Arms where he described the scenario that we should have prevented if we had built the structure in advance. So that is why there was additional money put in.

If we look at the record, in October of 2001, we put in $38.5 million; and then in April of 2002, $33 million. Add that up, and it is about $70 million. It was all for security after September 11 to protect this, the people's House.

The additional $70 million for expansion of space, when we built the project it was supposed to be smaller. I insisted, as a developer and former real estate person, that it be larger; that we create as much shell space as possible, because we are not going to dig up the front yard of the United States Capitol every year. So we built all of that shell space.

In November of 2001, we decided to build out the additional space for the House of Representatives. It was a wise decision because we will save a tremendous amount of money. As a developer, I could tell my colleagues if we go back afterwards, it will cost us twice as much. So we actually saved money.

Other improvements are for utilities. Some utilities fell apart as we dug them up, and we could see some of the results; so we will actually save money in utilities.

This is a wise investment. It gives the people of the United States a place to visit, to see the history, the artifacts, and also deal with the capacity issue, because we could never fit them all in this wonderful historic building that is overcrowded, without even the basic accommodations for visitors like restrooms.

So I strongly urge the adoption of this bill and also every Member's strong support of the largest addition in the history of the Capitol for the people of the United States.

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from California for yielding me this time.

I wanted to speak on this bill and in support of this bill. As a former chairman of the Legislative Branch Subcommittee, I had the honor of serving as the chairman, along with the gentleman from Virginia (Mr. MORAN) as ranking member, and during our period of time, holding the gavel for this, we did a lot of reforms, and I think we worked very closely with groups that are well used but underappreciated, such as the Office of Compliance or the Library of Congress or the Government Printing Office. We tried to work with these agencies and come up with some reforms that we thought were helpful, and ideas, and we worked for them.

I wanted to say to the gentleman from Wisconsin (Mr. OBEY) we did a lot of work on the Capitol Visitors Center. I think we had a lot of good suggestions. Many of those suggestions were adopted by the House in our bill, but unfortunately as the bill progressed through the Chambers and got on the other side, the other body insisted on doing things which we thought could have addressed some of the concerns which he has raised today.

So I want to say the House is on record as trying to get a grip on the Capitol Visitors Center, unfortunately without the cooperation of the Senate.

Another group that we have had a lot of, I will say, growing pains with is the Capitol Hill Police. There are a lot of concerns about making the Capitol campus a fortress. As we walk up here with the eighth grade class from home to be greeted by officers with machine guns on the House steps, it is a little much; and this is something that we have a good discussion about on a Member-to-Member basis, how much security should we have?

The Chief of Police has suggested in the past, several times, that we build a wall all around the Capitol, to which, on a bipartisan basis, we have rejected the notion; and yet a wall is not just made out of bricks and mortars but can, in fact, be made out of human beings, and I think to some degree we do have that boundary right now.

And that is why it is perplexing to me that the Chief of Police would insist on a mounted horse unit, a unit which the House had decided was not cost efficient in the past and had cut out. This year the bill does not fund the horse mounted unit, and I think that it should remain that way. I know that there is going to be an amendment to restore it, but if we look at the strategic plan of the Capitol Hill Police, they do not even mention their own horse mounted unit. In fact, to quote the GAO report, it says: "Upon review of the draft United States Capitol Hill Police Strategic Plan for FY 2004 to 2008, and the United States Capitol Threat Assessment, it is unclear how the horse mounted unit supports the Capitol Hill Police strategic mission or how the horse mounted unit would be deployed against threats to the Capitol, because there is no mention of the horse mounted unit in the documents."

The point is that if the Capitol Hill Police feel that the horses are so important, why are they not mentioning it in their strategic plan? Last year during the debate on this, it was suggested they are better for crowd control. But we do not have crowd control problems here at the Capitol. We do not have demonstrations. We do not have rock concerts. We do not have large masses of people who are coming out to watch or participate in an exhibit. We do have lines of people. We do have lots of people, but mounted police are used best on queuing up large groups of people and pushing back crowds, and that is a threat that we just frankly do not have.

But what is the cost of this? Their budget calls for $145,000, they say, and we get free rent. But they do not mention that the stable for these horses is 20 miles away from the United States Capitol and that each day not only do the horses have to commute, and Members know what stress that must be on the horses because, good gosh, we have to put up for that, and I do not remember the horses being allowed to get on the Metro system.

But in addition to the horses having to commute, so does the manure. That is right. We have a gigantic pooper-scooper program for the mounted horses, that not only do they come here commuting like the rest of us, but then somebody has to follow behind them. I guess with a baggy from Safeway, as they do in the neighborhoods down in Alexandria. But they have to haul manure off campus at a cost, Mr. Chairman, of $53,000 a year.

And for what? To keep some guys on horses in a very tight, small area. This is not acres and acres of land that goes all the way to the Washington Monument. This is a confined area called the United States Capitol.

This is just one of the reforms that this House has gone on record of supporting. This bill does support it now. I think that we should pass the bill as it has been passed by the committee.

I do want to say one other thing. I am supporting the bill. I do think that the committee has done a good job on continuing a lot of the reforms that are in it.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciated the gentleman from Illinois' (Mr. LAHOOD) earlier comments about the fitness center for our employees. When I first came here soon after the gentleman from Illinois (Mr. LAHOOD), I was struck that the showers that were available for our employees were kind of secret. We, I think, cracked the code, found out where they were, and published a map. And we were able to work with the gentleman from New York (Mr. WALSH), the gentleman from Virginia (Mr. KINGSTON), the gentleman from Virginia (Mr. MORAN), the former subcommittee chairs and ranking members in slowly moving some things forward. There are now some new showers. Now the fitness center is under construction.

I congratulate the gentleman from Illinois (Mr. LAHOOD) and the committee. I think this is an important development for our employees. It is important for their health, for their morale, for their efficiency, for their being able to bike and walk and run to work. I think it is an important signal for them that we value their work.

I also appreciated comments that he made about the gem, which is the Library of Congress. I must confess I have some concerns in looking at this budget. We basically flatlined the Library of Congress, and we have missing from this, and part of the reduction is, the money that has been set aside for facilities to deal with the massive amount of information that is compiled by the library. The Library of Congress is the largest repository of information in the world. We have an obligation in Congress to support their efforts, and it is time sensitive. Not only are they running out of space, running out of room, there are issues of being able to protect the materials that they have. And I am afraid that if we slip a year, then we slip another year, we end up putting a burden on the people who run the Library of Congress and we put part of that collection in jeopardy.

Look at what happened to the Library of Congress Jefferson Building being neglected for decades and it took a major renovation for the library, that gem that we are all so proud of, to be fit for use in time for its centennial.

□ 1700

I know the committee has a difficult time because there are tight spending restraints, but I would urge the Committee on Appropriations and, indeed, each Member of this body to take a careful look at our stewardship responsibilities for the Library of Congress.

We all direct our constituents there because we are proud of it. We all take advantage of the material. This is an important little detail that is going to make their job harder; and I am afraid in the long run, if we are not careful, it is going to be the abrogation of our responsibility to maintain this largest collection of information in the history of the world.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I thank my distinguished colleague, and I appreciate his leadership on this issue. The gentleman from California (Mr. ROHRABACHER) spoke eloquently about the need for the Rohrabacher/Baird amendment; and I would like to address it briefly, if I may.

Madison is quoted on this topic, but let me quote Madison from Federalist 47. He said: "The accumulation of all powers, legislative, executive, and judiciary in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elected, may justly be pronounced the very definition of tyranny."

Now, I would like, if I may, to ask my colleagues, before we pass this appropriations bill with legislative language in it alleging to maintain continuity, to maybe address a couple of questions, before my colleagues vote on this, and I will yield time. Not for a filibuster, but just to address some questions.

How will we, given Madison's concern, maintain checks and balances during the 49-day period until we have the special elections? I would be happy to yield 30 seconds to anyone who plans to vote for this bill to address that question.

Mr. LAHOOD. Mr. Chairman, will the gentleman yield?

Mr. BAIRD. I yield to the gentleman from Illinois.

Mr. LAHOOD. Mr. Chairman, I will address it in this way: I was here on 9/11, as the gentleman was. There is absolutely nothing for the Members of Congress to do. That is the answer to the gentleman's question. The whole thing was taken over by the administration. There is not going to be anything for any Member of Congress, any major decisions to be made during that period of time. We do not need to be around here.

Mr. BAIRD. Mr. Chairman, reclaiming my time, the fact is this Congress took a number of very important actions, as the distinguished gentleman from Illinois knows, during that same time period. Let me ask this: If what the gentleman is saying is that we are not going to do anything, the executive branch has all the control, then how do we not just define Madison's very definition of tyranny? And if that is the case, are we not with this bill promoting tyranny in this country?

Mr. LAHOOD. Mr. Chairman, will the gentleman yield?

Mr. BAIRD. I yield to the gentleman from Illinois.

Mr. LAHOOD. Mr. Chairman, we were all meandering around here trying to figure out what to do, trying to figure out how to get our phones working. All of the major legislation that was created was created long after the period of time that the gentleman is talking about.

Mr. BAIRD. Mr. Chairman, reclaiming my time, I would beg to differ, and the gentleman, I think, is inaccurate historically.

Mr. LAHOOD. If the gentleman will further yield, what is the time frame?

Mr. BAIRD. Mr. Chairman, I do not have it on the top of my head, my friend; but I can say that it is much faster than 7 weeks. I would assert, furthermore, that if the gentleman's assertion is that we do not need the United States Congress post a catastrophic attack, I think you are making a mistake and doing a disservice. If that is what you are voting for, then let us be honest with the American public, as apparently the chairman of the Committee on the Judiciary has been.

We are voting with this bill to allow martial law, and I think that is a grave mistake.

Let me continue, if I may, and ask a few other questions. How many millions of Americans are you willing to leave without representation as article I, section 8 responsibility such as declarations of war, appropriations of funds, et cetera, are made? How many millions of Americans is the gentleman willing to leave without representation?

Mr. LAHOOD. I was going to respond to the gentleman's other questions.

Mr. BAIRD. Okay. So we do not have that answer.

Let me ask this question: under the bill, the section that is proposed, I have yet to figure out what happens to this body.

The CHAIRMAN. The time of the gentleman from Washington (Mr. BAIRD) has expired.

Mr. OBEY. Mr. Chairman, I yield 10 seconds to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I would suggest that with these questions remaining, we should not be passing this legislation in the manner in which we are. We need a full and open and extensive debate on this.

Mr. LEWIS of California. Mr. Chairman, I rise to yield time to the gentleman from California (Mr. DREIER); but before doing so, I just want to mention that the previous speaker had a constitutional amendment regarding the issue of continuity in the last Congress, and on that constitutional amendment the vote was 63 yeas and 353 nays. To say the least, the constitutional approach is difficult.

Mr. Chairman, I am glad to yield 3 minutes to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I thank the distinguished gentleman from California, the chairman of the Committee on Appropriations, for yielding me this time; and I want to congratulate him on the fine work that he has done, not only on this legislation, but on all of the appropriations bills.

We have debated this issue. Mr. Chairman. We debated this issue in the 108th Congress. We have had three markups on this issue, two in the Committee on House Administration, one in the Committee on the Judiciary, and we had 122 Democrats who joined with us in support of a responsible piece of legislation which, in fact, encourages the Madisonian vision of an elected people's House.

Now, I heard my friend from Wisconsin talk about the fact that if we are going to pass this legislation, he would support it if we went ahead with a constitutional amendment. It was the distinguished chairman of the Committee on Appropriations who just said we had that debate. Sixty-three Members of this House chose to support a constitutional amendment. The only reason that we are here at this moment having this debate is that the other body has refused, last year and since March of this year, to proceed with acting on this House's housekeeping matter. It is a housekeeping matter for the House of Representatives to maintain the process of elections.

Now, I think that if we look at the debate that we have had, if we look at the fact that we have continued since September 11 of 2001 to focus on a wide range of matters that impact this institution and the challenge that we never faced in our history, I believe that having this very important legislation that was passed by a margin of 329 in this Congress, 329 to 68, that including it now in the legislative appropriations bill is the most appropriate way to deal with it.

We chose in the Committee on Rules to allow the gentleman from Washington (Mr. BAIRD) to have an opportunity to strike this measure; and in just a few minutes, we are going to, once again, have a vote on whether or not we allow the process of elections to go ahead.

Now, it is very true, it is very true that it would be difficult, it would be messy, it would be ugly; but Walter Dellinger, the former Solicitor General, a great constitutional scholar from Duke University, made it very clear in his testimony before the Committee on Rules, when we talked about this issue, that he would prefer to see a House of Representatives that is comprised of fewer Members that are actually elected by the people than would be appointed.

Now, my friend from Washington State talks about the fact that these appointed people would be running our country and we would not have elected people. Under the constitutional amendment that my friend supports, we could see this institution, the people's House, consist of individuals who are appointed making decisions over those who are elected; and I think that is counter to the entire intention that was put forward by the Framers of our Constitution.

So when this comes up, I am going to urge a "no" vote on the Baird amendment.

Mr. OBEY. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, with respect to the Congressional Visitors Center, we are not saying there should not be one; all we are saying is that the one that is being proposed is screwed up and spectacularly wasteful and needs to be changed.

With respect to the assertion of my friend from Illinois that we do not have to worry about not having a Congress for 45 days because there will not be anything for Members of Congress to do, all I can tell my colleague is, if that is the case, then I wonder why it is that the gentleman from Florida (Chairman BILL YOUNG) and I negotiated a $20 billion supplemental appropriation just a few days after 9/11; and I wonder why it is we were sitting in the office of the gentleman from Illinois (Speaker HASTERT) until 12:30 at night hammering out differences with people on the Senate side who did not agree with what we had done; and why it is that the President made a commitment of $10 billion to New York; and why we had to spend a lot of time backing him up.

I would also remind the gentleman we had a debate on the House floor when the Committee on Transportation and Infrastructure tried to slip into that bill an extra $10 billion appropriation for the airlines.

There was plenty for us to do after 9/11; and thank God, in contrast to the proposition being set out today, thank God that then we had a Congress around to do it.

If you want to vote for a situation in which we can have no Congress whatsoever for 45 days, then by all means vote for this provision. If you do not, if you think we ought to have some kind of balance and check on the Presidency during that period by having somebody here to do the Nation's business, then my colleagues will reconsider and listen to what the gentleman from California (Mr. ROHRABACHER) and the gentleman from Washington (Mr. BAIRD) have to say.

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, it was not my intention to speak in these closing moments.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, just one point. We did that 3 days after 9/11, 3 days.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I think it is important for the public to know that all of us are concerned about continuity of government in the event of a tragedy. We certainly would not be having this discussion if it had not been for 9/11.

But, indeed, there are differences in the approach that one might take. Some prefer a constitutional amendment; and yet we have tried that on more than one occasion. We have had the debate, and very few in this House have supported that proposition. So the Speaker has asked us to go forward with an idea that will be worked on carefully between now and the time we finish our work with the Senate.

But from that point forward, let me talk a bit about the Capitol Visitors Center. My colleague, the gentleman from Wisconsin (Mr. OBEY), and I, early on in this Congress, were not active supporters of a CVC. But, indeed, his leadership and my leadership, at a higher pay grade, made a different decision; so we are carrying forward their work in this process.

I have looked at the visitors center very carefully. It is rather a fabulous addition to the Capitol, the greatest addition that has been made in this century, I believe. Indeed, within the mix of that, while I might change some things, I prefer not to suggest what the details ought to be that the Architect moves forward with. I am critical of the Architect; but in the meantime, I am not one. Therefore, we are going to add this major change whereby visitors can enter the Capitol, and it will have a very significant piece of our future history in the Capitol complex. It is going to be a fabulous addition. Indeed, it will be a very high-quality addition that we will all be proud of, but I think it would be a mistake for me to try to be the architect between now and then.

So with that, Mr. Chairman, this has been a very interesting debate about the work of the people's House. I am very happy to participate in this with my friend, the gentleman from Wisconsin (Mr. OBEY).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of H.R. 2985 the Legislative Branch Appropriations for fiscal year 2006. However, I find it truly unfortunate that these Appropriations were consistently under-funded because of the tight budget due to the massive tax cuts given to the richest Americans. These Bush Administration tax cuts have created gaps in so many programs and these Legislative Branch Appropriations are no different.

The total funding for this legislation is $2.87 billion which is only 2% more than current levels and $270 million (9%) less than requested by the various legislative offices and agencies. This bill appropriates $1.1 billion for operations of the House of Representatives which is only $13 million (1%) more than current funding and $35 million (3%) less than requested. It is unfortunate that these Appropriations are so tight, when the cost of operating the House of Representatives is in fact getting higher. These costs are becoming higher because the needs of our constituencies are becoming greater. With these unfortunate budget cuts in place it will be our constituents who suffer. Regardless of these cuts, Congress will continue to function properly and we will serve our constituents proudly, but these cuts in our funding undermine our efforts.

In addition to insufficient funding to the House of Representatives, the greatest deficiencies can be found in the legislative branch agencies that directly or indirectly support Congressional operations. This funding is only $32.6 million (2%) more than current levels and a staggering $234.8 million (12%) less than requested. Funding for the Capitol Police, who are entrusted with protecting the Capitol Complex and all those who work and visit here actually received $2 million (1%) less than in FY 2005, and $50.4 million (17%) less than requested in this Appropriation. The Architect of the Capitol who have worked so hard in the last year to make the Capitol Complex more accessible to visitors received only $317.3 million, $16.7 million (6%) more than current funding but a full $123.6 million (28%) less than requested. The Government Printing Office (GPO) which serves the demanding printing needs of hundreds of legislators every year received only $122.6 million which is $2.8 million (2%) more than current funding but $8.5 million (6%) less than requested. Indeed, even the Library of Congress, the resource for Members and staff to conduct research and the institution meant to be our nation's greatest repository of reading materials, even their funding was cut in this Appropriation. The Library of Congress received $543 million, about equal to the FY 2005 level but $47.8 million (8%) less than requested. It is sad to see these legislative branch agencies, which work so hard and diligently to support the work of Congress, have their funding needs not met. Again, these agencies will continue to support Congress and they will do their jobs well, but these cuts in funding can only lessen their effectiveness.

However, the issue that has me most concerned about this Appropriation is the language of H.R. 841, which would require states to hold special elections within 49 days of the Speaker declaring that more than 100 vacancies exist in the House. First of all, this language has no business being in this Appropriations measure, it clearly legislates on what is supposed to be a spending bill. Truly, the other side of the aisle is trying to sneak in a piece of legislation within this Appropriation in order to force its passage upon the Senate. Furthermore, this language within this bill threatens to weaken the electoral process, to disenfranchise overseas, disabled, and lower-income voters and thereby reduce individual rights. The more expedited the process of replacing the members of the House and the smaller body constituted is, the less legitimacy it will have. Unless the House constitutes members from all 50 States and through a full, fair, and transparent process, this body will lack qualities that make it truly "representative."

Despite my objections with certain provisions of this legislation I will vote in favor of this Appropriation because it serves the needs of our Congress. However, I hope that soon our economic and budgeting practices would change so that we are not forced to make so many cuts in vital areas. I also hope that in the future we do not use these Appropriations bills as a way to further our legislative agendas. It is my sincere hope that the institution of Congress, which was made to serve the needs of the people, will continue to be effective no matter the obstacle.

Mr. NUSSLE. Mr. Chairman, at a time when nearly all Federal agencies are facing the need for spending discipline, it is imperative that we apply restraint to ourselves as well—to the operations of Congress itself. This bill—the Legislative Branch Appropriations Act for Fiscal Year 2006 (H.R. 2985)—does that it holds congressional spending to a modest 1.7 percent increase, compared with 2005. I rise in support of this bill, which complies with the budget resolution for fiscal year 2006.

Most of the funding in this bill goes to non-political agencies, and non-elected people, who make it possible to do our work: the people who provide vital data and analysis to inform our policy decisions; who keep our buildings and grounds functioning; and—of special importance—providing security for all of the legislative branch.

SPENDING TOTALS

H.R. 2985 provides $2.87 billion in new budget authority and $2.5 billion in new outlays for programs within the Legislative Branch. This funding covers various legislative support agencies such as the Architect of the Capitol, Library of Congress, Congressional Research Service, Congressional Budget Office and the Government Accountability Office, and the Capitol Police. The funding level represents an increase of $42 million in BA and $241 million in outlays over last year, a 1.7 percent increase from FY 2005 levels. Consistent with a long-standing practice—under which each chamber of Congress determines its own housekeeping requirements, and the other concurs without change, appropriations for the Senate are not included in the bill reported to the House.

BUDGET COMPLIANCE

This measure, in providing $2.865 billion in budget authority for the operations of the Legislative Branch excluding Senate functions, is well below the overall suballocation of $3.719 billion. However a level was set within this $3.719 billion for legislative operations excluding Senate functions of $2.831 billion. Hence, though this measure complies with the relevant points of order under the Budget Act, it breaches the level internally set by the Appropriations Committee. It is expected that, when this measure is reported from conference committee, the overall level of spending for all legislative operations, including House, Senate and support agencies, will be at or below the level set pursuant to 302(b) of the Congressional Budget Act.

The bill contains a small recession in BA for the Library of Congress for the Copyright Reengineering Project and no advance appropriations or emergency-designated spending.

PROGRAMMATIC SPENDING

The bill provides $311 million to the Architect of the Capitol (AOC) for various operational and maintenance activities under the jurisdiction of the AOC, including, $37 million to complete construction of the Capitol Visitor Center. This bill also recommends the establishment of a Capitol Visitors Center Governing Board to address the issue of daily operations of the visitor center.

$543 million to the Library of Congress, a decrease of $2 million from FY 2005, $122 million to the Government Printing Office, an increase of $3 million from FY 2005 and $482 million for Government Accountability Office, an increase of $15 million over FY 2005.

The bill also provides $240 million for the Capitol Police. As we all know, ever since 9–11 the demands on these officers have grown significantly. Finally, the bill provides $1.092 billion for operations of the House of Representatives and a modest increase of $13 million or 1.2 percent, compared with 2005.

CONCLUSION

I commend the Committee on Appropriations for bringing us a bill that funds the operations of this House at levels generally consistent with the levels authorized under the Fiscal Year 2006 Budget Resolution.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 2985 is as follows:

H.R. 2985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes, namely:

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,092,407,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $19,844,000, including: Office of the Speaker, $2,788,000, including $25,000 for official expenses of the Speaker; Office of the

Majority Floor Leader, $2,089,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $2,928,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,797,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,345,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $482,000; Republican Steering Committee, $906,000; Republican Conference, $1,548,000; Republican Policy Committee, $307,000; Democratic Steering and Policy Committee, $1,945,000; Democratic Caucus, $816,000; nine minority employees, $1,445,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $434,000; and Cloakroom Personnel—minority, $434,000.

Members' Representational Allowances

Including Members' Clerk Hire, Official Expenses of Members, and Official Mail

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $538,109,000.

Committee Employees

Standing Committees, Special and Select

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $117,913,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2006.

Committee on Appropriations

For salaries and expenses of the Committee on Appropriations, $25,668,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2006.

Salaries, Officers and Employees

For compensation and expenses of officers and employees, as authorized by law, $167,749,000, including: for salaries and expenses of the Office of the Clerk, including not more than $13,000, of which not more than $10,000 is for the Family Room, for official representation and reception expenses, $21,911,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $6,284,000; for salaries and expenses of the Office of the Chief Administrative Officer, $116,971,000, of which $3,306,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $3,991,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $5,000,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $962,000; for the Office of the Chaplain, $161,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,767,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $2,453,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $6,963,000; for salaries and expenses of the Office of Interparliamentary Affairs, $720,000; for other authorized employees, $161,000; and for salaries and expenses of the Office of the Historian, $405,000.

Allowances and Expenses

For allowances and expenses as authorized by House resolution or law, $223,124,000, including: supplies, materials, administrative costs and Federal tort claims, $4,179,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $214,422,000; supplies, materials, and other costs relating to the House portion of expenses for the Capitol Visitor Center, $3,410,000, to remain available until expended; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $703,000.

Child Care Center

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2112), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

Administrative Provisions

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES" shall be available only for fiscal year 2006. Any amount remaining after all payments are made under such allowances for fiscal year 2006 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

JOINT ITEMS

For Joint Committees, as follows:

Joint Economic Committee

For salaries and expenses of the Joint Economic Committee, $4,276,000, to be disbursed by the Secretary of the Senate.

Joint Committee on Taxation

For salaries and expenses of the Joint Committee on Taxation, $8,781,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

Office of the Attending Physician

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $725 per month each to four medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,834,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $2,545,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

Capitol Guide Service and Special Services Office

For salaries and expenses of the Capitol Guide Service and Special Services Office, $4,268,000, to be disbursed by the Secretary of the Senate: *Provided*, That no part of such amount may be used to employ more than 58 individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

Statements of Appropriations

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the 109th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $210,350,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $29,345,000, to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2006 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

Administrative Provisions

(including transfer of funds)

SEC. 1001. TRANSFER AUTHORITY.—Amounts appropriated for fiscal year 2006 for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

Sec. 1002. (a) The United States Capitol Police may not operate a mounted horse unit during fiscal year 2006 or any succeeding fiscal year.

(b) Not later than 60 days after the date of the enactment of this Act, the Chief of the Capitol Police shall transfer to the Chief of the United States Park Police the horses, equipment, and supplies of the Capitol Police mounted horse unit which remain in the possession of the Capitol Police as of such date.

Sec. 1003. (a) Section 103(h)(1)(A)(i)(I) of the Ethics in Government Act of 1978 (5 U.S.C. App. 103(h)(1)(A)(i)(I)) is amended by inserting "United States Capitol Police," after "Architect of the Capitol,".

(b) The amendment made by subsection (a) shall apply with respect to reports filed under the Ethics in Government Act of 1978 for calendar year 2005 and each succeeding calendar year.

Sec. 1004. Section 1003 of the Legislative Branch Appropriations Act, 2004 (Public Law 108–83; 117 Stat. 1021), is hereby repealed, and each provision of law amended by such section is hereby restored as if such section had not been enacted into law.

Sec. 1005. (a) During fiscal year 2006 and each succeeding fiscal year, the United States Capitol Police may not carry out any reprogramming, transfer, or use of funds described in subsection (b) unless—

(1) the Chief of the Capitol Police submits a request for the reprogramming, transfer, or use of funds to the Committees on Appropriations of the House of Representatives and Senate on or before August 1 of the respective year, unless both such Committees agree to accept the request at a later date because of extraordinary and emergency circumstances cited by the Chief;

(2) the request contains clearly stated and detailed documentation presenting justification for the reprogramming, transfer, or use of funds;

(3) the request contains a declaration that, as of the date of the request, none of the funds included in the request have been obligated, and none will be obligated, until both Committees have approved the request; and

(4) both Committees approve the request.

(b) A reprogramming, transfer, or use of funds described in this subsection is any reprogramming or transfer of funds, or use of unobligated balances, under which—

(1) the amount to be shifted to or from any object class, approved budget, or program involved under the request, or the aggregate amount to be shifted to or from any object class, approved budget, or program involved during the fiscal year taking into account the amount contained in the request, is in excess of $250,000 or 10 percent, whichever is less, of the object class, approved budget, or program;

(2) the reprogramming, transfer, or use of funds would result in a major change to the program or item which is different than that presented to and approved by the Committees on Appropriations of the House of Representatives and Senate; or

(3) the funds involved were earmarked by either of the Committees for a specific activity which is different than the activity proposed under the request, without regard to whether the amount provided in the earmark is less than, equal to, or greater than the amount required to carry out the activity.

Sec. 1006. (a) Establishment of Office.—There is established in the United States Capitol Police the Office of the Inspector General (hereafter in this section referred to as the "Office"), headed by the Inspector General of the United States Capitol Police (hereafter in this section referred to as the "Inspector General").

(b) Inspector General.—

(1) Appointment.—The Inspector General shall be appointed by the Capitol Police Board, in consultation with and subject to the approval of the Speaker of the House of Representatives and the President pro tempore of the Senate, acting jointly, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(2) Term of service.—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(3) Removal.—The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Capitol Police Board, and the Board shall communicate the reasons for any such removal to the Speaker of the House of Representatives and President pro tempore of the Senate.

(4) Salary.—The Inspector General shall be paid at an annual rate equal to $1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.

(5) Deadline.—The Capitol Police Board shall appoint the first Inspector General under this section not later than 180 days after the date of the enactment of this Act.

(c) Duties.—

(1) Applicability of duties of inspector general of executive branch establishment.—The Inspector General shall carry out the same duties and responsibilities with respect to the United States Capitol Police as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(2) Semiannual reports.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Capitol Police Board shall be considered the head of the establishment, except that the Inspector General shall transmit to the Chief of the Capitol Police a copy of any report submitted to the Board pursuant to this paragraph.

(3) Investigations of complaints of employees and members.—

(A) Authority.—The Inspector General may receive and investigate complaints or information from an employee or member of the Capitol Police concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety, including complaints or information the investigation of which is under the jurisdiction of the Internal Affairs Division of the Capitol Police as of the date of the enactment of this Act.

(B) Nondisclosure.—The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(C) Prohibiting retaliation.—An employee or member of the Capitol Police who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(4) Independence in carrying out duties.—Neither the Capitol Police Board, the Chief of the Capitol Police, nor any other member or employee of the Capitol Police may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this section.

(d) Powers.—

(1) In general.—The Inspector General may exercise the same authorities with respect to the United States Capitol Police as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7) and (8) of such section.

(2) Staff.—

(A) In general.—The Inspector General may appoint and fix the pay of such personnel as the Inspector General considers appropriate. Such personnel may be appointed without regard to the provisions of title 5, United States Code, regarding appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no personnel of the Office (other than the Inspector General) may be paid at an annual rate greater than $500 less than the annual rate of pay of the Inspector General under subsection (b)(4).

(B) Experts and consultants.—The Inspector General may procure temporary and intermittent services under section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title.

(C) Independence in appointing staff.—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this paragraph. Nothing in this subparagraph may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this section.

(D) Applicability of capitol police personnel rules.—None of the regulations governing the appointment and pay of employees of the Capitol Police shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect subparagraphs (A) through (C).

(3) Equipment and supplies.—The Chief of the Capitol Police shall provide the Office

with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(e) TRANSFER OF FUNCTIONS.—

(1) TRANSFER.—To the extent that any office or entity in the Capitol Police prior to the appointment of the first Inspector General under this section carried out any of the duties and responsibilities assigned to the Inspector General under this section, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this section.

(2) NO REDUCTION IN PAY OR BENEFITS.—The transfer of the functions of an office or entity to the Office under paragraph (1) may not result in a reduction in the pay or benefits of any employee of the office or entity, except to the extent required under subsection (d)(2)(A).

SEC. 1007. (a) IN GENERAL.—Not later than 60 days after the last day of each semiannual period, the Chief of the Capitol Police shall submit to Congress, with respect to that period, a detailed, itemized report of the disbursements for the operations of the United States Capitol Police.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) the name of each person or entity who receives a payment from the Capitol Police;

(2) the cost of any item furnished to the Capitol Police;

(3) a description of any service rendered to the Capitol Police, together with service dates;

(4) a statement of all amounts appropriated to, or received or expended by, the Capitol Police and any unexpended balances of such amounts for any open fiscal year; and

(5) such additional information as may be required by regulation of the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

(c) PRINTING.—Each report under this section shall be printed as a House document.

(d) EFFECTIVE DATE.—This section shall apply with respect to the semiannual periods of October 1 through March 31 and April 1 through September 30 of each year, beginning with the semiannual period in which this section is enacted.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $3,112,000, of which $780,000 shall remain available until September 30, 2007: *Provided*, That the Executive Director of the Office of Compliance may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding: *Provided further*, That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $35,450,000.

Administrative Provision

SEC. 1100. (a) PERMITTING WAIVER OF CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES.—Section 5584(g) of title 5, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by inserting immediately after paragraph (6) the following new paragraph:

"(7) the Congressional Budget Office.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2006 and each succeeding fiscal year.

ARCHITECT OF THE CAPITOL

General Administration

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $77,002,000, of which $350,000 shall remain available until September 30, 2008.

Capitol Building

For all necessary expenses for maintenance, care, and operation of the Capitol, $22,097,000, of which $6,580,000 shall remain available until September 30, 2008.

Capitol Grounds

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $7,723,000, of which $740,000 shall remain available until September 30, 2008.

House Office Buildings

For all necessary expenses for the maintenance, care and operation of the House office buildings, $59,616,000, of which $20,922,000 shall remain available until September 30, 2008.

Capitol Power Plant

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $58,585,000, of which $1,592,000 shall remain available until September 30, 2008: *Provided*, That not more than $6,600,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2006.

Library Buildings and Grounds

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $31,318,000, of which $6,325,000 shall remain available until September 30, 2008.

Capitol Police Buildings and Grounds

For all necessary expenses for the maintenance, care and operation of buildings and grounds of the United States Capitol Police, $16,830,000, of which $5,500,000 shall remain available until September 30, 2008.

Botanic Garden

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $7,211,000: *Provided*, That this appropriation shall not be available for construction of the National Garden: *Provided further*, That of the amount made available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care, and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.

Capitol Visitor Center

For an additional amount for the Capitol Visitor Center project, $36,900,000, to remain available until expended: *Provided*, That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center project without an obligation plan approved by the Committees on Appropriations of the Senate and House of Representatives.

Administrative Provisions

SEC. 1201. (a) Section 108 of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 1849), is amended—

(1) in subsection (b), by striking "8 positions" and inserting "10 positions"; and

(2) in subsection (c), by striking "4 positions" and inserting "2 positions".

(b) The amendments made by subsection (a) shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

SEC. 1202. (a) Section 905 of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States (2 U.S.C. 1819) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) In the case of a building or facility acquired through purchase pursuant to subsection (a), the Architect of the Capitol may enter into or assume a lease with another person for the use of any portion of the building or facility that the Architect of the Capitol determines is not required to be used to carry out the purposes of this section, subject to the approval of the entity which approved the acquisition of such building or facility under subsection (b).".

(b) The amendments made by subsection (a) shall apply with respect to leases entered into on or after the date of the enactment of this Act.

SEC. 1203. (a) There is hereby established the Capitol Visitor Center Governing Board (hereafter in this section referred to as the "Governing Board"), consisting of each of the following individuals:

(1) The Speaker of the House of Representatives, or the Speaker's designee.

(2) The minority leader of the House of Representatives, or the minority leader's designee.

(3) The majority leader of the Senate, or the majority leader's designee.

(4) The minority leader of the Senate, or the minority leader's designee.

(5) The chairman of the Committee on House Administration of the House of Representatives, who shall serve as co-chairman of the Governing Board.

(6) The ranking minority member of the Committee on House Administration of the House of Representatives.

(7) The chairman of the Committee on Rules and Administration of the Senate, who shall serve as co-chairman of the Governing Board.

(8) The ranking minority member of the Committee on Rules and Administration of the Senate.

(b) The Governing Board shall be responsible for establishing the policies which govern the operations of the Capitol Visitor Center, consistent with applicable law.

(c) This section shall apply with respect to fiscal year 2006 and each succeeding fiscal year.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $388,144,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2006, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2006 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: *Provided further*, That of the total amount appropriated, $13,972,000 shall remain available until expended for the partial acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, $500,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: *Provided further*, That of the total amount appropriated, $11,078,000 shall remain available until expended for partial support of the National Audio-Visual Conservation Center: *Provided further*, That of the amounts made available under this heading in chapter 9 of division A of the Miscellaneous Appropriations Act, 2001 (Public Law 106–554; 114 Stat. 2763A–194), $15,500,000 is rescinded.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $58,601,000, of which not more than $30,481,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2006 under section 708(d) of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $5,465,000 shall be derived from collections during fiscal year 2006 under sections 111(d)(2), 119(b)(2), 802(h), 1005, and 1316 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $35,946,000: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further*, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $99,952,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $54,049,000, of which $15,831,000 shall remain available until expended.

ADMINISTRATIVE PROVISIONS

SEC. 1301. INCENTIVE AWARDS PROGRAM.—Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1302. REIMBURSABLE AND REVOLVING FUND ACTIVITIES. (a) IN GENERAL.—For fiscal year 2006, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $109,943,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2006, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading "LIBRARY OF CONGRESS" under the subheading "SALARIES AND EXPENSES" to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): *Provided*, That the total amount of such transfers may not exceed $1,900,000: *Provided further*, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1303. UNITED STATES DIPLOMATIC FACILITIES.—Funds made available for the Library of Congress under this Act are available for transfer to the Department of State as remittance for a fee charged by the Department for fiscal year 2006 for the maintenance, upgrade, or construction of United States diplomatic facilities only to the extent that the amount of the fee so charged is equal to or less than the unreimbursed value of the services provided during fiscal year 2006 to the Library of Congress on State Department diplomatic facilities.

SEC. 1304. (a) Section 208 of the Legislative Branch Appropriations Act, 1996 (Public Law 104–53; 109 Stat. 532), is hereby repealed.

(b) The amendment made by this section shall take effect on the date of the enactment of this Act or October 1, 2005, whichever occurs earlier.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code): printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $88,090,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $33,337,000: *Provided*, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2004 and 2005 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $1,200,000 for workforce retraining. The Government Printing Office may make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided*, That not more than $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 2,621 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That not more than $10,000 may be expended from the revolving fund in support of the activities of the Benjamin Franklin Tercentenary Commission established by Public Law 107-202.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $482,395,000: *Provided*, That not more than $5,104,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2006: *Provided further*, That not more than $2,061,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2006: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

PAYMENT TO THE OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $14,000,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHICLES.—No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. FISCAL YEAR LIMITATION.—No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2006 unless expressly so provided in this Act.

SEC. 203. RATES OF COMPENSATION AND DESIGNATION.—Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. CONSULTING SERVICES.—The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. AWARDS AND SETTLEMENTS.—Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

SEC. 206. COSTS OF LBFMC.—Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

SEC. 207. LANDSCAPE MAINTENANCE.—The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets and sidewalks, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

SEC. 208. LIMITATION ON TRANSFERS.—None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 209. COMPENSATION LIMITATION.—None of the funds contained in this Act or any other Act may be used to pay the salary of any officer or employee of the legislative branch during fiscal year 2006 or any succeeding fiscal year to the extent that the aggregate amount of compensation paid to the employee during the year (including base salary, performance awards and other bonus payments, and incentive payments, but excluding the value of any in-kind benefits and payments) exceeds the annual rate of pay for a Member of the House of Representatives or a Senator.

TITLE III—CONTINUITY IN REPRESENTATION

SEC. 301. Section 26 of the Revised Statutes of the United States (2 U.S.C. 8) is amended—

(1) by striking "The time" and inserting "(a) IN GENERAL.—Except as provided in subsection (b), the time"; and

(2) by adding at the end the following new subsection:

"(b) SPECIAL RULES IN EXTRAORDINARY CIRCUMSTANCES.—

"(1) IN GENERAL.—In extraordinary circumstances, the executive authority of any State in which a vacancy exists in its representation in the House of Representatives shall issue a writ of election to fill such vacancy by special election.

"(2) TIMING OF SPECIAL ELECTION.—A special election held under this subsection to fill a vacancy shall take place not later than 49 days after the Speaker of the House of Representatives announces that the vacancy exists, unless, during the 75-day period which begins on the date of the announcement of the vacancy—

"(A) a regularly scheduled general election for the office involved is to be held; or

"(B) another special election for the office involved is to be held, pursuant to a writ for a special election issued by the chief executive of the State prior to the date of the announcement of the vacancy.

"(3) NOMINATIONS BY PARTIES.—If a special election is to be held under this subsection, the determination of the candidates who will run in such election shall be made—

"(A) by nominations made not later than 10 days after the Speaker announces that the vacancy exists by the political parties of the State that are authorized by State law to nominate candidates for the election; or

"(B) by any other method the State considers appropriate, including holding primary elections, that will ensure that the State will hold the special election within the deadline required under paragraph (2).

"(4) EXTRAORDINARY CIRCUMSTANCES.—

"(A) IN GENERAL.—In this subsection, 'extraordinary circumstances' occur when the Speaker of the House of Representatives announces that vacancies in the representation from the States in the House exceed 100.

"(B) JUDICIAL REVIEW.—If any action is brought for declaratory or injunctive relief to challenge an announcement made under subparagraph (A), the following rules shall apply:

"(i) Not later than 2 days after the announcement, the action shall be filed in the United States District Court having jurisdiction in the district of the Member of the House of Representatives whose seat has been announced to be vacant and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

"(ii) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives.

"(iii) A final decision in the action shall be made within 3 days of the filing of such action and shall not be reviewable.

"(iv) The executive authority of the State that contains the district of the Member of the House of Representatives whose seat has been announced to be vacant shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the announcement of such vacancy.

"(5) PROTECTING ABILITY OF ABSENT MILITARY AND OVERSEAS VOTERS TO PARTICIPATE IN SPECIAL ELECTIONS.—

"(A) DEADLINE FOR TRANSMITTAL OF ABSENTEE BALLOTS.—In conducting a special election held under this subsection to fill a vacancy in its representation, the State shall ensure to the greatest extent practicable (including through the use of electronic means) that absentee ballots for the election are transmitted to absent uniformed services voters and overseas voters (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act) not later than 15 days after the Speaker of the House of Representatives announces that the vacancy exists.

"(B) PERIOD FOR BALLOT TRANSIT TIME.—Notwithstanding the deadlines referred to in paragraphs (2) and (3), in the case of an individual who is an absent uniformed services voter or an overseas voter (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act), a State shall accept and process any otherwise valid ballot or other election material from the voter so long as the ballot or other material is received by the appropriate State election official not later than 45 days after the State transmits the ballot or other material to the voter.

"(6) APPLICATION TO DISTRICT OF COLUMBIA AND TERRITORIES.—This subsection shall apply—

"(A) to a Delegate or Resident Commissioner to the Congress in the same manner as it applies to a Member of the House of Representatives; and

"(B) to the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands in the same manner as it applies to a State, except that a vacancy in the representation from any such jurisdiction in the House shall not be taken into account by the Speaker in determining whether vacancies in the representation from the States in the House exceed 100 for purposes of paragraph (4)(A).

"(7) RULE OF CONSTRUCTION REGARDING FEDERAL ELECTION LAWS.—Nothing in this subsection may be construed to affect the application to special elections under this subsection of any Federal law governing the administration of elections for Federal office (including any law providing for the enforcement of any such law), including, but not limited to, the following:

"(A) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), as amended.

"(B) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), as amended.

"(C) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended.

"(D) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), as amended.

"(E) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), as amended.

"(F) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as amended.

"(G) The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.), as amended.".

This Act may be cited as the "Legislative Branch Appropriations Act, 2006".

The CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 109–144. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

It is now in order to consider amendment No. 1 printed in House Report 109–144.

AMENDMENT NO. 1 OFFERED BY MR. BAIRD

Mr. BAIRD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BAIRD:

Page 44, strike line 4 and all that follows through page 49, line 25.

The CHAIRMAN. Pursuant to House Resolution 334, the gentleman from Washington (Mr. BAIRD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I yield myself such time as I may consume.

I want to revisit this issue, and I want to clarify a couple of things. The opponents of a real continuity solution have asserted that the gentleman from California (Mr. ROHRABACHER) and I would take away the right to election. Nothing could be further from the truth. We believe we need real elections, not hasty elections, not elections in which the candidates are chosen by the party, but elections in which there is time for deliberation, elections in which there is time for overseas people to vote, elections in which we can have real candidates, real debate, real primaries, et cetera.

So we all agree that we should have real elections; that is the ideal. But the question is, should we have a Congress in the interim?

I have heard the chairman of the Committee on the Judiciary point out that in the days post-9/11 it was an elected Congress, not an appointed Congress, that made decisions. He is absolutely right, because we had a Congress. My colleague from Illinois will recall that, in fact, the PATRIOT Act was passed during that 7-week interregnum; and interregnum may be the proper word because if we do not have a Congress, we would have effectively a monarchy or an appointed administration.

☐ 1715

Let me raise a couple of other points. Article I, Section 8, of the Constitution, as we all know, details a host of functions of this Congress. I have yet to hear how those functions get carried out during this 7-week period, save for the apparent explanations that the Congress does not have anything to do, and the Constitution Subcommittee chair's explanation that we will have martial law.

I for one did not run for this seat to bequeath martial law as our legacy if we are eliminated by terrorists. People on the other side of this argument have said, oh, if we have anything but a direct election, the terrorists have won. I personally consider martial law a substantial victory for the terrorists, a substantial victory.

Far preferable would be some mechanism in which the terrorists and the rest of the world could see the Congress of the United States reconvening with legitimacy and with distinguished statesmen from both sides of the aisle to conduct the people's business until such time as we had really elections.

It has been argued that we need to do this statutory fix because constitutional amendments take time. Yes, they do. But the Constitution did not say if it is going to take you too long to amend the Constitution, do it by House rule.

At the start of this Congress, the first order of business was to pass the House rules. The second order of business was to pass a rule that was unconstitutional. Sorry. The first order of business was to swear an oath to uphold the Constitution. The second order was to pass a rule that was patently unconstitutional. By that I mean we passed a rule that essentially says a quorum can be one or two people. The first order of business of the first Congress of the United States was to adjourn for lack of a quorum.

Now, the distinguished gentlemen from California (Mr. DREIER) likes to quote Madison. So do I. Madison was present in that first Congress. He was a Member.

He supported movements to adjourn because they lacked a quorum. And yet this body says, well, gee, you know, it takes too long to amend the Constitution, so let us do things unconstitutionally at a time of national crisis.

This is not the way to go about it. The gentleman from Georgia (Mr. KINGSTON) was right. The gentleman earlier spent some time talking about horse manure. I think we need to spend more time on constitutional issues than we spend on horse manure, but we have not. In this Congress we have spent so much time debating so many things of much less importance, and it is fair enough to say that my amendment did not pass. I respect that. That is what this process is about.

But, here is what you have not said, that myself and the gentleman from California (Mr. ROHRABACHER) put forward a rules proposal that would have allowed multiple solutions to this to be debated. Multiple amendments. We could have had a serious and open and extensive debate. I have to tell you, when I talk to my colleagues and I ask them these questions, how many constituents are you willing to leave, how many millions of Americans with no representation at all, no representation, during a time of national crisis; how willing are you to have a Cabinet member serve as President, with no checks and balances. Secretary of Agriculture, Health and Human Services. Most Americans do not even know these folks.

If you are so concerned about elected representation, are you not equally concerned about an unelected President with no checks and balances? I certainly am.

Mr. Chairman, I reserve the balance of my time.

Mr. DREIER. Mr. Chairman, I seek the time in opposition.

Mr. Chairman, I would like to begin by yielding 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Judiciary Committee, with whom I have been very pleased to work on this issue really since September 11, 2001.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the Baird amendment. The gentleman from Washington has been very sincere in stating that there ought to be a Constitution amendment to provide for temporary appointments to the House of Representatives in case of a tragedy.

The House debated that amendment in the last Congress, and it was rejected by the resounding margin of 63 ayes to 353 noes. That should have closed the issue of having appointed Members serve, even on a temporary basis. Evidently it has not, and that is why we are debating this here today.

Earlier this year, the House passed the continuity of Representation Act. It was passed overwhelming, 329 to 68, a nearly 5-to-1 margin. And those who voted for that bill in February ought to vote against the Baird amendment today.

The expedited special election procedure will mean that the House will be filled up within 49 days. In this 49-day time frame, the election center has shown that there can be special elections that will have the vigorous debate that the gentleman from Washington (Mr. BAIRD) wants to have in terms of selecting replacement Representatives for those of us who are wiped out.

But I would say that if the gentleman from Washington (Mr. BAIRD) has his way, we could have a House of 350 appointed Members outvoting the 85 elected Members that survive the enemy attack.

That is not democracy. We would have an appointed House and perhaps an appointed Senate, and an appointed President of the United States. We ought to reject the Baird amendment. We ought to get the Continuity of Representation Act passed through the other body and made law because it is an important and vital homeland security measure.

Mr. BAIRD. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, it is a perverse reasoning that suggests that having no representation here at all somehow provides you better representation than to have someone appointed by the person you last elected.

You are trying to say that we do not have a Democratic Republic if the elected representatives from other States can have a vote equal to someone from your State. I believe the best way to have a Republic is to have representation from all of the constituents.

If that means temporary appointments, so be it. Finally, we have heard so many times one distinguished scholar quoted, and he is indeed a distinguished scholar. But let me point out to the gentleman from California (Mr. DREIER) as he well knows, the bipartisan 9/11 Commission, which included Newt Gingrich, Tom Foley, Alan Simpson, Lloyd Cutler, a host of other scholars, has rejected essentially the proposal by the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), and has concluded with great reluctance that we do indeed need a mechanism to amend the Constitution so that whatever mechanism is arrived at is constitutionally valid.

I would weigh the weight of their testimony and their objectivity and their bipartisanship against one single individual that you continually quote.

MAJOR VOTES IN THE U.S. HOUSE OF REPRESENTATIVES, SEPTEMBER 11–OCTOBER 26, 2001

September 13, 2001. H.R. 2884, Victims of Terrorism Relief Act of 2001. The bill exempted individuals killed in the 9/11 terrorist attacks, or who die as a result of injuries suffered in those attacks, from paying federal income tax in the year of their death.

September 13, 2001. H.R. 2882, Expedite Public Safety Office Benefits. This bill directed the Justice Department to expedite the benefit payment process for the public safety officers (and their families) that were killed or suffered catastrophic injuries sustained in the line of duty in connection with the terrorist attacks of Sept. 11.

September 14, 2001. H.R. 2888, 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States. The bill appropriated $40 billion in emergency funds to pay for the costs of recovery from the 9/11 terrorist attacks and to counter, investigate and prosecute terrorist activities.

September 14, 2001. H.J. RES. 64, Authorization of Force. The resolution authorized the president to use "all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on Sept. 11, 2001."

September 21, 2001. H.R. 2904, Military Construction Appropriations for FY 2002. The bill appropriates $10.5 billion for military construction programs in FY 2002.

September 21, 2001. H.R. 2926, Air Transportation Safety and System Stabilization Act. This bill provided $15 billion in assistance to the U.S. airline industry to help stabilize the financial condition of the industry in the wake of the terrorist attacks on Sept. 11—$5 billion in immediate cash assistance and $10 billion in loan guarantees.

September 24, 2001. H.J. RES. 65, Continuing Appropriations for FY 2002.

September 25, 2001. H.R. 2586, Department of Defense Authorization for Fiscal Year 2002.

September 25, 2001. H.R. 2944, District of Columbia Appropriations for Fiscal Year 2002.

October 5, 2001. H.R. 2646, Farm Security Act.

October 11, 2001. H.R. 3061, Labor-HHS-Education Appropriations for Fiscal Year 2002.

October 12, 2001. H.R. 2975, PATRIOT Act.

October 17, 2001. H.R. 3004, Financial Anti-Terrorism Act. The bill gives the Treasury Department new powers to combat money laundering by imposing additional recordkeeping requirements and by restricting or banning dealings with suspect foreign financial entities.

October 17, 2001. H.R. 2904, Military Construction Appropriations for FY 2002.

October 17, 2001. H.R. 2217, Interior and Related Agencies Appropriations for FY 2002.

October 23, 2001. H.R. 3160, Bioterrorism Enforcement Act of 2001. The bill established criminal penalties for the unsafe or illegal possession or transfer of certain biological agents and toxins—including anthrax—and it required the Health and Human Services Department (HHS) to develop new regulations governing the possession and use of those substances.

October 24, 2001. H.R. 3090, Tax Incentives for Economic Recovery. The measure provided business and individual tax cuts totaling $99.5 billion in 2002 and $159.4 billion over 10 years.

October 24, 2001. H.R. 3162, USA PATRIOT Act Conference Report.

October 25, 2001. H.J. RES. 70, Continuing Appropriations for FY 2002.

Mr. DREIER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, James Madison said the problems of democracy are solved with more democracy. Now, we regularly talk about the fact that the worst, the worst attack on our soil, was what took place on September 11, 2001.

And it is very true that that is the case for what has happened in modern times. But I would like to remind my colleagues that the Civil War was a very tough time for the United States of America. In fact, the Battle of Antietam saw Southern troops get within miles of this Capitol.

The President of the United States, Abraham Lincoln, made a very firm decision at that point: Proceed with elections. He felt it very important that the American people have an opportunity to participate through elections.

Now, when we think of the unthinkable, a tragic attack which would be launched against the United States of America, what is it that the people would do? Well, obviously, one would think about feeding and clothing their family, ensuring that they have a roof over their head.

And, Mr. Chairman, a very important part of coming together following a tragedy is the important role of choosing one's leaders. Now, I do not believe that appointed Members should be making the decision in the people's House. Yes, they can do that as Members of the other body. Yes, that can even happen for the Chief Executive of the country.

But in the people's House, no one has ever served here in our more than 200-year history without having first been elected. And this notion of creating a scenario whereby people could serve in the people's House without having first been elected is anathema to the entire basis on which the United States of America was founded.

We would have to deal with a crisis, but we would come up with a compromise. Forty-nine days is the amount of time during which people could come together and hold elections and have their representative, that is why we are called representatives, their representative could come here and have the chance to serve.

It is very clear to me that the House of Representatives has, as has been said, spoken. Sixty-three Members of 435 voted in favor of our proceeding with a constitutional amendment. Sixty-three Members for a constitutional amendment. We know that it takes a two-thirds vote. We found that out earlier today. And obviously that is not what the people's House wants.

And so, Mr. Chairman, I urge my colleagues to reject the Baird amendment, and create an opportunity for us to let the other body act on a House provision which is so vitally important to the deliberative nature of this great body.

Ms. MILLENDER-McDONALD. Mr. Chairman, I congratulate the gentleman from Washington for his long-time leadership on this issue.

Mr. Chairman, I support this amendment to strike legislation which has nothing to do with the appropriations process, legislation which has been improperly placed in this bill, the text of H.R. 841, the "Continuity in Representation Act of 2005." That bill has already passed the House twice, in slightly different forms, in the spring of 2004 and most recently on March 3, 2005. The Senate refused to consider it the first time, and it is currently pending on the Legislative Calendar in the Senate, where it will remain unless objections by various senators are dealt with.

Make no mistake: there are senators who strongly oppose this bill, and virtually none who care about it, or strongly support it, or want to take up the Senate's time with it. This means that, if the bill is to move at all, its supporters need to take the objections seriously, be prepared to negotiate, and avoid further antagonizing the opponents.

As Ranking Member of the committee of actual jurisdiction, the Committee on House Administration, I have never been consulted by the Majority about beginning negotiations with the Senate to try to resolve the objections and get a bill which can clear both chambers. Whether such as effort could succeed is unclear, but—nothing ventured, nothing gained. Instead, the House Appropriations Committee has, to its obvious discomfort, effectively been hijacked by the House majority leadership to load the bill onto Legislative Branch Appropriations in the belief that the Senate will meekly submit to anything tucked into the House title.

I am not going to reargue the substantive issues here. H.R. 841 was and is a bad bill. I oppose it and voted against it. We should not be recycling failed legislation. If the bill's supporters ever hope to get it passed in some form, they need to make a serious effort to address the objections rather than to employ parliamentary games. They should not be misled by the margins by which the House has passed the bill. Congress consists of two chambers.

Unfortunately, some of the House sponsors appear to be treating a controversial and sensitive subject as if it were a perk of the House, as though the House alone somehow had acquired, contrary to the Constitution and other Federal laws, the right to control the procedure under which its Members are elected. This position has gotten them nowhere. I believe it is in fact counter-productive.

During the Appropriations markup, there were numerous questions about the continuity amendment which Chairman LEWIS, who offered it, was unable to answer. It was obvious that the committee had no idea what it was being asked to do and, based on the thunderous chorus of "nays" on the voice vote, was reluctant to be forced to do it.

Mr. Chairman, H.R. 841 is under the jurisdictions of the Committee on House Administration. It has nothing to do with the appropriations process. It has serious problems. The sponsors need to change their tune. Attempting an end run around the regular order on what is, despite their spin, a very controversial bill, does nothing to enhance credibility in potential negotiations with the Senate.

If this bill is to be saved, let the Members who care about and understand the issues engage seriously with those of differing views. That is how legislation becomes law. Not this way.

I urge adoption of the Baird amendment to strike Title 3.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in strong support of my colleague Mr. BAIRD's amendment to H.R. 2985 the Legislative Branch Appropriations for fiscal year 2006. The Baird amendment would strike the language of H.R. 841, which would require states to hold special elections within 49 days of the Speaker declaring that more than 100 vacancies exist in the House. First of all, this language has no business being in this Appropriations measure, it clearly legislates on what is supposed to be a spending bill. Truly, the other side of the aisle is trying to sneak in a piece of legislation within this Appropriation in order to force its passage upon the Senate.

Furthermore, this language within this bill threatens to weaken the electoral process, to disenfranchise overseas, disabled, and lower-income voters and thereby reduce individual rights. The more expedited the process of replacing the members of the House and the smaller the body constituted is, the less legitimacy it will have. Unless the House constitutes members from all 50 States and through a full, fair, and transparent process, this body will lack qualities that make it truly "representative."

Forty-nine days is simply not enough time for a state to hold the most free and fair elections. Special elections on average, take four months. In the event of a catastrophic disaster, elections should be held on an expedited time schedule. The pillars of what makes American democracy unique, however, should not be toppled in the pursuit to do so. True democracy dictates that every eligible woman or man has the right to run for office and to vote freely and under fair circumstances. Under the guidelines of this language, this would not be possible. Many states would have to forgo party primaries and the system would lend itself to the wealthiest and most well-known candidates' ability to run virtually unopposed. All debate of the candidates' platforms or characters would be nearly muted, and in effect, Americans would vote "in the blind."

Significant disenfranchisement will likely occur in the unrealistic time frame that the language of H.R. 841 offers in this Appropriations measure. There would be no way to mail out and receive absentee ballots in time. Overseas Americans, including those in the military, would not have a realistic chance to vote. Yes, the legislation ostensibly offers military and overseas voters an opportunity to be heard, but 15 days simply are not enough. There is something unseemly about denying our men and women of the military the right to vote in the most consequential elections imaginable, when we would be replacing perhaps the entire House. Logistically, many states would not have sufficient time for voter registration. It would be difficult to even print the ballots in the time allotted under this Act. There are only a few ballot printing companies in this country and a limited supply of ballot-appropriate paper stock. In the case of electronic voting, programs must be written, and even under ideal circumstances, not all the technical glitches have been sufficiently worked out to assure voter privacy or the fidelity of the system.

The language of H.R. 841 in this bill proposes to make the issue of state elections a "federal question." However, just because this issue would become federalized does not mean that we should frustrate the essential elements of democracy.The processes of establishing the eligibility of state candidates, voter registration, voter freedom of choice, and equal access to voting under the Civil Rights Act must be preserved—even in the face of a catastrophe. Democracy should not be abandoned simply because our leadership may have to suddenly change.

Clearly, this language does not belong in this Appropriations bill, nor does it serve the best interest of the American people. I urge all my colleagues to support the Baird amendment and remove this improper language from the Legislative Appropriations bill.

Mr. DREIER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. BAIRD).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BAIRD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington (Mr. BAIRD) will be postponed.

Is is now in order to consider Amendment No. 2 printed in House Report 109–144.

AMENDMENT NO. 2 OFFERED BY MRS. JO ANN DAVIS OF VIRGINIA

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mrs. JO ANN DAVIS of Virginia:

Strike section 1002.

The CHAIRMAN. Pursuant to House Resolution 334, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, my amendment is very simple. It strikes the language from the bill that prevents the Capitol Police from continuing the horse mounted unit, and it strikes language that requires the current horse mounted unit to be transferred to the Park Police.

This small yet valuable unit is irreplaceable in protecting the Capitol grounds against potential threats. The benefits of mounted patrols are recognized worldwide by law enforcement communities. Transferring the horse mounted unit to the Park Police is inadequate to meet the security needs of the Capitol complex.

In the past, the Park Police's horse mounted unit has been unavailable when requested by the Capitol Police. Additionally, with the Capitol Police's mounted unit dismantled, in the event the Park Police were able to respond, all of that manure that they were talking about, there would be no one to clean it, no mechanism in place.

The mounted unit is an important component of the Capitol Police's force to protect the Capitol grounds. I and Chief Gainer believe that the mounted unit is an inexpensive and effective resource in guarding the Capitol against potential threats, as well as an important part of improving community relations.

It is my understanding that the cost of maintaining this unit for fiscal year 2006 is somewhere around $155,000 to $160,000. Currently five horses are used by five mounted officers and two sergeants. The mounted unit provides greater mobility, increased visibility and an ability to view a larger area from a greater distance as compared to other officers.

Additionally the work of one mounted officer is akin to the work of 10 officers on foot. In these dangerous times with constant and changing threats against the United States Capitol Complex, the Capitol Police deserve all of the tools that they deem necessary at their disposal.

The mounted unit has proven very successful over the last 6 months. It has assisted with three arrests, worked 33 demonstrations, issued more than 200 notices of infraction, responded to assists in 9 reports of suspicious packages, responded to 16 calls for crowd control assistance, and responded to 28 calls for assistance in traffic accident incidents.

Mr. Chairman, I sincerely hope the Capitol Police's mounted unit can continue, as it provides an invaluable and unmatched service at protecting our Capitol grounds.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I rise to claim the time in opposition to the amendment, and I ask unanimous consent that the gentleman from Wisconsin (Mr. OBEY) control 2½ minutes of that time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the esteemed leader from Wisconsin for yielding me this time.

Mr. Chairman, this is a Trojan horse of a new and growing financial obligation that we really need to deal with now and to accept the committee's recommendation that it be consolidated with the U.S. Park Police mounted unit. That is what makes the most sense.

In May of 2004 we began with six horses. We were told it would cost about $100,000. Now it costs $145,000. They want another $10,000 for a replacement horse. But, the salaries and the benefits of the Capitol Police officers that are involved in this come to approximately $600,000. So it is not $145,000, it is three-quarters of a million dollars.

Where they are housed is 20 miles away. These police officers have to travel for at least an hour mile down the whole distance of Route 1 to pick them up, another hour back. We are going to move another 18,000 people down to Fort Belvoir, so it is going to be a lot longer than that.

And now, Mr. Chairman, really, we are now told that they had not figured this out, but they are going to need what is basically a giant pooper scooper to be able to clean the grassy area after the horses have gone by it.

Now, I would suggest to the Chairman and to this body that there is not much grass left to patrol.

□ 1730

I was out jogging today. It was one little grassy area left, and they were putting up a chest-high fence to keep the public off that grassy area. I do not know where these horses are going to be parading. And the little spot, what is left now is about the size of somebody's backyard, and I guess it makes it easier for the pooper scooper, but the problem is that we are paying a substantial amount of money, about three-quarters of a million dollars for very limited benefit.

I just cannot imagine why the Capitol Police need a mounted police unit, particularly given all of our other priorities.

Mr. OBEY. If the gentleman will yield, could the gentleman share with us the names of these horses?

Mr. MORAN of Virginia. I do not know the names.

Mr. OBEY. My understanding is that their names are Justice, Honor, Patriot, Freedom, and Tribute. Great names, but still not much of a purpose for their use.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I consider myself to be a horse person. As a matter of fact, at one time in my life I thought I might be a veterinarian because I loved horses and ducks so much. In the meantime, I watch them parade around the Capitol, and I have wondered from time to time about their relative value. The GAO has cited that the Capitol Police have difficulty quantifying the benefit the unit provides. GAO was not able to substantiate the claim of one horse doing the work of 10 people.

I do not see how the elimination of five horses is going to impact the patrol. We have scout cars, motorcycles, and mountain bikes all patrolling the same area. The real point is here I was concerned about the horses myself, but when the staff came up with the thought that perhaps we could transfer them to the Park Service and make sure they are well taken care of and used for meaningful activity, I felt very comfortable with this change. So, frankly, I think we ought to proceed with the language that is in the bill.

Mr. Chairman, I reserve the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentlewoman from Virginia (Mrs. JO ANN DAVIS) has 3 minutes remaining.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I heard my colleague from Virginia say the cost is now up to three quarters of a million dollars. I do not think we are getting rid of the police officers; I think we are just moving the five horses. Their salaries, I think, would be fungible. So I do not think you can count that. As far as being something we do not need because the Park Police are already out there with their horses, let me state that the Capitol grounds are statutorily defined, and because of that the Park Police do not have jurisdictions over the Capitol grounds, it is my understanding.

This program has only been in existence and operational since May of 2004. The GAO study, as the chairman stated, said that it is hard for them to quantify the benefits of the horse patrol because the performance measures are evolving, he failed to say the rest of it, and that data is still being collected on these measures. So we are trying to get rid of something that we have not even given a chance to see if it works. We are talking about $155,000.

I am quoting from the GAO results that they gave when they appeared before the Committee on Appropriations. The horses right now are housed, I heard my colleague from Virginia say earlier, that they were housed 20 miles away. That is correct, they are. And he says that they have to be under stress whenever they are in traffic. Well, I am a horsewoman. I have seven horses of my own. Let me tell you, it does not cost me $155,000 for seven horses. We have five horses here, and it certainly does not cost three-quarters of a million dollars, and we do not have to provide health benefits and retirement and the like to the horses.

I think we are cutting short a program that we have not given a chance. I urge my colleagues to support my amendment. I think it is a good cause. I think the horses do a great job. It is great PR for us. I see folks going up and talking to our Capitol Police Officers. Yes, the police officers do have the bicycles, but I would venture to say the guys on the bicycles are not sitting up as high as the guys and gals on top of the horses. So if there is a problem, they cannot see over the cars; they cannot see through the crowds.

I am pretty passionate about this whole situation. Yes, I am. I just do not think we have given this program the time it needs to really be evaluated, and I go back to what the GAO study says, that it is still evolving. I will remind Members in the GAO study they do not recommend eliminating the mounted horse patrol. That is critical. They do not recommend eliminating it. Give it time. Let us let them have their day.

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

I found one other reason to love the gentlewoman from Virginia (Mrs. JO ANN DAVIS). Her caring for horses as much as I do is a thrill to me. The problem is I have studied this material and cannot find that this is the best way to use our funding, especially when these horses will have a new home where they might be used more effectively.

Mr. Chairman, I yield the balance of my time to the gentleman from Illinois (Mr. LAHOOD).

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, number one, when is the best time to eliminate a program other than before it gets fully established? So I think it is important to follow the committee's recommendation.

The second thing is that we know that the police have asked for stables. Once they establish stables, the costs goes up; the program is more established. We have got more investment. Now is the time to kill it. Consolidate it with the Park Police. I fully agree with the committee's recommendation.

I thank the gentleman for yielding to me.

Mr. LAHOOD. Mr. Chairman, this is the second year that we have attempted to do this. That is pretty good time for eliminating a program. We had a big debate about this last year. We had a big debate about it this year. There is nobody who spends any time around here that does not think this place is secure. It is not going to be made any more secure by having a few people riding horses around here. Now, for the aesthetic part of it, it might be lovely; but for the security part of it, it is nonsense. It is a waste of money. They will be better used by the Park Service, certainly, than they will be around here. Vote down the gentlewoman's amendment.

Ms. MILLENDER-MCDONALD. Mr. Chairman, as Ranking Member of the Committee on House Administration, which has jurisdiction over the United States Capitol Police, I rise to oppose the amendment offered by my friend from Virginia (Ms. JO ANN DAVIS).

The USCP mounted unit was not authorized by either the Committee on House Administration nor the Senate's Committee on Rules and Administration. It reportedly came into existence as the brainchild of a Senator from Colorado, now retired, without any formal examination of the merits and demerits of using horses in the Capitol Police environment. Unlike the U.S. Park Police, which must patrol thousands of acres of wooded parkland in northwest Washington, the Capitol Police patrols a confined area readily accessible to non-mounted officers, and much of which is not even accessible to the public at all.

Some argue that the mounted unit is especially useful in crowd control, and maybe that is so. However, on those occasions where crowds needing control may develop on the Capitol grounds—and these occasions are usually well anticipated—the Capitol Police can easily ask for assistance from their Park Police colleagues, who are well trained in the use of horses and can also be trained about the Capitol and working here.

Finally, some offer the intangible value of public relations as a justification for spending the hundreds of thousands to maintain the horses and train their handlers. Maybe there is value in that, when elsewhere on and around the grounds, other Capitol Police officers are routinely brandishing automatic weapons. But what about the public relations cost of the horse manure deposited across the grounds, and the tens of thousands it costs to clean it up?

I urge a "no" vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 109-144.

AMENDMENT NO. 3 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. FLAKE:

Page 35, line 22, insert "(reduced by $5,400,000)" after "$88,090,000".

The CHAIRMAN. Pursuant to House Resolution 334, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Beside me I have a stack of CONGRESSIONAL RECORDS. It used to be that the Government Printing Office would print thousands and thousands and thousands of these because we did not use computers much. We did not have a searchable data base. These were very important and they still are, but by and large when these come around to congressional offices, they go straight to the waste basket.

We did an informal survey in our office of the CONGRESSIONAL RECORD. When the printed copy comes, we called about 20 offices or so, what do you do with them? Overwhelmingly, nearly all of them said it goes straight to the wastepaper basket because we have it online now, a searchable data base. You can search anything back to 1989 immediately the following day.

So our legislation would simply do this: it would save $5.4 million annually by instructing the Government Printing Office to print 1,000 per day rather than the 6,000 per day that they are doing now. We simply need to move into the 21st century. It used to be that we needed a lot more of them than we need today. We simply do not need to do that. This would also save about 57 tons of paper that are discarded every year, and all of the environmental damage that goes along with that.

This is a good amendment. It is a commonsense amendment. We simply are moving away from buggy whips and other things. We need to recognize that we simply do not have the need any more for printed record. To the extent that we need them, we will still present them. One thousand a day is pretty generous, and we need to save money where we can. And we need to have credibility when we tell Federal agencies to cut their budgets to live within their means. For us to go on printing 6,000 of these a day when we simply do not need them is not right.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I rise to claim the time in opposition to the amendment.

Mr. Chairman, I ask unanimous consent to yield 2½ minutes of that time to the gentleman from Wisconsin (Mr. OBEY) for purposes of control.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the fiscal year 2006 appropriations has been held at the fiscal year 2005 level. This is a decrease of $2.5 million below the 2004 level.

The RECORD is distributed in accordance with title 44, chapter 9 of the U.S. Code: and within that there are 3,000 copies that go to Members, of the House and Senate, 153 copies to the Library of Congress, et cetera. I can provide the balance of this in the RECORD.

3,018 copies to Members, House 1,479 copies, Senate 1,539 copies; 153 copies to the Library of Congress; 754 copies to public agencies and institutions designated by Senators; 698 copies to Federal agencies that pay for the copies; 521 copies to subsribers who pay for the copies; 692 copies to Federal Depository libraries nationwide.

I would say to the gentleman from Wisconsin (Mr. OBEY), that it is my feeling that an amendment like this where people are kind of reacting to the CONGRESSIONAL RECORD, et cetera, will likely pass overwhelmingly. And if I am correct in that, I would be inclined for us to stand back in this discussion, if the gentleman agrees with me, and perhaps discuss this further as we go to conference.

What would be the gentleman's reaction to that?

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply say that passing this amendment will not eliminate the distribution of the RECORD. It will simply create a financial shortfall which will have to be dealt with in the future. I personally prefer to use the printed RECORD than I do the online RECORD.

Mr. LEWIS of California. And I do as well.

Mr. OBEY. I do my work in lots of places besides the office, and I do not use a computer. I use a pencil. So I would just suggest that I think the amendment is outrageous and misbegotten; but if the gentleman wants to accept it, we can deal with it in conference. We will work it out.

Mr. LEWIS of California. Reclaiming my time, the gentleman is always a gentleman.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I am pleased to join the gentleman in coauthoring this amendment. And I hope that our distinguished chair and ranking member of the Committee on Appropriations will be able to, in fact, deal with this in conference in a serious manner because it is not just a matter here of saving over $5 million a year just in printing costs, and it is not a matter of saving some 57 tons of paper.

What this is about is being able to, with all due deference to the ranking member, not impose on this Congress a regimen of printing 6,000 copies of a relic of the past that is not necessary for everybody. There are 521 subscribers in America to the printed version of the CONGRESSIONAL RECORD. They will be, under this amendment, available to any Member of Congress who wants them; but it is important for us to have your help as members of the committee to be able to nudge us along to get into the 21st century.

This is an opportunity for us to be able to take advantage of paperless activities, having paper where people need it, having a certified smart person who works for us print off what we need and save us the time not to thumb through to try and find it.

□ 1745

I think it is important for us to approve this. This is not a minuscule item. This is symbolic of what we can do in the vast Federal bureaucracy to break the stranglehold of past action and move to take advantage of this technology that we have invested, not hundreds of millions, but billions of dollars every year.

This is a small important step to move us in the right direction.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the gentleman for the time.

The only point I would like to make is that since 1995, this appropriation has only grown by 4 percent. So in more than 10 years we have only had a 4 percent growth, much less than inflation.

We have worked hard to reduce the number of copies. We have eliminated the bound copies of the CONGRESSIONAL RECORD. I do not know if people have noticed, but we eliminated that which used to be a tradition, and since 1995 we have reduced the number of copies from 18,000 per day to 6,000. I mean, that is substantial progress. The largest cost of the RECORD is preparing the data for printing and on-line dissemination, and that cost is going to be occurred regardless.

Ms. MILLENDER-McDONALD. Mr. Chairman, as the Ranking Member of the Joint Committee on Printing, I oppose the amendment offered by my friends from Arizona (Mr. FLAKE) and Oregon (Mr. BLUMENAUER).

According to the GPO, the congressional printing and binding appropriation supports the distribution of 3,994 copies of the CONGRESSIONAL RECORD, of which 2,293 copies, or more than 57 percent, go to the Senate. If there are too many copies of the RECORD being charged to the Congress, the problem lies in the other chamber.

Mr. Chairman, Congress has addressed this problem in recent years. Not long ago, there were 18,000 copies of the RECORD produced each day. Now there are fewer than 4,000. The law provides for Members to receive three copies, and Members who don't need three copies can reduce printing costs by informing the Clerk of that fact. This is a reasonable approach, since the RECORD is available on-line, and perhaps for some Members the on-line version will suffice. But the printed RECORD remains an important resource for many Members of both Houses, and I don't believe the proper approach to this question is to reduce funds for the RECORD by 83 percent, as this amendment would do.

I believe the Appropriations Committee has looked at this very carefully over the past several years. Speaking for the minority side of the Joint Committee on Printing, I am certainly willing to examine this question further.

I urge a "no" vote.

Mr. LEWIS of California. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from California's (Mr. LEWIS) time has expired. The gentleman from Wisconsin (Mr. OBEY) has 2½ minutes remaining. The gentleman from Arizona (Mr. FLAKE) has 1 minute remaining.

Mr. OBEY. Mr. Chairman, if the gentleman is willing to stop talking, I am willing to stop talking. I will vote for whichever side stops talking first.

Mr. FLAKE. Mr. Chairman, I am willing to save time and money, and I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 109–144.

AMENDMENT NO. 4 OFFERED BY MR. MCHENRY

Mr. McHENRY. Mr. Chairman, I offer an amendment as the designee of the gentleman from Texas (Mr. McCAUL).

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. McHENRY:

Page 9, line 23, insert "(increased by $2,000,000)" after "$29,345,000".

Page 35, line 22, insert "(reduced by $2,000,000)" after "$88,090,000".

The CHAIRMAN. Pursuant to House Resolution 334, the gentleman from North Carolina (Mr. McHENRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. McHENRY).

Mr. McHENRY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment for the gentleman from Texas (Mr. McCAUL), my good friend and fellow freshman Republican colleague, who unfortunately could not be here this afternoon to offer this amendment. One of his predecessors in the 10th District of Texas died tragically just a few days ago; Congressman Pickle, and the gentleman from Texas (Mr. McCAUL) did attend his funeral and could not be here today to vote nor could he be here today to offer this amendment. So I offer it in his stead.

As a good conservative and someone who minds the fiscal house of the United States Government, the gentleman from Texas (Mr. McCAUL) offered this amendment that would simply rein in the cost of printing, just much like the gentleman from Arizona (Mr. FLAKE) offered a few moments ago.

This would simply take $2 million out of the printing budget for our legislative branch and give that $2 million to security. It would take care of security equipment and weapons for Capitol Hill Police.

So at this time, I would simply like to recommend the House do accept this amendment that would rein in excessive spending. It is not that I am against printing or paper, or it is not that I am against ink either, but certainly I think we should restrain spending where it has gotten out of hand, and our printing budget is clearly out of hand. I think we and each individual Congressman's office can actually rein in that spending ourselves and actually print out the bills that we need.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I rise to claim the time in opposition to the amendment, and I ask unanimous consent that the gentleman from Wisconsin (Mr. OBEY) control 2½ minutes of that time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, since 1999 we have appropriated over $170 million to the Capitol Police specifically for security enhancement. In addition, we have provided $84 million for the Architect for perimeter security. In addition to the $2,345,000 provided in this bill for general expenses, the Capitol Police have $32,653,000 in unobligated balances, for a total of almost $62 million.

This $2 million amendment is interesting, but the police, in this instance, do not need an additional $2 million, and because of that, I strongly oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

As someone considerably more famous once said, The world will little note nor long remember what we either say or do here today on this matter.

Mr. Chairman, I yield back the balance of my time.

Mr. McHENRY. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman for the eloquence and the simplicity of his statement, and as a new Member here, I certainly respect my senior Member's opinions on this matter, and I do concur.

With that, I would certainly appreciate the kindness of the House in voting for this amendment that would somewhat restrain our spending in the matter of printing here in Congress. And we are not going to eliminate jobs in this instance. I just think we need to fund security rather than paper and printing, and with that, I would urge the adoption of this amendment.

Ms. MILLENDER-McDONALD. Mr. Chairman, I oppose the amendment offered by the gentleman from North Carolina [Mr. McHENRY].

As the Ranking Member of the Joint Committee on Printing, I can appreciate the gentleman's interest in reducing excessive printing and diverting the funds to more useful purposes. However, rather than shifting spending from GPO to the Capitol Police, the amendment has the potential merely to increase spending.

This is because the congressional printing and binding appropriation is not a traditional appropriation to support a predetermined amount of work by the GPO. It is a pre-payment for the work Congress orders from GPO. The GPO will perform whatever work Congress orders, and Congress will pay for it in a subsequent appropriation, if necessary. Merely reducing the printing and binding appropriation will not reduce the amount of printing.

By contrast, the amendment would shift the GPO funds to the Capitol Police, which could and presumably would spend the money for its general expenses. The Appropriations Committee has recommended the sum of $29.3 million for the Capitol Police's general expenses. As Ranking Member of the House Administration Committee, which has jurisdiction over the Capitol Police, I believe we should accept the Appropriations Committee's recommendation. I urge a "no" vote.

Mr. McHENRY. Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I urge a "no" vote, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY).

The amendment was rejected.

The CHAIRMAN. It is in now order to consider amendment No. 5 printed in House Report 109–144.

AMENDMENT NO. 5 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. HEFLEY:

Add at the end of title II the following new section:

SEC. 210. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

The CHAIRMAN. Pursuant to House Resolution 334, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from California (Mr. LEWIS) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment to cut 1 percent of the level of funding in this appropriation bill. This amounts to roughly $28 billion for the legislative branch appropriations bill, and it is no reflection on the chairman or the ranking member. They have done some very good things in here, particularly in that hole of waste we have in the East Front of our Capitol which goes on and on and on. They have done a great job in trying to rein that in.

I simply think that with all of these appropriation bills, with most of them, we can find 1 percent to cut, and that will move us in a tiny way towards a balanced budget. So I offer the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

I appreciate very much my colleague's comments. Mr. Chairman, during the markup of this bill, we pared down the total requests considerably from roughly $3 billion to $2.8 billion, a 9 percent reduction from the requested amount.

The bill is currently only 1.7 percent over fiscal year 2005. This increase barely sustains services. It provides for cost-of-living increases, some inflationary items, and a minimal number of projects to keep our buildings and grounds in reasonably good order.

A further reduction of 1 percent will adversely impact the operation of the legislative branch during the fiscal year ahead.

The amendment would reduce the total bill to a level that is less than 1 percent over current services.

The reduction will severely impair the ability of the House and legislative branch agencies to provide the full cost-of-living increases for all of our employees.

This is a good bill that has received balanced consideration. It is nice to say we will cut 1 percent across the board, but frankly, that is really not the way to legislate, and because of that, I strongly oppose the gentleman's amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Wisconsin (Mr. OBEY), my colleague.

Mr. OBEY. Mr. Chairman, let me simply say that while I am opposed to this bill because I think it wastes too much money on the visitors center, I agree that an across-the-board cut is not a responsible way to approach budgeting. If all of this cut came out of the visitors center, I would vote for it in a flash.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today against Mr. HEFLEY's amendment to H.R. 2985 the Legislative Branch Appropriations for fiscal year 2006, which would reduce this spending bill by 1 percent. The Hefley amendment is inappropriate at this time when funding needs have already been neglected in this Appropriation. Truly, the Committee had difficult decisions to make, but cutting even 1 percent more from this legislation would be a tremendous mistake.

The total funding for this legislation is $2.87 billion which is only 2 percent more than current levels and $270 million (9 percent) less than requested by the various legislative offices and agencies. This bill appropriates $1.1 billion for operations of the House of Representatives which is only $13 million (1 percent) more than current funding and $35 million (3 percent) less than requested. It is unfortunate that these Appropriations are so tight, when the cost of operating the House of Representatives is in fact getting higher. These costs are becoming higher because the needs of our constituencies are becoming greater. If the Hefley amendment is to pass it will be our constituents who suffer. Regardless of any possible cuts, Congress will continue to function properly and we will serve our constituents proudly, but these cuts in our funding undermine our efforts.

In addition to insufficient funding to the House of Representatives, the greatest reason to reject the Hefley amendment can be found in the legislative branch agencies that directly or indirectly support Congressional operations. This funding is only $32.6 million (2 percent) more than current levels and a staggering $234.8 million (12 percent) less than requested. Funding for the Capitol Police, who are entrusted with protecting the Capitol Complex and all those who work and visit here actually received $2 million (1 percent) less than in FY 2005, and $50.4 million (17 percent) less than requested in this Appropriation. The Architect of the Capitol who have worked so hard in the last year to make the Capitol Complex more accessible to visitors received only $317.3 million, $16.7 million (6 percent) more than current funding but a full $123.6 million (28 percent) less than requested. The Government Printing Office (GPO) which serves the demanding printing needs of hundreds of legislators every year received only $122.6 million which is $2.8 million (2 percent) more than current funding but $8.5 million (6 percent) less than requested. Indeed, even the Library of Congress, the resource for Members and staff to conduct research and the institution meant to be our nation's greatest repository of reading materials, even their funding was cut in this Appropriation. The Library of Congress received $543 million, about equal to the FY 2005 level but $47.8 million (8 percent) less than requested. It is sad to see these legislative branch agencies, which work so hard and diligently to support the work of Congress, have their funding needs not met. Again, these agencies will continue to support Congress and they will do their jobs well, but any further cuts in funding can only lessen their effectiveness.

I urge all my colleagues to reject the Hefley amendment as its passage will only make it more difficult for us to meet the needs of the American people. Cutting 1 percent from the Legislative Appropriations will not lead to any dramatic monetary savings, but it will hinder efforts to provide the best Congressional support services possible. It takes a lot to keep the great halls of Congress going and it is our responsibility to ensure that all of it is properly funded.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

Mr. HEFLEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. BAIRD of Washington.

Amendment No. 2 by Mrs. JO ANN DAVIS of Virginia.

Amendment No. 5 by Mr. HEFLEY of Colorado.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 1 OFFERED BY MR. BAIRD

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. BAIRD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 143, noes 268, not voting 23, as follows:

[Roll No. 299]

AYES—143

Abercrombie
Ackerman
Andrews
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeLauro
Dicks
Dingell
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Filner
Frank (MA)
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rohrabacher
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Slaughter
Smith (WA)
Solis
Spratt
Strickland
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Woolsey
Wu

NOES—268

Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Case
Castle
Chabot
Chocola
Coble
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (FL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emerson
Engel
English (PA)
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey
Marshall
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Snyder
Sodrel
Souder
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thornberry
Tiahrt
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Barton (TX)
Bonner
Boyd
Carter
Cole (OK)
Conaway
Davis (TN)
Doggett
Hinojosa
Jackson-Lee (TX)
Jones (OH)
Kucinich
LaTourette
Lewis (GA)
McCaul (TX)
Ney
Oxley
Pomeroy
Rangel
Smith (TX)
Thomas
Tiberi
Watson

☐ 1819

Mr. FORD and Mr. HOLDEN changed their vote from "aye" to "no."

Messrs. SANDERS, AL GREEN of Texas and McDERMOTT and Ms. KAPTUR changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MRS. JO ANN DAVIS OF VIRGINIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 226, not voting 22, as follows:

[Roll No. 300]

AYES—185

Abercrombie
Ackerman
Baldwin
Barrow
Bishop (UT)
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Buyer
Capuano
Cardin
Carnahan
Case
Chabot
Chandler
Clay
Cleaver
Clyburn
Cooper
Costello
Crowley
Cuellar
Cunningham
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doyle
Drake
Engel
Etheridge
Evans
Fattah
Filner
Fitzpatrick (PA)
Forbes
Fossella
Franks (AZ)
Gerlach
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Hensarling
Herseth
Hinchey
Holden
Holt
Honda
Hostettler
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jefferson
Jones (NC)
Kanjorski
Kaptur
Kennedy (RI)
King (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McCotter
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Mollohan
Murtha
Nadler
Napolitano
Ortiz
Otter
Owens
Pascrell
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Radanovich
Rahall
Ramstad
Reichert
Reyes
Ros-Lehtinen
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwarz (MI)
Scott (GA)
Serrano
Shadegg
Shays
Simmons

Simpson
Skelton
Smith (NJ)
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)

NOES—226

Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardoza
Carson
Castle
Chocola
Coble
Conyers
Costa
Cox
Cramer
Crenshaw
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Deal (GA)
DeLauro
DeLay
Dent
Dicks
Doolittle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Everett
Farr
Feeney
Ferguson
Flake
Foley
Ford
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Higgins
Hobson
Hoekstra
Hooley
Hoyer
Hulshof
Istook
Jackson (IL)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCrery
McDermott
McGovern
McHenry
McHugh
McKeon
McMorris
Menendez
Mica
Millender-McDonald
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Pallone
Pastor
Paul
Pearce
Pence
Pombo
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roybal-Allard
Royce
Ryan (WI)
Sabo
Schwartz (PA)
Scott (VA)
Sensenbrenner
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Slaughter
Smith (WA)
Snyder
Souder
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Tiahrt
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Watt
Weldon (FL)
Wicker
Wilson (NM)
Wolf
Young (FL)

NOT VOTING—22

Barton (TX)
Bonner
Boyd
Carter
Cole (OK)
Conaway
Davis (TN)
Doggett
Hinojosa
Jackson-Lee (TX)
Jones (OH)
Kucinich
LaTourette
Lewis (GA)
McCaul (TX)
Ney
Oxley
Pomeroy
Rangel
Smith (TX)
Thomas
Tiberi

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1831

Mr. FORD and Ms. CARSON changed their vote from "aye" to "no."

Messrs. SPRATT, PICKERING, FRANKS of Arizona and GORDON changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 114, noes 294, not voting 25, as follows:

[Roll No. 301]

AYES—114

Akin
Barrett (SC)
Bartlett (MD)
Bass
Bean
Beauprez
Berry
Biggert
Blackburn
Bradley (NH)
Brady (TX)
Brown (OH)
Brown-Waite, Ginny
Burgess
Burton (IN)
Cannon
Cardoza
Chabot
Chandler
Chocola
Coble
Cooper
Cox
Cubin
Davis, Jo Ann
Deal (GA)
DeGette
Diaz-Balart, M.
Drake
Duncan
Edwards
Everett
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gohmert
Graves
Green (WI)
Gutknecht
Harris
Hart
Hayworth
Hefley
Hensarling
Herger
Herseth
Hooley
Hostettler
Hulshof
Inglis (SC)
Inslee
Issa
Jenkins
Jindal
Jones (NC)
Keller
Kennedy (MN)
Kind
King (IA)
Lewis (KY)
LoBiondo
Mack
Maloney
Manzullo
Marshall
Matheson
McCotter
McHenry
McMorris
Michaud
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Ramstad
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (WA)
Snyder
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Terry
Udall (CO)
Udall (NM)
Westmoreland
Whitfield
Wilson (SC)

NOES—294

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrow
Becerra
Berkley
Berman
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Tom
DeFazio
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doolittle
Doyle
Dreier
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hastings (WA)
Hayes
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Hyde
Israel
Istook
Jackson (IL)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Linder
Lipinski
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Marchant
Markey
Matsui
McCarthy
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Taylor (NC)
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Upton

Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman
  Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—25

Bachus
Barton (TX)
Bonner
Boyd
Buyer
Carter
Cole (OK)
Conaway
Davis (TN)
Doggett
Farr
Hinojosa
Jackson-Lee
  (TX)
Jones (OH)
Kucinich
LaTourette
Lewis (GA)
McCaul (TX)
Ney
Oxley
Pomeroy
Rangel
Smith (TX)
Thomas
Tiberi

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1838

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. McHUGH) having assumed the chair, Mr. LINDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2985) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes, pursuant to House Resolution 334, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Obey moves to recommit the bill, H.R. 2985, to the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the motion to recommit be debatable for 4 minutes equally divided and controlled by the chairman and ranking member of the Committee on Appropriations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I will only take 1 minute.

This is a straight motion to recommit so that we can fix the out-of-control visitors center, which is as out of control as the Federal deficit. It is also the last chance we will be able to have to remove the assault on constitutional government by removing the nongermane continuity provision, and it also is the last chance to establish a Truman-like committee to investigate waste and fraud in Iraq.

I urge an aye vote. And I will ask for a roll call vote.

Mr. LEWIS of California. Mr. Speaker, by way of suggesting that the leadership on both sides of the aisle made the decision about building our visitors center and that process has gone forward, and many a fit and start, but nonetheless it is going to be the largest expansion of the Capitol in modern time. It is going to be a fabulous visitors center when it is all completed.

The gentleman from Wisconsin (Mr. OBEY) and I have been on the other side of that issue in the past; but, nonetheless, like the visitors center, the Speaker has suggested we include the continuity of government item in this package. That too is at a pay grade that is above mine, and I feel very strongly we should have some mechanism to make certain that in times of a real tragedy the House can get its work done.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for the electronic vote on the question of the passage of the bill.

The vote was taken by electronic device, and there were—ayes 180, noes 232, not voting 22, as follows:

[Roll No. 302]

AYES—180

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-
  McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Price (NC)
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda
  T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman
  Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—232

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite,
  Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Case
Castle
Chabot
Chocola
Coble
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel
  E.
Mack
Manzullo
Marchant
McCotter
McCrery
McHenry

McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Pascrell
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Barton (TX)
Bonner
Boyd
Carter
Cole (OK)
Conaway
Doggett
Gordon
Hinojosa
Jackson-Lee (TX)
Jones (OH)
Kucinich
LaTourette
Lewis (GA)
McCaul (TX)
Ney
Oxley
Pomeroy
Rangel
Smith (TX)
Thomas
Tiberi

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McHUGH) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1859

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 330, nays 82, not voting 22, as follows:

[Roll No. 303]

YEAS—330

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Granger
Green, Al
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hinchey
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey
Matsui
McCarthy
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Pascrell
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Sodrel
Solis
Souder
Spratt
Strickland
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (NC)
Terry
Thompson (MS)
Thornberry
Tiahrt
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—82

Andrews
Baird
Baldwin
Barrow
Berry
Boswell
Brown (OH)
Cardoza
Chandler
Cleaver
Conyers
Cooper
Davis (CA)
Davis, Jo Ann
DeLauro
Duncan
Etheridge
Filner
Flake
Frank (MA)
Goode
Graves
Green (WI)
Green, Gene
Grijalva
Hastings (FL)
Hefley
Herseth
Higgins
Honda
Hulshof
Inslee
Jones (NC)
Kennedy (MN)
Kildee
Kind
Lee
Lipinski
Lofgren, Zoe
Lowey
Maloney
Marshall
Matheson
McCollum (MN)
McDermott
McGovern
Meehan
Melancon
Menendez
Miller, George
Moore (KS)
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pastor
Paul
Payne
Ross
Salazar
Sanders
Schakowsky
Scott (VA)
Shays
Sherman
Smith (WA)
Snyder
Stark
Stearns
Stupak
Tanner
Taylor (MS)
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Wasserman Schultz
Watson
Watt
Wu

NOT VOTING—22

Barton (TX)
Bonner
Boyd
Carter
Cole (OK)
Conaway
Doggett
Gordon
Hinojosa
Jackson-Lee (TX)
Jones (OH)
Kucinich
LaTourette
Lewis (GA)
McCaul (TX)
Ney
Oxley
Pomeroy
Rangel
Smith (TX)
Thomas
Tiberi

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1906

Mr. PALLONE changed his vote from "yea" to "nay."

Mr. FOSSELLA changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. REYES.)

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

LOGICAL WITHDRAWAL FROM IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, I rise today to talk about an issue which is beginning to be much more of an issue in this Congress, and certainly in this country, and that is the question of how long are we going to stay in Iraq?

There are those who think that we should stay endlessly, apparently. The military is preparing for a couple of years of staying. Last week a couple of oil workers from Iraq came through talking to various Members of Congress. These 55-year-old Iraqi oil workers said there will be no peace in Iraq until the occupation is over. Until you leave, the present conditions will continue.

Now, there are a lot of people who still believe the President. Remember, this is the President that told us that there were weapons of mass destruction and there were connections to al Qaeda, and that now they have the White House saying we are in the last throes of the insurgency.

But when you talk to Iraqis who live on the ground, work on the ground, work in the oil industry, they said we are at 1½ billion barrels a day, and we will never get any more than that until we are able to get some peace and calm and some investments to come in and change the oil industry.

Now, you say, well, that is just two oil workers. Well, 82, remember that number, 82 Iraqi Parliamentarians have sent a letter to their Speaker of the House demanding that the U.S. withdraw its troops from Iraq.

Those are not wild-eyed people in the United States who are calling for the withdrawal of American troops. This is 82 members of the Iraq Parliament who were elected. I mean, we say they have a democracy over there. Some of these leaders come from the United Iraqi Alliance, which is a collection or a coalition of religious Shiite parties that has a majority of the 275 seats.

So, again, we are not talking about a splinter group somewhere, we are talking about people in the main governing group in the Iraqi Parliament are calling for an end. Their demand is still, although not a majority, it is a large majority, and it has not been endorsed by the Prime Minister yet.

But the demand will certainly come from an ever greater number of Parliamentarians as time goes on. At the moment, most Iraqi politicians already wish the United States would leave, but are afraid that the guerilla movement will kill them without U.S. protection.

This letter has not been released in the United States. You have to find it somewhere on the Web. Now, in this House we have a group called Out of Iraq Caucus.

And the question is, what are we up to? What do we really want to do? Well, I think you ought to have a plan. And there are certainly a lot of plans that have been laid out. One of them is laid out by Gerald Helman, who was a former Ambassador of the United States, who says, first of all, the United States should have a phased withdrawal to be completed in 1 year.

□ 1915

Why is that? Because you do not want to create chaos. If we walked away tomorrow, we would have chaos.

The second thing he says, by prearrangement before that withdrawal occurs, the Iraq and Arab League, or collection of Arab states, would ask the United Nations Security Council to establish a transition political, economic development, and peace enforcement authority to assist the Iraqi Government in its recovery efforts. And finally, the United States could offer logistical support. We are really the only ones capable of doing it, and the financial support as well as the military units on a transitional basis under U.N. command, under U.N. command.

I think we can handle a Brit or a German or somebody being in command. The United States, Japan and the other oil Arabs can contribute money and NATO could provide much of the staff, planning and headquarters personnel, but competent boots on the ground will be hard to find. They are going to have to use some of our people. We all watched the United Nations do this very same thing in Cambodia. Most people were unaware of it, but that is exactly the method.

We have to begin the process of withdrawal from Iraq. There is no way we are going to win it all and have peace and harmony as long as we are viewed as conquerors and occupiers, and 82 members of the Iraqi parliament have asked. That must be only the beginning.

Helman on UN Option

Ambassador Gerald B. Helman writes: ". . . On replacing the US with the UN in Iraq[:] It seems clear that US public opinion is ready for a real exit strategy. But I suspect that the Administration has not yet given up its hope of turning Iraq into a long-term strategic base and asset allowing control of the Middle East and the oil that goes with it. And to turn it all over to the UN would be humiliating. Much would depend upon how the process is rolled-out. Here's an example:

The US would announce a phased withdrawal, to be completed one year hence;

(by prearrangement) Iraq and the Arab League (or a collection of Arab states) would ask the UNSC to establish a transition political, economic development and peace enforcement authority to assist the Iraqi Government in its recovery efforts; and

The US would offer logistical (we're the only one capable) and financial support, as well as military units, on a transitional basis, under UN command (we might be able to swallow the humiliation if the commander is a Brit or German). The UK, Japan, the oil Arabs and others can contribute lots of money. NATO could provide much of the staff, planning and headquarters personnel. But competent boots on the ground might be harder to come by.

I agree that the Cambodia operation (and, more recently, East Timor) could serve as a model. While Cambodia was a mixed success, it was nevertheless a success."

The United Nations Strategy as a Resolution of the Iraq Crisis

The United States has failed militarily in Iraq, and the situation there is deteriorating rapidly. A protracted guerrilla war is increasingly becoming an unconventional civil war. The US can mount operations against infiltrators on the Syrian border, but cannot permanently close off those borders. The US can prevent set piece battles from being fought by militias. It cannot prevent nighttime raids. Seven bodies showed up Sunday in East Baghdad, executed. They were almost certainly victims of this shadowy sectarian war.

Eighty-two Iraqi parliamentarians have sent a letter to the speaker of the house demanding that the United States withdraw its troops from Iraq. Some of the leaders of this movement come from the United Iraqi Alliance, the coalition of religious Shiite parties that has a majority of the 275 seats. Their demand is still that of a (sizeable) minority and has not been endorsed by Prime Minister Ibrahim Jaafari. The demand will certainly come from an ever greater number of parliamentarians as time goes on. At the moment, most Iraqi politicians already wish the US would leave, but are afraid that the guerrilla movement would kill them without US protection.

As its allies draw down their forces in the next few months, the US looks increasingly as though it is going it alone in Iraq. As a unilateral power there, it lacks legitimacy. It is not going to be able to stay in that country, and will not be given permanent bases there by an elected Iraqi government.

The United States will eventually have to go to the United Nations and request that it send a peace-enforcing mission to Iraq, as the US military withdraws. The relevant model is the UNTAC experience in Cambodia, which, while it had substantial flaws, was also a relative success. In the long term, perhaps 5–10 years, the Iraqi government may develop its own military that could keep order. That development is far enough off, however, that there is likely to be a significant gap between the time the US leaves and the time the Iraqis can fend for themselves.

A US withdrawal without a United Nations replacement would risk throwing Iraq into civil war. Such a civil war, moreover, would very likely not remain restricted in its effects only to Iraqi soil. A civil war in Iraq would certainly lead to even more sabotage of petroleum production, reducing Iraq's production from the current 1.5 million barrels a day to virtually nothing. If a civil war broke out that drew in Iran, the unrest could spread to Iran's oil-rich Khuzistan province, which has a substantial Arab population, and which has seen political violence in recent months. The instability could also spread to Saudi Arabia's Eastern Province, which is traditionally Shiite but dominated since 1913 by the anti-Shiite Wahhabis.

If the petroleum production of Iraq, Iran and Saudi Arabia was put offline by a vast regional conflict that involved substantial terrorism and sabotage, the price of oil would skyrocket. Only 80 million barrels of petroleum are typically produced daily in the world. Much of that is consumed by the producing country. What is special about the countries of the Gulf is that they have relatively small populations and little industry, and therefore export a great deal of their petroleum. Saudi Arabia produces 9 million barrels a day, and can do 11 in a pinch. Iran produces 4 million. Iraq could produce 3 million on a good day without sabotage. If nearly 20 percent of the world's petroleum supply became unavailable, and given ever increasing demand in China and India and political instability in Venezuela and Nigeria, the price could rise so high that it would throw the world into a Second Great Depression.

The old dream of James Schlesinger and Henry Kissinger that the United States could in such an emergency simply occupy and secure the Saudi oil fields has been shown to be a dangerous fantasy. Petroleum is produced in a human security environment. Where the political structures are felt by a substantial portion of the population to be illegitimate, they can and will simply sabotage the petroleum pipelines and refineries.

The US cannot risk this scenario, which while a little unlikely, is entirely possible as a consequence of its withdrawal from an Iraq that it radically destabilized.

The United Nations force put into Iraq should be a peace-enforcing, not a peacekeeping, force. That is, its rules of engagement should allow robust military operations to prevent the parties from massacring one another, and UN troops should always be permitted to defend themselves resolutely if attacked. Further, the United States should lend the United Nations forces close air support upon their request.

Moreover, the UN must at the same time enter into serious negotiations with the warring parties (Kurds, Shiites, Sunni Arabs) to seek a political settlement.

Satish Nambiar writes: "It is a matter of record that it is not possible to have successful peacekeeping without a determined and successful peace process. Peacekeeping and peacebuilding activities are not self-sustainable, they have to be nurtured by a process of negotiations, or peacemaking, during which the parties to the conflict are made to redefine their interests and develop a commitment to a political settlement. The fact that most successful missions in the last decade, or even the partially successful ones—Namibia, El Salvador, Cambodia and Mozambique—were the result of years of negotiations, in which many third-party international actors, including the USA, participated, is no accident. Although the wars in these areas went on for a long time, they illustrate that it is better to take the time to get the details of a settlement right, than to initiate a peacekeeping process that is flawed in its concept and content, as so glaringly made apparent in the inadequately planned and prepared United Nations deployment in the former Yugoslavia and Somalia. It takes firm political resolve and unified concerted action from outside actors to make the parties to the conflict come to terms with one another, and work towards a negotiated settlement."

All Iraqis would see the United Nations as having more legitimacy than the United States. The UN would be much more likely to be able to negotiate a settlement among the Sunnis and Shiites than is the US. And, the world has more troops than the US does. (The Europeans are over-stretched, so the force would mainly come from the global South. Iraq does not want neighbors involved, so South and Southeast Asia seem likely providers of troops.)

Would the Iraqi government accept a United Nations military mission? Almost certainly. Grand Ayatollah Ali Sistani has often attempted to involve the UN, and would welcome such a development. The Sunni Arabs would also much prefer to deal with the UN than with the US.

Would the United Nations be willing to take it on? It would be a very hard sell. But remember that if the members of the military mission succeeded, they would have gained enormous good will from the Iraqi government, which would soon be able to pump 5 million barrels of petroleum a day. That is, participation could be worth billions in future contracts. The US could also provide substantial incentives. For countries like Pakistan, India, and Malaysia, such benefits could prove decisive.

Would the Americans be willing to cede Iraq to the blue helmets? It is not impossible. US Secretary of Defense Donald Rumsfeld appears to want to draw down US troop strength in Iraq on a fairly short timetable, and even he must realize the need for a replacement. Of course, the Bush administration may well resist this move right to the end. But that makes this plan an ideal platform for the Democratic Party in 2006 and 2008. Instead of Kerry's vague multilateralism, let us specify an UNTAC-like mission for the UN. The entire world depends on Gulf petroleum; the entire world should step up to ensure security for Iraq and the region. The US will continue to have to bear a significant share of the costs, but these would become bearable if several allies shared them.

As recently as the 1950s, President Dwight Eisenhower still saw the United Nations as a noble project essential to the welfare of the United States, and he denounced the 1956 invasion of Egypt by Britain, France and Israel for endangering the UN ideal. Ironically, the Bush administration's attempt to do a unilateral end run around the United Nations could afford the American Left the opportunity to make international cooperation and international law popular again with the US public. The alternative for Americans is to continue to squander blood and treasure on a task too big for one country, even the world's sole superpower.

---

45 DEAD, DOZENS WOUNDED IN GUERRILLA ATTACKS

The Associated Press reports that a guerrilla wearing a bomb belt walked into a restaurant near the Green Zone in downtown Baghdad that was popular with Iraqi police and soldiers, and detonated his payload, killing 23 and wounding 45. Patrick Quinn writes: "The Baghdad bomber detonated his explosives-laden vest at the Ibn Zanbour restaurant, 400 yards from the main gate of the heavily fortified Green Zone—U.S. and Iraqi government headquarters. The cafe was popular with Iraqi police and soldiers. The dead included seven police officers. The bodyguards of Iraqi Finance Minister Ali Abdel-Amir Allawi and 16 other police were injured, police and hospital officials said. The minister was not in the restaurant."

Quinn's details make me wonder if the finance minister sometimes did eat at Ibn Zanbour, and if the guerrillas thought he might be there. At the very least, wounding a man's bodyguards is a pretty obvious threat against his person. Allawi is related to current Vice Premier Ahmad Chalabi and to former interim Prime Minister Iyad * * *

APOLOGIES NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, it is one of the first lessons we are taught as children, how and when to apologize for doing something wrong.

Our capacity for saying I am sorry is part of what makes us a functioning and civilized society. My parents always said I should apologize for hurting someone. But they never insisted that I apologize simply for pointing out when someone else was doing something bad or wrong.

Yet, here in Washington all of the sudden every time a Democrat uses strong rhetoric to condemn the policies of the Bush administration, there is a relentless pressure from the Republicans for an apology.

Maybe my memory is failing me, but I just do not recall any apologies when opponents of the Iraq war had their patriotism questioned. Now with a new poll showing that 63 percent of the American people want the troops to come home in the next year, maybe the right wing message machine owes an apology to nearly two out of three Americans. The fact is their apology demands on Democratic dissenters is just a convenient way to change the subject, to avoid any kind of question about the merits of the Iraq war and the way it has been managed.

And why do they want to avoid that discussion? Because the American people have completely lost confidence in the administration's Iraq policy. Instead of apologizing for words, it is time we started demanding apologies for deeds. Where, for example, is the apology for the deaths of more than 1,700 Americans? Not only is there no apology; Secretary Rumsfeld could not be bothered to personally sign condolence letters to their families.

Where is the apology for sending young men and women to war without the proper protective armor on their bodies and their vehicles? Where is the apology for pinching pennies on veterans health benefits when these brave soldiers return home? Where is the apology for the immoral doctrine of this preemptive war? And where is the apology for the gross deceptions used to justify it, for the missing weapons of mass destruction, for the cooked intelligence, for the phony al Qaeda-Saddam link?

Where is the apology for wasting more than $200 billion of taxpayer money on this mistake? Where is the apology for the poor leadership that led to torture and prisoner abuse at Abu Ghraib and Guantanamo? Where is the apology for committing our troops and our Nation to this mission without a post-war plan to secure the peace? And where is the apology for the arrogance that squandered international good will toward America and damaged our relationships with our closest allies?

There is something wrong with our moral compass if we have to apologize for speaking bluntly. But our leaders can commit the biggest foreign policy blunder since Vietnam and get away without apology or accountability.

Actually, an apology would not be enough for everything they have done. An apology, after all, is just more words. It is time for action. It is time for accountability. It is time for a tangible admission that the Iraq war was immorally conceived and has been incompetently managed. It is clearly time to end this war and bring our troops home.

CHUCK HAGEL, the senior Senator from Nebraska, a decorated Vietnam hero and a member of the President's party, recently had this to say about the war, "Things aren't getting better. They are getting worse. The White House is completely disconnected from reality. It's like they're just making it up as they go along. The reality is that we are losing Iraq."

I ask you, are they going to ask CHUCK HAGEL for an apology? After all, he has done the worst possible thing in the eyes of the administration: he has told the truth.

EXCHANGE OF SPECIAL ORDER TIME

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. PAUL).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

WOMEN AND SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I welcome this opportunity to speak about women and Social Security reform.

President Bush is exploring different ways to save Social Security for future generations. And as the mother of two young daughters, I realize that we must tackle this inevitable reform of Social Security now and not defer the debate to future generations. I applaud the President for his strong leadership and his vision.

Women have a particularly large stake in Social Security reform; and I thank my colleague, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), for her leadership on this issue, and we will hear from her later tonight. Social Security may be actually reflecting a bygone America where most American women worked at home and received a spousal benefit based on their husband's earning.

Today, according to the Government Accountability Office, nearly 60 percent of American women participate in the labor force which helps make America the most productive economy in the world. Not only are more women working than when Social Security was formulated; they are working in ways that the framers of this program could not have imagined. The GAO has also found that women are more likely to work part time and work intermittently as they may take time out of the labor force to rear children or care for their elderly parents.

However, Social Security as currently formulated penalizes many of these working women. For example, a homemaker can receive a higher spousal benefit than a woman working in a low-wage job receives based upon her own earnings. In some cases, the household benefit from Social Security is no greater than if these women had never worked at all.

The fact is that under the current system, Social Security earnings cannot be transferred or shifted should a woman unfortunately become a widow. Sadly, this occurs all too often and a woman's total household income can be greatly reduced if she was receiving benefits based on the earnings while her husband was alive, compared to a widow whose benefits are based solely on her husband's earnings. So Social Security should not penalize women in their old age because they decided to join the workforce rather than stay at home.

Social Security must be reformed to better protect women and the invaluable roles that they play in our economy and in our society. We should reward those women who try to balance work in the home and work in the labor force and not ask them to choose one or the other. By reforming Social Security to include private accounts, we can ensure that women receive all of the benefits that they earn in the workplace as well as being entitled to those that their husbands have earned once they have passed on. Forty percent of elderly women in America rely on Social Security for 90 percent of their income.

I join President Bush in assuring elderly women that Social Security reform will not impact their benefits by one penny. At the same time, the reforms that President Bush has envisioned will safeguard Social Security for those women's grandchildren and for all of our children and grandchildren. If we do not reform it, Social Security will be a pay-as-you-go system which is doomed to fail.

In the 1940s, as we have heard many times when Social Security was designed, there were 41 workers paying into the system for every person who was receiving benefits. Today there are only about three workers for every one person receiving benefits. By the year 2042 when workers who are currently in their mid-20s begin to retire, the system will be bankrupt. If we do not reform Social Security, those of us who are drawing or who will draw benefits will be doing so at the expense of our offsprings' future.

Without reform, we would also continue to penalize our daughters and our grandchildren for mixing a career in the workforce with a dedication to family life. Also, 2.3 million Hispanics receive Social Security benefits and 41 percent, a majority of them women, depend on it as their full source of income.

As the first Hispanic woman elected to Congress, I am committed to ensuring that all women are protected and all are afforded every opportunity. Remember, we are talking about American women here, not Republican women, not Democrat women, but American women. Social Security reform is too important an issue to be left to partisan politics.

SAVE SOCIAL SECURITY FIRST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, today some Members of the Republican Party, House and Senate, unveiled a proposal to use a surplus in the Social Security trust fund for private accounts. And they said that in their words, we are going to keep the Social Security surplus Social Security.

Well, that is interesting. For the last 3 years my colleagues on the other side said there was never ever a surplus in Social Security; there were no accounts in Social Security. In fact, just a month ago or a little more than a month ago, the President of the United States went to West Virginia, unveiled an old filing cabinet, if I am using his words correctly, and said, look at it. That is the Social Security surplus. As I quote him, and this is the President, "There is no Social Security trust fund. Just IOUs stacked in a filing cabinet."

All of the sudden now they want to say they have discovered there is a surplus in Social Security. Well, to tell you the truth, we have always known there was a surplus in Social Security. In fact, the Republican Party over the last 5 years has taken $650 billion out of the Social Security trust fund. And now they want to act like recent converts that we are going to keep the surplus for Social Security.

Democrats have said for well over 70 years, and as recently as 1998, save Social Security first. Do not go waste it on tax cuts for the wealthy. Do not waste that money. It is dedicated. It has been paid with the commitment for Social Security; and so now today under a new discovery, Republicans have realized that there is a surplus in Social Security. They are going to dedicate it, they say, to Social Security. But the problem is the President of the United States was in West Virginia just a short time ago, less than 2 months ago and said there is no surplus in Social Security.

I am sure within short order they will all collectively get their stories straight and figure out whether there is or is not a surplus. But whatever you do, do me one favor, just pay back the $650 billion you have taken out of that Social Security trust fund that good, hard-working Americans who rely on it just like my colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), just a moment ago spoke about they rely on the Social Security checks. Forty percent of the households in America have no other retirement plan plus Social Security; 80 percent of small business employees in this country have no other retirement account plus Social Security. They rely on the checks they pay and the money they pay every month or bimonthly into the trust fund.

□ 1930

So as you become recent believers that there is a surplus, you have been practicing some of the great absconding of resources; $650 billion over the last 5 years you have taken out of that account.

I did not see anything about that in today's paper as some were touting that in their plan, but I am sure as they come to figure out their math that they will realize they owe some money back before they talk about integrity of the Social Security surplus.

Clearly, the American people understand that. So before we try to privatize Social Security or do anything fundamentally to alter the Social Security trust fund, the first thing we should do is guarantee that Social Security is there for future generations. To date, the President has yet to make a proposal, and the half-baked plan being out touted by the House and Senate today fundamentally misses the same objective.

The goal here is to strengthen Social Security. The head of the General Accountability Office, when testifying in front of the Committee on Ways and Means, said the President's plan on privatization would actually exacerbate the issue of Social Security's solvency. The goal is not to change Social Security. The goal is not to exacerbate its solvency. The goal is to strengthen Social Security.

That is why the first order of business is return the $650 billion. Both the President's past ideas and the plans talked about today would exacerbate the problem of Social Security solvency.

What we should deal with is the shortage of savings in this country, by the fact that Americans are stretched thin, they do not have the capability to save for their retirement because they are meeting their housing needs, their educational needs, their health care needs that are becoming more and more stressful on the paycheck, to get them from the 1st of the month to the 31st of the month.

There are ideas that exist out there. As I told you, 80 percent of all small business employees have no plan outside of Social Security. Social Security is their retirement plan. In 40 percent of all households in America, Social Security is the only retirement they can rely on, and I will tell you this as a Member of Congress, who represents people in the airline industry, specifically United Airlines, after what happened to their retirement plans that they saved for, one thing I can tell you about that is the United Airlines employees are happy Social Security is there. They like the security that comes with Social Security.

The ideas that we as Democrats have offered, let me run through them quickly, Mr. Speaker, if I can: automatic enrollment in 401(k)s for all Americans; direct deposit of tax refunds into personal savings accounts; a government match for the first $2,000 you save, matching it 50 percent; a universal 401(k) to simplify the 16 different savings plans that exist on the Tax Code.

Mr. Speaker, the American people are not fools. They rejected the President's privatization of Social Security. They will reject this half-baked plan. To put it simply, people like the security that comes with Social Security.

SOCIAL SECURITY AND INEQUITIES TOWARD WOMEN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is recognized for 60 minutes as the designee of the majority leader.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise tonight to speak about the challenges women face to a safe and secure retirement. Without changes to the Social Security program, this Congress will continue to uphold outdated policies and programs that actually punish working women, divorced women, and widows.

Every Member of Congress, regardless of which side of the aisle they are on, have seen the statistics that Social Security will be bankrupt in 2041, and that if changes are not made, all Americans will have guaranteed benefit cuts of more than 25 percent. That is right; if no changes are made, guaranteed benefits will be cut by 25 percent.

However, what the media and political pundits have not touched on is the effect Social Security reform will have on women in particular.

To begin with, Mr. Speaker, I would like to stress three important facts about American women and their retirement years.

First, women are more likely to live in poverty during their retirement years than are men.

Second, women are also comparatively more likely to rely on Social Security for the majority of their retirement income.

Third, Social Security's future cash shortfalls pose a heightened and disproportionate threat to women's retirement security.

Social Security is a plan that actually was designed in a much different time, in a different era, and with a different set of American demographics in mind.

In 2005, women are stuck with a Social Security program that is inherently flawed and biased against their needs and concerns for the future.

In 1935, when the program was first enacted, the great-grandmothers of today's young working women were faced with different choices and different futures. Few women actually went to college. Even fewer went to medical school or law school. Most American women, like most of our moms and grandmothers, stayed at home, raised children and had their husbands go to the traditional 9-to-5 job. Obviously, that no longer is the case.

In 1935, when Social Security was created, women were not in a position to advocate for their interests in Congress. At that time, only seven women were serving in the U.S. House and just one in the U.S. Senate. Amazingly to today's generation of women leaders, American women had only had the right to vote for 15 years.

Today times have changed and changed for the better. Today we have 69 women Members of the House and 14 women Senators. Unlike in 1935, women as a group have the opportunity to affect the terms of debate over the future of Social Security, over the future of our retirement security.

When we discuss any reform of the Social Security system, we must keep these facts in mind to guarantee that American women have their unique concerns addressed by this Congress.

Now, Mr. Speaker, I yield to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank my colleague, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), for organizing this important Special Order for this evening.

As co-chair of the Women's Caucus and founder of the Women's Action Public Affairs team, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is a strong leader in this body, dedicated to improving the lives of women across the country.

Today, headlines in the newspapers across the country continue to address the issue of Social Security reform as they have for many months now. Here on the Hill, Members on both sides of the aisle continue to debate the nature of this crisis and argue what they think are the greatest problems within the current Social Security system and how they think we should best address the issues.

I do want to address the issue of women and retirement tonight, but first I would like to add a few comments based on our colleague from across the aisle who just gave a 5-minute about the state of Social Security.

He mentioned that in 1998 the Democrats took up the issue of Social Security. I was elected in 1998, and before I was even sworn in, which would have taken place in 1999, I was asked to join the Senators and House Members, both Democrats and Republicans, who were going to the White House Conference on Social Security. There were 24 Senators and 24 House Members, and I was included as one of the 24, even though I had not been sworn in.

I was very proud to go, too, and we came down to Washington late in November. We were told we were going to solve Social Security that year, and by the next March we would have a bill to take to the House floor and to the Senate floor and we would do it early because this would be the first of the 106th Congress and we would have 3 months to do this. It would be before all of the election talks started, and we would be working together. I do think that Social Security reform needs to be bipartisan, and we are going to have to reach that in this debate at some time before we can find really meaningful reform.

What happened is we came down for 3 days to this great conference. We had speakers the first days and learned a lot about Social Security and reinforced what we had believed. Then the third day, we met with President Clinton. We sat over at Blair House, and we talked about how we were going to do this bill, who was going to do this bill, who would be the one to put it on the table.

The President said, I will do the bill and I will have it ready for you the end of December. There was a pause in my mind, because this is the one time that as an elected official you really have time to spend with your family, between Christmas and New Year's. I thought how am I going to go home and tell my family that I will have to be gone at that time, when we usually have taken our vacation, but for the good of the country, I will do this.

So I went home and then came back to Washington for orientation meetings as a freshman, and I asked one of my colleagues who I had worked with during this 3-day conference, Does the President have the bill ready yet; I have not received a time yet that we will be coming back. My colleague looked at me and said, Judy, are you naive? There is not going to be any bill. This has been a great PR campaign but nothing has been done yet. It is very difficult for somebody to come up with a bill, and the President is not working on it.

That was the last I ever heard of the Social Security reform for 1998. We are still working on it, and just a couple of other things.

Since 1935, this has been a pay-as-you-go system, and I always believed when I first started talking about Social Security that there was a little box that had my name on it and it had my benefits for when I retired. That is not true. We might talk about a trust fund, but this has been a pay-as-you-go system, and in fact the Federal Government cannot hold money like that in a bank account. So we have to deal with Treasury notes, and that is what we do now. That is what we have done.

I am here this evening because I think if the debate goes further than whether or not we are going to implement personal accounts or raise the retirement age or have a pot of money there that we are going to be able to pay back now, and I think in the heat of debate that people fail to address the current inequities in this system that does single out one group of Americans, and the fact is that women, more than anyone else, continue to draw the short straw when it comes to Social Security benefits.

Right now, too many women who reach retirement age find themselves widowed or single, relying on their Social Security check for over half of their income. Women live an average of 5½ years longer than men, and consequently, they disproportionately rely on Social Security for their entire retirement income.

I can remember going door to door and going to the house of a woman who must have been about 95 at the time. She had been living on her Social Security check, which really did not give her even the money to be able to pay her rent and to be able to buy her food and such for a long retirement.

It is great that people are living longer, and this is what we want, but our Social Security system was not set up for that. It was set up at a time when people lived to be age 60 and the retirement age was age 65. It was easy to pay out the benefits then because there were not that many people that received them.

Now women represent 58 percent of all Social Security beneficiaries age 62 and older and approximately 70 percent of beneficiaries 85 and older, and I think these inequities are astounding.

The Social Security laws in the case of divorce are incredibly outdated. When Social Security was first created, few marriages ended in divorce. In fact, most of the women were nonworking. Fast forward to today, where the number of divorces has more than quadrupled since 1970 and under current Social Security rules must be married for at least 10 years to be entitled to the Social Security benefits of her husband, yet statistics tell us about one-third of all marriages end before 10 years has been reached. This translates into one-third of women who will receive zero Social Security benefits for those years that they were married.

We have all heard experts reference the fact that the number of divorces in our country is expected to continue rising, and almost half of marriages are expected to end in divorce. That is a pretty scary statistic, and we certainly hope that does not happen. But where does that leave women? Unfortunately, it leaves women, again, to bear the brunt of inequality.

We, as women, have fought for equal opportunity in the workforce for many years. Today, women have proudly gained a strong presence in the workforce. Now more women than ever are doctors, lawyers, CEOs, scientists, engineers and politicians, to name a few.

☐ 1945

However, the current Social Security system continues to punish these working women. Our 1930s-style retirement system has led to an astonishing two-thirds of married women who do not receive additional benefits from their Social Security contributions. And when it comes to single- and dual-earner couples with identical incomes, the single-earner couple stands to receive the higher benefit.

Let me cite the Smiths and the Joneses. The Smiths have an income only from the husband of $3,000. The Joneses have an income of $3,000; but the husband earns $1,500 and the wife earns $1,500. What happens is only the higher income is considered for retirement. So if Mrs. Smith is widowed, she would received $3,000. And Mrs. Jones, if she is widowed, she receives the $1,500, not both of those incomes.

And worst of all, the family of a single woman who dies before retirement age will not get back a single dollar from the Social Security system regardless of how much money she contributed to the system over the course of her working years. Widow benefits also favor single-earner households over dual-earner households, unnecessarily penalizing a woman who has chosen a life in the workforce and makes less than her spouse.

A widow is eligible for the greater of her husband's work benefit or her own, not both. And this translates into a potential cut in household income up to one-half after her husband's death.

So women here tonight stand together to call for changes to the system, changes that will ensure equal treatment for women under the law. The status quo of Social Security in this Nation today is unacceptable.

But in addition to all of the overall reforms, we need to encourage women from a young age to establish financial security and a sound plan for retirement. That is one of the reasons we have formed the Financial and Economic Literacy Caucus to promote financial and economic education. Women should be afforded the opportunities to learn the skills necessary to guide their financial futures and successfully manage their finances.

Surveys show that girls are less likely than boys to consider themselves very knowledgeable or confident about money management. In the United States, we live under the idea that all men are created equal; yet within the Social Security system, all men and women are not treated as equal. We need to work together to establish a system that creates equity among all Americans, individuals, men, women, divorced or widow; and we should not wait to do it until 2041 when we are faced with a largely depleted Social Security. So let us prepare for the future now. I urge all of my colleagues on both sides of the aisle to work together to help American women achieve financial certainty and equality. We must support the changes to the Social Security system to bring it into a new millennium so women, and all Americans, are not left financially unequipped, but are financially secure. I thank the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) for leading this Special Order tonight.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, the gentlewoman from Illinois (Mrs. BIGGERT) made some excellent points about the need to ensure that women are better protected in any Social Security reform package that comes before us. I commend the gentlewoman for taking the lead in the financial literacy area. I know many Members have joined the gentlewoman in that effort. And the more we can educate people, particularly women, the better chance they are of having a nest egg when they retire.

Mr. Speaker, I yield to the gentlewoman from Virginia (Mrs. DRAKE), and I look forward to having the gentlewoman's participation in this.

Each of us brings a different view from their States. I have the highest number of Social Security recipients of any Member of Congress, and it is always good to hear about how women in their districts are affected by any changes, by the need for changes in Social Security.

Mr. Speaker, I yield to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Speaker, I thank the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and thank her for her leadership in the House of Representatives and especially on the issue of Social Security.

Mr. Speaker, I rise today to speak on an issue that affects millions of women in America. As a woman, a former business owner, now a near senior and soon-to-be beneficiary of the Social Security program, it is important to me that we have this discussion and that we take the steps necessary to protect women who are penalized under a system meant to protect them.

I know all too well the harsh realities of the current Social Security system. This is not to disparage the concept of Social Security or to minimize its importance to millions of Americans. To the contrary, it is because Social Security is such an important program to so many that we need to have this debate. Some claim we seek to dismantle the program entirely when, in fact, the reverse is true. We seek to strengthen it for future generations. We seek to increase its promise of retirement security.

Social Security is not an entitlement or welfare benefit that people receive for free, or worse, on the backs of other hard-working taxpayers. It is a retirement insurance that people pay into for their own future security. And as with every other type of insurance, people expect coverage when the time comes. They expect that when the going gets rough and the day arrives to call on the insurance for help, that help will come.

Theoretically, Social Security should pay for itself, but currently it does not and costs are skyrocketing. Furthermore, I have a hard time even calling Social Security "insurance" because whether or not it is there for you and your loved ones seems so arbitrary today. There are so many contingencies and what-ifs. For example, here is a what-if, and it is all too real for too many women and it represents a flaw in the Social Security system:

If a spouse dies, the children are grown and the surviving spouse has not reached retirement age, Social Security is not available until she is old enough to retire. It is even worse if she has never been gainfully employed, she has no income and finds herself searching for employment. If she is employed, yes, she has a paycheck, but faces a huge reduction in income and the reality that at retirement either her Social Security payments go away or his do, all those payments into the system gone. This is unacceptable. We need to do something about this now.

First, we must enhance and strengthen Social Security by allowing people the opportunity to turn a small portion of their Social Security into a personal nest egg, one that they can leave to their family upon their death when their needs are the greatest.

Second, we must ensure that positive, concrete changes are enacted to fix Social Security permanently and make it a solvent program. As more and more women own small businesses, they are more heavily impacted by high Social Security taxes. Women own 9.1 million businesses in this country, employ 27 million people, and have a $3.6 trillion impact on our economy.

But Social Security is a matching system which means that each of the millions of employers in this Nation pays into your Social Security what you pay into it. You pay 6.2 percent of your paycheck into the program, and your employer matches that 6.2 percent with money from his or her own pocket. So who matches the employer's 6.2 percent? Your employer does. So the owners of small businesses are not only paying their full 12.4 percent, but the 6.2 percent of each of their employees as well.

The first thing I was told as a new Realtor over 20 years ago was that Social Security would not fund my retirement. Today, that would mean the 12.4 percent into Social Security for myself, 6.2 percent for my assistant, plus the other retirement investments necessary to secure my golden years. These 9.1 million female business owners are strong, independent women. I was so proud to be among them for 20-plus years before coming to Congress.

But having been there, I know the struggle of paying higher and higher Social Security taxes each year. That is why we cannot allow the current Social Security system to stifle their entrepreneurship. We must act now to protect the tax hikes or benefit cuts that will be inevitable if we do not.

Mr. Speaker, I support preserving Social Security today, and I am pleased that my colleagues have outlined a solid plan that we can begin debating openly before the American people. I would like to thank the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) for this opportunity to address the people and thank her for her service to our country.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I appreciate the fact that the gentlewoman brought up the fact that a Realtor with an assistant is not only paying the full 12.4 percent, but also paying half of any clerical assistants or any Realtor assistants he or she may have. We often forget the small business person, and I appreciate the gentlewoman bringing that up.

Now joining us, we have the gentlewoman from the great State of Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), and I thank her for her leadership on this issue. She mentioned earlier that she has one of the largest Social Security recipient populations in this country. She is passionate about being certain that Social Security is preserved, and I appreciate the attention that she puts on this issue every single day. She has been a champion of this, and her leadership means so much to so many of us, and I think to women in general.

It is so interesting that tonight we have had a female attorney, a female Realtor, a female college professor, and I am a small business owner. We all come from different walks of life; and I would venture to say, as we have our town hall meetings, that is the same mix we are seeing, women from all walks of life who are looking at how their family meets their financial goals and looking at their retirement security. They are serious about this. They want to be certain that they are planning ahead. And they know that, as they pull together what that template is going to be for their retirement, Social Security is an important part of that. So they are paying attention to what we do and what we do not do.

We know that the status quo is not acceptable for Social Security because we know what that means. We all have looked at the charts and at the figures, and we know we have to be aggressive and hard working to be certain that Social Security is stabilized, that solvency is guaranteed.

We know right now there are three workers for every retiree, and soon that is going to change. We know by the time we get to 2018, we are going to stop running that surplus each year and all of those IOUs that have been collected are going to come due. That requires action now and action on our part.

As the gentlewoman from Virginia mentioned, she was a Realtor and she looked at Social Security as she wrote that check for 12.4 percent: the individual share of 6.2 percent and the employer's share of 6.2 percent. That means all of our small businesses, and female-owned small businesses are the fastest growing sector in the economy. Those women are writing that check for 12.4 percent. And then they come to the meetings, the town hall meetings that we hold, and they say if you do not do something soon, we are going to find out that we are paying this 12.4 percent, and it is our money. We have earned that money. We want to have our name on that money, not the government; and we know we are never going to see it in our retirement checks.

□ 2000

Women are many times not only the small business owner, they are the financial manager for their family and they are looking at that pay stub every month and they are looking at the amount that government is taking out in taxes, in Social Security, and they are expecting results and they are expecting action to be certain that there are more options for them to choose from in their retirement security.

As I said earlier, Social Security is a piece of that retirement security. They are also looking at long-term care. They are looking at long-term health care insurance. They are looking at pension plans and the solvency of those pension plans. They are looking at 401(k)s, and they want to be certain that the options are there. At the same time, they are wanting to be certain that it is not a burden to their children and grandchildren, not individually, not as we are looking at Social Security stabilization, not as we are looking at private accounts. They want to be certain that we are thoughtful, that we have generational fairness on the table as a component of that discussion.

Mr. Speaker, in the last few days, we have heard quite a bit of rhetoric about the Social Security debate. I would applaud some of our Members both on the Senate side and here on the House side that are looking at both components of this debate, the solvency issue and the personal accounts issue. I applaud the fact that they are looking to be certain that we are going to have individuals who get their money, that they get back what they have put into this system, and that they can depend on getting those benefits.

I think it is appropriate to know that we are really tuned toward being certain that Social Security meets its obligation, not only to today's seniors and today's near seniors but for American workers like my children who are in their early twenties who are looking at Social Security, they are paying into that system, and being certain that Social Security is there to meet its obligation to them.

This is an issue that does affect all Americans. It is an issue that affects families. It is an issue that we are appropriately focusing on to find solutions addressing retirement security for all Americans.

Mr. Speaker, I thank the gentlewoman from Florida for her leadership on the issue and for organizing our time here on the floor tonight.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the gentlewoman from Tennessee for coming down this evening to share her views with the viewers and with the Members of Congress, because she certainly brings a very unique perspective.

This brings me to the discussion of how women are treated under the current system. Under the current pay-as-you-go Social Security system, not one person is actually guaranteed benefits. Yes, you heard me right. Not one person is guaranteed access to the money that they contributed to the program over their working life. You might ask why, and it is actually because the United States Supreme Court has ruled that Social Security is not a guaranteed benefit and can be changed at any time by an act of Congress.

As you can well imagine, this ruling disproportionately affects women, especially those women who were not in the workforce and who rely on their spouse's income and savings for their retirement. If a woman did not work and have the opportunity to save and invest on her own throughout her lifetime, she is often totally reliant on her family and Social Security for her retirement years.

In fact, Social Security is the only source of income nationwide for 29 percent of unmarried elderly women. That includes many widows. In my district, it is even higher. It is somewhere around 34 percent. Let me repeat that: in my congressional district, the Fifth Congressional District in Florida, about 34 percent of the Social Security recipients are unmarried elderly women. And that is their only source of retirement income. Social Security should certainly be there for elderly women during their golden years. It should not be taken away by the government inaction of a stubborn and hardheaded minority.

As we have heard from the previous speakers who have been here, women deserve better from Social Security than what we are promised under the program in place today. In fact, for many women who work today, they are taxed their entire life without the possibility of seeing any of their hard-earned tax dollars returned to them.

How, you ask? Well, in many families throughout the United States, both the husband and wife work outside the home, with the husband being most of the time the primary breadwinner. If the woman is a widow, once she reaches retirement, she will receive the greater of either her husband's benefit or her own, but not both. In some cases, the loss in income can be as much as a third.

Let me just demonstrate that for you on the chart next to me of two families. We have two families here. We have the Smiths and we have the Greens. The Smiths happen to be a single-earner couple. Mr. Smith earns $3,000 a month, and Mrs. Smith is a stay-at-home mom and earns nothing. The total Smith income per month is $3,000. When it comes time for retirement, Mr. Smith's monthly benefit is $1,300 a month. Mrs. Smith's monthly benefit is $650. The Smith's total benefit is $1,950.

The dual-earner couple, Mr. Green, Mr. Green earns $2,000 a month, Mrs. Green earns $1,000 a month, so they have the same combined income as the Smiths. Their combined monthly income is $3,000. The retirement benefit, however, Mr. Green's monthly benefit is $1,000; Mrs. Green's monthly benefit is $650. The Greens' total monthly retirement benefits are $1,650.

But take these same couples, the Smiths and the Greens, to make matters worse, under our current system when one spouse dies, the remaining spouse receives 100 percent of the larger earner's benefit. So the survivor benefit is in the Smiths' case, her monthly benefit is $1,300. In Mrs. Green's case, the monthly benefit is $1,000. Because Mrs. Green worked outside the home, she is penalized by Social Security upon the death of her husband. Mrs. Green will receive $300 less per month than Mrs. Smith just for working.

It all began, actually, during World War II and Rosie the Riveter. You saw women out in the workplace and women continued to work over time. As you can imagine for a woman whose family relied on two Social Security checks before her husband's death, this can be a harsh financial burden. More importantly, though, if the husband dies and she chooses to receive her husband's Social Security benefits instead of her own, that means she will never receive the benefits of her own taxes paid over her lifetime of work.

While women certainly have made great strides toward pay parity in the past 30 years, there is still a gap in earnings between men and women in equivalent professions. Naturally, this pay inequity will mean that millions of women are forfeiting their benefits that they have paid for and deserve. More and more women are also entering the workplace. In 1950, just about 30 percent of women over the age of 20 worked either full-time or part-time. Today, that number is 60 percent. The more full-time women in the American workforce, the harsher the treatment when it comes to their retirement years.

Despite dramatic and positive changes in the workplace, women on average still receive less income, have less non-Social Security pension coverage, and are more likely to miss productive working time while raising and caring for a family. These statistics highlight the need for equitable treatment of women in the Social Security system.

Times certainly have changed since our Social Security system began, and family life has, also. Marriage in America today faces many challenges. We have seen a dramatic rise in the number of marriages that fail, and today millions of Americans divorce each year. As you can imagine, there are many divorced women who did not work outside of the home and instead chose to raise a family, which, as every woman knows, is a full-time job in and of itself. The Social Security system of the 1930s and 1940s, however, does not recognize the new world in which American women live.

Let me give you a hypothetical example. Phyllis Smith was married in October of 1995 to Jim Franklin. Jim, a successful real estate agent in the suburbs, was able to bring home enough money so that Phyllis did not have to work outside the home. After some time, Phyllis and Jim had two children and a happy life-style. Unfortunately, as the years passed, the couple grew apart until they divorced in September 2005. In this case, Phyllis is entitled to absolutely none of Jim's Social Security benefits. However, had Phyllis and Jim waited to divorce until October, a mere 1-month difference, she would have been entitled to half of his Social Security benefit. Women should ask, how is this fair to Phyllis? She has a fair claim to half of every other marital asset, half of the house, half of his 401(k), but because Social Security has not addressed this problem since its inception, her retirement is anything but secure.

Mr. Speaker, this is a clear example of why Social Security is a bad investment for women. Each year, thousands of single women who have never married between the ages of 25 and 64 pass away. We all know that heart disease is a major contributing factor along with cancer for early death among women. In 2001, according to the Census Bureau, 77,851 women in this age category died. That was in 1 year alone.

Assuming that at least three-quarters of them earned income and paid into the Social Security system, the hundreds of millions of dollars paid to Social Security by more than 55,000 women are gone. These hardworking women paid millions of dollars in taxes and their heirs will never receive a single dime for all of their years at work. Unlike income taxes, which go to general revenue and are used for building roads, maintaining an army and educating our children, today's Social Security taxes go to today's retirees. Your Social Security taxes do not get earmarked for you. As the gentlewoman from Illinois (Mrs. BIGGERT) said, she thought that they were in a box somewhere with her name on it, all the money that she put into the Social Security system. It is not that way. You pay in today to pay the benefits of today's seniors.

□ 2015

The women who pass away before they receive Social Security, for them this is nothing but a tax from which they or their family will never receive a benefit. On the other end of the spectrum, these women who do live long enough to collect Social Security face the challenge of being disproportionately dependent on the Social Security system for retirement income. Remember I cited facts of the percentage of women in our country who rely only on Social Security, and that number is much higher particularly in many areas in Florida. Women live an average of 5.5 years longer than men. Nonmarried women over 65 rely on Social Security for an average of 50 percent of their retirement income. Thirty-eight percent of unmarried women rely on Social Security for 90 percent or more of their retirement income.

These numbers make it clear that if a woman lives long enough to receive their benefits from Social Security that they are very likely to rely on that benefit as a major part of their monthly income. These facts are proof of the urgent need for this Congress to show some leadership necessary in a bipartisan manner to enact reforms that guarantee Social Security will be there for our future seniors and our current seniors when they need it the most.

In conclusion, Mr. Speaker, this Congress must recognize that the issue of Social Security reform is an important issue, and they must also realize how it affects women and that it is vitally important to the retirement of millions of American families.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mrs. CAPITO (during Special Order of Ms. GINNY BROWN-WAITE of Florida), from the Committee on Rules, submitted a privileged report (Rept. No. 109–148) on the resolution (H. Res. 337) providing for consideration of the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CAFTA

The SPEAKER pro tempore (Mr. REICHERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Oregon (Mr. BROWN) is recognized for 60 minutes as the designee of the minority leader.

Mr. BROWN of Ohio. Mr. Speaker, I rise tonight to talk about the Central American Free Trade Agreement.

Before doing that, I would just like to make a couple of comments about what was said by my friend from Florida, who was joined by other members of the Republican Party to talk about their privatization plan, their plan to privatize Social Security. I applaud them for coming up with a plan. President Bush has for the last 4 months gone around at town hall meetings, invitation only, where there is never any disagreement in these meetings, preaching Social Security change, never specifically saying what that change will be. The President, other than saying it is privatization, has not offered a specific Social Security plan. But what concerns me both about President Bush's comments and about the comments from my friends on the other side of the aisle is they really are engaging in what we used to call, when they privatized Medicare, "Mediscare" tactics. They are doing the same kind of Social Security scare tactics by saying people are paying taxes into Social Security but may never see this money that they have put in.

And I cannot imagine a more secure system than Social Security. It is a system that has been around for 70 years. It has never missed a payment month after month after month for 70 years. It is reliable. It is predictable. It is always going to be there.

And when people who are Members of Congress stand up and say that we cannot count on this money being there, the Supreme Court made a decision here and Congress could make a decision there that Social Security might not be available, it simply scares people. And I do not think there is any room for that in our political system to scare people of any age, whether they are retirees or whether they are soon to be retirees or whether they are my age or younger than I and simply are not so sure about Social Security, to scare them and say that it will not be there, when it has been there every month for 70 years. It is reprehensible, frankly.

In terms of solutions, the first thing we should do with the Social Security, as the gentleman from Illinois (Mr. EMANUEL) said earlier tonight, is quit stealing from it. Quit using money from the Social Security fund and spending $1 billion a week on the Iraq war. Quit spending money from the Social Security fund and giving tax cuts to the wealthiest 1 percent of people in this country. That is how we start to change, to reform, to make even stronger the Social Security system.

Mr. Speaker, I turn my attention to the Central American Free Trade Agreement. In a White House news conference in May, President Bush called on Congress to pass the Central American Free Trade Agreement this summer. Last year the gentleman from Texas (Mr. DELAY), majority leader, the most powerful Republican in the House, promised that we would vote on CAFTA during the year 2004. Then the gentleman from Texas (Mr. DELAY) promised a vote on CAFTA prior to Memorial Day. Now the gentleman from Texas (Mr. DELAY) is promising a vote again, and this time I think he means it, that we are going to vote on this by July 4.

Mr. Speaker, many of us, the dozen of us, Republicans and Democrats alike, who have opposed the Central American Free Trade Agreement have one message about CAFTA: Defeat CAFTA and renegotiate a better Central American Free Trade Agreement, one that business and labor, manufacturers, small business, ranchers, farmers, environmentalists, religious people, religious figures, leaders in the six CAFTA, Central American, Latin American countries and the United States, one we can agree on. But as it is, religious leaders in each of our seven countries, the U.S. and the Dominican Republic and the five countries in Central America, labor union members, workers, small business people, farmers, ranchers in all seven countries think this CAFTA is wrong and we should renegotiate a better CAFTA.

The President commented that workers can excel anytime, anywhere, if the rules are fair. I agree with President Bush that workers in our country can always compete if the rules are fair. That is why it is too bad this administration negotiated a Central American Free Trade Agreement that fails so miserably to do that.

Today the President grossly generalized the opposition to CAFTA, lobbying the tired accusation of economic isolationism. Name-calling does not have a place in this debate. For the President to say we are backward looking, economic isolationists, protectionists, none of those terms means anything, and all of those terms lower the debate to the lowest common denominator.

Just to clarify for the President, those he calls economic isolationists, the fact is a majority of Members of this Congress oppose the Central American Free Trade Agreement. At least 23 business organizations represented at a rally just yesterday in Washington oppose the Central American Free Trade Agreement. Farmers and ranchers and small business people and workers all over these seven countries oppose this agreement and call for a renegotiation of the Central American Free Trade Agreement.

We want a trade agreement with CAFTA countries, but we want one that benefits the many, not the select few. CAFTA was a negotiated agreement, negotiated by the select few, including the drug industry, including the largest corporations in America, an agreement negotiated by the select few, for the select few, for the drug industry, for the largest corporations of America. That is what the White House is trying to force through this Congress, a failed trade agreement that was dead on arrival.

Just look at its history. Thirteen months ago President Bush signed the Central American Free Trade Agreement. Every other free trade agreement President Bush has signed, one with Morocco, one with Australia, one with Chile, one with Singapore, four agreements, each of these four agreements that the President signed was voted within 60 days by this Congress. The President signed it; within 2 months Congress voted on it and passed it.

This trade agreement is very different. He signed it 13 months ago, and the gentleman from Texas (Mr. DELAY), majority leader, the most powerful Republican House Member, has not brought it before this body or the Senate simply because it does not have the votes, because it has languished in Congress for more than a year, because this wrong-headed trade agreement is a continuation of failed trade policy in this country and Republicans and Democrats alike understand it.

Just look at what has happened with our trade policy in the last dozen years, Mr. Speaker. If we look at this chart, we will see that in 1992, the year I happened to be elected to Congress, the United States had a $38 billion trade deficit. That means we imported $38 billion more worth of goods than we exported: $38 billion. That number grew and grew and grew until last year, in 2004, our trade deficit was $618 billion.

In a dozen years, our trade deficit went from $38 billion to $618 billion. What does that mean? That is just a bunch of numbers. Well, it is not just a bunch of numbers. When we have a trade deficit grow like that, what it means is a lot of lost jobs. President Bush the first said that every $1 billion in trade deficit, every billion dollars, and we had $618 billion last year, over $500 billion the year before, over $400 billion the year before, and over $300 billion the year before that, that every $1 billion of trade deficit translates into, according to President Bush the first, 12,000 lost jobs. So if our trade deficit is $1 billion, it is a net loss of 12,000 jobs. If we multiply that times 618, we have a lot of jobs lost in this country as a result of our failed trade policy.

Mr. Speaker, if we look at this next chart, we will see what those numbers mean. The States in red are States that have lost 20 percent of their manufacturing in the last 5 years: Ohio, 216,000, where I live; Michigan, 210,000 jobs lost; Illinois, 224,000; Pennsylvania, 200,000; Virginia and West Virginia, 95,000; North and South Carolina, 315,000; Alabama and Mississippi combined, 130,000.

The States in blue have lost 15 to 20 percent of their manufacturing: Texas, 201,000; Florida, 72,000; Georgia, 107,000; Tennessee, 93,000; California, 353,000.

Those are manufacturing jobs lost in the last 5 years in large part because of our trade policy. Yet President Bush wants us to pass another trade agreement called CAFTA, a dysfunctional cousin of NAFTA, an agreement that will cause the same downward spiral in our manufacturing situation in this country.

It is the same old story. Every time there is a trade agreement, the President promises three things: He says it will mean more jobs for Americans; it will mean more manufacturing done in the U.S.; it will mean better wages for workers in developing countries. Yet with every trade agreement, their promises fall by the wayside. We lose jobs. The standard of living in the developing world continues to stagnate. Our own wages stagnate.

Mr. Speaker, Benjamin Franklin once said that the definition of insanity is doing the same thing over and over and over and expecting a different result. Mr. Speaker, we are doing the same thing on our trade policy over and over and over again, and for some reason, although not a majority of Congress buys this, but for some reason the President and the largest corporations in the country and some Members of Congress, Republican leadership, believe that the outcome will be better, will be different this time, will actually produce much better results.

Mr. Speaker, when we look at this job loss, again, these are just numbers, but think what 216,000 jobs lost in Ohio or in Akron or in Columbus or in Dayton or in Toledo or in Cleveland or in

Lorain or in Youngstown, when a factory closes down and moves to Mexico, which happened to a plant in Elyria just in the last couple of years in my district, when a plant closes down, 800 jobs were lost. The schools suffer because there are fewer tax dollars for the schools. Police and fire are often laid off because there are not enough tax dollars. But it is what it does to those families, those 800 families, who generally cannot find jobs. The bread winners in those families simply cannot find jobs that pay nearly at the rate of those manufacturing jobs. So these families suffer. The kids suffer. The school district is hurt. All kinds of people lose when these trade agreements pass this Congress and we see this kind of manufacturing job loss.

The administration and Republican leadership have tried every trick in the book to pass this Central American Free Trade Agreement. This year the administration is linking CAFTA to helping democracy in the developing world. Defense Secretary Rumsfeld and Deputy Secretary of State Zoellick have said CAFTA will help us in the war on terror, but 10 years of NAFTA has done nothing to improve border security between Mexico and the U.S.; so that argument does not sell.

Then in May, Mr. Speaker, the U.S. Chamber of Commerce flew the six Presidents from Central America and the Dominican Republic around the Nation, hoping they might be able to sell CAFTA to the Nation's newspapers, to the public, to the Congress.

□ 2030

They flew to Albuquerque and Los Angeles, to New York and Miami, to Cincinnati in my home State. Again, they failed. In fact, the Costa Rican President announced, after the junket paid for by the Chamber of Commerce, that his country would not ratify CAFTA unless an independent commission could determine it would not hurt working families in his country.

Now, Mr. Speaker, the administration, finding that nothing else works to convince enough Members of Congress to vote for CAFTA, now the administration has opened the bank. Desperate after failing to gain support for the agreement, CAFTA supporters now are attempting to buy votes with fantastic promises.

I would hold this up, Mr. Speaker. This is called "Trade Wars, Revenge of the Myth, Deals For Trade Votes Gone Bad." It refers to a study of 92 documented promises made during trade agreements and how many of those promises by the administration to Members of Congress were actually honored. Fewer than 20 percent; 16 of these 90-some promises were actually honored by the administration.

Members are not going to fall for this kind of disingenuous, these kinds of disingenuous actions from the administration. Again, the President can open the bank, the President can promise bridges and highways, the President can promise campaign fund-raisers in districts, the President can make all kinds of promises, sugar deals and textile deals to Members of Congress; but this year, they are not buying it, Mr. Speaker.

Instead of wasting time with toothless side deals, our U.S. trade ambassador should renegotiate a CAFTA that will pass Congress. Republicans and Democrats, business and labor groups, farmers, ranchers, faith-based groups, religious leaders, environmental, human rights organizations in all seven countries, the Latin American Consulate of Churches, for instance, have opposed CAFTA. All kinds of labor organizations and small businesses, manufacturers in this country have opposed CAFTA. They all say they want a trade agreement, but they want to renegotiate this CAFTA so that we will have one which actually works for American businesses, for American small businesses, for American workers, and for workers in these developing countries.

This CAFTA will not enable Central American workers to buy cars made in Ohio or software developed in Seattle or prime beef in Nebraska. They make these promises. The CAFTA supporters have said, Mr. Speaker, they said that if the United States passes CAFTA, we will increase our exports to these six Latin American countries, they will buy our things. But if we look at this, Mr. Speaker, the United States average wage is $38,000; Guatemala is $4,000; Honduras, $2,600; and Nicaragua, $2,300. A Nicaraguan worker cannot buy a car made in Ohio, cannot buy produce from Mr. FARR's district in California. A Guatemalan worker cannot afford to buy software from Seattle. An El Salvadoran worker cannot buy prime beef from Nebraska or textiles or apparel from North Carolina. This is about CAFTA companies moving jobs to Honduras, exploiting cheap labor in Guatemala.

Mr. Speaker, in closing, our goal should be to lift up workers in those countries so that they can buy American goods. When the world's poorest people, Mr. Speaker, can buy American products and not just make them, then we will know that our trade policies are working.

Again, Mr. Speaker, we must renegotiate CAFTA.

I am joined this evening by the gentleman from California (Mr. FARR), a friend of mine, a Member of Congress, who came the same year I did, in 1993, from Northern California; and I would like to yield some time to him.

Mr. FARR. Mr. Speaker, I thank the gentleman for yielding, and it is a pleasure to be here on the floor with the gentleman. I wanted to be here for the discussion of CAFTA, and I wanted to say that as a former Peace Corps volunteer in South America, this issue of development of these countries is very, very important. I just think that we are putting the cart before the horse with this trade agreement.

We are dealing with the Central American countries of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua; and of those countries, Nicaragua and Honduras are two of the poorest countries in all of Latin America, Bolivia being the third poorest. These countries do not have, as the gentleman just pointed out, right now a level of living, a wage income to be able to afford imports of American products, which would probably have less of a tariff because of the agreement.

What is missing in this is that in order to really help these countries, we need to invest in education, we need to invest in clean water systems, we need to invest in very basic things. Frankly, they are agrarian countries, meaning they grow agricultural products. Do we think they can compete with any of the agriculture products that we grow in the United States? Absolutely not. There is no way in the world, as we saw with the corn going into Mexico after NAFTA, that even the smallest of those farms can continue to compete.

So I am very concerned and very opposed to CAFTA; and I think, as the gentleman pointed out, it needs to be renegotiated. These countries need investment in infrastructure. That is why the Peace Corps is involved in these countries. If you talk to the Peace Corps volunteers in these countries, I am sure that the discussions they have had with most of the people have nothing to do with CAFTA, because they are like most parents in the United States.

If anybody is listening to this and watching this debate, they will know that as parents, what you are interested in is education for your kids. There are no schools. There is nothing in CAFTA that promises new schools or new teachers or new water systems. There is just a hope that perhaps, with additional investment in these countries, that foreign firms will come in and invest. Why would they invest in these countries? Why? Because there is cheap labor, cheap labor because people are not educated, because they do not have an infrastructure, tax structure that allows for the development of infrastructure.

So I think that to just jump in and talk about taking the most powerful economic Nation in the world and essentially entering into an agreement which allows us to bully up on the poorest countries in our hemisphere is the wrong way to go. I appreciate the gentleman bringing these issues forward, because I think there is not enough discussion.

Remember, part of CAFTA is also DR CAFTA, which is the Dominican Republic. And that has been bandied about; and of the six legislatures, El Salvador, Honduras and Guatemala, those three legislatures have ratified it. The others have not because they say that an agreement with the Dominican Republic, which is next to Haiti, the other poorest country in the region and in the Caribbean, that they do not have transparency about negotiation and the ratification process.

So we have political infrastructure problems, we have accountability problems, and I think we are missing the point. If we really care about bringing up the level of living, frankly, the way you do that is you invest in the simple things. You invest in rural roads and in rural schools and in rural water systems and definitely health care systems.

So I appreciate the gentleman bringing this forward. The other country here is Costa Rica, and they have an upper-middle-income country. It has one of the best tourism programs in all of Latin America. It did it without having to enter into a trade agreement with the United States. It did it with other kinds of U.S. aid. I would just point out that Nicaragua and Honduras have qualified as countries eligible for Millennium Fund accounts. It is a good program. It is a bottoms-up, sort of let the countries build what they think are important. The program is very good, and these countries qualify because they are the poorest countries there are.

But when it comes down to finding out what the Millennium Account is doing, I think it is being driven essentially by the people interested in CAFTA, because they are building not water systems, not schools, not infrastructure for the rural areas, but building highways from port to port, thinking that CAFTA is going to come along and have this superability for the farmers to compete with the American farmers, for people to be on a level to buy consumer goods that are sent to them from the United States.

Mr. BROWN of Ohio. Mr. Speaker, I want to point out the gentleman from California was a Peace Corps volunteer himself in Latin America and is a fluent Spanish speaker; and I think the perspective he brings shows that even though the wages are so much higher in these countries, it is not a question of we just want to shut them off and keep them away and not let them compete and all of that in the world economy. It is a question of development and bringing up their standard of living. These trade agreements in the past have not done that.

Talk to us, if the gentleman will, about from your perspective what development means. The gentleman talked about water systems and all of that. Instead of a CAFTA that does not lift standards up, what kinds of things work the most and, in particular, the poorest of these countries in Nicaragua and Honduras and Guatemala whose income is about, in some cases, less than one-tenth of ours, one-fifteenth of ours, if the gentleman would.

Mr. FARR. Mr. Speaker, perhaps people do not like to hear this, but a country that has been able to put their priorities in perspective has been Cuba, and the reason Cuba did it is they invested in the infrastructure to keep the rural people in the rural areas so that they could have rural economic development. The countries that we are talking about, people are fleeing the rural areas to move into the cities. That is why there are all these poor barrios that are constructed without water.

I lived in a house that did not have water or sewer or lights. It is a pretty miserable situation because all you are doing is, in our case, we had kids haul water for us; they cannot go to school because they have to haul water. So you really begin to understand that if you are going to try to build up sort of an economic base, you have to stay with the basics; and the basics are, you have to have running water in the house. If you have to go and get it, that means that usually the children have to go get the water and bring it to the house.

And if you do not have any electricity, that means you have to build a fire or buy very expensive petroleum, now kerosene, to start a fire. Most people go out and try to get charcoal and get wood. So you are gathering the basics to make the meal so people can eat. You have to go out, and you certainly cannot afford to go to the supermarket, so you go at it piece by piece. It takes the whole day just to put together food on the table.

So if we want to really help these countries, let us make sure that there are some guarantees that this is going to happen. There is nothing in CAFTA that says that. This is about the rich getting richer.

Mr. BROWN of Ohio. No labor standards.

Mr. FARR. And the poor staying poor. Now, Latin America, I was in Honduras and Nicaragua, and I have to say from the government officials that you talk to, they are all excited about CAFTA. There are some that are worried about losing their identity, some politicians in Costa Rica, the most successful of these countries, that are very, very concerned that the CAFTA agreement is going to have this dominant United States, just sort of the big, huge 800-pound gorilla move into these countries and wipe out their local identity, wipe out their local culture and customs and essentially homogenize the whole thing with American fast-food chains and American businesses.

So where I am concerned about this is that I think if we want to have a win-win, I mean, frankly, the Central American markets, these are small countries. These are poor countries. There is not a huge market down there. This is not going to put a big blip on America's foreign trade. This is not like trading with China or trading with Europe. These are some of the smallest countries in the entire; well, they are the smallest countries in the entire hemisphere. And the importance of these countries in a trade agreement for us as sellers is not that big. For us, as a country that is looking to stabilize the hemisphere, it is about infrastructure development. If you want to generate drug trade, keep a country poor. If you want to generate people that would be interested in terrorism because life is not getting better for them, so you go to extremes and start listening to that, keep them uneducated, keep them poor.

So if we really want to fight for our priorities and emphasize our priorities in this country, we ought to be ensuring, first of all, that these countries have an infrastructure development that has 100 percent access to education, 100 percent access to health care, 100 percent access to a safe place to sleep. And then, when you begin developing an educated middle class, you can begin these more sophisticated trade agreements.

Frankly, I do not see that the trade agreements, there is no responsibility for the outsiders in this agreement, for the countries outside, to do anything to improve the level of living. They are just going to assume that the free market enterprise is going to take care of us; it will trickle down.

The gentleman from Ohio (Mr. BROWN) and I know that it does not even work in the United States, the trickle down theory here. We had a tax cut for the most wealthy people in America with the idea that the wealthiest would take all of that tax cut and they would give it to the poor and they would start funding the necessary affordable housing, they would fund the educational stream in America, where the public sector does not meet it. They would fund, essentially, the charity of America. It has not happened. It does not work that way. And CAFTA is not going to solve the Central American problem, and it certainly is not going to solve America's trade balance, which is caused by primarily our trade with China, trade imbalance.

Now, my farmers, it is interesting, in California we grow $3 billion of agriculture in my district. None of it is subsidized by the Federal Government. These associations, they have all come out and said, we support trade agreements, they support all of these trade agreements; but as individuals, that is not the market we are interested in. We do not expect; in fact, if anything, they are going to be growing these products and trying to send them into us, because they are going to try to grow strawberries, which is a value-added project.

We grow the most strawberries in the world in my district, we grow the lettuce, we grow the things that you find that are fresh fruits and vegetables, and those countries have climates that they can grow those. So what are they going to do? They are going to compete with our farmers, if they can at all; and frankly I do not think the worry is that they can compete much, at least not on a large scale.

□ 2045

So this issue of the kind of the social conscience of CAFTA is missing the point. We need to invest in America's best, which is our social responsibility as the leading economic engine, the leading power of the world, to make sure that the level of living for the rest of the world is being improved by our business ventures, not being taken advantage of.

Mr. BROWN of Ohio. I think there were a couple of things that you said tonight that were very good. There is nothing in this agreement that will raise living standards when you look at the six countries here, and their incomes, especially Nicaragua, Honduras, Guatemala, and El Salvador, all make no more than about one-tenth of what Americans make.

There is nothing in this agreement to bring worker standards up, to bring environmental or food safety standards up. In fact, this agreement protects prescription drugs and the prescription drug companies; the agreement does that, but does not protect workers standards.

It protects Hollywood films, but does not protect the environment and food safety. And when you talk about the size of these economies not buying very much from the United States, the size of these five Central American countries, the economic output is about the equivalent of Columbus, Ohio or Memphis, Tennessee or Orlando, Florida. It is simply not a place that is going to buy from the United States.

But what we should be doing is a trade agreement, a renegotiation of CAFTA, in a trade agreement that will lift worker standards up so that these incomes begin to rise, so that over time they can in fact buy American products, they can send their kids to school.

You talk about children, particularly girls, not having any chance to go to school and get out of this situation. In this agreement, we found this in other places, this agreement just locks in that sort of exploitive sort of economic situation where people simply do not have the opportunity that they should have.

Mr. FARR. It is very interesting. Before coming here I was in the State legislature and before that in local government, and before that in the Peace Corps. And what I learned in local government, and we are dealing with economic development all of the time, trying to encourage business development.

But, you know, in that process, you extract a lot from business. Because it is essentially sort of that corporate responsibility to be a citizen of your community. In California, we tax them a lot. If you are going to build hotels, we tax the hotels for tourism occupancy tax. That stays with the city.

We tax sales tax, high sales tax. And communities can raise it higher. We tax on gasoline. We have a huge tax. And people will say, yeah, California is a big high-tax State. But guess what? It is also the biggest economic engine, the fifth largest economy in the world. The most start-up businesses, the most everything.

California is not suffering by the fact that it is proud to have businesses that share in their prosperity through the taxation process and through being good corporate neighborhoods. Silicon Valley is out raising their own money to support local transit, their own money, private money, to build housing for people on the street, for the homeless and for people who cannot afford the rental rates, to have subsidized housing, and leverage that with public money.

That is the kind of agreement you ought to be making. It ought to be this quid pro quo. It is not just about trade. It is not just about going in and taking advantage of people, but, really, what is the social benefit that you get from allowing businesses to come into your community, or allowing businesses to come into your country. And I do not see that in this legislation. That is the problem. We are missing the leadership role that the United States has.

And these things could be negotiated out. Yes. The agreements are all about trade agreements under the GATT agreements, which are commodity by commodity. So it is not so broken that those things do not already exist. So you can deal in bananas, and you can deal in sugar. You do not need CAFTA to do that.

But you do need these side bar agreements. And here we have created the Millennium Fund. I compliment the President for creating it. But I think at the same time, the Millennium Fund has gone to these countries and said, What do you want? It is really ironic. I do not think they have talked to the poor people. I do not think they have talked to the people they need to talk to, even though it is supposed to be very good transparency, because they come back and say, We want big superhighways.

Well, that is not going to benefit the education of poor kids. We want bigger ports so bigger ships can come in here, because when we do have the ability to trade with America, we are going to be needing places for a lot of these American goods for land and for our goods to go out. We are forgetting the basics.

We are losing the war on drugs in Colombia because we are fighting the war by eradicating crops. We are investing very little in alternative development and alternative crops. You cannot win on the war on poverty by just making businesses be more successful. I mean, the lesson in this country is that if you want to win the war on poverty, it has got to be a social collective responsibility to assure that there is investment in institutions that help the poor, and that the poor can help themselves through programs like Head Start, through programs like the welfare social services that we have.

And, you know, I just think that the debate here about our hemisphere, we ought to be prouder of this hemisphere. We ought to be more involved in this hemisphere. We ought to be looking at the responsibility, and we have seen that with all of the immigration issues. We debate immigration all of the time. It is sort of like if we build a higher fence and make the border secure, 10 million undocumented people will sort of disappear. It is not going to disappear as long as you have a border between the United States and Mexico, the changes between the richest and poorest border in the world, and the heaviest trafficked border.

We have not learned. The only way you are going to improve that is by investment in Mexico. We have NAFTA. NAFTA has not risen Mexico up to the level where people can stop coming across the border. So what makes you think that CAFTA is going to raise the level of El Salvador and Nicaragua so that they do not migrate up through Guatemala and up through Mexico, and are part of the illegal immigrants?

This is what I am saying, that we cannot deal with this on a piecemeal fashion. We have got to have a bolder, wiser, more inclusive commitment to raising, as you said, raising the ships, raising, you know, the tides for all ships, not just winners and losers.

Mr. BROWN of Ohio. You said something very perceptive about California, and whether it is the Silicon Valley or whether it is the Central Valley or whether it is Cleveland, Ohio, what our country has been successful in doing is workers in our country share in the wealth they create.

If you work for someone and you help that employer make a decent living and make a good profit, you as an employee share in the wealth you create. That company also pays taxes in that community, so that the community has safe drinking water and the community has decent road structure and other kinds of infrastructure.

But, as you know, whether you go to Nicaragua or whether you go to the Mexican border or any number of countries in the developing world, workers do not share in the wealth they create. I have been to an auto plant in Mexico 3 miles from the United States. The workers work just as hard as workers in our country. It is a clean, productive plant, with the latest technology.

The difference between a Ford plant in my district and the city I live in, and a Ford plant in Mexico, is the Ford plant in Mexico does not have a parking lot, because the workers are not sharing in the wealth they create.

You can go around the world to Vietnam, and go to a Nike plant, and the workers cannot afford to buy the shoes they make. Or go to Costa Rica, the workers at a Disney plant, the workers cannot afford to buy the toys for their kids often.

So the workers are not sharing the wealth they create, and the companies are generally taxed very little, if at all, so they are not putting any money into those communities.

So if we would renegotiate CAFTA and put a program together like you talk about, with safe drinking water and infrastructure and schools so that boys and girls could go to school, and the workers were making enough that they could begin to buy some things, you would see their standard of living going up, and everybody would be better off, instead of just the largest corporations in the world.

And the interesting thing about all of that is even though the leaders of those countries, as you have said, most of them except Costa Rica like the idea of CAFTA, the workers in those countries, the citizens of those countries simply do not.

I would like to show you this here. Several months ago there was a demonstration in one of the Central American countries, I believe this is Guatemala. There have been 45 demonstrations against CAFTA in each of the six countries, and our country too, but 45 demonstrations where literally tens of thousands of citizens have shown up at the Parliament asking these countries not to ratify the agreement.

This is a case where the police attacked workers who were protesting peacefully. Two workers were killed. In place after place, it is clear that, like you understand, of course, they understand better than we possibly could why this agreement does not work. They know it will not raise their standard of living. They know they will not share in the wealth they create in a factory for their employer.

They know that these companies that come in will not pay taxes in their local communities so they can have safe drinking water and a better environment and better food safety standards and all that comes with an industry coming to town.

I know when an industry comes to Ohio, it means a lot for the community. It is good jobs. They pay property taxes for the schools. They build good roads because of their tax dollars. All that comes when these factories come, they mean continued misery.

Mr. FARR. Remember, when these companies come in, they are coming in according to the zoning that has been adopted by the local community. They are coming because the community wants them there, and they know that they are going to be sharing in the responsibility.

I mean, I do not think we are trying to knock down responsible corporate entities, and companies that do a lot for their employees. But I think you cannot just do this on the fact that some of the companies do much better jobs than others.

Some of my companies in the Salinas Valley provide for all of their farm workers health care insurance, 401(k) plans, scholarships for every one of the farm workers' children that go to college. And I represent more farm workers than any other ag district in the United States.

And so I know that there are very responsible corporate entities that will do the responsible social thing. But you cannot just sort of, when you are dealing with a whole country like this, and dealing with major trade agreements, you cannot just sort of pick out that there will be some winners and losers.

The country cannot afford to have any losers. The country and the people in these countries, the poorest countries in Latin America cannot afford not to have a total commitment. And CAFTA does very little to ensure that the infrastructure is going to be improved. It only hopes that the trickle-down effect will make it better, thinking that there will be more capital in the country by investment and by productivity. At the expense of what?

Mr. BROWN of Ohio. History has taught us otherwise; that it does not.

We have been joined by the gentlewoman from California (Ms. WATERS) from Los Angeles who has been a real leader on all kinds of economic justice issues, especially trade issues.

Ms. WATERS. Mr. Speaker, I want to thank the gentleman from Ohio (Mr. BROWN) for the time, and I applaud him for his efforts to expose what is wrong with CAFTA, the U.S. Central American Free Trade Agreement.

I must say he has put many hours into helping to organize us around this issue and to present the real facts about what CAFTA is and what it is not.

CAFTA is yet another unfair trade deal that will hurt working families in both Central America and the United States. CAFTA is not only the latest unfair trade deal in a decade of failed trade policies. Over the last 12 years, the U.S. trade deficit has exploded from $39 billion in 1992, to over $617 billion in 2004.

As a matter of fact, I think the most interesting thing about what is happening in the Congress of the United States is this tremendous trade deficit under what is supposed to be a conservative President.

And aside from the trade deficit, the United States deficit that we have here in America under this administration. I think people should take note of that. In my home State of California, over 353,000 manufacturing jobs have been lost since 1998.

Nationwide, almost 2.8 million manufacturing jobs have been lost since President Bush took office in 2001. CAFTA is modeled on NAFTA, the North American Free Trade Agreement. And let me say I did not support NAFTA, as I do not support CAFTA.

The North American Free Trade Agreement had a devastating impact on many American workers. When NAFTA was passed in 1994, the United States had a $2 billion trade surplus with Mexico. In 2004, we had a $45 billion trade deficit with Mexico.

NAFTA caused almost 1 million American manufacturing jobs to be exported to Mexico. CAFTA will cause even more manufacturing jobs to be lost to American workers. I do not care whether it is a Democrat President or a Republican President, I do not support these unfair trade agreements that cause us to have such huge trade deficits and who displace American workers.

Mr. Speaker, I want to thank the gentleman from Ohio (Mr. BROWN) for the press conference he organized where he had several business people who came to Washington, to explain how small- and medium-sized businesses will be unable to compete with cheap labor in Central America.

□ 2100

What I loved about that press conference was the fact that we had these representatives from small and medium-sized businesses coming to Washington, D.C. to tell the truth about how they have not been represented here in Washington. Many people think when the Chamber of Commerce speaks, they are speaking for all businesses. They made sure that everybody knew that this was not true.

They also made sure that everybody understands that the National Manufacturers Association was not speaking for everybody. These are small and medium-sized businesses that represent the heart and soul of America: Mr. Alan Tonelson with the U.S. Business and Industry Council, Mr. Jim Schollaert with the American Manufacturing Trade Action Coalition, Mr. Fred Tedesco with the PA-Ted Spring Company of Connecticut, Mr. Jock Nash with Milliken & Company of South Carolina and the National Textile Association, Mr. Mike Retzer with the W.W. Strohwig Tool & Die of Wisconsin, and Mr. Dave Frengel with Pen United Technologies of Pennsylvania and Manufacturers for Fair Trade.

These business persons are the kind of business people that we talk about all the time. Members of Congress on both sides of the aisle talk about how we support small and middle-sized businesses, how they are the heart and soul of America. And how they really are responsible for creating more jobs than even the big conglomerates and the international corporate businesses. We talk about how we want to give support to them. Well, this is how we can support them. Enough of the rhetoric. Let us get down to business.

If we want to support our small and medium-sized businesses in this country, we will not support CAFTA. We will not support what they have come to Washington to tell us undermines their ability to stay in business.

I think we could not have had a more clear representation of what is wrong with CAFTA than to watch these American business persons talk about what is wrong with CAFTA. When American workers lose good jobs in manufacturing, they often have no choice but to take jobs with low wages and no benefits.

The countries of Central America that are included in this agreement are some of the world's poorest countries. The average Nicaraguan worker earns only $2,300 per year, or $191 per month. Forty percent of Central American workers earn less than $2 per day. Central American governments do not enforce fair labor standards, and thousands of Central American workers work in sweatshops with dreadful working conditions.

CAFTA will do nothing to improve wages and working conditions in these impoverished countries. Opposition to CAFTA is wide spread, not only in the United States but in Central America as well. CAFTA will increase agricultural imports into Central America by large corporate agri-businesses. These imports will put an estimated 1.2 million farmers out of work, displacing families and causing an increase in world poverty. When poor Central American farmers lose their jobs, they will be forced to move into overcrowded cities and seek work in sweatshops producing manufactured goods that are currently made in America.

CAFTA will cause American workers to lose good manufacturing jobs and again seek jobs with lower wages and no benefits. At the same time, CAFTA will cause Central American workers to lose their farms and seek jobs in sweatshop with meager wages and no benefits.

CAFTA is not a free trade agreement at all. It is an outsourcing agreement. I say it again: this is not free trade; this is about outsourcing American jobs to third world countries for cheap labor. That is what it is. Let us call it what it is.

It allows profit-hungry corporations to ship American jobs to impoverished countries where workers can be forced to work long hours for little pay and no benefits. It is a bad deal for Central American workers, and it is an equally bad deal for workers here in the United States.

So I would urge this President, Mr. Conservative President, Mr. President who claims to have concern about American businesses, Mr. President who should not be the President, presiding over a big trade deficit, a huge deficit in the United States, I would urge him to withdraw this CAFTA agreement and negotiate a trade agreement that will create good jobs and provide real benefits to the impoverished people of Central America as well as the working people of the United States.

Mr. Speaker, it is awfully ironic that I am, who is considered a progressive and a liberal, even more conservative than the President of the United States when it comes to preserving American jobs and getting rid of a trade deficit that we do not deserve to have.

Mr. BROWN of Ohio. The gentlewoman is exactly right when she talked about small businesses, those manufacturers that we all have in our districts. The gentlewoman from Toledo, Ohio (Ms. KAPTUR) has joined us. We all have seen these companies of 50 and 100 workers, often nonunion, usually family owned, usually Republican business, mostly men, some women. We had 23 business groups represented yesterday in this news conference; but more importantly, these small manufacturers understand when a big company outsources their jobs, these small companies simply have to close. This may be 50 jobs in Lorraine, Ohio or Akron, Ohio. There may be no article in the newspaper that this plant has closed, and nobody knows much about it except these 50 families whom it is just devastating to.

I thank both of our friends from California for joining us.

Mr. Speaker, I yield to the stalwart in fighting for economic justice and fair trade, not these free trade deals that do not work, my good friend, the gentlewoman from Lucas County, Ohio (Ms. KAPTUR). We share the same county, Lorraine County, in our districts.

Ms. KAPTUR. I want to thank the gentleman from Ohio (Mr. BROWN), the author of a book on fair trade, and my colleagues, the gentlewoman from California (Ms. WATERS) and the gentleman from California (Mr. FARR), for joining us this evening.

I want to focus for a few minutes on the important issue of agriculture. And the new trade ambassador who happens to be from Ohio claims that our agricultural exports to Central America are going to increase by $1.5 billion, or almost double our exports, to the region as a result of CAFTA. But you know what, that is what they told us when we debated NAFTA. They said that we were going to increase agricultural exports.

Let us look at the record. The record shows with Mexico we are dead even. It did not make any difference. And with Canada we have fallen over $4.3 billion into the hole. We were promised by the former trade ambassadors we would get more food-processing jobs, and that sounded like a good thing back in the early 1990s.

They told us we would get 54,000 new food-processing jobs. Guess what? We did not get a single one. In fact, we lost 16,000 food-processing jobs in this country. Even Brachs Candy is locking up their doors in Chicago and moving south. Same thing in my district, Spangler's Candy.

NAFTA boosters said to us, oh, farm cash receipts are going to go up by 3 percent a year. Guess what? They have gone down by that amount. And net farm income during the NAFTA period has gone down by nearly 10 percent from $52.7 billion to $47 billion. So NAFTA's legacy for farmers in America is declining prices, and they know it: shrinking revenues, shrinking markets, and rising debt burdens. And now the same people who gave us NAFTA want to give us CAFTA, the same group.

And what did the gentleman from Ohio (Mr. BROWN) say, if you keep making the same mistake over and over again, it is a sign of insanity.

I agree with the gentleman 100 percent on that. In fact, the food consumption power of consumer markets in CAFTA countries is exaggerated. We already hold an $812 billion deficit in agricultural products with the CAFTA countries. Already we are in the hole. With NAFTA and Mexico, we were almost even. We were in debt a little bit with Canada, and it has gone completely south.

We know CAFTA will mean more sugar imports into our country. We also know in one of the most important areas which hardly anybody has talked about, in ethanol production which is a brand-new market for our country. We have got about 54 ethanol plants in this country right now. A Corn Belt State like Ohio would benefit enormously from some of the new energy legislation we are working on in the Congress.

But what CAFTA would do is, guess what, it would open up exports from Argentina and from Central American countries of ethanol-based products, including ethanol made from sugar into our market. So in the same ways we are becoming and have become totally addicted to imported petroleum, now we will get addicted to ethanol by imports through agreements like CAFTA, rather than finding a way to help our farmers bring those markets up in this country.

Minnesota is really leading the way. I love the people of Minnesota, the farmers of Minnesota. I just wish I could do for America what they have done for Minnesota in the area of ethanol production.

So when we look at this CAFTA agreement, and I know time is limited this evening, I just wanted to come down here and say if we had a decent renewable fuel standard that would require an 8 billion gallon reserve, what we could do for real farm income, not subsidy income, but real farm income in the entire Corn Belt region, in the sugar beet region of this country, in the cane sugar region, all these areas of our country where we could really make a difference. Wow, what we could do here at home.

I just think CAFTA is a bad deal. I think we should learn from the past. And agricultural America knows it is a bad deal. The only people who are supporting this are some of the brokering companies. Whether they get their product in China or whether they get it in Argentina or in the United States, these transnationals, they really do not care. They just want to trade on the backs of those who are actually doing the work.

We should care about the American people. We should care about the farmers in our fields. We should care about those people who are working in our processing companies and keep that production here.

Mr. FARR. The gentlewoman and I are both on the Subcommittee on Agriculture of the Committee on Appropriations, and I cannot think of two people that fight more for small farms and the ability of rural America to have a successful economic development.

I am wondering if the gentlewoman is finding in Ohio, in the people the gentlewoman has run across, most of the agricultural trade associations are supporting CAFTA. As I run into the members of those associations, they are not so keen on it. They are very concerned. They think that these are agrarian countries, and so what is going to happen is the products that they grow and can get into the school lunch program, can get into the organic program, can get into essentially the multi-billion dollars that America spends on food for the military and food for food stamps and things like that, that these products will be produced not at the local farmers market and additional farmers markets; but these products will come from Central America, at the expense of small farmers in our country, particularly of speciality crops.

Ms. KAPTUR. I think the gentleman has raised an excellent point. I think the Washington trade groups are totally out of touch with their members at the local level.

I have had farmers say to me when we were debating the NAFTA agreement, why should we let bell peppers come in from countries that do not have environmental regulations like we do? Bell peppers coming in with DDT, when DDT was being banned in Ohio. They were not competing on a level playing field. They were on a different field. They would go down to these towns. You cannot even call them towns. Little dusty villages in Mexico where these bell peppers were grown. And the farmers would say, I have been going down there for 20, 30 years. They do not even have an asphalt road yet.

So the whole system of life was different, and they were being asked to compete with a country that really did not allow its farmers to earn more by virtue of the hard work that they did. They respect the people of Mexico, but they knew the system was rigged against them. They said, just give us a level playing field.

Mr. FARR. I think the difficult is, and we all agree on this, that you cannot just have these trade agreements which are private business contracts and expect the social responsibility of both sides of the agreement are going to raise those opportunities for people who are less educated, for people who are below living standards.

It has got to be a totality. If we are going to trade ideas and products, we have also got to trade in education. We have got to trade in social responsibility and minimum standards, minimum wages, minimum protection for labor, minimum protection for environment. The whole quality of life has to improve.

This is the most giant business deal that the United States will ever make. And it is tragic that in this giant business deal we are not dealing with all of these other issues that we came here to Congress to try and solve.

Ms. KAPTUR. I thank the gentleman for his comments on that. I think the gentleman from California (Mr. FARR) is exactly right and he understands how one has to have integrated policies.

I wanted to say as I am looking at the gentlewoman from California (Ms. WATERS) who has fought so hard for people to build a real middle class in this country and to help other nations help their people create a middle class, what is really sad about these trade agreements is it pits the poor against the more poor. It draws our living standards down. But one farmer that I met in Mexico said to me, what is really upsetting is that we feel like crabs in a bucket.

□ 2115

Every time we try to get up a little bit, somebody else pulls us down, and they were fighting this rush to the bottom, which is the expression that the gentleman from Ohio (Mr. BROWN) uses so well. One poor person pulling another person down, rather than having the standards that the gentleman from California (Mr. FARR) is talking about, where we all agree to a minimum standard. We bring people up, not pull them down.

Ms. WATERS. I think you are so right, and I thank you so very much for the leadership you have provided on these issues. I thank you for opening up opportunities for women to go down to Mexico and take a look at what is going on there. It is because of you that a lot of people in this Congress have become interested in this issue, and I appreciate the work you have done.

Ms. KAPTUR. Mr. Speaker, I thank the gentlewoman for saying that. Also, 60 percent of those people who are employed in these Central American countries are women. They are working in banana companies trying to pack these crates, 40, 50, 60 crates an hour. They are being forced to make men's trousers, 400 to 600 pairs an hour, and they have to work 2 weeks to afford 2 pairs of slacks down there, which costs $39.40, and yet, they are making 400 to 600 pairs of trousers an hour.

What kind of a continent, what kind of a world are we creating when we pay so little heed to those who work so hard for so little and then we put our workers out, largely women workers in the textile industry in this country, where we farmed out those jobs in places like North Carolina, South Carolina, are hollowing out of this production? At least they were in the middle class. They had finally made it to the middle class. What are we doing in this country?

Ms. WATERS. It could not have been better stated.

Mr. BROWN of Ohio. Mr. Speaker, I thank all of my colleagues. Our time is about up. Thank you very much for your passionate remarks in closing.

I thank the gentleman from California (Mr. FARR) and the gentlewoman from California (Ms. WATERS), the gentlewoman from Ohio (Ms. KAPTUR).

This Congress will likely vote on this agreement soon. It is pretty clear that the most powerful people in all seven countries, the Dominican Republic, the Central American countries and the United States, support this agreement but overwhelming opposition among the public, small business owners and family farmers and ranchers and workers and people who care about the environment.

If this Congress does its job, it is clear we will defeat this CAFTA and then renegotiate one that lifts up workers in all seven countries. I thank all of my colleagues for joining us this evening.

30 SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Under the Speaker's announced policy of January

4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, once again, it is an honor to address the House for another week. The 30 Something Working Group has come to the floor to talk about issues that are not only facing young people but also facing Americans in general, and I think one of the greatest values we have in this country is caring about future generations and caring about those that cannot represent themselves.

It is important that we come to this House and in this great democracy that we celebrate every day and recognize the contributions of those individuals that go to work every day. Those individuals know what it means to punch in and punch out every day. Those individuals know what it means to not have health care; those individuals that are going to have to pay down this $7.8 trillion deficit; those individuals that are running small businesses that would like to have assistance from this Federal Government to be able to carry out their everyday needs, not only for their employees, but to make sure that we have a fair tax policy for the backbone of our economy.

So we meet weekly to talk about these issues and then we come to the floor. We would like to thank the gentlewoman from California (Ms. PELOSI), the Democratic leader; and also in our leadership, the gentleman from Maryland (Mr. HOYER), as Democratic whip; the gentleman from New Jersey (Mr. MENENDEZ), who is our chairman; and also, the gentleman from South Carolina (Mr. CLYBURN), who is our vice chairman, for providing the kind of leadership within the Democratic Caucus that is needed not only for the caucus but for America.

We come here as young members of the Democratic Caucus in this Congress to shed light and bring clarification to statements and actions or inactions by this Congress.

I am pleased to announce, as I announced last week, that a number of the individuals in the White House and in the majority have now taken another look at Social Security. Once again, we come back to the floor to talk about that issue, Social Security. As they start to look at this issue, they are finding that Americans are just not with them on the privatization of Social Security.

I am far from receiving from Social Security as it relates to retirement, but let us just think of hypotheticals of how important Social Security is. Someone my age could receive survivor benefits from a parent who wants to leave survivor benefits, not my age but younger, or receive disability.

So when we start talking about Social Security on this side of the aisle, the Democratic Caucus, we are talking about strengthening Social Security. Even some of my friends over on the majority side, Republicans, are talking about strengthening Social Security, not weakening Social Security through schemes and privatization plans.

So we continue to fight and also let the leaders on the majority side know that we are willing to work together once again, like we did in 1983 with Speaker of this House Tip O'Neill and Ronald Reagan in the White House, of working out a way that we can strengthen Social Security, make sure that it is here beyond the 47 years that it will be here, providing 100 percent of the benefits that we are providing right now, and even 80 percent of the benefits after that period, of making sure that people can count on the fact that if they pay into Social Security, that it will be there for them when they need it.

It is important. Some 48 million Americans receive Social Security right now. A number of those Americans are retired, but many of them are receiving disability benefits due to an injury on the job, and they cannot work or individuals that their parents have paid into the Social Security and now their children are able to not only educate themselves but help them make it through college with extra money to be able to help them to become productive citizens here in the United States.

So that is the reason why this debate is so important. Are there other issues that are important? Of course, there are. Is the environment important? You bet it is. Is education important? That is our future; of course, it is. Is health care important? Health care puts the backbone into education, into workforce, into making sure that we have a healthy economy and that we are able to compete against other countries as it relates to making our country strong.

So those are very, very important issues, but Social Security is in the halls of Congress now. It is important, Mr. Speaker, that we break down this debate to the point that individuals, everyone, can understand, every Member can understand, every American could understand, everyone that will be affected, and that is all Americans, from young to old.

It is important that we no longer allow the majority side to raid the Social Security trust fund, and the gentleman from Ohio (Mr. RYAN) is on his way to the floor, and we are going to talk about a proposal that was just introduced this week of saying that it is different than what the President is proposing. Well, another proposal that is supposed to be different than what the President is proposing.

As you know, the Social Security trust fund has been raided to some $670 billion. So when we see proposals of individuals saying, well, we just take this from the trust fund and we will take that from the trust fund, the trust fund is there to make sure that individuals that are expecting their benefits out of Social Security, when they need it, Social Security when they need it, that it is there for them. It is not time to experiment. It is not time to say we want private accounts and this is just the way it is going to be.

Paper is paper, and if you go get a yellow sheet of paper and say that, well, it is yellow, it is different; well, if it has private accounts in it, we already know and the American people know that that means fewer benefits for those individuals that are enrolled in the private accounts or not enrolled in the private accounts. So it is important that we pay very close attention in what is going on and what is being said.

Now, there are a number of individuals that are very, very concerned, and I will tell you that for young people, and I do mean young people in America, and for parents that have young people that are in college or young people that are trying to make their way, you may have a son or daughter that is living in an apartment just trying to be independent, trying to get on their feet, trying to do what you have done, trying to build the kind of values that you placed in them, you try to place in them as you were rearing them and as you were trying to develop them as men and women. They are trying to stand up, and it is imperative that this Congress does everything that it has to do to make sure that their government does not gamble on their retirement.

On average, young people are staying on jobs 3 to 4 years, on average. They need to make sure that Social Security is going to be there for them because a pension plan may never really develop in the way that it is supposed to. There are a number of Americans that are in pension plans right now that have failed them, and it is very, very unfortunate that is the case, but one thing that they can bank on literally is that Social Security will be there for them.

So when we have individuals running around here talking about private accounts, thinking that it sounds good or cool or something new to present to the Social Security debate, I must remind them that we will continue to rise up, and it is a one-sided debate thus far on the private account end. It is only the majority side, the Republican side, and the leadership who is talking about private accounts and now want to act on private accounts but call it something else.

It is not a tomato or tomato issue. It is an issue of being clear with the American people, and so it is important that we remember that 44 percent of young people are living in poverty, and that means people within our family. I know that I have individuals in my family that are living in poverty, whether it be a cousin or uncle or even a neighbor, and it is important that we recognize that.

Approximately 2 million young adults are without health care insurance for the entire year. That means young people are going to drugstores, trying to medicate themselves or trying to make themselves healthy when they should have health care, and this is important.

It is also important to understand that young people in America call on their parents and grandparents and family members to help them when they are running into hard types. So, when we start talking about taking anything away, either benefits or a right they may have as it relates to Social Security, saying that they are trying to help them, it is not going to help them, and it is important that we fight against that.

Now, as it relates to what the Democrats are talking about on this side of the aisle and what we are trying to do, and I think it is important, Mr. Speaker, that not only do I share with and remind the Members and those that expect Members on this side to be able to carry the ball in leadership, that by the rules, and I hate to be repetitive, but I think it is important that everyone understands, the rules of the House, the majority runs the operation here in the House. On the minority side, we cannot agenda a bill. We cannot agenda a bill in committee. We cannot place a bill through the Committee on Rules here on the floor of the House. We can only recommend.

□ 2130

So when you see private accounts and when you see lack of health care, when you see as a small business person unfair tax policies, to be able to allow your business to prosper, when you see environmental laws falling short of what they should be, then you must understand that on this side of the aisle we try to do all we can. And I will give credit to some of my Republicans colleagues that think in the same way and that are trying to do better as it relates to addressing those issues.

As to veterans, and I am from Florida and have many veterans in my district, and they come to me. Congressman, I cannot understand, it seems like the list is getting longer and longer every time I go to the VA. Well, that is because we are not standing by our veterans. We march up and down the street on Veterans Day and Memorial Day and recognize those that have paid the ultimate sacrifice. But on that Tuesday after recognizing the veterans, it will be business as usual and as it relates to VA hospitals and copayments that veterans have to pay more and more for.

We talk about individuals in Iraq, and 70 percent of those who are losing their life in Iraq are under 30 years old. So these are patriots. These are individuals that are going out there even before they are able to start their own family, in many cases even before they have an opportunity to be able to buy their first home. So it is important when we start saying we are doing something in light of our young people, it is important that we pay very, very close attention to this.

I am going to show one of these charts here. This is the President's priorities as it relates to tax cuts. It is greater than the funding that is available for veterans in this country. I will tell Members, I have a veteran in my family. My uncle is a veteran. He served in the Korean War. He is a soldier from the Army. He did what he had to do on behalf of this country because this country asked him to do it. We have $1.8 trillion in permanent tax cuts. We also have tax cuts for the top 1 percent which is $0.8 trillion, and then there is $0.3 trillion as it relates to veteran budget authority.

I think it is important that Members understand that the way we work here in Congress, we talk a lot about veterans and what we should be doing for them, and we talk a lot about their contributions. And many of us walk and march and wave in parades. And, ho-hum, we salute the same flag. But better yet, when it comes down to where we put our dollars, where we put our priorities, how we take action as it relates to veterans, you can see where it falls short.

I will tell you once again, giving credit to some of my Republican colleagues, some of them have a real problem with this. The past chairman of the Committee on Veterans' Affairs was removed, removed from the chairmanship of the committee, because he did not pass the legislation that the leadership on the majority side wanted to see passed.

Mr. Speaker, he did the right thing and he paid. He paid with his chairmanship. So that is why it is important that I remind Members of the majority and the minority, and we will continue to bring factual, accurate debate on the issues that are either happening in this Congress or not happening in this Congress. When we are able to come together on issues that are facing America, fine. We can talk about that and we can be very proud of those accomplishments. But when our priorities differ, it is important for us to pay very close attention.

I have another chart here. Those of us in the 30-Something Working Group, we have a constant watch on this number. These are our recent numbers. As Members can see, we are close to $1.8 trillion. This is as of June 20. Below that we have the share of the national debt for every American: Democrat, Republican, Independent, Green Party, you name it, Reform Party, just born 10 minutes ago, they already owe the Federal Government $26,255.76. This has to be paid off. This is not monopoly money, this is not funny money. This is not the Meek Report or the 30-Something Working Group Report. This is from the U.S. Department of Treasury. We will give our Web site out a little later where you can look at it.

Mr. Speaker, once again, to back up, I think it is important that we go through the fundamentals and talk about the difference. When this House was run by Democrats, we balanced the budget without one Republican vote. That is a fact. That is prima facie evidence, as they say in the courtroom. That is not a fabrication. That is not exaggeration. That is not something that some Democrat said on the floor and it is not true. We balanced the budget.

The number we have here was balanced and was going into surplus. As a matter of fact, it was not as high because this is the highest the national debt has been in the history of the Republic. Since we have been a country, the deficit has not been this high. Some may say well, it is the war in Iraq. That is not true.

Well, we ran into a hard time; 9/11 happened and we had to create a new department. That is not true. That is not why it is so high. The debt is where it is now because we have decided to give tax cuts to billionaires. That is a big part of it. And then we turned around and made it permanent. Now, middle-class tax cuts, I do not have a problem with that because that grows the economy.

But when we start talking about a fundamental difference in how we do business on this side of the aisle and how the majority does business on that side of the aisle, there is a big difference.

Like I said, I am not a generalist because I do not like to generalize, but when I say some of my colleagues on the other side of the aisle have problems with some of the decisions being made by the leadership, that is true. So I think it is important that we focus on the things that we can continue to focus on as it relates to the priorities and how we work to make things better.

I am going to start talking a little bit about the plan that the President has put out and that some Republican Members of Congress have put on the table. The President has said that he wants to bring privatization to young people. Young Americans will be able to have private Social Security accounts; that they will be able to use their own money and have options and invest it in a way that they want to invest it.

The President has come to this Chamber and addressed this Congress in the last State of the Union and said if you are over 55, do not worry about it, it will not affect you. The President has also said he will fight to the end. making sure we have private accounts. Regardless of the fact that not only news reports but nonprofit and government entities have found, and the White House has admitted the fact that if you are in a private account, if you decide to take a private account or not, you will lose benefits.

So it really fights against logic to say well, I know I will lose benefits, but it is important that we go the private account route, even though Social Security is not in a crisis at this particular time, not an imminent crisis.

There have been words out of the White House that it is a crisis and it is about to go bankrupt, using words such as that. And media, along with some Americans who are informed on the issue of Social Security, have said, yes, we have to strengthen Social Security. Yes, we have concerns with the trust fund, but we are not about to go bankrupt.

So after the 60- or 90-day tour of burning Federal jet fuel, your tax dollars, the President went around the country speaking to Americans. And some were not allowed to come into the talks, or what have you. and still after all of that Federal money spent, Americans still came back and said no, we are not with you on this one. And so it is important that everyone understands.

So if you feel oh, well, and we are talking about what the majority is doing now. Until the American people say different, that is what the situation is going to be. We are going to bring balance to this debate. It is important. And I ask the Republican leadership to work in a bipartisan way not only with our leadership but with every Member of this House, making sure that we strengthen Social Security and not privatize Social Security.

Mr. Speaker, there have been hundreds of town hall meetings throughout the country, talking about this issue of Social Security, and young and old have said we want Social Security. It is the best government program that we have in many cases, and we want it to be strengthened. we do not want it to be privatized. We know that when you privatize something, you have to meet the bottom line. And the people that are in the business of so-called making you money, they have to make their bottom line. If they have to make their bottom line, I guarantee if they are in business and making their bottom line, they are going to take care of that business first and then maybe your investments may make some profit.

Mr. Speaker, I was about to go into the new plan or philosophy that has been brought to this House in the way of a press conference about private accounts. but since the gentleman just got here, and I have been talking about Social Security and privatization, going through the minority and majority issues. It would not be a discussion, if we were in the majority, that we would strengthen Social Security in a bipartisan way like we did in 1983, and that we would be dealing with issues such as health care and other issues that are facing us. We are going to talk about that, too.

Mr. Speaker, I welcome and yield to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, it is good to be back. I am sorry I am late, but I agree wholeheartedly with the portion I heard that the gentleman was saying.

I think the focus that the 30-Something Group has zoned in on is the issue of this borrowing, this raiding the trust fund. this taking away from investments that can be made in the next generation.

The President came out with a plan that said $5 trillion would have to be borrowed over the next 20 years, 1.5 to $2 trillion over the next 10 years. So imagine $5 trillion being borrowed, taken out of the economy, borrowing it from the Japanese and Chinese in order to fund this scheme that the President was pushing.

Now, all of a sudden, we have a new privatization plan that is a little bit different, and we will get into the details in a minute. I think the principle is the same: We are taking money out of the trust fund. I think any time we do that, we are putting ourselves in a very, very difficult position.

The key principle for the Democrats is to make sure that we maintain the benefit we have now, make sure that we maintain the guaranteed benefit that our parents and grandparents have, and then make the system more solvent.

There are very few details. Unless there is new information, there are very few details to this plan.

Mr. MEEK of Florida. Mr. Speaker, we are giving it too much credit by calling it a plan. It is a philosophy. The proponents are saying, and they have now come up with a new approach, it is different than the privatization proposal, but it is just like the privatization proposal.

☐ 2145

It would take a portion of the Social Security trust fund revenues and put them into private accounts. That is privatization. It does not matter whether the total size of the account is limited to an amount each year as it relates to the Social Security trust fund rather than a percentage for the participants' payroll taxes. The gentleman from Ohio and I are very familiar with the Potomac two-step. We know what it means to say, Look over here but we're going over there. And so it is important that we not only come to this floor and let the Members know and say it out loud, A portion of what? How much? What is a portion? I can guarantee you it is in the trillions.

And if we start talking about, well, it is not necessarily the President's private account plan. but it is dealing with private accounts, that is privatization. I am sorry, any way you cut it, it is privatization. As we learn more about and as we start to unmask this GOP leadership vision, which is based upon theory, not fact, we will start to understand as it relates to the privatization scheme and how they are trying to get there.

I know as long as we have air in our body and God provides us another day to live, that as we see this old, Well, it's nót private accounts, or we're going to take a portion, we are going to translate that not only for the Members but also for the American people, Mr. Speaker, and it is important that we do that, and we are going to continue to follow it. But the gentleman from Ohio is 100 percent right, we do have some additional information; but the bottom line is that they are going to go into the Social Security trust fund to be able to, I guess, secure these private accounts.

Mr. RYAN of Ohio. This is so eerily familiar to what has been going on with all these other different programs. I do not know if you got a chance to talk at all about this, but remember the Medicare program? Remember how they had this great program that was going to move the country forward and, God almighty, it was only $400 billion.

Mr. MEEK of Florida. I am sorry, can I correct the gentleman? It was $350 billion.

Mr. RYAN of Ohio. $350 billion, it started, at the very beginning. Then it became $400 billion. Then you and I sat in this Chamber until 3 in the morning and watched the arms get twisted, the eyes start to bulge, the chicken wings were coming in, they had the arms behind people's backs. A $400 billion Medicare prescription drug bill passed this Chamber by just a few votes, with a lot of arm twisting.

Then we find out a couple of months later that the $400 billion prescription drug bill that was $350 billion became $700 billion. And then we found out that the $700 billion prescription drug bill that was a $400 billion prescription drug bill that was actually a $350 billion prescription drug bill became over $1 trillion when you start factoring in some of the out-years with absolutely no cost containment through reimportation or giving the Secretary the power to negotiate down the drug prices.

So now all of a sudden we go with the Social Security program, and let us not even talk about the war and all the nonsense that was given to us prior to the war and what ended up playing out, we will keep it on domestic programs, now we are in the Social Security and now they are telling us that, well, we had these private accounts and they were going to not cost too much and they were going to save us money in the long run; and we started the crunching the numbers, and we got to the fact that it was going to be $2 trillion over 10 years, $5 trillion over 20 years. Our national debt now is $7.8 trillion, and we are going to add an additional 5 over the next 20 years.

But now that did not work so now we are going to go back to the drawing board, and we are going to start playing a shell game with the Treasury bonds, but the bottom line in this is that they are still taking surplus money that is being used right now going into domestic programs, going to reduce the amount of the debt. They are going to put this in some kind of private account somewhere that nobody really seems to know what it is and have no way of balancing the budget or making investments for the American people.

Mr. MEEK of Florida. It is like walking down the hall and you never get to the end as it relates to the deficit. Let me just tell you a little bit more about this plan, because I had an opportunity to jot some things down. Let me just further break this down and water it down a little bit more so that we can all understand, every Member of Congress can understand exactly what we are doing or what some individuals would like to do.

Under this new plan that they have put forth, Members of Congress, a Member in the House and another Member in the other body, they basically said under the current annual surpluses would shift to private accounts, so they are saying that what we have now as it relates to the surpluses in the Social Security trust fund would now be shifted to private accounts. The sponsors even admit the fact that this plan would do nothing to restore solvency to Social Security. This will not solve the Social Security issue.

Mr. RYAN of Ohio. Say it one more time.

Mr. MEEK of Florida. This will not. By the sponsors. This is not someone walking down the street.

Mr. RYAN of Ohio. This is not the Kendrick Meek-Tim Ryan quote.

Mr. MEEK of Florida. There you go. It is not. This is by their own admission. No, it will not solve it. Furthermore, when you start looking at it, it really has three serious flaws. When you are talking about Social Security, there is no time to play around and start talking about, well, I am smarter than the next person. I believe this will work. We cannot go on belief. We have to know for sure. One flaw. The plan would worsen the Social Security solvency issue in the long run and in the short run. This is not something that will be kind of off into the future.

The plan would also drain $600 billion from the Social Security trust fund in the first 10 years, $600 billion. This is what they are saying right now. You just talked about the prescription drug, quote-unquote, plan starting off at $350 billion and now $724 billion as we stand here today, and counting. This is what they are starting off with within the first 10 years. The third issue, the plan will cause Social Security to become insolvent 2 years sooner, in 2039 instead of 2041. This is not only saying, well, ladies and gentlemen, put your head down, we are going in for a crash landing; but we are going to hit the ground before we actually hit the ground. As a matter of fact, we are going to move the ground closer, or we are going to make the plane go faster to be able to hit the ground.

I will tell you this right now, it is important and it goes to show you how the Republican leadership is willing to stop at nothing to deal with this private account issue. Furthermore, let me just say that some of my friends on the Republican side have great issues not only with the President's plan but with this plan. I appreciate my colleagues who are trying to figure out a way, but there is a better way without private accounts. There is a way to strengthen Social Security. Better yet, a total Democratic plan is not the best plan. A bipartisan plan is the best plan. That is what we are saying.

Mr. Speaker, the people that I run into, they say, Well, goodness, can you guys and gals, can the Members, can you work together? Can you just get along? Can you just come together on this issue on Social Security? If we can come together on making sure our men and women in uniform overseas, thousands of miles away and three or four different time zones away from here, if we can try to do our best and make sure that they get what they are supposed to get in a bipartisan way, then we have to make sure that the individuals that are here and the families that are here and the individuals that have paid into this, even those that have died and left survivor benefits for their children, that they get a fair shake. It is our responsibility to make sure that happens.

We talked about the fact that we are in the minority, we would like to be in the majority, but in the minority we can fight, too. And we will make sure that the American people know exactly what is going on.

One other point. We have to give credit where credit is due. There are some individuals that are not in the leadership on the Republican side that are not with this private account thing. I am asking my friends, and I see them in the hall, we bump into each other here on the floor, they say, I saw your 30-something Working Group, you were talking about this, I am glad you said some Republicans are not with this privatization thing. I am one of them.

Do you remember the movie "Jerry McGuire" when they took Jerry McGuire out to fire him? The guy went out to fire him. He said, man, I'm sorry, but they sent me and I'm here to fire you. He is staring at this glass of water, and he is not saying anything. The guy said, You should say something. That is what I am saying to my friends on the opposite side of the aisle: you should say something. You should rise up and say, Enough with the private accounts. Maybe yes; oh, I think it's okay; let's try to find another plan. That is it. Let us strengthen Social Security, and let us just put this private account thing out the door so that we can get on with the business of the Congress in a bipartisan way. That is what we are saying.

Mr. RYAN of Ohio. That is a great point. Because here we are today, we are passing an amendment to the Constitution today that has not gone anywhere for 12 years, never goes anywhere. At the same time we are cutting benefits for our veterans, and here we go. All of a sudden we have got another Social Security plan. Let us fight about this one for 6 months. Let us have the 30-something Working Group come here and fight about this one and pick this one apart for 6 months.

When is this administration and this Congress going to start addressing the real problems in the country? That is the real issue. You go back to your district and you are in south Florida. No one is worried about their Social Security check coming to their mailbox. Look at this thing. We are good until 2047, 100 percent of your benefits, if we do not do a stinking thing here. Then for the next 20 years, you still get 80 percent of the benefits if we do not do a thing in this Chamber.

And we consistently have this debate on this plan and that plan, and we do not have a problem. We have got a challenge, but we do not have a big problem with the Social Security plan. I go back home and young kids have lead poisoning, thousands of kids in thousands of school districts around this country have lead poisoning. Kids do not have enough money to eat. Eighty-five percent of students in some of these school districts qualify for free and reduced lunch, and we are talking about 2047.

We are running a $600 billion-plus deficit that is offset by the Social Security surplus. It is irresponsible to sit here and try to pretend that 2047 is somehow a crisis in the country. It is irresponsible that we are going to consistently come up with new plans that we are going to argue over. Where is the new plan to make sure young kids have enough food? Where is the new plan to make sure we build new schools? Where is the new plan to make sure everybody in the country has health care?

This is a farce. This whole debate has become a farce and we are ignoring the real problems of the people in the country. All you have to do is check one of the polls that come out. This body here has a 30 percent approval rating in the whole United States of America. What are we doing? It is obvious that we are not addressing the needs of the problems. This is my third year, this is your third year, this is the President's fifth year, sixth year. The Congress has been in control of one party since 1994. Come on. We have not addressed the health care issue in the country. Forty-some million Americans do not have health care. I get calls from General Motors, Goodyear, small mom-and-pop businesses, food chains. No one can afford health care for their workers anymore.

Mr. MEEK of Florida. The States cannot even afford Medicaid. They are saying Medicaid reform. You know why? Because businesses are saying, when folks are signing up and filling out their employment information, they are saying, well, I think you are eligible for Medicaid. I think you need to apply there because you will get more benefits under the Federal program versus what we can provide you.

Mr. RYAN of Ohio. Look at Wal-Mart. They have gamed the system. They pay their employees just enough for them to qualify for Medicaid, so they do not pay them any more. They do not give them health care benefits and they qualify for Medicaid. That is corporate welfare. Everyone is worried about cutting welfare checks for poor people. How about the rich people that get at the public trough and pig out?

□ 2200

We are subsidizing Wal-Mart while they are forcing their suppliers to go to China.

Mr. MEEK of Florida. I wanted the gentleman to say that, Mr. Speaker.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate that. But on and on and on this goes, and we are sitting here having a debate, a curious intellectual debate, about whether the new Social Security plan is going to work or not. It diverts $600 billion from the surplus. This is not working. The President's plan is not working. We really do not have a crisis for another 40 years, and meanwhile we are getting our clocks cleaned by the Chinese while they are taking the money and they are buying military equipment from the Russians. We are sitting here thinking who can come up with the next great Social Security plan.

I know the gentleman goes back to his district every weekend, and I do too, and I know that people are not interested in our having intellectual debates about a problem that really does not even exist. That is left for the ivory towers. We are here to get the job done.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, getting back to talking about getting the job done, that is being shed light on, what the gentleman just shed light on as it relates to what is not happening and also what is happening to Americans versus for them.

The gentleman from Arkansas (Mr. SNYDER), one of our colleagues, put forth a piece of legislation, and once again if Democrats were in the majority here in the House, which we fight for every day, of responding to the national health care crisis as it relates to young people, it is the Health Care for Young Americans Act that he has put forth that many of us are cosponsors of, which would allow States the option of extending health care insurance coverage to many uninsured young adults. States provide health care coverage to low-income uninsured children largely through two Federal/state programs, Medicaid and the State Children's Health Insurance Program. However, these programs often reclassify children as adults when they turn 19, making them ineligible for coverage.

Mr. Speaker, we have to start on this health care issue somewhere, and we have solutions on this side of the aisle on how to deal with those issues. Just last week we talked about legislation that the gentleman from California (Mr. GEORGE MILLER), ranking member, has put before the Committee on Education and the Workforce, introduced bills with other Members here in the House that we are both cosponsors of, that replenish the issue of the Pell grants, because the Bush administration has changed the formula that are cheating young people next year, the next fiscal year, out of $300 million of dollars that should be in that Pell grant program that they have taken away. We want to put those dollars back because we know, just like the gentleman said as it relates to competing against China, competing against other countries that are competing against us, where we have a negative trade deficit as it relates to dealing in business with them, but they are having a great time doing business with us; and meanwhile here in America we have people that are trying to put themselves to work and businesses that want to put them to work, but cannot afford to put them to work and are putting them out of work because they can no longer afford to keep them in work because the jobs have moved overseas and they cannot compete with the prices that are there.

But the 30-Something Working Group is not only pointing out the issues but also talking about what we have on the table that would be on this floor or going through the committee process in a bipartisan way to find the solution, not for Americans that happen to be Democrats, but for Americans that want a fair share from their government and being able to make sure that they have not only adequate health care but to make sure that their children have it.

I am a father, Mr. Speaker, and I was married 14 years ago, going on 14 years, and I was a different person before I got married. But when I got married, it was a totally different relationship. And then when we start having children, we change as an individual, and then when our children start to get older, we continue to change. And then when our children, and I have not seen this yet, start to talk about leaving and going to college or getting into some kind of trade or getting out on their own, which some parents say that never happens, but when they start to develop themselves as young adults, we still parent. We still care about them.

So when we start talking about health care for young people, when we start talking about making sure that they get a Pell grant to educate themselves, it is our issue. When we start talking about Social Security and we have the administration and some members of the Republican leadership saying privatization is the way to go when the only guarantee is $944 billion would go to Wall Street, that is our issue. We are here to watch out for future generations.

I agree with the President in saying we have got to watch out for future generations, but we do not watch out for them. And seeing that deficit, that almost $7.8 trillion deficit that the gentleman has there behind him, there is not a real debate on the majority side or even legislation to provide health care or to make sure that every American is able to receive health care or making sure that small business is able to provide health care. There is not a real agenda, and if it is there, then why is it not happening? Why are we here saying what we are saying if it is happening? Because it is not happening.

So that is the difference. People are asking, What is the difference between us and them? One, we are all Americans. Two, we have a Republican side and we have a Democratic side. Three, the majority runs the House of Representatives. So if people want change, if they want to bring about opportunity, then we have to put the pressure on the majority side to make them do the right thing, and hopefully they will do the right thing and then maybe it will work, or the American people are going to have to rise up, Mr. Speaker, and say they want different.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will further yield, that is a beautiful point. It is a beautiful point. The Republicans control the House, the Senate, and the White House. So obviously some agenda is getting implemented. Their agenda is getting implemented because they control all three Chambers. And when we look at what it is, it is obviously not an agenda that is helping Middle America, small businesses, addressing the health care issue, education issue, and all of the things we have talked about.

The gentleman mentioned earlier business not being able to cover health care and all this, and forced to go to these other countries. And I even think the Democrats in many ways, Mr. Speaker, have not addressed this issue in the proper way. Small businesses and big businesses, they are not out to screw their employees. And sometimes many workers may feel that way, but they are not out to hurt people. If they could provide health care and they had the resources to do it, they would, especially the small businesses. Especially the small businesses.

So the question is, What have we done here? We cannot blame a big company for not providing health care to their workers if they are trying to compete with people coming and shipping goods in from China with low cost, with low overhead, because of all the situations that we have talked about here. The finger should be pointed at this Chamber. The finger should be pointed at the U.S. Senate and at the White House. We are the ones not addressing the health care issue in the country. We have not done anything.

I cannot tell the Members how many small business people I meet on a daily basis when I go back home that talk to me about health care, and they run a business of 100 to 200 people. They care about their workers. When someone in a worker's family gets sick, they know about it. When a worker gets sick, they know about it. They know the name of everybody on the floor in the machine shop. And to say that somehow they do not care, I think is wrong. I think it misrepresents what is going on.

And my point here, as scattered as it may be, is that the finger should be pointed to us. We swear an oath to the Constitution, and part of that means helping people, coming together in a democratic fashion to move society forward. And we are not doing it. We are leaving people behind left and right, whether it is health care or whether it is education or anything else.

So I know we are wrapping up here and we are running out of time, but I wanted to make that final point and let the gentleman make a point, and we will get our little chart up here and wrap things up.

Mr. MEEK of Florida. Mr. Speaker, if the gentleman gets a chance, I would like him to be able to share the Web site information and e-mail information not only with the Members, Mr. Speaker, but making sure that everyone knows exactly what we are talking about here. And I think it is important that we couch this 30-Something Working Group hour in saying that we have a number of issues that have to be addressed in America. We have issues that are facing people that punch in and punch out every day, or once did: individuals that ran a small business, put their kids through college, now having to really work hard to help their children or grandchildren make it in this America. And so it is important that we bring issue to that.

It is also important to let people know that we have ideas, not only concerns but ideas. And we present that every week, at least two proposals that our colleagues have put forth or we have put forth to be able to strengthen America. So it is important that we continue on this track. I want to thank the gentleman and other members of the 30-Something Working Group for doing what they do.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman for yielding to me, and I think he is exactly right. We have got to step up and pose the vision, an alternative to what is going on here. Give us an e-mail: 30somethingdems@mail.house.gov. Send us an e-mail and we will possibly read it here. We have brought in a lot of e-mail the last few weeks. We have been swamped with e-mail the last few weeks.

So I thank the gentleman for yielding, and we will be back again next week.

Mr. MEEK of Florida. Mr. Speaker, once again I thank the gentleman from Ohio (Mr. RYAN) for his comments, and, like I said, everyone in the 30-Something Working Group, we would like to thank not only the Democratic leader but the Democratic leadership for allowing us to be here once again. And it was an honor to address the House, Mr. Speaker.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOYD (at the request of Ms. PELOSI) for today on account of medical reasons.

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today after 4:00 p.m.

Mr. KUCINICH (at the request of Ms. PELOSI) for today after 3:00 p.m. in order to save jobs at NASA Glenn and DFAS.

Mr. POMEROY (at the request of Ms. PELOSI) for today and June 23 on account of official business.

Mr. RANGEL (at the request of Ms. PELOSI) for today on account of attending the memorial service for the late Hon. Jake J.J. Pickle of Texas.

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today on account of attending the funeral of the late Hon. Jake Pickle of Texas.

Mr. BONNER (at the request of Mr. DELAY) for today on account of business in his district.

Mr. LATOURETTE (at the request of Mr. DELAY) for today from 4:00 p.m. until approximately 1:00 p.m. on June 23 on account of a BRAC hearing.

Mr. NEY (at the request of Mr. DELAY) for today on account of a death in the family.

Mr. OXLEY (at the request of Mr. DELAY) for today on account of business in Ohio.

Mr. SMITH of Texas (at the request of Mr. DELAY) for today on account of attending the funeral of the Hon. J.J. "Jake" Pickle.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. REYES, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

(The following Members (at the request of Mrs. DRAKE) to revise and extend their remarks and include extraneous material:)

Mr. NORWOOD, for 5 minutes, June 23.

Mr. GUTKNECHT, for 5 minutes, June 29.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. TERRY, for 5 minutes, June 23.

Mr. GINGREY, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, June 23.

Ms. ROS-LEHTINEN, for 5 minutes, today.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 13 minutes p.m.), the House adjourned until tomorrow, Thursday, June 23, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2429. A letter from the White House Liaison, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2430. A letter from the White House Liaison, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2431. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2432. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2433. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2434. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2435. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2436. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2437. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2438. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2439. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2440. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2441. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2442. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2443. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period of October 1, 2004 through March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEWIS of California: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2006 (Rept. 109–145). Referred to the Committee of the Whole House on the State of the Union.

Mr. NEY: Committee on House Administration. H.R. 1316. A bill to amend the Federal Election Campaign Act of 1971 to repeal the limit on the aggregate amount of campaign contributions that may be made by individuals during an election cycle, to repeal the limit on the amount of expenditures political parties may make on behalf of their candidates in general elections for Federal office, to allow State and local parties to make certain expenditures using nonfederal funds, to restore certain rights to exempt organizations under the Internal Revenue Code of 1986, and for other purposes; with an amendment (Rept. 109–146). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 1158. A bill to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (Rept. 109–147). Referred to the Committee of the Whole House on the State of the Union.

Mrs. CAPITO: Committee on Rules. House Resolution 337. Resolution providing for consideration of the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–148). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 3020. A bill to extend the existence of the Parole Commission, and for other purposes; to the Committee on the Judiciary.

By Mr. HERGER:

H.R. 3021. A bill to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2005, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 3022. A bill to amend title XVIII of the Social Security Act to provide for eligibility for coverage of home health services under the Medicare Program on the basis of a need for occupational therapy; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE:

H.R. 3023. A bill to suspend temporarily the duty on 2-amino-4-methoxy-6-methyl-1,3,5-triazine; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3024. A bill to suspend temporarily the duty on formulated products containing mixtures of the active ingredient 2-chloro-N-[[(4-methoxy-6-methyl-1,3,5-triazin-2yl) amino]carbonyl] benzenesulfonamide and application adjuvants; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3025. A bill to extend the suspension of duty on Esfenvalerate; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3026. A bill to suspend temporarily the duty on 2-methyl-4-methoxy-6-methylamino-1,3,5-triazine; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3027. A bill to reduce temporarily the duty on mixtures of sodium-2-chloro-6-[(4,6 dimethoxypyrimidin-2-yl)thio]benzoate and application adjuvants (pyrithiobac-sodium); to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3028. A bill to extend the suspension of duty on Methyl 2-[[[[[4-(dimethylamino)-6-(2,2,2-trifluoroethoxy)-1,3,5-triazin-2-yl]-amino]carbonyl]amino]sulfonyl]-3-methylbenzoate and application adjuvants; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3029. A bill to extend the suspension of duty on Benzyl carbazate; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3030. A bill to suspend temporarily the duty on mixtures of N-[[(4,6-dimethoxypyrimidin-2-yl)amino]carbonyl]-3-(ethylsulfonyl)-2-pyridinesulfonamide and application adjuvants; to the Committee on Ways and Means.

By Mr. EVERETT:

H.R. 3031. A bill to require the advance disclosure to shareholders of certain executive pension plans; to the Committee on Financial Services.

By Mr. GENE GREEN of Texas (for himself and Mr. GONZALEZ):

H.R. 3032. A bill to require manufacturers and retailers to provide disclosure to consumers that analog televisions will no longer receive broadcast transmissions after the public broadcast spectrum changes to digital after December 31, 2006; to the Committee on Energy and Commerce.

By Mr. HERGER:

H.R. 3033. A bill to extend the temporary reduction in duty on certain educational devices; to the Committee on Ways and Means.

By Mrs. JONES of Ohio (for herself, Mr. PAYNE, Mr. BUTTERFIELD, Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WATT, Ms. CORRINE BROWN of Florida, Mr. VAN HOLLEN, Mrs. MCCARTHY, Ms. NORTON, Mr. CUMMINGS, Mr. MEEKS of New York, Mr. LANTOS, Mr. JEFFERSON, Mr. ISSA, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. CARDIN, Ms. LINDA T. SÁNCHEZ of California, Mr. WYNN, Mr. WEXLER, Ms. WATSON, and Ms. WATERS):

H.R. 3034. A bill to provide for research and education with respect to uterine fibroids, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DANIEL E. LUNGREN of California:

H.R. 3035. A bill to establish streamlined procedures for collateral review of mixed petitions, amendments, and defaulted claims, and for other purposes; to the Committee on the Judiciary.

By Mr. MATHESON:

H.R. 3036. A bill to amend the Elementary and Secondary Education Act of 1965 with respect to teacher qualifications, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PAUL (for himself, Mr. FARR, Mr. MCDERMOTT, Mr. STARK, and Mr. GRIJALVA):

H.R. 3037. A bill to amend the Controlled Substances Act to exclude industrial hemp from the definition of marihuana, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself, Mr. UDALL of Colorado, and Mr. OWENS):

H.R. 3038. A bill to affirm the authority of the executive branch to detain foreign nationals as unlawful combatants, to enable a person detained as an unlawful combatant to challenge the basis for that detention and to receive a disposition within 2 years, to provide for the President to establish military tribunals to try such persons, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 3039. A bill to enact title 51, United States Code, "National and Commercial Space Programs", as positive law; to the Committee on the Judiciary.

By Mr. SNYDER (for himself, Mr. ALLEN, Ms. JACKSON-LEE of Texas, Mr. OWENS, Mr. SANDERS, Mr. McDERMOTT, Mr. ROSS, Mr. HINCHEY, Mrs. CHRISTENSEN, and Mr. BERRY):

H.R. 3040. A bill to amend titles XIX and XXI of the Social Security Act to permit States to cover low-income youth up to age 23; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Mississippi (for himself, Ms. ZOE LOFGREN of California, Mr. MEEK of Florida, Ms. NORTON, Mr. MARKEY, Mr. LANGEVIN, and Ms. JACKSON-LEE of Texas):

H.R. 3041. A bill to amend the Homeland Security Act of 2002 to clarify the investigative authorities of the privacy officer of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. WEINER:

H.R. 3042. A bill to require States to report data on Medicaid beneficiaries who are employed; to the Committee on Energy and Commerce.

By Mr. SKELTON (for himself and Ms. HARMAN):

H. Con. Res. 184. Concurrent resolution expressing the sense of Congress regarding additional steps to expedite the success of the United States in Iraq, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. PETERSON of Minnesota, Mr. WALDEN of Oregon, Mr. GUTKNECHT, and Mr. JENKINS):

H. Con. Res. 185. Concurrent resolution recognizing the Forest Service of the Department of Agriculture for 100 years of dedicated service and caring for the forest lands of the United States; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODE (for himself, Mr. JONES of North Carolina, Mr. SANDERS, and Mr. TAYLOR of North Carolina):

H. Con. Res. 186. Concurrent resolution expressing the sense of Congress that the President should provide notice of withdrawal of the United States from the North American Free Trade Agreement (NAFTA); to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself and Mr. ACKERMAN):

H. Con. Res. 187. Concurrent resolution expressing the sense of Congress concerning Uzbekistan; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. GOODE.

H.R. 23: Mr. KENNEDY of Rhode Island.

H.R. 42: Ms. GINNY BROWN-WAITE of Florida.

H.R. 49: Mr. GERLACH.

H.R. 63: Ms. DeGETTE, Mr. FORD, Mr. SERRANO, Ms. SOLIS, Mrs. JONES of Ohio, and Mr. EMANUEL.

H.R. 98: Mr. TOM DAVIS of Virginia and Mrs. KELLY.

H.R. 110: Mr. MOORE of Kansas.

H.R. 227: Mr. SHAYS.

H.R. 282: Mr. LANGEVIN.

H.R. 284: Mr. GERLACH.

H.R. 303: Mr. SHAW, Mrs. BLACKBURN, and Mr. PORTER.

H.R. 312: Mr. MENENDEZ, Mr. SERRANO, Mr. GENE GREEN of Texas, and Mr. CROWLEY.

H.R. 408: Mr. PASTOR and Mrs. DAVIS of California.

H.R. 534: Mr. INGLIS of South Carolina.

H.R. 537: Mr. PRICE of Georgia and Mr. GINGREY.

H.R. 581: Mr. BOEHLERT and Mr. COLE of Oklahoma.

H.R. 662: Ms. MOORE of Wisconsin.

H.R. 676: Mr. HONDA.

H.R. 783: Mr. GOODLATTE, Mr. KENNEDY of Rhode Island, and Mr. CARDIN.

H.R. 818: Mr. OLVER.

H.R. 839: Ms. BALDWIN, Mr. BERMAN, Ms. CARSON, Mr. COOPER, Mr. CUMMINGS, Ms. DeGETTE, Mr. KIND, Mr. McGOVERN, and Mr. PAYNE.

H.R. 844: Mr. REYES.

H.R. 865: Mr. CANTOR.

H.R. 874: Mr. FORBES.

H.R. 896: Mr. GONZALEZ, Ms. CARSON, and Mr. SWEENEY.

H.R. 923: Mr. EMANUEL, Ms. CARSON, and Mrs. BLACKBURN.

H.R. 934: Mr. BOEHLERT.

H.R. 960: Ms. WOOLSEY.

H.R. 968: Mr. FARR and Mr. CRENSHAW.

H.R. 976: Mrs. DRAKE and Mr. FITZPATRICK of Pennsylvania.

H.R. 997: Mr. PICKERING.

H.R. 1002: Mr. GONZALEZ and Ms. HARMAN.

H.R. 1018: Mr. TOWNS, Mr. WATT, Ms. VELÁZQUEZ, Mr. NADLER, Ms. SLAUGHTER, Mr. CUMMINGS, and Mr. STRICKLAND.

H.R. 1029: Mr. PRICE of North Carolina.

H.R. 1067: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1078: Ms. MATSUI and Mr. OWENS.

H.R. 1080: Ms. MATSUI, Mr. SANDERS, and Mr. OWENS.

H.R. 1088: Mr. PORTER.

H.R. 1130: Mr. OBERSTAR.

H.R. 1133: Mr. EVANS and Mr. CARNAHAN.

H.R. 1146: Mr. DAVIS of Kentucky.

H.R. 1182: Mr. EVANS.

H.R. 1188: Mr. EMANUEL.

H.R. 1202: Mr. LEWIS of Kentucky.

H.R. 1227: Mr. MATHESON.

H.R. 1246: Mr. TIBERI and Mr. CUELLAR.

H.R. 1249: Mr. MOORE of Kansas.

H.R. 1262: Mr. PLATTS.

H.R. 1264: Mr. McNULTY.

H.R. 1282: Mr. OWENS.

H.R. 1288: Mr. JINDAL, Mr. WHITFIELD, Mr. ROGERS of Kentucky, Mr. INGLIS of South Carolina, Mr. FORBES, Mr. BARTON of Texas, Mr. JONES of North Carolina, Mr. TIAHRT, and Mr. KOLBE.

H.R. 1295: Mr. MATHESON.

H.R. 1376: Mr. BAIRD.

H.R. 1397: Mr. KENNEDY of Minnesota.

H.R. 1409: Mr. JENKINS.

H.R. 1424: Mr. KILDEE and Ms. MATSUI.

H.R. 1431: Mr. BARROW, Mr. FOLEY, and Ms. ESHOO.

H.R. 1438: Mr. KLINE.

H.R. 1468: Mr. FOLEY.

H.R. 1494: Mr. KENNEDY of Minnesota, Mr. HAYES, Mrs. BLACKBURN, and Mr. McHUGH.

H.R. 1526: Mrs. MALONEY.

H.R. 1548: Mr. RUSH, Mr. HYDE, Mr. HULSHOF, Mr. PORTER, Mr. LEWIS of Georgia, Mr. SAXTON, and Mr. BARROW.

H.R. 1606: Mr. BISHOP of Utah.

H.R. 1652: Ms. WATERS and Mr. JEFFERSON.

H.R. 1653: Mr. OWENS.

H.R. 1667: Mr. McDERMOTT and Mr. TAYLOR of Mississippi.

H.R. 1671: Mr. THORNBERRY.

H.R. 1678: Mr. MANZULLO.

H.R. 1684: Ms. ZOE LOFGREN of California and Ms. HARRIS.

H.R. 1685: Ms. ZOE LOFGREN of California and Ms. HARRIS.

H.R. 1736: Mr. KENNEDY of Rhode Island, Mr. SCHIFF, Mr. PICKERING, and Mr. UPTON.

H.R. 1748: Mr. KLINE, Mrs. DRAKE, and Mr. RYUN of Kansas.

H.R. 1879: Mr. LEWIS of Kentucky.

H.R. 1898: Mr. GINGREY, Mr. HOSTETTLER, Mr. BRADY of Texas, Mr. POE, Mr. HENSARLING, and Mr. WELLER.

H.R. 1955: Mr. SALAZAR.

H.R. 1959: Mr. HAYES.

H.R. 2049: Mr. KINGSTON.

H.R. 2121: Mr. OWENS.

H.R. 2209: Mr. MELANCON and Ms. GINNY BROWN-WAITE of Florida.

H.R. 2229: Mr. McCAUL of Texas.

H.R. 2231: Mr. LEACH, Mr. BOEHLERT, Mr. MANZULLO, Mr. PRICE of North Carolina, Mr. CLEAVER, and Mrs. BIGGERT.

H.R. 2290: Mr. BROWN of South Carolina, Mr. CAMP, Mr. HEFLEY, Mr. LUCAS, Mr. THORNBERRY, Mr. REHBERG, Mr. SHUSTER, Mr. UPTON, Mr. KELLER, Mr. WILSON of South Carolina, and Mr. CANTOR.

H.R. 2295: Mr. WHITFIELD, Mr. BACHUS, Mr. TIBERI, Mr. BILIRAKIS, and Mr. GOODE.

H.R. 2317: Mr. HOLDEN and Mr. PORTER.

H.R. 2355: Mr. SHIMKUS.

H.R. 2357: Mr. REHBERG and Mr. NORWOOD.

H.R. 2366: Mr. BERMAN and Ms. WATERS.

H.R. 2367: Mr. KUCINICH and Mr. McDERMOTT.

H.R. 2428: Ms. LEE, Mr. FRANK of Massachusetts, Mr. KIRK, Mr. GEORGE MILLER of California, Mr. McNULTY, Mr. KILDEE, Mr. VAN HOLLEN, Mr. SHERMAN, Mr. McDERMOTT, Mr. NADLER, Mr. GRIJALVA, Mr. KUCINICH, Mr. SHAYS, and Ms. WOOLSEY.

H.R. 2519: Mr. RAHALL.

H.R. 2526: Mr. HIGGINS, Mrs. LOWEY, Mrs. CHRISTENSEN, and Mr. CONYERS.

H.R. 2553: Mrs. MALONEY and Mr. HONDA.

H.R. 2646: Mr. FORTENBERRY and Mr. DAVIS of Florida.

H.R. 2662: Mr. VISCLOSKY.

H.R. 2683: Mr. McGOVERN.

H.R. 2695: Mr. FRANK of Massachusetts and Ms. CARSON.

H.R. 2717: Mr. ABERCROMBIE, Ms. WOOLSEY, Mr. LARSEN of Washington, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. LANTOS, Mrs. WILSON of New Mexico, and Mr. PAYNE.

H.R. 2730: Mr. OWENS and Mr. CHANDLER.

H.R. 2747: Mr. EMANUEL.

H.R. 2793: Mr. McCOTTER and Mr. SHIMKUS.

H.R. 2794: Mr. TERRY and Mr. McDERMOTT.

H.R. 2811: Mr. EVANS.

H.R. 2828: Mr. OLVER.

H.R. 2865: Mr. BUTTERFIELD and Mr. GEORGE MILLER of California.

H.R. 2874: Mr. CHANDLER and Mr. FARR.

H.R. 2876: Mr. KENNEDY of Minnesota, Mr. HYDE, Mrs. JO ANN DAVIS of Virginia, Mr. ENGEL, and Mr. LATHAM.

H.R. 2877: Mr. BOSWELL and Mr. SHAYS.

H.R. 2933: Mr. MCCAUL of Texas.

H.R. 2939: Mr. KENNEDY of Rhode Island.

H.R. 2952: Ms. MOORE of Wisconsin, Mr. SENSENBRENNER, Mr. KIND, Mr. GREEN of Wisconsin, Mr. YOUNG of Alaska, Mr. FILNER, Mr. DEFAZIO, and Mr. SHERMAN.

H.R. 2959: Mr. SNYDER, Ms. HERSETH, Ms. BERKLEY, and Mr. WAXMAN.

H.R. 2960: Mr. KIND and Ms. WASSERMAN SCHULTZ.

H.R. 2990: Mr. BAKER.

H.J. Res. 53: Mr. TIBERI and Mr. REHBERG.

H. Con. Res. 71: Mr. FEENEY.

H. Con. Res. 85: Mr. PASTOR.

H. Con. Res. 90: Mr. OWENS.

H. Con. Res. 110: Mr. FATTAH.

H. Con. Res. 111: Mr. FATTAH.

H. Con. Res. 123: Mr. PASTOR.

H. Con. Res. 128: Mr. ROYCE.

H. Con. Res. 134: Mr. MCNULTY, Mr. MCGOVERN, Ms. LEE, Mr. ABERCROMBIE, Mr. KUCINICH, Mr. BURTON of Indiana, Mr. EVANS, and Mr. GRIJALVA.

H. Con. Res. 140: Ms. ROS-LEHTINEN, Mr. GREEN of Wisconsin, Mr. FERGUSON, Mr. FOSSELLA, Mr. WELLER, and Mr. CHOCOLA.

H. Con. Res. 155: Mrs. JO ANN DAVIS of Virginia and Ms. BERKLEY.

H. Con. Res. 157: Mr. LANTOS, Mr. INSLEE, Mr. CLEAVER, Mr. SOUDER, Mr. SHERWOOD, Mr. MCDERMOTT, Mr. DOYLE, Ms. MCCOLLUM of Minnesota, Mr. GENE GREEN of Texas, Mr. WAXMAN, and Mrs. JOHNSON of Connecticut.

H. Con. Res. 181: Mr. GUTIERREZ, Mr. BARRETT of South Carolina, Mr. BRADY of Texas, Mr. DAVIS of Kentucky, Mr. EHLERS, Mr. GILCHREST, Mr. GINGREY, Mr. GREEN of Wisconsin, Mr. HYDE, Mr. INGLIS of South Carolina, Mr. KIRK, and Mr. WALDEN of Oregon.

H. Res. 199: Mrs. MYRICK.

H. Res. 246: Mr. SOUDER.

H. Res. 261: Mr. BOREN, Mr. BARROW, Mr. WOLF, Mr. CLEAVER, Mr. HONDA, and Mr. GOODE.

H. Res. 286: Mr. GUTIERREZ.

H. Res. 312: Mr. SCOTT of Georgia and Mr. GORDON.

H. Res. 323: Mr. KENNEDY of Rhode Island, Mr. ROGERS of Kentucky, Mr. KILDEE, Mr. MARKEY, Mr. HINOJOSA, Mrs. MCCARTHY, Mr. BRADLEY of New Hampshire, Mr. KUHL of New York, Mrs. DRAKE, Mr. PRICE of North Carolina, Mr. HALL, Mr. MCDERMOTT, Mr. BUTTERFIELD, and Mr. KUCINICH.

H. Res. 325: Mr. BISHOP of Georgia.

H. Res. 326: Mr. LEACH and Mr. ISSA.

H. Res. 328: Mr. LANTOS, Mr. POE, Mr. BERMAN, Mr. KING of New York, Mr. EMANUEL, Mr. NEAL of Massachusetts, Mr. MCDERMOTT, and Ms. BERKLEY.

H. Res. 333: Mr. MEEKS of New York.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2985

OFFERED BY: MR. BAIRD

AMENDMENT NO. 1: Page 44, strike line 4 and all that follows through page 49, line 25.

H.R. 3010

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 2: At the end of the bill (before the short title), insert the following:

SEC. . None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173).

H.R. 3010

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 3: Page 108, after line 21, insert the following section:

SEC. 5 . The Secretary of Health and Human Services shall conduct a study to determine whether or not there is a link between thimerosal in vaccines and autism.

H.R. 3010

OFFERED BY: MR. NEUGEBAUER

AMENDMENT NO. 4: At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. 5___. None of the funds made available in this Act may be used by the National Institute of Mental Health for any of the following grants:

(1) Grant number MH060105 (Perceived Regard and Relationship Resilience in Newlyweds).

(2) Grant number MH047313 (Perceptual Bases of Visual Concepts in Pigeons).

H.R. 3010

OFFERED BY: MR. KIRK

AMENDMENT NO. 5: In title III in the item relating to "SCHOOL IMPROVEMENT PROGRAMS" insert before the period at the end the following: ": *Provided further*, That, of the funds made available under this heading, $11,100,000 is for carrying out subpart 6 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7253 et seq.) (relating to gifted and talented students)".

H.R. 3010

OFFERED BY: MR. POE

AMENDMENT NO. 6: In title II, in the item relating to "NATIONAL INSTITUTES OF HEALTH—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT", insert after the dollar amount the following: "(reduced by $175,000) (increased by $175,000)".

H.R. 3010

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 7: At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. 5 . Of the amounts made available under title IV for the account "CORPORATION FOR PUBLIC BROADCASTING", $40,000,000 is transferred and made available under title II as an additional amount for the account "NATIONAL INSTITUTES OF HEALTH—OFFICE OF THE DIRECTOR".

H.R. 3010

OFFERED BY: MR. FILNER

AMENDMENT NO. 8: At the end of the bill (before the short title), insert the following:

SEC. _______. None of the funds made available in this Act may be used to place social security account numbers on identification cards issued to beneficiaries under the medicare program under title XVIII of the Social Security Act.

H.R. 3010

OFFERED BY: MR. POE

AMENDMENT NO. 9: Page 29, line 6, insert after the dollar amount the following: "(increased by $11,200,000)".

H.R. 3010

OFFERED BY: MR. FLAKE

AMENDMENT NO. 10: At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to enforce Determination ED-OIG/A05-D0008 of the Department of Education.

H.R. 3010

OFFERED BY: MR. PAUL

AMENDMENT NO. 11: At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to create or implement any universal mental health screening program.

H.R. 3010

OFFERED BY: MR. STEARNS

AMENDMENT NO. 12: Page 22, line 2, insert "(increased by $10,000,000)" after "$194,834,000".

Page 22, line 8, insert "(increased by $1,000,000)" after "$1,984,000".

Page 22, line 12, insert "(increased by $9,000,000)" after "$29,500,000".

Page 82, line 10, insert "(reduced by $10,000,000)" after "$523,087,000".

Page 82, line 12, insert "(reduced by $10,000,000)" after "$270,000,000".

H.R. 3010

OFFERED BY: MRS. JOHNSON OF CONNECTICUT

AMENDMENT NO. 13: Page 25, line 16, insert "(increased by $10,802,000)" after "$6,446,357,000".

Page 48, line 7, insert "(reduced by $10,802,000)" after "$8,688,707,000".

Page 50, line 4, insert "(reduced by $10,802,000)" after "$110,000,000".

Page 27, line 15, insert ": *Provided further*, That of the funds made available under this heading, $10,802,000 shall be made available for the healthy community access program" after "public office".

H.R. 3010

OFFERED BY: MR. HAYWORTH

AMENDMENT NO. 14: At the end of the bill (before the short title) insert the following:

SEC. . None of the funds made available in this Act may be used by the National Labor Relations Board to exert jurisdiction over any organization or enterprise pursuant to the standard adopted by the National Labor Relations Board in San Manuel Indian Bingo and Casino and Hotel Employees & Restaurant Employees International Union, AFL-CIO, CLC and Communication Workers of America, AFL-CIO, CLC, Party in Interest, and State of Connecticut, Intervenor, 341 NLRB No. 138 (May 28, 2004).

H.R. 3010

OFFERED BY: MR. HAYWORTH

AMENDMENT NO. 15: At the end of the bill, before the short title, insert the following new section:

SEC. . None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments under a totalization agreement with Mexico which would not otherwise be payable but for such agreement.

H.R. 3010

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 16: At the end of the bill (before the short title), insert the following:

SEC. . Appropriations made in this Act are hereby reduced in the amount of $1,425,140,000.

H.R. 3010

OFFERED BY: MS. GINNY BROWN-WAITE OF FLORIDA

AMENDMENT NO. 17: In title I in the item relating to "OCCUPATIONAL SAFETY AND

Health Administration—Salaries and Expenses", after the aggregate dollar amount, insert "(reduced by $25,000,000)".

In title III in the item relating to "School Improvement Programs", after the aggregate dollar amount, insert "(increased by $25,000,000)".

H.R. 3010

Offered By: Ms. Ginny Brown-Waite of Florida

Amendment No. 18: In title III in the item relating to "School Improvement Programs" insert before the period at the end the following: ": *Provided further*, That, of the funds made available under this heading, $25,296,000 is for carrying out subpart V of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7251 et seq.) (relating to the Reading is Fundamental inexpensive book distribution program)".

H.R. 3010

Offered By: Mr. Keller

Amendment No. 19: Page 99, line 5, insert "directly or indirectly, including by private contractor," after "shall be used,".

H.R. 3010

Offered By: Mr. Keller

Amendment No. 20: Page 75, strike lines 6 and 7 and insert the following:

The maximum Pell Grant for which a student shall be eligible during award year 2006–2007 shall be $4,150.

At the end of the bill (before the short title), insert the following:

Sec. ___. Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by $211,000,000.

H.R. 3010

Offered By: Mr. Peterson of Pennsylvania

Amendment No. 21: Page 108, after line 21, insert the following section:

Sec. 5___. The amounts otherwise provided for in this Act are revised by increasing by $385,664,000 the account in title II, "Health Resources and Services Administration—health resources and services", which increase is available for carrying out section 330A of the Public Health Service Act (relating to rural health), and by reducing each other account in this Act, other than accounts providing amounts that by law are required to be made available, by the amount necessary to produce aggregate reductions in the amount of $385,664,000.

H.R. 3010

Offered By: Mr. Peterson of Pennsylvania

Amendment No. 22: Page 16, line 4, insert after the dollar amount the following: "(reduced by $37,336,000)".

Page 25, line 16, insert after the dollar amount the following: "(increased by $37,336,000)".

H.R. 3010

Offered By: Mrs. Johnson of Connecticut

Amendment No. 23: Page 25, line 16, insert "(increased by $11,200,000)" after "$6,446,357,000".

Page 29, line 1, insert "(reduced by $11,200,000)" after "$5,945,991,000".

Page 27, line 15, insert ": *Provided further*, That of the funds made available under this heading, $11,200,000 shall be made available for the healthy community access program" after "public office".

H.R. 3010

Offered By: Mr. Nadler

Amendment No. 24: In title III in the item relating to "School Improvement Programs", after the aggregate dollar amount, insert "(increased by $35,600,000)".

In title III in the item relating to "Departmental Management—Program Administration", after the aggregate dollar amount, insert "(reduced by $35,600,000)".

H.R. 3010

Offered By: Ms. Bordallo

Amendment No. 25: At the end of the bill (before the short title), insert the following:

Sec. _______. None of the funds made available in this Act may be used to enforce the limitations under section 1108 of the Social Security Act on the amount certified for fiscal year 2006 with respect to title XIX of such Act with respect to Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands, but only insofar as such amount provided by this Act does not exceed $9,480,000 for Guam, $9,720,000 for the Virgin Islands, $6,120,000 for American Samoa, and $3,480,000 for the Northern Mariana Islands, and the amount otherwise provided by this Act for "Centers for Medicare and Medicaid Services—Program Management" is hereby reduced by $8,000,000.

SENATE—*Wednesday, June 22, 2005*

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Wondrous sovereign God, thank You for the gift of another sunrise. We trust in Your unfailing love and rejoice in Your salvation. Your words are right and true: Your plans stand firm forever. Lord, rule our world by Your wise providence.

As the Members of this Congress investigate and legislate, help them to hate the false and cling to the truth. Give them the wisdom to guard their lips and weigh their words. Guide them with righteousness and integrity. May they leave such a legacy of excellence that generations to come will be inspired by what they do now. Remind them of Your precepts, even through the watches of the night.

You are our help and our shield, and we wait in hope for You. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 22, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will return to the Energy bill with the lineup of amendments that was agreed to last night. Under that order, Senator FEINSTEIN will go first with her amendment relating to LNG. That will be considered under a 60-minute time limitation. Following that debate, Senator BYRD will offer an amendment related to rural gas prices. In addition to those amendments, we have several others who are prepared to offer amendments if time is available this morning. During this morning's debate, we will determine if we will vote after the discussion of each amendment or if we will stack a vote or two together. Senators should expect the first vote to occur prior to noon today.

Also, last night, we reached an agreement to spend 3 hours for debate on the McCain-Lieberman amendment on climate change. We expect to resume that amendment around midday, around noon today.

Finally, I remind everyone that cloture was filed last night on the underlying Energy bill, and thus that cloture vote would occur Thursday morning. We expect that cloture will be invoked, and we will be voting on final passage of the Energy bill before we close for the week. We will follow the Energy bill with most probably Interior appropriations. We plan on doing two appropriations bills before we leave for the recess.

Also as a reminder to our colleagues, under rule XXII, first-degree amendments must be filed by 1 p.m. today. We will have a busy day today, likely go well into the evening. We will have votes over the course of the day as we bring the bill to a final vote hopefully tomorrow.

ASSISTANT DEMOCRATIC LEADER'S APOLOGY

Mr. FRIST. Last night, we all listened to the statement of the assistant Democratic leader in which he addressed comments made a week ago that had equated our U.S. military actions in Guantanamo to Nazi death camps, Soviet gulags, and Pol Pot's killing fields. My colleagues and I had urged the Senator to issue a formal apology and to strike his remarks from the RECORD. We asked his fellow Democrats to denounce his remarks or at least to distance themselves from those remarks.

Last night, he apologized. We appreciate that and we respect that. It was the right thing to do. It was the right thing to do for this body and I believe for our troops overseas. Why? Because over the course of the day's proceeding of the apology, damage was being done. Intended or not, damage was being done. It was being done by giving voices at Al Jazeera more cause to gleefully repeat those charges around the world. We believe damage was being done to our men and women in uniform, not intended but the damage was being done.

With our troops in harm's way all around the globe and in an era where information flashes literally in seconds from one side of the world to the other, we all must be careful about what we say and how we say it. If what we say is not intended, then we need to correct it early on. It is a lesson we all learn over and over again. I have certainly made my share of verbal mistakes and missteps over the years.

So last night's statement from Senator DURBIN both honored our troops and recognized the sacrifices of those who lived and died under the grim systems of Nazi terror, of Soviet repression, and Cambodian genocide. That is right, fine, and worthy. Senator DURBIN took an honorable step yesterday afternoon. I look forward to working with our colleague from Illinois as we move forward in the days and weeks ahead.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

JOHN BOLTON NOMINATION

Mr. REID. Mr. President, yesterday at the White House it was reported that President Bush told Republican leaders to keep fighting to get Mr. Bolton, the President's nominee to be U.N. ambassador, an up-or-down vote. Keep fighting—that was the message delivered by the President.

I understand the need for an occasional pep rally to bolster discouraged members of his party, but the American people are tired of the fighting and the bickering. They want us to tackle the hard issues confronting this country and deal with the crisis in health care where 45 million people have no health insurance and millions of others are underinsured, to deal with education, the ability of parents to send their children to college and then the deteriorating nature of our public school system, part of which is directly

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

related to the Leave No Child Behind Act. We are approaching 1,800 dead American soldiers in the war in Iraq. We are approaching 20,000 who have been wounded. We do not know the exact number of Iraqis who are dead, but it is well over 100,000.

Of course, we have the President's ongoing direction to privatize Social Security. He has not directed his attention at all, as we should, to retirement security. United Airlines basically defaulted on their pension obligations to their employees. Delta, Northwest, other airlines, and other companies are standing by. Unless they get help from the Congress, they too will default on their obligations to their employees' retirement programs.

They, the White House, want the John Bolton matter resolved. It can be resolved easily and quickly in two ways. First, the President can take the advice of the distinguished Republican, the Senator from Ohio, Mr. VOINOVICH, and offer a new nominee. Over the course of the Foreign Relations Committee hearings, it became quite clear that John Bolton is simply not the right man for this most important job. John Bolton has attempted to manipulate intelligence, intimidate intelligence analysts, and has shown outright disdain for the international system and the institution for which he was nominated to serve.

The administration would have everyone believe that Mr. Bolton is the only man capable of delivering the reform message to the United Nations. We all agree that the United Nations needs reform, but I would submit that there are dozens, scores of tough reform-minded conservatives who could be confirmed rapidly with broad bipartisan support.

We have quickly approved the White House's two previous selections to this post, Negroponte and Danforth, and we are prepared to do so again.

When Senator Danforth decided to step down as our Representative to the United Nations, the administration had a choice to make: Did it want to pick someone along the lines of its two previous nominees who could have been quickly confirmed and on the job fixing the U.N. or did it want a fight in the Senate? It appears a fight was more in line with what they felt was appropriate.

Unfortunately, the administration, as I have said, knowingly chose a fight. They were told prior to sending his name to the Senate that it was a problem. The White House's choice and subsequent actions demonstrate that reform in Washington is needed as much as it is at the United Nations.

If the administration does not want to withdraw Mr. Bolton's nomination, and that appears to be clear, there is another path. It can take the advice of former majority leader TRENT LOTT, who said yesterday on Fox News that the administration should provide the information that has been requested by the Senate. This is Senator LOTT saying this, not me, even though I have said it also. Speaking to Fox News, the Senator from Mississippi further said:

> My colleagues have a right to know that information. . . . I think the [Administration] ought to give the [Senate] the information.

The distinguished Senator from Mississippi, my friend, also went on to say what this fight is really all about:

> We are saying to the White House, we're a coequal branch of government here, other Senators have done this in the past, we're seeking this information which we have a right to . . .

That is also a view shared by the Republican Senator from Rhode Island who sits on the committee, LINCOLN CHAFEE, who, when asked whether the White House should turn over the information about Mr. Bolton, said, as he usually does, in very short, concise statements: "I like full disclosure."

Full disclosure is exactly what we need. We should shed light on whether this nominee tried to stretch the truth about Syria's weapons of mass destruction programs, and it should explain why Mr. Bolton needed to see what Americans—perhaps his own superiors at the State Department—were saying about him in these NSA intercepts.

I have said it before and I will say it again: This fight is not about Mr. Bolton. It is about whether this administration will recognize that the Constitution established that Congress is a coequal branch of Government with certain powers and responsibilities. If the President turns over the information, not part of it or a summary of it but turns over all of the information requested, the White House will get their up-or-down vote on Mr. Bolton.

Unlike the advice offered by the President yesterday, continued fighting will not advance his troubled nominee. Working with the Senate will. By taking the advice of my friends from Ohio, Senator VOINOVICH; Mississippi, TRENT LOTT; and LINCOLN CHAFEE, Rhode Island, all Republicans, the President and the Congress can put this matter behind them and move on to the critical issues facing the Nation and the United Nations.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ENERGY POLICY ACT OF 2005

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6) to ensure jobs for our future with secure, affordable and reliable energy.

Pending:

Wyden/Dorgan amendment No. 792, to provide for the suspension of strategic petroleum reserve acquisitions.

Schumer amendment No. 805, to express the sense of the Senate regarding management of the Strategic Petroleum Reserve to lower the burden of gasoline prices on the economy of the United States and circumvent the efforts of OPEC to reap windfall profits.

McCain/Lieberman amendment No. 826, to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States.

Reid (for Lautenberg) amendment No. 839, to require any Federal agency that publishes a science-based climate change document that was significantly altered at White House request to make an unaltered final draft of the document publicly available for comparison.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from California, Mrs. FEINSTEIN, will be recognized to offer an amendment in relation to LNG.

The Senator from California.

AMENDMENT NO. 841

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 841.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Ms. SNOWE, Mr. REED, Mr. SESSIONS, Mr. KENNEDY, Ms. COLLINS, Mr. DODD, Mrs. BOXER, Mrs. CLINTON, Mr. LIEBERMAN, Ms. CANTWELL, Mr. KERRY, Mr. SCHUMER, and Mrs. MURRAY, proposes an amendment numbered 841.

Mrs. FEINSTEIN. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the Commission from approving an application for the authorization of the siting, construction, expansion, or operation of facilities located onshore or in State waters for the import of natural gas from a foreign country or the export of natural gas to a foreign country without the approval of the Governor of the State in which the facility would be located)

On page 311, after line 24, add the following:

"(3)(A) The Commission shall not approve an application for the authorization under this section of the siting, construction, expansion, or operation of facilities located onshore or in State waters for the import of natural gas from a foreign country or the export of natural gas to a foreign country without the approval of the Governor of the State in which the facility would be located. Subject to subparagraph (B), if the Governor fails to submit to the Commission an approval or disapproval not later than 45 days after the issuance of the final environmental impact statement on the proposed project, the approval shall be conclusively presumed. If the Governor notifies the Commission that an application, which would otherwise be approved under this paragraph, is inconsistent with State programs relating to environmental protection, land and water use, public health and safety, and coastal zone management, the Commission shall condition the license granted so as to make the license consistent with the State programs.

"(B) In the case of a project not approved before June 22, 2005, and for which the final environmental impact statement was issued more than 15 days before the date of enactment of this subsection, this paragraph shall apply, except that the Governor of the State shall submit the approval or disapproval of the Governor not later than 30 days after the date of enactment of this subsection, or approval shall be conclusively presumed. If the Governor disapproves the project within that period, neither the Commission nor any other Federal agency shall take any further action to approve the project or the construction or operation of the project.".

On page 312, line 1, strike "(3)" and insert "(4)".

On page 312, line 24, strike "(4)" and insert "(5)".

Mrs. FEINSTEIN. Mr. President, I rise on behalf of Senators SNOWE, REED, SESSIONS, KENNEDY, COLLINS, DODD, BOXER, CLINTON, LIEBERMAN, CANTWELL, KERRY, SCHUMER, and MURRAY, to offer this amendment to the Energy bill on the siting of liquefied natural gas import terminals. Let me clearly state that the problem is not whether to site these LNG terminals, but where. To give control to a remote Federal agency, when States are concerned about the safety of residents near a proposed site, we, the cosponsors of this amendment, believe is a mistake.

This Energy bill would give the Federal Energy Regulatory Commission, known as FERC, exclusive authority over siting onshore liquefied natural gas facilities. Our amendment would provide each State's Governor the same authority to veto, approve, or attach conditions to onshore liquefied natural gas facilities as they now have with respect to offshore liquefied natural gas facilities. This amendment is not concurrent siting. It does not require the applicant duplicate the application process, nor does it add additional time and money to the entire application process. It simply states Governors will have 45 days to approve, veto, or attach conditions to a project after FERC issues its final environmental impact statement.

This chart, I think, says it all. Increased demand for LNG means we need new natural gas supplies, and liquefied natural gas is one of the options available to us. Let me be clear. I do not oppose liquefied natural gas sites in California. Liquefied natural gas is clean energy and it is less costly than other forms.

What this chart shows is there are 34 potential sites for liquefied natural gas. Those are the blue circles, clustered around the gulf, off of Florida, off of the northeast coast, off of California, and one in the Pacific Northwest. It points out that eight sites in the United States have already been approved by FERC. It shows three are approved for Mexico, two are approved for Canada, and there are five existing sites at this time. Clearly this Nation is on its way to using liquefied natural gas.

The United States holds less than 4 percent of total world reserves, and California produces less than 15 percent of the natural gas it consumes, so if there is to be this form of clean energy, it must be imported. That is why Governor Schwarzenegger, the California Public Utilities Commission, the California Energy Commission, and the State Governors Association, all agree the State needs new natural gas supplies and that LNG terminals may help put downward pressure on increasing natural gas prices.

The chairman and ranking member of the Energy Committee believe FERC should have the final say over siting LNG terminals. On the other hand, we agree with the Governors of California, Massachusetts, Louisiana, Rhode Island, New Jersey, and Delaware, who stated in a letter dated May 25, that:

> Without State jurisdiction, there is no guarantee a project will be consistent with the homeland security or environmental requirements for a particular locality, or whether the project adequately addresses the energy demands of the respective State or region. We support legislation that would provide for concurrent State and Federal jurisdiction over LNG and other energy facilities.

I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

MAY 25, 2005.

Hon. PETE DOMENICI,
Chairman Committee on Energy and Natural Resources, U.S. Senate.
Hon. LAMAR ALEXANDER,
Chairman, Subcommittee on Energy, U.S. Senate.
Hon. JEFF BINGAMAN,
Ranking Member, Committee on Energy and Natural Resources, U.S. Senate.
Hon. BYRON DORGAN,
Ranking Member Subcommittee on Energy, U.S. Senate.

DEAR SENATORS: As you consider the energy bill now before your committee, we urge your support for maintaining the right of coastal states and communities to participate meaningfully in the planning and permitting of significant energy projects on our shores and the outer continental shelf immediately adjacent to state waters.

As Governors, we recognize the need for a comprehensive energy policy that will lessen our dependence on foreign sources and modernize the nation's infrastructure, development, and distribution system. We see this need daily as we address the economic concerns of citizens and businesses within our states. However, provisions of the Energy Policy Act of 2005 (H.R. 6), as passed by the House of Representatives, unacceptably preempt state and local jurisdiction over siting of Liquefied Natural Gas (LNG) and other energy facilities.

Based on current and previous siting controversies, there is little reason to believe that the Federal Energy Regulatory Commission (FERC) is willing or able to address legitimate, long-standing state and local concerns with the siting of on and offshore projects. The provisions in H.R. 6 entrust FERC with "sole authority" for the permitting of LNG and other energy facilities, and relegate state and local agencies, which currently play a strong role in the process, to after-the-fact consideration and unreasonable timelines. Without state jurisdiction there is no guarantee a project will be consistent with the homeland security or environmental requirements for a particular locality, or whether the project adequately addresses the energy demands of the respective state or region. We support legislation that would provide for concurrent state and federal jurisdiction over LNG and other energy facilities.

We would welcome the opportunity to work together with Congress to develop a permitting process that balances the need for increased energy production with the maintenance of a robust role for states and local governments. In the meantime, we urge you to maintain the common sense measures that allow those most directly affected to have a voice in the siting of energy facilities.

Sincerely,

GOV. ARNOLD SCHWARZENEGGER,
California.
GOV. KATHLEEN BLANCO,
Louisiana.
GOV. DONALD CARCIERI,
Rhode Island.
GOV. MITT ROMNEY,
Massachusetts.
GOV. RUTH ANN MINNER,
Delaware.
GOV. RICHARD CODEY,
New Jersey.

Mrs. FEINSTEIN. Mr. President, this letter is buttressed by the letter just received from the National Governors Association, supporting this amendment, which will shortly be on everyone's desk. I ask unanimous consent that second letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, June 21, 2005.

Hon. PETE DOMENICI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.
Hon. JEFF BINGAMAN,
Ranking Member, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN DOMENICI AND RANKING MEMBER BINGAMAN: On behalf of the National Governors Association, I write to ask you to support the Feinstein/Snowe/Reed/Seesions amendment to the Energy Policy Act of 2005 on the sitting of liquefied natural gas (LNG) facilities. As stewards of state resources, governors must have the authority to determine what is in the best interest of their state. This modification recognizes the critical role governors play within their states, as well as within a natural energy policy, while avoiding an unnecessary preemption of state authority.

Governors recognize the importance of a comprehensive energy policy and support the promotion of a diverse and reliable portfolio of energy sources. However, any national energy policy must also recognize the authority of states in decision-making and not allow for the federal pre-emption of that authority. This policy extends to the siting of LNG facilities of state land or in state waters. Given the impact any proposed energy project can have on state and local resources, economy and infrastructure, governors must have the ability to review those impacts and approve or reject LNG projects that fall under state jurisdiction.

The bipartisan amendment offered by Senator Feinstein, Snowe, Reed, and Sessions would require gubernatorial approval of any application regarding the siting of LNG facilities located onshore or in state waters, thus providing concurrent jurisdiction over these projects. This is the same authority granted to governors under the Deepwater Ports Act of 1974 for offshore projects and it is reasonable to request the same authority for projects that could have an even greater impact on states. Therefore, the governors urge you to support the amendment in an effort to reach a fair compromise that retains state authority while promoting a diverse national energy policy.

Governors commend both of you for your leadership in the effort to enact a new national energy policy and look forward to working with you as the legislation continues to move through Congress.

Sincerely,

RAYMOND C. SCHEPPACH,
Executive Director.

Mrs. FEINSTEIN. States will be responsible for the safety of these facilities for a long time after they are sited. That is why it is so important to preserve the rights of the States to participate in the process to determine where these facilities should be located. For LNG facilities that are being sited offshore, the Governor has the right to approve or veto a project now, yet this bill gives the State less input for facilities that are located on shore, in our busy ports, and near closely packed communities. This is completely illogical to me. It simply does not make sense. To give the Governor the veto power over a deepwater port more than 3 miles from land, and yet refuse to give that Governor any veto power over a site that might be located in the heart of the densest metropolitan areas of our country is completely illogical.

In a conversation I had recently, last week, with Chairman Pat Wood of the Federal Energy Regulatory Commission, he said even if the Federal Government sited an LNG facility, it would not be built as long as a Governor opposed it. If that is in fact the case, then why not give the Governor of a State the necessary authority?

Let me explain how this works. Under the Deep Water Port Act, which was amended in 2002 to regulate the process for siting offshore LNG, an LNG terminal that is located in Federal waters beyond the 3 miles of the State's territorial waters must be approved by the Federal Government, the U.S. Coast Guard, the U.S. Maritime Administration, and the Governor of the adjacent coastal State.

Under the pending Energy bill, the Governor would have no veto authority for siting onshore LNG terminals. In other words, if the Governor of California or Massachusetts or anywhere else were to decide an LNG terminal posed too great a safety risk to the 400,000 people living close—let's say to the Port of Long Beach; that is the only proposed onshore project in California—then the Governor would have no authority, the State would have no authority to veto that project. But if that same project were located offshore, more than 3 miles away from the Port of Long Beach, the Governor would be able to veto it. That is nonsensical, in my view.

Some of my colleagues will argue that States already have a veto under the Coastal Zone Management Act. However, I have received a letter from Chairman Wood that says in fact the State does not have a veto authority under this law. In a letter to me dated June 15, Chairman Wood states that:

> . . . [F]ollowing an adverse consistency determination by a State, the Secretary of Commerce can, on his own initiative or upon appeal by the applicant, find after providing a reasonable opportunity for detailed comments by the Federal energy agency involved, and from the State, that the activity is consistent with the objectives of the Coastal Zone Management Act or is otherwise necessary in the interests of national security.

What does this mean? That means if the State were to find that the onshore LNG terminal would negatively impact the State's coastline, the Secretary of Commerce could take it upon himself to overturn that decision. Clearly, this removes any State authority.

I ask unanimous consent to have a series of letters that I have exchanged with the Chairman of FERC printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 14, 2005.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: As a follow-up to our discussion on Friday, June 10, 2005, enclosed is a description of how states, under the Coastal Zone Management Act, the Clean Air Act and the Federal Water Pollution Control Act (Clean Water Act), can in effect "veto" proposed LNG projects that are onshore or in state waters. Also enclosed is the chart you requested identifying which coastal state agencies, in addition to those in California, have permitting authority under these three Acts.

I believe the existing legislative provision in section 381 of the Senate bill (June 8, 2005) maintains current state "veto" authority over proposed LNG projects. While the bill appropriately clarifies the Federal Energy Regulatory Commission's exclusive authority to site LNG facilities that are onshore or in state waters, section 381 also specifically reserves state authorities under the Coastal Zone Management Act, the Clean Air Act and the Clean Water Act. As we discussed, state implementation of these Acts gives states a means to in effect "veto" proposed LNG projects. With the single exception of the Texas Railroad Commission, which is elected, every coastal state agency that administers these Acts, including those agencies in California, are headed by gubernatorial appointees. As you are aware, the current chairs of the administering agencies in California were appointed by Governor Schwarzenegger.

If I may be of further assistance in this or any other matter, please don't hesitate to contact me.

Best regards,

PAT WOOD, III,
Chairman.

Enclosures.

STATES' ROLES IN ADMINISTERING FEDERAL LAWS

CLEAN WATER ACT

Pursuant to section 401 of the Clean Water Act, 33 U.S.C. 1341, an applicant for a federal license or permit to conduct any activity (including construction and operation) which may result in any discharge into navigable waters must provide the licensing or permitting agency a certification from the state in which the discharge originates or will originate. If the certification is denied, no license or permit can be granted. We are aware of no instance in which a proposed LNG project does not involve a discharge requiring certification.

In addition, section 404 of the Clean Water Act, 33 U.S.C. 1344, requires permits from the U.S. Army Corps of Engineers for the discharge of dredged or fill material. In considering such permit applications, the Corps requires applicants to obtain a section 401 permit, giving the state two opportunities under the Clean Water Act to block LNG projects. Again, we are aware of no LNG project that does not require a section 404 permit.

Thus, if a state denies Clean Water Act certification for an LNG project, the Commission and the Corps cannot authorize construction of the project.

COASTAL ZONE MANAGEMENT ACT

Section 307(c) of the Coastal Zone Management Act, 16 U.S.C. 1456(c), requires an applicant for a federal license or permit to conduct an activity affecting the coastal zone to provide to the licensing or permitting agency a certification that the proposed activity complies with the enforceable policies of the affected state's coastal zone management program. If the state does not concur with the certification, no federal license or permit may be issued. LNG import or export projects are located in the coastal zone. In consequence, if a state does not concur with a certification by an LNG project proponent, the Commission cannot authorize construction of the project.

CLEAN AIR ACT

Section 502 of the Clean Air Act, 42 U.S.C. 7661(a), makes it unlawful for any person to operate a source of air pollution (as detailed in that Act) except in compliance with a permit issued by a permitting authority. States are authorized by the Administrator of the EPA to be permitting authorities. We believe it unlikely that an LNG project would not require a Clean Air Act permit. Based on the foregoing, as discussed with respect to the Clean Water Act, a state can deny a necessary Clean Air Act permit.

COASTAL STATE AGENCIES ADMINISTERING CLEAN WATER ACT, CLEAN AIR ACT, AND COASTAL ZONE MANAGEMENT ACT

State	Agency	Agency head	Elected/appointed	Clean Air Act
AL	Department of Environmental Management	Director Trey Glenn	Appointed (by the Commission)	X
CA	CA Coastal Commission	Chair Meg Caldwell	Appointed.	
CA	Environmental Protection Agency	Sec. Allan Lloyd	Appointed.	
CA	Air Resources Board	Chairman Barbara Riordan	Appointed	X
CT	Department of Environmental Protection	Commissioner Gina McCarthy	Appointed	X
DE	Department of Natural Resources and Environmental Control	Sec. John Hughes	Appointed	X
FL	FL Department of Environmental Protection	Sec. Colleen Castille	Appointed	X
LA	Department of Natural Resources	Sec. Scott Angelle	Appointed.	
LA	Department of Environmental Quality	Sec. Mike McDaniel	Appointed	X
MA	Executive Office of Environmental Affairs	Sec. Ellen Roy Herzfelder	Appointed.	
MA	Department of Environmental Protection	Comm. Robert W. Golledge	Appointed by Secretary of OEA	X
MD	Department of Natural Resources	Sec. Ronald Franks	Appointed.	
MD	Department of the Environment	Sec. Kendl Philbrick	Appointed	X
ME	State Planning Office	Martha Freeman	Appointed.	
ME	Department of Environmental Protection	Chairman Richard Wardwell	Appointed	X
MS	Department of Marine Resources	Chairman Vernon Asper	Appointed.	
MS	Department of Environmental Quality	Director Charles Chisolm	Appointed	X
NC	Department of Environmental and Natural Resources	Sec. William G. Ross	Appointed	X
NJ	NJ Department of Environmental Protection	Comm. Bradley Campbell	Appointed	X
NY	Department of State	Sec. Randy A. Daniels	Appointed.	
NY	Department of Environmental Conservation	Commissioner Denise Sheehan	Appointed	X
OR	Department of Land Conservation and Development	Director Lane Shatterly	Appointed.	
OR	Department of Environmental Quality	Director Stephanie Hallock	Appointed	X
PA	Department of Environmental Protection	Sec. Kathleen Ann McGinty	Appointed	X
RI	Coastal Resources Management Council	Chairman Michael E. Tikoian	Appointed.	
RI	Department of Environmental Management	Director W. Michael Sullivan	Appointed	X
SC	Department of Health and Environmental Control	Comm. C. Earl Hunter	Appointed	X
TX	Railroad Commission of Texas	Chairman Victor Carrillo	Elected (Term expires 1/10).	
TX	TX Commission on Environmental Quality	Chairman Kathleen Hartnett White	Appointed	X
VA	Department of Environmental Quality	Director Robert Burnley	Appointed	X
WA	Department of Ecology	Jay Manning	Appointed	X

U.S. SENATE,
Washington, DC, June 14, 2005.

Hon. PAT WOOD, III,
Chairman, Federal Energy Regulatory Commission, Washington, DC.

DEAR CHAIRMAN WOOD: Thank you for your letter detailing how the States can, in effect, "veto" an LNG project

Based on your letter and the attachment entitled "States' Roles in Administering Federal Laws," I assume that the situation is as you describe:

If a state denies a Clean Water Act certification, the "Commission and the Corps cannot authorize construction of the project."

Under the Coastal Zone Management Act, "if a state does not concur with a certification by an LNG project proponent, the Commission cannot authorize construction of the project."

Under the Clean Air Act, "a state can deny a necessary Clean Air Act permit."

Therefore, I assume that this is absolute. You did not say "dependent upon an appeal." You make no reference to an appeal, therefore I assume this is an absolute statement in view of the fact that your letter lacks any mention of appeal.

Please let me know if I am mistaken in my understanding of your letter.

Sincerely,

DIANNE FEINSTEIN,
U.S. Senator.

FEDERAL ENERGY
REGULATORY COMMISSION,
Washington, DC, June 15, 2005.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for your letter of June 14, responding to my letter of the same date regarding state authority under the Clean Water Act, the Coastal Zone Management Act, and the Clean Air Act to preclude proposed liquefied natural gas (LNG) projects that are onshore or in state waters. You asked about the possibility of appeals from the referenced state actions under these statutes.

As I wrote earlier, the denial by a state of a Clean Water Act certification, a Coastal Zone Management Act (CZMA) concurrence, or a Clean Air Act permit will prevent the Commission and other federal agencies from authorizing the construction of LNG facilities. But, Applicants aggrieved by state decisions may have a right to appeal.

Under section 307(c)(3)(A) of the CZMA, 16 U.S.C. §1456(c)(3)(A), following an adverse consistency determination by a state, the Secretary of Commerce can "on his own initiative or upon appeal by the applicant find[ ], after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of [the CZMA] or is otherwise necessary in the interest of national security." At least some states also provide for review of initial CZMA decisions in state court.

It is my understanding that under the Clean Water Act and the Clean Air Act, the various states have differing administrative and judicial review procedures; the Environmental Protection Agency, which oversees the implementation of these statutes, may have more detailed state-specific information regarding these procedures. And, as is true of all of the Commission's orders, any approval or denial of an LNG project under the Natural Gas Act is also subject to review in the United States Courts of Appeals.

It remains the case that unless and until a state decision barring an LNG project is overturned, the Commission cannot authorize the construction of that project.

If I may be of further assistance in this or any other matter, please don't hesitate to contact me.

Best regards,

PAT WOOD, III,
Chairman.

Mrs. FEINSTEIN. Mr. President, that is why my colleagues and I are offering this amendment today, to provide States with a real veto authority if a project were to violate the State's environmental protection, land and water use, public health and safety, and coastal zone management laws. In this post-9/11 world, I think we have to look a little differently at the siting of all facilities, and especially the specific risk that LNG terminals pose. A December 2004 report by Sandia National Laboratories concluded that LNG tankers could, in fact, be a potential terrorist target. If the worst case scenario were to occur, a tanker could in fact spill liquefied natural gas that, in about 30 seconds, could set off a fire that would cause second-degree burns on people nearly a mile away.

I admit this is a small probability. Nonetheless, it is such, and therefore it has to be considered. In siting these terminals, that factor is a factor of relevant consideration. That is why this amendment is so important. States must have a role in siting LNG facilities in order to protect the welfare of their citizens.

Out of the 40 proposed LNG terminals in this Nation, the FERC believes only a dozen will actually be built. Since Governors have the responsibility of ensuring the safety of their constituents, it makes sense to me to allow the States to have a significant role in the siting of these facilities. If there are other options besides putting these facilities in busy ports or near population centers, they should be sited where they pose the least danger to people, not just where they make the most economic sense. Therefore, we present this amendment to the bill.

Mr. President, I reserve the remainder of my time and I turn the floor over to Senator KENNEDY for as much time as he consumes.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 60 minutes for debate equally divided. That started with the presentation of the Senator from California.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 7 minutes, if that is agreeable with the Senator from California.

Mrs. FEINSTEIN. It is.

SENATOR DURBIN

Mr. KENNEDY. Mr. President, first I want to pay tribute to a very good friend, and that is Senator DURBIN. I have had the good opportunity and great honor of representing Massachusetts in the Senate now for over 40 years. I believe Senator DURBIN is one of the most gifted, talented, able, and dedicated Members of the Senate with whom I have had the opportunity to serve. I believe he has a great love for this country, a great respect for the Senate, and a great love for his State of Illinois. I think every morning when he rises, he is looking out for the struggling middle class and the working families of this country. I have enormous respect for his dedication and his commitment to those who serve in the Armed Forces.

AMENDMENT NO. 841

Mr. President, I congratulate and thank my friend and colleague from California for offering this amendment. I rise in strong support of this amendment. She has made a very compelling case. I want to add some additional points to what I think is a very persuasive, commonsense approach to the whole issue of LNG.

I support the development of LNG. She has placed her finger on the most important aspects of it. We need it as a country. It ought to be embraced and expanded and supported. But at least the issues of safety and security ought to be able to be presented to the decision making bodies in this Government. Too often that has not received the consideration it deserves.

I want to add that at this moment, although I think this Energy bill moves us forward on many issues—from the new incentives for energy conservation to expanding our portfolio of renewable electricity—it has no clear plan for energy independence and it fails to provide needed relief from the high gas prices that are slowing our economy and that are being paid for by families all across this country. Millions of American households face a genuine energy crisis because of gas prices which are at their highest levels in years. The national level now is $2.13 a gallon, and in Massachusetts the price of regular gasoline is 24 percent higher than in 2001. We should explore all options for lowering gas prices immediately, including a more rigorous investigation of price gouging at the pump.

Our dependence on foreign oil is an albatross around our neck. The technology is there to rapidly reduce imports of foreign oil by making greater investments in solar and hydroelectric and other renewable energy sources. Success is within our reach if we set a clear target.

That is why I gave strong support to Senator CANTWELL, who offered the amendment to reduce our dependence on foreign oil by 40 percent in 20 years. I am disappointed it did not receive the full support of our colleagues on the other side of the aisle because reducing our dependence on foreign oil is an important part of a comprehensive national strategy.

As Senator FEINSTEIN mentioned, LNG is part of all of this energy debate and discussion. She has talked very compellingly about the safety issues. LNG, as has been pointed out, is a highly hazardous and explosive material, as its track record clearly shows. At 40 LNG facilities in the world, serious accidents have occurred at 13 of them since 1944. In 1944, an accident at a facility in the United States killed 128 people. An accident at an Algerian facility killed or injured over 100 people. A Sandia Lab report released in December confirms our worst fears: If an LNG tanker or facility catches fire, the lives of residents within a 1-mile radius would be endangered by the resulting explosion.

The United States has not built an LNG facility in an urban area in over 30 years. There are 32 proposals under consideration. One of these facilities is in Weaver's Cove at the mouth of the Taunton River in Fall River, MA, a city of 100,000. And your city could be next.

Let me point out what we are facing in Weaver's Cove in Fall River. If you can see this chart, these small areas are homes. This circle represents 1 mile: 9,000 individuals live within that radius. Here is Somerset School. One thousand children go to that school every single day. And the Wiley School, which 165 students attend; St. Michael's School, another 165 children go every single day.

To transport LNG to the proposed facility at Weaver's Cove, also raises serious safety issues. A 33-million-gallon tanker has to travel 31 miles of coastline, through narrow waterways, along some of our most pristine areas, including Narragansett Bay, one of the populous estuaries in the United States. To reach the facility, the explosive liquefied natural gas would have to travel under five bridges, which are also likely targets for a terrorist attack.

Based on these facts, there is overwhelming opposition to the new facility in Fall River. The mayor of Fall River opposes it, as does the city council. The people of Fall River strongly oppose it. They are not against LNG, but there are 9,000 people living in this area. We are talking about the fact of moving this tanker up a narrow sealane for 31 miles.

Despite their pleas, FERC is moving forward with the approval of the site. FERC has ignored repeated requests from the mayor, myself, and my colleague Senator KERRY to discuss the issue. The congressional delegation has appealed to Secretary Chertoff of the Homeland Security to visit this site and we hope he will soon.

This amendment, as the Senator has pointed out, gives the Governor of a State where the site is proposed a voice in the process. It creates a true Federal-State partnership. That is how we regulate the siting of other hazardous facilities. That is how we should decide the placement of LNG facilities.

We need a responsible approach that makes sense in this new era where security must be a high priority. I hope this amendment will be accepted.

I thank the Senator from California.

Mrs. FEINSTEIN. I thank the distinguished Senator from Massachusetts.

I yield 7 minutes to the Senator from Maine, Ms. SNOWE. Then I ask unanimous consent to yield 7 minutes to Senator REED from Rhode Island.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

Ms. SNOWE. I thank Senator FEINSTEIN for yielding me time on this amendment. I have cosponsored this amendment because it is critical to involve States in the decisionmaking process of liquified natural gas terminal siting.

Natural gas, like renewable energy, should and will have a major place in our 21st century energy policy. Similar to my colleagues in other rural states, I have had concerns about the high cost of fuel. And similar to my colleagues in northern states, I have heard the concerns of the outrageous cost of oil in relation to our winter heating costs. I recognize the importance of creating a national plan that ensures that both the supply of energy is increased and our demand for energy is curtailed.

It is critical, as the Feinstein-Snowe amendment presents, that we have a responsibility to make sure that at the dawn of the 21st century, we have the ability to select placement of liquified natural gas sites deliberately and with all the potential problems addressed. The only truly effective way of ensuring safe and effective placement of LNG sites is to involve local concerns in the process. States simply need to have a role in deciding where the best LNG sites exist.

The Feinstein-Snowe legislation gives concurrent Federal and State jurisdiction for the siting of LNG facilities so that State governments are not preempted from the decisionmaking process for the location of future LNG facilities.

Let's talk about the scale of these tankers. The placement of an LNG facility has profound effects in the local community environment, ecosystem, fishing industry, and residential commercial communities that are intrinsically linked to the ocean. The decision to fundamentally change the nature of a coastal community in the placing of an LNG site should only be made by including all people in and all actors affected by the siting. This amendment ensures the State governments can provide insight into the location process.

My State of Maine has a coastline that is more than 5,000 miles long, which is why there is great interest in siting LNG facilities at different locations along its coast. Over this past year in Maine, the controversial siting of LNG facilities has found both support and opposition, finding some residents supporting a substantial source of economic development and revenues and others opposed because of concern about a potential terrorist target, interference with the lobster industry, navigation and spoiling the coastal vistas and land values. Each community has had the opportunity to have its say through referendums. Each resident was able to cast a vote, whether yes or no, as to what he or she thought was best for their community and for their State.

I have had great concerns about handing this very siting decision solely over to a Federal agency and feel very strongly there should be a process in place where the Governor, speaking for the people of Maine, must have an equal opportunity to democratically put a voice to what happens in their own back yard. What has occurred in the various communities is a perfect example as to why States should be given a say in the sitings of these facilities. States simply must have input into such a major decision. We are not talking about the siting of a neighborhood ball park or a new Wal-Mart but a processing facility that totally alters the coastal landscape and a facility that needs to be fed LNG from 13-story-high tankers coming into the port each and every day.

In its current form, the Energy bill before the Senate gives exclusive authority to the Federal Energy Regulatory Commission in selecting LNG sites. This would effectively eliminate any input from State governments into the selection of these locations. Moving total control to FERC transfers an enormous power to an unelected Federal agency which has no accountability to the local communities affected. Without the amendment, local sentiments will go unheard or be simply ignored. To foist upon a State and a local community and to exclude them from the process is clearly unwise.

Within our Union of States, unique State concerns must be recognized in Federal Government decisions. It is the States rights issue, plain and simple. The placement of an LNG facility in a given locality alters the landscape of that community. They are entitled to be involved in a decisionmaking process that allows the voices of the community to be heard.

Let us ensure that the safety, the environment, and local concerns are observed and that we include our State governments as coequals.

I ask my colleagues to join me in supporting the Feinstein-Snowe amendment. I thank the Senator from California for offering it. It is so critical, knowing the experience that has occurred in Maine. With many communities having voiced their opinions on a particular siting for an LNG facility, it is important they are able to participate in the process. I do not believe we should allow the Federal Government to supercede the ability of people to ultimately make a decision that transforms the landscape that clearly does have a direct effect and impact on those communities. That is a decision that should be determined by the people in a particular State. That is what has been happening in my State. It should be able to happen and occur in each and every State in the country. We should not allow Federal legislation to supercede or to prevent States from being able to voice their opinions, their decisions, and their own regulations with respect to siting these facilities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise to join Senator FEINSTEIN as a cosponsor of this amendment, along with my colleagues. Senator SNOWE, Senator SESSIONS, Senator KENNEDY, and many other cosponsors.

The siting of liquefied natural gas import terminals is a critical issue of importance to me and my neighbors in Rhode Island as the Federal Energy Regulatory Commission is considering two proposals: the KeySpan Energy proposal in Providence, RI, and a Weaver's Cove Energy proposal in Fall River, MA. Both of these have a huge impact on the people of Rhode Island.

LNG ships will have to transit Narragansett Bay to get to both of these facilities. The route of transit would be this way, coming off of Block Island Sound. It will pass between Newport, RI, and Jamestown, RI. Newport is one of the most populated cities in our region. It is densely populated. We all know it as a place of tourism and recreation. The boats, literally, would be within hundreds of yards of critical installations—hotels, hospitals, et cetera. Then it would move up, if it is going to Weaver's Cove in Fall River, this way, and would move up under several bridges until it got to the city of Fall River.

The KeySpan proposal would require the transit of a ship going up this way and then moving up around and all the way into Providence, RI, the most densely populated part of the State of Rhode Island, with a huge concentration of people and, indeed, where all of these bay-side areas are being developed intensively.

This project poses serious risks to the State of Rhode Island and the State of Massachusetts. Therefore, it is incumbent we provide local authorities with the ability to effectively involve themselves in the decisionmaking process. We understand there are certain Federal laws that give authority to the State to participate in these decisions—the Clean Water Act, the Clean Air Act, Coastal Zone Management Act—but none of them give the kind of clear involvement and clear leverage that State leaders need to effectively involve themselves in this decisionmaking.

Our amendment ensures that States have an authentic voice in the siting of LNG terminals by giving Governors the same authority to approve or disapprove onshore terminals that they now have over offshore terminals under the Deepwater Port Act.

It seems incongruous that Governors would have the authority to essentially veto an offshore project but they have no meaningful involvement on onshore projects placed in the heart of urban areas.

Let me show you the impact this proposal will have on the city of Providence. The KeySpan proposal would be situated right here, as shown on this chart. Within a very short radius, we have our largest hospital in the State of Rhode Island, our major medical center. We have thousands of homes. We have the downtown business area. Anything that happened here would have catastrophic effects on the State of Rhode Island.

To say the Governor cannot take into consideration factors such as safety and security ignores the current situation we face as a nation. These are very attractive targets to those people who want to seriously harm us, both in a physical sense and a psychological sense. We have to provide, I believe, at the local level, a meaningful way for Governors to participate in the siting of these facilities.

Again, it is not just a situation where they do not want it in their particular area. We understand there is a need for liquefied natural gas. We understand it is becoming an increasingly more important component of our energy sector. But we have to have the ability to look at safety issues and security issues.

This is particularly important after the report from the Sandia National Laboratories that said a terror attack on a tanker delivering LNG to a U.S. terminal could set off a fire so hot it would burn skin and damage buildings nearly a mile away. A mile from this facility encompasses huge swathes of Providence, RI, Cranston, RI, East Providence, RI, major medical facilities. This would be a devastating blow.

Now, the odds of such an attack, we hope, are very low, but the low odds, together with the huge consequences, suggest we have to be careful about this. We have to, I believe, give our local leaders, our Governor particularly, the ability to participate in this approval process.

I am confident this amendment will do that. It will require FERC and other

Federal agencies to work more closely with Governors and State environmental authorities and the first responder agencies that have firsthand knowledge of the geography and the population of these particular areas.

We want to bring more natural gas to our communities, but we do not want to jeopardize the safety and the security of our communities in a world today, regrettably but actually, very dangerous and very capable of these types of attacks on these types of facilities.

So I urge all of my colleagues to support Senator FEINSTEIN. I thank her for her leadership. This is very typical of her very thoughtful review of this bill but particularly this aspect of LNG.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Maine, the Senator from Rhode Island, and the Senator from Massachusetts for their comments. I believe that consumes the time I have; is that correct?

The PRESIDING OFFICER. The Senator has 1 minute.

Mrs. FEINSTEIN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, parliamentary inquiry: How much time do we have in opposition to the amendment?

The PRESIDING OFFICER. The Senator has 30 minutes.

Mr. DOMENICI. Thirty minutes. I yield to the distinguished junior Senator from Tennessee 7 minutes to start our debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the distinguished Senator from New Mexico and also the Senator from California for her contribution to the debate.

Let me begin by saying what we are talking about here. Sometimes we jump into subjects assuming everybody knows what we are talking about and it is not altogether clear.

We are talking about bringing natural gas from other countries into the United States to put in our pipelines, which then would be transported to be used in our industries, which use it to make chemicals and cars and other things, such as our industry which makes fertilizers for our farmers, and to use it in our homes so we can heat and cool them.

We have a terrific problem with natural gas. There is a lot of talk about gasoline, a lot of speeches being made about the prices at the pump. That is by far not the biggest problem we have in the United States right now in terms of energy. Our biggest challenge is the price of natural gas.

Now, why is that? For example, down in Tennessee—I have used this example many times, but it sticks out vividly in my mind—there is a company called Eastman Chemical. They employ 10,000 or 12,000 people—blue-collar workers, white-collar workers. They have for three generations. Forty percent of their cost is natural gas to make chemicals. There are 1 million blue-collar workers just like that across our country.

The price of natural gas in the United States is at a record level. It has gone from the lowest in the industrialized world to the highest in the industrialized world at $7 a unit. If it stays there, more and more of those jobs are going to be in Germany and other places where it is cheaper. So if we do not bring the gas in, the jobs are going out.

Now, how can we get a greater supply of gas? The Domenici-Bingaman bill has everything in it to help do that, but most of it is over the long term. New nuclear power would help, but it will be a few years. Coal gasification with carbon sequestration would help, but it will be a few years. Oil savings will help. It will take a little while, too.

The only thing that is going to help right now is new supplies—and it is pretty hard to get that in the United States—conservation—that is really where we ought to start—and the only thing left is liquefied natural gas.

The experts—the American Gas Foundation—say to us, if we bring in liquefied natural gas, the price of $7 a unit might go down. It might go down to $5 a unit. These jobs might stay here. These farmers might not have such a big pay cut, and the homeowners might get a break. But if we do not bring in natural gas, which is a very small part of our supply right now—2, 3, 4 percent—if we do not bring it in, the price of natural gas may be $13 a unit.

That will be a crisis for this country. It will not matter what the price of gasoline is in this country. If the price of natural gas is $13 a unit, we will not have anybody with enough money to buy gasoline because they won't have any money. They won't have a job. Their job will go overseas.

Why are we not bringing in more liquefied natural gas? Because we need terminals to store it in before we put it in our pipes. We only have four. We need a few more. We have 31 applications for those onshore and offshore. But we have a process that is broken. It is filled with uncertainty. It is in the courts. If we do not give it some certainty, the jobs will go overseas, the farmers will be taking a pay cut, and the homeowners are going to be paying bills they cannot afford to pay. So what the Domenici-Bingaman legislation does is give it some certainty.

Now, there is always the question of, What is the right balance of Federal authority—when you are dealing with foreign commerce and a national issue like this and security and safety—and local input? I find myself usually on the same side of the debates as the Senator from California. She was a mayor. I was a Governor. And I do not think we raise the principle of federalism high enough in our debates. But it does not always trump everything.

I happen to think the Domenici-Bingaman proposal is the right balance. First, what it does is it streamlines and makes more efficient the site process. In other words, if you want to file an application for a liquefied natural gas terminal, you go to one place. That would be the Federal Energy Regulatory Commission. It has the responsibility. Someone needs to have the sole responsibility for siting these plants.

Then, what do you do about State and local governments? Well, there were a lot of choices. One choice would have been to cut them out. That is not the proposal here. I would not have supported it if it were.

Here is what a Governor can do: A Governor has many rights under the Coastal Zone Management Act in terms of the location of an LNG terminal. If a Governor objects under the Coastal Zone Management Act, it is true the Secretary of Commerce might override them. But in a country that values federalism, if a Governor objects in a strong way, that is a very powerful decision.

But even if the Governor were overridden, the Governor has some other tools at his or her disposal, if the Governor objects. There is the clean water certificate, which the State issues. There is the clean air certificate, which the State issues. Nothing in this act changes that. The State still has to do it.

So there are three: the Coastal Zone Management Act, the Clean Air Act, and the Clean Water Act.

Now, in addition to that, nothing in this legislation speaks of eminent domain. We do not grant eminent domain. There is no explicit grant of eminent domain in this legislation, and there are local zoning and land use planning rules in almost every community that would have to be respected.

So I believe if I were the Governor of a State and I really did not want an LNG terminal, I would have plenty of tools in my arsenal to make my case.

We have 31 applications around the country. We only need a few more LNG terminals. It will be better for the regions of the country if they are located in the proper place. I do not know why the people in New York City would want to pay super-high natural gas prices. If they do not, they need a terminal up there so the gas does not have to be shipped up from New Orleans.

So all these factors have to be taken into account. But my points are these:

I believe the Domenici-Bingaman legislation has achieved the right balance on crisis issues. If there is one thing this legislation does—this whole bill does—that is important, that will affect the largest number of Americans, it is it will lower the price of natural gas. This may be the most important provision in the bill for that purpose because it will permit the bringing in of an immediate supply of natural gas. When the supply comes in, the price should stop going up and, hopefully, begin to go down, especially if all the other provisions in here—for conservation, alternative energy, oil savings—are used.

So I commend the Senator for his proposal. It is the right balance. I believe it is the most crucial part of the legislation we are considering if what we want to do is bring down prices. It gives the Governor a good measure of authority and respects local zoning and land use issues sufficiently to permit us to go forward and find a few more places. My guess is there will not be a natural liquefied gas terminal unless there is some consensus within the community and the State that it should be there.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, let me speak also in opposition to the Feinstein amendment. Federal jurisdiction over the siting of import and export terminals is constitutional, it is appropriate, it is a necessary part of this energy bill, in my view, and of any rational national energy policy.

Obviously, as the Senator from Tennessee was just pointing out, an adequate natural gas supply is extremely important to our Nation's economy. The regulation of foreign commerce, such as import and export terminals for LNG, is a Federal role under our Constitution.

The States have a legitimate interest, an interest in protecting their environment and the health and safety of their citizens. But the Feinstein amendment is not necessary because State participation authority in the LNG siting process is already very robust. For us to add another provision of law that says after the NEPA process is completed a Governor can come in and veto the siting of an LNG facility would be bad policy. In my view, the amendment being offered ignores the current State authority and turns the process on its head.

Today, for both offshore and onshore LNG proposals, State agencies with environmental expertise and related permitting authority are active participants in the NEPA process. Furthermore, an applicant must obtain all of the required State and local permits before that applicant can construct and operate an LNG terminal.

The bill which we have reported out of the committee does not take away any existing State authorities related to the LNG siting process. And the key Federal statutes that provide States permitting authority—those statutes are explicitly protected in our committee bill. It strikes a balance between Federal and State interests.

The Deepwater Port Act Gubernatorial veto, which has been referred to by the Senator from California, is not a good model for us to follow in this legislation. It was enacted in 1974 to provide a process for siting deepwater oil ports. The Governors' veto authority in the Deepwater Port Act has never been utilized. We are not certain why, but I would argue it is an artifact from a time when the environmental statutes that States currently can use were very new and were untested. The National Environmental Policy Act, NEPA, of 1969, was just in its infancy in 1974.

The NEPA process has evolved since the 1970s to require a thorough and wide-ranging public review of the environmental impacts of Federal actions and a consideration of alternatives to the proposed actions. Many other environmental statutes—the Coastal Zone Management Act mentioned by the Senator from Tennessee, the Federal Water Pollution Control Act, and the Clean Air Act—were also enacted in the early 1970s. These Federal statutes delegate significant permitting authority to the States.

The Feinstein amendment is not workable as it is currently drafted. It allows the Governor to veto a proposed terminal after the entire NEPA process has been completed and a final environmental impact statement has been issued. Yet the amendment does not require the Governor or the relevant State agencies to participate in that same NEPA process. This is a process that can take up to a year to complete. It is a process that is designed to involve all interested parties and to identify all of the significant environmental and safety issues that need to be resolved.

The amendment also allows the Governor to require the FERC to impose conditions on the LNG project to make it consistent with State environmental laws. But the veto and the consistency provisions in the Feinstein amendment duplicate authorities the States already have under other laws. The Coastal Zone Management Act requires that an applicant seeking a Federal permit to construct an LNG terminal in a coastal area prove to the State that the activity will be consistent with the State's coastal laws. If the State denies the consistency determination, the Federal permit cannot be issued. This effectively vetoes the project. There is a limited right of appeal to the Secretary of Commerce.

The Clean Water Act requires that an applicant obtain from the State a section 401 certification that the facility will comply with the act, including the State's water quality standards. Denial of this certification effectively vetoes the project as the only appeal that is provided for is to the State courts.

The committee bill does not take away any of these powers, nor does it affect the State and local laws that require project developers to obtain dozens of permits for LNG facilities.

I ask my colleagues: Why do we need to add this additional authority? It will discourage States from engaging in the NEPA process for a project that is in its early stages, when alternative sites can be identified and safety measures can be required. Indeed, the prospect of the Governor waiting to interject himself and the State at a later point in the project after the environmental impact statement is done will discourage industry from developing the LNG terminals that the country will need in the future.

Let me mention one other fact. I know the Senator from Rhode Island was talking about problems. He mentioned the KeySpan project in his State. FERC currently is actively engaged in assuring that these facilities are sited in safe locations. The Energy Daily, on May 23, had an article in it with the headline "FERC Staff Flunks Rhode Island LNG Facility on Safety."

In this article they point out that "the Federal Energy Regulatory Commission staff, in a final environmental impact analysis, said Friday that a controversial liquefied natural gas terminal project in Rhode Island would flunk Federal safety standards with inadequate earthquake protection and an insufficient fire buffer."

Then the article goes on to say:

> . . . it is highly unlikely that FERC would vote to approve the project over the findings of the final [environmental impact statement] which said rather bluntly: "KeySpan's LNG's proposed LNG import terminal would not meet current LNG safety standards . . . [and] KeySpan LNG has not provided any data to show that the proposed import terminal can be brought into compliance with the current safety standards."

I cite that to make the point that FERC is doing its job. They are not trying to put facilities or permit facilities at locations that are unsafe. They are taking into account the concerns of the local community and the concerns of the States. They are flunking applications where those concerns are valid.

We have tried to protect the rights of States and local communities in this legislation. I believe we have done that. I urge that we not adopt the Feinstein amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I hope that Senators and those advising Senators listened carefully to the two arguments that have already been made. In particular, I commend both Senators. But let me say, if you listen carefully to the argument that Senator BINGAMAN, my colleague from New Mexico, just made, it should be clear that there is no intention in our legislation that local authorities be usurped. There is no intention that the environmental law of the land—NEPA—not be complied with. As a matter of fact, it is required.

There is nothing in this law that will take a myriad of State and local requirements and do anything other than say they must be complied with.

I have behind me a chart which summarizes that permit and certification approval that must take place before we get to the final stages. And you go through a myriad of activities. We are talking about California: Fish and Wildlife, the Department of Transportation, regional water quality, California State Historic Preservation, storm water discharge associated with construction—we can go on and on, all of these things, including a full analysis as required by the National Environmental Policy Act, NEPA.

As we wrote this bill, we were trying to write national energy policy. Our country has been accustomed to a myriad of regulatory constraints and litigation before issues that are significant to our Nation's energy come to an end. We decided that there was protection with reference to the citizens, the location, and the States in the existing law of our land, and we didn't touch it. We merely said, in the final analysis, the last step will be decided by FERC, the Federal Energy Regulatory Commission.

This is a national energy issue. For anyone who thinks this is purely a simple issue of whether a Governor, when this process is all completed, ought to be able to say with a pen "I veto this," that is not the case. Any Governor who wants to participate and have a meaningful decisionmaking involvement has ample opportunity to do so, and they will. They will be heard.

In the final analysis, this country cannot wait and sit around and say: We will wait until this matter is litigated. We will wait until we see how many Governors want to say no, until we find one that will say yes. When, as a matter of fact, out of a myriad of applications—one, two, three, or four—one will have been deemed by every single environmental, every single test, every zoning law to be safe and sound. The country is dependent upon natural gas and the price of it for our future well-being. That has been stated over and over. This is an issue about whether we have a fertilizer industry. This is an issue of whether we import what we need to grow our crops or whether we produce it here. This is an issue whether America produces the chemicals we need for our lifestyle.

Why is it that? Because natural gas is the primary ingredient to all those things and more. As the Senator from Tennessee said, we had the luxury of the lowest natural gas prices. Natural gas was not in abundance when it was the lowest. Sure, we have a lot more natural gas we are producing in America. But the Senator from Tennessee indicated that we are doing everything we can to maximize our production. I want to add to his litany of what we are doing, to assure those who produce natural gas in America, we are not forgetting about them in this legislation. We are trying to give them every opportunity to produce more. We have streamlined their permitting process. We want America to produce it. But the one chance we have to bring back that competition that comes, when you have enough so that demand does not totally set the price but supply has something to do with it, is to let it be imported.

I wish I wasn't here saying that. I wish I could say America is not going to have to import natural gas. I tried my best before I started this bill. The Senator from New Mexico looked at it. I found those who say we cannot survive the next 25 years without very large increases in the natural gas that we need to use. We have to add a huge amount to what we can produce to survive.

What happens if we have a bottleneck of significant proportions on getting that natural gas into the country? The $7 plus per unit will go to $8. It will to go $9. It will go to $10. One prediction is it will go to $13. On the way, America will be going out of business. As it goes up, we are going out. We are going to lose jobs everywhere. All we are suggesting is, don't add to it. I would imagine if you looked in the world and you looked inside and said analyze how safe can the siting of one of these ports in an inland location, how safe can you make the site, you probably would say we have done everything that you could imagine to make sure that happens.

The only thing we have said is, when it is all finished—months and months, maybe even years—you can't then say a Governor can come a long and say no.

Nobody should think this is a States rights issue. This is a reasonable approach to an American problem of significance. Any Governor who is worth his salt—and probably all of them are—you can rest assured will be involved in this process. They will be involved. They just are not going to be able to say: Well, I watched it all, I have looked at it all—or, as Senator BINGAMAN says, perhaps they will let it all go by—and when we are finished, I will make a decision. They could say that. But I don't think that is going to happen.

First of all, we are not going to let that happen. But nobody is going to do that. They are going to get involved in all of these things that are here. In California, on the local level, you have to go through the Port of Long Beach, a harbor development permit, a building permit, the Port of Long Beach Development, city of Long Beach Engineering and Public Works. All of these things have to be done. We are not going to roll anybody over.

But in the final analysis, the States should be involved in that. If a Governor is concerned about his people, he should be involved. And, frankly, there is no doubt in my mind that if some mistakes are being made, they are going to get caught. Senator BINGAMAN just cited one. They aren't even close to a permit in one application. What has FERC said? They sent their people out to look at it. They said: Forget about it. It flunks the test. They didn't only fail their test, they would fail anybody's test. It would fail the test of any one of these entities. So it wouldn't be built.

But let me suggest, we have gone through making mistake after mistake by piling regulatory authority upon regulatory authority, to the extent that we have ended up saying:

OK, give up. We are just not going to do that.

The best example is nuclear power. I don't mean to have a big debate on it. But we decided that we should take care of that by litigation. We said: We will purify the shortcomings by going to court. We found out, if you to go court enough times, you kill anything because you can't get the money invested. It is a business. It must be done on the basis of financial returns, probability and risk.

I also want to say that something has been said here today about the risks involved in LNG. I don't want to get into a debate of risks involving LNG ports.

I suggest the Sandia National Laboratory report that was alluded to earlier by the distinguished Senator from Massachusetts. But rather than pick one section from it and reading it, it concludes that the chances anything serious will happen are minuscule. Everything you do of significance has a risk. If you don't want to risk your legs wearing out, don't get out of bed in the morning. Lay in bed your whole life. You sure won't hurt your knees. You may not be able to do anything, but you sure won't hurt your knees. Don't worry about that risk. There is a risk in everything involved in energy, but a minor risk when it comes to LNG ports. That is throughout this Sandia report.

That is an aside, just to say nobody is trying to take a risk-laden act for the location of a site and escape scrutiny. Nobody is suggesting that in this bipartisan bill that passed the committee 22 to 1. Nobody is suggesting that. Nobody is suggesting we are enhancing the risk of doing something we must do. Not at all.

I will close by saying something I believe everybody should understand. It is consensus interpretation that right now, today, without this bipartisan bill, the Federal Government has a say-so about location. I can cite various commissions, various legal opinions. But understand that when such an issue is contentious, imagine how long it could take to get a decision made about something important to a country—how many years.

I note the presence on the floor of a distinguished lawyer, the Senator from Alabama. I don't know where he is on this issue. As a States rights Senator, he probably thinks this is a States right issue. I am a States rights Senator, too, but I don't think it is. He knows how many years of litigation it would take. Would it take one? It could take four or maybe more. It would go through district court, Federal court, an appeal, they would redo it, and then somebody files an injunction and they take another appeal—while FERC says, why don't we locate a port and bring this LNG in here.

I close by saying that we are dependent upon crude oil from overseas for our very survival. I wish I could tell you we are not going to become dependent upon natural gas from overseas, but that is not the case. We are going to be. You know, those countries are going to spend so much money making sure they develop the kinds of boats needed to bring it over here that are safe. I heard from one country that they are going to invest billions of dollars for the safety of the hulls of those ships that are going to bring it over here because they, too, know they cannot have accidents. All of this means this is profitable to somebody who produces it. We hope we don't make it such that it is more profitable because the supply is limited because we cannot act.

So this is a provision in our bill which says: Act with extreme prudence. Act only after you go through every hoop you could go through. But don't, at the end of it all, say: Governor, after all, it is a national problem studied by everybody, with environmental impact statements completed, local zoning ordinances, and the Governor could get involved and argue and send his people, and when it is finished, he can take out his pen and say I veto it. I don't think that is the way to do it.

I have not made my argument with as much legal precision as my friend Senator BINGAMAN, but I do believe I have stated the case—not the case for California, but the case for America. Let me say there is no better advocate than Senator FEINSTEIN. But I must admit there is no State that makes more decisions against producing energy in their State for their people than California.

My time is expired. I yield the floor.

Mr. DODD. Mr. President, I am pleased to join my colleague from California, Senator FEINSTEIN, as a cosponsor of an amendment to ensure there is State authority in the siting of liquified natural gas (LNG) facilities.

I am troubled by section 381 of the underlying Senate energy bill that preempts State authority and gives exclusive authority to the Federal Energy Regulatory Commission (FERC) to approve or deny an application for the siting, construction, expansion, or operation of LNG facilities within state boundaries. Extreme care must be taken to ensure that no energy project undermines the economic and environmental well-being of a State. The provision in the energy bill undercuts the rights of States to determine how best to protect their natural resources, economy and residents. It erodes State authority under the Coastal Zone Management Act, the Clean Air Act, and the Federal Water Pollution Control Act, to name but a few landmark environmental pieces of legislation that have established and affirmed the critical role of States in setting energy policy.

Our amendment seeks to provide dual jurisdiction for States and the Federal Government, with respect to LNG facilities, similar to the provisions of the Deepwater Port Act of 1974 and as last amended in 2003. We are not inventing any new authority. Our straightforward amendment would require that FERC shall not approve an LNG license without the approval of a Governor. It defies common sense to have the voice of the States silenced by the Federal Government. The will of the people must be heard.

Frankly, I do not see the need to turn our siting authority on its head. It is my understanding that as many as six LNG facilities have recently been approved by FERC and two additional facilities have been approved by the Maritime Administration (MARAD). These new facilities would join the 4 currently operating LNG facilities—facilities that have been in existence for many years. In February, the current FERC Chairman stated that he expected at least eight new terminals for LNG to be built in the next 5 years. That many have already received FERC clearance, but there are another 16 proposals with FERC, 7 proposals with MARAD and another 10 potential sites identified by project sponsors.

I understand the need for increasing our supply of natural gas. But I am concerned that an over-reliance on LNG will simply shift this country from a reliance on foreign oil to a reliance on foreign sources of LNG. It is my understanding that Iran, Qatar and Russia hold more than half of the world's natural gas reserves. In April, Qatar, Iran, Egypt, Nigeria, Venezuela, and other natural gas producing nations met to discuss LNG pricing concerns, leading many to believe there is a will to some day form an OPEC-like structure.

One of those LNG proposals before FERC would be located in Long Island Sound. While this structure is not onshore, it is still within State boundaries. It would tentatively be positioned about 11 miles from Connecticut and 9 miles from New York. According to the company's own pre-filing with FERC, the floating storage and regasification unit (FSRU) would be about 1,200 feet long and 180 feet wide. That is longer than 3 football fields and a bit wider than one field. The structure would stand 100 feet above the surface of the water. That is about one-third the height of the Capitol from the base to the top of the Statue of Freedom. After warming the LNG to a gas, it would be transported in a NEW pipeline under Long Island Sound to an existing underwater pipeline. The structure would receive LNG shipments every 3 to 4 days and these tankers are projected to be nearly 1,000 feet long.

These are not benign actions. The construction of the LNG structure and a new pipeline, combined with the ongoing tanker activity would have an immediate and immense impact on Long Island Sound and the states of Connecticut and New York. Tanker activity alone could cause such an exclusion zone that normal commerce and recreation on Long Island Sound could be dramatically impaired. It is imperative that the governor have authority to determine whether this project is safe, economic and reliable.

Let us not forget, this proposed structure would be smack in the middle of Long Island Sound. Any attempt to move it away from Connecticut only moves it closer to New York and vice versa. Long Island Sound is an estuary of national significance, but it is only 21 miles at its widest. There is not a lot of wiggle room for this structure. More than 8 million people live and vacation on or around Long Island Sound. Connecticut and New York have already spent millions of dollars and dedicated millions more to restore the health of the Long Island Sound ecosystem. A healthy habitat ensures a prosperous recreational and commercial fishing industry, boating, swimming, and an overall thriving tourism industry. Long Island Sound provides an economic benefit of more than $5 billion to the regional economy.

So, as this process moves along, decisions regarding the siting of an LNG facility must take into account its safety and security, its environmental impact, its actual energy benefits and its general fit within Long Island Sound. LNG facilities must be sited smartly and our governors must have a final say. I ask my colleagues to support this amendment.

Mr. SHELBY. Mr. President, I rise today to speak in relation to the Feinstein amendment.

The issue of liquefied natural gas, or LNG, has become one of great concern in my home State of Alabama and to many others across the country. I believe it is important that LNG be part of our Nation's comprehensive energy plan. However, we must ensure that these facilities are safe and are sited in appropriate locations that have the support of the local communities and the State.

I recognize that the Federal Government should have the authority to site and permit these facilities—but not without the input of the State and the local community. I do not believe that the Federal Government should run rough-shod over State and local interests. It is imperative that they be protected throughout the siting process. To that end, I believe that a clear and direct line of communication between the Federal Energy Regulatory Commission and State and local governments be established—because I do not believe that the current process provides such an avenue.

However, I do not believe that the Feinstein amendment is the appropriate way to ensure this relationship. While I am firmly committed to States rights, I believe that giving a State "veto" power over the siting of an LNG terminal is contrary to the Constitution and in my opinion, not in the best interests of our Nation. The interstate commerce clause clearly places matters of interstate and foreign commerce in the hands of the Federal Government.

I believe that we can provide an avenue for State and local involvement while still preserving the constitutional role of the Federal Government in matters of interstate commerce. To that end, I have worked with Chairman DOMENICI and Senator BINGAMAN to craft language that strikes that important balance. I believe that we have crafted a proposal that does just that and would encourage my colleagues to consider that language before we end debate on the issue of LNG.

The proposal that I reference will provide our State and local communities with a strong voice in the permitting and siting process of LNG facilities while maintaining the critical role of the Federal Government in interstate and foreign commerce. This language ensures that State and local authorities are represented by a single party or agency throughout the process and that their concerns regarding safety, security, coastal conservation and environmental protection are clearly articulated and acknowledged. In addition, the language also clearly lays out the process for developing a cost sharing plan between the industry and the State, local, and Federal agencies tasked with maintaining safety and security around the facility. This will ensure that these facilities do not tax the response systems to the detriment of the surrounding community.

I have been involved in the debate over LNG for the last several years and my goal and concern has been and always will be to protect the citizen's of Alabama while also providing an opportunity for the development of a critical asset. I thank Chairman DOMENICI for his willingness to work on this issue and find a common ground.

Mrs. BOXER. Mr. President, I am pleased to co-sponsor Senator FEINSTEIN's amendment to provide Governors with veto authority on the siting of onshore liquified natural gas, LNG, facilities. This is an extremely important issue in California, and I commend my colleague for her amendment.

The energy bill we are debating hands full authority for LNG siting decisions to a federal entity, the Federal Energy Regulatory Commission, FERC. It denies States a role in deciding whether and where LNG terminals may be located on our coastlines.

This is a misguided proposal.

Does FERC have a better understanding than a State's Governor of the potential environmental impact of an LNG facility located on or near the State's shore? Does FERC better understand the potential safety risk of facilities located near residential areas? Is FERC better qualified than a State to judge whether a proposed LNG facility would pose an unacceptable security risk to the area? Can FERC make a better judgment than the Governor of a State as to whether the benefits of an LNG facility will outweigh the drawbacks?

The answer to all of these questions is "no." Only individual States can determine the best solution for their citizens when so much is at stake in terms of safety, security, and the sanctity of our environment.

We in California are all too aware that the Federal Energy Regulatory Commission's decisions may not be in our best interests. For too long during California's energy crisis in 2000–2001, FERC ignored the problem and took no action to help. Even today, four years later, we are still waiting for FERC to order refunds on the unjust and unreasonable rates charged by energy companies that were manipulating the market. We in California do not trust FERC to protect our interests.

I recognize that this country has a growing need for natural gas resources, and the construction of LNG facilities will help meet that need in the years to come. I am not arguing that no LNG terminals should be constructed on or close to our shores. I am simply arguing that FERC should not be the final arbiter in determining where those facilities are located. Each State deserves to decide for itself whether the benefits of such a facility outweigh the costs.

I urge my colleagues to vote for this amendment.

Ms. CANTWELL. Mr. President, I rise today in support of the amendment offered by Senator FEINSTEIN. This amendment is an important, commonsense tool that will provide States with the authority they need to protect their citizens' safety, security, and environment.

The underlying bill grants exclusive jurisdiction to the Federal Energy Regulatory Commission for the siting of LNG facilities. Unfortunately, this model minimizes the opportunity for important State interests regarding public safety, security, and environmental concerns to be adequately addressed within the LNG siting process.

The Feinstein amendment is simple—it allows the Governor of affected States to approve, veto, or condition the siting of onshore liquefied natural gas, LNG, terminals based on safety, security, environmental, and other concerns. In addition to providing Governors a clear role in bringing safety and security challenges to light, it also provides them with the tools to have those concerns adequately addressed.

Furthermore, the Feinstein amendment makes sense. Under the Deepwater Port Act of 1974, the Governors of adjacent coastal States already have the ability to veto, approve, or condition the siting of LNG terminals located outside of their jurisdiction in Federal waters. Affected States should have the same authority over LNG facilities on their land or bodies of water that they already have over facilities sited in Federal waters. The Feinstein amendment grants states this important role over LNG facilities proposed within their jurisdiction.

The Feinstein amendment is critical to assure that safety and homeland security concerns related to LNG facilities are addressed. Since 1944 there have been 13 serious accidents at onshore LNG facilities. A recent LNG accident in Algeria killed 27 workers, injured 74 others, and was reported to be the worst petrochemical fire in Algeria in more than 40 years.

Several reports have cited the potential homeland security challenges posed by LNG terminals, delivery tankers and their role in a potential terrorist attack. The potential impacts of a well-coordinated terrorist attack are immense. A December 2004 report by Sandia National Laboratories, reported that an intentional LNG spill and resulting fire could cause "major" injuries to people and "significant" damage to structures within approximately .3 miles of the spill site, more moderate injuries and structural damage up to 1 mile from the spill site, and lower impacts out to 1.5 miles.

Given these potential safety and homeland security concerns, Governors should have a clear role to play in the siting of LNG facilities within their jurisdiction. I urge my colleagues to support the Feinstein amendment that will support the rights of States to adequately protect their citizens' safety, security, and environment.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I understand I have a minute remaining.

The PRESIDING OFFICER. That is correct.

Mrs. FEINSTEIN. However, Senator SESSIONS has asked to speak for 3 minutes, and then I would like to have 1 minute to wrap up, if I might. I ask unanimous consent that the time be extended in that regard.

Mr. DOMENICI. Reserving the right to object, I have no objection if we add to that that we have the same amount of time added to our side.

The PRESIDING OFFICER. There would be 3 minutes additional to each side. Is there objection?

Mrs. FEINSTEIN. Three minutes for Senator SESSIONS, and 1 minute for Senator DOMENICI, and 1 for me?

The PRESIDING OFFICER. As the Chair understands the request, there would be 3 minutes for Senator SESSIONS, Senator FEINSTEIN's remaining 1 minute, and 3 minutes for Senator DOMENICI.

Mrs. FEINSTEIN. Three additional minutes?

Mr. DOMENICI. We are adding 3 minutes to the Senator's time, so we should get 3 minutes. The Senator's doesn't count because she has it anyway.

Mrs. FEINSTEIN. OK.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I express my admiration for the Senator from New Mexico and his leadership on this bill. In his heart, he is right and fundamentally correct that this country needs to produce more energy. The State of Alabama has been very aggressive in supporting our Nation's need for energy. We have wells drilled right off our coast, far off our coast, and we believe that is good for this country. As a matter of fact, off our coast, beyond a 3-mile or 9-mile limit it is Federal waters and States don't have control over that. To bring an LNG terminal into a community can cause some real problems.

I appreciate the leadership of Senator DOMENICI and Senator BINGAMAN in offering an alternative solution to this approval process. But I frankly don't think it is sufficient. We have to have some ability for the local governments to have real, meaningful objections raised for the safety of the people in the community. So that is what I am concerned about.

At this time, the suggestions that are made in good faith, are not sufficient. There is no doubt that natural gas is important to our country. Higher demand is there every day. Our supplies will dwindle unless we bring on new sources. Liquefied natural gas can be brought into this country. It burns cleaner than most other fuels. If we can bring it in in large numbers, it will be good for America. But to say that a State or a Governor cannot participate fundamentally with some real power I think would be a dangerous step. That is why I must reluctantly oppose the current language and support Senator FEINSTEIN's language.

Also, our community of Mobile, my hometown, wrestled with an LNG terminal recently. They wanted to place it pretty close in and there was a great deal of concern expressed about safety. I frankly am not one capable of analyzing the scientific data that was raised in that regard. But I will say that serious concerns were raised and the Governor did participate. As a result, I think a new site and a new way of bringing that in would be established, if it is done at all.

So I say my concern is that we have to have a more meaningful participation by the Governors. I thank the Senator for his good-faith response, but I must support this amendment, as I think it is the right step. I agree fundamentally that interstate transportation of product is a Federal Government issue——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. But creating a terminal may not be. I thank you.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, there is 3 minutes remaining in opposition to the amendment?

The PRESIDING OFFICER. That is correct.

Mr. BINGAMAN. Mr. President, let me speak briefly. I thank my colleague for yielding me some time to conclude my remarks here, and I compliment him on his statement. The Constitution is very clear. It says in article I of the Constitution—and Senator BYRD isn't on the floor, but he is usually reading this to us—that "the Congress shall have the power"—then it lists a whole bunch of things—"to regulate commerce with foreign nations and among the several States and with the Indian tribes."

This is a question of siting import and export terminals, so that we can conduct business with foreign nations. Clearly, there are major authorities that States and local governments have to participate in this process and to object. Anybody who has tried to site one of these terminals—and I have talked to several of them—will tell you there are a lot of people in the process who can say "no" and that "no" will stick.

The States clearly are in that position. The States, under the Coastal Zone Management Act, have the ability to say no, if they do not determine that the permitting or that the applicant who is seeking a permit is consistent with the State's coastal laws. Under the Clean Water Act, the State can say no and deny a certification under section 411 if they determine that the proposal has not complied with the State water quality standards. There are a variety of places where the State can say no and, of course, local communities as well.

What we have tried to do in the underlying bill is to be sure that once the need for process is completed, once the State has signed off on various permits and certifications, then there is not an additional problem that can be raised by the Governor of the State. Presumably, that government will have been involved in every stage of this process, and that State's appropriate agencies will have been involved in every stage of the process. But we need to have some finality to this, and we need to be able to be sure FERC can go ahead with the siting if they determine, after all this has been done, that in fact this is a safe project that makes sense and ought to be permitted. That is all we are trying to do in the bill.

The amendment of the Senator from California would have the effect of saying to Governors that you have the final word. Regardless of what FERC determines, regardless of what the process reveals, regardless of any of that, if you still don't like it, you can say no. That is not a good process. That will not give the confidence and assurance that is needed.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BINGAMAN. Mr. President, I urge defeat of the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to add Senator CHAFEE as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. In the first place, there is no Federal delegated authority for safety. Let me give you an example, a case in point of what that means. That case in point was presented by Senator KENNEDY on the Fall River placement of an LNG facility in the heart of river territory in Massachusetts. Three schools are in the area, with 9,000 people in the immediate area. It was opposed by the State government and every local city and town. But the FERC staff recommended the project go forward in the final environmental impact report.

FERC is no guardian of safety. This is a case in point to give Governors some authority. The Deepwater Port Act gives Governors authority offshore. They should have it on shore, too.

I yield the floor.

Mr. DOMENICI. Mr. President, I ask the Senator from California if she would be interested in having an additional minute. You know there is something in this question.

Mrs. FEINSTEIN. The Senator's generosity overcame me for a minute.

Mr. DOMENICI. The Senator from California will have one minute, and we will have one minute.

Mrs. FEINSTEIN. I appreciate that.

Mr. DOMENICI. It is the Senator's right.

The PRESIDING OFFICER. Is there objection to the unanimous consent request for 1 additional minute on each side? Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, the Deepwater Port Act gives Governors the right of veto over an LNG port 3 miles or more offshore, but this bill prevents them from having any authority if there is a proposal for an LNG terminal right on State land, right in the heart of a metropolitan area, right where it presents a danger to citizens, right where it could present an environmental disaster. This is an idiosyncracy which is wrong. All we have done is replicate the Deepwater Port Act's authority.

The other point I wish to make is there is in this bill the right of appeal. There is the right of the Commerce Department to step in and reverse anything a State does in this regard. There will be LNG terminals sited, let there be no doubt about it. The key is to site them smartly, to site them where they make the best sense.

I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. Mr. President, I yield my minute to Senator CRAIG.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CRAIG. Mr. President, I hope Senators today will oppose the Feinstein-Snowe amendment for a very clear reason. In 1974, when the Senator from California refers to this port act, we did not have a lot of the law in place that we now have today.

This is not a closed-door process. Using the Natural Gas Act allows FERC to do all it needs to do to protect the public—public hearings, public involvement. If we are going to let NIMBYism at the State level destroy the ability of this country to build the kind of natural gas infrastructure we need today, that we do not have today that is driving the chemical industries offshore, that are shooting our prices up, then allow NIMBYism to exist within the law.

I am a State rights person.

Mrs. FEINSTEIN. Will the Senator yield for a question?

Mr. CRAIG. I will not yield. This is a closing statement. We have Senators who need to have the vote and get to their committees.

I am a State rights advocate, but I also recognize the Constitution and the interstate commerce clause and what we have to do to facilitate this. I ask Senators to vote to table the Feinstein amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. Mr. President, I move to table the Feinstein amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—52

Alexander
Allard
Baucus
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Frist
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kohl
Kyl
Lincoln
Lott
Lugar
McCain
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Rockefeller
Santorum
Shelby
Specter
Stevens
Talent
Thomas
Voinovich
Warner

NAYS—45

Akaka
Allen
Bayh
Biden
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Corzine
Dayton
Dodd
Durbin
Feingold
Feinstein
Graham
Harkin
Inouye
Jeffords
Kennedy
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Martinez
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Salazar
Sarbanes
Schumer
Sessions
Smith
Snowe
Stabenow
Sununu
Vitter
Wyden

NOT VOTING—3

Conrad
Johnson
Thune

The motion was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, obviously there is no time agreement, but I understand Senator BYRD is ready to go, to proceed with his amendment. I understand that is going to be accepted. We will have somebody take my place here to manage our side.

I yield the floor.

Ms. LANDRIEU. Mr. President, I understand Senator BYRD is preparing to offer his amendment. I ask for the Senator's consent to speak for 3 minutes on a different subject before he begins.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Louisiana is recognized for 3 minutes.

Ms. LANDRIEU. Mr. President, we just had a very vigorous and I think enlightening discussion about liquefied natural gas plants and the situation our country is in, about the desperate—and that is not too strong a word—the desperate need we have for additional gas in the Nation. We had a very good debate about how we were going to provide this additional gas. The technology, which has just been established in the last few years, allows us to drill for gas in places all over the world, convert it to a liquid, transport it to our shores, turn it back into a gas, and turn on our lights, provide our energy, and help our economy move forward.

I thought the debate was excellent and in great detail. As usual, Senator FEINSTEIN presented her position beautifully. We received letters from the Governors. Of course, our leaders, the two Senators from New Mexico, also stated their positions very clearly and the vote has taken place. Regardless whether the Domenici position prevailed, which it did in this case, or if the Feinstein position had been agreed to, we still have the situation of having four liquefied natural gas plants in the Nation today, only four. The largest one is in Louisiana. We are getting ready to bring in what some estimate are as many as 40 or 50 of these new plants. They have to go somewhere.

I hope as this debate goes on, we can make the wisest decisions about the siting of these plants regarding their safety for our communities, their safety for the environment, and a revenue-sharing provision that would allow the communities that do host these liquefied natural gas plants to share some of the revenues because of the impacts that will occur. One way or another, there will either be security impacts or some environmental impacts—some impacts that the communities that do not bear this responsibility will now bear. This is particularly appropriate because this gas is not going to be used by the borough or the county or the parish in which it is sited; it is going to be used by the whole Nation.

I am going to have an amendment. It is going to be a sense-of-the-Senate amendment to get a study underway to see how these revenues could be shared appropriately with the 50 or 60 or 70 sites that are going to be determined in our country—whether they are in West Virginia, whether they are in Louisiana, whether they are in Massachusetts or California. Our communities deserve to have some funding to help with these impacts.

I thank the Senator from West Virginia for his graciousness in allowing me to speak, and I put the Senate on notice that this amendment will be coming later this afternoon.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 869

Mr. BYRD. Mr. President, I will shortly offer an amendment to the Energy bill to provide relief for rural workers, some relief for rural workers from high gas prices. Before I do that, I thank Senators GRASSLEY and BAUCUS for their time and their efforts concerning my amendment. Always courteous, always candid, always gentlemen—each embodies the spirit and the harmonious character of a U.S. Senator. I am talking about Senator GRASSLEY and Senator BAUCUS.

I will shortly send to the desk a modified version of my amendment which I have discussed with the chairman and ranking member of the Finance Committee and their staffs.

I will also ask Senators LINCOLN, ROCKEFELLER, HARKIN, and PRYOR be added as cosponsors, but I am not asking that right at this moment.

We debate the Energy bill today in the context of skyrocketing life-altering gasoline prices. The people out there watching the Senate through those electronic lenses, many of them know what I am talking about. The American public is reminded, day after day after day—as they drive to work, as they drive their children to school, as they drive to the local market, they are reminded of the outrageous cost of gasoline and how it squeezes their pocketbooks—how it squeezes your pocketbooks. That fact alone is probably the single most important catalyst for this Energy bill. Yet Senators candidly acknowledge, as has the President, that no energy policy can immediately deliver lower prices at the fuel pump.

I don't say that to criticize the efforts of the managers of the bill. They rightly are looking to the future with the hope of weaning—weaning—America from its dependence on foreign oil. I have been talking about this for years.

They are setting admirable goals and I hope that we move quickly to meet them. But—that conjunction "but"—in the meantime, while we wait for countless production incentives and numerous Federal programs to take effect, American workers—American workers—suffer, suffer daily at the fuel pump. The impact of high gas prices is burdensome in many cases and devastating in others.

I addressed the Senate recently about this issue, as I have addressed it many times, highlighting the impact that high gas prices have had on rural areas in this country. You talk about rural areas; look at Maine. Look at West Virginia. Look at that map. I will talk about it in a moment. Residents of rural areas must drive longer distances to work and from work, inflicting burdensome costs on workers. Rural areas have less access to public transportation. This means subways and buses are not usually available to rural workers.

Look at my State, a mountain State. Senators ought to know what it is like to wind around those mountains, up and down; steep going up and going down sometimes is worse. In Appalachia—that is what we are talking about, what I am talking about right now is Appalachia. Rural roads—come on over, Senators, and try some of those rural roads. Your head will be dizzy and you will be holding on with your fingertips and your fingernails will be white. It is tough. In Appalachia, rural roads, twisting and winding and bending around the hills and mountains, exacerbate the financial pain.

When gas prices spike, rural workers often have no extra income to absorb the increase, forcing painful cuts in essential expenditures. High gas prices hurt local businesses as workers are forced to scale back leisure activities and everyday comforts. Economic activity slows, communities are impacted, and savings shrink. These communities are crying out for action. They have no alternative means of transportation available to them to avoid driving, no subways. Go over to the Alleghany Mountains, you will not find subways. Those mountains are beautiful. I tell you, there is nothing like them, the Alleghanys. Appalachia, no subways. No mass transit. They are unlikely to benefit much from the energy conservation incentives designed for their urban counterparts.

These rural workers—hear me, hear me—these rural workers seek immediate relief. They want some help. They grow increasingly frustrated with the hemming and the hawing of their representatives in Congress—not only in Congress but in the White House. They do not want equivocations about economic theories. They are all well and good, those theories. These workers do not want tutorials about tax policy. What do they want? They want relief. And today, I am going to submit an amendment that would be a partial answer. We have to start giving some attention to this problem and to these people.

This amendment would create a new transportation fringe benefit for eligible rural workers. Employers could offer these workers compensation for their costly gasoline purchases. Those expenditures for gasoline, up to $50 per month, by rural workers who can carpool, would be excluded from their taxable wages, providing immediate relief.

The amendment would cost $123 million over 5 years. It is my understanding, based on discussions with the Finance Committee, that an offset would be provided later in the day.

This amendment is the result of a compromise. Legislation is compromise. There are different opinions around here. Senators represent different areas with different problems. Sometimes we cannot have it all the way we would like. Not everything is the way we want. We have to compromise. Legislation means compromise. We have to have a bill. You do not go for the kill on every bill, but you do what you can. Sometimes you have to not do as much as you would like to do, but you do something, and later you do something more.

This amendment is the result of a compromise with the Finance Committee. I have been in Congress now 53 years. How about that—53 years in the House and Senate. I started out in the House. But you have to compromise. You have to do that in the House, compromise. You cannot have everything like you want it, but you get something for the people you represent. You help them a little here and a little there and then a little more here and a little more there. That is the way it is done.

This amendment is the result of a compromise with the Finance Committee. It represents an acknowledgment by the Senate that rural workers can be affected more directly and harshly by high gas prices and that the Senate is beginning to respond to that reality.

This amendment can help to provide immediate relief to rural workers. It cannot do everything, but we are doing something. It can help to provide relief to working mothers, to fathers, both of whom are searching for ways to stretch their paychecks just a little bit further. You can only stretch that paycheck so far. It will not stretch any further.

It will benefit residents from the northern most areas of Maine. We can see Maine looking at the chart, right up there at the top, way up there, way up there. It will benefit the northern most areas of Maine, down the east coast, down the east coast, into the Appalachia region—there is home sweet home to me, Appalachia—Kentucky, Tennessee, and into the Southern States of Mississippi and Alabama. It will benefit residents throughout the rural heartland of America.

The dark areas are being pointed out by this fine young man. These dark areas are what we are talking about. These are the rural areas. Look at them on this map. The urban areas are the yellow areas. Look how big the map is when it comes to the rural areas. That is where a lot of real people live. You talk about the grassroots of America. Go back to the rural areas. Those people in the rural areas have to drive to work. They do not have mass transit in most of these areas. We are talking about the heartland of America: Iowa, Nebraska, the Dakotas, westward. Turn westward young man, westward. West through Montana and Idaho, and along the west coast. Rural areas in California. California has rural areas, too. Oregon, Washington—rural areas along the west coast into Washington, Oregon, and California.

As the chart beside me shows, and I hope the camera is focusing on these rural areas, rural workers in every State—name the State—rural workers in that State would benefit from this amendment, workers who reside in the rural areas, the green areas. I will point out Appalachia again. If you have not been there, you ought to go and see what those people have to contend with. See what workers in Appalachia have to contend with. It is not just Appalachia; it is all over the country, throughout the country, every State. There are many in these rural—the green—areas who are forced to drive to work due to a lack of public transit. They do not have Metro. We have the Metro in the District of Columbia. They do not have it over there. They would be eligible to benefit from this amendment.

The Finance Committee has offered a tax package to this bill providing $18 billion in energy supply and efficiency incentives, many of which I support. The Finance Committee package will yield long-term benefits for the American people. As I have said, the chairman and the ranking member have been very gracious in considering my views regarding these matters. But the House of Representatives passed $8 billion of very different tax incentives, much of them going to big oil, which today is reaping an enormous windfall.

I say to the distinguished Senator from New York, there are a lot of people up there in rural areas in New York—CHUCK SCHUMER, yes. He and Senator CLINTON—man, they look out after their people. May the Lord bless them.

Much of the benefits are going to big oil, which today is reaping an enormous windfall from the high price of gasoline. Let me say that again: The House of Representatives passed $8 billion. How much is that? That is $8 for every minute since Jesus Christ was born. Now you can get an idea of what we are talking about. Eight billion, $8 for every minute since Jesus Christ was born. These different tax incentives, $8 billion of very different tax incentives, much of them going to big oil, which today is reaping an enormous windfall from the high price of gasoline. These tax breaks are in addition to the billions of dollars in taxpayer revenues dedicated annually to these companies.

This is an opportunity to vote for an amendment that will provide some relief—not enough but some. The Senate is, finally, about to recognize this problem. This is an opportunity to vote for an amendment that will provide relief directly and immediately. To whom? The little guy. The little guy. Man, you talk about me now, the little guy. The Presiding Officer is for the little guy. That is what this amendment is about.

This is an opportunity to help working men and women today. Not enough, not enough, but it is a good start. We do not have to wait and hope gas prices will decrease. We can take some action now.

I urge adoption of this amendment which I now send to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mrs. LINCOLN, Mr. ROCKEFELLER, Mr. HARKIN, and Mr. PRYOR, proposes an amendment numbered 869.

Mr. BYRD. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Internal Revenue code of 1986 to provide relief from high gas prices)

At the appropriate place insert the following:

SEC. . INCOME TAX EXCLUSION FOR CERTAIN FUEL COSTS OF RURAL CARPOOLS.

(a) IN GENERAL.—Section 132(f)(1) of the Internal Revenue Code of 1986 (defining qualified transportation fringe) is amended by adding at the end the following new subparagraph:

"(D) Fuel expenses for a highway vehicle of any employee who meets the rural carpool requirements of paragraph (8).".

(b) LIMITATION ON EXCLUSION.—Section 132(f)(2) of such Code (relating to limitation on exclusion) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) $50 per month in the case of the benefit described in subparagraph (D).".

(c) RURAL CARPOOL REQUIREMENTS.—Section 132(f) of such Code is amended by adding at the end the following new paragraph:

"(8) REQUIREMENTS FOR EMPLOYEES PARTICIPATING IN RURAL CARPOOLS.—

"(A) IN GENERAL.—The requirements of this paragraph are met if an employee—

"(i) is an employee of an employer described in subparagraph (B),

"(ii) certifies to such employer that—

"(I) such employee resides in a rural area (as defined by the Bureau of the Census),

"(II) such employee is not eligible to claim any qualified transportation fringe described in subparagraph (A) or (B) of paragraph (1) if provided by such employer,

"(III) such employee uses the employee's highway vehicle when traveling between the employee's residence and place of employment, and

"(IV) for at least 75 percent of the total mileage of such travel, the employee is accompanied by 1 or more employees of such employer, and

"(iii) agrees to notify such employer when any subclause of clause (ii) no longer applies.

"(B) EMPLOYER DESCRIBED.—An employer is described in this subparagraph if the business premises of such employer which serve as the place of employment of the employee are located in an area which is not accessible by a transit system designed primarily to provide daily work trips within a local commuting area.".

(d) NO EXCLUSION FOR EMPLOYMENT TAXES.—Section 3121(a)(20) of such Code (defining wages) is amended by inserting "(except by reason of subsection (f)(1)(D) thereof)" after "or 132".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses incurred on and after the date of the enactment of this Act and before January 1, 2007.

Mr. BYRD. Mr. President, I have nothing further right now.

The PRESIDING OFFICER. Does the Senator still wish to have cosponsors added to the amendment?

Mr. BYRD. Yes. I thank the Chair for remembering that. The names of those cosponsors I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Senators LINCOLN, ROCKEFELLER, HARKIN, and PRYOR—I ask unanimous consent that they be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair and yield the floor. I am ready to vote.

The PRESIDING OFFICER (Ms. MURKOWSKI). Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 869) was agreed to.

Mr. BYRD. Madam President, I thank all Senators.

I move to reconsider the vote by which the amendment was adopted. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Madam President, I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 805

Mr. SCHUMER. Madam President, I ask unanimous consent we return to consideration of amendment No. 805, a previously pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is now pending.

Mr. SCHUMER. Madam President, I will address this amendment. As I understand it, we might be able to call for a vote shortly because I will not speak for that long.

Madam President, I rise today offering an amendment that will express the sense of the Senate that the Federal Government should take long overdue action to curb the record-high gasoline prices that are plaguing America's consumers at the pump.

We know there are two aspects to the energy problem we face in America. If anything, the more important is the long-term problem, and there we need conservation and new energy sources and new exploration. In my judgment, at least, this bill does a tiny, little bit of that, not close to enough of what we need, particularly on the conservation side.

But we also have a short-term problem. That short-term problem is the record-high prices of gasoline. It is caused by a number of things: Obviously, increasing demand here in America and worldwide, China and India, in particular, but at the same time, it is also caused by the fact that we are up against a cartel, OPEC, and OPEC manipulates the production of oil.

If OPEC were in the United States, if those 11 countries were 11 companies, they would be brought up on antitrust laws. They play havoc with the gasoline markets. A few months ago, while demand was climbing, they cut back production by a million barrels. Realizing they had overdone it, even from their own point of view, they then asked their members to increase production by 500,000 barrels a day. But that was a paper reduction. It did not really come into the markets.

So the bottom line is this: We have a serious problem in terms of OPEC. Many think we are powerless to deal with it in the short term—for the long term, as I mentioned, there are ways to deal with it—but I do not believe that is the case because we have an ace in the hole: that is, the Strategic Petroleum Reserve. It is now full. It has not been full in a long time. There are 700 million barrels of oil, or close to that, sitting in the Louisiana and Texas oil flats.

If we were to strategically use that oil in a swap, which would not decrease the amount of oil in the Reserve but would be a tool to bring down prices, and then we would buy back the oil or have the oil replaced in this swap when the price comes down so we would actually put more oil into the Reserve than when we started, we could do a lot of good for drivers in this country.

The last time the Strategic Petroleum Reserve was used—and it can be used, by law, for this; President Clinton did it in October of 2000, after I spent a lot of time importuning him to do it—prices went down considerably. I have no doubt, if the sense of the Senate resolution is adopted and the President follows it, that prices would go down again.

Madam President, I see my good friend from New Mexico is here. I am told it would be his preference that we have a vote by 12:10. So I will only speak for another 3 or 4 minutes.

Madam President, I would like to offer another amendment, not speak about it, but just lay it down, and then give the remaining 4 or 5 minutes to my colleague from New Mexico, and then we would have a vote. If that is OK with the Senator from New Mexico, that is what I would propose we do.

Mr. DOMENICI. Madam President, I say to the Senator, could we try, in that arrangement, to give me 5 minutes, even if we go over a minute or 2 beyond 12:10?

Mr. SCHUMER. Great. I will try to keep my remarks brief because I have spoken about it before.

Mr. DOMENICI. The other amendment, have we seen it or know anything about it?

Mr. SCHUMER. Yes, it has been filed.

AMENDMENT NO. 811

Madam President, while we are talking about it, I ask unanimous consent to temporarily lay aside the pending amendment so that I may offer amendment No. 811.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Ms. CANTWELL, and Mr. LAUTENBERG, proposes an amendment numbered 811.

Mr. SCHUMER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a national tire fuel efficiency program)

On page 120, between lines 20 and 21, insert the following:

SEC. 142. MOTOR VEHICLE TIRES SUPPORTING MAXIMUM FUEL EFFICIENCY.

(a) STANDARDS FOR TIRES MANUFACTURED FOR INTERSTATE COMMERCE.—Section 30123 of title 49, United States Code, is amended—

(1) in subsection (b), by inserting after the first sentence the following: "The grading system shall include standards for rating the fuel efficiency of tires designed for use on passenger cars and light trucks."; and

(2) by adding at the end the following:

"(d) NATIONAL TIRE FUEL EFFICIENCY PROGRAM.—(1) The Secretary shall develop and carry out a national tire fuel efficiency program for tires designed for use on passenger cars and light trucks.

"(2) The program shall include the following:

"(A) Policies and procedures for testing and labeling tires for fuel economy to enable tire buyers to make informed purchasing decisions about the fuel economy of tires.

"(B) Policies and procedures to promote the purchase of energy-efficient replacement tires, including purchase incentives, website listings on the Internet, printed fuel economy guide booklets, and mandatory requirements for tire retailers to provide tire buyers with fuel-efficiency information on tires.

"(C) Minimum fuel economy standards for tires, promulgated by the Secretary.

"(3) The minimum fuel economy standards for tires shall—

"(A) ensure that the average fuel economy of replacement tires is equal to or better than the average fuel economy of tires sold as original equipment;

"(B) secure the maximum technically feasible and cost-effective fuel savings;

"(C) not adversely affect tire safety;

"(D) not adversely affect the average tire life of replacement tires;

"(E) incorporate the results from—

"(i) laboratory testing; and

"(ii) to the extent appropriate and available, on-road fleet testing programs conducted by the manufacturers; and

"(F) not adversely affect efforts to manage scrap tires.

"(4) The policies, procedures, and standards developed under paragraph (2) shall apply to all types and models of tires that are covered by the uniform tire quality grading standards under section 575.104 of title 49, Code of Federal Regulations (or any successor regulation).

"(5) Not less often than every three years, the Secretary shall review the minimum fuel economy standards in effect for tires under this subsection and revise the standards as necessary to ensure compliance with requirements under paragraph (3). The Secretary may not, however, reduce the average fuel economy standards applicable to replacement tires.

"(6) Nothing in this chapter shall be construed to preempt any provision of State law relating to higher fuel economy standards applicable to replacement tires designed for use on passenger cars and light trucks.

"(7) Nothing in this chapter shall apply to—

"(A) a tire or group of tires with the same SKU, plant, and year, for which the volume of tires produced or imported is less than 15,000 annually;

"(B) a deep tread, winter-type snow tire, space-saver tire, or temporary use spare tire;

"(C) a tire with a normal rim diameter of 12 inches or less;

"(D) a motorcycle tire; or

"(E) a tire manufactured specifically for use in an off-road motorized recreational vehicle.

"(8) In this subsection, the term 'fuel economy', with respect to tires, means the extent to which the tires contribute to the fuel economy of the motor vehicles on which the tires are mounted.

(b) CONFORMING AMENDMENT.—Section 30103(b) of title 49, United States Code, is amended in paragraph (1) by striking "When" and inserting "Except as provided in section 30123(d) of this title, when".

(c) TIME FOR IMPLEMENTATION.—The Secretary of Transportation shall ensure that the national tire fuel efficiency program required under subsection (d) of section 30123 of title 49, United States Code (as added by subsection (a)(2)), is administered so as to apply the policies, procedures, and standards developed under paragraph (2) of such subsection (d) beginning not later than March 31, 2008.

AMENDMENT NO. 805

Mr. SCHUMER. Madam President, I ask unanimous consent that the amendment be laid aside and we return to the pending business, which is amendment No. 805.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Thank you, Madam President.

Now, so we have this ace in the hole, the Strategic Petroleum Reserve, which has been used before; it is not a long-term solution. But right now OPEC calls all the shots. They know that they can, more or less, set the price, particularly at a time of rising demand. If we were to strategically use, if you will, the Strategic Petroleum Reserve, we could break OPEC's resolve, break OPEC's will, and actually deal with the problem of high gasoline prices in the short term. It is virtually the only way to do it.

So I would say to my colleagues, we cannot order the President to do it, so this is simply a sense of the Senate that says we should do it. I believe drivers throughout America—whether they are driving trucks thousands of miles or driving kids to school or anything in between—are looking at us to see if we will do something. This amendment signals our desire and ability not to simply take it on the chin over and over again from OPEC but, rather, to use our strategic weapon, the Strategic Petroleum Reserve, as it has been used before, to both lower gas prices and let OPEC know we have good cards in our hand that we can lay on the table and use.

With that, Madam President, since the amendment has been discussed before, and this is an issue I have been involved with for years and years, I will, in the interest of time and getting a vote on this amendment quickly, yield the floor so my colleague from New Mexico might respond.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, first, might I say to my good friend from New York, I respect his continuous efforts in this regard. But I would say, do not misunderstand that to mean I think his amendment will do any good.

I think, first of all, the Senate should know the Strategic Petroleum Reserve is not a reserve to supply the United States with oil on a day-by-day basis. It is a reserve in the event we have a crisis.

We had a crisis that started this. That is why we started the Reserve. We had a crisis because Iran, years ago, decided to cut us off. They did not cut us off by a huge amount, but just enough to send a turmoil into the market. Our prices skyrocketed, and the United States said: Well, let's find a place to put some oil that we can retrieve if we have a crisis.

Now, everybody should know a crisis does not mean the price is too high or the price is too low. It means America has suffered an untoward shock, a war that all of a sudden happened, and we started drawing down, not an ongoing, everyday event that we just play and have to work in the marketplace.

Now, how much do we have? Years ago we thought we had a very big reserve. In 1985, we said: We want to have 118 days of supply; that is, if we needed it, and needed it every day, continually, to supplement what we had domestically, we had 118 days. Because of our growing dependence and other things, we now have 59 days. The Reserve is 59 days of import protection.

I ask the Senate, is 59 days too much? I wish we could tell the American people we had 259 days. But we have 59. It will soon be filled. So anybody worrying about amendments saying, Don't put in any more; it will soon reach its capacity, I say, Good. That is what it ought to be.

Now, the Senator says: Let's start taking it out now, a million barrels a day for 30 days, with another possibility of a million barrels a day for 30 more days. To what end? Do you think those who control the price by controlling production would sit by and say, "The United States is going to use its reserve. We don't think they should. It is kind of dumb. But they are going to put it on the market"? In a minute, they could cut production, and any impact using up this important reserve would have on the market would go away. So we would be doing a unilateral act and endangering our security because we would be minimizing the security potential of SPR, and we would not get any good out of it. There is no assurance doing what is suggested will have any significant impact on the price of oil.

I know the Senator has said it will bring the price down, but it just does not make sense. A million barrels a day, when we use 20 million barrels—just think of that—how could it have an impact, when the OPEC cartel is a player, and they could make their adjustments?

So what I see this as is no insurance at all of anything positive and an absolute assurance of something very, very bad for America—negative—because we will have increased our risk of not having oil when we need it from the Strategic Petroleum Reserve that we put in in order to take it out when we had an untoward, sort of an attack on the flow of oil by some activity outside our control.

Mr. President, while I compliment the Senator for wanting to say to Americans, We want to get the price of oil down, I want to say we worked hard in this Energy Committee. We did everything humanly possible. And if it was as easy as saying, Let's just sell the Strategic Petroleum Reserve, we would have done that, I say to the occupant of the chair, who was a very active participant.

Anybody could have made a motion: Let's start selling the petroleum reserve. Nobody did that because we understand it as an activity that is self-defeating. As a matter of fact, Madam President and fellow Senators, instead of doing some good—and I say this in all deference to my friend from New York—it would probably do us some harm. Whatever you take out for this purpose probably adds to the security risk of this great Nation.

Again I repeat, we have 59 days of supply. We wish we had 118, as we started out shooting for. And now we would start diminishing that—and I cannot tell you how much; a pretty good chunk—a million barrels a day for 30 days, plus 30 more million barrels.

So having said that, I do not think we should do this.

Madam President, the time has expired, as I understand it.

Mr. SCHUMER. Will my colleague yield?

Mr. DOMENICI. Indeed.

AMENDMENT NO. 805, AS MODIFIED

Mr. SCHUMER. Madam President, I have a technical modification to the amendment. There was a drafting problem. I would like to modify the amendment.

Mr. DOMENICI. I say to the Senator you have the right to modify your amendment. Go ahead.

Mr. SCHUMER. Madam President, I ask unanimous consent that line 22, title (c), be stricken and that on line 23 of page 4—OK. I will send the modification to the desk.

Mr. DOMENICI. You do not need consent.

Madam President, he has a right to modify it; is that not right?

The PRESIDING OFFICER. That is correct. The amendment is so modified.

The amendment (No. 805), as modified, is as follows:

On page 208, after line 24, add the following:

SEC. 303. SENSE OF THE SENATE REGARDING MANAGEMENT OF SPR.

(a) FINDINGS.—Congress finds that—

(1) the prices of gasoline and crude oil have a direct and substantial impact on the financial well-being of families of the United States, the potential for national economic recovery, and the economic security of the United States;

(2) on June 13, 2005, crude oil prices closed at the exceedingly high level of $55.62 per barrel, the price of crude oil has remained above $50 per barrel since May 25, 2005, and the price of crude oil has exceeded $50 per barrel for approximately ⅓ of calendar year 2005;

(3) on June 6, 2005, the Energy Information Administration announced that the national price of gasoline, at $2.12 per gallon, could reach even higher levels in the near future;

(4) despite the severely high, sustained price of crude oil—

(A) the Organization of Petroleum Exporting Countries (referred to in this section as "OPEC") has refused to adequately increase production to calm global oil markets and officially abandoned its $22–$28 price target; and

(B) officials of OPEC member nations have publicly indicated support for maintaining oil prices of $40–$50 per barrel;

(5) the Strategic Petroleum Reserve (referred to in this section as "SPR") was created to enhance the physical and economic security of the United States;

(6) the law allows the SPR to be used to provide relief when oil and gasoline supply shortages cause economic hardship;

(7) the proper management of the resources of the SPR could provide gasoline price relief to families of the United States and provide the United States with a tool to counterbalance OPEC supply management policies;

(8) the Administration's policy of filling the SPR despite the fact that the SPR is nearly full has exacerbated the rising price of crude oil and record high retail price of gasoline;

(9) in order to combat high gasoline prices during the summer and fall of 2000, President Clinton released 30,000,000 barrels of oil from the SPR, stabilizing the retail price of gasoline;

(10) increasing vertical integration has allowed—

(A) the 5 largest oil companies in the United States to control almost as much crude oil production as the Middle Eastern members of OPEC, over ½ of domestic refiner capacity, and over 60 percent of the retail gasoline market; and

(B) Exxon/Mobil, BP, Royal Dutch Shell Group, Conoco/Philips, and Chevron/Texaco to increase first quarter profits of 2005 over first quarter profits of 2004 by 36 percent, for total first quarter profits of over $25,000,000,000;

(11) the Administration has failed to manage the SPR in a manner that would provide gasoline price relief to working families; and

(12) the Administration has failed to adequately demand that OPEC immediately increase oil production in order to lower crude oil prices and safeguard the world economy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) directly confront OPEC and challenge OPEC to immediately increase oil production; and

(2) direct the Federal Trade Commission and Attorney General to exercise vigorous oversight over the oil markets to protect the people of the United States from price gouging and unfair practices at the gasoline pump.

(3) For the period beginning on the date of enactment of this Act and ending on the date that is 30 days after the date of enactment of this Act, 1,000,000 barrels of oil per day should be released from the SPR.

(4) If necessary to lower the burden of gasoline prices on the economy of the United States and to circumvent the efforts of OPEC to reap windfall crude oil profits, 1,000,000 barrels of oil per day should be released from the Strategic Petroleum Reserve for an additional 30 days.

Mr. SCHUMER. I thank the chair. If I could make one brief point to my colleague.

Mr. DOMENICI. Sure.

Mr. SCHUMER. First, we are only calling for 60 million barrels, at max, to be used. There are 700 million barrels there. Second, this is a swap, which is what was done before. So within 6 months, with presumably the price lower, the amount of oil would be replaced and more so.

Those are two points I wanted to make. I am ready to have a vote.

Mr. DOMENICI. Madam President, I need no additional time. I move to table the Schumer amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Hawaii (Mr. INOUYE), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 39, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—57

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Cantwell
Chafee
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Murray
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Vitter
Voinovich
Warner

NAYS—39

Akaka
Biden
Boxer
Byrd
Carper
Clinton
Collins
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NOT VOTING—4

Conrad
Inouye
Johnson
Thune

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I believe under the previous order, the Senate returns now to the amendment offered by the Senator from Arizona and myself; am I correct?

The PRESIDING OFFICER. If the Senator calls for the regular order with respect to that amendment.

AMENDMENT NO. 826

Mr. LIEBERMAN. I call for the regular order.

The PRESIDING OFFICER. Regular order is called for. That amendment is now pending.

Who yields time?

Mr. McCAIN. Can the Presiding Officer tell us the parliamentary situation, the time remaining?

The PRESIDING OFFICER. The Senator from Arizona controls 90 minutes; the Senator from New Mexico, Mr. DOMENICI, has 30 minutes; and the Senator from Oklahoma has 60 minutes.

Mr. McCAIN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LIEBERMAN. Madam President, with the consent of my friend from Arizona, at this point I yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I rise to support the McCain-Lieberman amendment. If anyone does not believe what 99.9 percent of the scientific community believes—that global warming is, in fact, a reality—if anyone does not believe that, then they are living in a cave and not recognizing what is happening to our planet.

Whenever I think of global warming, my mind's eye suddenly goes back to 1986, looking out the window of our spacecraft back at planet Earth. There on the rim of the Earth, we could see the thin little film which is the atmosphere which sustains all of life. With the naked eye from orbit, you can actually see how we are starting to mess up the planet.

Coming across South America, I could see with the color contrast on the face of the Earth below in the Amazon region the destruction of the rainforests. Then I could look to the east at the mouth of the Amazon River, and I could see the result of the destruction of those trees hundreds of miles upriver by the silt that has discolored the Atlantic Ocean for hundreds of miles. And so, too, in different parts of the Earth, we saw this wonderful creation, and it became apparent to me that I needed to be a better steward of what we have on planet Earth.

If we are creating a greenhouse effect, which 99.9 percent of the scientists say we are, and if it is trapping the heat on planet Earth—the heat that comes from the Sun that cannot radiate out into space—and if the Earth is heating up, as it is, what is going to be the natural consequence? The oceans are going to rise because ice is going to melt. The temperature of the Earth is going to increase.

What does that say for those of us who live on the eastern seaboard, particularly a land known as paradise which is a peninsula that sticks down into the middle of hurricane highway? That is my land. That is the State of Florida. What it says is the seas are going to rise and threaten most of Florida's population, indeed, most of the coastal population of the United States. What it also says is by heat rising, the storms are going to become more ferocious and more frequent. The plagues and pestilence are going to increase and, I say to my colleagues in the Senate, this is not a condition we want to have happen to this beautiful creation that is our home suspended in the middle of nothing and is called planet Earth. Yet that is what is happening.

We best get about the process of straightening it out. That is why I support the McCain-Lieberman amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend from Florida for his very powerful statement supporting this amendment. We all bring a unique perspective to the Senate, but nobody brings the same perspective as Senator NELSON. He was up in space, he was an astronaut before he came to the Senate, so he has that big picture.

He also has a very local understanding, as he said, because of the threat that the rising water levels will place on Florida. The occupant of the chair is a distinguished Senator from Alaska. We can already see evidence in Alaska of water rising.

One of the great reinsurance companies, from a pure business point of view, supports antiglobal warming legislation because they project that within 10 years, we are going to be spending $150 billion a year to compensate for climate-driven disasters.

There was a particularly notorious Emperor of Rome who is remembered for fiddling while Rome burned. I believe we here in Washington are fiddling while the planet warms and while the waters rise. I honestly do believe this amendment we offer today gives us a chance to turn that around. I thank my friend from Florida very much.

I now yield up to 10 minutes to the Senator from Vermont.

Mr. McCAIN. Madam President, will the Senator yield for 1 minute?

Mr. LIEBERMAN. I am glad to.

Mr. McCAIN. Madam President, as the Senator from Florida points out, this chart shows the areas in Florida subject to inundation with a 100-centimeter sea level rise. This is what we see happening. The red is the area of his State that would be inundated. I thank the Senator from Florida for his commitment and his keen understanding of this dire emergency.

I yield the floor.

Mr. NELSON of Florida. Madam President, if the Senator will yield and if I may comment, all of those red portions, save for the very southern tip of Florida, which is the Everglades, sit mainly along the coast. That is where the population of Florida mainly resides. Why can't the United States insurance industry understand this and get behind this, with the exception of the reinsurance company about which the Senator from Connecticut just spoke? Why can they not understand that it is in their economic interest because it is going to be their insureds who are going to be threatened?

Mr. LIEBERMAN. Madam President, I thank the Senator from Arizona for pointing out that point. And I thank—it must be Vanna White holding the chart.

I ask unanimous consent, on behalf of the Senator from Vermont, that he be allowed to remain seated—he just had recent knee surgery—as he delivers his remarks for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. JEFFORDS. Madam President, in my many years of public service, I have always tried to push our national Government forward on a greener, more sustainable path. That is the path that Vermont has chosen, and that is the way that seems to be most sensible to me. I have worked hard to promote recycling, efficiency, renewable energy, alternative fuels, conservation, and in general the wise and sensible use of our energy resources.

I consider wasting energy a symptom of bad management and economic inefficiency. It also strikes me as an inconsiderate and irresponsible behavior that visits the sins of one generation upon the next. That is what this debate is about. What will we leave our future generations if our actions and vision are too shortsighted and wasteful? We, the United States, have wasted more energy than any other country or civilization on Earth, even as we have built the Nation into an economic and technological superpower.

America's incredible growth through energy has not been cost free. We are dangerously dependent on foreign sources of petroleum. Public health has suffered and still suffers from pollution from fossil fuel combustion. But perhaps the most costly in the long run to our economy, the public health, national security, and the quality of life for generations to come is our continuously growing greenhouse gas emissions. These carbon emissions are the product of our vast inefficiency in producing and consuming energy.

Right now, carbon concentrations in the atmosphere are still at an alltime high. According to credible scientists, that level has not been higher at any time in the last 420,000 years. The United States can take the blame for approximately 40 percent of the total carbon loading now in the atmosphere, and we are adding more than our share every year.

We have a moral responsibility to remedy that. We have a chance in this Energy bill to begin making reductions in our emissions. Congress must lead on this issue because there is a tremendous vacuum in this administration. The President and the Vice President would prefer that we stick our heads in the sand and hope that it all will go away. Voluntary measures are useless against a problem of this scale. We must use taxes or a market-based program, such as a cap-and-trade program, that will motivate American ingenuity and innovation. We must be aggressive in funding domestic and international programs to decarbonize our energy supplies. We must use trade opportunities and negotiations to export energy-efficient American products and services. We have a choice in this bill. We can defer action, letting the problem get worse and more costly with each passing year, or we can act now to reduce our wasteful global warming emissions.

My colleagues should remember that generations to come will look back at the climate votes on this bill. If we do not act responsibly, they will know who to blame for the sea level rise that will threaten their communities, the extra intensity of hurricanes, the loss of glaciers, or more frequent heat waves and floods. They will know who wasted the chance to do the right thing for them in the future.

The Senate must adopt strong legislation that reduces our greenhouse gas emissions. No major energy policy bill will get my support without it.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, seeing none of my colleagues on the floor, I will proceed for a moment or two and then suggest the absence of a quorum.

Yesterday, Senator McCAIN and I laid down the basic arguments for our amendment. The fact is that the planet is warming. It is warming as a result of human actions. This is no more just a matter of science, although most scientists agree with this. We can see it. We can see it in the kinds of satellite photos that Senator McCAIN showed such as in the case of the State of Florida. The most graphic evidence is the satellite photos of the polar icecaps. The way in which they have diminished, shrunk, over the last 10, 15, 20 years is startling, with the obvious effect that the water is rising.

One could pick their favorite story of evidence. The one that we cite a lot is the Inuit people, the native people in northern Canada, saw robins a few years ago for the first time in their 10,000-year history. They did not have a word for "robin." They had to create a word. That reality is something my friend from Vermont is aware of. Senator JEFFORDS has been a great crusader, in the best sense of the word, for environmental protection. He is from the green state, as he says. He has been a wonderfully green Senator in the best sense of that term, and I thank him for his support of this amendment.

This amendment is the only amendment that will come before the Senate that will do something about global warming. With all respect to the amendment offered by the Senator from Nebraska yesterday, it offers some technology support, it may request a report or two, but all of its goals are voluntary. We found out in the 1990s that voluntary goals do not work, that the planet has continued to warm. The result of that conclusion was the 1997 Kyoto Protocol. The Bush administration has now taken us out of that protocol. I wish to make very clear that the amendment Senator McCAIN and I have introduced sets goals for a reduction of greenhouse gases by the United States much below what Kyoto requires. In fact, I think if one puts the Hagel amendment of yesterday on one side and the Kyoto Protocol on the other, Senator McCAIN and

I are right in the middle where we like to be. In this case, substantively, we are in the middle.

This amendment makes meaningful reductions, by 2010, to reduce American emissions of greenhouse gases to the 2000 level. It creates a meaningful market, and it is the only one that does that. It is not oldtime command and control. This is bringing in an enormous number and range of emissions reduction options for businesses and other sources of greenhouse gas emissions. The allowances are allocated at the point of emissions to electricity and industrial sectors. Agriculture can participate in this program on a voluntary basis. They are not covered mandatorily at all.

This is a tremendous opportunity for the agriculture sector of our economy to come in voluntary and say, I want to earn some credits by reducing some sources of greenhouse gas or, even more, I want to make some money by holding some of my land in uses that will absorb carbon dioxide and therefore achieve some credits that can be sold. In our amendment, this is a maximum opportunity for innovation and cost savings.

One of the foremost studies conducted by a group at the Massachusetts Institute of Technology concluded that per-household cost of the passage of this bill—we are going to hear a lot of numbers about this—is in the range of $15 to $20 per year more per household. I am sure if the average American householder were asked whether he or she would pay $15 to $20—frankly, a lot would be willing to pay a lot more—to deal with the problem of global warming so that we can preserve this planet and turn it over to our children as close as possible to the way we found it, they would say yes. That is not even taking into account the innovative, cost-saving technologies that this bill will support in research.

It is a comprehensive technology strategy that we offer. We have a new title this year that creates a technology program funded by the sale of allowances, not appropriations; would stimulate innovation at each of the three critical phases of innovation: engineering, full-time construction, and bringing it to market. The language in this amendment says that the funding would go to a series of possible uses, including but not limited to biofuels, solar, advanced clean coal, and nuclear. All of the technologies must meet environmental and economic criteria to gain support, and any technology beyond the ones we mentioned is eligible for funding. This is a real economic investment and economic growth section of this bill.

I know there are some who are concerned about the mere mention of nuclear. The fact is, today 20 percent of electric power generated in America comes from nuclear plants. They are functioning safely. Some of them are getting to a point where they are going to have to be replaced. This amendment simply opens the door to some research in the next generation of possible savings on nuclear powerplants. It is not an endorsement. It is not a win or a lose strategy. Anybody who has a good idea for proposing or doing some research in a technology or a system that could reduce greenhouse gases, that person can apply to this public corporation we are setting up for funding under this proposal. We do not want to close the door on any technology that will give us the power to run our society and help us deal with the greenhouse gas global warming problem, and that includes but is not limited to, as we say, nuclear.

We also have some very important funding for a separate program for the retooling of manufacturing facilities, particularly targeted to advanced technology automobiles—a major source of greenhouse gas emissions, a major consumer of oil.

Interesting fact that probably a lot of people do not appreciate: Only 2 percent of the source of electric power in this country today is oil-driven. That is pretty amazing. Most of it is coal, twenty percent is nuclear, and the rest is a mix of renewable sources. When it comes to the transportation sector, just about 95 percent is driven by oil products. That is a big source of greenhouse gas emissions and, of course, a big source of our vulnerability to the kind of crazy oil price shocks we are now experiencing that run through and eat up the budget of every family and every business in our country. So here we offer funding for the retooling of automobile manufacturing facilities.

This is the only climate amendment that really does something and does it comprehensively. It passes the emissions test, it passes the market test, and it passes the technology test.

I know the Senator from Delaware, Mr. CARPER, is soon going to be on his way to speak on behalf of the bill. I know my colleague, Senator MCCAIN, will return to the Senate floor to join in this discussion.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Assuming my friend from Colorado is here to speak on our amendment, I yield to him from the time allocated to Senator MCCAIN up to 10 minutes. Is that enough or would the Senator like more?

Mr. SALAZAR. I think 10 minutes will do it.

Mr. LIEBERMAN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, the energy legislation that is currently being considered by this Senate is very good energy legislation. From my point of view, our vision is to get to energy independence for America. The cornerstones of our getting to energy independence in America are set forth in this legislation. They include efficiency and conservation, which is a very significant component of this bill; second, enough emphasis on renewable energy because we know that can help us get to energy independence with the right emphasis on renewables; third, technology because the technological revolution we are working on will allow us, for instance, to convert our massive resources of coal into zero emissions coal, and coal gasification has great promise; and fourth, the development, in a responsible way, of additional fuel resources.

I think those cornerstones will help us get a long way down the road toward the energy independence that we require in this country so we are not held hostage to the importation of foreign oil.

As important as this Energy bill is, I also strongly believe it is incomplete unless we address the challenge of global warming, which is the subject of the McCain-Lieberman amendment which is now before this body. I applaud both Senator HAGEL and Senator PRYOR for their efforts yesterday in the successful passage of the global warming amendment to the Energy bill. I believe it will put the spotlight on the reality of global warming before us.

I am also proud to be a very strong supporter of the legislation of Senators MCCAIN and LIEBERMAN because that will help us get down the road to real progress on the issue of global warming.

Climate change is a very real and very present problem. We are no longer at the stage where we ask whether the climate of our world is changing. In the words of the recent USA Today article, the headline read, "The Debate's Over."

Our climate, the climate that has nurtured life on this planet for millennia, is changing, and we—each and every one of us—are bringing that change about.

Climate change in our world poses a significant and real economic danger to our country. We know what is causing climate change. Greenhouse gases, such as carbon dioxide, are piling up in the atmosphere, where it stays for decades, for centuries—for a very long time, where it traps the heat on this Earth.

We know the amount of these greenhouse gases is rising and that it is higher now than at any time in the last

400,000 years. It is higher at this time than at any time in the last 400,000 years. We know these gases trap more of the Sun's energy on Earth than is being released back into outer space. If we do not start cutting global warming pollution, the pile-up of greenhouse gases will lock our planet into a future of such rapid climate change that the results could be devastating to our children and to future generations of Americans and future generations of the population of this world.

This understanding of the climate change challenge we face is international in scope. Last week, the heads of the National Academies of Science—these are not fly-by-night scientists or academies or institutions but the National Academies of Science of all the G8 countries—the UK, France, Russia, Germany, Japan, Italy, and Canada, plus those of Brazil, China and India—joined the head of the U.S. National Academy of Science in an unequivocal statement calling for "action . . . now to reduce significantly the buildup of greenhouse gases in the atmosphere" of our Earth. We must listen to the science.

Colorado, my State, has a lot at stake when it comes to global warming. We have a world-class tourist industry that has flourished because of our State's natural beauty, its mighty rivers, expansive forests, and majestic plains. Colorado has the best ski areas, I would venture, in the world, and some of the best big game hunting and fishing anywhere in the continental United States. Tourism employs almost 1 in 10 people in Colorado. In some parts of our State along the I-70 corridor, it employs almost 50 percent of the people who live there.

The likely outcomes of global warming are clear. Losses of forest and meadows in our mountains, reduced stream flows, and significantly reduced snowpack. Those realities pose unacceptable threats to my State, and the same can be said about every State in America.

Colorado's municipal and agricultural life is imperiled as well. Colorado is an arid State, similar to most of our States in the West. We have low annual precipitation rates. Our abundant agriculture and our booming cities are dependent on winter snowpacks and reliable spring runoff. Scientific studies predict less and less snowpack across the West, including in the Colorado Rockies. Studies also predict reduced runoff of the water upon which our water supply system depends. These warnings are dire. These warnings are frightening. They are not abstract concerns about the effects of a warming Earth. We know from recent experience the kinds of effects that prolonged drought can have on our major Colorado river systems. The droughts for the last several years that have left Lake Powell below a 50-percent level tell us this is a real issue across the West.

There are signs that this continuing change in climate across our world needs to be addressed. For me, in a very personal way, I saw the devastation to agriculture across the State of Colorado when we had the most severe drought that our State has had in over 400 years. I saw the pain in the eyes and in the hearts of farmers and ranchers who had to give up their lands and farms and cattle herds because the drought had caused such an economic devastation to the pastures and to the meadows that they relied on for their cattle operations.

We must do something about global warming. It is an imperative that we act now. We, in the Senate, have a responsibility so that we can be proud, 10 or 20 years from now, when our children look back and ask: What did this Senate do? Did they take a position of courage, to address the issue of global warming or did they simply walk away from an issue because they thought it was too tough to handle?

Next month, at the G8 summit in Gleneagles, Scotland, the United States will be the only nation among the G8 that has refused to embrace a mandatory program to cut greenhouse gas pollution. America's closest ally, Britain's Tony Blair, has put climate change at the top of the G8 summit agenda. The heads of Canada, Germany, France, Italy, Japan, and Russia have all signed their nations on to mandatory targets, and they have all joined a global market in which anyone who finds a better, cheaper or faster way to cut global warming pollution can profit by their ingenuity.

By contrast, denial and delay in addressing the problem means not only that the problem is getting worse every day but that American businesses, farmers, scientists, and bankers are being left out and cannot benefit from the kind of active carbon trading market that exists in the European Union today.

We need renewed leadership in America on this issue. Two years ago, Prime Minister Tony Blair came right here to this Capitol and stood with President Bush and addressed this body. In speech after speech, Prime Minister Blair has said he is willing to stand by our Nation on the challenges of immediate security—the war on terrorism, and the campaign against weapons of mass destruction. But he also said America needs to stand with him in his fight against climate change. On the eve of the G8 meetings in Scotland, Mr. Blair has repeated that imperative.

The amendment before us today, called the McCain-Lieberman amendment, is an amendment that takes us in the right direction. I am proud to be a sponsor of that amendment. I urge my colleagues in the Senate to vote in support of that amendment.

Mr. President, I yield the floor.

Mr. LIEBERMAN. Mr. President, I want very briefly to thank my friend from Colorado for a very powerful and learned statement. I appreciate his support very much.

I am proud, as we think about how the debate has gone, the Senator from Arizona and I, the Senator from Connecticut, introduced it. Yesterday we had the Senator from California. Today we have Senators from Florida, Vermont, and Colorado.

This is a national problem which is being recognized across the Nation. The fact is, if you put this amendment to the American people for a vote, it would pass overwhelmingly. I hope that sentiment can express itself here before long on the floor of the Senate.

I note the presence on the floor of the Senator from Ohio, and I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I come to the floor today to talk about the amendment offered by Senator McCAIN and Senator LIEBERMAN. Climate change is happening. There is simply no question about that. It is time the United States takes the lead in slowing its progress and in decreasing greenhouse gas emissions. The amendment before us now, while it certainly has a great deal of merit, is, I am afraid, drafted in a way that I cannot support at this time.

First, the amendment, if adopted as currently written, sets an unreasonable schedule. Simply put, the energy sector would be unable to adjust quickly enough to adopt new technologies and new operating procedures in the limited time mandated by the amendment. When you are talking about energy, you cannot just change and pivot on a dime. It takes time to build infrastructure and capacity. As of today, the technology for capturing carbon is simply not ready yet. In essence, we have designed an engine that is not quite able to run yet.

Second, the amendment uses the year 2000 as a baseline. This concerns me. It concerns me because the fact is that some companies' emissions were at an artificially low point in the year 2000, due to the recession and other economic fluctuations. A sound carbon control system has to be fair. If we provide no flexibility to that standard, some companies would bear a higher burden than other companies with emissions at a normal rate at that time.

Third, the amendment does not provide a big enough upfront Federal investment into scientific research and development. We have to invest substantially more Federal dollars into the development of the technologies we need to reduce the greenhouse gases causing global warming. For instance, we need to dramatically increase funding for the Clean Coal Power Initiative.

In the year 2005, we only funded this program at 25 percent of its authorized level. That must change.

We must be bold. We need to be imaginative. We need to be visionary. This is truly a race, and we are not moving forward fast enough. Realistically, greater investments are not going to be made until we, as a Nation, pull our heads out of the sand and accept the reality that climate change is in fact occurring. In 1997, when the Senate debated the issue the last time, the science wasn't as good. Today, however, we know a lot more, and the science is unambiguously clear. Since 1997, we have had the 5 hottest years on record, and there is now a clear consensus that temperatures have risen globally at least 1 degree Fahrenheit over the last 100 years.

Since 1997, the National Academy of Sciences, the Nation's most prestigious, most credible and most vigorous voice for the scientific community has said that:

> Temperatures are in fact rising [and that] national policy decisions made now in the long term future will influence the extent of any damage suffered by vulnerable human populations and ecosystems.

Almost daily we hear reports from the field of natural indicators of climate change.

For example, glaciers are melting. Dr. Lonnie Thompson, distinguished professor of geological sciences at the Ohio State University, is an expert on the study of glaciers. All of his work points to one conclusion:

> Every glacier we have any data on is retreating . . . Our best evidence for the current loss of tropical glaciers is mainly due to rising temperatures, and those temperatures are higher in many areas than they have been for more than 5,000 years, with the major increase occurring in the past 50 years. Glaciers operate on thresholds and as such are extremely sensitive to global climate change.

Other national indicators strongly suggest the Earth is warming. The sea ice in the Arctic and Antarctic is declining. Coral reefs are disintegrating. Snow cover is decreasing. The oceans are getting warmer, and extreme weather events are occurring with increased frequency.

As the world's biggest emitter of greenhouse gases, the United States has an obligation to take the lead in efforts to control climate change. We have an obligation to be an engaged global player. We have an obligation to urge other nations to join efforts to lower emissions. It is time for our Nation to get into the driver's seat and take the lead in developing the technology and the alternate energy sources that will become an inevitable part of our economy.

Right now, we are falling behind. Japan and Europe are well on their way to developing the very technologies that will be necessary to retrofit our powerplants and make our cars environmentally friendly. We should be the ones developing that technology. We should be the ones designing and creating and inventing the tools we need to adapt and adjust to their future.

Let me repeat: Climate change is happening and a shift to a new global energy economy is also happening. We cannot avoid it. It is inevitable. Without question, we are going to have to change operations and clean up our powerplants and find alternatives to oil and gasoline. Do we want to be the buyers of the technology that gets us there or, rather, do we want to be the sellers?

This much is obvious: If we do not do something, in a few years we will be creating jobs, but they won't be in the United States. They will be in other countries. They will be in Europe; they will be in Japan; they will be other places. That is not the way to go. We will have ourselves to blame and no one else.

I am pleased to say my home State of Ohio is beginning to position itself to face the future and is already involved in efforts to successfully transition to the new energy economy. Ohio has the opportunity to deploy, and in some cases develop, the very technology our own State needs so we can continue to burn coal in our powerplants but with dramatically lower emissions of nitrogen oxide, sulfur dioxide, and mercury.

There is a process called integrated gasification combined cycle, IGCC, which will allow coal, including high-sulfur Ohio coal, to be burned more cleanly. The IGCC process immediately reduces the emission of nitrogen oxide. It also makes it possible, for the first time, to capture carbon before it is emitted into the atmosphere.

This is the kind of technology that can put Ohio at the top. As James Rogers, chief executive of the Cincinnati-based Cinergy Corporation, said:

> I'm making a bet on gasification. I don't see any other way forward.

Similarly, Jason Grumet, the executive director of the National Commission on Energy Policy, called the IGCC process "as close to a silver bullet as we are ever going to see."

Currently, there are only IGCC pilot plants operated in Florida and Indiana. However, American Electric Power, AEP, in Columbus and Cinergy Corporation are on track to build additional plants in Ohio and Indiana, respectively. AEP plans to build a $1.6 billion clean coal plant along the Ohio River in Meigs County.

Ohio also can lead the way in commercialization of fuel cell technology which produces electricity by combining hydrogen and oxygen. Cars are one of the biggest emitters, of course, of carbon. Fuel cells have the potential of providing a carbon-free fuel source for vehicles. Ohio is ideally suited to develop this technology and, at the same time, help begin again its leadership in automotive technology.

I applaud Ohio Governor Bob Taft for his new plan to invest significant funds in fuel cells. He has announced a 3-year extension of the Ohio fuel cell initiative which is a $103 million program aimed at making Ohio the leader in fuel cell technology. Over the last 3 years, already the State has awarded $36 million in grants to 24 future cell projects involving academic researchers and small companies. Indeed, Roger McKain, chairman of the Ohio Fuel Cell Coalition, was correct when he said:

> If you want to be in fuel cells, you should be in Ohio.

Use of clean renewable sources of energy is another way to help slow climate change. As we all know, solar power is one of the most commonly recognized renewable sources. Ohio has several companies that are developing technologies to lead to widespread commercialization of renewables. For example, First Solar in Perrysburg, OH, is a leader in the development and manufacture of solar collection systems. And Parker Hannifin, headquartered in Cleveland, is developing a hydraulic drive system that can precisely position solar collectors used in a powerplant, thereby increasing their efficiency.

I encourage the State of Ohio to do all it can to become a leader in energy technology. We are on our way, but we need to do more. It could help decide the future, quite candidly, of our great State.

In closing, climate change is here. We have to face that fact. And we have to address it. We have to do it in a practical, workable, intelligent way. I look forward to working with my friends Senator McCAIN and Senator LIEBERMAN in the months ahead to craft a bill that will, in fact, work; a bill that will work for Ohio, a bill that will work for the United States, and a bill that will put the United States out front as a leader on global climate change in dealing with this problem.

I am confident we can, in fact, draft a bill that will own up to our obligations to our children and our grandchildren and, at the same time, will have dates that are practical so the emerging technologies will be ready to meet the needs of the energy sector—technologies that will allow us, for example, to expand the use of Ohio coal, something we have in Ohio in abundance, and we have in this country in abundance. We can also craft a bill that will frontload more money in research and development and a bill that will use a baseline date that does not unfairly penalize certain regions of the country.

I am confident we can work together to produce such a bill. We can do these things. If we do, the United States will have done the right thing. We will begin to make demonstrable progress in slowing the rate of climate change and in protecting our environment. History is on our side. History is on the side of passing a bill similar to this bill. It is imperative we get it right. It is imperative we do it right.

I thank Senator McCAIN and Senator LIEBERMAN for their courage, for their vision and their leadership in taking up once again this tough issue. We must finish the task. I look forward to working with them to do the right thing for Ohio, but, more importantly, to do the right thing for our country and for the world, for our children, and for our grandchildren.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Ohio. He has spoken with characteristic sincerity and thoughtfulness. We talked along the way. I am disappointed we cannot take care of the amendment today, but I am encouraged by the very strong statement he has made recognizing what has changed since we last took up this matter, seeing global warming is a real problem, and wanting to work together with Senator McCAIN and me and others to find a solution that is good for the planet, good for the country, and good for Ohio. I thank him for that outreached hand. I accept it, extend myself to him, and look forward to working together in the months ahead to reach a good, balanced, progressive solution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Sometimes we fall into the trap of thinking all wisdom is in Washington, DC. I noticed an op-ed piece in the Oklahoma Duncan Banner yesterday, written by Steve Fair, wherein he goes through all of his research on the outside, showing virtually all the science since 1999 or since 1998 when Michael Mann came through with his hockey stick, has demonstrated very clearly that the science is not there.

I ask unanimous consent this op-ed piece be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Duncan Banner]

Is It Hot in Here?

(By Steve Fair)

On USA Today's Wednesday June 15th editorial page, Senator Jim Inhofe presented the opposing view on the issue of global warming. The paper's position was that there is scientific consensus that greenhouse gases are causing climate change and that failure to implement reductions in those gases will cause major problems for future generations. You've heard the theories—a cow's flatulence in Oklahoma is melting the glaciers in Alaska. It takes more faith to believe that than to believe a sovereign God created the earth in 6 days.

The title of Senator Inhofe's response to the paper was Evidence is underwhelming. He pointed out that global alarmists, whose intents are questionable, are promoting mandatory caps on carbon dioxide emissions in the U.S. when the scientific consensus does not warrant such action. As chairman of the Senate's Environment and Public Works Committee, Inhofe has access to far more detailed scientific information on the global warming issue than the average person.

For years, the global warming issue has always been one that was trumpeted by the environmental wackos—the tree huggers. Their passion in saving the earth was only exceeded by their commitment to killing babies in the womb. It was the liberals that heralded the cause, but that has changed.

On the front page of the same issue of USA Today there was a story about the so-called Christian right. It seems a number of conservative groups which have traditionally been champions of moral issues have now expanded their borders to include taking positions on issues like the environment and human rights.

One of these groups is the National Association of Evangelicals, which represents 52 denominations with 45,000 churches and 30 million members across the country. The current head of the organization is Reverend Ted Haggard, a pastor from Colorado. The NAE takes traditionally conservative stands on abortion, same-sex marriage and prayer in schools, but recently took a turn to the left on their position on the environment.

Used to be a time that evangelicals warned about a different kind of warming. They preached about the fires of hell for the unrepentant, but under Haggard's leadership, this group has taken a position on the environment. The group passed a resolution that states that Christians should labor to protect God's creation. Not many would disagree with that statement, however when the group recently met in DC, the Reverend disinvited Oklahoma US Senator Jim Inhofe because he disagrees with him on environmental issues. Senator Inhofe said the NAE should heed the scripture says that we are to worship the Creator, not the creation.

I read about the snub in Roll Call several weeks back, so I contacted by phone and email the Reverend Haggard. I wanted to discuss his reasoning for blackballing a Senator as socially conservative as Inhofe.

Haggard, who is an Oral Roberts University grad, did not call me back, but did have an underling call me. The young man was nice, but I told him I would only discuss my thoughts with Haggard. I did ask if the reasons cited by Roll Call for Senator Inhofe not being invited to address the group were accurate. The young man confirmed they were. The pastor never called me and I don't expect to hear from him since he knows he cannot defend his position from scripture.

If Rev. Haggard wants to preach his tree hugging views at home or in his church, that's his business, but when he moves it to the public square and wraps it in the guise of the scripture, it becomes mine. The national media loves to paint all Christian conservatives with the same brush and when misinformed zealots like Haggard take their eye off the ball, it hurts the cause. If Haggard wants to start a political action committee called Christian Tree Lovers, then do it. He could invite all the liberal Senators that agree with his environmental views and perhaps they could discuss theology as well. But to move the NAE into the environmental debate when the thrust of that organization has always been first and foremost moral issues is dishonest. If Haggard thinks it's getting hot, just wait until he encounters angry social conservatives.

Steve Fair is Chairman of the Stephens County Republican Party. He can be reached via email at okgop@aol.com or by phone at 580–252–6284.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I ask unanimous consent for 10 minutes from Senator DOMENICI's allocation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, we have had quite a bit of discussion on climate change and whether it is due to manmade carbon dioxide. We ask, who should we believe? Who should we trust?

On the one hand, we hear the world is ending, catastrophic climate change is upon us. The glaciers are melting, icebergs are breaking up, sea levels are rising, deserts are expanding, and somehow it is due to manmade carbon dioxide in the atmosphere.

On the other hand, when you look at history, we have natural variations: little ice ages and medieval warming periods. We have IPCC scientists on the one side who properly couch the lack of certainty in their knowledge, and we have policymakers coming up with certainty that they know the truth based on misreading of these scientists.

As the distinguished chairman of the EPW Committee said, we have hockey sticks. That turned out to be the biggest fraud in the so-called scientific literature. It did not matter what you put into it, the way he set it up, it would cause a hockey stick. Subsequent tests showed it means nothing.

We know Viking farmers used to farm in Greenland. Do you think it was warm then? Was that warming due to coalfired utilities and automobiles? I don't think so.

I came across an interesting article in Investors Business Daily: "Trust Seal Pups' Assessment of Climate." Apparently, a seal pup's weight rises and falls with the temperature of the sea. When the sea temperatures are warmer, there are fewer fish. Seal pups' mothers must spend more time foraging for food and less time feeding their pups. The seal pups' weights decline. When waters are cooler, there are more fish and heavier seals.

A recent University of California-Santa Cruz study shows that seal pup weights are now increasing in the Pacific Ocean and have been for the last several years. That corresponds with reports of sardine, anchovy, and salmon populations across the Pacific rebounding and growing as the waters cool.

All of this information simply documents a natural 50-year cycle in the Pacific Ocean. It is called the Pacific decadal oscillation. Be sure and write that down because everyone will ask, what does PDO mean? Twenty-five years of cooling followed by 25 years of warming. We are now starting a cooling period.

What does this prove? At a minimum, that we have a lot of fat and happy seal pups. What we do not know and cannot know now is whether the current ocean cooling is natural or manmade by carbon dioxide emissions.

Scientists are attempting to explain the current warming and cooling trends through an understanding of the Earth's climate. However, the climate is composed of a myriad of complex variables.

Casual observers have picked out visible warming examples, such as melting glaciers and permafrost as signs of manmade global warming. However, overall climate data is conflicting and gap filled.

Ground-based temperature monitoring turned out to be skewed because it was located near newly urbanized areas and other heat-producing land-management activities.

Satellite readings, in addition to showing the flaws of ground-based temperature readings, also turned up unexplained differences between the different layers of the atmosphere. Other atmospheric conditions beyond our understanding include the role of aerosols or other fine particles and water vapor.

Apparently, our surface is brighter than it was a few decades ago. This may be related to airborne particles. This could be as variable as dust storms from China dimming sunlight and causing cooling and changed weather patterns.

Also, a potential huge effect on climate are water vapor and clouds. Everyone knows that a clear night is colder than a cloudy night when the surface heat is allowed to dissipate. We do not know whether warmer temperatures will mean more vapor and clouds or less, more moisture or less, even warmer temperatures are not.

Climate modeling is susceptible to mistakes and manipulation. We have the IPCC Summary for Policymakers not written by scientists who produced the 1,000-page report.

We have the famous hockey stick producing the same results no matter what data is entered into the model. We have economic assumptions necessary to produce even the lowest temperature rise wildly optimistic. Does anyone really believe that Third World economic output, like that in Botswana and Zimbabwe, will reach parity with the United States by 2100? Of course not, but climate models depend on just this type of wild assumption.

To be fair, modeling something like changes in the climate is extremely difficult. It is almost impossible. We are working hard to improve our understanding of climate, how it changes, and why it changes.

The Bush administration, properly, is leading the world in funding for research on climate change. We are searching for answers, but we do not have a firm understanding of our climate, so we cannot have firm answers.

Without this understanding of climate change, without the ability to blame climate change on human carbon dioxide emissions, we are now presented with major measures to find a solution to a problem we do not even know it will fix.

The Europeans will say privately that even if we cannot prove that carbon dioxide is causing global warming, we should be "better safe than sorry."

Unfortunately, if you believe in human-induced global warming, their solution—carbon mandates—will not make us "safe." Kyoto would have had only a minimal effect on the total amount of carbon dioxide emissions in the atmosphere. McCain-Lieberman would only have a minuscule impact on total carbon dioxide emissions.

What does that leave us with, if we are not "safe"? It leaves us "sorry" but not in ways that climate change proponents will admit.

We will all be sorry if we impose carbon caps because of the massive human and economic toll it would take—the unacceptable number of jobs we would kill, the unallowable number of U.S. manufacturers that would be driven overseas to countries not having these restrictions, the unimaginable amount of domestic energy resources we would give up, the unthinkable burdens we would place on the economically disadvantaged.

The sponsor of this amendment was quoted in the past as saying, "My first priority is greenhouse gases." Well, my first priority is protecting our families and workers. McCain-Lieberman will hurt families, hurt our Nation's energy security, and drive jobs overseas. I do not want us to be imposing this pain on American families and workers when there is absolutely no assurance it will make any significant, if any, difference on climate change.

Tight family budgets and outsourcing jobs to China—what do they have to do with an environmental amendment? How will fighting so-called climate change with this amendment hurt our seniors and struggling families? The answer is all around us.

Every time we turn on a light it will cost us more. Every time we cool our homes to fight the blazing summer heat it will cost us more. Every time we turn up the furnace to fight the bitter winter cold, it will cost us more. Our fruits, vegetables, and grains, grown strong with fertilizer, will cost us more. Buying a product made of plastic will cost us more.

All of these necessities depend upon electricity or natural gas as a raw material. McCain-Lieberman will drastically force up the price of both. Experts estimate the price of residential electricity would rise an additional 20 percent by the year 2020. How will this drastic increase happen?

The amendment will force those who make electricity by burning coal, like we do in Missouri, to switch to high-priced natural gas, already in short supply, already causing burdens on low-income people in my State, already forcing users of natural gas, petrochemical and plastic industries, to move out of the United States.

That is why natural gas is already expensive. Supplies are limited. Think what will happen when we demand even more scarce natural gas to protect electricity? Prices will go up. Farmers who use it for fertilizer for their crops will drastically be affected.

The average household would lose at least $600 each year by 2010 and up to $1,000 by 2020. But the hardest hit will be seniors and the poor. Higher power and cooling bills will hit those on fixed incomes the hardest. What will they cut? Food, lighting bills, drugs.

What will employers cut when they face higher energy costs, higher prices for natural gas? They will cut jobs or move them overseas. Experts predict up to 40,000 lost jobs in 2010, rising to 200,000 lost jobs in 2020. Is that what we want to do, kill 200,000 jobs a year?

So where does that leave us? I believe the solution is in new technologies to make clean energy without steep price increases, technologies that will protect our families and protect our workers, technologies that will make our environmental goals affordable, not job ending or poverty inducing.

We need investments in hydrogen and fuel cells. We need investments in clean coal. We need technologies that will let us harness domestic fuel supplies and provide clean energy.

And when we have these clean, affordable technologies developed, we need to deploy them on a commercial scale.

We have super-critical pulverized coal technologies that in the near future will be so efficient that they will reduce the amount of carbon dioxide produced by 25 to 30 percent. And we are working on the Future Gen program to produce electric power with only water released into the environment.

What we need now is to get serious about helping these technologies get to the market. They are more expensive than current plants, so they need some help. The appropriations process under Senator DOMENICI's leadership is putting more money into clean coal technology, and I thank him for that.

This Energy bill under his leadership has technology deployment provisions that will make clean coal technology affordable. Additionally, Senator HAGEL's amendment will authorize direct loans, loan guarantees, standby default coverage and standby interest coverage for technologies that reduce greenhouse gases. So I was happy to support that.

Mr. President, I ask unanimous consent that I be granted 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. We could have clean and affordable technologies. This bill is moving us in the right direction. That is the way we should go. We have technologies such as mentioned by the Senator from Ohio, the integrated gasification combined cycle that turns coal into gas, allows for the capture of pollution and carbon, and someday will allow us to sequester carbon.

This Energy bill is working to make more technology deployable. Senator HAGEL's amendment will authorize direct loans. But we could be moving right now to clean up pollution.

This spring in the Environment Committee, the Clear Skies legislation, proposed by the President would cut smog-producing nitrogen oxides by 70 percent, acid-rain-causing sulfur dioxides by 70 percent, and mercury by 70 percent.

These cuts would have come solely from electric power plants. Ninety percent of the local areas violating EPA air standards would come into compliance with this measure. However, our opponents have held this hostage saying that they do not want to clean up NO_x, SO_x, and mercury by 70 percent because they want to chase the ephemeral carbon cause of global warming.

Well, it is not proven. Manmade emissions are not proven. But we know we can make progress. I considered attaching the Clear Skies legislation to this bill but, unfortunately, opponents would just use that as another excuse to kill both this bill and Clear Skies. But at the end of the day, if we can reject this unwise, overreaching McCain-Lieberman proposal, we will be able to move forward with a measure that will work to increase our energy supply, reduce our dependence on foreign sources, and provide us cleaner energy.

I urge my colleagues to oppose the McCain-Lieberman amendment.

I ask unanimous consent that a copy of the article I mentioned be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRUST SEAL PUPS' ASSESSMENT OF CLIMATE

(By Dennis Avery)

A new study of the weaning weights of California's elephant seal pups predicts that a 25-year trend of Pacific Ocean warming has ended.

That means that the second half of a 50-year cycle has begun to cool the northern Pacific. In addition, historical fish catch data indicate the ocean cooling trend is likely to last until about 2025.

Burney Le Boeuf and David Crocker of the University of California, Santa Cruz, monitored the weaning weights of central California seal pups for 29 years, from 1975 to 2004. The ocean's temperatures generally increased, and the pups' weaning weights declined 21 percent over 24 years from the study's beginning until 2000.

The seal pups' weight decline coincided with an increase in their mothers' foraging time of 36 percent. A decline in the mothers' own weights confirmed that fish were relatively scarce. After 1999, however, ocean temperatures began to decline, fish became more abundant and the pups' weaning weights abruptly began to rise. By 2004 the pups' weaning weights had recovered to 90 percent of their 1975 weaning size.

ANCHOVY WEATHER

Seal pup weight trends confirm a cycle also found in northern Pacific salmon catches. Columbia River salmon numbers declined sharply after 1977.

And Columbia River salmon catch data, which date back to 1900, clearly reveal 50-year cycles, with 25 years of salmon abundance interspersed with 25-year periods of salmon scarcity. Gulf of Alaska salmon catch data show a similar but opposite cycle in salmon numbers. When the count of Columbia salmon fishery is down, Alaskan salmon numbers are up.

Dr. Francisco Chavez of the Monterey Bay Aquarium led a 2003 study that found shifts in sardine and anchovy populations across the Pacific followed the same 50-year cycle, and did so in such widely disparate places as California, Peru and Japan, all with sharply different fishing pressures. Chavez's data show the most recent shift toward cooler temperatures, which favor anchovies over sardines, occurred in the late 1990s.

The previous shift toward warmer temperatures, which disadvantaged the California seal pups and anchovies, occurred in the mid-1970s. Researchers have begun to call the 50-year ocean cycle the Pacific decadal oscillation (PDO).

During the PDO, ocean temperatures rise and fall, fish species wax and wane, and fish are caught in different places, but total ocean productivity remains stable.

Do seals, salmon and sardines have something to tell us about man-made global warming? Yes.

Earth's temperatures have definitely increased since 1850—the end of the widely noted Little Ice Age—by 0.8 degrees Celsius. However, 0.6 degrees of the warming occurred before 1940, and therefore before much human-emitted CO2 was produced.

After 1940, the Earth's temperature declined moderately until the late 1970s, despite huge increases in human CO2 emissions and in defiance of the greenhouse theory. Is it just coincidence that during this period the PDO was cooling the Pacific?

The current surge of public concern about human-caused global warming occurred after the Earth's average temperatures began to rise again in the late 1970s—which coincided with the PDO's shift back to its ocean warming phase.

So does the recent shift in the PDO mean the Earth's average temperatures will start to cool again? Was the "warmest decade" of the 1990s an artifact of expanding urban heat islands and a 25-year Pacific Ocean warming phase?

UP AND DOWN

Ice cores and seabed sediments have already told us that the Earth has a long, moderate, natural 1,500-year cycle that raises temperatures in New York 2 degrees Celsius during its warming phase and drops them 2 degrees Celsius during little ice ages. The Little Ice Age, from 1300 to 1850, was the most recent of these cooling phases.

Now seal pups and sardines are instructing us that even temperature trends as long as 25 years can mislead us about cause and effect in the Earth's climate—which has been cycling constantly for at least the last million years.

We might want global climate modelers and the United Nation's Intergovernmental Panel on Climate Change to address evidence of the PDO before we agree to give up 85 percent of society's energy supply on behalf of man-made global warming.

Mr. McCAIN. Mr. President, I yield 10 minutes to the Senator from Delaware off my time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I thank the Senator from Arizona for yielding me time. And even more, I express my thanks to him and Senator LIEBERMAN for the leadership they are providing on an enormously important issue for not just our country and our States but, really, I think for the world in which we live.

I want to start off today with something of an admission. I want to admit to all of you that I am really a Johnny-come-lately on the issue of global warming. Not that long ago, I believed we needed more science to be able to justify action; that we needed more research to justify action. Not that long ago, I feared that taking meaningful action could very likely mean that we do harm to our economy.

But with the passage of time, like a lot of our Republican friends and our Democrat friends, I have changed my mind. Over the past several years, I have become a believer. Global warming is real. We do need to do something about it. I have enough faith in American technology and our ingenuity and our know-how to believe we can do that without endangering economic growth.

Two of the key people who have helped to educate me on this issue are Dr. Lonnie Thompson and his wife Ellen Mosely-Thompson. Both are professors at Ohio State University. Just last month, Lonnie was elected to the National Academy of Sciences. As an undergraduate student and graduate of Ohio State University, I am proud to say I know them, although neither of them was a professor of mine when I was a student there a long time ago.

Doctors Thompson are not retired academics who sit in Columbus, OH, and pontificate about global warming. They get their hands dirty. They have led some 40 expeditions around the world—to the Himalayas, to Mount Kilimanjaro, and to the Andes in South America—in an attempt to figure out how global warming is changing the face of our most famous mountaintops.

According to Lonnie Thompson:

> In 1912, there was over 12 square kilometers of ice on Mount Kilimanjaro.

When the Thompsons went to that mountain in February of 2000, it was down to about 2 square kilometers of ice. Lonnie Thompson projects sometime around 2015—that is 10 years from now—the ice that sits atop Mount Kilimanjaro will disappear entirely.

From all their studies of glaciers and icecaps atop mountains in Africa and South America, Lonnie and Ellen Thompson have concluded that many of them will simply melt within the next 15 years because of global warming. And their fear is that little can be done to reverse that.

I would like to share with you today several enlarged photos. I will start with one of the icecaps the Thompsons have studied in the Southern Andes. This first one shows what it looked like in 1978—27 years ago and the second shows the same mountain in 2000. This area here may not look like a whole lot, but that is a 12-acre lake that exists today which did not exist in 1978. There is a lot less ice, a lot of melting, and now we have a lake where a glacier once stood.

Now, that may or may not sound like a lot, but consider this: The Thompsons have observed that the rate of retreat has been 32 times greater in the last 3 years than it was in the period between 1963 and 1978. Just think about that; 32 times greater that this glacier has retreated in the past 3 years than it did back in the 1960s and 1970s.

Now, that is the Andes. Let's look at something just a little bit closer to home. Glacier Bay is located along the coast of southeastern Alaska. It is a national park and preserve filled with snow- and ice-covered mountains. A lot of us have been there, visited, and seen them with our own eyes.

This next photo is of the Riggs Glacier in Glacier Bay. It was taken by the U.S. Geological Survey, I believe, in 1941, over 60 years ago.

Now, look at this next picture. It is also the same spot, taken in 2004. There is no ice. The weather warmed up enough that we actually have vegetation. This might be the upside of global warming, but there is a downside as well, and that is what I am going to be focusing on today.

These are just two examples, my friends, and there are plenty more we do not have time for today. Together I believe they spell out an ever more convincing case that our Earth is warming, and at an increasing rate, and what is more those of us who live on this planet are largely to blame.

I want us to consider some facts as we know them. If we could take a look at this next chart. First of all, 9 out of 10 of the hottest years on record have occurred in the last decade. Arctic sea ice has shrunk by some 250 million acres—an area the size of California, Maryland, and Texas combined. Since 1995, more than 5,400 square miles of ice have broken off of Antarctica and melted.

Skeptics will still try to claim that there is no official link between what we see happening across the globe and manmade greenhouse gases. But last month, scientists at NASA's Goddard Institute for Space Studies announced that they have found the "smoking gun" in the global warming debate. What they have done is they have used sophisticated computer models and ocean-based measurement equipment. NASA scientists found by doing so that for every square meter of surface area, our planet is absorbing almost 1 watt more of the Sun's energy than it is radiating back into space as heat—a historically large imbalance that these NASA scientists tell us can only be attributed to human actions. Their conclusion:

> There can no longer be substantial doubt that human-made gases are the cause of global warming.

Their words, not mine.

According to scientists, that imbalance will only get worse over the next century. Computer modeling shows that temperatures may well rise between 2 to as many as 10 degrees Fahrenheit by the end of the 21st century depending on how well carbon emissions are controlled by us here on this Earth. The effects of our doing nothing could be catastrophic. As the Earth's temperature increases, the extra heat energy in the atmosphere likely will trigger even greater extremes of heat and drought, of storms and wind and rain and even sometimes of more intense cold. The Environmental Protection Agency estimates that unless global warming is controlled, sea levels will rise by as much as 2 feet over the next 50 years. For our island nations and coastlines, that could mean literally entire communities and beaches wiped out.

I like to joke, but it is really gallows humor, that in Delaware our highest point of land is a beach. A sea level rise of that magnitude would mean that people wouldn't be looking for beachfront property at Rehoboth or Dewey Beach. They might be looking for it closer to the State capital in Dover, DE, than any place along the shores we visit.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. CARPER. I thank the Chair.

I also want to quote a Republican friend of mine who recently pledged to cut California's carbon dioxide emissions by more than 80 percent over the next 50 years:

> I say, the debate is over. We know the science. We see the threat, and we know the time for action is now.

I want to ask, what does the chief executive of California know that the chief executive of our country may not yet know? Our country is the largest emitter of greenhouse gases. The Governator knows that. He knows we account for almost 20 percent of the world's manmade greenhouse emissions. He also knows we account for about one-quarter of the world's economic output. The bottom line is, the United States has a responsibility to lead on this issue.

The PRESIDING OFFICER. The Senator's time has expired. Does the Senator from Arizona wish to yield any additional time?

Mr. CARPER. I don't believe my time has expired. Someone just told me I had 5 more minutes a minute ago. I would ask for 2 more minutes.

Mr. McCAIN. I yield the Senator 2 more minutes.

The PRESIDING OFFICER. Let me check the calculation of allotted time.

It is the understanding of the Chair that 10 minutes that had been yielded has been used.

Mr. McCAIN. I yield 3 additional minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CARPER. The United States has a responsibility to lead on this issue. Unfortunately, we have not seen a whole lot of leadership coming from the White House or Congress on global warming—at least not yet. The McCain-Lieberman proposal before us is not Kyoto. It calls for more realistic timeframes for CO_2 reductions and more flexibility for businesses to meet them. In my opinion, the time has come for action. That is not just my opinion, that is an opinion shared by a growing number of American businesses as well. They see the future. They are telling us to act now rather than later.

In the face of overwhelming scientific evidence, most naysayers have moved away from questioning whether climate change is real. They have now pinned their excuse for inaction on the adverse effects carbon constraints would have on the economy. However, some forward-thinking businesses are starting to realize that doing something proactive on global warming represents an opportunity to enhance their bottom line.

More American businesses are coming to realize that controls on carbon dioxide emissions are probably inevitable. They are saying it makes sense to take small steps now to avoid bigger problems later. A growing number of those companies have concluded that if we act to address climate change now, we can actually help them and their bottom line.

Let me give a couple examples. Companies realize they can make money by being green. Last month, for example, GE chief executive Jeffrey Immelt said his company is prepared to support mandatory limits on CO_2 while simultaneously moving forward to double revenues from environmentally friendly technologies and products to $20 billion within 5 years. Here is what Mr. Immelt said:

> We believe we can help improve the environment and make money doing it . . . we see that green is green.

In addition, more shareholders these days are demanding green portfolios. Evangelical and environmental groups as well as State pension fund officials, who together control more than $3 trillion in assets, get it. They are pushing resolutions at shareholder meetings that will compel companies to disclose their financial exposure to future global warming regulations. Their pressure has resulted in many companies developing global warming policies in order to decrease future liabilities and show a greener, more environmentally friendly portfolio.

There is also more pressure among corporate peers to prove their environmental stewardship. JPMorgan recently announced that it would ask clients that are large emitters of greenhouse gases to develop carbon reduction plans. Similar commitments were made earlier by Citigroup and Bank of America.

Other companies, such as DuPont, a major global manufacturer headquartered in Delaware, have already begun taking meaningful steps to reduce their carbon dioxide emissions. In the mid-1990s, DuPont began aggressively maximizing energy efficiency as part of a global climate change initiative. This strategy allowed DuPont to hold their energy use flat while increasing production. Their efforts have reduced their greenhouse gas emissions by more than 60 percent and saved this company $2 billion. Chad Holiday, CEO of the company, said:

> As a company, DuPont believes action is warranted, not further debate. We also believe that the best approach is for business to lead, not to wait for public outcry or government mandates.

I, too, believe the time has come to act. I also believe that given the right initiatives, even more American companies will rise to the challenge.

As businesses such as DuPont and GE have begun taking steps to address climate change, more and more States and cities are moving to do the same. Just this month, the U.S. Conference of Mayors unanimously passed a resolution calling on their 1,183 cities to try to meet or surpass emissions standards set by the Kyoto Protocol. Nineteen States have developed renewable portfolio standards in an effort to encourage more energy to be derived from cleaner and less carbon producing sources.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CARPER. I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, an additional minute is yielded.

Mr. CARPER. There is good news and bad news in all this. On the one hand, you have all these cities and States taking their own course. While that is encouraging, on the other hand, for businesses that need some certainty and a national game plan, there is a problem with that. We don't need a patchwork quilt. What we need is the Federal Government to provide some leadership and certainty for our businesses.

On Social Security, the President says we are going to have a big problem 20, 30, 40 years down the road. And in order to avoid a big problem, a big train wreck, we need to take some small steps now. Frankly, the same argument applies to global warming. Thirty, 40, 50 years down the road, we are going to have a huge problem. It could be averted if we take some small, measured, reasonable steps today. The sooner we get started, the better off we will be and the less likely that a train wreck will occur 30 or 40 years later in this century.

I yield back my time, and I thank my colleagues for their leadership and for the extra time.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 826, AS MODIFIED

Mr. LIEBERMAN. Mr. President, I thank my friend from Delaware for a very compelling statement. If anybody wasn't listening to what he had to say, look at the pictures, understanding that he didn't start out being in favor of this, but the science brought him in this direction. When people look at it with an open mind, they will join us. I thank him for his support.

I ask unanimous consent to make a minor modification to the amendment Senator McCAIN and I have offered and send a modification to the desk. On page 100 of our amendment, it would strike lines 16 through 20. I believe it has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The modification is as follows:

> On page 100, strike lines 16 through 20.

The PRESIDING OFFICER (Mr. SUNUNU). Who yields time?

Mr. INHOFE. Mr. President, I yield 10 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, let me thank my colleagues, Senators McCAIN and LIEBERMAN, for bringing this debate to the Senate floor. Let me say to my colleague from Delaware, he has made a very compelling statement for sustaining the status quo. America and America's industries have awakened to the marketplace, and they are recognizing and moving this country toward cleaner energy and cleaner industry faster than any command and control Federal regulation could bring us there. Last year, a 2.3-percent reduction in greenhouse gases; this year a projected 3 percent, and all within the economy and all within the initiative of boards of directors and city councils and urban areas. Why? Because there is a belief that it is necessary and important for us to drive down the emission of greenhouse gases without the Federal Government stepping in and taking away the very value of a free market and beginning to command and control a market and shape it in what could be, if not done well or on the wrong science, a distorted market false way.

What we passed yesterday was very clear—incentivize, bring in new technology. The Hagel-Pryor amendment that was agreed to by a bipartisan majority is consistent with where this administration and where our initiatives have been going now for well over a decade.

We are beginning to see the results. We haven't created a huge Federal bureaucracy. We haven't created a carbon czar. We haven't picked winners and losers. We have allowed the DuPonts and the other major companies of this country to recognize the value. We have even incentivized them to some extent. But more importantly, America recognizes that if we use our markets and our technology, we can be much cleaner than we are without commanding and controlling and creating a Federal bureaucracy that just might get it wrong.

Here is what happens when you blend politics and bureaucracy. Let me make this point because Senator LIEBERMAN was on the floor yesterday making the point. I want to broaden what he said. It is important for us to understand the politics of the business we are in. The politics of the business is now the G8. We have the President going to the G8. The chairman of the G8 is Tony Blair. Tony Blair wants to get in favor with the political greens of Europe because he got out of favor with them in Iraq, and he is making climate change his initiative. But he is also over in Brussels bidding for more credit because he can't get his country there without shutting down the economy because the technology is not yet there to get Great Britain there. That is the politics across this issue and the politics across Europe.

My colleague, JOE LIEBERMAN, did something, and it is not a criticism at all. On the joint science academies' statement of a month ago, I noticed two very big polluters, India and China, are signatories of this national academy document. They are burning coal. They are going to burn a lot more and they don't plan to do anything about it. But they are concerned. Here is the lead paragraph:

> There will always be uncertainty in understanding a system as complex as the world's climate. However, there is now strong evidence that significant global warming is occurring.

And then they go on. I took issue with that and I called and wrote to the chairman of our academy because they were a signatory. I said: What is wrong here? Why are you changing your course and direction? Bruce Alberts wrote back to me.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 8, 2005.
BRUCE ALBERTS, Ph.D.,
President, National Academies of Sciences, Washington DC.

DEAR DR. ALBERTS: I received a copy of the "Joint Science Academies' Statement: Global Response to Climate Change" yesterday and read it with great interest. I was pleased that the recommendations contained in that Statement mirror actions that our government has taken during the last five years to address the potential threat of climate change and reduce greenhouse gases.

As you know, the United States has committed billions of dollars to mobilize the science and technology community to enhance research and development efforts which will better inform climate change decisions. Indeed, the Administration has initiated a Climate Change Science Program Strategic Plan that the Academy reviewed and endorsed. Moreover, the United States is engaged in extensive international efforts on climate change, both through multilateral and bilateral activities. The United States is by far the largest funder of activities under the United Nations Framework Convention on Climate Change and the Intergovernmental Panel on Climate Change.

So, it was with dismay that I read the attached press release from the Royal Society, attempting to characterize the Joint Statement as a rebuke of U.S. policies on climate change. Statements such as: "The current U.S. policy on climate change is misguided. The Bush Administration has consistently refused to accept the advice of the U.S. National Academy of Sciences (NAS)" contained in the press release are offensive and inconsistent with my understanding of the facts. Moreover, the interpretation of the NAS 1992 report on climate change is also contrary to my understanding of that document. Indeed, it appears to me that the Joint Statement is being hijacked by the Royal Society for reasons that have nothing to do with the advancement of scientific understanding of this most complex and controversial subject.

I would appreciate a clarification of the meaning of the Joint Science Academies Statement. I am also interested in the origins of this Statement and am very curious about the timing of the release of this Statement.

Thank you for your prompt attention to this request.

Sincerely,

LARRY E. CRAIG,
U.S. Senator.

NATIONAL ACADEMY OF SCIENCES,
Washington, DC, June 9, 2005.
Hon. LARRY E. CRAIG,
U.S. Senator,
Washington, DC.

DEAR SENATOR CRAIG: Thank you for your letter of June 8 concerning the statement by eleven science academies on Global Response to Climate Change. I was very dismayed when I read the press release issued by the Royal Society, especially the quote by Dr. Robert May contained in your letter. Their press release does not represent the views of the U.S. National Academy of Sciences, and it was not seen by us in advance of public release. The press release is not an accurate characterization of the eleven academies statement, and it is not an accurate characterization of our 1992 report. I have enclosed a copy of the letter that I sent yesterday to Dr. May, President of the Royal Society, expressing my displeasure with their press release.

The eleven academies statement was carefully prepared, and in our view it is consistent with the findings and recommendations of previous reports issued by our academy that underwent rigorous review. These reports include the Policy Implications of Greenhouse Warming: Mitigation, Adaptation, and the Science Base (1992) and Climate Change Science: An Analysis of Some Key Questions (2001).

Our hope was that eleven academies statement would be useful to policy makers as they deal with this important issue. Regarding the timing of the statement, the goal of the academies was to have the statement released prior to the G8 summit in July. The participating academies planned for a release in May, but preparation of the statement and securing its approval took longer than anticipated. As soon as the statement was approved by all of the academies, it was released a few days later.

I would be glad to provide any additional information or to answer any remaining questions you may have.

Sincerely,

BRUCE ALBERTS,
President.

NATIONAL ACADEMY OF SCIENCES,
Washington, DC, June 8, 2005.
DR. ROBERT MAY,
President, The Royal Society,
London U.K.

DEAR BOB: I am writing with regard to the press release issued June 7, 2005 by the Royal Society entitled "Clear science demands prompt action on climate change say G8 science academies". There, I was dismayed to read the following quote from you: "The current U.S. policy on climate change is misguided. The Bush Administration has consistently refused to accept the advice of the U.S. National Academy of Sciences (NAS). The NAS concluded in 1992 that, 'despite the great uncertainties, greenhouse warming is a potential threat sufficient to justify action now', by reducing emissions of greenhouse gases."

Your statement is quite misleading. Here is what the report that you cite actually said: "Despite the great uncertainties, greenhouse warming is a potential threat sufficient to justify action now . . . This panel recommends implementation of the options presented below through a concerted program to start mitigating further build-up of greenhouse gases and to initiate adaptation measures that are judicious and practical . . . The recommendations are generally based on low-cost, currently available technologies". (Policy Implications of Greenhouse Warming: Mitigation, Adaptation, and the Science Base, p. 72; 1992).

By appending your own phrase, "by reducing emissions of greenhouse gases" to an actual quote from our report, you have considerably changed our report's meaning and intent. As you know, a statement resembling yours was present in the Royal Society's initial draft for a G8 statement. However, it was removed for carefully explained reasons from subsequent drafts. Thus, the relevant statement in the final G8 text is as follows: "The scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action. It is vital that all nations identify cost-effective steps that they can take now, to contribute to substantial and long-term reduction in net global greenhouse emissions".

The actual text of the G8 statement that we signed is perfectly consistent with what we have been telling our own government in a variety of reports since 1992, whereas your interpretation of our 1992 report is not.

As you must appreciate, having your own misinterpretation U.S. Academy work widely quoted in our press has caused considerable confusion, both at my Academy and in our government. By advertising our work in this way, you have in fact vitiated much of the careful effort that went into preparing the actual G8 statement. As an unfortunate consequence, I fear that my successor, Ralph Cicerone, could find it difficult to work with the Royal Society on future efforts of this kind—both in this and other important areas for the future of the world.

Sincerely yours,

BRUCE ALBERTS,
President.

THE ROYAL SOCIETY,
London, U.K., June 9, 2005.
PROFESSOR BRUCE ALBERTS,
President, National Academy of Sciences,
Washington, DC.

DEAR BRUCE, Thank you for your letter of 8 June 2005. I am naturally concerned that our press release has caused so much difficulty for you in the Academy and with your Government.

I have read again the relevant part of your 1992 report. Your 1992 quote says, of course, "despite the great uncertainties, greenhouse warming is a potential threat sufficient to justify action now." It then goes on to say "This panel recommends implementation of the options presented below through a concerted programme to start mitigating further build up of greenhouse gases . . ." Your report then immediately below (on the same page) in the section headed "Reducing or Offsetting Emissions at Greenhouse Gases" says Energy policy recommendations include reducing emissions related to both consumption and production." The next three pages of recommendations go into detail about how to achieve these reductions.

Given the very clear recommendations that your 1992 report contains for reducing greenhouse gas emissions, I fail to see how you could make the accusation that our press release misrepresents its contents. And clearly your 1992 report remains a definitive statement because you have placed a prominent link to it from the information about the joint statement on the home page of your website. The joint statement and your 1992 report both appear to me to be perfectly consistent with the statement in the press release to which you have objected.

I can understand that the Academy may have receive criticism for re-stating its position so clearly and so appropriately now. It is clearly not a politically convenient message for the U.S. Government, particularly at a time when media reports have suggested that there have been attempts to doctor official documents relating to the science of climate change. But the U.S. media coverage of the Academies' joint statement that I have seen appears rather favourable, as has been the media coverage in the UK. Indeed, the Philadelphia Inquirer published a supportive editorial today.

Some of the coverage has suggested that the release of the statement showed "uncharacteristic political timing". This, of course, was by accident, rather than design. We had originally hoped to publish the statement on 24 May, but agreed to delay until 8 June at your request. We were completely unaware when we agreed to the change of date that this was so close to the Prime Minister's visit to Washington.

In the event, we only moved forward the release by a day when it became apparent that British journalists had discovered a neat-final draft of the statement on the website of the Brazilian academy. And we only issued the release after we had obtained explicit agreement from the Academy and even delayed contacting journalists until your officials had had the opportunity to brief the White House.

I am confident that we acted perfectly properly in this matter and am surprised by your comments. I am sure that our two academies will continue to work closely together as we have done in the past and as befits organisations with such similar objectives.

Yours,

ROBERT M. MAY,
President.

Mr. CRAIG. Mr. President, he said they had not changed their course and direction and they didn't agree with the Royal Academy's statement. They thought it was misleading. That is not what they said, not what they believe. It is not what they intended.

Then the head of the National Academy of Sciences wrote a letter to the Royal Academy. The Royal Academy basically said stuff it, it is our interpretation of what you said and we have a right for our own interpretation. No, the Royal Academy does not have a right to reinterpret the profound work of the National Academy of Sciences, the Hathaway study, the 1992 documentation that brought us to the scientific level we are today.

The reason we are having this gamesmanship in the National Academy of Sciences is because this is ripe politics. It is not substantive science. While there are those of us who believe there are strong indicators that this world is getting warmer, we are not so sure about the science yet. But we are sure—and that is why this legislation we are adding this amendment to, or attempting to add the McCain-Lieberman amendment to, is all about "clean" and all about new technology that is less emitting, has less greenhouse gas in it, and recognizes the importance that our country lead in this direction.

I spoke about that yesterday. I spoke about the intensity indicator as it relates to units of production instead of the false game of capping, because that is where you show how much carbon you are using to produce an element or an indices and a unit of economic growth. That is what this all ought to be about. The Hagel-Pryor amendment is about that. I am not going to slip into what some would call the false argument of the economy. But there is a profound argument to be made if you decide you are going to cap and control carbon in our country and distort the market and don't drive us toward new technologies of gasification and all of those things that reduce carbon in the atmosphere.

Let me tell you where it is. A few years ago, when we were debating against Kyoto and we said it would cause a recession here and cost nearly 3 million jobs, it was laughed at by some at that time. I am sorry, you were wrong and a few of us were right. Here are the facts to prove it. The chart speaks for itself. In the industrial sector of our economy, during the depth of the last recession we have just come out of, we lost about 2.5, 2.6, or 2.7 million jobs in that sector of our economy. It drove them down to 1990 levels of greenhouse gas emissions. In other words, we hit the targets of the Kyoto protocol by a recession that took away 2.9 million jobs.

Now, we have continued to grow some in transportation, residential, and commercial. But in the industrial sector, where the blue-collar American works, we drove them out of their jobs by the economy's inaction; whereas, if we had accepted the Kyoto protocol, accepted McCain-Lieberman in principle, we would have had to have the rules and regulations to accomplish 1990 levels, and that would have been the consequence.

Now there is a strong, legitimate, economic argument that has to be made. Unless you let the economy work its will, and you incentivize the economy to do exactly what it is doing, to do what the Senator from Delaware talked about, energy being used by industry in a way that is cleaner, every time you create a new job in this country, that job is a cleaner job. Why? Because it is employment from new technologies, and that economic unit of production is less carbon intensive, and those are the realities of where we are. We expressed that very clearly yesterday in the Hagel-Pryor amendment.

It is all about science, about new technologies, about creating partnerships with our foreign neighbors. It is not command and control and penalize. We want Third World nations to step up and to grow and to improve the economy and, therefore, the livelihood of their country for their own people. You don't do that by controlling them. That is why China would not step into this. That is why India would not step into it at the time of Kyoto and the protocol itself. Now they may be playing political games in this national academy joint statement of a month ago, but are they doing it substantively at home on the ground? China is going to burn a lot more coal in the future and, in large part, the way we can help them is to help ourselves by incentivizing the use of gasification and bringing that technology online, and doing so not with commanding and controlling but encouraging, incentivizing.

De Tocqueville was right, that regulations could kill the great American experiment. Regulations are the antithesis of freedom and freedom in the marketplace, so incentivizing is doing for us exactly what we want done on climate change today, changing the character of how we do it and the character of the energies we use and the cleanliness of it. It is beginning to recognize if you are for climate change, you have to be for nuclear electric generation and a combination of a lot of other things.

I hope our colleagues will oppose McCain-Lieberman. Command and control will not get us where we want to get without costing us jobs and building a big Federal bureaucracy to regulate the system.

I yield the floor.

Mr. McCAIN. Mr. President, I yield myself 2 minutes. I hear a lot of conversation in private, and sometimes even on this floor, about being political and the reasons for action are political. The Senator from Idaho just did a great disservice to the Prime Minister of England, Tony Blair. I happen to know him. I have discussed this issue. To impugn his motives as the Senator just said—trying to get back with his buddies because of his support—that is character assassination. It is patently false and a great disservice to the leader of one of our great allies.

I would never question the motives of my opponents. To say the Prime Minister of England is motivated by political reasons for the strong and principled stand he has taken on climate change demanded my response, because I know he is an honorable man and not on this issue driven by political reasons.

I yield the floor.

Mr. CRAIG. Will the Senator yield for a moment? Mr. President, will the Senator from——

Mr. INHOFE. I yield one additional minute to the Senator from Idaho.

Mr. CRAIG. The Senator from Arizona suggested I am impugning the motives of Tony Blair. If I am, I apologize for that. I have submitted for the record the statements of the Royal Academy of Science and the statements of the National Academy of Sciences, and I will let them speak for themselves. I know the politics in Europe probably as well as my colleague from Arizona. I know it is a very green politics, attempting to force this President and this Government to ratify Kyoto and the Kyoto protocol. We have said no to that. Tony Blair has put unmitigated pressure on this President. He has even lobbied us individually on it, suggesting we ought to get this President to change his mind.

The Senate spoke yesterday. The Senate has not changed its mind. We support our President. The timing, as the Senator from Arizona knows, of this was uniquely special in light of a July 8—I believe it is July 8—conference of the economic powers. So I would imply there is a lot of politics in this. I will take out of that conversation the personality of Tony Blair, although he personally lobbied me and other Senators.

Mr. McCAIN. Mr. President, I am not going to continue this because I am afraid it may evoke further comments by the Senator from Idaho that may further diminish the reputation of a great European leader, who is obviously committed to addressing the issue of climate change. I will just say that in the joint academies' statement, it says in the global response to climate change, there will always be uncertainty in understanding a system as complex as the world's climate. However, there is now strong evidence that significant global warming is occurring.

The question is: Are we going to do something meaningful about it, or are we going to have a figleaf, such as we just passed with the Hagel amendment?

I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, in every generation, there are several defining moments when we have the chance to take a new course that will leave our children a better world. Addressing the threat of global climate change is one such moment.

Climate change is not just about a particularly hot summer or cold winter. It is not just about a few species of plants and animals. And it is not some far-off threat we don't have to worry about for hundreds of years.

While there are some who still argue with the overwhelming scientific evidence that details the full magnitude of the problem, the evidence is now all around us. The problem is here. And the solution needs to come now.

Since 1980, the Earth has experienced 19 of its 20 hottest years on record, with the last three 5-year periods being the three warmest ever. This is the fastest rise in temperature for the whole hemisphere in a thousand years.

Here in America, we have seen global warming contribute to the worst drought in 40 years, the worst wildfire season in the Western States ever, and floods that have caused millions of dollars in damage in Texas, Montana, and North Dakota. Sea levels are already rising, and as they continue to do so, they will threaten coastal communities.

If we do nothing, these problems will already get more severe. Warmer winters may sound good to us, but they also mean longer freeze-free periods and shifts in rainfall that create more favorable conditions for pests and disease and less favorable conditions for crops such as corn and soybeans.

As more forests and farms are affected, millions of jobs and crops we depend on could be jeopardized.

There are also health consequences to climate change. Rising temperatures mean that insects carrying diseases like malaria are already spreading to more regions throughout the world. And the reduction in ozone layer protections means that more children are likely to develop skin cancer.

Even if we stopped harmful emissions today, we are headed for a one degree increase in temperature by the year 2010.

And since we won't stop emissions today, the temperature outside may increase up to 10 degrees by 2100.

To Illinoisans watching this debate, that means your grandchildren—when they become grandparents—may see Illinois summers as hot as those in Texas, if we don't act now. And those summers in Texas will be more unbearable.

So what can we do now to protect our planet and our people from the effects of global warming? The first step is to adopt the McCain-Lieberman amendment. This bipartisan approach to addressing climate change is not only good environmental policy, it is good economic policy.

This amendment allows the market to determine the best approaches to reducing greenhouse gas emissions and rewards those with the most cost-effective approach by enacting a cap-and-trade allowance system. The revenues generated from this program will go directly to training workers, helping the industries most affected by the reductions cap, and providing the necessary funds to ensure that the United States, not China or India, is the leader in energy innovations such as coal gasification, smaller and safer nuclear plants, and renewable technologies.

Since so many people in Illinois depend on coal for jobs and for energy, and since America is essentially the Saudi Arabia of coal, I am also pleased that this amendment will specifically fund clean coal technology and allow extra allowances for coal companies that use carbon sequestration methods.

The underlying bill will provide $200 million for clean coal technology, $500 million for coal pollution technologies, and $2.5 billion for clean coal based power generation technologies.

This two-track approach—a strong investment in clean coal, coupled with providing certainty to industry so they may prepare for investment in these technologies today—is the right approach to both strengthen our economy and lead us toward the 21st century energy policy.

The United States should be leading the world in investing in existing technologies that harness coal's power while reducing its pollutants.

We now have applications to construct 100 new coal plants. Plants all over the world will get built no matter what, but if we do not make sure each one is equipped with the right technology, future generations will be forced to live with the consequences—dirtier air and dangerous climate change.

We know this country's scientific minds already have the ideas to lead the United States into the future. In this increasingly competitive global marketplace, government needs to do its part to make sure these ideas are developed, demonstrated, and implemented here in the United States, and the McCain-Lieberman amendment can do just that.

Let me make two final points. This administration repeatedly says it will base its policies on sound science.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. OBAMA. Mr. President, I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. The Senator is recognized for an additional minute.

Mr. OBAMA. I thank the Chair.

The science is overwhelming that climate change is occurring. There is no doubt this is taking place. The only question is what are we going to do about it.

The previous speaker, the fine Senator from Idaho, indicated that our economic growth might be hampered by dealing with this problem now. The fact is, when we look at similar strategies that were developed in passage of the Clean Air Act in the 1990s, it turned out that the costs were lower and the benefits higher than had been anticipated. Economic growth was not hampered; rather, innovation was encouraged and spurred in each of these industries.

The last point I wish to address is the point that was made that other countries may be polluting a lot more than we are. I think that is a legitimate concern, but it is impossible for us to encourage countries such as China and India to do the right thing if we, with a much higher standard of living and having already developed ourselves so we are the energy glutton of the world, are unwilling to make these modest steps to decrease the amount of emissions that affects the atmosphere overall.

If we the wealthy nations cannot do it, we cannot expect developing nations to do the same. That is why taking this important step with McCain-Feingold—is so important. That is why I congratulate both Senator LIEBERMAN and Senator McCAIN for taking this important step.

I urge all my colleagues to support this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend. I don't mind him calling it McCain-Feingold.

Mr. OBAMA. That passed.

Mr. LIEBERMAN. We are going to stick with this as long as Senator McCAIN and Senator FEINGOLD have, which is to say, until it passes.

I thank the Senator from Illinois for a very eloquent statement.

Mr. President, I am very happy to see the Senator from Hawaii, Mr. AKAKA, is here. He has asked for up to 10 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for up to 10 minutes.

Mr. AKAKA. Mr. President, I thank Senator LIEBERMAN.

Climate change is a topic that is very important to Hawaii, Pacific islands, and coastal States in general. I have served on the Senate Committee on Energy and Natural Resources since I joined the Senate in 1990. The committee has held hearings on global change almost every year since then, regardless of which party held the majority. It has become clear that an omnibus energy bill must address the production of carbon dioxide and methane, the two most prominent greenhouse gases, because 98 percent of carbon dioxide emissions are energy related.

For more than 20 years, the National Research Council, the International Panel on Climate Change, and Federal agencies, including the National Science Foundation, the National Oceanic and Atmospheric Administration, and the Department of Energy, have been investigating climate change to broaden the scope of our understanding of the interactions of the oceans and the atmosphere, and the modeling of terrestrial and coastal impacts of climate change. Fifteen years ago, scientists were uncertain about the effects of global warming. Today, nearly 95 percent of scientists say that global warming is a certainty.

Most recently, the national academies of science of 11 nations joined together in a joint science academies statement on the need for a global response to climate change. Among the prestigious scientific bodies signing the statement was our Nation's National Academy of Sciences, the Chinese and Russian Academy of Sciences, and the Science Council of Japan. The signatories urged all Nations to take prompt action to reduce the causes of climate change and ensure that the issue is included in all relevant national and international strategies.

I believe that the relatively small cost of taking action now is a much wiser course of action than forcing States and counties to bear the costs of severe hurricanes and typhoons, and replacement of bridges, roads, seawalls and port and harbor infrastructure. In my part of the world climate change will result in a phenomenon that strikes fear in the hearts of many island communities. This phenomenon is sea level rise. Sea level rise, storm surge, shoreline degradation, saltwater intrusion into wells, and increasing flooding will impose very high costs on island and coastal communities, but these costs, which are real and are happening already, are not being addressed.

I would like to describe some disturbing recent information that relates to sea level rise. Scientists at the 2004 Climate Variability and Predictability program, also known as CLIVAR, under the auspices of the World Climate Research Programme, have offered evidence that global warming could result in a melting of the Greenland Ice Sheet much more rapidly than expected.

The World Climate Research Programme is an international group of renown scientists that focuses on describing and understanding variability and change of the physical climate system on time scales from months to centuries and beyond. The research has important implications for islands and low-lying areas and communities worldwide, from Native communities in Alaska along the shores of the Bering Sea, to the Pacific nations of low-lying atolls, to the bayous of Louisiana and the delta regions in Bangladesh.

Using the latest satellite and paleoclimate data from ice cores of the Greenland Ice Sheet, the world's largest ice sheet, studies indicate that the last time the ice sheet melted entirely was when the temperature was only three degrees Celsius higher than it is today. At first this puzzled scientists because it didn't seem that such a modest temperature rise could melt so much ice.

However, recent expeditions have revealed large pools of standing water which feed enormous cracks in the ice sheet, over a mile deep. Scientists believe the water falls down the cracks all the way to the bottom of the ice sheet and could easily enable the glacier to slide more rapidly into the sea. They believe the ice sheet could break up at a much lower temperature than previously thought. Current projections for warming due to greenhouse gases indicate that our temperature could rise three degrees Celsius in less than 100 years, almost guaranteeing the melting of the Greenland Ice Sheet.

Complete melting of the ice sheet would result in a 6 meter, or about 18-foot, sea level rise, inundating many coastal cities and causing small islands to disappear. The effects are expected to be felt in high latitude regions earlier than others. In 2004, the Senate had field hearings in Alaska where Native villages are experiencing the effects of sea level rise. Continental ice sheets, or their disappearance, are driving sea level change. It is time to connect the dots with respect to global warming.

I am particularly concerned for islands in the Pacific. There are changes in our islands that can only be explained by global phenomena such as the buildup of carbon dioxide. Globally, sea level has increased 6 to 14 inches in the last century and it is likely to rise another 17 to 25 inches by 2100. This would be a 1- to 2-foot rise. You can imagine what this might mean to port operators, shoreline property owners, tourists and residents who use Hawaii's beautiful beaches, and to island nations and territories in the Pacific whose highest elevation is between three and 100 meters above sea level. A typhoon or hurricane would be devastating to communities on these islands, not to mention the low-lying coastal wetlands of the continental United States.

I am alarmed by changes in Hawaii. The sandy beaches of Oahu and Maui are eroding. In addition, we have lost a small atoll in the Northwestern Hawaiian Islands. The Northwestern Hawaiian Islands is an archipelago of atolls, shoals, and coral reefs that are a 2-day boat trip or 4-hour plane flight from Honolulu. They are known to be one of the most pristine atoll and coral reef ecosystems left in the world and are currently in protected status as a marine reserve.

Whale-Skate Island at French Frigate Shoals was an island with vegetation and thousands of seabirds nesting on it. It was a nesting area for sea turtles, and many Hawaiian Monk seals pupped there, according to a wildlife biologist who wrote her thesis on French Frigate Shoals.

Today, it is all water except for one-tenth of an acre. The 17 acres of habitat for Monk seal pups, nesting birds and turtles that has been there since the turn of the century, is virtually gone. Although atolls and shoals can lose their land area from seasonal storms and erosion, this one is almost entirely gone and has been "downgraded" from an island to a "part-time sand spit." Similar fates face communities located on low-lying Pacific islands.

The residents of the Pacific island nation of Tuvalu are considering relocation from their homes. Rising sea level has turned their wells salty and filled their crop-growing agricultural areas with sea water. The impacts of even a relatively small sea level rise on Pacific nations and atolls, some with maximum elevations which are less than ten feet above sea level, can be severe. In the Pacific, cultural activities are interwoven with the conservation of the environment. These traditions in the past allowed the survival of dense populations on small land areas. Today, the global issue of climate change extends beyond our borders and threatens the livelihoods of these nations. Climate change is an important challenge and high priority for immediate action in the Pacific.

We must take a first, cautious step to stabilize greenhouse gas emissions in the United States. If we fail to address the issue of climate change now, the U.S. may have to face catastrophic and expensive consequences. A relatively small investment today is far wiser than spending vast amounts in the future to replace destroyed homes and infrastructure, restore altered ecosystems, and reinvest in collapsed agricultural and fisheries industries. Scientists at the Massachusetts Institute of Technology conducted a study that analyzed the proposed costs of the Lieberman-McCain amendment and estimated the cost to be less than $20 per household per year. The Energy Information Administration, part of the Department of Energy, estimates the loss in consumption to be around $40 to $50 per household per year in 2010. The analysis also shows that the impact on real gross domestic product to be minimal, that is, not changing it from the baseline reference. The European Union EU has adopted a mandatory cap and trade program with a carbon dioxide reduction target of eight percent by the year 2012. The compliance costs of the EU greenhouse gas reduction program are expected to total less than 0.1 percent of its Gross Domestic Product. The EU predicts a minimal effect on their economic growth even under a rigorous approach.

The United States has the technological capabilities and intellectual resources to lead the world in an effort to reduce future greenhouse gas emissions. I thank Senators LIEBERMAN and McCAIN for recognizing the importance of climate change and taking the lead on legislation to stabilize greenhouse gas emissions in the 108th Congress and this Congress. I also greatly respect the amendment developed by the ranking member of the Energy Committee, Senator BINGAMAN, in cooperation with the National Commission on Energy Policy. Both of these amendments demonstrate to the Nation and the international community our serious commitment to move on carbon emissions.

It is clear that piecemeal, voluntary approaches have failed to reduce the total amount of greenhouse gas emissions in the United States. Now is the time to send a strong message that the U.S. is serious about the impacts of climate change. A policy of inaction on climate change is not acceptable and will cost the United States more than preventive policies. I firmly believe that we can have economic growth while protecting coastal communities in the Pacific, Gulf of Mexico, Alaska, Louisiana, and other low-lying, vulnerable, coastal areas.

It is time to reduce carbon emissions. For the last 5 years, we have debated how to do it using market mechanisms, through trading systems that capture the value of allowances, credits, or permits, and generate revenue through auctions. Many industries have already accepted this challenge and most, including utility giant American Electric Power Company, according to a 2004 Business Week article, have seen cost savings and business benefits. The Pew Foundation for Global Climate Change reports that most industries have been able to meet their self-imposed goals through efficiencies alone, without requiring heavy capital investment. This is an opportunity to unleash the talent of businesses, engineers, and the Nation's entrepreneurial spirit to create efficiencies in fuel processing and to develop carbon-limited fuels.

The time to act on carbon dioxide is now. The McCain-Lieberman amendment is a step forward and a symbol of the Nation's commitment to the world to reduce our carbon emissions. The amendment uses markets to determine how to manage specific emission reductions, a positive combination of bipartisan policy principles to establish a mechanism that will benefit the nations around the world. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, in regard to the three times, first of all on McCain-Lieberman, how much time is remaining?

The PRESIDING OFFICER. The Senator from Oklahoma has approximately——

Mr. INHOFE. No, McCain-Lieberman.

The PRESIDING OFFICER. Senators McCAIN and LIEBERMAN have approximately 21 minutes remaining. The Senator from Oklahoma has approximately 27½ minutes remaining, and the Senator from New Mexico has 18 minutes remaining.

Mr. INHOFE. Mr. President, on behalf of the Senator from New Mexico, I yield whatever time he may consume to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I thank my colleague from Oklahoma for yielding time off of Senator DOMENICI's allotted time.

I rise today to address the important topic of global climate change, the McCain-Lieberman amendment. I am a strong fan of both the sponsors of this bill. I believe them to be excellent legislators, wonderful individuals, outstanding Senators from both sides of the aisle. They represent this country in the greatest traditions of the democracy and this body. These are outstanding individuals.

I have wrestled a long time with the issue of global climate change. I call it a problem because I believe it to be so. I believe global climate change is occurring. Furthermore, I believe this occurrence can be traced, in some part at least, to man's increased emissions of carbon into our atmosphere.

Some believe carbon to be a pollutant. However, I do not believe this to be the case. Carbon is a naturally occurring element in our atmosphere. It is essential to our survival as human beings. Carbon is a greenhouse gas. Yet, the greenhouse effect is also critical in certain aspects for our survival as well. Without the warming effect provided by carbon and other greenhouse gases, the primary being water vapor, we would freeze. So it is important. We clearly need greenhouse gases in our atmosphere. Yet, on the question of carbon loading in our atmosphere, we must ask how much is too much.

With respect to global climate change, I think we must be persistent, temperate, and wise. We must pay close attention to what the science is telling us. Our actions, which will have real consequences with both the climate and our economy, must be based on data and not on rhetoric.

As I stated at the outset, I admire Senators McCAIN and LIEBERMAN for their persistence in the pursuit of their legislative action on climate change, addressing a real issue in a serious manner. They both have done an outstanding job in shaping the climate change debate thus far. However, I do respectfully disagree with my colleagues that we are at the point in this debate at which we ought to be enacting cap-and-trade regulatory regimes offered in their amendment.

In fact, in taking a look at some of our friends around the world who have implemented a mandatory cap-and-trade system, I believe that the facts show that this approach has not worked in those countries. This regulatory restrictive approach has not worked. There is another method, another way, for us to approach this.

Canada, for instance, which has enacted the Kyoto treaty cap and trade, projects it will exceed its Kyoto commitments by well over 50 percent. Japan, the "home of Kyoto," has projected it will exceed its Kyoto commitments by 34 percent. Our friends in the EU are projecting they will miss its collective Kyoto commitment by 7.4 percent. Many other projections coming from places other than Brussels have the EU doing even worse. In fact, only two European Union countries, the United Kingdom and Sweden, are on track to meet their 2010 targets.

Germany, despite its head start on shutting down some of the industrial base actually of East Germany after reunification, is not projected to meet its burden-sharing target. In Sweden, they have switched to nuclear production and away from traditional sources of power like coal. I believe nuclear power needs to play a greater role in our own power generation, and I think it will lead clearly to reductions in greenhouse gas emissions.

I respect Sweden for their adoption of nuclear power, and it is my hope the United States will see fit to follow suit, as it fits, in this country.

The United Kingdom is meeting its target by three fundamental shifts in their economy, two of which I do not believe to be helpful. First, they are burning less coal and more natural gas due to large stockpiles of natural gas. This is actually as a result of Prime Minister Thatcher's desire to break some of the unions organized around coal in the 1980s. This accounts for about one-third of their reduction. I wish we had the natural gas base that they do. We have some. We have some in my State. It looks as if we will be able to bring in more liquefied natural gas. That will help. But that model does not particularly fit within the United States.

The second place in which the United Kingdom has reduced its carbon emissions is by losing manufacturing and industry jobs to developing countries such as China and India. That is not a model that we want to follow. The United Kingdom may get credit for reducing emissions, but it goes to developing countries like China and India that in many cases are using outdated technology, and therefore producing more total emissions than if these jobs had stayed in the United Kingdom. We want these jobs to stay in the United States, not move out of country. Plus, the countries of China and India are emitting more pollutants, such as sulfur and nitrogen, into the atmosphere as well.

It is clear that while the United Kingdom can claim reductions due to this shift, the atmosphere is in fact worse off with this kind of shift. This is obviously not a way the United States should seek to reduce our greenhouse gas emissions.

Finally, the United Kingdom has reduced their emissions through advanced technologies and is producing energy more efficiently. That is clearly a preferable way for us to move forward in reducing greenhouse gas emissions. That is why I supported the Hagel amendment. I believe it is a positive step in that direction. I want to commend my colleague from Nebraska for offering a voluntary approach, providing incentives for new greenhouse gas-reducing technologies and technology transfer that would help our friends in developing regions of the world such as China and India. This technology transfer would happen through demonstration projects in developing countries, export initiatives, also establishing a climate credit board. I think these sort of voluntary approaches of us working here and technology transfer around the world are a key way to actually get these greenhouse gas emissions down, not a heavy regulatory regime.

There are also things I think we should do that would have a positive effect on our net national carbon emissions, that I do believe are having an impact on the overall global climate change. I think we can do these net national carbon emission reductions that will have a positive environmental benefit and which can have also a positive effect on our economy, not a negative effect, as a regulatory regime. I am referring to projects like carbon sequestration and soil conservation practices. These are projects that not only extract carbon out of the atmosphere but have the more immediate and tangible benefits of improving water quality and preserving wildlife habitat. We have seen this taking place in my home State.

Carbon sequestration—or the process of transforming carbon dioxide in the atmosphere to carbon stored in trees and soils—is a largely untapped resource that can buy us one of the things we need most in the debate over global warming, and that is time and accomplishment at the same time.

The Department of Energy estimates that over the next 50 to 100 years, agricultural lands alone could have the potential to remove anywhere from 40 to 80 billion metric tons of carbon from the atmosphere. If we expand this to include forests, the number will be far greater, indicating there is a real difference that could be made by encouraging a carbon sink, a carbon sequestration, type of approach.

This alone cannot solve our climate change dilemma, but as we search for technological advancements that will allow us to create energy with less pollution, as we continue to research the cause and potential effects in climate change, it only makes sense that we enhance a natural process we already know has the benefit of reducing existing concentrations of greenhouse gases, particularly when this process also improves water quality, soil fertility, and wildlife habitat.

As I say, this is a "no regrets" policy, similar to taking out insurance on one's house or car. We should do no less to protect the planet.

Another way in which we can help reduce the amount of carbon emitted into our atmosphere, while helping our environment, is through the increased uses of renewable energy, namely biomass converted into electricity. I believe this could revolutionize the energy sector and greatly help a number of places around our country.

Energy can be created from biomass by using many agricultural waste products such as wheatstalk, wood chips or even livestock manure. It also harvests grassland that is currently in the Conservation Reserve Program or other conservation reserve programs for biomass production. Not only does this provide a clean source of energy, it also creates a new market for many of our agricultural producers.

Another renewable source of energy comes from wind development. I am a fan of wind development. I believe it to have great potential in producing clean energy that will help the United States with our energy independence. However, I also believe our environmentally sensitive areas and environmental treasures should be protected from wind development. That is why I am also pleased to support my colleagues, Senator ALEXANDER and Senator WARNER, on their environmentally responsible Wind Power Act of 2005. In my home State of Kansas, we are blessed to have a large portion of the last remaining tall grass prairie in the Nation. The Flint Hills of Kansas have virtually been untouched and unplowed by man. It would be a shame to wreck these treasures for future generations simply as a way of putting wind turbines on them.

I am in favor of wind development. However, we must be wise not to harm our environmentally sensitive areas or unique environmental treasures.

Because of my belief in the future potential of energy production from biomass and wind development, I supported Senator BINGAMAN's renewable portfolio standard amendment that passed the Senate last week. Not only will our Nation benefit from cleaner energy that is produced at home, but my home State will as well and will lead the way.

Finally, I believe we, as a Nation, need to invest more in nuclear energy. I commend both Chairman DOMENICI and Ranking Member BINGAMAN for their hard work on this bipartisan Energy bill that includes many strong provisions for expanding our Nation's nuclear power industry. I heard my distinguished colleague from Tennessee, Senator ALEXANDER, mention that nuclear power represents 20 percent of our total power, yet accounts for 70 percent of our carbon-free power.

Clearly, more needs to be done in diversifying our energy sources, and I believe this Energy bill is a step in the right direction. I do commend my colleagues, Senator McCAIN and Senator LIEBERMAN, for adding a robust nuclear section in their climate change bill. This obviously may have upset some, but it is the right step. I believe we could go even so far as to say that this move may have had dangerous political consequences for their bill, but I believe it is the right step for us to move forward.

As I stated at the outset when I entered into this debate, I believe we are seeing global climate change. I do believe that consequences of man's actions are here. I believe, though, we have a series of options that are more likely to produce the results we need than a heavy regulatory approach. While I appreciate the McCain-Lieberman approach, I think this other route is a better way to go.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. First, I thank the Senator from Kansas for his excellent remarks. I think the Senator from Tennessee had a response or a couple of minutes, that he wanted to respond to something that was said; is that correct?

Mr. ALEXANDER. That is correct. I thank the Senator from Oklahoma.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield time?

Mr. INHOFE. I yield 2 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 2 minutes.

Mr. ALEXANDER. Mr. President, I applaud the remarks of the Senator from Kansas and his focus on the clean energy aspects of the Domenici-Bingaman bill, which is making significant progress in producing low-carbon and carbon-free energy, transforming the way we produce electricity.

I also appreciate his cosponsorship of the environmentally responsible wind power amendment. Kansas, of course, has a lot of wind. There may be many places where people want it to be, but there are some places in the United States where we do not need to put gigantic towers between us and our children and our grandchildren; for example, the Statue of Liberty, and the Great Smoky Mountain Park, and Yosemite Park.

This legislation is a very limited amendment that would deny Federal subsidies for that area, give communities 6 months' notice before they are to be built there but otherwise would not interfere with private property rights, prohibit the building of any wind project, affect any project now underway, and would not give the Federal Energy Regulatory Commission any new power.

I hope it is the kind of amendment all Senators can easily support. Whether they are strong supporters of wind power or have reservations about wind power, at least we do not want to see gigantic towers in the buffer zones between our national treasures, the highly scenic areas, and ourselves and our children and grandchildren.

I thank the Senator from Kansas for his support.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding that the Senator from New Mexico, Mr. DOMENICI, is on his way to use his remaining time. While he is doing that, I will comment that the statements that have been made are excellent. We have agreed we will use the remainder of our time. I will use about 10 minutes, whatever time I have, and they will have the last 10 minutes. However, they are not in the Senate right now. We should serve notice we want the concluding remarks as soon as the Senator from New Mexico completes his remarks.

There are a couple of things of interest. For one thing, it is interesting when we hear about the science. I will have a chance in a minute to talk about the science and how flawed the science is. Look at the Oregon petition. Over 17,000 scientists signed a petition. I will read one paragraph from that petition:

> There is no convincing scientific evidence that human release of carbon dioxide or methane or other greenhouse gasses is causing, or will, in the foreseeable future, cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate. Moreover, there is considerable scientific evidence that increases in atmospheric carbon dioxide produce many beneficial effects upon the natural plant and animal environments of the Earth.

It is important that we realize CO_2 is not a pollutant. CO_2 is, in fact, a fertilizer. CO_2 is needed. CO_2-enhanced earth grows crops better than it does in the absence of that.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from New Mexico controls 6 minutes.

Mr. INHOFE. The Senator can have more.

Mr. DOMENICI. Mr. President, I hope I can say what I want to say in 6 minutes. If not, I will ask the Senator for a couple more minutes.

I note Senator BINGAMAN is in the Senate. About a week ago, 6 days ago, there was a comment that Senator BINGAMAN had a proposal that would move in the direction of mandatory cleanup for carbon. I was intrigued by the group that made the study and suggested a way to do it. They had testified before a committee hearing in the Energy and Natural Resources Committee. We were intrigued when they talked about their idea. Senator BINGAMAN had taken it upon himself to put those preliminaries into the format of a bill.

It was said, and I was quite surprised at how much notoriety ensued, that I might be joining my New Mexico partner in this proposal. And that was true, I was considering. And, in fact, we did consider it.

The Senate should know, at least from this Senator's standpoint, what I found out. I found out it is very easy to say we ought to have some mandatory reductions. It is very easy to say what percent reduction there should be. As a matter of fact, the proposal we were looking at sounded rather achievable. Certainly, when compared with the Kyoto accords and when compared with the McCain-Lieberman proposals, quantitatively in many areas—effect on growth, what it will do to the use of coal, how many jobs might it cause, what will it do from the standpoint of real reduction in carbon—compare the NCEP, which was the group that put this study together that Senator BINGAMAN brought to the surface that I just said I was considering, when compared with McCain and Kyoto, the effect on GDP loss used in the same consistent way, and using the same way the President has been talking about it, impact on units of growth, the effect was—get this—0.02. The effect of Kyoto was 0.36. That is a huge difference because one is two-tenths of a percent and the other is 3.6 percent. That was the impact.

That attracted my attention because it seemed to me if we were going to start this process, we ought to start at something achievable. We had pretty good evidence it would not have any great big effect on the economy.

All the others are similar, emphasizing that the very notorious Kyoto agreement was, on every single one, at the very extreme other end compared to the high end, compared to the NCEP. I regret to say, other than to report the facts I know, McCain-Lieberman was not in the middle of the two but very much toward the very high end Kyoto reductions.

I had come to the conclusion we ought to look at the NCEP. This is my first time to say in the Senate why I cannot do it. I hope those who are so excited about mandatory impositions will look carefully at what I found and what—although I do not want to speak for him—I think Senator BINGAMAN found.

To go from the generation that we will reduce in a mandatory manner the carbon emissions, the 2.4 percent—the McCain-Lieberman is much bigger—this was going to start 8 years from now. I said maybe we should start it 10 years from now. But the next thing was how to implement it. How do you allocate the winners and the losers? Under that approach someone has to ratchet down more, somebody has to ratchet down less, somebody has to ratchet down none, and somebody has to get credit because they are so good. And some have to pay penalties because they are not so good.

I don't think you can change that mix no matter what you call the bill. I think McCain-Lieberman finds an American environment with utility companies—some of which have to reduce a lot, some of which do not have to reduce any, some of which are so good they have to get compensated for being so good—so that when we add it up, you get reduction across the Nation.

There is another way, and that is to say you cut down an even amount across the board. I guarantee if we have an even cut across the board, everybody gets cut 2.4, or maybe under McCain-Lieberman you get cut 5 or 6, nobody can live with that because then there is no benefit from having very clean utility companies. What if you had all nuclear powerplants and there was no carbon; would you still have to reduce whatever the amount is?

The reason, I said to my friend, Senator BINGAMAN, there is not enough time to implement a plan under the NCEP proposal is because we do not know how to draft a set of rules that will carry out our process that would be fair and that would achieve the goal. When we looked at possibilities, it was in my way of thinking impossible in 3, 4, or 5 days to write such a proposal.

Senator BINGAMAN might have suggested—and he still may sometime if we cannot finish it out—that we do it differently. We assign somebody the job of doing that detail. That could have been an approach. But it was not what we were talking about. We were trying to write it in.

I submit to the Senate I do not see how there can be a mandatory reduction program that does not have a very detailed approach to who gets allocated what—who wins, who loses, who reduces, and who gets compensated because they already reduced. And all of that across an American universe of production facilities that goes from all of the nuclear powerplants. Maybe all the nuclear powerplants are old, but they are very clean. Then we have very old powerplants, still in production, but they are very dirty in terms of carbon.

How we go about doing that in statute without causing extreme, hard unfairness, inequities, is beyond me.

Having said that, the Kyoto agreement still is being bantered around as if it is viable.

I will ask unanimous consent to have printed a chart showing how big the reductions would be compared with the Lieberman-McCain and how big they would be compared to the NCEP. People ought to look at that. Kyoto is unachievable. We still keep talking about it. It is a pipe dream.

When you look at the numbers and what has to be done, we can understand why the Senate voted 95 to 0 that we would never approve a treaty under Kyoto. They blamed the President, but we said that in this Senate. Nobody here voted to implement Kyoto. I will tell you why. When you look at what you have to do compared to any other program, including the McCain program, but including the one that Senator BINGAMAN and I were going to do which we could not find a way to allocate the winners and losers, you will understand this is a tough job. I don't think we should do that, whether we call it Kyoto, whether we call it McCain. We should not do anything that risky and that uncertain unless there is somebody magical that has a way of putting this formula together—who wins, who loses, who gets money, who cuts, et cetera.

I ask unanimous consent the chart be printed in the RECORD at the end of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Compared to the Kyoto Protocol, the NCEP emissions trading program has a fraction of the impact on the energy sector and economy based on EIA analyses of each policy.

Results in 2020

(NCEP values are averages of 2015 and 2025)

	NCEP	McCain-L.	Kyoto (+9%)
GHG emissions (% domestic reduction)	5.4	17.8	23.9
GHG emissions (tons CO_2 reduced)	452	1346	1690
Allowance price ($/ton CO_2)	7.5	35.0	43.3
Coal use (% change from forecast)	−5.7	−37.4	−72.1
Coal use (% change from 2003)	16.3	−23.2	−68.9
Natural gas use (% change from forecast)	0.8	4.6	10.3
Electricity price (% change from forecast)	3.5	19.4	44.6
Potential GDP (% loss)	0.02	0.13	0.36

Mr. LIEBERMAN. I wonder if the Senator would allow me a moment to respond to something Senator DOMENICI said?

Mr. MCCAIN. I yield.

Mr. LIEBERMAN. Senator DOMENICI raised a very important point and I want to engage on it. That is the question of how the allocations are set under the McCain-Lieberman proposal.

Let's say, first, we feel strongly unless you have a cap, unless you have some limit, goal, for how you will reduce your greenhouse gas emissions, it is a phony. It does not work. We tried that in the 1990s and it did not work. That is why we need a cap and we have a market-based system.

In our proposal it says you allocate emissions credits based on the amount of emissions in 2000 because that is the goal we want to get back to, and then you give the EPA Administrator the opportunity to make adjustments based on economic impact—maybe it is too hard for a particular industry or sector to do that.

I hope we can engage the Senator from New Mexico—he is a leader here—as we go forward. When it came to the acid rain provisions on which this is based, when it finally came to a bill, Members of the Senate and the Congress pretty much stated what the allocations were going to be. They did not leave much room for administrative judgment by the EPA Administrator.

To my friend from New Mexico, if this really matters to you, as I know it does, in the months ahead I will try to do exactly the same thing.

I thank my friend from Arizona and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Could I have the time situation?

The PRESIDING OFFICER. The Senator has 19½ minutes.

Mr. MCCAIN. And the other side?

The PRESIDING OFFICER. The Senator from Oklahoma has 20 minutes.

Mr. MCCAIN. Mr. President, I will be very brief because we worked it out that we would end up, which is appropriate because I am with the sponsor of the amendment.

I say to the Senator from New Mexico, who has talked about winners and losers, I will tell you who will lose, and that is the next generation of Americans because every reliable scientific body in the world knows climate change is real.

It is happening. And it may not bother the Senator from New Mexico and me at our age, but I will tell you, it bothers the heck out of young Americans, and it bothers the heck out of people who are experts on this issue.

If the Senator from New Mexico is worried about winners and losers, and he and I are winners, the next generation of people all over the world are losers because the National Academy of Sciences' statement is very clear:

> There will always be uncertainty in understanding a system as complex as the world's climate, however there is now strong evidence that significant global warming is occurring.

I will tell you another loser, and that is the truth—that is the truth. The truth is, I say to the Senator from New Mexico, the European countries are meeting Kyoto emissions targets. They are meeting them. The truth is, Tony Blair has no political agenda. Tony Blair, the Prime Minister of England, recognizes that global climate change is real. It is taking place, and we have to do something about it.

To say that by us not allocating winners and losers is a reason not to act on this compelling issue of the future of our globe, when the evidence is now compelling and overwhelming, with the exception of a group I will cite before I finish who are now funded by industry, then the Senator and those who have debunked this and continue to debunk it are going to have somebody to answer to in not too many years from now.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I have 2 minutes to answer the Senator from Arizona.

Mr. MCCAIN. Only if it is out of the Senator's time.

Mr. DOMENICI. Well, I had 30 minutes a while ago. Did we use it all up?

Mr. INHOFE. Yes, it is my understanding the Senator did use up all of his time.

Mr. President, I ask the Senator if he could use 1 minute.

Mr. MCCAIN. I do not object to the Senator having an additional 2 minutes.

Mr. INHOFE. All right.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I do not mind the Senator from Arizona saying whatever he likes on the floor. I do not mind him getting red in the face and pointing at me and talking to me like I don't know what I am talking about. But he did not listen. I did not say global warming is not a problem. He might be talking about somebody else. I did say it was. Instead of saying what he said, he should have said: I am glad Senator DOMENICI is finally recognizing there is a problem.

To recognize there is a problem does not mean that his way of solving it is the only solution. In fact, I am telling the Senate what he is suggesting will not work. That is all I am saying. I have the right to do that, and it does not have to be said that I am going to hurt the young generation. I am not hurting the younger generation.

The reason this amendment cannot pass is because it cannot be implemented. It is that simple. Nobody knows how to do that because nobody knows the results. You could just as well introduce a bill and say: I want to do twice as much as Senator MCCAIN. And that would be wonderful. You could then say: I am really for the young people. I am doing twice as much.

The problem is, you do not know how to do it. You cannot do it. And everybody who has looked at it, except those who want to set a goal, know that is not so. That is why it will lose.

I thank the Senator for yielding me 2 minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, saying that it cannot be done, the Europeans are doing it with far less stringent measures to be taken than what we have.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding that I have 20 minutes and that the Senator from New Mexico and the Senator from Connecticut will close the debate.

Let me, first of all, say—well, this is a good chart. I was not going to use this one, but this shows what the Senator just observed. I do not believe it is totally accurate because the only reduction that has come in CO_2 from all of the member nations of the EU has come from Germany and the United Kingdom. If you look at all the rest of them, they all have exceeded the amount of their goals.

Then, more recently—this just came out 2 days ago—this is a release from the EU, greenhouse gas emissions up to 2003. It was just released. It says: Between 2002 and 2003, EU–25 emissions increased by 1.5 percent. That means that has taken up all the reductions from the previous year, 2002.

In the time I have, I am going to try to cover a lot of things. When debate is closed, they will get the last word. But I only ask the indulgence of my fellow Members to realize that there is a lot of hysteria out here. The hysteria out here is not well founded.

I am old enough to remember the hysteria back 20 years ago or so. This was on the cover of Time magazine, talking about another ice age coming. It said: However widely the weather varies from place to place and time to time, when meteorologists take an average of temperatures around the globe, they find that the atmosphere has been growing gradually cooler for the past three decades. The trend shows no indication of reversing.

So everyone was hysterical. The same people who are now talking about global warming were talking about another ice age coming.

Now, just one by one, let's, first of all, take the study that started this whole thing in 1998 that was by Michael Mann. It is very important that we look at this. This was the famous "hockey stick." If you look at the blue line, that supposedly goes from the years 1000 to the 20th century. It is just a horizontal line. And then, all of a sudden, it starts shooting up; and that is the blade of the hockey stick.

Now, what he has failed to put on this chart is that if you will take the actual temperatures from 1400 to 2000—that is shown with the black line—they are relatively even.

But then, as shown by the next chart, which was in yesterday's Wall Street Journal, when you throw in the fact that we had the medieval warming period, it shows it was actually warmer in that period of time. The medieval warming period was about from 1000 A.D. to 1350 A.D.

Temperatures were warmer then than they have been in the 20th century. It just shows that theory has been refuted by many people in that it really is not accurate and should not be used.

Next, on climate models: Climate models are very difficult. People use them freely around here. Those who are listening and, hopefully, those who might be looking at the logic of this will not buy this idea.

The National Academy of Sciences said:

> Climate models are imperfect.

Peter Stone, the climate modeler from MIT, said:

> The major [climate prediction] uncertainties have not been reduced at all.

The uncertainties are large.

The George C. Marshall Institute:

> The inputs needed to project climate for the next 100 years, as is typically attempted, are unknowable.

Further, a professer from MIT: The way current models handle factors such as clouds and water vapor is disturbingly arbitrary. In many instances the underlying physics is simply not known.

I think we have to understand if all of this is predicated on climate charts, climate charts are not perfect.

The Oregon petition—I covered this many times. People say: Inhofe is going to come up with some scientists who might refute this. For someone to say that the science is settled, for someone to say there is a consensus in terms of the science, when you look at the Oregon petition, which had 17,800 scientists, they stated, as is on the chart behind me:

> There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gasses is causing, or will cause in the foreseeable future, catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate. Moreover, there is substantial scientific evidence that increases in atmospheric carbon dioxide produce many beneficial effects upon the natural planet and animal environments of the Earth.

Recognizing, as we said before, that CO_2 is not a pollutant; CO_2 is a fertilizer.

I would, lastly, quote James Schlesinger, who was the Energy Secretary under President Carter. He said: There is an idea among the public that the science is settled. That remains far from the truth.

So it is not a matter of Republicans or Democrats. These are the experts saying that the science is not there. Now, we could go—and I will come back to this subject with the time we have—but I would like to start off with the assertion that Kilimanjaro—I happen to have flown over Kilimanjaro twice in the last week. I looked down and saw that there is a change that has taken place.

If you look at this picture from 1976, there was very little ice on there. In 1983 there was a lot more. In 1997, there was considerably less. But the Center for Science and Public Policy summarized the Kaiser study and said: The ice fields on Mount Kilimanjaro started melting in response to a climate shift that occurred near the end of the 19th century, well before any alteration in the Earth's greenhouse effect. That reduced the amount of moisture in the air in the vicinity of the mountain. Manmade global warming has nothing to do with it. I repeat, nothing to do with it. Yet we hear it over and over again. And I am sure we will hear it in the closing remarks.

In terms of glaciers and icecaps and research that has been done—this was in the Journal of Climate—research done by Holloway and Sou in 2002 revealed that claims of thinning arctic ice came from submarine measurements of only one part of the Arctic Ocean. Additionally, decadal changes and scaled wind patterns rearranged the ice, giving some regions thinner and others thicker amounts of ice.

Well, it is easy to find one area where the ice is thinner than it was, but, on the other hand, it is actually thicker.

It goes on to say in the Journal of Glaciology: For the mass balance of glacier measures, the gain and loss of ice, there are only 200 glaciers of the total 160,000 glaciers for which mass balance data exists over a single year.

So the data is not there on that argument.

They talk about hurricanes, the fact that hurricanes are coming, and somehow this has something to do with global warming.

Well, if you look at this chart, it talks about the hurricanes dating back to 1900, and each decade since then up to 2000. You can see, yes, it did peak out around 1940. And then it has been going down ever since, and considerably lower than that peak was.

According to Dr. Christopher Landsea, who is considered to be the foremost expert on hurricanes, he says: Hurricanes are going to continue to hit the United States in the Atlantic and gulf coast areas. And the damage will probably be more expansive than in the past. But this is due to natural climate cycles which cause hurricanes to be stronger and more frequent and the rising property prices of the coast, not because any effect CO_2 emissions have on weather patterns.

He says: Contrary to the beliefs of environmentalists, reducing CO_2 emissions will not lessen the impact of hurricanes.

So, in fact, it is just not true. You hear it over and over again, but it is just not true. You hear about the sea rising: The sea is rising. Things are disappearing. In fact, the famous island, Tuvalu Island, was supposedly going to be falling into the ocean and be covered up. According to John Daly—he is considered to be an expert—well, let's use the 2004 Global Planetary Change: There is a total absence of any recent acceleration in sea level rises as often claimed by IPCC and related groups.

It is not rising, folks. It is just not happening. The other says: The historic record from 1978 to 1999 indicates a sea level rise of 0.07 millimeters per year, where the IPCC claim of 1 to 2.5 millimeters a year sea level rise as a whole indicated the IPCC claims it based on faulty modeling.

The National Title Facility, based in Adelaide, Australia, has dismissed the Tuvalu claims as unfounded. In other words, the sea level is not rising. You can say it is rising and stand down here and yell and scream about it, but it is not. The science shows clearly it is not rising. The Arctic Climate Impact Assessment report has been referred to several times. If you look at the temperatures between 1934 and the currently—this chart goes to 2003—you see they were considerably warmer back during 1934.

Let's now go to the economic impacts. This is probably one of the things that really should be considered more than anything else at this point because people think if there isn't going to be any great economic impact, why shouldn't we go ahead and do it. I am using here not S. 139, the bill we discussed in October of 2003, because this one is a little bit less than that. It is a little more modest. Enacting the McCain-Lieberman bill would cost, according to Charles River Associates, the U.S. economy $507 billion in 2020, $545 billion in 2025. Implementing Kyoto would cost the U.S. economy $305 billion in 2010, $243 billion in 2020. Under Kyoto, for the average family of four in America, it would cost them $2,700 a year. This bill will only cost them $2,000 a year. So maybe that isn't quite as bad as it would have been otherwise.

The bottom line: It is very expensive. And that is not just Senator INHOFE talking. We are quoting CRA, which is the recognized authority, like the Horton Econometric Survey that talked about how it will affect the rising cost of energy, electricity, gasoline, how much it costs a family of four. It would be very detrimental to our country.

In terms of jobs, enacting the McCain-Lieberman amendment would mean a loss of 800,040 jobs in 2010 and 1.306 million jobs in 2020. This is down a little bit from the full-blown Kyoto, but 1.3 million jobs is significant.

In terms of energy prices, McCain-Lieberman would increase energy prices in 2020 by 28 percent for gasoline, 20 percent for electricity, 47 percent for natural gas, and much more for coal.

Just a few minutes ago, the Senator from Arizona talked about the National Academy of Sciences. What he was referring to is a press statement. It was not a report. Their last report states as follows:

> There is considerable uncertainty in current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols. A casual linkage between the buildup of greenhouse gases and the observed climate change in the 20th century cannot be unequivocally established. The IPC Summary for Policymakers could give an impression that the science of global warming is settled, even though many uncertainties still remain.

So much for the National Academy of Sciences.

I think there are two charts that are very significant. First of all, let's just assume for a minute that everything they say about the necessity for carbon caps, everything they say about signing on to the Kyoto treaty, that all of that is true. If all that is true, this chart is probably the most significant chart we have. This chart shows that if it is true, if you look at the black line, that is what would happen with Kyoto. Without Kyoto, look at the blue line. It is so little difference that it is not measurable. In other words, by the year 2050, the change would be something like 0.06 degrees centigrade, which is a change in surface temperature too small to even be detected in global averaging.

This is back when the Bingaman amendment would have been here, so you can ignore that since apparently that is not coming up.

If nothing is done right now, if you project a temperature rise, it would be 1.71 degrees Fahrenheit, if there is no action taken at all. If you go McCain-Lieberman, it would be 1.61 Fahrenheit. Between those two, it is not even a noticeable difference.

I am hoping we will have an opportunity for people to see the truth and people to see what the real science is, see the real economic impact.

There are a couple things that are incontrovertible. First, we know the economic impact is great. They might argue a little bit that we have taken the economic impact in terms of the Horton Econometric Survey, according to CRA, and they are astronomic. I mentioned what they would be under the McCain-Lieberman bill. But if you say that there is certainly questionable science behind it, and yet there is a huge economic impact, then what would be the motivation?

Why is Europe so excited and so anxious for us to join their dilemma, in spite of the fact that they have increased their CO2 emissions since the time they signed on to the treaty? The answer is found in two individuals. One is Margot Wallstrom. Margot Wallstrom is the European Union Environmental Commissioner. I don't think they knew that these were being reported at the time. Now it is documented that these statements were made. Kyoto really isn't about climate change. Kyoto is about "the economy, about leveling the playing field for big businesses worldwide." That is Margot Wallstrom, EU Environmental Commissioner.

Some Senators favor Frenchmen. Jacques Chirac said Kyoto represents "the first component of an authentic global governance." Certainly there is a motivation overseas for us to be involved in this thing.

I would like to also mention that there is a lot of polling data. But the most recent polling data was 3 days ago. It was an ABC poll. In that, most people do believe that global warming is underway. They have been convinced of that because we have a very liberal media that wants people to believe that. We have people who want to think the world is falling apart.

However, in asking the question, Do you favor Government action, 38 percent said yes; 58 percent of the people said no. It seems to me that in spite of all the misinformation that is floating around, the truth is getting out.

Let me wind up by reminding everyone that we do have pollution problems. They are not with global warming. They are not with CO_2, methane gases, anthropogenic gases, but with SOx, NOx, and mercury. President Bush has caused us to introduce the greatest reduction in SOx, NOx, and mercury in the history of this country, more so than any of the preceding Presidents. It is a 70-percent mandated reduction, a reduction that would really do something about pollution. I believe we should be talking about really reducing pollution. not about trying to create science. to somehow fabricate science to make people believe that, No. 1. temperatures are rising; and. No. 2. it is due to manmade gases. The science does not support that.

I thank the Chair.

Mr. TALENT. Mr. President, I rise to voice my opposition to amendment No. 826, the McCain-Lieberman climate change amendment.

As we debate whether to adopt some form of carbon cap, I am reminded of the dire warnings regarding energy we see every day in the news:

Oil prices soared past $59 a barrel on Monday even as the president of OPEC said the group will consider raising its production target by half a million barrels as early as this week.

The Wall Street Journal reported on June 8 that high energy prices are the leading cause of a world-wide slowing in manufacturing growth. A survey of chief financial officers, conducted by Duke University and CFO Magazine, found that 87 percent of U.S. manufacturers said they were facing pricing pressures as a result of high energy and raw material costs.

Farmers have decried the high cost of oil and natural gas, fearing it may drive them out of business. Farmers use diesel to run their tractors and other equipment, natural gas to produce fertilizer, and gasoline to get their crops to market. And yet. the price of gasoline has doubled in the last 3 years. and natural gas by 66 percent over the same time period. An AP story of May 13 states that this means farmers will spend an additional $3 billion in energy costs. a 10-percent increase in overall costs.

Nationwide. farmers paid $6 billion more for energy in 2003 and 2004. in part because higher natural gas costs have pushed the average retail cost of nitrogen fertilizer from $100 per ton to more than $350 per ton.

Consumption of natural gas is exceeding production at an increasing rate. Residential, commercial and industrial consumers have paid over $130 billion more for natural gas than they did 2 years ago, an 86 percent increase.

Despite oil prices of nearly $60 per barrel, continued growth in oil consumption could spur still-higher prices and further damp economic growth. Gasoline and diesel use continues to rise strongly in the U.S., the largest oil consumer by far. despite high prices and a slowing economy. China is now the world's No. 2 oil user. and it continues to burn more fossil fuel to power its domestic economy and meet rising demand for its goods. Economists say energy prices are reemerging as a prime constraint on the world's growth potential, and they have trimmed their projections of economic growth by a quarter point as a result.

China faces a coal shortage by 2010, according to a May 25 AP story. China will consume 2.2 billion tons of coal by 2010, 330 millions of tons per year less than they produce today. By 2020. China will consume 3.1 billion barrels of crude oil and 7 trillion cubic feet of natural gas a year, with half of the oil imported.

What does this mean? Greater demand for energy means higher prices, higher even than those we are facing and trying to reduce today. As I have already stated, high energy prices have a direct and negative impact on economic growth. As world demand for energy grows and prices rise. manufacturers face higher costs. They have a harder time meeting payroll. and people lose their jobs.

Senator MCCAIN states that his plan to eliminate greenhouse gas emissions is "affordable and doable." However, McCain-Lieberman will undoubtedly drive up the cost of energy at a time when we are seeking for ways to increase energy supply and reduce energy costs. Direct costs of the program are estimated to be upwards of $27 billion annually. Studies by the Competitive Enterprise Institute show that McCain-Lieberman will lead to a cumulative loss to gross domestic product of $776 billion through 2025: In addition, studies by United for Jobs, a group sponsored by the National Black Chamber of Commerce and the Small Business and Entrepreneurship Council, cite studies that show the climate bill would cost the U.S. economy over 600,000 jobs. We can't afford this kind of hit to our GDP or the loss of jobs that could result from this proposal.

Jobs lost as a result of adopting an onerous climate change proposal will be exported oversees to countries that do not cap their emissions. So not only will the jobs be exported, but the emissions will be, too. This bill purports to address "global" warming. The bill's proponents are correct that the problem, to the extent there is one, is not regional or national but global. However, the fix we are debating would hamstring our economy by driving up energy costs while doing nothing to limit emissions in developing countries.

Already, high natural gas prices have cost America's chemical sector nearly 90,000 jobs and $50 billion in business to overseas operations. Of 120 chemical plants being built around the world with price tags of $1 billion or more, just 1 is in the U.S. while 50 are in China.

Interestingly, the May 5 AP article I referenced earlier notes that China's massive demand for coal is leading managers to ignore safety. causing 5,000 mining deaths per year. If China is not worried about mining safety. we can be pretty certain that they are not going to worry about greenhouse gas emissions.

Advocates for this amendment continue to point to the Kyoto Protocol. What did the Senate say to Kyoto? As you know. in 1997, the Senate voted 95 to 0 for a Byrd-Hagel resolution assailing Kyoto's provisions, leaving President Clinton unable to even bring the Kyoto Protocol up for a vote. By their own admission, McCain-Lieberman is Kyoto-lite. It will cost hundreds of billions of dollars, and to what end? It may not even solve the problem it purports to solve. Yes, there will be lower emissions under this amendment; however. those in favor of Kyoto say Kyoto only scratches the surface.

Environmental groups concede that it will have no impact on what they believe to be impending catastrophic global warming.

Greenpeace International agreed that the Kyoto Protocol should only be an entry point for controlling greenhouse gas emissions. Jessica Coven, a spokesperson for the environmental group, told CNSNews.com that "Kyoto is our first start and we need increasing emissions cuts."

"The Kyoto Protocol . . . doesn't even go near to what has to get done. It is not anywhere near to what we need in the Arctic," said Sheila Watt-Cloutier, chairwoman of Inuit Circumpolar Conference. "Kyoto will not stop the dangerous sea level rise from creating these kinds of enormous challenges that we are about to face in the future. I know many of you here believe that we must go beyond [Kyoto]," she said during a panel discussion.

Despite the fact that green groups at the U.N. climate summit in Buenos Aires called President George Bush "immoral" and "illegitimate" for not supporting the Kyoto Protocol, the groups themselves concede the Protocol will only have "symbolic" effect on climate because they believe it is too weak. Kyoto is an international treaty that seeks to limit greenhouse gases of the developed countries by 2012.

"I think that everybody agrees that Kyoto is really, really hopeless in terms of delivering what the planet needs," Peter Roderick of Friends of the Earth International told CNSNews.com. "It's tiny, it's tiny, tiny, it's tiny," Roderick said. "It is woefully inadequate, woefully. We need huge cuts to protect the planet from climate change." Roderick believes a global climate emergency can only be averted by a greenhouse gas limiting treaty of massive proportions. "We are talking basically of huge, huge cuts," said Roderick.

I ask you, if Kyoto isn't enough to solve the purported problem, and McCain-Lieberman would reduce emissions by even less, why are we even thinking of doing it?

What we need is a comprehensive energy policy that recognizes our need for a secure and affordable supply of energy that drives economic growth and creates jobs in America. Our energy policy cannot be formed in a vacuum; it must recognize the global competition for energy that we face and why such competition exists.

The United States is a model for much of the world. Developing nations have seen the value of low cost energy as a means of lifting their citizens out of poverty and misery. We are seeing it today in China and India, and they are not doing it relying on government mandates and bureaucracy. They are improving the standard of living of their people through economic growth that provides good paying jobs for hard working citizens.

Does this mean we have to choose between a strong, growing economy and a clean environment? No, of course not. These two important goals work together. Economic growth is the means of environmental responsibility. Earlier on the Senate floor, Senator DOMENICI declared that the Energy bill ought to be called the "Clean Energy Act" due to the many incentives and requirements it contains for clean sources of energy—wind, solar, geothermal, nuclear, clean coal technologies, hydrogen, ethanol, and biodiesel—and the many requirements for improved energy efficiency which will reduce energy use and, therefore, emissions.

Numerous of my colleagues have delineated the efficiency measures, energy savings and incentives in the bill before us and how this package will slash emissions through reducing the need to burn fossil fuels and thus reducing emissions. Nuclear power, IGCC, renewables, and the encouragement of transmission investment to increase customer access to cheaper, more efficient sources of electricity, will reduce emissions by using less fuel to make electricity.

In addition, increased production of ethanol and biodiesel fuels and the incentives for hybrid cars will substantially reduce greenhouse gas emissions. Senator DOMENICI included in the RECORD a detailed statement of all of the provisions in the Energy bill that are aimed at new technologies that will have no global warming emissions, and I won't repeat that list here.

Neverthless, let me offer a few important statistics on the impact of the current energy bill:

Passage of the bipartisan energy bill will save nearly 2 million jobs over the next decade, according to a study released today by the national association of manufacturers, the manufacturing institute and the american council for capitol formation.

The bill will reduce U.S. energy use by about 2.4 percent in 2020 compared to baseline forecasts by the U.S. energy information administration. The bill will also reduce natural gas use in 2020 by about 1.1 trillion cubic feet, equivalent to current annual consumption by New York State. And the bill will reduce peak electric demand in 2020 by about 50,000 MW, equivalent to the capacity of 170 powerplants, 300 MW each.

The energy efficiency standards in the bill will save so much energy in the coming years that by 2010, the electricity savings will total 12 GWh and will reduce peak electric demand by the output of 12 new 300–MW powerplants. By 2020, the savings will total 66 GWh and reduce peak demand by the output of 75 new 300–MW plants. By 2030, the savings will equal 96 GWh and reduce peak demand by the output of 108 new 300–MW plants.

The ethanol mandate in the Senate Energy bill will displace as much as 2 billion barrels of imported crude oil, lower the U.S. trade deficit by $67 billion, create $51 billion in new farm income and cut Government farm payments by an estimated $5.9 billion—all by 2012.

Using 100 percent biodiesel reduces carbon dioxide emissions by more than 75 percent over petroleum diesel, while using a 20 percent biodiesel blend reduces carbon dioxide emissions by 15 percent.

In 2003, U.S. nuclear powerplants avoided the emission of 679 million metric tons of carbon dioxide, from the fossil fuels that would have been burned to generate power in the absence of nuclear energy. Annual carbon dioxide emissions from the U.S. electric sector are approximately 2,215 million metric tons. Without nuclear energy, U.S. electric sector carbon emissions would have been approximately 30 percent higher.

As we conserve energy and promote new clean sources of energy production, we burn less fossil fuel, thereby reducing emissions in the most economically sound manner.

Even Senator MCCAIN recognizes the need to promote clean sources of energy, namely nuclear energy and clean coal. He said:

> The fact is, nuclear is clean, producing zero emissions, while the burning of fossil fuels to generate electricity produces approximately 33 percent of the greenhouse gases accumulating in the atmosphere, and is a major contributor to air pollution affecting our communities.

His proposal includes money and loan guarantees for new nuclear reactors, new ultra-clean coal power plants, plants to create ethanol from sources other than corn, and large-scale solar power sites. These projects are consistent with many of the incentives that are already included in the Energy bills.

This is important since, if nuclear energy is to continue providing 20 percent of the U.S.'s electrical supply, 50 new 1,000 megawatt power plants will have to be constructed by 2030.

The Hagel-Pryor amendment that we accepted on Tuesday provides additional incentives to develop workable technology to control emissions without exporting jobs and stifling our economy. I voted for this because it allows us to find the right technology and to further explore whether we really have a problem to solve. We are not even sure that a warmer earth is a bad thing.

I have spent significant time studying this issue. When I was chairman of the small business committee in the House of Representatives, I held extensive hearings on the Kyoto Protocol, which the current amendment is modeled after. I wanted to question both sides in depth on the scientific and economic sides of the issue. I reached the conclusion that the science of global warming is much less precise than either side would like to suggest. There is some evidence of ozone depletion but the evidence of resulting global warming is much more dubious. We are just not sure whether and to what extent the Earth is warming; it is not easy to take the Earth's temperature at any given time, and of course it is even more difficult to determine whether the Earth is warmer relative to past ages. Nothing that has been presented in the current debate has changed my mind.

Even the National Academy of Sciences and their brethren organizations can say no more than it is "likely" that most of the warming in recent decades can be attributed to human activities. "Likely" is not good enough to risk our jobs and our economy, especially since many other notable scientists aren't even that sure. Remember, it wasn't all that long ago when the scientists were telling us that an ice age was coming.

My colleagues have already discussed how the Kyoto Protocol is not really helping the environment since countries participating in Kyoto have been unable to meet their targets and some, in fact, are seeking to find a way out of it due to its devastating economic impact and minimal environmental benefit.

As you all know, the Kyoto Protocol would require industrialized nations to limit their greenhouse gas emissions to varying percentages below 1990 levels. However, all but 40 of the 192 countries in the world are exempted from Kyoto. This creates a two-tiered environmental obligation, forcing the entire burden of reducing greenhouse emissions on industrialized nations and turning the developing world into a pollution "enterprise zone." This will not succeed in reversing "global warming" or eliminating greenhouse gases; it would simply change their point of production and push millions of jobs overseas.

America has been down this path before. In the 1987 Montreal Protocol on the production of ozone depleting chlorofluorocarbons, CFCs, the U.S. agreed to a framework eliminating the production of CFCs for industrialized nations only. Following the 1987 Protocol, the U.S. virtually eliminated production of CFCs in 10 years, but the developing world nearly doubled its production. The environmental consequences of the Kyoto treaty would be even worse. It is estimated that if the U.S. not only stabilizes emissions but also reduces greenhouse gas emissions by 50 percent and every other industrial country also reduces greenhouse gas emissions by 50 percent, yet developing nations continue on their current path, then worldwide greenhouse gas emissions will increase by 250 percent before 2030. The factories other countries would build would not be subject to any of our environmental laws and would be much less healthy.

I want to repeat that I have spent scores of hours studying this issue, and the conclusion is inescapable that, even if global warming is a problem, the Kyoto Protocol would have been a disaster for America, causing millions of people to lose their jobs. I cannot understand, therefore, why so many environmental groups keep pushing measures like it. We should all be able to agree that economic growth, while it poses real challenges for the environment, is necessary for the environment's health as well. Poor countries don't have strong environmental policies. So it is in everyone's interests to focus on real environmental concerns—and there are certainly enough of those—without dividing the political community and wasting time and effort on proposals that make no sense from any point of view.

A new bureaucratic program that creates economic incentives to solve a problem that may not exist is not a good addition to our pro-growth, pro-jobs, pro-environment Energy bill.

I urge my colleagues to vote against this amendment.

Mrs. BOXER. Mr. President, our Nation is faced with the threat of global climate change that could fundamentally alter all of our lives and the lives of our children. California has a great deal to lose if we do not take steps to halt and reverse climate change. My State enjoys tremendous ecological diversity ranging from our cool and wet redwood forests of the north coast, to the hot Mojave and Colorado deserts in the southeast, to the vast and fertile agricultural stretches in the central valley. Climate change is a very real threat to those natural ecosystems.

Scientific predictions indicate that human-induced global warming may produce a 3- to 10-degree rise in temperature over the next 97 years. That may not initially sound dramatic. But it would be enough to change the timing and amount of precipitation in my State. This could, for instance, lead to decreased summer stream flows, which would intensify the already significant controversy over the allocation of water for urban, agricultural and environmental needs.

Scientists also predict that by the year 2050, California will face higher average temperatures every month of the year in every part of the State. The average temperature in June in the Sierra Nevada Mountains could increase by 11 degrees Fahrenheit. The snow pack in the Sierra, which is a vital source of water in the State, is expected to drop by 13 feet and to have melted entirely nearly 2 months earlier than it does now. This could reduce the amount of precious water on which we now rely for agriculture, drinking water and other purposes.

The solution to the climate change problem is to first reduce greenhouse gas emissions. In this regard, the McCain-Lieberman amendment would be a meaningful step in the right direction. It would create an innovative cap and trade system to reduce emissions. In 2010, the system would cap greenhouse gas emissions at the level that was released in the year 2000. It would then allow facilities to buy or sell credits that would allow for greenhouse gas emissions but within the overall cap. This could efficiently reduce overall levels of emissions while allowing flexibility for certain industries.

The second step in solving the climate change problem is to increase the use of renewable resources, such as wind and solar. Unfortunately, this is where the McCain-Lieberman amendment doesn't just fall short, but would be a step backwards. The amendment includes provisions to provide financial assistance to so-called "clean" technologies. On its face, it sounds good. But, the amendment makes nuclear power eligible for these subsidies.

Here we go again. The nuclear industry is once again knocking on Uncle Sam's door asking for Federal subsidies to pad their bottom line. We should oppose the nuclear industry's latest effort to raid the public purse. Nuclear power is not the solution to climate change, and it is not "clean." The nuclear industry has not solved its waste and safety problems. By subsidizing the creation of new nuclear plants, we are condoning the creation of more waste and turning a blind eye to the hazards associated with nuclear power.

Proponents of these subsidies say that they are not limited to nuclear power, and that many types of zero or low-emission technologies could benefit. However, the amendment creates an unfair playing field for this assistance by side-stepping the costs of nuclear power's waste and safety problems. A candid analysis of energy choices must consider the full lifecycle costs associated with each technology. This amendment fails to contain such an analysis. Thus, the amendment unfairly and irresponsibly ignores nuclear power's biggest problem—the waste. This could easily tip the scales in favor of more subsidies for nuclear plants, and less for other truly renewable technologies.

The nuclear industry has already benefited from $145 billion in Federal subsidies over the last 50 years. Truly clean and renewable sources of energy, such as wind and solar, have received just $5 billion.

Moreover, these new subsidies could go to some of the world's biggest companies. The Top-10 nuclear energy producing corporations in the Nation are among the largest companies in the world. These companies include Duke Energy, Exelon and Dominion Resources, which are among the 200 largest companies in the world.

Do these large companies need Federal subsidies? No. These ten corporations earned more than $10 billion in profits in 2004 selling energy from a variety of sources.

Subsidies for new nuclear plants are not a sound investment. The Federal Energy Information Administration and a representative of the nuclear industry both acknowledge that nuclear plants are not a viable technology without new subsidies. The EIA has stated that between 2003 and 2025, "new nuclear power plants are not expected to be economical." Thomas Capps, the Chief Executive Officer of Dominion Resources—which has more than $55 billion in assets—was asked about the economics of constructing new nuclear plants. He said, "I am all for nuclear power—as long as Dominion doesn't have to take the risk . . ." Instead of the nuclear industry taking the risk, the nuclear industry wants the public to shoulder the burden.

New subsidies for new nuclear plants are unnecessary. The Department of Energy has shown that we can drastically reduce our Nation's climate change pollution without increasing the number of nuclear plants. We can and should solve the problem of climate change without increasing the problems of nuclear waste and safety.

I wish that I could support the McCain-Lieberman amendment, as I did 2 years ago. But by making the nuclear industry eligible for yet more subsidies, as a matter of principle, I cannot vote for this year's version.

Mr. JEFFORDS. Mr. President, I have decided to support the McCain-Lieberman amendment to H.R. 6 as an important step forward on combating global warming. However, I do so with significant reservations about the new language in this amendment providing additional Federal subsidies to the nuclear power industry.

I am especially concerned about the potential amount of the loan guarantees provided, backed by the full faith and credit of the United States, and the possibility that any new nuclear facilities constructed could default on those loans. If, for any reason, the stream of revenue from auctioned credits is insufficient to cover the maintenance or clean-up costs of any facilities that default on such loans, then those costs and liabilities might end up in the Federal taxpayers lap. And we all know about the hundreds of billions of dollars in costs that taxpayers face because of the problems in the Departments of Energy and Defense nuclear weapons complex. That type of exposure seems unwise at best.

This language was not in S.342, the Climate Stewardship Act, which I cosponsored and support, and I advised the sponsors of the amendment not to include it in this amendment. But, unfortunately, it is here in front of the Senate and the only options are yes or no. Senators know that there is already very substantial Federal involvement in support of nuclear power, from the Price-Anderson insurance program to the civilian waste repository program. It makes very little sense to me to pile further Federal dollars on top of an already rich web of support. This is particularly true since the Finance title of this legislation provides additional subsidies for new nuclear power generation.

There is at least one other reason that nuclear power does not need additional support. There is no other source of electricity that will obtain a greater advantage in a carbon constrained world than nuclear power. This kind of legislation immediately levels the competitive playing field for nuclear power and investments as compared to conventional electricity generation that is more carbon intensive.

The fastest, quickest and most economically efficient way to encourage development of and investment in new zero-emission generation is to tax or cap greenhouse gas emissions. The Federal Government should be a strong partner in supporting such research and investment and directing it toward the goal in the United Nations Framework Convention on Climate Change. That goal is stablization of atmospheric concentrations of manmade greenhouse gases at levels that will prevent dangerous interference with the global climate system.

Without such an organizing goal, our Nation's climate research plan and energy subsidies and programs are simply a loose affiliation of ineffective and misdirected efforts. Unfortunately, that is the administration's preference. They prefer not to tackle this gravely important issue with a constructive and assertive international role or with a responsible domestic focus that will reduce greenhouse gases now or anytime within the time window necessary.

I applaud the Senators from Arizona and Connecticut for continuing their efforts to set and reach this goal. I encourage them to remember my comments about nuclear subsidies if and when this issue comes before the Senate again. I would also like to commend Senator BINGAMAN for his efforts to work on an additional bipartisan proposal inspired by the National Commission on Energy Policy.

Ms. CANTWELL. Mr. President, I rise today to make comments regarding the McCain-Lieberman amendment addressing global climate change. I will vote in support of this amendment today, because I believe this country must get serious about putting in place a mandatory program to address the very real problem of greenhouse gas emissions. My vote today is based on the fact I believe the United States must make a strong, economy-wide commitment to addressing the threat of climate change. But at the same time, I would also like to note that I retain serious reservations about a number of specific provisions added to this legislation since the Senate last considered it, during the 108th Congress.

Specifically, I have strong concerns about the nuclear provisions that were added to the McCain-Lieberman amendment. Nuclear technology may be emissions free, but it is not without substantial environmental costs measured on a completely different scale. This is a fact we in Washington know all too well, since our State is home to the Hanford Nuclear Reservation—one of the biggest nuclear remediation projects in the world, including 53 million gallons of high-level nuclear waste stored in underground tanks located far too close to the Columbia River. Hanford's nuclear legacy is the result of production activities undertaken in the service of our national defense, from World War II through the Cold War. While there are obviously different challenges associated with defense and commercial wastes, Hanford nevertheless highlights for me the very significant distance we have yet to travel when it comes to grappling with the environmental costs of nuclear technology.

So while I wish my colleagues had not added certain provisions to their climate change proposal, I also understand—from the statements they have made on the floor today—that this amendment remains a work in progress. I believe the most important thing is to make sure we do not obscure what this amendment is really about. It is about the need for this country to step up, and to develop a real national strategy to address the issue of climate change.

I have spoken on this floor before about the scientific consensus that has emerged regarding the threat of global warming. I have addressed the issues of potential economic costs associated with climate change, particularly in the Pacific Northwest where nearly every sector of our economy relies in some way on the Columbia River. That river, in turn, is fed by mountain snowpack that many have projected may well be diminishing due to global warming. I have also spoken about this Nation's opportunity to take the lead in the global race for energy independence, to develop the next generation of energy technologies and create the jobs that will go along with them.

We are a problem-solving nation. When we are faced with a grave threat, we roll up our sleeves, put our heads together, and fix our problems; we don't push them off on our children and future generations. Climate change is too alarming a trend for us to ignore. For that reason, I will vote to support the McCain-Lieberman amendment.

Mr. LEVIN. Mr. President, I believe climate change is occurring; I believe we are causing it; I believe it is a threat to the planet; and I believe it is long past time for action. Nevertheless, I can't support the McCain-Lieberman amendment since its effect would be the loss of more American manufacturing jobs to countries that have few, if any, environmental standards. That won't help the environment and it will hurt our economy. Climate change is not something we can tackle by shifting industries and their emissions to other countries, or by shifting manufacturing jobs to China or other countries that have no limits on emissions of greenhouse gases. The bill before us reflects a unilateral approach to a problem that can only be solved globally.

Climate change cannot be addressed unilaterally. It must be addressed multilaterally. It doesn't help the global environment to push down greenhouse gas emissions in one country only to have them pop up in others. We need an international agreement that binds all countries. Otherwise, there is an incentive to move more and more jobs to countries with lower environmental standards. That does nothing to reduce greenhouse gas emissions and does damage to U.S. jobs.

We need to return to the negotiating table and become a party to an effective international treaty on climate change that binds all countries. In my view, the Kyoto Treaty is insufficient because it does not impose requirements on the developing economies of India and China as it does on the United States and others. Those requirements need not be the same size or implemented in the same time frame, but they need to be a part of a global treaty's obligations. China and India are growing so fast that leaving them out of binding commitments and financial contributions would be a travesty for the environment and an economic competitive windfall for those countries. And it would be further insult and injury to our workers, many of whose jobs have already gone overseas.

Another problem with Kyoto is that the specified caps are based on 1990 levels, and because of the subsequent economic downturn in Russia and other former Soviet countries, they can easily meet their targeted reductions and profit from the resulting emissions credits.

Instead, we need an international agreement in which all countries take steps to reduce global warming so that there is no incentive to move jobs and emissions from a country with high environmental standards to one with low environmental standards. The basis of that agreement must be for competing countries to adopt tough environmental standards and for all participants to refuse to purchase products from countries that won't adopt those standards.

I am confident that it is possible to craft an international treaty that controls global emissions in a way that is fair to developed and developing countries. One example of that was the Montreal Protocol that bans the use and manufacture of ozone depleting compounds. This treaty also had the side benefits of eliminating a whole class of greenhouse gases and created new market opportunities for U.S. technology developers.

Engaging with other countries and coming to the table as a partner in an effective international treaty is essential to a global solution. To achieve a global agreement will require our putting maximum pressure on all countries to join it, so that emissions of greenhouse gases can be reduced, not just shifted. Shifting manufacturing jobs and the production of greenhouse gases from here to other countries is not a solution to climate change—it would just be another economic blow to jobs in America.

Some firms who have deployed energy saving technologies and processes well in advance of the reference date may be discriminated against by this cap and trade proposal. For example, while this bill does have a provision for early banking of allowances, firms that implemented energy savings in the past 15 years may not have records of greenhouse gas emissions to allow credit for the action. Firms that installed energy saving measures prior to 1990 could also be unfairly disadvantaged because they would not be able to claim the savings in greenhouse gas emissions and further measures are likely to be more difficult than for firms that had delayed action. Legislation and treaties limiting greenhouse gas emissions should reward, rather than punish, this foresight.

We have already lost enough American jobs to countries with cheap labor, no safety standards, and no environmental standards. To add more incentives for companies to move overseas to countries with no limits on greenhouse gases, as this bill would promote, is not sound policy. Global climate change is just that: global and it needs to be dealt with globally, not unilaterally.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 17 minutes.

Mr. McCAIN. And the other side?

The PRESIDING OFFICER. The time of the other side has expired.

Mr. McCAIN. Mr. President, I thank Senator INHOFE for working together as we try to give both sides equal time. I yield myself 9 minutes. Senator LIEBERMAN will take the remaining time.

Mr. President, the amendment incorporates the provisions of S. 342, the Climate Stewardship Act of 2005, in its entirety, along with a new comprehensive title regarding the development and deployment of climate change reduction technologies. This new title, when combined with the "cap and trade" provisions of the previously introduced Climate Stewardship Act, will promote the commercialization of technologies that can significantly reduce greenhouse gas emissions, mitigate the impacts of climate change, and increase the Nation's energy independence. And, it will help to keep America at the cutting edge of innovation where the jobs and trade opportunities of the new economy are to be found.

In fact, the "cap and trade" provisions and the new technology title are complementary parts of a comprehensive program that will allow us to usher in a new energy era, an era of responsible and innovative energy production and use that will yield enormous environmental, economic, and diplomatic benefits. The cap and trade portion provides the economic driver for existing and new technologies capable of supplying reliable and clean energy and making the best use of America's available energy resources. Our comprehensive proposal offers multiple benefits for our environment and our economy. We simply need the political will to match the public's concern about climate change, the economic interests of business and consumers, and American technological ingenuity and expertise.

Our comprehensive amendment sets forth a sound course toward a productive, secure, and clean energy future. Its provisions are based on the important efforts undertaken by academia, government, and business over the past decade to determine the best ways and means towards this energy future. Most of these studies have shared two common findings. First, significant reductions in greenhouse gases—well beyond the modest goals of our amendment—are feasible over the next 10–20 years using technologies available today. Second, the most important technological deployment opportunities to reduce emissions over the next two decades lie with energy efficient technologies and renewable energy sources, including solar, wind, and biofuels. For example, in the electric power sector, which accounts for one-third of U.S. emissions, major pollution reductions can be achieved by improving the efficiency of existing fossil fuel plants, adding new reactors designs for nuclear power, expanding use of renewable power sources, and significantly reducing electricity demand with the use of energy-saving technologies currently available to residential and commercial consumers. These clean technologies need to be promoted and that is what our legislation is about.

Before describing the details of this amendment, I think it is important to talk about what has occurred since the Senate vote on this issue in October 2003.

I could go on and on about the impacts of climate change and the associated science, yet there is still an ongoing debate in this town about whether or not climate change is real. If you still have doubts, I'd refer you to the powerful joint statement issued just two weeks ago by the U.S. National Academy of Sciences and national academies from other G8 countries, along with those of Brazil, China, and India. Here are just a few quotes from the joint statement:

> There will always be uncertainty in understanding a system as complex as the world's climate. However there is now strong evidence that significant global warming is occurring.
>
> The scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action. It is vital that all nations identify cost-effective steps that they can take now, to contribute to substantial and long-term reduction in net global greenhouse gas emissions.
>
> We urge all nations . . . to take prompt action to reduce the causes of climate change, adapt to its impact and ensure that the issue is included in all relevant national and international strategies.

These statements are powerful and compelling, and I would hope they would help to spur meaningful action in our country to address this grave problem.

The academies' statements are despite attempts by some public officials to "muddy" the science of global warming. In the June 8 New York Times, there was a very disturbing article on how many of the scientific reports on climate change have been "edited" by an official in the White House's Council on Environmental Quality. The article makes major implications for the future of not only climate change science, but also the future of science in general. The U.S. has always touted its superiority in science and technology. Reports such as these attack the credibility of the Nation's science and technology infrastructure at a time when many within government and industry say we are losing our competitive edge.

The article mentions that the changes to the documents can cause a clear shift in the meaning of the documents—a shift in science. This is outrageous and inexcusable behavior and the consequences of such actions could be severe. Historically, we have been able to exempt science as a political tool. But it now sounds like some have taken it upon themselves to turn climate change science into political science. That is unacceptable.

Perhaps this is why Prime Minister Blair has conceded that he has no chance persuading the President to change his position on climate change. I guess this is understandable now that we have learned that the two are operating under a different set of facts.

I also note a recent article in the Washington Post concerning the administration's efforts to weaken key aspects of a proposal for joint action on climate change by the G8 nations. We should all be able to agree that climate change policy should be based upon sound science. I hope that whatever policy comes from the G8 leaders it would reflect the urgency and the magnitude of the problem as indicated in the joint statement of the academies of science from the G8 countries, China, India and Brazil.

The fact is, the unaltered scientific evidence of human-induced climate change has grown even more abundant. Since February of this year, when I highlighted the results of the Arctic Climate Impact Assessment, even more startling evidence about the Arctic region has been revealed. In a recent Congressional briefing, Dr. Robert Corell, Chair of Arctic Climate Impact Assessment, presented data indicating that climate change in the Arctic is occurring more rapidly than previously thought. Annual average arctic temperatures have increased at twice the rate of global temperatures over the past several decades, with some regions increasing by five to ten times the global average.

The latest observations show Alaska's 2004 June-July-August mean temperature to be nearly 5 degrees Fahrenheit above the 1971–2000 historic mean, and permafrost temperature increasing enough to cause it to start melting. Dr. Corell said the Greenland ice sheet is melting more rapidly than thought even 5 years ago, and that the climate models indicate that warming over Greenland is likely to be up to three times the global average, with warming projected to be in the range of 5 to 11 degrees Fahrenheit, which will most certainly lead to sea-level rise. These are remarkable new scientific findings.

It isn't surprising that just last month, indigenous leaders from Arctic regions called on the European Union to do more to fight global warming and to consider giving aid to their peoples, saying their way of life is at risk. Global warming is said to be causing the arrival in the far north of mosquitoes bearing infectious diseases. And in Scandinavia, more frequent rains in the winter are causing sheets of ice to develop on top of snow, causing animals to die of hunger because they cannot reach the grass underneath.

> "We are not asking for sympathy," said Larisa Abrutina of the Russian Association of Indigenous Peoples of the North. "We are asking each country in the world to examine if it is truly doing its part to slow climate change."

The efforts taking place globally to address climate change have gained even greater prominence. For example, British Prime Minister Tony Blair has made climate change one of his top two issues during his Presidency of the G8. Mr. Blair's commitment to addressing climate change should be commended. He has chosen to take action and not to hide behind the uncertainties that the science community will soon resolve. The Prime Minister made it clear in a January speech at World Economic Forum in Davos as to his intentions when he said, ". . . if America wants the rest of the world to be a part of the agenda it has set, it must be a part of their agenda too."

The top two issues that Prime Minister Blair has chosen to deal with are climate change and poverty in Africa. It is interesting to note that another article in the New York Times highlighted recently the connection between the two issues. The article describes how a 50 year long drying trend is likely to continue and appears to be tightly linked to substantial warming of the Indian Ocean. According to Dr. James Hurrell, a scientist at the National Center for Atmospheric Research, ". . . the Indian Ocean shows very clear and dramatic warming into the future, which means more and more drought for southern Africa. It is consistent with what we would expect from an increase in greenhouse gases." It appears that Mr. Blair's two priorities are quickly becoming one enormous challenge.

Mr. Blair enjoys strong support for efforts from industry. Recently, business leaders from 13 UK and international companies sent a letter to the Prime Minister stating there is a need for urgent action to be taken now to avoid the worst impacts of climate change, and to offer to work in partnership with the government toward strengthening domestic and international progress on reducing greenhouse gas emissions.

Furthermore, the heads of 23 global companies released a statement on June 9th, expressing strong support for action to mitigate climate change and the importance of market-based solutions. The statement was prepared by the G8 Climate Change Roundtable, which is comprised of companies headquartered in 10 nations throughout the world, including companies from a broad cross-section of industry sectors. The statement was in response to an invitation from the Prime Minister to provide business perspectives on climate change in advance of the G8 Summit that will take place in Gleneagles, Scotland, in early July.

The Roundtable's statement says "We recognize that we have a responsibility to act on climate change." It further acknowledges there "is a need for further, significant efforts to reduce greenhouse gas emissions" . . . "because of the cumulative nature and long residence time of greenhouse gases in the atmosphere, action must be taken now." It also calls upon governments to establish "clear, transparent, and consistent price signals" through the creation of a long-term policy framework that includes all major emitters of greenhouse gases. The statement highlights the need for technology incentive programs to accelerate commercialization of low carbon technologies. Finally, the statement calls for a "new partnership" between the G8 countries and China, India, Brazil, South Africa, and Mexico to facilitate private investment in low carbon infrastructure.

In addition to the international industries support, I think it is very important to mention that there are now a number of U.S. industry leaders that have begun voicing their concerns for the need to take action, including GE, Duke, Excelon, Shell, and JP Morgan Chase. We welcome these and other leaders' participation and insight in this debate of worldwide consequence.

In the September 2004 issue, The National Geographic devotes 74 pages laying out in great detail the necessity of tackling our planet's problem of global warming. In an introductory piece, Editor-in-Chief Bill Allen described just how important he thinks this particular series of articles is:

> Why would I publish articles that make people angry enough to stop subscribing? That's easy. These three stories cover subjects that are too important to ignore. From Antarctica to Alaska to Bangladesh, a global warming trend is altering habitats, with devastating ecological and economic effects. . . . This isn't science fiction or a Hollywood movie. We're not going to show you waves swamping the Statue of Liberty. But we are going to take you all over the world to show you the hard truth as scientists see it. I can live with some canceled memberships. I'd have a harder time looking at myself in the mirror if I didn't bring you the biggest story in geography today.

The articles highlight many interesting facts. Dr. Lonnie Thompson of Ohio State University collects ice cores from glaciers around the world, including the famed snows of Kilimanjaro, which could vanish in 15 years. According to Dr. Thompson, "What glaciers are telling us, is that it's now warmer than it has been in the past 2,000 years over vast areas of the planet." Many of the ice cores he has in his freezer may soon contain the only remains of the glaciers from which they came from.

Highlighted quotes from the articles include:

> Things that normally happen in geologic time are happening during the span of a human lifetime; the future breakdown of the thermohaline circulation remains a disturbing possibility; more than a hundred million people worldwide live within three feet of mean sea level; at some point, as temperatures continue to rise, species will have no room to run; the natural cycles of interdependent creatures may fall out of sync; and we'll have a better idea of the actual changes in 30 years. But it's going to be a very different world.

Global warming demands urgent action on all fronts, and we have an obligation to promote the technologies that can help us meet the challenge. Our aim has never been simply to introduce climate stewardship legislation. Rather our purpose is to have legislation enacted to begin to address the urgent global warming crisis that is upon us. This effort cannot be about political expediency. It must be about practical realities and addressing the most pressing issue facing not only our Nation, but the world. We believe that our legislation offers practical and effective solutions and we urge each member's careful consideration and support.

I want to describe some of the amendment's major provisions designed to enhance innovation and commercialization in key areas. These include zero and low greenhouse gas emitting power generation, such as nuclear, coal gasification, solar and other renewables, geological carbon sequestration, and biofuels:

The amendment directs the Secretary of Commerce, through the former Technology Administration, which would be renamed the Innovation Administration, to develop and implement new policies that foster technological innovation to address global warming. These new directives include: Developing and implementing strategic plans to promote technological innovation; identifying and removing barriers to the research, development, and commercialization of key technologies; prioritizing and maximizing key federal R&D programs to aid innovation; establishing public/private partnerships to meet vital innovation goals; and promoting national infrastructure and educational initiatives that support innovation objectives.

It also authorizes the Secretary of Energy to establish public/private partnerships to promote the commercialization of climate change technologies by working with industry to advance the design and demonstration of zero and low emission technologies in the transportation and electric generation sectors. Specifically, the Secretary would be authorized to partner with industry to share the costs (50/50) of "first-of-a-kind" designs for advanced coal, nuclear energy, solar and biofuels. Moreover, each time that a utility builds a plant based on the "first-of-a-kind engineering" design authorized by this amendment, a "royalty" type payment will be paid by the utility to reimburse the original amount provided by the government.

After the detail design phase is complete, the Secretary would be able to provide loans or loan guarantees (up to 80 percent) for the construction of these new designs, including: Three nuclear plant designs certified by the NRC that would produce zero greenhouse gas emissions; three advanced coal gasification plants with carbon capture and storage that make use of our abundant coal resources while storing carbon emissions underground; three large scale solar energy plants to begin to tap the enormous potential of this completely clean energy source; and three large scale facilities to produce the clean, efficient, and plentiful biofuel of the future—cellulosic ethanol.

The loan program will be administered by a Climate Technology Financing Board, whose membership will include the Secretary of Energy, a representative from the Climate Change Credit Corporation, as would be created in the amendment, and others with pertinent expertise. Once each plant is operational, the private partner will be obligated to pay back these loans from the government, as is the case with any construction loan.

I think it is important to be very clear about this ambitious, but necessary, technology title. We intend that much, if not all, of the costs of the demonstration initiatives, along with the loan program, will be financed by the early sale of emission allowances through the Climate Change Credit Corporation under the cap and trade program. While we would prefer to allow for the Corporation to expend these funds directly, our budgetary process doesn't readily lend itself to allow this—direct spending is not a popular proposition these days. Therefore, the amendment authorizes the revenues generated under the program to then be appropriated for these key technology programs. However, the industry and the market will actually be footing much of the bill, not the taxpayers. And, as I already mentioned, the amendment requires that any federal money used to build plants will be repaid by the utility when the plant becomes operational.

Finally, the amendment contains a mechanism requiring utilities to pay reimbursement "royalties" as they build plants based on zero and low emission designs created with federal assistance. Again, this approach is more fair and certain than requiring taxpayers to cover the entire costs of these programs. But there will be some costs. That is why it is important to weigh these expenditures against the staggering cost of inaction on global warming. I think we'll find more than a justified cost-benefit outcome.

In addition to promoting new or underutilized technologies, the amendment also includes a provision to aid in the deployment of available and efficient energy technologies. This would be accomplished through a "reverse auction" provision, which would establish a cost effective and proven mechanism for federal procurement and incentives. Providers' "bids" would be evaluated by the Secretary on their ability to reduce, eliminate, or sequester greenhouse gas emissions.

The "reverse auction" program also would be funded initially by the early sale of emission allowances. Eventually, the program would be funded by the proceeds from the annual auction of tradeable allowances conducted by the Climate Change Credit Corporation under the cap and trade program.

I want to clarify that this amendment doesn't propose to dictate to industry what is economically prudent for their particular operations. Rather, it provides a basis for the selection and implementation of their own market-based solutions, using a flexible emissions trading system model that has successfully reduced acid rain pollution under the Clean Air Act at a fraction of anticipated costs (less than 10 percent of the costs that some had predicted when the legislation was enacted). That successful model can and must be used to address this urgent and growing global warming crisis upon us.

The "cap and trade" approach to emission management is a method endorsed by Congress and free-market proponents for over 15 years after it was first applied to sulfur dioxide pollution. Applying the same model to carbon dioxide and other greenhouse gases is a matter of good policy and simple, common sense. It is an approach endorsed by industry leaders such as Jeffrey Immelt, CEO of General Electric, one of the largest companies in the U.S.

Moreover using the proven market principles that underlie cap and trade will harness American ingenuity and innovation and do more to spur the innovation and commercialization of advanced environmental technologies than any system of previous energy-bill style subsidies that Congress can devise.

Three decades of assorted energy bills prove that while subsidies to promote alternative energy technologies may sometimes help, alone they are not transformational. In the 1970's, Americans were waiting in line for limited supplies of high priced gasoline.

We created a Department of Energy to help us find a better way. Yet today, 30 years later, we remain wedded to fossil fuels, economically beholden to the Middle East and we continue to alter the makeup of the upper atmosphere with the ever-increasing volume of greenhouse gas emissions. Our dividend is continued energy dependence and global warming that places our nation and the globe at enormous environmental and economic risk. Not a very good deal.

Cap and trade is the transformational mechanism for reducing carbon dioxide emissions, protecting the global environment, diversifying the nation's energy mix, advancing our economy, and spurring the development and deployment of new and improved technologies that can do the job. It is indispensable to the task before us.

The Climate Stewardship and Innovation Act does not prescribe the exact formula by which allowances will be allocated under a cap and trade system. This should be determined administratively through a process developed with great care to achieve the principles and purposes of the Act. This includes assuring that high emitting utilities have ample incentives to clean up and can make emission reductions economically and that low emitting utilities are treated justly and recognized for their efficiency. Getting this balance right will not be easy, but it can and must be done.

The fact remains that, if enacted, the bill's emission cap will not go into effect for another five years. In the interim there is much that the country can and should do to promote the most environmentally and economically promising technologies. This includes removing unnecessary barriers to commercialization of new technologies so that new plants, products, and processes can move more efficiently from design and development, to demonstration and, ultimately, to the market place. Again, without cap and trade, these efforts will pale, but the new technology title we propose will work hand in glove with the emission cap and trade system to meet our objectives.

As I already mentioned, the new title contains a host of measures to promote the commercialization of zero and low-emission electric generation technologies, including nuclear, clean coal, solar and other renewable energies, and biofuels.

NATIONAL COMMISSION ON ENERGY POLICY APPROACH WILL NOT ADDRESS THE PROBLEM

We have come a long, long way in recognizing the reality of this problem. Some former skeptics not only have acknowledged that global warming is real, but agree that we have to do something about it. The challenge now is to make sure that the medicine fits the ailment, rather than to engage in half-measures that might check a political box but do nothing to actually solve the problem. As Washington proves time and again, half-measures are worse than doing nothing because they give Congress a false sense of accomplishment and merely delay the necessary, and often more difficult, actions.

It is my understanding that some members have been preparing an alternative proposal to address climate change—one which would incorporate the recommendations of the National Commission on Energy Policy. The Commission has recommended an approach that seems to be intended to initially slow the projected growth in domestic greenhouse gas emissions, but not to reduce such emissions, as our proposal would provide. And there is some question as to the extent to which emissions would be allowed to increase in the near term under the Commission's approach. It also includes what is being termed a "safety valve" mechanism, which is more of an escape valve, which would allow for additional allowances to be purchased to emit additional emissions. "Pay and pollute" is hardly the way to reducing the factors contributing to climate change.

The problem with the Commission's recommendations is that there is no guarantee that any reductions in the emissions of greenhouse gases would result. It has been demonstrated that we could meet the Commission's emission intensity targets while still increasing our actual emissions. The emissions intensity approach is the same as that proposed by the Administration. And, as we well know, that approach is not working nor does it allow for us to join with our friends in the international community in jointly addressing this worldwide problem.

Further, the Commission's safety valve proposal precludes any interface with the international trading market which would restrict the number of market opportunities for achieving low cost reductions. The U.S. simply would be trading with itself, which makes the cost of compliance even higher.

If we look at the science of the Earth's climate system, it does not react to emission intensity, but rather, to the level of greenhouse gases in the atmosphere. So, if we are truly committed to addressing climate change, we need to act in a manner that actually addresses the related problems and not those that may make for good sound bites but are otherwise ineffective.

As we evaluate different climate proposals, the fundamental question that should be asked is: "What is the environmental benefit?"

Under the Commission's plan, the answer could be "none" since, as I mentioned, the safety valve essentially allows industry to buy its way out of the problem, which of course, results in no environmental benefit. As we well know, such costs would simply be passed on to consumers, but how would be consumers benefit? Would they get cleaner air? A better environment? Furthermore by having such an "escape valve", the powers of innovation and technology development to substantially reduce costs is strangled. Why invest in new technologies when you have the guaranteed option to just "pay and pollute?"

Of course, I welcome the growing level of interest and discussion by the Senate on what many have called "the greatest environmental threat of out time." However, the proposal as recommended by the Commission doesn't go far enough to address that great threat. And it has the potential to generate huge costs to the taxpayers with no environmental benefit.

I want to take some time to address the amendment's nuclear provisions. Although these provisions are only part of the comprehensive technology package, I'm sure they will be the focus of much attention.

I know that some of our friends in the environmental community maintain strong objections to nuclear energy, even though it supplies nearly 20 percent of the electricity generated in the U.S. and much higher proportions in places such as France, Belgium, Sweden and Switzerland—countries that aren't exactly known for their environmental disregard. But the fact is, nuclear is. producing emissions, while the burning of fossil fuels to generate electricity produces approximately 33 percent of the greenhouse gases accumulating in the atmosphere, and is a major contributor to air pollution affecting our communities

The idea that nuclear power should play no role in our energy mix is an unsustainable position, particularly given the urgency and magnitude of the threat posed by global warming which most regard as the greatest environmental threat to the planet.

The International Energy Agency estimates that the world's energy consumption is expected to rise over 65 percent within the next fifteen years. If the demand for electricity is met using traditional coal-fired power plants, not only will we fail to reduce carbon emissions as necessary, the level of carbon in the atmosphere will skyrocket, intensifying the greenhouse effect and the global warming it produces.

As nuclear plants are decommissioned, the percentage of U.S. electricity produced by this zero-emission technology will actually decline. Therefore, at a minimum, we must make efforts to maintain nuclear energy's level of contribution, so that this capacity is not replaced with higher-emitting alternatives. I, for one, believe it can and should play an even greater role, not because I have some inordinate love affair with splitting the atom, but for the very simple reason that we must support sustainable, zero-emission alternatives such as nuclear if we are serious about addressing the problem of global warming.

In a recent editorial by Nicholas Kristof of the New York Times. Mr. Kristof made the following observation: "It's increasingly clear that the biggest environmental threat we face is actually global warming and that leads to a corollary: nuclear energy is green." He goes on to quote James Lovelock, a British scientist who created the Gaia principle that holds the earth is a self-regulating organism. He quoted Mr. Lovelock as follows:

> I am a Green, and I entreat my friends in the movement to drop their wrongheaded objection to nuclear energy. Every year that we continue burning carbon makes it worse for our descendents Only one immediately available source does not cause global warming, and that is nuclear energy.

I have always been and will remain a committed supporter of solar and renewable energy. Renewables hold great promise, and, indeed, the technology title contains equally strong incentives in their favor. But today solar and renewables account for only about 3 percent of our energy mix. We have a long way to go, and that is one of the objectives of this legislation—to help promote these energy technologies.

I want to stress nothing in this title alters, in any way, the responsibilities and authorities of the Nuclear Regulatory Commission. Safety and security will remain, as they should, paramount in the citing, design, construction and operation of nuclear power plants. And the winnowing effect of the tree market, as it should, will still determine which technologies succeed or fail in the market place. But the idea that a zero-emission technology such as nuclear has little or no place in our energy mix is just as antiquated, out-of-step and counter-productive as our continued dependence on fossil fuels. Should it prevail, our climate stewardship and clean air goals will be virtually impossible to meet.

The environmental benefit of nuclear energy is exactly why during his tenure, my friend, Morris Udall, one of the greatest environmental champions the United States has ever known, sponsored legislation in the House, as I did in the Senate, to develop a standardized nuclear reactor that would maximize safety, security, and efficiency. The Department of Energy has done much of the work called for by that legislation. Now it's time for the logical next steps. The new title of this legislation promotes these steps by authorizing federal partnership to develop first of a kind engineering for the latest reactor designs, and then to construct three demonstration plants. Once the demonstration has been made, tree-market competition will take it from there. And the amendment provides similar partnership mechanisms for the other clean technologies, so we are in no way favoring one technology over another.

No doubt, some people will object to the idea of the federal government playing any role in helping demonstrate and commercialize new and beneficial nuclear designs. I have spent 20 years in this body fighting for the responsible use of taxpayer dollars and against pork-barrel spending and corporate welfare. I will continue to do so.

The fact remains that fossil fuels have been subsidized for many decades at levels that can scarcely be calculated. The enormous economic costs of damage caused by air pollution and 11 greenhouse gas emissions to the environment and human health are not factored into the price of power produced by fossil-fueled technologies. Yet it's a cost that we all bear, too often in terms of ill-health and diminished quality of life. That is simply a matter of fact.

It's also inescapable that the ability to "externalize" these costs places clean competitors at a great disadvantage. Based on that fact, and in light of the enormous environmental and economic risk posed by global warming, I believe that providing zero and low emission technologies such as nuclear a boost into the market place where they can compete, and either sink or swim, is responsible public policy, and a matter of simple public necessity, particularly, as we enact a cap on carbon emissions.

The Navy has operated nuclear powered submarine for more than 50 years and has an impressive safety and performance record. The Naval Reactors program has demonstrated that nuclear power can be done safely. One of the underpinning of its safety record is the approach used in its reactor designs, which is to learn and built upon previous designs. Unfortunately for the commercial nuclear industry, they have not had the opportunity to use such an approach since the industry has not been able to build a reactor in over the past 25 years. This lapse in construction has led us to where we are today with the industry's aging infrastructure. As we have learned from other industries, this in itself represents a great risk to public safety.

I want to close my comments on the nuclear provisions with two thoughts. A recent article in Technology Review seems particularly pertinent to those with reservations about nuclear power. It stated, "The best way for doubters to control a new technology is to embrace it, lest it remain in the hands of the enthusiasts." This is particularly sage advice because, frankly, the facts make it inescapably clear—those who are serious about the problem of global warming are serious about finding a solution. And the rule of nuclear energy which has no emissions has to be given due consideration.

Don't simply take my word regarding the magnitude of the global warming problem.

In 2001, President Bush wanted an assessment of climate change science. He further stated that climate change policy should be based upon sound science. He then turned to the National Academy of Sciences for an analysis of some key issues concerning climate change.

Shortly thereafter, the National Academy of Sciences reported that, "Greenhouse gases are accumulating in the Earth's atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise. Temperatures are, in fact, rising. The changes observed over the last several decades are likely mostly due to human activities[.]"

As I mentioned earlier, the National Academy along with the national academies of 10 other countries are now calling for not only action, but prompt action for significant reductions in greenhouse gas emissions.

Let's also consider the warning on NASA's website which states: "With the possible exception of another world war, a giant asteroid, or an incurable plague, global warming may be the single largest threat to our planet."

Also consider the words of the EPA that: "Rising global temperatures are expected to raise sea level, and change precipitation and other local climate conditions. Changing regional climate could alter forest, crop yields and water supplies[.]"

And let's consider the views of President Bush's Science Advisor, Dr. John Marburger, who says that, "Global warming exists, and we have to do something about it, and what we have to do about it is reduce carbon dioxide." Again, the chief science advisor to the President of the United States says that global warming exists, and what we have to do about it is to reduce carbon dioxide!

The road ahead on climate change is a difficult and challenging one. However, with the appropriate investments in technology and the innovation process, we can and will prevail. Innovation and technology have helped us face many of our national challenges in the past, and can be equally important in this latest global challenge.

Advocates of the status quo seem to suggest that we do nothing, or next to nothing, about global warming because we don't know how bad the problem might become, and many of the worst effects of climate change are expected to occur in the future. This attitude reflects a selfish, live-for-today attitude unworthy of a great nation, and thankfully, not one practiced by preceding generations of Americans who devoted themselves to securing a bright and prosperous tomorrow for future generations, not just their own.

When looking back at Earth from space, the astronauts of *Apollo 11* could see features such as the Great Wall of China and forest fires dotting the globe. They were moved by how small, solitary and fragile the earth looked from space. Our small, solitary and fragile planet is the only one we have and the United States of America is privileged to lead in all areas bearing on the advance of mankind. And lead again, we must, Mr. President. It is our privilege and sacred obligation as Americans.

I thank Senator INHOFE. He and I obviously have fundamental disagreements, and this probably won't be the last time we discuss our fundamental disagreement.

I ask unanimous consent to print a letter from the chairman of the Environment Committee in the European Parliament in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 22, 2005.

Hon. PETE V. DOMENICI,
Chairman, Senate Energy & Natural Resources Committee, Dirksen Senate Office Building, U.S. Senate, Washington, DC.

Hon. JEFF BINGAMAN,
Ranking Member, Senate Energy & Natural Resources Committee, Dirksen Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI AND SENATOR BINGAMAN: I have reviewed a document, apparently prepared by the American Petroleum Institute (API), claiming that the United States has reduced its greenhouse gas emissions intensity more than most other European Union countries and more than the EU as a whole. Similar claims were apparently repealed on the floor of the U.S. Senate yesterday, including remarks made by Senator Michael B. Enzi of Wyoming. While we can not be absolutely sure that the EU will be able to meet its Kyoto target—and a lot of efforts still have to be done within members states to further curb emissions—this claim truly misrepresents the performance of the European Union and its member states compared to the United States. Data from the U.S. Energy Information Administration indicates the following.

From 1980 to 2002, the carbon dioxide "intensity" (i.e., absolute tons of carbon dioxide (CO_2) emitted per thousand dollars of gross domestic product (GDP) of the EU-15 has fallen by 34 percent, from 0.52 to 0.34. From 1980 to 2002 US carbon dioxide "intensity' has fallen from 0.99 to 0.62, i.e., by 38 percent. Thus, U.S. carbon dioxide "intensity" has indeed fallen slightly faster than Europe's.

However, America's carbon dioxide "intensity" of 0.62 tons of carbon dioxide emissions per thousand dollars of GDP is still nearly double that of the European Union (0.34), meaning that the U.S. economy is only about half as efficient from the point of view of carbon content as that of Europe. To reduce carbon intensity in the U.S. thus is much easier—and costs much less—than what is the case in the EU.

Furthermore, what matters to the atmosphere and to the world in terms of climate change is not "intensity, but total emissions of greenhouse gases. Over the period 1980 to 2002, U.S. total emissions of carbon dioxide increased 20.9 percent from 1980, while total carbon dioxide emissions in Europe rose by only 8.6 percent. If we look at the more recent period, namely developments from 1997 to 2002, U.S. total emissions of carbon dioxide from fossil fuel combustion increased from 5543.28 million metric tons (MMT) to 5749.41 MMT—this is by 206.13 MMT, or more than twice the total emissions of Greece. Total carbon dioxide emissions from fossil fuel combustion in Europe rose by only 145.06 million metric tons of carbon dioxide during that same period (from 3307.16 MMT in 1997 to 3452.22 MMT in 2002). And, U.S. total emissions of carbon dioxide are nearly two-thirds higher (66.5 percent) than Europe's, despite the fact that the EU has about 91 million more people than the United States.

Six months ago, the European Union launched the world's first-ever regional cap and trade market for cutting greenhouse gas emissions. While in its infancy, that market, together with other programs that the EU has instituted, is beginning to provide powerful incentives for EU companies to boost their economic growth while cutting their greenhouse gas emissions. Parallel to that a series of policy instruments have been introduced to encourage our citizens to use energy in a more efficient way. As already stated, we do experience problems in several member states when it comes to meeting the Kyoto target. Emissions in the transport sector cause particular concern and we are currently discussing ways and means both to encourage greater use of bio-fuels and to enhance fuel-efficiency for new cars. But in general terms I believe our climate action program has to be considered a model for how to go about emissions reductions in both a responsible and cost-effective way.

From the European Parliament point of view we very much welcome contacts and dialogue with the U.S. Congress on issues related to climate change. We strongly believe there is a need to improve cooperation between Europe and the U.S. on this issue. We welcome any opportunity for dialogue with members of the U.S. Congress. I should mention that some of us will participate in a one-day conference in London on July 3rd—on the invitation by Globe—where parliamentarians from all over the world will come together and discuss climate change. Regretful as it is, as of today we have no U.S. participants confirmed. Another opportunity for dialogue might be a conference in Washington, DC in September 20–21—the Trans-Atlantic Dialogue on Climate Change—organized by Environment Defense in close cooperation with the European Commission.

I understand that you are currently holding hearings on energy and climate-related subjects. I respectfully request that this letter can be made a part of the Record of your deliberations so as to avoid any misconceptions about climate policy in Europe. Looking very much forward to future contacts with you on these important issues!

HON. ANDERS WIJKMAN,
Member of European Parliament.

Mr. MCCAIN. This is a letter to Senator DOMENICI and Senator BINGAMAN from the chairman of the Environment Committee of the European Parliament. Basically, it says—astonishingly, I am shocked—I have reviewed a study prepared by the American Petroleum Institute, that unbiased bystander on this issue, "claiming that the United States has reduced its greenhouse gas emissions intensity more than most other European Union countries and more than the EU as a whole. Similar claims were apparently repeated on the floor of the U.S. Senate yesterday, including remarks made by Senator Michael B. Enzi . . . While we can not be absolutely sure that the EU will be able to meet its Kyoto target . . . this claim truly misrepresents the performance of the European Union and its member states compared to the United States," which it does.

It should surprise no one that the American Petroleum Institute would put out less than an objective study.

Yesterday, Senator VOINOVICH and others referred to analysis by Charles River Associates concerning our climate change amendment, stating it would result in the loss of 24,000 to 47,000, blah, blah, blah. I think it is important to know that the Charles River Associates study was funded by an outfit called United for Jobs, Americans for Tax Reform, and various other industry-related entities, including petroleum-related organizations. It is based on totally false assumptions, including assuming a 70-year time line. I ask unanimous consent that a rebuttal to the Charles River Associates climate stewardship assumption article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHARLES RIVER ASSOCIATES AND CLIMATE STEWARDSHIP: ASSUMPTIONS DO MATTER

In recent months, a group of industry-funded nonprofits, United for Jobs 2004, has commissioned an economic analysis of the Climate Stewardship Act that was performed by Boston consulting group Charles River Associates (CRA).

Any economic model is, in essence, a machine; it receives an input, processes it, and produces a conclusion based on the input. In any economic model, the modeling assumptions are the key input—by telling the model what sort of economic conditions to model, they set the terms of economic analysis and determine to a very large extent the conclusions produced by the model. The chart below examines the assumptions that underpin the economic analysis commissioned by the United for Jobs campaign.

What is the assumption?	Why is this important?
A 70-year timeline: The study locks in today's market conditions to an economic analysis that spans 70 years.	In fact, economists rarely attempt to forecast economic impacts beyond a 10–20-year horizon because the national economy is such a complex system. Attempting to assign a 70-year cost horizon to the Climate Stewardship Act today is just as futile an effort as it would have been to assign a 70-year cost horizon to a telecommunications policy in 1934. Imagine it: using Charles Rivers Associates' method, those Depression-era regulators would have calcuated policy cost on the basis of primitive 1930s telephone technology over a timeline that would ultimately see the invention of computers, mobile phones, the internet, fax technology, e-mail, and even wireless access.
An innovation-free economy: The CRA analysis assumes that industry complies with the bill by using year 2004 technologies for the next 70 years.	Tomorrow's technologies aren't incorporated into the model because they don't yet exist and thus can't have a cost assigned to them. For example, the model incorporates a cutting-edge clean-coal technology available today, but assumes that it will continue to exist until 2070 at today's prices, which is $300/ton of carbon.
Catastrophic business decisions: The model assumes that businesses will respond to the new policy by making catastrophic business decisions such as retiring coal-fired power plants prematurely and mothballing other valuable capital.	Past experience with market-based policies gives no reason to assume irrational business behavior. Following the 1990 Clean Air Act Acid Rain Program, for example, energy companies have invested heavily in new technology while continuing to boost electric generation at a robust rate. Key success factors in ensuring a reasonable climate for business are policy certainly and lead time to accommodate the policy changes.
Personal income taxes increase to stabilize the government: In CRA's model, big personal tax increases prop up the federal government as the economy takes a nose dive.	By CRA's own account, this single assumption increases the consumption costs of the bill by 60 percent. No precedent exists for this response to climate policy cost. Moderate cost and lead time for industry to adapt to policy changes are, again, critical.
70 years of tight natural gas supply: The CRA model assumes that current natural gas market conditions remain in place for 70 years.	Proven world gas reserves are over 200 times U.S. annual consumption. Availability of gas is a function of production capacity, not the availability of the fuel itself. Presently, natural gas markets are responding to increased demand by increasing supply, both domestic and imported.
No international market for carbon reductions: The U.S. never joins the global market for carbon reductions.	As numerous studies have shown—and common sense dictates—international emissions trading drives down the cost of emissions reductions dramatically by allowing companies to take advantage of cost-effective opportunities to reduce emissions, wherever in the world they may be found. It is inconceivable that American businesses will forever be denied these cost-reducing opportunities.
No new state or federal requirements to reduce air pollution: The model assumes that Congress and the states do not act to improve air quality for the next 70 years.	At this moment, both Congress and the Administration are deeply engaged in an effort to update—and increase—the limits on domestic air pollutants. These new pollution limits will have some carbon impacts. The current policy changes are not assumed in this analysis, nor are any other policy updates during the next 70 years.
No growth in renewable energy: The model assumes that the demand for and supply of renewable energy remains unchanged from today's levels, for the next 70 years.	The year 2004 saw a massive increase in the attention to and development of renewable energy. With the ratification of the Kyoto Protocol, Europe and the industrialized world are placing a premium on renewables, and the demand for these technologies is expected to grow dramatically in the future.
No new efficiency requirements: CRA's analysis assumes that no new efficiency requirements are enacted for the next 70 years.	State and federal policymakers are, in fact, continuing to update energy efficiency requirements. The state of Maine, for example, is at work on a bill to join other northeast states in adopting California's newest energy efficiency requirements for a host of consumer products. These exceed current federal requirements, which were also updated in recent years.
No state actions on global warming: The model assumes no state actions that contribute to reductions in greenhouse gas emissions.	States from Maine and Connecticut to Oregon and Idaho have enacted state-level policies and initiatives to reduce greenhouse gases. CRA's model assumes that none of these policies reduces emissions, even though the northeast states in particular are actively developing a multi-state emissions trading program to reduce greenhouse gases.
A misrepresentative "high cost" projection: The CRA study contains a "high cost" projection that is based on provisions not found in the Climate Stewardship Act.	The "high cost" projection assumes that greenhouse gas emissions will be 80 percent below 1990 levels in the year 2050. This is a level never contemplated in any bill introduced in Congress, and wildly off the mark with respect to the Climate Stewardship Act. The Climate Stewardship Act caps emissions at year 2000 levels.
No reductions in non-CO_2 gases: The CRA analysis does not recognize the possibility of reducing non-CO_2 gases under the bill.	Numerous studies have shown that allowing reductions in so-called "non-CO_2 gases" reduces overall costs of greenhouse gas reductions dramatically. The Climate Stewardship Act allows use of these low-cost reductions.

Mr. McCAIN. The analysis is clearly flawed, and we all know that it is flawed. Of course, this is what we always hear whenever there is a proposal that would improve our environment and our lives and others. It is the apocalypse now.

I would like for my colleagues to take note from this well-known sensationalist rag on the supermarket shelves, the National Geographic, which published probably one of the more comprehensive and in-depth pieces ever done called "Global Warming, Bulletins From a Warmer World." The National Geographic, as they usually do, does an incredibly in-depth job to describe what is already happening and what will be happening in the future.

It reads, in part:

> The climate is changing at an unnerving pace. Glaciers are retreating. Ice shelves are fracturing. Sea level is rising. Permafrost is melting. What role will humans play?

I hope my colleagues, when they have a chance, will read that.

I would like Members to look at this picture. This is Lake Powell. It was down to its lowest level since it was built. We did get some rain this winter, and there has been some change. A heat-damaged reef in the Indian Ocean offers poor habitat for passing fish. In fact, as I mentioned earlier, the Great Barrier Reef is predicted to be dying. This once was a lake, Lake Chad in Africa. The pictures go on and on. But perhaps one of the most important, of course, is the Arctic icecap. We know that the Arctic and the Antarctic are the miner's canary of what is going on. This clearly shows in 1979 the polar icecap. And it shows in 2003 the rather dramatic reductions. Also things are happening in Greenland which are significant and alarming.

These are the CO_2 records from 2004. The debate about the hockey stick is becoming one that is irrelevant because, unfortunately, we are seeing this dramatic increase.

I would like to return for a minute to the joint science academies' statement, "Global Response to Climate Change":

> There will always be uncertainty in understanding a system as complex as the world's climate. However, there is now strong evidence that significant global warming is occurring.

Mr. President, the Senator from Idaho mentioned that scientists from India and the Chinese also signed onto this, as if they were complicit. The fact is they are scientists first, and they are from China and India; they are as alarmed about this as anyone else should be.

Two weeks ago, the National Academy of Sciences, the national academies from the G8 countries—this was not 9 years ago but 2 weeks ago—said:

> The scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action. It is vital that all nations identify cost-effective steps that they can take now to contribute to substantial and long-term reduction in net global greenhouse gases.

That is why I appreciate the amendment of the Senator from Nebraska, which recognizes there is a problem. But we have to take prompt action now.

Mr. President, I have a fact sheet on myth versus fact that responds to some of the statements made on the floor. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Myth: Most EU–15 countries are way above emissions targets

Fact: The European Environmental Agency (EEA) recently concluded that the EU is on schedule to meet its Kyoto targets. This report analyzed existing and planned policies, including the Kyoto emissions trading measures.

When only previously implemented policies were evaluated, the EEA calculated that the EU would not reach its Kyoto targets—reaching 1%, rather than 8%, below 1990 levels. Planned policies such as domestic EU policies (accounting for greater than 7% reductions alone) and international emission reduction projects (for which funds have already been allocated), however, will enable the EU to exceed its 8% goal.

Myth: The U.S. beats the EU in reducing GHG emissions

Fact: While the U.S. emissions intensity decreased by 17.4 percent in the 1990s, U.S. global warming pollution grew by 14. At the same time, the EU decreased their global warming pollution by 4 percent. Greenhouse Gas intensity does not measure the quantity of global warming pollution reduced. GHG intensity is defined as the ratio of total global warming pollution to total gross domestic product.

Myth: U.S. CO_2 emissions don't come from industry

Fact: Forty percent of energy-related CO_2 comes from power plants. As a sector, industry accounted for 28.8 percent (1,666.2 million metric tons of CO_2) of total U.S. energy-related CO_2 emissions in 2003, reported the DOE's Energy Information Administration. In the same year, energy related carbon dioxide emissions did not change for the industrial sector because industrial output only grew by 0.2 percent in the year. While the largest growth in CO_2 emissions is not from industry, the sector nonetheless is responsible for a significant portion of U.S. CO_2 emissions.

Myth: Future global GHG emissions will come from developing countries

Fact: The United States is currently responsible for 25% of global warming pollution, while less than 5 percent of the global population resides here. U.S. per capita emissions are 5 tons of carbon per year, while Europe and Japan emit 2-5 tons of carbon per year per capita. By comparison, the developing world average per capita is about 0.6 tC/year. In order to stop global warming, the world will need to reach an average of 0.3 tC/year per capita for a population of ~ 10 billion people by the end of the century. [Kammen et al.]

In addition, in the last century, developed countries were responsible for 60 percent of the net carbon emissions that have caused global warming. The United States alone contributed 30 percent of the total from 1900–99. By comparison, China was accountable for only 7 percent and India for 2 percent.

Myth: Industry voluntary actions are sufficient.

Fact: The United States has tried a range of domestic and international voluntary efforts to reduce global warming pollution over the past decade, but U.S. emissions have continued to rise. The fact is voluntary programs alone will not stop the rise in emissions. Because the Hagel amendment relies exclusively on voluntary programs, it won't work either.

Myth: Global warming emission limits should not be part of the energy bill because it will undercut economic growth.

Fact: Climate policy is essential for a secure and strong U.S. economy, as well as a healthy environment. A carbon emissions cap would encourage U.S. corporations to innovate, develop new, competitive technologies for the global market and be world leaders in new energy technology. Technological innovation in energy efficiency and renewable energy will stimulate job growth, energy independence and investments in research and development.

Political incentives to develop new clean technology will provide the certainty that U.S. companies need in order to make rational investments in long-lived assets. As the energy infrastructure in the U.S. ages and we are ready to replace it, building low and no-carbon technologies now is economically essential. By planning ahead, we will prevent costing our companies a lot more in mitigation costs when they have to retrofit or shut down fossil fuel plants due to inevitable future global warming policy. Being a leader in technological development of low and no-carbon energy technology is in fact essential to U.S. economic growth.

Myth: Current energy policy is sufficient as is. Limiting fossil fuel use will undermine this policy.

Fact: Limiting carbon pollution will strengthen the new national energy policy, which, in its current form, is insufficient to increase U.S. energy security and to protect against the threat of global warming. American companies are currently losing out on billions of dollars in profits because current U.S. energy policy has failed to provide sufficient political incentives for cleantech innovation.

Wind power, solar photovoltaics and fuel cell and hydrogen infrastructure are high-growth markets, in which U.S. companies are not the technological leaders. Solar and wind power have each grown by more than 30% annually since 2000, growth rates that are more common in such high-tech markets as personal computers and the Internet. Yet, in the past 10 years, the United States went from owning 50% of the solar PV market to 10%. The U.S. economy will be more secure if we invest in technologies that reduce our dependence on fossil fuels and will be stronger if we compete with the European and Japanese companies in the profitable clean-energy market.

Myth: The United States should not implement global warming policy until developing nations commit to such policies as well.

Fact: More than one hundred and forty nations globally have agreed to collaborate and make real reductions in global warming pollution. Simply because the U.S. passes legislation different from the rest of the world's climate policy does not mean that we are going at it alone. In fact, all proposed climate amendments are far less stringent than the mandates in the Kyoto Protocol.

The United States is responsible for more than a quarter of world's carbon dioxide emissions—more than China, India and Japan combined. While developing countries' emissions are increasing, it will be impossible to stop global warming without the world's largest polluter taking action.

Domestic climate policy will create jobs in the U.S. and save American consumers billions of dollars, in addition to enabling U.S. companies to regain technological dominance in the renewable energy sector. The renewable energy sector "generates more jobs per megawatt of power installed, per unit of energy produced, and per dollar of investment, than the fossil fuel-based energy sector [mining, refining, utilities]," concludes Kammen et al from the University of California at Berkeley.

Myth: Creating CO_2 Limits would be Extremely Costly.

Fact: EIA's high cost estimates are based on an unrealistic scenario in which the U.S. does not increase renewable energy generation, fails to implement responsible energy policy and does not utilize carbon capture technology.

The Climate Stewardship Act provides a market-based solution to climate policy. The Tellus Institute analyzed the bipartisan Climate Stewardship Act using a modified version of the Energy Information Administration's (EIA) NEMS model. They calculated the net savings to consumers as a result of this Act will reach $30 billion annually from 2013 through 2020. A different study by MIT economists found that the cost to the economy will be a modest $15-$19 per household per year from 2010-2020. Measured in terms of the impact on household purchasing power (defined as welfare costs), this is only 0.02 percent of business-as-usual consumption levels from 2010 onward.

Global warming policy will help U.S. companies profit from the high-growth clean-energy market, currently estimated at $12.9 billion. It is projected that by 2013, the combined solar photovoltaics, wind power and fuel cells and hydrogen infrastructure market will represent a $92 billion market [Clean-edge]. Without the political incentive to invest in global warming technology, European and Asian technological innovation will out-compete American companies

Myth: The President's plan is sufficient.

Fact: President Bush's voluntary global warming plan does not attempt to address climate concerns. It is far from sensible, putting U.S. companies at a competitive disadvantage in the global high-growth clean energy market and allowing emissions of heat-trapping pollutants to continue growing indefinitely at exactly the same rate they have grown over the last 10 years. The president has used a misleading emissions "intensity" metric that disguises more pollution, not less.

The United States has tried a range of domestic and international voluntary efforts to reduce global warming pollution over the past decade, but U.S. emissions have continued to rise. The fact is voluntary programs alone will not stop the rise in emissions. Because the Bush global warming plan relies exclusively on voluntary programs, it won't work either.

Most of the president's proposed spending is only a continuation of past work on the science of climate change.

Bottom line: Under the Bush plan, emissions in 2012 will be 30 percent above 1990 levels and still rising.

Myth: Climate Mandates are Not Scientifically Justified.

Fact: As USA Today put it on their June 13 front page, "The debate's over. Globe is warming".

This headline reflects the mainstream scientific consensus that humankind has induced global warming. Scientists are virtually certain that CO_2 pollution from fossil fuel burning is the dominant influence on observed global warming during the last few decades. Last week, the National Academy of Sciences and science academies of 10 other nations, said there is "significant global warming" and called for "an immediate response" and "prompt action" to reduce global warming pollution. They warned, "Failure to implement significant reductions in net greenhouse gas emissions now, will make the job much harder in the future"

The preponderance of scientific evidence concludes the following:

The warming in the late 20th century is unprecedented in the last 1000 years.

Seven of the ten warmest years in the past century were since 1990, and NOAA concluded that 1998 was the hottest year on observable record.

Simulations of climate using solely natural climate variability do not recreate or parallel actual climate changes which have occurred over the last 50 years.

Natural climate variability can not be the cause of the rapid increase and magnitude of change in Earth's temperature. The effect of natural phenomena, such as solar variability, is quite small in comparison to the effect of heat-trapping pollution added to the earth's atmosphere, concluded the Intergovernmental Panel on Climate Change (IPCC), a group comprised of the 2,500 of the world's most prominent climate scientists, economists and risk analysts. Additionally, the net effect of natural climate factors for the past two, and possible four, decades is negative—a cooling effect.

The mainstream global scientific consensus is that humankind has induced global warming. Sallie Baliunas and Willie Soon are the two "climate contrarians" at the Harvard-Smithsonian Astrophysical Center who challenged this accepted conclusion and declared that there was a Middle Age Warm Period. They received $53,000 for this study from the American Petroleum Institute, the oil and gas industry's primary trade organization. Their methodology is fundamentally flawed and their claims are inconsistent with the preponderance of scientific evidence.

Myth: Scientific Review has Discredited the Underlying Study ("hockey stick" report) on Warming.

Fact: Scientists' conclusion that humans have induced climate change is based on many scientific reports, computer models and analyses. For example, a recent study by NASA, Columbia University and DOE scientists has been called the "smoking gun" of global warming. This report showed a clear energy imbalance—the planet is absorbing one watt more of the sun's energy, per square meter, than what is radiated back into space. This increase in energy will accumulate and warm the earth's atmosphere.

The review by "climate contrarians", McIntyre and McKitrick, who attempted to challenge mainstream scientific consensus and Michael Mann's analysis, wholly misrepresented the results of the model. McIntyre and McKitrick did not follow standard scientific protocol, and they omitted key data for the period 1400–1600. http://www.berlinwind.org/environment.html has more description of Mann's report.

Myth: Greenhouse Gas emissions are not Pollutants.

Fact: Carbon dioxide is without a doubt a pollutant in the quantities that humans are releasing it into our air. Generally, a pollutant is defined as an "undesirable state of the natural environment being contaminated with harmful substances as a consequence of human activities". Global warming pollution is also considered pollution under the Clean Air Act. The act says that an air pollutant is any "physical, chemical, biological, [or] radioactive . . . substance or matter which is emitted into or otherwise enters the ambient air" (CAA, sec. 302(g)). CO_2 is, therefore, a pollutant under the Clean Air Act, as well as in the real world.

Carbon dioxide is, and will continue to be, the cause of significant health impacts. According to the EPA, the prevalence and severity of particular diseases depends largely on the local climate. Extreme temperatures can be directly lethal (in the U.S., twice as many people die from the heat as from the cold). Indirectly, infectious diseases such as malaria and yellow fever, which once only appeared in warmer equatorial regions, will travel northward as mosquitoes follow the warmer temperatures to the north. Moreover, hotter temperatures can increase air and water pollution, which indisputably cause asthma attacks, lung disease and other serious health effects.

Large and rapid climatic changes are already causing extreme weather patterns, heat waves, rising ocean temperatures and acidity, coral reef destruction, early snow melts and noticeable ice-cap and mountain glacier thaws. Hotter temperatures will continue to lead to coastal and island submersion, disturbances to food production levels and unpredictable changes to ocean and atmospheric circulation.

While directly breathing CO_2 is not a concern for this pollutant, certainly the effects of the rapid buildup of the gas in the atmosphere because of human energy use is arguably the largest environmental threat to humankind in the history of civilization.

Myth: The "Poison Pill" Climate Amendment.

Fact: This is a circular argument, asking Members of Congress to oppose the climate amendment because Members of Congress oppose the climate amendment.

Without climate policy, the energy bill will not significantly reduce oil dependence or address global warming. A market-based solution such as the Climate Stewardship Act provides the economic opportunities and real emissions limits that must be included in a strong energy bill.

Myth: A "methane-first" strategy is more cost-effective than reducing carbon dioxide.

Fact: It is true that on a pound for pound basis, methane is a much more powerful greenhouse gas than carbon dioxide, and it should be controlled. However, carbon dioxide is the primary concern for global warming because of the massive quantities of it released from burning fossil fuels. Carbon dioxide's concentration in the atmosphere is now over 360 parts per million, higher than at any time during the last 400,000 years.

Myth: Greenhouse gas caps are bad for the strained supply of natural gas.

Fact: A key finding of the Tellus Institute analysis of the Climate Stewardship Act is that natural gas prices would decrease with a policy that limits global warming pollution in conjunction with targeted complementary policies. When the emissions cap is accompanied by energy efficiency measures and demand response policies, the EIA NEMS model shows a slight decrease in the price of natural gas relative to the base case. The complementary policies that contribute to cost-effective implementation of the Climate Stewardship Act include energy efficiency investments funded by allowance sales under the Act, renewable energy standards, and promotion of combined heat and power systems.

Mr. McCAIN. Mr. President, I don't think it is likely that we will win this vote. I don't count votes, but I have been around here long enough that I can pretty well "take the temperature of the body." It is rising. That is a bad metaphor that I can probably tell what is going to happen in our vote counts. All I can do is assure my colleagues that the first time Senator LIEBERMAN and I came to the floor, there was no document from any scientific group that was as definitive as was issued 2 weeks ago by the National Academy of Sciences.

The next time Senator LIEBERMAN and I are on the floor—and we will be back—there will be even more definitive statements by the world scientific community, more manifestations of this terrible calamity that is besetting this great world of ours, and over time we will win. I am very confident of that because we must act.

As far as Kyoto is concerned, Senator LIEBERMAN and I know India and China would have to join as a condition for the United States to be even part of it, and the treaty itself may have to be modified to some degree. The reason why I worry is not because of the fact that I am not confident we will win; I am worried about what happens in the meantime. The condition was far less serious the first time Senator LIEBERMAN and I took up this issue. The first time we had a hearing in the Commerce Committee 6 years ago, it was a problem. Now it is rapidly approaching a crisis of enormous proportions. So I worry that delay means further enormous challenges to make sure the environment of this Earth is not suffering permanent damage.

I urge my colleagues, after this vote, to get briefed, to get information, travel with us, do what you can to ascertain what is happening on the Earth. I think the next time we are on the floor, we will gain a majority.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President. I thank my friend and colleague and partner in this cause, Senator McCAIN, for his persistent, principled leadership. It is an honor to fight alongside him on behalf of what we believe is right for future generations of Americans—our kids and grandkids.

As I have listened to the debate in the Senate—particularly, with all respect, listening to some of the opponents of this amendment—I keep thinking of a song by Bob Dylan, from a younger time in my life. I apologize to the great Dylan if I have the lyrics a little wrong, but it was generally along the lines of:

> Come Senators, Congressmen, please heed the call. Don't stand in the doorway, don't block up the hall.

The theme was that the times are rapidly changing. What is rapidly changing in our times is the temperature on this planet that God has given us. It is changing with observable, bad consequences, and it is changing as a result of what we humans are doing. The science is changing to be clearer and clearer that global warming is a problem.

What is not changing is the failure of some of my colleagues to recognize that science. Senator McCAIN is right. We fought hard again, but we are not going to win this vote. As he said earlier, the real losers here are our children and grandchildren. If we don't act soon, they are going to inherit a planet that is not going to be as hospitable as the one we were given by our parents and grandparents. The fact is, however, that I see something hopeful changing around this Senate, and it is an increasing recognition that global warming is a real problem. Some of our friends may go back to those old arguments. You can always find one scientist who disagrees with the great majority of them. But there is a prevailing, powerful consensus internationally that global warming is real. I see that consensus now being expressed in the Senate.

When Senator McCAIN and I started on this effort to have America do something to reassert its moral leadership in the global battle to stop the planet from warming dangerously, some people said we were "smoking something" or that we were "Chicken Littles." That has changed now. Now people are saying: Yes, we agree with you that there is a problem. But we think you are going at it the wrong way. You are trying to do too much too soon. I took heart from the statement by Senator DEWINE of Ohio, who came to the conclusion, based on thoughtful consideration, that the science tells him this planet is warming, and he doesn't want to look back at the end of his service and say he didn't do anything about it. He is not ready to support the bill. He has a couple of changes he wants to make. Senator DOMENICI basically said the same thing.

The science is compelling. Global warming is real. And colleague after colleague, including Senator FEINSTEIN of California, Senator AKAKA of Hawaii, Senator NELSON of Florida, has come to the floor and said that they see it in their statements. They see with their own eyes the impact that global warming is having. Senator CARPER brought pictures his friend had taken of glaciers melting over a period of years.

The question is, Are we going to change quickly enough to deal with this problem before it has catastrophic consequences? The science is real. Costs? Well, again, you could find economists—the old line is if you lined up end by end all the economists in the world, they would not reach a conclusion. An MIT study said if our amendment was adopted, it would add $20 a year per household to the cost of living. Isn't that worth it to save our children and grandchildren on this planet so they can enjoy it as we have?

Times are changing in the business community. Listen to Wayne Brunetti, CEO and chairman of Xcel Energy, Inc., who says:

> Give us a date. Tell us how much we need to cut. Give us the flexibility to meet the goals, and we will get it done.

Linn Draper, former chairman and CEO of American Electric Power, says:

> Climate change is a challenge facing both business and policymakers. Early action represents a commonsense approach that can begin the process of lowering emissions along a gradual, cost-effective glidepath.

Steve Percy, former chief executive of BP America, said:

> Some companies feel if we don't act soon in the United States, we may be missing out on opportunities to innovate and to develop the technologies that will address these problems in the future. On top of that, I think this is a recognition on the part of some of these leading companies that public opinion is slowly beginning to shift on these issues. They want to be able to say in the future that they were progressive on this issue.

Senator McCAIN and I have worked a long time with a lot of people in the business and environment and scientific and political worlds to present this proposal. It is no more perfect than anything fashioned by human beings, but we think it is the only real opportunity the Senate will have in this session—on this bill certainly—to do something real about global warming. That is what this is about. Not only do you recognize that there is a problem—there is—are you willing to work to do something about it? If you are, you will vote for this amendment.

I quoted Jonas Salk yesterday when we began the debate, the discoverer of the polio vaccine. He said something to this effect: One of the most important things for anybody to do in life is to be a good ancestor. We must be good ancestors, which is to say that the generations who follow us will look back at us and ask: Were they good ancestors? Did they turn the world over to us in better condition than they received it. If we don't do anything about global warming, we are going to turn this world over to our children and grandchildren in a much worse condition than we received it. I end not with science, not with economics, not with politics because the times are changing, and eventually the Senate will change with those times and catch up with the reality and the American people. Finally, we are blessed to live on God's good Earth, and at the beginning in the Book of Genesis, God instructed Adam and Eve to not only work the garden but to guard it. We are working the garden but not guarding it as well as we should be.

This amendment will help us to do that.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, I will use my leader time.

Mr. President, global warming constitutes one of the greatest challenges of our time. I believe that. Greenhouse gas emissions from the burning of fossil fuels have threatened not only our environment but also our economy and public lands. Should we continue unabated our current rate of polluting, we threaten to disrupt the delicate ecological balance on which our livelihoods and our lives depend.

Addressing this growing environmental threat demands strong leadership. I am afraid such leadership has been sorely lacking by this administration. Instead, the White House has been doctoring information about global warming in reports by Government scientists. A White House senior official named Philip Cooney, removed or adjusted descriptions of climate change research that scientists had already approved. Mr. Cooney previously worked as a lobbyist for the American Petroleum Institute before joining the administration in 2001. A few days after resigning from the administration, Mr. Cooney had the audacity, and ExxonMobil had the misfortune and the inability to see how wrong they were, they hired him. ExxonMobil hired him—the same ExxonMobil that has opposed measures to reduce greenhouse gas emissions and has funded groups of global warming skeptics.

It is time for the administration to bypass the filtering by White House officials and hear directly from the scientists, the international community, corporations, and a growing number of Republicans who are calling for a Federal policy to reduce global warming pollution.

The President is increasingly isolated on this issue, as highlighted recently in a number of ways. First, in advance of the G8 summit next month, the National Academy of Sciences and the equivalent organizations from 10 other countries said last week:

> The scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action. It is vital that all nations identify cost-effective steps that they can take now to contribute to substantial and long-term reduction in net global greenhouse gas emissions.

Even "The Terminator," California Governor Arnold Schwarzenegger, recently said, "The debate is over," and announced a goal of cutting the State's emissions by 80 percent by the year 2020.

A bipartisan group of mayors from 158 American cities issued a statement calling on the Federal Government to reduce global warming. The mayors, who represent 32 million people, acknowledged the clear public mandate to address this issue and opined that reducing greenhouse gas emissions will help ensure our energy security for this country.

Even industry is breaking ranks with the White House. General Electric, one of the largest companies in the Nation, if not the largest, recently joined a growing list of businesses calling on the Federal Government to provide stronger leadership on global warming. Fortune 500 companies, such as Alcoa, British Petroleum, DuPont, Eastman Kodak, IBM, Intel, Johnson & Johnson, and Nike, to name a few, have all made significant reductions in their greenhouse gas emissions.

The United States accounts for about 4 percent of the world's population. Yet it is responsible for more than 25 percent of the world's global warming pollution. U.S. leadership on global warming is critical to building international support for future global reductions, and America's industry needs to be part of the solution to drive the technology that will make technology solutions feasible to all nations. We must set the example.

The McCain-Lieberman amendment would cap greenhouse gas emissions in 2010 at 2000 levels and establish a mandatory economywide cap-and-trade program. The amendment would limit emissions of global warming pollutants by electric utilities, major industrial and commercial entities, and refiners of transportation fuels.

The amendment would allow businesses to devise and implement their own solutions using a flexible emissions trading system that has successfully reduced acid rain pollution under the Clear Air Act at a fraction of anticipated costs. By setting reasonable caps on emissions and permitting industry to trade in pollution allowances, this creates a new market for reducing greenhouse gases. We cannot afford to defer action to address global warming.

I commend and applaud these two great Senators for joining together to bring to the attention of the Senate a world problem that takes the United States, via example, to solve.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER (Mr. COBURN). Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 826, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), and the Senator from North Dakota (Mr. DORGAN) are necessarily absent.

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—38

Akaka
Bayh
Biden
Bingaman
Cantwell
Carper
Chafee
Clinton
Collins
Corzine
Dodd
Durbin
Feinstein
Gregg
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Lieberman
Lugar
McCain
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—60

Alexander
Allard
Allen
Baucus
Bennett
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Feingold
Frist
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Levin
Lincoln
Lott
Martinez
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Conrad
Dorgan

The amendment (No. 826), as modified, was rejected.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I understand Senators SPECTER and ALLARD would like to speak. I ask unanimous consent they be recognized to speak for up to 10 minutes each and I then be recognized to call up my amendment, numbered 866.

Mr. INHOFE. Reserving the right to object, do we have a time agreement on your resolution?

Mr. BINGAMAN. Mr. President, there is no time agreement entered. I am glad to enter into an hour-long time agreement, equally divided, if that is acceptable.

Mr. INHOFE. How about 20 minutes, equally divided, and I yield back my time.

Mr. BINGAMAN. I believe myself, Senator DOMENICI, and perhaps Senator SPECTER wish to speak on my amendment. I hesitate to limit it to 10 minutes if that is what the Senator is suggesting.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, let me restate the request. Senators SPECTER and ALLARD would like to speak. I ask unanimous consent they be recognized to speak for up to 10 minutes each. Following that, the Senator from Oklahoma and I would have time equally divided on the modified Bingaman amendment, numbered 866, and a vote would occur in relation to that amendment at 5:30, with no amendments in order.

Mr. WARNER. Reserving the right to object, I would like to get into the queue. I am here to accept the manager's request. My amendment is filed. The Senator from Tennessee is my cosponsor. Could we follow the Senator?

Mr. BINGAMAN. This is not a queue. This is a queue of one. We are just trying to get in a position to act on this amendment.

Mr. WARNER. I want to help the managers keep this bill moving. We would not require more than 30 minutes, equally divided.

Mr. DOMENICI. Just a moment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Senator BINGAMAN is trying his best to get something called up we have agreed on. He is not in a position to agree. I am trying to put it together, and he is agreeing I should do that.

Would the Senator from Tennessee and you have an amendment with reference to windmills?

Mr. WARNER. That is correct.

This is offshore drilling.

Mr. DOMENICI. I don't want to do that. I would rather wait a while.

Mr. WARNER. If the distinguished manager would interpret what "wait a while" means.

Mr. DOMENICI. There are 100 amendments. You want to go in the middle of the 100? Do you want to go first?

Mr. WARNER. I am here to accommodate.

Mr. DOMENICI. I will take one at a time, sit down and organize at the table with you.

Mr. WARNER. If the distinguished manager would indicate, we could go tonight. I would be willing to wait all night.

Mr. DOMENICI. We are willing to try hard. Our leaders told us to stay here tonight and try to agree to some amendments. We will put you right there.

The PRESIDING OFFICER. Is there objection to the request by the Senator from New Mexico on his unanimous consent?

Mr. LAUTENBERG. Mr. President, if we are going to open up an opportunity for additional amendments, I have an amendment that has been sitting here.

The PRESIDING OFFICER. The question before the Senate, is there objection to the unanimous consent request by the Senator from New Mexico?

Mr. INHOFE. Reserving the right to object.

Mr. DOMENICI. Let Senator BINGAMAN——

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask you restate the unanimous consent at this time. It is my understanding we would have time equally divided, between now and 5:30, at which time there would be a vote. I state my intention would be to move to table the Bingaman resolution.

The PRESIDING OFFICER. The unanimous consent request is for 10 minutes for Senator SPECTER and Senator ALLARD and 20 minutes equally divided between the Senator from New Mexico and the Senator from Oklahoma, with a vote time certain at 5:30. Is there objection?

Mr. ALEXANDER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Could I ask the Senator from New Mexico, how do I get in the queue?

Mr. LAUTENBERG. Mr. President, I object.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, could we have the unanimous consent request put to the Senate again.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. KERRY. Reserving the right to object.

Mr. INHOFE. Reserving the right to object.

Mr. BINGAMAN. Let me restate it for Senators who might not have heard it before: We recognize Senator SPECTER to speak for up to 10 minutes. We recognize Senator ALLARD to speak for up to 10 minutes. The remainder of the time, between now and 5:30, would be equally divided between the Senator from Oklahoma and myself in relation to the modified amendment that I have offered, amendment No. 866. There would be a vote at 5:30 on or in relation to amendment No. 866, as modified.

Mr. KERRY. Reserving the right to object: is there any proposal and/or agreement with respect to what happens after that?

The PRESIDING OFFICER. There is not.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum once again.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, let me restate the request. I ask unanimous consent that Senator SPECTER be recognized to speak for up to 10 minutes; Senator ALLARD from Colorado be recognized to speak for up to 10 minutes; and following that, I be recognized to present my amendment No. 866 and a modification of that amendment; that the time between then and 5:40 be equally split between myself and the Senator from Oklahoma; and that we would then have a vote at 5:40.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. DOMENICI. A vote on or in relation to the amendment. He wants to table it.

Mr. INHOFE. I already indicated that.

Mr. DOMENICI. That is part of the consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleagues for the time. I appreciate the 10 minutes. I will try to reduce that time because I see the congested calendar here today.

Mr. President, I have sought recognition to comment, first, about the very serious situation with oil prices—approximating $60 a barrel now—and the average cost of gasoline across the country at $2.13. This is a problem which has beset the United States and the world for decades now. I remember with clarity the long gas lines in about 1973.

I have believed for a long time that we ought to be moving against OPEC under the laws which prohibit conspiracies and restraint of trade. I set forth, in a fairly detailed letter to President Clinton, on April 11, 2000, my recommendations for litigation by the Federal Government against OPEC, and I repeated it in a letter to President Bush dated April 25, 2001. I ask unanimous consent that both of these letters be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. I was then pleased to see my distinguished colleagues, Senator DEWINE and Senator KOHL, introduce what is now S. 555, the No Oil Producing and Exporting Cartels Act of 2005, which was accepted by voice vote yesterday. What this bill does essentially is to codify the ability of the Government to proceed against OPEC under the antitrust laws.

It is my legal opinion, as set forth in the detailed letters to both President Clinton and President Bush, that the United States has that authority now, that it is not governmental activity when OPEC gets together and conspires, it is commercial activity. They do business in the United States. They are subject to our antitrust laws. And we should have moved on them a very long time ago.

It is my hope the DeWine-Kohl bill, which I cosponsored, which has come out of the Judiciary Committee and the Antitrust Subcommittee, will be retained in conference. It is always a touchy matter to have a voice vote as opposed to a rollcall vote where if the numbers are very substantial it may be that the amendment will be taken more seriously in conference than if it is a voice vote. But I urge the managers to take the DeWine-Kohl amendment very seriously, which I have cosponsored. We ought to be moving against OPEC because of their cartel activity.

To that end, I voted earlier today for the Schumer Sense of the Senate amendment calling on the President to confront OPEC to increase oil production and vigorously oversee oil markets to protect the U.S. from price gouging. I supported the amendment even though I disagreed with another section calling for the release of oil from the Strategic Petroleum Reserve. While I recognize that the Sense of the Senate amendment is not binding, I believe the strong vote sends a signal to the Administration that there is support for action against OPEC.

I know the floor is going to be very crowded a little later, so I am going to take this opportunity to speak very briefly on the amendment which is offered by Senator BINGAMAN—cosponsored by Bingaman-Byrd-Specter. And I think Senator DOMENICI is going to join it as well.

I commend Senator BINGAMAN for his initiatives on the issue of our energy policy to try to cut down on emissions and to try to cut down on the problems of global warming. We have just had a vote on the amendment offered by Senator MCCAIN and Senator LIEBERMAN. We had a vote on it in the year 2003. It has always been a very attractive amendment.

I opposed it because I believe that it puts the United States at a very substantial economic disadvantage with other countries that are not compelled to comply. As a Senator from Pennsylvania, I have a duty to be specially concerned about what is happening in coal, what is happening in steel, but I think the thrust of it is something. The objectives need to be obtained.

The National Commission on Energy Policy published a report last year which deals with the problems of emissions reductions and the cap on emissions in trade so that one company may utilize the emission limit of another company. I have been in discussions with Senator BINGAMAN on that, and I am glad to see his amendment is moving forward at this time. I am pleased to be a cosponsor of his amendment. I believe this will take a significant step forward on the issue of global warming. It would always be desirable to move farther ahead in a more dramatic fashion, but I think this is a significant step forward.

I have been pleased to work with Senator DOMENICI. I compliment the chairman. And Senator BINGAMAN, the ranking member. I compliment him on a number of amendments which I think will strengthen the energy policy of the United States.

EXHIBIT 1

U.S. SENATE,
Washington, DC, April 11, 2000.

President WILLIAM JEFFERSON CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: In light of the very serious problems caused by the recent increase in oil prices, we know you will share our view that we should explore every possible alternative to stop OPEC and other oil-producing states from entering into agreements to restrict oil production in order to drive up the price of oil.

This conduct is nothing more than an old-fashioned conspiracy in restraint of trade which has long been condemned under U.S. law, and which should be condemned under international law.

After some considerable research, we suggest that serious consideration be given to two potential lawsuits against OPEC and the nations conspiring with it:

(1) A suit in Federal district court under U.S. antitrust law.

(2) A suit in the International Court of Justice at the Hague based, perhaps, upon an advisory opinion under "the general principles of law recognized by civilized nations," which includes prohibiting oil cartels from conspiring to limit production and raise prices.

(1) A suit in Federal district court under U.S. antitrust law.

A case can be made that your Administration can sue OPEC in Federal district court under U.S. antitrust law. OPEC is clearly engaging in a "conspiracy in restraint of trade" in violation of the Sherman Act (15 U.S.C. Sec. 1). The Administration has the power to sue under 15 U.S.C. Sec. 4 for injunctive relief to prevent such collusion.

In addition, the Administration should consider suing OPEC for treble damages under the "Clayton Act (15 U.S.C. Sec. 15a), since OPEC's behavior has caused an "injury" to U.S. "property." After all, the U.S. government is a major consumer of petroleum products and must I now pay higher prices for these products. In *Reiter* v. *Sonotone Corp.*, 442 U.S. 30 (1979), the Supreme Court held that the consumers who were direct purchasers of certain hearing aides who alleged that collusion among manufacturers had led to an increase in prices had standing to sue those manufacturers under the Clayton Act since "a consumer, deprived of money by reason of allegedly anticompetitive conduct is injured in 'property' within the meaning of [the Clayton Act]." Indirect purchasers would appear to be precluded from suit, even in a class action, under *Illinois Brick* v. *Illinois* 431 U.S. 720 (1977), but this would not bar the United States Government, as a direct purchaser, from having the requisite standing.

One potential obstacle to such a suit is whether the Foreign Sovereign Immunities Act ("FSIA") provides OPEC, a group of sovereign foreign nations, with immunity from suit in U.S. courts. To date, there has been a ruling on this issue in only on case. In *International Association of Machinists* v. *OPEC*, 477 F. Supp. 553 (1979), the District Court for the Central District of California held that the nations which comprise OPEC were immune from suit in the United States under the FSIA. We believe that this opinion was wrongly decided and that other district courts, including the D.C. District, can and should revisit the issue.

This decision in Int. Assoc. of Machinists turned on the technical issue of whether or not the nations which comprise OPEC are engaging in "commercial activity" or "governmental activity" when they cooperate to sell their oil. If they are engaging in "governmental activity," then the FSIA shields them from suit in U.S. courts. If, however, these nations are engaging in "commercial activity," then they are subject to suit in the U.S. The California District Court held that OPEC activity is "governmental activity." We disagree. It is certainly a governmental activity for a nation to regulate the extraction of petroleum from its territory by ensuring compliance with zoning, environmental and 'other regulatory regimes. It is clearly a commercial activity, however, for these nations to sit together and collude to limit their oil production for the sole purpose of increasing prices.

The 9th Circuit affirmed the District Court's ruling in *Int. Assoc. of Machinists* in 1981 (649 F.2d 1354), but on the basis of an entirely different legal principle. The 9th Circuit held that the Court could not hear this case because of the "act of state" doctrine, which holds that a U.S. court will not adjudicate a politically sensitive dispute which would require the court to judge the legality of the sovereign act of a foreign state.

The 9th Circuit itself acknowledged in its Int. Assoc. of Machinists opinion that "The [act of state] doctrine does not suggest a rigid rule of application," but rather application of the rule will depend on the circumstances of each case. The Court also noted that, "A further consideration is the availability of internationally-accepted legal principles which would render the issues appropriate for judicial disposition." The Court then quotes from the Supreme Court's opinion in *Banco Nacional de Cuba* v. *Sabbatino*, 376 U.S. 398 (1964):

It should be apparent that the greater the degree of codification or consensus concerning a particular area of international law, the more appropriate it is for the judiciary to render decisions regarding it, since the courts can then focus on the application of an agreed principle to circumstances of fact rather than on the sensitive task of establishing a principle not inconsistent with the national interest or with international justice.

Since the 9th Circuit issued its opinion in 1981, there have been major developments in international law that impact directly on the subject matter at issue. As we discuss in greater detail below, the 1990's have witnessed a significant increase in efforts to seek compliance with basic international norms of behavior through international courts and tribunals. In addition, there is strong evidence of an emerging consensus in international law that price fixing by cartels violates such international norms. Accordingly, a court choosing to apply the act of state doctrine to a dispute with OPEC today may very well reach a different conclusion than the 9th Circuit reached almost twenty years ago.

You should also examine whether the anticompetitive conduct of the international oil cartel is being effectuated, by private companies who are subject to the enforcement of U.S. antitrust laws (for example, former state oil companies that have now been privatized) rather than sovereign foreign states. If such private oil companies are determined to in fact be participating in the anticompetitive conduct of the oil cartel, then we would urge that these companies be mulled as defendants in an antitrust lawsuit in addition to the OPEC members.

(2) A suit in the International Court of Justice at the Hague based upon "the general principles of law recognized by civilized nations." which includes prohibiting oil cartels from conspiring to limit production and raise prices.

In addition to such domestic antitrust actions, we believe you should give serious consideration to bringing a case against OPEC before the International Court of Justice (the "ICJ') at the Hague. You should consider both a direct suit against the conspiring nations as well as a request for an advisory opinion from the Court through the auspices of the U.N. Security Council. The actions of OPEC in restraint of trade violate "the general principles of law recognized by civilized nations." Under Article 38 of the Statute of the ICJ, the Court is required to apply these "general principles" when deciding cases before it.

This would clearly be a cutting-edge lawsuit, making new law at the international level. But there have been exciting developments in recent years which suggest that the ICJ would be willing to move in this direction. In a number of contexts, we have seen a greater respect for and adherence to fundamental international principles and norms by the world community. For example, we have seen the establishment of the International Criminal Court in 1998, the International Criminal Tribunal for Rwanda in 1994, and the International Criminal Tribunal for the former Yugoslavia in 1993. Each of these bodies has been active, handing down numerous indictments and convictions against individuals who have violated fundamental principles of human rights. For example, as of December 1, 1999 the Yugoslavia tribunal alone had handed down 91 public indictments.

Today, adherence to international principles has spread from the tribunals in the Hague to individual nations around the world. Recently, the exiled former dictator of Chad, Hissene Habre, was indicted in Senegal on charges of torture and barbarity stemming from his reign, where he allegedly killed and tortured thousands. This case is similar to the case brought against former Chilean dictator Augusto Pinochet by Spain on the basis of his alleged atrocities in Chile. At the request of the Spanish government, Pinochet was detained in London for months until an English court determined that he was too ill to stand trial.

The emerging scope of international law was demonstrated in an advisory opinion sought by the U.N. General Assembly in 1996 to declare illegal the use or threat to use nuclear weapons. Such an issue would ordinarily be thought beyond the scope of a judicial determination given the doctrines of national sovereignty and the importance of nuclear weapons to the defense of many nations. The ICJ ultimately ruled eight to seven, however, that the use or threat to use nuclear weapons "would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law." The fact that this issue was subject to a decision by the ICJ, shows the rapidly expanding horizons of international law.

While these emerging norms of international behavior have tended to focus more on human rights than on economic principles, there is one economic issue on which an international consensus has emerged in recent years—the illegitimacy of price fixing by cartels. For example, on April 27, 1998, the Organization for Economic Cooperation and Development issued an official "Recommendation" that all twenty-nine member nations "ensure that their competition laws effectively halt and deter hard core cartels." The recommendation defines "hard core cartels" as those which, among other things, fix prices or establish output restriction quotas. The Recommendation further instructs member countries "to cooperate with each other in enforcing their laws against such cartels."

On October 9, 1998, eleven Western Hemisphere countries held the first "Antitrust Summit of the Americas" in Panama City, Panama. At the close of the summit, all eleven participants issued a joint communique in which they express their intention "to affirm their commitment to effective enforcement of sound competition laws, particularly in combating illegal price-fixing, bid-rigging, and market allocation." The communique further expresses the intention of these countries to "cooperate with one another . . . to maximize the efficacy and efficiency of the enforcement of each country's competition laws." One of the countries participating in this communique, Venezuela, is a member of OPEC.

The behavior of OPEC and other oil-producing nations in restraint of trade violates U.S. antitrust law and basic international norms, and it is injuring the United States and its citizens in a very real way. Consideration of such legal action could provide an inducement to OPEC and other oil-producing countries to raise production to head off such litigation.

We hope that you will seriously consider judicial action to put an end to such behavior.

ARLEN SPECTER.
HERB KOHL.
CHARLES SCHUMER.
MIKE DEWINE.
STROM THURMOND.
JOE BIDEN.

UNITED STATES SENATE,
Washington, DC, April 25, 2001.
President GEORGE WALKER BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: In light of the energy crisis and the high prices of OPEC oil, we know you will share our view that we must explore every possible alternative to stop OPEC and other oil-producing states from entering into agreements to restrict oil production in order to drive up the price of oil.

This conduct is nothing more than an old-fashioned conspiracy in restraint of trade which has long been condemned under U.S. law, and which should be condemned under international law.

After some research, we suggest that serious consideration be given to two potential lawsuits against OPEC and the nations conspiring with it:

(1) A suit in Federal district court under U.S. antitrust law.

(2) A suit in the International Court of Justice at the Hague based upon "the general principles of law recognized by civilized nations."

(1) A suit in Federal district court under U.S. antitrust law.

A strong case can be made that your Administration can sue OPEC in Federal district court under U.S. antitrust law. OPEC is clearly engaging in a "conspiracy in restraint of trade" in violation of the Sherman Act (15 U.S.C. Sec. 1). The Administration has the power to sue under 15 U.S.C. Sec. 4 for injunctive relief to prevent such collusion.

In addition, the Administration has the power to sue OPEC for treble damages under the Clayton Act (15 U.S.C. Sec. 15a), since OPEC's behavior has caused an "injury" to U.S. "property." After all, the U.S. government is a consumer of petroleum products and must now pay higher prices for these products. In *Reiter* v. *Sonotone Corp.* 442 U.S. 330 (1979), the Supreme Court held that the consumers of certain hearing aides who alleged that collusion among manufacturers had led to an increase in prices had standing to sue those manufacturers under the Clayton Act since "a consumer deprived of money by reason of allegedly anticompetitive conduct is injured in 'property' within the meaning of [the Clayton Act]."

One issue that would be raised by such a suit is whether the Foreign Sovereign Immunities Act ("FSIA") provides OPEC, a group of sovereign foreign nations, with immunity from suit in U.S. courts. To date, only one Federal court, the District Court for the Central District of California, has reviewed this issue. In *International Association of Machinists* v. *OPEC*, 477 F. Supp. 553 (1979), the Court held that the nations which comprise OPEC were immune from suit in the United States under the FSIA. We believe that this opinion was wrongly decided and that other district courts, including the D.C. District, can and should revisit the issue.

This decision in Int. Assoc. of Machinists turned on the technical issue of whether or not the nations which comprise OPEC are engaging in "commercial activity" or "governmental activity" when they cooperate to sell their oil. If they are engaging in "governmental activity," then the FSIA shields them from suit in U.S. courts. If, however, these nations are engaging in "commercial activity," then they are subject to suit in the U.S. The California District Court held that OPEC activity is "governmental activity." We disagree. It is certainly a governmental activity for a nation to regulate the extraction of petroleum from its territory by ensuring compliance with zoning, environmental and other regulatory regimes. It is clearly a commercial activity, however, for these nations to sit together and collude to limit their oil production for the sole purpose of increasing prices.

The 9th Circuit affirmed the District Court's ruling in *Int. Assoc. of Machinists* in 1981 (649 F.2d 1354), but on the basis of an entirely different legal principle. The 9th Circuit held that the Court could not hear this case because of the "act of state" doctrine, which holds that a U.S. court will not adjudicate a politically sensitive dispute which would require the court to judge the legality of the sovereign act of a foreign state.

The 9th Circuit itself acknowledged in its Int. Assoc. of Machinists opinion that "The [act of state] doctrine does not suggest a rigid rule of application," but rather application of the rule will depend on the circumstances of each case. The Court also noted that, "A further consideration is the availability of internationally-accepted legal principles which would render the issues appropriate for judicial disposition." The Court then quotes from the Supreme Court's opinion in *Banco Nacional de Cuba* v. *Sabbatino*, 376 U.S. 398 (1964):

It should be apparent that the greater the degree of codification or consensus concerning a particular area of international law, the more appropriate it is for the judiciary to render decisions regarding it, since the courts can then focus on the application of an agreed principle to circumstances of fact rather than on the sensitive task of establishing a principle not inconsistent with the national interest or with international justice.

Since the 9th Circuit issued its opinion in 1981, there have been major developments in international law that impact directly on the subject matter at issue. As we discuss in greater detail below, the 1990's have witnessed a significant increase in efforts to seek compliance with basic international norms of behavior through international courts and tribunals. In addition, there is strong evidence of an emerging consensus in international law that price fixing by cartels violates such international norms. Accordingly, a court choosing to apply the act of state doctrine to a dispute with OPEC today may very well reach a different conclusion than the 9th Circuit reached almost twenty-years ago.

(2) A suit in the International Court of Justice at the Hague based upon "the general principles of law recognized by civilized nations."

In addition to such domestic antitrust actions, we believe you should give serious consideration to bringing a. case against OPEC before the International Court of Justice (the "ICJ") at the Hague. You should consider both a direct suit against the conspiring nations as well as a request for an advisory opinion from the Court through the auspices of the U.N. Security Council. The actions of OPEC in restraint of trade violate "the general principles of law recognized by civilized nations." Under Article 38 of the Statute of the ICJ, the Court is required to apply these "general principles" when deciding cases before it.

This would clearly be a cutting-edge lawsuit, making new law at the international level. But there have been exciting developments in recent years which suggest that the ICJ would be willing to move in this direction. In a number of contexts, we have seen a greater respect for and adherence to fundamental international principles and norms by the world community. For example, we have seen the establishment of the International Criminal Court in 1998, the International Criminal Tribunal for Rwanda in 1994, and the International Criminal Tribunal for the former Yugoslavia in 1993. Each of these bodies has been active, handing down numerous indictments and convictions against individuals who have violated fundamental principles of human rights.

Today, adherence to international principles has spread from the tribunals in the Hague to individual nations around the world. The exiled former dictator of Chad, Hissene Habre, was indicted in Senegal on charges of torture and barbarity stemming from his reign, where he allegedly killed and tortured thousands. This case is similar to the case brought against former Chilean dictator Augusto Pinochet by Spain on the basis of his alleged atrocities in Chile. At the request of the Spanish government, Pinochet was detained in London for months until an English court determined that he was too ill to stand trial.

While these emerging norms of international behavior have tended to focus more on human rights than on economic principles, there is one economic issue on which an international consensus has emerged in recent years—the illegitimacy of price fixing by cartels. For example, on April 27, 1998, the Organization for Economic Cooperation and Development issued an official "Recommendation" that all twenty-nine member nations "ensure that their competition laws effectively halt and deter hard core cartels." The recommendation defines "hard core cartels" as those which, among other things, fix prices or establish output restriction quotas. The Recommendation further instructs member countries "to cooperate with each other in enforcing their laws against such cartels."

On October 9, 1998, eleven Western Hemisphere countries held the first "Antitrust Summit of the Americas" in Panama City, Panama. At the close of the summit, all eleven participants issued a joint communique in which they express their intention "to affirm their commitment to effective enforcement of sound competition laws, particularly in combating illegal price-fixing, bid-rigging, and market allocation." The communique further expresses the intention of these countries to "cooperate with one another . . . to maximize the efficacy and efficiency of the enforcement of each country's competition laws."

The behavior of OPEC and other oil-producing nations in restraint of trade violates U.S. antitrust law and basic international norms, and it is injuring the United States and its citizens in a very real way. We hope you will seriously consider judicial action to put an end to such behavior.

We hope you will seriously consider judicial action to put an end to such behavior.

ARLEN SPECTER.
CHARLES SCHUMER.
HERB KOHL.
STROM THURMOND.
MIKE DEWINE.

Mr. SPECTER. Mr. President, how much time of my 10 minutes remains?

The PRESIDING OFFICER. Four minutes 43 seconds.

Mr. SPECTER. I yield it back and ask for an appropriate credit. Thank you.

The PRESIDING OFFICER. So noted.

The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I rise today to speak about the Energy bill which we are considering on the floor.

I am grateful to the majority leader and minority leader and to the leaders of the Energy Committee, for bringing this legislation to the floor. I want to especially commend Senator DOMENICI, chairman of the Energy Committee, for his leadership on this bill. He has worked tirelessly on this important legislation, and our Nation owes him a great deal of appreciation for his persistence.

Ongoing events, here in the United States as well as around the world, are daily reminders of how desperately our country needs a sound energy policy. One only has to pick up a newspaper or listen to the nightly news to know that our national security is one of the most important issues we are currently facing. And one only has to receive their monthly electric bill or drive past a gas station to know that our energy markets are in need of certainty and stability. This is the third Congress during which we have tried to pass an energy bill, and I say it is time to get it done.

I would like to first speak about oil shale, a promising fuel source found in abundance in the Rocky Mountain region. The oil shale in this region produces a very light crude, suitable to fill needs for jet fuel and other very pure fuels. During the last several years a handful of companies have worked to develop technologies that will allow for economically and environmentally feasible development of this resource.

Some of the oil shale resources lie under private lands, but much of it—certainly the richest deposit—is under Federal lands. This area, now under the purview of BLM, was formerly known as the Naval Oil Shale Reserve. I would remind my colleagues that, when my former colleague Senator Ben Nighthorse Campbell of Colorado, authored the legislation to transfer the Naval Oil Shale lands into the keeping of BLM, the legislation specified that the resource remain available for development. Congress recognized that BLM was in a better position to manage the publicly owned lands than was the Department of Energy, but we never intended to place the development of the resources in this area off limits.

The energy legislation we are considering here allows for small-scale demonstration projects. But I am also working with my colleagues, Senator HATCH and Senator BENNETT, on provisions that will help lead to commercialization after the demonstration projects have proven themselves.

It is a bad business practice to pour millions of dollars into research and development projects with no hint of assurance those projects will lead to commercialization. I believe it is important to give companies that are investing tens of millions of dollars into these research projects a proverbial light at the end of the tunnel.

As a founder and cochairman of the Renewable Energy and Energy Efficiency Caucus I am also supportive of incentives that are included in the legislation to continue moving the country's use of renewable resources forward. Technological advancements in solar, wind, geothermal, biomass, fuel cells, and hydro have made great strides. And increases in technology have led to decreases in price. Government has played an important role in the research that will help us reach our renewable technology goals, and we should continue to further those goals. The input and investments of the Federal Government have been vital in furthering industry and private sector involvement in the renewable field.

The National Renewable Energy Laboratory, often called NREL in Colorado, has made an incredible contribution, and has played a very important part in current technological advancements. The technologies being developed at NREL—whether providing alternative fuels and power, or making our homes and vehicles more energy efficient—are vital to our Nation's energy progress.

We must continue to provide incentives for the implementation of renewables use and for the infrastructure necessary to support these renewable sources. These technologies are a necessary step in balancing our domestic energy portfolio, increasing our Nation's energy security and advancing our country's technological excellence, and I believe this bill takes an important step in that direction.

It is my hope that Congress passes an energy bill this year. I think that we will be making a huge step in that direction when the Senate does pass this bill. In closing I extend my thanks and admiration to Senators DOMENICI and BINGAMAN, and their staffs, for the long hours and extreme dedication they have given to this matter. I must say that I believe that this is the best energy bill we have produced in a number of years, and I know there are many throughout the country, even on the other side of the Hill, who agree with me. The President is ready to sign an energy bill and I am hopeful that we are able to give him one in the very near future.

I yield the floor.

AMENDMENT NO. 866, AS MODIFIED

(Purpose: To express the sense of the Senate on climate change legislation.)

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, as I understand it, under our unanimous consent agreement, it is now appropriate for me to call up amendment No. 866, as modified.

The PRESIDING OFFICER. That is correct. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. DOMENICI, Mr. SPECTER, Mr. ALEXANDER, Ms. CANTWELL, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. MCCAIN, Mr. JEFFORDS, Mr. KERRY, and Ms. SNOWE, proposes an amendment numbered 866, as modified:

At the end of title XVI, add the following:

SEC. 16___. SENSE OF THE SENATE ON CLIMATE CHANGE.

(a) FINDINGS.—Congress finds that—

(1) greenhouse gases accumulating in the atmosphere are causing average temperatures to rise at a rate outside the range of natural variability and are posing a substantial risk of rising sea-levels, altered patterns of atmospheric and oceanic circulation, and increased frequency and severity of floods and droughts;

(2) there is a growing scientific consensus that human activity is a substantial cause of greenhouse gas accumulation in the atmosphere; and

(3) mandatory steps will be required to slow or stop the growth of greenhouse gas emissions into the atmosphere.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should enact a comprehensive and effective national program of mandatory, market-based limits and incentives on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions at a rate and in a manner that—

(1) will not significantly harm the United States economy; and

(2) will encourage comparable action by other nations that are major trading partners and key contributors to global emissions.

Mr. BINGAMAN. Mr. President, I went ahead and allowed the clerk to complete the reading of the amendment because it is short and because it is important that Members focus on what is contained in the amendment. We just had a significant debate on the Senate floor with regard to the proposal made by Senators MCCAIN and LIEBERMAN to cap greenhouse gas emissions. Some voted for it because they believed that this was an appropriate proposal. Others voted against it—some because they did not believe the issue is a valid one; some because they did not believe the effect on the economy was one they would favor; others because of the workability of it.

I have worked with Senator DOMENICI during recent weeks to see if we could come up with a proposal based on the National Commission on Energy Policy recommendations which would have done some of the same things but would have been a more modest beginning at containing and constraining carbon emissions going into the atmosphere.

We were not able, frankly, to get agreement among enough Senators that the proposal, as currently drafted, is workable in all respects. Therefore, Senator DOMENICI has indicated here on the Senate floor that he will try to have hearings and that we will be able in the next several months going forward to consider this with great deliberation in our Energy and Natural Resources Committee. There are other committees with jurisdiction as well over this same set of issues. I am sure they will have the opportunity to work on it.

The resolution that is before the Senate right now and that we are scheduled to vote on in another half hour is an effort to see if we can get agreement on some basic propositions. In my opinion, it is important that we demonstrate agreement on basic propositions in order that we can move ahead and deal effectively with this important and complex issue.

The propositions were as read. Let me go over them once again for my colleagues so that everyone knows what is contained in the resolution. Before I go through that, let me indicate the cosponsors of this resolution are Senators DOMENICI, SPECTER, ALEXANDER, CANTWELL, LIEBERMAN, LAUTENBERG, MCCAIN, JEFFORDS, KERRY, and SNOWE. I ask unanimous consent that they all be listed as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. The amendment is a sense of the Senate. It reads:

> Findings. Congress finds that greenhouse gases accumulating in the atmosphere are causing average temperatures to rise at a rate outside the range of natural variability and are posing a substantial risk of rising sea levels, altered patterns of atmospheric and oceanic circulation, and increased frequency and severity of floods and droughts.

I know this is an issue that some in this Senate disagree strongly with, and I am sure my colleague from Oklahoma will take great exception to this. I believe the science is well established that this is the case, and the National Academy of Sciences has stood behind that basic statement.

This is the second statement in the resolution:

> There is growing scientific consensus that human activity is a substantial cause of greenhouse gas accumulation in the atmosphere.

Again, we may have Members here in the Senate who disagree with that conclusion. They are certainly free to do that. But I hope a majority of the Senate agrees with it.

The third finding set out in this amendment is that "mandatory steps will be required to slow or stop the growth of greenhouse gas emissions into the atmosphere."

There are some who have spoken in the Senate today who have said that mandatory steps are not required, that this problem will be solved by voluntary action, that the marketplace is solving this problem as we speak, and we do not need to be concerned about enacting any kind of mandatory provisions. I respectfully disagree with that perspective. I respectfully suggest that this is an issue that is going to require action of a mandatory nature by this Congress, and we need to acknowledge that.

The final part of the amendment is the sense-of-the-Senate provision. It says:

> It is the sense of the Senate that Congress should enact a comprehensive and effective national program of mandatory, market-based limits and incentives on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions at a rate and in a manner that, No. 1, will not significantly harm the U.S. economy and, No. 2, will encourage other action and key contributors to global emissions.

I will point to two charts that are an outgrowth of the work of this National Commission on Energy Policy in order to indicate to my colleagues why we have the language of this provision written as it is.

This first chart is the Commission climate proposal timeline. What they have proposed in their recommendations is a system which has been criticized by some in the environmental community for being too weak and too modest. I can understand those criticisms. But it is a proposal that would slow the rate of increase of emissions for the first 10 years. Then about 2020, you would be into a period where emissions would no longer be growing, and then you would go into a phase where emissions would begin to decline.

As I say, some who are on the environmental side say that is too modest, we can't do that little. But others, of course, say it is too onerous, and we can't do that much. What we have tried to do with this sense of the Senate is to say, OK, some think it is too onerous, some think it is too much. Can we at least get agreement that we have to put in place some type of system, some type of mandatory limits that will, in fact, begin to slow the rate of emissions, eventually stop the rate of emissions, and bring emissions down? That is what we are trying to do.

There is one other chart I wish to show. That relates to the harm to the economy. I know that much of the discussion on the McCain-Lieberman amendment was that if we were to enact that amendment, it would have a devastating effect on the U.S. economy. I disagree with that. But I am suggesting that there are ways—and the National Commission on Energy Policy concluded that as well—that we can responsibly act to contain emissions and to constrain the growth of emissions without significantly affecting our economy in an adverse way.

This chart shows that graphically. What it basically shows is that the economy is expected to grow very dramatically between 2005 and 2025. You can see that the growth of the economy will be $312.47 trillion. That is business as usual. We asked the Energy Information Agency, which is part of our own Department of Energy and the executive branch of our Government, to model this and determine what they thought the effect of the National Commission's recommendations on greenhouse gas would be to those figures. How much would it impact the economy? They concluded that under the NCEP proposal, you would see a very slight reduction in the amount of growth in the economy. So over that 20-year period, it would be $312.16 trillion instead of $312.47 trillion of economic growth in this country. You cannot have a more modest proposal than that as far as impact on the economy.

I am not here trying to persuade Members that this is the only way to proceed. I am saying this is evidence that we can, in fact, design a proposal for constraining the growth in greenhouse gases that will not adversely affect our economy, and that is exactly what we should be about, is trying to put that into place.

This resolution is nothing but a sense-of-the-Senate resolution. But it is important that we pass it. In my opinion, it is important that we pass it because the Senate is on record in 1997 as voting unanimously against going forward with the Kyoto treaty. I was one of those who voted not to proceed with signing on to the Kyoto treaty. That does not mean we should not take this step. This step would be the responsible thing to do. It would say this Senate is resolved to move ahead and try to enact legislation that will deal with this serious problem. And we recognize that doing so will require some mandatory limits on emissions.

I know that is something some Members in the Senate do not agree with. It is my hope that a majority of the Senate does agree with that, and it is my hope that a majority of the House of Representatives will agree with it, and that eventually we can persuade the administration to agree with this point of view as well. We need to move ahead with this issue—the sooner the better. This is a responsible way to do so.

I very much appreciate the good faith with which my colleague, Senator DOMENICI, worked with me to see if there was something that could be jointly proposed to deal with this issue as part of the Energy bill. It was his conclusion—which is certainly understandable—that there was too much complexity involved at this point and too many unanswered questions for us to proceed with an amendment to solve the problem as part of the Energy bill.

But I am very pleased that he is willing to cosponsor this sense-of-the-Senate resolution, indicating that even though we are not able to do it as an amendment to the Energy bill, we can in fact plan to go ahead.

Mr. President, with that, I will reserve the remainder of my time.

Mr. INHOFE. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. Senator BINGAMAN has 5 minutes 21 seconds, and Senator INHOFE has 17 minutes 22 seconds.

Mr. INHOFE. Mr. President, first of all, I know what a sense-of-the-Senate resolution is. Everybody here knows if you establish a position on a bill that is very meaningful, such as the bill that was defeated—the McCain-Lieberman bill—you can turn around and vote for a sense of the Senate and play both sides. Essentially, I think that is what happened here.

Very clearly, a sense of the Senate doesn't do anything except offer cover. I would like to suggest that it would be difficult for me to imagine that anyone who voted in opposition to McCain-Lieberman a few minutes ago would turn around and support this because this is making four assertions that are not true. We have demonstrated very clearly that they are not true and nonscientifically based.

The first one is on the first page of the sense-of-the-Senate resolution. It says:

> Greenhouse gases accumulating in the atmosphere are causing average temperatures to rise at a rate outside the range of natural variability. . . .

We talked about this for 3 hours today. In fact, that is not true. If you are concerned about, for example, surface temperatures, we have climate research, published in 2004, that says overall averages of warming rates is overstated. This is due to significant contamination with land-based weather stations, which add up to a net warming bias at the global averaging level.

Then, on climate research of 2004, this study refutes common claims that nonclimatic signals in the weather station data have been identified and filtered out by the IPCC. That is the International Panel on Climate Control, which we talked about in the beginning of this. Again, we look at this, in terms of satellite data, as printed in the text of the central station publication in 2004:

> Substantial cooling has occurred in the lower stratospheric layer of the atmosphere over the past 25 years.

In other words, in the stratosphere, starting between 8 and 25 miles above the surface, it is not heating, it is actually reducing; the temperatures are reducing. This false conclusion that the stratosphere is warming should never have been published since the evidence was misinterpreted.

So we are saying something in this resolution that, quite frankly, is not true.

Second, it is "posing a substantial risk of rising sea levels, altered patterns of atmospheric and oceanic circulation," hurricanes, and all that.

We have talked about this at some length today. First, if you talk about droughts, we have already talked about the surface temperatures and the fact that they are not increasing. The hurricanes in global warming, we spent time today talking about that. The foremost authority nationwide is a guy named Dr. Christopher Landsea. He says that hurricanes are going to continue to hit the United States on the Atlantic and Gulf coast, and the damage will probably be more expensive than in the past, but this is due to the natural climate cycles which cause hurricanes to be stronger and more frequent and rising property prices.

Obviously, it is going to cost more if you damage property that is increasing in value. He says that contrary to the belief of the environmentalists, reducing CO_2 emissions would not lessen the impact of hurricanes. The best way to reduce the toll hurricanes would take on coastal communities is through adaptation and preparation. I think we all understand that. Rising sea levels. We talked about this today, too. They always talk about this Tuvalu, the island supposedly that is going to sink into the ocean. John Daly, in the report that came out—I don't think anybody questions his credibility—says the historical record, from 1978 through 1999, indicated a sea level rise of 0.07 millimeters per year, where IPCC claims a 1 to 2.5 millimeter sea rise for the world as a whole, indicating the IPCC claim is based on faulty modeling. The national title facility based in Adelaide, Australia, dismissed the Tuvalu claims as unfounded. It goes on and on refuting that.

The next thing it says in this resolution is that the science is settled. I don't know how many times we have to say that, since 1999, the science that was assumed to be true, based on the 1998 revelation of Michael Mann on the very famous "hockey stick" theory, has been refuted over and over again. We have the energy and environment report that came out in 2003 that says the original Mann papers contain collation errors, unjustifiable truncations of extrapolation of source data, obsolete data, geographical location errors, incorrect calculations of the principal components, and other quality control defects. It goes on to say that while studying Mann's calculation methods, McIntyre and McKitrick found that Mann's component calculation used only one series in a certain part of the calculation said to be serious. They discovered that this unusual method nearly always produces a hockey stick shape, regardless of what information is put into it.

We had the charts out less than an hour ago. It is very clear that if you plot the temperature, as he did over the period of the last hundred years, it shows a fairly level line, until it comes to the 20th century, and it goes up. That is the blade on the hockey stick. That shows that temperatures start increasing after the turn of the century. What he failed to put on the chart was the medieval warming period, which was from about 1000 A.D. to 1350 A.D. During that time, nobody refutes the fact that temperatures were higher then than they are in this century.

The other thing, if all else fails, use logic. In the 1940s, when we had the dramatic escalation of CO_2 and methane and anthropogenic gases, this is what they are asserting causes global warming, but it precipitated a cooling period that started in the middle 1940s and went to the late 1970s. As we said an hour ago, the first page on the major publications around America, such as Time magazine, said we are now having an ice age coming. Everybody was hysterical. We are all going to die in an ice age. That is using the same logic that, if you are going to say it is due to anthropogenic gas, in the late 1940s, we had an 85-percent increase in that, and that precipitated not a warming period but a cooling period.

So you can take this and pick it apart. I kind of think it is going to pass because we had a lot of people who voted against the real thing which would have caused all of the economic damages. Now it is very safe to cover your vote by voting for something so you can answer your mail and say: Yes, that is all right. I voted for the sense of the Senate, saying we are going to do these things and accept the fact that, No. 1, the planet is heating; No. 2, it is due to anthropogenic gases, and therefore vote for me.

That is happening now. We understand that. It was also brought out by the Senator from New Mexico that the economic impacts are not all that great when dealing with global warming. I suggest to you they are very great. I cannot find a group that says they are not. Charles Rivers Associates. Sure, you can say the CRA is not a credible group. Nobody is going to say that because he is credible. They are saying if we had enacted the watered-down version of McCain-Lieberman, it would have cost the economy $507 billion in 2020, $525 billion in 2025. Implementing Kyoto would cost—and we are talking about this in the resolution—$305 billion in 2010; $243 billion in 2020. It would result in an annual loss per household of $2,780 by 2010. That means, for every household of four people, the average it is going to cost them. Don't let anyone tell you that the economic impact is anything but disastrous. When the CRA International studied the job loss, it stated that under the watered-down version, we would lose 840,000 U.S. jobs in 2010; 1.3 million jobs in 2020; and implementing the Kyoto would mean job loss in the economy of 2.4 million jobs in 2010 and 1.7 million jobs in 2020. Energy prices—this is the economy we are talking about—would increase. There would be a 28-percent increase for gasoline, a 28-percent increase for electricity, 47-percent increase for gas, and it would be astronomical in terms of the cost of coal. These are the things that we turned around and wisely voted down in a meaningful bill. And I don't question the sincerity of McCain-Lieberman. They really believe in this. Nonetheless, cooler heads did prevail, and now we have a cover vote and people will come forth and say I am voting for this in spite of the fact that I voted against you before. I will turn around and vote for this as a sense of the Senate. It means nothing in terms of legislation. We understand that.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Oklahoma has 5½ minutes.

Mr. INHOFE. I yield 3 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I want to begin my brief statement by congratulating the managers of the bill for their good work in explaining the bill to this point. This is not a resolution I can support, but I acknowledge its good faith.

I point out that the resolution states, in the effective clause where it says what the sense of the Senate is, that we should "enact a comprehensive and effective national program of mandatory, market-based limits on emissions," provided that—and subsection (1) says that "will not significantly harm the United States economy." I read it and caught that word "significantly." Evidently it is OK, under the resolution, to harm the American economy provided that it is not significant. I just wonder what the word "significant" means. Not significant may be if somebody else loses their job as a result of it. If I do not lose my job, it is not significant. I am wondering how much of GDP, how much of a loss of manufacturing jobs is significant. The estimates of the McCain-Lieberman amendment would be $27 billion annually as a direct cost. I wonder if that is significant.

High energy prices, which legislation of the kind envisioned by the resolution would cause, hurt the American economy. I do not want to do that. I do not want to vote for a resolution that presupposes it is OK to hurt the American economy. That is not the way to solve this problem.

I want us to start thinking not in terms of economic prosperity or environmental quality, I want us to think in terms of economic prosperity and environmental quality. It is not a question of more jobs or doing something about climate change. It is a question of more jobs and doing something about climate change.

Without prosperity, without growth, without the wealth that creates for the American people in their private lives, and also for the governments in this country—Federal, State, and local—we cannot defeat these environmental problems.

Most of them come down to a question of money. That is certainly the case in the State of Missouri. We have significant water quality issues. We need funds to solve those problems. If we have funds, we have to have revenue; to have revenue, you have to have growth; and you are not going to have growth if you are passing resolutions saying it is OK to harm the American economy, providing it is not significant.

I know the sincerity of the Senator in offering this amendment and others who are going to vote for this, but I ask them to get out of this mindset: We can solve the global warming problem, but we will do it with prosperity, not without prosperity.

I thank the Senator from Oklahoma for yielding.

Mr. ALEXANDER. I want to voice my support for the sense of the Senate resolution on climate change offered by Senators DOMENICI, BINGAMAN, and myself. I believe that there is a problem with global warming. And I believe that there will be a mandatory national program to reduce carbon emissions sooner or later. I will be prepared to vote for controls on this when it is clear how they will be implemented. For now, I support the market-based incentives approach to reducing carbon emissions proposed by Senator HAGEL and passed by the Senate yesterday. I do not expect us to be able in this Congress to put together a mandatory carbon reduction program, but I do expect to be working in hearings as soon as next month on this important issue.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 5 minutes 15 seconds remaining.

Mr. BINGAMAN. I yield that to my colleague from New Mexico, Senator DOMENICI.

The PRESIDING OFFICER. The Senator from New Mexico, the chairman of the committee is recognized.

Mr. DOMENICI. Mr. President, first I remind everybody that 2 years ago the President of the United States gave a speech on this subject. It was a very lengthy speech, but there are two provisions, which I do not have in front of me—so forgive me, I am not quoting, I am just stating to the best of my recollection.

In the second part of the speech, which I want to mention, the President said that we should proceed to reduce carbon greenhouse gases by 18 percent through 2012 on a voluntary basis, and thereafter we should use incentives and other ways to accomplish further reduction.

First, I think that means the President of the United States is saying we should reduce carbon greenhouse gases. In fact, he, in a sense, is saying that is a good thing. In fact, he said recently we are doing it. "We are going to meet the goal," said the President.

When I was trying to put together a package, I was recognizing everything the President said, and I was recognizing that voluntary is the best way. Then I was saying: What if we do not get there when the voluntary time arrives?

So anybody who suggests there is nobody around who thinks this is a problem, why is the President saying we ought to reduce them if there is no problem? Are we just doing it because it is the flavor of the times? I don't think so. I think the President is saying we ought to get on with doing it. He thinks there is a way to do it, and he thinks voluntary is doing it, and I do not argue with him.

As a matter of fact, I think anybody who tries to start capping in any way one chooses to call capping early is mistaken because the United States of America is doing many things with many dollars on many fronts to reduce greenhouse gases.

The question is, Do we do anything if we are unsuccessful in achieving some goal? As I read what I have agreed to help Senator BINGAMAN with, it says there is a problem. It says we ought to do something to reduce the problem, and it is says precisely that "it is the sense of the Senate that Congress"—it does not even say when—"that Congress," not next year, "that Congress should enact a comprehensive and effective national program of mandatory, market-based limits." Then it says, "and incentives on emissions of greenhouse gases," that do what? " . . . that slow, stop, and reverse the growth of such emissions," and then it says—these are the goals, the concerns—that it will not significantly harm the economy.

One could say you should not put "significantly" in there because is some OK? What does "significant" mean? I say it means what we want it to mean. It just says something. Should we put in "no more than one-half of 1 percent"? Then we would be prejudging what can be done. "Significantly" means to me something with which we can live and still have a very viable American growing economy but make some achievements in terms of diminution of carbon.

Then it says this will also encourage a comparable action by other nations that are trading partners of the United States. That is what we are trying to do.

Frankly, I know some will read more into this than is here, and I understand. I am not critical of anybody. Everybody has views on this issue.

I also hope those who understand what we voted on a little while ago—I spoke in opposition to it—I think I understand it as well as anybody. It received 38 votes. I did not vote for it.

Likewise, I am on this amendment because it is making a statement with reference to this issue. I, frankly, believe the time has come for some of us to make a statement regarding this issue, and I choose this one. Some others would say we want to be purely voluntary, and they could put in a sense of the Senate that we will remove as much carbon as we can, as soon as we can using all voluntary means, and that is a sense of a Senate. I would not be against that. I would say that is probably something good.

That is all I wanted to say. I thank the Senator for yielding me whatever time I have used. I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Oklahoma has 2 minutes 38 seconds.

Mr. INHOFE. How much time remains?

The PRESIDING OFFICER. There is 2 minutes 38 seconds remaining.

Mr. INHOFE. Mr. President, this has been a good debate. I would like to have the same debate of 3 hours, 4 hours as we talked on the McCain-Lieberman amendment on this amendment because it should be essentially the same thing. As I said before, it is not.

One point I neglected to mention, since they talk in the findings about what is happening in the Arctic, one of the reports we used specifically said that the temperature in the Arctic during the late thirties and early forties was greater than it is today.

In this brief time, I only repeat what the National Academy of Sciences stated in their written report—not in any kind of press release but their written report:

> . . . there is considerable uncertainty in current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols. . . .
>
> . . . a casual linkage between the buildup of greenhouse gases and the observed climate changes in the 20th century cannot be unequivocally established.
>
> The IPCC Summary for Policymakers could give an impression that the science of global warming is settled, even though many uncertainties still remain.

That is the National Academy of Sciences.

Lastly, we are refuting not just if we adopt this resolution, which I think we will adopt because it is an easy vote for a lot of people and nobody is going to pay a lot of attention to a sense of the Senate, the fact is, we had 17,800 scientists in the Oregon petition who said:

> There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gasses is causing or will, in the foreseeable future, cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate. Moreover, there is substantial scientific evidence that increases in atmospheric carbon dioxide produce many beneficial effects upon the natural plant and animal environment of the Earth.

If we adopt this amendment, we are saying that science that has been refuted is a reality.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired.

Mr. INHOFE. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "nay."

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), and the Senator from North Dakota (Mr. DORGAN) are necessarily absent.

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—44

Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Frist
Grassley
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich

NAYS—53

Akaka
Alexander
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Corzine
Dayton
DeWine
Dodd
Domenici
Durbin
Feingold
Feinstein
Graham
Gregg
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Warner
Wyden

NOT VOTING—3

Coleman
Conrad
Dorgan

The motion was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. BAUCUS. Mr. President, on rollcall No. 149 I voted "nay" but intended to vote "yea." I ask unanimous consent that my vote be changed, as it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The question is on agreeing to amendment No. 866, as modified.

The amendment (No. 866), as modified, was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. On behalf of the leader, I wish to read a unanimous consent request regarding the lineup that we will follow henceforth.

Mr. BINGAMAN. Mr. President, before my colleague reads that, I ask unanimous consent that Senator COLLINS be added as an original cosponsor of the amendment we just agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following amendments: Senator ALEXANDER's amendment, which is at the desk and relates to wind, 30 minutes equally divided in the usual form; second, Senator KERRY's amendment, sense of the Senate on climate change, 30 minutes equally divided in the usual form.

I further ask unanimous consent that there be no second-degree amendments in order to the Alexander or Kerry amendments prior to the votes in relation to those amendments and that votes in relation to those amendments occur in a stacked fashion following the debate on both amendments.

Finally, I ask unanimous consent that following those votes, Senator WARNER be recognized in order to offer an amendment relating to OCS, with his part of the agreement subject to the approval of both leaders; further, there be 15 minutes for Senator LAUTENBERG and 15 minutes for Senator DOMENICI or his designee during the aforementioned debate.

Mr. REID. Reserving the right to object, I think this is fair. I would just note for the record, so there is no confusion, the reason we are concerned about the Warner amendment is we want to make sure that the Parliamentarian has a chance to look at the amendment prior to Senator FRIST and I making a decision on whether it should come up tonight.

Mr. WARNER. Reserving the right to object, I want to be totally cooperative with the leadership, and they have been open and candid with me regarding the very strong opposition to the Warner amendment. I would advise my colleagues, whether we could get that parliamentary ruling is still not clear.

So I will consider the following as a substitute to the provisions relating to the Senator from Virginia; that is, that I be recognized to bring the amendment up, that at least one or two colleagues who are in opposition would then express their opposition and, following that, I will commit, as long as there are one or two who will speak in opposition, to state the case, then I will ask to withdraw the amendment.

Mr. NELSON of Florida. Reserving the right to object, I wish to make sure that the Senator from New Jersey and I are protected because I am not quite sure what the distinguished Senator from Virginia has requested. Originally, it was the unanimous consent request that the Democratic leader would have the right to object if a certain determination by the Parliamentarian occurs. That is the protection.

Mr. REID. If the Senator will yield, there is no one in this body—no one—I respect more than Senator WARNER, and I know he would never in any way do anything other than what he just said. What he said is, as long as someone comes and speaks in opposition to his amendment and if the Parliamentarian has ruled at that time, he will withdraw the amendment. For me, that is better than any unanimous consent agreement you could have.

Mr. NELSON of Florida. And further questioning of the Democratic leader, I think Senator WARNER said two people, two Senators could speak.

Mr. REID. Two, you and me or you and Senator CORZINE.

Mr. NELSON of Florida. All right.

Mr. REID. And it is regardless of the Parliamentarian making a decision as to what he said.

Mr. CORZINE. Reserving the right to object, I would like to hear the last statement by the distinguished Senator from Nevada. Did you say that regardless of the Parliamentarian's judgment, it will be withdrawn?

Mr. REID. He will withdraw the amendment.

Mr. CORZINE. Withdraw, precloture and postcloture?

Mr. REID. Senator WARNER does not play games.

The PRESIDING OFFICER. Is there objection? The Senator from Massachusetts.

Mr. KERRY. Is the vote up or down?

Mr. WARNER. Mr. President, would the Chair recite the request now as it relates to the section pertinent to the Senator from Virginia? I say to my colleagues, if you would be willing to each speak 5 minutes, I will take 5, 5 minutes each for the Senators from Florida and New Jersey in opposition, then I will move to strike the amendment.

Mr. DOMENICI. There is another Senator who wants to be recognized.

Mr. WARNER. All Senators will speak no more than 5 minutes on this matter.

Mr. MARTINEZ. If I may be recognized, I would like to speak for 5 minutes in opposition.

Mr. WARNER. All right. That is sufficient.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. KERRY. Reserving the right to object, I asked a question. Is the vote up or down?

Mr. REID. Votes in relation to your amendment. It could be some other motion, but we will get a vote on or in relation to your amendment.

The PRESIDING OFFICER. Is there objection to the unanimous consent request as modified by Senator WARNER?

Mr. CORZINE. Mr. President, I wish to say that I have nothing but the highest respect for the Senator from Virginia, and I fully appreciate that he is acting absolutely in good faith. I would like to hear what the unanimous consent is we are agreeing to so that once and for all, it is clear.

Mr. WARNER. Mr. President, I would also like 5 minutes for the distinguished Senator from Tennessee in favor of the amendment.

The PRESIDING OFFICER. With respect to the Warner amendment, there will be 5 minutes for Senator WARNER, 5 minutes for Senator ALEXANDER, 5 minutes for Senator NELSON, 5 minutes for Senator CORZINE, and 5 minutes for Senator MARTINEZ, after which he will withdraw the amendment.

Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair and Senator WARNER and all others who participated.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, would you advise me when I have consumed 7 minutes?

The PRESIDING OFFICER. We will.

Mr. ALEXANDER. Do I understand I have 15 minutes?

The PRESIDING OFFICER. The Senator is correct. The Senator has 15 minutes.

AMENDMENT NO. 961

Mr. ALEXANDER. Mr. President, today I am offering an amendment to protect our most scenic areas from unintended impacts by oversized wind turbines or windmills. I offer an amendment that is sponsored also by a number of other Senators, including Senators WARNER, LANDRIEU, MCCAIN, ALLEN, VOINOVICH, BROWNBACK, BYRD, and BUNNING, and that is also supported by the National Parks Conservation Association.

Let me begin by saying exactly what the amendment does and what it does not do.

No. 1, what the amendment says is no Federal subsidies for wind projects within 20 miles of most national parks, national military parks, national seashores, national lakeshores, or certain other highly scenic sites. We are talking about the Redwood National Parks in California, the Sequoia National Park, Yosemite National Park. We are talking about Mesa Verde in Colorado, Rocky Mountain National Park, Biscayne National Park in Florida, Yellowstone in Idaho, Acadia in Maine, Cape Cod in Massachusetts, Yellowstone in Montana, and Glacier. These are our national treasures. What we are saying is the taxpayers will not subsidize the building of these giant windmills within the view of those parks.

Second, there will be an environmental impact statement for any wind project within 20 miles of those sites.

Third, any community will have six months' notice before a wind project can be permitted.

Here is what the amendment does not do. It does not prohibit the building of any wind project. It does not affect any wind project already receiving subsidies. It does not give the Federal Energy Regulatory Commission any new authority. And it does not interfere with any private property right.

Why is this a concern? Here is the reason in a nutshell. The Federal Government, over the next 5 years, will spend $2 billion and, if we follow the recommendations of the Finance Committee, $3.5 billion subsidizing the building of giant windmills. These are not your grandmother's windmills. They are very large. There is one picture of it. Here is another one. This is just off Denmark, stretches over 2 miles. Here is an example. These are people up here on this turbine housing. One way we think of them in Tennessee in describing them is that you can fit just one into the University of Tennessee football stadium. It is the third largest stadium in the country. It would rise more than twice as high as the skyboxes, and its rotor blades would go from the 10-yard line to the 10-yard line.

My concern is not that there should not be any of these. It is just that we are, through Federal policy, changing our landscape, and we need to think about it now while we still can. All of the estimates are that the billions of dollars in subsidies we are spending will increase the number of these gigantic wind turbines from 6,700 today to 40-, 50-, or 60,000 over the next 10 or 15 years.

Here is what the National Parks Conservation Association has to say: Wind power is an important alternative energy. It deserves to be encouraged and promoted in areas where appropriate. At the same time, the principle that some of America's most special places could be adversely impacted by associated development is important to acknowledge and address.

The Environmentally Responsible Wind Power Act of 2005 helps elevate the importance of this principle and ensures the protection of these places.

What subsidies are we talking about? I just mentioned the $2 billion, the $1.5

billion more that is coming. We passed a renewable portfolio standard in the Senate. That is an additional subsidy. This is a brand new matter for most local governments to consider. It is causing consternation in cities from Kansas to Wisconsin to Vermont to Virginia where rural areas, many of them without land use planning, many of them without any expectation of this, suddenly find that in the most scenic areas we have in America, up go these massive, gigantic towers, and they are hard to take down.

Twenty years ago, when I was Governor of Tennessee, I passed a scenic parkway program. We took 10,000 miles of scenic parkways and we banned new billboards, new junkyards. No one thought much about it then. Everybody is enormously grateful today because these things will never come down unless they blow down, and when they blow down, there are often not people to pick them up. So if we fail to do something now, to put some sort of disincentive to damage the viewscape of our most scenic areas, we will never be able to change that. In the State of Tennessee, we only have 29 of these now put up by the Tennessee Valley Authority, but they are there for 20 years, and you can see the red flashing lights from 20 miles away on a clear night.

At other times in our debate on energy, I will be talking about the relative value of wind power. I am a skeptic, I will admit. You could string a swath of these gigantic windmills from Los Angeles to San Francisco, and you would produce about the same amount of power that one or two powerplants would, and you would still need the powerplant because most people like to have their electricity even when the wind is not blowing and you can't store the electricity. And the amount of money that we are spending—$2 billion, $3 billion—is an enormous amount, and I think most colleagues are not aware of what we are doing with it. Once you put these windmills up, you have to build transmission lines through neighborhoods and back yards to carry it to some distant place. That is a debate for another day.

The fact of the matter is that we are spending billions of new dollars for gigantic windmills. What I would like for us to do in the Senate is recognize our responsibility to the American landscape and say at least we are not going to subsidize putting these windmills in between us, our grandchildren, and children, and the view of the Grand Canyon, the Statue of Liberty or the Smoky Mountain National Park or Cape Cod. I would think windmill advocates would want to do that.

This is a big country, a place where people can find plenty of places to put up gigantic windmills other than between us and our magnificent views. I don't think I need to spend much time. I will take 1 more minute, and I will go to the Senator from Virginia for 3 minutes.

Teddy Roosevelt said:

> There can be nothing in this world more beautiful than the Yosemite National Park's groves of the sequoias and redwoods, the Canyon of the Colorado, the Canyon of the Yellowstone, and the Canyon of the Three Tetons.

We don't drive down to the Smokies, out to the Tetons or to see the Grand Canyon to see a view like that. Put them where they belong. Let's not subsidize putting them in between us and the most magnificent views we have. Egypt has its pyramids, Italy has its art, England has its history, and we have the great American outdoors. It is a distinctive part of our national character, and we ought to protect it while we can.

That is why we have introduced this legislation, along with several other Senators who care. I hope my colleagues, whether they support wind power or whether they are a skeptic of wind power, will agree that we should not put these gigantic steel towers in between us and our most scenic treasures.

I yield 3 minutes to the Senator from Virginia.

Mr. WARNER. Mr. President, how much time does the Senator from Tennessee have?

The PRESIDING OFFICER. The Senator has been yielded 3 minutes. The Senator has 7 minutes remaining.

Mr. WARNER. Mr. President, I commend my good friend. I have for a long time stated, indeed, before the Committee on the Environment and Public Works, my concern about the wind situation. I am not against it, nor is my distinguished colleague from Tennessee. But we are moving toward—and with a tremendous Federal subsidy—a program by which industry, looking at the subsidy, cannot turn down the opportunity to put these mills wherever they want. I am concerned mostly about my shoreline of Virginia. This amendment would protect certain segments of that shoreline—from windmills being put in the proximity of the historic areas, marine areas, and the like.

If you look at how carefully America has proceeded toward the erection of power-generating facilities, whether it is coal-fired plants, gas-fired plants, wind, whatever it is, there is a very well-laid-out regulatory process. That doesn't exist for the potential of putting windmills offshore. It doesn't exist. I have tried hard to encourage the Congress of the United States to pass a regime comparable to what is taking place for other power-generating facilities to protect our environment, protect the taxpayer, and to enable wind to go forward but only where there is a clear justification and a protection of the environment. Now, they can go offshore under the Rivers and Harbors Act of 1899. They never envisioned, in 1899, the types of installations described by my colleague from Tennessee. There is nothing in there by which the States can gain any revenue for that wind generation offshore, as is now the case with oil and gas.

Should not my State, having taken the risk of allowing these things to go offshore, get some revenue? I think they should. Right now, it is free and open and, should they generate a profit, all of it goes into the corporate structure; not a nickel goes into the State. Mr. President, I thank my colleague for allowing me to join with him on this amendment.

The PRESIDING OFFICER. The Senator from Tennessee has 3 minutes 40 seconds.

Mr. ALEXANDER. I yield 2 minutes to the Senator from Kansas.

Mr. BROWNBACK. Mr. President, we have had a big debate about this in Kansas. We embrace wind power, wind generation. We will be a major benefactor and producer of wind energy. In the middle of the State, we have a tallgrass prairie, which is also in Oklahoma. This is really a majority of the untouched, unplowed, tallgrass prairie that remains in the United States. Over 90 percent is in a swathe between Kansas and Oklahoma. What we are asking and are part of in this bill is that those areas that are protected within the Flint Hills Refuge, the Tallgrass Prairie Preserve, and the Konza Prairie be within the designation areas that don't get the tax credits for the wind energy and the 20-mile radius around. That is responsible.

These are very key areas, and the impact on the viewscape around it is significant and important. That is why I am pleased to be part of and I support this amendment that my colleague from Tennessee has put forward. This is a responsible way to do it. We need to embrace wind power and generation but not in environmentally sensitive areas. This is a responsible way to do it. I am glad to support this amendment.

I yield the floor.

Mr. ALEXANDER. Mr. President, I ask the Senator from New Mexico if I may reserve my remaining time for just before the vote, and he also has a minute at that time. I ask unanimous consent to do that.

Mr. BINGAMAN. As I understand the request, the Senator would like us to go ahead with the argument in opposition.

Mr. ALEXANDER. Yes, and before the vote we would each have a minute.

Mr. WARNER. Reserving the right to object, I think you would need 3 minutes for this.

The PRESIDING OFFICER. The Senator has the right to reserve that time.

Mr. WARNER. At least 3 minutes.

Mr. BINGAMAN. I am glad to agree to whatever unanimous consent the

Senator from Tennessee believes is appropriate once we conclude our debate.

The PRESIDING OFFICER. Would all Senators suspend to give us an opportunity to report the amendment.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER], for himself, Mr. WARNER, Ms. LANDRIEU, Mr. MCCAIN, Mr. ALLEN, Mr. VOINOVICH, Mr. BROWNBACK, Mr. BURR, and Mr. BUNNING, proposes an amendment numbered 961.

The amendment is as follows:

(Purpose: To provide for local control for the siting of windmills)

On page 697, between lines 6 and 7, insert the following:

SEC. 1270A. LOCAL CONTROL FOR SITING OF WINDMILS.

(a) LOCAL NOTIFICATION.—Prior to the Federal Energy Regulatory Commission issuing to any wind turbine project its Exempt-Wholesale Generator Status, Market-Based Rate Authority, or Qualified Facility rate schedule, the wind project shall complete its Local Notification Process.

(b) LOCAL NOTIFICATION PROCESS.—

(1) In this section, the term "Local Authorities" means the governing body, and the senior executive of the body, at the lowest level of government that possesses authority under State law to carry out this Act.

(2) Applicant shall notify in writing the Local Authorities on the day of the filing of such Market-Based Rate application or Federal Energy Regulatory Commission Form number 556 (or a successor form) at the Federal Energy Regulatory Commission. Evidence of such notification shall be submitted to the Federal Energy Regulatory Commission.

(3) The Federal Energy Regulatory Commission shall notify in writing the Local Authorities within 10 days of the filing of such Market-Based Rate application or Federal Energy Regulatory Commission Form number 556 (or a successor form) at the Federal Energy Regulatory Commission.

(4) The Federal Energy Regulatory Commission shall not issue to the project Market-Based Rate Authority, Exempt Wholesaler Generator Status, or Qualified Facility rate schedule, until 180 days after the date on which the Federal Energy Regulatory Commission notifies the Local Authorities under paragraph (3).

(c) HIGHLY SCENIC AREA AND FEDERAL LAND.—

(1)(A) A Highly Scenic Area is—

(i) any area listed as an official United Nations Educational, Scientific, and Cultural Organization World Heritage Site, as supported by the Department of the Interior, the National Park Service, and the International Council on Monuments and Sites;

(ii) land designated as a National Park;

(iii) a National Lakeshore;

(iv) a National Seashore;

(v) a National Wildlife Refuge that is adjacent to an ocean;

(vi) a National Military Park;

(vii) the Flint Hills National Wildlife Reserve;

(viii) the Tallgrass Prairie National Preserve;

(ix) White Mountains National Forest; or

(x) the Flint Hills Tallgrass Prairie Preserve or the Konza Prairie in the State of Kansas.

(B) The term "Highly Scenic Area" does not include—

(i) the Pueblo de Taos World Heritage Area;

(ii) any coastal wildlife refuge located in the State of Louisiana; or

(iii) any area in the State of Alaska.

(2) A Qualified Wind Project is any wind-turbine project located—

(A)(i) in a Highly Scenic Area; or

(ii) within 20 miles of the boundaries of an area described in subparagraph (A), (B), (C), (D), or (F) of paragraph (1); or

(B) within 20 miles off the coast of a National Wildlife Refuge that is adjacent to an ocean.

(3) Prior to the Federal Energy Regulatory Commission issuing to a Qualified Wind Project its Exempt-Wholesale Generator Status, Market-Based Rate Authority, or Qualified Facility rate schedule, an environmental impact statement shall be conducted and completed by the lead agency in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). If no lead agency is designated, the lead agency shall be the Department of the Interior.

(4) The environmental impact statement determination shall be issued within 12 months of the date of application.

(5) Such environmental impact statement review shall include a cumulative impacts analysis addressing visual impacts and avian mortality analysis of a Qualified Wind Project.

(6) A Qualified Wind Project shall not be eligible for any Federal tax subsidy.

(d) EFFECTIVE DATE.—

(1) This section shall expire 10 years after the date of enactment of this Act.

(2) Nothing in this section shall prevent or discourage environmental review of any wind projects or any Qualified Wind Project on a State or local level.

(e) EFFECT OF SECTION.—Nothing in this section shall apply to a project that, as of the date of enactment of this Act—

(1) is generating energy; or

(2) has been issued a permit by the Federal Energy Regulatory Commission.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I reluctantly rise to speak against this amendment. I do so for some very basic and sound reasons. I will just mention a few of them.

No. 1, this amendment moves in the exact opposite direction of the legislation that is before us. I have been working with Senators DOMENICI and ALEXANDER and others on the committee to develop a piece of legislation that would provide for the energy future of the country, would encourage domestic development of energy from all sources, all available sources. We are encouraging development of clean coal, natural gas, nuclear power, oil resources, hydrogen technology, renewable fuels, electricity; and in each case, we have tried to simplify the process that a person or applicant has to go through in order to develop these resources and meet the needs of the country, as we see them.

We have also put incentives in this bill so as to further the development of these resources. This amendment, with regard to wind power, does just the opposite of that. It raises obstacles, and it says that we are going to make it more and more difficult for people to proceed with development of wind power projects. How does it do that? It goes through and it says we are going to, first of all, designate what we call highly scenic areas. Highly scenic areas are fairly broadly defined: they are any area listed as an official United Nations educational, scientific, cultural or World Heritage site, as supported by the Department of the Interior, National Park Service, and International Council of Monuments and Sites. Any lands designated as a national park, national lakeshore, national seashore, national wildlife refuge, national military park, Flint Hills—it goes on and on. It says if you are a highly scenic area, then a so-called qualified wind project, which is any wind turbine project located in a highly scenic area or within 20 miles of the boundary of various of these things I have listed here—then it says over here a qualified wind project shall not be eligible for any Federal tax subsidy.

That essentially says there are not going to be wind power projects constructed in any of these locations. I think if we have ever had a proposal that is a one-size-fits-all proposal, this is that. There are a great many of these sites. I point out, also, by way of just a historical note, I think this will be the first time, if this amendment is adopted, that the Congress has put in law a provision that essentially recognizes the significance of World Heritage sites designated by the United Nations. I remember debates on the floor in recent years where people objected to the whole notion that U.N. World Heritage sites were going to get some kind of special protection. In this amendment, we are saying they get special protection. We are not going to allow the construction of one of these wind projects within 20 miles of them.

To my mind, there are undoubtedly areas in this country where we don't want windmills. I agree. But I think that needs to be a decision that is made on the basis of the local circumstances, on the basis of the geography of the area, and I think what we are trying to do here is sort of pass a very broad prohibition against getting tax benefits. If you want to build a site that is within 20 miles of any of these things, then you are out of luck, as far as any Federal tax support. I think that is contrary to the whole thrust of the legislation. I think it is contrary to good sense. In my own State of New Mexico, we have several sites that are listed. I have a list that the Senator from Tennessee has been kind enough to give me called, "Scenic Sites that are Protected by this Legislation." When you go down the list, in my State, you can see Carlsbad Caverns National Park. Well, I could conceive of the people in Carlsbad, NM, wanting a wind farm, a wind project within 20 miles of Carlsbad Caverns National Park. I can conceive of there being an area within that 20-mile radius that would be appropriate for a wind site. I don't know that that is the case, but I would hate to legislate a prohibition against it. The same with Chaco Culture National Historic Park and with Carlsbad Caverns National Park and the Pueblo de Taos, which has been exempted. I appreciate that.

The Senator from Tennessee—I mentioned to him there may be a desire on the part of people in the Taos area in my State to go ahead and have a wind project. I need to be legislating a prohibition against that—a prohibition on any Federal tax support in that circumstance. Each Senator can look at the list and see whether they want to do this to their home State. I think if people will look at this list carefully and get on the telephone and call back to their States, they may find this is not something they wholeheartedly embrace.

The Senator from Idaho, Senator CRAIG, has asked for 5 minutes. I yield him 5 minutes.

The PRESIDING OFFICER. There are 8 minutes 30 seconds remaining.

Mr. BINGAMAN. I will yield 5 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 5 minutes.

Mr. CRAIG. Mr. President, I thank the Senator from New Mexico for yielding.

I do not stand up and speak against the Senator from Tennessee and the work he has done in this area lightly. I understand the process. I also understand that energy infrastructure is always sensitive. It is never quite near where you want it to be, and it is always where you do not want it to be.

The Senator from New Mexico has spoken very clearly on this issue. There will be no windmills built off Cape Cod. Why? Because it is being killed by the people of Massachusetts in the processes that are available now. There will be no windmills near Yellowstone or the Grand Canyon or in scenic areas today. Why? Because the process recognizes it now. Whether it is local or whether it is national, try to get a windmill farm sited on Federal properties and you will find it nearly impossible anywhere because the moment one is suggested, the land either becomes precious because of antiquities or unique because it has some kind of holiness to a native group. That has gone on and on.

No one today in the wind farm business approaches siting windmills without caution. They already look for the very places where the wind is able to flow.

What we are suggesting with this amendment is not here, not there, not over here, and certainly not in my backyard, and if it gets close to my backyard, whoa, stop, back up, and let's look at it. That is what is being said by this legislation.

Yet this Nation, through the underlying bill, is rushing to get more energy of all kinds, except step back, take a deep breath and say: Not here, please, or not over there.

Caution is abounding. More wind farms are not being sited today by opposition of the public than are being sited. The Senator from Kansas talks about the tall grass prairie. There is a major battle going on in Kansas to stop it now, and it appears it will succeed.

I stood on the floor of the Senate the other day and spoke of public group after public group that is opposing siting, and they are using State law, as appropriate in this instance, to stop siting. So I do not believe this legislation is necessary.

Here we are encouraging the business of clean energy. Both the Senator from Tennessee and I are very interested in clean energy. I even agree with him that we may be overpromoting wind, but now we are standing up another tripwire and saying: No, there are going to have to be all kinds of new qualifications.

If you are a private property owner and you are within a 20-mile zone of this particular scenic area that is prescribed in this legislation, forget your private property rights—gone. And yet in most areas, that is the only place they are getting sited today.

Look at the wind troughs on the national maps and where they are on the Rocky Mountain front. Nearly every area is scenic, and if it is not scenic now, if this legislation passes, it will rapidly become scenic for the very simple reason that once they see these 320-foot, tip-to-tip windmills—they are awfully hard to site anyway—but we are creating and standing up a new Federal requirement and Federal restriction over a State process that appears at this moment to be quite thorough. That is why I oppose it. I think it is unnecessary.

We are in the business of advancing the cause of energy of all kinds—clean coal, wind, photovoltaic, nuclear. We are even improving the existence of current hydro. We are doing all of those things, and we are asking our States to be partners. But here the heavy hand of Government—the Federal Government—comes in. I think it is inappropriate. I do not think it is necessary. I think the process is working quite well now.

In a State such as mine where wind farms are being looked at now, our companies are approaching it very carefully and, in many instances—and it is nearly only Federal land on which you can get them sited—it is almost impossible to site on Federal land. Why? Because of the Environmental Policy Act, because of all the processes and safeguards we have already put in place. Therefore, I do believe this legislation is unnecessary. I think it is overkill.

I do not think we need to do it. We already have a very thorough, open, public process between our Federal Government as it relates to the National Environmental Policy Act, and State governments as it relates to their zoning requirements and/or the regulatory process they put siting through, through the utilities commission. I think that is adequate and necessary.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CRAIG. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico has 3 minutes.

Mr. BINGAMAN. Mr. President, let me speak for 30 seconds, and then I will yield to my good friend from Iowa, Senator HARKIN.

I do think, as the Senator from Idaho pointed out, that this does raise a very substantial obstacle to the construction of wind projects in a great many areas of the country about which we are somewhat uncertain. As I say, in my State I can conceive of areas near these scenic locations that would be appropriate for consideration as wind projects. I do think there is ample opportunity for local communities to object. There is ample opportunity for States to object.

My experience is the burden is on the applicant to persuade all of the local government and all of the State government entities that have some claim on this.

The PRESIDING OFFICER. The Senator has 1½ minutes remaining.

Mr. BINGAMAN. Mr. President, I yield the remainder of my time to the Senator from Iowa.

Mr. HARKIN. Mr. President, how much time is left?

The PRESIDING OFFICER. There is 1 minute 28 seconds remaining.

Mr. HARKIN. Mr. President, I rise in opposition to the Alexander-Warner amendment. Again, this amendment proposes to usurp local control. I find it hard to believe that those who argue States rights at the same time want to impose additional Federal regulations over local, county, and State jurisdictions.

This amendment is simply an assault on the continued development of wind energy. It singles out wind for additional scrutiny. If the sponsors are so concerned about protecting our scenic areas, shouldn't this amendment be applied to all technologies?

Some may say these turbines are unsightly. The Senator from Tennessee may believe they are unattractive. But many others believe them to be visually attractive as they drive down the highway.

I just recently drove through Oklahoma and saw all these wind turbines out on the prairies of Oklahoma, and they look beautiful spinning in the wind with no pollution, providing electricity for our homes, our schools, and our factories. Yet they are unattractive? Come on, give me a break.

This is a pathway to our energy independence. More wind energy—we can put them up in Iowa. If the Senator from Virginia does not want them in Virginia, we will put them in Iowa. We will put them in North Dakota, South Dakota, and we will be glad to ship the electricity we are making from the force of the wind.

I urge my colleagues to turn down this ill-advised amendment.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Tennessee has 2 minutes remaining.

Mr. ALEXANDER. Mr. President, I reserve the remainder of my time until just before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, can we make a unanimous consent request that the Senator will have his 2 minutes now, and in addition to that, we will have 2 minutes equally divided before the vote?

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. I have no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, this gives me a chance to clear up a couple of points.

I say to my friend from New Mexico, the United Nations isn't picking any of these sites. We picked 20 of these sites in the United States that we recommended to the world be designated as heritage sites.

Here is what we are talking about. We are taking billions of tax dollars—that is a debate for another amendment—billions of tax dollars, $200,000 per windmill. We should all resign the Senate and get in the windmill business. My friends on the other side say we are subsidizing the building of these windmills between us and the Grand Canyon, between us and Cape Cod, between us and the Smoky Mountains, between us and the Glacier National Park.

Ansel Adams and John Muir would be rolling over at the idea of our destroying the American landscape in this wholesale fashion. If we had a level playing field and we had no Federal Government involvement, that would be another thing, but we are putting billions of dollars out there to do this. In the Eastern United States, they only fit in areas where there are scenic ridges. That is the Tennessee Gorge, the Shenandoah Valley, the foothills of the Great Smoky Mountains, and it is being said we should use taxpayer dollars to encourage that. This says no in the most highly treasured areas we have. It is sponsored by the National Parks Conservation Association. I would think every conservation group in America would be for this. I would think every wind developer would say, of course, we are not going to put wind there.

It prohibits nothing. It interferes with no private property right. It just says we are not going to spend taxpayer dollars putting gigantic steel towers between us and our view of the Statue of Liberty and the Grand Canyon. I would think that ought to be a vote of 100 to 0.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, the Senator from Massachusetts is recognized to call up an amendment where he is to be recognized for 30 minutes, equally divided, for 15 minutes each side.

AMENDMENT NO. 844

Mr. KERRY. Mr. President, I call up amendment No. 844.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Massachusetts [Mr. KERRY], for himself, Mr. BIDEN, Mrs. FEINSTEIN, and Ms. SNOWE, proposes an amendment numbered 844.

Mr. KERRY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding the need for the United States to address global climate change through comprehensive and cost-effective national measures and through the negotiation of fair and binding international commitments under the United Nations Framework Convention on Climate Change)

On page 768, after line 20, add the following:

TITLE XV—CLIMATE CHANGE

SEC. 1501. SENSE OF SENATE REGARDING THE NEED FOR THE UNITED STATES TO ADDRESS GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—The Senate finds that—

(1) there is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate;

(2) there are significant long-term risks to the economy, the environment, and the security of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations;

(3) the United States, as the largest economy in the world, is currently the largest greenhouse gas emitter;

(4) the greenhouse gas emissions of the United States are projected to continue to rise;

(5) the greenhouse gas emissions of developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries;

(6) reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other practices, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases;

(7) the development and sale of such technologies in the United States and internationally presents significant economic opportunities for workers and businesses in the United States;

(8) such technologies can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure;

(9) other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provide industries in those countries with a competitive advantage in the growing global market for such technologies;

(10) efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of the developing countries could establish significant markets for such technologies and contribute to international efforts to address climate change;

(11) the United States is a party to the United Nations Framework Convention on Climate Change adopted in May 1992, and entered into force in 1994 (referred to in this section as the "Convention");

(12) the Convention sets a long-term objective of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system;

(13) the Convention establishes that parties bear common but differentiated responsibilities for efforts to achieve the objective of stabilization of greenhouse gas concentrations;

(14) the Kyoto Protocol was entered into force on February 16, 2005, but the United States is not, nor is likely to be, a party to the Protocol;

(15) the parties to the Kyoto Protocol will begin discussion in 2005 about possible future agreements;

(16) an effective global effort to address climate change must provide for commitments and action by all countries that are major emitters of greenhouse gases, whether developed or developing, and the widely varying circumstances among the developed and developing countries may require that such commitments and action vary; and

(17) the United States has the capability to lead the effort against global climate change.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should act to reduce the health, environmental, and economic risks posed by global climate change and foster sustained economic growth through a new generation of technologies by—

(1) participating in international negotiations under the Convention with the objective of securing United States participation in fair and binding agreements that—

(A) advance and protect the economic interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principle of common but differentiated responsibilities;

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global greenhouse gas emissions;

(2) enacting and implementing effective and comprehensive national policies to achieve significant long-term reductions in greenhouse gas emissions in the United States; and

(3) establishing a bipartisan Senate observer group, the members of which shall be designated by the majority leader and minority leader of the Senate, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the advice and consent function of the Senate is exercised in a manner to facilitate timely consideration of any future applicable treaty submitted to the Senate.

Mr. KERRY. Mr. President, I ask unanimous consent that Senator SNOWE be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I yield myself 7 minutes.

I will explain very quickly what this amendment does. We just voted a few moments ago a sense of the Senate that we should take mandatory action with respect to global warming in the United States. We did not specify what the action was. Obviously, the McCain-Lieberman mandatory action failed earlier, but we at least went on record accepting—I think it was about 54 votes on the tabling motion—that we should do something with respect to domestic. What my amendment seeks to do is express the sense of the Senate specifically, and let me quote from it:

> . . . that the United States should act to reduce the health, environmental and economic risks posed by global climate change and foster sustained economic growth through a new generation of technologies by (1) participating in international negotiations under the Convention with the objective of securing United States participation in fair and binding agreements that (A) advance and protect the economic interests of the United States; (B) establish mitigation commitments by all countries that are major emitters of greenhouse gases . . .) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and (D) achieve a significant long-term reduction in global greenhouse gas emissions.

The whole purpose of this is to get the United States of America engaged in an international process that will get all nations simultaneously working toward the same goal. Let me remind my colleagues we have heard some questions about the science raised over the course of the last hours. Just yesterday the scientific evidence on climate change was addressed by the G8 scientific panels, all the panels of the G8, including our own National Academy of Sciences. All of these science academies of the G8 nations said that the evidence on climate change is now clear enough for the leaders of G8 to commit to take prompt action to reduce emissions of greenhouse gases.

I ask unanimous consent that this statement from the G8 science academies be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLEAR SCIENCE DEMANDS PROMPT ACTION ON CLIMATE CHANGE SAY G8 SCIENCE ACADEMIES

The scientific evidence on climate change is now clear enough for the leaders of G8 to commit to take prompt action to reduce emissions of greenhouse gases, according to an unprecedented statement published today (Tuesday 7 June 2005) by the science academies of the G8 nations.

The statement is published by the Royal Society—the UK national academy of science—and the other G8 science academies of France, Russia, Germany, U.S. Japan, Italy and Canada, along with those of Brazil, China and India. It has been issued ahead of the G8 summit in Gleneagles, Scotland.

The statement calls on the G8 nations to: "Identify cost-effective steps that can be taken now to contribute to substantial and long-term reductions in net global greenhouse gas emissions." And to, "recognize that delayed action will increase the risk of adverse environmental effects and will likely incur a greater cost."

Lord May of Oxford, President of the Royal Society said: "It is clear that world leaders, including the G8, can no longer use uncertainty about aspects of climate change as an excuse for not taking urgent action to cut greenhouse gas emissions.

"Significantly, along with the science academies of the G8 nations, this statement's signatories include Brazil, China and India who are among the largest emitters of greenhouse gases in the developing world. It is clear that developed countries must lead the way in cutting emissions, but developing countries must also contribute to the global effort to achieve overall cuts in emissions. The scientific evidence forcefully points to a need for a truly international effort. Make no mistake we have to act now. And the longer we procrastinate, the more difficult the task of tackling climate change becomes.

Lord May continued: "The current U.S. policy on climate change is misguided. The Bush administration has consistently refused to accept the advice of the U.S. National Academy of Sciences (NAS). The NAS concluded in 1992 that, 'Despite the great uncertainties, greenhouse warming is a potential threat sufficient to justify action now', by reducing emissions of greenhouse gases. Getting the U.S. onboard is critical because of the sheer amount of greenhouse gas emissions they are responsible for. For example, the Royal Society calculated that the 13 percent rise in greenhouse gas emissions from the U.S. between 1990 and 2002 is already bigger than the overall cut achieved if all the other parties to the Kyoto Protocol reach their targets. President Bush has an opportunity at Gleneagles to signal that his administration will no longer ignore the scientific evidence and act to cut emissions.

On the U.K.'s efforts on climate change, Lord May said: "We welcome the fact that Tony Blair has made climate change a focus for its presidency of the G8 this year. But the U.K. government must do much more in terms of its own domestic policy if it is to turn its ambitions to be a world leader on climate change into a reality. While the U.K. has managed to reduce its emissions of carbon dioxide, most of the cuts have been almost accidental rather than the result of climate change policies. Indeed, its emissions actually increased by over 2 percent in 2002—2003. Clearly the U.K. must take some tough political decisions about how it manages our ever-growing demand for energy at a time when it's vital that we cut our emissions of greenhouse gases.

"The G8 summit is an unprecedented moment in human history. Our leaders face a stark choice—act now to tackle climate change or let future generations face the price of their inaction. Never before have we faced such a global threat. And if we do not begin effective action now it will be much harder to stop the runaway train as it continues to gather momentum.

The statement also warns that changes in climate are happening now, that further changes are unavoidable and that, "nations must prepare for them." In particular it calls for the G8 countries to work with developing nations to enable them to develop their own innovative solutions to lessen and adapt to the adverse effects of climate change.

Lord May said: "We, the industrialized nations, have an obligation to help developing nations to develop their own solutions to the threats they face from climate change."

Mr. KERRY. I emphasize to my colleagues, this sense of the Senate is not about Kyoto. It is not asking us to get involved in Kyoto. In fact, the diplomatic issue is no longer Kyoto yes or no. The world understands that we need to move beyond Kyoto. Kyoto is limited in time and in participation. Many of us, myself included, objected to that flaw in Kyoto because it left out many nations. We need to see that Kyoto, however, as a foundation for global cooperation with the principles of binding targets and emissions trading can serve as a blueprint for how to reduce those emissions. Other nations are ready to start a dialogue about the future.

Prime Minister Blair is capitalizing on his chairmanship of the G8 to press for broad cooperative action, but the United States alone stands silent and apart from this process. That has to stop. We cannot wait for Kyoto to expire in order to consider the next steps. We need to evaluate options now. We need to signal to the world that we are prepared to shoulder our fair share of the burden of dealing with this problem, and we need to put action behind our words, accepting the principle of binding pollution reduction as a critical way of engaging the developing world.

A number of proposals have been put on the table, from a G8 program to promote renewable energy, to technology funding, to development, to the framework convention. We do not suffer from a lack of ideas as to what to do. What we need is leadership, and the Senate has an opportunity to make a statement about that.

No climate change program is going to work without all of the nations of the world being involved, and no climate plan can pass Congress, obviously, that does not have their participation. Their emissions may be a fraction of what the developed world does now, but without action they are going to skyrocket and they would soon exceed the largest nation's emissions, and we cannot suffer that.

I had the privilege of going to Rio 13 years ago—I guess it was to the Earth Summit in 1992—which was the world's first effort to try to craft a global response to the threat of climate change. It was at those talks that the American delegation ultimately embraced the U.N. Framework Convention on climate change. As we know, in that agreement more than 100 nations, 13 years ago, accepted the scientific evidence that pollution is altering the composition of the atmosphere, and they set a voluntary goal to prevent dangerous anthropogenetic interference with the climate system. In other words, 13 years ago we as a country recognized, under President George Herbert Walker Bush, that climate change is a global problem in need of a global solution. We defined a global goal. We set a path for future negotiations. It was a small step, but it was a first step and it was progress.

Regrettably, after that, going to the year 2000 when President Bush took office, he had any number of options in front of him. He could have used the bully pulpit to push for greater participation from the largest emitters in the world. He could have focused on targets beyond 2012. He could have reached out to less developed countries and offered technical assistance and technology. He might have pushed for a more robust trading program or greater technology transfer, but he took a decidedly different tack contrary to the science. He flatly rejected the active approach of the prior administration and in many ways he even rejected the incremental approach, voluntary approach, of his own father. Instead, in the months after taking office, the President questioned the underlying science. He broke a campaign promise to cap carbon emissions from powerplants. He rebuked his EPA chief for positive comments about Kyoto. He proposed an energy plan that would increase pollution, and he withdrew from the protocol and the international process altogether.

If the Senate is prepared, as we just were, to embrace domestic efforts, at least in principle, we need to embrace the larger effort to reach out to the world and create a global approach so that all of us can avoid the potential downside of what scientists tell us is coming our way.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. I yield such time as he may consume to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I will not take a great deal of time, but I want to visit this issue in the context that it has just been presented by our colleague from Massachusetts. First, I think it is awfully important to understand a couple of things that just have transpired that the Senator referenced as it relates to these National Academies of Science. On the surface, when one reads that and sees that the G8 academies are all standing together, including ours, one would say, wow, that is a powerful statement. What I am terribly afraid has happened is that good academicians and scientists have in some way been co-opted and in this case possibly politicized.

Let me explain what I am talking about. It is terribly frustrating for me—and I trust it is for the Senator from Massachusetts—to see a group of scientists say one thing at one time and something else a little later.

After that statement came out, I asked Bruce Alberts, the president of our National Academy of Sciences, what was meant by this statement. In his reply to me, here is what he said:

> The press release is not an accurate characterization of the eleven academies' statement, and it is not an accurate characterization of our 1992 report. I have enclosed a copy of the letter that I sent yesterday to Dr. May, President of the Royal Society [who is pushing this initiative right now because, obviously, Prime Minister Blair is the chairman of the G8,] ,expressing my displeasure with their press release.

Here is what President May said in return to our own president of our own National Academy of Sciences:

> We've read what you said and we've read what you've written and we've chosen to interpret it differently.

Stop and think about that. Are scientists at the National Academy of Sciences, who we rely on, who we think have done credible work and are advancing the issue and building the science on climate change from the 1992 report to the path forward and beyond, recognizing there is an increase in temperature and saying there may be a direct relationship between that temperature rise and greenhouse gases? No, the collective academies jump to a different conclusion. And then the Royal Academy suggests that, well, we just do not interpret it the way you interpret your own work. It is one scientist saying: We know better what you have said than what you have said.

Here is exactly what Dr. Robert May, head of the Royal Academy, said:

> Given the very clear recommendations that your 1992 report contains for reducing greenhouse gas emissions, I fail to see how you could make the accusation that our press release misrepresents its contents.

Already there is a fight within the academies. Why? Because it was such a unique time to advance the political cause of climate change.

But what is the reality? Getting back to 1990 levels. Great Britain isn't there and can't get there now, and they are having to ask for greater credits. Italy, in Buenos Aires this winter, told me that because they had shut down a nuclear reactor, they were no longer 3 percent toward compliance, they were 12 percent away. Japan, at the time they ratified Kyoto, I believe was like 5 percent or 6 percent away from meeting 1990 standards. Now they are 13 or 14 percent away. If you are growing the economy under current technology, you can't get where you want to get.

It has been suggested that our President does nothing. Our President has done more to advance the cause of international cooperation than any President to date. We have just seen the Global Earth Observation System first in 1993 and another advancing in the United States generating international support to link thousands of individual technologies and assets together. There is a comprehensive global system coming together. That is nothing? Our Nation is spending $5 billion on new technology, more than all of the rest of the world combined on climate change, and we are sharing that technology with the world. That is nothing?

No, no, no, the record is quite different. And the record is accurate. There is a great deal going on out there. There is about $11 billion tied to this bill that is all about clean. All of this clean technology we are about to advance and cause to happen is transparent and transferrable and available for the world to have.

What is lacking in all of this? Why so much ado today about climate change? It is the politics that drive, not the science, and not the technology.

When we were in Buenos Aires, I actually had nations who have ratified come up to us and say: We know we cannot meet the standards. We know we cannot get to 1990. But if you could just be with us politically, it is so important.

I said: Why should we be for something that cannot get to? Why not join us in these cooperative efforts? Why not work with us in the new technology? Why do we have to have an international political statement to do something when we are already doing it?

That is what it is all about. I am not going to work at disputing any of the science. It is advancing, and we are getting to know a great deal more. The bill now attempting to be amended with a sense-of-the-Senate resolution is a bill that is the cleanest thing we have ever done for climate change. We advance more technology, we bring about more science than ever before. And we share it with the rest of the world.

What has happened is quite simple: The great groundswell of politics that grew out of the original Buenos Aires that took us to Kyoto, that tried to divide the world, failed. The environmental movement that first drove this failed. Why did they fail? Because they first said: World, turn your lights out. Third World, stay where you are. And the world collectively, nation by nation, has said: Can't go there. Just can't go there. We cannot deny our people a livelihood, opportunity, clean water, and pollution control. We cannot deny them management of their waste.

We need energy. How do we get there? Got to be clean. And it is getting clearer and cleaner and cleaner. Last year, we reduced our greenhouse gases by 2.3 percent. This year, it may be 3 or greater. We don't know yet. We are saying to the rest of the world: Come with us. We will share with you our technology. We will do all the right things. We are developing bilaterals.

This administration has moved very rapidly, working hand and glove with other nations of the world to take to them our technology, to share with them the cooperative nature and spirit that we enter into these kind of relationships. What is missing is the politics. We have not politically committed this country the way some would like, as the rest of the world went, as Russia finally was the final ratifier; and now they all turn and say: Well, we said it politically, but we cannot get there. What do we do now?

That is what the G8 is all about. That is what the debate is about. Let's get on with the business of advancing clean air technologies. Let's get on with the business of doing what we are doing. In this case, the political statements have little value compared to the great work that is in this marvelous piece of energy legislation called this comprehensive act.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I yield myself 2 minutes.

Let me answer quickly that there is nothing at all in what the Senator just said that rebukes the process set forward in the sense-of-the-Senate effort. I cannot imagine the Senator is against us trying to find a fair and binding agreement. We are not talking about something unfair and unnecessary. I cannot imagine he would not want to advance and protect the economic interests of the United States, establish mediation agreements for those countries that are major emitters. With principles of common but differentiated responsibilities, this makes sense.

With respect to what he said about the National Academy of Sciences, I respectfully just plain flat disagree. They took a comment made by one group and sent it to the chairman whom he cited, who wrote back about that outside comment. That is not the comment made by the G8 themselves. Go to the Web site of the National Academy of Sciences tonight, and you will see the following statement on the Web site:

> The United States National Academy of Sciences join ten other national science academies today in calling on world leaders, particularly those at the G8 countries meeting next month in Scotland, to acknowledge that the threat of climate change is clear and increasing, to address its causes, and to prepare for its consequences.

That is the unequivocal clear finding of the National Academy of Sciences.

The fact is, the consensus hasn't failed on environment. The countries that signed on to Kyoto have ratified it and are implementing it. Are they going to meet the goals? I admit they are not going to meet the goals—we all understand that—which is a good reason to go back to the table and begin to negotiate to arrive at an exchange of technologies, at an exchange of science, at a multinational global cooperative effort to try to avoid catastrophe if it presents itself.

Why the opponents want to keep turning their backs on the effort to find the best science and the best solutions is beyond comprehension. When you have scientists from all over the world, I think they would be insulted by the Senator's insult to their independent scientific inquiry.

They are doing what they are doing based on their life career efforts. I think we ought to respect the consensus of all those scientists on a global basis.

Mr. President, I yield myself an additional minute.

Finance ministers, environmental ministers, prime ministers, foreign ministers—all of them together in all these other countries have not put their political careers on the line and asked their countries to engage in something because it is a fool's errand. They have not suggested, as their scientists in all of those 100 nations plus, that this is scientifically a consensus for the sake of politics. It has risks, especially if it is found to be false.

I think we ought to listen carefully to what they have engaged in. I think most of our colleagues, indeed, are doing that.

Mr. President, I yield 4 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I say to my friend from Idaho, let me, as we lawyers say, argue in the alternative. He may be accurate, but it is irrelevant. He is making an argument that was appropriate when we were debating Kyoto. We are not debating that. All my friends and I and Senator LAUTENBERG and others—and Senator KERRY has been the leader on this issue—are saying is that there are some basic facts about global warming. It is real simple. The science is real. The effects are profound. Inaction is not an option.

We just finished passing, as my friend from Massachusetts said, a resolution, a sense of the Senate, saying domestically we have to take a look at this. That is a little bit like saying we can set up a firewall here where the impact on our health, the impact on our economy, the impact on our future is going to be able to be controlled somehow just by what we do here—the idea we are not going to reach out, particularly in the context of the inability of nations to meet the standards they signed on to Kyoto. This gives us another chance to do what we should have done in the first place: try to negotiate instead of walking away, try to negotiate something that is real.

The resolution's findings declare principles on which we can reach a broad, if not unanimous, agreement. There is no need to revisit the decision that was made at Kyoto. Whatever you make of that decision, it should have been the first step toward a new phase of international negotiations, not a repudiation of the notion of negotiations.

Let me conclude by saying one thing we know for sure: no agreement is going to work that does not include the United States. No agreement is going to work that does not include the United States, the largest current source; and the developing countries, such as China and India, Korea, Mexico, and Brazil, these countries will soon take over that dubious distinction.

Here is our chance to get back on the right side of history and to put the Senate, with its constitutional power to ratify treaties, on record as favoring a serious effort under which the Framework Convention on Climate Change, signed by President Bush, can be negotiated.

This resolution does not prejudge the outcome of those negotiations. We have to be creative, we have to recognize the many different ways we can begin to make real progress, to actually reduce greenhouse gas emissions, with the goal of stabilizing the still-growing human impact on our climate.

Rather than try to attack every aspect of this huge issue at once, we might consider approaches that looked at the transportation, or the power sector, as areas where regional or other multilateral agreements could put a real dent in business as usual.

We are going to have to accelerate the discovery and deployment of new technologies, ramping up public investments in education and research, harnessing the creativity of private markets to bring new products on line.

I ask my colleagues, what side of history will we be on? Should we cling to carbon until the last drop of fossil fuels is burned? Do we want our country to be the last one still dependent economically on 19th century combustion technologies, or the first one to dominate the energy technologies of the future?

The most innovative American companies, the ones that operate in a competitive international environment, are pleading with us to move our country into the future, to give them the certainty they need to make investments for the long term in technologies and products that reduce our dependence on fossil fuels.

The DuPont Company, from my own State of Delaware, is one of the best examples. By aggressively reducing their own greenhouse gas emission—by over 70 percent from 1990 levels—they have saved $2 billion in energy costs, added to shareholder value, and shown the way for other companies.

But they still wait for our Government to provide the predictable international system in which their early actions can get credit, in which market mechanisms such as emissions trading can have the best effect, in which they will not be undercut by less responsible competitors.

DuPont, and General Electric, and many other major corporations, are putting themselves on the right side of history. We need to back them up, for the simple reason that we need American firms, and the jobs and products they provide, to succeed in an increasingly competitive world.

Which side will we be on? Will we fear the future, or will we take charge of it?

This resolution puts us on the right side. It puts this Senate on record in favor of a constructive, responsible, fair, and effective approach to climate change in our international negotiations.

It is time for us to wake up to the realities of climate change to both the threat and the opportunity it presents. It is time for us return the United States to a leadership role in the international search for a solution to this international problem.

Our children are watching.

Mr. KERRY. Mr. President, I thank the Senator from Delaware and reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from New Mexico has 6 minutes 9 seconds; the Senator from Massachusetts has 1 minute 55 seconds.

Mr. DOMENICI. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. Mr. President, I have read through the 6-page document that the distinguished Senator from Massachusetts has submitted as his proposal before the Senate.

I was wondering, as I read through—if you skip the first few paragraphs, you begin seeing the word "Convention" with a capital letter. I went back to see what that is. That is the Kyoto Convention.

Mr. KERRY. No, sir. The U.N. framework.

Mr. DOMENICI. Senator, would you like to address the Chair, please? Would you like to ask a question?

Mr. KERRY. Mr. President, I thought the Senator was asking a question. I apologize.

Mr. DOMENICI. I was not. I was looking here. I said: What is he asking us to do? I finally got down to where the Senator's amendment says: It is the sense of the Senate that we shall do these things, work first by participating in intergovernmental negotiations under the convention with the objective of securing United States participation, et cetera, et cetera.

I said: What is the convention? It is the U.N. Framework Convention. It says here. It produced Kyoto. That is what it says here. So I just want to remind the Senate, the Senator is suggesting that we ought to go back and join that convention and do something with the world so we can achieve something positive in global warming, the control of global warming gases.

Frankly, everybody here should know, if they did not, the Senator from New Mexico voted for the Bingaman amendment, which many on my side did not, because I believe we have a problem. I said that. I thought that at sometime the Congress should address it. But I surely do not support this resolution which, in a sense, says now the Senate ought to be talking about going back into negotiations with the world under an architecture that has failed us. As a matter of fact, it yielded a very big, powerful what I would call pompous ceremonial proposal called Kyoto, which nobody is going to follow that has any industrial capacity.

Now, maybe I should not say "nobody," but very few nations. Most are trying to say: We would like to do it.

This Senate has said, 99 to 0, do not send us the treaty, Mr. President, because we are not going to do it. So I think the Senator—this is a good idea. It is a very excellent speech. His remarks are very admirable. But I do not believe we should today ask, through a sense of the Senate, that we go back to a convention architecture and enter into international agreements under its architecture, which yielded Kyoto, which I do not believe was very successful.

I do not think I want to debate it particularly. I have just seen charts as to what it would require of the United States, and we could never do it. How much the other proposals do that is far less, and we can hardly do those. But that is another case. Is Kyoto achievable? No. Did that convention architecture achieve anything significant? I do not think so. We had a great debate, talked a lot about some good things. Maybe some great scientists attended. But I do not think we really want to say it is the sense of the Senate that we should go back to that format. I hope we do not. As far as I am concerned, I will not vote for it.

I compliment the Senator again for the ideas expressed and the goals. But I do not think we should do this as a sense of the Senate.

I yield the floor and reserve whatever time I have.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 1 minute 55 seconds.

Mr. KERRY. Mr. President, I yield myself 55 seconds.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me say, quickly, this resolution, I say to the Senator from New Mexico, is similar to language unanimously accepted—unanimously accepted—by the Senate Foreign Relations Committee in the 107th and 108th Congresses and language accepted by the full Senate, which the Senate included on April 23, 2002. It was first offered by Senator BIDEN and myself as an amendment during the Foreign Relations Committee markup of the Foreign Relations Authorization Act. The fact is, it then was modified and included in the Senate-passed Energy bill with a bipartisan initiative with Senators HOLLINGS, HAGEL, STEVENS, BYRD, LIEBERMAN, MURKOWSKI, BINGAMAN, SNOWE, and THOMPSON on April 23.

Now, I can say to the Senator, there is no way possible to deal realistically with the issue of global warming on an international basis unless we deal with other countries. You can go find a different forum, but if you did not have this forum, you would have to invent it. I think it is the best way to proceed.

I reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from New Mexico has 2 minutes 41 seconds. The Senator from Massachusetts has 53 seconds remaining.

Mr. DOMENICI. I say to the Senator, would you yield back your time if I yield back mine?

Mr. KERRY. I would like to take the 53 seconds.

Mr. DOMENICI. Mr. President, I will reserve 53 seconds.

The PRESIDING OFFICER. The Senator form Massachusetts.

Mr. KERRY. Mr. President, this is not about Kyoto. I voted against the Senate proceeding on the Kyoto agreement, as did other Members here, in a near unanimous agreement, as a matter of fact, because we thought it was flawed because it did not have other countries involved.

This is an effort to put the Senate on record that we believe the science—yes, we have to believe it and move forward internationally. We even create a Senate bipartisan observer group appointed by the leaders of both sides so that they can report to the Senate on the effectiveness and propriety of what is happening.

This is a bona fide effort to try to deal realistically with the problem. The Senate has used the language before. I hope my colleagues will embrace it.

I yield back whatever time I have.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me say to my fellow Senators, you have already as an institution, whether you voted for it or not, the Bingaman sense of the Senate. It said the Senate recognizes greenhouse gases are a problem. There is a scientific consensus that it is a problem, that we ought to do something about it through incentives and/or mandatory caps. So we are on record on that. This is not just an amendment saying we should have a bipartisan congressional group to observe international participation in some agreements. It is much broader than that. It talks about joining in a convention architecture with the world. I don't know what else it could be other than the architecture that was established under Kyoto because that is what it refers to. I don't think we need to do that.

I yield back time I might have. I guess we want the yeas and nays.

Mr. KERRY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, there are 30 minutes evenly divided between the Senator from New Mexico and the Senator from New Jersey. Who yields time?

The Senator from New Jersey.

AMENDMENT NO. 839

Mr. LAUTENBERG. Mr. President, I call up amendment No. 839. I offer this amendment to this bill to protect the integrity of government science and research on global climate change. The amendment is cosponsored by Senators REID of Nevada, LIEBERMAN, JEFFORDS, and CORZINE.

We hear a lot of rhetoric these days by those who challenge climate change and the science that they supposedly use to back up their arguments. But the problem is that much of what they present is not science but, rather, fiction. And what we want to talk about tonight, as has been said many times, is the facts, just the facts, please.

When I see what is being presented to us, I want to show this placard. It is called "the Cooney Triangle." It is an alliance between the American Petroleum Institute, the White House, and ExxonMobil. Cooney used to be a lobbyist for the American Petroleum Institute. Put simply, his job at the White House was to cast doubt on the scientific evidence that our climate is changing.

In 2001, Mr. Cooney went to work at the White House's Council on Environmental Quality. His mission at CEQ included editing reports by government scientists on global warming. And he tried to muddy the waters by interjecting uncertainty where, in fact, there is consensus.

About 2 weeks ago, Mr. Cooney left the White House to go to work for ExxonMobil, the most outspoken of all the oil companies in its rejection of the scientific evidence that global warming is occurring. I call this unholy alliance between API, the White House, and ExxonMobil the Cooney triangle.

What happens in the Cooney triangle is threatening our country. Bouncing from industry to government, back into industry—that is not new in Washington. We have had a revolving door policy for a long time. What is unprecedented is that industry lobbyists, such as Mr. Cooney, are no longer asked just to try to influence policy. Now they are given free rein to tamper with and distort the findings of professional scientists, including the National Academy of Sciences.

How it works is displayed in an article in the New York Times printed on June 8, 2005. It provides a graphic example of strikeouts and changes in the wording of a report. While working at the White House, Mr. Cooney, who is not a scientist, edited out entire sections of U.S. reports on climate change. He didn't just alter the words, he altered the meaning of what government scientists had written. An example is included, obviously, in these revisions.

Mr. Cooney deleted an entire paragraph, taking out a description of global warming impacts widely accepted by scientists, calling it "speculative findings," "amusing," to use his quotes.

In the next example, he adds a made-up sentence about the need for research to reduce the significant remaining uncertainties associated with human-induced climate change.

Contrast that heavy-handed editing with what scientists are saying about global warming. In January, Oxford University led a number of world-renowned universities in the largest climate change experiment ever conducted. The researchers found that the threat of global warming appears to be worse than previously thought and that the Earth is warming at twice the rate previously understood.

There is a statement here from the National Academy of Sciences issued just 2 weeks ago. They say:

> The U.S. National Academy of Sciences joined 10 other national science academies today in calling on world leaders, particularly those of the G8 countries meeting the next month in Scotland, to acknowledge that the threat of climate change is clear and increasing, to address its causes, and to prepare for its consequences.

The date is June 7, 2005, not a month ago, put out by the National Academy of Sciences, a fairly respected group.

When taxpayers pay for objective scientific studies, they don't want the findings altered. We expect scientists to go where the facts lead them, not to follow predetermined ideologies. Yet the administration has an alarming tendency to disregard or even distort scientific research. We have seen it in these reports. Nowhere is this more evident than when it comes to global warming.

The front-page headline in USA Today last week said it all: "The Debate is Over. The Globe is Warming."

Our planet is warming up. It is being documented by scientists. But instead of addressing the real problem, the administration wants to edit the problem away by tinkering with scientific reports.

My amendment would help protect government reports on global warming and climate change from being altered for any reason, political reasons in particular.

Under my amendment, if a government report about climate change is altered by the White House, then a draft of the preedited version has to be made available at the same time that the final report is released. This way people can determine for themselves whether the scientific evidence about global warming is being ignored or disregarded by the administration. The amendment also extends whistleblower protection for government scientists. It is too bad they have to have that, but we want to be sure that they are free to speak up. It is time to make sure everybody knows about this war on science, especially when it comes to global warming.

The bottom line is that the oil industry lobbyists should not be rewriting scientific conclusions. My amendment will discourage such tampering in the future.

In a national survey last year, two-thirds of the Americans surveyed said government science should be insulated from politics. Nobel laureates, former Federal agency directors, and university presidents have all called for legislative action to restore scientific integrity to Federal policymaking. It is time to smash the Cooney triangle. It is time to demand greater transparency, a hallmark of democracy, on all scientific reports on our planet's climate.

As Russell Train, who served as EPA Administrator under Presidents Nixon and Ford, put it, the "interest of the American people lies in having full disclosure of the facts."

Under my amendment, if the administration wants to fly in the face of peer-reviewed science, it can still do it. But when the administration publishes a bogus report on global warming, my amendment will make it easier for the American people to separate science from fiction.

Mr. President, it is fairly obvious, by all kinds of physical evidence, that there is a warming taking place. If we see what happens in Antarctica or in the Arctic, and we see places changing their character, going from glacially covered ice mountains into pools and areas bare of any evidence of winter—the facts are there. They cannot be refuted. Yes, they can be altered. But we just want to know when the facts are changed. When the information is distorted in any way, we say, OK, you want to change them, but let the public know what the change is you are making.

I yield the floor, and I ask, how much time is left?

The PRESIDING OFFICER. The Senator from New Jersey has 5 minutes 9 seconds remaining.

Mr. LAUTENBERG. I thank the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico.

Mr. DOMENICI. As I understand it—did the Senator use all his time?

The PRESIDING OFFICER. The Senator has 5 minutes 9 seconds remaining.

Mr. DOMENICI. I ask the Senator from New Jersey, would he be disposed to yielding back his time if this Senator would yield all of my time now?

Mr. LAUTENBERG. If the Senator from New Mexico would want to yield time, I am happy to yield the remaining time that I have.

Mr. DOMENICI. I yield back whatever time we have on our side. I ask the question so I understand carefully. The Senator did not ask for any consent that we take any action. He just delivered a speech. I didn't miss anything by way of a request, did I?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I yield back my time.

Mr. LAUTENBERG. We yield back our time.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 961

Mr. HARKIN. Mr. President, I understand there is a parliamentary situation that I have 1 minute, and I guess Senator ALEXANDER has 1 minute on the Alexander-Warner amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, I just ask one question. Why single out wind power? I ask my friends from Tennessee and Virginia, why not apply it to coal, coal-fired plants? Why not apply it to oil or gas? Maybe some people don't like seeing a smokestack out there on the horizon. Maybe people don't like to see the cooling towers of nuclear plants. Why not apply it to everything?

It seems to me some people are ready to drill in a wildlife area but not put a windmill within 20 miles. Why not apply it to transmission lines? We see big power transmission lines going across scenic areas, marring the views or vistas. Why not apply it to transmission lines?

Clearly, this amendment is aimed at wind power. I don't know why, but it is. I just say to restrict the development of the largest nonhydro renewable resource takes us in the wrong direction. So I ask my colleagues to please oppose the Alexander-Warner amendment and get on with building the windmills in Iowa, South Dakota, North Dakota, Minnesota, and all of the places that will give us clean renewable energy.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. The answer to the Senator is the reason we are doing this is that he is advocating a national windmill policy instead of a national energy policy, which has spent billions on windmills. We ought not subsidize the destruction of our national treasures, such as the Grand Canyon, the Great Smokies, and we ought to tell people first.

This bill doesn't prohibit the building of any wind project, affect anything already going on, or give FERC any new authority. The reason Senators ALEXANDER, WARNER, LANDRIEU, MCCAIN, ALLEN, VOINOVICH, BROWNBACK, BURR, and BUNNING all support it is because it says and the National Parks Conservation Association says no subsidies to destroy our views of our national treasures and more local controls.

Please vote yes.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "nay."

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Minnesota (Mr. DAYTON), the Senator from North Dakota (Mr. DORGAN), and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 63, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—32

Alexander
Allen
Brownback
Bunning
Burns
Burr
Cochran
Cornyn
DeMint
DeWine
Domenici
Ensign
Frist
Graham
Gregg
Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Santorum
Sessions
Specter
Stevens
Sununu
Talent
Vitter
Voinovich
Warner

NAYS—63

Akaka
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Collins
Corzine
Craig
Crapo
Dodd
Dole
Durbin
Enzi
Feingold
Feinstein
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sarbanes
Schumer
Shelby
Smith
Snowe
Stabenow
Thomas
Thune
Wyden

NOT VOTING—5

Coleman
Conrad
Dayton
Dorgan
Jeffords

The amendment (No. 961) was rejected.

Mr. CRAIG. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 844

The PRESIDING OFFICER. The question is on the amendment by the Senator from Massachusetts, Mr. KERRY.

The Senator from New Mexico.

Mr. DOMENICI. I yield to the majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, for the information of our colleagues, the next vote will be the last vote of tonight. In fact, the next vote will be the last vote before the cloture vote tomorrow morning. The Democratic leader and I have not talked specifically about times, but we probably will come back in at 9 o'clock tomorrow morning and have the cloture vote at 10 o'clock.

As all of you know, the postcloture amendments will be germane amendments. Right now, the Parliamentarian is going through about 170 amendments to see what is germane and what is not. We make a request to our colleagues to talk to the managers tonight or very early on tomorrow about which amendments you feel strongly about offering.

People have asked about the schedule. We have really all day tomorrow. We could go into Friday on the bill, but if people really focus on it tonight and in the morning, we have a good shot at completing this bill tomorrow afternoon or tomorrow evening. Again, it is going to take everybody coming together and sorting through the amendments.

But this will be the last vote tonight, and the next vote will be the cloture vote at 10 o'clock tomorrow morning.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Minnesota, (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "nay".

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Minnesota (Mr. DAYTON), the Senator from North Dakota (Mr. DORGAN), and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 49, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Corzine
Dodd
Durbin
Feingold
Feinstein
Gregg
Harkin
Inouye
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Smith
Snowe
Stabenow
Wyden

NAYS—49

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
Martinez
McConnell
Murkowski
Pryor
Roberts
Santorum
Sessions
Shelby
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—5

Coleman
Conrad
Dayton
Dorgan
Jeffords

The amendment (No. 844) was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I ask the Chair to advise the Chamber as to the pending business.

The PRESIDING OFFICER. The pending amendment is amendment No. 811, offered by the Senator from New York, Mr. SCHUMER.

Mr. WARNER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Virginia will state it.

Mr. WARNER. Mr. President, it is my understanding that there was a unanimous consent put into order that following the votes, the Senator from Virginia would be recognized for a period of time, together with the Senator from Tennessee, the Senator from Florida, and the Senator from New Jersey, for the purpose of an amendment, which I understood was in order.

The PRESIDING OFFICER. The Senator has the right to proceed at this time.

Mr. WARNER. Is that under the unanimous consent, or is it that I just got the floor?

The PRESIDING OFFICER. Under the agreement.

Mr. WARNER. It is my understanding that the Presiding Officer stated incorrectly with regard to the Senator from New York; is that correct?

The PRESIDING OFFICER. The amendment of the Senator from New York is the pending business. But there is a unanimous consent order to allow the Senator from Virginia to go forth at this point.

Mr. WARNER. All right. I further inquire, is it appropriate for the Senator from Virginia to ask unanimous consent that the pending amendment be set aside so that I can proceed.

The PRESIDING OFFICER. The Chair notes that is not necessary at this point.

AMENDMENT NO. 972,

Mr. WARNER. I thank the Chair. This is somewhat unusual. We will proceed as directed by the Chair.

Mr. President, I first ask that the amendment at the desk be modified.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON of Florida. Reserving the right to object, if the distinguished Senator from Virginia would please inform the Senate what is the modification.

Mr. WARNER. Mr. President, I modified it in such a way as to comport with the UC, whereby after I present the amendment, it can be withdrawn. That is the essence of it.

Mr. NELSON of Florida. I thank the Senator.

(The amendment No. 972 is printed in today's RECORD under "Text of amendments.")

Mr. WARNER. As I understand it, the Senator from Virginia has 5 minutes, the Senator from Tennessee has 5 minutes, and my colleagues in opposition have 5 minutes each.

First, I thank my colleagues for allowing me to proceed. There is a very strong opposition on both sides of the aisle to this amendment. I say to my colleagues that this amendment is important to have as part of the legislative history of this Energy bill—a bill that America has been waiting for for a very long period of time. Had I pressed on with certain parliamentary maneuvers, it could well have resulted in a filibuster. I have been here 27 years, and I think I have some understanding as to how to count votes and what is in the best interest of this Chamber. I did not want to precipitate that kind of parliamentary situation, particularly after the hard work of Senators DOMENICI and BINGAMAN and the leadership on both sides. But it is important.

It is important that this amendment reflect that there is a need in America to recognize that the potential for the offshore energy, be it gas or oil, is enormous, and that we as a nation must conscientiously put politics to one side and look at this, in the event that the energy crisis gets any worse for this country. We have no other recourse of any significant energy other than to go offshore. The distinguished Senator from Louisiana, in the course of this bill, will put on an amendment which recognizes, I think quite properly, that the States which have permitted offshore drilling and which are now producing essential energy for the U.S. be given a share of the revenue. It has my strongest support.

This amendment provides for the future, if other States so desire, to permit offshore drilling. They also can participate in the distribution of the proceeds from the oil and gas. It is entirely discretionary with the States. This amendment is designed to force no burden on any other State. If a State wishes to take those risks associated with drilling and the citizens accept that, and the legislatures accept it, then they should be entitled to the proceeds, or a portion of them.

In my State—and I am proud of it—the general assembly, this year, passed legislation urging that our State, through its Governor, begin to explore the possibility of acquiring the offshore drilling rights and revenues. The Governor, for reasons that he explained—and I do not say this by way of criticism—vetoed that. But I felt it important for the Senator from Virginia to stand and advise the Senate of the necessity to put in legislation to allow those States the option of deciding for themselves to do offshore drilling.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I yield 5 minutes to my distinguished colleague from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Virginia. I am glad we have had this opportunity to discuss this issue tonight. I believe, if we had an opportunity to come to a vote, we would likely have a majority vote, more than 50 votes for the idea of giving more individual States the right to drill for natural gas offshore, the same right that four States already have.

Why would we do that? It is because the single most important thing that this Energy bill, which is a superb bill as it has been developed, can do for the American people is to lower the price of natural gas.

We talk a lot about gasoline at the pump, but by far the bigger problem for millions of American blue-collar workers, for millions of American farmers, and for millions of American homeowners is the high price of natural gas. To lower the price of natural gas, we have a number of provisions in our legislation.

One is conservation. We have very strong conservation. One is make electricity in new and different ways. We would like to encourage nuclear power, but new reactors are a few years away. We would like to encourage coal gasification and carbon sequestration, but that is a few more years away. We would like to bring in more natural gas from overseas, but that leads us down the same road on natural gas as on oil.

Part of our solution is to increase our supply at home, and we have a lot of it. But here is the price. If we think American jobs are going to stay in the United States when the price is $7 and headed up, when the price in Canada is $5.50, in the United Kingdom it is $5.15, and in Turkey it is $2.65, we are kidding ourselves. We are saying let's don't look for natural gas at home.

The Senators from Florida do not want natural gas from Florida, and neither do I, if they don't. And the Senators from North Carolina do not want it off the coast of North Carolina, and neither do I, if the Senators and the people of North Carolina don't. But what we have suggested in the amendments I have proposed, with Senator TIM JOHNSON in the national gas price reduction bill, and it would be before this legislation, and what the Senator from Virginia has said, is let them do it.

That would mean the Governor of Virginia could put a gas rig more than 20 miles out to sea. One gas rig would equal 46 square miles of these windmills that everybody seems to love. One gas rig, that you could not see, out to sea would bring you enough revenue to create in Virginia a terrific reserve fund for the university system and to lower the taxes, and it would bring to us in the United States a supply of gas to lower the price of natural gas so the workers at Tennessee Eastman can work in Kingsport, instead of flying to Germany to go to work, which is what they will have to do, and the farmers will not have to be taking a pay cut, and the homeowners can afford to pay their bills.

So we need to have, as part of our solution, an increased supply of natural gas. I believe there are 51 votes in this Chamber for that. We cannot get to a vote tonight, but I think we have made great progress. A year ago, we could not even get this body to agree to take an inventory of the natural gas we have offshore, and we have lots of it. This year we passed that inventory. A year ago, nobody would even speak about the idea of giving a State, such as Virginia or South Carolina or North Carolina, the option of deciding for itself that out on the water, where it cannot be seen, it bring in this resource and use it instead of raising taxes. I think that is an option a lot of Governors and legislatures are going to want.

We are contributing to the debate and moving in the right direction. Florida may want to not do it, but I predict there will be a day in Florida, 5 or 10 years from now, when somebody is going to say: We are going to have to have a State income tax. And somebody else will say: Well, maybe we can go 50 miles offshore, where nobody can see gas rigs, and drill for gas and avoid a State income tax and also contribute to the supply of natural gas in a way that would keep jobs in America, lower the cost for farmers, lower the cost for the auto companies, and lower the cost for homeowners.

Lowering the price of natural gas is the single most important thing this energy legislation can do right now for the American blue-collar worker, American homeowner, and American farmer. Having some new supplies of natural gas is a part of the solution, and giving States the option would be a good way to do it, in my opinion.

Mr. President, I ask unanimous consent to print in the RECORD a listing of companies and associations supporting expanded offshore development.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPANIES & ASSOCIATIONS SUPPORTING EXPANDED OFFSHORE DEVELOPMENT

Abitibi-Consolidated, Inc.; AFG Industries; Air Liquide; Air Products & Chemical Inc.; Albemarle; Alliance for the Responsible Use of Chlorine Chemistry (ARCC); American Chemistry Council (ACC); American Council for an Energy Efficient Economy (ACEEE); American Farm Bureau (AFB); American Fiber Manufacturers Association (AFMA); American Forest and Paper Association (AF&PA); American Gas Association (AGA); American Petroleum Institute (API); American Public Gas Association (APGA); Arkema, Inc.; Ashland Inc.; Associated Builders & Contractors (ABC); Association of American Railroads (AAR); BASF Corp.; Bayer Corporation; C. Brewer Co.; Cal-Mold, Inc.; Carpet & Rug Institute (CRI); Celanese; CF Industries; Chemical Council of New Jersey; Chemical Industry Committee, Tennessee Chamber of Commerce & Industry; Chemical Industry Council of Illinois; Chlorine Chemistry Council (CCC); Ciba Specialty Chemicals; Cinergy; Consumers Alliance for Affordable Natural Gas (CAANG); Council of Industrial Boiler Operators (CIBO); Crompton Corp.; Degussa; Delta Pacific Products, Inc.; DJNypro; Domestic Petroleum Council; Dow Chemical; Dow Corning Corp.; DuPont.

Dynisco; Eastman Chemical Company; The Energy Council; FMC Corporation; Forest Products Industry National Labor Management Committee; Georgia-Pacific Corporation; Guardian Industries Corporation; Hercules Incorporated; High Sierra Plastics; IGCC Coalition; Illinois Tool Works; INCOE Corporation; Independent Petroleum Association of America (IPAA); Industrial Energy Consumers of America (IECA); International Paper Company; Itech; Jatco, Inc.; Key Packaging; Longview Fibre Company; Louisiana-Pacific Corporation; Lyondell; Massachusetts Chemistry & Technology Alliance; MeadWestvaco Corporation; Merisol USA; Mid South Extrusion; Milacron Inc.; Mill Hall Clay Products, Inc.; National Association of Manufacturers (NAM); National Association of Regulatory Utility Commissioners (NARUC); National Corn Growers Association (NCGA); National Council of Farmer Cooperatives (NCFC); National Lieutenant Governors Association (NLGA); National Petrochemical & Refiners Association (NPRA); Natural Gas Council; New Mexico Oil & Gas Association; NOVA Chemicals, Inc.; Ohio Chemistry Technology Council.

Old Virginia Brick, Inc.; Pelican Products, Inc.; Pennsylvania Chemical Industry Council; PPG Industries; Praxair; Precise Technology; Pro Systems, LLC; Rayonier, Inc.; Rohm and Haas Company; 60 Plus Association; Setco, Inc.; Smurfit Stone Container Corporation; Society of the Plastics Industry; Solar Energy Industries Association (SEIA); Solutia; Southern Legislative Conference (SLC); Southern States Energy Board (SSEB); Spartech Corporation; Stora Enso North America; Styrotek Inc.; Temple-Inland Inc; Texas Chemical Council; Ticona; Tomah Products, Inc.; Trex Company; Tyco; United Southern; United States Combined Heat & Power Association (USCHPA); United States Conference of Mayors (USCM); Universal Dynamics; Versatech Inc.; Virginia Chemistry Council; Waverly Plastics; Wexco Corporation; Weyerhaeuser Company; and Xaloy Incorporated.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I would like to respond to the two distinguished Senators, for whom not only do I have a great deal of personal respect but personal affection, especially as my chairman of the Senate Armed Services Committee knows of my personal feelings about him.

I just want to point out where there is a flaw in the reasoning here for the States that have concerns that do not want the drilling off of their coast.

I can give again the arguments I have made ad infinitum on the floor of the Senate of why Florida does not want to do this. In the first place, the geology shows there is not very much oil and gas off Florida. They have had all kinds of dry holes over the last half century. But in everything in life, there are questions of tradeoffs, and is it worth the tradeoff that we would despoil a $50-billion-a-year tourism industry that depends on pristine beaches, not even to speak of the delicate coastline of the environment, such as the Ten Thousand Islands, with the mangroves, the Big Bend area of Florida. I could go on and on.

Clearly, as the chairman of the Senate Armed Services Committee knows, we have a unique national resource off our coast called "restricted airspace," where we train our military pilots and where a lot of the training, with the shutdown of Vieques in Puerto Rico, is integrated with surface ships, and at the same time there would be oil rigs down there. That is not what I want to speak to. I want to speak to what the two Senators have said.

It seems, with all of this area in yellow that is under moratorium, it would be harmless off a State until you get to the specific language of the amendment which talks about the establishment of seaward lateral boundaries for coastal States to be set by the Department of Interior according to a guideline set by a Law of the Sea Treaty which was never ratified by the United States.

I want to give an example of what that line would be off the gulf coast of Florida. Here is Texas, Louisiana, Mississippi, Alabama, and here is the Alabama-Florida line on a latitude. But under that Law of the Sea Treaty that was never ratified by the U.S. Government, where would that line go for the State of Louisiana? It would come out here off the coast of Florida. That is what we are trying to protect against.

That is a major flaw of this amendment. This is what we have in Florida. I have not been able to get an updated photograph, but that is a photograph from Alaska.

There is a similar photograph that has not been processed in the photography room of what has just happened off the coast of Louisiana. That could happen right there to what is so precious in our State of Florida.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I rise to speak in opposition as well. I again join with my colleague from Florida. I wish to speak again to a position that seems to continue to come up in this bill. Let me say, first, that I do respect the wishes of the Senator from Virginia about what they might do in the State of Virginia. I wish there were a simple way that we could simply say: Fine, drill in Virginia if you will, but do not do so in Florida. There just has not been a mechanism that has been devised, as my senior colleague, the Senator from Florida, has just pointed out, that would allow us to draw these seaward boundary lines in a way that would also protect the State of Florida. Particularly, I am talking about the area in the northwest part of our State around the area of Pensacola.

There is no question that the drilling that we discussed as such a benign event in fact is not because in this particular bill, part of the effort is going to be to allow the State of Louisiana and other coastal States, about five of them that are currently drilling, to benefit more fully in the royalties from the product that is being drawn from their coast. The fact is that they need that money to correct the environmental damage to their coastline. That is the slippery slope down which we in Florida do not want to go.

If this were totally benign, the people of Louisiana would not today be clamoring for assistance to rebuild their coast from all the damage and the trafficking and all of the things that go on with coastal offshore production.

In addition to that, I know the Senator from Tennessee speaks passionately about this issue, and I also give great deference to his judgment as someone who has served in many distinguished roles, particularly as Governor of his own State, and I understand that he did a terrific thing, which is bring in industry to that State that today may be threatened by the high price of natural gas. But let me also say that we know Florida. The senior Senator from Florida and I know Florida just as well as the Senator from Tennessee knows Tennessee. I do not think there will be a time when the State of Florida is going to be willing to accept an income tax or the State of Florida is going to be in the need of drilling off its coast in order to supplement the income of our universities. Always there is more money available. There are more ways to spend it.

The fact is, this is not an economic calculus that the State of Florida can make because we are too dependent on tourism. We are so dependent on our visitors. We are so dependent and so proud of the military presence on our coastline that desperately needs this area to conduct their training missions. This is one of the few areas in the world where the U.S. Armed Forces can train in joint operations on sea, land, and air all at the same time. That is because of the great expanse they have, this reserved airspace and the land adjacent to it.

So if there were an easy way that we could accommodate and allow for coastal drilling in the State of Virginia while at the same time in no way tampering with Florida, that would be just fine. The language in this bill simply does not do that. What it does is open a door for the northwest coast of Florida to be threatened with coastal drilling.

I see the Senator from New Jersey is about to speak. I thank him for his participation with us in our endeavors to keep our coastlines clear of drilling. I know the Senator shares many of the same sentiments where so many of the people of his State are committed to keeping those coastlines free of drilling so that tourists can continue to come and enjoy the beaches of New Jersey as they do the beaches of Florida.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, I rise to speak against this amendment and the direction this amendment would take. I will try to give my reasons, but I very much respect and admire the courtesy the distinguished Senator from Virginia and others have provided so that we could have this debate. I believe it is truly one of those fundamental debates that we need to have with regard to both energy independence and how we look holistically at our economies and how our people will be able to continue to maintain their way of life, their quality of life, in its broadest context. This really gets at the heart of that matter as it relates to the people of New Jersey.

I actually believe, for folks up and down our coastlines and a lot of different areas, I could go through the 127 miles of coastline, the $31 billion of GNP we have in the State, the 800,000 jobs in the tourism industry. That is very focused in the State of New Jersey. But the reality is that we have made other choices with regard to energy independence that I think and many think could attack that need that the distinguished Senator from Virginia so ably talked about, that we need to protect America's role and its ability to have that independence.

We have said we do not think changing mileage standards, we do not think developing even stronger efficiency standards, is the way we are going to go because we have cost-benefit tradeoffs. Now, I do not agree with those cost-benefit tradeoffs, but they were implied in the decisions we have taken in writing this bill.

Those of us who are so dependent, as I tried to outline and my distinguished colleagues from Florida talked about in their economy, many of us are very dependent in our own economy on the kinds of things that could be threatened with regard to the kind of action we take. We had to make some tradeoffs. We made judgments and some choices about whether it was better to put at risk something that is incredibly important not only for the economy but the environment and the quality of life of the people who live in these communities, or do we say that we will protect those and take other choices that will produce the energy independence that we have? From our perspective in New Jersey, I believe this is a bad cost-benefit analysis. I can understand how someone can make that argument, but to those 836,000 folks dependent on the tourism industry, I cannot make that argument.

There is another argument being made about States rights. That is probably too simple a way, but leave it to the legislature of one State or another. I look at these planning areas—and I do not know much about oceanography and how the tides move and the sea moves, but there is a reason that we have planning areas, the mid-Atlantic, the South Atlantic, and we did not do it by States because water does not know borders.

The fisheries that are involved in those planning areas—it is not just Virginia or New Jersey that is impacted by a decision that is taken. If there is an oilspill or if some of the fisheries are destroyed because of the seismic explosions that test the capacity for oil and gas in these areas, it has impact beyond simple borders. This is something that needs to be considered not just from a State point of view, but we need to do this in a cooperative fashion. So I think there is a cost-benefit problem. How do we define borders and boundaries and oceans?

Finally, it strikes me that we are not focused on some of the things that would allow us to deal with our energy independence, which is absolutely essential. I do not understand why we think this is the trade we need to make versus other trades when there is so much at stake for so many with regard to these coastal economies.

I thank the Senator from Virginia for bringing this debate to the Senate floor. It is a healthy one, and I look forward to working with him in the future, hopefully in a positive way, on our energy dependence.

Mr. WARNER. How much time remains on my side?

The PRESIDING OFFICER. The Senator from Virginia has 1 minute 37 seconds.

Mr. WARNER. The opposition?

The PRESIDING OFFICER. Senator NELSON has 25 seconds, and Senator MARTINEZ, 1 minute 14 seconds.

Mr. WARNER. Mr. President, I wind up the presentation by saying—and I regret to predict this—I see nothing but danger signs with regard to the worldwide energy consumption and the predicament the United States of America faces, particularly with the growing consumption of energy by China and India and other nations. It will impact here at home.

To my colleagues in Florida, show us how to fix our bill to protect your State fully. It can be done. That is what we do all the time, craft legislation. How do you explain how four States have already been doing this for many years—Mississippi, Louisiana, and those four States offshore—without any great disaster.

I predict the Halls of this Chamber will reverberate with the debate—maybe next year or the year after—and this subject will be brought back again when a solid realization will come to this Senate we have no place to go as a nation to protect ourselves and our energy needs but offshore.

I am delighted tonight I forced the opportunity, together with my colleagues, to show in this bill there are those in this Senate who are seriously concerned about the future and believe we must start now to do the planning for offshore. If this crisis hits, we cannot go 6 months or a year and suddenly tap those sources. We have to go through a legislative process in our States and the Federal Government. It will take 4 to 5 to 6 years before we could begin to draw the first bit of energy offshore.

I thank my colleague for the opportunity for this very limited right of a Senator to make his case. Unfortunately, we will not have a vote to determine how many other colleagues feel as we do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, could I ask the Senator from Virginia to yield a moment of his time?

Mr. WARNER. I regret to say to my colleagues I don't think we have a second. If the Senator would ask unanimous consent, I would strongly support it.

Ms. LANDRIEU. I ask unanimous consent for a moment.

Mr. WARNER. Mr. President, I ask unanimous consent 2 minutes be given to our distinguished colleague from Louisiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. I thank my colleague from Virginia. This has been a very good debate. I understand the feelings of the Senators from Florida and New Jersey. They have very strong feelings they have expressed, and some ideas have been laid out to consider.

I understand this amendment will probably not be voted on, but I compliment the Senator from Virginia for his foresight and understanding that we have to increase the supply of gas, particularly oil and gas in this Nation.

All of the conservation measures are in this bill and all those we could add when it goes to conference are not going to add up to enough conservation to get us out of the bind we are in.

While we want to be sensitive to the individual States, we also have an obligation to the Nation. The Senator from Virginia has raised that issue.

He is correct. We will be back sometime next year or the following year debating this issue and trying to come up with some way we can open up opportunities where we can, and maybe perhaps keep them closed in other places. Pretending this will go away, pretending the prices will come down, is jeopardizing the economic vitality of our Nation. Regardless of the position of Mississippi or Louisiana, the national issue demands we come up with solutions.

I thank the Senator from Virginia for his foresight and his comments in this regard.

Mr. WARNER. I thank the distinguished Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, in the remaining time I have, I respond to my dear personal friend and my chairman, the senior Senator from Virginia, to say in approaching your question, how do you perfect this for the future? You eliminate the part of your bill regarding the establishment of seaward lateral boundaries for coastal States.

In all of this area in yellow off the gulf coast of Florida that is under moratorium, that seaward lateral boundary would cause that line to come off the coast of Florida. That is what the Senator from New Jersey is concerned about. That, then, establishes drilling off of one State that clearly starts to impinge on the rights of another State for which we have tried to articulate the reasons why that is so important to us and to our people and the States we represent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. I simply echo Senator NELSON's comments. It is terribly important, and I think the Senator from Virginia makes a good point. We should work at this. I am happy to sit down and start to work at it.

The Senator from Louisiana and I and the committee sat down with the chairman under his guidance and attempted to draw lines. We made a lot of progress. We could not come up with a formula that seemed to work, but one has got to work. Even if it is a combination of continuing moratoria as well as boundary lines that are drawn, we should be able to do that to accommodate all that is sought to be done here.

Also, the point needs to be made that, as dire as the circumstances of energy are, and I recognize China and India are tremendous consumers of energy that will surpass our own demands for energy in the years to come, it is incumbent upon us to put the great genius of America at work so we can develop alternative sources of fuel, that our dependence on fossil fuels has to be changed.

I commend the chairman for moving in that direction in this bill, which is why I am so excited about this Energy bill. In addition to conservation measures, it also moves us into alternative fuels. It does a great deal to encourage the production and purchase of hybrid vehicles, and in combination with tax incentives that will come from the Finance Committee it makes a very strong energy policy for our Nation. While not perfect, it is a great step in the right direction.

I appreciate all of the courtesies and the fact that we will not be voting on this tonight since we have not worked out those boundary lines in a way that affects the people of Florida. I thank the Senator from Virginia for his courtesy and invite the opportunity to work with the Senator to see if it is feasible to see if we can draw the lines to satisfy the needs of Virginia and Florida.

AMENDMENT NO. 972 WITHDRAWN

Mr. WARNER. I believe under the unanimous consent it is in order for the Senator from Virginia to seek unanimous consent to have this amendment withdrawn. I will do that momentarily.

I simply say to my colleagues, there is a way to fix this legislation and there is a way, also, to fix it in such a manner that we could restrict such offshore exploration to gas alone. Right now the permit process requires oil and gas, but Congress can fix that.

Gas alone would wipe out most of your arguments with regard to the environment. That should be taken into consideration because you have shared with me the risk to our national security, much less our economy, from this impending energy crisis.

I ask unanimous consent this amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

RING FENCING

Mr. FEINGOLD. Mr. President, The Senator from Kansas and I would like to engage in a colloquy with Chairman DOMENICI and Ranking Member BINGAMAN about an issue that we're concerned could adversely affect electricity consumers and small businesses.

Mr. DOMENICI. I understand the Senators from Wisconsin and from Kansas have concerns about the potential for regulated utilities to cross-subsidize the business ventures of some of their affiliate companies.

Mr. BROWNBACK. Yes. Several small business groups have brought to our attention concerns they have about their ability to compete with energy service companies that are separate from, but affiliated with, regulated utilities. These small business groups are concerned about utility ratepayers subsidizing these competitive businesses. Because of these concerns, I have cosponsored an amendment with Senator FEINGOLD to give the Federal Energy Regulatory Commission authority to require greater structural and financial separation of utility companies and their affiliates and to prevent anticompetitive abuses which are especially harmful to America's small businesses.

Mr. FEINGOLD. In addition to consumers and small businesses, we have heard from a diverse array of financial companies and credit agencies that are deeply concerned about this issue. From 2001–2003, financial ratings agencies issued over 180 bond downgrades—overwhelmingly as a result of poor performance by nonutility investments. All too often, utilities have succumbed to temptation and have relied on the more stable, regulated utilities within the company to shore up balance sheets and offset risky nonutility investments, while customers, ratepayers and investors pay the bill. We all agree that we cannot let Enron-style abuses we keep hearing about from consumers, small businesses, and financial companies continue.

The Feingold-Brownback amendment adds a new section to the Federal Power Act to give FERC new power to regulate transactions between public utility companies and their affiliate and associate companies. The amendment also requires FERC to issue regulations that require affiliate, associate, and subsidiary companies to be independent, separate, and distinct entities from public utilities; maintain separate books and records; structure their governance in a manner that would prevent creditors from having recourse against the assets of public utilities; and prohibit cross-subsidizing, or shifting costs from affiliate, associate, or subsidiary companies to the public utilities.

Mr. BINGAMAN. As the Senator from Wisconsin knows, I see ring fencing as an important issue and think that we should push FERC to protect small businesses and consumers from these abusive practices. The underlying bill, however, contains strong new authority for the Federal Energy Regulatory Commission to oversee mergers of public utilities. Congress directs FERC to use this new authority to assure that mergers are conducted appropriately and that consumers are protected from Enron-style abuses. We also direct FERC to use its existing authority to ensure Enron-style abuses do not happen again. The antimarket manipulation language also works toward this goal.

Mr. FEINGOLD. I am pleased that language in the underlying amendment includes more merger oversight authority for FERC, it includes anti-market manipulation language, and it allows FERC to look at the books. My concern is that if there are not standards about keeping the entities separate, FERC's authority will not be enough to prevent abuses. I am also concerned that State commissions, public service commissions, and others are not able to take care of these kinds of problems because they often do not have the authority to regulate these multi-State entities. That's why small businesses and consumers need increased Federal protection, especially given that this bill repeals the Public Utility Holding Company Act.

Mr. DOMENICI. Let me assure the Senators from Wisconsin and Kansas that I appreciate their concerns, and I agree that utility customers should not be forced to unfairly bear the costs of business ventures by unregulated companies affiliated with their local utility. Neither should competition be undermined by unfair competition caused by shifting costs from an unregulated utility-owned business to the public utility. We can agree to disagree on whether FERC needs new authority or simply needs to exercise its existing authority. I anticipate that FERC will use its existing and new authority to address the problems described by small businesses and financial groups, but I agree that if there are problem areas, we should take a look at them.

Mr. BROWNBACK. The amendment is simply intended to ensure a level playing field between small businesses and utility affiliates, to protect ratepayers, and the financial integrity of utilities, and to preserve fair competition.

Mr. DOMENICI. I commit to the Senators from Wisconsin and Kansas that I will work with them through conference to ensure that the final version of this bill does not undermine consumer protections or the financial integrity of utilities, or harm America's small businesses by undermining competition. I will also work with them to hold a hearing in the committee about transactions by holding companies and affiliate businesses of public utility companies. Finally, I suggest a General Accounting Office report on affiliate transactions by holding companies and affiliate businesses of public utility companies, as such a report could be a useful resource for us in the future.

Mr. BINGAMAN. I commit to the Senators from Wisconsin and Kansas that I will work on this important issue in conference and ensure that the Energy Committee holds a hearing on this important consumer protection, fair competition, and financial integrity issue. In addition, I agree to request, jointly with the Senators from Wisconsin and Kansas, a GAO investigation into the potential for abusive affiliate transactions by holding companies and affiliate businesses of public utility companies.

Mr. BROWNBACK. I appreciate the chairman and ranking member's commitment and look forward to working with them.

Mr. FEINGOLD. Yes, we thank you and look forward to working with the committee on this common-sense proposal.

Mr. SPECTER. Mr. President, I have sought recognition to address the issue of climate change and the various proposals that have been debated this week on the energy bill including the

McCain-Lieberman amendment, the Hagel amendment, and the Bingaman-Specter amendment. Climate change is a matter of great international importance and I believe any successful plan to address it must balance environmental protection with the need for economic development and jobs.

I have voted many times for environmental protection for renewable energy and conservation measures. Most recently, on this Energy bill I voted for the Bingaman amendment to mandate that 10 percent of U.S. electricity production be from renewable sources by 2020. I also supported the Cantwell amendment to reduce U.S. oil consumption by over 7 million barrels per day by 2025, in addition to the 1 million barrel per day reduction by 2015 already incorporated into the Energy bill which I have advanced since 2002.

On climate change specifically, the most recent vote of significance prior to the current debate was on October 30, 2003, when the Senate voted on the McCain-Lieberman bill, S. 139, the Climate Stewardship Act, which failed by a vote of 43 to 55. The Senate again today rejected a similar amendment to the Energy bill by a vote of 38 to 60. I voted against this amendment and the previous bill because it is very difficult to meet the strict emissions limit of the year 2000 by the year 2010 in times of unpredictable national and State economies. Additionally, it is very difficult to limit industry in the United States when we do not have a plan for the rest of the world in curbing greenhouse gas emissions. I have urged the President to work through international means to address global climate change and support his efforts and those of individual companies to voluntarily curb domestic emissions, but stronger action will have to be taken in the future on a multilateral basis.

I have been encouraged by the recent efforts of Senator BINGAMAN, the ranking Democrat on the Senate Energy and Natural Resources Committee, to bring to the Senate a proposal based on the recommendations of the National Commission on Energy Policy, NCEP, which issued its report in December 2004. The Commission's recommended approach on climate change would be to implement a mandatory, economy-wide, tradable-permits system designed to curb growth in U.S. greenhouse gas emissions by 2.4 percent in 2010, while capping initial costs at $7 per metric ton of carbon dioxide equivalent. This would start the U.S. on a path toward reducing greenhouse gas emissions compared to business as usual, while calling for Government reviews at 5 year intervals of global action on climate change. This new approach addressed two of the basic questions that have led, in my opinion, to the failure of the McCain-Lieberman legislation concerns about cost and U.S. action in the context of international efforts.

Senator BINGAMAN decided to offer a sense-of-the Senate amendment in place of this more complicated technical amendment to further this discussion on the important issue of climate change. I cosponsored this Bingaman-Specter-Domenici amendment calling on Congress to enact a comprehensive and effective national program of mandatory, market-based limits on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions. It calls for this to be done in a manner that will not significantly harm the U.S. economy and will encourage comparable action by other nations that are major trading partners and key contributors to global emissions. This amendment received a very substantial vote of 54-43 against tabling, or setting it aside, and was subsequently accepted by voice vote.

I am also pleased to see the action taken by the Senate to include the Hagel amendment to the Energy bill, which would promote the adoption of technologies that reduce greenhouse gas intensity—emissions per dollar of GDP by providing loan guarantees for up to 25 percent of the total cost of eligible projects that employ advanced climate technologies or systems. This amendment also promotes the adoption of such technologies in developing countries by allowing U.S. companies that invest in such technologies overseas to fully deduct the cost of investment. I supported this amendment because I believe it is a step in the right direction, however, I believe further action is necessary to address global climate change.

While I was unable to support the McCain-Lieberman amendment, I believe the actions on the Hagel and Bingaman-Specter amendments will give impetus to further action to deal with global climate change. I look forward to working with my colleagues in the Senate on this important issue in the hopes of finding common ground and a sensible balance between the goals of environmental protection and economic development.

Mrs. DOLE. Mr. President, the longstanding moratorium in place on oil and gas exploration in the Outer Continental Shelf has protected our vital coastal areas from drilling. This moratorium has worked. Over the last quarter century, North Carolina's coast has become an increasingly popular destination. North Carolina's Outer Banks are world-famous for their beauty. The influx of tourists have brought much needed dollars and jobs and lifted up what previously were some of the poorest counties in the state.

Today, however, our coastal communities and economies face a great threat—the provision that would allow individual states to "opt out" of the moratorium, and not just for exploration but for actual drilling off the coast.

A State's decision to opt out of the moratorium and drill for oil would obviously affect its neighboring States. Water borders are not like land borders. Water actually knows no borders. It is fluid, continuously flowing and moving. An environmental hazard caused by drilling off the coast of one State would not be problematic for just that State. An oil spill would just keep spilling across these supposed "borders," polluting the waters and beaches of neighbor States. This is just common sense. It would negatively impact water quality, fisheries, wildlife, tourism and local economies.

As I stated Tuesday during another offshore drilling debate, drilling off our coast would endanger North Carolina's booming tourism industry, a true economic engine of my state.

And exploration or drilling off neighboring coasts most certainly would disrupt the waters off North Carolina. We do not need to recite again the dangers of environmental damage that offshore drilling can cause—especially in an area known as the Graveyard of the Atlantic.

Proponents of lifting the moratorium inadvertently make the point for me of how dangerous this is for our coastal environment. In the amendment we are considering right now, there is revenue sharing with the coastal communities in the states where drilling is allowed. And what is this revenue to be used for? I quote: "(A) Projects and activities for the conservation, protection, or restoration of coastal areas, including wetland. (B) Mitigation of damage to fish, wildlife or natural resources." Restoring wetlands? Mitigation of damage to fish? Mr. President, North Carolinians want to spend time enjoying their beaches, not restoring them.

Mr. REED. Mr. President, I would like to discuss briefly my vote today in favor of the McCain-Lieberman climate change amendment. I supported this amendment because I believe our nation needs to take real action to reduce greenhouse gas emissions, something the Bush administration has so far refused to do. Global warming is a serious problem that has alarming repercussions for our future food production, water supplies, national security, and the survival of many species of wildlife. The vast majority of mainstream scientists now accept that global warming is real and that it is caused in large part by human activities.

The McCain-Lieberman amendment would hold total U.S. greenhouse gas emissions at year 2000 levels starting in 2010. Most importantly, once that cap is set in place, emissions would not be allowed to increase. The amendment would establish a cap and trade regime for greenhouse gases based on the successful acid rain program that has harnessed the incentives of the free market to reduce sulfur dioxide emissions.

I recognize the concerns that have been expressed about this amendment because its innovation title would provide funding for the demonstration of a list of technologies that includes new nuclear reactors. I share this concern, and I agree that many questions remain unanswered about the safe and secure disposal of nuclear waste.

On the other hand, nuclear power is only one of many technologies that are eligible to compete for demonstration funding in the McCain-Lieberman amendment, including, but not limited to, solar, biofuels, and coal gasification with carbon capture. In addition, these funds would come not from taxpayer dollars but from the sale of emissions allowances under the new cap and trade program. While I would prefer not to see nuclear power in this mix, the McCain-Lieberman amendment would have provided substantial mandatory reductions in greenhouse gases that are essential for our future. It is my sincere hope that the Congress and the Bush administration will finally recognize the reality of climate change and take action to reduce our Nation's greenhouse gas emissions.

Mr. KERRY. Mr. President, I would like the record to show that on June 21, 2005, I missed a series of votes as I was out of the office for personal reasons. Had I been present, I would have voted yes for the Nelson amendment No. 783 to strike the section providing for a comprehensive inventory of Outer Continental Shelf oil and natural gas resources. I would have voted no for the Hagel amendment No. 817 to provide for the conduct of activities that promote the adoption of technologies that reduce greenhouse gas intensity in the United States and in developing countries. I would have voted yes for the Voinovich amendment No. 799 to reduce emissions from diesel engines.

Mr. JOHNSON. Mr. President, I was necessarily absent from the Senate on June 20, June 21, and for a portion of today's session in order to attend a hearing of the Base Realignment and Closure Commission in Rapid City, SD. I missed six votes, and I would like to state for the RECORD how I would have voted in each instance.

I would have voted no on rollcall vote No. 142, the motion to invoke cloture on the nomination of John R. Bolton, of Maryland, to be Representative of the United States to the United Nations.

I would have voted no on rollcall vote No. 143, Senate amendment No. 783, a Nelson of Florida amendment to H.R. 6 to strike the section providing for a comprehensive inventory of Outer Continental Shelf oil and natural gas resources.

I would have voted yes on rollcall vote No. 144, Senate amendment No. 817, a Hagel amendment to H.R. 6 to provide for the conduct of activities that promote the adoption of technologies that reduce greenhouse gas intensity in the United States and in developing countries and to provide credit-based financial assistance and investment protection for projects that employ advanced climate technologies or systems in the United States.

I would have voted yes on rollcall vote No. 145, Senate amendment No. 799, a Voinovich amendment to H.R. 6 to make grants and loans to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines.

I would have voted no on rollcall vote No. 146, the motion to table the Feinstein amendment No. 841 to H.R. 6 to prohibit the Commission from approving an application for the authorization of the siting, construction, expansion, or operation of facilities located onshore or in State waters for the import of natural gas from a foreign country or the export of natural gas to a foreign country without the approval of the Governor of the State in which the facility would be located.

I would have voted no on rollcall vote No. 147, the motion to table the Schumer amendment No. 805 to H.R. 6 to express the sense of the Senate regarding management of the Strategic Petroleum Reserve to lower the burden of gasoline prices on the economy of the United States and circumvent the efforts of OPEC to reap windfall profits.

Mrs. MURRAY. Mr. President, today I cast a vote for the McCain-Lieberman climate stewardship and innovation amendment to H.R. 6.

My vote is a statement on the need for the United States to take action to address global climate change in a real and proactive manner.

The authors of the amendment have recently added provisions related to nuclear power. I don't agree that these two policy issues should be linked, but it was my colleagues' option.

The real message and point of this amendment remains that the United States needs to acknowledge and rapidly begin addressing global climate change.

Voluntary measures are constructive but not good enough. We cannot afford to sit back and indulge those who choose against making reductions in harmful emissions at the expense of those who do. Scientific evidence shows that global warming poses a real threat to the Pacific Northwest environment, way of life, and economy.

As the world's largest emitter of greenhouse gases, we should lead by example and innovation. We should not wait for other countries to lead on this important priority. We should seek and promote technologies that promote energy efficiency and make significant cuts in greenhouse gas emissions, as the climate stewardship and innovation amendment would have us do.

Mr. President, I support this amendment because it commits the United States to a mandatory program that makes real cuts in greenhouse gas emissions. This amendment will make our country, and the entire globe, a safer, cleaner place.

Mr. LOTT. Mr. President, as we debate America's energy future, it is critical that we focus on the growing challenge to America's energy security and ultimately to our way of life—posed by an overseas threat currently underway to acquire the world's limited energy resources. China's need for energy is growing rapidly, as China is now the second largest consumer of energy in the world. For all of 2005, it is forecasted that China will consume 7.2 million barrels of oil per day, and its demand could double by 2020 as its economy grows.

At the same time, China produces very little of the energy it uses, and thus is forced to import almost all energy. In its quest for oil, China has become aggressive in brokering deals in every part of the world through its national oil companies. These companies are Government controlled, and unlike private companies are willing to accept lower rates of return with no concerns about a balance sheet. In short, our country's energy companies may soon find it difficult to compete against these Government owned energy companies in the global energy arena. These companies have access to abundant capital in national treasuries and none of the constraints of regulation faced by U.S. companies nor concerns about rates of return.

Unfortunately, we have a very recent example of this. The China National Offshore Oil Company, CNOOC, has now made public the fact that it is seriously considering making a bid for a U.S. based company, Unocal. This is after Chevron, also a U.S. based California company, has just received FTC preliminary approval for acquisition. This would pave the way for lower energy prices for American consumers. Now, here in the eleventh hour, this Chinese national energy company may offer a counterproposal which would raise troubling policy concerns regarding our National and energy security. Certainly, there would have to be serious review of this situation by numerous Federal agencies including the FTC, SEC, Department of Commerce, Department of Defense, Department of State, and many others. China in the past year has brokered deals for oil reserves in Africa, Iran, South America and Canada. Now they have their sights set on a U.S. company and its assets. We are not operating with a level playing field, and it is hard to imagine how America energy companies can continue to compete under these circumstances.

We must do something about this. If we do not act now, we will see fuel prices for consumers increase, and it will be too late to do anything about it. We must begin working today to find a way to work cooperatively with our global trading partners, including addressing conservation, energy efficiency and technology issues, rather than finding ourselves on a collision course in a quest to seek energy resources.

Mr. FRIST. Mr. President, I rise today in opposition to the cruelest and most unfair tax our Government imposes, the death tax. The death tax destroys small businesses, it damages families, and it prevents job creation. The death tax forbids hardworking people from passing on their assets to spouses, children, friends, and loved ones. It damages farms, newspapers, shops, and factories. Let me make my principles clear: Americans spend their lives paying taxes; death should not be a taxable event. A typical family spends between $30,000 and $150,000 simply planning to avoid this tax—$150,000, enough to start a business and create dozens of jobs—all of it wasted simply trying to avoid this unjust tax. The death tax is immoral.

It needs to go.

We have already begun to cut the death tax and current law will complete its phase-out in 2010. But, on January 1, 2011, the death tax will spring back to life. And, it will rise to confiscatory levels. That's why I have filed an amendment today that will abolish the death tax, immediately and forever, effective January 1, 2006. If we do not act, the death tax will come back to haunt our children's futures. I urge all of my colleagues to join me in ending the sway of this terrible tax once and for all.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, we have had some great discussion here on the floor of the Senate as we debate the merits of the Energy bill, and we have talked about conservation and about new production. We have talked a lot about renewables and alternatives.

One of those areas that we have not heard a lot of discussion on, in terms of the renewables, is the area of ocean energy. When we look at our globe and at all those colors, we recognize that we have a heck of a lot of ocean to deal with, and there is great potential there.

The Energy bill currently provides production incentives and Federal purchase requirement assistance to many forms of renewable energy: wind, solar, geothermal, and closed-loop biomass, but oddly enough, it doesn't provide such aid to this type of power that I am talking about—power that can benefit all 25 coastal States, and that is the area of ocean energy. This is a relatively new type of renewable power. It comes from harnessing the endless power of the ocean either by building the wave energy converters that transfer the power of waves into current; or the tidal and current systems that use tidal or current flows to spin underwater turbines; or the newest type, which is ocean thermal energy technology, and this generates electricity from the temperature differential of surface and deeper waters.

Ocean electric projects are relatively new in this country, but not necessarily overseas. Currently, there are operating projects in plants off the coast of Scotland, the Azores, Australia, and Portugal.

In America, we have some projects proposed off Hawaii, in Makah Bay in Washington State, in the East River off of New York City, and also for installation at Port Judith in Rhode Island.

The amendment that the Senate will be considering is one I am proposing that will simply try to level the playing field to see if the technology can be improved to bring down the cost of ocean power so it can be competitive with other forms of renewable energy. When wind energy first started, when we started getting into this technology in 1978, it was costing about 25 cents a kilowatt hour. Ocean energy is already starting at about half that cost, even before economies of scale, and years of technology testing and improvement have had a chance to reduce those costs.

In my State, we certainly care a lot about developing different sources of renewable energy.

Now, in Alaska, we have about 5.6 million megawatts of power that Alaskans use a year; 1.36 million megawatts come from lake taps or small hydropower. That is about 24 percent of Alaska's electricity, which is currently coming from hydro.

We also produce 3,600 megawatts of power from wind turbines, which are working great. They are out in the Kotzebue area and St. Paul Island in the Pribilofs and in other southwestern Alaskan communities. Alaska gains 6,000 to nearly 10,000 megawatts of power from burning fish oil. I have had people say: Wait a minute, did I hear you right, that you burn fish oil to generate power? That is correct. Given the health of Alaska's seafood industry, this is a renewable energy source that has great potential. There are new wind and landfill renewable projects proposed for near Bethel, at Fire Island near Anchorage, and a number of other projects proposed in rural communities. Alaska, in the efforts that we are making currently, might gain 286,000 megawatts of power or 5 percent of our needs.

I mention this to simply indicate that while we are committed to using renewables whenever possible, we have to acknowledge how far we can get with the technologies that we have and what is available to us. When you consider that in the State of Alaska we have about 125 villages and towns either on our coastline or near the mouths of coastal rivers and bays that could benefit from ocean current generation, it becomes very easy to see why we want to encourage ocean energy resources.

But ocean energy could also help hundreds of towns around Hawaii and all along our coastal communities in the lower 48. We have 23 lower 48 ocean States. If we provide enough assistance to help with this technology, to look through the research, this can become an economic venture.

Ocean current is environmentally friendly, completely clean. Already the plants in operation are able to be installed for $500 to $1,000 per kilowatt hour—costs that are very competitive to the roughly $1,200-per-kilowatt capital cost of nuclear power.

The Alaska delegation is also seeking an amendment to the tax title to extend ocean energy so that it qualifies for the existing energy production tax credit—currently 1.9 cents per kilowatt hour for wind. The additional cost of these two provisions is insignificant. But they could greatly diversify the Nation's energy portfolio in future decades. We recognize that the ocean is an energy source that is truly renewable. I am looking, through my amendment, to help aid Americans to harness that energy from our 12,000 miles of coastline. It is something that we need to look to as a positive reality and give the encouragement where necessary.

I want to change focus a little bit and talk for a moment this evening about an energy policy—an energy policy that belongs to a nation whose demand and consumption of oil far outstrips domestic, a nation that accounted for 40 percent of the growth in oil demands over the last 4 years, and a nation whose demand for oil is one of the leading factors driving oil prices to record-high levels.

I am not talking about the United States tonight. I am talking about China. Why the difference with China? They have an energy policy, and we don't. A couple weeks ago, I chaired a hearing in the Foreign Relations Committee on China's growth and what that means for the United States. One of the witnesses at that hearing, Mr. Mikkal Herberg, with the National Bureau of Asian Research, provided a very informative and eye-opening look at China's increasing role in the international energy market. To sum it up in one sentence: China is quickly becoming a major player in the geopolitics of global energy.

China's demand for energy is a reflection of its two-decade-long economic growth. China surpassed Japan in 2003 as the world's second largest consumer of oil. It is the world's third largest importer and now imports more than 40 percent of its total oil needs.

The International Energy Agency forecasts that China's imports will rise more than fivefold by 2030. This is from the current level of about 2 million barrels per day to nearly 11 million barrels per day, when imports will account for 80 percent of China's energy needs.

The East-West Center predicts that by 2015, 70 percent of China's oil imports will come from the Middle East. China is very much aware of the vulnerable maritime choke points that this oil must pass through in order to reach its shores. Fifty percent of Asia's current daily oil supplies must transit through the Straits of Malacca near Singapore.

Mr. President, the United States currently imports around 58 percent of the oil consumed in this country. What would happen to us in the United States if we were 80-percent dependent on other nations for our economic growth? For our transportation and our security needs? For our home heating needs?

We might very well do what China is doing today—not just investing heavily in other countries but seeking to control all aspects of the oil production. For example, in Sudan, a Chinese State-owned oil company owns 40 percent of a conglomerate that produces 300,000 barrels of oil per day. The same company has a major stake in the oil pipeline to the coast, they built and own a share of an oil refinery, and they helped build oil-loading port facilities on the coast.

While we in the United States naturally gravitate toward an economic model of supply and demand for energy resources where oil is fungible on the worldwide market, China does not abide by this market-based system.

As Mr. Herberg noted at the hearing, China is unilaterally trying to secure its future oil and gas needs by direct state intervention. They are taking equity stakes in oil and gas fields and promoting the global expansion of their three national oil companies.

I note that one of them, China National Offshore Oil Corporation, is looking to submit a counterbid to Chevron's offer to purchase Unocal Corporation. China is promoting state-to-state deals of new oil and gas pipelines to channel supplies directly to China and developing broader financial, diplomatic, and military ties with key exporter nations. In the past 5 years, the Chinese Government has signed strategic energy alliances with eight countries.

Their push to develop a Shanghai Cooperation Organization to focus on combating terrorism in the region can also be attributed to their desire to forge stronger energy ties and more secure energy supplies. China has major oil investment in Kazakhstan and is currently building a large oil pipeline from Kazakhstan to western China.

Many of my colleagues may be aware that China is investing heavily in Alberta, Canada's oil sands, the same fields that moved Canada up into the No. 2 slot in the world for proven oil reserves. China is also looking to construct a pipeline to Canada's west coast to export that oil to China.

China has signed at least 116 major energy investments in 37 countries since 1990, with another 25 proposals still pending. They have significant holdings in Sudan, Iran, and Venezuela. In Angola, the bidding process for the large offshore Greater Plutonio oilfield was additionally won by Indian's national oil company, but the Angolan Government mandated that the deal instead go to the Chinese, and this, of course, came on the heels of a $2 billion aid offer from China.

China's energy security strategy is making waves throughout Asia. When you think of the large economies of Japan and South Korea, each nation is highly dependent on oil imports for their energy needs. The idea of China locking up future sources of oil cannot be comforting to them, leading to their own efforts to lock in stable sources of energy.

As China and other Asian nations raise their level of diplomatic and political involvement in the Middle East, their influence will increase as well. Already, nearly two-thirds of the Persian Gulf's oil exports go to Asia, and this share will only increase. The United States will find its position as the traditionally dominant outside power in the Middle East significantly challenged in the future.

My point tonight is not to criticize or to demonize China for their moves to secure an energy supply. In fact, China's growing energy demands also point to opportunities for American companies to promote greater energy efficiency and higher oil recovery rates for China's domestic production.

My point is simply this: As a developing nation, China looked to the future and determined that it needed secure and more sources of energy. They developed a long-range plan. They have been implementing that plan and, as a result, will have continued access to energy resources in the future.

China's foreign policy reflects their long-term strategy of gaining access to, and to some degree, control over energy sources for their needs. Our energy policy, on the other hand, has not nearly been as focused. It has sometimes been referred to as a "tin cup" policy where we go begging for oil from exporting countries when there is a shortage or high prices.

Yet as other nations look to the Middle East to secure their own sources of energy, our influence in the region may diminish. Our cries for OPEC to increase production and output will be weighed against the interest of China and other developing nations.

Congress could have—or should have—passed comprehensive energy legislation years ago, but that is the past. We have another opportunity in front of us to prepare this country for the future to look at our long-term energy needs and determine the best way to address them.

I thank Chairman DOMENICI and Senators GRASSLEY, BINGAMAN, and BAUCUS for their work in crafting this legislation. I think we all would agree it is long past time for Congress to enact a much needed energy bill. It is time for this country to have an energy policy of its own.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 786, 787, 798, 818, 822, 835, 850, 861, 864, 870, 927, 933, AS MODIFIED, 978 THROUGH 989

Mr. FRIST. I have a package of manager amendments that have been cleared on both sides of the aisle. I would now send them to the desk, and I ask unanimous consent that the amendments be considered and agreed to with the motion to reconsider laid upon the table.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

The amendments were agreed to as follows:

AMENDMENT NO. 786

(Purpose: To make energy generated by oceans eligible for renewable energy production incentives and to modify the definition of the term "renewable energy" to include energy generated by oceans for purposes of the Federal purchase requirement)

On page 130, line 24, insert "ocean (tidal, wave, current, and thermal)," after "wind,".

On page 134, line 3, insert "ocean (tidal, wave, current, and thermal)," after "biomass,".

AMENDMENT NO. 787

(Purpose: To make Alaska Native Corporations eligible for renewable energy production incentives)

On page 131, lines 18 and 19, strike "or an Indian tribal government or subdivision thereof," and insert "an Indian tribal government or subdivision thereof, or a Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)),".

AMENDMENT NO. 798

(Purpose: To require the submission of reports on the potential for biodiesel and hythane to be used as major, sustainable, alternative fuels)

On page 755, after line 25, add the following:

SEC. 13 . ALTERNATIVE FUELS REPORTS.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress reports on the potential for each of biodiesel and hythane to become major, sustainable, alternative fuels.

(b) Biodiesel Report.—The report relating to biodiesel submitted under subsection (a) shall—

(1) provide a detailed assessment of—

(A) potential biodiesel markets and manufacturing capacity; and

(B) environmental and energy security benefits with respect to the use of biodiesel;

(2) identify any impediments, especially in infrastructure needed for production, distribution, and storage, to biodiesel becoming a substantial source of fuel for conventional diesel and heating oil applications;

(3) identify strategies to enhance the commercial deployment of biodiesel; and

(4) include an examination and recommendations, as appropriate, of the ways in which biodiesel may be modified to be a cleaner-burning fuel.

(c) Hythane Report.—The report relating to hythane submitted under subsection (a) shall—

(1) provide a detailed assessment of potential hythane markets and the research and development activities that are necessary to facilitate the commercialization of hythane as a competitive, environmentally-friendly transportation fuel;

(2) address—

(A) the infrastructure necessary to produce, blend, distribute, and store hythane for widespread commercial purposes; and

(B) other potential market barriers to the commercialization of hythane;

(3) examine the viability of producing hydrogen using energy-efficient, environmentally friendly methods so that the hydrogen can be blended with natural gas to produce hythane; and

(4) include an assessment of the modifications that would be required to convert compressed natural gas vehicle engines to engines that use hythane as fuel.

(d) Grants for Report Completion.—The Secretary may use such sums as are available to the Secretary to provide, to 1 or more colleges or universities selected by the Secretary, grants for use in carrying out research to assist the Secretary in preparing the reports required to be submitted under subsection (a).

AMENDMENT NO. 818

(Purpose: To commission a study for the roof of the Dirksen Senate Office Building in a manner that facilitates the incorporation of energy efficient technology and amends the Master Plan for the Capitol complex)

On page 15, strike lines 3 through 20.

On page 719, strike lines 11 through 20 and insert the following:

as part of the process of updating the Master Plan Study for the Capitol complex, shall—

(A) carry out a study to evaluate the energy infrastructure of the Capitol complex to determine how to augment the infrastructure to become more energy efficient—

(i) by using unconventional and renewable energy resources;

(ii) by—

(I) incorporating new technologies to implement effective green building solutions;

(II) adopting computer-based building management systems; and

(III) recommending strategies based on end-user behavioral changes to implement low-cost environmental gains; and

(iii) in a manner that would enable the Capitol complex to have reliable utility service in the event of power fluctuations, shortages, or outages;

(B) carry out a study to explore the feasibility of installing energy and water conservation measures on the rooftop of the Dirksen Senate Office Building, including the area directly above the food service facilities in the center of the building, including the installation of—

(i) a vegetative covering area, using native species to the maximum extent practicable, to—

(I) insulate and increase the energy efficiency of the building;

(II) reduce precipitation runoff and conserve water for landscaping or other uses;

(III) increase, and provide more efficient use of, available outdoor space through management of the rooftop of the center of the building as a park or garden area for occupants of the building; and

(IV) improve the aesthetics of the building; and

(ii) onsite renewable energy and other state-of-the-art technologies to—

(I) improve the energy efficiency and energy security of the building or the Capitol complex by providing additional or backup sources of power in the event of a power shortage or other emergency;

(II) reduce the use of resources by the building; or

(III) enhance worker productivity; and

(C) not later than 180 days after the date of enactment of this Act, submit to Congress a report describing the findings and recommendations of the study under subparagraph (B).

AMENDMENT NO. 822

(Purpose: To promote fuel efficient engine technology for aircraft)

On page 120, between lines 20 and 21, insert the following:

SEC. 14 . FUEL EFFICIENT ENGINE TECHNOLOGY FOR AIRCRAFT.

(a) In General.—The Secretary and the Administrator of the National Aeronautics and Space Administration shall enter into a cooperative agreement to carry out a multiyear engine development program to advance technologies to enable more fuel efficient, turbine-based propulsion and power systems for aeronautical and industrial applications.

(b) Performance Objective.—The fuel efficiency performance objective for the program shall be to achieve a fuel efficiency improvement of more than 10 percent by exploring—

(1) advanced concepts, alternate propulsion, and power configurations, including hybrid fuel cell powered systems; and

(2) the use of alternate fuel in conventional or nonconventional turbine-based systems.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section $60,000,000 for each of fiscal years 2006 through 2010.

AMENDMENT NO. 835

(Purpose: To establish a National Priority Project Designation)

On page 159, after line 23, add the following:

SEC. 2 . NATIONAL PRIORITY PROJECT DESIGNATION.

(a) Designation of National Priority Projects.—

(1) In general.—There is established the National Priority Project Designation (referred to in this section as the "Designation"), which shall be evidenced by a medal bearing the inscription "National Priority Project".

(2) Design and materials.—The medal shall be of such design and materials and bear such additional inscriptions as the President may prescribe.

(b) Making and Presentation of Designation.—

(1) In general.—The President, on the basis of recommendations made by the Secretary, shall annually designate organizations that have—

(A) advanced the field of renewable energy technology and contributed to North American energy independence; and

(B) been certified by the Secretary under subsection (e).

(2) Presentation.—The President shall designate projects with such ceremonies as the President may prescribe.

(3) Use of designation.—An organization that receives a Designation under this section may publicize the Designation of the organization as a National Priority Project in advertising.

(4) Categories in which the designation may be given.—Separate Designations shall be made to qualifying projects in each of the following categories:

(A) Wind and biomass energy generation projects.

(B) Photovoltaic and fuel cell energy generation projects.

(C) Energy efficient building and renewable energy projects.

(D) First-in-Class projects.

(c) Selection Criteria.—

(1) In general.—Certification and selection of the projects to receive the Designation shall be based on criteria established under this subsection.

(2) Wind, biomass, and building projects.—In the case of a wind, biomass, or building project, the project shall demonstrate that the project will install not less than 30 megawatts of renewable energy generation capacity.

(3) Solar photovoltaic and fuel cell projects.—In the case of a solar photovoltaic or fuel cell project, the project shall demonstrate that the project will install not less than 3 megawatts of renewable energy generation capacity.

(4) Energy efficient building and renewable energy projects.—In the case of an energy efficient building or renewable energy project, in addition to meeting the criteria established under paragraph (2), each building project shall demonstrate that the project will—

(A) comply with third-party certification standards for high-performance, sustainable buildings;

(B) use whole-building integration of energy efficiency and environmental performance design and technology, including advanced building controls;

(C) use renewable energy for at least 50 percent of the energy consumption of the project;

(D) comply with applicable Energy Star standards; and

(E) include at least 5,000,000 square feet of enclosed space.

(5) First-in-class use.—Notwithstanding paragraphs (2) through (4), a new building project may qualify under this section if the Secretary determines that the project—

(A) represents a First-In-Class use of renewable energy; or

(B) otherwise establishes a new paradigm of building integrated renewable energy use or energy efficiency.

(d) APPLICATION.—

(1) INITIAL APPLICATIONS.—No later than 120 days after the date of enactment of this Act, and annually thereafter, the Secretary shall publish in the Federal Register an invitation and guidelines for submitting applications, consistent with this section.

(2) CONTENTS.—The application shall describe the project, or planned project, and the plans to meet the criteria established under subsection (c).

(e) CERTIFICATION.—

(1) IN GENERAL.—Not later than 60 days after the application period described in subsection (d), and annually thereafter, the Secretary shall certify projects that are reasonably expected to meet the criteria established under subsection (c).

(2) CERTIFIED PROJECTS.—The Secretary shall designate personnel of the Department to work with persons carrying out each certified project and ensure that the personnel—

(A) provide each certified project with guidance in meeting the criteria established under subsection (c);

(B) identify programs of the Department, including National Laboratories and Technology Centers, that will assist each project in meeting the criteria established under subsection (c); and

(C) ensure that knowledge and transfer of the most current technology between the applicable resources of the Federal Government (including the National Laboratories and Technology Centers, the Department, and the Environmental Protection Agency) and the certified projects is being facilitated to accelerate commercialization of work developed through those resources.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2006 through 2010.

AMENDMENT NO. 850

(Purpose: To modify the section relating to the establishment of a National Power Plant Operations Technology and Education Center)

Beginning on page 602, strike line 5 and all that follows through page 603, line 7, and insert the following:

SEC. 1107. NATIONAL POWER PLANT OPERATIONS TECHNOLOGY AND EDUCATIONAL CENTER.

(a) ESTABLISHMENT.—The Secretary shall support the establishment of a National Power Plant Operations Technology and Education Center (referred to in this section as the "Center"), to address the need for training and educating certified operators and technicians for the electric power industry.

(b) LOCATION OF CENTER.—The Secretary shall support the establishment of the Center at an institution of higher education that has—

(1) expertise in providing degree programs in electric power generation, transmission, and distribution technologies;

(2) expertise in providing onsite and Internet-based training; and

(3) demonstrated responsiveness to workforce and training requirements in the electric power industry.

(c) TRAINING AND CONTINUING EDUCATION.—

(1) IN GENERAL.—The Center shall provide training and continuing education in electric power generation, transmission, and distribution technologies and operations.

(2) LOCATION.—The Center shall carry out training and education activities under paragraph (1)—

(A) at the Center; and

(B) through Internet-based information technologies that allow for learning at remote sites.

AMENDMENT NO. 861

(Purpose: To require the Secretary to enter into a contract with the National Academy of Sciences to determine the effect of electrical contaminants on the reliability of energy production systems)

On page 755, after line 25, add the following:

SEC. 13___. EFFECT OF ELECTRICAL CONTAMINANTS ON RELIABILITY OF ENERGY PRODUCTION SYSTEMS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall determine the effect that electrical contaminants (such as tin whiskers) may have on the reliability of energy production systems, including nuclear energy.

AMENDMENT NO. 864

(Purpose: To ensure that cost-effective procedures are used to fill the Strategic Petroleum Reserve)

On page 208, line 12, strike "The Secretary shall" and insert the following:

(1) IN GENERAL.—The Secretary shall

On page 208, between lines 20 and 21, insert the following:

(2) PROCEDURES.—

(A) IN GENERAL.—The Secretary shall develop, with an opportunity for public comment, procedures to obtain oil for the Reserve with the intent of maximizing the overall domestic supply of crude oil (including quantities stored in private sector inventories) and minimizing the costs to the Department of the Interior and the Department of Energy of acquiring such oil (including foregone revenues to the Treasury when oil for the Reserve is obtained through the royalty-in-kind program), consistent with national security.

(B) CONSIDERATIONS.—The procedures shall provide that, for purposes of determining whether to acquire oil for the Reserve or defer deliveries of oil, the Secretary shall take into account—

(i) current and future prices, supplies, and inventories of oil;

(ii) national security; and

(iii) other factors that the Secretary determines to be appropriate.

(C) REVIEW OF REQUESTS FOR DEFERRALS OF SCHEDULED DELIVERIES.—The procedures shall include procedures and criteria for the review of requests for the deferrals of scheduled deliveries.

(D) DEADLINES.—The Secretary shall—

(i) propose the procedures required under this paragraph not later than 120 days after the date of enactment of this Act;

(ii) promulgate the procedures not later than 180 days after the date of enactment of this Act; and

(iii) comply with the procedures in acquiring oil for Reserve effective beginning on the date that is 180 days after the date of enactment of this Act.

AMENDMENT 870

(Purpose: To require the Federal Energy Regulatory Commission to complete its investigation and order refunds on the unjust and unreasonable rates charged to California during the 2000–2001 electricity crisis)

At the appropriate place, insert the following:

Amendment to be proposed by Mrs. Boxer.

SEC. . FINAL ACTION ON REFUNDS FOR EXCESSIVE CHARGES.

(a) FINDINGS.—Congress finds that—

(1) The state of California experienced an energy crisis;

(2) FERC issued an order requiring a refund of the portion of charges on the sale of electric energy that was unjust or unreasonable during that crisis;

(3) As of the date of enactment of this act, none of the refunds ordered to date have been received by the state of California; and

(4) the Commission has ruled that the state of California is entitled to approximately $3 billion in refunds; the state of California maintains that that $8.9 billion in refunds is owed.

(b) FERC SHALL—

(1) seek to conclude its investigation into the unjust or unreasonable charges incurred by California during the 2000–2001 electricity crisis as soon as possible;

(2) seek to ensure that refunds the Commission determines are owned to the State of California are paid to the state of California; and

(3) submit to congress a report by December 31, 2005 describing the actions taken by the Commission to date under this section and timetables for further actions.

AMENDMENT NO. 927

(Purpose: To provide a budget roadmap for the transition from petroleum to hydrogen in vehicles by 2020)

On page 755, after line 25, add the following:

SEC. 13 . FUEL CELL AND HYDROGEN TECHNOLOGY STUDY.

(a) FINDINGS.—Congress finds that—

(1) according to the National Academy of Sciences, "Greenhouse gases are accumulating in Earth's atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise . . . Human-induced warming and associated sea level rises are expected to continue through the 21st century.";

(2) in 2001, the Intergovernmental Panel on Climate Change (IPCC) concluded that the average temperature of the Earth can be expected to rise between 2.5 and 10.4 degrees Fahrenheit in this century and "there is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities";

(3) the National Academy of Sciences has stated that "the IPCC's conclusion that most of the observed warming of the last 50 years is likely to have been due to the increase of greenhouse gas concentrations accurately reflects the current thinking of the scientific community on this issue" and that "there is general agreement that the observed warming is real and particularly strong within the past twenty years";

(4) a significant Federal investment toward the development of fuel cell technologies and the transition from petroleum to hydrogen in vehicles could significantly contribute to the reduction of carbon dioxide emissions by reducing fuel consumption;

(5) a massive infusion of resources and leadership from the Federal Government would be needed to create the necessary fuel cell technologies that provide alternatives to petroleum and the more efficient use of energy; and

(6) the Federal Government would need to commit to developing, in conjunction with private industry and academia, advanced vehicle technologies and the necessary hydrogen infrastructure to provide alternatives to petroleum.

(b) STUDY.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences and the National Research Council to carry out a study of fuel cell technologies that provides a budget roadmap for the development of fuel cell technologies and the transition from petroleum to hydrogen in a significant percentage of the vehicles sold by 2020.

(2) REQUIREMENTS.—In carrying out the study, the National Academy of Sciences and the National Research Council shall—

(A) establish as a goal the maximum percentage practicable of vehicles that the National Academy of Sciences and the National Research Council determines can be fueled by hydrogen by 2020;

(B) determine the amount of Federal and private funding required to meet the goal established under subparagraph (A);

(C) determine what actions are required to meet the goal established under subparagraph (A);

(D) examine the need for expanded and enhanced Federal research and development programs, changes in regulations, grant programs, partnerships between the Federal Government and industry, private sector investments, infrastructure investments by the Federal Government and industry, educational and public information initiatives, and Federal and State tax incentives to meet the goal established under subparagraph (A);

(E) consider whether other technologies would be less expensive or could be more quickly implemented than fuel cell technologies to achieve significant reductions in carbon dioxide emissions;

(F) take into account any reports relating to fuel cell technologies and hydrogen-fueled vehicles, including—

(i) the report prepared by the National Academy of Engineering and the National Research Council in 2004 entitled "Hydrogen Economy: Opportunities, Costs, Barriers, and R&D Needs"; and

(ii) the report prepared by the U.S. Fuel Cell Council in 2003 entitled "Fuel Cells and Hydrogen: The Path Forward";

(G) consider the challenges, difficulties, and potential barriers to meeting the goal established under subparagraph (A); and

(H) with respect to the budget roadmap—

(i) specify the amount of funding required on an annual basis from the Federal Government and industry to carry out the budget roadmap; and

(ii) specify the advantages and disadvantages to moving toward the transition to hydrogen in vehicles in accordance with the timeline established by the budget roadmap.

AMENDMENT NO. 933, AS MODIFIED

(Purpose: To provide a manager's amendment)

On page 1, strike lines 4 and 5 and insert the following:

SEC. 1500. SHORT TITLE; AMENDMENT OF 1986 CODE.

Beginning on page 2, strike line 5 and all that follows through page 3, line 2, and insert the following:

Subtitle A—Electricity Infrastructure

On page 7, lines 6 and 7, strike "low-head hydroelectric facility or".

On page 8, lines 10 and 11, strike "LOW-HEAD HYDROELECTRIC FACILITY OR NONHYDROELECTRIC DAM" and insert "NONHYDROELECTRIC DAM".

On page 8, strike lines 18 through 20 and insert the following:

"(ii) the facility was placed in service before the date of the enactment of this paragraph and did not produce hydroelectric power on the date of the enactment of this paragraph, and

Beginning on page 8, line 24, strike "the installation" and all that follows through page 9, line 1 and insert "there is not any enlargement of the diversion structure, or construction or enlargement of a bypass channel,".

On page 9, strike lines 5 through 9.

On page 26, strike lines 14 and 15 and insert the following:

(2) Section 1397E(c)(2) is amended by inserting ", and subpart H thereof" after "refundable credits".

On page 68, lines 8 and 9, strike "the date of the enactment of this Act" and insert "December 31, 2004".

On page 73, line 1, strike "**PATRONS**" and insert "**OWNERS**".

On page 90, strike lines 4 through 7.

On page 90, line 21, strike "and, in the case" and all that follows through line 23.

On page 107, line 17, insert "a home inspector certified by the Secretary of Energy as trained to perform an energy inspection for purposes of this section," after "(IPIA),".

On page 110, line 22, strike "(2)" and insert "(3)".

On page 143, strike lines 1 through 6, and insert the following:

"(1) MAXIMUM CREDIT.—The credit allowed under subsection (a) for any taxable year shall not exceed—

"(A) $2,000 with respect to any qualified solar water heating property expenditures,

"(B) $2,000 with respect to any qualified photovoltaic property expenditures, and

"(C) $500 with respect to each half kilowatt of capacity of qualified fuel cell property (as defined in section 48(d)(1)) for which qualified fuel cell property expenditures are made,

On page 149, between lines 6 and 7, insert the following:

(1) Section 23(c) is amended by striking "this section and section 1400C" and inserting "this section, section 25D, and section 1400C".

(2) Section 25(e)(1)(C) is amended by striking "this section and sections 23 and 1400C" and inserting "other than this section, section 23, section 25D, and section 1400C".

(3) Section 1400C(d) is amended by striking "this section" and inserting "this section and section 25D".

On page 149, line 7, strike "(1)" and insert "(4)".

On page 149, line 15, strike "(2)" and insert "(5)".

On page 149, lined 19 and 20, strike "Except as provided by paragraph (2), the" and insert "The".

On page 155, lines 2 and 3, strike "for use in a structure".

On page 155, line 12, insert "periods" before "before".

On page 210, between lines 19 and 20, insert the following:

(b) WRITTEN NOTICE OF ELECTION TO ALLOCATE CREDIT TO PATRONS.—Section 40(g)(6)(A)(ii) (relating to form and effect of election) is amended by adding at the end the following new sentence: "Such election shall not take effect unless the organization designates the apportionment as such in a written notice mailed to its patrons during the payment period described in section 1382(d).".

On page 210, line 20, strike "(b)" and insert "(c)".

Beginning on page 228, line 19, strike all through page 229, line 2, and insert the following:

"(B) within 2 years after the date of such first retail sale, such article is resold by the purchaser or such purchaser makes a substantial nonexempt use of such article,

then such sale or use of such article by such purchaser shall be treated as the first retail sale of such article for a price equal to its fair market value at the time of such sale or use.

On page 232, line 21, strike "and".

On page 232, between lines 21 and 22, insert the following:

(i) by adding at the end the following new sentence: "For purposes of this subsection, any removal described in section 4081(a)(3)(A) shall be treated as a removal from a terminal but only if such terminal is located within a secured area of an airport.".

AMENDMENT NO. 978

(Purpose: To clarify the definition of coal to liquid fuel technology)

On page 767, strike lines 6 through 15, and insert the following:

(D) facilities that—

(i) generate 1 or more hydrogen-rich and carbon monoxide-rich product streams from the gasification of coal or coal waste; and

(ii) use those streams to facilitate the production of ultra clean premium fuels through the Fischer-Tropsch process.

AMENDMENT 979

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 980

(Purpose: To require an investigation of gasoline prices)

At the appropriate place, insert the following:

SEC. ___. INVESTIGATION OF GASOLINE PRICES.

(a) INVESTIGATION.—Not later than 90 days after the date of enactment of this Act, the Federal Trade Commission shall conduct an investigation to determine if the price of gasoline is being artificially manipulated by reducing refinery capacity or by any other form of market manipulation or price gouging practices.

(b) EVALUATION AND ANALYSIS.—The Secretary shall direct the National Petroleum Council to conduct an evaluation and analysis to determine whether, and to what extent, environmental and other regulations affect new domestic refinery construction and significant expansion of existing refinery capacity.

(c) REPORTS TO CONGRESS.—

(1) INVESTIGATION.—On completion of the investigation under subsection (a), the Federal Trade Commission shall submit to Congress a report that describes—

(A) the results of the investigation; and

(B) any recommendations of the Federal Trade Commission.

(2) EVALUATION AND ANALYSIS.—On completion of the evaluation and analysis under subsection (b), the Secretary shall submit to Congress a report that describes—

(A) the results of the evaluation and analysis; and

(B) any recommendations of the National Petroleum Council.

AMENDMENT NO. 981

(Purpose: To require the Secretary and the Administrator for Small Business to coordinate assistance with the Secretary of Commerce for manufacturing related efforts)

On page 53, strike lines 4 through 8 and insert the following:

Small Business Administration shall make program information available directly to small businesses and through other Federal agencies, including the Federal Emergency Management Agency and the Department of Agriculture, and coordinate assistance with the Secretary of Commerce for manufacturing-related efforts, including the Manufacturing Extension Partnership Program.".

AMENDMENT NO. 982

(Purpose: To require the Secretary to conduct a study of best management practices for energy research and development programs)

On page 755, after line 25, add the following:

SEC. 13___. STUDY OF BEST MANAGEMENT PRACTICES FOR ENERGY RESEARCH AND DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Public Administration under which the Academy shall conduct a study to assess management practices for research, development, and demonstration programs at the Department.

(b) SCOPE OF THE STUDY.—The study shall consider—

(1) management practices that act as barriers between the Office of Science and offices conducting mission-oriented research;

(2) recommendations for management practices that would improve coordination and bridge the innovation gap between the Office of Science and offices conducting mission-oriented research;

(3) the applicability of the management practices used by the Department of Defense Advanced Research Programs Agency to research programs at the Department;

(4) the advisability of creating an agency within the Department modeled after the Department of Defense Advanced Research Projects Agency;

(5) recommendations for management practices that could best encourage innovative research and efficiency at the Department; and

(6) any other relevant considerations.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under this section.

AMENDMENT NO. 983

(Purpose: To expand the types of qualified renewable energy facilities that are eligible for a renewable energy production incentive)

On page 131, line 20, insert "livestock methane," after "landfill gas,".

AMENDMENT NO. 984

(Purpose: To require the Secretary to establish a program of research, development, demonstration, and commercial application to maximize the productive capacity of marginal wells and reservoirs)

On page 517, after line 22, insert the following:

SEC. 9 . LOW-VOLUME GAS RESERVOIR RESEARCH PROGRAM.

(a) DEFINITIONS OF GIS.—In this section, the term "GIS" means geographic information systems technology that facilitates the organization and management of data with a geographic component.

(b) PROGRAM.—The Secretary shall establish a program of research, development, demonstration, and commercial application to maximize the productive capacity of marginal wells and reservoirs.

(c) DATA COLLECTION.—Under the program, the Secretary shall collect data on—

(1) the status and location of marginal wells and gas reservoirs;

(2) the production capacity of marginal wells and gas reservoirs;

(3) the location of low-pressure gathering facilities and pipelines; and

(4) the quantity of natural gas vented or flared in association with crude oil production.

(d) ANALYSIS.—Under the program, the Secretary shall—

(1) estimate the remaining producible reserves based on variable pipeline pressures; and

(2) recommend measures that will enable the continued production of those resources.

(e) STUDY.—

(1) IN GENERAL.—The Secretary may award a grant to an organization of States that contain significant numbers of marginal oil and natural gas wells to conduct an annual study of low-volume natural gas reservoirs.

(2) ORGANIZATION WITH NO GIS CAPABILITIES.—If an organization receiving a grant under paragraph (1) does not have GIS capabilities, the organization shall contract with an institution of higher education with GIS capabilities.

(3) STATE GEOLOGISTS.—The organization receiving a grant under paragraph (1) shall collaborate with the State geologist of each State being studied.

(f) PUBLIC INFORMATION.—The Secretary may use the data collected and analyzed under this section to produce maps and literature to disseminate to States to promote conservation of natural gas reserves.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $1,500,000 for fiscal year 2006; and

(2) $450,000 for each of fiscal years 2007 and 2008.

AMENDMENT NO. 985

(Purpose: To make petroleum coke gasification projects eligible for certain loan guarantees)

On page 767, between lines 21 and 22, insert the following:

(3) PETROLEUM COKE GASIFICATION PROJECTS.—The Secretary is encouraged to make loan guarantees under this title available for petroleum coke gasification projects.

AMENDMENT NO. 986

(Purpose: To authorize the Secretary of Energy to make grants to increase energy efficiency, promote siting or upgrading of transmission and distribution lines, and providing or modernizing electric facilities in rural areas)

On page 159, after line 23, add the following:

SEC. . RURAL AND REMOTE COMMUNITY ELECTRIFICATION GRANTS.

The Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended in title VI by adding at the end the following:

"SEC. 609. RURAL AND REMOTE COMMUNITIES ELECTRIFICATION GRANTS.

"(a) DEFINITIONS.—In this section:

"(1) The term 'eligible grantee' means a local government or municipality, peoples' utility district, irrigation district, and cooperative, nonprofit, or limited-dividend association in a rural area.

"(2) The term 'incremental hydropower' means additional generation achieved from increased efficiency after January 1, 2005, at a hydroelectric dam that was placed in service before January 1, 2005.

"(3) The term 'renewable energy' means electricity generated from—

"(A) a renewable energy source; or

"(B) hydrogen, other than hydrogen produced from a fossil fuel, that is produced from a renewable energy source.

"(4) The term 'renewable energy source' means—

"(A) wind;

"(B) ocean waves;

"(C) biomass;

"(D) solar

"(E) landfill gas;

"(F) incremental hydropower;

"(G) livestock methane; or

"(H) geothermal energy.

"(5) The term 'rural area' means a city, town, or unincorporated area that has a population of not more than 10,000 inhabitants.

"(b) GRANTS.—The Secretary, in consultation with the Secretary of Agriculture and the Secretary of the Interior, may provide grants under this section to eligible grantees for the purpose of—

"(1) increasing energy efficiency, siting or upgrading transmission and distribution lines serving rural areas,; or

"(2) providing or modernizing electric generation facilities that serve rural areas.

"(c) GRANT ADMINISTRATION.—(1) The Secretary shall make grants under this section based on a determination of cost-effectiveness and the most effective use of the funds to achieve the purposes described in subsection (b).

"(2) For each fiscal year, the Secretary shall allocate grant funds under this section equally between the purposes described in paragraphs (1) and (2) of subsection (b).

"(3) In making grants for the purposes described in subsection (b)(2), the Secretary shall give preference to renewable energy facilities.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $20,000,000 for each of fiscal years 2006 through 2012.".

AMENDMENT NO. 987

(Purpose: To require the Secretary to conduct a study on passive solar technologies)

On page 755, after line 25, add the following:

SEC. 13___. PASSIVE SOLAR TECHNOLOGIES.

(a) DEFINITION OF PASSIVE SOLAR TECHNOLOGY.—In this section, the term "passive solar technology" means a passive solar technology, including daylighting, that—

(1) is used exclusively to avoid electricity use; and

(2) can be metered to determine energy savings.

(b) STUDY.—The Secretary shall conduct a study to determine—

(1) the range of levelized costs of avoided electricity for passive solar technologies;

(2) the quantity of electricity displaced using passive solar technologies in the United States as of the date of enactment of this Act; and

(3) the projected energy savings from passive solar technologies in 5, 10, 15, 20, and 25 years after the date of enactment of this Act if—

(A) incentives comparable to the incentives provided for electricity generation technologies were provided for passive solar technologies; and

(B) no new incentives for passive solar technologies were provided.

(c) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study under subsection (b).

AMENDMENT NO. 988

(Purpose: To require the Secretary to conduct a 3-year program of research, development, and demonstration on the use of ethanol and other low-cost transportable renewable feedstocks as intermediate fuels for the safe, energy efficient, and cost-effective transportation of hydrogen)

On page 489, between lines 20 and 21, insert the following:

SEC. 9___. HYDROGEN INTERMEDIATE FUELS RESEARCH PROGRAM.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture, shall carry out a 3-year program of research, development, and demonstration on the use of ethanol and other low-cost transportable renewable feedstocks as intermediate fuels for the safe, energy efficient, and cost-effective transportation of hydrogen.

(b) GOALS.—The goals of the program shall include—

(1) demonstrating the cost-effective conversion of ethanol or other low-cost transportable renewable feedstocks to pure hydrogen suitable for eventual use in fuel cells;

(2) using existing commercial reforming technology or modest modifications of existing technology to reform ethanol or other low-cost transportable renewable feedstocks into hydrogen;

(3) converting at least 1 commercially available internal combustion engine hybrid electric passenger vehicle to operate on hydrogen;

(4) not later than 1 year after the date on which the program begins, installing and operating an ethanol reformer, or reformer for another low-cost transportable renewable feedstock (including onsite hydrogen compression, storage, and dispensing), at the facilities of a fleet operator;

(5) operating the 1 or more vehicles described in paragraph (3) for a period of at least 2 years; and

(6) collecting emissions and fuel economy data on the 1 or more vehicles described in paragraph (3) in various operating and environmental conditions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

AMENDMENT NO. 989

(The text of the amendment is printed in today's RECORD under "Text of Amendments."

AMENDMENT NO. 861

Mr. LEVIN. Mr. President, I am pleased to offer, along with Senator COLLINS, an amendment to ensure that the Department of Energy, DOE, carries out the direction in this bill to fill the Strategic Petroleum Reserve, SPR, in a cost-effective manner.

I would like to thank the managers of the bill, Senators DOMENICI and BINGAMAN, and Senators WYDEN and SCHUMER for working with Senator COLLINS and myself so that this amendment can be accepted.

The Energy Bill being considered by the Senate today directs the Secretary of Energy to "as expeditiously as practicable, without incurring excessive cost or appreciably affecting the price of gasoline or heating oil to consumers, acquire petroleum in quantities sufficient to fill the Strategic Petroleum Reserve to [1 billion barrels]."

This amendment will help the DOE ensure that it will acquire oil for the SPR without incurring excessive cost or appreciably affecting gasoline or heating oil prices. The amendment is simple. It directs DOE to consider the price of oil and other market factors when buying oil for the SPR. It also directs DOE to minimize the program's cost to the taxpayer while maximizing our energy security. At the same time, it does not restrict the Secretary of Energy's discretion to determine how quickly to fill the SPR, or when to put more oil into the SPR.

A nearly identical amendment that I offered with Senator COLLINS was adopted by the Senate by voice vote on the Interior Appropriation Bill for fiscal year 2004. Unfortunately, it was not retained in conference.

Under the amendment, DOE would have the discretion to determine when to buy oil for the SPR, and under which procedures, but DOE would be directed to use that discretion in a way to minimize costs while maximizing national energy security.

The amendment also requires DOE to seek public comment on the procedures to be used to acquire oil. The Department would be wise to especially seek comment from energy industry experts and economists as to the effect that filling the SPR can have—and has had—on oil prices. I believe the Department can learn from our experience over the past few years as to the significant effect the SPR fill can have on oil prices.

Since late 2001, the DOE has been steadily adding oil to the SPR. In late 2001, the Reserve held about 560 million barrels of oil; today it holds nearly 695 million barrels. DOE expects to complete its current program to fill the SPR to 700 million barrels in August of this year.

Since early 2002, DOE has been acquiring oil for the SPR without regard to the price or supply of oil. Prior to that time, DOE bought more oil when the price of oil was low and inventories were full, and less oil when the price of oil was high and inventories low. In early 2002, DOE abandoned this market-based approach. Instead, it adopted the current approach, which does not consider cost or any other market factors when buying oil. During this period the price of oil has been very high—often over $30 per barrel—and the oil markets have been tight. This cost-blind approach has increased the costs of the program to the taxpayer and put further pressure on tight oil markets, boosting oil and gasoline prices to American consumers and businesses.

Any successful businessman knows the saying, "Buy low, sell high." This is true for oil as well as for pork bellies; for the U.S. Government as well as for oil companies.

In 2002, the DOE's staff recommended against buying more oil for the SPR in tight markets. As prices were rising and inventories falling, the DOE's SPR staff warned:

> Commercial inventories are low, retail prices are high and economic growth is slow. The Government should avoid acquiring oil for the Reserve under these circumstances.

The administration disregarded these warnings. SPR deliveries proceeded. As the DOE staff predicted, oil supplies tightened, and prices climbed. American consumers paid the price.

In 2003, the Permanent Subcommittee on Investigations published a report on how this change in DOE policy hurt consumers without providing any additional energy security. The investigation found:

> Filling the SPR in tight market increased U.S. oil prices and hurt U.S. consumers.
>
> Filling the SPR regardless of oil prices increased taxpayer costs.
>
> Despite its high cost, filling the SPR [in 2002] did not increase overall U.S. oil supplies.

The March report also warned that the deliveries that were then scheduled for later in 2003 would drive oil prices higher because prices were high and inventories were low. This prediction turned out to be accurate.

Many experts have said that filling the SPR during the tight oil markets over the past several years increased oil prices.

In January 2004, Goldman Sachs, the largest crude oil trader in the world, reported "government storage builds will provide persistent support to the markets"—meaning that filling the SPR pushes up prices—and that "government storage builds have lowered commercially available petroleum supplies."

Bill Greehey, chief executive of Valero Energy, the largest independent refiner in the U.S., criticized the administration for filling the SPR in tight markets. Back when oil was just under $30 per barrel, Mr. Greehey complained that the SPR program was diverting oil from the marketplace:

> If that was going into inventory, instead of the reserve, you would not be having $29 oil, you'd be having $25 oil. So, I think they've completely mismanaged the strategic reserve.

The airline industry has been one of the industries hardest hit by high oil prices. Last year, Richard Anderson, the chief executive officer of Northwest Airlines, stated:

> U.S. taxpayers and the economy would realize greater economic potential with a more prudent management of this national asset by not further filling the SPR under the current market structure. The DOE should wait for more favorable prices before filling the reserve both today and in the future.

Larry Kellner, president and chief operating officer, Continental Airlines, also criticized the DOE's current SPR policy:

> The average price per barrel for 2003 was the highest in 20 years and to date, the price for 2004 is even higher. All the while, our government continues to depress inventory

> stocks by buying oil at these historic highs and then pouring it back into the ground to fill the strategic petroleum reserve.

The trucking industry also has suffered under high oil prices. Last year, the American Trucking Association urged the DOE to postpone filling the SPR when supplies were tight and prices high:

> When the government becomes a major purchaser of oil, it only bids up the price exactly when we need relief. I know that you recently testified to Congress that the SPR fill has a negligible impact on the price of crude oil, but we politely disagree.

Many energy industry economists and analysts have stated that filling the SPR in a tight market increases prices.

Energy Economist Philip Verleger estimated that in 2003 the SPR program added $8 to $10 to the price of a barrel of oil.

Economist Larry Kudlow said:

> Normally, in Wall Street parlance, you're supposed to buy low and sell high, but in Strategic Petroleum Reserve actions, we're buying higher and higher and that has really helped keep oil prices high.

In a May 2004 analysis, PFC Energy, a leading oil industry consulting firm, concluded:

> The Bush Administration has actually been helping OPEC to keep spot prices high and avoid commercial stock increases by taking crude out of the market and injecting significant volumes into the SPR.

Last March, in an article explaining why oil prices are so high, The Economist commented:

> Despite the high prices, American officials continue to buy oil on the open market to fill their country's strategic petroleum reserves. Why buy, you might ask, when prices are high, and thereby keep them up? The Senate has asked that question as well. It passed a non-binding resolution this month calling on the Bush administration to stop SPR purchases; but [the energy secretary] has refused.

I ask unanimous consent to have printed in the RECORD additional comments as to how filling the SPR during the tight markets over the past several years has boosted oil prices.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMENTS ON THE SPR PROGRAM

"Commercial petroleum inventories are low, retail product prices are high and economic growth is slow. The Government should avoid acquiring oil for the Reserve under these circumstances." * * * "Essentially, if the SPR inventory grows, and OPEC does not accommodate that growth by exporting more oil, the increase comes at the expense of commercial inventories. Most analysts agree that oil prices are directly correlated with inventories, and a drop of 20 million barrels over a 6-month period can substantially increase prices." John Shages, Director, Office of Finance and Policy, Strategic Petroleum Reserves, U.S. Department of Energy, Spring 2002.

"As a US Senate committee pointed out Wednesday, the US government was filling the Strategic Petroleum Reserve last year as prices were rising. And by my estimate, had the US government not filled the Strategic Petroleum Reserve or returned the 20 million barrels they'd put in back to the market, prices right now would be around $28 a barrel instead of $38 a barrel and gasoline prices might be 25 to 35 cents lower." Philip Verleger, NPR Morning Edition, March 7, 2003.

"We believe the administration has been making a mistake by refilling the reserve to the tine of about 11 million barrels since the start of May. . . . Washington should back off until oil prices fall somewhat. Doing otherwise is costing the Treasury unnecessarily and is punishing motorists during summer vacation driving time." Omaha World Herald, August 14, 2003.

"They've continued filling the reserve—which is crazy, putting the oil under ground when its needed in refineries." Dr. Leo Drollas, Chief Economist, Centre for Global Energy Studies, The Observer, August 24, 2003.

"If that was going into inventory, instead of the reserve, you would not be having $29 oil, you'd be having $25 oil. So, I think they've completely mismanaged the strategic reserve." Bill Greehey, CEO of Valero Energy, largest independent refiner in the U.S., Octane Week, September 29, 2003.

"Over the last year, the [DOE] has added its name to this rogues list of traders by continuing to acquire oil for the nation's Strategic Petroleum Reserve (SPR). In doing so, it has (1) wasted taxpayer money, (2) done its part to raise crude oil prices, (3) made oil prices more volatile, and (4) caused financial hardship for refiners and oil consumers. Philip K. Verleger, Jr., The Petroleum Economics Monthly, December 2003.

"U.S. taxpayers and the economy would realize greater economic potential with a more prudent management of this national asset by not further filling the SPR under the current market structure. The DOE should wait for more favorable prices before filling the reserve both today and in the future." Richard Anderson, CEO, Northwest Airlines, NWA WorldTraveler, January, 2004.

"The government is out buying fuel, it appears, without much regard for the impact that it is having on prices." James May, Chief Executive, Air Transport Association, quoted in U.S. Airlines Blame Bush for Cost of Oil, Associated Press, January 8, 2004.

"Government storage builds have lowered commercially available petroleum supplies" and "will provide persistent support to the markets." "Changes in global government storage injections will have [a] big impact on crude oil prices." Goldman Sachs, Energy Commodities Weekly, January 16, 2004.

"The average price per barrel for 2003 was the highest in 20 years and to date, the price for 2004 is even higher. All the while, our government continues to depress inventory stocks by buying oil at these historic highs and then pouring it back into the ground to fill the strategic petroleum reserve." Larry Kellner, President and Chief Operating Officer, Continental Airlines, Continental Airlines Earnings Conference Call, January 20, 2004.

"The act of building up strategic stocks diverts crude supplies that would otherwise have entered the open market. The natural time to do this is when supplies are ample, commercial stocks are adequate and prices low. Yet the Bush Administration, contrary to this logic, is forging ahead with plans to add [more oil to] the stockpile." Petroleum Argus, January 26, 2004.

"[Bill O'Grady, Director of Futures Research at A.G. Edwards, Inc.] also notes the Bush administration has been on an oil-buying binge to stock the nation's strategic petroleum reserves. He guesses that artificial demand boost is adding as much as 15 cents to the cost of a gallon of gas." Las Vegas Review-Journal, February 29, 2004. [West Coast gasoline about $2/gallon at the time].

"When the government becomes a major purchaser of oil, it only bids up the price exactly when we need relief. I know that you recently testified to Congress that the SPR fill has a negligible impact on the price of crude oil, but we politely disagree." Letter from American Trucking Association to Secretary of Energy Spencer Abraham, March 9, 2004.

"Normally, in Wall Street parlance, you're supposed to buy low and sell high, but in Strategic Petroleum Reserve actions, we're buying higher and higher and that has really helped keep oil prices high." Larry Kudlow, Kudlow & Cramer, CNBC, March 22, 2004.

"Filling the SPR, without regard to crude oil prices and the availability of supplies, drives oil prices higher and ultimately hurts consumers." Letter from 53 Members of the House of Representatives (39 Republicans, 14 Democrats) to President Bush, March 22, 2004.

"Despite the high prices, American officials continue to buy oil on the open market to fill their country's strategic petroleum reserves. Why buy, you might ask, when prices are high, and thereby keep them up? The Senate has asked that question as well. It passed a non-binding resolution this month calling on the Bush administration to stop SPR purchases; but Spencer Abraham, the energy secretary, has refused." The Economist, March 27, 2004.

"[T]he Energy Department plans to buy another 202,000 barrels a day in April. It can't resist a bad bargain." Alan Reynolds, Senior Fellow, CATO Institute, Investor's Business Daily, April 2, 2004.

"In my opinion, we have grossly mismanaged the SPR in the last 12 months. When Venezuela went on strike and we had the war in Iraq we probably should have drawn down some of the Reserve in order to build up supplies in the Gulf Coast of the U.S. We didn't do that. When the war was over we started adding to the Reserve, so we were actually taking oil out of the Market. We took something like 40–45 million barrels that would have gone into our inventories—we put in the strategic reserves. . . . We should have stopped filling the Reserves 6 months ago." Sarah Emerson, Managing Director, Energy Security Analysis, Inc., Interview, New England Cable News, April 4, 2004, 8:59 pm.

"The administration continues to have its hands tied on the Strategic Petroleum Reserve, particularly with candidate Kerry's 'high ground' proposal to suspend purchases putting Bush in a 'me too' position." Deutsche Bank, Global Energy Wire, "Election-Year Oil: Bush Painted into a Corner," April 6, 2004.

"At a time when supplies are tight and prospects for improvement are grim, Bush continues to authorize the purchase of oil on the open market for the country's Strategic Petroleum Reserve. Bush is buying serious quantities of oil in a high-price market, helping to keep it that way." Thomas Oliphant, Blatant Bush Tilt Toward Big Oil, Boston Globe, April 6, 2004.

"He pointed out that Senator Carl Levin, D-Mich. had a good idea earlier this month in proposing earlier this month cutting back the contribution level to the Strategic Petroleum Reserve, which Kerr said is 93 percent full. 'By reducing the input, it could provide a great deal more supply to help rein in prices a bit.'" CBS MarketWatch, Gasoline, crude prices pull back, April 23, 2004, referring to the views of and quoting Kevin Kerr, editor of Kwest Market Edge.

"The Bush Administration has actually been helping OPEC to keep spot prices high and avoid commercial stock increases by taking crude out of the market and injecting significant volumes into the SPR." Crude Or Gasoline? Who Is To Blame For High Oil Prices: OPEC Or The US? Market Fundamentals & Structural Problems, PFC Energy, May 6, 2004.

"Kilduff said the Bush administration could have stopped filling the SPR, saying 'it's not the best move to start filling the SPR when commercial inventories were at 30-year lows.'" John Kilduff, senior analyst, Fimat, in Perception vs. reality, CBS MarketWatch, May 17, 2004.

"Oppenheimer's [Fadel] Gheit said Bush's decision to fill the nation's Strategic Petroleum Reserve in the wake of the Sept. 11 attacks caused a crisis of confidence around the world that led to the perception of short supply and drove up prices. 'The administration has not tried hard to dispel notions and rumors and perceptions and concern over supply disruption,' [said Gheit]. 'Gasoline prices are at record levels because of mismanagement on a grand scale by the administration." Fadel Gheit, oil and gas analyst at Oppenheimer & Co., in Perception vs. reality, Camps debate Bush influence on Big Oil, CBS MarketWatch, May 17, 2004.

"With oil and more than $40 a barrel and the federal government running a huge deficit, it should take a timeout on filling the stockpile until crude prices come down from record levels. That would relieve pressure on the petroleum market and ameliorate gasoline prices." Houston Chronicle, Keep the oil in it, but take a timeout on filling it, May 18, 2004.

"They tell Saudi Arabia to produce more oil. Then they put it into the Strategic Petroleum Reserve. It just doesn't make any sense at all." Bill Greehey, CEO of Valero Energy, Washington Post, May 18, 2004.

"The Bush administration contributed to the oil price squeeze in several ways, according to industry experts. First, it failed to address the fact that demand for gasoline in the United States was increasing sharply, thanks to ever more gas guzzlers on the road and longer commutes. The administration also continued pumping 120,000 barrels a day of crude into the Strategic Petroleum Reserve, making a tight market even tighter." David Ignatius, Homemade Oil Crisis, Washington Post, May 25, 2004.

"How can the administration rectify its mistakes? It could calm the market by moving away from its emergency-only stance. It could also stop buying oil to add to the strategic reserve. The government has done a good job making sure that the reserve is at its 700–million barrel capacity. But now that we are close to that goal there is no reason to keep buying oil at exorbitant prices." Edward L. Morse and Nawaf Obaid, The $40-a-Barrel Mistake, New York Times, May 25, 2004.

"President Bush's decision to fill the reserve after the terror attacks of September 2001 has been one of the factors driving up oil prices in recent months, along with reports that China, which recently surpassed Japan as the second-largest importer of oil, is going ahead with plans to build its own petroleum reserve." Simon Romero, If Oil Supplies Were Disrupted, Then. . . New York Times, May 28, 2004.

"The oil price run-up and scarcity of private inventories can be laid squarely at the White House's door. Since Nov. 13, 2001 private companies have been forced to compete for inventories with the government." Steve Hanke, Oil and Politics, Forbes, August 16, 2004.

Mr. LEVIN. In summary, this amendment directs DOE to use some common sense when buying oil for the SPR. It urges DOE to buy more oil when prices are relatively low and supplies are ample, and less oil when prices are high and supplies are scarce. This approach supports our energy and national security interests and at the same time protects American consumers and businesses. It also protects the taxpayer from excessive costs due to high oil prices.

I again thank the managers and Senators COLLINS and WYDEN for their efforts so that this amendment can be accepted.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent that there now be a period for morning business with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING JUNETEENTH

Mr. FRIST. Mr. President, this June 19th marked the 140th anniversary of Juneteenth, the day our Nation finally ended the immoral and heinous institution of slavery.

On June 19th, 1865, three years after President Lincoln issued his Emancipation Proclamation, a quarter million slaves living in Texas learned that they were free from Union General Gordon Granger.

He told the people of Texas:

> [T]hat in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves, the connection heretofore existing between them becomes that between employer and free laborer.

Juneteenth, also known as Freedom Day, marked an end to a sad chapter in our Nation's history but it did not mark the end of racial prejudice in the United States.

The horrors of Jim Crowe, lynching, and rampant discrimination still awaited those freed on Juneteenth. It would take 100 years almost to the day until Congress would finally put an end to political discrimination against African-Americans by passing the historic 1965 Voting Rights Act and completing the legislative program of the civil rights movement.

Juneteenth marked the end of the struggle against slavery and the beginning of the long struggle for civil rights.

For all Americans Juneteenth is a time to celebrate freedom: to reflect on it with picnics, concerts, festivals, seminars, and celebrations. It is a time of joy and a time to remember the achievements of African-Americans around our Nation.

Juneteenth should also be a time to celebrate and remember the men and women who brought us freedom and equality: The brave Union soldiers who fought "to make men free;" the civil rights pioneers who began a struggle they would not see to its end: and the great, historic generation of civil rights leaders who helped America "live out the true meaning of its creed" and brought legal equality to all Americans.

In commemoration of Juneteenth, I urge my colleagues to reflect on our freedom, acknowledge the legacy of slavery, and celebrate the achievements of the civil rights movement.

Mr. PRYOR. Mr. President, on Saturday, June 18, 2005, Americans honored the 140th anniversary of Juneteenth, the oldest known celebration commemorating the abolition of slavery in the United States. This day celebrates African American freedom and gives us a chance to reflect upon our Nation's history, our present, and our hope for the future.

On June 19, 1865, MG Gordon Granger arrived in Texas to proclaim emancipation to Texas slaves. Though President Lincoln had delivered his Emancipation Proclamation more than 2 years earlier, this date marks the first time slaves in Texas and other surrounding States learned of their liberation. General Granger stated, "The people of Texas are informed that in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and free laborer." The term "Juneteenth" is derived from a combination of the words "June" and "nineteenth", referring to the official date of the Texas announcement, although the holiday is now celebrated on the third Saturday of June.

Following their emancipation, African Americans continued to confront immense hardships in the face of economic, social, and political disfranchisement imposed by a brutally repressive social system. In States such as Arkansas, the Jim Crow order relied on institutionalized racism to maintain the social dominance of Whites and stifle the opportunity that Blacks desired and deserved. We recently revisited the horrors of mob violence, another tool in the repression of Blacks, as the Senate officially apologized for never taking Federal action against lynching over the decades of its practice.

Due to the prolonged struggle for freedom and equality for Black Americans, we recognize Juneteenth as both a victory over slavery and as a starting point in the ongoing fight for justice in America. Thanks to the courage and dedication of the participants in the civil rights movement, our Nation has progressed by leaps and bounds from the days of sharecropping, segregated classrooms, Ku Klux Klan violence, and lynchings. However, we must remain vigilant as we strive to ensure that every American is provided an equal opportunity to succeed now and in the future.

These were the ideas that people in Arkansas and all across our country reflected upon as they celebrated Juneteenth on Saturday. I am humbled as I reflect upon Juneteenth and pay tribute to the countless contributions and advancements African Americans have made in our country throughout history. Furthermore, I encourage all Americans to join me in remembering the struggles for dignity and racial equality in America and to recommit to fighting for equality in our schools, workplaces and in our communities. And in doing so, let us strive for the strength of will and courage that were exemplified by Dr. Martin Luther King, Jr., as he shared this simple truth with the world: "Injustice anywhere is a threat to justice everywhere."

TRIBUTE TO PATRICK HENRY HUGHES

Mr. McCONNELL. Mr. President, today I honor a young and accomplished musician from my home State of Kentucky. Patrick Henry Hughes, a 17-year-old from Louisville, is the recipient of the 2005 VSA arts Panasonic Young Soloists Award, a national award reserved for young musicians with disabilities. Patrick has received the VSA arts of Kentucky Young Soloists Award yearly since 2001.

Patrick was born without eyes and is completely blind. He also has webbing in his arms and legs that prevent him from walking. These handicaps have not hampered his musical or intellectual ability, however, as Patrick is clearly a star on the rise.

An accomplished pianist and vocalist, Patrick performed at the John F. Kennedy Center for the Performing Arts on May 16, 2005. He has also performed at the Grand Ole Opry, and has shared the stage with Emmy Award-winning singer Pam Tillis, county music band Lonestar, and country music stars Lane Brody, Chad Brock, Bryan White, and Faith Hill.

In addition to playing the piano and singing tenor in his school's chorus, Patrick plays the trumpet in his school's concert and jazz bands. He has been selected to perform in many All-State band and choral festivals, receiving several distinguished awards for each. Patrick currently studies with Hinda Ordman, a Juilliard graduate.

Clearly a talented musician, Patrick also strives scholastically. He is a junior at Atherton High School and participates in the international baccalaureate program where he has maintained a 3.99 grade point average. Patrick received the Presidential Award for Outstanding Academic Achievement from both President Bill Clinton and President George W. Bush.

I ask my colleagues to join me in recognizing Louisvillian Patrick Henry Hughes for his personal and musical accomplishments.

COMMITTEE ALLOCATION CLARIFICATION

Mr. GREGG. Mr. President, I submit for the RECORD a clarification to the Senate Committee Allocation tables published on pages 88 and 89 of House Report 109–62, the Report to accompany H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006. The revised tables are consistent with committee allocation tables published in prior years' conference reports on budget resolutions. The following tables display the clarified Senate Committee allocations.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT—BUDGET YEAR TOTAL 2005

[in billions of dollars]

Committee	Direct spending jurisdiction	Entitlements funded in annual appropriations acts		
	Budget authority	Outlays	Budget authority	Outlays
Appropriations				
General Purpose Discretionary	840.036	929.520		
Memo:				
on-budget	835.610	925.115		
off-budget	4.426	4.405		
Mandatory	483.829	460.856		
Total	1,323.865	1,390.376		
Agriculture, Nutrition, and Forestry	25.258	25.148	71.954	49.563
Armed Services	85.351	85.240	0.041	0.061
Banking, Housing and Urban Affairs	14.779	6.052	0.000	-0.047
Commerce, Science, and Transportation	13.635	8.218	1.082	0.889
Energy and Natural Resources	5.124	3.922	0.004	0.005
Environment and Public Works	39.395	2.056	0.000	0.000
Finance	820.964	821.356	350.443	350.266
Foreign Relations	10.785	11.054	0.172	0.172
Governmental Affairs	71.750	70.621	18.219	18.219
Judiciary	6.009	6.076	0.578	0.564
Health, Education, Labor, and Pensions	13.952	13.946	3.988	3.889
Rules and Administration	0.076	0.019	0.113	0.112
Intelligence	0.000	0.000	0.239	0.239
Veterans' Affairs	2.161	2.190	36.996	36.924
Indian Affairs	0.555	0.562	0.000	0.000
Small Business	1.702	1.702	0.000	0.000
Unassigned to Committee	-434.360	-420.248	0.000	0.000
Total	2,001.001	2,028.290	483.829	460.856

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT—BUDGET YEAR TOTAL 2006

[In billions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations:				
General Purpose Discretionary	842.265	916.081		
Memo:				
on-budget	837.689	911.494		
off-budget	4.576	4.587		
Mandatory	531.782	512.469		
Total	1,374.047	1,428.550		

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT—BUDGET YEAR TOTAL 2006—Continued

[In billions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	25.721	25.061	69.535	50.456
Armed Services	91.206	91.125	0.040	0.060
Banking, Housing and Urban Affairs	13.507	2.957	0.000	−0.014
Commerce, Science, and Transportation	13.078	7.575	0.928	0.921
Energy and Natural Resources	4.600	4.135	0.054	0.060
Environment and Public Works	39.389	2.154	0.000	0.000
Finance	921.388	923.342	401.199	401.160
Foreign Relations	11.532	11.939	0.174	0.174
Governmental Affairs	74.698	71.791	18.611	18.611
Judiciary	7.387	6.528	0.580	0.592
Health, Education, Labor, and Pensions	13.180	11.578	4.100	3.979
Rules and Administration	0.072	0.015	0.118	0.117
Intelligence	0.000	0.000	0.245	0.245
Veterans' Affairs	1.293	1.353	36.198	36.108
Indian Affairs	0.559	0.547	0.000	0.000
Small Business	0.000	0.000	0.000	0.000
Unassigned to Committee	−496.329	−484.403	0.000	0.000
Total	2,095.328	2,104.247	531.782	512.469

HONORING OUR ARMED FORCES

TRIBUTE TO SPECIALIST CASEY BYERS

Mr. GRASSLEY. Mr. President. I rise today to pay tribute to an honorable soldier who has fallen in service to his country. Specialist Casey Byers of the 224th Engineer Battalion died on the 11th of June in Al Taqaddum, Iraq when an improvised explosive device detonated beneath his Humvee. Specialist Byers was a young native of Schleswig, IA, who was only 22 years old. I salute his patriotism and his sacrifice for the sake of freedom.

Specialist Byers was a proud American who joined the Iowa National Guard in1999. He graduated from Ar-We-Va High School in 2001 where he participated in football and track and later attended Iowa Lakes Community College. Specialist Byers graduated from the combat engineer qualification course in July 2004 and volunteered for duty with the 224th in Iraq. This was his second tour of duty in the Middle East.

Casey Byers has earned the highest gratitude of the entire Nation and today I want to recognize him with the respect he deserves. His sacrifice reminds us of the incredibly high cost of ensuring freedom. My prayers go out to Ann and William Byers who grieve the loss of their son, Paul and Jennifer Byers who grieve a lost brother, and his infant daughter Hailey who grieves the absence of her father. I also extend my prayers to all of the family, friends, and neighbors of Casey who are touched by his passing. I ask my colleagues to join me and all Iowans in remembering Specialist Casey Byers. Such men as Casey Byers inspire us to hold in ever higher esteem the ideals of freedom and service. His valor shall certainly not be forgotten.

SGT. LEIGH ANN HESTER

Mr. KERRY. Mr. President, today I want to take this time to commend one of the many American heroes defending freedom around the world for her service and courage. Her act of bravery is worthy of the remembrance and recognition of a grateful nation.

On March 20 of this year, SGT Leigh Ann Hester was escorting a convoy near Salman Pak in Iraq, when over 50 insurgents ambushed her troops, raining fire from AK-47's and RPGs. On this fateful day, Sergeant Hester faced that fire with no fear of her own fate, risking her life to save others—and save lives she did. She led a successful counterattack, brought the convoy to safety, and earned the everlasting gratitude of her fellow soldiers and the undying respect of the American people.

And so a grateful nation has bestowed Sergeant Hester of the 617th Military Police Company with the Silver Star. She is the first woman to earn this rare honor since Mary Roberts Wilson received the medal for gallantry during the Battle of Anzio in World War II. Sergeant Hester's heroism is more than worthy of this recognition. Her unwavering commitment to her fellow soldiers is a shining example of the exceptional courage that defines our brave soldiers across the world.

In winning the Silver Star, Sergeant Hester contributes to many legacies. She honors the legacy of generations of women who have served our Nation and the over 15,000 selfless women who have served so valiantly in Iraq and her bravery in the face of overwhelming adversity underscores the growing role of women in our Armed Services. She also continues the legacy of military service in her family. Her Uncle, Carl Sollinger, served honorably in Vietnam, and her grandfather, Oran Sollinger, was awarded a Bronze Star for his valor in World War II. Now, Sergeant Hester, a 23-year-old retail manager from Bowling Green, KY, seeks to expand on her own legacy of service with a career in law enforcement.

SGT Leigh Ann Hester has shown bravery in keeping with the finest traditions of service, courage, and heroism in our military. She is a special citizen, a role model, and a patriot. I call on my colleagues to join me in honoring her and in so doing honor every brave American, at home and abroad, who toils for freedom.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each day I have come to the floor to highlight a separate hate crime that has occurred in our country.

Last year in San Francisco, a male contacted an Asian gay man under the pretense of receiving a professional massage. Once inside the man's residence, the suspect impersonated an undercover cop and pulled out a gun. He used a rope to tie the victim's hands and ankles, then assaulted and robbed him. The case is being investigated as a hate crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

BOLTON NOMINATION

Mr. BURNS. Mr. President, I rise today in support of the nomination of John Bolton to be our next Ambassador to the United Nations. Unfortunately, I was unable to be here yesterday, when another vote was taken in regard to Mr. Bolton's nomination. Had I been here, however, I would have voted in support of Mr. Bolton.

Despite recent controversy over this nomination, I still believe that John Bolton is a fine candidate for the position of ambassador to the U.N. I have seen the complaints and the information provided as a result of those concerns, but I still believe that his credentials and background make him a qualified person for the job. His experience with an aside from the U.N. is one consisting of a great deal of reform. He has long been an advocate for U.N. reform throughout his career and has been vocal in proclaiming the need for the United States to take the lead in facilitating the U.N. in its goal of international peace and security. The U.N. is now facing allegations of corruption in the Oil for Food Program and from other senior officials. At this time more than any other, I firmly believe we must send someone who has experience reforming an organization.

John Bolton comes to this nomination after years of experience in the international community. He has performed pro-bono work for the U.N. in Africa and worked as the U.N. Assistant Secretary of State for International Organizations from 1989 to 1992. In the last 4 years, Bolton has been instrumental in urging U.N. agencies to take steps to stop the spread of dangerous weapons, while calling on all member states to criminalize the proliferation of weapons of mass destruction. In the Moscow Treaty, which reduced our operationally deployed nuclear weapons arsenal by two-thirds, John Bolton served as the principal negotiator. As Under Secretary of State, John Bolton helped construct the G8 Global Partnership, a global initiative to focus on safeguards and verification of nuclear programs. The G8 Global Partnership establishes a principle that countries under investigation will not be allowed to serve on the International Atomic Energy Agency, IAEA.

In these times of atrocities against humanity, an honest, functioning U.N. is needed. I think John Bolton will help the U.N. head in that direction. I do hope to have an opportunity to work with John in that capacity and know he would serve tirelessly and thoughtfully in the many challenges ahead.

RUSSIAN "PROFILES IN COURAGE" HIGH SCHOOL ESSAY CONTEST

Mr. KENNEDY. Mr. President, on May 31, the first edition in Russian of President Kennedy's famous book, "Profiles in Courage," was published, and to mark the occasion, our Ambassador in Moscow, Alexander Vershbow, held a reception at the U.S. Embassy.

As part of the occasion, the Embassy honored the winner of a "Profiles in Courage" essay contest organized by the Embassy, in which Russian high school students were encouraged to write essays on political leaders who showed extraordinary political courage of the kind described by my brother in his book. The contest was conducted under the Public Diplomacy Program of the Embassy, and I commend the State Department and the Ambassador for this inspiring initiative.

The author of the winning essay is Ivan Dmitriyevich Yevstafyev, a 15-year old student in the ninth grade at the Second School Lyceum in Moscow. His essay, "Genius and Villain," describes how Anatoly Chubais took on and carried out the immense responsibility for the vast economic reform under President Yeltsin that privatized much of the Russian economy during the 1990s. He knew that his actions would be unpopular, but he believed very deeply that the reforms served the national interest in moving Russia toward democracy, and as the essay states, he carried them out with extraordinary courage.

The "villain" in the title refers to the intense controversy over the phase of the program that privatized the energy sector amid charges of corruption and insider dealing relating to the rise of the oligarchs—hence the essay's reference to President Yeltsin's remark, "It's all Chubais' fault."

The essay has been translated into English by the Embassy, and I find it extremely inspiring. I am sure President Kennedy would be proud of Mr. Yevstafyev and his impressive essay, and proud of the Embassy for reaching out to young Russians in this appealing way and encouraging their appreciation of the importance of political courage in pursuing the path to a better future for their nation.

I believe the essay will be of interest to all our colleagues in Congress, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GENIUS AND VILLAIN

(By Ivan Dmitriyevich Yevstafyev)

I would like to write about Anatoly Chubais, a politician of extraordinary civic courage who was strong enough to remain true to himself and stay on the road he had chosen despite the pressure of circumstances. I am aware that the figure I have chosen is ambiguous and sometimes unpopular. "Genius and villainy do not go together." This phrase has been used so often that it has become commonplace. But we have to admit that Chubais, together with the team of "The Young Reformers," is an economic genius. His villainy is similar to the evil actions of a surgeon who mercilessly cuts a gangrenous limb to save a patient's life.

Chubais is not popular because of his perceived "cynicism." In my opinion, he just openly talks about problems and complications that accompany every victory. He does not promise wonders. But the "shock therapy" without the use of anesthesia cannot be popular by definition.

In the fall of 1991, when Yegor Gaydar wanted Chubais to become the head of the Department of Privatization, the future minister and deputy head of government asked, "Do you realize that, regardless of the result, people will hate me for the rest of my life, because for them I will be the man who sold Russia and who sold it the wrong way?" It was a rhetorical question, of course. Gaydar had no doubt that Chubais would accept responsibility.

I think that taking upon oneself the responsibility for carrying out the necessary, but extremely unpopular action on a national scale, and performing it efficiently and quickly, demands from a politician and a person true civic courage. His contemporaries are not able to appreciate the importance of his actions.

Through his privatization Chubais was not only making a bourgeois revolution that was virtually bloodless, but every day he made history that was "sold" piping hot together with the state property. Under enormous pressure from his opponents, Chubais managed to solve two problems of privatization: he made the process irreversible, and he took the property from bureaucratic hands and carried out the privatization, making compromises with all concerned parties to keep the society peaceful. As a result, by the middle of 1994, an organizational miracle occurred: the "voucher privatization" was over. Two-thirds of property became private. The time for a monetary stage had come.

Beginning in March 1995, the system of "shares-for-loans" auctions was put into effect. As a result, the state budget received one billion dollars that contributed to the financial stabilization to come. Thanks to the auction system, big industrial enterprises received their owners. The ten interceding years have shown that these owners are efficient.

"When someone accuses us of taking the 'pearls of the Russian Imperial Crown' and giving them out, we disagree," explains Chubais. "These so-called 'pearls' were nothing—complete failures. Thanks to privatization, these industrial ruins were turned into pearls of the new Russian market economy. We helped private shareholders to become owners through the legal procedures. As a result, they resurrected these businesses and transformed them into active enterprises."

Charismatic leaders are always in favor in Russia. It is our mentality. Anatoly Chubais' charisma has a limited range. It does not affect all people. But his team obeys him like privates obey their general. You can call Chubais an outstanding manipulator, but his readiness to negotiate with the outraged audience proves his everyday courage. For example, he won the sympathy of miners at a depth of 790 meters, where the striking miners agreed to meet with the then deputy head of government. The story had a mellow, almost fairy-tale end: privatization of coal mines, regular payrolls and transformation of the mining industry into a profitable one.

His political credo: "We survived because surviving has never been our priority task. When the French Revolution ended, one of its key figures was asked what he had been doing during the revolution. His answer was, 'I tried to survive.' As for me, I never tried to survive."

Chubais' motto is, "If not me, then who?" Probably, in the political history of Russia there are things no one but he could do. But they have to be done—for the future of Russia and for our own future. In this respect, our hero is a very lonely man. As lonely as only a reformer can be—the one who sets up tasks that only he can perform. The role of a personality in the history of Russia has always been important. Let's not disregard this. That is why a popular remark attributed to Yeltsin is quite true: "It's all Chubais' fault." Everybody can interpret it in one's own way—positive or negative.

In 1998, Chubais began to manage a whole empire—as CEO of United Energy Systems of Russia. The initial set of key problems and parameters was very Chubais-like: an industry on the verge of collapse, covering an enormous geographic area, whose whole system desperately needed reforms. Energy is the heart of economics. Over these years, the sick heart has almost healed, although at the beginning it seemed impossible.

History does not use conditional tenses, but only because it is made by outstanding figures, who do not care about means in order to achieve their goals and solve problems of historical importance. I see my hero as a person who was remodeled by history, but who also dared to recast history. Several times he succeeded.

In politics, Chubais is a man of compromise—there the end often justifies the means. But for him ideology is more important than political profit. Besides, he is just a brave man: only a person of integrity and courage could tell Vladimir Putin that he and the Russian people are wrong about the issue of Stalin's anthem.

As the head of United Energy Systems, he took upon himself the role of formulating and voicing the negative reaction of Russian business to the arrest of Mikhail Khodorkovsky on October 25, 2003. The clear impression was made that the bosses of business used him as a "human shield," as had already happened in 1996 and 1998. Perhaps, that's how it was. But Chubais stated that it was his "inner decision."

Those who clean the Augean stables of gloomy epochs and lost opportunities do not always enjoy a good reputation among their contemporaries. Thirteen years ago, several people sacrificed their reputations by taking responsibility for changes in the country. Chubais continues to work. His achievements are spread in time and therefore do not clearly stand out. His goal is to turn Russia into a market democracy. One criterion for evaluating Chubais is the country that we have now and the one we will have in the future—the country that is moving from coup d'etats to guided democracy and maybe to real democracy. History is made by people who eventually bring success to their country.

Although Chubais is already in the history books, the goal he set for himself has not been achieved yet. The liberal Russia is being built online.

TRIBUTE TO PATRICE BOLLING AND MELISSA MOODY

Mr. PRYOR. Mr. President, I rise today with some sadness, but also with great pride, to announce that two of my most trusted Senate aides will be leaving my staff. Both have been faithful and selfless in their service to the State of Arkansas, and their contributions will be sorely missed by me, my staff, and the many Arkansans who have had the great fortune of working with these two wonderful public servants.

Patrice Bolling first came to my office before I had even been officially sworn in as Senator. However, she has known the importance of public service much longer. While still in college, Patrice came to Washington for a summer internship in the White House Scheduling Office during the Clinton Administration. She also had the opportunity to work on the staff of my good friend, Senator Dale Bumpers of Arkansas. Not long after receiving her diploma from the University of Arkansas at Fayetteville, she worked for the Democratic Party of Arkansas and soon found herself serving as executive director of the State party. Patrice then returned to Washington to serve as the scheduler, executive assistant and legislative assistant on the staff of Congressman Marion Berry of Arkansas. I personally came to know Patrice's hard work and dedication when she took time from her duties on Congressman BERRY's staff to work on my campaign for Senate in 2002. Soon after my election, Patrice came to my staff as the scheduler—and I am not sure that my good friend, Congressman BERRY, has ever forgiven me. Since that time, I have found Patrice to be an invaluable asset to my staff; so much so that earlier this year she became our office's operations director. Patrice's leadership in helping establish my Washington, DC office was instrumental. While I am sad to see Patrice leave my staff, I am proud of what she has helped our office accomplish in the past 2½ years. I am confident she will prove as valuable in her new position with a top advertising firm in Austin, TX, and I wish her nothing but the best of luck.

Melissa Moody has been involved in public service to the State of Arkansas since her graduation from the University of Arkansas. She too worked for Senator Bumpers as an intern and as a staff member before returning to Arkansas to pursue a law degree. Although she had not yet finished her studies at the University of Arkansas at Little Rock Law School, Melissa accepted my invitation to join my staff in the Arkansas attorney general's office during my term there. It was there that I saw what an outstanding attitude and work ethic she possesses. She later became my scheduler during my Senate campaign and later returned to Washington as my executive assistant. From the time I met Melissa 6 years ago, she has proven herself to be a dedicated, organized, hardworking, and caring employee. While the demands of her responsibilities would be overwhelming to some, she has always remained levelheaded. Her concern for others, her sense of humor, and her consistent optimism have made her a favorite of her coworkers and a good friend to me. She has been an integral part of our office's success. Melissa is moving home to Arkansas to practice law, where I am certain that the traits that allowed her to become one of my most indispensable staffers will allow her to be a successful and compassionate advocate for her clients. I wish her every success.

Both Patrice and Melissa will be missed by my staff and me. We all wish them the best of luck in their future endeavors and look forward to the day our paths will cross again.

POSTAL REFORM

Mr. BURNS. Mr. President, I would like to take a few minutes to make some remarks on S. 662, the Postal Accountability and Enhancement Act of 2005. I have decided to support this legislation and I urge my colleagues to do the same. I have heard from Montana's postmasters, rural letter carriers, and customers that the U.S. Postal Service faces several long-term financial challenges that must be fixed.

In the last 5 years alone, first class mail, which accounts for over half of all postal revenue, has dropped dramatically. As different ways of communicating emerge, like using e-mail, the Postal Service will continue to struggle in order to preserve delivery to every address. In other words, if something is not done, the Postal Service will struggle to maintain universal service. This bill guarantees universal service, and as a rural State, Montana relies on this assurance. The Postal Service is the only service provider available in many parts of Montana and allows residents to stay in contact with folks cross the country and the world.

This bill helps resolve the problems with the escrow account. By releasing these funds, the Postal Service would be able to minimize rate increases, help pay off debt owed to the U.S. Treasury, and assist funding health care obligations for their employees.

Recently, a Montanan called me saying, "If something is not done to preserve the Postal Service, I, along with 3000 Postal employees in Montana, will lose our jobs. We will lose, Montana will lose and most of all, America will lose." Mr. President, I agree, and I urge my colleagues to vote in favor of the Postal Accountability and Enhancement Act of 2005.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO ELISABETH JANE FISHER

• Mr. CRAIG. Mr. President, I would like to take this opportunity to congratulate Elizabeth Jane Fisher of Boise, ID. She has been named as one of eight national finalists for the Richard T. Farrell Teacher of Merit Award.

Ms. Fisher is being recognized for her ability to develop and use creative methods to make history interesting for her students. As a teacher at

Riverstone Community School in Boise, she helps to cultivate exciting discoveries about the past. Her countless hours devoted to the Idaho National History Day have helped to promote an educationally stimulating experience for her dedicated students. She is committed to helping students develop their interests in history and recognize their achievements.

I am heartened by the fact that there are educators who devote much time and effort to shaping the minds of our young people. Teachers educate the future leaders of our country. I am happy to recognize one such teacher who truly is making a difference. Again, let me commend Elizabeth Fisher for this accomplishment. I wish her all the best as she continues her efforts in educating the children of Idaho.•

CELEBRATING ROTARY INTERNATIONAL'S 100TH ANNIVERSARY

• Mr. FEINGOLD. Mr. President, today I want to take a moment to pay tribute to Rotary International as the organization celebrates its 100th anniversary this week in Chicago. Paul P. Harris' establishment of the original Chicago chapter heralded an era of philanthropic activity and community building that has flourished throughout the last century. Rotary International's extensive public service stands as an example of what we can accomplish through organization and commitment to the common good.

Since its inception, our nation has relied on the cooperation of disparate communities to achieve common goals. Rotary Clubs provide a critical forum of communication for leaders from a wide variety of backgrounds to share information and ideas. Through Rotary, men and women from myriad professions can share thoughts from their distinct perspectives. These perspectives are what gives Rotary its great strength, and have enabled the organization to accomplish so much in the last century.

Without a doubt, one of those great accomplishments has been Rotary International's work, begun in 1985, to eradicate polio through its PolioPlus program. Thanks to the efforts of Rotarians worldwide, the Western Hemisphere, Europe, and the Western Pacific have been declared polio-free. Rotary's continuing success combating polio provides hope to the world's health community as we struggle against the ravages of disease. I am proud to be an original cosponsor of S. Res. 62, a resolution supporting the goals and ideals of a "Rotary International Day" and celebrating and honoring Rotary International on the occasion of its centennial anniversary. Last Congress, I was also pleased to be the lead Democratic co-sponsor of S. Con. Res. 111, a resolution expressing the sense of the U.S. Congress that a commemorative stamp should be issued in honor of the centennial anniversary of Rotary International and its work to eradicate this disease.

In addition to Rotary's work to combat polio, the organization also provides indispensable support to students. The Rotary Student of the Month program consistently encourages high school students to become leaders in their schools and communities, while the Rotary scholarship program provides funds for deserving students.

The list of Rotary's contributions to our communities goes on and on. I join people across the U.S., and around the world this year who honor Rotary's many accomplishments as the organization celebrates 100 years of service. I would like to offer my heartfelt congratulations and best wishes for the organization's next 100 years.•

CONGRATULATING CHRISTINE HENNEBERG

• Mrs. FEINSTEIN. Mr. President, today I wish to congratulate Christine Henneberg of Palo Alto, CA, for winning Second Prize in the prestigious Elie Wiesel Prize in Ethics Essay Contest. This represents a tremendous achievement, and I am pleased to recognize her today.

Rooted in the memory of the Holocaust, Elie Wiesel and his wife, Marion, started the Elie Wiesel Foundation for Humanity to combat indifference, intolerance, and injustice through international and youth-focused programs. Each year, they sponsor the Prize in Ethics Essay Contest to challenge college students to analyze the urgent ethical issues confronting them in today's world. Now in its 17th year, the contest encourages our Nation's students to submit personal essays that raise questions, single out issues, and are compelling arguments for ethical action.

As a senior at Pomona College in California, Christine entered the national essay contest under the sponsorship of Pomona College Professor of Philosophy N. Ann Davis. In her prize winning essay, "The God on my Grandfather's Table," Christine explores the role of the elderly in our society and the implications of the unfortunate and frequent negative perception of the elderly.

Chosen from over hundreds of essays from more than 200 colleges and universities nationwide, Christine's work demonstrates her tremendous maturity and devotion to important issues facing our society.

Christine now plans to attend medical school. I want to wish her the best there and in all she does. She has made our great State proud, and I am happy to commend her today.•

UTAH'S GOLF AMBASSADOR TO THE WORLD

• Mr. HATCH. Mr. President, I want to take a few moments to honor one of the State of Utah's finest men and an ambassador for golf throughout the world. On May 29, 2005, Mike Reid won the 66th Senior PGA tournament at Laurel Valley Golf Club in Ligonier, PA.

Mike won this event in dramatic fashion. As he strode to the 18th hole, he was three shots down to the leader, Jerry Pate. This hole was a par five that called for a long shot over water if you dared to try and hit the green in two shots. Dana Quigley was already in the clubhouse at 8 under par with Mike at 6 under par and Jerry Pate at 9 under par. Mike had to gamble and went for the green in two. He was able to stick a three iron about 20 feet below the hole and then made a dramatic eagle to go 8 under par and tie Dana Quigley. When Jerry Pate failed to make his par putt, the three men entered a sudden death playoff. Once again Mike was the only player to hit the par five green in two shots, and his tap-in birdie sealed the win in the first Senior Major event of the year.

I have had the privilege of knowing Mike Reid for many years. Mike was a two-time All American at Brigham Young University and finished his collegiate career in 1976. I came to know Mike when he started visiting Washington, DC, to play in the Kemper Open. Over the years, our friendship has continued, and Mike has been gracious enough to donate his time to the charity golf tournament I host each year for the Utah Families Foundation. He had a distinguished career on the regular PGA tour, winning the Tucson Open in 1986 and the World Series of Golf in 1987. In 1990, he won the Casio World Open in Japan.

Mike is a humble soft spoken man, a husband to his wife, Randolyn, and a father to six children, and grandfather to one grandson. When others are seeking the spotlight, Mike is content to look for the things that interest him in life. This was never more evident than during the tournament in Western Pennsylvania, when he left the course on Friday tied for the lead. In the press interviews, they asked him what he would be doing for the rest of the day. Mike informed them that he had always wanted to visit the Jimmy Stewart Museum in Indiana, PA—and that is exactly what he did. His interest in Jimmy Stewart was two-fold: First, Mike admired him as a man who made movies that his whole family could watch and someone willing to walk away from his movie career to serve his nation during World War II; second, Jimmy Stewart shared a spot on a list of pilots receiving medals that included Mike's own father, a B-17 pilot.

Mike followed up his win at the Senior PGA by jumping right back on the leader board at the Allianz Open in Iowa the following week. At the end of the second day he had a two-stroke lead and eventually finished third. True to his form, Mike then went to Colorado to support his son, Daniel, while he played in a junior golf tournament.

The fact that Mike played in the Senior PGA Tournament says much about Mike and his family. As they looked at the schedule, they realized that the Senior PGA Championship was being played on the weekend that his oldest son, Daniel, was graduating from Orem High School, and it was his daughter Clarissa's birthday. The family talked and urged Mike to play that week. Daniel told him that he would rather caddy for his dad than walk across a stage for a minute, but Mike assured him that it was more important for him to stay home and attend his graduation. Mike then took the week off before the Senior PGA to spend with his family.

Mike is a devoted father, a quality best represented by a quote he gave to Sports Illustrated:

> I can live without winning golf championships, but it would be hard to look in the mirror if I was a crummy dad. I'm not going to let golf own me again. This is the type of athlete that all of us are proud to call a hero, someone that has his life in perspective and knows the real things that surround us each day.

I congratulate Mike Reid on his victory at the Senior PGA and I know that we will be seeing much more of Mike on the leader boards of future events.•

MESSAGES FROM THE HOUSE

At 11:34 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R.2475. An act to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.J. Res. 52. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 160. Concurrent resolution recognizing the historical significance of Juneteenth Independence Day, and expressing the sense of Congress that history should be regarded as a means for understanding the past and solving the challenges of the future.

H. Con. Res. 180. Concurrent resolution to support initiatives developed by the Firefighter Life Safety Summit and the mission of the National Fallen Firefighters Foundation and the United States Fire Administration to reduce firefighter fatalities and injuries, to encourage implementation of the new "Everyone Goes Home" campaign to make firefighter safety a national priority, and to support the goals of the national "stand down" called by fire organizations.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2475. An act to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence.

The following concurrent resolution were read, and referred as indicated:

H. Con. Res. 160. Concurrent resolution recognizing the historical significance of Juneteenth Independence Day, and expressing the sense of Congress that history should be regarded as a means for understanding the past and solving the challenges of the future; to the Committee on the Judiciary.

H. Con. Res. 180. Concurrent resolution to support initiatives developed by the Firefighter Life Safety Summit and the mission of the National Fallen Firefighters Foundation and the United States Fire Administration to reduce firefighter fatalities and injuries, to encourage implementation of the new "Everyone Goes Home" campaign to make firefighter safety a national priority, and to support the goals of the national "stand down" called by fire organizations; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar:

H.J. Res. 52. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2689. A communication from the Director, Office of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Environmental Management, the designation of an Acting Assistant Secretary for Environmental Management, and the name of a nominee to fill the vacancy; to the Committee on Energy and Natural Resources.

EC–2690. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, the report of a draft bill entitled "Lowell National Historical Park Boundary Adjustment Act" received on June 17, 2005; to the Committee on Energy and Natural Resources.

EC–2691. A communication from the Acting Chair, Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subpart C and D—2005–2006 Subsistence Taking of Wildlife Regulations" (RIN1018–AT70) received on June 16, 2005; to the Committee on Energy and Natural Resources.

EC–2692. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Permits; Determination that Falconry Regulations for the State of Connecticut Meet Federal Standards" (RIN1018–AT63) received on June 16, 2005; to the Committee on Energy and Natural Resources.

EC–2693. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Parts 1 and 155—Distribution of 'Risk Disclosure Statement' by Futures Commission Merchants and Introducing Brokers" (RIN3038–AC16) received on June 21, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2694. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Part 150—Revision of Federal Speculative Position Limits" (RIN3038–AC24) received on June 21, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2695. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Part 1—Investment of Customer Funds and Record of Investments" (RIN3038–AC15) received on June 21, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2696. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of the New York Mercantile Exchange, Inc. Petition to Extend Interpretation Pursuant to Section 1a(12)(C) of the Commodity Exchange Act" received on June 21, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2697. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2698. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2699. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2700. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, the Annual Report of the Strategic Environmental Research and Development

Program; to the Committee on Armed Services.

EC–2701. A communication from the Publications Control Officer, Department of the Army, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Motor Vehicle Traffic Supervision" (RIN0702–AA43) received on June 16, 2005; to the Committee on Armed Services.

EC–2702. A communication from the Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of the grade of rear admiral (lower half); to the Committee on Armed Services.

EC–2703. A communication from the Acting Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 03–02; to the Committee on Appropriations.

EC–2704. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 02–03; to the Committee on Appropriations.

EC–2705. A communication from the General Counsel, Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of a vacancy in the position of Director, Office of Federal Housing Enterprise Oversight, received on June 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with amendments:

S. 260. A bill to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program (Rept. No. 109–86).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR for the Committee on Foreign Relations.

*Emil A. Skodon, of Illinois, to be Ambassador to Brunei Darussalam.

Nominee: Emil M. Skodon.

Post: Brunei Darussalam.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self: None.
2. Spouse: Dorothea Skodon: None.
3. Children and Spouses: Catherine Skodon: None; Christine Skodon: None.
4. Parents: Emil J. Skodon: Deceased; Ann Skodon: Deceased.
5. Grandparents: Jan Skodon: Deceased; Appolina Skodon: Deceased; William Soltes: Deceased; Francis Soltes: Deceased.
6. Brothers and Spouses: None.
7. Sisters and Spouses: None.

*Joseph A. Mussomeli, of Virginia, to be Ambassador to the Kingdom of Cambodia.

Nominee: Joseph Adamo Mussomeli.

Post: Cambodia; Nominated Feb. 17, 2005.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self: 0.
2. Spouse: 0.
3. Children and Spouses: 0.
4. Parents: N/A.
5. Grandparents: N/A.
6. Brothers and Spouses: 0.
7. Sisters and Spouses: 0.

*Larry Miles Dinger, of Iowa, to be Ambassador to the Republic of the Fiji Islands, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, the Kingdom of Tonga, Tuvalu, and the Republic of Kiribati.

Nominee: Larry Miles Dinger.

Post: Ambassador to Fiji, Kiribati, Nauru, Tonga, and Tuvalu.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self: None.
2. Spouse: Paula Gaffey Dinger: None.
3. Children and Spouses: Cristina Maria Dinger: None; James Thomas Dinger: None; William Lyle Dinger: None.
4. Parents: Lyle Dinger (deceased); Lauraine Miles Dinger (deceased).
5. Grandparents: William and Estella Miles (deceased); William and Christina Dinger (deceased).
6. Brothers and Spouses: John and Michie Dinger: None; Glen and Elizabeth Dinger (brother deceased).
7. Sisters and Spouses: Jan and Daniel Duggan: None.

*Ronald E. Neumann, of Virginia, to be Ambassador to the Islamic Republic of Afghanistan.

Nominee: Ronald E. Neumann.

Post: Afghanistan; Nominated: May 13, 2005.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self: Ronald E. Neumann: None.
2. Spouse: Margaret Elaine Neumann: None.
3. Children and Spouses: Brian Neumann: None; Helen Neumann: None.
4. Parents: Robert G. Neumann (deceased): N/A; Marlen Eldredge (deceased): N/A.
5. Grandparents: N/A.
6. Brothers and Spouses: Gregory W. Neumann: None.
7. Sisters and Spouses: N/A.

*Gregory L. Schulte, of Virginia, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador.

*Gregory L. Schulte, of Virginia, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

Nominee: Gregory L. Schulte.

Post: U.N.—Vienna.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self: None.
2. Spouse: Nancy Schulte: $50, 6/04, Senator Lieberman.
3. Children and Spouses: Laura Schulte (unmarried); Alexander Schulte (unmarried): None.
4. Parents: Frank and Elaine Schulte: $50, 1/28/02, Republican Cong'l Cmtee; $1,000, 4/23/04, Bush-Cheney; $1,000, 9/9/04, Republican Nat'l Cmtee.
5. Grandparents: Edward and Ester Schulte (deceased); Dietrich and Louise Matthew (deceased): None.
6. Brothers and Spouses: Richard Schulte: Unknown (out of contact).
7. Sisters and Spouses: None: N/A.

*Michael E. Hess, of New York, to be an Assistant Administrator of the United States Agency for International Development.

*Dina Habib Powell, of Texas, to be an Assistant Secretary of State (Educational and Cultural Affairs).

By Ms. COLLINS for the Committee on Homeland Security and Governmental Affairs.

A. Noel Anketell Kramer, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Laura A. Cordero, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Linda Morrison Combs, of North Carolina, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

*Linda M. Springer, of Pennsylvania, to be Director of the Office of Personnel Management for a term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 1285. A bill to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building"; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself and Mr. CORZINE):

S. 1286. A bill to require States to report data on medicaid beneficiaries who are employed; to the Committee on Finance.

By Mr. COLEMAN (for himself and Ms. LANDRIEU):

S. 1287. A bill to amend the definition of independent student for purposes of the need analysis in the Higher Education Act of 1965 to include older adopted students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself and Mr. AKAKA):

S. 1288. A bill to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI (for herself, Mrs. CLINTON, Mr. KENNEDY, Mrs. MURRAY, Mrs. BOXER, Ms. CANTWELL, and Mr. SARBANES):

S. 1289. A bill to provide for research and education with respect to uterine fibroids, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DODD, Mr. FRIST, Mr. REID, Mr. STEVENS, Mr. DURBIN, Mr. COCHRAN, and Mr. ALLARD):

S. Res. 179. A resolution to provide for oversight over the Capitol Visitors Center by the Architect of the Capitol; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 37

At the request of Mrs. FEINSTEIN, the names of the Senator from Virginia (Mr. WARNER), the Senator from Alaska (Mr. STEVENS) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 241

At the request of Ms. SNOWE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 313

At the request of Mr. LUGAR, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 313, a bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

S. 419

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 419, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 424

At the request of Mr. BOND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 441

At the request of Mr. FRIST, his name was added as a cosponsor of S. 441, a bill to amend the Internal Revenue Code of 1986 to make permanent the classification of a motorsports entertainment complex.

S. 593

At the request of Ms. COLLINS, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 593, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries.

S. 611

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 611, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes.

S. 614

At the request of Mr. SPECTER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 614, a bill to amend title 38, United States Code, to permit medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, and for other purposes.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 642

At the request of Mr. FRIST, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 651

At the request of Mr. REID, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 651, a bill to amend title 5, United States Code, to make creditable for civil service retirement purposes certain periods of service performed with Air America, Incorporated, Air Asia Company Limited, or the Pacific Division of Southern Air Transport, Incorporated, while those entities were owned or controlled by the Government of the United States and operated or managed by the Central Intelligence Agency.

S. 662

At the request of Ms. COLLINS, the names of the Senator from Virginia (Mr. WARNER), the Senator from Montana (Mr. BURNS) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 662, a bill to reform the postal laws of the United States.

S. 681

At the request of Mr. HATCH, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 681, a bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells.

S. 705

At the request of Mr. SARBANES, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 705, a bill to establish the Interagency Council on Meeting the Housing and Service Needs of Seniors, and for other purposes.

S. 852

At the request of Mr. SPECTER, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 852, a bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

S. 898

At the request of Mr. TALENT, his name was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes.

S. 919

At the request of Mr. BURNS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 919, a bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates, and for other purposes.

S. 956

At the request of Mr. GRASSLEY, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 956, a bill to amend title 18, United

States Code, to provide assured punishment for violent crimes against children, and for other purposes.

S. 1002

At the request of Mr. BAUCUS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1002, a bill to amend title XVIII of the Social Security Act to make improvements in payments to hospitals under the medicare program, and for other purposes.

S. 1081

At the request of Mr. KYL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1081, a bill to amend title XVIII of the Social Security Act to provide for a minimum update for physicians' services for 2006 and 2007.

S. 1088

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1088, a bill to establish streamlined procedures for collateral review of mixed petitions, amendments, and defaulted claims, and for other purposes.

S. 1109

At the request of Mr. LOTT, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1109, a bill to amend title XVIII of the Social Security Act to provide payments to Medicare ambulance suppliers of the full cost of furnishing such services, to provide payments to rural ambulance providers and suppliers to account for the cost of serving areas with low population density, and for other purposes.

S. 1112

At the request of Mr. BAUCUS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1129

At the request of Mr. LUGAR, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1129, a bill to provide authorizations of appropriations for certain development banks, and for other purposes.

S. 1143

At the request of Mr. ENZI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1143, a bill to provide death and disability benefits for aerial firefighters who work on a contract basis for a public agency and suffer death or disability in the line of duty, and for other purposes.

S. 1171

At the request of Mr. SPECTER, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1171, a bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents, and for other purposes.

S. 1174

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1174, a bill to authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States.

S. 1221

At the request of Mr. DAYTON, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1221, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 1281

At the request of Mrs. HUTCHISON, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1281, a bill to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010.

S. RES. 31

At the request of Mr. COLEMAN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. Res. 31, a resolution expressing the sense of the Senate that the week of August 7, 2005, be designated as "National Health Center Week" in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

S. RES. 33

At the request of Mr. LEVIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 33, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 173

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 173, a resolution expressing support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland.

AMENDMENT NO. 799

At the request of Mr. VOINOVICH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 799 proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 816

At the request of Mr. KOHL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 816 intended to be proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 839

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 839 proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 840

At the request of Mr. SMITH, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 840 intended to be proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 1285. A bill to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building"; to the Committee on Environment and Public Works.

Ms. STABENOW. Mr. President, I rise today to introduce legislation that will designate the Federal building located at 333 Mt. Elliott Street in Detroit, MI, as the "Rosa Parks Federal Building." I want to thank Senator LEVIN for joining me on this bill.

On December 1, 1955, Mrs. Parks left work in her hometown of Montgomery, AL and boarded a bus headed for home. When the bus became crowded, she was ordered by the bus driver to give up her seat to a white male passenger. She refused. Mrs. Parks was arrested, and 4 days later the Montgomery Bus Boycott began. The Boycott lasted for over a year until the Montgomery buses were officially desegregated in December of 1956.

Rosa Parks is simply one courageous woman who did what she believed was fair and right. She is a testament to the power of one individual willing to fight for her beliefs. Her actions set the Civil Rights Movement in motion and set a precedent for protest without violence. I would like to thank Rosa Parks for her contribution to freedom and justice for all men and women in this country. Her actions changed the course of history.

Rosa Parks moved to Detroit in 1957. In 1977, she and Elaine Easton Steel founded the Rosa and Raymond Parks

Institute for Self-Development in Detroit to offer guidance to young African Americans. She still calls Detroit home and has lived there for nearly 50 years. Nicknamed the "Mother of Civil Rights," Parks was awarded the Presidential Medal of Freedom in 1996—the highest civilian award this Nation can bestow. Naming the building that currently houses the Federal Homeland Security office in Detroit is but one more way for our Nation to recognize and thank Mrs. Parks for her contribution to our country. It is an honor she richly deserves, and one I urge my colleagues to support.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, shall be known and designated as the "Rosa Parks Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Rosa Parks Federal Building".

Mr. LEVIN. Mr. President, I am proud to join with Senator STABENOW in introducing legislation to name the Federal building located at 333 Mt. Elliott Street in Detroit, MI, in honor of Mrs. Rosa Parks, "mother of the civil rights movement." I also want to commend Representative CAROLYN CHEEKS KILPATRICK for her leadership in sponsoring this initiative last week in the House

Rosa Parks is an American heroine. When this gentle warrior decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus in Montgomery, AL, her act of defiance launched the modern civil rights movement in America. By refusing to move to the back of that bus, she inspired a yearlong, citywide bus boycott by African Americans in Montgomery that led to a Supreme Court decision outlawing segregation on buses and introduced a young local leader named Martin Luther King to the Nation. It was a turning point in American history that challenged the conscience of the country and the world.

Rosa Parks' stand that day was not an isolated incident but part of a lifetime struggle for equality and justice. Twelve years earlier, for instance, she had been arrested for violating another segregation law, which required African Americans to pay their fares at the front of the bus and then re-board from the rear. In the years that followed her solitary protest, she was a prominent figure in the civil rights movement. In 1987, she co-founded the Rosa and Raymond Parks Institute for Self-Development, which continues to offer young people hands-on opportunities to learn about civil rights in America.

Although Rosa Parks will be forever associated with one day in Montgomery, AL, she lived most of her life in my home State of Michigan. She came to Detroit under sad circumstances—harassment and threats on her life—but she built a new life there. We in Michigan are proud to call her one of our own, and we want to recognize her enormous contributions by renaming this federal building in her honor. Appropriately, the building is a historic one, built in 1855 and used as a hospital during the Civil War. This legislation will ensure that the proud legacy of Rosa Parks is properly recognized in Michigan, and I urge my colleagues to support this bill.

By Mr. KENNEDY (for himself and Mr. CORZINE):

S. 1286. A bill to require States to report data on medicaid beneficiaries who are employed; to the Committee on Finance.

Mr. KENNEDY. Mr. President, it's an honor to join Senator CORZINE and Congressman WEINER to introduce the Health Care Accountability Act.

Americans believe that a fair day's work should bring a fair day's pay. That's the American dream. But that's not the case at Wal-Mart. Somehow, the biggest company in the world can't manage to pay its workers a living wage. Thousands of workers in Wal-Mart can't afford health insurance and have to rely on Medicaid to cover their families' health needs.

We are here today to say there is no place for that kind of corporate citizenship in America. It is time for Wal-Mart, the Nation's largest employer, to act responsibly. The company prides itself on selling products at rock-bottom prices. Last year, it raked in $10 billion in profits, up 13 percent from 2003. It is no mystery why Wal-Mart does so well—it buys its goods overseas and pays its 1.6 million employees next to nothing to sell them. Yet Wal-Mart just keeps getting bigger as its wages fall farther and farther behind.

We see the same effect throughout the economy. Companies are making huge profits on the backs of their employees. Since the end of the recession, profits are up more than 70 percent nationally, yet wages are stagnant. More and more of what the economy produces is going to business profits, and less to workers, than at any time since such records began in 1929. There is plenty for the Executive Suite, but it is time for a fair share for employees' pay and benefits, too.

We all end up footing the bill when employers refuse to pay a living wage. Many companies are making record-breaking profits, yet they shift millions of dollars in health costs to the public. In 15 States where data are available, Wal-Mart employees are receiving almost $200 million in Federal and State health benefits. Massachusetts spent almost $3 million last year to provide health Care to 3,000 Wal-Mart workers and their families.

The bill we announce today begins to hold these companies accountable. All it asks is that States disclose the number of employees in large companies who receive State medical assistance, and the cost to the States for providing that care.

Massachusetts was the first State to mandate such a study. The first report, released in February, found that the State was paying $53 million for health care for, employees at some of the largest, most profitable firms—including Dunkin Donuts, Stop & Shop, and Wal-Mart.

Medicaid and CHIP provide a critical safety net for low-income women and children, the disabled, and the elderly. They should not also have to underwrite the profits for large companies like Wal-Mart.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1286

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Care Accountability Act".

SEC. 2. STATE REQUIREMENT TO REPORT DATA ON MEDICAID BENEFICIARIES WHO ARE EMPLOYED.

(a) REPORTING REQUIREMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended in the first sentence—

(1) by striking "and" at the end of paragraph (66);

(2) by striking the period at the end of paragraph (67) and inserting "; and"; and

(3) by inserting after paragraph (67) the following new paragraph:

"(68) provide for the annual reporting by the State, using data only from applications by individuals for medical assistance under the State plan, on each employer in the State with 50 or more employees who received medical assistance under this title at any time during the previous year, such reporting to include with respect to the employer (A) the name and address of the employer, (B) the number of employees who receive such medical assistance during the previous year, which may include a separate listing of the numbers of part-time and full-time employees if such data is available, (C) the number of individuals who receive such medical assistance during the previous year who are spouses or dependents of such employees, (D) the cost to the State of providing such medical assistance during the previous year to such employees, spouses, and dependents, and (E) the ratio of employees who receive such medical assistance during the previous year to the total employees in the State during that previous year.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to 2006 and each subsequent year.

(c) INITIAL REPORT.—Not later than July 1, 2006, the Secretary of Health and Human Services shall provide for an initial mid-year report by each State with a State plan approved under title XI or XIX of the Social Security Act of the information described in section 1902(a)(68) of such Act, as added by subsection (a).

(d) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed as superseding requirements for the protection of patient privacy provided for under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note), under part C of title XI of the Social Security Act, or under any other provision of Federal law.

By Mr. COLEMAN (for himself and Ms. LANDRIEU):

S. 1287. A bill to amend the definition of independent student for purposes of the need analysis in the Higher Education Act of 1965 to include older adopted students; to the Committee on Health, Education, Labor, and Pensions.

Mr. COLEMAN. Mr. President, as United States Senators, we are well aware of the difficulty in making tough decisions. But, a tough decision for a thirteen-year-old foster care child shouldn't be choosing between being adopted and having a permanent loving, stable, and secure family, or attending college for a promising future. Today, I am proud to be joined by my friend, Senator MARY LANDRIEU from Louisiana in introducing the Fostering Adoption To Further Student Achievement Act because we believe all youth deserve both a loving family and a future of hope.

Our legislation promotes older adoptions of foster care youth by not later penalizing the adopting family when their student applies for student Federal financial aid.

We've heard from former foster teens across our Nation who have stated that they were better off "aging" out of the foster care system than being adopted by a family because of a fear of losing student Federal financial aid because as a foster student they don't have to report any parental income on their student financial aid application.

Our legislation provides a solution by amending the definition of "independent student" to include foster care youth who were adopted after the age of thirteen in the Higher Education Act of 1965. Thus, the family and student would not be penalized on their Federal financial aid as their classification would be determined by only the student's ability to pay. Most prospective adopting parents would not have financially planned for an older teen becoming part of their family. Our legislation offers an incentive to promote older adoptions rather than having the teen stay in foster families until they "age out."

The numbers are startling and its time we act. Currently, 20,000 youth "age" out of the foster care system each year with 30 percent of these youth incarcerated within 12 months of doing so. There are 523,000 children in foster care with nearly half the kids over the age of 10. Children in foster care are twice as likely as the rest of the population to drop out before finishing high school. Several foster care alumni studies indicate that within three years after leaving foster care: only 54 percent had earned their high school diploma, only 14 percent had graduated from a four-year college, and 25 to 44 percent had experienced homelessness.

Statistics show youth that are adopted out of the foster care system attend college, have stable lives, have a permanent family, and have a future of hope. One to two years of community college coursework significantly increases the likelihood of economic self-sufficiency. A college degree is the single greatest factor in determining access to better job opportunities and higher earnings.

The Fostering Adoption To Further Student Achievement Act ensures that children don't have to make a tough decision between choosing to have a family or an education.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fostering Adoption to Further Student Achievement Act".

SEC. 2, AMENDMENT TO INDEPENDENT STUDENT.

Section 480(d) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(d)) is amended—

(1) in paragraph (6), by striking "or" after the semicolon;

(2) in paragraph (7), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(8) was adopted from the foster care system when the individual was 13 years of age or older.".

By Mr. WYDEN (for himself and Mr. AKAKA):

S. 1288. A bill to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I introduce legislation to authorize the Secretary of the Interior to enter into cooperative agreements to protect National Parks through collaborative efforts on lands inside and outside of National Park System units.

This legislation is based on very successful watershed protection legislation enacted for the Forest Service and the Bureau of Land management, now commonly referred to as the Wyden amendment. The Wyden amendment, first enacted in 1998 for fiscal year 1999, has resulted in countless Forest Service and Bureau of Land Management cooperative agreements with neighboring State and local land owners to accomplish high priority restoration, protection and enhancement work on public and private lands. It has not required additional funding, but has allowed the agencies to leverage their scarce restoration dollars thereby allowing the federal dollars stretch farther.

The legislation I introduce today will allow the Park Service to use a similar authority to attack natural threats to National Parks, such as invasive weeds, before they cross onto Parks' land. The National Park Service tells me that if they have to wait until the weeds hit the Parks before treating them the costs for treatment rise exponentially and the probability of beating the weeds back drop exponentially.

I ask unanimous consent that examples of projects the National Park Service would with this authority, as well as the groups with which they would partner be printed in the RECORD. I am please that Senator AKAKA is joining me as an original cosponsor of this legislation and I hope my other colleagues will join me as cosponsors of this legislation and in ensuring its swift passage.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POTENTIAL COOPERATIVE PROJECTS ADJACENT TO OR NEARBY NPS LANDS:

STATE: ALABAMA

Exotic Plants

Park Unit: Russell Cave National Monument. Partner: Alabama Department of Game and Fish Projects/Pest: Autumn olive.

STATE: ALASKA

Exotic Plants

Park Unit: Denali National Park and Preserve. Partner: Private landowner and Alaska Department of Transportation. Projects/Pest: Remove multiple species from an isolated location in Kantishna White sweet clover along the Park's Highway.

Park Unit: Gates of the Arctic National Park and Preserve. Partner: Alaska Department of Transportation, Bureau of Land Management. Projects/Pest: Multiple species moving up the Dalton Highway towards the park.

Park Unit: Glacier Bay National Park and Preserve. Partner: Town of Gustavus. Projects/Pest: Remove multiple species from isolated locations.

Park Unit: Kenai Fjords National Park. Partner: U.S. Forest Service. Projects/Pest: Yellow sweetclover on Exit Glacier Road.

Park Unit: Klondike Gold Rush Historical Park. Partner: Town of Skagway. Projects/Pest: White sweetclover, Butter-and-eggs.

Park Unit: Sitka National Historical Park. Partner: City of Sitka. Projects/Pest: Japanese knotweed.

Park Unit: Wrangell-St. Elias National Park and Preserve. Partner: Town of McCarthy and Alaska Department of Transportation, Bureau of Land Management. Projects/Pest: Remove multiple species from isolated locations and White sweetclover on area roadways.

STATE: ARIZONA

Exotic Plants

Park Unit: Canyon de Chelly National Monument. Partner: Navajo Indian Reservation. Project/Pest: Tamarisk and Russian olive.

Park Unit: Grand Canyon National Park. Partner: Hualapai Indian Reservation. Project/Pest: Remove Tamarisk from shared drainages.

Park Unit: Hubbell Trading Post National Historic Site. Partner: Navajo Indian Reservation. Project/Pest: Pueblo Colorado Wash tamarisk and Russian olive.

STATE: CALIFORNIA

Exotic Plants

Park Unit: Death Valley National Park. Partners: Private lands (Shoshone, CA), Bureau of Land Management, State Fish and Game. Projects/Pest: Amargosa River tamarisk control Saline Valley tamarisk.

Park Unit: Golden Gate National Recreation Area. Partners: Private land. Projects/Pest: Remove Pampas grass serving as a seed source re-infesting NPS lands.

Park Unit: Golden Gate National Recreation Area. Partner: State and Private lands. Projects/Pest: Jubata grass.

Park Unit: Mojave National Preserve. Partners: Private and State land. Project/Pest: Tamarisk near I1-15 corridor, scattered in-holdings and mine sites.

Aquatic Resources

Park Unit: Golden Gate National Recreation Area. Partners: Private and Public lands. Projects/Pest: Work with City/College and others to facilitate movement of listed butterfly between two separated NPS parcels.

Park Unit: Point Reyes National Seashore. Partners: Private lands. Project/Pest: Restore eroded stream channels benefiting the salmonid fishery in the park.

Park Unit: Santa Monica Mountains National Recreation Area. Partners: Private lands, City and County government, NGO's. Project/Pest: Numerous projects to stabilize, mitigate or restore land disturbances affecting runoff and erosion processes.

Geologic Resources

Park Unit: Redwood National Park. Partners: Private lands. Project/Pest: Work collaboratively to implement erosion control measures from roads associated with timber harvest.

STATE: COLORADO

Exotic Plants

Park Unit: Dinosaur National Monument. Partner: Utah State land. Project/Pest: Jones Hole Creek, spotted knapweed and tamarisk.

Park Unit: Mesa Verde National Park. Partner: Ute Mountain Indian Reservation. Project/Pest: Mancos River tamarisk.

STATE: DISTRICT OF COLUMBIA

Exotic Plants

Park Unit: National Capitol Area East. Partners: Private landowners. Project/Pest: Asian Spiderwort (Murdannia keisak).

STATE: GEORGIA

Exotic Plants

Park Unit: Chickamauga and Chattanooga National Military Park. Partners: Lookout Land Trust and Private business. Project/pest: Kudzu.

STATE: HAWAII

Exotic Plants

Park Unit: Haleakala National Park. Partners: State, Private landowners, Private industry, NGO's, General public. Project/Pest: Miconia Fountain Grass, Bocconia, Pampas Grass.

Park Unit: Hawaii Volcanoes National Park. Partners: State, Private landowners, NGO's, Private industry. Project/Pest: Miconia Fountain Grass, Bocconia, Pampas Grass.

Park Unit: Kaluapapa National Historical Park. Partners: State, Private landowners, NGO's, Private industry. Project/Pest: Miconia Fountain Grass, Bocconia, Pampas Grass.

STATE: IDAHO

Geologic Resources

Park Unit: Hagerman Fossil Beds National Monument. Partners: Private lands. Project/Pest: Prevent irrigation canal seepage causing slumpage/wasting of fossil resources and impacts to Snake River.

STATE: KENTUCKY

Exotic Plants

Park Unit: Mammoth Cave National Park. Partners: Private landowner and State University. Project/Pest: Garlic mustard.

STATE: MARYLAND

Exotic Plants

Park Unit: Antietam National Battlefield. Partners: State and County Department of Transportation. Project/Pest: Tree of Heaven.

Park Unit: Assateague Island National Seashore. Partners: State agency. Projects/Pest: Eragrostis curvula (weeping lovegrass) coming into park from state lands.

Park Unit: Catoctin Mountain Park. Partners: State roads, Railroad right-of-way. Project/Pest: Mile-a-minute.

STATE: MASSACHUSETTS

Exotic Plants

Park Unit: Minute Man National Historical Park. Partners: Local municipalities. Projects/Pest: Variety of exotic plants along boundaries of park.

Wetlands

Park Unit: Cape Cod National Seashore. Partners: Town of Wellfleet, MA. Projects/Pest: CACO has three large wetlands that are impaired due to salt marsh diking that has restricted tidal flow to the systems, some impacted for more than 100 years. Having the ability to access and utilize funds to alter and improve the water control structures ultimately is all that is needed to restore thousands of acres of wetlands within the park boundary.

STATE: MISSOURI

Geologic Resources

Park Unit: Ozark National Scenic Riverways. Partners: Private lands, Federal agencies. Project/Pest: Develop understanding of and extent of karst environment in and around the park.

STATE: MONTANA

Exotic Plants

Park Unit: Glacier National Park. Partners: Blackfeet tribe. Project/Pest: Numerous exotic plant species.

Native Species

Park Unit: Glacier National Park. Partners: Montana Fish, Wildlife and Parks, U.S. Forest Service, BNSF Railroad and others. Project/Pest: Fencing along boundaries, white and limber pine restoration and wetland surveys.

STATE: NEVADA

Exotic Plants

Park Unit: Great Basin National Park. Partners: Private, State and U.S. Forest Service. Project/Pest: Scattered spotted knapweed and thistle in shared drainages with the park.

Park Unit: Lake Mead National Recreation Area. Partners: County, State, Private, Bureau of Land Management. Project/Pest: Virgin River, Las Vegas Wash, Muddy River, tall whitetop, Russian knapweed, camelthom and tamarisk.

STATE: NEW JERSEY

Aquatic Resources

Park Unit: Morristown National Historical Park. Partners: Private landowners. Project/Pest: Develop and implement in concert with private landowners best management practices to reduce pesticide and storm water runoff into Primrose Creek which contains a genetically pure stock of native brook trout.

STATE: NEW MEXICO

Exotic Plants

Park Unit: Pecos National Historical Park. Partner: Private landowners, U.S. Forest Service, and State agencies. Projects/Pest: tamarisk.

STATE: NEW YORK

Exotic Plants

Park Unit: Delaware Water Gap National Recreation Area. Partners: State agencies, Local municipalities, watershed associations. Projects/Pest: Variety of exotic plants along park boundaries.

Park Unit: Gateway National Recreation Area Partners: State agency. Projects/Pest: Oriental bittersweet invading from park into state lands.

STATE: NORTH CAROLINA

Exotic Plants

Park Unit: Blue Ridge Parkway. Partner: The Nature Conservancy, U.S. Forest Service. Projets/Pest: Oriental Bittersweet.

Park Unit: Carl Sandburg Home National Historic Site. Partner: Adjacent Homeowner Association. Projets/Pest: English Ivy.

Park Unit: Guilford Courthouse National Military Park. Partner: Guilford County Parks and Recreation. Projets/Pest: Wild yam and Privet.

STATE: OKLAHLMA

Exotic Plants

Park Unit: Washita Battlefield National Historic Site. Partner: Private landowners, U.S. Forest Service. Projets/Pest: Scotch thistle.

STATE: OREGON

Exotic Plants

Park Unit: John Day Fossil Beds National Monument. Partner: Private Landowners, County Weed Districts and Watershed Counils. Projels/Pest: Medusa head, Tarweed, Russian Knapweed Yellow Start thistle, Whitetop and other weeds.

Park Unit: Lewis and Clark National Historical Park (formerly Fort Clatsop National Memorial). Partner: Private Timber lands, Private Agriculture lands and Oregon State Parks. Projedts/Pest: Scotch Broom, Reed Canary Grass, English Holly, and other invaste plants.

STATE: PENNSYLVANIA

Exotic Plants

Park Unit: Upper Delaware Scenic and Recreational River. Partners: Local municipalities, Private landowners. Projects/Pest:

Mainly Japanese knotweed along Delaware River and tributaries.

Aquatic Resources

Park Unit: Valley Forge National Historical Park. Partners: Private landowners, County/State governments, non-profit groups. Project/Pest: Implement Valley Creek Restoration Plan and EA which identifies management strategies and restoration opportunities within the watershed and outside the park including the retrofitting of 24 detention basins, creation of 30 ground water infiltration sites, re-vegetation of miles of eroding stream banks, and planting of riparian buffers throughout the watershed.

STATE: TENNESSEE

Exotic Plants

Park Unit: Big South Fork National River and Recreation Area. Partners: Tennessee Division of Forestry and Tennessee State Parks. Project/Pest: Multi-flora rose and Privet.

Park Unit: Cumberland Gap National Historical Park. Partners: City of Middlesboro. Project/Pest: Privet.

Park Unit: Obed Wild and Scenic River. Partners: Tennessee Wildlife Resources Agency. Project/Pest: Multi-flora rose and Privet.

STATE: TEXAS

Exotic Plants

Park Unit: Big Bend National Park. Partners: State and Local government. Private landowners and Country of Mexico. Project/Pest: Tamarisk along Rio Grande River Drainage.

STATE: UTAH

Exotic Plants

Park Unit: Arches National Park. Partners: State and Bureau of Land Management. Project/Pest: Courthouse Wash and Salt Creek tamarisk.

Park Unit: Canyonlands National Park. Partners: Private and The Nature Conservancy. Project/Pest: Dugout Ranch area, tamarisk and knapweed.

Park Unit: Capitol Reef National Park. Partners: Private and U.S. Forest Service. Projects/Pest: Sulphur Creek and Upper Fremont River, tamarisk.

Park Unit: Zion National Park. Partners: Private and State lands. Projects/Pest: Upper and Lower Virgin River, tamarisk.

STATE: VIRGINIA

Exotic Plants

Park Unit: Colonial National Historical Park. Partners: NGO (Colonial Williamsburg Foundation). Projects/Pest: kudzu, English ivy, and tree of heaven straddling common boundary.

Park Unit: Shenandoah National Park. Partners: Private lands (east boundary and west boundary). Projects/Pest: Kudzu straddling east boundary; bamboo straddling west boundary.

Park Unit: Wolf Trap National Park for the Performing Arts. Partners: County and private lands. Project/Pest: Lesser Celandine.

STATE: WASHINGTON

Exotic Plants

Park Unit: Ebey's Landing National Historical Reserve. Partner: Washington State Parks, The Nature Conservancy of Washington, Island County, Ebey's Landing Trust Board, Washington State Department of Transportation. Projects/Pest: Poison Hemlock.

Park Unit: Lake Roosevelt National Recreation Area. Partner: U.S. Forest Service, State, Tribal, and Private lands. Projects/Pest: Eurasian watermilfoil.

Park Unit: Olympic National Park. Partner: U.S. Forest Service, State, Tribal, and Private (including timber company) lands. Projects/Pest: Several species of knotweed

Aquatic Resources

Park Unit: Olympic National Park. Partners: Private lands, State lands and U.S. Fish and Wildlife Service lands. Project/Pest: Cooperatively characterize aquifer parameters such as storage and transmission coefficients, monitor ground water levels, spring flow river flow install new monitoring wells to determine response of aquifer to water withdrawals.

STATE: WEST VIRGINIA

Exotic Plants

Park Unit: Appalachian National Scenic Trail. Partners: Non-NPS owners of trail lands. Projects/Pest: Variety of exotic plants coming into easements along the trail—major problem throughout the length of this linear park.

STATE: WYOMING

Aquatic Resources

Park Unit: Yellowstone National Park. Partners: State of Montana. Project/Pest: Initiate groundwater studies in the Yellowstone Groundwater Area north of the park.

By Ms. MIKULSKI (for herself, Mrs. CLINTON, Mr. KENNEDY, Mrs. MURRAY, Mrs. BOXER, Ms. CANTWELL, and Mr. SARBANES):

S. 1289. A bill to provide for research and education with respect to uterine fibroids, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. Mr. President, I rise to introduce the Uterine Fibroid Research and Education Act of 2005. This bill would increase funding for research on uterine fibroids as well as create an education awareness campaign to make sure women and their doctors have the facts they need about this painful, chronic condition. I want to thank Representative STEPHANIE TUBBS JONES for introducing this legislation in the House of Representatives and Senators CLINTON, KENNEDY, MURRAY, CANTWELL, BOXER, and SARBANES for joining me as original cosponsors.

Uterine fibroids are a major health issue for American women. It is estimated that three in every four women have uterine fibroids. Although many women with fibroids have few or no symptoms, it is projected that one in every four women seeks medical care for the heavy bleeding, pain, infertility, or miscarriage that uterine fibroids cause.

Despite their prevalence, little is known about uterine fibroids, and few good treatment options are available to women who suffer from them. In fact, the Agency for Healthcare Research and Quality at the Department of Health and Human Services found "a remarkable lack of high quality evidence supporting the effectiveness of most interventions for symptomatic fibroids. More than 200,000 women undergo a hysterectomy each year to treat their uterine fibroids. Women deserve better. That's why I am introducing the Uterine Fibroid Research and Education Act—to find new and better ways to treat or even cure uterine fibroids.

This bill does three things. First, it expands research at the National Institutes of Health, NIH, by doubling funding for uterine fibroids from $15 million to $30 million. This funding will provide the investment needed to jumpstart basic research, and lay the groundwork to find a cure. This additional funding will help researchers find out why so many women get uterine fibroids, why African American women are disproportionately affected, what steps women can take to prevent uterine fibroids, and what the best ways to treat them are.

Second, this legislation coordinates research on uterine fibroids through the Office of Research on Women's Health, ORWH. More than a decade ago, I fought to create this Office at NIH to give women a seat at the table when decisions were made about funding priorities. This bill directs this Office to lead the Federal Government's research effort on uterine fibroids. A coordinated research effort is needed to make the best use of limited resources and to give women a one-stop shop to find out what the federal government is doing to combat uterine fibroids.

Finally, this bill creates education campaigns for patients and health care providers. A recent survey conducted by the Society for Women's Health Research, cited as many as one-third of women who have hysterectomies do so without discussing potential alternatives with their doctors. This bill will make sure women can count on their doctors for information about the best possible treatment for uterine fibroids. It will also give women the facts they need to make good health care decisions and take control of their health.

Since my first days in Congress, I have been fighting to make sure women don't get left out or left behind when it comes to their health. From women's inclusion in clinical trials to quality standards for mammograms, I have led the way to make sure women's health needs are treated fairly and taken seriously. This legislation builds on these past successes to address this silent epidemic among American women.

The Uterine Fibroid Research and Education Act is supported by the American College of Obstetricians and Gynecologists, the Society for Women's Health Research, and the Black Women's Health Imparitive. I look forward to working with these advocates and my colleagues to get this bill signed into law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 179—TO PROVIDE FOR OVERSIGHT OVER THE CAPITOL VISITORS CENTER BY THE ARCHITECT OF THE CAPITOL

Mr. LOTT (for himself, Mr. DODD, Mr. FRIST, Mr. REID, Mr. STEVENS, Mr. DURBIN, Mr. COCHRAN, and Mr. ALLARD) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 179

Resolved,

SECTION 1. CAPITOL VISITOR CENTER.

(a) IN GENERAL.—The Architect of the Capitol shall have the responsibility for the facilities management and operations of the Capitol Visitor Center.

(b) EXECUTIVE DIRECTOR.—The Architect of the Capitol may appoint an Executive Director of the Capitol Visitor Center whose annual rate of pay shall be determined by the Architect of the Capitol and shall not exceed $1,500 less than the annual rate of pay for the Architect of the Capitol.

(c) CONGRESSIONAL OVERSIGHT.—The responsibilities of the Architect of the Capitol under this section shall be subject to congressional oversight by the Committee on Rules and Administration of the Senate and as determined separately by the House of Representatives.

(d) CAPITOL PRESERVATION COMMISSION JURISDICTION.—Nothing in this section shall be construed to remove the jurisdiction of the Capitol Preservation Commission.

AMENDMENTS SUBMITTED AND PROPOSED

SA 841. Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. REED, Mr. SESSIONS, Mr. KENNEDY, Ms. COLLINS, Mr. DODD, Mrs. BOXER, Mrs. CLINTON, Mr. LIEBERMAN, Ms. CANTWELL, Mr. KERRY, Mr. SCHUMER, Mrs. MURRAY, and Mr. CARPER) proposed an amendment to the bill H.R. 6, To ensure jobs for our future with secure, affordable, and reliable energy.

SA 842. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 843. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 844. Mr. KERRY (for himself, Mr. BIDEN, Mrs. FEINSTEIN, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra.

SA 845. Ms. STABENOW (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 846. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 847. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 848. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 849. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 850. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra.

SA 851. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 852. Mrs. LINCOLN (for herself and Mr. SANTORUM) submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 853. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 854. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 855. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 856. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 857. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 858. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 859. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 860. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 861. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 6, supra.

SA 862. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 863. Mr. LAUTENBERG (for himself, Mr. DURBIN, Mr. DORGAN, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 864. Mr. LEVIN (for himself, Ms. COLLINS, Mr. WYDEN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra.

SA 865. Mr. FEINGOLD (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 866. Mr. BINGAMAN (for himself, Mr. SPECTER, Mr. DOMENICI, Mr. ALEXANDER, Ms. CANTWELL, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. MCCAIN, Mr. JEFFORDS, Mr. KERRY, Ms. SNOWE, Ms. COLLINS, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra.

SA 867. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 868. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 869. Mr. BYRD (for himself, Mrs. LINCOLN, Mr. ROCKEFELLER, Mr. HARKIN, and Mr. PRYOR) proposed an amendment to the bill H.R. 6, supra.

SA 870. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 6, supra.

SA 871. Mr. REID (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 872. Mr. MARTINEZ (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 873. Mr. SUNUNU (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 874. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 875. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 876. Mr. INOUYE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 877. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 878. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 879. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 880. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 881. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 882. Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 883. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 884. Mr. ROCKEFELLER (for himself, Mr. BINGAMAN, and Mr. BUNNING) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 885. Ms. CANTWELL (for herself, Mr. GRAHAM, Mrs. MURRAY, Mr. SMITH, Mr. BINGAMAN, and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 886. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 887. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 888. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 889. Ms. SNOWE (for herself and Mr. Stevens) submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 890. Mr. SMITH submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 891. Mr. DOMENICI (for himself, Mr. Bingaman, Ms. Landrieu, Mr. Vitter, Mr. Lott, Mr. Cochran, and Mrs. Hutchison) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 892. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 893. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 894. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 895. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 896. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 897. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 898. Mr. LEVIN (for himself and Ms. Stabenow) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 899. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 900. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 901. Ms. SNOWE (for herself and Mr. Burns) submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 902. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 903. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 904. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 905. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 906. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 907. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 908. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 909. Mr. ALEXANDER (for himself, Mr. Warner, Ms. Landrieu, Mr. McCain, Mr. Allen, Mr. Voinovich, and Mr. Brownback) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 910. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 911. Mr. INHOFE (for himself and Mr. Cornyn) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 912. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 913. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 914. Ms. LANDRIEU (for herself and Mr. Shelby) submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 915. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 916. Mr. JEFFORDS (for himself and Mr. Lautenberg) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 917. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 918. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 919. Mr. HARKIN (for himself, Mr. Lugar, Mr. Obama, Mr. Coleman, and Mr. Bayh) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 920. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 921. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 922. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 923. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 924. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 925. Mr. BOND (for himself, Mr. Levin, Ms. Stabenow, and Mr. Voinovich) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 926. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 927. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra.

SA 928. Mr. LEVIN (for himself and Mr. Alexander) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 929. Mr. LEVIN submitted amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to be on the table.

SA 930. Mr. LEVIN (for himself and Mr. Bayh) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 931. Mr. LEVIN (for himself and Mr. Bayh) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 932. Mr. LEVIN (for himself and Mr. Bayh) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 933. Mr. GRASSLEY (for himself and Mr. Baucus) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra.

SA 934. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 935. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 936. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 937. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 938. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 939. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 940. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 941. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 942. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 943. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 944. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 945. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 946. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 947. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 948. Mr. LIEBERMAN (for himself, Mr. Bayh, and Mr. Salazar) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 949. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 950. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 951. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 952. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 953. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 954. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 955. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 956. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 957. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 958. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 959. Mr. ROCKEFELLER (for himself, Mr. BUNNING, and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 960. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 961. Mr. ALEXANDER (for himself, Mr. WARNER, Ms. LANDRIEU, Mr. MCCAIN, Mr. ALLEN, Mr. VOINOVICH, Mr. BROWNBACK, Mr. BURR, and Mr. BUNNING) proposed an amendment to the bill H.R. 6, supra.

SA 962. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 963. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 964. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 965. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 966. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 967. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 968. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 969. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 970. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 971. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 5, Reserved; which was ordered to lie on the table.

SA 972. Mr. WARNER (for himself, Mr. ALEXANDER, and Mr. VOINOVICH) proposed an amendment to the bill H.R. 6, To ensure jobs for our future with secure, affordable, and reliable energy.

SA 973. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 974. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 975. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 976. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 977. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 825 submitted by Mr. KERRY and intended to be proposed to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 978. Mr. FRIST (for Mr. CONRAD (for himself, Mr. DURBIN, and Ms. STABENOW)) proposed an amendment to the bill H.R. 6, supra.

SA 979. Mr. FRIST (for Mr. HATCH (for himself and Mr. SALAZAR)) proposed an amendment to the bill H.R. 6, supra.

SA 980. Mr. FRIST (for Ms. STABENOW (for herself, Mrs. BOXER, and Mr. DORGAN)) proposed an amendment to the bill H.R. 6, supra.

SA 981. Mr. FRIST (for Mr. KOHL (for himself, Mr. DEWINE, and Mr. LIEBERMAN)) proposed an amendment to the bill H.R. 6, supra.

SA 982. Mr. FRIST (for Mr. ALEXANDER) proposed an amendment to the bill H.R. 6, supra.

SA 983. Mr. FRIST (for Mr. JEFFORDS) proposed an amendment to the bill H.R. 6, supra.

SA 984. Mr. FRIST (for Mr. CORNYN) proposed an amendment to the bill H.R. 6, supra.

SA 985. Mr. FRIST (for Mrs. HUTCHISON) proposed an amendment to the bill H.R. 6, supra.

SA 986. Mr. FRIST (for Mr. JEFFORDS) proposed an amendment to the bill H.R. 6, supra.

SA 987. Mr. FRIST (for Mr. ALEXANDER) proposed an amendment to the bill H.R. 6, supra.

SA 988. Mr. FRIST (for Mr. HARKIN) proposed an amendment to the bill H.R. 6, supra.

SA 989. Mr. FRIST (for Mr. DOMENICI) proposed an amendment to the bill H.R. 6, supra.

TEXT OF AMENDMENTS

SA 841. Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. REED, Mr. SESSIONS, Mr. KENNEDY, Ms. COLLINS, Mr. DODD, Mrs. BOXER, Mrs. CLINTON, Mr. LIEBERMAN, Ms. CANTWELL, Mr. KERRY, Mr. SCHUMER, Mrs. MURRAY, and Mr. CARPER) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

On page 311, after line 24, add the following:

"(3)(A) The Commission shall not approve an application for the authorization under this section of the siting, construction, expansion, or operation of facilities located onshore or in State waters for the import of natural gas from a foreign country or the export of natural gas to a foreign country without the approval of the Governor of the State in which the facility would be located. Subject to subparagraph (B), if the Governor fails to submit to the Commission an approval or disapproval not later than 45 days after the issuance of the final environmental impact statement on the proposed project, the approval shall be conclusively presumed. If the Governor notifies the Commission that an application, which would otherwise be approved under this paragraph, is inconsistent with State programs relating to environmental protection, land and water use, public health and safety, and coastal zone management, the Commission shall condition the license granted so as to make the license consistent with the State programs.

"(B) In the case of a project not approved before June 22, 2005, and for which the final environmental impact statement was issued more than 15 days before the date of enactment of this subsection, this paragraph shall apply, except that the Governor of the State shall submit the approval or disapproval of the Governor not later than 30 days after the date of enactment of this subsection, or approval shall be conclusively presumed. If the Governor disapproves the project within that period, neither the Commission nor any other Federal agency shall take any further action to approve the project or the construction or operation of the project.".

On page 312, line 1, strike "(3)" and insert "(4)".

On page 312, line 24, strike "(4)" and insert "(5)".

SA 842. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 755, after line 25, add the following:

SEC. 13 . STUDY OF MARITIME HERITAGE IN MICHIGAN.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the National Park Service Midwest Regional Office.

(2) STATE.—The term "State" means the State of Michigan.

(3) STUDY AREA.—The term "study area" means the State of Michigan.

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the State, the State historic preservation officer, local historical societies, State and local economic development, tourism, and parks and recreation offices, and other appropriate agencies and organizations, shall conduct a special resource study of the study area to determine—

(A) the potential economic and tourism benefits of preserving State maritime heritage resources;

(B) suitable and feasible options for long-term protection of significant State maritime heritage resources; and

(C) the manner in which the public can best learn about and experience State maritime heritage resources.

(2) REQUIREMENTS.—In conducting the study under paragraph (1), the Secretary shall—

(A) review Federal, State, and local maritime resource inventories and studies to establish the context, breadth, and potential for interpretation and preservation of State maritime heritage resources;

(B) examine the potential economic and tourism impacts of protecting State maritime heritage resources;

(C) recommend management alternatives that would be most effective for long-term resource protection and providing for public enjoyment of State maritime heritage resources;

(D) address how to assist regional, State, and local partners in efforts to increase public awareness of and access to the State maritime heritage resources;

(E) identify sources of financial and technical assistance available to communities for the conservation and interpretation of State maritime heritage resources; and

(F) address ways in which to link appropriate national parks, State parks, waterways, monuments, parkways, communities, national and State historic sites, and regional or local heritage areas and sites into a Michigan Maritime Heritage Destination Network.

(3) REPORT.—Not later than 18 months after the date on which funds are made available to carry out the study under paragraph (1), the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) the results of the study; and

(B) any findings and recommendations of the Secretary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.

SA 843. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. TREATMENT OF ELECTRONIC WASTE AS A QUALIFIED RECYCLABLE MATERIAL FOR THE QUALIFIED RECYCLABLE EQUIPMENT CREDIT.

(a) IN GENERAL.—Section 45M(c)(2) of the Internal Revenue Code of 1986 (relating to credit for qualified recycling equipment), as added by title XV, is amended by inserting "or electronic waste (including any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or a central processing unit)" after "aluminum".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SA 844. Mr. KERRY (for himself, Mr. BIDEN, Mrs. FEINSTEIN, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 768, after line 20, add the following:

TITLE XV—CLIMATE CHANGE

SEC. 1501. SENSE OF SENATE REGARDING THE NEED FOR THE UNITED STATES TO ADDRESS GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—The Senate finds that—

(1) there is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate;

(2) there are significant long-term risks to the economy, the environment, and the security of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations;

(3) the United States, as the largest economy in the world, is currently the largest greenhouse gas emitter;

(4) the greenhouse gas emissions of the United States are projected to continue to rise;

(5) the greenhouse gas emissions of developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries;

(6) reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other practices, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases;

(7) the development and sale of such technologies in the United States and internationally presents significant economic opportunities for workers and businesses in the United States;

(8) such technologies can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure;

(9) other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provide industries in those countries with a competitive advantage in the growing global market for such technologies;

(10) efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of the developing countries could establish significant markets for such technologies and contribute to international efforts to address climate change;

(11) the United States is a party to the United Nations Framework Convention on Climate Change adopted in May 1992, and entered into force in 1994 (referred to in this section as the "Convention");

(12) the Convention sets a long-term objective of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system;

(13) the Convention establishes that parties bear common but differentiated responsibilities for efforts to achieve the objective of stabilization of greenhouse gas concentrations;

(14) the Kyoto Protocol was entered into force on February 16, 2005, but the United States is not, nor is likely to be, a party to the Protocol;

(15) the parties to the Kyoto Protocol will begin discussion in 2005 about possible future agreements;

(16) an effective global effort to address climate change must provide for commitments and action by all countries that are major emitters of greenhouse gases, whether developed or developing, and the widely varying circumstances among the developed and developing countries may require that such commitments and action vary; and

(17) the United States has the capability to lead the effort against global climate change.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should act to reduce the health, environmental, and economic risks posed by global climate change and foster sustained economic growth through a new generation of technologies by—

(1) participating in international negotiations under the Convention with the objective of securing United States participation in fair and binding agreements that—

(A) advance and protect the economic interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principle of common but differentiated responsibilities;

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global greenhouse gas emissions;

(2) enacting and implementing effective and comprehensive national policies to achieve significant long-term reductions in greenhouse gas emissions in the United States; and

(3) establishing a bipartisan Senate observer group, the members of which shall be designated by the majority leader and minority leader of the Senate, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the advice and consent function of the Senate is exercised in a manner to facilitate timely consideration of any future applicable treaty submitted to the Senate.

SA 845. Ms. STABENOW (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE XV—ANTI-CONSUMER GASOLINE PRICING AND MARKETING PRACTICES INVESTIGATION

SEC. 1501. INVESTIGATION BY FEDERAL TRADE COMMISSION.

Not later than 60 days after the date of enactment of this Act, the Federal Trade Commission shall conduct an investigation and report to Congress on whether the increase in gasoline prices is the result of market manipulation and whether there is price gouging with respect to gasoline. The investigation shall include an analysis of manipulation and price gouging on both the national and regional levels.

SA 846. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 296, after line 25, add the following:

SEC. 347. LEASE EXCHANGES ON THE ROCKY MOUNTAIN FRONT.

(a) FINDINGS.—Congress finds that—

(1) the Rocky Mountain Front in the State of Montana, bordered by Glacier National Park, wilderness, and the Blackfeet Indian Reservation, is—

(A) 1 of the last intact wild places in the lower 48 states;

(B) home to prized populations of elk, deer, bighorn sheep, grizzly bears, multiple bird species, and other fish and wildlife; and

(C) highly valued by the local community and the State of Montana as a vital recreation, hunting, and fishing destination;

(2) the Badger-Two Medicine area of the Front is sacred ground to the Blackfeet Indian Tribe;.

(3) past attempts to carry out oil and gas development in the Front have met with limited or no success and as of the date of enactment of this Act it has been more than a decade since any development activity actually occurred in the Front; and

(4) in order to promote and enhance the recovery of the domestic oil and gas reserves of the United States in the most efficient manner possible, Congress should encourage holders of leases in the Front to cancel the leases in exchange for incentives to carry out oil and gas production activities in more readily available and appropriate areas.

(b) DEFINITIONS.—In this section:

(1) BADGER-TWO MEDICINE AREA.—The term "Badger-Two Medicine Area" means the Forest Service land located in—

(A) T. 31 N., R. 12-13 W.;

(B) T. 30 N., R. 11–13 W.;

(C) T. 29 N., R. 10–16 W.; and

(D) T. 28 N., R. 10–14 W.

(2) BLACKLEAF AREA.—The term "Blackleaf Area" means the Federal land owned by the Forest Service and Bureau of Land Management that is located in—

(A) T. 27 N., R. 9 W.;

(B) T. 26 N., R. 9–10 W.;

(C) T. 25 N., R. 8-10 W.; and

(D) T. 24 N., R. 8–9 W.

(3) ELIGIBLE LESSEE.—The term "eligible lessee" means a lessee under a nonproducing lease.

(4) NONPRODUCING LEASE.—The term "nonproducing lease" means a Federal oil or gas lease that is—

(A) in existence and in good standing on the date of enactment of this Act; and

(B) located in the Badger-Two Medicine Area or the Blackleaf Area.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means the State of Montana.

(c) OPPORTUNITIES FOR CANCELLATION NONPRODUCING LEASES.—

(1) IN GENERAL.—An eligible lessee may elect to cancel a nonproducing lease in exchange for either—

(A) oil and gas lease tracts of comparable value in the State;

(B) the issuance of bidding, royalty, or rental credits for Federal onshore oil and gas leases in the State equal to the fair market value of the nonproducing lease; or

(C) a tax credit under subsection (e).

(2) IMPLEMENTING REGULATIONS AND VALUATION OF NONPRODUCING LEASES.—For the purpose of evaluating either of the options in subparagraph (A) or (B) of paragraph (1), the Secretary shall, not later than 180 days after the date of enactment of this Act—

(A) issue—

(i) regulations establishing a methodology for determining the fair market value of nonproducing leases, including consideration of established standards and practices in the oil and gas industry; and

(ii) such other regulations as are necessary to carry out this section; and

(B) identify suitable lease tracts available in the State for exchange under paragraph (1).

(3) EFFECT OF CANCELLATION OF NONPRODUCING LEASE.—A nonproducing lease canceled for any reason, including under this Act, shall be permanently withdrawn from future oil and gas leasing activity.

(4) SUSPENSION OF LEASES IN THE BADGER-TWO MEDICINE AREA.—To facilitate consideration of the options under paragraph (1), the terms of nonproducing leases in the Badger-Two Medicine Area shall be suspended for a 3-year period beginning on the date of enactment of this Act.

(5) SUNSET.—The authority provided under this subsection terminates on December 31, 2009.

(d) GRANTS TO SUPPORT SUSTAINABLE ECONOMIC DEVELOPMENT.—

(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary shall use $5,000,000 to make a grant in that amount to Teton County, Montana.

(2) USE OF GRANT FUNDS.—The grant recipient shall use the grant funds to support sustainable economic development in Teton County.

(e) TAX CREDIT.—

(1) IN GENERAL.—In the case of an eligible lessee who makes an election under subsection (c), there shall be allowed as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for the taxable year an amount equal to the fair market value of a nonproducing lease which is canceled pursuant to this section.

(2) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under paragraph (1) for any taxable year exceeds the limitation imposed by section 26(a) of the Internal Revenue Code of 1986 for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of chapter 1 of such Code, such excess shall be carried to the succeeding taxable year and added to the credit allowable under paragraph (1) for such taxable year.

(3) VALUATION OF LEASE.—For purposes of this subsection, the fair market value of a nonproducing lease shall be determined by the Secretary of the Treasury in consultation with the Secretary of the Interior, based on the regulation under subsection (c)(2).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 847. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 767, line 5, strike "and".

On page 767, line 15, strike the period and insert "; and".

On page 767, between lines 15 and 16, insert the following:

(E) a project to produce energy and clean fuels, using appropriate coal liquefaction technology, from Western bituminous or subbituminous coal that is—

(i) owned by a State government; or

(ii) from private and tribal coal resources.

SA 848. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 353, strike lines 19 through 24 and insert the following:

on Indian land;

"(C) provide low-interest loans to Indian tribes and tribal energy resource development organizations for use in the promotion of energy resource development on Indian land and integration of energy resources; and

"(D) provide grants and technical assistance to an appropriate tribal environmental organization, as determined by the Secretary, that represents multiple Indian tribes to establish a national resource center to develop tribal capacity to establish and carry out tribal environmental programs in support of energy-related programs and activities under this title, including—

"(i) training programs for tribal environmental officials, program managers, and other governmental representatives;

"(ii) the development of model environmental policies and tribal laws, including tribal environmental review codes, and the creation and maintenance of a clearinghouse of best environmental management practices; and

"(iii) recommended standards for reviewing the implementation of tribal environmental laws and policies within tribal judicial or other tribal appeals systems.

SA 849. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

After title XV (as agreed to) add the following:

TITLE XVI—REPEAL OF DEATH TAX

SEC. 1601. REPEAL OF DEATH AND GENERATION-SKIPPING TRANSFER TAXES ACCELERATED TO 2006.

(a) DEATH TAX REPEAL.—

(1) IN GENERAL.—Section 2210 of the Internal Revenue Code of 1986 (relating to termination) is amended—

(A) by striking "December 31, 2009" and inserting "December 31, 2005" both places it appears,

(B) by striking "January 1, 2010" in subsection (b) and inserting "January 1, 2006", and

(C) by striking "December 31, 2020" in subsection (b)(1) and inserting "December 31, 2015".

(2) GENERATION-SKIPPING TRANSFER TAX REPEAL.—Section 2664 of such Code (relating to termination) is amended by striking "December 31, 2009" and inserting "December 31, 2005".

(3) CONFORMING AMENDMENTS.—

(A) The table contained in section 2010(c) of such Code is amended—

(i) by inserting a period after "$1,500,000", and

(ii) by striking the last 2 items.

(B) Section 1014(f) of such Code is amended by striking "December 31, 2009" and inserting "December 31, 2005".

(C) Section 1022 of such Code is amended—

(i) by striking "December 31, 2009" in subsection (a)(1) and inserting "December 31, 2005",

(ii) in subsection (d)(4)(A)—

(I) by striking "2010" and inserting "2005", and

(II) by striking "2009" in clause (ii) and inserting "2005", and

(iii) by striking "december 31, 2009" and inserting "december 31, 2005".

(D) The table contained in section 2001(c)(2)(B) of such Code is amended—

(i) by inserting a period after "47 percent", and

(ii) by striking the last 2 items.

(E) Section 2001(c)(2)(A) of such Code is amended by striking "2010" and inserting "2005".

(F) The item in the table of sections for part II of subchapter O of chapter 1 of such Code relating to section 1022 is amended by striking "December 31, 2009" and inserting "December 31, 2005".

(G) Section 501(d) of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107-16) is amended by striking "December 31, 2009" and inserting "December 31, 2005".

(H) Paragraph (3) of section 511(f) of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107-16) is amended by striking "December 31, 2009" and inserting "December 31, 2005".

(I) Paragraph (2) of section 521(e) of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107–16) is amended by striking "December 31, 2009" and inserting "December 31, 2005".

(J) Subsection (f) of section 542 of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107–16) is amended by striking "December 31, 2009" each place it appears and inserting "December 31, 2005".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to estates of decedents dying, gifts made, and generation skipping transfers after December 31, 2005.

(b) PERMANENT REPEAL OF DEATH TAXES.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking "this Act" and all that follows through "2010." in subsection (a) and inserting "this Act (other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.", and by striking ", estates, gifts, and transfers" in subsection (b).

SA 850. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

Beginning on page 602, strike line 5 and all that follows through page 603, line 7, and insert the following:

SEC. 1107. NATIONAL POWER PLANT OPERATIONS TECHNOLOGY AND EDUCATIONAL CENTER.

(a) ESTABLISHMENT.—The Secretary shall support the establishment of a National Power Plant Operations Technology and Education Center (referred to in this section as the "Center"), to address the need for training and educating certified operators and technicians for the electric power industry.

(b) LOCATION OF CENTER.—The Secretary shall support the establishment of the Center at an institution of higher education that has—

(1) expertise in providing degree programs in electric power generation, transmission, and distribution technologies;

(2) expertise in providing onsite and Internet-based training; and

(3) demonstrated responsiveness to workforce and training requirements in the electric power industry.

(c) TRAINING AND CONTINUING EDUCATION.—

(1) IN GENERAL.—The Center shall provide training and continuing education in electric power generation, transmission, and distribution technologies and operations.

(2) LOCATION.—The Center shall carry out training and education activities under paragraph (1)—

(A) at the Center; and

(B) through Internet-based information technologies that allow for learning at remote sites.

SA 851. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 424, between lines 7 and 8, insert the following:

SEC. 706. JOINT FLEXIBLE FUEL/HYBRID VEHICLE COMMERCIALIZATION INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term eligible entity means—

(A) a for-profit corporation;

(B) a nonprofit corporation; or

(C) an institution of higher education.

(2) PROGRAM.—The term "program" means the applied research program established under subsection (b).

(b) ESTABLISHMENT.—The Secretary shall establish an applied research program to improve technologies for the commercialization of—

(1) a combination hybrid/flexible fuel vehicle; or

(2) a plug-in hybrid/flexible fuel vehicle.

(c) GRANTS.—In carrying out the program, the Secretary shall provide grants that give preference to proposals that—

(1) achieve the greatest reduction in miles per gallon of petroleum fuel consumption;

(2) achieve not less than 250 miles per gallon of petroleum fuel consumption; and

(3) have the greatest potential of commercialization to the general public within 5 years.

(d) VERIFICATION.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register procedures to verify—

(1) the hybrid/flexible fuel vehicle technologies to be demonstrated; and

(2) that grants are administered in accordance with this section.

(e) REPORT.—Not later than 260 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report that—

(1) identifies the grant recipients;

(2) describes the technologies to be funded under the program;

(3) assesses the feasibility of the technologies described in paragraph (2) in meeting the goals described in subsection (c);

(4) identifies applications submitted for the program that were not funded; and

(5) makes recommendations for Federal legislation to achieve commercialization of the technology demonstrated.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

(1) $3,000,000 for fiscal year 2005;

(2) $7,000,000 for fiscal year 2006;

(3) $10,000,000 for fiscal year 2007; and

(4) $20,000,000 for fiscal year 2008.

SEC. 707. DESIGNATION OF FUEL ECONOMY PENALTIES FOR FUEL ECONOMY RESEARCH.

(a) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by inserting after section 32915 the following new section:

"§ 32915A. Use of Civil Penalties For Fuel Economy Research

"(a) ESTABLISHMENT OF ACCOUNT.—Not later than 180 days after the date of enactment of the Energy Policy Act of 2005, the Secretary of the Treasury shall establish an account in the Treasury of the United States consisting of—

"(1) such amounts as are collected as civil penalties imposed under section 32912 of this title after the date of enactment of the Energy Policy Act of 2005;

"(2) such amounts as were collected as civil penalties imposed under section 32912 of this title before the date of enactment of the Energy Policy Act of 2005 and that remain unobligated on such date;

"(3) such amounts as may be appropriated to the account; and

"(4) any interest earned on investment of amounts in the account.

"(b) EXPENDITURES FROM ACCOUNT.—On request by the Secretary of Transportation, the Secretary of the Treasury shall transfer from the account established under subsection (a) to the Secretary of Transportation, without further appropriation, such amounts as the Secretary of Transportation determines are necessary to carry out the flexible fuel/hybrid vehicle commercialization initiative established under section 706 of the Energy Policy Act of 2005.

"(c) INVESTMENT OF AMOUNTS.—

"(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the account as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

"(2) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

"(3) CREDITS TO ACCOUNT.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the account shall be credited to and form a part of the account.

"(d) TRANSFERS OF AMOUNTS.—

"(1) IN GENERAL.—The amounts required to be transferred to the account under this section shall be transferred at least monthly from the general fund of the Treasury to the account on the basis of estimates made by the Secretary of the Treasury.

"(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 329 of title 49, United States Code, is amended by inserting after the item relating to section 32915 the following:

"32915A. Use of Civil Penalties For Fuel Economy Research.".

SA 852. Mrs. LINCOLN (for herself and Mr. SANTORUM) submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RENEWABLE LIQUID FUELS EXCISE TAX CREDIT.

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application) is amended by inserting after section 6426 the following new section:

"SEC. 6426A. CREDIT FOR RENEWABLE LIQUID FUELS.

"(a) ALLOWANCE OF CREDITS.—There shall be allowed as a credit against the tax imposed by section 4081 an amount equal to the renewable liquid mixture credit.

"(b) Renewable Liquid Mixture Credit.—

"(1) In general.—For purposes of this section, the renewable liquid mixture credit is the product of the applicable amount and the number of gallons of renewable liquid used by the taxpayer in producing any renewable liquid mixture for sale or use in a trade or business of the taxpayer.

"(2) Applicable amount.—For purposes of this section, the applicable amount is $0.75.

"(3) Renewable liquid mixture.—For purposes of this section, the term 'renewable liquid mixture' means a mixture of renewable liquid and taxable fuel which—

"(A) is sold by the taxpayer producing such mixture to any person for use as a fuel or feedstock, or

"(B) is used as a fuel or feedstock by the taxpayer producing such mixture.

For purposes of subparagraph (A), a mixture produced by any person at a refinery prior to a taxable event which includes renewable liquid shall be treated as sold at the time of its removal from the refinery (and only at such time) or sold to another person for use as a fuel or feedstock.

"(c) Other Definitions.—For purposes of this subsection:

"(1) Renewable liquid.—The term 'renewable liquid' means liquid fuels derived from waste and byproduct streams including; agricultural byproducts and wastes, aqua-culture products produced from waste streams, food processing plant byproducts, municipal solid and semi-solid waste streams, industrial waste streams, automotive scrap waste streams, and as further provided by regulations.

"(2) Taxable fuel.—The term 'taxable fuel' has the meaning given such term by section 4083(a)(1).

"(3) Feedstock.—The term 'feedstock' means any precursor material subject to further processing to make a petrochemical, solvent, or other fuel which has the effect of displacing conventional fuels, or products produced from conventional fuels.

"(4) Additional definitions.—Any term used in this section which is also used in section 40B shall have the meaning given such term by section 40B.

"(d) Certification for Renewable Liquid Fuel.—No credit shall be allowed under this section unless the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer of the renewable liquid fuel, which identifies the product produced.

"(e) Mixture Not Used as Fuel, Etc.—

"(1) Imposition of tax.—If—

"(A) any credit was determined under this section with respect to renewable liquid used in the production of any renewable liquid mixture, and

"(B) any person—

"(i) separates the renewable liquid from the mixture, or

"(ii) without separation, uses the mixture other than as a fuel,

then there is hereby imposed on such person a tax equal to the product of the applicable amount and the number of gallons of such renewable liquid.

"(2) Applicable laws.—All provisions of law, including penalties, shall, insofar as applicable and not inconsistent with this section, apply in respect of any tax imposed under paragraph (1) as if such tax were imposed by section 4081 and not by this section.

"(f) Coordination With Exemption From Excise Tax.—Rules similar to the rules under section 40 (c) shall apply for purposes of this section.

"(g) Termination.—This section shall not apply to any sale, use, or removal for any period after December 31, 2010.".

(b) Registration Requirement.—Section 4101(a)(1) of the Internal Revenue Code of 1986 (relating to registration), as amended by this Act, is amended by inserting "and every person producing or importing renewable liquid as defined in section 6426A(c)(1)" before "shall register with the Secretary".

(c) Payments.—Section 6427 of the Internal Revenue Code of 1986 is amended by inserting after subsection (f) the following new subsection:

"(g) Renewable Liquid Used to Produce Mixture.—

"(1) Used to produce a mixture.—If any person produces a mixture described in section 6426A in such person's trade or business, the Secretary shall pay (without interest) to such person an amount equal to the renewable liquid mixture credit with respect to such mixture.

"(2) Coordination with other repayment provisions.—No amount shall be payable under paragraph (1) with respect to any mixture with respect to which an amount is allowed as a credit under section 6426A.

"(3) Termination.—This subsection shall not apply with respect to any renewable liquid fuel mixture (as defined in section 6426A(b)(3) sold or used after December 31, 2010.".

(d) Conforming Amendment.—The last sentence of section 9503(b)(1) of the Internal Revenue Code of 1986 is amended by striking "section 6426" and inserting "sections 6426 and 6426A".

(e) Clerical Amendment.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6426 the following new item:

"Sec. 6426A. Credit for renewable liquid fuels.".

(f) Effective Dates.—

(1) In general.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel sold or used on or after January 1, 2005.

(2) Registration requirement.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. . RENEWABLE LIQUID INCOME TAX CREDIT.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by inserting after section 40A the following new section:

"SEC. 40B. RENEWABLE LIQUID USED AS FUEL.

"(a) General Rule.—For purposes of section 38, the renewable liquid credit determined under this section for the taxable year is an amount equal to the sum of—

"(1) the renewable liquid mixture credit, plus

"(2) the renewable liquid credit.

"(b) Definition of Renewable Liquid Mixture Credit and Renewable Liquid Credit.—For purposes of this section—

"(1) Renewable liquid mixture credit.—

"(A) In general.—The renewable liquid mixture credit of any taxpayer for any taxable year is $0.75 for each gallon of renewable liquid fuel used by the taxpayer in the production of a qualified renewable liquid fuel mixture.

"(B) Qualified renewable liquid mixture.—The term 'qualified renewable liquid mixture' means a mixture of renewable liquid and taxable fuel (as defined in section 4083(a)(1)), which—

"(i) is sold by the taxpayer producing such a mixture to any person for use as a fuel or feedstock, or

"(ii) is used as a fuel or feedstock by the taxpayer producing such mixture.

"(C) Sale or use must be in trade or business, etc.—Renewable liquid used in the production of a qualified renewable liquid fuel mixture shall be taken into account—

"(i) only if the sale or use described in subparagraph (B) is in a trade or business of the taxpayer, and

"(ii) for the taxable year in which such sale or use occurs.

"(2) Renewable liquid credit.—

"(A) In general.—The renewable liquid credit of any taxpayer for any taxable year is $0.75 for each gallon of renewable liquid which is not in a mixture with taxable fuel and which during the taxable year—

"(i) is used by the taxpayer as a fuel or feedstock in a trade or business, or

"(ii) is sold by the taxpayer at retail to a person and placed in the fuel tank of such person's vehicle.

"(B) User credit not to apply to renewable liquid sold at retail.—No credit shall be allowed under subparagraph (A)(i) with respect to any renewable liquid which was sold in a retail sale described in subparagraph (A)(ii).

"(c) Certification for Renewable Liquid.—No credit shall be allowed under this section unless the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer or importer of the renewable liquid fuel which identifies the product produced and percentage of renewable liquid fuel in the product.

"(d) Coordination With Credit Against Excise Tax.—The amount of the credit determined under this section with respect to any renewable liquid fuel shall be properly reduced to take into account any benefit provided with respect to such renewable liquid fuel solely by reason of the application of section 6426A or 6427(g).

"(e) Definitions and Special Rules.—For purposes of this section, the term 'renewable liquid' means liquid fuels derived from waste and byproduct streams including; agricultural byproducts and wastes, agriculture materials produced from waste streams, food processing plant byproducts, municipal solid and semi-solid waste streams, industrial waste streams, automotive scrap waste streams, as further provided by regulations.

"(f) Mixture or Renewable Liquid Not Used as a Fuel, Etc.—

"(1) Mixtures.—If—

"(A) any credit was determined under this section with respect to renewable liquid used in the production of any qualified renewable liquid mixture, and

"(B) any person—

"(i) separates the renewable liquid from the mixture, or

"(ii) without separation, uses the mixture other than as a fuel,

then there is hereby imposed on such person a tax equal to the product of the rate applicable under subsection (b)(1)(A) and the number of gallons of such renewable liquid in such mixture.

"(2) Renewable liquid.—If—

"(A) any credit was determined under this section with respect to the retail sale of any renewable liquid, and

"(B) any person mixes such renewable liquid or uses such renewable liquid other than as a fuel, then there is hereby imposed on such person a tax equal to the product of the rate applicable under subsection (b)(2)(A) and the number of gallons of such renewable liquid.

"(3) APPLICABLE LAWS.—All provisions of law, including penalties, shall, insofar as applicable and not inconsistent with this section, apply in respect of any tax imposed under subparagraph (A) or (B) as if such tax were imposed by section 4081 and not by this chapter.

"(g) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(h) TERMINATION.—This section shall not apply to any sale or use after December 31, 2010.".

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit), as amended by this Act, is amended by striking "plus" at the end of paragraph (23), by striking the period at the end of paragraph (24), and inserting ", plus", and by inserting after paragraph (24) the following new paragraph:

"(25) The renewable liquid credit determined under section 40B.".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 40A the following new item:

"Sec. 40B. Renewable liquid used as fuel.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced, and sold as used, on or after January 1, 2005.

SA 853. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. TAX-EXEMPT TREATMENT OF CERTAIN BONDS ISSUED BY CERTAIN JOINT ACTION AGENCIES.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, with respect to the issuance of any bond by any joint action agency described in subsection (b), if such bond satisfies the requirements of subsection (c) then—

(1) such bond shall be treated as issued by a political subdivision for purposes of section 103 of such Code, and

(2) the sale of power by such agency to its members shall not result in such bond being treated as a private activity bond under section 141 of such Code.

(b) AGENCY DESCRIBED.—An agency is described in this subsection if such agency is established under State law on or after December 31, 2000, and before August 1, 2005, for the purpose of participating in the design, construction, operation, and maintenance of 1 or more generating or transmission facilities and is treated under such law as a public utility.

(c) BOND REQUIREMENTS.—A bond issued as part of an issue satisfies the requirements of this subsection if—

(1) such issue satisfies the requirements of section 147(f)(2) of the Internal Revenue Code of 1986 (relating to public approval),

(2) such issue receives an allocation of the issuance limitation described in paragraph (3) by the governmental unit approving such issue under paragraph (1),

(3) the aggregate face amount of the bonds issued pursuant to such issue, when added to the aggregate face amount of bonds previously issued by all agencies described in subsection (b), does not exceed $1,000,000,000, and

(4) any bond issued pursuant to such issue is issued after the date of the enactment of this Act and before January 1, 2011.

SA 854. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXPANSION OF RESOURCES TO WAVE, CURRENT, TIDAL, AND OCEAN THERMAL ENERGY.

(a) IN GENERAL.—Section 45(c)(1) of the Internal Revenue Code of 1986 (defining qualified energy resources), as amended by this Act, is amended by striking "and" at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting ", and", and by adding at the end the following new subparagraph:

"(J) wave, current, tidal, and ocean thermal energy."

(b) DEFINITION OF RESOURCES.—Section 45(c) of such Code, as amended by this Act, is amended by adding at the end the following new paragraph:

"(9) WAVE, CURRENT, TIDAL, AND OCEAN THERMAL ENERGY.—The term 'wave, current, tidal, and ocean thermal energy' means electricity produced from any of the following:

"(A) Free flowing ocean water derived from tidal currents, ocean currents, waves, or estuary currents.

"(B) Ocean thermal energy.

"(C) Free flowing water in rivers, lakes, man made channels, or streams."

(c) FACILITIES.—Section 45(d) of such Code, as amended by this Act, is amended by adding at the end the following new paragraph:

"(10) WAVE, CURRENT, TIDAL, AND OCEAN THERMAL FACILITY.—In the case of a facility using resources described in subparagraph (A), (B), or (C) of subsection (c)(9) to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after the date of the enactment of this paragraph and before January 1, 2010, but such term shall not include a facility which includes impoundment structures."

SA 855. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFINITION OF BIODIESEL.

(a) IN GENERAL.—Paragraph (1) of section 40A(d) of the Internal Revenue Code of 1986 (defining biodiesel) is amended by adding at the end the following new flush sentence:

"Such term also includes long chain fatty acids from animal products produced under the regulatory authority of the Food and Drug Administration."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 856. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SMALL IRRIGATION POWER.

(a) IN GENERAL.—Section 45(c)(5) of the Internal Revenue Code of 1986 (defining small irrigation power) is amended by adding at the end the following flush sentence:

"Such term includes power generated at FERC project numbers 1051, 10440, 11393, 11077, and 11588."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales after the date of the enactment of this Act, in taxable years ending after such date.

SA 857. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 160, before line 1, insert the following:

SEC. 220. IMPROVING MOTOR FUEL SUPPLY AND DISTRIBUTION.

(a) LIMITING NUMBER OF BOUTIQUE FUELS.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) (as amended by section 228) is amended by adding at the end the following:

"(iii)(I) The Administrator shall have no authority, when considering a State implementation plan or a State implementation plan revision, to approve under this paragraph any fuel included in such plan or revision if the effect of such approval would be to increase the total number of fuels approved under this paragraph as of January 1, 2005 in all State implementation plans.

"(II) The Administrator, in consultation with the Secretary of Energy, shall determine the total number of fuels approved under this paragraph as of January 1, 2005, in all State implementation plans and shall publish a list of such fuels, including the states and Petroleum Administration for Defense District in which they are used, in the Federal Register no later than 90 days after enactment.

"(III) The Administrator shall remove a fuel from the list published under subclause (II) if a fuel ceases to be included in a State implementation plan or if a fuel in a State implementation plan is identical to a Federal fuel formulation implemented by the Administrator, but the Administrator shall not reduce the total number of fuels authorized under the list published under subclause (II).

"(IV) Subclause (I) shall not apply to approval by the Administrator of a control or prohibition respecting any new fuel under this paragraph in a State's implementation plan or a revision to that State's implementation plan after the date of enactment of this Act if the fuel, as of the date of consideration by the Administrator—

"(aa) would replace completely a fuel on the list published under subclause (II);

"(bb) has been approved in at least one State implementation plan in the applicable Petroleum Administration for Defense District; or

"(cc) is a fuel that differs from the Federal conventional gasoline specifications under subsection (k)(8) only with respect to the requirement of a summertime Reid Vapor Pressure of 7.0 or 7.8 pounds per square inch.

"(V) Nothing in this clause shall be construed to have any effect regarding any available authority of States to require the use of any fuel additive registered in accordance with subsection (b), including any fuel additive registered in accordance with subsection (b) after the enactment of this subclause.

"(VI) In this clause:

"(aa) The term 'control or prohibition respecting a new fuel' means a control or prohibition on the formulation, composition, or emissions characteristics of a fuel that would require the increase or decrease of a constituent in gasoline or diesel fuel.

"(bb) The term 'fuel' means gasoline, diesel fuel, and any other liquid petroleum product commercially known as gasoline and diesel fuel for use in highway and non-road motor vehicles.".

(b) Temporary Waivers During Supply Emergencies.—Section 211(c)(4) of the Clean Air Act (42 U.S.C. 7545(c)(4)) is amended by adding at the end the following:

"(D) Temporary waivers during supply emergencies.—The Administrator may temporarily waive a control or prohibition with respect to the use of a fuel or fuel additive required or regulated by the Administrator under subsection (c), (h), (i), (k), or (m), or prescribed in an applicable implementation plan under section 110 that is approved by the Administrator under subparagraph (c)(4)(C)(i), if, after consultation with and concurrence by the Secretary of Energy, the Administrator determines that—

"(i) an extreme and unusual fuel or fuel additive supply circumstance exists in a State or region that prevents the distribution of an adequate supply of the fuel or fuel additive to consumers;

"(ii) the extreme and unusual fuel or fuel additive supply circumstance is the result of a natural disaster, an act of God, a pipeline or refinery equipment failure, or another event that could not reasonably have been foreseen or prevented and not a lack of prudent planning on the part of the suppliers of the fuel or fuel additive to the State or region; and

"(iii) it is in the public interest to grant the waiver.

"(E) Requirements for waiver.—

"(i) Definition of motor fuel distribution system.—In this subparagraph, the term 'motor fuel distribution system' has the meaning given the term by the Administrator, by regulation.

"(ii) Requirements.—A waiver under subparagraph (D) shall be permitted only if—

"(I) the waiver applies to the smallest geographic area necessary to address the extreme and unusual fuel or fuel additive supply circumstance;

"(II) the waiver is effective for a period of 15 calendar days or, if the Administrator determines that a shorter or longer waiver period is adequate, for the shortest practicable time period necessary to permit the correction of the extreme and unusual fuel or fuel additive supply circumstances and to mitigate impact on air quality;

"(III) the waiver permits a transitional period, the duration of which shall be determined by the Administrator, after the termination of the temporary waiver to permit wholesalers and retailers to blend down wholesale and retail inventory;

"(IV) the waiver applies to all persons in the motor fuel distribution system; and

"(V) the Administrator has given public notice regarding consideration by the Administrator of, and, if applicable, the granting of, a waiver to all parties in the motor fuel distribution system, State and local regulators, public interest groups, and consumers in the State or region to be covered by the waiver.

"(F) Affect on waiver authority.—Nothing in subparagraph (D)—

"(i) limits or otherwise affects the application of any other waiver authority of the Administrator under this section or a regulation promulgated pursuant to this section; or

"(ii) subjects any State or person to an enforcement action, penalties, or liability solely arising from actions taken pursuant to the issuance of a waiver under subparagraph (D).".

SA 858. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable. and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page 290, strike line 6 and all that follows through page 296, line 25, and insert the following:

SEC. 346. OIL SHALE.

(a) Declaration of Policy.—Congress declares that it is the policy of the United States that—

(1) United States oil shale and tar sands are strategically important domestic resources that should be developed through methods that help reduce the growing dependence of the United States on politically and economically unstable sources of foreign oil imports;

(2) the development of oil shale and tar sands, for research and commercial development, should be conducted in an economically feasible and environmentally sound manner, using practices that minimize impacts;

(3) development should occur at a deliberate pace, with an emphasis on sustainability, to benefit the United States while taking into account affected States and communities; and

(4) the Secretary of the Interior should work toward developing a commercial leasing program for oil shale and tar sands so that such a program can be implemented when production technologies are commercially viable.

(b) Leasing Program.—

(1) Research and development.—

(A) In general.—In accordance with section 21 of the Mineral Leasing Act (30 U.S.C. 241) and any other applicable law, except as provided in this section, not later than 1 year after the date of enactment of this Act, from land otherwise available for leasing, the Secretary of the Interior (referred to in this section as the "Secretary") shall, for a period determined by the Secretary, make available for leasing such land as the Secretary considers to be necessary to conduct research and development activities with respect to innovative technologies for the recovery of shale oil from oil shale resources on public land.

(B) Application.—The Secretary may offer to lease the land to persons that submit an application for the lease, if the Secretary determines that there is no competitive interest in the land.

(C) Administration.—In carrying out this paragraph, the Secretary shall—

(i) provide for environmentally sound research and development of oil shale;

(ii) provide for an appropriate return to the public, as determined by the Secretary;

(iii) before carrying out any activity that will disturb the surface of land, provide for an adequate bond, surety, or other financial arrangement to ensure reclamation;

(iv) provide for a primary lease term of 10 years, after which the lease term may be extended if the Secretary determines that diligent research and development activities are occurring on the land leased;

(v) require the owner or operator of a project under this subsection, within such period as the Secretary may determine—

(I) to submit a plan of operations;

(II) to develop an environmental protection plan; and

(III) to undertake diligent research and development activities;

(vi) ensure that leases under this section are not larger than necessary to conduct research and development activities under an application under subparagraph (B);

(vii) provide for consultation with affected State and local governments; and

(viii) provide for such requirements as the Secretary determines to be in the public interest.

(2) Commercial leasing.—Prior to conducting commercial leasing, the Secretary shall carry out—

(A) the programmatic environmental impact statement required under subsection (c); and

(B) the analysis required under subsection (d).

(3) Moneys received.—Any moneys received from a leasing activity under this subsection shall be paid in accordance with section 35 of the Mineral Leasing Act (30 U.S.C. 191).

(c) Programmatic Environmental Impact Statement.—Not later than 18 months after the date of enactment of this Act, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the Secretary shall complete a programmatic environmental impact statement that analyzes potential leasing for commercial development of oil shale resources on public land.

(d) Analysis of Potential Leasing Program.—

(1) In general.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report (including recommendations) analyzing a potential leasing program for the commercial development of oil shale on public land.

(2) Inclusions.—The report under paragraph (1) shall include—

(A) an analysis of technologies and research and development programs for the production of oil and other materials from oil shale and tar sands in existence on the date on which the report is prepared;

(B) an analysis of—

(i) whether leases under the program should be issued on a competitive basis;

(ii) the term of the leases;

(iii) the maximum size of the leases;

(iv) the use and distribution of bonus bid lease payments;

(v) the royalty rate to be applied, including whether a sliding scale royalty rate should be used;

(vi) whether an opportunity should be provided to convert research and development leases into leases for commercial development, including the terms and conditions that should apply to the conversion;

(vii) the maximum number of leases and maximum acreage to be leased under the leasing program to an individual; and

(viii) any infrastructure required to support oil shale development in industry and communities;

(C) an identification of events that should serve as a precursor to commercial leasing, including development of environmentally and commercially viable technologies, and the completion of land use planning and environmental reviews; and

(D) an analysis, developed in conjunction with the appropriate State water resource agencies, of the demand for, and availability of, water with respect to the development of oil shale and tar sands.

(3) PUBLIC PARTICIPATION.—In preparing the report under this subsection, the Secretary shall provide notice to, and solicit comment from—

(A) the public;

(B) representatives of local governments;

(C) representatives of industry; and

(D) other interested parties.

(4) PARTICIPATION BY CERTAIN STATES.—In preparing the report under this subsection, the Secretary shall—

(A) provide notice to, and solicit comment from, the Governors of the States of Colorado, Utah, and Wyoming; and

(B) incorporate into the report submitted to Congress under paragraph (1) any response of the Secretary to those comments.

(e) OIL SHALE AND TAR SANDS TASK FORCE.—

(1) ESTABLISHMENT.—The Secretary of Energy, in cooperation with the Secretary of the Interior, shall establish an Oil Shale and Tar Sands Task Force to develop a program to coordinate and accelerate the commercial development of oil shale and tar sands in an integrated manner.

(2) COMPOSITION.—The Task Force shall be composed of—

(A) the Secretary of Energy (or the designee of the Secretary of Energy);

(B) the Secretary of Defense (or the designee of the Secretary of Defense);

(C) the Secretary of the Interior (or the designee of the Secretary of the Interior);

(D) the Governors of the affected States; and

(E) representatives of local governments in affected areas.

(3) DEVELOPMENT OF A 5-YEAR PLAN.—

(A) IN GENERAL.—The Task Force shall formulate a 5-year plan to promote the development of oil shale and tar sands by industry.

(B) COMPONENTS.—In formulating the plan, the Task Force shall—

(i) identify public actions that are required to stimulate prudent development of oil shale and tar sands by industry;

(ii) analyze the costs and benefits of those actions;

(iii) make recommendations concerning specific actions that should be taken to stimulate prudent development of oil shale and tar sands by industry, including economic, investment, tax, technology, research and development, infrastructure, environmental, education, and socio-economic actions;

(iv) consult with representatives of industry and other stakeholders;

(v) provide notice and opportunity for public comment on the plan;

(vi) identify oil shale and tar sands technologies that—

(I) are ready for pilot plant and semiworks development; and

(II) have a high probability of leading to advanced technology for first- or second-generation commercial production; and

(vii) assess the availability of water from the Green River Formation to meet the needs of the oil shale and tar sands industry.

(4) NATIONAL PROGRAM OFFICE.—The Task Force shall analyze and make recommendations regarding the need for a national program office to administer the plan.

(5) PARTNERSHIP.—The Task Force shall recommend whether to initiate a partnership with Alberta, Canada, for purposes of sharing information relating to the development and production of oil from tar sands.

(6) REPORTS.—

(A) INITIAL REPORT.—Not later than 180 days after the date of enactment of this Act, the Task Force shall submit to the President and Congress a report that describes the analysis and recommendations of the Task Force and contains the 5-year plan.

(B) SUBSEQUENT REPORTS.—The Secretary of Energy shall provide an annual report describing the progress in carrying out the plan for each of the 5 years following submission of the report provided for in subparagraph (A).

(f) MINERAL LEASING ACT AMENDMENTS.—Section 21(a) of the Mineral Leasing Act (30 U.S.C. 241(a)) is amended—

(1) by designating the first, second, and third sentences as paragraphs (1), (2), and (3), respectively; and

(2) in paragraph (3) (as designated by paragraph (1))—

(A) by striking "rate of 50 cents per acre" and inserting "rate of $2.00 per acre"; and

(B) in the last proviso—

(i) by striking "That not more than one lease shall be granted under this section to any" and inserting "That no"; and

(ii) by striking "except that with respect to leases for" and inserting "shall acquire or hold more than 25,000 acres of oil shale leases in the United States. For".

(g) COST-SHARED DEMONSTRATION TECHNOLOGIES.—

(1) IDENTIFICATION.—The Secretary of Energy shall identify technologies for the development of oil shale and tar sands that—

(A) are ready for demonstration at a commercially-representative scale; and

(B) have a high probability of leading to commercial production.

(2) ASSISTANCE.—For each technology identified under paragraph (1), the Secretary of Energy may provide—

(A) technical assistance;

(B) assistance in meeting environmental and regulatory requirements; and

(C) cost-sharing assistance in accordance with section 1002.

(h) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary of Energy shall provide technical assistance to private industry for the purpose of overcoming technical challenges to the development of oil shale and tar sands technologies for application in the United States.

(2) ADMINISTRATION.—The Secretary of Energy may provide technical assistance under this section on a fee-for-service or cost-shared basis in accordance with section 1002 through individual agreements, cooperative research and development agreements, partnerships, or other approaches.

(i) NATIONAL OIL SHALE ASSESSMENT.—

(1) ASSESSMENT.—

(A) IN GENERAL.—The Secretary shall carry out a national assessment of oil shale resources for the purposes of evaluating and mapping oil shale deposits, in the geographic areas described in subparagraph (B).

(B) GEOGRAPHIC AREAS.—The geographic areas referred to in subparagraph (A), listed in the order in which the Secretary shall assign priority, are—

(i) the Green River Region of the States of Colorado, Utah, and Wyoming;

(ii) the Devonian oil shales of the eastern United States; and

(iii) any remaining area in the central and western United States (including the State of Alaska) that contains oil shale, as determined by the Secretary.

(2) USE OF STATE SURVEYS AND UNIVERSITIES.—In carrying out the assessment under paragraph (1), the Secretary may request assistance from any State-administered geological survey or university.

(j) STATE WATER RIGHTS.—Nothing in this section preempts or affects any State water law or interstate compact relating to water.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 859. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 160, before line 1, insert the following:

SEC. 220. TREATMENT OF NUCLEAR ENERGY.

For the purposes of any renewable standard established by this title or an amendment made by this title, nuclear energy shall be considered to be a renewable form of energy.

SA 860. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 310, after line 25, add the following:

SEC. 372. OUTER CONTINENTAL SHELF REVENUE SHARING FOR NONMORATORIA COASTAL PRODUCING STATES.

(a) IN GENERAL.—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

"SEC. 32. OUTER CONTINENTAL SHELF REVENUE SHARING FOR NONMORATORIA COASTAL PRODUCING STATES.

"(a) DEFINITIONS.—In this section:

"(1) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a political subdivision of a producing State, all or part of which lies within the boundaries of the coastal zone of the producing State that are identified in the coastal zone management program for the producing State under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), as in effect on the date of enactment of this section.

"(2) COASTAL POPULATION.—The term 'coastal population' means the population, as determined by the most recent official data of the Census Bureau, of each political subdivision, any part of which lies within the designated coastal boundary of a State (as defined in a coastal zone management program of the State under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)).

"(3) COASTAL STATE.—The term 'coastal State' has the meaning given the term in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

"(4) COASTLINE.—The term 'coastline' has the meaning given the term in section 2 of the Submerged Lands Act (43 U.S.C. 1301).

"(5) DISTANCE.—The term 'distance' means the minimum great circle distance, measured in statute miles.

"(6) LEASED TRACT.—The term 'leased tract' means a tract that is subject to a lease under section 6 or 8 for the purpose of drilling for, developing, and producing oil or natural gas resources.

"(7) POLITICAL SUBDIVISION.—The term 'political subdivision' means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs.

"(8) PRODUCING STATE.—

"(A) IN GENERAL.—The term 'producing State' means a coastal State that has a coastal seaward boundary within 200 miles of the geographic center of a leased tract within any area of the outer Continental Shelf.

"(B) INCLUSION.—The term 'producing State' includes any State that begins production on a leased tract on or after the date of enactment of this section, regardless of whether the leased tract was on any date subject to a leasing moratorium.

"(9) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

"(A) IN GENERAL.—The term 'qualified Outer Continental Shelf revenues' means all amounts received by the United States from each leased tract or portion of a leased tract—

"(i) lying—

"(I) seaward of the zone covered by section 8(g); or

"(II) within the zone covered by section 8(g), but to which section 8(g) does not apply; and

"(ii) the geographic center of which lies within 200 miles of any part of the coastline of any coastal State.

"(B) INCLUSIONS.—The term 'qualified Outer Continental Shelf revenues' includes bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued under this Act.

"(10) TRANSFERRED AMOUNT.—The term 'transferred amount' means the amount transferred to the Secretary under subsection (b)(1) to make payments to producing States and coastal political subdivisions under this section for a fiscal year.

"(b) PAYMENTS TO PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

"(1) TRANSFER OF AMOUNTS.—From qualified Outer Continental Shelf revenues deposited in the Treasury under this Act for a fiscal year, the Secretary of the Treasury shall transfer to the Secretary to make payments to producing States and coastal political subdivisions under this section—

"(A) for each of fiscal years 2006 through 2010, $500,000,000; and

"(B) for fiscal year 2011 and each subsequent fiscal year, an amount equal to 50 percent of qualified Outer Continental Shelf revenues received for a fiscal year.

"(2) DISBURSEMENT.—During each fiscal year, the Secretary shall, subject to the availability of appropriations for purposes of paragraph (1)(A), and without further appropriation for purposes of paragraph (1)(B), disburse to each producing State for which the Secretary has approved a plan under subsection (c), and to coastal political subdivisions under paragraph (4), the funds allocated to the producing State or coastal political subdivision under this section for the fiscal year.

"(3) ALLOCATION AMONG PRODUCING STATES.—

"(A) IN GENERAL.—The transferred amount shall be allocated to each producing State based on the ratio that—

"(i) the amount of qualified outer Continental Shelf revenues generated off the coastline of the producing State; bears to

"(ii) the amount of qualified outer Continental Shelf revenues generated off the coastline of all producing States.

"(B) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

"(i) FISCAL YEARS 2006 THROUGH 2008.—For each of fiscal years 2006 through 2008, a calculation of a payment under this subsection shall be based on qualified outer Continental Shelf revenues received during fiscal year 2005.

"(ii) FISCAL YEARS 2009 THROUGH 2010.—For each of fiscal years 2009 through 2010, a calculation of a payment under this subsection shall be based on qualified outer Continental Shelf revenues received during fiscal year 2008.

"(iii) FISCAL YEAR 2011 AND THEREAFTER.—Beginning in fiscal year 2011, a calculation of a payment under this subsection for each fiscal year during a 2-year fiscal year period shall be based on qualified outer Continental Shelf revenues received during the fiscal year preceding the first fiscal year of the 2-year fiscal year period.

"(C) MULTIPLE PRODUCING STATES.—If more than 1 producing State is located within 200 miles of any portion of a leased tract, the amount allocated to each producing State for the leased tract shall be inversely proportional to the distance between—

"(i) the nearest point on the coastline of the producing State; and

"(ii) the geographic center of the leased tract.

"(D) MINIMUM ALLOCATION.—An amount allocated to a producing State under this paragraph shall be not less than 1 percent of the transferred amount.

"(4) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

"(A) IN GENERAL.—The Secretary shall pay 35 percent of the amount allocated under paragraph (3) to the coastal political subdivisions in the producing State.

"(B) FORMULA.—Of the amount paid by the Secretary to coastal political subdivisions under subparagraph (A)—

"(i) 25 percent shall be allocated to each coastal political subdivision in the proportion that—

"(I) the coastal population of the coastal political subdivision; bears to

"(II) the coastal population of all coastal political subdivisions in the producing State;

"(ii) 25 percent shall be allocated to each coastal political subdivision in the proportion that—

"(I) the number of miles of coastline of the coastal political subdivision; bears to

"(II) the number of miles of coastline of all coastal political subdivisions in the producing State; and

"(iii) 50 percent shall be allocated in amounts that are inversely proportional to the respective distances between the points in each coastal political subdivision that are closest to the geographic center of each leased tract, as determined by the Secretary.

"(C) EXCEPTION FOR LOUISIANA.—For the purposes of subparagraph (B)(ii), the coastline for coastal political subdivisions in the State of Louisiana without a coastline shall be the average length of the coastline of all other coastal political subdivisions in the State of Louisiana.

"(D) EXCEPTION FOR ALASKA.—For the purposes of carrying out subparagraph (B)(iii) in the State of Alaska, the amount allocated shall be divided equally among the 2 coastal political subdivisions that are closest to the geographic center of a leased tract.

"(5) NO APPROVED PLAN.—

"(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in subparagraph (C), if any amount allocated to a producing State or coastal political subdivision under paragraph (3) or (4) is not disbursed because the producing State does not have in effect a plan that has been approved by the Secretary under subsection (c), the Secretary shall allocate the undisbursed amount equally among all other producing States.

"(B) RETENTION OF ALLOCATION.—The Secretary shall hold in escrow an undisbursed amount described in subparagraph (A) until the date that the final appeal regarding the disapproval of a plan submitted under subsection (c) is decided.

"(C) WAIVER.—The Secretary may waive the requirements of subparagraph (A) with respect to an allocated share of a producing State and hold the allocable share in escrow if the Secretary determines that the producing State is making a good faith effort to develop and submit, or update, a plan in accordance with subsection (c).

"(c) COASTAL IMPACT ASSISTANCE PLAN.—

"(1) SUBMISSION OF STATE PLAN.—

"(A) IN GENERAL.—Not later than July 1, 2008, the Governor of a producing State shall submit to the Secretary a coastal impact assistance plan.

"(B) PUBLIC PARTICIPATION.—In carrying out subparagraph (A), the Governor shall solicit local input and provide for public participation in the development of the plan.

"(2) APPROVAL.—

"(A) IN GENERAL.—The Secretary shall approve a plan of a producing State submitted under paragraph (1) before disbursing any amount to the producing State, or to a coastal political subdivision located in the producing State, under this section.

"(B) COMPONENTS.—The Secretary shall approve a plan submitted under paragraph (1) if—

"(i) the Secretary determines that the plan is consistent with the uses described in subsection (d); and

"(ii) the plan contains—

"(I) the name of the State agency that will have the authority to represent and act on behalf of the producing State in dealing with the Secretary for purposes of this section;

"(II) a program for the implementation of the plan that describes how the amounts provided under this section to the producing State will be used;

"(III) for each coastal political subdivision that receives an amount under this section—

"(aa) the name of a contact person; and

"(bb) a description of how the coastal political subdivision will use amounts provided under this section;

"(IV) a certification by the Governor that ample opportunity has been provided for public participation in the development and revision of the plan; and

"(V) a description of measures that will be taken to determine the availability of assistance from other relevant Federal resources and programs.

"(3) AMENDMENT TO A PLAN.—Any amendment to a plan submitted under paragraph (1) shall be—

"(A) developed in accordance with this subsection; and

"(B) submitted to the Secretary for approval or disapproval under paragraph (4).

"(4) PROCEDURE.—Except as provided in subparagraph (B), not later than 90 days after the date on which a plan or amendment to a plan is submitted under paragraph (1) or (3), the Secretary shall approve or disapprove the plan or amendment.

"(d) AUTHORIZED USES.—

"(1) FISCAL YEARS 2006 THROUGH 2010.—A producing State or coastal political subdivision shall use any amount transferred under subsection (b)(1)(A) that is distributed to the producing State or coastal political subdivision, including any amount deposited in a trust fund that is administered by the State or coastal political subdivision and dedicated to a use consistent with this section, in accordance with all applicable Federal and State law, only for 1 or more of the following purposes:

"(A) Projects and activities for the conservation, protection, or restoration of coastal areas, including wetland.

"(B) Mitigation of damage to fish, wildlife, or natural resources.

"(C) Planning assistance and the administrative costs of complying with this section.

"(D) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

"(E) Mitigation of the impact of outer Continental Shelf activities through funding of onshore infrastructure, education, health care, and public service needs.

"(2) FISCAL YEAR 2011 AND THEREAFTER.—A producing State or coastal political subdivision shall use at least 25 percent of any amount transferred under subsection (b)(1)(B) that is distributed to the producing State or coastal political subdivision, including any amount deposited in a trust fund that is administered by the State or coastal political subdivision and dedicated to a use consistent with this section, for 1 or more of the purposes described in paragraph (1).

"(3) COMPLIANCE WITH AUTHORIZED USES.—If the Secretary determines that any expenditure made by a producing State or coastal political subdivision is not consistent with this subsection, the Secretary shall not disburse any additional amount under this section to the producing State or the coastal political subdivision until all amounts obligated for unauthorized uses have been repaid or reobligated for authorized uses.".

(b) ESTABLISHMENT OF SEAWARD LATERAL BOUNDARIES FOR COASTAL STATES.—Section 4(a)(2)(A) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(2)(A)) is amended—

(1) by inserting "(i)" after "(A)";

(2) in the first sentence—

(A) by striking "President shall" and inserting "Secretary shall by regulation"; and

(B) by inserting before the period at the end the following: "not later than 180 days after the date of enactment of the Stewardship for Our Coasts and Opportunities for Reliable Energy Act"; and

(3) by adding at the end the following:

"(i)(I) For purposes of this Act (including determining boundaries to authorize leasing and preleasing activities and any attributing revenues under this Act and calculating payments to producing States and coastal political subdivisions under section 32), the Secretary shall delineate the lateral boundaries between coastal States in areas of the outer Continental shelf under exclusive Federal jurisdiction, to the extent of the exclusive economic zone of the United States, in accordance with article 15 of the United Nations Convention on the Law of the Sea of December 10, 1982.

"(II) This clause shall not affect any right or title to Federal submerged land on the outer Continental Shelf.".

(c) OPTION TO PETITION FOR LEASING WITHIN CERTAIN AREAS ON THE OUTER CONTINENTAL SHELF.—Section 12 of the Outer Continental Shelf Lands Act (43 U.S.C. 1341) is amended by adding at the end the following:

"(g) LEASING WITHIN THE SEAWARD LATERAL BOUNDARIES OF COASTAL STATES.—

"(1) DEFINITION OF AFFECTED AREA.—In this subsection, the term 'affected area' means any area located—

"(A) in the areas of northern, central, and southern California and the areas of Oregon and Washington;

"(B) in the north, middle, or south planning area of the Atlantic Ocean;

"(C) in the eastern Gulf of Mexico planning area and lying—

"(i) south of 26 degrees north latitude; and

"(ii) east of 86 degrees west longitude; or

"(D) in the Straits of Florida.

"(2) RESTRICTIONS ON LEASING.—The Secretary shall not offer for offshore leasing, preleasing, or any related activity—

"(A) any area located on the outer Continental Shelf that, as of the date of enactment of this subsection, is designated as a marine sanctuary under the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.); or

"(B) except as provided in paragraphs (3) and (4), during the period beginning on the date of enactment of this subsection and ending on June 30, 2012, any affected area.

"(3) RESOURCE ASSESSMENTS.—

"(A) IN GENERAL.—Beginning on the date on which the Secretary delineates seaward lateral boundaries under section 4(a)(2)(A)(ii), a Governor of a State in which an affected area is located, with the consent of the legislature of the State, may submit to the Secretary a petition requesting a resource assessment of any area within the seaward lateral boundary of the State.

"(B) ELIGIBLE RESOURCES.—A petition for a resource assessment under subparagraph (A) may be for—

"(i) oil and gas leasing;

"(ii) gas-only leasing; or

"(iii) any other energy source leasing, including renewable energy leasing.

"(C) ACTION BY SECRETARY.—Not later than 90 days after receipt of a petition under subparagraph (A), the Secretary shall approve the petition, unless the Secretary determines that a resource assessment of the area would create an unreasonable risk of harm to the marine, human, or coastal environment of the State.

"(D) FAILURE TO ACT.—If the Secretary fails to approve or deny a petition in accordance with subparagraph (C)—

"(i) the petition shall be considered to be approved; and

"(ii) a resource assessment of any appropriate area shall be carried out as soon as practicable.

"(E) SUBMISSION TO STATE.—As soon as practicable after the date on which a petition is approved under subparagraph (C) or (D), the Secretary shall—

"(i) complete the resource assessment for the area; and

"(ii) submit the completed resource assessment to the State.

"(4) PETITION FOR LEASING.—

"(A) IN GENERAL.—On receipt of a resource assessment under paragraph (3)(E)(ii), the Governor of a State in which an affected area is located, with the consent of the legislature of the State, may submit to the Secretary a petition requesting that the Secretary make available any land that is within the seaward lateral boundaries of the State (as established under section 4(a)(2)(A)(ii)) and that is greater than 20 miles from the coastline of the State for the conduct of offshore leasing, pre-leasing, or related activities with respect to—

"(i) oil and gas leasing;

"(ii) gas-only leasing; or

"(iii) any other energy source leasing, including renewable energy leasing.

"(B) ACTION BY SECRETARY.—Not later than 90 days after receipt of a petition under subparagraph (A), the Secretary shall approve the petition, unless the Secretary determines that leasing the area would create an unreasonable risk of harm to the marine, human, or coastal environment of the State.

"(C) FAILURE TO ACT.—If the Secretary fails to approve or deny a petition in accordance with subparagraph (B)—

"(i) the petition shall be considered to be approved; and

"(ii) any appropriate area shall be made available for oil and gas leasing, gas-only leasing, or any other energy source leasing, including renewable energy leasing.

"(5) REVENUE SHARING.—

"(A) IN GENERAL.—Beginning on the date on which production begins in an area under this subsection, the State shall, without further appropriation, share in any qualified outer Continental Shelf revenues of the production under section 32.

"(B) APPLICABLE LAW.—

"(i) IN GENERAL.—Except as provided in clause (ii), a State shall not be required to comply with subsections (c) and (d) of section 32 to share in qualified outer Continental Shelf revenues under subparagraph (A).

"(ii) EXCEPTION.—Of any qualified outer Continental Shelf revenues received by a State (including a political subdivision of a State) under subparagraph (A), at least 25 percent shall be used for 1 or more of the purposes described in section 32(d)(1).

"(6) EFFECT.—Nothing in this subsection affects any right relating to an area described in paragraph (1) or (2) under a lease that was in existence on the day before the date of enactment of this subsection.".

(d) ALTERNATE ENERGY-RELATED USES ON THE OUTER CONTINENTAL SHELF.—

(1) AMENDMENT TO OUTER CONTINENTAL SHELF LANDS ACT.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

"(p) LEASES, EASEMENTS, OR RIGHTS-OF-WAY FOR ENERGY AND RELATED PURPOSES.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating and other relevant departments and agencies of the Federal Government, may grant a lease, easement, or right-of-way on the outer Continental Shelf for activities not otherwise authorized under this Act, the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.), the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.), or other applicable law, if those activities—

"(A) support exploration, development, production, transportation, or storage of oil, natural gas, or other minerals;

"(B) produce or support production, transportation, or transmission of energy from sources other than oil and gas; or

"(C) use, for energy-related or marine-related purposes, facilities in use on or before the date of enactment of this subsection for activities authorized under this Act.

"(2) PAYMENTS.—

"(A) IN GENERAL.—The Secretary shall establish, by rule or agreement with the party to which the easement or right-of-way is granted under this subsection, reasonable forms of payment for the easement or right-of-way, including a fee, rental, bonus, or other payment.

"(B) ASSESSMENT.—A payment under subparagraph (A) shall not be assessed on the basis of throughput or production.

"(C) PAYMENTS TO STATES.—If a lease, easement, right-of-way, license, or permit under this subsection covers a specific tract of, or regards a facility located on, the outer Continental Shelf and is not an easement or right-of-way for transmission or transportation of energy, minerals, or other natural resources, the Secretary shall pay 50 percent of any amount received from the holder of the lease, easement, right-of-way, license, or permit to the State off the shore of which the geographic center of the area covered by the lease, easement, right-of-way, license, permit, or facility is located.

"(3) CONSULTATION.—Before exercising authority under this subsection, the Secretary shall consult with the Secretary of Defense and other appropriate agencies concerning issues related to national security and navigational obstruction.

"(4) COMPETITIVE OR NONCOMPETITIVE BASIS.—

"(A) IN GENERAL.—The Secretary may issue a lease, easement, or right-of-way under paragraph (1) on a competitive or noncompetitive basis.

"(B) CONSIDERATIONS.—In determining whether a lease, easement, or right-of-way shall be granted competitively or noncompetitively, the Secretary shall consider such factors as—

"(i) prevention of waste and conservation of natural resources;

"(ii) the economic viability of an energy project;

"(iii) protection of the environment;

"(iv) the national interest and national security;

"(v) human safety;

"(vi) protection of correlative rights; and

"(vii) potential return for the lease, easement, or right-of-way.

"(5) REGULATIONS.—Not later than 270 days after the date of enactment of this subsection, the Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating and other relevant agencies of the Federal Government and affected States, shall issue any necessary regulations to ensure—

"(A) safety;

"(B) protection of the environment;

"(C) prevention of waste;

"(D) conservation of the natural resources of the outer Continental Shelf;

"(E) protection of national security interests; and

"(F) protection of correlative rights in the outer Continental Shelf.

"(6) SECURITY.—The Secretary shall require the holder of a lease, easement, or right-of-way granted under this subsection—

"(A) to furnish a surety bond or other form of security, as prescribed by the Secretary; and

"(B) to comply with such other requirements as the Secretary considers necessary to protect the interests of the United States.

"(7) EFFECT OF SUBSECTION.—Nothing in this subsection displaces, supersedes, limits, or modifies the jurisdiction, responsibility, or authority of any Federal or State agency under any other Federal law.

"(8) APPLICABILITY.—This subsection does not apply to any area on the outer Continental Shelf designated as a National Marine Sanctuary.".

(2) CONFORMING AMENDMENT.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by striking the section heading and inserting the following: "**LEASES, EASEMENTS, AND RIGHTS-OF-WAY ON THE OUTER CONTINENTAL SHELF.—**".

(3) SAVINGS PROVISION.—Nothing in the amendment made by paragraph (1) requires any resubmittal of documents previously submitted or any reauthorization of actions previously authorized, with respect to any project—

(A) for which offshore test facilities have been constructed before the date of enactment of this Act; or

(B) for which a request for proposals has been issued by a public authority.

(e) REGULATIONS.—

(1) IN GENERAL.—The Secretary of the Interior shall issue such regulations as are necessary to carry out this section and the amendments made by this section, including regulations establishing procedures for entering into gas-only leases.

(2) GAS-ONLY LEASES.—In issuing regulations establishing procedures for entering into gas-only leases, the Secretary shall—

(A) ensure that gas-only leases under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) are not available in a State that (as of the day before the date of enactment of this Act) did not contain an affected area (as defined in section 9(a) of that Act (as amended by subsection (d)(1)); and

(B) define "natural gas" as—

(i) unmixed natural gas; or

(ii) any mixture of natural or artificial gas (including compressed or liquefied petroleum gas) and condensate recovered from natural gas.

SA 861. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

On page 755, after line 25, add the following:

SEC. 13___. EFFECT OF ELECTRICAL CONTAMINANTS ON RELIABILITY OF ENERGY PRODUCTION SYSTEMS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall determine the effect that electrical contaminants (such as tin whiskers) may have on the reliability of energy production systems, including nuclear energy.

SA 862. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE XV—ANTI-COMPETITIVE PRACTICES

SEC. 1501. SHORT TITLE.

This title may be cited as the "OPEC Accountability Act".

SEC. 1502. FINDINGS.

Congress makes the following findings:

(1) Gasoline prices have nearly doubled since January, 2002, with oil recently trading at more than $58 per barrel for the first time ever.

(2) Rising gasoline prices have placed an inordinate burden on American families.

(3) High gasoline prices have hindered and will continue to hinder economic recovery.

(4) The Organization of Petroleum Exporting Countries (OPEC) has formed a cartel and engaged in anti-competitive practices to manipulate the price of oil, keeping it artificially high.

(5) Six member nations of OPEC—Indonesia, Kuwait, Nigeria, Qatar, the United Arab Emirates and Venezuela—are also members of the World Trade Organization.

(6) The agreement among OPEC member nations to limit oil exports is an illegal prohibition or restriction on the exportation or sale for export of a product under Article XI of the GATT 1994.

(7) The export quotas and resulting high prices harm American families, undermine the American economy, impede American and foreign commerce, and are contrary to the national interests of the United States.

SEC. 1503. ACTIONS TO CURB CERTAIN CARTEL ANTI-COMPETITIVE PRACTICES.

(a) DEFINITIONS.—In this title:

(1) GATT 1994.—The term "GATT 1994" has the meaning given such term in section 2(1)(B) of the Uruguay Round Agreements Act (19 U.S.C. 3501(1)(B)).

(2) UNDERSTANDING ON RULES AND PROCEDURES GOVERNING THE SETTLEMENT OF DISPUTES.—The term "Understanding on Rules and Procedures Governing the Settlement of Disputes" means the agreement described in section 101(d)(16) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(16)).

(3) WORLD TRADE ORGANIZATION.—

(A) IN GENERAL.—The term "World Trade Organization" means the organization established pursuant to the WTO Agreement.

(B) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing The World Trade Organization entered into on April 15, 1994.

(b) ACTION BY PRESIDENT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President shall, not later than 15 days after the date of enactment of this Act, initiate consultations with the countries described in paragraph (2) to seek the elimination by those countries of any action that—

(A) limits the production or distribution of oil, natural gas, or any other petroleum product,

(B) sets or maintains the price of oil, natural gas, or any petroleum product, or

(C) otherwise is an action in restraint of trade with respect to oil, natural gas, or any petroleum product, when such action constitutes an act, policy, or practice that is unjustifiable and burdens and restricts United States commerce.

(2) COUNTRIES DESCRIBED.—The countries described in this paragraph are the following:

(A) Indonesia.

(B) Kuwait.

(C) Nigeria.

(D) Qatar.

(E) The United Arab Emirates.

(F) Venezuela.

(c) INITIATION OF WTO DISPUTE PROCEEDINGS.—If the consultations described in subsection (b) are not successful with respect to any country described in subsection (b)(2), not later than 60 days after the date of enactment of this Act, the United States Trade Representative shall, unless the President submits a certification and report described in subsection (d), institute proceedings pursuant to the Understanding on Rules and Procedures Governing the Settlement of Disputes with respect to that country and shall take appropriate action with respect to that country under the trade remedy laws of the United States.

(d) CERTIFICATION DESCRIBED.—

(1) IN GENERAL.—The certification described in this subsection means a certification submitted by the President to Congress not later than 30 days after the date of enactment of this Act, stating that instituting proceedings described in subsection (c) would—

(A) harm the national security interest of the United States; or

(B) harm the economic interests of the United States.

(2) REPORT.—A certification submitted under this subsection shall be accompanied by a report that includes an explanation regarding how and why taking the action described in subsection (c) with respect to a country described subsection (b)(2) would not be in the national security interest or economic interest of the United States. The report may be provided on a classified basis if disclosure would threaten the national security of the United States.

SA 863. Mr. LAUTENBERG (for himself, Mr. DURBIN, Mr. DORGAN, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —ANTI-COMPETITIVE PRACTICES

SEC. ___. SHORT TITLE.

This title may be cited as the "OPEC Accountability Act".

SEC. 1502. FINDINGS.

Congress makes the following findings:

(1) Gasoline prices have nearly doubled since January, 2002, with oil recently trading at more than $58 per barrel for the first time ever.

(2) Rising gasoline prices have placed an inordinate burden on American families.

(3) High gasoline prices have hindered and will continue to hinder economic recovery.

(4) The Organization of Petroleum Exporting Countries (OPEC) has formed a cartel and engaged in anti-competitive practices to manipulate the price of oil, keeping it artificially high.

(5) Six member nations of OPEC—Indonesia, Kuwait, Nigeria, Qatar, the United Arab Emirates and Venezuela—are also members of the World Trade Organization.

(6) The agreement among OPEC member nations to limit oil exports is an illegal prohibition or restriction on the exportation or sale for export of a product under Article XI of the GATT 1994.

(7) The export quotas and resulting high prices harm American families, undermine the American economy, impede American and foreign commerce, and are contrary to the national interests of the United States.

SEC. 1503. ACTIONS TO CURB CERTAIN CARTEL ANTI-COMPETITIVE PRACTICES.

(a) DEFINITIONS.—In this title:

(1) GATT 1994.—The term "GATT 1994" has the meaning given such term in section 2(1)(B) of the Uruguay Round Agreements Act (19 U.S.C. 3501(1)(B)).

(2) UNDERSTANDING ON RULES AND PROCEDURES GOVERNING THE SETTLEMENT OF DISPUTES.—The term "Understanding on Rules and Procedures Governing the Settlement of Disputes" means the agreement described in section 101(d)(16) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(16)).

(3) WORLD TRADE ORGANIZATION.—

(A) IN GENERAL.—The term "World Trade Organization" means the organization established pursuant to the WTO Agreement.

(B) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing The World Trade Organization entered into on April 15, 1994.

(b) ACTION BY PRESIDENT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President shall, not later than 15 days after the date of enactment of this Act, initiate consultations with the countries described in paragraph (2) to seek the elimination by those countries of any action that—

(A) limits the production or distribution of oil, natural gas, or any other petroleum product,

(B) sets or maintains the price of oil, natural gas, or any petroleum product, or

(C) otherwise is an action in restraint of trade with respect to oil, natural gas, or any petroleum product, when such action constitutes an act, policy, or practice that is unjustifiable and burdens and restricts United States commerce.

(2) COUNTRIES DESCRIBED.—The countries described in this paragraph are the following:

(A) Indonesia.

(B) Kuwait.

(C) Nigeria.

(D) Qatar.

(E) The United Arab Emirates.

(F) Venezuela.

(c) INITIATION OF WTO DISPUTE PROCEEDINGS.—If the consultations described in subsection (b) are not successful with respect to any country described in subsection (b)(2), the United States Trade Representative shall, not later than 60 days after the date of enactment of this Act, institute proceedings pursuant to the Understanding on Rules and Procedures Governing the Settlement of Disputes with respect to that country and shall take appropriate action with respect to that country under the trade remedy laws of the United States.

SA 864. Mr. LEVIN (for himself, Ms. COLLINS, Mr. WYDEN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

On page 208, line 12, strike "The Secretary shall" and insert the following:

(1) IN GENERAL.—The Secretary shall

On page 208, between lines 20 and 21, insert the following:

(2) PROCEDURES.—

(A) IN GENERAL.—The Secretary shall develop, with an opportunity for public comment, procedures to obtain oil for the Reserve with the intent of maximizing the overall domestic supply of crude oil (including quantities stored in private sector inventories) and minimizing the costs to the Department of the Interior and the Department of Energy of acquiring such oil (including foregone revenues to the Treasury when oil for the Reserve is obtained through the royalty-in-kind program), consistent with national security.

(B) CONSIDERATIONS.—The procedures shall provide that, for purposes of determining whether to acquire oil for the Reserve or defer deliveries of oil, the Secretary shall take into account—

(i) current and future prices, supplies, and inventories of oil;

(ii) national security; and

(iii) other factors that the Secretary determines to be appropriate.

(C) REVIEW OF REQUESTS FOR DEFERRALS OF SCHEDULED DELIVERIES.—The procedures shall include procedures and criteria for the review of requests for the deferrals of scheduled deliveries.

(D) DEADLINES.—The Secretary shall—

(i) propose the procedures required under this paragraph not later than 120 days after the date of enactment of this Act;

(ii) promulgate the procedures not later than 180 days after the date of enactment of this Act; and

(iii) comply with the procedures in acquiring oil for Reserve effective beginning on the date that is 180 days after the date of enactment of this Act.

SA 865. Mr. FEINGOLD (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 706, between lines 20 and 21, insert the following:

SEC. 1278. CONSUMER PROTECTION, FAIR COMPETITION, AND FINANCIAL INTEGRITY.

Section 204 of the Federal Power Act (16 U.S.C. 824c) is amended by adding at the end the following:

"(i)(1) In this subsection, the terms 'affiliate', 'associate company', and 'public-utility company' have the meanings given those terms in section 1272 of the Energy Policy Act of 2005.

"(2)(A) Not later than 1 year after the date of enactment of this subsection, the Commission shall issue regulations to regulate transactions between public-utility companies and affiliates and associate companies of the public-utility companies.

"(B) At a minimum, the regulations under subparagraph (A) shall require, with respect to a transaction between a public-utility company and an affiliate or associate company of the public-utility company, that—

"(i) any business activity other than public-utility company business shall be conducted through 1 or more affiliates or associate companies, which shall be independent, separate, and distinct entities from the public-utility company;

"(ii) the affiliate or associate company shall—

"(I) maintain separate books, accounts, memoranda, and other records; and

"(II) prepare separate financial statements;

"(iii)(I) the public-utility company shall conduct the transaction in a manner that is consistent with the transactions among nonaffiliated and nonassociated companies; and

"(II) the public-utility company shall not use its status as a monopoly franchise to confer on its affiliate, or associate company, any unfair competitive advantage;

"(iv) the public-utility company shall not declare or pay any dividend on any security of the public-utility company in contravention of such regulations as the Commission considers appropriate to protect the financial integrity of the public-utility company;

"(v) the public-utility company shall have at least 1 independent director on its board of directors;

"(vi) the affiliate or associate company shall not structure its governance nor shall it acquire any loan, loan guarantee, or other indebtedness in a manner that would permit creditors to have recourse against the tangible or intangible assets of the public-utility company;

"(vii) the public-utility company shall not—

"(I) commingle any tangible or intangible assets or liabilities of the public-utility company with any assets or liabilities of an affiliate, or associate company, of the public-utility company; or

"(II) pledge or encumber any assets of the public-utility company on behalf of an affiliate, or associate company, of the public-utility company;

"(viii)(I) the public-utility company shall not cross-subsidize or shift costs from an affiliate, or associate company, of the public-utility company to the public-utility company; and

"(II) the public-utility company shall disclose and fully value, at the market value or other value specified by the Commission, any tangible or intangible assets or services by the public-utility company that, directly or indirectly, are transferred to, or otherwise provided for the benefit of, an affiliate, or associate company of the public-utility company; and

"(ix) electricity and natural gas consumers and investors—

"(I) shall be protected against the financial risks of public-utility company diversification and transactions with and among affiliates and associate companies of public-utility companies; and

"(II) shall not be subject to rates or charges that are not reasonably related to the provision of electricity or natural gas service.

"(3) This subsection does not preclude or deny the right of any State or political subdivision of a State to adopt and enforce standards for the corporate and financial separation of public-utility companies that are more stringent than those provided under the regulations issued under paragraph (2).

"(4) It shall be unlawful for a public-utility company to enter into or take any action in the performance of any transaction with any affiliate, or associate company, of a public-utility company in violation of the regulations issued under paragraph (2).".

SA 866. Mr. BINGAMAN (for himself, Mr. SPECTER, Mr. DOMENICI, Mr. ALEXANDER, Ms. CANTWELL, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. MCCAIN, Mr. JEFFORDS, Mr. KERRY, Ms. SNOWE, Ms. COLLINS, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end of title XVI, add the following:

SEC. 16___. SENSE OF THE SENATE ON CLIMATE CHANGE.

(a) FINDINGS.—Congress finds that—

(1) greenhouse gases accumulating in the atmosphere are causing average temperatures to rise at a rate outside the range of natural variability and are posing a substantial risk of rising sea-levels, altered patterns of atmospheric and oceanic circulation, and increased frequency and severity of floods and droughts;

(2) there is a growing scientific consensus that human activity is a substantial cause of greenhouse gas accumulation in the atmosphere; and

(3) mandatory steps will be required to slow or stop the growth of greenhouse gas emissions into the atmosphere.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, before the end of the first session of the 109th Congress, Congress should enact a comprehensive and effective national program of mandatory, market-based limits on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions at a rate and in a manner that—

(1) will not significantly harm the United States economy; and

(2) will encourage comparable action by other nations that are major trading partners and key contributors to global emissions.

SA 867. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 437, after line 22, add the following:

SEC. 7 . IMPACTS OF USE OF SPECIAL FUEL FORMULATIONS.

In determining whether to approve an application by a State for the use of a new gasoline blend or other fuel formulation under the Clean Air Act (42 U.S.C. 7401 et seq.), the Administrator of the Environmental Protection Agency, in consultation with the Secretary, shall take into consideration impacts that the use of the blend or formulation would have on the supply, demand, and pricing of gasoline and other fuels.

SA 868. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE XV—ACTIONS TO ADDRESS GLOBAL CLIMATE

SEC. 1501. SHORT TITLE.

This title may be cited as the "Climate and Economy Insurance Act of 2005".

Subtitle A—Domestic Programs

SEC. 1511. PURPOSE.

The purpose of this subtitle is to reduce greenhouse gas emissions intensity in the United States, beginning in calendar year 2010, through an emissions trading system designed to achieve emissions reductions at the lowest practicable cost to the United States.

SEC. 1512. DEFINITIONS.

In this subtitle:

(1) CARBON DIOXIDE EQUIVALENT.—The term "carbon dioxide equivalent" means—

(A) for each covered fuel, the quantity of carbon dioxide that would be emitted into the atmosphere as a result of complete combustion of a certain quantity of the covered fuel, to be determined for the type of covered fuel by the Secretary; and

(B) for each greenhouse gas (other than carbon dioxide) the quantity of carbon dioxide that would have an effect on global warming equal to the effect of a certain quantity of the greenhouse gas, as determined by the Secretary, taking into consideration global warming potentials.

(2) COVERED FUEL.—The term "covered fuel" means—

(A) coal;

(B) petroleum products;

(C) natural gas;

(D) natural gas liquids; and

(E) any other fuel derived from fossil hydrocarbons (including bitumen and kerogen).

(3) COVERED GREENHOUSE GAS EMISSIONS.—

(A) IN GENERAL.—The term "covered greenhouse gas emissions" means—

(i) the carbon dioxide emissions from combustion of covered fuel carried out in the United States; and

(ii) nonfuel-related greenhouse gas emissions in the United States, determined in accordance with section 1515(b)(2).

(B) UNITS.—Quantities of covered greenhouse gas emissions shall be measured and expressed in units of metric tons of carbon dioxide equivalent.

(4) EMISSIONS INTENSITY.—The term "emissions intensity" means, for any calendar year, the quotient obtained by dividing—

(A) covered greenhouse gas emissions; by

(B) the forecasted GDP for that calendar year.

(5) FORECASTED GDP.—The term "forecasted GDP" means the predicted amount of the gross domestic product of the United States, based on the most current projection used by the Energy Information Administration of the Department of Energy on the date on which the prediction is made.

(6) GREENHOUSE GAS.—The term "greenhouse gas" means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; and

(F) sulfur hexafluoride.

(7) INITIAL ALLOCATION PERIOD.—The term "initial allocation period" means the period beginning January 1, 2010, and ending December 31, 2019.

(8) NONFUEL REGULATED ENTITY.—The term "nonfuel regulated entity" means—

(A) the owner or operator of a facility that manufactures hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, or nitrous oxide;

(B) an importer of hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, or nitrous oxide;

(C) the owner or operator of a facility that emits nitrous oxide associated with the manufacture of adipic acid or nitric acid;

(D) the owner or operator of a facility that produces cement or lime;

(E) the owner or operator of an aluminum smelter;

(F) the owner or operator of an underground coal mine that emitted more than 35,000,000 cubic feet of methane during 2004 or any subsequent calendar year; and

(G) the owner or operator of facility that emits hydrofluorocarbon-23 as a byproduct of hydrochlorofluorocarbon-22 production.

(9) OFFSET PROJECT.—The term "offset project" means any project to reduce or sequester, during the initial allocation period, any greenhouse gas emission that is not a covered greenhouse gas emission.

(10) PETROLEUM PRODUCT.—The term "petroleum product" means—

(A) a refined petroleum product;

(B) residual fuel oil;

(C) petroleum coke; or

(D) a liquefied petroleum gas.

(11) REGULATED ENTITY.—The term "regulated entity" means—

(A) a regulated fuel distributor; or

(B) a nonfuel regulated entity.

(12) REGULATED FUEL DISTRIBUTOR.—The term "regulated fuel distributor" means—

(A) the owner or operator of—

(i) a natural gas pipeline;

(ii) a petroleum refinery;

(iii) a coal mine that produces more than 10,000 short tons during 2004 or any subsequent calendar year; or

(iv) a natural gas processing plant;

(B) an importer of—

(i) petroleum products;

(ii) coal;

(iii) coke; or

(iv) natural gas liquids; or

(C) any other entity the Secretary determines under section 1515(b)(3)(A)(ii) to be subject to section 1515.

(13) SAFETY VALVE PRICE.—The term "safety valve price" means—

(A) for 2010, $7 per metric ton of carbon dioxide equivalent; and

(B) for each subsequent calendar year, the safety valve price established for the preceding calendar year increased by 5 percent, unless a different rate of increase is established for the calendar year under section 1521.

(14) SECRETARY.—The term "Secretary" means the Secretary of Energy, unless the President designates another officer of the Executive Branch to carry out a function under this subtitle.

(15) SUBSEQUENT ALLOCATION PERIOD.—The term "subsequent allocation period" means—

(A) the 5-year period beginning January 1, 2020, and ending December 31, 2024; and

(B) each subsequent 5-year period.

SEC. 1513. QUANTITY OF ANNUAL GREENHOUSE GAS ALLOWANCES.

(a) INITIAL ALLOCATION PERIOD.—

(1) IN GENERAL.—Not later than December 31, 2006, the Secretary shall—

(A) make a projection with respect to emissions intensity for 2009, using—

(i) the Energy Information Administration's most current projections of covered greenhouse gas emissions for 2009; and

(ii) the forecasted GDP for 2009;

(B) determine the emissions intensity target for 2010 by calculating a 2.4 percent reduction from the projected emissions intensity for 2009;

(C) in accordance with paragraph (2), determine the emissions intensity target for each calendar year of the initial allocation period after 2010; and

(D) in accordance with paragraph (3), issue the total number of allowances for each calendar year during the initial allocation period.

(2) EMISSIONS INTENSITY TARGETS AFTER 2010.—For each calendar year during the initial allocation period after 2010, the emissions intensity target shall be the emissions intensity target established for the preceding calendar year reduced by 2.4 percent.

(3) TOTAL ALLOWANCES.—For each calendar year during the initial allocation period, the quantity of allowances to be issued shall be equal to the product obtained by multiplying—

(A) the emissions intensity target established for the calendar year; and

(B) the forecasted GDP for the calendar year.

(b) SUBSEQUENT ALLOCATION PERIODS.—

(1) IN GENERAL.—Not later than the date that is 4 years before the beginning of each subsequent allocation period, the Secretary shall—

(A) except as directed under section 1521, determine the emissions intensity target for each calendar year during that subsequent allocation period, in accordance with paragraph (2); and

(B) issue the total number of allowances for each calendar year of the subsequent allocation period, in accordance with paragraph (3).

(2) EMISSIONS INTENSITY TARGETS.—For each calendar year during a subsequent allocation period, the emissions intensity target shall be the emissions intensity target established for the preceding calendar year reduced by 2.8 percent.

(3) TOTAL ALLOWANCES.—For each calendar year during a subsequent allocation period, the quantity of allowances to be issued shall be equal to the product obtained by multiplying—

(A) the emissions intensity target established for the calendar year; and

(B) the forecasted GDP for the calendar year.

(c) ADMINISTRATIVE REQUIREMENTS.—

(1) DENOMINATION.—Allowances issued by the Secretary under this section shall be denominated in units of metric tons of carbon dioxide equivalent.

(2) PERIOD OF USE.—An allowance issued by the Secretary under this section may be used during—

(A) the calendar year for which the allowance is issued; or

(B) any subsequent calendar year.

(3) SERIAL NUMBERS.—The Secretary shall—

(A) assign a unique serial number to each allowance issued under this subtitle; and

(B) retire the serial number of an allowance on the date on which the allowance is submitted under section 1515.

(4) NATURE OF ALLOWANCES.—An allowance shall not be considered to be a property right.

SEC. 1514. ALLOCATION AND AUCTION OF GREENHOUSE GAS ALLOWANCES.

(a) ALLOCATION OF ALLOWANCES.—

(1) IN GENERAL.—Not later than the date that is 3 years before the beginning of the initial allocation period, and each subsequent allocation period, the Secretary shall allocate for each calendar year during the allocation period a quantity of allowances in accordance with this subsection.

(2) QUANTITY.—The total quantity of allowances available to be allocated for each calendar year of an allocation period shall be the product obtained by multiplying—

(A) the total quantity of allowances issued for the calendar year under subsection (a)(3) or (b)(3) of section 1513; and

(B) the allocation percentage for the calendar year under subsection (c).

(3) ALLOWANCE ALLOCATION RULEMAKING.—

(A) IN GENERAL.—The Secretary shall establish, by rule, and submit to Congress procedures for allocating allowances to regulated entities and affected nonregulated entities for the initial allocation period.

(B) EFFECTIVE DATE.—A rule under subparagraph (A) shall take effect, unless disapproved under the congressional review procedures under section 1521(d), not later than 180 days after the date on which the rule is submitted to Congress.

(C) REQUIREMENTS.—

(i) INITIAL ALLOCATION PERIOD.—The Secretary shall promulgate rules under subparagraph (A) for the initial allocation period not later than 18 months after the date of enactment of this Act.

(ii) SUBSEQUENT ALLOCATION PERIODS.—The Secretary shall promulgate rules under subparagraph (A) for each subsequent allocation period not later than   months before the beginning of the period.

(4) DISTRIBUTION TO REGULATED AND NONREGULATED ENTITIES.—The procedures established under paragraph (3) shall—

(A) provide for the allocation of allowances to regulated entities and affected nonregulated entities within each fossil-fuel sector (petroleum, natural gas, natural gas liquids, and coal) and to the sector consisting of nonfuel regulated entities based on the share of each sector of covered greenhouse gas emissions for the most recent year for which data are available;

(B) prescribe criteria for the allocation of allowances to regulated entities within each sector and nonregulated affected entities using products produced in each sector based on the following factors:

(i) Historical or updated greenhouse gas emissions.

(ii) Mitigation of significant and disproportionate burdens.

(iii) Avoiding windfalls.

(iv) Administrative simplicity.

(v) Mitigating barriers to entry; and

(C) prescribe requirements for reporting by regulated entities and affected nonregulated entities of information necessary for allocation of allowances, including the forms and schedules for submission of reports.

(5) DEFINITION OF AFFECTED NONREGULATED ENTITY.—For purposes of this subsection, the term "affected nonregulated entity" means any entity, other than a regulated entity, that the Secretary determines is likely to sustain a significant and disproportionate economic burden by reason of the implementation of this title.

(6) DISTRIBUTION OF ALLOWANCES TO ORGANIZATIONS ASSISTING WORKERS.—The Secretary shall distribute 1 percent of the allowances available for allocation under this section in any calendar year to organizations (including recognized representatives of workers affected by programs under this subtitle) that provide retraining, educational support, or other assistance to workers affected by programs under this subtitle.

(7) COST OF ALLOWANCES.—The Secretary shall distribute allowances under this subsection at no cost to the recipient of the allowance.

(b) AUCTION OF ALLOWANCES.—

(1) IN GENERAL.—The Secretary shall establish, by rule, a procedure for the auction of a quantity of allowances during each calendar year in accordance with paragraph (2).

(2) BASE QUANTITY.—The base quantity of allowances to be auctioned during a calendar year shall be the product obtained by multiplying—

(A) the total number of allowances for the calendar year under subsection (a)(3) or (b)(3) of section 1513; and

(B) the auction percentage for the calendar year under subsection (c).

(3) SCHEDULE.—The auction of allowances shall be held on the following schedule:

(A) In 2007, the Secretary shall auction—

(i) ½ of the allowances available for auction for 2010; and

(ii) ½ of the allowances available for auction for 2011.

(B) In 2008, the Secretary shall auction ½ of the allowances available for auction for 2012.

(C) In 2009, the Secretary shall auction ½ of the allowances available for auction for 2013.

(D) In 2010 and each subsequent calendar year, the Secretary shall auction—

(i) ½ of the allowances available for auction for that calendar year; and

(ii) ½ of the allowances available for auction for the calendar year that is 4 years after that calendar year.

(4) UNDISTRIBUTED ALLOWANCES.—In an auction held during any calendar year, the Secretary shall auction any allowance that was—

(A) available for allocation under subsection (a) for the calendar year, but not distributed; or

(B) available during the preceding calendar year for an offset or early reduction activity under section 1519 or 1520, but not distributed during that calendar year.

(c) AVAILABLE PERCENTAGES.—Except as directed under section 1521, the percentage of the total quantity of allowances for each calendar year to be available for allocation, auction, offset projects, and early reduction projects shall be determined in accordance with the following table:

Year	Allocation Percentage	Auction Percentage	Percentage Available for Offset Allowances	Percentage Available for Early Reduction Allowances
2010	91.0	5.0	3	1
2011	91.0	5.0	3	1
2012	91.0	5.0	3	1
2013	90.5	5.5	3	1
2014	90.0	6.0	3	1
2015	90.5	6.5	3	1
2016	89.0	7.0	3	1
2017	88.5	7.5	3	1
2018	88.0	8.0	3	1
2019	87.5	8.5	3	1
2020 and thereafter	87.0	10	3	—

SEC. 1515. SUBMISSION OF ALLOWANCES.

(a) REQUIREMENTS.—

(1) REGULATED FUEL DISTRIBUTORS.—

(A) IN GENERAL.—For calendar year 2010 and each calendar year thereafter, each regulated fuel distributor shall submit to the Secretary a number of allowances equal to the carbon dioxide equivalent of the quantity of covered fuel, determined in accordance with subsection (b)(1), for the regulated fuel distributor.

(B) NATURAL GAS PIPELINES.—For calendar year 2010 and each calendar year thereafter, for any regulated fuel distributor that is a natural gas pipeline, each natural gas shipper on the pipeline shall submit to the owner or operator of the pipeline a number of allowances (or an equivalent payment of the safety valve price) equal to the carbon dioxide equivalent of the quantities of natural gas received by the pipeline from the shipper (excluding any amount received by the pipeline from the shipper at an interconnection of another pipeline).

(2) NONFUEL REGULATED ENTITIES.—For 2010 and each calendar year thereafter, each nonfuel regulated entity shall submit to the Secretary a number of allowances equal to the carbon dioxide equivalent of the quantity of nonfuel-related greenhouse gas, determined in accordance with subsection (b)(2), for the nonfuel regulated entity.

(b) REGULATED QUANTITIES.—

(1) COVERED FUELS.—For purposes of subsection (a)(1), the quantity of covered fuel shall be equal to—

(A) for a petroleum refinery located in the United States, the quantity of petroleum products refined, produced, or consumed at the refinery;

(B) for a natural gas pipeline in the United States, the quantity of natural gas received by the pipeline for transport, excluding any natural gas received at an interconnection with another natural gas pipeline;

(C) for a natural gas processing plant located in the United States, the quantity of natural gas liquids produced at the plant;

(D) for a coal mine located in the United States, the quantity of coal produced at the mine; and

(E) for an importer of coal, petroleum products, or natural gas liquids into the United States, the quantity of coal, petroleum products, or natural gas liquids imported into the United States.

(2) NONFUEL-RELATED GREENHOUSE GASES.—For purposes of subsection (a)(2), the quantity of nonfuel-related greenhouse gas shall be equal to—

(A) for a manufacturer or importer of hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, or nitrous oxide, the quantity of hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, or nitrous oxide produced or imported by the manufacturer or importer;

(B) for an underground coal mine, the quantity of methane emitted by the coal mine;

(C) for a facility that manufactures adipic acid or nitric acid, the quantity of nitrous oxide emitted by the facility;

(D) for a facility that produces cement or lime, the quantity of carbon dioxide emitted by the facility as a result of the calcination process;

(E) for an aluminum smelter, the sum of—

(i) the quantity of carbon dioxide emitted by the smelter; and

(ii) the quantity of perfluorocarbons emitted by the smelter; and

(F) for a facility that produces hydrochlorofluorocarbon-22, the quantity of hydrofluorocarbon-23 emitted by the facility.

(3) ADJUSTMENTS.—

(A) REGULATED FUEL DISTRIBUTORS.—

(i) MODIFICATION.—The Secretary may modify, by rule, a quantity of covered fuels under paragraph (1) if the Secretary determines that the modification is necessary to ensure that—

(I) allowances are submitted for all units of covered fuel; and

(II) allowances are not submitted for the same quantity of covered fuel by more than 1 regulated fuel distributor.

(ii) EXTENSION.—The Secretary may extend, by rule, the requirement to submit allowances under subsection (a)(1) to an entity that is not a regulated fuel distributor if the Secretary determines that the extension is necessary to ensure that allowances are submitted for all covered fuels.

(B) NONFUEL REGULATED ENTITIES.—The Secretary may modify, by rule, a quantity of nonfuel-related greenhouse gases under paragraph (2) if the Secretary determines the modification is necessary to ensure that allowances are not submitted for the same volume of nonfuel-related greenhouse gas by more than 1 regulated entity.

(c) DEADLINE FOR SUBMISSION.—Any entity required to submit an allowance to the Secretary under this section shall submit the allowance not later than March 31 of the calendar year following the calendar year during which the allowance is required to be submitted.

(d) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary or appropriate to—

(1) identify and register each regulated entity that is required to submit an allowance under this section; and

(2) require the submission of reports and otherwise obtain any information the Secretary determines to be necessary to calculate or verify the compliance of a regulated entity with any requirement under this section.

(e) EXEMPTION AUTHORITY FOR NON-FUEL REGULATED ENTITIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may exempt from the requirements of this subtitle an entity that emits, manufactures, or imports nonfuel-related greenhouse gases for any period during which the Secretary determines, after providing an opportunity for public comment, that measuring or estimating the quantity of greenhouse gases emitted, manufactured, or imported by the entity is not feasible.

(2) EXCLUSION.—The Secretary may not exempt a regulated fuel distributor from the

requirements of this subtitle under paragraph (1).

(f) RETIREMENT OF ALLOWANCES.—

(1) IN GENERAL.—Any person or entity that is not subject to this subtitle may submit to the Secretary an allowance for retirement at any time.

(2) ACTION BY SECRETARY.—On receipt of an allowance under paragraph (1), the Secretary—

(A) shall accept the allowance; and

(B) shall not allocate, auction, or otherwise reissue the allowance.

SEC. 1516. SAFETY VALVE.

The Secretary shall accept from a regulated entity a payment of the applicable safety valve price for a calendar year in lieu of submission of an allowance under section 1515 for that calendar year.

SEC. 1517. ALLOWANCE TRADING SYSTEM.

(a) IN GENERAL.—The Secretary shall establish, by rule, a trading system under which allowances and credits may be sold, exchanged, purchased, or transferred by any person or entity.

(b) TRANSPARENCY.—

(1) IN GENERAL.—The trading system under subsection (a) shall include such provisions as the Secretary considers to be appropriate to—

(A) facilitate price transparency and public participation in the market for allowances and credits; and

(B) protect buyers and sellers of allowances and credits, and the public, from the adverse effects of collusion and other anticompetitive behaviors.

(2) AUTHORITY TO OBTAIN INFORMATION.—The Secretary may obtain any information the Secretary considers to be necessary to carry out this section from any person or entity that buys, sells, exchanges, or otherwise transfers an allowance or credit.

SEC. 1518. CREDITS FOR GEOLOGIC SEQUESTRATION, FEEDSTOCKS, AND EXPORTS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish, by rule, a program under which the Secretary distributes credits to entities in accordance with this section.

(2) SEQUESTRATION.—If the Secretary determines, based on information submitted under section 1522(c), that an entity has carried out long-term sequestration of carbon dioxide from the combustion of covered fuels in a geologic formation, the Secretary shall distribute to that entity, for 2010 and each subsequent calendar year, a quantity of credits equal to the quantity of carbon dioxide sequestered by the entity during that year, as determined by the Secretary.

(3) EXPORTERS OF COVERED FUEL.—If the Secretary determines that an entity has exported covered fuel, the Secretary shall distribute to that entity, for 2010 and each subsequent calendar year, a quantity of credits equal to the quantity of covered fuel exported by the entity during that year, measured in carbon dioxide equivalents.

(4) USE OF FUELS AS FEEDSTOCKS.—If the Secretary determines that an entity has used a covered fuel as a feedstock so that the carbon dioxide associated with the covered fuel will not be emitted, the Secretary shall distribute to that entity, for 2010 and each subsequent calendar year, a quantity of credits equal to the quantity of covered fuel used as feedstock by the entity during that year, measured in carbon dioxide equivalents.

(5) NON-CARBON-DIOXIDE GREENHOUSE GASES.—If the Secretary determines that an entity has destroyed hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, or nitrous oxide so that the hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, or nitrous oxide will not be emitted, the Secretary shall distribute to that entity, for 2010 and each subsequent calendar year, a quantity of credits equal to the quantity of hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, or nitrous oxide destroyed by the entity during that year, measured in carbon dioxide equivalents.

(6) OTHER EXPORTERS.—If the Secretary determines that an entity has exported hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, or nitrous oxide, the Secretary shall distribute to that entity, for 2010 and each subsequent calendar year, a quantity of credits equal to the volume of hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, or nitrous oxide exported by the entity during that year, measured in carbon dioxide equivalents.

(b) NATURE OF CREDITS.—A credit distributed by the Secretary under this section—

(1) is tradable and bankable;

(2) may be submitted by a regulated entity in lieu of an allowance under section 1515; and

(3) is not a property right.

SEC. 1519. OFFSET PROJECT PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish, by rule, a pilot program under which the Secretary distributes allowances to entities that carry out offset projects that meet the requirements of section 1522(c).

(b) AVAILABLE ALLOWANCES.—The total quantity of allowances distributed under subsection (a) may not exceed the product obtained by multiplying—

(1) the total number of allowances issued for the calendar year under subsection (a)(3) or (b)(3) of section 1513; and

(2) the percentage available for offset allowances for the calendar year under section 1514(c).

(c) INELIGIBLE OFFSET PROJECTS.—An offset project shall not be eligible to receive an allowance under subsection (a) if the offset project—

(1) is carried out in the United States; and

(2) reduces or geologically sequesters covered greenhouse gas emissions.

(d) INTERNATIONAL OFFSET PROJECTS.—

(1) IN GENERAL.—The Secretary may distribute allowances under subsection (a) to an offset project carried out in a foreign country.

(2) FOREIGN CREDITS.—An allowance or credit issued by a foreign country for an offset project described in paragraph (1) shall not be submitted to meet a requirement under section 1515.

SEC. 1520. EARLY REDUCTION ALLOWANCES.

(a) ESTABLISHMENT.—The Secretary shall establish, by rule, a program under which the Secretary distributes to any entity that carries out a project to reduce or sequester greenhouse gas emissions before the initial allocation period a quantity of allowances that reflects the actual emissions reductions or net sequestration of the project, as determined by the Secretary.

(b) AVAILABLE ALLOWANCES.—The total quantity of allowances distributed under subsection (a) may not exceed the product obtained by multiplying—

(1) the total number of allowances issued for the calendar year under subsection (a)(3) of section 1513; and

(2) the percentage available for early reduction allowances for the calendar year under section 1514(c).

(c) ELIGIBILITY.—The Secretary may distribute allowances for early reduction projects only to an entity that has reported the reduced or sequestered greenhouse gas emissions under—

(1) the Voluntary Reporting of Greenhouse Gases Program of the Energy Information Administration under section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b));

(2) the Climate Leaders Program of the Environmental Protection Agency; or

(3) a State-administered or privately-administered registry that includes early reduction actions not covered under the programs described in paragraphs (1) and (2).

SEC. 1521. CONGRESSIONAL REVIEW.

(a) INTERAGENCY REVIEW.—

(1) IN GENERAL.—Not later than January 15, 2014, and every 5 years thereafter, the President shall establish an interagency group to review and make recommendations relating to—

(A) each program under this subtitle; and

(B) any similar program of a foreign country described in paragraph (2).

(2) COUNTRIES TO BE REVIEWED.—An interagency group established under paragraph (1) shall review actions and programs relating to greenhouse gas emissions of—

(A) each member country of the Organisation for Economic Co-operation and Development;

(B) China;

(C) India;

(D) Brazil;

(E) Mexico;

(F) Russia; and

(G) Ukraine.

(3) INCLUSIONS.—A review under paragraph (1) shall—

(A) for the countries described in paragraph (2), analyze whether the countries that contribute at least 75 percent of aggregate greenhouse gas emissions have taken action that—

(i) in the case of member countries of the Organisation for Economic Co-Operation and Development, is comparable to that of the United States; and

(ii) in the case of China, India, Brazil, Mexico, Russia, and Ukraine, is significant, contemporaneous, and equitable compared to action taken by the United States;

(B) analyze whether each of the 5 largest trading partners of the United States, as of the date on which the review is conducted, has taken action with respect to greenhouse gas emissions that is comparable to action taken by the United States;

(C) analyze whether the programs established under this subtitle have contributed to an increase in electricity imports from Canada or Mexico; and

(D) make recommendations with respect to whether—

(i) the rate of reduction of emissions intensity under subsection (a)(2) or (b)(2) of section 1513 should be modified; and

(ii) the rate of increase of the safety valve price should be modified.

(4) SUPPLEMENTARY REVIEW ELEMENTS.—A review under paragraph (1) may include an analysis of—

(A) the feasibility of regulating owners or operators of entities that—

(i) emit nonfuel-related greenhouse gases; and

(ii) that are not subject to this subtitle;

(B) whether the percentage of allowances for any calendar year that are auctioned under section 1514(c) should be modified.

(5) NATIONAL RESEARCH COUNCIL REPORTS.—The President may request such reports from the National Research Council as the President determines to be necessary and appropriate to support the interagency review process under this subsection.

(b) REPORT.—

(1) IN GENERAL.—Not later than January 15, 2015, and every 5 years thereafter, the President shall submit to the House of Representatives and the Senate a report describing any recommendation of the President with respect to changes in the programs under this subtitle.

(2) RECOMMENDATIONS.—A recommendation under paragraph (1) shall take into consideration the results of the most recent interagency review under subsection (a).

(c) CONGRESSIONAL ACTION.—

(1) CONSIDERATION.—Not later than September 30 of any calendar year during which a report is to be submitted under subsection (b), the House of Representatives and the Senate may consider a joint resolution, in accordance with paragraph (2), that—

(A) amends subsection (a)(2) or (b)(2) of section 1513;

(B) modifies the safety valve price; or

(C) modifies the percentage of allowances to be allocated under section 1514(c).

(2) REQUIREMENTS.—A joint resolution considered under paragraph (1) shall—

(A) be introduced during the 45-day period beginning on the date on which a report is required to be submitted under subsection (b); and

(B) after the resolving clause and "That", contain only 1 or more of the following:

(i) ", effective beginning January 1, 2015, section 1513(a)(2) of the Climate and Economy Insurance Act of 2005 is amended by striking '2.4' and inserting '________'.".

(ii) ", effective beginning ________, section 1513(b)(2) of the Climate and Economy Insurance Act of 2005 is amended by striking '2.8' and inserting '   '.".

(iii) ", effective beginning ________, section 1512(13)(B) of the Climate and Economy Insurance Act of 2005 is amended by striking '5 percent' and inserting '   percent'.".

(iv) "the table under section 1514(c) of the Climate and Economy Insurance Act of 2005 is amended by striking the line relating to calendar year 2020 and thereafter and inserting the following:

'Year	Allocation Percentage	Auction Percentage	Percentage Available for Offset Allowances	Percentage Available for Early Reduction Allowances
2020 and thereafter	____	____	____	____'.''

(3) APPLICABLE LAW.—Subsections (b) through (g) of section 802 of title 5, United States Code, shall apply to any joint resolution under this subsection.

(d) REVIEW OF ALLOCATION RULES.—

(1) EFFECTIVENESS OF ALLOCATION RULE.—A rule prescribed under section 1514(a)(3)(A) shall not take effect if, not later than 180 days after the date on which the rule is submitted to Congress, a joint resolution described in paragraph (2) is enacted.

(2) REQUIREMENTS.—A joint resolution considered under paragraph (1) shall—

(A) be introduced during the 45-day period beginning on the date on which a rule is required to be submitted under section 1514(a)(3); and

(B) after the resolving clause, contain the following: "That the rule submitted by the Secretary of Energy on ________ under section 1514(a)(3) of the Climate and Economy Insurance Act of 2005 is disapproved.".

(3) APPLICABLE LAW.—Subsections (b) through (g) of section 802 of title 5, United States Code, shall apply to any joint resolution under this subsection.

SEC. 1522. MONITORING AND REPORTING.

(a) IN GENERAL.—The Secretary shall require, by rule, that a regulated entity shall perform such monitoring and submit such reports as the Secretary determines to be necessary to carry out this subtitle.

(b) SUBMISSION OF INFORMATION.—The Secretary shall establish, by rule, any procedure the Secretary determines to be necessary to ensure the completeness, consistency, transparency, and accuracy of reports under subsection (a), including—

(1) accounting and reporting standards for covered greenhouse gas emissions;

(2) standardized methods of calculating covered greenhouse gas emissions in specific industries from other information the Secretary determines to be available and reliable, such as energy consumption data, materials consumption data, production data, or other relevant activity data;

(3) if the Secretary determines that a method described in paragraph (2) is not feasible for a regulated entity, a standardized method of estimating covered greenhouse gas emissions of the regulated entity;

(4) a method of avoiding double counting of covered greenhouse gas emissions;

(5) a procedure to prevent a regulated entity from avoiding the requirements of this subtitle by—

(A) reorganization into multiple entities; or

(B) outsourcing the operations or activities of the regulated entity with respect to covered greenhouse gas emissions; and

(6) a procedure for the verification of data relating to covered greenhouse gas emissions by—

(A) regulated entities; and

(B) independent verification organizations.

(c) DETERMINING ELIGIBILITY FOR CREDITS, OFFSET ALLOWANCES, AND EARLY REDUCTION ALLOWANCES.—

(1) IN GENERAL.—An entity shall provide the Secretary with the information described in paragraph (2) in connection with any application to receive—

(A) a credit under section 1518(a)(2);

(B) an allowance under section 1519; or

(C) an early reduction allowance under section 1520 (unless, and to the extent, the Secretary determines that providing such information is not feasible for the entity).

(2) REQUIRED INFORMATION.—

(A) GREENHOUSE GAS EMISSIONS REDUCTION.—In the case of a greenhouse gas emissions reduction, the entity shall provide the Secretary with information verifying that, as determined by the Secretary—

(i) the entity has achieved an actual reduction in greenhouse gas emissions—

(I) relative to historic emissions levels of the entity; and

(II) taking into consideration any increase in other greenhouse gas emissions of the entity; and

(ii) if the reduction exceeds the net reduction of direct greenhouse gas emissions of the entity, the entity reported a reduction that was adjusted so as not to exceed the net reduction.

(B) GREENHOUSE GAS SEQUESTRATION.—In the case of a greenhouse gas sequestration, the entity shall provide the Secretary with information verifying that, as determined by the Secretary, the entity has achieved actual increases in net sequestration, taking into account the total use of materials and energy by the entity in carrying out the sequestration.

SEC. 1523. ENFORCEMENT.

(a) FAILURE TO SUBMIT ALLOWANCES.—

(1) PAYMENT TO SECRETARY.—A regulated entity that fails to submit an allowance (or the safety valve price in lieu of an allowance) for a calendar year not later than March 31 of the following calendar year shall pay to the Secretary, for each allowance the regulated entity failed to submit, an amount equal to the product obtained by multiplying—

(A) the safety valve price for that calendar year; and

(B) 3.

(2) FAILURE TO PAY.—A regulated entity that fails to make a payment to the Secretary under paragraph (1) by December 31 of the calendar year following the calendar year for which the payment is due shall be subject to subsection (b) or (c), or both.

(b) CIVIL ENFORCEMENT.—

(1) PENALTY.—A person that the Secretary determines to be in violation of this subtitle shall be subject to a civil penalty of not more than $25,000 for each day during which the entity is in violation, in addition to any amount required under subsection (a)(1).

(2) INJUNCTION.—The Secretary may bring a civil action for a temporary or permanent injunction against any person described in paragraph (1).

(c) CRIMINAL PENALTIES.—A person that willfully fails to comply with this subtitle shall be subject to a fine under title 18, United States Code, or imprisonment for not to exceed 5 years, or both.

SEC. 1524. JUDICIAL REVIEW.

(a) IN GENERAL.—Except as provided in subsection (b), section 336(b) of the Energy Policy and Conservation Act (42 U.S.C. 6306(b)) shall apply to a review of any rule issued under this subtitle in the same manner, and to the same extent, that that section applies to a rule issued under sections 323, 324, and 325 of that Act (42 U.S.C. 6293, 6294, 6295).

(b) EXCEPTION.—A petition for review of a rule under this subtitle shall be filed in the United States Court of Appeals for the District of Columbia.

SEC. 1525. ADMINISTRATIVE PROVISIONS.

(a) RULES AND ORDERS.—The Secretary may issue such rules and orders as the Secretary determines to be necessary or appropriate to carry out this subtitle.

(b) DATA.—

(1) IN GENERAL.—In carrying out this subtitle, the Secretary may use any authority provided under section 11 of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 796).

(2) DEFINITION OF ENERGY INFORMATION.—For the purposes of carrying out this subtitle, the definition of the term "energy information" under section 11 of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 796) shall be considered to include any information the Secretary determines to be necessary or appropriate to carry out this subtitle.

SEC. 1526. CLIMATE CHANGE ADAPTATION AND EARLY TECHNOLOGY DEPLOYMENT.

(a) TRUST FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury a trust fund, to be known as the "Climate Change Trust Fund" (referred to in this section as the "Trust Fund").

(2) DEPOSITS.—The Secretary shall deposit into the Trust Fund any funds received by the Secretary under section 1514(b) or 1516.

(3) MAXIMUM CUMULATIVE AMOUNT.—Not more than $50,000,000,000 may be deposited into the Trust Fund.

(b) DISTRIBUTION.—Beginning in fiscal year 2008, the Secretary shall transfer any funds deposited into the Trust Fund during the previous fiscal year as follows:

(1) CLIMATE CHANGE ADAPTATION.—25 percent of the funds shall be transferred as follows:

(A) CONSERVATION OF COASTAL WETLANDS.—

(i) IN GENERAL.—Subject to clause (ii), 13 percent shall be transferred to the Secretary of the Interior for purposes of making payments to producing states under section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) (as amended by section 371).

(ii) LIMITATION.—Not more than 10 percent of the amounts received by a producing State or a coastal political subdivision during any fiscal year shall be used to carry out subparagraphs (C) and (E) of section 31(d)(1) of that Act (43 U.S.C. 1356a) (as amended by section 371).

(B) WILDLIFE CONSERVATION.—12 percent shall be transferred to the wildlife conservation and restoration account within the Federal aid to wildlife restoration fund established under section 3 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b) (also known as the "Federal Aid in Wildlife Restoration Act").

(2) ZERO- OR LOW-CARBON ENERGY TECHNOLOGIES.—40 percent of the funds shall be transferred to the Secretary to carry out the zero- or low-carbon energy technologies program under subsection (c).

(3) ADVANCED ENERGY TECHNOLOGIES INCENTIVE PROGRAM.—25 percent of the funds shall be transferred as follows:

(A) ADVANCED COAL TECHNOLOGIES.—20 percent shall be transferred to the Secretary to carry out the advanced coal and sequestration technologies program under subsection (d).

(B) CELLULOSIC BIOMASS.—5 percent shall be transferred to the Secretary to carry out—

(i) the cellulosic biomass ethanol and municipal solid waste loan guarantee program under section 212(c) of the Clean Air Act (as added by section 206);

(ii) the cellulosic biomass ethanol conversion assistance program under section 212(f) of that Act (as added by section 206); and

(iii) the fuel from cellulosic biomass program under subsection (e).

(4) ADVANCED TECHNOLOGY VEHICLES.—10 percent shall be transferred to the Secretary to carry out the advanced technology vehicles manufacturing incentive program under subsection (f).

(c) ZERO- OR LOW-CARBON ENERGY TECHNOLOGIES DEPLOYMENT.—

(1) DEFINITIONS.—In this subsection:

(A) ENERGY SAVINGS.—The term "energy savings" means megawatt-hours of electricity or million British thermal units of natural gas saved by a product, in comparison to projected energy consumption under the energy efficiency standard applicable to the product.

(B) HIGH-EFFICIENCY CONSUMER PRODUCT.—The term "high-efficiency consumer product" means a covered product to which an energy conservation standard applies under section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295), if the energy efficiency of the product exceeds the energy efficiency required under the standard.

(C) ZERO- OR LOW-CARBON GENERATION.—The term "zero- or low-carbon generation" means generation of electricity by an electric generation unit that—

(i) emits no carbon dioxide into the atmosphere, or is fossil-fuel fired and emits into the atmosphere not more than 250 pounds of carbon dioxide per megawatt-hour (after adjustment for any carbon dioxide from the unit that is geologically sequestered); and

(ii) was placed into commercial service after the date of enactment of this Act.

(2) FINANCIAL INCENTIVES PROGRAM.—During each fiscal year beginning on or after October 1, 2006, the Secretary shall competitively award financial incentives under this subsection in the following technology categories:

(A) Production of electricity from new zero- or low-carbon generation.

(B) Manufacture of high-efficiency consumer products.

(3) REQUIREMENTS.—

(A) IN GENERAL.—The Secretary shall make awards under this subsection to producers of new zero- or low-carbon generation and to manufacturers of high-efficiency consumer products—

(i) in the case of producers of new zero- or low-carbon generation, based on the bid of each producer in terms of dollars per megawatt-hour of electricity generated; and

(ii) in the case of manufacturers of high-efficiency consumer products, based on the bid of each manufacturer in terms of dollars per megawatt-hour or million British thermal units saved.

(B) ACCEPTANCE OF BIDS.—

(i) IN GENERAL.—In making awards under this subsection, the Secretary shall—

(I) solicit bids for reverse auction from appropriate producers and manufacturers, as determined by the Secretary; and

(II) award financial incentives to the producers and manufacturers that submit the lowest bids that meet the requirements established by the Secretary.

(ii) FACTORS FOR CONVERSION.—

(I) IN GENERAL.—For the purpose of assessing bids under clause (i), the Secretary shall specify a factor for converting megawatt-hours of electricity and million British thermal units of natural gas to common units.

(II) REQUIREMENT.—The conversion factor shall be based on the relative greenhouse gas emission benefits of electricity and natural gas conservation.

(C) INELIGIBLE UNITS.—A new unit for the generation of electricity that uses renewable energy resources shall not be eligible to receive an award under this subsection if the unit receives renewable energy credits under a Federal renewable portfolio standard.

(4) FORMS OF AWARDS.—

(A) ZERO- AND LOW-CARBON GENERATORS.—An award for zero- or low-carbon generation under this subsection shall be in the form of a contract to provide a production payment for each year during the first 10 years of commercial service of the generation unit in an amount equal to the product obtained by multiplying—

(i) the amount bid by the producer of the zero- or low-carbon generation; and

(ii) the megawatt-hours estimated to be generated by the zero- or low-carbon generation unit each year.

(B) HIGH-EFFICIENCY CONSUMER PRODUCTS.—An award for a high-efficiency consumer product under this subsection shall be in the form of a lump sum payment in an amount equal to the product obtained by multiplying—

(i) the amount bid by the manufacturer of the high-efficiency consumer product; and

(ii) the energy savings during the projected useful life of the high-efficiency consumer product, not to exceed 10 years, as determined under rules issued by the Secretary.

(d) ADVANCED COAL AND SEQUESTRATION TECHNOLOGIES PROGRAM.—

(1) ADVANCED COAL TECHNOLOGIES.—

(A) DEFINITION OF ADVANCED COAL GENERATION TECHNOLOGY.—In this paragraph, the term "advanced coal generation technology" means integrated gasification combined cycle or other advanced coal-fueled power plant technologies that—

(i) have a minimum of 50 percent coal heat input on an annual basis;

(ii) provide a technical pathway for carbon capture and storage; and

(iii) provide a technical pathway for co-production of a hydrogen slip-stream.

(B) DEPLOYMENT INCENTIVES.—

(i) IN GENERAL.—The Secretary shall use ½ of the funds provided to carry out this subsection during each fiscal year to provide Federal financial incentives to facilitate the deployment of not more than 20 gigawatts of advanced coal generation technologies.

(ii) ADMINISTRATION.—In providing incentives under clause (i), the Secretary shall—

(I) provide appropriate incentives for regulated investor-owned utilities, municipal utilities, electric cooperatives, and independent power producers, as determined by the Secretary; and

(II) ensure that a range of the domestic coal types is employed in the facilities that receive incentives under this subparagraph.

(C) FUNDING PRIORITIES.—

(i) PROJECTS USING CERTAIN COALS.—In providing incentives under this paragraph, the Secretary shall set aside not less than 25 percent of any funds made available to carry out this paragraph for projects using lower rank coals, such as subbituminous coal and lignite.

(ii) SEQUESTRATION ACTIVITIES.—After the Secretary has made awards for 2000 megawatts of capacity under this paragraph, the Secretary shall give priority to projects that will capture and sequester emissions of carbon dioxide, as determined by the Secretary.

(D) DISTRIBUTION OF FUNDS.—A project that receives an award under this paragraph may elect 1 of the following Federal financial incentives:

(i) A loan guarantee under section 1403(b).

(ii) A cost-sharing grant for not more than 50 percent of the cost of the project.

(iii) Production payments of not more than 1.5 cents per kilowatt-hour of electric output during the first 10 years of commercial service of the project.

(E) LIMITATION.—A project may not receive an award under this subsection if the project receives an award under subsection (c).

(2) SEQUESTRATION.—

(A) IN GENERAL.—The Secretary shall use ½ of the funds provided to carry out this subsection during each fiscal year for large-scale geologic carbon storage demonstration projects that use carbon dioxide captured from facilities for the generation of electricity using coal gasification or other advanced coal combustion processes, including facilities that receive assistance under paragraph (1).

(B) PROJECT CAPITAL AND OPERATING COSTS.—The Secretary shall provide assistance under this paragraph to reimburse the project owner for a percentage of the incremental project capital and operating costs of the project that are attributable to carbon capture and sequestration, as the Secretary determines to be appropriate.

(e) FUEL FROM CELLULOSIC BIOMASS.—

(1) IN GENERAL.—The Secretary shall provide deployment incentives under this subsection to encourage a variety of projects to produce transportation fuels from cellulosic biomass, relying on different feedstocks in different regions of the United States.

(2) PROJECT ELIGIBILITY.—Incentives under this paragraph shall be provided on a competitive basis to projects that produce fuels that—

(A) meet United States fuel and emissions specifications;

(B) help diversify domestic transportation energy supplies; and

(C) improve or maintain air, water, soil, and habitat quality.

(3) INCENTIVES.—Incentives under this subsection may consist of—

(A) additional loan guarantees under section 1403(b) for the construction of production facilities and supporting infrastructure; or

(B) production payments through a reverse auction in accordance with paragraph (4).

(4) REVERSE AUCTION.—

(A) IN GENERAL.—In providing incentives under this subsection, the Secretary shall—

(i) prescribe rules under which producers of fuel from cellulosic biomass may bid for production payments under paragraph (3)(B); and

(ii) solicit bids from producers of different classes of transportation fuel, as the Secretary determines to be appropriate.

(B) REQUIREMENT.—The rules under subparagraph (A) shall require that incentives shall be provided to the producers that submit the lowest bid (in terms of cents per gallon) for each class of transportation fuel from which the Secretary solicits a bid.

(f) ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLE.—The term "advanced lean burn technology motor vehicle" means a passenger automobile or a light truck with an internal combustion engine that—

(i) is designed to operate primarily using more air than is necessary for complete combustion of the fuel;

(ii) incorporates direct injection; and

(iii) achieves at least 125 percent of the 2002 model year city fuel economy of vehicles in the same size class as the vehicle.

(B) ADVANCED TECHNOLOGY VEHICLE.—The term "advanced technology vehicle" means a light duty motor vehicle that—

(i) is a hybrid motor vehicle or an advanced lean burn technology motor vehicle; and

(ii) meets the following performance criteria:

(I) Except as provided in paragraph (3)(A)(ii), the Tier II Bin 5 emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower numbered bin.

(II) At least 125 percent of the base year city fuel economy for the weight class of the vehicle.

(C) ENGINEERING INTEGRATION COSTS.—The term "engineering integration costs" includes the cost of engineering tasks relating to—

(i) incorporating qualifying components into the design of advanced technology vehicles; and

(ii) designing new tooling and equipment for production facilities that produce qualifying components or advanced technology vehicles.

(D) HYBRID MOTOR VEHICLE.—The term "hybrid motor vehicle" means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are—

(i) an internal combustion or heat engine using combustible fuel; and

(ii) a rechargeable energy storage system.

(E) QUALIFYING COMPONENTS.—The term "qualifying components" means components that the Secretary determines to be—

(i) specially designed for advanced technology vehicles; and

(ii) installed for the purpose of meeting the performance requirements of advanced technology vehicles.

(2) MANUFACTURER FACILITY CONVERSION AWARDS.—The Secretary shall provide facility conversion funding awards under this subsection to automobile manufacturers and component suppliers to pay 30 percent of the cost of—

(A) re-equipping or expanding an existing manufacturing facility to produce—

(i) qualifying advanced technology vehicles; or

(ii) qualifying components; and

(B) engineering integration of qualifying vehicles and qualifying components.

(3) PERIOD OF AVAILABILITY.—

(A) PHASE I.—

(i) IN GENERAL.—An award under paragraph (2) shall apply to—

(I) facilities and equipment placed in service before January 1, 2014; and

(II) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 31, 2013.

(ii) TRANSITION STANDARD FOR LIGHT DUTY DIESEL-POWERED VEHICLES.—For purposes of making an award under clause (i), the term "advanced technology vehicle" includes a diesel-powered or diesel-hybrid light duty vehicle that—

(I) has a weight greater than 6,000 pounds; and

(II) meets the Tier II Bin 8 emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower numbered bin.

(B) PHASE II.—If the Secretary determines under paragraph (4) that the program under this subsection has resulted in a substantial improvement in the ability of automobile manufacturers to produce light duty vehicles with improved fuel economy, the Secretary shall continue to make awards under paragraph (2) that shall apply to—

(i) facilities and equipment placed in service before January 1, 2021; and

(ii) engineering integration costs incurred during the period beginning on January 1, 2014, and ending on December 31, 2020.

(4) DETERMINATION OF IMPROVEMENT.—

(A) IN GENERAL.—Not later than January 1, 2013, the Secretary shall determine, after providing notice and an opportunity for public comment, whether the program under this subsection has resulted in a substantial improvement in the ability of automobile manufacturers to produce light duty vehicles with improved fuel economy.

(B) EFFECT ON MANUFACTURERS.—In preparing the determination under subparagraph (A), the Secretary shall enter into an agreement with the National Academy of Sciences to analyze the effect of the program under this subsection on automobile manufacturers.

SEC. 1527. EFFECT OF SUBTITLE.

Nothing in this subtitle affects the authority of Congress to limit, terminate, or change the value of an allowance or credit issued under this subtitle.

Subtitle B—International Programs

SEC. 1531. PURPOSES.

The purposes of this subtitle are—

(1) to strengthen the cooperation of the United States with developing countries in addressing critical energy needs and global climate change;

(2) to promote sustainable economic development, increase access to modern energy services, reduce greenhouse gas emissions, and strengthen energy security and independence in developing countries through the deployment of clean energy technologies;

(3) to facilitate the export of clean energy technologies to developing countries;

(4) to reduce the trade deficit of the United States through the export of United States energy technologies and technological expertise;

(5) to retain and create manufacturing and related service jobs in the United States;

(6) to integrate the objectives described in paragraphs (1) through (5) in a manner consistent with interests of the United States, into the foreign policy of the United States;

(7) to authorize funds for clean energy development activities in developing countries; and

(8) to ensure that activities funded under part C of title VII of the Global Environmental Protection Assistance Act of 1989 (as added by section 1532) contribute to economic growth, poverty reduction, good governance, the rule of law, property rights, and environmental protection.

SEC. 1532. CLEAN ENERGY TECHNOLOGY DEPLOYMENT IN DEVELOPING COUNTRIES.

Title VII of the Global Environmental Protection Assistance Act of 1989 (Public Law 101–240; 103 Stat. 2521) is amended by adding at the end the following:

"PART C—CLEAN ENERGY TECHNOLOGY DEPLOYMENT IN DEVELOPING COUNTRIES

"SEC. 731. DEFINITIONS.

"In this part:

"(1) CLEAN ENERGY TECHNOLOGY.—The term 'clean energy technology' means an energy supply or end-use technology that, over its lifecycle and compared to a similar technology already in commercial use in any developing country—

"(A) is reliable, affordable, economically viable, socially acceptable, and compatible with the needs and norms of the host country;

"(B) results in—

"(i) reduced emissions of greenhouse gases; or

"(ii) increased geological sequestration; and

"(C) may—

"(i) substantially lower emissions of air pollutants; and "(ii) generate substantially smaller or less hazardous quantities of solid or liquid waste.

"(2) DEPARTMENT.—The term 'Department' means the Department of State.

"(3) DEVELOPING COUNTRY.—

"(A) IN GENERAL.—The term 'developing country' means any country not listed in Annex I of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

"(B) INCLUSION.—The term 'developing country' may include a country with an economy in transition, as determined by the Secretary.

"(4) GEOLOGICAL SEQUESTRATION.—The term 'geological sequestration' means the capture and long-term storage in a geological formation of a greenhouse gas from an energy producing facility, which prevents the release of greenhouse gases into the atmosphere.

"(5) INTERAGENCY WORKING GROUP.—The term 'Interagency Working Group' means the Interagency Working Group on Clean Energy Technology Exports established under section 732(b)(1)(A).

"(6) QUALIFYING PROJECT.—The term 'qualifying project' means a project meeting the criteria established under section 735(b).

"(7) SECRETARY.—The term 'Secretary' means the Secretary of State.

"(8) STRATEGY.—The term 'Strategy' means the strategy established under section 733.

"(9) TASK FORCE.—The term 'Task Force' means the Task Force on International Clean Energy Cooperation established under section 732(a).

"(10) UNITED STATES.—The term 'United States', when used in a geographical sense, means all of the States.

"SEC. 732. ORGANIZATION.

"(a) TASK FORCE.—

"(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this part, the President shall establish a Task Force on International Clean Energy Cooperation.

"(2) COMPOSITION.—The Task Force shall be composed of—

"(A) the Secretary and the Secretary of Energy, who shall serve jointly as Co-Chairpersons; and

"(B) representatives, appointed by the head of the respective Federal agency, of—

"(i) the Department of Commerce;

"(ii) the Department of the Treasury;

"(iii) the Environmental Protection Agency;

"(iv) the United States Agency for International Development;

"(v) the Export-Import Bank;

"(vi) the Overseas Private Investment Corporation;

"(vii) the Trade and Development Agency;

"(viii) the Small Business Administration;

"(ix) the Office of United States Trade Representative; and

"(x) other Federal agencies, as determined by the President.

"(3) DUTIES.—

"(A) LEAD AGENCY.—The Task Force shall act as the lead agency in the development and implementation of strategy under section 733.

"(B) COORDINATION AND IMPLEMENTATION.—The Task Force shall support the coordination and implementation of programs under sections 1331, 1332, and 1608 of the Energy Policy Act of 1992 (42 U.S.C. 13361, 13362, 13387).

"(4) TERMINATION.—The Task Force, including any working group established by the Task Force, shall terminate on January 1, 2016.

"(b) WORKING GROUPS.—

"(1) ESTABLISHMENT.—The Task Force—

"(A) shall establish an Interagency Working Group on Clean Energy Technology Exports; and

"(B) may establish other working groups as necessary to carry out this part.

"(2) COMPOSITION OF INTERAGENCY WORKING GROUP.—The Interagency Working Group shall be composed of—

"(A) the Secretary of Energy, the Secretary of Commerce, and the Administrator of the United States Agency for International Development, who shall jointly serve as Co-Chairpersons; and

"(B) other members, as determined by the Task Force.

"(c) INTERAGENCY CENTER.—

"(1) ESTABLISHMENT.—There is established an Interagency Center in the Office of International Energy Market Development of the Department of Energy.

"(2) DUTIES.—The Interagency Center shall—

"(A) assist the Interagency Working Group in carrying out this part; and

"(B) perform such other duties as are determined to be appropriate by the Secretary of Energy.

"SEC. 733. STRATEGY.

"(a) INITIAL STRATEGY.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this part, the Task Force shall develop and submit to the President a Strategy to—

"(A) support the development and implementation of programs and policies in developing countries to promote the adoption of clean energy technologies and energy efficiency technologies and strategies, with an emphasis on those developing countries that are expected to experience the most significant growth in energy production and use over the next 20 years;

"(B) open and expand clean energy technology markets and facilitate the export of clean energy technology to developing countries, in a manner consistent with the subsidy codes of the World Trade Organization;

"(C) integrate into the foreign policy objectives of the United States the promotion of—

"(i) clean energy technology deployment and reduced greenhouse gas emissions in developing countries; and

"(ii) clean energy technology exports;

"(D) establish a pilot program that provides financial assistance for qualifying projects; and

"(E) develop financial mechanisms and instruments (including securities that mitigate the political and foreign exchange risks of uses that are consistent with the foreign policy of the United States by combining the private sector market and government enhancements) that—

"(i) are cost-effective; and

"(ii) facilitate private capital investment in clean energy technology projects in developing countries.

"(2) TRANSMISSION TO CONGRESS.—On receiving the Strategy from the Task Force under paragraph (1), the President shall transmit to Congress the Strategy.

"(b) UPDATES.—

"(1) IN GENERAL.—Not later than 2 years after the date of submission of the initial Strategy under subsection (a)(1), and every 2 years thereafter—

"(A) the Task Force shall—

"(i) review and update the Strategy; and

"(ii) report the results of the review and update to the President; and

"(B) the President shall submit to Congress a report on the Strategy.

"(2) INCLUSIONS.—The report shall include—

"(A) the updated Strategy;

"(B) a description of the assistance provided under this part;

"(C) the results of the pilot projects carried out under this part, including a comparative analysis of the relative merits of each pilot project;

"(D) the activities and progress reported by developing countries to the Department under section 736(b)(2); and

"(E) the activities and progress reported towards meeting the goals established under section 736(b)(2).

"(c) CONTENT.—In developing, updating, and submitting a report on the Strategy, the Task Force shall—

"(1) assess—

"(A) energy trends, energy needs, and potential energy resource bases in developing countries; and

"(B) the implications of the trends and needs for domestic and global economic and security interests;

"(2) analyze technology, policy, and market opportunities for international development, demonstration, and deployment of clean energy technologies and strategies;

"(3) examine relevant trade, tax, finance, international, and other policy issues to assess what policies, in the United States and in developing countries, would help open markets and improve clean energy technology exports of the United States in support of—

"(A) enhancing energy innovation and cooperation, including energy sector and market reform, capacity building, and financing measures;

"(B) improving energy end-use efficiency technologies (including buildings and facilities) and vehicle, industrial, and co-generation technology initiatives; and

"(C) promoting energy supply technologies, including fossil, nuclear, and renewable technology initiatives;

"(4) investigate issues associated with building capacity to deploy clean energy technology in developing countries, including—

"(A) energy-sector reform;

"(B) creation of open, transparent, and competitive markets for clean energy technologies;

"(C) the availability of trained personnel to deploy and maintain clean energy technology; and

"(D) demonstration and cost-buydown mechanisms to promote first adoption of clean energy technology;

"(5) establish priorities for promoting the diffusion and adoption of clean energy technologies and strategies in developing countries, taking into account economic and security interests of the United States and opportunities for the export of technology of the United States;

"(6) identify the means of integrating the priorities established under paragraph (5) into bilateral, multilateral, and assistance activities and commitments of the United States;

"(7) establish methodologies for the measurement, monitoring, verification, and reporting under section 736(b)(2) of the greenhouse gas emission impacts of clean energy projects and policies in developing countries;

"(8) establish a registry that is accessible to the public through electronic means (including through the Internet) in which information reported under section 736(b)(2) shall be collected;

"(9) make recommendations to the heads of appropriate Federal agencies on ways to streamline Federal programs and policies to improve the role of the agencies in the international development, demonstration, and deployment of clean energy technology;

"(10) make assessments and recommendations regarding the distinct technological, market, regional, and stakeholder challenges necessary to deploy clean energy technology;

"(11) recommend conditions and criteria that will help ensure that funds provided by the United States promote sound energy policies in developing countries while simultaneously opening their markets and exporting clean energy technology of the United States;

"(12) establish an advisory committee, composed of representatives of the private sector and other interested groups, on the export and deployment of clean energy technology;

"(13) establish a coordinated mechanism for disseminating information to the private sector and the public on clean energy technologies and clean energy technology transfer opportunities; and

"(14) monitor the progress of each Federal agency in promoting the purposes of this part, in accordance with—

"(A) the 5-year strategic plan submitted to Congress in October 2002; and

"(B) other applicable law.

"(d) ONGOING ACTIVITIES.—Existing activities and interagency management efforts underway by Task Force members shall be recognized as contributing to the initial Strategy.

"SEC. 734. CLEAN ENERGY ASSISTANCE TO DEVELOPING COUNTRIES.

"(a) IN GENERAL.—Subject to section 736, the Secretary may provide assistance to developing countries for activities that are consistent with the priorities established in the Strategy.

"(b) ASSISTANCE.—The assistance may be provided through—

"(1) the Millennium Challenge Corporation established under section 604(a) of the Millennium Challenge Act of 2003 (22 U.S.C. 7703(a));

"(2) the Global Village Energy Partnership; and

"(3) other international assistance programs or activities of—

"(A) the Department;

"(B) the United States Agency for International Development; and

"(C) other Federal agencies.

"(c) ELIGIBLE ACTIVITIES.—The activities supported under this section include—

"(1) development of national action plans and policies to—

"(A) facilitate the provision of clean energy services and the adoption of energy efficiency measures;

"(B) identify linkages between the use of clean energy technologies and the provision of agricultural, transportation, water, health, educational, and other development-related services; and

"(C) integrate the use of clean energy technologies into national strategies for economic growth, poverty reduction, and sustainable development;

"(2) strengthening of public and private sector capacity to—

"(A) assess clean energy needs and options;

"(B) identify opportunities to reduce, avoid, or sequester greenhouse gas emissions;

"(C) establish enabling policy frameworks;

"(D) develop and access financing mechanisms; and

"(E) monitor progress in implementing clean energy and greenhouse gas reduction strategies;

"(3) enactment and implementation of market-favoring measures to promote commercial-based energy service provision and to improve the governance, efficiency, and financial performance of the energy sector; and

"(4) development and use of innovative public and private mechanisms to catalyze and leverage financing for clean energy technologies, including use of the development credit authority of the United States Agency for International Development and credit enhancements through the Export-Import Bank and the Overseas Private Investment Corporation.

"SEC. 735. PILOT PROGRAM FOR DEMONSTRATION PROJECTS.

"(a) IN GENERAL.—Not later than 2 years after the date of enactment of this part, the Secretary of Energy and the Administrator of the United States Agency for International Development, in consultation with the Secretary, shall, by regulation, establish a pilot program that provides financial assistance for qualifying projects consistent with the Strategy and the performance criteria established under section 736.

"(b) QUALIFYING PROJECTS.—To be qualified to receive assistance under this section, a project shall—

"(1) be a project—

"(A) to construct an energy production facility in a developing country for the production of energy to be consumed in the developing country; or

"(B) to improve the efficiency of energy use in a developing country;

"(2) be a project that—

"(A) is submitted by a firm of the United States to the Secretary in accordance with procedures established by the Secretary by regulation;

"(B) meets the requirements of section 1608(k) of the Energy Policy Act of 1992 (42 U.S.C. 13387(k));

"(C) uses technology that has been successfully developed or deployed in the United States; and

"(D) is selected by the Secretary without regard to the developing country in which the project is located, with notice of the selection published in the Federal Register; and

"(3) when deployed, result in a greenhouse gas emission reduction (when compared to the technology that would otherwise be deployed) of at least—

"(A) in the case of a unit or energy-efficiency measure placed in service during the period beginning on the date of enactment of this part and ending on December 31, 2009, 20 percentage points;

"(B) in the case of a unit or energy-efficiency measure placed in service during the period beginning on January 1, 2010, and ending on December 31, 2019, 40 percentage points; and

"(C) in the case of a unit or energy-efficiency measure placed in service after December 31, 2019, 60 percentage points.

"(c) FINANCIAL ASSISTANCE.—

"(1) IN GENERAL.—For each qualifying project selected by the Secretary to participate in the pilot program, the Secretary shall make a loan or loan guarantee available for not more than 50 percent of the total cost of the project.

"(2) INTEREST RATE.—The interest rate on a loan made under this subsection shall be equal to the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan.

"(3) HOST COUNTRY CONTRIBUTION.—To be eligible for a loan or loan guarantee for a project in a host country under this subsection, the host country shall—

"(A) make at least a 10 percent contribution toward the total cost of the project; and

"(B) verify to the Secretary (using the methodology established under section 733(c)(7)) the quantity of annual greenhouse gas emissions reduced, avoided, or sequestered as a result of the deployment of the project.

"(4) CAPACITY BUILDING RESEARCH.—

"(A) IN GENERAL.—A proposal made for a qualifying project may include a research component intended to build technological capacity within the host country.

"(B) RESEARCH.—To be eligible for a loan or loan guarantee under this paragraph, the research shall—

"(i) be related to the technology being deployed; and

"(ii) involve—

"(I) an institution in the host country; and

"(II) a participant from the United States that is an industrial entity, an institution of higher education, or a National Laboratory.

"(C) HOST COUNTRY CONTRIBUTION.—To be eligible for a loan or loan guarantee for research in a host country under this paragraph, the host country shall make at least a 50 percent contribution toward the total cost of the research.

"(5) GRANTS.—

"(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy and the Administrator of the United States Agency for International Development, may, at the request of the United States ambassador to a host country, make grants to help address and overcome specific, urgent, and unforeseen obstacles in the implementation of a qualifying project.

"(B) MAXIMUM AMOUNT.—The total amount of a grant made for a qualifying project under this paragraph may not exceed $1,000,000.

"SEC. 736. PERFORMANCE CRITERIA FOR MAJOR ENERGY CONSUMERS.

"(a) IDENTIFICATION OF MAJOR ENERGY CONSUMERS.—Not later than 1 year after the date of enactment of this part, the Task Force shall identify those developing countries that, by virtue of present and projected energy consumption, represent the predominant share of energy use among developing countries.

"(b) PERFORMANCE CRITERIA.—As a condition of accepting assistance provided under sections 734 and 735, any developing country identified under subsection (a) shall—

"(1) meet the eligibility criteria established under section 607 of the Millennium Challenge Act of 2003 (22 U.S.C. 7706), notwithstanding the eligibility of the developing country as a candidate country under section 606 of that Act (22 U.S.C. 7705); and

"(2) agree to establish and report on progress in meeting specific goals for reduced energy-related greenhouse gas emissions and specific goals for—

"(A) increased access to clean energy services among unserved and underserved populations;

"(B) increased use of renewable energy resources;

"(C) increased use of lower greenhouse gas-emitting fossil fuel-burning technologies;

"(D) more efficient production and use of energy;

"(E) greater reliance on advanced energy technologies;

"(F) the sustainable use of traditional energy resources; or

"(G) other goals for improving energy-related environmental performance, including the reduction or avoidance of local air and water quality and solid waste contaminants.

"SEC. 737. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as are necessary to carry out this part for each of fiscal years 2006 through 2015.".

SA 869. Mr. BYRD (for himself, Mrs. LINCOLN, Mr. ROCKEFELLER, Mr. HARKIN, and Mr. PRYOR) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

At the appropriate place insert the following:

SEC. . INCOME TAX EXCLUSION FOR CERTAIN FUEL COSTS OF RURAL CARPOOLS.

(a) IN GENERAL.—Section 132(f)(1) of the Internal Revenue Code of 1986 (defining qualified transportation fringe) is amended by adding at the end the following new subparagraph:

"(D) Fuel expenses for a highway vehicle of any employee who meets the rural carpool requirements of paragraph (8).".

(b) LIMITATION ON EXCLUSION.—Section 132(f)(2) of such Code (relating to limitation on exclusion) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) $50 per month in the case of the benefit described in subparagraph (D).".

(c) RURAL CARPOOL REQUIREMENTS.—Section 132(f) of such Code is amended by adding at the end the following new paragraph:

"(8) REQUIREMENTS FOR EMPLOYEES PARTICIPATING IN RURAL CARPOOLS.—

"(A) IN GENERAL.—The requirements of this paragraph are met if an employee—

"(i) is an employee of an employer described in subparagraph (B),

"(ii) certifies to such employer that—

"(I) such employee resides in a rural area (as defined by the Bureau of the Census),

"(II) such employee is not eligible to claim any qualified transportation fringe described in subparagraph (A) or (B) of paragraph (1) if provided by such employer,

"(III) such employee uses the employee's highway vehicle when traveling between the employee's residence and place of employment, and

"(IV) for at least 75 percent of the total mileage of such travel, the employee is accompanied by 1 or more employees of such employer, and

"(iii) agrees to notify such employer when any subclause of clause (ii) no longer applies.

"(B) EMPLOYER DESCRIBED.—An employer is described in this subparagraph if the business premises of such employer which serve as the place of employment of the employee are located in an area which is not accessible by a transit system designed primarily to provide daily work trips within a local commuting area.".

(d) NO EXCLUSION FOR EMPLOYMENT TAXES.—Section 3121(a)(20) of such Code (defining wages) is amended by inserting "(except by reason of subsection (f)(1)(D) thereof)" after "or 132".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses incurred on and after the date of the enactment of this Act and before January 1, 2007.

SA 870. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

At the appropriate place, insert the following:

Amendment to be proposed by Mrs. Boxer.

SEC. . FINAL ACTION ON REFUNDS FOR EXCESSIVE CHARGES.

(a) FINDINGS.—Congress finds that—

(1) The state of California experienced an energy crisis;

(2) FERC issued an order requiring a refund of the portion of charges on the sale of electric energy that was unjust or unreasonable during that crisis;

(3) As of the date of enactment of this act, none of the refunds ordered to date have been received by the state of California: and

(4) the Commission has ruled that the state of California is entitled to approximately $3 billion in refunds: the state of California maintains that that $8.9 billion in refunds is owed.

(b) FERC shall—

(1) seek to conclude its investigation into the unjust or unreasonable charges incurred by California during the 2000–2001 electricity crisis as soon as possible;

(2) seek to ensure that refunds the Commission determines are owed to the State of California are paid to the state of California; and

(3) submit to Congress a report by December 31, 2005 describing the actions taken by the Commission to date under this section and timetables for further actions.

SA 871. Mr. REID (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table: as follows:

At the appropriate place, insert the following:

"SECTION . WHISTLEBLOWER PROTECTION FOR EMPLOYEES OF THE DEPARTMENT OF ENERGY AND THE NUCLEAR REGULATORY COMMISSION.

(a) DEFINITION OF EMPLOYER—Section 211(a)(2) of the Energy Reorganization Act of 1974 (42 U.S.C. 5851(a)(2)) is amended—

(1) in subparagraph (C), by striking 'and' at the end;

(2) in subparagraph (D), by striking 'that is indemnified' and all that follows through '12344.'; and

(3) by adding at the end the following:

'(E) the Department of Energy.'.

(b) DE NOVO JUDICIAL DETERMINATION—Section 211(b) of the Energy Reorganization Act of 1974 (42 U.S.C. 5851 (b)) is amended by adding at the end the following:

'(4) DE NOVO JUDICIAL DETERMINATION—If the Secretary does not issue a final decision within 180 days after the filing of a complaint under paragraph (1) and the Secretary does not show that the delay is caused by the bad faith of the claimant, the claimant may bring a civil action in United States district court for a determination of the claim by the court de novo.'.

SA 872. Mr. MARTINEZ (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page 692, strike line 20 and all that follows through page 693, line 13, and insert the following:

(3) ELECTRIC CONSUMER; ELECTRIC UTILITY.—

(A) IN GENERAL.—The terms "electric consumer" and "electric utility" have the meanings given those terms in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602).

(B) EXCLUSION.—The term "electric utility" does not include any financial institution (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)).

(b) PRIVACY.—

(1) RULES.—The Commission may issue rules protecting the privacy of electric consumers from disclosure by an electric utility of consumer information obtained in connection with the sale or delivery of electric energy to electric consumers.

(2) EFFECT OF RULES.—Rules issued under paragraph (1) shall not affect, alter, limit, interfere with, or otherwise regulate the provisión of information by an electric utility to a consumer reporting agency (as defined in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a)).

(c) SLAMMING.—The Commission may issue rules prohibiting the change of selection of an electric utility except with the informed consent of the electric consumer or if approved by the appropriate State regulatory authority.

(d) CRAMMING.—The Commission may issue rules prohibiting the sale of goods and services by an electric utility to an electric consumer unless expressly authorized by law or the electric consumer.

SA 873. Mr. SUNUNU (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page 756, strike line 1 and all that follows through page 768, line 20.

SA 874. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page 328, strike line 13 and all that follows through page 342, line 19.

SA 875. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page 503, strike line 10 and all that follows through page 523, line 13.

SA 876. Mr. INOUYE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. EXCEPTION FROM VOLUME CAP FOR CERTAIN COOLING FACILITIES.

(a) IN GENERAL.—Section 146 of the Internal Revenue Code of 1986 (relating to volume cap) is amended by redesignating subsections (i) through (n) as subsections (j) through (o), respectively, and by inserting after subsection (h) the following:

"(i) EXCEPTION FOR FACILITIES USED TO COOL STRUCTURES WITH OCEAN WATER, ETC..—

"(1) IN GENERAL.—Only for purposes of this section, the term 'private activity bond' shall not include any exempt facility bond described in section 142(a)(9) which is issued as part of an issue to finance any project which is designed to access deep water renewable thermal energy for district cooling to provide building air conditioning (including any distribution piping, pumping, and chiller facilities).

"(2) LIMITATION.—Paragraph (1) shall apply only to bonds with a face amount of not more than $75,000,000 with respect to any project described in such paragraph.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to projects placed in service after the date of enactment of this Act and before July 1, 2008.

SA 877. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 327, after line 21, add the following:

SEC. 390. DEEPWATER PORTS.

Section 4(c) of the Deepwater Port Act of 1974 (33 U.S.C. 1503(c)) is amended by striking paragraphs (8) and (9) and inserting the following:

"(8) the Governor of each adjacent coastal State under section 9 approves, or is presumed to approve, the issuance of the license; and

"(9) as of the date on which the application for a license is submitted, the adjacent coastal State to which the deepwater port is to be directly connected by pipeline has developed, or is making reasonable progress toward developing, as determined in accordance with section 9(c), an approved coastal zone management program under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).".

SA 878. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 635, line 17, strike "$100,000,000" and insert "$500,000,000".

SA 879. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 635, line 17, strike "$100,000,000" and insert "$1,000,000,000".

SA 880. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle A of title II, insert the following:

SEC. 2 . STATE EXEMPTION FROM SEASONALITY REQUIREMENTS.

Section 211(o)(6) of the Clean Air Act (as amended by section 205) is amended in subparagraph (F) by adding before the period at the end the following: "or any State that receives over 50 percent of its fuel from a State that receives a waiver under that section".

SA 881. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . WEATHERIZATION ASSISTANCE CREDIT.

(a) IN GENERAL.—Subpart D of Part III of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits), as amended by this Act, is amended by inserting after section 45N the following new section:

"SEC. 45O. WEATHERIZATION ASSISTANCE CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, in the case of a utility, the amount of the weatherization assistance credit determined under this section for the taxable year shall be an amount equal to 20 percent of the qualified weatherization assistance expenses.

"(b) DEFINITIONS.—For purposes of this section:

"(1) WEATHERIZATION ASSISTANCE EXPENSES.—The term 'weatherization assistance expenses' means amounts—

"(A) paid by the taxpayer—

"(i) to an entity that is described in section 415(b)(2) of the Energy Conservation and Production Act (42 U.S.C. 6865(b)(2)), that receives funds from the Department of Energy Weatherization Assistance Program as such an entity, and that uses the taxpayer's amounts for the installation of energy efficiency improvements in residences of low-income individuals for purposes of section 415(a)(2) of the Energy Conservation and Production Act (42 U.S.C. 6865(a)(2)), as administered by the Department of Energy, or

"(ii) to a State weatherization agency for use by such agency in its program that enhances or extends the Department of Energy's program described in subparagraph (A), and

"(B) certified to the taxpayer by a State weatherization agency as paid to one or more entities described in subparagraph (A)(i) or to such agency described in subparagraph (A)(ii).

"(2) QUALIFIED WEATHERIZATION ASSISTANCE EXPENSES.—The term 'qualified weatherization assistance expenses' means—

"(A) with respect to the first 5 taxable years ending after the date of enactment of this section, the weatherization assistance expenses for each such year, and

"(B) with respect to a taxable year after the fifth taxable year ending after the date of enactment of this section, the excess (if any) of the weatherization assistance expenses for such year over the weatherization assistance expenses for the fifth taxable year preceding such year.

"(3) UTILITY.—The term 'utility' means a corporation that is engaged in the sale of electric energy or gas and is described in section 7701(a)(33)(A).

"(4) STATE WEATHERIZATION AGENCY.—The term 'State weatherization agency' means the department, agency, board, or other entity of a State that is authorized by such State to administer the weatherization program described in section 415 of the Energy Conservation and Production Act (42 U.S.C. 6865).

"(c) REGULATIONS.—The Secretary shall prescribe regulations necessary to carry out the purposes of this section.".

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit), as amended by this Act, is amended by striking "plus" at the end of paragraph (23), striking the period at the end of paragraph (24), and inserting ", plus" and by inserting after paragraph (24) the following new paragraph:

"(25) the weatherization assistance credit determined under section 45O(a).".

(c) CONFORMING AMENDMENT.—The table of sections for Subpart D of Part III of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits), as amended by this Act, is amended by adding after the item relating to section 45N the following new item:

"45O. Weatherization assistance credit.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to weatherization assistance expenses (within the meaning of section 45O of the Internal Revenue Code of 1986) paid or incurred in taxable years ending after the date of enactment of this Act.

SA 882. Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 659, between lines 3 and 4, insert the following:

SEC. 1243. SENSE OF THE SENATE REGARDING LOCATIONAL INSTALLED CAPACITY MECHANISM.

(a) FINDINGS.—The Senate finds that—

(1) as of the date of enactment of this Act, the States of New England have been litigating a proposal to develop and implement a specific type of locational installed capacity mechanism in New England before the Federal Energy Regulatory Commission; and

(2) the Governors of those States have objected to the proposed locational installed capacity mechanism of the Commission because the Governors believe that the mechanism—

(A) does not provide any assurance that needed generation will be built in the right place at the right time;

(B) is not linked to any long-term commitment from generators to provide energy;

(C) is extremely expensive for the region; and

(D) does not recognize efforts by the States of New England to propose alternative solutions through the creation of a regional State commission.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Federal Energy Regulatory Commission should suspend the pending locational installed capacity proceeding and allow the States of New England to propose alternatives to the locational installed capacity mechanism that have less regional economic impact and more certainty of providing the necessary generation capacity and reliability.

SA 883. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 310, strike line 25 and insert the following:

repaid or reobligated for authorized uses.

"(3) Limitation.—Not more than 23 percent of amounts received by a producing State or coastal political subdivision for any 1 fiscal year shall be used for the purposes described in subparagraphs (C) and (E) of paragraph (1).".

SA 884. Mr. ROCKEFELLER (for himself. Mr. Bingaman. and Mr. Bunning) submitted an amendment intended to be proposed by him to the bill H.R. 6. to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CREDIT FOR INTANGIBLE DRILLING COSTS.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 45O. INTANGIBLE DRILLING COSTS CREDIT.

"(a) In General.—For purposes of section 38, the intangible drilling costs credit for the taxable year is an amount equal to 15 percent of the intangible drilling costs (within the meaning of section 263(c)) paid or incurred during the taxable year in connection with each qualifying natural gas well.

"(b) Limitation.—The aggregate amount of credit allowed under this section for all taxable years shall not exceed $50,000 with respect to any qualifying natural gas well.

"(c) Qualifying Natural Gas Well.—For purposes of this section, the term 'qualifying natural gas well' means a natural gas well—

"(1) which is placed in service before the date that is 3 years after the date of the enactment of this section.

"(2) which produces a qualified fuel (as defined in section 29(c)), and

"(3) the basis of which is $200,000 or greater.

"(d) Denial of Double Benefit.—No deduction shall be allowed under section 263(c) for any cost for which a credit is allowed under this section.".

(b) Credit Treated as Part of General Business Credit.—Section 38(b) of the Internal Revenue Code of 1986 (relating to general business credit), as amended by this Act, is amended by striking "plus" at the end of paragraph (23), by striking the period at the end of paragraph (24) and inserting ", plus", and by adding at the end the following new paragraph:

"(25) the intangible drill costs credit determined under section 45O.".

(c) No Carryback of Credit.—Section 39 of the Internal Revenue Code of 1986 (relating to carryback and carryforward of unused credit) is amended by adding at the end the following new subsection:

"(e) Special Rule for Intangible Drilling Costs Credit.—No portion of the unused credit which is attributable to the intangible drilling costs credit under section 45O may be taken into account under section 38(a)(3).".

(d) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting after the item relating to section 45N the following new item:

"Sec. 45O. Intangible drilling costs credit.".

(e) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 885. Ms. CANTWELL (for herself, Mr. Graham, Mrs. Murray. Mr. Smith, Mr. Bingaman, and Mr. Coleman) submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable. and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. THREE-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED ENERGY MANAGEMENT DEVICES.

(a) In General.—Section 168(e)(3)(A) (defining 3-year property) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) any qualified energy management device.".

(b) Definition of Qualified Energy Management Device.—Section 168(i) (relating to definitions and special rules), as amended by this Act, is amended by inserting at the end the following new paragraph:

"(17) Qualified energy management device.—

"(A) In general.—The term 'qualified energy management device' means any energy management device which is placed in service before January 1, 2009. by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

"(B) Energy management device.—For purposes of subparagraph (A), the term 'energy management device' means any meter or metering device which is used by the taxpayer—

"(i) to measure and record electricity usage data on a time-differentiated basis in at least 4 separate time segments per day, and

"(ii) to provide such data on at least a monthly basis to both consumers and the taxpayer.".

(c) Alternative System.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (A)(iii) the following:

"(A)(iv) .... 20".

(d) Effective Date.—The amendments made by this section (other than subsection (e)) shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

(e) Freeze of Interest Suspension Rules With Respect to Listed Transactions.—

(1) In general.—Paragraph (2) of section 903(d) of the American Jobs Creation Act of 2004 is amended to read as follows:

"(2) Exception for reportable or listed transactions.—

"(A) In general.—The amendments made by subsection (c) shall apply with respect to interest accruing after October 3, 2004.

"(B) Special rule for certain listed transactions.—

"(i) In general.—Except as provided in clause (ii) or (iii), in the case of any listed transaction, the amendments made by subsection (c) shall also apply with respect to interest accruing on or before October 3, 2004.

"(ii) Participants in settlement initiatives.—Clause (i) shall not apply to a listed transaction if, as of May 9, 2005—

"(I) the taxpayer is participating in a published settlement initiative which is offered by the Secretary of the Treasury or his delegate to a group of similarly situated taxpayers claiming benefits from the listed transaction, or

"(II) the taxpayer has entered into a settlement agreement pursuant to such an initiative with respect to the tax liability arising in connection with the listed transaction.

Subclause (I) shall not apply to the taxpayer if, after May 9, 2005, the taxpayer withdraws from, or terminates, participation in the initiative or the Secretary or his delegate determines that a settlement agreement will not be reached pursuant to the initiative within a reasonable period of time.

"(iii) Closed transactions.—Clause (i) shall not apply to a listed transaction if, as of May 9, 2005—

"(I) the assessment of all Federal income taxes for the taxable year in which the tax liability to which the interest relates arose is prevented by the operation of any law or rule of law, or

"(II) a closing agreement under section 7121 has been entered into with respect to the tax liability arising in connection with the listed transaction.".

(2) Effective date.—The amendment made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which it relates.

SA 886. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 6. to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 159, after line 23, add the following:

SEC. 211. WASTE-DERIVED ETHANOL AND BIODIESEL.

Section 312(f)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)(1)) is amended—

(1) by striking "'biodiesel' means" and inserting the following: "'biodiesel'—

"(A) means"; and

(2) in subparagraph (A) (as designated by paragraph (1)) by striking "and" at the end and inserting the following:

"(B) includes ethanol and biodiesel derived from—

"(i) animal wastes, including poultry fats and poultry wastes, and other waste materials; or

"(ii) municipal solid waste and sludges and oils derived from wastewater and the treatment of wastewater; and".

SA 887. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SEC. ___. ARBITRAGE RULES NOT TO APPLY TO PREPAYMENTS FOR NATURAL GAS.

(a) In General.—Section 148(b) of the Internal Revenue Code of 1986 (relating to higher yielding investments) is amended by adding at the end the following new paragraph:

"(4) Safe harbor for prepaid natural gas.—

"(A) In general.—The term 'investment-type property' does not include a prepayment under a qualified natural gas supply contract.

"(B) Qualified natural gas supply contract.—For purposes of this paragraph, the term 'qualified natural gas supply contract' means any contract to acquire natural gas for resale by or for a utility owned by a governmental unit if the amount of gas permitted to be acquired under the contract for the utility during any year does not exceed the sum of—

"(i) the annual average amount during the testing period of natural gas purchased (other than for resale) by customers of such utility who are located within the service area of such utility, and

"(ii) the amount of natural gas to be used to transport the prepaid natural gas to the utility during such year.

"(C) NATURAL GAS USED TO GENERATE ELECTRICITY.—Natural gas used to generate electricity shall be taken into account in determining the average under subparagraph (B)(i)—

"(i) only if the electricity is generated by a utility owned by a governmental unit, and

"(ii) only to the extent that the electricity is sold (other than for resale) to customers of such utility who are located within the service area of such utility.

"(D) ADJUSTMENTS FOR CHANGES IN CUSTOMER BASE.—

"(i) NEW BUSINESS CUSTOMERS.—If—

"(I) after the close of the testing period and before the date of issuance of the issue, the utility owned by a governmental unit enters into a contract to supply natural gas (other than for resale) for use by a business at a property within the service area of such utility, and

"(II) the utility did not supply natural gas to such property during the testing period or the ratable amount of natural gas to be supplied under the contract is significantly greater than the ratable amount of gas supplied to such property during the testing period,

then a contract shall not fail to be treated as a qualified natural gas supply contract by reason of supplying the additional natural gas under the contract referred to in subclause (I).

"(ii) OVERALL LIMITATION.—The average under subparagraph (B)(i) shall not exceed the annual amount of natural gas reasonably expected to be purchased (other than for resale) by persons who are located within the service area of such utility and who, as of the date of issuance of the issue, are customers of such utility.

"(E) RULING REQUESTS.—The Secretary may increase the average under subparagraph (B)(i) for any period if the utility owned by the governmental unit establishes to the satisfaction of the Secretary that, based on objective evidence of growth in natural gas consumption or population, such average would otherwise be insufficient for such period.

"(F) ADJUSTMENT FOR NATURAL GAS OTHERWISE ON HAND.—

"(i) IN GENERAL.—The amount otherwise permitted to be acquired under the contract for any period shall be reduced by—

"(I) the applicable share of natural gas held by the utility on the date of issuance of the issue, and

"(II) the natural gas (not taken into account under subclause (I)) which the utility has a right to acquire during such period (determined as of the date of issuance of the issue).

"(ii) APPLICABLE SHARE.—For purposes of clause (i), the term 'applicable share' means, with respect to any period, the natural gas allocable to such period if the gas were allocated ratably over the period to which the prepayment relates.

"(G) INTENTIONAL ACTS.—Subparagraph (A) shall cease to apply to any issue if the utility owned by the governmental unit engages in any intentional act to render the volume of natural gas acquired by such prepayment to be in excess of the sum of—

"(i) the amount of natural gas needed (other than for resale) by customers of such utility who are located within the service area of such utility, and

"(ii) the amount of natural gas used to transport such natural gas to the utility.

"(H) TESTING PERIOD.—For purposes of this paragraph, the term 'testing period' means, with respect to an issue, the most recent 5 calendar years ending before the date of issuance of the issue.

"(I) SERVICE AREA.—For purposes of this paragraph, the service area of a utility owned by a governmental unit shall be comprised of—

"(i) any area throughout which such utility provided at all times during the testing period—

"(I) in the case of a natural gas utility, natural gas transmission or distribution services, and

"(II) in the case of an electric utility, electricity distribution services,

"(ii) any area within a county contiguous to the area described in clause (i) in which retail customers of such utility are located if such area is not also served by another utility providing natural gas or electricity services, as the case may be, and

"(iii) any area recognized as the service area of such utility under State or Federal law.".

(b) PRIVATE LOAN FINANCING TEST NOT TO APPLY TO PREPAYMENTS FOR NATURAL GAS.—Section 141(c)(2) of the Internal Revenue Code of 1986 (providing exceptions to the private loan financing test) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by adding at the end the following new subparagraph:

"(C) is a qualified natural gas supply contract (as defined in section 148(b)(4)).".

(c) CONFORMING AMENDMENT.—Section 141(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(7) EXCEPTION FOR QUALIFIED ELECTRIC AND NATURAL GAS SUPPLY CONTRACTS.—The term 'nongovernmental output property' shall not include any contract for the prepayment of electricity or natural gas which is not investment property under section 148(b)(2).".

(d) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after December 31, 2005.

SA 888. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 15 . STATE INCENTIVES FOR USE OF CLEAN COAL TECHNOLOGY.

(a) DEFINITIONS.—In this section:

(1) COMPLIANCE FACILITY.—The term "compliance facility" means any facility that—

(A)(i) is designed, constructed, or installed, and used, at a coal-fired electric generation unit for the primary purpose of complying with acid rain control requirements established by title IV of Public Law 101–549 (commonly known as the "Clean Air Act Amendments of 1990") (42 U.S.C. 7651 et seq.); and

(ii) controls or limits emissions of sulfur or nitrogen compounds resulting from the combustion of coal through the removal or reduction of those compounds before, during, or after the combustion of the coal, but before the combustion products are emitted into the atmosphere;

(B)(i) removes sulfur compounds from coal before the combustion of the coal; and

(ii) is located off the premises of the electric generation facility at which the coal processed by the compliance facility is burned;

(C) includes a flue gas desulfurization system connected to a coal-fired electric generation unit; or

(D) includes facilities or equipment acquired, constructed, or installed, and used, at a coal-fired electric generating unit primarily for the purpose of handling—

(i) the byproducts produced by the compliance facility; or

(ii) other coal combustion byproducts produced by the electric generation unit in or to which the compliance facility is incorporated or connected.

(2) ELECTRIC UTILITY.—The term "electric utility" means any person (including any municipality) that generates, transmits, or distributes electric energy through the use of a coal-fired generating unit that contains, is attached to, or is used in conjunction with a compliance facility.

(b) CREDITS.—A State may provide to an electric utility a credit against any tax or fee owed to the State under a State law, in an amount calculated in accordance with a formula to be determined by the State, for the use of coal mined from deposits in the State that is burned in a coal-fired electric generation unit that is owned or operated by the electric utility that receives the credit.

(c) EFFECT ON INTERSTATE COMMERCE.—Action taken by a State in accordance with this section—

(1) shall be considered to be a reasonable regulation of commerce as of the effective date of the action; and

(2) shall not be considered to impose an undue burden on interstate commerce or to otherwise impair, restrain, or discriminate against interstate commerce.

SA 889. Ms. SNOWE (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy: which was ordered to lie on the table; as follows:

On page 323, beginning with line 7, strike through line 12 on page 325 and insert the following:

SEC. 387. COORDINATION WITH FEDERAL ENERGY REGULATORY COMMISSION.

Within 180 days after the date of enactment of this Act, the Secretary of Commerce shall submit a report to the Congress on the development of a memorandum of understanding with the Commissioner of the Federal Energy Regulatory Commission for a coordinated process for review of coastal energy activities that provides for—

(1) improved coordination among Federal, regional, State, and local agencies concerned with conducting reviews under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); and

(2) coordinated schedules for such reviews that ensures that, where appropriate the reviews are performed concurrently.

SEC. 387A. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This section and sections 387B through 387T of this Act may be cited as the "Coastal Zone Enhancement Reauthorization Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for the Coastal Zone Enhancement Reauthorization Act of 2005 is as follows:

Sec. 387A. Short title; table of contents.
Sec. 387B. Amendment of Coastal Zone Management Act of 1972.
Sec. 387C. Findings.
Sec. 387D. Policy.
Sec. 387E. Changes in definitions.
Sec. 387F. Reauthorization of management program development grants.
Sec. 387G. Administrative grants.
Sec. 387H. Coastal resource improvement program.
Sec. 387I. Certain Federal agency activities.
Sec. 387J. Coastal zone management fund.
Sec. 387K. Coastal zone enhancement grants.
Sec. 387L. Coastal community program.
Sec. 387M. Technical assistance; resources assessments; information systems.
Sec. 387N. Performance review.
Sec. 387O. Walter B. Jones awards.
Sec. 387P. National Estuarine Research Reserve System.
Sec. 387Q. Coastal zone management reports.
Sec. 387R. Authorization of appropriations.
Sec. 387S. Deadline for decision on appeals of consistency determination.
Sec. 387T. Sense of Congress.

SEC. 387B. AMENDMENT OF COASTAL ZONE MANAGEMENT ACT OF 1972.

Except as otherwise expressly provided, whenever in sections 387C through 387T of this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

SEC. 387C. FINDINGS.

Section 302 (16 U.S.C. 1451) is amended—

(1) by redesignating paragraphs (a) through (m) as paragraphs (1) through (13);

(2) by inserting "ports," in paragraph (3) (as so redesignated) after "fossil fuels,";

(3) by inserting "including coastal waters and wetlands," in paragraph (4) (as so redesignated) after "zone,";

(4) by striking "therein," in paragraph (4) (as so redesignated) and inserting "dependent on that habitat,";

(5) by striking "well-being" in paragraph (5) (as so redesignated) and inserting "quality of life";

(6) by inserting "integrated plans and strategies," after "including" in paragraph (9) (as so redesignated);

(7) by striking paragraph (11) (as sc redesignated) and inserting the following:

"(11) Land and water uses in the coastal zone and coastal watersheds may significantly affect the quality of coastal waters and habitats, and efforts to control coastal water pollution from activities in these areas must be improved."; and

(8) by adding at the end thereof the following:

"(14) There is a need to enhance cooperation and coordination among states and local communities, to encourage local community-based solutions that address the impacts and pressures on coastal resources and on public facilities and public service caused by continued coastal demands, and to increase state and local capacity to identify public infrastructure and open space needs and develop and implement plans which provide for sustainable growth, resource protection and community revitalization.

"(15) The establishment of a national system of estuarine research reserves will provide for protection of essential estuarine resources, as well as for a network of State-based reserves that will serve as sites for coastal stewardship best-practices, monitoring, research, education, and training to improve coastal management and to help translate science and inform coastal decisionmakers and the public.".

SEC. 387D. POLICY.

Section 303 (16 U.S.C. 1452) is amended—

(1) by striking "the states" in paragraph (2) and inserting "state and local governments";

(2) by inserting "plans, and strategies" after "programs," in paragraph (2);

(3) by striking "waters," each place it appears in paragraph (2)(C) and inserting "waters and habitats,";

(4) by striking "agencies and state and wildlife agencies; and" in paragraph (2)(J) and inserting "and wildlife management; and";

(5) by inserting "cooperation, coordination, and effectiveness" after "specificity," in paragraph (3);

(6) by inserting "other countries," after "agencies," in paragraph (5);

(7) by striking "and" at the end of paragraph (5);

(8) by striking "zone." in paragraph (6) and inserting "zone;"; and

(9) by adding at the end thereof the following:

"(7) to create and use a National Estuarine Research Reserve System as a Federal, state, and community partnership to support and enhance coastal management and stewardship through State-based conservation, monitoring, research, education, outreach, and training; and

"(8) to encourage the development, application, training, technical assistance, and transfer of innovative coastal management practices and coastal and estuarine environmental technologies and techniques to improve understanding and management decisionmaking for the long-term conservation of coastal ecosystems.".

SEC. 387E. CHANGES IN DEFINITIONS.

Section 304 (16 U.S.C. 1453) is amended—

(1) by striking "and the Trust Territories of the Pacific Islands," in paragraph (4);

(2) in paragraph (6)—

(A) by inserting "(ix) use or reuse of facilities authorized under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) for energy-related purposes or other authorized marine related purposes;" after "transmission facilities;"; and

(B) by striking "and (ix)" and inserting "and (x);

(3) by striking paragraph (8) and inserting the following:

"(8) The terms 'estuarine reserve' and 'estuarine research reserve' mean a coastal protected area that—

"(A) may include any part or all of an estuary and any island, transitional area, and upland in, adjoining, or adjacent to the estuary;

"(B) constitutes to the extent feasible a natural unit; and

"(C) is established to provide long-term opportunities for conducting scientific studies and monitoring and educational and training programs that improve the understanding, stewardship, and management of estuaries and improve coastal decisionmaking.";

(4) by inserting "plans, strategies," after "policies," in paragraph (12);

(5) in paragraph (13)—

(A) by inserting "or alternative energy sources on or" after "natural gas";

(B) by striking "new or expanded" and inserting "new, reused, or expanded"; and

(C) by striking "or production." and inserting "production, or other energy related purposes.";

(6) by inserting "incentives, guidelines," after "policies," in paragraph (17); and

(7) by adding at the end the following:

"(19) The term 'coastal nonpoint pollution control strategies and measures' means strategies and measures included as part of the coastal nonpoint pollution control program under section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1455b).

"(20) The term 'qualified local entity' means—

"(A) any local government;

"(B) any areawide agency referred to in section 204(a)(1) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334 (a)(1));

"(C) any regional agency;

"(D) any interstate agency;

"(E) any nonprofit organization; or

"(F) any reserve established under section 315.".

SEC. 387F. REAUTHORIZATION OF MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

Section 305 (16 U.S.C. 1454) is amended to read as follows:

"SEC. 305. MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

"(a) STATES WITHOUT PROGRAMS.—In fiscal years 2006 and 2007, the Secretary may make a grant annually to any coastal state without an approved program if the coastal state demonstrates to the satisfaction of the Secretary that the grant will be used to develop a management program consistent with the requirements set forth in section 306. The amount of any such grant shall not exceed $200.000 in any fiscal year, and shall require State matching funds according to a 4-to-1 ratio of Federal-to-State contributions. After an initial grant is made to a coastal state under this subsection, no subsequent grant may be made to that coastal state under this subsection unless the Secretary finds that the coastal state is satisfactorily developing its management program. No coastal state is eligible to receive more than 4 grants under this subsection.

"(b) SUBMITTAL OF PROGRAM FOR APPROVAL.—A coastal state that has completed the development of its management program shall submit the program to the Secretary for review and approval under section 306.".

SEC. 387G. ADMINISTRATIVE GRANTS.

(a) PURPOSES.—Section 306(a) (16 U.S.C. 1455(a)) is amended by striking "administering that State's management program" and inserting "administering and implementing that State's management program and any plans, projects, or activities developed pursuant to such program, including developing and implementing applicable coastal nonpoint pollution control program components,".

(b) EQUITABLE ALLOCATION OF FUNDING.—Section 306(c) (16 U.S.C. 1455(c)) is amended by adding at the end thereof "In promoting equity, the Secretary shall consider the overall change in grant funding under this section from the preceding fiscal year and minimize the relative increases or decreases among all the eligible States. The Secretary shall ensure that each eligible State receives increased funding under this section in any fiscal year for which the total amount appropriated to carry out this section is greater than the total amount appropriated to carry out this section for the preceding fiscal year.

(c) ACQUISITION CRITERIA.—Section 306(d)(10)(B) (16 U.S.C. 1455(d)(10)(B)) is amended by striking “less than fee simple” and inserting “other”.

(d) Conforming Amendment.—Section 306(d)(13)(B) (16 U.S.C. 1455(d)(13)(B)) is amended by inserting “policies, plans, strategies,” after “specific”.

SEC. 387H. COASTAL RESOURCE IMPROVEMENT PROGRAM.

Section 306A (16 U.S.C. 1455a) is amended—

(1) by inserting “or other important coastal habitats” in subsection (b)(1)(A) after “306(d)(9)”;

(2) by inserting “or historic” in subsection (b)(2) after “urban”;

(3) by adding at the end of subsection (b) the following:

“(5) The coordination and implementation of approved coastal nonpoint pollution control plans, strategies, and measures.

“(6) The preservation, restoration, enhancement or creation of coastal habitats.”;

(4) by inserting “planning,” before “engineering” in subsection (c)(2)(D);

(5) by striking “and” after the semicolon in subsection (c)(2)(D);

(6) by striking “section.” in subsection (c)(2)(E) and inserting “section;”;

(7) by adding at the end of subsection (c)(2) the following:

“(F) work, resources, or technical support necessary to preserve, restore, enhance, or create coastal habitats; and

“(G) the coordination and implementation of approved coastal nonpoint pollution control plans, strategies, measures.”; and

(8) by striking subsections (d), (e), and (f) and inserting after subsection (c) the following:

“(d) Source of Federal Grants; State Matching Contributions.—

“(1) In general.—If a coastal state chooses to fund a project under this section, then—

“(A) it shall submit to the Secretary a combined application for grants under this section and section 306;

“(B) it shall match the combined amount of such grants in the ratio required by section 306(a) for grants under that section; and

“(C) the Federal funding for the project shall be a portion of that state's annual allocation under section 306(a).

“(2) Use of funds.—Grants provided under this section may be used to pay a coastal state's share of costs required under any other Federal program that is consistent with the purposes of this section.

“(e) Allocation of Grants to Qualified Local Entity.—With the approval of the Secretary, the eligible coastal state may allocate to a qualified local entity a portion of any grant made under this section for the purpose of carrying out this section; except that such an allocation shall not relieve that state of the responsibility for ensuring that any funds so allocated are applied in furtherance of the state's approved management program.

“(f) Assistance.—The Secretary shall assist eligible coastal states in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (b).”.

SEC. 387I. CERTAIN FEDERAL AGENCY ACTIVITIES.

Section 307(c)(1) (16 U.S.C. 1456(c)(1)) is amended by adding at the end the following:

“(D) The provisions of paragraph (1)(A), and implementing regulations thereunder, with respect to a Federal agency activity inland of the coastal zone of the State of Alaska apply only if the activity directly and significantly affects a land or water use or a natural resource of the Alaskan coastal zone.”.

SEC. 387J. COASTAL ZONE MANAGEMENT FUND.

(a) Treatment of Loan Repayments.—Section 308(a)(2) (16 U.S.C. 1456a(a)(2)) is amended to read as follows:

“(2) Loan repayments made under this subsection shall be retained by the Secretary and deposited into the Coastal Zone Management Fund established under subsection (b) and shall be made available to the States for grants as under subsection (b)(2).

(b) Use of Amounts in Fund.—Section 308(b) (16 U.S.C. 1456a(b)) is amended by striking paragraphs (2) and (3) and inserting the following:

“(2) Subject to appropriation Acts, amounts in the Fund shall be available to the Secretary to make grants to the States for—

“(A) projects to address coastal and ocean management issues which are regional in scope, including intrastate and interstate projects; and

“(B) projects that have high potential for improving coastal zone and watershed management.

“(3) Projects funded under this subsection shall apply an integrated, watershed-based management approach and advance the purpose of this Act to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations.”.

SEC. 387K. COASTAL ZONE ENHANCEMENT GRANTS.

Section 309 (16 U.S.C. 1456b) is amended—

(1) by striking subsection (a)(1) and inserting the following:

“(1) Protection, restoration, enhancement, or creation of coastal habitats, including wetlands, coral reefs, marshes, and barrier islands.”;

(2) by inserting “and removal” after “entry” in subsection (a)(4);

(3) by striking “on various individual uses or activities on resources, such as coastal wetlands and fishery resources.” in subsection (a)(5) and inserting “of various individual uses or activities on coastal waters, habitats, and resources, including sources of polluted runoff.”;

(4) by adding at the end of subsection (a) the following:

“(10) Development and enhancement of coastal nonpoint pollution control program components, strategies, and measures, including the satisfaction of conditions placed on such programs as part of the Secretary's approval of the programs.

“(11) Significant emerging coastal issues as identified by coastal states, in consultation with the Secretary and qualified local entities.”;

(5) by striking “changes” and inserting “changes, or for projects that demonstrate significant potential for improving ocean resource management or integrated coastal and watershed management at the local, state or regional level,”;

(6) by striking “proposals, taking into account the criteria established by the Secretary under subsection (d).” in subsection (c) and inserting “proposals.”;

(7) by striking subsection (d) and redesignating subsection (e) as subsection (d);

(8) by striking “in implementing this section, up to a maximum of $10,000,000 annually” in subsection (f) and inserting “for grants to the States.”; and

(9) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 387L. COASTAL COMMUNITY PROGRAM.

The Act is amended by inserting after section 309 the following:

“SEC. 309A. COASTAL COMMUNITY PROGRAM.

“(a) Coastal Community Grants.—The Secretary may make grants to any coastal state that is eligible under subsection (b)—

“(1) to assist coastal communities in assessing and managing growth, public infrastructure, and open space needs in order to provide for sustainable growth, resource protection and community revitalization;

“(2) to provide management-oriented research and technical assistance in developing and implementing community-based growth management and resource protection strategies in qualified local entities;

“(3) to fund demonstration projects which have high potential for improving coastal zone management at the local level;

“(4) to assist in the adoption of plans, strategies, policies, or procedures to support local community-based environmentally-protective solutions to the impacts and pressures on coastal uses and resources caused by development and sprawl that will—

“(A) revitalize previously developed areas;

“(B) undertake conservation activities and projects in undeveloped and environmentally sensitive areas;

“(C) emphasize water-dependent uses; and

“(D) protect coastal waters and habitats; and

“(5) to assist coastal communities to coordinate and implement approved coastal nonpoint pollution control strategies and measures that reduce the causes and impacts of polluted runoff on coastal waters and habitats.”.

“(b) Eligibility.—To be eligible for a grant under this section for a fiscal year, a coastal state shall—

“(1) have a management program approved under section 306; and

“(2) in the judgment of the Secretary, be making satisfactory progress in activities designed to result in significant improvement in achieving the coastal management objectives specified in section 303(2)(A) through (K).

“(c) Allocations; Source of Federal Grants; State Matching Contributions.—

“(1) Allocation.—Grants under this section shall be allocated to coastal states as provided in section 306(c).

“(2) Application; matching.—If a coastal state chooses to fund a project under this section, then—

“(A) it shall submit to the Secretary a combined application for grants under this section and section 306; and

“(B) it shall match the amount of the grant under this section on the basis of a total contribution of section 306, 306A, and this section so that, in aggregate, the match is 1:1.

“(d) Allocation of Grants to Qualified Local Entity.—

“(1) In general.—With the approval of the Secretary, the eligible coastal state may allocate to a qualified local entity amounts received by the state under this section.

“(2) Assurances.—A coastal state shall ensure that amounts allocated by the state under paragraph (1) are used by the qualified local entity in furtherance of the state's approved management program, specifically furtherance of the coastal management objectives specified in section 303(2).

“(e) Assistance.—The Secretary shall assist eligible coastal states and qualified local entities in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (a).”.

SEC. 387M. TECHNICAL ASSISTANCE; RESOURCES ASSESSMENTS; INFORMATION SYSTEMS.

(a) IN GENERAL.—Section 310 (16 U.S.C. 1456c) is amended—

(1) by inserting "(1)" before "The Secretary" in subsection (a);

(2) by striking "assistance" in subsection (a) and inserting "assistance, technology and methodology development, training and information transfer, resources assessment, and";

(3) by adding at the end of subsection (a) the following:

"(2) Each department, agency, and instrumentality of the executive branch of the Federal Government may assist the Secretary, on a reimbursable basis or otherwise, in carrying out the purposes of this section, including the furnishing of information to the extent permitted by law, the transfer of personnel with their consent and without prejudice to their position and rating, and the performance of any research, study, and technical assistance which does not interfere with the performance of the primary duties of such department, agency, or instrumentality. The Secretary may enter into contracts or other arrangements with any qualified person for the purposes of carrying out this subsection.";

(4) by striking "and research activities," in subsection (b)(1) and inserting "research activities, and other support services and activities";

(5) by inserting after "Secretary." in subsection (b)(1) the following: "The Secretary may conduct a program to develop and apply innovative coastal and estuarine environmental technology and methodology through a cooperative program, and to support the development, application, training and technical assistance, and transfer of effective coastal management practices. The Secretary may make extramural grants in carrying out the purpose of this subsection.";

(6) by inserting after "section." in subsection (b)(3) the following: "The Secretary shall establish regional advisory committees including representatives of the Governors of each state within the region, universities, colleges, coastal and marine laboratories, Sea Grant College programs within the region and representatives from the private and public sector with relevant expertise. The Secretary will report to the regional advisory committees on activities undertaken by the Secretary and other agencies pursuant to this section, and the regional advisory committees shall identify research, technical assistance and information needs and priorities. The regional advisory committees are not subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.)."; and

(7) by adding at the end the following:

"(c)(1) The Secretary shall consult with the regional advisory committees concerning the development of a coastal resources assessment and information program to support development and maintenance of integrated coastal resource assessments of state natural, cultural and economic attributes, and coastal information programs for the collection and dissemination of data and information, product development, and outreach based on the needs and priorities of coastal and ocean managers and user groups.

"(2) The Secretary shall assist coastal states in identifying and obtaining financial and technical assistance from other Federal agencies and may make grants to states in carrying out the purpose of this section and to provide ongoing support for state resource assessment and information programs.".

(b) CONFORMING AMENDMENT.—The section heading for section 310 (16 U.S.C. 1456c) is amended to read as follows:

"SEC. 310. TECHNICAL ASSISTANCE, RESOURCES ASSESSMENTS, AND INFORMATION SYSTEMS.

SEC. 387N. PERFORMANCE REVIEW.

Section 312(a) (16 U.S.C. 1458(a)) is amended—

(1) by striking "continuing review of the performance" and inserting "periodic review, no less frequently than every 5 years, of the administration, implementation, and performance";

(2) by striking "management." and inserting "management programs.";

(3) by striking "has implemented and enforced" and inserting "has effectively administered, implemented, and enforced";

(4) by striking "addressed the coastal management needs identified" and inserting "furthered the national coastal policies and objectives set forth" after "Secretary,"; and

(5) by inserting "coordinated with National Estuarine Research Reserves in the state" after "303(2)(A) through (K),".

SEC. 387O. WALTER B. JONES AWARDS.

Section 314 (16 U.S.C. 1460) is amended—

(1) by striking "shall, using sums in the Coastal Zone Management Fund established under section 308" in subsection (a) and inserting "may, using sums available under this Act";

(2) by striking "field." in subsection (a) and inserting the following: "field of coastal zone management. These awards, to be known as the 'Walter B. Jones Awards', may include—

"(1) cash awards in an amount not to exceed $5,000 each;

"(2) research grants; and

"(3) public ceremonies to acknowledge such awards.";

(3) by striking "shall elect annually—" in subsection (b) and inserting "may select annually if funds are available under subsection (a)—"; and

(4) by striking subsection (e).

SEC. 387P. NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM.

(a) Section 315(a) (16 U.S.C. 1461(a)) is amended by striking "consists of—" and inserting "is a network of areas protected by Federal, state, and community partnerships which promotes informed management of the Nation's estuarine and coastal areas through interconnected programs in resource stewardship, education and training, monitoring, research, and scientific understanding consisting of—".

(b) Section 315(b)(2) ((16 U.S.C. 1461(b)(2)) is amended—

(1) by inserting "for each coastal state or territory" after "research" in subparagraph (A);

(2) by striking "public awareness and" in subparagraph (C) and inserting "state coastal management, public awareness, and"; and

(3) by striking "public education and interpretation: and"; in subparagraph (C) and inserting "education, interpretation, training, and demonstration projects; and".

(c) Section 315(c) (16 U.S.C. 1461(c)) is amended—

(1) by striking "RESEARCH" in the subsection caption and inserting "RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP";

(2) by striking "conduct of research" and inserting "conduct of research, education, and resource stewardship";

(3) by striking "coordinated research" in paragraph (1)) and inserting "coordinated research, education, and resource stewardship";

(4) by striking "research" before "principles" in paragraph (2);

(5) by striking "research programs" in paragraph (2) and inserting "research, education, and resource stewardship programs";

(6) by striking "research" before "methodologies" in paragraph (3);

(7) by striking "data," in paragraph (3) and inserting "information,";

(8) by striking "research" before "results" in paragraph (3);

(9) by striking "research purposes;" in paragraph (3) and inserting "research, education, and resource stewardship purposes;";

(10) by striking "research efforts" in paragraph (4) and inserting "research, education, and resource stewardship efforts";

(11) by striking "research" in paragraph (5) and inserting "research, education, and resource stewardship"; and

(12) by striking "research" in the last sentence.

(d) Section 315(d) (16 U.S.C. 1461(d)) is amended—

(1) by striking "ESTUARINE RESEARCH.—" in the subsection caption and inserting "ESTUARINE RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP.—";

(2) by striking "research purposes" and inserting "research, education, and resource stewardship purposes";

(3) by striking paragraph (1) and inserting the following:

"(1) giving reasonable priority to research, education, and stewardship activities that use the System in conducting or supporting activities relating to estuaries; and";

(4) by striking "research." in paragraph (2) and inserting "research, education, and resource stewardship activities."; and

(5) by adding at the end thereof the following:

"(3) establishing partnerships with other Federal and state estuarine management programs to coordinate and collaborate on estuarine research.".

(e) Section 315(e) (16 U.S.C. 1461(e)) is amended—

(1) by striking "reserve," in paragraph (1)(A)(i) and inserting "reserve; and";

(2) by striking "and constructing appropriate reserve facilities, or" in paragraph (1)(A)(ii) and inserting "including resource stewardship activities and constructing reserve facilities; and";

(3) by striking paragraph (1)(A)(iii);

(4) by striking paragraph (1)(B) and inserting the following:

"(B) to any coastal state or public or private person for purposes of—

"(i) supporting research and monitoring associated with a national estuarine reserve that are consistent with the research guidelines developed under subsection (c); or

"(ii) conducting educational, interpretive, or training activities for a national estuarine reserve that are consistent with the education guidelines developed under subsection (c).";

(5) by striking "therein or $5,000,000, whichever amount is less." in paragraph (3)(A) and inserting "therein. Non-Federal costs associated with the purchase of any lands and waters, or interests therein, which are incorporated into the boundaries of a reserve up to 5 years after the costs are incurred, may be used to match the Federal share.";

(6) by striking "and (iii)" in paragraph (3)(B);

(7) by striking "paragraph (1)(A)(iii)" in paragraph (3)(B) and inserting "paragraph (1)(B)";

(8) by striking "entire System." in paragraph (3)(B) and inserting "System as a whole."; and

(9) by adding at the end thereof the following:

"(4) The Secretary may—

"(A) enter into cooperative agreements, financial agreements, grants, contracts, or other agreements with any nonprofit organization, authorizing the organization to solicit donations to carry out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section; and

"(B) accept donations of funds and services for use in carrying out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section.

Donations accepted under this section shall be considered as a gift or bequest to or for the use of the United States for the purpose of carrying out this section.".

(f) Section 315(f)(1) (16 U.S.C. 1461(f)(1)) is amended by inserting "coordination with other state programs established under sections 306 and 309A," after "including".

SEC. 387Q. COASTAL ZONE MANAGEMENT REPORTS.

Section 316 (16 U.S.C. 1462) is amended—

(1) by striking "to the President for transmittal" in subsection (a);

(2) by striking "zone and an evaluation of the effectiveness of financial assistance under section 308 in dealing with such consequences;" and inserting "zone;" in the provision designated as (10) in subsection (a);

(3) by inserting "education," after the "studies," in the provision designated as (12) in subsection (a);

(4) by striking "Secretary" in the first sentence of subsection (c)(1) and inserting "Secretary, in consultation with coastal states, and with the participation of affected Federal agencies,";

(5) by striking the second sentence of subsection (c)(1) and inserting the following: "The Secretary, in conducting such a review, shall coordinate with, and obtain the views of, appropriate Federal agencies.";

(6) by striking "shall promptly" in subsection (c)(2) and inserting "shall, within 4 years after the date of enactment of the Coastal Zone Enhancement Reauthorization Act of 2005,"; and

(7) by adding at the end of subsection (c)(2) the following: "If sufficient funds and resources are not available to conduct such a review, the Secretary shall so notify the Congress.".

SEC. 387R. AUTHORIZATION OF APPROPRIATIONS.

Section 318 (16 U.S.C. 1464) is amended—

(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:

"(1) for grants under sections 306, 306A, and 309—

"(A) $90,500,000 for fiscal year 2006,

"(B) $94,000,000 for fiscal year 2007,

"(C) $98,000,000 for fiscal year 2008,

"(D) $102,000,000 for fiscal year 2009, and

"(E) $106,000,000 for fiscal year 2010;

"(2) for grants under section 309A—

"(A) $29,000,000 for fiscal year 2006,

"(B) $30,000,000 for fiscal year 2007,

"(C) $31,000,000 for fiscal year 2008,

"(D) $32,000,000 for fiscal year 2009, and

"(E) $32,000,000 for fiscal year 2010,

of which $10,000,000, or 35 percent, whichever is less, shall be for purposes set forth in section 309A(a)(5);

"(3) for grants under section 315—

"(A) $37,000,000 for fiscal year 2006,

"(B) $38,000,000 for fiscal year 2007,

"(C) $39,000,000 for fiscal year 2008,

"(D) $40,000,000 for fiscal year 2009, and

"(E) $41,000,000 for fiscal year 2010,

of which up to $15,000,000 may be used by the Secretary in each of fiscal years 2006 through 2010 for grants to fund construction and acquisition projects at estuarine reserves designated under section 315;

"(4) for costs associated with administering this title, $7,500,000 for fiscal year 2006 and such sums as are necessary for fiscal years 2007 through 2010."; and

"(5) for grants under section 310 to support State pilot projects to implement resource assessment and information programs, $6,000,000 for each of fiscal years 2006 and 2007.";

(2) by striking "306 or 309." in subsection (b) and inserting "306.";

(3) by striking "during the fiscal year, or during the second fiscal year after the fiscal year, for which" in subsection (c) and inserting "within 3 years from when";

(4) by striking "under the section for such reverted amount was originally made available." in subsection (c) and inserting "to states under this Act."; and

(5) by adding at the end thereof the following:

"(d) Purchase of Otherwise Unavailable Federal Products and Services.—Federal funds allocated under this title may be used by grantees to purchase Federal products and services not otherwise available.

"(e) Restrictions on Use of Amounts.—

"(1) Use of amounts for program, administrative, or overhead costs.—Except for funds appropriated under subsection (a)(4), shall not be available for other program, administrative, or overhead costs of the National Oceanic and Atmospheric Administration or the Department of Commerce.

"(2) Grants to states.—Funds appropriated pursuant to subsections (a)(1) and (a)(2) shall be made available only for grants to States.".

SEC. 387S. DEADLINE FOR DECISION ON APPEALS OF CONSISTENCY DETERMINATION.

(a) In General.—Section 319 (16 U.S.C. 1465) is amended to read as follows:

"SEC. 319. APPEALS TO THE SECRETARY.

"(a) Notice.—Not later than 30 days after the date of the filing of an appeal to the Secretary of a consistency determination under section 307, the Secretary shall publish an initial notice in the Federal Register.

"(b) Closure of Record.—

"(1) In general.—Not later than the end of the 270-day period beginning on the date of publication of an initial notice under subsection (a), except as provided in paragraph (3), the Secretary shall immediately close the decision record and receive no more filings on the appeal.

"(2) Notice.—After closing the administrative record, the Secretary shall immediately publish a notice in the Federal Register that the administrative record has been closed.

"(3) Exception.—

"(A) In general.—Subject to subparagraph (B), during the 270-day period described in paragraph (1), the Secretary may stay the closing of the decision record—

"(i) for a specific period mutually agreed to in writing by the appellant and the State agency; or

"(ii) as the Secretary determines necessary to receive, on an expedited basis—

"(I) any supplemental information specifically requested by the Secretary to complete a consistency review under this Act; or

"(II) any clarifying information submitted by a party to the proceeding related to information already existing in the sole record.

"(B) Applicability.—The Secretary may only stay the 270-day period described in paragraph (1) for a period not to exceed 60 days.

"(c) Deadline for Decision.—

"(1) In general.—Not later than 90 days after the date of publication of a Federal Register notice stating when the decision record for an appeal has been closed, the Secretary shall issue a decision or publish a notice in the Federal Register explaining why a decision cannot be issued at that time.

"(2) Subsequent decision.—Not later than 45 days after the date of publication of a Federal Register notice explaining why a decision cannot be issued within the 90-day period, the Secretary shall issue a decision.".

SEC. 387T. SENSE OF CONGRESS.

It is the sense of Congress that the Undersecretary for Oceans and Atmosphere should re-evaluate the calculation of shoreline mileage used in the distribution of funding under the Coastal Zone Management Program to ensure equitable treatment of all regions of the coastal zone, including the Southeastern States and the Great Lakes States.

SA 890. Mr. SMITH submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy: which was ordered to lie on the table; as follows:

On page [154], strike line [24], and insert the following:

"Solar Energy Property.—Clause (i)".

On page [155] lines [2 through 3], strike "for use in a structure".

SA 891. Mr. DOMENICI (for himself, Mr. Bingaman, Ms. Landrieu, Mr. Vitter, Mr. Lott, Mr. Cochran, and Mrs. Hutchison) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page 297, strike line 2 and all that follows through page 310, line 25, and insert the following:

SEC. 371. COASTAL IMPACT ASSISTANCE PROGRAM.

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended to read as follows:

"SEC. 31. COASTAL IMPACT ASSISTANCE PROGRAM.

"(a) Definitions.—In this section:

"(1) Coastal political subdivision.—The term 'coastal political subdivision' means a political subdivision of a coastal State any part of which political subdivision is—

"(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the coastal State as of the date of enactment of the Energy Policy Act of 2005; and

"(B) not more than 200 nautical miles from the geographic center of any leased tract.

"(2) Coastal population.—The term 'coastal population' means the population, as determined by the most recent official data of the Census Bureau, of each political subdivision any part of which lies within the designated coastal boundary of a State (as defined in a State's coastal zone management program under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)).

"(3) Coastal state.—The term 'coastal State' has the meaning given the term in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

"(4) Coastline.—The term 'coastline' has the meaning given the term 'coast line' in section 2 of the Submerged Lands Act (43 U.S.C. 1301).

"(5) DISTANCE.—The term 'distance' means the minimum great circle distance, measured in statute miles.

"(6) LEASED TRACT.—The term 'leased tract' means a tract that is subject to a lease under section 6 or 8 for the purpose of drilling for, developing, and producing oil or natural gas resources.

"(7) LEASING MORATORIA.—The term 'leasing moratoria' means the prohibitions on preleasing, leasing, and related activities on any geographic area of the outer Continental Shelf as contained in sections 107 through 109 of division E of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3063).

"(8) POLITICAL SUBDIVISION.—The term 'political subdivision' means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs.

"(9) PRODUCING STATE.—

"(A) IN GENERAL.—The term 'producing State' means a coastal State that has a coastal seaward boundary within 200 nautical miles of the geographic center of a leased tract within any area of the outer Continental Shelf.

"(B) EXCLUSION.—The term 'producing State' does not include a producing State, a majority of the coastline of which is subject to leasing moratoria, unless production was occurring on January 1, 2005, from a lease within 10 nautical miles of the coastline of that State.

"(10) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

"(A) IN GENERAL.—The term 'qualified Outer Continental Shelf revenues' means all amounts received by the United States from each leased tract or portion of a leased tract—

"(i) lying—

"(I) seaward of the zone covered by section 8(g); or

"(II) within that zone, but to which section 8(g) does not apply; and

"(ii) the geographic center of which lies within a distance of 200 nautical miles from any part of the coastline of any coastal State.

"(B) INCLUSIONS.—The term 'qualified Outer Continental Shelf revenues' includes bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued under this Act.

"(C) EXCLUSION.—The term 'qualified Outer Continental Shelf revenues' does not include any revenues from a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 2005, unless the lease was in production on January 1, 2005.

"(b) PAYMENTS TO PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

"(1) IN GENERAL.—The Secretary shall, without further appropriation, disburse to producing States and coastal political subdivisions in accordance with this section $250,000,000 for each of fiscal years 2007 through 2010.

"(2) DISBURSEMENT.—In each fiscal year, the Secretary shall disburse to each producing State for which the Secretary has approved a plan under subsection (c), and to coastal political subdivisions under paragraph (4), such funds as are allocated to the producing State or coastal political subdivision, respectively, under this section for the fiscal year.

"(3) ALLOCATION AMONG PRODUCING STATES.—

"(A) IN GENERAL.—Except as provided in subparagraph (C) and subject to subparagraph (D), the amounts available under paragraph (1) shall be allocated to each producing State based on the ratio that—

"(i) the amount of qualified outer Continental Shelf revenues generated off the coastline of the producing State; bears to

"(ii) the amount of qualified outer Continental Shelf revenues generated off the coastline of all producing States.

"(B) AMOUNT OF OUTER CONTINENTAL SHELF REVENUES.—For purposes of subparagraph (A)—

"(i) the amount of qualified outer Continental Shelf revenues for each of fiscal years 2007 and 2008 shall be determined using qualified outer Continental Shelf revenues received for fiscal year 2006; and

"(ii) the amount of qualified outer Continental Shelf revenues for each of fiscal years 2009 and 2010 shall be determined using qualified outer Continental Shelf revenues received for fiscal year 2008.

"(C) MULTIPLE PRODUCING STATES.—In a case in which more than 1 producing State is located within 200 nautical miles of any portion of a leased tract, the amount allocated to each producing State for the leased tract shall be inversely proportional to the distance between—

"(i) the nearest point on the coastline of the producing State; and

"(ii) the geographic center of the leased tract.

"(D) MINIMUM ALLOCATION.—The amount allocated to a producing State under subparagraph (A) shall be at least 1 percent of the amounts available under paragraph (1).

"(4) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

"(A) IN GENERAL.—The Secretary shall pay 35 percent of the allocable share of each producing State, as determined under paragraph (3) to the coastal political subdivisions in the producing State.

"(B) FORMULA.—Of the amount paid by the Secretary to coastal political subdivisions under subparagraph (A)—

"(i) 25 percent shall be allocated to each coastal political subdivision in the proportion that—

"(I) the coastal population of the coastal political subdivision; bears to

"(II) the coastal population of all coastal political subdivisions in the producing State;

"(ii) 25 percent shall be allocated to each coastal political subdivision in the proportion that—

"(I) the number of miles of coastline of the coastal political subdivision; bears to

"(II) the number of miles of coastline of all coastal political subdivisions in the producing State; and

"(iii) 50 percent shall be allocated in amounts that are inversely proportional to the respective distances between the points in each coastal political subdivision that are closest to the geographic center of each leased tract, as determined by the Secretary.

"(C) EXCEPTION FOR THE STATE OF LOUISIANA.—For the purposes of subparagraph (B)(ii), the coastline for coastal political subdivisions in the State of Louisiana without a coastline shall be considered to be ⅓ the average length of the coastline of all coastal political subdivisions with a coastline in the State of Louisiana.

"(D) EXCEPTION FOR THE STATE OF ALASKA.—For the purposes of carrying out subparagraph (B)(iii) in the State of Alaska, the amounts allocated shall be divided equally among the 2 coastal political subdivisions that are closest to the geographic center of a leased tract.

"(E) EXCLUSION OF CERTAIN LEASED TRACTS.—For purposes of subparagraph (B)(iii), a leased tract or portion of a leased tract shall be excluded if the tract or portion of a leased tract is located in a geographic area subject to a leasing moratorium on January 1, 2005, unless the lease was in production on that date.

"(6) NO APPROVED PLAN.—

"(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in subparagraph (C), in a case in which any amount allocated to a producing State or coastal political subdivision under paragraph (4) or (5) is not disbursed because the producing State does not have in effect a plan that has been approved by the Secretary under subsection (c), the Secretary shall allocate the undisbursed amount equally among all other producing States.

"(B) RETENTION OF ALLOCATION.—The Secretary shall hold in escrow an undisbursed amount described in subparagraph (A) until such date as the final appeal regarding the disapproval of a plan submitted under subsection (c) is decided.

"(C) WAIVER.—The Secretary may waive subparagraph (A) with respect to an allocated share of a producing State and hold the allocable share in escrow if the Secretary determines that the producing State is making a good faith effort to develop and submit, or update, a plan in accordance with subsection (c).

"(c) COASTAL IMPACT ASSISTANCE PLAN.—

"(1) SUBMISSION OF STATE PLANS.—

"(A) IN GENERAL.—Not later than July 1, 2008, the Governor of a producing State shall submit to the Secretary a coastal impact assistance plan.

"(B) PUBLIC PARTICIPATION.—In carrying out subparagraph (A), the Governor shall solicit local input and provide for public participation in the development of the plan.

"(2) APPROVAL.—

"(A) IN GENERAL.—The Secretary shall approve a plan of a producing State submitted under paragraph (1) before disbursing any amount to the producing State, or to a coastal political subdivision located in the producing State, under this section.

"(B) COMPONENTS.—The Secretary shall approve a plan submitted under paragraph (1) if—

"(i) the Secretary determines that the plan is consistent with the uses described in subsection (d); and

"(ii) the plan contains—

"(I) the name of the State agency that will have the authority to represent and act on behalf of the producing State in dealing with the Secretary for purposes of this section;

"(II) a program for the implementation of the plan that describes how the amounts provided under this section to the producing State will be used;

"(III) for each coastal political subdivision that receives an amount under this section—

"(aa) the name of a contact person; and

"(bb) a description of how the coastal political subdivision will use amounts provided under this section;

"(IV) a certification by the Governor that ample opportunity has been provided for public participation in the development and revision of the plan; and

"(V) a description of measures that will be taken to determine the availability of assistance from other relevant Federal resources and programs.

"(3) AMENDMENT.—Any amendment to a plan submitted under paragraph (1) shall be—

"(A) developed in accordance with this subsection; and

"(B) submitted to the Secretary for approval or disapproval under paragraph (4).

"(4) PROCEDURE.—Not later than 90 days after the date on which a plan or amendment to a plan is submitted under paragraph (1) or (3), the Secretary shall approve or disapprove the plan or amendment.

"(d) AUTHORIZED USES.—

"(1) IN GENERAL.—A producing State or coastal political subdivision shall use all amounts received under this section, including any amount deposited in a trust fund that is administered by the State or coastal political subdivision and dedicated to uses consistent with this section, in accordance with all applicable Federal and State law, only for 1 or more of the following purposes:

"(A) Projects and activities for the conservation, protection, or restoration of coastal areas, including wetland.

"(B) Mitigation of damage to fish, wildlife, or natural resources.

"(C) Planning assistance and the administrative costs of complying with this section.

"(D) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

"(E) Mitigation of the impact of outer Continental Shelf activities through funding of onshore infrastructure projects and public service needs.

"(2) COMPLIANCE WITH AUTHORIZED USES.—If the Secretary determines that any expenditure made by a producing State or coastal political subdivision is not consistent with this subsection, the Secretary shall not disburse any additional amount under this section to the producing State or the coastal political subdivision until such time as all amounts obligated for unauthorized uses have been repaid or reobligated for authorized uses.

"(3) LIMITATION.—Not more than 23 percent of amounts received by a producing State or coastal political subdivision for any 1 fiscal year shall be used for the purposes described subparagraphs (C) and (E) of paragraph (1).".

SA 892. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 342, strike lines 3 through 10 and insert the following:

(a) PROJECT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall carry out a project to demonstrate production of energy from coal mined in the western United States using integrated gasification combined cycle technology (referred to in this section as the "demonstration project").

(2) COMPONENTS.—The demonstration project—

(A) may include repowering of facilities in existence on the date of enactment of this Act;

(B) shall be designed to ensure the capability—

(i) to remove and sequester carbon dioxide; and

(ii) to accommodate a variety of types of coal (including subbituminous and bituminous coal up to 13,000 Btu/lb) mined in the western United States; and

(C) shall be carried out to test and evaluate integrated gasification combined cycle technology using coals mined in the western United States to assess the operation of—

(i) coal feed systems;

(ii) syngas cooling;

(iii) operating pressures;

(iv) carbon dioxide capture; and

(v) such other commercial designs and innovations as may be determined by the Secretary.

SA 893. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 53, line 8, strike the quotation marks and the final period and insert the following:

"(3) The Secretary, the Administrator of the Environmental Protection Agency, and the Administrator of the Small Business Administration, as a part of the outreach to small business concerns regarding the Energy Star Program required by this subsection, may enter into cooperative agreements with qualified resource partners (including the National Center for Appropriate Technology) to establish, maintain, and promote a Small Business Energy Clearinghouse (in this subsection referred to as the 'Clearinghouse'). The Secretary and the Administrators shall ensure that the Clearinghouse provides a centralized resource where small business concerns may access, telephonically and electronically, technical information and advice to help increase energy efficiency and reduce energy costs.

"(4) There are authorized to be appropriated such sums as may be necessary to carry out this subsection, to remain available until expended.".

SA 894. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PAYMENT TO CERTAIN ULTIMATE VENDORS OF EXCISE TAX REFUND FOR BIODIESEL MIXTURES SOLD FOR NONTAXABLE PURPOSES.

(a) IN GENERAL.—Section 6427(l) of the Internal Revenue Code of 1986 (relating to nontaxable uses of diesel fuel and kerosene), as amended by this Act, is amended by adding at the end the following new paragraph:

"(7) REFUNDS FOR BIODIESEL MIXTURES.—With respect to diesel fuel used in any biodiesel mixture, if the ultimate purchaser of such mixture waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

"(A) is registered under section 4101, and

"(B) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any biodiesel mixture sold after the date of the enactment of this Act.

SA 895. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 696, lines 24 and 25, strike "unlawful on the grounds that it is unjust and unreasonable" and insert "not permitted under a rate schedule (or contract under such a schedule) or is otherwise unlawful on the grounds that the contract is unjust and unreasonable or contrary to the public interest".

SA 896. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 424, after line 16, insert the following:

SEC. 712. UPDATED FUEL ECONOMY LABELING PROCEDURES.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall, as appropriate and in consultation with the Administrator of the National Highway Traffic Safety Administration, update and revise the process used to determine fuel economy values for labeling purposes as set forth in sections 600.209–85 and 600.209.95 (40 C.F.R. 600.209–85 and 600.209.95) to take into consideration current factors such as speed limits, acceleration rates, braking, variations in weather and temperature, vehicle load, use of air conditioning, driving patterns, and the use of other fuel consuming features. The Administrator shall use existing emissions test cycles and, or, updated adjustment factors to implement the requirements of this subsection.

(b) DEADLINE.—The Administrator of the Environmental Protection Agency shall promulgate a notice of proposed rulemaking by December 31, 2005, and a final rule within 18 months after the date on which the Administrator issues the notice.

(c) REPORT.—Three years after issuing the final rule required by subsection (b) and every 3 years thereafter the Administrator of the Environmental Protection Agency shall reconsider the fuel economy labeling procedures required under subsection (a) to determine if the changes in the factors require revisiting the process. The administrator shall report to the Senate Committee on Commerce, Science and Transportation and to the House of Representatives Committee on Energy and Commerce on the outcome of the reconsideration process.

SA 897. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 684, between lines 5 and 6, insert the following:

SEC. 1255. SMART ENERGY DEPLOYMENT.

Not later than 1 year after the date of enactment of this Act and annually thereafter, the Secretary shall submit to Congress a report that—

(1) describes the status of the implementation by the States of the amendments made by sections 1251 and 1254;

(2) contains a list of preapproved systems and equipment eligible to meet the standards established under the amendments made by sections 1251 and 1254; and

(3) describes—

(A) the public benefits that have been derived from net metering and interconnection standards; and

(B) any barriers to further deployment of net metering and interconnection technologies.

SA 898. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 523, between lines 13 and 14, insert the following:

SEC. 958. WESTERN MICHIGAN DEMONSTRATION PROJECT.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator"), in consultation with the State of Michigan and affected local officials, shall conduct a demonstration project to address the effect of transported ozone and ozone precursors in southwestern Michigan.

(b) INCLUDED AREAS.—The demonstration project shall address projected nonattainment areas in southwestern Michigan that include counties with design values for ozone of less than .095 based on air quality data for—

(1) the period of calendar years 2000 through 2002; or

(2) the most current 3-year period for which those data are available.

(c) ASSESSMENT.—The Administrator shall assess any difficulties an area described in subsection (b) may experience in meeting the 8-hour national ambient air quality standard for ozone under the Clean Air Act (42 U.S.C. 7401 et seq.) because of the effect of transported ozone or ozone precursors into the area.

(d) STATE AND LOCAL INVOLVEMENT.—The Administrator shall cooperate with State and local officials to determine—

(1) the extent of ozone and ozone precursor transport described in subsection (c);

(2) to assess alternatives to achieve compliance with the 8-hour standard described in subsection (c) other than through local controls; and

(3) to determine the timeframe in which that compliance could be achieved.

(e) NONATTAINMENT STATUS.—

(1) IN GENERAL.—Until such date as the demonstration project under this section is complete, the Administrator shall not—

(A) designate or classify any area described in subsection (b) as a nonattainment area under section 181 of the Clean Air Act (42 U.S.C. 7511); or

(B) impose on such an area any requirement or sanction that might otherwise apply as a result of the area being so designated or classified.

(2) CURRENT DESIGNATION.—Any designation or classification of an area described in subsection (b) as a nonattainment area that is in effect as of the date of enactment of this Act shall be of no force or effect on and after that date.

SA 899. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 296, after line 25, add the following:

SEC. 34 . REINSTATEMENT OF LEASES.

Notwithstanding section 31(d)(2)(B) of the Mineral Leasing Act (30 U.S.C. 188(d)(2)(B)), the Secretary may reinstate any oil and gas lease issued under that Act that was terminated for failure of a lessee to pay the full amount of rental on or before the anniversary date of the lease, during the period beginning on September 1, 2001, and ending on the date that is 60 days after the date of enactment of this Act, if, not later than 120 days after the date of enactment of this Act, the lessee—

(1) files a petition for reinstatement of the lease;

(2) complies with the conditions of section 31(e) of the Mineral Leasing Act (30 U.S.C. 188(e)); and

(3) certifies that the lessee did not receive a notice of termination by the date that was 13 months before the date of termination.

SA 900. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RATEPAYER PROTECTION.

(a) STUDY OF EFFECTS OF UTILITY ACTIONS TO REDUCE CARBON DIOXIDE EMISSIONS ON DISADVANTAGED INDIVIDUALS.—

(1) DEFINITIONS.—In this subsection:

(A) DISADVANTAGED INDIVIDUAL.—The term "disadvantaged individual" means—

(i) an individual with a disability, as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(ii) a member of a family whose income does not exceed the poverty line, as defined in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902);

(iii) an individual who belongs to a minority group;

(iv) a senior citizen; and

(v) other disadvantaged individuals.

(B) UTILITY.—The term "utility" means any for-profit organization that—

(i) provides retail customers with electricity services; and

(ii) is regulated, either by price or terms of service, by 1 or more State utility or public service commissions.

(2) STUDY.—Not later than 30 days after the date of enactment of this Act, the Congressional Budget Office, in consultation with other appropriate organizations, shall initiate a study to determine the effect on disadvantaged individuals of actions taken or considered, or likely to be taken or considered, by utilities to reduce the carbon dioxide emissions of the utilities.

(3) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Congressional Budget Office shall submit to Congress a report that specifically describes the results of the study, including the economic costs to disadvantaged individuals of actions by utilities intended to reduce carbon dioxide emissions.

(B) REVIEW PERIOD.—Congress shall have 180 days after the date of receipt by Congress of the report described in subparagraph (B) to review the report.

(C) EFFECTIVE DATE.—If the Congressional Budget Office determines that there would be an additional economic burden on any of the classes of disadvantaged individuals if the costs of actions by utilities intended to reduce carbon dioxide emissions were recovered from ratepayers, the amendment made by section 3 shall take effect on the day after the end of the review period described in subparagraph (B).

(b) PAYMENTS TO ELECTRIC GENERATING UNITS.—

(1) IN GENERAL.—Beginning in calendar year 2008 and each subsequent calendar year, any electric generating unit that incurs any costs in complying with the requirements of that title shall submit to the Commissioner of the Federal Energy Regulatory Commission (referred to in this subsection as the "Commissioner") a statement of the total costs incurred by the electric generating unit for the calendar year.

(2) APPROVED COSTS.—The Commissioner shall—

(A) review any costs submitted under paragraph (1);

(B) approve or disapprove the submitted costs as legitimate; and

(C) determine the total amount of approved costs submitted by all electric generating utilities.

(3) AVERAGE COSTS.—The Commissioner shall determine—

(A) the total megawatts of electricity produced from all electric generating units for the calendar year; and

(B) the average cost per megawatt incurred in complying with any carbon reduction mandates of this Act by dividing—

(i) the total costs approved under paragraph (2)(C); by

(ii) the total megawatts determined under subparagraph (A).

(4) PAYMENTS TO COMMISSIONER.—Each electric generating unit shall submit to the Commissioner a payment in an amount equal to the product obtained by multiplying—

(A) the average cost per megawatt determined by the Commissioner under paragraph (3)(B); and

(B) the total megawatts of electricity produced by the electric generating unit during a calendar year, as determined by the Commissioner.

(5) REIMBURSEMENT OF COSTS.—The Commissioner shall provide to each electric generating unit that submitted costs under paragraph (1) that were approved under paragraph (2) an amount to reimburse the electric generating unit for any costs of complying with any carbon reduction mandates of this Act paid by the electric generating unit in excess of the amount required to be paid by the electric generating unit under paragraph (4).

(6) REGULATIONS.—The Commissioner shall issue regulations to carry out this subsection, including provisions that establish—

(A) criteria for determining the legitimacy of costs under paragraph (2);

(B) a deadline and other appropriate conditions for payments required under paragraph (4); and

(C) procedures for the provision of reimbursement payments under paragraph (5).

(c) UTILITY ACTIONS TO REDUCE CARBON DIOXIDE EMISSIONS.—The National Climate Program Act (15 U.S.C. 2901 et seq.) is amended by adding at the end the following:

"SEC. 9. UTILITY ACTIONS TO REDUCE CARBON DIOXIDE EMISSIONS.

"(a) DEFINITION OF UTILITY.—In this section, the term 'utility' means any organization that—

"(1) provides retail customers with electricity services; and

"(2) is regulated, either by price or terms of service, by 1 or more State utility or public service commissions.

"(b) RATEPAYER PROTECTIONS.—

"(1) IN GENERAL.—No utility may recover from ratepayers any costs, expenses, fees, or other outlays incurred for the stated purpose by the utility to reduce carbon dioxide emissions.

"(2) PROHIBITION ON CERTAIN COMMISSION ACTIONS.—No State utility commission, public service commission, or similar entity may compel ratepayers to pay the costs, expenses, fees, or other outlays incurred for the stated purpose by a utility to reduce carbon dioxide emissions.

"(c) SHAREHOLDER OBLIGATIONS UNAFFECTED.—Nothing in this section prevents the shareholders of, or other parties associated with (other than ratepayers), a utility from paying for any action by the utility to reduce carbon dioxide emissions.".

SA 901. Ms. SNOWE (for herself and Mr. BURNS) submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 52, line 24, strike "efficiency; and" and all that follows through page 53, line 8 and insert the following: "efficiency;

"(C) understanding and accessing Federal procurement opportunities with regard to Energy Star technologies and products; and

"(D) identifying financing options for energy efficiency upgrades.

"(2) The Secretary, the Administrator of the Environmental Protection Agency, and the Administrator of the Small Business Administration shall—

"(A) make program information available to small business concerns directly through the district offices and resource partners of the Small Business Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives (SCORE), and through other Federal agencies, including the Federal Emergency Management Agency and the Department of Agriculture; and

"(B) coordinate assistance with the Secretary of Commerce for manufacturing-related efforts, including the Manufacturing Extension Partnership Program.

"(3) The Secretary, on a cost shared basis in cooperation with the Administrator of the Environmental Protection Agency, shall provide to the Small Business Administration all advertising, marketing, and other written materials necessary for the dissemination of information under paragraph (2).

"(4) The Secretary, the Administrator of the Environmental Protection Agency, and the Administrator of the Small Business Administration, as a part of the outreach to small business concerns regarding the Energy Star Program required by this subsection, may enter into cooperative agreements with qualified resource partners (including the National Center for Appropriate Technology) to establish, maintain, and promote a Small Business Energy Clearinghouse (in this subsection referred to as the 'Clearinghouse'). The Secretary and the Administrators shall ensure that the Clearinghouse provides a centralized resource where small business concerns may access, telephonically and electronically, technical information and advice to help increase energy efficiency and reduce energy costs.

"(5) There are authorized to be appropriated such sums as may be necessary to carry out this subsection, to remain available until expended.".

SA 902. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 424, line 9, strike "**SEC. 711**" and insert the following:

SEC. 711. SHORT TITLE.

This subtitle may be cited as the "Automobile Fuel Efficiency Improvements Act of 2005".

SEC. 712. PHASED INCREASES IN FUEL ECONOMY STANDARDS.

(a) PASSENGER AUTOMOBILES.—

(1) MINIMUM STANDARDS.—Section 32902(b) of title 49, United States Code, is amended to read as follows:

"(b) PASSENGER AUTOMOBILES.—Except as otherwise provided under this section, the average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year—

"(1) after model year 1984 and before model year 2008 shall be 25 miles per gallon;

"(2) after model year 2007 and before model year 2011 shall be 28 miles per gallon;

"(3) after model year 2010 and before model year 2014 shall be 32 miles per gallon;

"(4) after model year 2013 and before model year 2017 shall be 36 miles per gallon; and

"(5) after model year 2016 shall be 40 miles per gallon.".

(2) HIGHER STANDARDS SET BY REGULATION.—Section 32902(c) of title 49, United States Code, is amended—

(A) by striking paragraph (2); and

(B) in paragraph (1)—

(i) by striking "Subject to paragraph (2) of this subsection, the" and inserting "The";

(ii) by striking "amending the standard" and inserting "increasing the standard otherwise applicable"; and

(iii) by striking "Section 553" and inserting the following:

"(2) Section 553".

(b) NON-PASSENGER AUTOMOBILES.—Section 32902(a) of title 49, United States Code, is amended—

(1) by striking "At least 18 months before each model year," and inserting the following:

"(1) The average fuel economy standard applicable for automobiles (except passenger automobiles) manufactured by a manufacturer in a model year—

"(A) after model year 1984 and before model year 2008 shall be 17 miles per gallon;

"(B) after model year 2007 and before model year 2011 shall be 19 miles per gallon;

"(C) after model year 2010 and before model year 2014 shall be 21.5 miles per gallon;

"(D) after model year 2013 and before model year 2017 shall be 24.5 miles per gallon; and

"(E) after model year 2016 shall be 27.5 miles per gallon, except as provided under paragraph (2).

"(2) At least 18 months before the beginning of each model year after model year 2017,"; and

(2) by adding at the end the following:

"(3) If the Secretary does not increase the average fuel economy standard applicable under paragraph (1)(E) or (2), or applicable to any class under paragraph (2), within 24 months after the latest increase in the standard applicable under paragraph (1)(E) or (2), the Secretary, not later than 90 days after the expiration of the 24-month period, shall submit to Congress a report containing an explanation of the reasons for not increasing the standard.".

SEC. 713. INCREASED INCLUSIVENESS OF DEFINITIONS OF AUTOMOBILE AND PASSENGER AUTOMOBILE.

(a) AUTOMOBILE.—

(1) IN GENERAL.—Section 32901(a)(3) of title 49, United States Code, is amended—

(A) by striking "6,000 pounds" each place it appears and inserting "12,000 pounds"; and

(B) in subparagraph (B)—

(i) by striking "10,000 pounds" and inserting "14,000 pounds"; and

(ii) in clause (ii), by striking "an average fuel economy standard" and all that follows through "conservation or".

(2) SPECIAL RULE.—Section 32908(a)(1) of such title is amended by striking "8,500 pounds" and inserting "14,000 pounds".

(b) PASSENGER AUTOMOBILE.—Section 32901(a)(16) of such title is amended to read as follows:

"(16) 'passenger automobile'—

"(A) means, except as provided in subparagraph (B), an automobile having a gross vehicle weight of 12,000 pounds or less that is designed to be used principally for the transportation of persons; but

"(B) does not include—

"(i) a vehicle that has a primary load carrying device or container attached;

"(ii) a vehicle that has a seating capacity of more than 12 persons;

"(iii) a vehicle that has a seating capacity of more than 9 persons behind the driver's seat; or

"(iv) a vehicle that is equipped with a cargo area of at least 6 feet in interior length that does not extend beyond the frame of the vehicle and is an open area or is designed for use as an open area but is enclosed by a cap and is not readily accessible directly from the passenger compartment.".

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to automobiles manufactured for model years beginning after the date of enactment of this Act.

SEC. 714. CIVIL PENALTIES.

(a) INCREASED PENALTY FOR VIOLATIONS OF FUEL ECONOMY STANDARDS.—Section 32912(b) of title 49, United States Code, is amended—

(1) by inserting "(1)" before "Except as provided";

(2) by striking "$5" and inserting "the dollar amount applicable under paragraph (2)";

(3) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and

(4) by adding at the end the following:

"(2)(A) The dollar amount referred to in paragraph (1) is $10, as increased from time to time under subparagraph (B).

"(B) Effective on October 1 of each year, the dollar amount applicable under subparagraph (A) shall be increased by the percentage (rounded to the nearest one-tenth of one percent) by which the price index for July of such year exceeds the price index for July of the preceding year. The amount calculated under the preceding sentence shall be rounded to the nearest $0.10.

"(C) In this paragraph, the term 'price index' means the Consumer Price Index for all-urban consumers published monthly by the Department of Labor.".

(b) CONFORMING AMENDMENT.—Section 32912(c)(1) of title 49, United States Code, is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(c) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to automobiles manufactured for model years beginning after the date of enactment of this Act.

SEC. 715. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

Section 32917 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) The President shall prescribe regulations that require automobiles leased for at least 60 consecutive days or bought by executive agencies in a fiscal year to achieve—

"(A) in the case of non-passenger automobiles, a fleet average fuel economy for that year of at least the average fuel economy standard applicable under section 32902(a) of this title for the model year that includes January 1 of that fiscal year; and

"(B) in the case of passenger automobiles, a fleet average fuel economy for that year of at least the average fuel economy standard applicable under subsection (b) or (c) of section 32902 of this title for such model year.";

(B) in paragraph (2)—

(i) by striking "Fleet average fuel economy is—" and inserting "For the purposes of paragraph (1), the fleet average fuel economy of non-passenger or passenger automobiles in a fiscal year is—";

(ii) in subparagraph (A), by striking "passenger automobiles leased for at least 60 consecutive days or bought by executive agencies in a" and inserting "the non-passenger automobiles or passenger automobiles, respectively, that are leased for at least 60 consecutive days or bought by executive agencies in such"; and

(iii) in subparagraph (B), by inserting "such" after "the number of"; and

(2) by adding at the end the following:

"(c) Minimum Number of Exceptionally Fuel-Efficient Vehicles.—The President shall prescribe regulations that require that—

"(1) at least 20 percent of the passenger automobiles leased for at least 60 consecutive days or bought by executive agencies in a fiscal year have a vehicle fuel economy rating that is at least 5 miles per gallon higher than the average fuel economy standard applicable to the automobile under subsection (b) or (c) of section 32902 of this title for the model year that includes January 1 of that fiscal year; and

"(2) beginning in fiscal year 2011, at least 10,000 vehicles in the fleet of automobiles used by executive agencies in a fiscal year have a vehicle fuel economy that is at least 5 miles per gallon higher than the average fuel economy standards applicable to such automobiles under section 32902 of this title for the model year that includes January 1 of that fiscal year.".

SEC. 716. * * *

SA 903. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page, 469, strike line 10 and all that follows through page 470, line 20, and insert the following:

(d) Industry Alliance.—Not later than 90 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms representing large and small businesses that, as a group, are broadly representative of United States solid state lighting research, development, infrastructure, and manufacturing expertise as a whole.

(e) Research.—

(1) Grants.—The Secretary shall carry out the research activities of the Initiative through competitively awarded grants to—

(A) researchers, including Industry Alliance participants;

(B) small businesses;

(C) National Laboratories; and

(D) institutions of higher education.

(2) Industry alliance.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify solid-state lighting technology needs;

(B) an assessment of the progress of the research activities of the Initiative; and

(C) assistance in annually updating solid-state lighting technology roadmaps.

(3) Availability to public.—The information and roadmaps under paragraph (2) shall be available to the public.

(f) Development, Demonstration, and Commercial Application.—

(1) In general.—The Secretary shall carry out a development, demonstration, and commercial application program for the Initiative through competitively selected awards.

(2) Preference.—In making the awards, the Secretary may give preference to participants in the Industry Alliance, including making at least 1 award to a small business entity.

SA 904. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . RENEWABLE ENERGY EQUIPMENT CREDIT.

(a) In General.—Section 25D of the Internal Revenue Code of 1986, as added by section 1527 of this Act, is amended to read as follows:

"SEC. 25D. RENEWABLE ENERGY EQUIPMENT CREDITS.

"(a) Allowance of Credit.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of so much of the qualified photovoltaic property expenditures or qualified solar heating property expenditures made by the taxpayer during such year as do not exceed $7,500.

"(b) Definitions.—For purposes of this section—

"(1) Property expenditure.—

"(A) In general.—The term 'property expenditure' means any expenditure for a property.

"(B) Inclusions.—

"(i) Labor costs.—The term 'property expenditure' includes the cost of any labor that is properly allocable to the onsite preparation, assembly, or original installation of the property described in paragraph (2) or (3), including the cost of piping or wiring to interconnect such property to the dwelling unit.

"(ii) Solar panels.—No expenditure relating to a solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as a property expenditure solely because it constitutes a structural component of the structure on which it is installed.

"(2) Qualified photovoltaic property expenditure.—The term 'qualified photovoltaic property expenditure' means any property expenditure for property which uses solar energy to generate electricity for use in a dwelling unit through the photovoltaic effect.

"(3) Qualified solar heating property expenditure.—

"(A) In general.—The term 'qualified solar heating property expenditure' means any property expenditure for property which uses solar energy to heat or cool (or provide hot water for use in) a dwelling unit.

"(B) Exclusion.—The term 'qualified solar heating property expenditure' does not include an expenditure for property which uses solar energy to heat or cool a swimming pool.

"(c) Special Rules.—

"(1) Joint occupancy.—In the case of any dwelling unit which is jointly occupied and used during any calendar year as a residence by 2 or more individuals, the following shall apply separately with respect to qualified solar heating property expenditures and qualified photovoltaic property expenditures:

"(A) The amount of the credit allowable under subsection (a) by reason of expenditures made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

"(B) There shall be allowable with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

"(2) Tenant-stockholder in cooperative housing corporation.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in that section), the individual shall be treated as having made such individual's tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

"(3) Condominiums.—

"(A) In general.—In the case of an individual who is a member of a condominium management association with respect to a condominium which such individual owns, such individual shall be treated as having made such individual's proportionate share of any expenditures of such association.

"(B) Management association.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

"(4) Amount of expenditure.—

"(A) In general.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

"(B) Expenditures in connection with building construction.—In the case of an expenditure in connection with the construction or reconstruction of a structure, such expenditure shall be treated as made when the original use of the constructed or reconstructed structure by the taxpayer begins.

"(C) Amount.—

"(i) In general.—The amount of any expenditure shall be the cost of the expenditure.

"(ii) Subsidized energy financing.—For purposes of determining the amount of expenditures, there shall not be taken into account expenditures which are made from subsidized energy financing (as defined in section 48(a)(5)(A)).

"(d) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(e) LIMITATIONS.—No credit shall be allowed under this section for an item of property unless—

"(1) in the case of solar heating property, the property meets all applicable health and safety standards and requirements imposed by any State or local permitting authority, and

"(2) in the case of a photovoltaic property, the property meets all appropriate fire and electric code requirements.

"(f) TERMINATION.—This section shall not apply to expenditures made after December 31, 2010.".

(b) PRODUCTION TAX CREDIT FOR UTILITY-SCALE SOLAR.—Paragraph (4) of section 45(d) of the Internal Revenue Code of 1986 (relating to qualified facilities) is amended to read as follows:

"(4) GEOTHERMAL OR SOLAR ENERGY FACILITY.—In the case of a facility using geothermal or solar energy to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after December 31, 2005, and before December 31, 2010.".

(c) CONFORMING AMENDMENTS.—

(1) Section 1016(a)(36) of the Internal revenue Code of 1986, as added by section 1527 of this Act, is amended to read as follows:

"(36) to the extent provided in section 25D(d), in the case of amounts with respect to which a credit has been allowed under section 25D.".

(2) The item relating to section 25D in the table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code, as added by section 1527 of this Act, is amended to read as follows:

"Sec. 25D. Renewable energy equipment credits.".

(d) EFFECTIVE DATE.—The amendments made by this section (other than subsection (e)) shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

(e) REDUCTION IN PERIOD BY WHICH RENEWABLE ENERGY PRODUCTION CREDIT EXTENDED.—Section 45(d) of the Internal Revenue Code of 1986 (relating to qualified facilities), as amended by section 1501, is amended by striking "2009" each place it appears in paragraphs (1) through (7) and inserting "2008".

SA 905. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RENEWABLE ENERGY EQUIPMENT CREDIT.

(a) IN GENERAL.—Section 25D of the Internal Revenue Code of 1986, as added by section 1527 of this Act, is amended to read as follows:

"SEC. 25D. RENEWABLE ENERGY EQUIPMENT CREDITS.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of so much of the qualified photovoltaic property expenditures or qualified solar heating property expenditures made by the taxpayer during such year as do not exceed $7,500.

"(b) DEFINITIONS.—For purposes of this section—

"(1) PROPERTY EXPENDITURE.—

"(A) IN GENERAL.—The term 'property expenditure' means any expenditure for a property.

"(B) INCLUSIONS.—

"(i) LABOR COSTS.—The term 'property expenditure' includes the cost of any labor that is properly allocable to the onsite preparation, assembly, or original installation of the property described in paragraph (2) or (3), including the cost of piping or wiring to interconnect such property to the dwelling unit.

"(ii) SOLAR PANELS.—No expenditure relating to a solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as a property expenditure solely because it constitutes a structural component of the structure on which it is installed.

"(2) QUALIFIED PHOTOVOLTAIC PROPERTY EXPENDITURE.—The term 'qualified photovoltaic property expenditure' means any property expenditure for property which uses solar energy to generate electricity for use in a dwelling unit through the photovoltaic effect.

"(3) QUALIFIED SOLAR HEATING PROPERTY EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified solar heating property expenditure' means any property expenditure for property which uses solar energy to heat or cool (or provide hot water for use in) a dwelling unit.

"(B) EXCLUSION.—The term 'qualified solar heating property expenditure' does not include an expenditure for property which uses solar energy to heat or cool a swimming pool.

"(c) SPECIAL RULES.—

"(1) JOINT OCCUPANCY.—In the case of any dwelling unit which is jointly occupied and used during any calendar year as a residence by 2 or more individuals, the following shall apply separately with respect to qualified solar heating property expenditures and qualified photovoltaic property expenditures:

"(A) The amount of the credit allowable under subsection (a) by reason of expenditures made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

"(B) There shall be allowable with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

"(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in that section), the individual shall be treated as having made such individual's tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

"(3) CONDOMINIUMS.—

"(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which such individual owns, such individual shall be treated as having made such individual's proportionate share of any expenditures of such association.

"(B) MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

"(4) AMOUNT OF EXPENDITURE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

"(B) EXPENDITURES IN CONNECTION WITH BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction or reconstruction of a structure, such expenditure shall be treated as made when the original use of the constructed or reconstructed structure by the taxpayer begins.

"(C) AMOUNT.—

"(i) IN GENERAL.—The amount of any expenditure shall be the cost of the expenditure.

"(ii) SUBSIDIZED ENERGY FINANCING.—For purposes of determining the amount of expenditures, there shall not be taken into account expenditures which are made from subsidized energy financing (as defined in section 48(a)(5)(A)).

"(d) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(e) LIMITATIONS.—No credit shall be allowed under this section for an item of property unless—

"(1) in the case of solar heating property, the property meets all applicable health and safety standards and requirements imposed by any State or local permitting authority, and

"(2) in the case of a photovoltaic property, the property meets all appropriate fire and electric code requirements.

"(f) TERMINATION.—This section shall not apply to expenditures made after December 31, 2010.".

(b) PRODUCTION TAX CREDIT FOR UTILITY-SCALE SOLAR.—Paragraph (4) of section 45(d) of the Internal Revenue Code of 1986 (relating to qualified facilities) is amended to read as follows:

"(4) GEOTHERMAL OR SOLAR ENERGY FACILITY.—In the case of a facility using geothermal or solar energy to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after December 31, 2005, and before December 31, 2010.".

(c) CONFORMING AMENDMENTS.—

(1) Section 1016(a)(36) of the Internal revenue Code of 1986, as added by section 1527 of this Act, is amended to read as follows:

"(36) to the extent provided in section 25D(d), in the case of amounts with respect to which a credit has been allowed under section 25D.".

(2) The item relating to section 25D in the table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code, as

added by section 1527 of this Act, is amended to read as follows:

"Sec. 25D. Renewable energy equipment credits.".

(d) EFFECTIVE DATE.—The amendments made by this section (other than subsection (e)) shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

(e) REDUCTION IN PERIOD BY WHICH RENEWABLE ENERGY PRODUCTION CREDIT EXTENDED.—Section 45(d) of the Internal Revenue Code of 1986 (relating to qualified facilities), as amended by this Act, is amended by striking "2008" each place it appears in paragraphs (1) through (7) and inserting "2007".

SA 906. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 327, after line 21, add the following:

SEC. 390. GAS-ONLY LEASES; STATE REQUESTS TO EXAMINE ENERGY AREAS.

(a) GAS-ONLY LEASES.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) (as amended by section 321) is amended by adding at the end the following:

"(q) GAS-ONLY LEASES.—

"(1) IN GENERAL.—The Secretary may issue a lease under this section beginning in the 2007–2012 plan period that authorizes development and production only of gas and associated condensate in accordance with regulations issued under paragraph (2).

"(2) REGULATIONS.—Not later than October 1, 2006, the Secretary shall issue regulations that, for purposes of this section—

"(A) define natural gas so that the definition—

"(i) includes—

"(I) hydrocarbons and other substances in a gaseous state at atmospheric pressure and a temperature of 60 degrees Fahrenheit;

"(II) liquids that condense from natural gas in the process of treatment, dehydration, decompression, or compression prior to the point for measuring volume and quality of the production established by the Minerals Management Service; and

"(III) natural gas liquefied for transportation; and

"(ii) excludes crude oil;

"(B) provide that gas-only leases shall contain the same rights and obligations established for oil and gas leases;

"(C) provide that, in reviewing the adequacy of bids for gas-only leases, the Minerals Management Service shall exclude the value of any crude oil estimated to be discovered within the boundaries of the leasing area;

"(D) provide for cancellation of a gas-only lease, with payment of the fair value of the lease rights canceled, if the Secretary determines that any natural gas discovered within the boundaries of the leasing area cannot be produced without causing an unacceptable waste of crude oil discovered in association with the natural gas; and

"(E) provide that, at the request and with the consent of the Governor of the State adjacent to the lease area, as determined under section 18(i)(2)(B)(i), and with the consent of the lessee, an existing gas-only lease may be converted, without an increase in the rental or royalty rate and without further payment in the nature of a lease bonus, to a lease under subsection (b), in accordance with a process, to be established by the Secretary, that requires—

"(i) consultation by the Secretary with the Governor of the State and the lessee with respect to the operating conditions of the lease, taking into consideration environmental resource conservation and recovery, economic factors, and other factors, as the Secretary determines to be relevant; and

"(ii) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(3) EFFECT OF OTHER LAWS.—Any Federal law (including regulations) that applies to an oil and gas lease on the Outer Continental Shelf shall apply to a gas-only lease issued under this subsection.".

(b) STATE REQUESTS TO EXAMINE ENERGY AREAS.—Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

"(i) STATE REQUESTS TO EXAMINE ENERGY AREAS.—

"(1) DEFINITIONS.—In this subsection:

"(A) LEASE.—The term 'lease' includes a gas-only lease under section 8(q).

"(B) MORATORIUM AREA.—The term 'moratorium area' means—

"(i) any area withdrawn from disposition by leasing by the memorandum entitled 'Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition' (34 Weekly Comp. Pres. Doc. 1111 (June 12, 1998)); and

"(ii) any area of the outer Continental Shelf as to which Congress has denied the use of appropriated funds or other means for preleasing, leasing, or related activities.

"(2) RESOURCE ESTIMATES.—

"(A) REQUESTS.—At any time, the Governor of an affected State, acting on behalf of the State, may request the Secretary to provide a current estimate of proven and potential gas, or oil and gas, resources in any moratorium area (or any part of the moratorium area the Governor identifies) adjacent to, or lying seaward of the coastline of, that State.

"(B) RESPONSE OF SECRETARY.—Not later than 45 days after the date on which the Governor of a State requests an estimate under subparagraph (A), the Secretary shall provide—

"(i) a delineation of the lateral boundaries between the coastal States, in accordance with—

"(I) any judicial decree or interstate compact delineating lateral offshore boundaries between coastal States;

"(II) any principles of domestic and international law governing the delineation of lateral offshore boundaries; and

"(III) to the maximum extent practicable, existing lease boundaries and block lines based on the official protraction diagrams of the Secretary;

"(ii) a current inventory of proven and potential gas, or oil and gas, resources in any moratorium areas within the area off the shore of a State, in accordance with the lateral boundaries delineated under clause (i), as requested by the Governor; and

"(iii) an explanation of the planning processes that could lead to the leasing, exploration, development, and production of the gas, or oil and gas, resources within the area identified.

"(3) MAKING CERTAIN AREAS AVAILABLE FOR LEASING.—

"(A) PETITION.—

"(i) IN GENERAL.—On consideration of the information received from the Secretary, the Governor (acting on behalf of the State of the Governor) may submit to the Secretary a petition requesting that the Secretary make available for leasing any portion of a moratorium area off the coast of the State, in accordance with the lateral boundaries delineated under paragraph (2)(B)(i).

"(ii) CONTENTS.—In a petition under clause (i), a Governor may request that an area described in that clause be made available for leasing under subsection (b) or (q), or both, of section 8.

"(B) ACTION BY SECRETARY.—Not later than 90 days after the date of receipt of a petition under subparagraph (A), the Secretary shall approve the petition unless the Secretary determines that leasing in the affected area presents a significant likelihood of incidents associated with the development of resources that would cause serious harm or damage to the marine resources of the area or of an adjacent State.

"(C) FAILURE TO ACT.—If the Secretary fails to approve or deny a petition in accordance with subparagraph (B), the petition shall be considered to be approved as of the date that is 90 days after the date of receipt of the petition.

"(D) TREATMENT.—Notwithstanding any other provision of this section, not later than 180 days after the date on which a petition is approved, or considered to be approved, under subparagraph (B) or (C), the Secretary shall—

"(i) treat the petition of the Governor under subparagraph (A) as a proposed revision to a leasing program under this section; and

"(ii) except as provided in subparagraph (E), expedite the revision of the 5-year outer Continental Shelf oil and gas leasing program in effect as of that date to include any lease sale for any area covered by the petition.

"(E) INCLUSION IN SUBSEQUENT PLANS.—

"(i) IN GENERAL.—If there are fewer than 18 months remaining in the 5-year outer Continental Shelf oil and gas leasing program described in subparagraph (D)(ii), the Secretary, without consultation with any State, shall include the areas covered by the petition in lease sales under the subsequent 5-year outer Continental Shelf oil and gas leasing program.

"(ii) ENVIRONMENTAL ASSESSMENT.—Before modifying a 5-Year Outer Continental Shelf Oil and Gas Leasing Program under clause (i), the Secretary shall complete an environmental assessment that describes any anticipated environmental effect of leasing in the area under the petition.

"(F) SPENDING LIMITATIONS.—Any Federal spending limitation with respect to preleasing, leasing, or a related activity in an area made available for leasing under this paragraph shall terminate as of the date on which the petition of the Governor relating to the area is approved, or considered to be approved, under subparagraph (B) or (C).

"(G) COASTAL ZONE MANAGEMENT.—For purposes of title III of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), any activity relating to leasing and subsequent production in an area made available for leasing under this paragraph shall—

"(i) if the leased area is located more than 20 miles offshore of an adjacent State (or the boundaries of the State as delineated under paragraph (2)(B)), be considered by the Secretary of Commerce to be necessary to the interest of national security and be carried out notwithstanding the objection of a State to a consistency certification under that Act; or

"(ii) if the leased area is located not greater than 20 miles offshore of an adjacent State, be subject to section 307(c) of that Act (16 U.S.C. 1456(c)).

"(4) REVENUE SHARING.—

"(A) BONUS BIDS.—If the Governor of a State requests the Secretary to allow gas, or oil or natural gas, leasing in the moratorium area and the Secretary allows that leasing, the State shall, without further appropriation or action, receive 25 percent of any bonus bid paid for leasing rights in the area.

"(B) POST LEASING REVENUES.—In addition to bonus bids under subparagraph (A), a State described in subparagraph (A) shall receive 25 percent of—

"(i) any lease rental minimum royalty;

"(ii) any royalty proceeds from a sale of royalties taken in kind by the Secretary; and

"(iii) any other revenues from a bidding system under section 8.

"(C) CONSERVATION ROYALTIES.—After making distributions in accordance with subparagraphs (A) and (B), and in accordance with section 31, the Secretary, in coordination with the Governor of a State, shall, without further appropriation or action, distribute a conservation royalty of 12.5 percent of Federal royalty revenues in an area leased under this section, not to exceed $1,250,000,000 for any year, to 1 or more of the following:

"(i) The Coastal and Estuary Habitat Restoration Trust Fund.

"(ii) The wildlife restoration fund established under section 3 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b).

"(iii) The Land and Water Conservation Fund to provide financial assistance to States under section 6 of that Act (16 U.S.C. 460l-8).

"(5) APPLICATION.—This subsection shall not apply to—

"(A) any area designated as a national marine sanctuary or a national wildlife refuge;

"(B) the Lease Sale 181 planning area;

"(C) any area not included in the outer Continental Shelf;

"(D) the Great Lakes, as defined in section 118(a)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3)); or

"(E) the eastern coast of the State of Florida.".

SA 907. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 327, after line 21, add the following:

SEC. 390. GAS-ONLY LEASES; STATE REQUESTS TO EXAMINE ENERGY AREAS.

(a) GAS-ONLY LEASES.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) (as amended by section 321) is amended by adding at the end the following:

"(q) GAS-ONLY LEASES.—

"(1) IN GENERAL.—The Secretary may issue a lease under this section beginning in the 2007–2012 plan period that authorizes development and production only of gas and associated condensate in accordance with regulations issued under paragraph (2).

"(2) REGULATIONS.—Not later than October 1, 2006, the Secretary shall issue regulations that, for purposes of this section—

"(A) define natural gas so that the definition—

"(i) includes—

"(I) hydrocarbons and other substances in a gaseous state at atmospheric pressure and a temperature of 60 degrees Fahrenheit;

"(II) liquids that condense from natural gas in the process of treatment, dehydration, decompression, or compression prior to the point for measuring volume and quality of the production established by the Minerals Management Service; and

"(III) natural gas liquefied for transportation; and

"(ii) excludes crude oil;

"(B) provide that gas-only leases shall contain the same rights and obligations established for oil and gas leases;

"(C) provide that, in reviewing the adequacy of bids for gas-only leases, the Minerals Management Service shall exclude the value of any crude oil estimated to be discovered within the boundaries of the leasing area;

"(D) provide for cancellation of a gas-only lease, with payment of the fair value of the lease rights canceled, if the Secretary determines that any natural gas discovered within the boundaries of the leasing area cannot be produced without causing an unacceptable waste of crude oil discovered in association with the natural gas; and

"(E) provide that, at the request and with the consent of the Governor of the State adjacent to the lease area, as determined under section 18(i)(2)(B)(i), and with the consent of the lessee, an existing gas-only lease may be converted, without an increase in the rental or royalty rate and without further payment in the nature of a lease bonus, to a lease under subsection (b), in accordance with a process, to be established by the Secretary, that requires—

"(i) consultation by the Secretary with the Governor of the State and the lessee with respect to the operating conditions of the lease, taking into consideration environmental resource conservation and recovery, economic factors, and other factors, as the Secretary determines to be relevant; and

"(ii) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(3) EFFECT OF OTHER LAWS.—Any Federal law (including regulations) that applies to an oil and gas lease on the Outer Continental Shelf shall apply to a gas-only lease issued under this subsection.".

(b) STATE REQUESTS TO EXAMINE ENERGY AREAS.—Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

"(i) STATE REQUESTS TO EXAMINE ENERGY AREAS.—

"(1) DEFINITIONS.—In this subsection:

"(A) LEASE.—The term 'lease' includes a gas-only lease under section 8(q).

"(B) MORATORIUM AREA.—The term 'moratorium area' means—

"(i) any area withdrawn from disposition by leasing by the memorandum entitled 'Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition' (34 Weekly Comp. Pres. Doc. 1111 (June 12, 1998)); and

"(ii) any area of the outer Continental Shelf as to which Congress has denied the use of appropriated funds or other means for preleasing, leasing, or related activities.

"(2) RESOURCE ESTIMATES.—

"(A) REQUESTS.—At any time, the Governor of an affected State, acting on behalf of the State, may request the Secretary to provide a current estimate of proven and potential gas, or oil and gas, resources in any moratorium area (or any part of the moratorium area the Governor identifies) adjacent to, or lying seaward of the coastline of, that State.

"(B) RESPONSE OF SECRETARY.—Not later than 45 days after the date on which the Governor of a State requests an estimate under subparagraph (A), the Secretary shall provide—

"(i) a delineation of the lateral boundaries between the coastal States, in accordance with—

"(I) any judicial decree or interstate compact delineating lateral offshore boundaries between coastal States;

"(II) any principles of domestic and international law governing the delineation of lateral offshore boundaries; and

"(III) to the maximum extent practicable, existing lease boundaries and block lines based on the official protraction diagrams of the Secretary;

"(ii) a current inventory of proven and potential gas, or oil and gas, resources in any moratorium areas within the area off the shore of a State, in accordance with the lateral boundaries delineated under clause (i), as requested by the Governor; and

"(iii) an explanation of the planning processes that could lead to the leasing, exploration, development, and production of the gas, or oil and gas, resources within the area identified.

"(3) MAKING CERTAIN AREAS AVAILABLE FOR LEASING.—

"(A) PETITION.—

"(i) IN GENERAL.—On consideration of the information received from the Secretary, the Governor (acting on behalf of the State of the Governor) may submit to the Secretary a petition requesting that the Secretary make available for leasing any portion of a moratorium area off the coast of the State, in accordance with the lateral boundaries delineated under paragraph (2)(B)(i).

"(ii) CONTENTS.—In a petition under clause (i), a Governor may request that an area described in that clause be made available for leasing under subsection (b) or (q), or both, of section 8.

"(B) ACTION BY SECRETARY.—Not later than 90 days after the date of receipt of a petition under subparagraph (A), the Secretary shall approve the petition unless the Secretary determines that leasing in the affected area presents a significant likelihood of incidents associated with the development of resources that would cause serious harm or damage to the marine resources of the area or of an adjacent State.

"(C) FAILURE TO ACT.—If the Secretary fails to approve or deny a petition in accordance with subparagraph (B), the petition shall be considered to be approved as of the date that is 90 days after the date of receipt of the petition.

"(D) TREATMENT.—Notwithstanding any other provision of this section, not later than 180 days after the date on which a petition is approved, or considered to be approved, under subparagraph (B) or (C), the Secretary shall—

"(i) treat the petition of the Governor under subparagraph (A) as a proposed revision to a leasing program under this section; and

"(ii) except as provided in subparagraph (E), expedite the revision of the 5-year outer Continental Shelf oil and gas leasing program in effect as of that date to include any lease sale for any area covered by the petition.

"(E) INCLUSION IN SUBSEQUENT PLANS.—

"(i) IN GENERAL.—If there are fewer than 18 months remaining in the 5-year outer Continental Shelf oil and gas leasing program described in subparagraph (D)(ii), the Secretary, without consultation with any State, shall include the areas covered by the petition in lease sales under the subsequent 5-

year outer Continental Shelf oil and gas leasing program.

"(ii) ENVIRONMENTAL ASSESSMENT.—Before modifying a 5-Year Outer Continental Shelf Oil and Gas Leasing Program under clause (i), the Secretary shall complete an environmental assessment that describes any anticipated environmental effect of leasing in the area under the petition.

"(F) SPENDING LIMITATIONS.—Any Federal spending limitation with respect to preleasing, leasing, or a related activity in an area made available for leasing under this paragraph shall terminate as of the date on which the petition of the Governor relating to the area is approved, or considered to be approved, under subparagraph (B) or (C).

"(G) COASTAL ZONE MANAGEMENT.—For purposes of title III of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), any activity relating to leasing and subsequent production in an area made available for leasing under this paragraph shall—

"(i) if the leased area is located more than 20 miles offshore of an adjacent State (or the boundaries of the State as delineated under paragraph (2)(B)), be considered by the Secretary of Commerce to be necessary to the interest of national security and be carried out notwithstanding the objection of a State to a consistency certification under that Act; or

"(ii) if the leased area is located not greater than 20 miles offshore of an adjacent State, be subject to section 307(c) of that Act (16 U.S.C. 1456(c)).

"(4) REVENUE SHARING.—

"(A) BONUS BIDS.—If the Governor of a State requests the Secretary to allow gas, or oil or natural gas, leasing in the moratorium area and the Secretary allows that leasing, the State shall, without further appropriation or action, receive 25 percent of any bonus bid paid for leasing rights in the area.

"(B) POST LEASING REVENUES.—In addition to bonus bids under subparagraph (A), a State described in subparagraph (A) shall receive 25 percent of—

"(i) any lease rental minimum royalty;

"(ii) any royalty proceeds from a sale of royalties taken in kind by the Secretary; and

"(iii) any other revenues from a bidding system under section 8.

"(C) CONSERVATION ROYALTIES.—After making distributions in accordance with subparagraphs (A) and (B), and in accordance with section 31, the Secretary, in coordination with the Governor of a State, shall, without further appropriation or action, distribute a conservation royalty of 12.5 percent of Federal royalty revenues in an area leased under this section, not to exceed $1,250,000,000 for any year, to 1 or more of the following:

"(i) The Coastal and Estuary Habitat Restoration Trust Fund.

"(ii) The wildlife restoration fund established under section 3 of the Pittman–Robertson Wildlife Restoration Act (16 U.S.C. 669b).

"(iii) The Land and Water Conservation Fund to provide financial assistance to States under section 6 of that Act (16 U.S.C. 460*l*–8).

"(5) APPLICATION.—This subsection shall not apply to—

"(A) any area designated as a national marine sanctuary or a national wildlife refuge;

"(B) the Lease Sale 181 planning area;

"(C) any area not included in the outer Continental Shelf;

"(D) the Great Lakes, as defined in section 118(a)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3)); or

"(E) the eastern coast of the State of Florida.".

(c) GREAT LAKES OIL AND GAS DRILLING BAN.—No Federal or State permit or lease shall be issued for new oil and gas slant, directional, or offshore drilling in or under 1 or more of the Great Lakes (as defined in section 118(a)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3))).

SA 908. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 30D. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

"(a) CREDIT ALLOWED.—

"(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 35 percent of the qualified investment of an eligible taxpayer for such taxable year.

"(2) LIMITATION.—The credit allowed under subsection (a) for any taxable year shall not exceed $25,000,000.

"(b) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means any taxpayer if more than 50 percent of its gross receipts from manufacturing (as determined under section 199) for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

"(c) QUALIFIED INVESTMENT.—For purposes of this section—

"(1) IN GENERAL.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

"(A) to re-equip or expand a manufacturing facility of the eligible taxpayer to produce advanced technology motor vehicles or to produce eligible components,

"(B) for engineering integration of such vehicles and components as described in subsection (e), and

"(C) for research and development related to advanced technology motor vehicles and eligible components.

"(2) ATTRIBUTION RULES.—In the event a facility of the taxpayer produces both advanced technology motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

"(d) ADVANCED TECHNOLOGY MOTOR VEHICLES AND ELIGIBLE COMPONENTS.—For purposes of this section—

"(1) ADVANCED TECHNOLOGY MOTOR VEHICLE.—The term 'advanced technology motor vehicle' means—

"(A) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3)), or

"(B) any new qualified hybrid motor vehicle (as defined in section 30B(d)(2)(A) and determined without regard to any gross vehicle weight rating).

"(2) ELIGIBLE COMPONENTS.—The term 'eligible component' means any component inherent to any advanced technology motor vehicle, including—

"(A) with respect to any gasoline or diesel-electric new qualified hybrid motor vehicle—

"(i) electric motor or generator,

"(ii) power split device,

"(iii) power control unit,

"(iv) power controls,

"(v) integrated starter generator, or

"(vi) battery,

"(B) with respect to any hydraulic new qualified hybrid motor vehicle—

"(i) hydraulic accumulator vessel,

"(ii) hydraulic pump, or

"(iii) hydraulic pump-motor assembly,

"(C) with respect to any new advanced lean burn technology motor vehicle—

"(i) diesel engine,

"(ii) turbocharger,

"(iii) fuel injection system, or

"(iv) after-treatment system, such as a particle filter or NO_x absorber, and

"(D) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

"(e) ENGINEERING INTEGRATION COSTS.—For purposes of subsection (c)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

"(1) establishing functional, structural, and performance requirements for component and subsystems to meet overall vehicle objectives for a specific application,

"(2) designing interfaces for components and subsystems with mating systems within a specific vehicle application,

"(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

"(4) validating functionality and performance of components and subsystems for a specific vehicle application.

"(f) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(1) the sum of—

"(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

"(B) the tax imposed by section 55 for such taxable year and any prior taxable year beginning after 1986 and not taken into account under section 53 for any prior taxable year, over

"(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

"(g) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(h) NO DOUBLE BENEFIT.—

"(1) COORDINATION WITH OTHER DEDUCTIONS AND CREDITS.—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

"(2) RESEARCH AND DEVELOPMENT COSTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any amount described in subsection (c)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

"(B) COSTS TAKEN INTO ACCOUNT IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any amounts described in subsection (c)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

"(i) BUSINESS CARRYOVERS ALLOWED.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (f) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback and carryforward under rules similar to the rules of section 39.

"(j) SPECIAL RULES.—For purposes of this section, rules similar to the rules of paragraphs (4) and (5) of section 179A(e) and paragraphs (1) and (2) of section 41(f) shall apply

"(k) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

"(l) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

"(m) TERMINATION.—This section shall not apply to any qualified investment after December 31, 2010.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by this Act, is amended by striking "and" at the end of paragraph (39), by striking the period at the end of paragraph (40) and inserting ", and", and by adding at the end the following new paragraph:

"(41) to the extent provided in section 30D(g).".

(2) Section 6501(m), as amended by this Act, is amended by inserting "30D(k)," after "30C(j),".

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 30C the following new item:

"Sec. 30D. Advanced technology motor vehicles manufacturing credit.".

(c) EFFECTIVE DATE.—The amendments made by this section (other than subsection (d)) shall apply to amounts incurred in taxable years beginning after December 31, 2006.

(d) REDUCTION IN PERIOD BY WHICH RENEWABLE ENERGY PRODUCTION CREDIT EXTENDED.—Section 45(d) of the Internal Revenue Code of 1986 (relating to qualified facilities), as amended by section 1501, is amended by striking "2009" each place it appears in paragraphs (1) through (7) and inserting "2008".

SA 909. Mr. ALEXANDER (for himself, Mr. WARNER, Ms. LANDRIEU, Mr. MCCAIN, Mr. ALLEN, Mr. VOINOVICH, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 697, between lines 6 and 7, insert the following:

SEC. 1270A. LOCAL CONTROL FOR SITING OF WINDMILS.

(a) LOCAL NOTIFICATION.—Prior to the Federal Energy Regulatory Commission issuing to any wind turbine project its Exempt-Wholesale Generator Status, Market-Based Rate Authority, or Qualified Facility rate schedule, the wind project shall complete its Local Notification Process.

(b) LOCAL NOTIFICATION PROCESS.—

(1) In this section, the term "Local Authorities" means the governing body, and the senior executive of the body, at the lowest level of government that possesses authority under State law to carry out this Act.

(2) Applicant shall notify in writing the Local Authorities on the day of the filing of such Market-Based Rate application or Federal Energy Regulatory Commission Form number 556 (or a successor form) at the Federal Energy Regulatory Commission. Evidence of such notification shall be submitted to the Federal Energy Regulatory Commission.

(3) The Federal Energy Regulatory Commission shall notify in writing the Local Authorities within 10 days of the filing of such Market-Based Rate application or Federal Energy Regulatory Commission Form number 556 (or a successor form) at the Federal Energy Regulatory Commission.

(4) The Federal Energy Regulatory Commission shall not issue to the project Market-Based Rate Authority, Exempt Wholesaler Generator Status, or Qualified Facility rate schedule, until 180 days after the date on which the Federal Energy Regulatory Commission notifies the Local Authorities under paragraph (3).

(c) HIGHLY SCENIC AREA AND FEDERAL LAND.—

(1)(A) A Highly Scenic Area is—

(i) any area listed as an official United Nations Educational, Scientific, and Cultural Organization World Heritage Site, as supported by the Department of the Interior, the National Park Service, and the International Council on Monuments and Sites;

(ii) land designated as a National Park;

(iii) a National Lakeshore;

(iv) a National Seashore;

(v) a National Wildlife Refuge that is adjacent to an ocean;

(vi) a National Military Park;

(vii) the Flint Hills National Wildlife Reserve;

(viii) the Tallgrass Prairie National Preserve; or

(ix) the Flint Hills Tallgrass Prairie Preserve or the Konza Prairie in the State of Kansas.

(B) The term "Highly Scenic Area" does not include—

(i) any coastal wildlife refuge located in the State of Louisiana; or

(ii) any area in the State of Alaska.

(2) A Qualified Wind Project is any wind-turbine project located—

(A)(i) in a Highly Scenic Area; or

(ii) within 20 miles of the boundaries of an area described in subparagraph (A), (B), (C), (D), or (F) of paragraph (1); or

(B) within 20 miles off the coast of a National Wildlife Refuge that is adjacent to an ocean.

(3) Prior to the Federal Energy Regulatory Commission issuing to a Qualified Wind Project its Exempt-Wholesale Generator Status, Market-Based Rate Authority, or Qualified Facility rate schedule, an environmental impact statement shall be conducted and completed by the lead agency in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). If no lead agency is designated, the lead agency shall be the Department of the Interior.

(4) The environmental impact statement determination shall be issued within 12 months of the date of application.

(5) Such environmental impact statement review shall include a cumulative impacts analysis addressing visual impacts and avian mortality analysis of a Qualified Wind Project.

(6) A Qualified Wind Project shall not be eligible for any Federal tax subsidy.

(d) EFFECTIVE DATE.—

(1) This section shall expire 10 years after the date of enactment of this Act.

(2) Nothing in this section shall prevent or discourage environmental review of any wind projects or any Qualified Wind Project on a State or local level.

(e) EFFECT OF SECTION.—Nothing in this section shall apply to a project that, as of the date of enactment of this Act—

(1) is generating energy; or

(2) has been issued a permit by the Federal Energy Regulatory Commission.

SA 910. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. COMPARABLE ALLOCATIONS OF CAPACITY FOR INTEGRATED GASIFICATION COMBINED CYCLE PROJECTS AMONG MAJOR TYPES OF COAL FEEDSTOCKS.

(a) IN GENERAL.—Section 48A(e)(2)(A) of the Internal Revenue Code of 1986, as added by this Act, is amended by striking "certify capacity" and inserting "certify capacity in relatively equal amounts".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 1506(b) of this Act.

SA 911. Mr. INHOFE (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 523, between line 13 and 14, insert the following:

SEC. 95 . HEAVY OIL RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) FINDINGS.—Congress finds that—

(1) the continued imbalance between the oil consumption and conventional crude oil reserves of the United States has resulted in unacceptable dependency on foreign oil supplies;

(2) national energy security requires rapid development of alternative hydrocarbon resources that are both commercially recoverable and compatible with the infrastructure for petroleum processing, distribution, and use in existence as of the date of enactment of this Act;

(3) the Western Hemisphere contains the largest resources of heavy oil and natural bitumen in the world, but no in-depth assessment of domestic heavy oil has been completed since 1987;

(4) an up-to-date, in-depth assessment of domestic heavy oil would be of high value to energy policymakers and industry and could provide insights into formulation of policies, initiatives, and technology for more efficient development of that large domestic resource;

(5) resources of heavy oil and bitumen in the United States and Canada known as of

the date of enactment of this Act alone could supply crude oil demand in both countries for well over 100 years;

(6) the States of Alabama, Alaska, Kentucky, Louisiana, Missouri, Oklahoma, Texas, and Utah have significant deposits of heavy oil and bitumen;

(7) emerging technologies for in situ production of heavy oil and bitumen have been verified experimentally in both Canada and the United States and have been employed successfully in the field in Canada;

(8) Canadian operations have received substantial government subsidies and United States production should receive similar financial support;

(9) potential environmental impacts from in situ production of heavy oil and bitumen appear more manageable than impacts from other processes for unconventional oil extraction;

(10) testing as of the date of enactment of this Act indicates that in some cases, heavy hydrocarbon production technologies can be combined with cogeneration facilities to reduce recovery costs and produce electricity economically; and

(11) current testing indicates that emerging acoustic agglomeration technologies are capable of converting heavy oil production and refinery wastes into materials capable of use in recycling, production, or refining processes, or other reuse to produce electricity, thermal energy, chemicals, liquid fuels, or hydrogen.

(b) PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a program for research, development, and commercial demonstration of technologies for in situ production of heavy oil and natural bitumen.

(2) ASSESSMENT.—In carrying out the program, the Secretary shall first update the technical and economic assessment of domestic heavy oil resources prepared in 1987 by the Interstate Oil and Gas Compact Commission to cover—

(A) the entire continent of North America; and

(B) all unconventional oil resources, including heavy oil, tar sands, and oil shale.

(c) ADMINISTRATION.—The program shall—

(1) focus initially on technologies and domestic resources most likely to result in significant commercial production in the near future, including technologies that combine heavy oil recovery with electric power generation; and

(2) include research necessary—

(A) to ensure that refinery processes are capable of providing conventional petroleum products from the crude oils derived from heavy oil and bitumen production; and

(B) to assist in recycling and reuse of associated production and refinery wastes.

(d) COST SHARING.—Cost sharing shall not be required under the program.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this section $50,000,000 for each of fiscal years 2006 through 2010.

(2) ASSESSMENT SET-ASIDE.—Of the amount authorized to be applied under paragraph (1) for fiscal year 2006, $1,000,000 shall be provided to the Interstate Oil and Gas Compact Commission for use in updating and expanding the assessment described in subsection (b)(2).

SA 912. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. ENHANCED OIL RECOVERY INCENTIVES FOR THE PRODUCTION OF OIL FROM SHALE.

(a) IN GENERAL.—Section 43(c) of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following:

"(7) APPLICATION OF SECTION TO QUALIFIED OIL SHALE WELL PROJECTS.—

"(A) IN GENERAL.—For purposes of this section, the taxpayer's qualified oil shale well project costs for any taxable year shall be treated in the same manner as if they were qualified enhanced oil recovery costs.

"(B) QUALIFIED OIL SHALE WELL PROJECT COSTS.—For purposes of this paragraph, the term 'qualified oil shale well project costs' shall be the costs determined under paragraph (1) by substituting 'qualified oil shale well project' for 'qualified enhanced oil recovery project' each place it appears.

"(C) QUALIFIED OIL SHALE WELL PROJECT.—For purposes of this paragraph, the term 'qualified oil shale well project' means any project—

"(i) which involves the construction and operation of a well to produce oil in naturally liquid form from shale, and

"(ii) which is located within the United States.

"(D) PHASE-OUT NOT TO APPLY.—Subsection (b) shall not apply to any qualified oil shale well project.

"(E) TERMINATION.—This paragraph shall not apply to qualified oil well shale project costs paid or incurred after December 31, 2010.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to costs paid or incurred in taxable years ending after December 31, 2005.

SA 913. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. BIODIESEL B20 TREATED AS ALTERNATIVE FUEL FOR VEHICLE REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—Section 30C(c)(1) of the Internal Revenue Code of 1986, as added by this Act, is amended by inserting "or any qualified biodiesel mixture (as defined in section 40A(b)(1)(B)) containing at least 20 percent biodiesel" after "hydrogen".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

SA 914. Ms. LANDRIEU (for herself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 310, after line 25, add the following:

SEC. 372. REPORT ON SHARING OUTER CONTINENTAL SHELF REVENUES.

Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report on alternatives and recommendations of the Secretary for formulas for sharing revenues produced from leasing land on the outer Continental Shelf.

SA 915. Ms. LANDRIEU submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page 326, strike line 22 and all that follows through page 327, line 1, and insert the following:

(c) PURPOSES.—The purposes of the forums shall be to identify and develop best practices for addressing the issues and challenges associated with liquefied natural gas imports and to provide to Congress a report on the proceedings that identifies policy recommendations and issues raised during the forums and otherwise under this section.

(d) REPORT.—The Comptroller General of the United States shall submit to Congress a report describing the proceedings of the forums, including an analysis of the following:

(1) The necessary level of security for liquefied natural gas plants.

(2) Costs to State and local governments with respect to increased security for liquefied natural gas plants.

(3) The necessary infrastructure adjustments for liquefied natural gas plants.

(4) Costs to State and local governments with resect to infrastructure adjustments for liquefied natural gas plants.

(5) Potential environmental impacts of liquefied natural gas plants.

(6) Costs to State and local governments of mitigating environmental impacts of liquefied natural gas plants.

(7) The necessary improvements in emergency evacuation, health care, and firefighting capacities for States and communities that host liquefied natural gas plants.

(8) Potential revenue mechanisms to allow State and local entities to recover the costs of hosting liquefied natural gas plants.

(e) AUTHORIZATION OF APPROPRIATIONS.—There

SA 916. Mr. JEFFORDS (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 130, between lines 6 and 7, insert the following:

SEC. 202. LEAKING UNDERGROUND STORAGE TANKS.

Section 210 and the amendments made by section 210 shall have no force or effect.

SA 917. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 122, between lines 14 and 15, insert the following:

SEC. 152. ANNUAL REPORT ON MILITARY COST OF SECURING UNITED STATES ACCESS TO FOREIGN OIL.

Not later than December 31, 2005, and annually thereafter, the Secretary of Energy shall, in consultation with the Secretary of

Defense and the Secretary of State, submit to Congress a report containing an estimate of the total annual military cost, both financially and with respect to military personnel, of securing United States access to foreign sources of oil.

SA 918. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end of title XVI, add the following:

Subtitle C—National Greenhouse Gas Database

SEC. 1621. PURPOSE.

The purpose of this subtitle is to establish a greenhouse gas inventory, reductions registry, and information system that—

(1) are complete, consistent, transparent, and accurate;

(2) will create reliable and accurate data that can be used by public and private entities to design efficient and effective greenhouse gas emission reduction strategies; and

(3) will acknowledge and encourage greenhouse gas emission reductions.

SEC. 1622. DEFINITIONS.

In this subtitle:

(1) Administrator.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) Baseline.—The term "baseline" means the historic greenhouse gas emission levels of an entity, as adjusted upward by the designated agency to reflect actual reductions that are verified in accordance with—

(A) regulations issued under section 1624(c)(1); and

(B) relevant standards and methods developed under this subtitle.

(3) Database.—The term "database" means the National Greenhouse Gas Database established under section 1624.

(4) Designated agency.—The term "designated agency" means a department or agency to which responsibility for a function or program is assigned under the memorandum of agreement entered into under section 1623(a).

(5) Direct emissions.—The term "direct emissions" means greenhouse gas emissions by an entity from a facility that is owned or controlled by that entity.

(6) Entity.—The term "entity" means—

(A) a person located in the United States; or

(B) a public or private entity, to the extent that the entity operates in the United States.

(7) Facility.—The term "facility" means—

(A) all buildings, structures, or installations located on any 1 or more contiguous or adjacent properties of an entity in the United States; and

(B) a fleet of 20 or more motor vehicles under the common control of an entity.

(8) Greenhouse gas.—The term "greenhouse gas" means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons;

(F) sulfur hexafluoride; and

(G) any other anthropogenic, climate-forcing emission with significant ascertainable global warming potential, as—

(i) recommended by the National Academy of Sciences under section 1627(b)(3); and

(ii) determined in regulations issued under section 1624(c)(1) (or revisions to the regulations) to be appropriate and practicable for coverage under this subtitle.

(9) Indirect emissions.—The term "indirect emissions" means greenhouse gas emissions that—

(A) are a result of the activities of an entity; but

(B)(i) are emitted from a facility owned or controlled by another entity; and

(ii) are not reported as direct emissions by the entity the activities of which resulted in the emissions.

(10) Registry.—The term "registry" means the registry of greenhouse gas emission reductions established as a component of the database under section 1624(b)(2).

(11) Sequestration.—

(A) In general.—The term "sequestration" means the capture, long-term separation, isolation, or removal of greenhouse gases from the atmosphere.

(B) Inclusions.—The term "sequestration" includes—

(i) soil carbon sequestration;

(ii) agricultural and conservation practices;

(iii) reforestation;

(iv) forest preservation;

(v) maintenance of an underground reservoir; and

(vi) any other appropriate biological or geological method of capture, isolation, or removal of greenhouse gases from the atmosphere, as determined by the Administrator.

SEC. 1623. ESTABLISHMENT OF MEMORANDUM OF AGREEMENT.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the President, acting through the Director of the Office of National Climate Change Policy, shall direct the Secretary, the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Transportation, and the Administrator to enter into a memorandum of agreement under which those heads of Federal agencies will—

(1) recognize and maintain statutory and regulatory authorities, functions, and programs that—

(A) are established as of the date of enactment of this Act under other law;

(B) provide for the collection of data relating to greenhouse gas emissions and effects; and

(C) are necessary for the operation of the database;

(2)(A) distribute additional responsibilities and activities identified under this subtitle to Federal departments or agencies in accordance with the missions and expertise of those departments and agencies; and

(B) maximize the use of available resources of those departments and agencies; and

(3) provide for the comprehensive collection and analysis of data on greenhouse gas emissions relating to product use (including the use of fossil fuels and energy-consuming appliances and vehicles).

(b) Minimum Requirements.—The memorandum of agreement entered into under subsection (a) shall, at a minimum, retain the following functions for the designated agencies:

(1) Department of energy.—The Secretary shall be primarily responsible for developing, maintaining, and verifying the registry and the emission reductions reported under section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)).

(2) Department of commerce.—The Secretary of Commerce shall be primarily responsible for the development of—

(A) measurement standards for the monitoring of emissions; and

(B) verification technologies and methods to ensure the maintenance of a consistent and technically accurate record of emissions, emission reductions, and atmospheric concentrations of greenhouse gases for the database.

(3) Environmental protection agency.—The Administrator shall be primarily responsible for—

(A) emissions monitoring, measurement, verification, and data collection under this subtitle and title IV (relating to acid deposition control) and title VIII of the Clean Air Act (42 U.S.C. 7651 et seq.), including mobile source emissions information from implementation of the corporate average fuel economy program under chapter 329 of title 49, United States Code; and

(B) responsibilities of the Environmental Protection Agency relating to completion of the national inventory for compliance with the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

(4) Department of agriculture.—The Secretary of Agriculture shall be primarily responsible for—

(A) developing measurement techniques for—

(i) soil carbon sequestration; and

(ii) forest preservation and reforestation activities; and

(B) providing technical advice relating to biological carbon sequestration measurement and verification standards for measuring greenhouse gas emission reductions or offsets.

(c) Draft Memorandum of Agreement.—Not later than 15 months after the date of enactment of this Act, the President, acting through the Director of the Office of National Climate Change Policy, shall publish in the Federal Register, and solicit comments on, a draft version of the memorandum of agreement described in subsection (a).

(d) No Judicial Review.—The final version of the memorandum of agreement shall not be subject to judicial review.

SEC. 1624. NATIONAL GREENHOUSE GAS DATABASE.

(a) Establishment.—As soon as practicable after the date of enactment of this Act, the designated agencies, in consultation with the private sector and nongovernmental organizations, shall jointly establish, operate, and maintain a database, to be known as the "National Greenhouse Gas Database", to collect, verify, and analyze information on greenhouse gas emissions by entities.

(b) National Greenhouse Gas Database Components.—The database shall consist of—

(1) an inventory of greenhouse gas emissions; and

(2) a registry of greenhouse gas emission reductions.

(c) Comprehensive System.—

(1) In general.—Not later than 2 years after the date of enactment of this Act, the designated agencies shall jointly promulgate regulations to implement a comprehensive system for greenhouse gas emissions reporting, inventorying, and reductions registration.

(2) Requirements.—The designated agencies shall ensure, to the maximum extent practicable, that—

(A) the comprehensive system described in paragraph (1) is designed to—

(i) maximize completeness, transparency, and accuracy of information reported; and

(ii) minimize costs incurred by entities in measuring and reporting greenhouse gas emissions; and

(B) the regulations issued under paragraph (1) establish procedures and protocols necessary—

(i) to prevent the reporting of some or all of the same greenhouse gas emissions or emission reductions by more than 1 reporting entity;

(ii) to provide for corrections to errors in data submitted to the database;

(iii) to provide for adjustment to data by reporting entities that have had a significant organizational change (including mergers, acquisitions, and divestiture), in order to maintain comparability among data in the database over time;

(iv) to provide for adjustments to reflect new technologies or methods for measuring or calculating greenhouse gas emissions; and

(v) to account for changes in registration of ownership of emission reductions resulting from a voluntary private transaction between reporting entities.

(3) Baseline identification and protection.—Through regulations issued under paragraph (1), the designated agencies shall develop and implement a system that provides—

(A) for the provision of unique serial numbers to identify the verified emission reductions made by an entity relative to the baseline of the entity;

(B) for the tracking of the reductions associated with the serial numbers; and

(C) that the reductions may be applied, as determined to be appropriate by any Act of Congress enacted after the date of enactment of this Act, toward a Federal requirement under such an Act that is imposed on the entity for the purpose of reducing greenhouse gas emissions.

SEC. 1625. GREENHOUSE GAS REDUCTION REPORTING.

(a) In General.—An entity that participates in the registry shall meet the requirements described in subsection (b).

(b) Requirements.—

(1) In general.—The requirements referred to in subsection (a) are that an entity (other than an entity described in paragraph (2)) shall—

(A) establish a baseline (including all of the entity's greenhouse gas emissions on an entity-wide basis); and

(B) submit the report described in subsection (c)(1).

(2) Requirements applicable to entities entering into certain agreements.—An entity that enters into an agreement with a participant in the registry for the purpose of a carbon sequestration project shall not be required to comply with the requirements specified in paragraph (1) unless that entity is required to comply with the requirements by reason of an activity other than the agreement.

(c) Reports.—

(1) Required report.—Not later than April 1 of the third calendar year that begins after the date of enactment of this Act, and not later than April 1 of each calendar year thereafter, subject to paragraph (3), an entity described in subsection (a) shall submit to each appropriate designated agency a report that describes, for the preceding calendar year, the entity-wide greenhouse gas emissions (as reported at the facility level), including—

(A) the total quantity of each greenhouse gas emitted, expressed in terms of mass and in terms of the quantity of carbon dioxide equivalent;

(B) an estimate of the greenhouse gas emissions from fossil fuel combusted by products manufactured and sold by the entity in the previous calendar year, determined over the average lifetime of those products; and

(C) such other categories of emissions as the designated agency determines in the regulations issued under section 1624(c)(1) may be practicable and useful for the purposes of this subtitle, such as—

(i) direct emissions from stationary sources;

(ii) indirect emissions from imported electricity, heat, and steam;

(iii) process and fugitive emissions; and

(iv) production or importation of greenhouse gases.

(2) Voluntary reporting.—An entity described in subsection (a) may (along with establishing a baseline and reporting reductions under this section)—

(A) submit a report described in paragraph (1) before the date specified in that paragraph for the purposes of achieving and commoditizing greenhouse gas reductions through use of the registry; and

(B) submit to any designated agency, for inclusion in the registry, information that has been verified in accordance with regulations issued under section 1624(c)(1) and that relates to—

(i) with respect to the calendar year preceding the calendar year in which the information is submitted, and with respect to any greenhouse gas emitted by the entity—

(I) project reductions from facilities owned or controlled by the reporting entity in the United States;

(II) transfers of project reductions to and from any other entity;

(III) project reductions and transfers of project reductions outside the United States;

(IV) other indirect emissions that are not required to be reported under paragraph (1); and

(V) product use phase emissions;

(ii) with respect to greenhouse gas emission reduction activities of the entity that have been carried out during or after 1990, verified in accordance with regulations issued under section 1624(c)(1), and submitted to 1 or more designated agencies before the date that is 4 years after the date of enactment of this Act, any greenhouse gas emission reductions that have been reported or submitted by an entity under—

(I) section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)); or

(II) any other Federal or State voluntary greenhouse gas reduction program; and

(iii) any project or activity for the reduction of greenhouse gas emissions or sequestration of a greenhouse gas that is carried out by the entity, including a project or activity relating to—

(I) fuel switching;

(II) energy efficiency improvements;

(III) use of renewable energy;

(IV) use of combined heat and power systems;

(V) management of cropland, grassland, or grazing land;

(VI) a forestry activity that increases forest carbon stocks or reduces forest carbon emissions;

(VII) carbon capture and storage;

(VIII) methane recovery;

(IX) greenhouse gas offset investment; and

(X) any other practice for achieving greenhouse gas reductions as recognized by 1 or more designated agencies.

(3) Exemptions from reporting.—

(A) In general.—If the Director of the Office of National Climate Change Policy determines under section 1628(b) that the reporting requirements under paragraph (1) shall apply to all entities (other than entities exempted by this paragraph), regardless of participation or nonparticipation in the registry, an entity shall be required to submit reports under paragraph (1) only if, in any calendar year after the date of enactment of this Act—

(i) the total greenhouse gas emissions of at least 1 facility owned by the entity exceeds 10,000 metric tons of carbon dioxide equivalent (or such greater quantity as may be established by a designated agency by regulation); or

(ii)(I) the total quantity of greenhouse gases produced, distributed, or imported by the entity exceeds 10,000 metric tons of carbon dioxide equivalent (or such greater quantity as may be established by a designated agency by regulation); and

(II) the entity is not a feedlot or other farming operation (as defined in section 101 of title 11, United States Code).

(B) Entities already reporting.—

(i) In general.—An entity that, as of the date of enactment of this Act, is required to report carbon dioxide emissions data to a Federal agency shall not be required to re-report that data for the purposes of this subtitle.

(ii) Review of participation.—For the purpose of section 1628, emissions reported under clause (i) shall be considered to be reported by the entity to the registry.

(4) Provision of verification information by reporting entities.—Each entity that submits a report under this subsection shall provide information sufficient for each designated agency to which the report is submitted to verify, in accordance with measurement and verification methods and standards developed under section 1626, that the greenhouse gas report of the reporting entity—

(A) has been accurately reported; and

(B) in the case of each voluntary report under paragraph (2), represents—

(i) actual reductions in direct greenhouse gas emissions—

(I) relative to historic emission levels of the entity; and

(II) net of any increases in—

(aa) direct emissions; and

(bb) indirect emissions described in paragraph (1)(C)(ii); or

(ii) actual increases in net sequestration.

(5) Failure to submit report.—An entity that participates or has participated in the registry and that fails to submit a report required under this subsection shall be prohibited from including emission reductions reported to the registry in the calculation of the baseline of the entity in future years.

(6) Independent third-party verification.—To meet the requirements of this section and section 1626, a entity that is required to submit a report under this section may—

(A) obtain independent third-party verification; and

(B) present the results of the third-party verification to each appropriate designated agency.

(7) Availability of data.—

(A) In general.—The designated agencies shall ensure, to the maximum extent practicable, that information in the database is—

(i) published;

(ii) accessible to the public; and

(iii) made available in electronic format on the Internet.

(B) Exception.—Subparagraph (A) shall not apply in any case in which the designated agencies determine that publishing or otherwise making available information described in that subparagraph poses a risk to national security.

(8) DATA INFRASTRUCTURE.—The designated agencies shall ensure, to the maximum extent practicable, that the database uses, and is integrated with, Federal, State, and regional greenhouse gas data collection and reporting systems in effect as of the date of enactment of this Act.

(9) ADDITIONAL ISSUES TO BE CONSIDERED.—In promulgating the regulations under section 1624(c)(1) and implementing the database, the designated agencies shall take into consideration a broad range of issues involved in establishing an effective database, including—

(A) the appropriate units for reporting each greenhouse gas;

(B) the data and information systems and measures necessary to identify, track, and verify greenhouse gas emission reductions in a manner that will encourage the development of private sector trading and exchanges;

(C) the greenhouse gas reduction and sequestration methods and standards applied in other countries, as applicable or relevant;

(D) the extent to which available fossil fuels, greenhouse gas emissions, and greenhouse gas production and importation data are adequate to implement the database;

(E) the differences in, and potential uniqueness of, the facilities, operations, and business and other relevant practices of persons and entities in the private and public sectors that may be expected to participate in the registry; and

(F) the need of the registry to maintain valid and reliable information on baselines of entities so that, in the event of any future action by Congress to require entities, individually or collectively, to reduce greenhouse gas emissions, Congress will be able—

(i) to take into account that information; and

(ii) to avoid enacting legislation that penalizes entities for achieving and reporting reductions.

(d) ANNUAL REPORT.—The designated agencies shall jointly publish an annual report that—

(1) describes the total greenhouse gas emissions and emission reductions reported to the database during the year covered by the report;

(2) provides entity-by-entity and sector-by-sector analyses of the emissions and emission reductions reported;

(3) describes the atmospheric concentrations of greenhouse gases; and

(4) provides a comparison of current and past atmospheric concentrations of greenhouse gases.

SEC. 1626. MEASUREMENT AND VERIFICATION.

(a) STANDARDS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the designated agencies shall jointly develop comprehensive measurement and verification methods and standards to ensure a consistent and technically accurate record of greenhouse gas emissions, emission reductions, sequestration, and atmospheric concentrations for use in the registry.

(2) REQUIREMENTS.—The methods and standards developed under paragraph (1) shall address the need for—

(A) standardized measurement and verification practices for reports made by all entities participating in the registry, taking into account—

(i) protocols and standards in use by entities desiring to participate in the registry as of the date of development of the methods and standards under paragraph (1);

(ii) boundary issues, such as leakage and shifted use;

(iii) avoidance of double counting of greenhouse gas emissions and emission reductions; and

(iv) such other factors as the designated agencies determine to be appropriate;

(B) measurement and verification of actions taken to reduce, avoid, or sequester greenhouse gas emissions;

(C) in coordination with the Secretary of Agriculture, measurement of the results of the use of carbon sequestration and carbon recapture technologies, including—

(i) organic soil carbon sequestration practices; and

(ii) forest preservation and reforestation activities that adequately address the issues of permanence, leakage, and verification;

(D) such other measurement and verification standards as the Secretary of Commerce, the Secretary of Agriculture, the Administrator, and the Secretary determine to be appropriate; and

(E) other factors that, as determined by the designated agencies, will allow entities to adequately establish a fair and reliable measurement and reporting system.

(b) REVIEW AND REVISION.—The designated agencies shall periodically review, and revise as necessary, the methods and standards developed under subsection (a).

(c) PUBLIC PARTICIPATION.—The Secretary of Commerce shall—

(1) make available to the public for comment, in draft form and for a period of at least 90 days, the methods and standards developed under subsection (a); and

(2) after the 90-day period referred to in paragraph (1), in coordination with the Secretary, the Secretary of Agriculture, and the Administrator, adopt the methods and standards developed under subsection (a) for use in implementing the database.

(d) EXPERTS AND CONSULTANTS.—

(1) IN GENERAL.—The designated agencies may obtain the services of experts and consultants in the private and nonprofit sectors in accordance with section 3109 of title 5, United States Code, in the areas of greenhouse gas measurement, certification, and emission trading.

(2) AVAILABLE ARRANGEMENTS.—In obtaining any service described in paragraph (1), the designated agencies may use any available grant, contract, cooperative agreement, or other arrangement authorized by law.

SEC. 1627. INDEPENDENT REVIEWS.

(a) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall submit to Congress a report that—

(1) describes the efficacy of the implementation and operation of the database; and

(2) includes any recommendations for improvements to this subtitle and programs carried out under this subtitle—

(A) to achieve a consistent and technically accurate record of greenhouse gas emissions, emission reductions, and atmospheric concentrations; and

(B) to achieve the purposes of this subtitle.

(b) REVIEW OF SCIENTIFIC METHODS.—The designated agencies shall enter into an agreement with the National Academy of Sciences under which the National Academy of Sciences shall—

(1) review the scientific methods and standards used by the designated agencies in implementing this subtitle;

(2) not later than 4 years after the date of enactment of this Act, submit to Congress a report that describes any recommendations for improving—

(A) those methods and standards; and

(B) related elements of the programs, and structure of the database, established by this subtitle; and

(3) regularly review and update as appropriate the list of anthropogenic climate-forcing emissions with significant global warming potential described in section 1622(8)(G).

SEC. 1628. REVIEW OF PARTICIPATION.

(a) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Director of the Office of National Climate Change Policy shall determine whether the reports submitted to the registry under section 1625(c)(1) represent less than 60 percent of the national aggregate anthropogenic greenhouse gas emissions.

(b) INCREASED APPLICABILITY OF REQUIREMENTS.—If the Director of the Office of National Climate Change Policy determines under subsection (a) that less than 60 percent of the aggregate national anthropogenic greenhouse gas emissions are being reported to the registry—

(1) the reporting requirements under section 1625(c)(1) shall apply to all entities (except entities exempted under section 1625(c)(3)), regardless of any participation or nonparticipation by the entities in the registry; and

(2) each entity shall submit a report described in section 1625(c)(1)—

(A) not later than the earlier of—

(i) April 30 of the calendar year immediately following the year in which the Director of the Office of National Climate Change Policy makes the determination under subsection (a); or

(ii) the date that is 1 year after the date on which the Director of the Office of National Climate Change Policy makes the determination under subsection (a); and

(B) annually thereafter.

(c) RESOLUTION OF DISAPPROVAL.—For the purposes of this section, the determination of the Director of the Office of National Climate Change Policy under subsection (a) shall be considered to be a major rule (as defined in section 804(2) of title 5, United States Code) subject to the congressional disapproval procedure under section 802 of title 5, United States Code.

SEC. 1629. ENFORCEMENT.

If an entity that is required to report greenhouse gas emissions under section 1625(c)(1) or 1628 fails to comply with that requirement, the Attorney General may, at the request of the designated agencies, bring a civil action in United States district court against the entity to impose on the entity a civil penalty of not more than $25,000 for each day for which the entity fails to comply with that requirement.

SEC. 1630. REPORT ON STATUTORY CHANGES AND HARMONIZATION.

Not later than 3 years after the date of enactment of this Act, the President shall submit to Congress a report that describes any modifications to this subtitle or any other provision of law that are necessary to improve the accuracy or operation of the database and related programs under this subtitle.

SEC. 1631. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

SA 919. Mr. HARKIN (for himself, Mr. LUGAR, Mr. OBAMA, Mr. COLEMAN, and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 493, between lines 19 and 20, insert the following:

SEC. 9___. BIOMASS RESEARCH AND DEVELOPMENT.

(a) DEFINITIONS.—Section 303 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended—

(1) by striking paragraphs (2), (9), and (10);

(2) by redesignating paragraphs (3), (4), (5), (6), (7), and (8) as paragraphs (4), (5), (7), (8), (9), and (10), respectively;

(3) by inserting after paragraph (1) the following:

"(2) BIOBASED FUEL.—The term 'biobased fuel' means any transportation fuel produced from biomass.

"(3) BIOBASED PRODUCT.—The term 'biobased product' means an industrial product (including chemicals, materials, and polymers) produced from biomass, or a commercial or industrial product (including animal feed and electric power) derived in connection with the conversion of biomass to fuel.";

(4) by inserting after paragraph (5) (as redesignated by paragraph (2)) the following:

"(6) DEMONSTRATION.—The term 'demonstration' means demonstration of technology in a pilot plant or semi-works scale facility."; and

(5) by striking paragraph (9) (as redesignated by paragraph (2)) and inserting the following:

"(9) NATIONAL LABORATORY.—The term 'National Laboratory' means any of the following laboratories owned by the Department:

"(A) Ames Laboratory.

"(B) Argonne National Laboratory.

"(C) Brookhaven National Laboratory.

"(D) Fermi National Accelerator Laboratory.

"(E) Idaho National Laboratory.

"(F) Lawrence Berkeley National Laboratory.

"(G) Lawrence Livermore National Laboratory.

"(H) Los Alamos National Laboratory.

"(I) National Energy Technology Laboratory.

"(J) National Renewable Energy Laboratory.

"(K) Oak Ridge National Laboratory.

"(L) Pacific Northwest National Laboratory.

"(M) Princeton Plasma Physics Laboratory.

"(N) Sandia National Laboratories.

"(O) Stanford Linear Accelerator Center.

"(P) Thomas Jefferson National Accelerator Facility.".

(b) COOPERATION AND COORDINATION IN BIOMASS RESEARCH AND DEVELOPMENT.—Section 304 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended—

(1) in subsections (a) and (d), by striking "industrial products" each place it appears and inserting "fuels and biobased products";

(2) by striking subsections (b) and (c); and

(3) by redesignating subsection (d) as subsection (b).

(c) BIOMASS RESEARCH AND DEVELOPMENT BOARD.—Section 305 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended—

(1) in subsections (a) and (c), by striking "industrial products" each place it appears and inserting "fuels and biobased products";

(2) in subsection (b)—

(A) in paragraph (1), by striking "304(d)(1)(B)" and inserting "304(b)(1)(B)"; and

(B) in paragraph (2), by striking "304(d)(1)(A)" and inserting "304(b)(1)(A)"; and

(3) in subsection (c)—

(A) in paragraph (1)(B), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(3) ensure that—

"(A) solicitations are open and competitive with awards made annually; and

"(B) objectives and evaluation criteria of the solicitations are clearly stated and minimally prescriptive, with no areas of special interest; and

"(4) ensure that the panel of scientific and technical peers assembled under section 307(c)(2)(C) to review proposals is composed predominantly of independent experts selected from outside the Departments of Agriculture and Energy.".

(d) BIOMASS RESEARCH AND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE.—Section 306 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by striking "biobased industrial products" and inserting "biofuels";

(B) by redesignating subparagraphs (B) through (J) as subparagraphs (C) through (K), respectively;

(C) by inserting after subparagraph (A) the following:

"(B) an individual affiliated with the biobased industrial and commercial products industry;";

(D) in subparagraph (F) (as redesignated by subparagraph (B)) by striking "an individual" and inserting "2 individuals";

(E) in subparagraphs (C), (D), (G), and (I) (as redesignated by subparagraph (B)) by striking "industrial products" each place it appears and inserting "fuels and biobased products"; and

(F) in subparagraph (H) (as redesignated by subparagraph (B)), by inserting "and environmental" before "analysis";

(2) in subsection (c)(2)—

(A) in subparagraph (A), by striking "goals" and inserting "objectives, purposes, and considerations";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(C) by inserting after subparagraph (A) the following:

"(B) solicitations are open and competitive with awards made annually and that objectives and evaluation criteria of the solicitations are clearly stated and minimally prescriptive, with no areas of special interest;"; and

(D) in subparagraph (C) (as redesignated by subparagraph (B)) by inserting "predominantly from outside the Departments of Agriculture and Energy" after "technical peers".

(e) BIOMASS RESEARCH AND DEVELOPMENT INITIATIVE.—Section 307 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended—

(1) in subsection (a), by striking "research on biobased industrial products" and inserting "research on, and development and demonstration of, biobased fuels and biobased products, and the methods, practices and technologies, biotechnology, for their production"; and

(2) by striking subsections (b) through (e) and inserting the following:

"(b) AGENCIES.—

"(1) AGRICULTURE.—The Secretary of Agriculture, through the point of contact of the Department of Agriculture and in consultation with the Board, shall provide, or enter into, grants, contracts, and financial assistance under this section through the Cooperative State Research, Education, and Extension Service of the Department of Agriculture.

"(2) ENERGY.—The Secretary of Energy, though the point of contact of the Department of Energy and in consultation with the Board, shall provide, or enter into, grants, contracts, and financial assistance under this section through the appropriate agency, as determined by the Secretary of Energy.

"(c) OBJECTIVES.—The objectives of the Initiative are to develop—

"(1) technologies and processes necessary for abundant commercial production of biobased fuels at prices competitive with fossil fuels;

"(2) high-value biobased products—

"(A) to enhance the economic viability of biobased fuels and power; and

"(B) as substitutes for petroleum-based feedstocks and products; and

"(3) a diversity of sustainable domestic sources of biomass for conversion to biobased fuels and biobased products.

"(d) PURPOSES.—The purposes of the Initiative are—

"(1) to increase the energy security of the United States;

"(2) to create jobs and enhance the economic development of the rural economy;

"(3) to enhance the environment and public health; and

"(4) to diversify markets for raw agricultural and forestry products.

"(e) TECHNICAL AREAS.—To advance the objectives and purposes of the Initiative, the Secretary of Agriculture and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and heads of other appropriate departments and agencies (referred to in this section as the 'Secretaries'), shall direct research and development toward—

"(1) feedstock production through the development of crops and cropping systems relevant to production of raw materials for conversion to biobased fuels and biobased products, including—

"(A) development of advanced and dedicated crops with desired features, including enhanced productivity, broader site range, low requirements for chemical inputs, and enhanced processing;

"(B) advanced crop production methods to achieve the features described in subparagraph (A);

"(C) feedstock harvest, handling, transport, and storage; and

"(D) strategies for integrating feedstock production into existing managed land;

"(2) overcoming recalcitrance of cellulosic biomass through developing technologies for converting cellulosic biomass into intermediates that can subsequently be converted into biobased fuels and biobased products, including—

"(A) pretreatment in combination with enzymatic or microbial hydrolysis; and

"(B) thermochemical approaches, including gasification and pyrolysis;

"(3) product diversification through technologies relevant to production of a range of biobased products (including chemicals, animal feeds, and cogenerated power) that eventually can increase the feasibility of fuel production in a biorefinery, including—

"(A) catalytic processing, including thermochemical fuel production;

"(B) metabolic engineering, enzyme engineering, and fermentation systems for biological production of desired products or cogeneration of power;

"(C) product recovery;

"(D) power production technologies; and

"(E) integration into existing biomass processing facilities, including starch ethanol plants, paper mills, and power plants; and

"(4) analysis that provides strategic guidance for the application of biomass technologies in accordance with realization of societal benefits in improved sustainability and environmental quality, cost effectiveness, security, and rural economic development, usually featuring system-wide approaches.

"(f) ADDITIONAL CONSIDERATIONS.—Within the technical areas described in subsection (e), and in addition to advancing the purposes described in subsection (d) and the objectives described in subsection (c), the Secretaries shall support research and development—

"(1) to create continuously expanding opportunities for participants in existing biofuels production by seeking synergies and continuity with current technologies and practices, including the use of dried distillers grains as a bridge feedstock;

"(2) to maximize the environmental, economic, and social benefits of production of biobased fuels and biobased products on a large scale through life-cycle economic and environmental analysis and other means; and

"(3) to assess the potential of Federal land and land management programs as feedstock resources for biobased fuels and biobased products, consistent with the integrity of soil and water resources and with other environmental considerations.

"(g) ELIGIBLE ENTITIES.—To be eligible for a grant, contract, or assistance under this section, an applicant shall be—

"(1) an institution of higher education;

"(2) a national laboratory;

"(3) a Federal research agency;

"(4) a State research agency;

"(5) a private sector entity;

"(6) a nonprofit organization; or

"(7) a consortium of 2 of more entities described in paragraphs (1) through (6).

"(h) ADMINISTRATION.—

"(1) IN GENERAL.—After consultation with the Board, the points of contact shall—

"(A) publish annually 1 or more joint requests for proposals for grants, contracts, and assistance under this section;

"(B) establish a priority in grants, contracts, and assistance under this section for research that advances the objectives, purposes, and additional considerations of this title;

"(C) require that grants, contracts, and assistance under this section be awarded competitively, on the basis of merit, after the establishment of procedures that provide for scientific peer review by an independent panel of scientific and technical peers; and

"(D) give some preference to applications that—

"(i) involve a consortia of experts from multiple institutions;

"(ii) encourage the integration of disciplines and application of the best technical resources; and

"(iii) increase the geographic diversity of demonstration projects.

"(2) DISTRIBUTION OF FUNDING BY TECHNICAL AREA.—Of the funds authorized to be appropriated for activities described in this section, funds shall be distributed for each fiscal year so as to achieve an approximate distribution of—

"(A) 20 percent of the funds to carry out activities for feedstock production under subsection (e)(1);

"(B) 45 percent of the funds to carry out activities for overcoming recalcitrance of cellulosic biomass under subsection (e)(2);

"(C) 30 percent of the funds to carry out activities for product diversification under subsection (e)(3); and

"(D) 5 percent of the funds to carry out activities for strategic guidance under subsection (e)(4).

"(3) DISTRIBUTION OF FUNDING WITHIN EACH TECHNICAL AREA.—Within each technical area described in paragraphs (1) through (3) of subsection (e), funds shall be distributed for each fiscal year so as to achieve an approximate distribution of—

"(A) 15 percent of the funds for applied fundamentals;

"(B) 35 percent of the funds for innovation; and

"(C) 50 percent of the funds for demonstration.

"(4) MATCHING FUNDS.—

"(A) IN GENERAL.—A minimum 20 percent funding match shall be required for demonstration projects under this title.

"(B) COMMERCIAL APPLICATIONS.—A minimum of 50 percent funding match shall be required for commercial application projects under this title.

"(5) TECHNOLOGY AND INFORMATION TRANSFER TO AGRICULTURAL USERS.—

"(A) IN GENERAL.—The Administrator of the Cooperative State Research, Education, and Extension Service and the Chief of the Natural Resources Conservation Service shall ensure that applicable research results and technologies from the Initiative are adapted, made available, and disseminated through those services, as appropriate.

"(B) REPORT.—Not later than 2 years after the date of enactment of this paragraph, and every 2 years thereafter, the Administrator of the Cooperative State Research, Education, and Extension Service and the Chief of the Natural Resources Conservation Service shall submit to the committees of Congress with jurisdiction over the Initiative a report describing the activities conducted by the services under this subsection.".

(f) REPORTS.—Section 309 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "industrial product" and inserting "fuels and biobased products"; and

(B) in paragraph (3), by striking "industrial products" each place it appears and inserting "fuels and biobased products";

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

"(b) ASSESSMENT REPORT AND STRATEGIC PLAN.—Not later than 1 year after the date of enactment of the Energy Policy Act of 2005, the Secretary and the Secretary of Energy shall jointly submit to Congress a report that—

"(1) describes the status and progress of current research and development efforts in both the Federal Government and private sector in achieving the objectives, purposes, and considerations of this title, specifically addressing each of the technical areas identified in section 307(e);

"(2) describes the actions taken to implement the improvements directed by this title; and

"(3) outlines a strategic plan for achieving the objectives, purposes, and considerations of this title."; and

(4) in subsection (c) (as redesignated by paragraph (2))—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "purposes described in section 307(b)" and inserting "objectives, purposes, and additional considerations described in subsections (c) through (f) of section 307";

(ii) in subparagraph (B), by striking "and" at the end;

(iii) by redesignating subparagraph (C) as subparagraph (D); and

(iv) by inserting after subparagraph (B) the following:

"(C) achieves the distribution of funds described in paragraphs (2) and (3) of section 307(h); and"; and

(B) in paragraph (2), by striking "industrial products" and inserting "fuels and biobased products".

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 310(b) of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended by striking "title $54,000,000 for each of fiscal years 2002 through 2007" and inserting"title $200,000,000 for fiscal year 2006 and each fiscal year thereafter".

(h) HYDROGEN INTERMEDIATE FUELS RESEARCH PROGRAM.—

(1) IN GENERAL.—The Secretary shall conduct a research, development, and demonstration program focused on the economic production and use of hydrogen from biofuels, with emphasis on the rural transportation and rural electrical generation sectors.

(2) TRANSPORTATION SECTOR OBJECTIVES.—

(A) IN GENERAL.—As part of the program conducted under paragraph (1), the Secretary, in coordination with the Secretary of Agriculture, shall conduct a 3-year program of research, development, and demonstration on the use of ethanol and other low-cost transportable renewable feedstocks as intermediate fuels for the safe, energy efficient, and cost-effective transportation of hydrogen.

(B) GOALS.—The goals of the program shall include—

(i) demonstrating the cost-effective conversion of ethanol or other low-cost transportable renewable feedstocks to pure hydrogen suitable for eventual use fuel cells, using existing commercial reforming technology or modest modifications of existing technology to reform ethanol or other low-cost transportable renewable feedstocks into hydrogen;

(ii) converting at least 1 commercially available internal combustion engine hybrid electric passenger vehicle to operate on hydrogen;

(iii) installing and operating an ethanol reformer or reformer for another low-cost transportable renewable feedstock (including onsite hydrogen compression, storage, and dispensing) at the facilities of a fleet operator not later than 1 year after the date of the commencement of the program;

(iv) operating the 1 or more hydrogen internal combustion engine hybrid electric vehicles for a period of 2 years; and

(v) collecting emissions and fuel economy data on the 1 or more hydrogen-powered vehicles over various operating and environmental conditions.

(3) ELECTRICAL GENERATION SECTOR OBJECTIVES.—The objectives of the program conducted under paragraph (1) in the rural electrical generation sector shall be to—

(A) design, develop, and test low-cost gasification equipment to convert biomass to hydrogen at regional rural cooperatives, or at businesses owned by farmers, close to agricultural operations to minimize the cost of biomass transportation to large central gasification plants;

(B) demonstrate low-cost electrical generation at such rural cooperatives or farmer-owned businesses, using renewable hydrogen derived from biomass in either fuel cell generators, or, as an interim cost reduction option, in conventional internal combustion engine gensets;

(C) determine the economic return to cooperatives or other businesses owned by farmers of producing hydrogen from biomass and selling electricity compared to agricultural economic returns from producing and selling conventional crops alone;

(D) evaluate the crop yield and long-term soil sustainability of growing and harvesting of feedstocks for biomass gasification, and

(E) demonstrate the use of a portion of the biomass-derived hydrogen in various agricultural vehicles to reduce—

(i) dependence on imported fossil fuel; and

(ii) environmental impacts.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection—

(A) $5,000,000 to carry out paragraph (2); and

(B) $5,000,000 to carry out paragraph (3).

SEC. 9___. PRODUCTION INCENTIVES FOR CELLULOSIC BIOFUELS.

(a) PURPOSE.—The purpose of this section is to—

(1) accelerate deployment and commercialization of biofuels;

(2) deliver the first 1,000,000,000 gallons in annual cellulosic biofuels production by 2015;

(3) ensure biofuels produced after 2015 are cost competitive with gasoline and diesel; and

(4) ensure that small feedstock producers and rural small businesses are full participants in the development of the cellulosic biofuels industry.

(b) DEFINITIONS.—In this section:

(1) CELLULOSIC BIOFUELS.—The term "cellulosic biofuels" means any fuel that is produced from cellulosic feedstocks.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means a producer of fuel from cellulosic biofuels the production facility of which—

(A) is located in the United States;

(B) meets all applicable Federal and State permitting requirements;

(C) is to begin production of cellulosic biofuels not later than 3 years after the date of the reverse auction in which the producer participates; and

(D) meets any financial criteria established by the Secretary.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(c) PROGRAM.—

(1) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Energy, the Secretary of Defense, and the Administrator of the Environmental Protection Agency, shall establish an incentive program for the production of cellulosic biofuels.

(2) BASIS OF INCENTIVES.—Under the program, the Secretary shall award production incentives on a per gallon basis of cellulosic biofuels from eligible entities, through—

(A) set payments per gallon of cellulosic biofuels produced in an amount determined by the Secretary, until initiation of the first reverse auction; and

(B) reverse auction thereafter.

(3) FIRST REVERSE AUCTION.—The first reverse auction shall be held on the earlier of—

(A) not later than 1 year after the first year of annual production in the United States of 100,000,000 gallons of cellulosic biofuels, as determined by the Secretary; or

(B) not later than 3 years after the date of enactment of this Act.

(4) REVERSE AUCTION PROCEDURE.—

(A) IN GENERAL.—On initiation of the first reverse auction, and each year thereafter until the earlier of the first year of annual production in the United States of 1,000,000,000 gallons of cellulosic biofuels, as determined by the Secretary, or 10 years after the date of enactment of this Act, the Secretary shall conduct a reverse auction at which—

(i) the Secretary shall solicit bids from eligible entities;

(ii) eligible entities shall submit—

(I) a desired level of production incentive on a per gallon basis; and

(II) an estimated annual production amount in gallons; and

(iii) the Secretary shall issue awards for the production amount submitted, beginning with the eligible entity submitting the bid for the lowest level of production incentive on a per gallon basis, until the amount of funds available for the reverse auction is committed.

(B) AMOUNT OF INCENTIVE RECEIVED.—An eligible entity selected by the Secretary through a reverse auction shall receive the amount of performance incentive requested in the auction for each gallon produced and sold by the entity during the first 6 years of operation.

(d) LIMITATIONS.—Awards under this section shall be limited to—

(1) a per gallon amount determined by the Secretary during the first 4 years of the program;

(2) a declining per gallon cap over the remaining lifetime of the program, to be established by the Secretary so that cellulosic biofuels produced after the first year of annual cellulosic biofuels production in the United States in excess of 1,000,000,000 gallons are cost competitive with gasoline and diesel;

(3) not more than 25 percent of the funds committed within each reverse auction to any 1 project;

(4) not more than $100,000,000 in any 1 year; and

(5) not more than $1,000,000,000 over the lifetime of the program.

(e) PRIORITY.—In selecting a project under the program, the Secretary shall give priority to projects that—

(1) demonstrate outstanding potential for local and regional economic development;

(2) include agricultural producers or cooperatives of agricultural producers as equity partners in the ventures; and

(3) have a strategic agreement in place to fairly reward feedstock suppliers.

(f) AUTHORIZATIONS OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000,000.

SEC. 9___. PROCUREMENT OF BIOBASED PRODUCTS.

(a) FEDERAL PROCUREMENT.—

(1) DEFINITION OF PROCURING AGENCY.—Section 9001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101) is amended—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (3) the following:

"(4) PROCURING AGENCY.—The term 'procuring agency' means—

"(A) any Federal agency that is using Federal funds for procurement; or

"(B) any person contracting with any Federal agency with respect to work performed under the contract.".

(2) PROCUREMENT.—Section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102) is amended—

(A) by striking "Federal agency" each place it appears (other than in subsections (f) and (g)) and inserting "procuring agency";

(B) in subsection (c)(2)—

(i) by striking "(2)" and all that follows through "Notwithstanding" and inserting the following:

"(2) FLEXIBILITY.—Notwithstanding";

(ii) by striking "an agency" and inserting "a procuring agency"; and

(iii) by striking "the agency" and inserting "the procuring agency";

(C) in subsection (d), by striking "procured by Federal agencies" and inserting "procured by procuring agencies"; and

(D) in subsection (f), by striking "Federal agencies" and inserting "procuring agencies".

(b) CAPITOL COMPLEX PROCUREMENT.—Section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102) (as amended by subsection (a)(2)) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following:

"(j) INCLUSION.—Not later than 90 days after the date of enactment of the Energy Policy Act of 2005, the Architect of the Capitol, the Sergeant of Arms of the Senate, and the Chief Administrative Officer of the House of Representatives shall issue regulations that apply the requirements of this section to procurement for the Capitol Complex.".

(c) EDUCATION.—

(1) IN GENERAL.—The Architect of the Capitol shall establish in the Capitol Complex a program of public education regarding use by the Architect of the Capitol of biobased products.

(2) PURPOSES.—The purposes of the program shall be—

(A) to establish the Capitol Complex as a showcase for the existence and benefits of biobased products; and

(B) to provide access to further information on biobased products to occupants and visitors.

(d) REGULATIONS.—Requirements issued under the amendments made by subsection (b) shall be made in accordance with regulations issued by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

SEC. 9___. SMALL BUSINESS BIOPRODUCT MARKETING AND CERTIFICATION GRANTS.

(a) IN GENERAL.—Using amounts made available under subsection (g), the Secretary of Agriculture (referred to in this section as the "Secretary") shall make available on a competitive basis grants to eligible entities described in subsection (b) for the biobased product marketing and certification purposes described in subsection (c).

(b) ELIGIBLE ENTITIES.—An entity eligible for a grant under this section is any manufacturer of biobased products that—

(1) has fewer than 50 employees;

(2) proposes to use the grant for the biobased product marketing and certification purposes described in subsection (c); and

(3) has not previously received a grant under this section.

(c) Biobased Product Marketing and Certification Grant Purposes.—A grant made under this section shall be used—

(1) to plan activities and working capital for marketing of biobased products; and

(2) to provide private sector cost sharing for the certification of biobased products.

(d) Matching Funds.—

(1) In general.—Grant recipients shall provide matching non-Federal funds equal to the amount of the grant received.

(2) Expenditure.—Matching funds shall be expended in advance of grant funding, so that for every dollar of grant that is advanced, an equal amount of matching funds shall have been funded prior to submitting the request for reimbursement.

(e) Amount.—A grant made under this section shall not exceed $100,000.

(f) Administration.—The Secretary shall establish such administrative requirements for grants under this section, including requirements for applications for the grants, as the Secretary considers appropriate.

(g) Authorizations of Appropriations.—There are authorized to be appropriated to make grants under this section—

(1) $1,000,000 for fiscal year 2006; and

(2) such sums as are necessary for fiscal year 2007 and each subsequent fiscal year.

SEC. 9___. REGIONAL BIOECONOMY DEVELOPMENT GRANTS.

(a) In General.—Using amounts made available under subsection (g), the Secretary of Agriculture (referred to in this section as the "Secretary") shall make available on a competitive basis grants to eligible entities described in subsection (b) for the purposes described in subsection (c).

(b) Eligible Entities.—An entity eligible for a grant under this section is any regional bioeconomy development association, agricultural or energy trade association, or Land Grant institution that—

(1) proposes to use the grant for the purposes described in subsection (c); and

(2) has not previously received a grant under this section.

(c) Regional Bioeconomy Development Association Grant Purposes.—A grant made under this section shall be used to support and promote the growth and development of the bioeconomy within the region served by the eligible entity, through coordination, education, outreach, and other endeavors by the eligible entity.

(d) Matching Funds.—

(1) In general.—Grant recipients shall provide matching non-Federal funds equal to the amount of the grant received.

(2) Expenditure.—Matching funds shall be expended in advance of grant funding, so that for every dollar of grant that is advanced, an equal amount of matching funds shall have been funded prior to submitting the request for reimbursement.

(e) Administration.—The Secretary shall establish such administrative requirements for grants under this section, including requirements for applications for the grants, as the Secretary considers appropriate.

(f) Amount.—A grant made under this section shall not exceed $500,000.

(g) Authorizations of Appropriations.—There are authorized to be appropriated to make grants under this section—

(1) $1,000,000 for fiscal year 2006; and

(2) such sums as are necessary for fiscal year 2007 and each subsequent fiscal year.

SEC. 9 . PREPROCESSING AND HARVESTING DEMONSTRATION GRANTS.

(a) In General.—The Secretary of Agriculture (referred to in this section as the "Secretary") shall make grants available on a competitive basis to enterprises owned by agricultural producers, for the purposes of demonstrating cost-effective, cellulosic biomass innovations in—

(1) preprocessing of feedstocks, including cleaning, separating and sorting, mixing or blending, and chemical or biochemical treatments, to add value and lower the cost of feedstock processing at a biorefinery; or

(2) 1-pass or other efficient, multiple crop harvesting techniques.

(b) Limitations on Grants.—

(1) Number of grants.—Not more than 5 demonstration projects per fiscal year shall be funded under this section.

(2) Non-federal cost share.—The non-Federal cost share of a project under this section shall be not less than 20 percent, as determined by the Secretary.

(c) Condition of Grant.—To be eligible for a grant for a project under this section, a recipient of a grant or a participating entity shall agree to use the material harvested under the project—

(1) to produce ethanol; or

(2) for another energy purpose, such as the generation of heat or electricity.

(d) Authorization for Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.

SEC. 9___. SENSE OF THE SENATE.

It is the sense of the Senate that Congress should amend the Federal tax code to encourage investment in, and production and use of, biobased fuels and biobased products through—

(1) an investment tax credit for the construction or modification of facilities for the production of fuels from cellulose biomass, to drive private capital towards new biorefinery projects in a manner that allows participation by smaller farms and cooperatives; and

(2) an investment tax credit to small manufacturers of biobased products to lower the capital costs of starting and maintaining a biobased business.

SEC. 9___. EDUCATION AND OUTREACH.

(a) In General.—The Secretary of Agriculture shall establish, within the Department of Agriculture or through an independent contracting entity, a program of education and outreach on biobased fuels and biobased products consisting of—

(1) training and technical assistance programs for feedstock producers to promote producer ownership, investment, and participation in the operation of processing facilities; and

(2) public education and outreach to familiarize consumers with the biobased fuels and biobased products.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this title $1,000,000 for each of fiscal years 2006 through 2010.

SEC. 9___. REPORTS.

(a) Biobased Product Potential.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture (referred to in this section as the "Secretary") shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) describes the economic potential for the United States of the widespread production and use of commercial and industrial biobased products through calendar year 2025; and

(2) as the maximum extent practicable, identifies the economic potential by product area.

(b) Analysis of Economic Indicators.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary shall submit to Congress an analysis of economic indicators of the biobased economy during the 2-year period preceding the analysis.

SA 920. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 489, between lines 20 and 21, insert the following:

SEC. 9 . HYDROGEN INTERMEDIATE FUELS RESEARCH PROGRAM.

(a) In General.—The Secretary, in coordination with the Secretary of Agriculture, shall carry out a 3-year program of research, development, and demonstration on the use of ethanol and other low-cost transportable renewable feedstocks as intermediate fuels for the safe, energy efficient, and cost-effective transportation of hydrogen.

(b) Goals.—The goals of the program shall include—

(1) demonstrating the cost-effective conversion of ethanol or other low-cost transportable renewable feedstocks to pure hydrogen suitable for eventual use in fuel cells;

(2) using existing commercial reforming technology or modest modifications of existing technology to reform ethanol or other low-cost transportable renewable feedstocks into hydrogen;

(3) converting at least 1 commercially available internal combustion engine hybrid electric passenger vehicle to operate on hydrogen;

(4) not later than 1 year after the date on which the program begins, installing and operating an ethanol reformer, or reformer for another low-cost transportable renewable feedstock (including onsite hydrogen compression, storage, and dispensing), at the facilities of a fleet operator;

(5) operating the 1 or more vehicles described in paragraph (3) for a period of at least 2 years; and

(6) collecting emissions and fuel economy data on the 1 or more vehicles described in paragraph (3) in various operating and environmental conditions.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000.

SA 921. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . APPLICATION OF SECTION 45 CREDIT TO AGRICULTURAL COOPERATIVES.

(a) In General.—Section 45(e) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following:

"(10) Allocation of credit to patrons of agricultural cooperative.—

"(A) Election to allocate.—

"(i) In general.—In the case of an eligible cooperative organization, any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned among patrons of the organization on the basis of the amount of business done by the patrons during the taxable year.

"(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year.

"(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to any patrons under subparagraph (A)—

"(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year, and

"(ii) shall be included in the amount determined under subsection (a) for the taxable year of the patrons with or within which the taxable year of the organization ends.

"(C) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

"(i) such reduction, over

"(ii) the amount not apportioned to such patrons under subparagraph (A) for the taxable year, shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this subpart or subpart A, B, E, or G.

"(D) ELIGIBLE COOPERATIVE DEFINED.—For purposes of this section the term 'eligible cooperative' means a cooperative organization described in section 1381(a) which is owned more than 50 percent by agricultural producers or by entities owned by agricultural producers. For this purpose an entity owned by an agricultural producer is one that is more than 50 percent owned by agricultural producers.

"(E) WRITTEN NOTICE TO PATRONS.—If any portion of the credit available under subsection (a) is allocated to patrons under subparagraph (A), the eligible cooperative shall provide any patron receiving an allocation written notice of the amount of the allocation. Such notice shall be provided before the date on which the return described in subparagraph (B)(ii) is due.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SA 922. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 159, after line 23, add the following:

SEC. 212. REQUIREMENT TO EQUIP AUTOMOBILES FOR FLEXIBLE FUEL OPERATION.

(a) REQUIREMENT TO EQUIP AUTOMOBILES FOR FLEXIBLE FUEL OPERATION.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by inserting after section 32902 the following:

"§ 32902A. Requirement to equip automobiles for flexible fuel operation

"(a) DEFINITION.—In this section, the term 'flexible fuel operation' means the capability to operate using gasoline and 1 or more alternative fuels, including—

"(1) ethanol and other alternative fuels in blends of at least 85 percent alternative fuel by volume; and

"(2) electricity from an external charging source sufficient to power the vehicle for at least 20 miles of driving.

"(b) REQUIREMENT.—

"(1) IN GENERAL.—An automobile that is manufactured by a manufacturer for a model year after model year 2008 and is capable of operating on gasoline shall also be capable of flexible fuel operation in accordance with the schedule in paragraph (2).

"(2) SCHEDULE.—For each manufacturer described in paragraph (1), the schedule shall be—

"(A) in the case of model year 2009, 10 percent of the automobiles manufactured by the manufacturer; and

"(B) in the case of each subsequent model year, the percent established for the preceding model year increased by 10 percent, to a maximum of 50 percent.".

(2) TECHNICAL AMENDMENT.—The table of sections for chapter 329 of title 49, United States Code, is amended by inserting after the item relating to section 32902 the following:

"32902A. Requirement to equip automobiles for flexible fuel operation.".

(b) ACTIVITIES TO PROMOTE THE USE OF CERTAIN ALTERNATIVE FUELS.—The Secretary of Transportation shall carry out activities to promote the use of a mixture containing at least 85 percent of ethanol by volume with gasoline to power motor vehicles in the United States.

SA 923. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page 202, strike line 18 and all that follows through page 203, line 3, and insert the following:

(A) will be no less protective than the fishway initially prescribed by the Secretary;

(B) will protect Indian land or tribal fishery resources for which the Secretary has a legal responsibility; and

(C) will either—

(i) cost significantly less to implement; or

(ii) result in improved operation of the project works for electricity production, as compared to the fishway initially determined to be necessary by the Secretary.

SA 924. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 200, strike lines 8 through 21 and insert the following:

the Secretary determines, based on substantial evidence provided by the license applicant, any other party to the proceeding, or otherwise available to the Secretary—

(A) that the alternative condition—

(i) provides for the adequate protection and use of the reservation;

(ii) will protect Indian land and tribal fishery resources for which the Secretary has a legal responsibility; and

(B) that the proposed alternative condition will—

(i) cost significantly less to implement; or

(ii) result in improved operation of the project works for electricity production, as compared to the condition initially determined to be necessary by the Secretary.

SA 925. Mr. BOND (for himself, Mr. LEVIN, Ms. STABENOW, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Strike subtitle B of title VII, and insert the following:

Subtitle B—Automobile Efficiency

CHAPTER 1—MAXIMUM AVERAGE FUEL ECONOMY

SEC. 711. REVISED CONSIDERATIONS FOR DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.

Section 32902(f) of title 49, United States Code, is amended to read as follows:

"(f) CONSIDERATIONS FOR DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—When deciding maximum feasible average fuel economy under this section, the Secretary of Transportation shall consider the following matters:

"(1) Technological feasibility.

"(2) Economic practicability.

"(3) The effect of other motor vehicle standards of the Government on fuel economy.

"(4) The need of the United States to conserve energy.

"(5) The desirability of reducing United States dependence on imported oil.

"(6) The effects of the average fuel economy standards on motor vehicle and passenger safety.

"(7) The effects of increased fuel economy on air quality.

"(8) The adverse effects of average fuel economy standards on the relative competitiveness of manufacturers.

"(9) The effects of compliance with average fuel economy standards on levels of employment in the United States.

"(10) The cost and lead time necessary for the introduction of the necessary new technologies.

"(11) The potential for advanced technology vehicles, such as hybrid and fuel cell vehicles, to contribute to the achievement of significant reductions in fuel consumption.

"(12) The extent to which the necessity for vehicle manufacturers to incur near-term costs to comply with the average fuel economy standards adversely affects the availability of resources for the development of advanced technology for the propulsion of motor vehicles.

"(13) The report of the National Research Council that is entitled 'Effectiveness and Impact of Corporate Average Fuel Economy Standards', issued in January 2002.".

SEC. 712. INCREASED FUEL ECONOMY STANDARDS.

(a) NEW REGULATIONS REQUIRED.—

(1) NON-PASSENGER AUTOMOBILES.—

(A) REQUIREMENT FOR NEW REGULATIONS.—The Secretary of Transportation shall issue, under section 32902 of title 49, United States Code, new regulations setting forth increased average fuel economy standards for non-passenger automobiles. The regulations shall be determined on the basis of the maximum feasible average fuel economy levels for the non-passenger automobiles, taking into consideration the matters set forth in subsection (f) of such section. The new regulations under this paragraph shall apply for model years after the 2007 model year, subject to subsection (b).

(B) TIME FOR ISSUING REGULATIONS.—The Secretary of Transportation shall issue the final regulations under subparagraph (A) not later than April 1, 2006.

(2) PASSENGER AUTOMOBILES.—

(A) REQUIREMENT FOR NEW REGULATIONS.—The Secretary of Transportation shall issue, under section 32902 of title 49, United States Code, new regulations setting forth increased average fuel economy standards for passenger automobiles. The regulations shall be determined on the basis of the maximum feasible average fuel economy levels for the passenger automobiles, taking into consideration the matters set forth in subsection (f) of such section.

(B) TIME FOR ISSUING REGULATIONS.—The Secretary of Transportation shall issue the final regulations under subparagraph (A) not later than 2½ years after the date of the enactment of this Act.

(b) PHASED INCREASES.—The regulations issued pursuant to subsection (a) shall specify standards that take effect successively over several vehicle model years not exceeding 15 vehicle model years.

(c) CLARIFICATION OF AUTHORITY TO AMEND PASSENGER AUTOMOBILE STANDARD.—Section 32902(b) of title 49, United States Code, is amended by inserting before the period at the end the following: "or such other number as the Secretary prescribes under subsection (c)".

(d) ENVIRONMENTAL ASSESSMENT.—When issuing final regulations setting forth increased average fuel economy standards under section 32902(a) or section 32902(c) of title 49, United States Code, the Secretary of Transportation shall also issue an environmental assessment of the effects of the increased standards on the environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $5,000,000 for each of fiscal years 2006 through 2010 for carrying out this section and for administering the regulations issued pursuant to this section.

SEC. 713. EXPEDITED PROCEDURES FOR CONGRESSIONAL INCREASE IN FUEL ECONOMY STANDARDS.

(a) CONDITION FOR APPLICABILITY.—If the Secretary of Transportation fails to issue final regulations with respect to non-passenger automobiles under section 712, or fails to issue final regulations with respect to passenger automobiles under such section, on or before the date by which such final regulations are required by such section to be issued, respectively, then this section shall apply with respect to a bill described in subsection (b).

(b) BILL.—A bill referred to in this subsection is a bill that satisfies the following requirements:

(1) INTRODUCTION.—The bill is introduced by one or more Members of Congress not later than 60 days after the date referred to in subsection (a).

(2) TITLE.—The title of the bill is as follows: "A bill to establish new average fuel economy standards for certain motor vehicles.".

(3) TEXT.—The bill provides after the enacting clause only the text specified in subparagraph (A) or (B) or any provision described in subparagraph (C), as follows:

(A) NON-PASSENGER AUTOMOBILES.—In the case of a bill relating to a failure timely to issue final regulations relating to non-passenger automobiles, the following text:

"That, section 32902 of title 49, United States Code, is amended by adding at the end the following new subsection:

"'( ) NON-PASSENGER AUTOMOBILES.—The average fuel economy standard for non-passenger automobiles manufactured by a manufacturer in a model year after model year   shall be   miles per gallon.'", the first blank space being filled in with a subsection designation, the second blank space being filled in with the number of a year, and the third blank space being filled in with a number.

(B) PASSENGER AUTOMOBILES.—In the case of a bill relating to a failure timely to issue final regulations relating to passenger automobiles, the following text:

"That, section 32902(b) of title 49, United States Code, is amended to read as follows:

"'(b) PASSENGER AUTOMOBILES.—Except as provided in this section, the average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year after model year ____ shall be ____ miles per gallon.'", the first blank space being filled in with the number of a year and the second blank space being filled in with a number.

(C) SUBSTITUTE TEXT.—Any text substituted by an amendment that is in order under subsection (c)(3).

(c) EXPEDITED PROCEDURES.—A bill described in subsection (b) shall be considered in a House of Congress in accordance with the procedures provided for the consideration of joint resolutions in paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of Public Law 98–473; 98 Stat. 1936), with the following exceptions:

(1) REFERENCES TO RESOLUTION.—The references in such paragraphs to a resolution shall be deemed to refer to the bill described in subsection (b).

(2) COMMITTEES OF JURISDICTION.—The committees to which the bill is referred under this subsection shall—

(A) in the Senate, be the Committee on Commerce, Science, and Transportation; and

(B) in the House of Representatives, be the Committee on Energy and Commerce.

(3) AMENDMENTS.—

(A) AMENDMENTS IN ORDER.—Only four amendments to the bill are in order in each House, as follows:

(i) Two amendments proposed by the majority leader of that House.

(ii) Two amendments proposed by the minority leader of that House.

(B) FORM AND CONTENT.—To be in order under subparagraph (A), an amendment shall propose to strike all after the enacting clause and substitute text that only includes the same text as is proposed to be stricken except for one or more different numbers in the text.

(C) DEBATE, ET CETERA.—Subparagraph (B) of section 8066(c)(5) of the Department of Defense Appropriations Act, 1985 (98 Stat. 1936) shall apply to the consideration of each amendment proposed under this paragraph in the same manner as such subparagraph (B) applies to debatable motions.

SEC. 714. EXTENSION OF MAXIMUM FUEL ECONOMY INCREASE FOR ALTERNATIVE FUELED VEHICLES.

(a) MANUFACTURING INCENTIVES.—Section 32905 of title 49, United States Code, is amended—

(1) in subsections (b) and (d), by striking "1993–2004" and inserting "1993–2008";

(2) in subsection (f), by striking "2001" and inserting "2007"; and

(3) in subsection (f)(1), by striking "2004" and inserting "2008".

(b) EXTENSION OF MAXIMUM FUEL ECONOMY INCREASE.—Section 32906(a)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A), by striking "1993–2004" and inserting "1993 through 2008"; and

(2) in subparagraph (B), by striking "2005–2008" and inserting "2009 through 2012".

CHAPTER 2—ADVANCED CLEAN VEHICLES

SEC. 721. HYBRID VEHICLES RESEARCH AND DEVELOPMENT.

(a) RECHARGEABLE ENERGY STORAGE SYSTEMS AND OTHER TECHNOLOGIES.—The Secretary of Energy shall accelerate research and development directed toward the improvement of batteries and other rechargeable energy storage systems, power electronics, hybrid systems integration, and other technologies for use in hybrid vehicles.

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for each of fiscal years 2006, 2007, and 2008 in the amount $50,000,000 for research and development activities under this section.

SEC. 722. DIESEL FUELED VEHICLES RESEARCH AND DEVELOPMENT.

(a) DIESEL COMBUSTION AND AFTER TREATMENT TECHNOLOGIES.—The Secretary of Energy shall accelerate research and development directed toward the improvement of diesel combustion and after treatment technologies for use in diesel fueled motor vehicles.

(b) GOALS.—The Secretary shall carry out subsection (a) with a view to achieving the following goals:

(1) COMPLIANCE WITH CERTAIN EMISSION STANDARDS BY 2010.—Developing and demonstrating diesel technologies that, not later than 2010, meet the following standards:

(A) TIER-2 EMISSION STANDARDS.—The tier 2 emission standards.

(B) HEAVY-DUTY EMISSION STANDARDS OF 2007.—The heavy-duty emission standards of 2007.

(2) POST-2010 HIGHLY EFFICIENT TECHNOLOGIES.—Developing the next generation of low emissions, high efficiency diesel engine technologies, including homogeneous charge compression ignition technology.

(c) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for each of fiscal years 2006, 2007, and 2008 in the amount of $75,000,000 for research and development of advanced combustion engines and advanced fuels.

SEC. 723. PROCUREMENT OF ALTERNATIVE FUELED PASSENGER AUTOMOBILES.

(a) VEHICLE FLEETS NOT COVERED BY REQUIREMENT IN ENERGY POLICY ACT OF 1992.—The head of each agency of the executive branch shall coordinate with the Administrator of General Services to ensure that only alternative fueled vehicles are procured by or for each agency fleet of passenger automobiles that is not in a fleet of vehicles to which section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) applies.

(b) WAIVER AUTHORITY.—The head of an agency, in consultation with the Administrator, may waive the applicability of the policy regarding the procurement of alternative fueled vehicles in subsection (a) to—

(1) the procurement for such agency of any vehicles described in subparagraphs (A) through (F) of section 303(b)(3) of the Energy Policy Act of 1992 (42 U.S.C. 13212(b)(3)); or

(2) a procurement of vehicles for such agency if the procurement of alternative fueled vehicles cannot meet the requirements of the agency for vehicles due to insufficient availability of the alternative fuel used to power such vehicles.

(c) APPLICABILITY TO PROCUREMENTS AFTER FISCAL YEAR 2005.—This subsection applies with respect to procurements of alternative fueled vehicles in fiscal year 2006 and subsequent fiscal years.

SEC. 724. PROCUREMENT OF HYBRID LIGHT DUTY TRUCKS.

(a) VEHICLE FLEETS NOT COVERED BY REQUIREMENT IN ENERGY POLICY ACT OF 1992.—

(1) HYBRID VEHICLES.—The head of each agency of the executive branch shall coordinate with the Administrator of General Services to ensure that only hybrid vehicles are procured by or for each agency fleet of light duty trucks that is not in a fleet of vehicles to which section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) applies.

(2) WAIVER AUTHORITY.—The head of an agency, in consultation with the Administrator, may waive the applicability of the policy regarding the procurement of hybrid vehicles in paragraph (1) to that agency to the extent that the head of that agency determines necessary—

(A) to meet specific requirements of the agency for capabilities of light duty trucks;

(B) to procure vehicles consistent with the standards applicable to the procurement of fleet vehicles for the Federal Government;

(C) to adjust to limitations on the commercial availability of light duty trucks that are hybrid vehicles; or

(D) to avoid the necessity of procuring a hybrid vehicle for the agency when each of the hybrid vehicles available for meeting the requirements of the agency has a cost to the United States that exceeds the costs of comparable nonhybrid vehicles by a factor that is significantly higher than the difference between—

(i) the real cost of the hybrid vehicle to retail purchasers, taking into account the benefit of any tax incentives available to retail purchasers for the purchase of the hybrid vehicle; and

(ii) the costs of the comparable nonhybrid vehicles to retail purchasers.

(3) APPLICABILITY TO PROCUREMENTS AFTER FISCAL YEAR 2005.—This subsection applies with respect to procurements of light duty trucks in fiscal year 2006 and subsequent fiscal years.

(b) INAPPLICABILITY TO DEPARTMENT OF DEFENSE.—This section does not apply to the Department of Defense, which is subject to comparable requirements under section 318 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1055; 10 U.S.C. 2302 note).

SEC. 725. DEFINITIONS.

In this chapter:

(1) ALTERNATIVE FUELED VEHICLE.—The term "alternative fueled vehicle" means—

(A) an alternative fueled vehicle, as defined in section 301(3) of the Energy Policy Act of 1992 (42 U.S.C. 13211(3));

(B) a motor vehicle that operates on a blend of fuel that is at least 20 percent (by volume) biodiesel, as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)); and

(C) a motor vehicle that operates on a blend of fuel that is at least 20 percent (by volume) bioderived hydrocarbons (including aliphatic compounds) produced from agricultural and animal waste.

(2) HEAVY-DUTY EMISSION STANDARDS OF 2007.—The term "heavy-duty emission standards of 2007" means the motor vehicle emission standards promulgated by the Administrator of the Environmental Protection Agency on January 18, 2001, under section 202 of the Clean Air Act to apply to heavy-duty vehicles of model years beginning with the 2007 vehicle model year.

(3) HYBRID VEHICLE.—The term "hybrid vehicle" means—

(A) a motor vehicle that draws propulsion energy from on board sources of stored energy that are both—

(i) an internal combustion or heat engine using combustible fuel; and

(ii) a rechargeable energy storage system; and

(B) any other vehicle that is defined as a hybrid vehicle in regulations prescribed by the Secretary of Energy for the administration of title III of the Energy Policy Act of 1992.

(4) MOTOR VEHICLE.—The term "motor vehicle" means any vehicle that is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails) and that has at least four wheels.

(5) TIER 2 EMISSION STANDARDS DEFINED.—The term "tier 2 emission standards" means the motor vehicle emission standards promulgated by the Administrator of the Environmental Protection Agency on February 10, 2000, under section 202 of the Clean Air Act (42 U.S.C. 7521) to apply to passenger automobiles, light trucks, and larger passenger vehicles of model years after the 2003 vehicle model year.

(6) TERMS DEFINED IN EPA REGULATIONS.—The terms "passenger automobile" and "light truck" have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

SA 926. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure. affordable, and reliable energy: which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

Of the amounts authorized within this section, no less than $10 million shall be for a project, administered through the Chicago Operations Office, to demonstrate the viability of new mercury removal technology on commercial scale coal-fired electrical generation, where such generation is located in a highly populated urban area, and where the technology has undergone a successful field test sanctioned by the Department, and has been demonstrated to have no adverse effect on the performance or efficiency of existing emissions control equipment or other plant commercial operations. The expenditures under this section shall be shared in accordance with section 1002.

SA 927. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

On page 755, after line 25, add the following:

SEC. 13___. FUEL CELL AND HYDROGEN TECHNOLOGY STUDY.

(a) FINDINGS.—Congress finds that—

(1) according to the National Academy of Sciences, "Greenhouse gases are accumulating in Earth's atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise . . . Human-induced warming and associated sea level rises are expected to continue through the 21st century.";

(2) in 2001, the Intergovernmental Panel on Climate Change (IPCC) concluded that the average temperature of the Earth can be expected to rise between 2.5 and 10.4 degrees Fahrenheit in this century and "there is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities";

(3) the National Academy of Sciences has stated that "the IPCC's conclusion that most of the observed warming of the last 50 years is likely to have been due to the increase of greenhouse gas concentrations accurately reflects the current thinking of the scientific community on this issue" and that "there is general agreement that the observed warming is real and particularly strong within the past twenty years";

(4) a significant Federal investment toward the development of fuel cell technologies and the transition from petroleum to hydrogen in vehicles could significantly contribute to the reduction of carbon dioxide emissions by reducing fuel consumption;

(5) a massive infusion of resources and leadership from the Federal Government would be needed to create the necessary fuel cell technologies that provide alternatives to petroleum and the more efficient use of energy; and

(6) the Federal Government would need to commit to developing, in conjunction with private industry and academia, advanced vehicle technologies and the necessary hydrogen infrastructure to provide alternatives to petroleum.

(b) STUDY.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences and the National Research Council to carry out a study of fuel cell technologies that provides a budget roadmap for the development of fuel cell technologies and the transition from petroleum to hydrogen in a significant percentage of the vehicles sold by 2020.

(2) REQUIREMENTS.—In carrying out the study, the National Academy of Sciences and the National Research Council shall—

(A) establish as a goal the maximum percentage practicable of vehicles that the National Academy of Sciences and the National Research Council determines can be fueled by hydrogen by 2020;

(B) determine the amount of Federal and private funding required to meet the goal established under subparagraph (A);

(C) determine what actions are required to meet the goal established under subparagraph (A);

(D) examine the need for expanded and enhanced Federal research and development programs, changes in regulations, grant programs, partnerships between the Federal Government and industry, private sector investments, infrastructure investments by the Federal Government and industry, educational and public information initiatives, and Federal and State tax incentives to meet the goal established under subparagraph (A);

(E) consider whether other technologies would be less expensive or could be more quickly implemented than fuel cell technologies to achieve significant reductions in carbon dioxide emissions;

(F) take into account any reports relating to fuel cell technologies and hydrogen-fueled vehicles, including—

(i) the report prepared by the National Academy of Engineering and the National Research Council in 2004 entitled "Hydrogen Economy: Opportunities, Costs, Barriers, and R&D Needs"; and

(ii) the report prepared by the U.S. Fuel Cell Council in 2003 entitled "Fuel Cells and Hydrogen: The Path Forward";

(G) consider the challenges, difficulties, and potential barriers to meeting the goal established under subparagraph (A); and

(H) with respect to the budget roadmap—

(i) specify the amount of funding required on an annual basis from the Federal Government and industry to carry out the budget roadmap; and

(ii) specify the advantages and disadvantages to moving toward the transition to hydrogen in vehicles in accordance with the timeline established by the budget roadmap.

SA 928. Mr. LEVIN (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end add the following:

TITLE XVII—TAX INCENTIVES FOR ALTERNATIVE MOTOR VEHICLES AND FUELS

SEC. 1700. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Tax Incentives

SEC. 1701. ALTERNATIVE MOTOR VEHICLE CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by adding at the end the following:

“SEC. 30B. ALTERNATIVE MOTOR VEHICLE CREDIT.

“(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

“(1) the new qualified fuel cell motor vehicle credit determined under subsection (b),

“(2) the new advanced lean burn technology motor vehicle credit determined under subsection (c),

“(3) the new qualified hybrid motor vehicle credit determined under subsection (d), and

“(4) the new qualified alternative fuel motor vehicle credit determined under subsection (e).

“(b) NEW QUALIFIED FUEL CELL MOTOR VEHICLE CREDIT.—

“(1) IN GENERAL.—For purposes of subsection (a), the new qualified fuel cell motor vehicle credit determined under this subsection with respect to a new qualified fuel cell motor vehicle placed in service by the taxpayer during the taxable year is—

“(A) $8,000 if such vehicle has a gross vehicle weight rating of not more than 8,500 pounds,

“(B) $10,000, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

“(C) $20,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

“(D) $40,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

“(2) INCREASE FOR FUEL EFFICIENCY.—

“(A) IN GENERAL.—The amount determined under paragraph (1)(A) with respect to a new qualified fuel cell motor vehicle which is a passenger automobile or light truck shall be increased by—

“(i) $1,000, if such vehicle achieves at least 150 percent but less than 175 percent of the 2002 model year city fuel economy,

“(ii) $1,500, if such vehicle achieves at least 175 percent but less than 200 percent of the 2002 model year city fuel economy,

“(iii) $2,000, if such vehicle achieves at least 200 percent but less than 225 percent of the 2002 model year city fuel economy,

“(iv) $2,500, if such vehicle achieves at least 225 percent but less than 250 percent of the 2002 model year city fuel economy,

“(v) $3,000, if such vehicle achieves at least 250 percent but less than 275 percent of the 2002 model year city fuel economy,

“(vi) $3,500, if such vehicle achieves at least 275 percent but less than 300 percent of the 2002 model year city fuel economy, and

“(vii) $4,000, if such vehicle achieves at least 300 percent of the 2002 model year city fuel economy.

“(B) 2002 MODEL YEAR CITY FUEL ECONOMY.—For purposes of subparagraph (A), the 2002 model year city fuel economy with respect to a vehicle shall be determined in accordance with the following tables:

“(i) In the case of a passenger automobile:

“If vehicle inertia weight class is:	**The 2002 model year city fuel economy is:**
1,500 or 1,750 lbs	45.2 mpg
2,000 lbs	39.6 mpg
2,250 lbs	35.2 mpg
2,500 lbs	31.7 mpg
2,750 lbs	28.8 mpg
3,000 lbs	26.4 mpg
3,500 lbs	22.6 mpg
4,000 lbs	19.8 mpg
4,500 lbs	17.6 mpg
5,000 lbs	15.9 mpg
5,500 lbs	14.4 mpg
6,000 lbs	13.2 mpg
6,500 lbs	12.2 mpg
7,000 to 8,500 lbs	11.3 mpg.

“(ii) In the case of a light truck:

“If vehicle inertia weight class is:	**The 2002 model year city fuel economy is:**
1,500 or 1,750 lbs	39.4 mpg
2,000 lbs	35.2 mpg
2,250 lbs	31.8 mpg
2,500 lbs	29.0 mpg
2,750 lbs	26.8 mpg
3,000 lbs	24.9 mpg
3,500 lbs	21.8 mpg
4,000 lbs	19.4 mpg
4,500 lbs	17.6 mpg
5,000 lbs	16.1 mpg
5,500 lbs	14.8 mpg
6,000 lbs	13.7 mpg
6,500 lbs	12.8 mpg
7,000 to 8,500 lbs	12.1 mpg.

“(C) VEHICLE INERTIA WEIGHT CLASS.—For purposes of subparagraph (B), the term ‘vehicle inertia weight class’ has the same meaning as when defined in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

“(3) NEW QUALIFIED FUEL CELL MOTOR VEHICLE.—For purposes of this subsection, the term ‘new qualified fuel cell motor vehicle’ means a motor vehicle—

“(A) which is propelled by power derived from 1 or more cells which convert chemical energy directly into electricity by combining oxygen with hydrogen fuel which is stored on board the vehicle in any form and may or may not require reformation prior to use,

“(B) which, in the case of a passenger automobile or light truck, has received on or after the date of the enactment of this section a certificate that such vehicle meets or exceeds the Bin 5 Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle,

“(C) the original use of which commences with the taxpayer,

“(D) which is acquired for use or lease by the taxpayer and not for resale, and

“(E) which is made by a manufacturer.

“(c) NEW ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLE CREDIT.—

“(1) IN GENERAL.—For purposes of subsection (a), the new advanced lean burn technology motor vehicle credit determined under this subsection with respect to a new advanced lean burn technology motor vehicle placed in service by the taxpayer during the taxable year is the credit amount determined under paragraph (2).

“(2) CREDIT AMOUNT.—

“(A) FUEL ECONOMY.—

“(i) IN GENERAL.—The credit amount determined under this paragraph shall be determined in accordance with the following table:

“In the case of a vehicle which achieves a fuel economy (expressed as a percentage of the 2002 model year city fuel economy) of—	**The credit amount is—**
At least 125 percent but less than 150 percent	$600
At least 150 percent but less than 175 percent	$1,100
At least 175 percent but less than 200 percent	$1,600
At least 200 percent but less than 225 percent	$2,100
At least 225 percent but less than 250 percent	$2,600
At least 250 percent	$3,100.

“(ii) 2002 MODEL YEAR CITY FUEL ECONOMY.—For purposes of clause (i), the 2002 model year city fuel economy with respect to a vehicle shall be determined on a gasoline gallon equivalent basis as determined by the Administrator of the Environmental Protection Agency using the tables provided in subsection (b)(2)(B) with respect to such vehicle.

“(B) CONSERVATION CREDIT.—The amount determined under subparagraph (A) with respect to a new advanced lean burn technology motor vehicle shall be increased by the conservation credit amount determined in accordance with the following table:

"In the case of a vehicle which achieves a lifetime fuel savings (expressed in gallons of gasoline) of—	The conservation credit amount is—
At least 1,200 but less than 1,800	$700
At least 1,800 but less than 2,400	$1,200
At least 2,400 but less than 3,000	$1,700
At least 3,000	$2,200.

"(C) OPTION TO USE LIKE VEHICLE.—At the option of the vehicle manufacturer, the increase for fuel efficiency and conservation credit may be calculated by comparing the new qualified advanced lean burn technology motor vehicle to a like vehicle.

"(3) NEW ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLE.—For purposes of this subsection, the term 'new advanced lean burn technology motor vehicle' means a passenger automobile or a light truck—

"(A) with an internal combustion engine which—

"(i) is designed to operate primarily using more air than is necessary for complete combustion of the fuel,

"(ii) incorporates direct injection,

"(iii) achieves at least 125 percent of the 2002 model year city fuel economy,

"(iv) for 2004 and later model vehicles, has received a certificate that such vehicle meets or exceeds—

"(I) in the case of a vehicle having a gross vehicle weight rating of 6,000 pounds or less, the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

"(II) in the case of a vehicle having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, the Bin 8 Tier II emission standard which is so established,

"(B) the original use of which commences with the taxpayer,

"(C) which is acquired for use or lease by the taxpayer and not for resale, and

"(D) which is made by a manufacturer.

"(4) LIKE VEHICLE.—The term 'like vehicle' for a new qualified advanced lean burn technology motor vehicle derived from a conventional production vehicle produced in the same model year means a model that is equivalent in the following areas:

"(A) Body style (2-door or 4-door),

"(B) Transmission (automatic or manual),

"(C) Acceleration performance (± 0.05 seconds),

"(D) Drivetrain (2-wheel drive or 4-wheel drive),

"(E) Certification by the Administrator of the Environmental Protection Agency.

"(5) LIFETIME FUEL SAVINGS.—For purposes of this subsection, the term 'lifetime fuel savings' means, in the case of any new advanced lean burn technology motor vehicle, an amount equal to the excess (if any) of—

"(A) 120,000 divided by the 2002 model year city fuel economy for the vehicle inertia weight class, over

"(B) 120,000 divided by the city fuel economy for such vehicle.

"(d) NEW QUALIFIED HYBRID MOTOR VEHICLE CREDIT.—

"(1) IN GENERAL.—For purposes of subsection (a), the new qualified hybrid motor vehicle credit determined under this subsection with respect to a new qualified hybrid motor vehicle placed in service by the taxpayer during the taxable year is the credit amount determined under paragraph (2) or (3).

"(2) CREDIT AMOUNT FOR LIGHTER VEHICLES.—In the case of a new qualified hybrid motor vehicle which is a passenger automobile, medium duty passenger vehicle, or light truck, the credit amount determined under this paragraph is equal to the sum of following amounts:

"(A) FUEL ECONOMY.—The amount which would be determined under subsection (c)(2)(A) if such vehicle were a vehicle referred to in such subsection.

"(B) CONSERVATION CREDIT.—The amount which would be determined under subsection (c)(2)(B) if such vehicle were a vehicle referred to in such subsection.

"(iii) OPTION TO USE LIKE VEHICLE.—For purposes of clause (i), at the option of the vehicle manufacturer, the increase for fuel efficiency and conservation credit may be calculated by comparing the new qualified hybrid motor vehicle to a like vehicle (as defined in subsection (c)(4)).

"(3) CREDIT AMOUNT FOR HEAVIER VEHICLES.—

"(A) IN GENERAL.—In the case of a new qualified hybrid motor vehicle which is a heavy duty hybrid motor vehicle, the credit amount determined under this paragraph is an amount equal to the applicable percentage of the incremental cost of such vehicle placed in service by the taxpayer during the taxable year.

"(B) INCREMENTAL COST.—For purposes of this paragraph, the incremental cost of any heavy duty hybrid motor vehicle is equal to the amount of the excess of the manufacturer's suggested retail price for such vehicle over such price for a comparable gasoline or diesel fuel motor vehicle of the same model, to the extent such amount does not exceed—

"(i) $7,500, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

"(ii) $15,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

"(iii) $30,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

"(C) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

"If percent increase in fuel economy of hybrid over comparable vehicle is:	The applicable percentage is:
At least 30 but less than 40 percent	20 percent.
At least 40 but less than 50 percent	30 percent.
At least 50 percent	40 percent.

"(4) NEW QUALIFIED HYBRID MOTOR VEHICLE.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'new qualified hybrid motor vehicle' means a motor vehicle—

"(i) which draws propulsion energy from onboard sources of stored energy which are both—

"(I) an internal combustion or heat engine using consumable fuel, and

"(II) a rechargeable energy storage system,

"(ii) which, in the case of a passenger automobile, medium duty passenger vehicle, or light truck—

"(I) having a gross vehicle weight rating of 6,000 pounds or less, has received a certificate that such vehicle meets or exceeds the Bin 5 Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle,

"(II) having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, has received a certificate that such vehicle meets or exceeds the Bin 8 Tier II emission standard which is so established,

"(III) has received a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year, and

"(IV) has a maximum available power of at least 5 percent,

"(iii) which, in the case of a heavy duty hybrid motor vehicle—

"(I) having a gross vehicle weight rating of more than 8,500 but not more than 14,000 pounds, has a maximum available power of at least 10 percent, and

"(II) having a gross vehicle weight rating of more than 14,000 pounds, has a maximum available power of at least 15 percent,

"(iv) the original use of which commences with the taxpayer,

"(v) which is acquired for use or lease by the taxpayer and not for resale, and

"(vi) which is made by a manufacturer.

"(B) CONSUMABLE FUEL.—For purposes of subparagraph (A)(i)(I), the term 'consumable fuel' means any solid, liquid, or gaseous matter which releases energy when consumed by an auxiliary power unit.

"(C) MAXIMUM AVAILABLE POWER.—

"(i) PASSENGER AUTOMOBILE, MEDIUM DUTY PASSENGER VEHICLE, OR LIGHT TRUCK.—For purposes of subparagraph (A)(ii)(II), the term 'maximum available power' means the maximum power available from the rechargeable energy storage system, during a standard 10 second pulse power or equivalent test, divided by such maximum power and the SAE net power of the heat engine.

"(ii) HEAVY DUTY HYBRID MOTOR VEHICLE.—For purposes of subparagraph (A)(iii), the term 'maximum available power' means the maximum power available from the rechargeable energy storage system, during a standard 10 second pulse power or equivalent test, divided by the vehicle's total traction power. The term 'total traction power' means the sum of the peak power from the rechargeable energy storage system and the heat engine peak power of the vehicle, except that if such storage system is the sole means by which the vehicle can be driven, the total traction power is the peak power of such storage system.

"(4) HEAVY DUTY HYBRID MOTOR VEHICLE.—For purposes of this subsection, the term 'heavy duty hybrid motor vehicle' means a new qualified hybrid motor vehicle which has a gross vehicle weight rating of more than 8,500 pounds. Such term does not include a medium duty passenger vehicle.

"(e) NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE CREDIT.—

"(1) ALLOWANCE OF CREDIT.—Except as provided in paragraph (5), the new qualified alternative fuel motor vehicle credit determined under this subsection is an amount equal to the applicable percentage of the incremental cost of any new qualified alternative fuel motor vehicle placed in service by the taxpayer during the taxable year.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage with respect to any new qualified alternative fuel motor vehicle is—

"(A) 50 percent, plus

"(B) 30 percent, if such vehicle—

"(i) has received a certificate of conformity under the Clean Air Act and meets or exceeds the most stringent standard available for certification under the Clean Air Act for that make and model year vehicle (other than a zero emission standard), or

"(ii) has received an order certifying the vehicle as meeting the same requirements as vehicles which may be sold or leased in California and meets or exceeds the most stringent standard available for certification under the State laws of California (enacted in accordance with a waiver granted under section 209(b) of the Clean Air Act) for that make and model year vehicle (other than a zero emission standard).

For purposes of the preceding sentence, in the case of any new qualified alternative fuel motor vehicle which weighs more than 14,000 pounds gross vehicle weight rating, the most stringent standard available shall be such standard available for certification on the date of the enactment of the Energy Tax Incentives Act.

"(3) INCREMENTAL COST.—For purposes of this subsection, the incremental cost of any new qualified alternative fuel motor vehicle is equal to the amount of the excess of the manufacturer's suggested retail price for such vehicle over such price for a gasoline or diesel fuel motor vehicle of the same model, to the extent such amount does not exceed—

"(A) $5,000, if such vehicle has a gross vehicle weight rating of not more than 8,500 pounds,

"(B) $10,000, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

"(C) $25,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

"(D) $40,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

"(4) NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'new qualified alternative fuel motor vehicle' means any motor vehicle—

"(i) which is only capable of operating on an alternative fuel,

"(ii) the original use of which commences with the taxpayer,

"(iii) which is acquired by the taxpayer for use or lease, but not for resale, and

"(iv) which is made by a manufacturer.

"(B) ALTERNATIVE FUEL.—The term 'alternative fuel' means compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, and any liquid at least 85 percent of the volume of which consists of methanol.

"(5) CREDIT FOR MIXED-FUEL VEHICLES.—

"(A) IN GENERAL.—In the case of a mixed-fuel vehicle placed in service by the taxpayer during the taxable year, the credit determined under this subsection is an amount equal to—

"(i) in the case of a 75/25 mixed-fuel vehicle, 70 percent of the credit which would have been allowed under this subsection if such vehicle was a qualified alternative fuel motor vehicle, and

"(ii) in the case of a 90/10 mixed-fuel vehicle, 90 percent of the credit which would have been allowed under this subsection if such vehicle was a qualified alternative fuel motor vehicle.

"(B) MIXED-FUEL VEHICLE.—For purposes of this subsection, the term 'mixed-fuel vehicle' means any motor vehicle described in subparagraph (C) or (D) of paragraph (3), which—

"(i) is certified by the manufacturer as being able to perform efficiently in normal operation on a combination of an alternative fuel and a petroleum-based fuel,

"(ii) either—

"(I) has received a certificate of conformity under the Clean Air Act, or

"(II) has received an order certifying the vehicle as meeting the same requirements as vehicles which may be sold or leased in California and meets or exceeds the low emission vehicle standard under section 88.105–94 of title 40, Code of Federal Regulations, for that make and model year vehicle,

"(iii) the original use of which commences with the taxpayer,

"(iv) which is acquired by the taxpayer for use or lease, but not for resale, and

"(v) which is made by a manufacturer.

"(C) 75/25 MIXED-FUEL VEHICLE.—For purposes of this subsection, the term '75/25 mixed-fuel vehicle' means a mixed-fuel vehicle which operates using at least 75 percent alternative fuel and not more than 25 percent petroleum-based fuel.

"(D) 90/10 MIXED-FUEL VEHICLE.—For purposes of this subsection, the term '90/10 mixed-fuel vehicle' means a mixed-fuel vehicle which operates using at least 90 percent alternative fuel and not more than 10 percent petroleum-based fuel.

"(f) LIMITATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN-BURN TECHNOLOGY VEHICLES ELIGIBLE FOR CREDIT.—

"(1) IN GENERAL.—In the case of a qualified vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (c) or (d) shall be allowed.

"(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of qualified vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section is at least 80,000.

"(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

"(A) 50 percent for the first 2 calendar quarters of the phaseout period,

"(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

"(C) 0 percent for each calendar quarter thereafter.

"(4) CONTROLLED GROUPS.—

"(A) IN GENERAL.—For purposes of this subsection, all persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as a single manufacturer.

"(B) INCLUSION OF FOREIGN CORPORATIONS.—For purposes of subparagraph (A), in applying subsections (a) and (b) of section 52 to this section, section 1563 shall be applied without regard to subsection (b)(2)(C) thereof.

"(5) QUALIFIED VEHICLE.—For purposes of this subsection, the term 'qualified vehicle' means any new qualified hybrid motor vehicle and any new advanced lean burn technology motor vehicle.

"(g) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(1) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

"(2) the tentative minimum tax for the taxable year.

"(h) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term by section 30(c)(2).

"(2) CITY FUEL ECONOMY.—The city fuel economy with respect to any vehicle shall be measured in a manner which is substantially similar to the manner city fuel economy is measured in accordance with procedures under part 600 of subchapter Q of chapter I of title 40, Code of Federal Regulations, as in effect on the date of the enactment of this section.

"(3) OTHER TERMS.—The terms 'automobile', 'passenger automobile', 'medium duty passenger vehicle', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

"(4) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed (determined without regard to subsection (e)).

"(5) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter—

"(A) for any incremental cost taken into account in computing the amount of the credit determined under subsection (e) shall be reduced by the amount of such credit attributable to such cost, and

"(B) with respect to a vehicle described under subsection (b), (c), or (d) shall be reduced by the amount of credit allowed under subsection (a) for such vehicle for the taxable year.

"(6) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of a vehicle whose use is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such vehicle to the person or entity using such vehicle shall be treated as the taxpayer that placed such vehicle in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such vehicle (determined without regard to subsection (g)).

"(7) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

"(8) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of a vehicle).

"(9) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

"(10) CARRYBACK AND CARRYFORWARD ALLOWED.—

"(A) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (g) for such taxable year (in this paragraph referred to as the 'unused credit year'), such excess shall be a credit carryback to each of the 3 taxable years preceding the unused credit year and a credit carryforward to each of the 20 taxable years following the unused credit year, except that no excess may be carried to a taxable year beginning before the date of the enactment of this section. The preceding sentence shall not apply to any credit carryback if such credit carryback is attributable to property for which a deduction for depreciation is not allowable.

"(B) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryback and credit carryforward under subparagraph (A).

"(11) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, a motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

"(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

"(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

"(g) REGULATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

"(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements to be eligible for a credit under this section.

"(h) TERMINATION.—This section shall not apply to any property purchased after—

"(1) in the case of a new qualified fuel cell motor vehicle (as described in subsection (b)), December 31, 2015,

"(2) in the case of a new advanced lean burn technology motor vehicle (as described in subsection (c)) or a new qualified hybrid motor vehicle (as described in subsection (d)), December 31, 2009, and

"(3) in the case of a new qualified alternative fuel vehicle (as described in subsection (e)), December 31, 2010.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by this Act, is amended by striking "and" at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting ", and", and by adding at the end the following new paragraph:

"(37) to the extent provided in section 30B(h)(4).".

(2) Section 55(c)(2), as amended by this Act, is amended by inserting "30B(g)," after "30(b)(2),".

(3) Section 6501(m) is amended by inserting "30B(h)(9)," after "30(d)(4),".

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 30A the following new item:

"Sec. 30B. Alternative motor vehicle credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

(d) STICKER INFORMATION REQUIRED AT RETAIL SALE.—

(1) IN GENERAL.—The Secretary of the Treasury shall issue regulations under which each qualified vehicle sold at retail shall display a notice—

(A) that such vehicle is a qualified vehicle, and

(B) that the buyer may not benefit from the credit allowed under section 30B of the Internal Revenue Code of 1986 if such buyer has insufficient tax liability.

(2) QUALIFIED VEHICLE.—For purposes of paragraph (1), the term "qualified vehicle" means a vehicle with respect to which a credit is allowed under section 30B of the Internal Revenue Code of 1986.

(e) NONAPPLICATION OF SECTION.—Notwithstanding any other provision of this Act, the provisions of, and amendments made by, section 1531 of this Act shall be null and void.

SEC. 1702. CREDIT FOR INSTALLATION OF ALTERNATIVE FUEL REFUELING STATIONS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 30C. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

"(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the cost of any qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year.

"(b) LIMITATION.—The credit allowed under subsection (a) with respect to any alternative fuel vehicle refueling property shall not exceed—

"(1) $50,000 in the case of a property of a character subject to an allowance for depreciation, and

"(2) $1,000 in any other case.

"(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'qualified alternative fuel vehicle refueling property' has the meaning given to such term by section 179A(d), but only with respect to any fuel at least 85 percent of the volume of which consists of ethanol, natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, and hydrogen.

"(2) RESIDENTIAL PROPERTY.—In the case of any property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, paragraph (1) of section 179A(d) shall not apply.

"(d) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(1) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, 30, and 30B, over

"(2) the tentative minimum tax for the taxable year.

"(e) CARRYFORWARD ALLOWED.—

"(1) IN GENERAL.—If the credit amount allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (d) for such taxable year, such excess shall be allowed as a credit carryforward for each of the 20 taxable years following the unused credit year.

"(2) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryforward under paragraph (1).

"(f) SPECIAL RULES.—For purposes of this section—

"(1) BASIS REDUCTION.—The basis of any property shall be reduced by the portion of the cost of such property taken into account under subsection (a).

"(2) NO DOUBLE BENEFIT.—No deduction shall be allowed under section 179A with respect to any property with respect to which a credit is allowed under subsection (a).

"(3) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of any qualified alternative fuel vehicle refueling property the use of which is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such property to the person or entity using such property shall be treated as the taxpayer that placed such property in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such property (determined without regard to subsection (d)).

"(4) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

"(5) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

"(6) RECAPTURE RULES.—Rules similar to the rules of section 179A(e)(4) shall apply.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

"(h) TERMINATION.—This section shall not apply to any property placed in service—

"(1) in the case of property relating to hydrogen, after December 31, 2014, and

"(2) in the case of any other property, after December 31, 2009.".

(b) MODIFICATIONS TO EXTENSION OF DEDUCTION FOR CERTAIN REFUELING PROPERTY.—

(1) INCREASE IN DEDUCTION FOR HYDROGEN INFRASTRUCTURE.—Section 179A(b)(2)(A)(i) is amended by inserting "($200,000 in the case of property relating to hydrogen)" after "$100,000".

(2) EXTENSION OF DEDUCTION.—Subsection (f) of section 179A is amended to read as follows:

"(f) TERMINATION.—This section shall not apply to any property placed in service—

"(1) in the case of property relating to hydrogen, after December 31, 2014, and

"(2) in the case of any other property, after December 31, 2009.".

(c) INCENTIVE FOR PRODUCTION OF HYDROGEN AT QUALIFIED CLEAN-FUEL VEHICLE REFUELING PROPERTY.—Section 179A(d) (defining qualified clean-fuel vehicle refueling property) is amended by adding at the end the following new flush sentence:

"In the case of clean-burning fuel which is hydrogen produced from another clean-burning fuel, paragraph (3)(A) shall be applied by substituting 'production, storage, or dispensing' for 'storage or dispensing' both places it appears.".

(d) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by this Act, is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 30C(f).".

(2) Section 55(c)(2), as amended by this Act, is amended by inserting "30C(e)," after "30B(e),".

(3) Section 6501(m) is amended by inserting "30C(f)(5)," after "30B(f)(9),".

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1, as

amended by this Act, is amended by inserting after the item relating to section 30B the following new item:

"Sec. 30C. Clean-fuel vehicle refueling property credit.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

(f) NONAPPLICATION OF SECTION.—Notwithstanding any other provision of this Act, the provisions of, and amendments made by, section 1533 of this Act shall be null and void.

SEC. 1703. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 30D. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

"(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 35 percent of so much of the qualified investment of an eligible taxpayer for such taxable year as does not exceed $25,000,000.

"(b) QUALIFIED INVESTMENT.—For purposes of this section—

"(1) IN GENERAL.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

"(A) to re-equip or expand any manufacturing facility of the eligible taxpayer to produce advanced technology motor vehicles or to produce eligible components,

"(B) for engineering integration of such vehicles and components as described in subsection (d), and

"(C) for research and development related to advanced technology motor vehicles and eligible components.

"(2) ATTRIBUTION RULES.—In the event a facility of the eligible taxpayer produces both advanced technology motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

"(c) ADVANCED TECHNOLOGY MOTOR VEHICLES AND ELIGIBLE COMPONENTS.—For purposes of this section—

"(1) ADVANCED TECHNOLOGY MOTOR VEHICLE.—The term 'advanced technology motor vehicle' means—

"(A) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3)), or

"(B) any new qualified hybrid motor vehicle (as defined in section 30B(d)(2)(A) and determined without regard to any gross vehicle weight rating).

"(2) ELIGIBLE COMPONENTS.—The term 'eligible component' means any component inherent to any advanced technology motor vehicle, including—

"(A) with respect to any gasoline or diesel-electric new qualified hybrid motor vehicle—

"(i) electric motor or generator,

"(ii) power split device,

"(iii) power control unit,

"(iv) power controls,

"(v) integrated starter generator, or

"(vi) battery,

"(B) with respect to any hydraulic new qualified hybrid motor vehicle—

"(i) hydraulic accumulator vessel,

"(ii) hydraulic pump, or

"(iii) hydraulic pump-motor assembly,

"(C) with respect to any new advanced lean burn technology motor vehicle—

"(i) diesel engine,

"(ii) turbocharger,

"(iii) fuel injection system, or

"(iv) after-treatment system, such as a particle filter or NOx absorber, and

"(D) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

"(d) ENGINEERING INTEGRATION COSTS.—For purposes of subsection (b)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

"(1) establishing functional, structural, and performance requirements for component and subsystems to meet overall vehicle objectives for a specific application,

"(2) designing interfaces for components and subsystems with mating systems within a specific vehicle application,

"(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

"(4) validating functionality and performance of components and subsystems for a specific vehicle application.

"(e) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means any taxpayer if more than 50 percent of its gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

"(f) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(1) the sum of—

"(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

"(B) the tax imposed by section 55 for such taxable year and any prior taxable year beginning after 1986 and not taken into account under section 53 for any prior taxable year, over

"(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

"(g) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(h) NO DOUBLE BENEFIT.—

"(1) COORDINATION WITH OTHER DEDUCTIONS AND CREDITS.—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

"(2) RESEARCH AND DEVELOPMENT COSTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any amount described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

"(B) COSTS TAKEN INTO ACCOUNT IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any amounts described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

"(i) BUSINESS CARRYOVERS ALLOWED.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (f) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback and carryforward under rules similar to the rules of section 39.

"(j) SPECIAL RULES.—For purposes of this section, rules similar to the rules of paragraphs (4) and (5) of section 179A(e) and paragraphs (1) and (2) of section 41(f) shall apply

"(k) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

"(l) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

"(m) TERMINATION.—This section shall not apply to any qualified investment after December 31, 2010.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by this Act, is amended by striking "and" at the end of paragraph (39), by striking the period at the end of paragraph (40) and inserting ", and", and by adding at the end the following new paragraph:

"(41) to the extent provided in section 30D(g).".

(2) Section 6501(m), as amended by this Act, is amended by inserting "30D(k)," after "30C(j),".

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 30C the following new item:

"Sec. 30D. Advanced technology motor vehicles manufacturing credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts incurred in taxable years beginning after December 31, 2005.

Subtitle B—Revenue Offset Provisions

PART I—REDUCTION IN EXTENSION OF RENEWABLE ELECTRICITY PRODUCTION CREDIT

SEC. 1705. EXTENSION OF RENEWABLE ELECTRICITY PRODUCTION CREDIT THROUGH 2007.

Paragraphs (1), (2), (3), (5), (6), (7), (9), and (10) of section 45(d) of the Internal Revenue Code of 1986, as amended by title XV, are amended by striking "2009" each place it appears and inserting "2008".

PART II—GENERAL PROVISIONS

SEC. 1711. TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT INSTRUMENTS.

(a) IN GENERAL.—Section 1275(d) (relating to regulation authority) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary", and

(2) by adding at the end the following new paragraph:

"(2) TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT.—

"(A) IN GENERAL.—In the case of a debt instrument which—

"(i) is convertible into stock of the issuing corporation, into stock or debt of a related party (within the meaning of section 267(b) or 707(b)(1)), or into cash or other property in an amount equal to the approximate value of such stock or debt, and

"(ii) provides for contingent payments,

any regulations which require original issue discount to be determined by reference to the comparable yield of a noncontingent fixed-rate debt instrument shall be applied as if the regulations require that such comparable yield be determined by reference to a noncontingent fixed-rate debt instrument which is convertible into stock.

"(B) SPECIAL RULE.—For purposes of subparagraph (A), the comparable yield shall be determined without taking into account the yield resulting from the conversion of a debt instrument into stock.".

(b) CROSS REFERENCE.—Section 163(e)(6) (relating to cross references) is amended by adding at the end the following:

"For the treatment of contingent payment convertible debt, see section 1275(d)(2).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued on or after the date of the enactment of this Act.

SEC. 1712. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

"(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of $5,000 if—

"(1) such person files what purports to be a return of a tax imposed by this title but which—

"(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

"(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

"(2) the conduct referred to in paragraph (1)—

"(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(B) reflects a desire to delay or impede the administration of Federal tax laws.

"(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

"(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

"(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

"(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

"(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(ii) reflects a desire to delay or impede the administration of Federal tax laws.

"(B) SPECIFIED SUBMISSION.—The term 'specified submission' means—

"(i) a request for a hearing under—

"(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

"(II) section 6330 (relating to notice and opportunity for hearing before levy), and

"(ii) an application under—

"(I) section 6159 (relating to agreements for payment of tax liability in installments),

"(II) section 7122 (relating to compromises), or

"(III) section 7811 (relating to taxpayer assistance orders).

"(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

"(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

"(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

"(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.".

(b) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking "(A)" and inserting "(A)(i)";

(B) by striking "(B)" and inserting "(ii)";

(C) by striking the period at the end of the first sentence and inserting "; or"; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

"(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).".

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing".

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing", and

(2) in subsection (c), by striking "and (e)" and inserting "(e), and (g)".

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

"(e) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

"Sec. 6702. Frivolous tax submissions.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 1713. INCREASE IN CERTAIN CRIMINAL PENALTIES.

(a) IN GENERAL.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking "Any person who—" and inserting "(a) IN GENERAL.—Any person who—", and

(2) by adding at the end the following new subsection:

"(b) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.".

(b) INCREASE IN PENALTIES.—

(1) ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 is amended—

(A) by striking "$100,000" and inserting "$500,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "5 years" and inserting "10 years".

(2) WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—Section 7203 is amended—

(A) in the first sentence—

(i) by striking "Any person" and inserting the following:

"(a) IN GENERAL.—Any person", and

(ii) by striking "$25,000" and inserting "$50,000",

(B) in the third sentence, by striking "section" and inserting "subsection", and

(C) by adding at the end the following new subsection:

"(b) AGGRAVATED FAILURE TO FILE.—

"(1) IN GENERAL.—In the case of any failure described in paragraph (2), the first sentence of subsection (a) shall be applied by substituting—

"(A) 'felony' for 'misdemeanor',

"(B) '$500,000 ($1,000,000' for '$25,000 ($100,000', and

"(C) '10 years' for '1 year'.

"(2) FAILURE DESCRIBED.—A failure described in this paragraph is a failure to make a return described in subsection (a) for a period of 3 or more consecutive taxable years and the aggregated tax liability for such period is at least $100,000.".

(3) FRAUD AND FALSE STATEMENTS.—Section 7206(a) (as redesignated by subsection (a)) is amended—

(A) by striking "$100,000" and inserting "$500,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "3 years" and inserting "5 years".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.

SEC. 1714. DOUBLING OF CERTAIN PENALTIES, FINES, AND INTEREST ON UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENTS.

(a) DETERMINATION OF PENALTY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of an applicable taxpayer—

(A) the determination as to whether any interest or applicable penalty is to be imposed with respect to any arrangement described in paragraph (2), or to any underpayment of Federal income tax attributable to items arising in connection with any such arrangement, shall be made without regard to the rules of subsections (b), (c), and (d) of section 6664 of the Internal Revenue Code of 1986, and

(B) if any such interest or applicable penalty is imposed, the amount of such interest or penalty shall be equal to twice that determined without regard to this section.

(2) APPLICABLE TAXPAYER.—For purposes of this subsection—

(A) IN GENERAL.—The term "applicable taxpayer" means a taxpayer which—

(i) has underreported its United States income tax liability with respect to any item which directly or indirectly involves—

(I) any financial arrangement which in any manner relies on the use of offshore payment mechanisms (including credit, debit, or charge cards) issued by banks or other entities in foreign jurisdictions, or

(II) any offshore financial arrangement (including any arrangement with foreign banks, financial institutions, corporations, partnerships, trusts, or other entities), and

(ii) has not signed a closing agreement pursuant to the Voluntary Offshore Compliance Initiative established by the Department of the Treasury under Revenue Procedure 2003-11 or voluntarily disclosed its participation in such arrangement by notifying the Internal Revenue Service of such arrangement prior to the issue being raised by the Internal Revenue Service during an examination.

(B) AUTHORITY TO WAIVE.—The Secretary of the Treasury or the Secretary's delegate may waive the application of paragraph (1) to any taxpayer if the Secretary or the Secretary's delegate determines that the use of such offshore payment mechanisms is incidental to the transaction and, in addition, in the case of a trade or business, such use is conducted in the ordinary course of the trade or business of the taxpayer.

(C) ISSUES RAISED.—For purposes of subparagraph (A)(ii), an item shall be treated as an issue raised during an examination if the individual examining the return—

(i) communicates to the taxpayer knowledge about the specific item, or

(ii) has made a request to the taxpayer for information and the taxpayer could not make a complete response to that request without giving the examiner knowledge of the specific item.

(b) DEFINITIONS AND RULES.—For purposes of this section—

(1) APPLICABLE PENALTY.—The term "applicable penalty" means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(2) FEES AND EXPENSES.—The Secretary of the Treasury may retain and use an amount not in excess of 25 percent of all additional interest, penalties, additions to tax, and fines collected under this section to be used for enforcement and collection activities of the Internal Revenue Service. The Secretary shall keep adequate records regarding amounts so retained and used. The amount credited as paid by any taxpayer shall be determined without regard to this paragraph.

(c) REPORT BY SECRETARY.—The Secretary shall each year conduct a study and report to Congress on the implementation of this section during the preceding year, including statistics on the number of taxpayers affected by such implementation and the amount of interest and applicable penalties asserted, waived, and assessed during such preceding year.

(d) EFFECTIVE DATE.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if, as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

SEC. 1715. MODIFICATION OF INTERACTION BETWEEN SUBPART F AND PASSIVE FOREIGN INVESTMENT COMPANY RULES.

(a) LIMITATION ON EXCEPTION FROM PFIC RULES FOR UNITED STATES SHAREHOLDERS OF CONTROLLED FOREIGN CORPORATIONS.—Paragraph (2) of section 1297(e) (relating to passive foreign investment company) is amended by adding at the end the following flush sentence:

"Such term shall not include any period if the earning of subpart F income by such corporation during such period would result in only a remote likelihood of an inclusion in gross income under section 951(a)(1)(A)(i).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of controlled foreign corporations beginning after March 2, 2005, and to taxable years of United States shareholders with or within which such taxable years of controlled foreign corporations end.

SEC. 1716. DECLARATION BY CHIEF EXECUTIVE OFFICER RELATING TO FEDERAL ANNUAL CORPORATE INCOME TAX RETURN.

(a) IN GENERAL.—The Federal annual tax return of a corporation with respect to income shall also include a declaration signed by the chief executive officer of such corporation (or other such officer of the corporation as the Secretary of the Treasury may designate if the corporation does not have a chief executive officer), under penalties of perjury, that the corporation has in place processes and procedures that ensure that such return complies with the Internal Revenue Code of 1986 and that the chief executive officer was provided reasonable assurance of the accuracy of all material aspects of such return. The preceding sentence shall not apply to any return of a regulated investment company (within the meaning of section 851 of such Code).

(b) EFFECTIVE DATE.—This section shall apply to Federal annual tax returns for taxable years ending after the date of the enactment of this Act.

SEC. 1717. TREASURY REGULATIONS ON FOREIGN TAX CREDIT.

(a) IN GENERAL.—Section 901 (relating to taxes of foreign countries and of possessions of United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) REGULATIONS.—The Secretary may prescribe regulations disallowing a credit under subsection (a) for all or a portion of any foreign tax, or allocating a foreign tax among 2 or more persons, in cases where the foreign tax is imposed on any person in respect of income of another person or in other cases involving the inappropriate separation of the foreign tax from the related foreign income.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 1718. WHISTLEBLOWER REFORMS.

(a) IN GENERAL.—Section 7623 (relating to expenses of detection of underpayments and fraud, etc.) is amended—

(1) by striking "The Secretary" and inserting "(a) IN GENERAL.—The Secretary",

(2) by striking "and" at the end of paragraph (1) and inserting "or",

(3) by striking "(other than interest)", and

(4) by adding at the end the following new subsections:

"(b) AWARDS TO WHISTLEBLOWERS.—

"(1) IN GENERAL.—If the Secretary proceeds with any administrative or judicial action described in subsection (a) based on information brought to the Secretary's attention by an individual, such individual shall, subject to paragraph (2), receive as an award at least 15 percent but not more than 30 percent of the collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action (including any related actions) or from any settlement in response to such action. The determination of the amount of such award by the Whistleblower Office shall depend upon the extent to which the individual substantially contributed to such action.

"(2) AWARD IN CASE OF LESS SUBSTANTIAL CONTRIBUTION.—

"(A) IN GENERAL.—In the event the action described in paragraph (1) is one which the Whistleblower Office determines to be based principally on disclosures of specific allegations (other than information provided by the individual described in paragraph (1)) resulting from a judicial or administrative hearing, from a governmental report, hearing, audit, or investigation, or from the news media, the Whistleblower Office may award such sums as it considers appropriate, but in no case more than 10 percent of the collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action (including any related actions) or from any settlement in response to such action, taking into account the significance of the individual's information and the role of such individual and any legal representative of such individual in contributing to such action.

"(B) NONAPPLICATION OF PARAGRAPH WHERE INDIVIDUAL IS ORIGINAL SOURCE OF INFORMATION.—Subparagraph (A) shall not apply if the information resulting in the initiation of the action described in paragraph (1) was originally provided by the individual described in paragraph (1).

"(3) REDUCTION IN OR DENIAL OF AWARD.—If the Whistleblower Office determines that the claim for an award under paragraph (1) or (2) is brought by an individual who planned and initiated the actions that led to the underpayment of tax or actions described in subsection (a)(2), then the Whistleblower Office may appropriately reduce such award. If such individual is convicted of criminal conduct arising from the role described in the preceding sentence, the Whistleblower Office shall deny any award.

"(4) APPEAL OF AWARD DETERMINATION.—Any determination regarding an award under paragraph (1), (2), or (3) shall be subject to the filing by the individual described in such paragraph of a petition for review with the Tax Court under rules similar to the rules under section 7463 (without regard to the amount in dispute) and such review shall be subject to the rules under section 7461(b)(1).

"(5) APPLICATION OF THIS SUBSECTION.—This subsection shall apply with respect to any action—

"(A) against any taxpayer, but in the case of any individual, only if such individual's gross income exceeds $200,000 for any taxable year subject to such action, and

"(B) if the tax, penalties, interest, additions to tax, and additional amounts in dispute exceed $20,000.

"(6) ADDITIONAL RULES.—

"(A) NO CONTRACT NECESSARY.—No contract with the Internal Revenue Service is necessary for any individual to receive an award under this subsection.

"(B) REPRESENTATION.—Any individual described in paragraph (1) or (2) may be represented by counsel.

"(C) AWARD NOT SUBJECT TO INDIVIDUAL ALTERNATIVE MINIMUM TAX.—No award received under this subsection shall be included in gross income for purposes of determining alternative minimum taxable income.

"(c) WHISTLEBLOWER OFFICE.—

"(1) IN GENERAL.—There is established in the Internal Revenue Service an office to be known as the 'Whistleblower Office' which—

"(A) shall at all times operate at the direction of the Commissioner and coordinate and consult with other divisions in the Internal Revenue Service as directed by the Commissioner,

"(B) shall analyze information received from any individual described in subsection (b) and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office,

"(C) shall monitor any action taken with respect to such matter,

"(D) shall inform such individual that it has accepted the individual's information for further review,

"(E) may require such individual and any legal representative of such individual to not disclose any information so provided,

"(F) in its sole discretion, may ask for additional assistance from such individual or any legal representative of such individual, and

"(G) shall determine the amount to be awarded to such individual under subsection (b).

"(2) FUNDING FOR OFFICE.—There is authorized to be appropriated $10,000,000 for each fiscal year for the Whistleblower Office. These funds shall be used to maintain the Whistleblower Office and also to reimburse other Internal Revenue Service offices for related costs, such as costs of investigation and collection.

"(3) REQUEST FOR ASSISTANCE.—

"(A) IN GENERAL.—Any assistance requested under paragraph (1)(F) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under subparagraph (A). To the extent the disclosure of any returns or return information to the individual or legal representative is required for the performance of such assistance, such disclosure shall be pursuant to a contract entered into between the Secretary and the recipients of such disclosure subject to section 6103(n). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.

"(B) FUNDING OF ASSISTANCE.—From the amounts available for expenditure under subsection (b), the Whistleblower Office may, with the agreement of the individual described in subsection (b), reimburse the costs incurred by any legal representative of such individual in providing assistance described in subparagraph (A).

"(d) REPORT BY SECRETARY.—The Secretary shall each year conduct a study and report to Congress on the use of this section, including—

"(1) an analysis of the use of this section during the preceding year and the results of such use, and

"(2) any legislative or administrative recommendations regarding the provisions of this section and its application.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to information provided on or after the date of the enactment of this Act.

SEC. 1719. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

"(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.

"(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION.—Paragraph (1) shall not apply to any amount which—

"(A) the taxpayer establishes constitutes restitution (including remediation of property) for damage or harm caused by or which may be caused by the violation of any law or the potential violation of any law, and

"(B) is identified as restitution in the court order or settlement agreement.

Identification pursuant to subparagraph (B) alone shall not satisfy the requirement under subparagraph (A). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation.

"(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

"(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

"(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

"(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

"(5) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendment shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SEC. 1720. FREEZE OF INTEREST SUSPENSION RULES WITH RESPECT TO LISTED TRANSACTIONS.

(a) IN GENERAL.—Paragraph (2) of section 903(d) of the American Jobs Creation Act of 2005 is amended to read as follows:

"(2) EXCEPTION FOR REPORTABLE OR LISTED TRANSACTIONS.—

"(A) IN GENERAL.—The amendments made by subsection (c) shall apply with respect to interest accruing after October 3, 2004.

"(B) SPECIAL RULE FOR CERTAIN LISTED TRANSACTIONS.—

"(i) IN GENERAL.—Except as provided in clause (ii) or (iii), in the case of any listed transaction, the amendments made by subsection (c) shall also apply with respect to interest accruing on or before October 3, 2004.

"(ii) PARTICIPANTS IN SETTLEMENT INITIATIVES.—Clause (i) shall not apply to a listed transaction if, as of May 9, 2005—

"(I) the taxpayer is participating in a published settlement initiative which is offered by the Secretary of the Treasury or his delegate to a group of similarly situated taxpayers claiming benefits from the listed transaction, or

"(II) the taxpayer has entered into a settlement agreement pursuant to such an initiative with respect to the tax liability arising in connection with the listed transaction.

Subclause (I) shall not apply to the taxpayer if, after May 9, 2005, the taxpayer withdraws from, or terminates, participation in the initiative or the Secretary or his delegate determines that a settlement agreement will not be reached pursuant to the initiative within a reasonable period of time.

"(iii) CLOSED TRANSACTIONS.—Clause (i) shall not apply to a listed transaction if, as of May 9, 2005—

"(I) the assessment of all Federal income taxes for the taxable year in which the tax liability to which the interest relates arose is prevented by the operation of any law or rule of law, or

"(II) a closing agreement under section 7121 has been entered into with respect to the tax liability arising in connection with the listed transaction.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which it relates.

SEC. 1721. MODIFICATIONS OF EFFECTIVE DATES OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) REPEAL OF EXCEPTION FOR QUALIFIED TRANSPORTATION PROPERTY.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by striking paragraphs (1) and (2) and by redesignating paragraphs (3) and (4) as paragraphs (1) and (2).

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

SEC. 1722. IMPOSITION OF MARK-TO-MARKET TAX ON INDIVIDUALS WHO EXPATRIATE.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2005, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2004' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

"(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

"(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

"(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

"(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

"(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

"(iii) complies with such other requirements as the Secretary may prescribe.

"(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

"(7) INTEREST.—For purposes of section 6601—

"(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

"(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(c) COVERED EXPATRIATE.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

"(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

"(A) the individual—

"(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

"(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

"(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

"(1) EXEMPT PROPERTY.—This section shall not apply to the following:

"(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

"(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

"(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

"(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

"(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

"(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

"(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

"(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

"(D) APPLICABLE PLANS.—This paragraph shall apply to—

"(i) any qualified retirement plan (as defined in section 4974(c)),

"(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

"(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

"(e) DEFINITIONS.—For purposes of this section—

"(1) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes citizenship, and

"(B) any long-term resident of the United States who—

"(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

"(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

"(2) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

"(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

"(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)-(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

"(A) the individual shall not be treated as having sold such interest,

"(B) such interest shall be treated as a separate share in the trust,.and

"(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

"(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

"(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

"(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

"(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

"(i) paragraph (1) and subsection (a) shall not apply, and

"(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

"(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

"(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

"(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

"(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

"(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

"(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

"(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

"(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

"(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

"(E) TAX DEDUCTED AND WITHHELD.—

"(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

"(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

"(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

"(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

"(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

"(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

"(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

"(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

"(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

"(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

"(B) OTHER DETERMINATIONS.—For purposes of this section—

"(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayer's trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) IMPOSITION OF TENTATIVE TAX.—

"(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

"(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

"(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

"(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

"(i) Special Liens for Deferred Tax Amounts.—

"(1) Imposition of lien.—

"(A) In general.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

"(B) Deferred amount.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

"(2) Period of lien.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

"(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

"(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

"(3) Certain rules apply.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

"(j) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) Inclusion in Income of Gifts and Bequests Received by United States Citizens and Residents From Expatriates.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

"(d) Gifts and Inheritances From Covered Expatriates.—

"(1) In general.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

"(2) Exceptions for transfers otherwise subject to estate or gift tax.—Paragraph (1) shall not apply to any property if either—

"(A) the gift, bequest, devise, or inheritance is—

"(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

"(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

"(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.".

(c) Definition of Termination of United States Citizenship.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(49) Termination of united states citizenship.—

"(A) In general.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) Dual citizens.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(d) Ineligibility for Visa or Admission to United States.—

(1) In general.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) Former citizens not in compliance with expatriation revenue provisions.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).".

(2) Availability of information.—

(A) In general.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(21) Disclosure to deny visa or admission to certain expatriates.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) Safeguards.—Section 6103(p)(4) (relating to safeguards) is amended by striking "or (20)" each place it appears and inserting "(20), or (21)".

(3) Effective dates.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) Conforming Amendments.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(h) Application.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) Application.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(C) Application.—This paragraph shall not apply to any expatriate subject to section 877A.".

(f) Clerical Amendment.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(g) Effective Date.—

(1) In general.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) Gifts and bequests.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) Due date for tentative tax.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 1723. DISALLOWANCE OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) Disallowance of Deduction.—

(1) In general.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking "If" and inserting:

"(1) Treble damages.—If", and

(C) by adding at the end the following new paragraph:

"(2) Punitive damages.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).".

(2) Conforming amendment.—The heading for section 162(g) is amended by inserting "or Punitive Damages" after "Laws".

(b) Inclusion in Income of Punitive Damages Paid by Insurer or Otherwise.—

(1) In general.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

"Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.".

(2) Reporting requirements.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

"(f) Section To Apply to Punitive Damages Compensation.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.".

(3) Conforming amendment.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Punitive damages compensated by insurance or otherwise.".

(c) Effective Date.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SEC. 1724. APPLICATION OF EARNINGS STRIPPING RULES TO PARTNERS WHICH ARE C CORPORATIONS.

(a) In General.—Section 163(j) (relating to limitation on deduction for interest on certain indebtedness) is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph:

"(8) Allocations to certain corporate partners.—If a C corporation is a partner in a partnership—

"(A) the corporation's allocable share of indebtedness and interest income of the partnership shall be taken into account in applying this subsection to the corporation, and

"(B) if a deduction is not disallowed under this subsection with respect to any interest expense of the partnership, this subsection shall be applied separately in determining whether a deduction is allowable to the corporation with respect to the corporation's allocable share of such interest expense.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning on or after the date of the enactment of this Act.

SEC. 1725. PROHIBITION ON DEFERRAL OF GAIN FROM THE EXERCISE OF STOCK OPTIONS AND RESTRICTED STOCK GAINS THROUGH DEFERRED COMPENSATION ARRANGEMENTS.

(a) IN GENERAL.—Section 83 (relating to property transferred in connection with performance of services) is amending by adding at the end the following new subsection:

"(i) PROHIBITION ON ADDITIONAL DEFERRAL THROUGH DEFERRED COMPENSATION ARRANGEMENTS.—If a taxpayer exchanges—

"(1) an option to purchase employer securities—

"(A) to which subsection (a) applies, or

"(B) which is described in subsection (e)(3), or

"(2) employer securities or any other property based on employer securities transferred to the taxpayer,

for a right to receive future payments, then, notwithstanding any other provision of this title, there shall be included in gross income for the taxable year of the exchange an amount equal to the present value of such right (or such other amount as the Secretary may by regulations specify). For purposes of this subsection, the term 'employer securities' includes any security issued by the employer.".

(b) CONTROLLED GROUP RULES.—Section 414(t)(2) is amended by inserting "83(i)," after "79,".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any exchange after the date of the enactment of this Act.

SEC. 1726. LIMITATION OF EMPLOYER DEDUCTION FOR CERTAIN ENTERTAINMENT EXPENSES.

(a) IN GENERAL.—Paragraph (2) of section 274(e) (relating to expenses treated as compensation) is amended to read as follows:

"(2) EXPENSES TREATED AS COMPENSATION.—Expenses for goods, services, and facilities, to the extent that the expenses do not exceed the amount of the expenses which are treated by the taxpayer, with respect to the recipient of the entertainment, amusement, or recreation, as compensation to an employee on the taxpayer's return of tax under this chapter and as wages to such employee for purposes of chapter 24 (relating to withholding of income tax at source on wages).".

(b) PERSONS NOT EMPLOYEES.—Paragraph (9) of section 274(e) is amended by striking "to the extent that the expenses are includible in the gross income" and inserting "to the extent that the expenses do not exceed the amount of the expenses which are includible in the gross income".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses incurred after the date of the enactment of this Act.

SEC. 1727. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) IN GENERAL.—Section 6657 (relating to bad checks) is amended—

(1) by striking "$750" and inserting "$1,250", and

(2) by striking "$15" and inserting "$25".

(b) EFFECTIVE DATE.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

SEC. 1728. ELIMINATION OF DOUBLE DEDUCTION ON MINING EXPLORATION AND DEVELOPMENT COSTS UNDER THE MINIMUM TAX.

(a) IN GENERAL.—Section 57(a)(1) (relating to depletion) is amended by striking "for the taxable year)" and inserting "for the taxable year and determined without regard to so much of the basis as is attributable to mining exploration and development costs described in section 616 or 617 for which a deduction is allowable for any taxable year under this part).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment this Act.

PART III—IMPROVEMENTS IN EFFICIENCY AND SAFEGUARDS IN INTERNAL REVENUE SERVICE COLLECTION

SEC. 1731. WAIVER OF USER FEE FOR INSTALLMENT AGREEMENTS USING AUTOMATED WITHDRAWALS.

(a) IN GENERAL.—Section 6159 (relating to agreements for payment of tax liability in installments) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) WAIVER OF USER FEES FOR INSTALLMENT AGREEMENTS USING AUTOMATED WITHDRAWALS.—In the case of a taxpayer who enters into an installment agreement in which automated installment payments are agreed to, the Secretary shall waive the fee (if any) for entering into the installment agreement.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date which is 180 days after the date of the enactment of this Act.

SEC. 1732. TERMINATION OF INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—Section 6159(b)(4) (relating to failure to pay an installment or any other tax liability when due or to provide requested financial information) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (E), and by inserting after subparagraph (B) the following:

"(C) to make a Federal tax deposit under section 6302 at the time such deposit is required to be made,

"(D) to file a return of tax imposed under this title by its due date (including extensions), or".

(b) CONFORMING AMENDMENT.—The heading for section 6159(b)(4) is amended by striking "FAILURE TO PAY AN INSTALLMENT OR ANY OTHER TAX LIABILITY WHEN DUE OR TO PROVIDE REQUESTED FINANCIAL INFORMATION" and inserting "FAILURE TO MAKE PAYMENTS OR DEPOSITS OR FILE RETURNS WHEN DUE OR TO PROVIDE REQUESTED FINANCIAL INFORMATION".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to failures occurring on or after the date of the enactment of this Act.

SEC. 1733. OFFICE OF CHIEF COUNSEL REVIEW OF OFFERS-IN-COMPROMISE.

(a) IN GENERAL.—Section 7122(b) (relating to record) is amended by striking "Whenever a compromise" and all that follows through "his delegate" and inserting "If the Secretary determines that an opinion of the General Counsel for the Department of the Treasury, or the Counsel's delegate, is required with respect to a compromise, there shall be placed on file in the office of the Secretary such opinion".

(b) CONFORMING AMENDMENTS.—Section 7122(b) is amended by striking the second and third sentences.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offers-in-compromise submitted or pending on or after the date of the enactment of this Act.

SEC. 1734. PARTIAL PAYMENTS REQUIRED WITH SUBMISSION OF OFFERS-IN-COMPROMISE.

(a) IN GENERAL.—Section 7122 (relating to compromises), as amended by this Act, is amended by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively, and by inserting after subsection (b) the following new subsection:

"(c) RULES FOR SUBMISSION OF OFFERS-IN-COMPROMISE.—

"(1) PARTIAL PAYMENT REQUIRED WITH SUBMISSION.—

"(A) LUMP-SUM OFFERS.—

"(i) IN GENERAL.—The submission of any lump-sum offer-in-compromise shall be accompanied by the payment of 20 percent of amount of such offer.

"(ii) LUMP-SUM OFFER-IN-COMPROMISE.—For purposes of this section, the term 'lump-sum offer-in-compromise' means any offer of payments made in 5 or fewer installments.

"(B) PERIODIC PAYMENT OFFERS.—The submission of any periodic payment offer-in-compromise shall be accompanied by the payment of the amount of the first proposed installment and each proposed installment due during the period such offer is being evaluated for acceptance and has not been rejected by the Secretary. Any failure to make a payment required under the preceding sentence shall be deemed a withdrawal of the offer-in-compromise.

"(2) RULES OF APPLICATION.—

"(A) USE OF PAYMENT.—The application of any payment made under this subsection to the assessed tax or other amounts imposed under this title with respect to such tax may be specified by the taxpayer.

"(B) NO USER FEE IMPOSED.—Any user fee which would otherwise be imposed under this section shall not be imposed on any offer-in-compromise accompanied by a payment required under this subsection.".

(b) ADDITIONAL RULES RELATING TO TREATMENT OF OFFERS.—

(1) UNPROCESSABLE OFFER IF PAYMENT REQUIREMENTS ARE NOT MET.—Paragraph (3) of section 7122(d) (relating to standards for evaluation of offers), as redesignated by subsection (a), is amended by striking "; and" at the end of subparagraph (A) and inserting a comma, by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) any offer-in-compromise which does not meet the requirements of subsection (c) shall be returned to the taxpayer as unprocessable.".

(2) DEEMED ACCEPTANCE OF OFFER NOT REJECTED WITHIN CERTAIN PERIOD.—Section 7122, as amended by subsection (a), is amended by adding at the end the following new subsection:

"(g) DEEMED ACCEPTANCE OF OFFER NOT REJECTED WITHIN CERTAIN PERIOD.—Any offer-in-compromise submitted under this section shall be deemed to be accepted by the Secretary if such offer is not rejected by the Secretary before the date which is 24 months after the date of the submission of such offer (12 months for offers-in-compromise submitted after the date which is 5 years after the date of the enactment of this subsection). For purposes of the preceding sentence, any period during which any tax liability which is the subject of such offer-in-compromise is in dispute in any judicial proceeding shall not be taken in to account in determining the expiration of the 24-month period (or 12-month period, if applicable).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offers-in-compromise submitted on and after the date which is 60 days after the date of the enactment of this Act.

SEC. 1735. JOINT TASK FORCE ON OFFERS-IN-COMPROMISE.

(a) IN GENERAL.—The Secretary of the Treasury shall establish a joint task force—

(1) to review the Internal Revenue Service's determinations with respect to offers-in-compromise, including offers which raise equitable, public policy, or economic hardship grounds for compromise of a tax liability under section 7122 of the Internal Revenue Code of 1986,

(2) to review the extent to which the Internal Revenue Service has used its authority to resolve longstanding cases by forgoing penalties and interest which have accumulated as a result of delay in determining the taxpayer's liability,

(3) to provide recommendations as to whether the Internal Revenue Service's evaluation of offers-in-compromise should include—

(A) the taxpayer's compliance history,

(B) errors by the Internal Revenue Service with respect to the underlying tax, and

(C) wrongful acts by a third party which gave rise to the liability, and

(4) to annually report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives (beginning in 2006) regarding such review and recommendations.

(b) MEMBERS OF JOINT TASK FORCE.—The membership of the joint task force under subsection (a) shall consist of 1 representative each from the Department of the Treasury, the Internal Revenue Service Oversight Board, the Office of the Chief Counsel for the Internal Revenue Service, the Office of the Taxpayer Advocate, the Office of Appeals, and the division of the Internal Revenue Service charged with operating the offer-in-compromise program.

(c) REPORT OF NATIONAL TAXPAYER ADVOCATE.—

(1) IN GENERAL.—Clause (ii) of section 7803(c)(2)(B) (relating to annual reports) is amended by striking "and" at the end of subclause (X), by redesignating subclause (XI) as subclause (XII), and by inserting after subclause (X) the following new subclause:

"(XI) include a list of the factors taxpayers have raised to support their claims for offers-in-compromise relief, the number of such offers submitted, accepted, and rejected, the number of such offers appealed, the period during which review of such offers have remained pending, and the efforts the Internal Revenue Service has made to correctly identify such offers, including the training of employees in identifying and evaluating such offers.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to reports in calendar year 2006 and thereafter.

SA 929. Mr. LEVIN (for himself and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end add the following:

TITLE XVII—TAX INCENTIVES FOR ALTERNATIVE MOTOR VEHICLES AND FUELS

SEC. 1700. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Tax Incentives

SEC. 1701. ALTERNATIVE MOTOR VEHICLE CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by adding at the end the following:

"SEC. 30B. ALTERNATIVE MOTOR VEHICLE CREDIT.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) the new qualified fuel cell motor vehicle credit determined under subsection (b),

"(2) the new advanced lean burn technology motor vehicle credit determined under subsection (c),

"(3) the new qualified hybrid motor vehicle credit determined under subsection (d), and

"(4) the new qualified alternative fuel motor vehicle credit determined under subsection (e).

"(b) NEW QUALIFIED FUEL CELL MOTOR VEHICLE CREDIT.—

"(1) IN GENERAL.—For purposes of subsection (a), the new qualified fuel cell motor vehicle credit determined under this subsection with respect to a new qualified fuel cell motor vehicle placed in service by the taxpayer during the taxable year is—

"(A) $8,000 if such vehicle has a gross vehicle weight rating of not more than 8,500 pounds,

"(B) $10,000, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

"(C) $20,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

"(D) $40,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

"(2) INCREASE FOR FUEL EFFICIENCY.—

"(A) IN GENERAL.—The amount determined under paragraph (1)(A) with respect to a new qualified fuel cell motor vehicle which is a passenger automobile or light truck shall be increased by—

"(i) $1,000, if such vehicle achieves at least 150 percent but less than 175 percent of the 2002 model year city fuel economy,

"(ii) $1,500, if such vehicle achieves at least 175 percent but less than 200 percent of the 2002 model year city fuel economy,

"(iii) $2,000, if such vehicle achieves at least 200 percent but less than 225 percent of the 2002 model year city fuel economy,

"(iv) $2,500, if such vehicle achieves at least 225 percent but less than 250 percent of the 2002 model year city fuel economy,

"(v) $3,000, if such vehicle achieves at least 250 percent but less than 275 percent of the 2002 model year city fuel economy,

"(vi) $3,500, if such vehicle achieves at least 275 percent but less than 300 percent of the 2002 model year city fuel economy, and

"(vii) $4,000, if such vehicle achieves at least 300 percent of the 2002 model year city fuel economy.

"(B) 2002 MODEL YEAR CITY FUEL ECONOMY.—For purposes of subparagraph (A), the 2002 model year city fuel economy with respect to a vehicle shall be determined in accordance with the following tables:

"(i) In the case of a passenger automobile:

"If vehicle inertia weight class is:	**The 2002 model year city fuel economy is:**
1,500 or 1,750 lbs	45.2 mpg
2,000 lbs	39.6 mpg
2,250 lbs	35.2 mpg
2,500 lbs	31.7 mpg
2,750 lbs	28.8 mpg
3,000 lbs	26.4 mpg
3,500 lbs	22.6 mpg
4,000 lbs	19.8 mpg
4,500 lbs	17.6 mpg
5,000 lbs	15.9 mpg
5,500 lbs	14.4 mpg
6,000 lbs	13.2 mpg
6,500 lbs	12.2 mpg
7,000 to 8,500 lbs	11.3 mpg.

"(ii) In the case of a light truck:

"If vehicle inertia weight class is:	**The 2002 model year city fuel economy is:**
1,500 or 1,750 lbs	39.4 mpg
2,000 lbs	35.2 mpg
2,250 lbs	31.8 mpg
2,500 lbs	29.0 mpg
2.750 lbs	26.8 mpg
3,000 lbs	24.9 mpg
3,500 lbs	21.8 mpg
4,000 lbs	19.4 mpg
4,500 lbs	17.6 mpg
5,000 lbs	16.1 mpg
5,500 lbs	14.8 mpg
6,000 lbs	13.7 mpg
6,500 lbs	12.8 mpg
7,000 to 8,500 lbs	12.1 mpg.

"(C) VEHICLE INERTIA WEIGHT CLASS.—For purposes of subparagraph (B), the term 'vehicle insertia weight class' has the same meaning as when defined in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

"(3) NEW QUALIFIED FUEL CELL MOTOR VEHICLE.—For purposes of this subsection, the term 'new qualified fuel cell motor vehicle' means a motor vehicle—

"(A) which is propelled by power derived from 1 or more cells which convert chemical energy directly into electricity by combining oxygen with hydrogen fuel which is stored on board the vehicle in any form and may or may not require reformation prior to use,

"(B) which, in the case of a passenger automobile or light truck, has received on or after the date of the enactment of this section a certificate that such vehicle meets or exceeds the Bin 5 Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle,

"(C) the original use of which commences with the taxpayer,

"(D) which is acquired for use or lease by the taxpayer and not for resale, and

"(E) which is made by a manufacturer.

"(c) NEW ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLE CREDIT.—

"(1) IN GENERAL.—For purposes of subsection (a), the new advanced lean burn technology motor vehicle credit determined under this subsection with respect to a new advanced lean burn technology motor vehicle placed in service by the taxpayer during the taxable year is the credit amount determined under paragraph (2).

"(2) CREDIT AMOUNT.—

“(A) FUEL ECONOMY.—

“(i) IN GENERAL.—The credit amount determined under this paragraph shall be determined in accordance with the following table:

“In the case of a vehicle which achieves a fuel economy (expressed as a percentage of the 2002 model year city fuel economy) of—	**The credit amount is—**
At least 125 percent but less than 150 percent	$600
At least 150 percent but less than 175 percent	$1,100
At least 175 percent but less than 200 percent	$1,600
At least 200 percent but less than 225 percent	$2,100
At least 225 percent but less than 250 percent	$2,600
At least 250 percent	$3,100.

“(ii) 2002 MODEL YEAR CITY FUEL ECONOMY.—For purposes of clause (i), the 2002 model year city fuel economy with respect to a vehicle shall be determined on a gasoline gallon equivalent basis as determined by the Administrator of the Environmental Protection Agency using the tables provided in subsection (b)(2)(B) with respect to such vehicle.

“(B) CONSERVATION CREDIT.—The amount determined under subparagraph (A) with respect to a new advanced lean burn technology motor vehicle shall be increased by the conservation credit amount determined in accordance with the following table:

“In the case of a vehicle which achieves a lifetime fuel savings (expressed in gallons of gasoline) of—	**The conservation credit amountis—**
At least 1,200 but less than 1,800	$700
At least 1,800 but less than 2,400	$1,200
At least 2,400 but less than 3,000	$1,700
At least 3,000	$2,200.

“(C) OPTION TO USE LIKE VEHICLE.—At the option of the vehicle manufacturer, the increase for fuel efficiency and conservation credit may be calculated by comparing the new qualified advanced lean burn technology motor vehicle to a like vehicle.

“(3) NEW ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLE.—For purposes of this subsection, the term ‘new advanced lean burn technology motor vehicle’ means a passenger automobile or a light truck—

“(A) with an internal combustion engine which—

“(i) is designed to operate primarily using more air than is necessary for complete combustion of the fuel,

“(ii) incorporates direct injection,

“(iii) achieves at least 125 percent of the 2002 model year city fuel economy,

“(iv) for 2004 and later model vehicles, has received a certificate that such vehicle meets or exceeds—

“(I) in the case of a vehicle having a gross vehicle weight rating of 6,000 pounds or less, the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

“(II) in the case of a vehicle having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, the Bin 8 Tier II emission standard which is so established.

“(B) the original use of which commences with the taxpayer.

“(C) which is acquired for use or lease by the taxpayer and not for resale, and

“(D) which is made by a manufacturer.

“(4) LIKE VEHICLE.—The term ‘like vehicle’ for a new qualified advanced lean burn technology motor vehicle derived from a conventional production vehicle produced in the same model year means a model that is equivalent in the following areas:

“(A) Body style (2-door or 4-door),

“(B) Transmission (automatic or manual),

“(C) Acceleration performance (± 0.05 seconds).

“(D) Drivetrain (2-wheel drive or 4-wheel drive).

“(E) Certification by the Administrator of the Environmental Protection Agency.

“(5) LIFETIME FUEL SAVINGS.—For purposes of this subsection, the term ‘lifetime fuel savings’ means, in the case of any new advanced lean burn technology motor vehicle, an amount equal to the excess (if any) of—

“(A) 120,000 divided by the 2002 model year city fuel economy for the vehicle inertia weight class, over

“(B) 120,000 divided by the city fuel economy for such vehicle.

“(d) NEW QUALIFIED HYBRID MOTOR VEHICLE CREDIT.—

“(1) IN GENERAL.—For purposes of subsection (a), the new qualified hybrid motor vehicle credit determined under this subsection with respect to a new qualified hybrid motor vehicle placed in service by the taxpayer during the taxable year is the credit amount determined under paragraph (2) or (3).

“(2) CREDIT AMOUNT FOR LIGHTER VEHICLES.—In the case of a new qualified hybrid motor vehicle which is a passenger automobile, medium duty passenger vehicle, or light truck, the credit amount determined under this paragraph is equal to the sum of following amounts:

“(A) FUEL ECONOMY.—The amount which would be determined under subsection (c)(2)(A) if such vehicle were a vehicle referred to in such subsection.

“(B) CONSERVATION CREDIT.—The amount which would be determined under subsection (c)(2)(B) if such vehicle were a vehicle referred to in such subsection.

“(iii) OPTION TO USE LIKE VEHICLE.—For purposes of clause (i), at the option of the vehicle manufacturer, the increase for fuel efficiency and conservation credit may be calculated by comparing the new qualified hybrid motor vehicle to a like vehicle (as defined in subsection (c)(4)).

“(3) CREDIT AMOUNT FOR HEAVIER VEHICLES.—

“(A) IN GENERAL.—In the case of a new qualified hybrid motor vehicle which is a heavy duty hybrid motor vehicle, the credit amount determined under this paragraph is an amount equal to the applicable percentage of the incremental cost of such vehicle placed in service by the taxpayer during the taxable year.

“(B) INCREMENTAL COST.—For purposes of this paragraph, the incremental cost of any heavy duty hybrid motor vehicle is equal to the amount of the excess of the manufacturer's suggested retail price for such vehicle over such price for a comparable gasoline or diesel fuel motor vehicle of the same model, to the extent such amount does not exceed—

“(i) $7,500, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

“(ii) $15,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

“(iii) $30,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

“(C) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

“If percent increase in fuel economy of hybrid over comparable vehicle is:	**The applicable percentage is:**
At least 30 but less than 40 percent	20 percent.
At least 40 but less than 50 percent	30 percent.
At least 50 percent	40 percent.

“(4) NEW QUALIFIED HYBRID MOTOR VEHICLE.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘new qualified hybrid motor vehicle’ means a motor vehicle—

“(i) which draws propulsion energy from onboard sources of stored energy which are both—

“(I) an internal combustion or heat engine using consumable fuel, and

“(II) a rechargeable energy storage system,

“(ii) which, in the case of a passenger automobile, medium duty passenger vehicle, or light truck—

“(I) having a gross vehicle weight rating of 6,000 pounds or less, has received a certificate that such vehicle meets or exceeds the Bin 5 Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle,

“(II) having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, has received a certificate that such vehicle meets or exceeds the Bin 8 Tier II emission standard which is so established,

“(III) has received a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year, and

“(IV) has a maximum available power of at least 5 percent,

“(iii) which, in the case of a heavy duty hybrid motor vehicle—

“(I) having a gross vehicle weight rating of more than 8,500 but not more than 14,000 pounds, has a maximum available power of at least 10 percent, and

“(II) having a gross vehicle weight rating of more than 14,000 pounds, has a maximum available power of at least 15 percent,

“(iv) the original use of which commences with the taxpayer,

“(v) which is acquired for use or lease by the taxpayer and not for resale, and

“(vi) which is made by a manufacturer.

“(B) CONSUMABLE FUEL.—For purposes of subparagraph (A)(i)(I), the term ‘consumable fuel’ means any solid, liquid, or gaseous matter which releases energy when consumed by an auxiliary power unit.

“(C) MAXIMUM AVAILABLE POWER.—

“(i) PASSENGER AUTOMOBILE, MEDIUM DUTY PASSENGER VEHICLE, OR LIGHT TRUCK.—For purposes of subparagraph (A)(ii)(II), the term ‘maximum available power’ means the maximum power available from the rechargeable energy storage system, during a standard 10 second pulse power or equivalent test, divided by such maximum power and the SAE net power of the heat engine.

“(ii) HEAVY DUTY HYBRID MOTOR VEHICLE.—For purposes of subparagraph (A)(iii), the term ‘maximum available power’ means the maximum power available from the rechargeable energy storage system, during a standard 10 second pulse power or equivalent test, divided by the vehicle's total traction power. The term 'total traction power' means the sum of the peak power from the rechargeable energy storage system and the heat engine peak power of the vehicle, except that if such storage system is the sole means by which the vehicle can be driven, the total traction power is the peak power of such storage system.

"(4) HEAVY DUTY HYBRID MOTOR VEHICLE.—For purposes of this subsection, the term 'heavy duty hybrid motor vehicle' means a new qualified hybrid motor vehicle which has a gross vehicle weight rating of more than 8,500 pounds. Such term does not include a medium duty passenger vehicle.

"(e) NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE CREDIT.—

"(1) ALLOWANCE OF CREDIT.—Except as provided in paragraph (5), the new qualified alternative fuel motor vehicle credit determined under this subsection is an amount equal to the applicable percentage of the incremental cost of any new qualified alternative fuel motor vehicle placed in service by the taxpayer during the taxable year.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage with respect to any new qualified alternative fuel motor vehicle is—

"(A) 50 percent, plus

"(B) 30 percent, if such vehicle—

"(i) has received a certificate of conformity under the Clean Air Act and meets or exceeds the most stringent standard available for certification under the Clean Air Act for that make and model year vehicle (other than a zero emission standard), or

"(ii) has received an order certifying the vehicle as meeting the same requirements as vehicles which may be sold or leased in California and meets or exceeds the most stringent standard available for certification under the State laws of California (enacted in accordance with a waiver granted under section 209(b) of the Clean Air Act) for that make and model year vehicle (other than a zero emission standard).

For purposes of the preceding sentence, in the case of any new qualified alternative fuel motor vehicle which weighs more than 14,000 pounds gross vehicle weight rating, the most stringent standard available shall be such standard available for certification on the date of the enactment of the Energy Tax Incentives Act.

"(3) INCREMENTAL COST.—For purposes of this subsection, the incremental cost of any new qualified alternative fuel motor vehicle is equal to the amount of the excess of the manufacturer's suggested retail price for such vehicle over such price for a gasoline or diesel fuel motor vehicle of the same model, to the extent such amount does not exceed—

"(A) $5,000, if such vehicle has a gross vehicle weight rating of not more than 8,500 pounds,

"(B) $10,000, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

"(C) $25,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

"(D) $40,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

"(4) NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'new qualified alternative fuel motor vehicle' means any motor vehicle—

"(i) which is only capable of operating on an alternative fuel,

"(ii) the original use of which commences with the taxpayer,

"(iii) which is acquired by the taxpayer for use or lease, but not for resale, and

"(iv) which is made by a manufacturer.

"(B) ALTERNATIVE FUEL.—The term 'alternative fuel' means compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, and any liquid at least 85 percent of the volume of which consists of methanol.

"(5) CREDIT FOR MIXED-FUEL VEHICLES.—

"(A) IN GENERAL.—In the case of a mixed-fuel vehicle placed in service by the taxpayer during the taxable year, the credit determined under this subsection is an amount equal to—

"(i) in the case of a 75/25 mixed-fuel vehicle, 70 percent of the credit which would have been allowed under this subsection if such vehicle was a qualified alternative fuel motor vehicle, and

"(ii) in the case of a 90/10 mixed-fuel vehicle, 90 percent of the credit which would have been allowed under this subsection if such vehicle was a qualified alternative fuel motor vehicle.

"(B) MIXED-FUEL VEHICLE.—For purposes of this subsection, the term 'mixed-fuel vehicle' means any motor vehicle described in subparagraph (C) or (D) of paragraph (3), which—

"(i) is certified by the manufacturer as being able to perform efficiently in normal operation on a combination of an alternative fuel and a petroleum-based fuel,

"(ii) either—

"(I) has received a certificate of conformity under the Clean Air Act, or

"(II) has received an order certifying the vehicle as meeting the same requirements as vehicles which may be sold or leased in California and meets or exceeds the low emission vehicle standard under section 88.105-94 of title 40, Code of Federal Regulations, for that make and model year vehicle,

"(iii) the original use of which commences with the taxpayer,

"(iv) which is acquired by the taxpayer for use or lease, but not for resale, and

"(v) which is made by a manufacturer.

"(C) 75/25 MIXED-FUEL VEHICLE.—For purposes of this subsection, the term '75/25 mixed-fuel vehicle' means a mixed-fuel vehicle which operates using at least 75 percent alternative fuel and not more than 25 percent petroleum-based fuel.

"(D) 90/10 MIXED-FUEL VEHICLE.—For purposes of this subsection, the term '90/10 mixed-fuel vehicle' means a mixed-fuel vehicle which operates using at least 90 percent alternative fuel and not more than 10 percent petroleum-based fuel.

"(f) LIMITATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN-BURN TECHNOLOGY VEHICLES ELIGIBLE FOR CREDIT.—

"(1) IN GENERAL.—In the case of a qualified vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (c) or (d) shall be allowed.

"(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of qualified vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section is at least 80,000.

"(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

"(A) 50 percent for the first 2 calendar quarters of the phaseout period,

"(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

"(C) 0 percent for each calendar quarter thereafter.

"(4) CONTROLLED GROUPS.—

"(A) IN GENERAL.—For purposes of this subsection, all persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as a single manufacturer.

"(B) INCLUSION OF FOREIGN CORPORATIONS.—For purposes of subparagraph (A), in applying subsections (a) and (b) of section 52 to this section, section 1563 shall be applied without regard to subsection (b)(2)(C) thereof.

"(5) QUALIFIED VEHICLE.—For purposes of this subsection, the term 'qualified vehicle' means any new qualified hybrid motor vehicle and any new advanced lean burn technology motor vehicle.

"(g) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(1) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

"(2) the tentative minimum tax for the taxable year.

"(h) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term by section 30(c)(2).

"(2) CITY FUEL ECONOMY.—The city fuel economy with respect to any vehicle shall be measured in a manner which is substantially similar to the manner city fuel economy is measured in accordance with procedures under part 600 of subchapter Q of chapter I of title 40, Code of Federal Regulations, as in effect on the date of the enactment of this section.

"(3) OTHER TERMS.—The terms 'automobile', 'passenger automobile', 'medium duty passenger vehicle', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

"(4) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed (determined without regard to subsection (e)).

"(5) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter—

"(A) for any incremental cost taken into account in computing the amount of the credit determined under subsection (e) shall be reduced by the amount of such credit attributable to such cost, and

"(B) with respect to a vehicle described under subsection (b), (c), or (d) shall be reduced by the amount of credit allowed under subsection (a) for such vehicle for the taxable year.

"(6) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of a vehicle whose use is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such vehicle to the person or entity using such vehicle shall be treated as the taxpayer that placed such vehicle in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such vehicle (determined without regard to subsection (g)).

"(7) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

"(8) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of a vehicle).

"(9) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

"(10) CARRYBACK AND CARRYFORWARD ALLOWED.—

"(A) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (g) for such taxable year (in this paragraph referred to as the 'unused credit year'), such excess shall be a credit carryback to each of the 3 taxable years preceding the unused credit year and a credit carryforward to each of the 20 taxable years following the unused credit year, except that no excess may be carried to a taxable year beginning before the date of the enactment of this section. The preceding sentence shall not apply to any credit carryback if such credit carryback is attributable to property for which a deduction for depreciation is not allowable.

"(B) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryback and credit carryforward under subparagraph (A).

"(11) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, a motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

"(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

"(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

"(g) REGULATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

"(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements to be eligible for a credit under this section.

"(h) TERMINATION.—This section shall not apply to any property purchased after—

"(1) in the case of a new qualified fuel cell motor vehicle (as described in subsection (b)), December 31, 2015,

"(2) in the case of a new advanced lean burn technology motor vehicle (as described in subsection (c)) or a new qualified hybrid motor vehicle (as described in subsection (d)), December 31, 2009, and

"(3) in the case of a new qualified alternative fuel vehicle (as described in subsection (e)), December 31, 2010.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by this Act, is amended by striking "and" at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting ", and", and by adding at the end the following new paragraph:

"(37) to the extent provided in section 30B(h)(4).".

(2) Section 55(c)(2), as amended by this Act, is amended by inserting "30B(g)," after "30(b)(2),".

(3) Section 6501(m) is amended by inserting "30B(h)(9)," after "30(d)(4),".

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 30A the following new item:

"Sec. 30B. Alternative motor vehicle credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

(d) STICKER INFORMATION REQUIRED AT RETAIL SALE.—

(1) IN GENERAL.—The Secretary of the Treasury shall issue regulations under which each qualified vehicle sold at retail shall display a notice—

(A) that such vehicle is a qualified vehicle, and

(B) that the buyer may not benefit from the credit allowed under section 30B of the Internal Revenue Code of 1986 if such buyer has insufficient tax liability.

(2) QUALIFIED VEHICLE.—For purposes of paragraph (1), the term "qualified vehicle" means a vehicle with respect to which a credit is allowed under section 30B of the Internal Revenue Code of 1986.

(e) NONAPPLICATION OF SECTION .—Notwithstanding any other provision of this Act, the provisions of, and amendments made by, section 1531 of this Act shall be null and void.

SEC. 1702. CREDIT FOR INSTALLATION OF ALTERNATIVE FUEL REFUELING STATIONS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 30C. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

"(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the cost of any qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year.

"(b) LIMITATION.—The credit allowed under subsection (a) with respect to any alternative fuel vehicle refueling property shall not exceed—

"(1) $50,000 in the case of a property of a character subject to an allowance for depreciation, and

"(2) $1,000 in any other case.

"(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'qualified alternative fuel vehicle refueling property' has the meaning given to such term by section 179A(d), but only with respect to any fuel at least 85 percent of the volume of which consists of ethanol, natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, and hydrogen.

"(2) RESIDENTIAL PROPERTY.—In the case of any property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, paragraph (1) of section 179A(d) shall not apply.

"(d) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(1) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, 30, and 30B, over

"(2) the tentative minimum tax for the taxable year.

"(e) CARRYFORWARD ALLOWED.—

"(1) IN GENERAL.—If the credit amount allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (d) for such taxable year, such excess shall be allowed as a credit carryforward for each of the 20 taxable years following the unused credit year.

"(2) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryforward under paragraph (1).

"(f) SPECIAL RULES.—For purposes of this section—

"(1) BASIS REDUCTION.—The basis of any property shall be reduced by the portion of the cost of such property taken into account under subsection (a).

"(2) NO DOUBLE BENEFIT.—No deduction shall be allowed under section 179A with respect to any property with respect to which a credit is allowed under subsection (a).

"(3) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of any qualified alternative fuel vehicle refueling property the use of which is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such property to the person or entity using such property shall be treated as the taxpayer that placed such property in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such property (determined without regard to subsection (d)).

"(4) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

"(5) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

"(6) RECAPTURE RULES.—Rules similar to the rules of section 179A(e)(4) shall apply.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

"(h) TERMINATION.—This section shall not apply to any property placed in service—

"(1) in the case of property relating to hydrogen, after December 31, 2014, and

"(2) in the case of any other property, after December 31, 2009.".

(b) MODIFICATIONS TO EXTENSION OF DEDUCTION FOR CERTAIN REFUELING PROPERTY.—

(1) INCREASE IN DEDUCTION FOR HYDROGEN INFRASTRUCTURE.—Section 179A(b)(2)(A)(i) is amended by inserting "($200,000 in the case of property relating to hydrogen)" after "$100,000".

(2) EXTENSION OF DEDUCTION.—Subsection (f) of section 179A is amended to read as follows:

"(f) TERMINATION.—This section shall not apply to any property placed in service—

"(1) in the case of property relating to hydrogen, after December 31, 2014, and

"(2) in the case of any other property, after December 31, 2009.".

(c) Incentive for Production of Hydrogen at Qualified Clean-fuel Vehicle Refueling Property.—Section 179A(d) (defining qualified clean-fuel vehicle refueling property) is amended by adding at the end the following new flush sentence:

"In the case of clean-burning fuel which is hydrogen produced from another clean-burning fuel, paragraph (3)(A) shall be applied by substituting 'production, storage, or dispensing' for 'storage or dispensing' both places it appears.".

(d) Conforming Amendments.—

(1) Section 1016(a), as amended by this Act, is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 30C(f).".

(2) Section 55(c)(2), as amended by this Act, is amended by inserting "30C(e)," after "30B(e),".

(3) Section 6501(m) is amended by inserting "30C(f)(5)," after "30B(f)(9),".

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 30B the following new item:

"Sec. 30C. Clean-fuel vehicle refueling property credit.".

(e) Effective Date.—The amendments made by this section shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

(f) Nonapplication of Section.—Notwithstanding any other provision of this Act, the provisions of, and amendments made by, section 1533 of this Act shall be null and void.

SEC. 1703. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

(a) In General.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 30D. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

"(a) Credit Allowed.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 35 percent of so much of the qualified investment of an eligible taxpayer for such taxable year as does not exceed $25,000,000.

"(b) Qualified Investment.—For purposes of this section—

"(1) In general.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

"(A) to re-equip or expand any manufacturing facility of the eligible taxpayer to produce advanced technology motor vehicles or to produce eligible components,

"(B) for engineering integration of such vehicles and components as described in subsection (d), and

"(C) for research and development related to advanced technology motor vehicles and eligible components.

"(2) Attribution rules.—In the event a facility of the eligible taxpayer produces both advanced technology motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

"(c) Advanced Technology Motor Vehicles and Eligible Components.—For purposes of this section—

"(1) Advanced technology motor vehicle.—The term 'advanced technology motor vehicle' means—

"(A) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3)), or

"(B) any new qualified hybrid motor vehicle (as defined in section 30B(d)(2)(A) and determined without regard to any gross vehicle weight rating).

"(2) Eligible components.—The term 'eligible component' means any component inherent to any advanced technology motor vehicle, including—

"(A) with respect to any gasoline or diesel-electric new qualified hybrid motor vehicle—

"(i) electric motor or generator,

"(ii) power split device,

"(iii) power control unit,

"(iv) power controls,

"(v) integrated starter generator, or

"(vi) battery,

"(B) with respect to any hydraulic new qualified hybrid motor vehicle—

"(i) hydraulic accumulator vessel,

"(ii) hydraulic pump, or

"(iii) hydraulic pump-motor assembly,

"(C) with respect to any new advanced lean burn technology motor vehicle—

"(i) diesel engine,

"(ii) turbocharger,

"(iii) fuel injection system, or

"(iv) after-treatment system, such as a particle filter or NOx absorber, and

"(D) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

"(d) Engineering Integration Costs.—For purposes of subsection (b)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

"(1) establishing functional, structural, and performance requirements for component and subsystems to meet overall vehicle objectives for a specific application,

"(2) designing interfaces for components and subsystems with mating systems within a specific vehicle application,

"(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

"(4) validating functionality and performance of components and subsystems for a specific vehicle application.

"(e) Eligible Taxpayer.—For purposes of this section, the term 'eligible taxpayer' means any taxpayer if more than 50 percent of its gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

"(f) Limitation Based on Amount of Tax.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(1) the sum of—

"(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

"(B) the tax imposed by section 55 for such taxable year and any prior taxable year beginning after 1986 and not taken into account under section 53 for any prior taxable year, over

"(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

"(g) Reduction in Basis.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(h) No Double Benefit.—

"(1) Coordination with other deductions and credits.—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

"(2) Research and development costs.—

"(A) In general.—Except as provided in subparagraph (B), any amount described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

"(B) Costs taken into account in determining base period research expenses.—Any amounts described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

"(i) Business Carryovers Allowed.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (f) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback and carryforward under rules similar to the rules of section 39.

"(j) Special Rules.—For purposes of this section, rules similar to the rules of paragraphs (4) and (5) of section 179A(e) and paragraphs (1) and (2) of section 41(f) shall apply

"(k) Election Not to Take Credit.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

"(l) Regulations.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

"(m) Termination.—This section shall not apply to any qualified investment after December 31, 2010.".

(b) Conforming Amendments.—

(1) Section 1016(a), as amended by this Act, is amended by striking "and" at the end of paragraph (39), by striking the period at the end of paragraph (40) and inserting ", and", and by adding at the end the following new paragraph:

"(41) to the extent provided in section 30D(g).".

(2) Section 6501(m), as amended by this Act, is amended by inserting "30D(k)," after "30C(j),".

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 30C the following new item:

"Sec. 30D. Advanced technology motor vehicles manufacturing credit.".

(c) Effective Date.—The amendments made by this section shall apply to amounts incurred in taxable years beginning after December 31, 2005.

Subtitle B—Revenue Offset Provisions

PART I—GENERAL PROVISIONS

SEC. 1711. TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT INSTRUMENTS.

(a) In General.—Section 1275(d) (relating to regulation authority) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) In general.—The Secretary", and

(2) by adding at the end the following new paragraph:

"(2) Treatment of contingent payment convertible debt.—

"(A) In general.—In the case of a debt instrument which—

"(i) is convertible into stock of the issuing corporation, into stock or debt of a related party (within the meaning of section 267(b) or 707(b)(1)), or into cash or other property in an amount equal to the approximate value of such stock or debt, and

"(ii) provides for contingent payments,

any regulations which require original issue discount to be determined by reference to the comparable yield of a noncontingent fixed-rate debt instrument shall be applied as if the regulations require that such comparable yield be determined by reference to a noncontingent fixed-rate debt instrument which is convertible into stock.

"(B) Special rule.—For purposes of subparagraph (A), the comparable yield shall be determined without taking into account the yield resulting from the conversion of a debt instrument into stock.".

(b) Cross Reference.—Section 163(e)(6) (relating to cross references) is amended by adding at the end the following:

"For the treatment of contingent payment convertible debt, see section 1275(d)(2).".

(c) Effective Date.—The amendments made by this section shall apply to debt instruments issued on or after the date of the enactment of this Act.

SEC. 1712. FRIVOLOUS TAX SUBMISSIONS.

(a) Civil Penalties.—Section 6702 is amended to read as follows:

"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

"(a) Civil Penalty for Frivolous Tax Returns.—A person shall pay a penalty of $5,000 if—

"(1) such person files what purports to be a return of a tax imposed by this title but which—

"(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

"(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

"(2) the conduct referred to in paragraph (1)—

"(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(B) reflects a desire to delay or impede the administration of Federal tax laws.

"(b) Civil Penalty for Specified Frivolous Submissions.—

"(1) Imposition of penalty.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

"(2) Specified frivolous submission.—For purposes of this section—

"(A) Specified frivolous submission.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

"(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(ii) reflects a desire to delay or impede the administration of Federal tax laws.

"(B) Specified submission.—The term 'specified submission' means—

"(i) a request for a hearing under—

"(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

"(II) section 6330 (relating to notice and opportunity for hearing before levy), and

"(ii) an application under—

"(I) section 6159 (relating to agreements for payment of tax liability in installments),

"(II) section 7122 (relating to compromises), or

"(III) section 7811 (relating to taxpayer assistance orders).

"(3) Opportunity to withdraw submission.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

"(c) Listing of Frivolous Positions.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

"(d) Reduction of Penalty.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

"(e) Penalties in Addition to Other Penalties.—The penalties imposed by this section shall be in addition to any other penalty provided by law.".

(b) Treatment of Frivolous Requests for Hearings Before Levy.—

(1) Frivolous requests disregarded.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(g) Frivolous Requests for Hearing, Etc.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(2) Preclusion from raising frivolous issues at hearing.—Section 6330(c)(4) is amended—

(A) by striking "(A)" and inserting "(A)(i)";

(B) by striking "(B)" and inserting "(ii)";

(C) by striking the period at the end of the first sentence and inserting "; or"; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

"(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).".

(3) Statement of grounds.—Section 6330(b)(1) is amended by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing".

(c) Treatment of Frivolous Requests for Hearings Upon Filing of Notice of Lien.—Section 6320 is amended—

(1) in subsection (b)(1), by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing", and

(2) in subsection (c), by striking "and (e)" and inserting "(e), and (g)".

(d) Treatment of Frivolous Applications for Offers-in-Compromise and Installment Agreements.—Section 7122 is amended by adding at the end the following new subsection:

"(e) Frivolous Submissions, Etc.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(e) Clerical Amendment.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

"Sec. 6702. Frivolous tax submissions.".

(f) Effective Date.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 1713. INCREASE IN CERTAIN CRIMINAL PENALTIES.

(a) In General.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking "Any person who—" and inserting "(a) In General.—Any person who—", and

(2) by adding at the end the following new subsection:

"(b) Increase in Monetary Limitation for Underpayment or Overpayment of Tax Due to Fraud.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.".

(b) Increase in Penalties.—

(1) Attempt to evade or defeat tax.—Section 7201 is amended—

(A) by striking "$100,000" and inserting "$500,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "5 years" and inserting "10 years".

(2) Willful failure to file return, supply information, or pay tax.—Section 7203 is amended—

(A) in the first sentence—

(i) by striking "Any person" and inserting the following:

"(a) In General.—Any person", and

(ii) by striking "$25,000" and inserting "$50,000",

(B) in the third sentence, by striking "section" and inserting "subsection", and

(C) by adding at the end the following new subsection:

"(b) Aggravated Failure To File.—

"(1) In general.—In the case of any failure described in paragraph (2), the first sentence of subsection (a) shall be applied by substituting—

"(A) 'felony' for 'misdemeanor',

"(B) '$500,000 ($1,000,000' for '$25,000 ($100,000', and

"(C) '10 years' for '1 year'.

"(2) Failure described.—A failure described in this paragraph is a failure to make a return described in subsection (a) for a period of 3 or more consecutive taxable years and the aggregated tax liability for such period is at least $100,000.".

(3) Fraud and false statements.—Section 7206(a) (as redesignated by subsection (a)) is amended—

(A) by striking "$100,000" and inserting "$500,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "3 years" and inserting "5 years".

(c) Effective Date.—The amendments made by this section shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.

SEC. 1714. DOUBLING OF CERTAIN PENALTIES, FINES, AND INTEREST ON UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENTS.

(a) Determination of Penalty.—

(1) In general.—Notwithstanding any other provision of law, in the case of an applicable taxpayer—

(A) the determination as to whether any interest or applicable penalty is to be imposed with respect to any arrangement described in paragraph (2), or to any underpayment of Federal income tax attributable to items arising in connection with any such arrangement, shall be made without regard to the rules of subsections (b), (c), and (d) of section 6664 of the Internal Revenue Code of 1986, and

(B) if any such interest or applicable penalty is imposed, the amount of such interest or penalty shall be equal to twice that determined without regard to this section.

(2) Applicable taxpayer.—For purposes of this subsection—

(A) In general.—The term "applicable taxpayer" means a taxpayer which—

(i) has underreported its United States income tax liability with respect to any item which directly or indirectly involves—

(I) any financial arrangement which in any manner relies on the use of offshore payment mechanisms (including credit, debit, or charge cards) issued by banks or other entities in foreign jurisdictions, or

(II) any offshore financial arrangement (including any arrangement with foreign banks, financial institutions, corporations, partnerships, trusts, or other entities), and

(ii) has not signed a closing agreement pursuant to the Voluntary Offshore Compliance Initiative established by the Department of the Treasury under Revenue Procedure 2003-11 or voluntarily disclosed its participation in such arrangement by notifying the Internal Revenue Service of such arrangement prior to the issue being raised by the Internal Revenue Service during an examination.

(B) Authority to waive.—The Secretary of the Treasury or the Secretary's delegate may waive the application of paragraph (1) to any taxpayer if the Secretary or the Secretary's delegate determines that the use of such offshore payment mechanisms is incidental to the transaction and, in addition, in the case of a trade or business, such use is conducted in the ordinary course of the trade or business of the taxpayer.

(C) Issues raised.—For purposes of subparagraph (A)(ii), an item shall be treated as an issue raised during an examination if the individual examining the return—

(i) communicates to the taxpayer knowledge about the specific item, or

(ii) has made a request to the taxpayer for information and the taxpayer could not make a complete response to that request without giving the examiner knowledge of the specific item.

(b) Definitions and Rules.—For purposes of this section—

(1) Applicable penalty.—The term "applicable penalty" means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(2) Fees and expenses.—The Secretary of the Treasury may retain and use an amount not in excess of 25 percent of all additional interest, penalties, additions to tax, and fines collected under this section to be used for enforcement and collection activities of the Internal Revenue Service. The Secretary shall keep adequate records regarding amounts so retained and used. The amount credited as paid by any taxpayer shall be determined without regard to this paragraph.

(c) Report by Secretary.—The Secretary shall each year conduct a study and report to Congress on the implementation of this section during the preceding year, including statistics on the number of taxpayers affected by such implementation and the amount of interest and applicable penalties asserted, waived, and assessed during such preceding year.

(d) Effective Date.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if, as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

SEC. 1715. MODIFICATION OF INTERACTION BETWEEN SUBPART F AND PASSIVE FOREIGN INVESTMENT COMPANY RULES.

(a) Limitation on Exception From PFIC Rules for United States Shareholders of Controlled Foreign Corporations.—Paragraph (2) of section 1297(e) (relating to passive foreign investment company) is amended by adding at the end the following flush sentence:

"Such term shall not include any period if the earning of subpart F income by such corporation during such period would result in only a remote likelihood of an inclusion in gross income under section 951(a)(1)(A)(i).".

(b) Effective Date.—The amendment made by this section shall apply to taxable years of controlled foreign corporations beginning after March 2, 2005, and to taxable years of United States shareholders with or within which such taxable years of controlled foreign corporations end.

SEC. 1716. DECLARATION BY CHIEF EXECUTIVE OFFICER RELATING TO FEDERAL ANNUAL CORPORATE INCOME TAX RETURN.

(a) In General.—The Federal annual tax return of a corporation with respect to income shall also include a declaration signed by the chief executive officer of such corporation (or other such officer of the corporation as the Secretary of the Treasury may designate if the corporation does not have a chief executive officer), under penalties of perjury, that the corporation has in place processes and procedures that ensure that such return complies with the Internal Revenue Code of 1986 and that the chief executive officer was provided reasonable assurance of the accuracy of all material aspects of such return. The preceding sentence shall not apply to any return of a regulated investment company (within the meaning of section 851 of such Code).

(b) Effective Date.—This section shall apply to Federal annual tax returns for taxable years ending after the date of the enactment of this Act.

SEC. 1717. TREASURY REGULATIONS ON FOREIGN TAX CREDIT.

(a) In General.—Section 901 (relating to taxes of foreign countries and of possessions of United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Regulations.—The Secretary may prescribe regulations disallowing a credit under subsection (a) for all or a portion of any foreign tax, or allocating a foreign tax among 2 or more persons, in cases where the foreign tax is imposed on any person in respect of income of another person or in other cases involving the inappropriate separation of the foreign tax from the related foreign income.".

(b) Effective Date.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 1718. WHISTLEBLOWER REFORMS.

(a) In General.—Section 7623 (relating to expenses of detection of underpayments and fraud, etc.) is amended—

(1) by striking "The Secretary" and inserting "(a) In General.—The Secretary",

(2) by striking "and" at the end of paragraph (1) and inserting "or",

(3) by striking "(other than interest)", and

(4) by adding at the end the following new subsections:

"(b) Awards to Whistleblowers.—

"(1) In general.—If the Secretary proceeds with any administrative or judicial action described in subsection (a) based on information brought to the Secretary's attention by an individual, such individual shall, subject to paragraph (2), receive as an award at least 15 percent but not more than 30 percent of the collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action (including any related actions) or from any settlement in response to such action. The determination of the amount of such award by the Whistleblower Office shall depend upon the extent to which the individual substantially contributed to such action.

"(2) Award in case of less substantial contribution.—

"(A) In general.—In the event the action described in paragraph (1) is one which the Whistleblower Office determines to be based principally on disclosures of specific allegations (other than information provided by the individual described in paragraph (1)) resulting from a judicial or administrative hearing, from a governmental report, hearing, audit, or investigation, or from the news media, the Whistleblower Office may award such sums as it considers appropriate, but in no case more than 10 percent of the collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action (including any related actions) or from any settlement in response to such action, taking into account the significance of the individual's information and the role of such individual and any legal representative of such individual in contributing to such action.

"(B) Nonapplication of paragraph where individual is original source of information.—Subparagraph (A) shall not apply if the information resulting in the initiation of the action described in paragraph (1) was originally provided by the individual described in paragraph (1).

"(3) Reduction in or denial of award.—If the Whistleblower Office determines that the claim for an award under paragraph (1) or (2) is brought by an individual who planned and initiated the actions that led to the underpayment of tax or actions described in subsection (a)(2), then the Whistleblower Office may appropriately reduce such award. If such individual is convicted of criminal conduct arising from the role described in the preceding sentence, the Whistleblower Office shall deny any award.

"(4) APPEAL OF AWARD DETERMINATION.—Any determination regarding an award under paragraph (1), (2), or (3) shall be subject to the filing by the individual described in such paragraph of a petition for review with the Tax Court under rules similar to the rules under section 7463 (without regard to the amount in dispute) and such review shall be subject to the rules under section 7461(b)(1).

"(5) APPLICATION OF THIS SUBSECTION.—This subsection shall apply with respect to any action—

"(A) against any taxpayer, but in the case of any individual, only if such individual's gross income exceeds $200,000 for any taxable year subject to such action, and

"(B) if the tax, penalties, interest, additions to tax, and additional amounts in dispute exceed $20,000.

"(6) ADDITIONAL RULES.—

"(A) NO CONTRACT NECESSARY.—No contract with the Internal Revenue Service is necessary for any individual to receive an award under this subsection.

"(B) REPRESENTATION.—Any individual described in paragraph (1) or (2) may be represented by counsel.

"(C) AWARD NOT SUBJECT TO INDIVIDUAL ALTERNATIVE MINIMUM TAX.—No award received under this subsection shall be included in gross income for purposes of determining alternative minimum taxable income.

"(c) WHISTLEBLOWER OFFICE.—

"(1) IN GENERAL.—There is established in the Internal Revenue Service an office to be known as the 'Whistleblower Office' which—

"(A) shall at all times operate at the direction of the Commissioner and coordinate and consult with other divisions in the Internal Revenue Service as directed by the Commissioner,

"(B) shall analyze information received from any individual described in subsection (b) and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office,

"(C) shall monitor any action taken with respect to such matter,

"(D) shall inform such individual that it has accepted the individual's information for further review,

"(E) may require such individual and any legal representative of such individual to not disclose any information so provided,

"(F) in its sole discretion, may ask for additional assistance from such individual or any legal representative of such individual, and

"(G) shall determine the amount to be awarded to such individual under subsection (b).

"(2) FUNDING FOR OFFICE.—There is authorized to be appropriated $10,000,000 for each fiscal year for the Whistleblower Office. These funds shall be used to maintain the Whistleblower Office and also to reimburse other Internal Revenue Service offices for related costs, such as costs of investigation and collection.

"(3) REQUEST FOR ASSISTANCE.—

"(A) IN GENERAL.—Any assistance requested under paragraph (1)(F) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under subparagraph (A). To the extent the disclosure of any returns or return information to the individual or legal representative is required for the performance of such assistance, such disclosure shall be pursuant to a contract entered into between the Secretary and the recipients of such disclosure subject to section 6103(n). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.

"(B) FUNDING OF ASSISTANCE.—From the amounts available for expenditure under subsection (b), the Whistleblower Office may, with the agreement of the individual described in subsection (b), reimburse the costs incurred by any legal representative of such individual in providing assistance described in subparagraph (A).

"(d) REPORT BY SECRETARY.—The Secretary shall each year conduct a study and report to Congress on the use of this section, including—

"(1) an analysis of the use of this section during the preceding year and the results of such use, and

"(2) any legislative or administrative recommendations regarding the provisions of this section and its application.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to information provided on or after the date of the enactment of this Act.

SEC. 1719. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

"(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.

"(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION.—Paragraph (1) shall not apply to any amount which—

"(A) the taxpayer establishes constitutes restitution (including remediation of property) for damage or harm caused by or which may be caused by the violation of any law or the potential violation of any law, and

"(B) is identified as restitution in the court order or settlement agreement.

Identification pursuant to subparagraph (B) alone shall not satisfy the requirement under subparagraph (A). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation.

"(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

"(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

"(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

"(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

"(5) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendment shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SEC. 1720. FREEZE OF INTEREST SUSPENSION RULES WITH RESPECT TO LISTED TRANSACTIONS.

(a) IN GENERAL.—Paragraph (2) of section 903(d) of the American Jobs Creation Act of 2005 is amended to read as follows:

"(2) EXCEPTION FOR REPORTABLE OR LISTED TRANSACTIONS.—

"(A) IN GENERAL.—The amendments made by subsection (c) shall apply with respect to interest accruing after October 3, 2004.

"(B) SPECIAL RULE FOR CERTAIN LISTED TRANSACTIONS.—

"(i) IN GENERAL.—Except as provided in clause (ii) or (iii), in the case of any listed transaction, the amendments made by subsection (c) shall also apply with respect to interest accruing on or before October 3, 2004.

"(ii) PARTICIPANTS IN SETTLEMENT INITIATIVES.—Clause (i) shall not apply to a listed transaction if, as of May 9, 2005—

"(I) the taxpayer is participating in a published settlement initiative which is offered by the Secretary of the Treasury or his delegate to a group of similarly situated taxpayers claiming benefits from the listed transaction, or

"(II) the taxpayer has entered into a settlement agreement pursuant to such an initiative with respect to the tax liability arising in connection with the listed transaction.

Subclause (I) shall not apply to the taxpayer if, after May 9, 2005, the taxpayer withdraws from, or terminates, participation in the initiative or the Secretary or his delegate determines that a settlement agreement will not be reached pursuant to the initiative within a reasonable period of time.

"(iii) CLOSED TRANSACTIONS.—Clause (i) shall not apply to a listed transaction if, as of May 9, 2005—

"(I) the assessment of all Federal income taxes for the taxable year in which the tax liability to which the interest relates arose is prevented by the operation of any law or rule of law, or

"(II) a closing agreement under section 7121 has been entered into with respect to the tax liability arising in connection with the listed transaction.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which it relates.

SEC. 1721. MODIFICATIONS OF EFFECTIVE DATES OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) REPEAL OF EXCEPTION FOR QUALIFIED TRANSPORTATION PROPERTY.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by striking paragraphs (1) and (2) and by redesignating paragraphs (3) and (4) as paragraphs (1) and (2).

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

SEC. 1722. IMPOSITION OF MARK-TO-MARKET TAX ON INDIVIDUALS WHO EXPATRIATE.

(a) In General.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) General Rules.—For purposes of this subtitle—

"(1) Mark to market.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) Recognition of gain or loss.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) Exclusion for certain gain.—

"(A) In general.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) Cost-of-living adjustment.—

"(i) In general.—In the case of an expatriation date occurring in any calendar year after 2005, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2004' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) Rounding rules.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) Election to continue to be taxed as United States citizen.—

"(A) In general.—If a covered expatriate elects the application of this paragraph—

"(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

"(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) Requirements.—Subparagraph (A) shall not apply to an individual unless the individual—

"(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

"(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

"(iii) complies with such other requirements as the Secretary may prescribe.

"(C) Election.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

"(b) Election To Defer Tax.—

"(1) In general.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) Determination of tax with respect to property.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) Termination of postponement.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) Security.—

"(A) In general.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

"(B) Adequate security.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

"(5) Waiver of certain rights.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) Elections.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

"(7) Interest.—For purposes of section 6601—

"(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

"(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(c) Covered Expatriate.—For purposes of this section—

"(1) In general.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

"(2) Exceptions.—An individual shall not be treated as a covered expatriate if—

"(A) the individual—

"(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

"(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

"(d) Exempt Property; Special Rules for Pension Plans.—

"(1) Exempt property.—This section shall not apply to the following:

"(A) United States real property interests.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

"(B) Specified property.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

"(2) Special rules for certain retirement plans.—

"(A) In general.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

"(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

"(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

"(B) Treatment of subsequent distributions.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

"(C) Treatment of subsequent distributions by plan.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

"(D) Applicable plans.—This paragraph shall apply to—

"(i) any qualified retirement plan (as defined in section 4974(c)),

"(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

"(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

"(e) Definitions.—For purposes of this section—

"(1) Expatriate.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes citizenship, and

"(B) any long-term resident of the United States who—

"(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

"(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

"(2) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

"(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

"(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)-(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

"(A) the individual shall not be treated as having sold such interest,

"(B) such interest shall be treated as a separate share in the trust, and

"(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

"(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

"(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

"(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

"(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

"(i) paragraph (1) and subsection (a) shall not apply, and

"(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

"(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

"(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

"(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

"(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

"(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

"(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

"(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

"(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

"(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

"(E) TAX DEDUCTED AND WITHHELD.—

"(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

"(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

"(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

"(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

"(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then; in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

"(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

"(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

"(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

"(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

"(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

"(B) OTHER DETERMINATIONS.—For purposes of this section—

"(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayer's trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) IMPOSITION OF TENTATIVE TAX.—

"(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

"(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

"(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

"(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

"(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

"(1) IMPOSITION OF LIEN.—

"(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

"(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

"(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

"(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

"(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

"(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

"(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

"(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

"(A) the gift, bequest, devise, or inheritance is—

"(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

"(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

"(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(49) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).".

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) SAFEGUARDS.—Section 6103(p)(4) (relating to safeguards) is amended by striking "or (20)" each place it appears and inserting "(20), or (21)".

(3) EFFECTIVE DATES.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(h) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(C) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.".

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 1723. DISALLOWANCE OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) DISALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking "If" and inserting:

"(1) TREBLE DAMAGES.—If", and

(C) by adding at the end the following new paragraph:

"(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).".

(2) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting "OR PUNITIVE DAMAGES" after "LAWS".

(b) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

"Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.".

(2) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

"(f) Section To Apply to Punitive Damages Compensation.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.".

(3) Conforming amendment.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Punitive damages compensated by insurance or otherwise.".

(c) Effective Date.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SEC. 1724. APPLICATION OF EARNINGS STRIPPING RULES TO PARTNERS WHICH ARE C CORPORATIONS.

(a) In General.—Section 163(j) (relating to limitation on deduction for interest on certain indebtedness) is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph:

"(8) Allocations to certain corporate partners.—If a C corporation is a partner in a partnership—

"(A) the corporation's allocable share of indebtedness and interest income of the partnership shall be taken into account in applying this subsection to the corporation, and

"(B) if a deduction is not disallowed under this subsection with respect to any interest expense of the partnership, this subsection shall be applied separately in determining whether a deduction is allowable to the corporation with respect to the corporation's allocable share of such interest expense.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning on or after the date of the enactment of this Act.

SEC. 1725. PROHIBITION ON DEFERRAL OF GAIN FROM THE EXERCISE OF STOCK OPTIONS AND RESTRICTED STOCK GAINS THROUGH DEFERRED COMPENSATION ARRANGEMENTS.

(a) In General.—Section 83 (relating to property transferred in connection with performance of services) is amending by adding at the end the following new subsection:

"(i) Prohibition on Additional Deferral Through Deferred Compensation Arrangements.—If a taxpayer exchanges—

"(1) an option to purchase employer securities—

"(A) to which subsection (a) applies, or

"(B) which is described in subsection (e)(3), or

"(2) employer securities or any other property based on employer securities transferred to the taxpayer.

for a right to receive future payments, then, notwithstanding any other provision of this title, there shall be included in gross income for the taxable year of the exchange an amount equal to the present value of such right (or such other amount as the Secretary may by regulations specify). For purposes of this subsection, the term 'employer securities' includes any security issued by the employer.".

(b) Controlled Group Rules.—Section 414(t)(2) is amended by inserting "83(i)," after "79,".

(c) Effective Date.—The amendments made by this section shall apply to any exchange after the date of the enactment of this Act.

SEC. 1726. LIMITATION OF EMPLOYER DEDUCTION FOR CERTAIN ENTERTAINMENT EXPENSES.

(a) In General.—Paragraph (2) of section 274(e) (relating to expenses treated as compensation) is amended to read as follows:

"(2) Expenses treated as compensation.—Expenses for goods, services, and facilities, to the extent that the expenses do not exceed the amount of the expenses which are treated by the taxpayer, with respect to the recipient of the entertainment, amusement, or recreation, as compensation to an employee on the taxpayer's return of tax under this chapter and as wages to such employee for purposes of chapter 24 (relating to withholding of income tax at source on wages).".

(b) Persons Not Employees.—Paragraph (9) of section 274(e) is amended by striking "to the extent that the expenses are includible in the gross income" and inserting "to the extent that the expenses do not exceed the amount of the expenses which are includible in the gross income".

(c) Effective Date.—The amendment made by this section shall apply to expenses incurred after the date of the enactment of this Act.

SEC. 1727. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) In General.—Section 6657 (relating to bad checks) is amended—

(1) by striking "$750" and inserting "$1,250", and

(2) by striking "$15" and inserting "$25".

(b) Effective Date.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

SEC. 1728. ELIMINATION OF DOUBLE DEDUCTION ON MINING EXPLORATION AND DEVELOPMENT COSTS UNDER THE MINIMUM TAX.

(a) In General.—Section 57(a)(1) (relating to depletion) is amended by striking "for the taxable year)" and inserting "for the taxable year and determined without regard to so much of the basis as is attributable to mining exploration and development costs described in section 616 or 617 for which a deduction is allowable for any taxable year under this part).".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment this Act.

PART II—IMPROVEMENTS IN EFFICIENCY AND SAFEGUARDS IN INTERNAL REVENUE SERVICE COLLECTION

SEC. 1731. WAIVER OF USER FEE FOR INSTALLMENT AGREEMENTS USING AUTOMATED WITHDRAWALS.

(a) In General.—Section 6159 (relating to agreements for payment of tax liability in installments) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) Waiver of User Fees for Installment Agreements Using Automated Withdrawals.—In the case of a taxpayer who enters into an installment agreement in which automated installment payments are agreed to, the Secretary shall waive the fee (if any) for entering into the installment agreement.".

(b) Effective Date.—The amendments made by this section shall apply to agreements entered into on or after the date which is 180 days after the date of the enactment of this Act.

SEC. 1732. TERMINATION OF INSTALLMENT AGREEMENTS.

(a) In General.—Section 6159(b)(4) (relating to failure to pay an installment or any other tax liability when due or to provide requested financial information) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (E), and by inserting after subparagraph (B) the following:

"(C) to make a Federal tax deposit under section 6302 at the time such deposit is required to be made,

"(D) to file a return of tax imposed under this title by its due date (including extensions), or".

(b) Conforming Amendment.—The heading for section 6159(b)(4) is amended by striking "FAILURE TO PAY AN INSTALLMENT OR ANY OTHER TAX LIABILITY WHEN DUE OR TO PROVIDE REQUESTED FINANCIAL INFORMATION" and inserting "FAILURE TO MAKE PAYMENTS OR DEPOSITS OR FILE RETURNS WHEN DUE OR TO PROVIDE REQUESTED FINANCIAL INFORMATION".

(c) Effective Date.—The amendments made by this section shall apply to failures occurring on or after the date of the enactment of this Act.

SEC. 1733. OFFICE OF CHIEF COUNSEL REVIEW OF OFFERS-IN-COMPROMISE.

(a) In General.—Section 7122(b) (relating to record) is amended by striking "Whenever a compromise" and all that follows through "his delegate" and inserting "If the Secretary determines that an opinion of the General Counsel for the Department of the Treasury, or the Counsel's delegate, is required with respect to a compromise, there shall be placed on file in the office of the Secretary such opinion".

(b) Conforming Amendments.—Section 7122(b) is amended by striking the second and third sentences.

(c) Effective Date.—The amendments made by this section shall apply to offers-in-compromise submitted or pending on or after the date of the enactment of this Act.

SEC. 1734. PARTIAL PAYMENTS REQUIRED WITH SUBMISSION OF OFFERS-IN-COMPROMISE.

(a) In General.—Section 7122 (relating to compromises), as amended by this Act, is amended by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively, and by inserting after subsection (b) the following new subsection:

"(c) Rules for Submission of Offers-in-Compromise.—

"(1) Partial payment required with submission.—

"(A) Lump-sum offers.—

"(i) In general.—The submission of any lump-sum offer-in-compromise shall be accompanied by the payment of 20 percent of amount of such offer.

"(ii) Lump-sum offer-in-compromise.—For purposes of this section, the term 'lump-sum offer-in-compromise' means any offer of payments made in 5 or fewer installments.

"(B) Periodic payment offers.—The submission of any periodic payment offer-in-compromise shall be accompanied by the payment of the amount of the first proposed installment and each proposed installment due during the period such offer is being evaluated for acceptance and has not been rejected by the Secretary. Any failure to make a payment required under the preceding sentence shall be deemed a withdrawal of the offer-in-compromise.

"(2) Rules of application.—

"(A) Use of payment.—The application of any payment made under this subsection to the assessed tax or other amounts imposed under this title with respect to such tax may be specified by the taxpayer.

"(B) No user fee imposed.—Any user fee which would otherwise be imposed under this section shall not be imposed on any offer-in-compromise accompanied by a payment required under this subsection.".

(b) Additional Rules Relating to Treatment of Offers.—

(1) Unprocessable offer if payment requirements are not met.—Paragraph (3) of

section 7122(d) (relating to standards for evaluation of offers), as redesignated by subsection (a), is amended by striking "; and" at the end of subparagraph (A) and inserting a comma, by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) any offer-in-compromise which does not meet the requirements of subsection (c) shall be returned to the taxpayer as unprocessable.".

(2) DEEMED ACCEPTANCE OF OFFER NOT REJECTED WITHIN CERTAIN PERIOD.—Section 7122, as amended by subsection (a), is amended by adding at the end the following new subsection:

"(g) DEEMED ACCEPTANCE OF OFFER NOT REJECTED WITHIN CERTAIN PERIOD.—Any offer-in-compromise submitted under this section shall be deemed to be accepted by the Secretary if such offer is not rejected by the Secretary before the date which is 24 months after the date of the submission of such offer (12 months for offers-in-compromise submitted after the date which is 5 years after the date of the enactment of this subsection). For purposes of the preceding sentence, any period during which any tax liability which is the subject of such offer-in-compromise is in dispute in any judicial proceeding shall not be taken in to account in determining the expiration of the 24-month period (or 12-month period, if applicable).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offers-in-compromise submitted on and after the date which is 60 days after the date of the enactment of this Act.

SEC. 1735. JOINT TASK FORCE ON OFFERS-IN-COMPROMISE.

(a) IN GENERAL.—The Secretary of the Treasury shall establish a joint task force—

(1) to review the Internal Revenue Service's determinations with respect to offers-in-compromise, including offers which raise equitable, public policy, or economic hardship grounds for compromise of a tax liability under section 7122 of the Internal Revenue Code of 1986,

(2) to review the extent to which the Internal Revenue Service has used its authority to resolve longstanding cases by forgoing penalties and interest which have accumulated as a result of delay in determining the taxpayer's liability,

(3) to provide recommendations as to whether the Internal Revenue Service's evaluation of offers-in-compromise should include—

(A) the taxpayer's compliance history,

(B) errors by the Internal Revenue Service with respect to the underlying tax, and

(C) wrongful acts by a third party which gave rise to the liability, and

(4) to annually report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives (beginning in 2006) regarding such review and recommendations.

(b) MEMBERS OF JOINT TASK FORCE.—The membership of the joint task force under subsection (a) shall consist of 1 representative each from the Department of the Treasury, the Internal Revenue Service Oversight Board, the Office of the Chief Counsel for the Internal Revenue Service, the Office of the Taxpayer Advocate, the Office of Appeals, and the division of the Internal Revenue Service charged with operating the offer-in-compromise program.

(c) REPORT OF NATIONAL TAXPAYER ADVOCATE.—

(1) IN GENERAL.—Clause (ii) of section 7803(c)(2)(B) (relating to annual reports) is amended by striking "and" at the end of subclause (X), by redesignating subclause (XI) as subclause (XII), and by inserting after subclause (X) the following new subclause:

"(XI) include a list of the factors taxpayers have raised to support their claims for offers-in-compromise relief, the number of such offers submitted, accepted, and rejected, the number of such offers appealed, the period during which review of such offers have remained pending, and the efforts the Internal Revenue Service has made to correctly identify such offers, including the training of employees in identifying and evaluating such offers.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to reports in calendar year 2006 and thereafter.

SA 930. Mr. LEVIN (for himself and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end add the following:

TITLE XVII—TAX INCENTIVES FOR ALTERNATIVE MOTOR VEHICLES AND FUELS

SEC. 1700. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Tax Incentives

SEC. 1701. ALTERNATIVE MOTOR VEHICLE CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by adding at the end the following:

"SEC. 30B. ALTERNATIVE MOTOR VEHICLE CREDIT.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) the new qualified fuel cell motor vehicle credit determined under subsection (b),

"(2) the new advanced lean burn technology motor vehicle credit determined under subsection (c),

"(3) the new qualified hybrid motor vehicle credit determined under subsection (d), and

"(4) the new qualified alternative fuel motor vehicle credit determined under subsection (e).

"(b) NEW QUALIFIED FUEL CELL MOTOR VEHICLE CREDIT.—

"(1) IN GENERAL.—For purposes of subsection (a), the new qualified fuel cell motor vehicle credit determined under this subsection with respect to a new qualified fuel cell motor vehicle placed in service by the taxpayer during the taxable year is—

"(A) $8,000 if such vehicle has a gross vehicle weight rating of not more than 8,500 pounds,

"(B) $10,000, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

"(C) $20,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

"(D) $40,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

"(2) INCREASE FOR FUEL EFFICIENCY.—

"(A) IN GENERAL.—The amount determined under paragraph (1)(A) with respect to a new qualified fuel cell motor vehicle which is a passenger automobile or light truck shall be increased by—

"(i) $1,000, if such vehicle achieves at least 150 percent but less than 175 percent of the 2002 model year city fuel economy,

"(ii) $1,500, if such vehicle achieves at least 175 percent but less than 200 percent of the 2002 model year city fuel economy,

"(iii) $2,000, if such vehicle achieves at least 200 percent but less than 225 percent of the 2002 model year city fuel economy,

"(iv) $2,500, if such vehicle achieves at least 225 percent but less than 250 percent of the 2002 model year city fuel economy,

"(v) $3,000, if such vehicle achieves at least 250 percent but less than 275 percent of the 2002 model year city fuel economy,

"(vi) $3,500, if such vehicle achieves at least 275 percent but less than 300 percent of the 2002 model year city fuel economy, and

"(vii) $4,000, if such vehicle achieves at least 300 percent of the 2002 model year city fuel economy.

"(B) 2002 MODEL YEAR CITY FUEL ECONOMY.—For purposes of subparagraph (A), the 2002 model year city fuel economy with respect to a vehicle shall be determined in accordance with the following tables:

"(i) In the case of a passenger automobile:

"If vehicle inertia weight class is:	**The 2002 model year city fuel economy is:**
1,500 or 1,750 lbs	45.2 mpg
2,000 lbs	39.6 mpg
2,250 lbs	35.2 mpg
2,500 lbs	31.7 mpg
2,750 lbs	28.8 mpg
3,000 lbs	26.4 mpg
3,500 lbs	22.6 mpg
4,000 lbs	19.8 mpg
4,500 lbs	17.6 mpg
5,000 lbs	15.9 mpg
5,500 lbs	14.4 mpg
6,000 lbs	13.2 mpg
6,500 lbs	12.2 mpg
7,000 to 8,500 lbs	11.3 mpg.

"(ii) In the case of a light truck:

"If vehicle inertia weight class is:	**The 2002 model year city fuel economy is:**
511,500 or 1,750 lbs	39.4 mpg
2,000 lbs	35.2 mpg
2.250 lbs	31.8 mpg
2,500 lbs	29.0 mpg
2,750 lbs	26.8 mpg
3,000 lbs	24.9 mpg
3,500 lbs	21.8 mpg
4,000 lbs	19.4 mpg
4,500 lbs	17.6 mpg
5,000 lbs	16.1 mpg
5,500 lbs	14.8 mpg
16,000 lbs	13.7 mpg
6,500 lbs	12.8 mpg
7,000 to 8,500 lbs	12.1 mpg.

"(C) VEHICLE INERTIA WEIGHT CLASS.—For purposes of subparagraph (B), the term 'vehicle inertia weight class' has the same meaning as when defined in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

"(3) NEW QUALIFIED FUEL CELL MOTOR VEHICLE.—For purposes of this subsection, the term 'new qualified fuel cell motor vehicle' means a motor vehicle—

"(A) which is propelled by power derived from 1 or more cells which convert chemical energy directly into electricity by combining oxygen with hydrogen fuel which is stored on board the vehicle in any form and may or may not require reformation prior to use, "(B) which, in the case of a passenger automobile or light truck, has received on or after the date of the enactment of this section a certificate that such vehicle meets or exceeds the Bin 5 Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle,

"(C) the original use of which commences with the taxpayer,

"(D) which is acquired for use or lease by the taxpayer and not for resale, and

"(E) which is made by a manufacturer.

"(c) New Advanced Lean Burn Technology Motor Vehicle Credit.—

"(1) In general.—For purposes of subsection (a), the new advanced lean burn technology motor vehicle credit determined under this subsection with respect to a new advanced lean burn technology motor vehicle placed in service by the taxpayer during the taxable year is the credit amount determined under paragraph (2).

"(2) Credit amount.—

"(A) Fuel economy.—

"(i) In general.—The credit amount determined under this paragraph shall be determined in accordance with the following table:

"In the case of a vehicle which achieves a fuel economy (expressed as a percentage of the 2002 model year city fuel economy) of—	**The credit amount is—**
At least 125 percent but less than 150 percent	$600
At least 150 percent but less than 175 percent	$1,100
At least 175 percent but less than 200 percent	$1,600
At least 200 percent but less than 225 percent	$2,100
At least 225 percent but less than 250 percent	$2,600
At least 250 percent	$3,100.

"(ii) 2002 model year city fuel economy.—For purposes of clause (i), the 2002 model year city fuel economy with respect to a vehicle shall be determined on a gasoline gallon equivalent basis as determined by the Administrator of the Environmental Protection Agency using the tables provided in subsection (b)(2)(B) with respect to such vehicle.

"(B) Conservation credit.—The amount determined under subparagraph (A) with respect to a new advanced lean burn technology motor vehicle shall be increased by the conservation credit amount determined in accordance with the following table:

"In the case of a vehicle which achieves a lifetime fuel savings (expressed in gallons of gasoline) of—	**The conservation credit amount is—**
At least 1,200 but less than 1,800	$700
At least 1,800 but less than 2,400	$1,200
At least 2,400 but less than 3,000	$1,700
At least 3,000	$2,200.

"(C) Option to use like vehicle.—At the option of the vehicle manufacturer, the increase for fuel efficiency and conservation credit may be calculated by comparing the new qualified advanced lean burn technology motor vehicle to a like vehicle.

"(3) New advanced lean burn technology motor vehicle.—For purposes of this subsection, the term 'new advanced lean burn technology motor vehicle' means a passenger automobile or a light truck—

"(A) with an internal combustion engine which—

"(i) is designed to operate primarily using more air than is necessary for complete combustion of the fuel,

"(ii) incorporates direct injection,

"(iii) achieves at least 125 percent of the 2002 model year city fuel economy,

"(iv) for 2004 and later model vehicles, has received a certificate that such vehicle meets or exceeds—

"(I) in the case of a vehicle having a gross vehicle weight rating of 6,000 pounds or less, the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

"(II) in the case of a vehicle having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, the Bin 8 Tier II emission standard which is so established.

"(B) the original use of which commences with the taxpayer,

"(C) which is acquired for use or lease by the taxpayer and not for resale, and

"(D) which is made by a manufacturer.

"(4) Like vehicle.—The term 'like vehicle' for a new qualified advanced lean burn technology motor vehicle derived from a conventional production vehicle produced in the same model year means a model that is equivalent in the following areas:

"(A) Body style (2-door or 4-door),

"(B) Transmission (automatic or manual),

"(C) Acceleration performance (± 0.05 seconds).

"(D) Drivetrain (2-wheel drive or 4-wheel drive).

"(E) Certification by the Administrator of the Environmental Protection Agency.

"(5) Lifetime fuel savings.—For purposes of this subsection, the term 'lifetime fuel savings' means, in the case of any new advanced lean burn technology motor vehicle, an amount equal to the excess (if any) of—

"(A) 120,000 divided by the 2002 model year city fuel economy for the vehicle inertia weight class, over

"(B) 120,000 divided by the city fuel economy for such vehicle.

"(d) New Qualified Hybrid Motor Vehicle Credit.—

"(1) In general.—For purposes of subsection (a), the new qualified hybrid motor vehicle credit determined under this subsection with respect to a new qualified hybrid motor vehicle placed in service by the taxpayer during the taxable year is the credit amount determined under paragraph (2) or (3).

"(2) Credit amount for lighter vehicles.—In the case of a new qualified hybrid motor vehicle which is a passenger automobile, medium duty passenger vehicle, or light truck, the credit amount determined under this paragraph is equal to the sum of following amounts:

"(A) Fuel economy.—The amount which would be determined under subsection (c)(2)(A) if such vehicle were a vehicle referred to in such subsection.

"(B) Conservation credit.—The amount which would be determined under subsection (c)(2)(B) if such vehicle were a vehicle referred to in such subsection.

"(iii) Option to use like vehicle.—For purposes of clause (i), at the option of the vehicle manufacturer, the increase for fuel efficiency and conservation credit may be calculated by comparing the new qualified hybrid motor vehicle to a like vehicle (as defined in subsection (c)(4)).

"(3) Credit amount for heavier vehicles.—

"(A) In general.—In the case of a new qualified hybrid motor vehicle which is a heavy duty hybrid motor vehicle, the credit amount determined under this paragraph is an amount equal to the applicable percentage of the incremental cost of such vehicle placed in service by the taxpayer during the taxable year.

"(B) Incremental cost.—For purposes of this paragraph, the incremental cost of any heavy duty hybrid motor vehicle is equal to the amount of the excess of the manufacturer's suggested retail price for such vehicle over such price for a comparable gasoline or diesel fuel motor vehicle of the same model, to the extent such amount does not exceed—

"(i) $7,500, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

"(ii) $15,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

"(iii) $30,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

"(C) Applicable percentage.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

"If percent increase in fuel economy of hybrid over comparable vehicle is:	**The applicable percentage is:**
At least 30 but less than 40 percent	20 percent.
At least 40 but less than 50 percent	30 percent.
At least 50 percent	40 percent.

"(4) New qualified hybrid motor vehicle.—For purposes of this subsection—

"(A) In general.—The term 'new qualified hybrid motor vehicle' means a motor vehicle—

"(i) which draws propulsion energy from onboard sources of stored energy which are both—

"(I) an internal combustion or heat engine using consumable fuel, and

"(II) a rechargeable energy storage system,

"(ii) which, in the case of a passenger automobile, medium duty passenger vehicle, or light truck—

"(I) having a gross vehicle weight rating of 6,000 pounds or less, has received a certificate that such vehicle meets or exceeds the Bin 5 Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle,

"(II) having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, has received a certificate that such vehicle meets or exceeds the Bin 8 Tier II emission standard which is so established,

"(III) has received a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year, and

"(IV) has a maximum available power of at least 5 percent,

"(iii) which, in the case of a heavy duty hybrid motor vehicle—

"(I) having a gross vehicle weight rating of more than 8,500 but not more than 14,000 pounds, has a maximum available power of at least 10 percent, and

"(II) having a gross vehicle weight rating of more than 14,000 pounds, has a maximum available power of at least 15 percent, “(iv) the original use of which commences with the taxpayer,

“(v) which is acquired for use or lease by the taxpayer and not for resale, and

“(vi) which is made by a manufacturer.

“(B) CONSUMABLE FUEL.—For purposes of subparagraph (A)(i)(I), the term ‘consumable fuel’ means any solid, liquid, or gaseous matter which releases energy when consumed by an auxiliary power unit.

“(C) MAXIMUM AVAILABLE POWER.—

“(i) PASSENGER AUTOMOBILE, MEDIUM DUTY PASSENGER VEHICLE, OR LIGHT TRUCK.—For purposes of subparagraph (A)(ii)(II), the term ‘maximum available power’ means the maximum power available from the rechargeable energy storage system, during a standard 10 second pulse power or equivalent test, divided by such maximum power and the SAE net power of the heat engine.

“(ii) HEAVY DUTY HYBRID MOTOR VEHICLE.—For purposes of subparagraph (A)(iii), the term ‘maximum available power’ means the maximum power available from the rechargeable energy storage system, during a standard 10 second pulse power or equivalent test, divided by the vehicle's total traction power. The term ‘total traction power’ means the sum of the peak power from the rechargeable energy storage system and the heat engine peak power of the vehicle, except that if such storage system is the sole means by which the vehicle can be driven, the total traction power is the peak power of such storage system.

“(4) HEAVY DUTY HYBRID MOTOR VEHICLE.—For purposes of this subsection, the term ‘heavy duty hybrid motor vehicle’ means a new qualified hybrid motor vehicle which has a gross vehicle weight rating of more than 8,500 pounds. Such term does not include a medium duty passenger vehicle.

“(e) NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE CREDIT.—

“(1) ALLOWANCE OF CREDIT.—Except as provided in paragraph (5), the new qualified alternative fuel motor vehicle credit determined under this subsection is an amount equal to the applicable percentage of the incremental cost of any new qualified alternative fuel motor vehicle placed in service by the taxpayer during the taxable year.

“(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage with respect to any new qualified alternative fuel motor vehicle is—

“(A) 50 percent, plus

“(B) 30 percent, if such vehicle—

“(i) has received a certificate of conformity under the Clean Air Act and meets or exceeds the most stringent standard available for certification under the Clean Air Act for that make and model year vehicle (other than a zero emission standard), or

“(ii) has received an order certifying the vehicle as meeting the same requirements as vehicles which may be sold or leased in California and meets or exceeds the most stringent standard available for certification under the State laws of California (enacted in accordance with a waiver granted under section 209(b) of the Clean Air Act) for that make and model year vehicle (other than a zero emission standard).

For purposes of the preceding sentence, in the case of any new qualified alternative fuel motor vehicle which weighs more than 14,000 pounds gross vehicle weight rating, the most stringent standard available shall be such standard available for certification on the date of the enactment of the Energy Tax Incentives Act.

“(3) INCREMENTAL COST.—For purposes of this subsection, the incremental cost of any new qualified alternative fuel motor vehicle is equal to the amount of the excess of the manufacturer's suggested retail price for such vehicle over such price for a gasoline or diesel fuel motor vehicle of the same model, to the extent such amount does not exceed—

“(A) $5,000, if such vehicle has a gross vehicle weight rating of not more than 8,500 pounds,

“(B) $10,000, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

“(C) $25,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

“(D) $40,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

“(4) NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘new qualified alternative fuel motor vehicle’ means any motor vehicle—

“(i) which is only capable of operating on an alternative fuel,

“(ii) the original use of which commences with the taxpayer,

“(iii) which is acquired by the taxpayer for use or lease, but not for resale, and

“(iv) which is made by a manufacturer.

“(B) ALTERNATIVE FUEL.—The term ‘alternative fuel’ means compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, and any liquid at least 85 percent of the volume of which consists of methanol.

“(5) CREDIT FOR MIXED-FUEL VEHICLES.—

“(A) IN GENERAL.—In the case of a mixed-fuel vehicle placed in service by the taxpayer during the taxable year, the credit determined under this subsection is an amount equal to—

“(i) in the case of a 75/25 mixed-fuel vehicle, 70 percent of the credit which would have been allowed under this subsection if such vehicle was a qualified alternative fuel motor vehicle, and

“(ii) in the case of a 90/10 mixed-fuel vehicle, 90 percent of the credit which would have been allowed under this subsection if such vehicle was a qualified alternative fuel motor vehicle.

“(B) MIXED-FUEL VEHICLE.—For purposes of this subsection, the term ‘mixed-fuel vehicle’ means any motor vehicle described in subparagraph (C) or (D) of paragraph (3), which—

“(i) is certified by the manufacturer as being able to perform efficiently in normal operation on a combination of an alternative fuel and a petroleum-based fuel,

“(ii) either—

“(I) has received a certificate of conformity under the Clean Air Act, or

“(II) has received an order certifying the vehicle as meeting the same requirements as vehicles which may be sold or leased in California and meets or exceeds the low emission vehicle standard under section 88.105-94 of title 40, Code of Federal Regulations, for that make and model year vehicle,

“(iii) the original use of which commences with the taxpayer,

“(iv) which is acquired by the taxpayer for use or lease, but not for resale, and

“(v) which is made by a manufacturer.

“(C) 75/25 MIXED-FUEL VEHICLE.—For purposes of this subsection, the term ‘75/25 mixed-fuel vehicle’ means a mixed-fuel vehicle which operates using at least 75 percent alternative fuel and not more than 25 percent petroleum-based fuel.

“(D) 90/10 MIXED-FUEL VEHICLE.—For purposes of this subsection, the term ‘90/10 mixed-fuel vehicle’ means a mixed-fuel vehicle which operates using at least 90 percent alternative fuel and not more than 10 percent petroleum-based fuel.

“(f) LIMITATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN-BURN TECHNOLOGY VEHICLES ELIGIBLE FOR CREDIT.—

“(1) IN GENERAL.—In the case of a qualified vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (c) or (d) shall be allowed.

“(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of qualified vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section is at least 80,000.

“(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

“(A) 50 percent for the first 2 calendar quarters of the phaseout period,

“(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

“(C) 0 percent for each calendar quarter thereafter.

“(4) CONTROLLED GROUPS.—

“(A) IN GENERAL.—For purposes of this subsection, all persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as a single manufacturer.

“(B) INCLUSION OF FOREIGN CORPORATIONS.—For purposes of subparagraph (A), in applying subsections (a) and (b) of section 52 to this section, section 1563 shall be applied without regard to subsection (b)(2)(C) thereof.

“(5) QUALIFIED VEHICLE.—For purposes of this subsection, the term ‘qualified vehicle’ means any new qualified hybrid motor vehicle and any new advanced lean burn technology motor vehicle.

“(g) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

“(1) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

“(2) the tentative minimum tax for the taxable year.

“(h) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) MOTOR VEHICLE.—The term ‘motor vehicle’ has the meaning given such term by section 30(c)(2).

“(2) CITY FUEL ECONOMY.—The city fuel economy with respect to any vehicle shall be measured in a manner which is substantially similar to the manner city fuel economy is measured in accordance with procedures under part 600 of subchapter Q of chapter I of title 40, Code of Federal Regulations, as in effect on the date of the enactment of this section.

“(3) OTHER TERMS.—The terms ‘automobile’, ‘passenger automobile’, ‘medium duty passenger vehicle’, ‘light truck’, and ‘manufacturer’ have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

“(4) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection

(a) shall be reduced by the amount of such credit so allowed (determined without regard to subsection (e)).

"(5) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter—

"(A) for any incremental cost taken into account in computing the amount of the credit determined under subsection (e) shall be reduced by the amount of such credit attributable to such cost, and

"(B) with respect to a vehicle described under subsection (b), (c), or (d) shall be reduced by the amount of credit allowed under subsection (a) for such vehicle for the taxable year.

"(6) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of a vehicle whose use is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such vehicle to the person or entity using such vehicle shall be treated as the taxpayer that placed such vehicle in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such vehicle (determined without regard to subsection (g)).

"(7) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

"(8) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of a vehicle).

"(9) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

"(10) CARRYBACK AND CARRYFORWARD ALLOWED.—

"(A) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (g) for such taxable year (in this paragraph referred to as the 'unused credit year'), such excess shall be a credit carryback to each of the 3 taxable years preceding the unused credit year and a credit carryforward to each of the 20 taxable years following the unused credit year, except that no excess may be carried to a taxable year beginning before the date of the enactment of this section. The preceding sentence shall not apply to any credit carryback if such credit carryback is attributable to property for which a deduction for depreciation is not allowable.

"(B) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryback and credit carryforward under subparagraph (A).

"(11) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, a motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

"(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

"(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

"(g) REGULATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

"(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements to be eligible for a credit under this section.

"(h) TERMINATION.—This section shall not apply to any property purchased after—

"(1) in the case of a new qualified fuel cell motor vehicle (as described in subsection (b)), December 31, 2015,

"(2) in the case of a new advanced lean burn technology motor vehicle (as described in subsection (c)) or a new qualified hybrid motor vehicle (as described in subsection (d)), December 31, 2009, and

"(3) in the case of a new qualified alternative fuel vehicle (as described in subsection (e)), December 31, 2010.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by this Act, is amended by striking "and" at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting ", and", and by adding at the end the following new paragraph:

"(37) to the extent provided in section 30B(h)(4).".

(2) Section 55(c)(2), as amended by this Act, is amended by inserting "30B(g)," after "30(b)(2),".

(3) Section 6501(m) is amended by inserting "30B(h)(9)," after "30(d)(4),".

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 30A the following new item:

"Sec. 30B. Alternative motor vehicle credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

(d) STICKER INFORMATION REQUIRED AT RETAIL SALE.—

(1) IN GENERAL.—The Secretary of the Treasury shall issue regulations under which each qualified vehicle sold at retail shall display a notice—

(A) that such vehicle is a qualified vehicle, and

(B) that the buyer may not benefit from the credit allowed under section 30B of the Internal Revenue Code of 1986 if such buyer has insufficient tax liability.

(2) QUALIFIED VEHICLE.—For purposes of paragraph (1), the term "qualified vehicle" means a vehicle with respect to which a credit is allowed under section 30B of the Internal Revenue Code of 1986.

(e) NONAPPLICATION OF SECTION .—Notwithstanding any other provision of this Act, the provisions of, and amendments made by, section 1531 of this Act shall be null and void.

SEC. 1702. CREDIT FOR INSTALLATION OF ALTERNATIVE FUEL REFUELING STATIONS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 30C. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

"(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the cost of any qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year.

"(b) LIMITATION.—The credit allowed under subsection (a) with respect to any alternative fuel vehicle refueling property shall not exceed—

"(1) $50,000 in the case of a property of a character subject to an allowance for depreciation, and

"(2) $1,000 in any other case.

"(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'qualified alternative fuel vehicle refueling property' has the meaning given to such term by section 179A(d), but only with respect to any fuel at least 85 percent of the volume of which consists of ethanol, natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, and hydrogen.

"(2) RESIDENTIAL PROPERTY.—In the case of any property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, paragraph (1) of section 179A(d) shall not apply.

"(d) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(1) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, 30, and 30B, over

"(2) the tentative minimum tax for the taxable year.

"(e) CARRYFORWARD ALLOWED.—

"(1) IN GENERAL.—If the credit amount allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (d) for such taxable year, such excess shall be allowed as a credit carryforward for each of the 20 taxable years following the unused credit year.

"(2) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryforward under paragraph (1).

"(f) SPECIAL RULES.—For purposes of this section—

"(1) BASIS REDUCTION.—The basis of any property shall be reduced by the portion of the cost of such property taken into account under subsection (a).

"(2) NO DOUBLE BENEFIT.—No deduction shall be allowed under section 179A with respect to any property with respect to which a credit is allowed under subsection (a).

"(3) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of any qualified alternative fuel vehicle refueling property the use of which is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such property to the person or entity using such property shall be treated as the taxpayer that placed such property in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such property (determined without regard to subsection (d)).

"(4) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

"(5) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

"(6) RECAPTURE RULES.—Rules similar to the rules of section 179A(e)(4) shall apply.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

"(h) TERMINATION.—This section shall not apply to any property placed in service—

"(1) in the case of property relating to hydrogen, after December 31, 2014, and

"(2) in the case of any other property, after December 31, 2009.".

(b) MODIFICATIONS TO EXTENSION OF DEDUCTION FOR CERTAIN REFUELING PROPERTY.—

(1) INCREASE IN DEDUCTION FOR HYDROGEN INFRASTRUCTURE.—Section 179A(b)(2)(A)(i) is amended by inserting "($200,000 in the case of property relating to hydrogen)" after "$100,000".

(2) EXTENSION OF DEDUCTION.—Subsection (f) of section 179A is amended to read as follows:

"(f) TERMINATION.—This section shall not apply to any property placed in service—

"(1) in the case of property relating to hydrogen, after December 31, 2014, and

"(2) in the case of any other property, after December 31, 2009.".

(c) INCENTIVE FOR PRODUCTION OF HYDROGEN AT QUALIFIED CLEAN-FUEL VEHICLE REFUELING PROPERTY.—Section 179A(d) (defining qualified clean-fuel vehicle refueling property) is amended by adding at the end the following new flush sentence:

"In the case of clean-burning fuel which is hydrogen produced from another clean-burning fuel, paragraph (3)(A) shall be applied by substituting 'production, storage, or dispensing' for 'storage or dispensing' both places it appears.".

(d) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by this Act, is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 30C(f).".

(2) Section 55(c)(2), as amended by this Act, is amended by inserting "30C(e)," after "30B(e),".

(3) Section 6501(m) is amended by inserting "30C(f)(5)," after "30B(f)(9),".

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 30B the following new item:

"Sec. 30C. Clean-fuel vehicle refueling property credit.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

(f) NONAPPLICATION OF SECTION.—Notwithstanding any other provision of this Act, the provisions of, and amendments made by, section 1533 of this Act shall be null and void.

Subtitle B—Revenue Offset Provisions

PART I—GENERAL PROVISIONS

SEC. 1711. TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT INSTRUMENTS.

(a) IN GENERAL.—Section 1275(d) (relating to regulation authority) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary", and

(2) by adding at the end the following new paragraph:

"(2) TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT.—

"(A) IN GENERAL.—In the case of a debt instrument which—

"(i) is convertible into stock of the issuing corporation, into stock or debt of a related party (within the meaning of section 267(b) or 707(b)(1)), or into cash or other property in an amount equal to the approximate value of such stock or debt, and

"(ii) provides for contingent payments,

any regulations which require original issue discount to be determined by reference to the comparable yield of a noncontingent fixed-rate debt instrument shall be applied as if the regulations require that such comparable yield be determined by reference to a noncontingent fixed-rate debt instrument which is convertible into stock.

"(B) SPECIAL RULE.—For purposes of subparagraph (A), the comparable yield shall be determined without taking into account the yield resulting from the conversion of a debt instrument into stock.".

(b) CROSS REFERENCE.—Section 163(e)(6) (relating to cross references) is amended by adding at the end the following:

"For the treatment of contingent payment convertible debt, see section 1275(d)(2).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued on or after the date of the enactment of this Act.

SEC. 1712. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

"(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of $5,000 if—

"(1) such person files what purports to be a return of a tax imposed by this title but which—

"(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

"(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

"(2) the conduct referred to in paragraph (1)—

"(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(B) reflects a desire to delay or impede the administration of Federal tax laws.

"(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

"(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

"(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

"(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

"(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(ii) reflects a desire to delay or impede the administration of Federal tax laws.

"(B) SPECIFIED SUBMISSION.—The term 'specified submission' means—

"(i) a request for a hearing under—

"(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

"(II) section 6330 (relating to notice and opportunity for hearing before levy), and

"(ii) an application under—

"(I) section 6159 (relating to agreements for payment of tax liability in installments),

"(II) section 7122 (relating to compromises), or

"(III) section 7811 (relating to taxpayer assistance orders).

"(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

"(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

"(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

"(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.".

(b) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking "(A)" and inserting "(A)(i)";

(B) by striking "(B)" and inserting "(ii)";

(C) by striking the period at the end of the first sentence and inserting "; or"; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

"(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).".

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing".

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing", and

(2) in subsection (c), by striking "and (e)" and inserting "(e), and (g)".

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

"(e) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

"Sec. 6702. Frivolous tax submissions.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 1713. INCREASE IN CERTAIN CRIMINAL PENALTIES.

(a) IN GENERAL.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking "Any person who—" and inserting "(a) IN GENERAL.—Any person who—", and

(2) by adding at the end the following new subsection:

"(b) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.".

(b) INCREASE IN PENALTIES.—

(1) ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 is amended—

(A) by striking "$100,000" and inserting "$500,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "5 years" and inserting "10 years".

(2) WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—Section 7203 is amended—

(A) in the first sentence—

(i) by striking "Any person" and inserting the following:

"(a) IN GENERAL.—Any person", and

(ii) by striking "$25,000" and inserting "$50,000",

(B) in the third sentence, by striking "section" and inserting "subsection", and

(C) by adding at the end the following new subsection:

"(b) AGGRAVATED FAILURE TO FILE.—

"(1) IN GENERAL.—In the case of any failure described in paragraph (2), the first sentence of subsection (a) shall be applied by substituting—

"(A) 'felony' for 'misdemeanor',

"(B) '$500,000 ($1,000,000' for '$25,000 ($100,000', and

"(C) '10 years' for '1 year'.

"(2) FAILURE DESCRIBED.—A failure described in this paragraph is a failure to make a return described in subsection (a) for a period of 3 or more consecutive taxable years and the aggregated tax liability for such period is at least $100,000.".

(3) FRAUD AND FALSE STATEMENTS.—Section 7206(a) (as redesignated by subsection (a)) is amended—

(A) by striking "$100,000" and inserting "$500,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "3 years" and inserting "5 years".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.

SEC. 1714. DOUBLING OF CERTAIN PENALTIES, FINES, AND INTEREST ON UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENTS.

(a) DETERMINATION OF PENALTY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of an applicable taxpayer—

(A) the determination as to whether any interest or applicable penalty is to be imposed with respect to any arrangement described in paragraph (2), or to any underpayment of Federal income tax attributable to items arising in connection with any such arrangement, shall be made without regard to the rules of subsections (b), (c), and (d) of section 6664 of the Internal Revenue Code of 1986, and

(B) if any such interest or applicable penalty is imposed, the amount of such interest or penalty shall be equal to twice that determined without regard to this section.

(2) APPLICABLE TAXPAYER.—For purposes of this subsection—

(A) IN GENERAL.—The term "applicable taxpayer" means a taxpayer which—

(i) has underreported its United States income tax liability with respect to any item which directly or indirectly involves—

(I) any financial arrangement which in any manner relies on the use of offshore payment mechanisms (including credit, debit, or charge cards) issued by banks or other entities in foreign jurisdictions, or

(II) any offshore financial arrangement (including any arrangement with foreign banks, financial institutions, corporations, partnerships, trusts, or other entities), and

(ii) has not signed a closing agreement pursuant to the Voluntary Offshore Compliance Initiative established by the Department of the Treasury under Revenue Procedure 2003-11 or voluntarily disclosed its participation in such arrangement by notifying the Internal Revenue Service of such arrangement prior to the issue being raised by the Internal Revenue Service during an examination.

(B) AUTHORITY TO WAIVE.—The Secretary of the Treasury or the Secretary's delegate may waive the application of paragraph (1) to any taxpayer if the Secretary or the Secretary's delegate determines that the use of such offshore payment mechanisms is incidental to the transaction and, in addition, in the case of a trade or business, such use is conducted in the ordinary course of the trade or business of the taxpayer.

(C) ISSUES RAISED.—For purposes of subparagraph (A)(ii), an item shall be treated as an issue raised during an examination if the individual examining the return—

(i) communicates to the taxpayer knowledge about the specific item, or

(ii) has made a request to the taxpayer for information and the taxpayer could not make a complete response to that request without giving the examiner knowledge of the specific item.

(b) DEFINITIONS AND RULES.—For purposes of this section—

(1) APPLICABLE PENALTY.—The term "applicable penalty" means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(2) FEES AND EXPENSES.—The Secretary of the Treasury may retain and use an amount not in excess of 25 percent of all additional interest, penalties, additions to tax, and fines collected under this section to be used for enforcement and collection activities of the Internal Revenue Service. The Secretary shall keep adequate records regarding amounts so retained and used. The amount credited as paid by any taxpayer shall be determined without regard to this paragraph.

(c) REPORT BY SECRETARY.—The Secretary shall each year conduct a study and report to Congress on the implementation of this section during the preceding year, including statistics on the number of taxpayers affected by such implementation and the amount of interest and applicable penalties asserted, waived, and assessed during such preceding year.

(d) EFFECTIVE DATE.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if, as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

SEC. 1715. MODIFICATION OF INTERACTION BETWEEN SUBPART F AND PASSIVE FOREIGN INVESTMENT COMPANY RULES.

(a) LIMITATION ON EXCEPTION FROM PFIC RULES FOR UNITED STATES SHAREHOLDERS OF CONTROLLED FOREIGN CORPORATIONS.—Paragraph (2) of section 1297(e) (relating to passive foreign investment company) is amended by adding at the end the following flush sentence:

"Such term shall not include any period if the earning of subpart F income by such corporation during such period would result in only a remote likelihood of an inclusion in gross income under section 951(a)(1)(A)(i).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of controlled foreign corporations beginning after March 2, 2005, and to taxable years of United States shareholders with or within which such taxable years of controlled foreign corporations end.

SEC. 1716. DECLARATION BY CHIEF EXECUTIVE OFFICER RELATING TO FEDERAL ANNUAL CORPORATE INCOME TAX RETURN.

(a) IN GENERAL.—The Federal annual tax return of a corporation with respect to income shall also include a declaration signed by the chief executive officer of such corporation (or other such officer of the corporation as the Secretary of the Treasury may designate if the corporation does not have a chief executive officer), under penalties of perjury, that the corporation has in place processes and procedures that ensure that such return complies with the Internal Revenue Code of 1986 and that the chief executive officer was provided reasonable assurance of the accuracy of all material aspects of such return. The preceding sentence shall not apply to any return of a regulated investment company (within the meaning of section 851 of such Code).

(b) EFFECTIVE DATE.—This section shall apply to Federal annual tax returns for taxable years ending after the date of the enactment of this Act.

SEC. 1717. TREASURY REGULATIONS ON FOREIGN TAX CREDIT.

(a) IN GENERAL.—Section 901 (relating to taxes of foreign countries and of possessions of United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) REGULATIONS.—The Secretary may prescribe regulations disallowing a credit under subsection (a) for all or a portion of any foreign tax, or allocating a foreign tax among 2 or more persons, in cases where the foreign tax is imposed on any person in respect of income of another person or in other cases involving the inappropriate separation of the foreign tax from the related foreign income.".

(b) Effective Date.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 1718. WHISTLEBLOWER REFORMS.

(a) In General.—Section 7623 (relating to expenses of detection of underpayments and fraud, etc.) is amended—

(1) by striking "The Secretary" and inserting "(a) In General.—The Secretary",

(2) by striking "and" at the end of paragraph (1) and inserting "or",

(3) by striking "(other than interest)", and

(4) by adding at the end the following new subsections:

"(b) Awards to Whistleblowers.—

"(1) In general.—If the Secretary proceeds with any administrative or judicial action described in subsection (a) based on information brought to the Secretary's attention by an individual, such individual shall, subject to paragraph (2), receive as an award at least 15 percent but not more than 30 percent of the collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action (including any related actions) or from any settlement in response to such action. The determination of the amount of such award by the Whistleblower Office shall depend upon the extent to which the individual substantially contributed to such action.

"(2) Award in case of less substantial contribution.—

"(A) In general.—In the event the action described in paragraph (1) is one which the Whistleblower Office determines to be based principally on disclosures of specific allegations (other than information provided by the individual described in paragraph (1)) resulting from a judicial or administrative hearing, from a governmental report, hearing, audit, or investigation, or from the news media, the Whistleblower Office may award such sums as it considers appropriate, but in no case more than 10 percent of the collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action (including any related actions) or from any settlement in response to such action, taking into account the significance of the individual's information and the role of such individual and any legal representative of such individual in contributing to such action.

"(B) Nonapplication of paragraph where individual is original source of information.—Subparagraph (A) shall not apply if the information resulting in the initiation of the action described in paragraph (1) was originally provided by the individual described in paragraph (1).

"(3) Reduction in or denial of award.—If the Whistleblower Office determines that the claim for an award under paragraph (1) or (2) is brought by an individual who planned and initiated the actions that led to the underpayment of tax or actions described in subsection (a)(2), then the Whistleblower Office may appropriately reduce such award. If such individual is convicted of criminal conduct arising from the role described in the preceding sentence, the Whistleblower Office shall deny any award.

"(4) Appeal of award determination.—Any determination regarding an award under paragraph (1), (2), or (3) shall be subject to the filing by the individual described in such paragraph of a petition for review with the Tax Court under rules similar to the rules under section 7463 (without regard to the amount in dispute) and such review shall be subject to the rules under section 7461(b)(1).

"(5) Application of this subsection.—This subsection shall apply with respect to any action—

"(A) against any taxpayer, but in the case of any individual, only if such individual's gross income exceeds $200,000 for any taxable year subject to such action, and

"(B) if the tax, penalties, interest, additions to tax, and additional amounts in dispute exceed $20,000.

"(6) Additional rules.—

"(A) No contract necessary.—No contract with the Internal Revenue Service is necessary for any individual to receive an award under this subsection.

"(B) Representation.—Any individual described in paragraph (1) or (2) may be represented by counsel.

"(C) Award not subject to individual alternative minimum tax.—No award received under this subsection shall be included in gross income for purposes of determining alternative minimum taxable income.

"(c) Whistleblower Office.—

"(1) In general.—There is established in the Internal Revenue Service an office to be known as the 'Whistleblower Office' which—

"(A) shall at all times operate at the direction of the Commissioner and coordinate and consult with other divisions in the Internal Revenue Service as directed by the Commissioner,

"(B) shall analyze information received from any individual described in subsection (b) and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office,

"(C) shall monitor any action taken with respect to such matter,

"(D) shall inform such individual that it has accepted the individual's information for further review,

"(E) may require such individual and any legal representative of such individual to not disclose any information so provided,

"(F) in its sole discretion, may ask for additional assistance from such individual or any legal representative of such individual, and

"(G) shall determine the amount to be awarded to such individual under subsection (b).

"(2) Funding for office.—There is authorized to be appropriated $10,000,000 for each fiscal year for the Whistleblower Office. These funds shall be used to maintain the Whistleblower Office and also to reimburse other Internal Revenue Service offices for related costs, such as costs of investigation and collection.

"(3) Request for assistance.—

"(A) In general.—Any assistance requested under paragraph (1)(F) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under subparagraph (A). To the extent the disclosure of any returns or return information to the individual or legal representative is required for the performance of such assistance, such disclosure shall be pursuant to a contract entered into between the Secretary and the recipients of such disclosure subject to section 6103(n). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.

"(B) Funding of assistance.—From the amounts available for expenditure under subsection (b), the Whistleblower Office may, with the agreement of the individual described in subsection (b), reimburse the costs incurred by any legal representative of such individual in providing assistance described in subparagraph (A).

"(d) Report by Secretary.—The Secretary shall each year conduct a study and report to Congress on the use of this section, including—

"(1) an analysis of the use of this section during the preceding year and the results of such use, and

"(2) any legislative or administrative recommendations regarding the provisions of this section and its application.".

(b) Effective Date.—The amendments made by this section shall apply to information provided on or after the date of the enactment of this Act.

SEC. 1719. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) In General.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

"(f) Fines, Penalties, and Other Amounts.—

"(1) In general.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.

"(2) Exception for amounts constituting restitution.—Paragraph (1) shall not apply to any amount which—

"(A) the taxpayer establishes constitutes restitution (including remediation of property) for damage or harm caused by or which may be caused by the violation of any law or the potential violation of any law, and

"(B) is identified as restitution in the court order or settlement agreement.

Identification pursuant to subparagraph (B) alone shall not satisfy the requirement under subparagraph (A). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation.

"(3) Exception for amounts paid or incurred as the result of certain court orders.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

"(4) Certain nongovernmental regulatory entities.—An entity is described in this paragraph if it is—

"(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

"(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

"(5) Exception for taxes due.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.".

(b) Effective Date.—The amendment made by this section shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendment shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SEC. 1720. FREEZE OF INTEREST SUSPENSION RULES WITH RESPECT TO LISTED TRANSACTIONS.

(a) IN GENERAL.—Paragraph (2) of section 903(d) of the American Jobs Creation Act of 2005 is amended to read as follows:

"(2) EXCEPTION FOR REPORTABLE OR LISTED TRANSACTIONS.—

"(A) IN GENERAL.—The amendments made by subsection (c) shall apply with respect to interest accruing after October 3, 2004.

"(B) SPECIAL RULE FOR CERTAIN LISTED TRANSACTIONS.—

"(i) IN GENERAL.—Except as provided in clause (ii) or (iii), in the case of any listed transaction, the amendments made by subsection (c) shall also apply with respect to interest accruing on or before October 3, 2004.

"(ii) PARTICIPANTS IN SETTLEMENT INITIATIVES.—Clause (i) shall not apply to a listed transaction if, as of May 9, 2005—

"(I) the taxpayer is participating in a published settlement initiative which is offered by the Secretary of the Treasury or his delegate to a group of similarly situated taxpayers claiming benefits from the listed transaction, or

"(II) the taxpayer has entered into a settlement agreement pursuant to such an initiative with respect to the tax liability arising in connection with the listed transaction.

Subclause (I) shall not apply to the taxpayer if, after May 9, 2005, the taxpayer withdraws from, or terminates, participation in the initiative or the Secretary or his delegate determines that a settlement agreement will not be reached pursuant to the initiative within a reasonable period of time.

"(iii) CLOSED TRANSACTIONS.—Clause (i) shall not apply to a listed transaction if, as of May 9, 2005—

"(I) the assessment of all Federal income taxes for the taxable year in which the tax liability to which the interest relates arose is prevented by the operation of any law or rule of law, or

"(II) a closing agreement under section 7121 has been entered into with respect to the tax liability arising in connection with the listed transaction.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which it relates.

SEC. 1721. MODIFICATIONS OF EFFECTIVE DATES OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) REPEAL OF EXCEPTION FOR QUALIFIED TRANSPORTATION PROPERTY.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by striking paragraphs (1) and (2) and by redesignating paragraphs (3) and (4) as paragraphs (1) and (2).

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

SEC. 1722. IMPOSITION OF MARK-TO-MARKET TAX ON INDIVIDUALS WHO EXPATRIATE.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2005, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2004' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

"(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

"(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

"(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

"(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

"(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

"(iii) complies with such other requirements as the Secretary may prescribe.

"(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

"(7) INTEREST.—For purposes of section 6601—

"(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

"(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(c) COVERED EXPATRIATE.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

"(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

"(A) the individual—

"(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

"(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

"(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

"(1) EXEMPT PROPERTY.—This section shall not apply to the following:

"(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

"(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

"(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

"(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

"(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

"(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

"(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

"(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

"(D) APPLICABLE PLANS.—This paragraph shall apply to—

"(i) any qualified retirement plan (as defined in section 4974(c)),

"(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

"(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

"(e) DEFINITIONS.—For purposes of this section—

"(1) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes citizenship, and

"(B) any long-term resident of the United States who—

"(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

"(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

"(2) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

"(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

"(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

"(A) the individual shall not be treated as having sold such interest,

"(B) such interest shall be treated as a separate share in the trust, and

"(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

"(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

"(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

"(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

"(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

"(i) paragraph (1) and subsection (a) shall not apply, and

"(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

"(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

"(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

"(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

"(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

"(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

"(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

"(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

"(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

"(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

"(E) TAX DEDUCTED AND WITHHELD.—

"(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

"(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

"(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

"(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

"(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

"(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or "(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

"(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred-tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

"(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

"(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

"(B) OTHER DETERMINATIONS.—For purposes of this section—

"(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayer's trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) IMPOSITION OF TENTATIVE TAX.—

"(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

"(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

"(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

"(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

"(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

"(1) IMPOSITION OF LIEN.—

"(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

"(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

"(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

"(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

"(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

"(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

"(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

"(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

"(A) the gift, bequest, devise, or inheritance is—

"(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

"(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

"(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(49) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).".

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) SAFEGUARDS.—Section 6103(p)(4) (relating to safeguards) is amended by striking "or (20)" each place it appears and inserting "(20), or (21)".

(3) EFFECTIVE DATES.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(h) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(C) Application.—This paragraph shall not apply to any expatriate subject to section 877A.".

(f) Clerical Amendment.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(g) Effective Date.—

(1) In general.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) Gifts and bequests.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) Due date for tentative tax.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 1723. DISALLOWANCE OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) Disallowance of Deduction.—

(1) In general.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking "If" and inserting:

"(1) Treble damages.—If", and

(C) by adding at the end the following new paragraph:

"(2) Punitive damages.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).".

(2) Conforming amendment.—The heading for section 162(g) is amended by inserting "or Punitive Damages" after "Laws".

(b) Inclusion in Income of Punitive Damages Paid by Insurer or Otherwise.—

(1) In general.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

"Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.".

(2) Reporting requirements.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

"(f) Section To Apply to Punitive Damages Compensation.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.".

(3) Conforming amendment.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Punitive damages compensated by insurance or otherwise.".

(c) Effective Date.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SEC. 1724. APPLICATION OF EARNINGS STRIPPING RULES TO PARTNERS WHICH ARE C CORPORATIONS.

(a) In General.—Section 163(j) (relating to limitation on deduction for interest on certain indebtedness) is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph:

"(8) Allocations to certain corporate partners.—If a C corporation is a partner in a partnership—

"(A) the corporation's allocable share of indebtedness and interest income of the partnership shall be taken into account in applying this subsection to the corporation, and

"(B) if a deduction is not disallowed under this subsection with respect to any interest expense of the partnership, this subsection shall be applied separately in determining whether a deduction is allowable to the corporation with respect to the corporation's allocable share of such interest expense.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning on or after the date of the enactment of this Act.

SEC. 1725. PROHIBITION ON DEFERRAL OF GAIN FROM THE EXERCISE OF STOCK OPTIONS AND RESTRICTED STOCK GAINS THROUGH DEFERRED COMPENSATION ARRANGEMENTS.

(a) In General.—Section 83 (relating to property transferred in connection with performance of services) is amending by adding at the end the following new subsection:

"(i) Prohibition on Additional Deferral Through Deferred Compensation Arrangements.—If a taxpayer exchanges—

"(1) an option to purchase employer securities—

"(A) to which subsection (a) applies, or

"(B) which is described in subsection (e)(3), or

"(2) employer securities or any other property based on employer securities transferred to the taxpayer,

for a right to receive future payments, then, notwithstanding any other provision of this title, there shall be included in gross income for the taxable year of the exchange an amount equal to the present value of such right (or such other amount as the Secretary may by regulations specify). For purposes of this subsection, the term 'employer securities' includes any security issued by the employer.".

(b) Controlled Group Rules.—Section 414(t)(2) is amended by inserting "83(i)," after "79,".

(c) Effective Date.—The amendments made by this section shall apply to any exchange after the date of the enactment of this Act.

SEC. 1726. LIMITATION OF EMPLOYER DEDUCTION FOR CERTAIN ENTERTAINMENT EXPENSES.

(a) In General.—Paragraph (2) of section 274(e) (relating to expenses treated as compensation) is amended to read as follows:

"(2) Expenses treated as compensation.—Expenses for goods, services, and facilities, to the extent that the expenses do not exceed the amount of the expenses which are treated by the taxpayer, with respect to the recipient of the entertainment, amusement, or recreation, as compensation to an employee on the taxpayer's return of tax under this chapter and as wages to such employee for purposes of chapter 24 (relating to withholding of income tax at source on wages).".

(b) Persons Not Employees.—Paragraph (9) of section 274(e) is amended by striking "to the extent that the expenses are includible in the gross income" and inserting "to the extent that the expenses do not exceed the amount of the expenses which are includible in the gross income".

(c) Effective Date.—The amendment made by this section shall apply to expenses incurred after the date of the enactment of this Act.

SEC. 1727. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) In General.—Section 6657 (relating to bad checks) is amended—

(1) by striking "$750" and inserting "$1,250", and

(2) by striking "$15" and inserting "$25".

(b) Effective Date.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

SEC. 1728. ELIMINATION OF DOUBLE DEDUCTION ON MINING EXPLORATION AND DEVELOPMENT COSTS UNDER THE MINIMUM TAX.

(a) In General.—Section 57(a)(1) (relating to depletion) is amended by striking "for the taxable year)" and inserting "for the taxable year and determined without regard to so much of the basis as is attributable to mining exploration and development costs described in section 616 or 617 for which a deduction is allowable for any taxable year under this part).".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment this Act.

PART II—IMPROVEMENTS IN EFFICIENCY AND SAFEGUARDS IN INTERNAL REVENUE SERVICE COLLECTION

SEC. 1731. WAIVER OF USER FEE FOR INSTALLMENT AGREEMENTS USING AUTOMATED WITHDRAWALS.

(a) In General.—Section 6159 (relating to agreements for payment of tax liability in installments) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) Waiver of User Fees for Installment Agreements Using Automated Withdrawals.—In the case of a taxpayer who enters into an installment agreement in which automated installment payments are agreed to, the Secretary shall waive the fee (if any) for entering into the installment agreement.".

(b) Effective Date.—The amendments made by this section shall apply to agreements entered into on or after the date which is 180 days after the date of the enactment of this Act.

SEC. 1732. TERMINATION OF INSTALLMENT AGREEMENTS.

(a) In General.—Section 6159(b)(4) (relating to failure to pay an installment or any other tax liability when due or to provide requested financial information) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (E), and by inserting after subparagraph (B) the following:

"(C) to make a Federal tax deposit under section 6302 at the time such deposit is required to be made,

"(D) to file a return of tax imposed under this title by its due date (including extensions), or".

(b) Conforming Amendment.—The heading for section 6159(b)(4) is amended by striking "Failure to pay an installment or any other tax liability when due or to provide

REQUESTED FINANCIAL INFORMATION" and inserting "FAILURE TO MAKE PAYMENTS OR DEPOSITS OR FILE RETURNS WHEN DUE OR TO PROVIDE REQUESTED FINANCIAL INFORMATION".

(c) Effective Date.—The amendments made by this section shall apply to failures occurring on or after the date of the enactment of this Act.

SEC. 1733. OFFICE OF CHIEF COUNSEL REVIEW OF OFFERS-IN-COMPROMISE.

(a) In General.—Section 7122(b) (relating to record) is amended by striking "Whenever a compromise" and all that follows through "his delegate" and inserting "If the Secretary determines that an opinion of the General Counsel for the Department of the Treasury, or the Counsel's delegate, is required with respect to a compromise, there shall be placed on file in the office of the Secretary such opinion".

(b) Conforming Amendments.—Section 7122(b) is amended by striking the second and third sentences.

(c) Effective Date.—The amendments made by this section shall apply to offers-in-compromise submitted or pending on or after the date of the enactment of this Act.

SEC. 1734. PARTIAL PAYMENTS REQUIRED WITH SUBMISSION OF OFFERS-IN-COMPROMISE.

(a) In General.—Section 7122 (relating to compromises), as amended by this Act, is amended by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively, and by inserting after subsection (b) the following new subsection:

"(c) Rules for Submission of Offers-in-Compromise.—

"(1) Partial payment required with submission.—

"(A) Lump-sum offers.—

"(i) In general.—The submission of any lump-sum offer-in-compromise shall be accompanied by the payment of 20 percent of amount of such offer.

"(ii) Lump-sum offer-in-compromise.—For purposes of this section, the term 'lump-sum offer-in-compromise' means any offer of payments made in 5 or fewer installments.

"(B) Periodic payment offers.—The submission of any periodic payment offer-in-compromise shall be accompanied by the payment of the amount of the first proposed installment and each proposed installment due during the period such offer is being evaluated for acceptance and has not been rejected by the Secretary. Any failure to make a payment required under the preceding sentence shall be deemed a withdrawal of the offer-in-compromise.

"(2) Rules of application.—

"(A) Use of payment.—The application of any payment made under this subsection to the assessed tax or other amounts imposed under this title with respect to such tax may be specified by the taxpayer.

"(B) No user fee imposed.—Any user fee which would otherwise be imposed under this section shall not be imposed on any offer-in-compromise accompanied by a payment required under this subsection.".

(b) Additional Rules Relating to Treatment of Offers.—

(1) Unprocessable offer if payment requirements are not met.—Paragraph (3) of section 7122(d) (relating to standards for evaluation of offers), as redesignated by subsection (a), is amended by striking "; and" at the end of subparagraph (A) and inserting a comma, by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) any offer-in-compromise which does not meet the requirements of subsection (c) shall be returned to the taxpayer as unprocessable.".

(2) Deemed acceptance of offer not rejected within certain period.—Section 7122, as amended by subsection (a), is amended by adding at the end the following new subsection:

"(g) Deemed Acceptance of Offer Not Rejected Within Certain Period.—Any offer-in-compromise submitted under this section shall be deemed to be accepted by the Secretary if such offer is not rejected by the Secretary before the date which is 24 months after the date of the submission of such offer (12 months for offers-in-compromise submitted after the date which is 5 years after the date of the enactment of this subsection). For purposes of the preceding sentence, any period during which any tax liability which is the subject of such offer-in-compromise is in dispute in any judicial proceeding shall not be taken in to account in determining the expiration of the 24-month period (or 12-month period, if applicable).".

(c) Effective Date.—The amendments made by this section shall apply to offers-in-compromise submitted on and after the date which is 60 days after the date of the enactment of this Act.

SEC. 1735. JOINT TASK FORCE ON OFFERS-IN-COMPROMISE.

(a) In General.—The Secretary of the Treasury shall establish a joint task force—

(1) to review the Internal Revenue Service's determinations with respect to offers-in-compromise, including offers which raise equitable, public policy, or economic hardship grounds for compromise of a tax liability under section 7122 of the Internal Revenue Code of 1986,

(2) to review the extent to which the Internal Revenue Service has used its authority to resolve longstanding cases by forgoing penalties and interest which have accumulated as a result of delay in determining the taxpayer's liability,

(3) to provide recommendations as to whether the Internal Revenue Service's evaluation of offers-in-compromise should include—

(A) the taxpayer's compliance history,

(B) errors by the Internal Revenue Service with respect to the underlying tax, and

(C) wrongful acts by a third party which gave rise to the liability, and

(4) to annually report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives (beginning in 2006) regarding such review and recommendations.

(b) Members of Joint Task Force.—The membership of the joint task force under subsection (a) shall consist of 1 representative each from the Department of the Treasury, the Internal Revenue Service Oversight Board, the Office of the Chief Counsel for the Internal Revenue Service, the Office of the Taxpayer Advocate, the Office of Appeals, and the division of the Internal Revenue Service charged with operating the offer-in-compromise program.

(c) Report of National Taxpayer Advocate.—

(1) In general.—Clause (ii) of section 7803(c)(2)(B) (relating to annual reports) is amended by striking "and" at the end of subclause (X), by redesignating subclause (XI) as subclause (XII), and by inserting after subclause (X) the following new subclause:

"(XI) include a list of the factors taxpayers have raised to support their claims for offers-in-compromise relief, the number of such offers submitted, accepted, and rejected, the number of such offers appealed, the period during which review of such offers have remained pending, and the efforts the Internal Revenue Service has made to correctly identify such offers, including the training of employees in identifying and evaluating such offers.".

(2) Effective date.—The amendment made by paragraph (1) shall apply to reports in calendar year 2006 and thereafter.

SA 931. Mr. LEVIN (for himself and Mr. Bayh) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end add the following:

TITLE XVII—TAX INCENTIVES FOR ALTERNATIVE MOTOR VEHICLES AND FUELS

SEC. 1700. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Tax Incentives

SEC. 1701. ALTERNATIVE MOTOR VEHICLE CREDIT.

(a) In General.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by adding at the end the following:

"SEC. 30B. ALTERNATIVE MOTOR VEHICLE CREDIT.

"(a) Allowance of Credit.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) the new qualified fuel cell motor vehicle credit determined under subsection (b),

"(2) the new advanced lean burn technology motor vehicle credit determined under subsection (c),

"(3) the new qualified hybrid motor vehicle credit determined under subsection (d), and

"(4) the new qualified alternative fuel motor vehicle credit determined under subsection (e).

"(b) New Qualified Fuel Cell Motor Vehicle Credit.—

"(1) In general.—For purposes of subsection (a), the new qualified fuel cell motor vehicle credit determined under this subsection with respect to a new qualified fuel cell motor vehicle placed in service by the taxpayer during the taxable year is—

"(A) $8,000 if such vehicle has a gross vehicle weight rating of not more than 8,500 pounds,

"(B) $10,000, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

"(C) $20,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

"(D) $40,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

"(2) Increase for fuel efficiency.—

"(A) In general.—The amount determined under paragraph (1)(A) with respect to a new qualified fuel cell motor vehicle which is a passenger automobile or light truck shall be increased by—

"(i) $1,000, if such vehicle achieves at least 150 percent but less than 175 percent of the 2002 model year city fuel economy,

"(ii) $1,500, if such vehicle achieves at least 175 percent but less than 200 percent of the 2002 model year city fuel economy, “(iii) $2,000, if such vehicle achieves at least 200 percent but less than 225 percent of the 2002 model year city fuel economy,

“(iv) $2,500, if such vehicle achieves at least 225 percent but less than 250 percent of the 2002 model year city fuel economy,

“(v) $3,000, if such vehicle achieves at least 250 percent but less than 275 percent of the 2002 model year city fuel economy,

“(vi) $3,500, if such vehicle achieves at least 275 percent but less than 300 percent of the 2002 model year city fuel economy, and

“(vii) $4,000, if such vehicle achieves at least 300 percent of the 2002 model year city fuel economy.

“(B) 2002 MODEL YEAR CITY FUEL ECONOMY.—For purposes of subparagraph (A), the 2002 model year city fuel economy with respect to a vehicle shall be determined in accordance with the following tables:

“(i) In the case of a passenger automobile:

“If vehicle inertia weight class is:	**The 2002 model year city fuel economy is:**
1,500 or 1,750 lbs	45.2 mpg
2,000 lbs	39.6 mpg
2,250 lbs	35.2 mpg
2,500 lbs	31.7 mpg
2,750 lbs	28.8 mpg
3,000 lbs	26.4 mpg
3,500 lbs	22.6 mpg
4,000 lbs	19.8 mpg
4,500 lbs	17.6 mpg
5,000 lbs	15.9 mpg
5,500 lbs	14.4 mpg
6,000 lbs	13.2 mpg
6,500 lbs	12.2 mpg
7,000 to 8,500 lbs	11.3 mpg.

“(ii) In the case of a light truck:

“If vehicle inertia weight class is:	**The 2002 model year city fuel economy is:**
1,500 or 1,750 lbs	39.4 mpg
2,000 lbs	35.2 mpg
2,250 lbs	31.8 mpg
2,500 lbs	29.0 mpg
2,750 lbs	26.8 mpg
3,000 lbs	24.9 mpg
3,500 lbs	21.8 mpg
4,000 lbs	19.4 mpg
4,500 lbs	17.6 mpg
5,000 lbs	16.1 mpg
5,500 lbs	14.8 mpg
6,000 lbs	13.7 mpg
6,500 lbs	12.8 mpg
7,000 to 8,500 lbs	12.1 mpg.

“(C) VEHICLE INERTIA WEIGHT CLASS.—For purposes of subparagraph (B), the term ‘vehicle inertia weight class’ has the same meaning as when defined in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

“(3) NEW QUALIFIED FUEL CELL MOTOR VEHICLE.—For purposes of this subsection, the term ‘new qualified fuel cell motor vehicle’ means a motor vehicle—

“(A) which is propelled by power derived from 1 or more cells which convert chemical energy directly into electricity by combining oxygen with hydrogen fuel which is stored on board the vehicle in any form and may or may not require reformation prior to use,

“(B) which, in the case of a passenger automobile or light truck, has received on or after the date of the enactment of this section a certificate that such vehicle meets or exceeds the Bin 5 Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle,

“(C) the original use of which commences with the taxpayer,

“(D) which is acquired for use or lease by the taxpayer and not for resale, and

“(E) which is made by a manufacturer.

“(c) NEW ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLE CREDIT.—

“(1) IN GENERAL.—For purposes of subsection (a), the new advanced lean burn technology motor vehicle credit determined under this subsection with respect to a new advanced lean burn technology motor vehicle placed in service by the taxpayer during the taxable year is the credit amount determined under paragraph (2).

“(2) CREDIT AMOUNT.—

“(A) FUEL ECONOMY.—

“(i) IN GENERAL.—The credit amount determined under this paragraph shall be determined in accordance with the following table:

“In the case of a vehicle which achieves a fuel economy (expressed as a percentage of the 2002 model year city fuel economy) of—	**The credit amount is—**
At least 125 percent but less than 150 percent	$600
At least 150 percent but less than 175 percent	$1,100
At least 175 percent but less than 200 percent	$1,600
At least 200 percent but less than 225 percent	$2,100
At least 225 percent but less than 250 percent	$2,600
At least 250 percent	$3,100.

“(ii) 2002 MODEL YEAR CITY FUEL ECONOMY.—For purposes of clause (i), the 2002 model year city fuel economy with respect to a vehicle shall be determined on a gasoline gallon equivalent basis as determined by the Administrator of the Environmental Protection Agency using the tables provided in subsection (b)(2)(B) with respect to such vehicle.

“(B) CONSERVATION CREDIT.—The amount determined under subparagraph (A) with respect to a new advanced lean burn technology motor vehicle shall be increased by the conservation credit amount determined in accordance with the following table:

“In the case of a vehicle which achieves a lifetime fuel savings (expressed in gallons of gasoline) of—	**The conservation credit amountis—**
At least 1,200 but less than 1,800	$700
At least 1,800 but less than 2,400	$1,200
At least 2,400 but less than 3,000	$1,700
At least 3,000	$2,200.

“(C) OPTION TO USE LIKE VEHICLE.—At the option of the vehicle manufacturer, the increase for fuel efficiency and conservation credit may be calculated by comparing the new qualified advanced lean burn technology motor vehicle to a like vehicle.

“(3) NEW ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLE.—For purposes of this subsection, the term ‘new advanced lean burn technology motor vehicle’ means a passenger automobile or a light truck—

“(A) with an internal combustion engine which—

“(i) is designed to operate primarily using more air than is necessary for complete combustion of the fuel,

“(ii) incorporates direct injection,

“(iii) achieves at least 125 percent of the 2002 model year city fuel economy,

“(iv) for 2004 and later model vehicles, has received a certificate that such vehicle meets or exceeds—

“(I) in the case of a vehicle having a gross vehicle weight rating of 6,000 pounds or less, the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

“(II) in the case of a vehicle having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, the Bin 8 Tier II emission standard which is so established.

“(B) the original use of which commences with the taxpayer,

“(C) which is acquired for use or lease by the taxpayer and not for resale, and

“(D) which is made by a manufacturer.

“(4) LIKE VEHICLE.—The term ‘like vehicle’ for a new qualified advanced lean burn technology motor vehicle derived from a conventional production vehicle produced in the same model year means a model that is equivalent in the following areas:

“(A) Body style (2-door or 4-door),

“(B) Transmission (automatic or manual),

“(C) Acceleration performance (± 0.05 seconds).

“(D) Drivetrain (2-wheel drive or 4-wheel drive).

“(E) Certification by the Administrator of the Environmental Protection Agency.

“(5) LIFETIME FUEL SAVINGS.—For purposes of this subsection, the term ‘lifetime fuel savings’ means, in the case of any new advanced lean burn technology motor vehicle, an amount equal to the excess (if any) of—

“(A) 120,000 divided by the 2002 model year city fuel economy for the vehicle inertia weight class, over

“(B) 120,000 divided by the city fuel economy for such vehicle.

“(d) NEW QUALIFIED HYBRID MOTOR VEHICLE CREDIT.—

“(1) IN GENERAL.—For purposes of subsection (a), the new qualified hybrid motor vehicle credit determined under this subsection with respect to a new qualified hybrid motor vehicle placed in service by the taxpayer during the taxable year is the credit amount determined under paragraph (2) or (3).

“(2) CREDIT AMOUNT FOR LIGHTER VEHICLES.—In the case of a new qualified hybrid motor vehicle which is a passenger automobile, medium duty passenger vehicle, or light truck, the credit amount determined under this paragraph is equal to the sum of following amounts:

“(A) FUEL ECONOMY.—The amount which would be determined under subsection (c)(2)(A) if such vehicle were a vehicle referred to in such subsection.

“(B) CONSERVATION CREDIT.—The amount which would be determined under subsection (c)(2)(B) if such vehicle were a vehicle referred to in such subsection.

“(iii) OPTION TO USE LIKE VEHICLE.—For purposes of clause (i), at the option of the vehicle manufacturer, the increase for fuel efficiency and conservation credit may be calculated by comparing the new qualified hybrid motor vehicle to a like vehicle (as defined in subsection (c)(4)).

“(3) CREDIT AMOUNT FOR HEAVIER VEHICLES.—

“(A) IN GENERAL.—In the case of a new qualified hybrid motor vehicle which is a heavy duty hybrid motor vehicle, the credit amount determined under this paragraph is an amount equal to the applicable percentage of the incremental cost of such vehicle placed in service by the taxpayer during the taxable year.

“(B) INCREMENTAL COST.—For purposes of this paragraph, the incremental cost of any heavy duty hybrid motor vehicle is equal to the amount of the excess of the manufacturer's suggested retail price for such vehicle over such price for a comparable gasoline or diesel fuel motor vehicle of the same model, to the extent such amount does not exceed—

“(i) $7,500, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

“(ii) $15,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

“(iii) $30,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

“(C) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

“If percent increase in fuel economy of hybrid over comparable vehicle is:	**The applicable percentage is:**
At least 30 but less than 40 percent	20 percent.
At least 40 but less than 50 percent	30 percent.
At least 50 percent	40 percent.

“(4) NEW QUALIFIED HYBRID MOTOR VEHICLE.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘new qualified hybrid motor vehicle’ means a motor vehicle—

“(i) which draws propulsion energy from onboard sources of stored energy which are both—

“(I) an internal combustion or heat engine using consumable fuel, and

“(II) a rechargeable energy storage system,

“(ii) which, in the case of a passenger automobile, medium duty passenger vehicle, or light truck—

“(I) having a gross vehicle weight rating of 6,000 pounds or less, has received a certificate that such vehicle meets or exceeds the Bin 5 Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle,

“(II) having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, has received a certificate that such vehicle meets or exceeds the Bin 8 Tier II emission standard which is so established,

“(III) has received a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year, and

“(IV) has a maximum available power of at least 5 percent,

“(iii) which, in the case of a heavy duty hybrid motor vehicle—

“(I) having a gross vehicle weight rating of more than 8,500 but not more than 14,000 pounds, has a maximum available power of at least 10 percent, and

“(II) having a gross vehicle weight rating of more than 14,000 pounds, has a maximum available power of at least 15 percent,

“(iv) the original use of which commences with the taxpayer,

“(v) which is acquired for use or lease by the taxpayer and not for resale, and

“(vi) which is made by a manufacturer.

“(B) CONSUMABLE FUEL.—For purposes of subparagraph (A)(i)(I), the term ‘consumable fuel’ means any solid, liquid, or gaseous matter which releases energy when consumed by an auxiliary power unit.

“(C) MAXIMUM AVAILABLE POWER.—

“(i) PASSENGER AUTOMOBILE, MEDIUM DUTY PASSENGER VEHICLE, OR LIGHT TRUCK.—For purposes of subparagraph (A)(ii)(II), the term ‘maximum available power’ means the maximum power available from the rechargeable energy storage system, during a standard 10 second pulse power or equivalent test, divided by such maximum power and the SAE net power of the heat engine.

“(ii) HEAVY DUTY HYBRID MOTOR VEHICLE.—For purposes of subparagraph (A)(iii), the term ‘maximum available power’ means the maximum power available from the rechargeable energy storage system, during a standard 10 second pulse power or equivalent test, divided by the vehicle's total traction power. The term ‘total traction power’ means the sum of the peak power from the rechargeable energy storage system and the heat engine peak power of the vehicle, except that if such storage system is the sole means by which the vehicle can be driven, the total traction power is the peak power of such storage system.

“(4) HEAVY DUTY HYBRID MOTOR VEHICLE.—For purposes of this subsection, the term ‘heavy duty hybrid motor vehicle’ means a new qualified hybrid motor vehicle which has a gross vehicle weight rating of more than 8,500 pounds. Such term does not include a medium duty passenger vehicle.

“(e) NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE CREDIT.—

“(1) ALLOWANCE OF CREDIT.—Except as provided in paragraph (5), the new qualified alternative fuel motor vehicle credit determined under this subsection is an amount equal to the applicable percentage of the incremental cost of any new qualified alternative fuel motor vehicle placed in service by the taxpayer during the taxable year.

“(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage with respect to any new qualified alternative fuel motor vehicle is—

“(A) 50 percent, plus

“(B) 30 percent, if such vehicle—

“(i) has received a certificate of conformity under the Clean Air Act and meets or exceeds the most stringent standard available for certification under the Clean Air Act for that make and model year vehicle (other than a zero emission standard), or

“(ii) has received an order certifying the vehicle as meeting the same requirements as vehicles which may be sold or leased in California and meets or exceeds the most stringent standard available for certification under the State laws of California (enacted in accordance with a waiver granted under section 209(b) of the Clean Air Act) for that make and model year vehicle (other than a zero emission standard).

For purposes of the preceding sentence, in the case of any new qualified alternative fuel motor vehicle which weighs more than 14,000 pounds gross vehicle weight rating, the most stringent standard available shall be such standard available for certification on the date of the enactment of the Energy Tax Incentives Act.

“(3) INCREMENTAL COST.—For purposes of this subsection, the incremental cost of any new qualified alternative fuel motor vehicle is equal to the amount of the excess of the manufacturer's suggested retail price for such vehicle over such price for a gasoline or diesel fuel motor vehicle of the same model, to the extent such amount does not exceed—

“(A) $5,000, if such vehicle has a gross vehicle weight rating of not more than 8,500 pounds,

“(B) $10,000, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

“(C) $25,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

“(D) $40,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

“(4) NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘new qualified alternative fuel motor vehicle’ means any motor vehicle—

“(i) which is only capable of operating on an alternative fuel,

“(ii) the original use of which commences with the taxpayer,

“(iii) which is acquired by the taxpayer for use or lease, but not for resale, and

“(iv) which is made by a manufacturer.

“(B) ALTERNATIVE FUEL.—The term ‘alternative fuel’ means compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, and any liquid at least 85 percent of the volume of which consists of methanol.

“(5) CREDIT FOR MIXED-FUEL VEHICLES.—

“(A) IN GENERAL.—In the case of a mixed-fuel vehicle placed in service by the taxpayer during the taxable year, the credit determined under this subsection is an amount equal to—

“(i) in the case of a 75/25 mixed-fuel vehicle, 70 percent of the credit which would have been allowed under this subsection if such vehicle was a qualified alternative fuel motor vehicle, and

“(ii) in the case of a 90/10 mixed-fuel vehicle, 90 percent of the credit which would have been allowed under this subsection if such vehicle was a qualified alternative fuel motor vehicle.

“(B) MIXED-FUEL VEHICLE.—For purposes of this subsection, the term ‘mixed-fuel vehicle’ means any motor vehicle described in subparagraph (C) or (D) of paragraph (3), which—

“(i) is certified by the manufacturer as being able to perform efficiently in normal operation on a combination of an alternative fuel and a petroleum-based fuel,

“(ii) either—

“(I) has received a certificate of conformity under the Clean Air Act, or

“(II) has received an order certifying the vehicle as meeting the same requirements as vehicles which may be sold or leased in California and meets or exceeds the low emission vehicle standard under section 88.105–94 of title 40, Code of Federal Regulations, for that make and model year vehicle,

“(iii) the original use of which commences with the taxpayer,

“(iv) which is acquired by the taxpayer for use or lease, but not for resale, and

“(v) which is made by a manufacturer.

“(C) 75/25 MIXED-FUEL VEHICLE.—For purposes of this subsection, the term ‘75/25 mixed-fuel vehicle’ means a mixed-fuel vehicle which operates using at least 75 percent alternative fuel and not more than 25 percent petroleum-based fuel.

“(D) 90/10 MIXED-FUEL VEHICLE.—For purposes of this subsection, the term ‘90/10 mixed-fuel vehicle’ means a mixed-fuel vehicle which operates using at least 90 percent alternative fuel and not more than 10 percent petroleum-based fuel.

“(f) LIMITATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN-BURN TECHNOLOGY VEHICLES ELIGIBLE FOR CREDIT.—

“(1) IN GENERAL.—In the case of a qualified vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (c) or (d) shall be allowed.

"(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of qualified vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section is at least 80,000.

"(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

"(A) 50 percent for the first 2 calendar quarters of the phaseout period,

"(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

"(C) 0 percent for each calendar quarter thereafter.

"(4) CONTROLLED GROUPS.—

"(A) IN GENERAL.—For purposes of this subsection, all persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as a single manufacturer.

"(B) INCLUSION OF FOREIGN CORPORATIONS.—For purposes of subparagraph (A), in applying subsections (a) and (b) of section 52 to this section, section 1563 shall be applied without regard to subsection (b)(2)(C) thereof.

"(5) QUALIFIED VEHICLE.—For purposes of this subsection, the term 'qualified vehicle' means any new qualified hybrid motor vehicle and any new advanced lean burn technology motor vehicle.

"(g) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(1) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

"(2) the tentative minimum tax for the taxable year.

"(h) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term by section 30(c)(2).

"(2) CITY FUEL ECONOMY.—The city fuel economy with respect to any vehicle shall be measured in a manner which is substantially similar to the manner city fuel economy is measured in accordance with procedures under part 600 of subchapter Q of chapter I of title 40, Code of Federal Regulations, as in effect on the date of the enactment of this section.

"(3) OTHER TERMS.—The terms 'automobile', 'passenger automobile', 'medium duty passenger vehicle', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

"(4) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed (determined without regard to subsection (e)).

"(5) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter—

"(A) for any incremental cost taken into account in computing the amount of the credit determined under subsection (e) shall be reduced by the amount of such credit attributable to such cost, and

"(B) with respect to a vehicle described under subsection (b), (c), or (d) shall be reduced by the amount of credit allowed under subsection (a) for such vehicle for the taxable year.

"(6) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of a vehicle whose use is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such vehicle to the person or entity using such vehicle shall be treated as the taxpayer that placed such vehicle in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such vehicle (determined without regard to subsection (g)).

"(7) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

"(8) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of a vehicle).

"(9) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

"(10) CARRYBACK AND CARRYFORWARD ALLOWED.—

"(A) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (g) for such taxable year (in this paragraph referred to as the 'unused credit year'), such excess shall be a credit carryback to each of the 3 taxable years preceding the unused credit year and a credit carryforward to each of the 20 taxable years following the unused credit year, except that no excess may be carried to a taxable year beginning before the date of the enactment of this section. The preceding sentence shall not apply to any credit carryback if such credit carryback is attributable to property for which a deduction for depreciation is not allowable.

"(B) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryback and credit carryforward under subparagraph (A).

"(11) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, a motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

"(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

"(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

"(g) REGULATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

"(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements to be eligible for a credit under this section.

"(h) TERMINATION.—This section shall not apply to any property purchased after—

"(1) in the case of a new qualified fuel cell motor vehicle (as described in subsection (b)), December 31, 2015,

"(2) in the case of a new advanced lean burn technology motor vehicle (as described in subsection (c)) or a new qualified hybrid motor vehicle (as described in subsection (d)), December 31, 2009, and

"(3) in the case of a new qualified alternative fuel vehicle (as described in subsection (e)), December 31, 2010.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by this Act, is amended by striking "and" at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting ", and", and by adding at the end the following new paragraph:

"(37) to the extent provided in section 30B(h)(4).".

(2) Section 55(c)(2), as amended by this Act, is amended by inserting "30B(g)," after "30(b)(2),".

(3) Section 6501(m) is amended by inserting "30B(h)(9)," after "30(d)(4),".

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 30A the following new item:

"Sec. 30B. Alternative motor vehicle credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

(d) STICKER INFORMATION REQUIRED AT RETAIL SALE.—

(1) IN GENERAL.—The Secretary of the Treasury shall issue regulations under which each qualified vehicle sold at retail shall display a notice—

(A) that such vehicle is a qualified vehicle, and

(B) that the buyer may not benefit from the credit allowed under section 30B of the Internal Revenue Code of 1986 if such buyer has insufficient tax liability.

(2) QUALIFIED VEHICLE.—For purposes of paragraph (1), the term "qualified vehicle" means a vehicle with respect to which a credit is allowed under section 30B of the Internal Revenue Code of 1986.

(e) NONAPPLICATION OF SECTION .—Notwithstanding any other provision of this Act, the provisions of, and amendments made by, section 1531 of this Act shall be null and void.

SEC. 1702. CREDIT FOR INSTALLATION OF ALTERNATIVE FUEL REFUELING STATIONS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 30C. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

"(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the cost of any qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year.

"(b) LIMITATION.—The credit allowed under subsection (a) with respect to any alternative fuel vehicle refueling property shall not exceed—

"(1) $50,000 in the case of a property of a character subject to an allowance for depreciation, and

"(2) $1,000 in any other case.

"(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'qualified alternative fuel vehicle refueling property' has the meaning given to such term by section 179A(d), but only with respect to any fuel at least 85 percent of the volume of which consists of ethanol, natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, and hydrogen.

"(2) RESIDENTIAL PROPERTY.—In the case of any property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, paragraph (1) of section 179A(d) shall not apply.

"(d) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(1) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, 30, and 30B, over

"(2) the tentative minimum tax for the taxable year.

"(e) CARRYFORWARD ALLOWED.—

"(1) IN GENERAL.—If the credit amount allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (d) for such taxable year, such excess shall be allowed as a credit carryforward for each of the 20 taxable years following the unused credit year.

"(2) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryforward under paragraph (1).

"(f) SPECIAL RULES.—For purposes of this section—

"(1) BASIS REDUCTION.—The basis of any property shall be reduced by the portion of the cost of such property taken into account under subsection (a).

"(2) NO DOUBLE BENEFIT.—No deduction shall be allowed under section 179A with respect to any property with respect to which a credit is allowed under subsection (a).

"(3) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of any qualified alternative fuel vehicle refueling property the use of which is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such property to the person or entity using such property shall be treated as the taxpayer that placed such property in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such property (determined without regard to subsection (d)).

"(4) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

"(5) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

"(6) RECAPTURE RULES.—Rules similar to the rules of section 179A(e)(4) shall apply.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

"(h) TERMINATION.—This section shall not apply to any property placed in service—

"(1) in the case of property relating to hydrogen, after December 31, 2014, and

"(2) in the case of any other property, after December 31, 2009.".

(b) MODIFICATIONS TO EXTENSION OF DEDUCTION FOR CERTAIN REFUELING PROPERTY.—

(1) INCREASE IN DEDUCTION FOR HYDROGEN INFRASTRUCTURE.—Section 179A(b)(2)(A)(i) is amended by inserting "($200,000 in the case of property relating to hydrogen)" after "$100,000".

(2) EXTENSION OF DEDUCTION.—Subsection (f) of section 179A is amended to read as follows:

"(f) TERMINATION.—This section shall not apply to any property placed in service—

"(1) in the case of property relating to hydrogen, after December 31, 2014, and

"(2) in the case of any other property, after December 31, 2009.".

(c) INCENTIVE FOR PRODUCTION OF HYDROGEN AT QUALIFIED CLEAN-FUEL VEHICLE REFUELING PROPERTY.—Section 179A(d) (defining qualified clean-fuel vehicle refueling property) is amended by adding at the end the following new flush sentence:

"In the case of clean-burning fuel which is hydrogen produced from another clean-burning fuel, paragraph (3)(A) shall be applied by substituting 'production, storage, or dispensing' for 'storage or dispensing' both places it appears.".

(d) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by this Act, is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 30C(f).".

(2) Section 55(c)(2), as amended by this Act, is amended by inserting "30C(e)," after "30B(e),".

(3) Section 6501(m) is amended by inserting "30C(f)(5)," after "30B(f)(9),".

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 30B the following new item:

"Sec. 30C. Clean-fuel vehicle refueling property credit.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

(f) NONAPPLICATION OF SECTION.—Notwithstanding any other provision of this Act, the provisions of, and amendments made by, section 1533 of this Act shall be null and void.

SA 932. Mr. LEVIN (for himself and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, aforadable, and reliable energy; which was ordered to lie on the table; as follows:

At the end add the following:

TITLE XVII—TAX INCENTIVES FOR ALTERNATIVE MOTOR VEHICLES AND FUELS

SEC. 1700. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Tax Incentives

SEC. 1703. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 30D. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

"(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 35 percent of so much of the qualified investment of an eligible taxpayer for such taxable year as does not exceed $25,000,000.

"(b) QUALIFIED INVESTMENT.—For purposes of this section—

"(1) IN GENERAL.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

"(A) to re-equip or expand any manufacturing facility of the eligible taxpayer to produce advanced technology motor vehicles or to produce eligible components,

"(B) for engineering integration of such vehicles and components as described in subsection (d), and

"(C) for research and development related to advanced technology motor vehicles and eligible components.

"(2) ATTRIBUTION RULES.—In the event a facility of the eligible taxpayer produces both advanced technology motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

"(c) ADVANCED TECHNOLOGY MOTOR VEHICLES AND ELIGIBLE COMPONENTS.—For purposes of this section—

"(1) ADVANCED TECHNOLOGY MOTOR VEHICLE.—The term 'advanced technology motor vehicle' means—

"(A) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3)), or

"(B) any new qualified hybrid motor vehicle (as defined in section 30B(d)(2)(A) and determined without regard to any gross vehicle weight rating).

"(2) ELIGIBLE COMPONENTS.—The term 'eligible component' means any component inherent to any advanced technology motor vehicle, including—

"(A) with respect to any gasoline or diesel-electric new qualified hybrid motor vehicle—

"(i) electric motor or generator,

"(ii) power split device,

"(iii) power control unit,

"(iv) power controls,

"(v) integrated starter generator, or

"(vi) battery,

"(B) with respect to any hydraulic new qualified hybrid motor vehicle—

"(i) hydraulic accumulator vessel,

"(ii) hydraulic pump, or

"(iii) hydraulic pump-motor assembly,

"(C) with respect to any new advanced lean burn technology motor vehicle—

"(i) diesel engine,

"(ii) turbocharger,

"(iii) fuel injection system, or

"(iv) after-treatment system, such as a particle filter or NOx absorber, and

"(D) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

“(d) Engineering Integration Costs.—For purposes of subsection (b)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

“(1) establishing functional, structural, and performance requirements for component and subsystems to meet overall vehicle objectives for a specific application,

“(2) designing interfaces for components and subsystems with mating systems within a specific vehicle application,

“(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

“(4) validating functionality and performance of components and subsystems for a specific vehicle application.

“(e) Eligible Taxpayer.—For purposes of this section, the term ‘eligible taxpayer’ means any taxpayer if more than 50 percent of its gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

“(f) Limitation Based on Amount of Tax.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

“(1) the sum of—

“(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

“(B) the tax imposed by section 55 for such taxable year and any prior taxable year beginning after 1986 and not taken into account under section 53 for any prior taxable year, over

“(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

“(g) Reduction in Basis.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

“(h) No Double Benefit.—

“(1) Coordination with other deductions and credits.—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

“(2) Research and development costs.—

“(A) In general.—Except as provided in subparagraph (B), any amount described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

“(B) Costs taken into account in determining base period research expenses.—Any amounts described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

“(i) Business Carryovers Allowed.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (f) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback and carryforward under rules similar to the rules of section 39.

“(j) Special Rules.—For purposes of this section, rules similar to the rules of paragraphs (4) and (5) of section 179A(e) and paragraphs (1) and (2) of section 41(f) shall apply

“(k) Election Not to Take Credit.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

“(l) Regulations.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

“(m) Termination.—This section shall not apply to any qualified investment after December 31, 2010.”.

(b) Conforming Amendments.—

(1) Section 1016(a), as amended by this Act, is amended by striking “and” at the end of paragraph (39), by striking the period at the end of paragraph (40) and inserting “, and”, and by adding at the end the following new paragraph:

“(41) to the extent provided in section 30D(g).”.

(2) Section 6501(m), as amended by this Act, is amended by inserting “30D(k),” after “30C(j),”.

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 30C the following new item:

“Sec. 30D. Advanced technology motor vehicles manufacturing credit.”.

(c) Effective Date.—The amendments made by this section shall apply to amounts incurred in taxable years beginning after December 31, 2005.

Subtitle B—Revenue Offset Provisions

PART I—GENERAL PROVISIONS

SEC. 1711. TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT INSTRUMENTS.

(a) In General.—Section 1275(d) (relating to regulation authority) is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) In general.—The Secretary”, and

(2) by adding at the end the following new paragraph:

“(2) Treatment of contingent payment convertible debt.—

“(A) In general.—In the case of a debt instrument which—

“(i) is convertible into stock of the issuing corporation, into stock or debt of a related party (within the meaning of section 267(b) or 707(b)(1)), or into cash or other property in an amount equal to the approximate value of such stock or debt, and

“(ii) provides for contingent payments,

any regulations which require original issue discount to be determined by reference to the comparable yield of a noncontingent fixed-rate debt instrument shall be applied as if the regulations require that such comparable yield be determined by reference to a noncontingent fixed-rate debt instrument which is convertible into stock.

“(B) Special rule.—For purposes of subparagraph (A), the comparable yield shall be determined without taking into account the yield resulting from the conversion of a debt instrument into stock.”.

(b) Cross Reference.—Section 163(e)(6) (relating to cross references) is amended by adding at the end the following:

“For the treatment of contingent payment convertible debt, see section 1275(d)(2).”.

(c) Effective Date.—The amendments made by this section shall apply to debt instruments issued on or after the date of the enactment of this Act.

SEC. 1712. FRIVOLOUS TAX SUBMISSIONS.

(a) Civil Penalties.—Section 6702 is amended to read as follows:

“SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

“(a) Civil Penalty for Frivolous Tax Returns.—A person shall pay a penalty of $5,000 if—

“(1) such person files what purports to be a return of a tax imposed by this title but which—

“(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

“(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

“(2) the conduct referred to in paragraph (1)—

“(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

“(B) reflects a desire to delay or impede the administration of Federal tax laws.

“(b) Civil Penalty for Specified Frivolous Submissions.—

“(1) Imposition of penalty.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

“(2) Specified frivolous submission.—For purposes of this section—

“(A) Specified frivolous submission.—The term ‘specified frivolous submission’ means a specified submission if any portion of such submission—

“(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

“(ii) reflects a desire to delay or impede the administration of Federal tax laws.

“(B) Specified submission.—The term ‘specified submission’ means—

“(i) a request for a hearing under—

“(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

“(II) section 6330 (relating to notice and opportunity for hearing before levy), and

“(ii) an application under—

“(I) section 6159 (relating to agreements for payment of tax liability in installments),

“(II) section 7122 (relating to compromises), or

“(III) section 7811 (relating to taxpayer assistance orders).

“(3) Opportunity to withdraw submission.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

“(c) Listing of Frivolous Positions.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

“(d) Reduction of Penalty.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

“(e) Penalties in Addition to Other Penalties.—The penalties imposed by this section shall be in addition to any other penalty provided by law.”.

(b) Treatment of Frivolous Requests for Hearings Before Levy.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking "(A)" and inserting "(A)(i)";

(B) by striking "(B)" and inserting "(ii)";

(C) by striking the period at the end of the first sentence and inserting "; or"; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

"(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).".

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing".

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing", and

(2) in subsection (c), by striking "and (e)" and inserting "(e), and (g)".

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

"(e) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

"Sec. 6702. Frivolous tax submissions.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 1713. INCREASE IN CERTAIN CRIMINAL PENALTIES.

(a) IN GENERAL.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking "Any person who—" and inserting "(a) IN GENERAL.—Any person who—", and

(2) by adding at the end the following new subsection:

"(b) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.".

(b) INCREASE IN PENALTIES.—

(1) ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 is amended—

(A) by striking "$100,000" and inserting "$500,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "5 years" and inserting "10 years".

(2) WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—Section 7203 is amended—

(A) in the first sentence—

(i) by striking "Any person" and inserting the following:

"(a) IN GENERAL.—Any person", and

(ii) by striking "$25,000" and inserting "$50,000",

(B) in the third sentence, by striking "section" and inserting "subsection", and

(C) by adding at the end the following new subsection:

"(b) AGGRAVATED FAILURE TO FILE.—

"(1) IN GENERAL.—In the case of any failure described in paragraph (2), the first sentence of subsection (a) shall be applied by substituting—

"(A) 'felony' for 'misdemeanor',

"(B) '$500,000 ($1,000,000' for '$25,000 ($100,000', and

"(C) '10 years' for '1 year'.

"(2) FAILURE DESCRIBED.—A failure described in this paragraph is a failure to make a return described in subsection (a) for a period of 3 or more consecutive taxable years and the aggregated tax liability for such period is at least $100,000.".

(3) FRAUD AND FALSE STATEMENTS.—Section 7206(a) (as redesignated by subsection (a)) is amended—

(A) by striking "$100,000" and inserting "$500,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "3 years" and inserting "5 years".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.

SEC. 1714. DOUBLING OF CERTAIN PENALTIES, FINES, AND INTEREST ON UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENTS.

(a) DETERMINATION OF PENALTY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of an applicable taxpayer—

(A) the determination as to whether any interest or applicable penalty is to be imposed with respect to any arrangement described in paragraph (2), or to any underpayment of Federal income tax attributable to items arising in connection with any such arrangement, shall be made without regard to the rules of subsections (b), (c), and (d) of section 6664 of the Internal Revenue Code of 1986, and

(B) if any such interest or applicable penalty is imposed, the amount of such interest or penalty shall be equal to twice that determined without regard to this section.

(2) APPLICABLE TAXPAYER.—For purposes of this subsection—

(A) IN GENERAL.—The term "applicable taxpayer" means a taxpayer which—

(i) has underreported its United States income tax liability with respect to any item which directly or indirectly involves—

(I) any financial arrangement which in any manner relies on the use of offshore payment mechanisms (including credit, debit, or charge cards) issued by banks or other entities in foreign jurisdictions, or

(II) any offshore financial arrangement (including any arrangement with foreign banks, financial institutions, corporations, partnerships, trusts, or other entities), and

(ii) has not signed a closing agreement pursuant to the Voluntary Offshore Compliance Initiative established by the Department of the Treasury under Revenue Procedure 2003-11 or voluntarily disclosed its participation in such arrangement by notifying the Internal Revenue Service of such arrangement prior to the issue being raised by the Internal Revenue Service during an examination.

(B) AUTHORITY TO WAIVE.—The Secretary of the Treasury or the Secretary's delegate may waive the application of paragraph (1) to any taxpayer if the Secretary or the Secretary's delegate determines that the use of such offshore payment mechanisms is incidental to the transaction and, in addition, in the case of a trade or business, such use is conducted in the ordinary course of the trade or business of the taxpayer.

(C) ISSUES RAISED.—For purposes of subparagraph (A)(ii), an item shall be treated as an issue raised during an examination if the individual examining the return—

(i) communicates to the taxpayer knowledge about the specific item, or

(ii) has made a request to the taxpayer for information and the taxpayer could not make a complete response to that request without giving the examiner knowledge of the specific item.

(b) DEFINITIONS AND RULES.—For purposes of this section—

(1) APPLICABLE PENALTY.—The term "applicable penalty" means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(2) FEES AND EXPENSES.—The Secretary of the Treasury may retain and use an amount not in excess of 25 percent of all additional interest, penalties, additions to tax, and fines collected under this section to be used for enforcement and collection activities of the Internal Revenue Service. The Secretary shall keep adequate records regarding amounts so retained and used. The amount credited as paid by any taxpayer shall be determined without regard to this paragraph.

(c) REPORT BY SECRETARY.—The Secretary shall each year conduct a study and report to Congress on the implementation of this section during the preceding year, including statistics on the number of taxpayers affected by such implementation and the amount of interest and applicable penalties asserted, waived, and assessed during such preceding year.

(d) EFFECTIVE DATE.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if, as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

SEC. 1715. MODIFICATION OF INTERACTION BETWEEN SUBPART F AND PASSIVE FOREIGN INVESTMENT COMPANY RULES.

(a) LIMITATION ON EXCEPTION FROM PFIC RULES FOR UNITED STATES SHAREHOLDERS OF

CONTROLLED FOREIGN CORPORATIONS.—Paragraph (2) of section 1297(e) (relating to passive foreign investment company) is amended by adding at the end the following flush sentence:

"Such term shall not include any period if the earning of subpart F income by such corporation during such period would result in only a remote likelihood of an inclusion in gross income under section 951(a)(1)(A)(i).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of controlled foreign corporations beginning after March 2, 2005, and to taxable years of United States shareholders with or within which such taxable years of controlled foreign corporations end.

SEC. 1716. DECLARATION BY CHIEF EXECUTIVE OFFICER RELATING TO FEDERAL ANNUAL CORPORATE INCOME TAX RETURN.

(a) IN GENERAL.—The Federal annual tax return of a corporation with respect to income shall also include a declaration signed by the chief executive officer of such corporation (or other such officer of the corporation as the Secretary of the Treasury may designate if the corporation does not have a chief executive officer), under penalties of perjury, that the corporation has in place processes and procedures that ensure that such return complies with the Internal Revenue Code of 1986 and that the chief executive officer was provided reasonable assurance of the accuracy of all material aspects of such return. The preceding sentence shall not apply to any return of a regulated investment company (within the meaning of section 851 of such Code).

(b) EFFECTIVE DATE.—This section shall apply to Federal annual tax returns for taxable years ending after the date of the enactment of this Act.

SEC. 1717. TREASURY REGULATIONS ON FOREIGN TAX CREDIT.

(a) IN GENERAL.—Section 901 (relating to taxes of foreign countries and of possessions of United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) REGULATIONS.—The Secretary may prescribe regulations disallowing a credit under subsection (a) for all or a portion of any foreign tax, or allocating a foreign tax among 2 or more persons, in cases where the foreign tax is imposed on any person in respect of income of another person or in other cases involving the inappropriate separation of the foreign tax from the related foreign income.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 1718. WHISTLEBLOWER REFORMS.

(a) IN GENERAL.—Section 7623 (relating to expenses of detection of underpayments and fraud, etc.) is amended—

(1) by striking "The Secretary" and inserting "(a) IN GENERAL.—The Secretary",

(2) by striking "and" at the end of paragraph (1) and inserting "or",

(3) by striking "(other than interest)", and

(4) by adding at the end the following new subsections:

"(b) AWARDS TO WHISTLEBLOWERS.—

"(1) IN GENERAL.—If the Secretary proceeds with any administrative or judicial action described in subsection (a) based on information brought to the Secretary's attention by an individual, such individual shall, subject to paragraph (2), receive as an award at least 15 percent but not more than 30 percent of the collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action (including any related actions) or from any settlement in response to such action. The determination of the amount of such award by the Whistleblower Office shall depend upon the extent to which the individual substantially contributed to such action.

"(2) AWARD IN CASE OF LESS SUBSTANTIAL CONTRIBUTION.—

"(A) IN GENERAL.—In the event the action described in paragraph (1) is one which the Whistleblower Office determines to be based principally on disclosures of specific allegations (other than information provided by the individual described in paragraph (1)) resulting from a judicial or administrative hearing, from a governmental report, hearing, audit, or investigation, or from the news media, the Whistleblower Office may award such sums as it considers appropriate, but in no case more than 10 percent of the collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action (including any related actions) or from any settlement in response to such action, taking into account the significance of the individual's information and the role of such individual and any legal representative of such individual in contributing to such action.

"(B) NONAPPLICATION OF PARAGRAPH WHERE INDIVIDUAL IS ORIGINAL SOURCE OF INFORMATION.—Subparagraph (A) shall not apply if the information resulting in the initiation of the action described in paragraph (1) was originally provided by the individual described in paragraph (1).

"(3) REDUCTION IN OR DENIAL OF AWARD.—If the Whistleblower Office determines that the claim for an award under paragraph (1) or (2) is brought by an individual who planned and initiated the actions that led to the underpayment of tax or actions described in subsection (a)(2), then the Whistleblower Office may appropriately reduce such award. If such individual is convicted of criminal conduct arising from the role described in the preceding sentence, the Whistleblower Office shall deny any award.

"(4) APPEAL OF AWARD DETERMINATION.—Any determination regarding an award under paragraph (1), (2), or (3) shall be subject to the filing by the individual described in such paragraph of a petition for review with the Tax Court under rules similar to the rules under section 7463 (without regard to the amount in dispute) and such review shall be subject to the rules under section 7461(b)(1).

"(5) APPLICATION OF THIS SUBSECTION.—This subsection shall apply with respect to any action—

"(A) against any taxpayer, but in the case of any individual, only if such individual's gross income exceeds $200,000 for any taxable year subject to such action, and

"(B) if the tax, penalties, interest, additions to tax, and additional amounts in dispute exceed $20,000.

"(6) ADDITIONAL RULES.—

"(A) NO CONTRACT NECESSARY.—No contract with the Internal Revenue Service is necessary for any individual to receive an award under this subsection.

"(B) REPRESENTATION.—Any individual described in paragraph (1) or (2) may be represented by counsel.

"(C) AWARD NOT SUBJECT TO INDIVIDUAL ALTERNATIVE MINIMUM TAX.—No award received under this subsection shall be included in gross income for purposes of determining alternative minimum taxable income.

"(c) WHISTLEBLOWER OFFICE.—

"(1) IN GENERAL.—There is established in the Internal Revenue Service an office to be known as the 'Whistleblower Office' which—

"(A) shall at all times operate at the direction of the Commissioner and coordinate and consult with other divisions in the Internal Revenue Service as directed by the Commissioner,

"(B) shall analyze information received from any individual described in subsection (b) and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office,

"(C) shall monitor any action taken with respect to such matter,

"(D) shall inform such individual that it has accepted the individual's information for further review,

"(E) may require such individual and any legal representative of such individual to not disclose any information so provided,

"(F) in its sole discretion, may ask for additional assistance from such individual or any legal representative of such individual, and

"(G) shall determine the amount to be awarded to such individual under subsection (b).

"(2) FUNDING FOR OFFICE.—There is authorized to be appropriated $10,000,000 for each fiscal year for the Whistleblower Office. These funds shall be used to maintain the Whistleblower Office and also to reimburse other Internal Revenue Service offices for related costs, such as costs of investigation and collection.

"(3) REQUEST FOR ASSISTANCE.—

"(A) IN GENERAL.—Any assistance requested under paragraph (1)(F) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under subparagraph (A). To the extent the disclosure of any returns or return information to the individual or legal representative is required for the performance of such assistance, such disclosure shall be pursuant to a contract entered into between the Secretary and the recipients of such disclosure subject to section 6103(n). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.

"(B) FUNDING OF ASSISTANCE.—From the amounts available for expenditure under subsection (b), the Whistleblower Office may, with the agreement of the individual described in subsection (b), reimburse the costs incurred by any legal representative of such individual in providing assistance described in subparagraph (A).

"(d) REPORT BY SECRETARY.—The Secretary shall each year conduct a study and report to Congress on the use of this section, including—

"(1) an analysis of the use of this section during the preceding year and the results of such use, and

"(2) any legislative or administrative recommendations regarding the provisions of this section and its application.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to information provided on or after the date of the enactment of this Act.

SEC. 1719. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

"(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

"(1) In general.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.

"(2) Exception for amounts constituting restitution.—Paragraph (1) shall not apply to any amount which—

"(A) the taxpayer establishes constitutes restitution (including remediation of property) for damage or harm caused by or which may be caused by the violation of any law or the potential violation of any law, and

"(B) is identified as restitution in the court order or settlement agreement.

Identification pursuant to subparagraph (B) alone shall not satisfy the requirement under subparagraph (A). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation.

"(3) Exception for amounts paid or incurred as the result of certain court orders.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

"(4) Certain nongovernmental regulatory entities.—An entity is described in this paragraph if it is—

"(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

"(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

"(5) Exception for taxes due.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.".

(b) Effective Date.—The amendment made by this section shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendment shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SEC. 1720. FREEZE OF INTEREST SUSPENSION RULES WITH RESPECT TO LISTED TRANSACTIONS.

(a) In General.—Paragraph (2) of section 903(d) of the American Jobs Creation Act of 2005 is amended to read as follows:

"(2) Exception for reportable or listed transactions.—

"(A) In general.—The amendments made by subsection (c) shall apply with respect to interest accruing after October 3, 2004.

"(B) Special rule for certain listed transactions.—

"(i) In general.—Except as provided in clause (ii) or (iii), in the case of any listed transaction, the amendments made by subsection (c) shall also apply with respect to interest accruing on or before October 3, 2004.

"(ii) Participants in settlement initiatives.—Clause (i) shall not apply to a listed transaction if, as of May 9, 2005—

"(I) the taxpayer is participating in a published settlement initiative which is offered by the Secretary of the Treasury or his delegate to a group of similarly situated taxpayers claiming benefits from the listed transaction, or

"(II) the taxpayer has entered into a settlement agreement pursuant to such an initiative with respect to the tax liability arising in connection with the listed transaction.

Subclause (I) shall not apply to the taxpayer if, after May 9, 2005, the taxpayer withdraws from, or terminates, participation in the initiative or the Secretary or his delegate determines that a settlement agreement will not be reached pursuant to the initiative within a reasonable period of time.

"(iii) Closed transactions.—Clause (i) shall not apply to a listed transaction if, as of May 9, 2005—

"(I) the assessment of all Federal income taxes for the taxable year in which the tax liability to which the interest relates arose is prevented by the operation of any law or rule of law, or

"(II) a closing agreement under section 7121 has been entered into with respect to the tax liability arising in connection with the listed transaction.".

(b) Effective Date.—The amendment made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which it relates.

SEC. 1721. MODIFICATIONS OF EFFECTIVE DATES OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) Repeal of Exception for Qualified Transportation Property.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by striking paragraphs (1) and (2) and by redesignating paragraphs (3) and (4) as paragraphs (1) and (2).

(b) Effective Date.—The amendments made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

SEC. 1722. IMPOSITION OF MARK-TO-MARKET TAX ON INDIVIDUALS WHO EXPATRIATE.

(a) In General.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) General Rules.—For purposes of this subtitle—

"(1) Mark to market.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) Recognition of gain or loss.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) Exclusion for certain gain.—

"(A) In general.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) Cost-of-living adjustment.—

"(i) In general.—In the case of an expatriation date occurring in any calendar year after 2005, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2004' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) Rounding rules.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) Election to continue to be taxed as United States citizen.—

"(A) In general.—If a covered expatriate elects the application of this paragraph—

"(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

"(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) Requirements.—Subparagraph (A) shall not apply to an individual unless the individual—

"(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

"(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

"(iii) complies with such other requirements as the Secretary may prescribe.

"(C) Election.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

"(b) Election To Defer Tax.—

"(1) In general.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) Determination of tax with respect to property.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) Termination of postponement.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

“(4) SECURITY.—

“(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

“(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

“(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

“(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

“(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

“(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

“(7) INTEREST.—For purposes of section 6601—

“(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

“(B) section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(c) COVERED EXPATRIATE.—For purposes of this section—

“(1) IN GENERAL.—Except as provided in paragraph (2), the term ‘covered expatriate’ means an expatriate.

“(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

“(A) the individual—

“(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

“(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

“(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

“(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

“(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

“(1) EXEMPT PROPERTY.—This section shall not apply to the following:

“(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

“(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

“(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

“(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

“(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

“(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

“(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

“(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

“(D) APPLICABLE PLANS.—This paragraph shall apply to—

“(i) any qualified retirement plan (as defined in section 4974(c)),

“(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

“(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

“(e) DEFINITIONS.—For purposes of this section—

“(1) EXPATRIATE.—The term ‘expatriate’ means—

“(A) any United States citizen who relinquishes citizenship, and

“(B) any long-term resident of the United States who—

“(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

“(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

“(2) EXPATRIATION DATE.—The term ‘expatriation date’ means—

“(A) the date an individual relinquishes United States citizenship, or

“(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

“(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

“(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

“(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

“(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

“(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

“(4) LONG-TERM RESIDENT.—The term ‘long-term resident’ has the meaning given to such term by section 877(e)(2).

“(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

“(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

“(A) the individual shall not be treated as having sold such interest,

“(B) such interest shall be treated as a separate share in the trust, and

“(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

“(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

“(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

“(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

“(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

“(i) paragraph (1) and subsection (a) shall not apply, and

“(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

“(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

“(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

“(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

“(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

“(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

“(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting ‘5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

“(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

“(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

“(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

“(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

“(E) TAX DEDUCTED AND WITHHELD.—

“(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

“(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

“(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

“(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

“(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

“(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

“(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

“(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

“(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

“(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

“(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

“(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

“(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

“(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

“(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

“(B) OTHER DETERMINATIONS.—For purposes of this section—

“(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

“(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

“(I) the methodology used to determine that taxpayer's trust interest under this section, and

“(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

“(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

“(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

“(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

“(h) IMPOSITION OF TENTATIVE TAX.—

“(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

“(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

“(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

“(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

“(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

“(1) IMPOSITION OF LIEN.—

“(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

“(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

“(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

“(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

“(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

“(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

“(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.”.

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

“(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

“(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

“(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

“(A) the gift, bequest, devise, or inheritance is—

“(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

“(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

“(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.”.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

“(49) TERMINATION OF UNITED STATES CITIZENSHIP.—

“(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

“(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.”.

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) Former citizens not in compliance with expatriation revenue provisions.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).".

(2) Availability of information.—

(A) In general.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(21) Disclosure to deny visa or admission to certain expatriates.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) Safeguards.—Section 6103(p)(4) (relating to safeguards) is amended by striking "or (20)" each place it appears and inserting "(20), or (21)".

(3) Effective dates.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) Conforming Amendments.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(h) Application.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) Application.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(C) Application.—This paragraph shall not apply to any expatriate subject to section 877A.".

(f) Clerical Amendment.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(g) Effective Date.—

(1) In general.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) Gifts and bequests.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) Due date for tentative tax.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 1723. DISALLOWANCE OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) Disallowance of Deduction.—

(1) In general.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking "If" and inserting:

"(1) Treble damages.—If", and

(C) by adding at the end the following new paragraph:

"(2) Punitive damages.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).".

(2) Conforming amendment.—The heading for section 162(g) is amended by inserting "or Punitive Damages" after "Laws".

(b) Inclusion in Income of Punitive Damages Paid by Insurer or Otherwise.—

(1) In general.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

"Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.".

(2) Reporting requirements.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

"(f) Section To Apply to Punitive Damages Compensation.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.".

(3) Conforming amendment.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Punitive damages compensated by insurance or otherwise.".

(c) Effective Date.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SEC. 1724. APPLICATION OF EARNINGS STRIPPING RULES TO PARTNERS WHICH ARE C CORPORATIONS.

(a) In General.—Section 163(j) (relating to limitation on deduction for interest on certain indebtedness) is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph:

"(8) Allocations to certain corporate partners.—If a C corporation is a partner in a partnership—

"(A) the corporation's allocable share of indebtedness and interest income of the partnership shall be taken into account in applying this subsection to the corporation, and

"(B) if a deduction is not disallowed under this subsection with respect to any interest expense of the partnership, this subsection shall be applied separately in determining whether a deduction is allowable to the corporation with respect to the corporation's allocable share of such interest expense.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning on or after the date of the enactment of this Act.

SEC. 1725. PROHIBITION ON DEFERRAL OF GAIN FROM THE EXERCISE OF STOCK OPTIONS AND RESTRICTED STOCK GAINS THROUGH DEFERRED COMPENSATION ARRANGEMENTS.

(a) In General.—Section 83 (relating to property transferred in connection with performance of services) is amending by adding at the end the following new subsection:

"(i) Prohibition on Additional Deferral Through Deferred Compensation Arrangements.—If a taxpayer exchanges—

"(1) an option to purchase employer securities—

"(A) to which subsection (a) applies, or

"(B) which is described in subsection (e)(3), or

"(2) employer securities or any other property based on employer securities transferred to the taxpayer,

for a right to receive future payments, then, notwithstanding any other provision of this title, there shall be included in gross income for the taxable year of the exchange an amount equal to the present value of such right (or such other amount as the Secretary may by regulations specify). For purposes of this subsection, the term 'employer securities' includes any security issued by the employer.".

(b) Controlled Group Rules.—Section 414(t)(2) is amended by inserting "83(i)," after "79,".

(c) Effective Date.—The amendments made by this section shall apply to any exchange after the date of the enactment of this Act.

SEC. 1726. LIMITATION OF EMPLOYER DEDUCTION FOR CERTAIN ENTERTAINMENT EXPENSES.

(a) In General.—Paragraph (2) of section 274(e) (relating to expenses treated as compensation) is amended to read as follows:

"(2) Expenses treated as compensation.—Expenses for goods, services, and facilities, to the extent that the expenses do not exceed the amount of the expenses which are treated by the taxpayer, with respect to the recipient of the entertainment, amusement, or recreation, as compensation to an employee on the taxpayer's return of tax under this chapter and as wages to such employee for purposes of chapter 24 (relating to withholding of income tax at source on wages).".

(b) Persons Not Employees.—Paragraph (9) of section 274(e) is amended by striking "to the extent that the expenses are includible in the gross income" and inserting "to the extent that the expenses do not exceed the amount of the expenses which are includible in the gross income".

(c) Effective Date.—The amendment made by this section shall apply to expenses incurred after the date of the enactment of this Act.

SEC. 1727. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) In General.—Section 6657 (relating to bad checks) is amended—

(1) by striking "$750" and inserting "$1,250", and

(2) by striking "$15" and inserting "$25".

(b) Effective Date.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

SEC. 1728. ELIMINATION OF DOUBLE DEDUCTION ON MINING EXPLORATION AND DEVELOPMENT COSTS UNDER THE MINIMUM TAX.

(a) In General.—Section 57(a)(1) (relating to depletion) is amended by striking "for the taxable year)" and inserting "for the taxable year and determined without regard to so much of the basis as is attributable to mining exploration and development costs described in section 616 or 617 for which a deduction is allowable for any taxable year under this part).".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment this Act.

PART II—IMPROVEMENTS IN EFFICIENCY AND SAFEGUARDS IN INTERNAL REVENUE SERVICE COLLECTION

SEC. 1731. WAIVER OF USER FEE FOR INSTALLMENT AGREEMENTS USING AUTOMATED WITHDRAWALS.

(a) In General.—Section 6159 (relating to agreements for payment of tax liability in installments) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) Waiver of User Fees for Installment Agreements Using Automated Withdrawals.—In the case of a taxpayer who enters into an installment agreement in which automated installment payments are agreed to, the Secretary shall waive the fee (if any) for entering into the installment agreement.".

(b) Effective Date.—The amendments made by this section shall apply to agreements entered into on or after the date which is 180 days after the date of the enactment of this Act.

SEC. 1732. TERMINATION OF INSTALLMENT AGREEMENTS.

(a) In General.—Section 6159(b)(4) (relating to failure to pay an installment or any other tax liability when due or to provide requested financial information) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (E), and by inserting after subparagraph (B) the following:

"(C) to make a Federal tax deposit under section 6302 at the time such deposit is required to be made,

"(D) to file a return of tax imposed under this title by its due date (including extensions), or".

(b) Conforming Amendment.—The heading for section 6159(b)(4) is amended by striking "Failure to pay an installment or any other tax liability when due or to provide requested financial information" and inserting "Failure to make payments or deposits or file returns when due or to provide requested financial information".

(c) Effective Date.—The amendments made by this section shall apply to failures occurring on or after the date of the enactment of this Act.

SEC. 1733. OFFICE OF CHIEF COUNSEL REVIEW OF OFFERS-IN-COMPROMISE.

(a) In General.—Section 7122(b) (relating to record) is amended by striking "Whenever a compromise" and all that follows through "his delegate" and inserting "If the Secretary determines that an opinion of the General Counsel for the Department of the Treasury, or the Counsel's delegate, is required with respect to a compromise, there shall be placed on file in the office of the Secretary such opinion".

(b) Conforming Amendments.—Section 7122(b) is amended by striking the second and third sentences.

(c) Effective Date.—The amendments made by this section shall apply to offers-in-compromise submitted or pending on or after the date of the enactment of this Act.

SEC. 1734. PARTIAL PAYMENTS REQUIRED WITH SUBMISSION OF OFFERS-IN-COMPROMISE.

(a) In General.—Section 7122 (relating to compromises), as amended by this Act, is amended by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively, and by inserting after subsection (b) the following new subsection:

"(c) Rules for Submission of Offers-in-compromise.—

"(1) Partial payment required with submission.—

"(A) Lump-sum offers.—

"(i) In general.—The submission of any lump-sum offer-in-compromise shall be accompanied by the payment of 20 percent of amount of such offer.

"(ii) Lump-sum offer-in-compromise.—For purposes of this section, the term 'lump-sum offer-in-compromise' means any offer of payments made in 5 or fewer installments.

"(B) Periodic payment offers.—The submission of any periodic payment offer-in-compromise shall be accompanied by the payment of the amount of the first proposed installment and each proposed installment due during the period such offer is being evaluated for acceptance and has not been rejected by the Secretary. Any failure to make a payment required under the preceding sentence shall be deemed a withdrawal of the offer-in-compromise.

"(2) Rules of application.—

"(A) Use of payment.—The application of any payment made under this subsection to the assessed tax or other amounts imposed under this title with respect to such tax may be specified by the taxpayer.

"(B) No user fee imposed.—Any user fee which would otherwise be imposed under this section shall not be imposed on any offer-in-compromise accompanied by a payment required under this subsection.".

(b) Additional Rules Relating to Treatment of Offers.—

(1) Unprocessable offer if payment requirements are not met.—Paragraph (3) of section 7122(d) (relating to standards for evaluation of offers), as redesignated by subsection (a), is amended by striking "; and" at the end of subparagraph (A) and inserting a comma, by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) any offer-in-compromise which does not meet the requirements of subsection (c) shall be returned to the taxpayer as unprocessable.".

(2) Deemed acceptance of offer not rejected within certain period.—Section 7122, as amended by subsection (a), is amended by adding at the end the following new subsection:

"(g) Deemed Acceptance of Offer Not Rejected Within Certain Period.—Any offer-in-compromise submitted under this section shall be deemed to be accepted by the Secretary if such offer is not rejected by the Secretary before the date which is 24 months after the date of the submission of such offer (12 months for offers-in-compromise submitted after the date which is 5 years after the date of the enactment of this subsection). For purposes of the preceding sentence, any period during which any tax liability which is the subject of such offer-in-compromise is in dispute in any judicial proceeding shall not be taken in to account in determining the expiration of the 24-month period (or 12-month period, if applicable).".

(c) Effective Date.—The amendments made by this section shall apply to offers-in-compromise submitted on and after the date which is 60 days after the date of the enactment of this Act.

SEC. 1735. JOINT TASK FORCE ON OFFERS-IN-COMPROMISE.

(a) In General.—The Secretary of the Treasury shall establish a joint task force—

(1) to review the Internal Revenue Service's determinations with respect to offers-in-compromise, including offers which raise equitable, public policy, or economic hardship grounds for compromise of a tax liability under section 7122 of the Internal Revenue Code of 1986,

(2) to review the extent to which the Internal Revenue Service has used its authority to resolve longstanding cases by forgoing penalties and interest which have accumulated as a result of delay in determining the taxpayer's liability,

(3) to provide recommendations as to whether the Internal Revenue Service's evaluation of offers-in-compromise should include—

(A) the taxpayer's compliance history,

(B) errors by the Internal Revenue Service with respect to the underlying tax, and

(C) wrongful acts by a third party which gave rise to the liability, and

(4) to annually report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives (beginning in 2006) regarding such review and recommendations.

(b) Members of Joint Task Force.—The membership of the joint task force under subsection (a) shall consist of 1 representative each from the Department of the Treasury, the Internal Revenue Service Oversight Board, the Office of the Chief Counsel for the Internal Revenue Service, the Office of the Taxpayer Advocate, the Office of Appeals, and the division of the Internal Revenue Service charged with operating the offer-in-compromise program.

(c) Report of National Taxpayer Advocate.—

(1) In general.—Clause (ii) of section 7803(c)(2)(B) (relating to annual reports) is amended by striking "and" at the end of subclause (X), by redesignating subclause (XI) as subclause (XII), and by inserting after subclause (X) the following new subclause:

"(XI) include a list of the factors taxpayers have raised to support their claims for offers-in-compromise relief, the number of such offers submitted, accepted, and rejected, the number of such offers appealed, the period during which review of such offers have remained pending, and the efforts the Internal Revenue Service has made to correctly identify such offers, including the training of employees in identifying and evaluating such offers.".

(2) Effective date.—The amendment made by paragraph (1) shall apply to reports in calendar year 2006 and thereafter.

SA 933. Mr. GRASSLEY (for himself and Mr. Baucus) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 1, strike lines 4 and 5 and insert the following:

SEC. 1500. SHORT TITLE; AMENDMENT OF 1986 CODE.

Beginning on page 2, strike line 5 and all that follows through page 3, line 2, and insert the following:

Subtitle A—Electricity Infrastructure

On page 7, lines 6 and 7, strike "low-head hydroelectric facility or".

On page 8, lines 10 and 11, strike "LOW-HEAD HYDROELECTRIC FACILITY OR NONHYDROELECTRIC DAM" and insert "NONHYDROELECTRIC DAM".

On page 8, strike lines 18 through 20 and insert the following:

"(ii) the facility was placed in service before the date of the enactment of this paragraph and did not produce hydroelectric power on the date of the enactment of this paragraph, and

Beginning on page 8, line 24, strike "the installation" and all that follows through page 9, line 1 and insert "there is not any enlargement of the diversion structure, or construction or enlargement of a bypass channel,".

On page 9, strike lines 5 through 9.

On page 26, strike lines 14 and 15 and insert the following:

(2) Section 1397E(c)(2) is amended by inserting ", and subpart H thereof" after "refundable credits".

On page 68, lines 8 and 9, strike "the date of the enactment of this Act" and insert "December 31, 2004".

On page 73, line 1, strike "**PATRONS**" and insert "**OWNERS**".

On page 90, strike lines 4 through 7.

On page 90, line 21, strike "and, in the case" and all that follows through line 23.

On page 107, line 17, insert "a home inspector certified by the Secretary of Energy as trained to perform an energy inspection for purposes of this section," after "(IPIA),".

On page 110, line 22, strike "(2)" and insert "(3)".

On page 143, strike lines 1 through 6, and insert the following:

"(1) MAXIMUM CREDIT.—The credit allowed under subsection (a) for any taxable year shall not exceed—

"(A) $2,000 with respect to any qualified solar water heating expenditures,

"(B) $2,000 with respect to any qualified photovoltaic property expenditures, and

"(C) $500 with respect to each kilowatt of capacity of qualified fuel cell property (as defined in section 48(d)(1)) for which qualified fuel cell property expenditures are made,

On page 149, between lines 6 and 7, insert the following:

(1) Section 23(c) is amended by striking "this section and section 1400C" and inserting "this section, section 25D, and section 1400C".

(2) Section 25(e)(1)(C) is amended by striking "this section and sections 23 and 1400C" and inserting "other than this section, section 23, section 25D, and section 1400C".

(3) Section 1400C(d) is amended by striking "this section" and inserting "this section and section 25D".

On page 149, line 7, strike "(1)" and insert "(4)".

On page 149, line 15, strike "(2)" and insert "(5)".

On page 149, lined 19 and 20, strike "Except as provided by paragraph (2), the" and insert "The".

On page 155, lines 2 and 3, strike "for use in a structure".

On page 155, line 12, insert "periods" before "before".

On page 210, between lines 19 and 20, insert the following:

(b) WRITTEN NOTICE OF ELECTION TO ALLOCATE CREDIT TO PATRONS.—Section 40(g)(6)(A)(ii) (relating to form and effect of election) is amended by adding at the end the following new sentence: "Such election shall not take effect unless the organization designates the apportionment as such in a written notice mailed to its patrons during the payment period described in section 1382(d).".

On page 210, line 20, strike "(b)" and insert "(c)".

Beginning on page 228, line 19, strike all through page 229, line 2, and insert the following:

"(B) within 2 years after the date of such first retail sale, such article is resold by the purchaser or such purchaser makes a substantial nonexempt use of such article,

then such sale or use of such article by such purchaser shall be treated as the first retail sale of such article for a price equal to its fair market value at the time of such sale or use.

On page 232, line 21, strike "and".

On page 232, between lines 21 and 22, insert the following:

(i) by adding at the end the following new sentence: "For purposes of this subsection, any removal described in section 4081(a)(3)(A) shall be treated as a removal from a terminal but only if such terminal is located within a secured area of an airport.".

SA 934. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page 28, strike line 16 and all that follows through page 29, line 2, and insert the following:

SEC. 105. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) EXTENSION.—Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is amended by striking "2006" and inserting "2010".

(b) PAYMENT OF COSTS.—The National Energy Conservation Policy Act is amended by striking section 802 (42 U.S.C. 8287a) and inserting the following:

"SEC. 802. PAYMENT OF COSTS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, on October 1, 2006, and on each October 1 thereafter through October 1, 2009, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary $240,000,000, to remain available until expended.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—The Secretary shall make available amounts described in subsection (a) to Federal agencies entering into contracts under this title to pay for the costs of the contracts.

"(2) OBLIGATION.—The full cost of a contract described in paragraph (1) shall be recorded as an obligation of the Federal Government on the date on which the contract is entered into.

"(3) LIMITATION.—A Federal agency may not enter into a contract under this title in a case in which all amounts made available under subsection (a) have already been fully obligated.

"(4) NO THIRD-PARTY FINANCING.—A contract under this title shall—

"(A) include no option for third-party financing; and

"(B) use only amounts made available under subsection (a) to cover all costs of the contract.

"(5) FEDERAL AGENCIES.—Any amount paid by a Federal agency under any contract entered into under this title may be paid only from funds made available under subsection (a).".

"(c) CONFORMING CHANGE.—The National Energy Conservation Policy Act is amended by striking section 801(a)(2)(D)(ii).

SA 935. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 437, after line 22, add the following:

SEC. . ANALYSIS OF IMPACTS OF USE OF SPECIAL FUEL FORMULATIONS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in cooperation with the Secretary, heads of other Federal agencies, and States, shall carry out a study—

(1) to develop a plan to balance the environmental benefits of using special gasoline blends or formulations with the impacts that the use of those blends or formulations has on the supply, demand, and pricing of gasoline and other fuels; and

(2) to identify any statutory or other changes that would be required to achieve that balance.

(b) REPORT.—As soon as practicable after the date of completion of the study under subsection (a), the Administrator of the Environmental Protection Agency shall submit to Congress a report describing the results of the study.

SA 936. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 437, after line 22, add the following:

SEC. ___. IMPACTS OF USE OF SPECIAL FUEL FORMULATIONS.

In determining whether to approve an application by a State for the use of a new gasoline blend or other fuel formulation under the Clean Air Act (42 U.S.C. 7401 et seq.), the Administrator of the Environmental Protection Agency shall take into consideration impacts that the use of the blend or formulation would have on the supply, demand, and pricing of gasoline and other fuels.

SA 937. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . 5-YEAR RECOVERY PERIOD FOR QUALIFIED SOLAR INDUSTRIAL FACILITIES.

(a) IN GENERAL.—Section 168(e)(3)(B) of the Internal Revenue Code of 1986 (relating to 5-year property), as amended by this Act, is amended by striking "and" at the end of clause (vi), by striking the period at the end of clause (vii) and inserting ", and", and by adding at the end the following new clause:

"(viii) any qualified solar industrial facility."

(b) QUALIFIED SOLAR INDUSTRIAL FACILITY.—Section 168(i) of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new paragraph:

"(18) QUALIFIED SOLAR INDUSTRIAL FACILITY.—

"(A) IN GENERAL.—The term 'qualified solar industrial facility' means a facility which is placed in service on or after January 1, 2005, and which uses, as part of an industrial process, solar process energy, but does not include any facility described in section 45(d)(4).

"(B) Qualified evaporation and equipment.—The term 'solar process energy' includes solar energy utilized for qualified evaporation.

"(C) Qualified evaporation.—The term 'qualified evaporation' means the evaporation or transpiration of liquids from a solution as part of a process to concentrate such solution in order to extract products from such solution. Such term includes utilizing evaporation ponds to concentrate solutions as part of a mining process, but does not include evaporation used solely to dispose water or other liquids.

"(D) Facility.—The term 'facility' includes an evaporation pond and all equipment and pipelines used to harvest minerals from the pond and transport such minerals to the point of processing.".

(c) Effective Date.—The amendments made by this section shall apply to property placed in service in taxable years beginning after the date of the enactment of this Act.

SA 938. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 272, between lines 7 and 8, insert the following:

SEC. 328. KNOWN POTASH LEASING AREA, NEW MEXICO.

(a) Approval of Application.—

(1) In general.—Notwithstanding any other provision of law, subject to paragraph (2), the Secretary shall approve an application for a drilling permit in the Known Potash Leasing Area near Carlsbad, New Mexico, as soon as practicable after the date on which the applicant satisfies the general requirements for the application under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(2) Exception.—The Secretary shall not approve an application described in paragraph (1) if the Secretary affirmatively determines, based on credible scientific and technical information relating to the particular geology of the drilling site involved in the permit application—

(A) that approval of the application would create specific, unreasonable, and immitigable safety risks to potash mining in the immediate vicinity of the oil and gas drilling that is the subject of the application; or

(B)(i) that approval of the application would permanently waste commercially significant volumes of economically-recoverable potash located in the immediate vicinity of the subject application; and

(ii) that the dollar value of the permanent waste exceeds the estimated net present value of the recoverable oil and gas from the requested drilling site.

(b) Site Specific Information.—In any determination to deny an application described in subsection (a)(1) based on reasons described in subsection (a)(2), the Secretary shall specify in writing the site-specific scientific and technical geological information on which the denial is based.

(c) Presumption.—In any case in which an application for a drilling permit relates to a portion of the Known Potash Leasing Area that is barren of potash, or in which potash is not currently being mined, the Secretary shall review the application with the presumption that approval of the application will not create potential adverse impact on potash mining safety or waste of economically-recoverable potash reserves.

SA 939. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . CAPITAL IMPROVEMENTS TO EXISTING CLEAN COKE/COGENERATION MANUFACTURING FACILITIES.

(a) In General.—Paragraph (2) of section 48C(b)(2) of the Internal Revenue Code of 1986 (as added by this Act) is amended by adding at the end the following flush sentence:

"Such term shall include any capital improvement to any property which is described in the preceding sentence.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 1511.

SA 940. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Section 211(K)(1)(B) of the Clean Air Act as added by this Act is amended by striking clause (vi) and inserting the following:

(vi) "If the Administrator promulgates, by June 1, 2007, final regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels that achieve greater overall reductions in air toxics from reformulated gasoline than the reductions that would be achieved under subsection (K)(1)(B), then subsections 211(k)(1)(B)(i) through 211(k)(1)(v) shall be null and void and regulations promulgated thereunder shall be rescinded and have no further effect."

SA 941. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . MORATORIUM ON OFFSHORE DRILLING NEAR NATIONAL MARINE SANCTUARIES.

Notwithstanding any other provision of this Act or any other law, no offshore drilling shall be permitted in Federal water located within 20 miles of a national marine sanctuary.

SA 942. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . LIABILITY FOR DAMAGE TO COASTAL NATURAL RESOURCES AND ECOSYSTEMS.

Notwithstanding any other provision of this Act or any other law, a State that permits offshore drilling in Federal water off the coast of the State shall be liable for any damage caused by that drilling, including damage to coastal and marine natural resources and ecosystems, to a State that does not permit offshore drilling in Federal water off the coast of the State.

SA 943. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 264, line 6, before the period, insert the following: "(other than Federal waters that are adjacent to the waters of a State that has a moratorium on oil or gas leasing)".

SA 944. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 264, line 6, before the period, insert the following: "(other than waters that are within 20 miles of any area located on the outer Continental Shelf that is designated as a marine sanctuary under the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.))".

SA 945. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON OFFSHORE DRILLING.

Notwithstanding any other provision of this Act or any other law, no offshore drilling shall be permitted in Federal water that is adjacent to State water of any State that has in effect a moratorium on offshore drilling.

SA 946. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 407, between lines 11 and 12, insert the following:

SEC. 625. SPENT NUCLEAR FUEL MORATORIUM.

(a) Definitions.—In this section:

(1) Non-federally-owned, offsite facility.—The term "non-Federally-owned, offsite facility" means a facility for the storage of nuclear waste that is not on the premises of a private nuclear power plant.

(2) Spent nuclear fuel.—The term "spent nuclear fuel" means a uranium-bearing fuel element that—

(A) has been used at a nuclear reactor; and

(B) no longer produces enough energy to sustain a nuclear reaction.

(b) Moratorium.—

(1) In general.—Notwithstanding any other provision of law (including regulations, guidelines, and advisories), no spent nuclear fuel or related high level material shall be deposited into, or transported to, a non-Federally-owned, offsite facility.

(2) Use of federal funds.—No Federal funds shall be used to study, report, or investigate a deposit or transportation described in paragraph (1).

(c) Studies.—

(1) Promotion of sites.—

(A) In general.—As soon as practicable after the date of enactment of this Act, the

Secretary shall conduct a study of the feasibility of transporting, maintaining, and storing commercial spent nuclear fuel and related material at facilities of the Department.

(B) INCLUSIONS.—The study under subparagraph (A) shall include an analysis of whether the Federal Government should take ownership of, and liability for storing and maintaining, commercial spent nuclear fuel and related material at—

(i) the facilities described in subparagraph (A); or

(ii) privately-owned nuclear power facilities.

(2) FEASIBILITY OF REPROCESSING.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall request that the National Academy of Sciences conduct a study of techniques and technologies available as of the date on which the study is conducted for reprocessing and recycling spent nuclear fuel.

(B) RECYCLING PROGRAM.—

(i) IN GENERAL.—The study under subparagraph (A) shall include an analysis of how the Department can carry out a program under which the Department shall recycle commercial spent nuclear fuel in the United States.

(ii) INCLUSIONS.—The program described in clause (i) shall include—

(I) an integrated spent fuel recycling plan, including the selection of an advanced reprocessing technology to be used to carry out the recycling; and

(II) a competitive process under which the Secretary shall select 1 or more sites at which to develop integrated spent fuel recycling facilities (including facilities for reprocessing, preparation of mixed oxide fuel, vitrification of high-level waste products, and temporary process storage).

(3) FEDERALLY-OWNED FACILITIES.—As soon as practicable after the date of enactment of this Act, the Secretary shall conduct a study of the feasibility of transporting, maintaining, and storing commercial spent nuclear fuel and related material at federally-owned facilities, including facilities controlled by the Department and Department of Defense.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Appropriations and the Committee on Energy and Natural Resources of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives a report describing the findings of the Secretary under each study described in subsection (c).

SA 947. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page 290, strike line 6 and all that follows through page 296, line 25, and insert the following:

SEC. 346. OIL SHALE AND TAR SANDS.

(a) DECLARATION OF POLICY.—Congress declares that it is the policy of the United States that—

(1) United States oil shale and tar sands are strategically important domestic resources that should be developed through methods that help reduce the growing dependence of the United States on politically and economically unstable sources of foreign oil imports;

(2) the development of oil shale and tar sands, for research and commercial development, should be conducted in an economically feasible and environmentally sound manner, using practices that minimize impacts; and

(3) development should occur, with an emphasis on sustainability, to benefit the United States while taking into account affected States and communities.

(b) LEASING PROGRAM FOR RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—In accordance with section 21 of the Mineral Leasing Act (30 U.S.C. 241) and any other applicable law, except as provided in this section, not later than 1 year after the date of enactment of this Act, from land otherwise available for leasing, the Secretary of the Interior (referred to in this section as the "Secretary") shall, for a period determined by the Secretary, make available for leasing such land as the Secretary considers to be necessary to conduct research and development activities with respect to technologies for the recovery of shale oil from oil shale resources on public land.

(2) ADMINISTRATION.—In carrying out this subsection, the Secretary shall provide for—

(A) research and development of oil shale in accordance with the laws applicable to public land;

(B) an adequate bond, surety, or other financial arrangement to ensure reclamation;

(C) appropriate value-for-value oil shale land exchanges that can provide early access to qualified oil shale developers, except that the exchanges shall be favorable to and in the overall best interests of the United States;

(D) consultation with affected State and local governments; and

(E) such requirements as the Secretary determines to be in the public interest.

(c) PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.—Not later than 18 months after the date of enactment of this Act, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the Secretary shall complete a programmatic environmental impact statement that analyzes potential leasing for commercial development of oil shale resources on public land.

(d) LEASING PROGRAM.—Not later than 1 year after completion of the 5-year plan required under subsection (e), the Secretary shall establish procedures for conducting a leasing program for the commercial development of oil shale on public land.

(e) OIL SHALE AND TAR SANDS TASK FORCE.—

(1) ESTABLISHMENT.—The Secretary of Energy, in cooperation with the Secretary of the Interior, shall establish an Oil Shale and Tar Sands Task Force to develop a program to coordinate and accelerate the commercial development of oil shale and tar sands in an integrated manner.

(2) COMPOSITION.—The Task Force shall be composed of—

(A) the Secretary of Energy (or the designee of the Secretary of Energy);

(B) the Secretary of the Interior (or the designee of the Secretary of the Interior);

(C) the Secretary of Defense (or the designee of the Secretary of Defense);

(D) the Governors of the affected States; and

(E) representatives of local governments in affected areas.

(3) DEVELOPMENT OF A 5-YEAR PLAN.—

(A) IN GENERAL.—The Task Force shall formulate a 5-year plan to promote the development of oil shale and tar sands.

(B) COMPONENTS.—In formulating the plan, the Task Force shall—

(i) identify public actions that are required to stimulate prudent development of oil shale and tar sands;

(ii) analyze the costs and benefits of those actions;

(iii) make recommendations concerning specific actions that should be taken to stimulate prudent development of oil shale and tar sands, including economic, investment, tax, technology, research and development, infrastructure, environmental, education, and socio-economic actions;

(iv) make recommendations concerning infrastructure (such as roads, utilities, and pipelines) required to support oil shale development in industry and communities;

(v) consult with representatives of industry and other stakeholders;

(vi) provide notice and opportunity for public comment on the plan;

(vii) identify oil shale and tar sands technologies that—

(I) are ready for pilot plant and semiworks development; and

(II) have a high probability of leading to advanced technology for first- or second-generation commercial production; and

(viii) assess the availability of water from the Green River Formation to meet the potential needs of oil shale and tar sands development.

(4) NATIONAL PROGRAM OFFICE.—The Task Force shall analyze and make recommendations regarding the need for a national program office.

(5) PARTNERSHIP.—The Task Force shall make recommendations with respect to initiating a partnership with Alberta, Canada, for purposes of sharing information relating to the development and production of oil from tar sands.

(6) REPORTS.—

(A) INITIAL REPORT.—Not later than 180 days after the date of enactment of this Act, the Task Force shall submit to the President and Congress a report that describes the analysis and recommendations of the Task Force and contains the 5-year plan.

(B) SUBSEQUENT REPORTS.—The Secretary of Energy shall provide an annual report describing the progress in carrying out the plan for each of the 5 years following submission of the report provided for in subparagraph (A).

(f) MINERAL LEASING ACT AMENDMENTS.—Section 21(a) of the Mineral Leasing Act (30 U.S.C. 241(a)) is amended—

(1) by designating the first, second, and third sentences as paragraphs (1), (2), and (3), respectively; and

(2) in paragraph (3) (as designated by paragraph (1))—

(A) by striking "rate of 50 cents per acre" and inserting "rate of $2.00 per acre"; and

(B) in the last proviso—

(i) by striking "That not more than one lease shall be granted under this section to any" and inserting "That no"; and

(ii) by striking "except that with respect to leases for" and inserting "shall acquire or hold more than 50,000 acres of oil shale leases in any 1 State. For".

(g) COST-SHARED DEMONSTRATION TECHNOLOGIES.—

(1) IDENTIFICATION.—The Secretary of Energy shall identify technologies for the development of oil shale and tar sands that—

(A) are ready for demonstration at a commercially-representative scale; and

(B) have a high probability of leading to commercial production.

(2) ASSISTANCE.—For each technology identified under paragraph (1), the Secretary of Energy may provide—

(A) technical assistance;

(B) assistance in meeting environmental and regulatory requirements; and

(C) cost-sharing assistance in accordance with section 1002.

(h) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary of Energy may provide technical assistance for the purpose of overcoming technical challenges to the development of oil shale and tar sands technologies for application in the United States.

(2) ADMINISTRATION.—The Secretary of Energy may provide technical assistance under this section on a cost-shared basis in accordance with section 1002.

(i) NATIONAL OIL SHALE ASSESSMENT.—

(1) ASSESSMENT.—

(A) IN GENERAL.—The Secretary shall carry out a national assessment of oil shale resources for the purposes of evaluating and mapping oil shale deposits, in the geographic areas described in subparagraph (B).

(B) GEOGRAPHIC AREAS.—The geographic areas referred to in subparagraph (A), listed in the order in which the Secretary shall assign priority, are—

(i) the Green River Region of the States of Colorado, Utah, and Wyoming;

(ii) the Devonian oil shales of the eastern United States; and

(iii) any remaining area in the central and western United States (including the State of Alaska) that contains oil shale, as determined by the Secretary.

(2) USE OF STATE SURVEYS AND UNIVERSITIES.—In carrying out the assessment under paragraph (1), the Secretary may request assistance from any State-administered geological survey or university.

(j) PROCUREMENT OF UNCONVENTIONAL FUEL BY THE DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2398 the following:

"§ 2398a. Procurement of fuel derived from coal, oil shale, and tar sands

"(a) USE OF FUEL TO MEET DEPARTMENT OF DEFENSE NEEDS.—The Secretary of Defense shall develop a strategy to use fuel produced from coal, oil shale, and tar sands (referred to in this section as a 'covered fuel') that are extracted by either mining or in-situ methods and refined in the United States in order to assist in meeting the fuel requirements of the Department of Defense.

"(b) AUTHORITY TO PROCURE.—The Secretary of Defense may enter into 1 or more contracts or other agreements (that meet the requirements of this section) to procure a covered fuel to meet 1 or more fuel requirements of the Department of Defense.

"(c) CLEAN FUEL REQUIREMENTS.—A covered fuel may be procured under subsection (b) only if the covered fuel meets such standards for clean fuel produced from domestic sources as the Secretary of Defense shall establish for purposes of this section in consultation with the Office of Strategic Fuel Analysis of the Department of Energy.

"(d) MULTIYEAR CONTRACT AUTHORITY.—Subject to applicable provisions of appropriations Acts, any contract or other agreement for the procurement of covered fuel under subsection (b) may be for 1 or more years at the election of the Secretary of Defense.

"(e) PRICE LIMITATIONS.—(1) Each contract or other agreement for the procurement of covered fuel under subsection (b) shall set forth the maximum price and minimum price to be paid for a unit of covered fuel under the contract or agreement, which prices shall be established by the Secretary of Defense at the time of entry into the contract or agreement.

"(2) In establishing under paragraph (1) the maximum price and minimum price to be paid for covered fuel under a contract or agreement under subsection (b), the Secretary shall take into account applicable information on world oil markets from the Department of Energy, including—

"(A) global prices for crude oil;

"(B) costs of production of the covered fuel from both conventional and unconventional sources; and

"(C) returns on investment in the production of the covered fuel.

"(f) FUEL SOURCE ANALYSIS.—In order to facilitate the procurement by the Department of Defense of covered fuel under subsection (b), the Secretary of Defense may carry out a comprehensive assessment of current and potential locations in the United States for the supply of covered fuel to the Department.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 141 of title 10, United States Code, is amended by inserting after the item relating to section 2398 the following:

"2398a. Procurement of fuel derived from coal, oil shale, and tar sands.".

(k) STATE WATER RIGHTS.—Nothing in this section preempts or affects any State water law or interstate compact relating to water.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 948. Mr. LIEBERMAN (for himself, Mr. BAYH, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page 120, strike line 21 and all that follows through page 122, line 14, and insert the following:

Subtitle D—Oil Security

SEC. 151. SHORT TITLE; FINDINGS AND PURPOSES.

(a) SHORT TITLE.—This subtitle may be cited as the "Oil Security Act".

(b) FINDINGS.—Congress finds that—

(1) the United States is dangerously dependent on oil;

(2) that dependence threatens the national security, weakens the economy, and harms the environment of the United States;

(3) the United States currently imports nearly 60 percent of oil needed in the United States, and that ratio is expected to grow to almost 70 percent by 2025 if no actions are taken;

(4) approximately 2,500,000 barrels of oil per day are imported from countries in the Persian Gulf region;

(5) that dependence on foreign oil undermines the war on terror by financing both sides of the war;

(6) in 2004 alone, the United States sent $103,000,000,000 to undemocratic countries, some of which use revenues to support terrorism and spread ideology hostile to the United States, as documented by the Council on Foreign Relations;

(7) terrorists have identified oil as a strategic vulnerability and have ramped up attacks against oil infrastructure worldwide;

(8) oil imports comprise more than 25 percent of the dangerously high United States trade deficit;

(9) it is feasible to achieve oil savings of more than 2,500,000 barrels per day by 2015 and 10,000,000 barrels per day by 2025;

(10) those goals can be achieved by establishing a set of flexible policies, including—

(A) increasing the gasoline-efficiency of cars, trucks, tires, and oil;

(B) providing economic incentives for companies and consumers to purchase fuel-efficient cars;

(C) encouraging the use of transit and the reduction of truck idling; and

(D) increasing production and commercialization of alternative liquid fuels;

(11) technology available as of the date of enactment of this Act (including popular hybrid-electric vehicle models, the sales of which in the United States increased 136 percent in the first 4 months of 2005 as compared with the same period in 2004) make an oil savings plan eminently achievable; and

(12) it is urgent, essential, and feasible to implement an action plan to achieve oil savings as soon as practicable because any delay in initiating action will—

(A) make achieving necessary oil savings more difficult and expensive; and

(B) increase the risks to the national security, economy, and environment of the United States.

(c) PURPOSES.—The purposes of this subtitle are—

(1) to help instill consumer confidence and acceptable of alternative motor vehicles by lowering the 3 major barriers to confidence and acceptance;

(2) to enable the accelerated introduction into the marketplace of new motor vehicle technologies without adverse emission impact, while retaining a policy of fuel neutrality in order to foster private innovation and commercialization and allow market forces to decide the technologies and fuels that are consumer-friendly, safe, environmentally-sound, and economic;

(3) to provide, for a limited time period, financial incentives to encourage consumers nationwide to purchase or lease new fuel cell, hybrid, battery electric, and alternative fuel motor vehicles;

(4) to increase demand of vehicles described in paragraph (3) so as to make the annual production by manufacturers and retail sale of the vehicles economically and commercially viable for the consumer;

(5) to promote and expand the use of vehicles described in paragraph (3) throughout the United States; and

(6) to promote a nationwide diversity of motor vehicle fuels for advanced and hybrid technology and alternatively fueled motor vehicles.

SEC. 152. MANUFACTURING INCENTIVES FOR ALTERNATIVE FUEL VEHICLES.

(a) ADVANCED TECHNOLOGY MOTOR VEHICLES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLE.—The term "advanced lean burn technology motor vehicle" means a motor vehicle with an internal combustion engine that—

(i) is designed to operate primarily using more air than is necessary for complete combustion of the fuel;

(ii) incorporates direct injection;

(iii) achieves at least 125 percent of the 2002 model year city fuel economy; and

(iv) that, for 2004 and later model vehicles, has received a certificate that the vehicle meets or exceeds—

(I) in the case of any vehicle having a gross vehicle weight rating of not more than 6,000 pounds, the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)) for that make and model year vehicle; and

(II) in the case of any vehicle having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, the Bin 8 Tier II emission standard as established in accordance with the regulations described in subclause (I).

(B) ADVANCED TECHNOLOGY MOTOR VEHICLE.—The term "advanced technology motor vehicle" means any advanced lean burn technology motor vehicle or any new qualified hybrid motor vehicle as defined in section 30B(c)(3) of the Internal Revenue Code of 1986 (other than a heavy duty hybrid motor vehicle) that is in compliance with any Environmental Protection Agency emission standard for fine particulate matter for the applicable make and model year of the vehicle, eligible for a credit amount under section 30B(c)(2)(B) of the Internal Revenue Code of 1986.

(C) BASE YEAR.—The term "base year" means model year 2002.

(D) ELIGIBLE COMPONENT.—The term "eligible component" means any component specially designed for any advanced technology motor vehicle and installed for the purpose of meeting the performance requirements for an advanced technology motor vehicle, including—

(i) with respect to any gasoline-electric new qualified hybrid motor vehicle—

(I) an electric motor or generator;

(II) a power split device;

(III) a power control unit;

(IV) power controls;

(V) an integrated starter generator; or

(VI) a battery;

(i) with respect to any advanced lean burn technology motor vehicle—

(I) a diesel engine;

(II) a turbocharger;

(III) a fuel injection system; or

(IV) an after-treatment system, such as a particle filter or NOx absorber; and

(iii) any other component submitted for approval by the Secretary.

(E) ELIGIBLE ENTITY.—The term "eligible entity" means a manufacturer, 25 percent or more of the gross receipts of which are derived from the manufacture of motor vehicles or any component parts of motor vehicles.

(F) ENGINEERING INTEGRATION COSTS.—The term "engineering integration costs" means costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks relating to—

(i) incorporating eligible components into the design of advanced technology vehicles; and

(ii) designing new tooling and equipment for production facilities which produce eligible components or advanced technology vehicles.

(G) PROGRAM.—The term "program" means the program established under paragraph (2).

(H) QUALIFIED INVESTMENT.—

(i) IN GENERAL.—The term "qualified investment" means—

(I) the incremental costs incurred to re-equip or expand a manufacturing facility of the eligible taxpayer to produce advanced technology motor vehicles or to produce eligible components; and

(II) any engineering integration costs associated with the advanced technology motor vehicles or eligible components.

(2) ESTABLISHMENT.—The Secretary shall establish a program to provide grants, loans, and loan guarantees to eligible entities for qualified investments.

(3) REQUIREMENTS.—For an automobile manufacturer to be eligible for a grant, loan, or loan guarantee under the program, the adjusted average fuel economy of the manufacturer for light duty vehicles for the most recent year for which data is available may not be less than the base year average fuel economy of the manufacturer for all of the light duty motor vehicles of the manufacturer.

(4) LIMITATION.—The total amounts of grants, loans, and loan guarantees that may be provided to any 1 qualified investment under the program shall be not more than $200,000,000.

(5) REGULATIONS.—The Secretary shall issue regulations establishing procedures for providing grants, loans, and loan guarantees under the program.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(b) FUEL ECONOMY CALCULATIONS.—

(1) IN GENERAL.—Section 32905 of title 49, United States Code, is amended—

(A) in subsections (b) and (d),

(i) by amending paragraph (1) of each subsection to read as follows:

"(1) the number determined by—

"(A) subtracting from 1.0 the alternative fuel use factor for the model; and

"(B) dividing the difference calculated under subparagraph (A) by the fuel economy measured under section 32904(c) when operating the model on gasoline or diesel fuel; and"; and

(ii) by amending paragraph (2) of each subsection to read as follows:

"(2) the number determined by dividing the alternative fuel use factor for the model by the fuel economy measured under subsection (a) when operating the model on alternative fuel."; and

(B) by adding at the end the following:

"(h) DETERMINATION OF ALTERNATIVE FUEL USE FACTOR.—

"(1) For purposes of subsections (b) and (d), the term 'alternative fuel use factor' means, for a model of automobile, the factor determined by the Administrator under paragraph (3).

"(2) At the beginning of each calendar year, the Secretary of Transportation shall estimate, by model, the aggregate amount of fuel and the aggregate amount of alternative fuel used to operate all dual fuel automobiles during the most recent 12-month period.

"(3) The Administrator shall determine, by regulation, the alternative fuel use factor for each model of dual fueled automobile, on an energy equivalent basis, by calculating the ratio that the amount of alternative fuel used by such model bears to the amount of fuel used by such model.".

(2) APPLICABILITY OF EXISTING STANDARDS.—The amendments made by this subsection shall not affect the application of section 32901 of title 49, United States Code, to automobiles manufactured before model year 2007.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2007.

SEC. 153. CELLULOSE BIOMASS-TO-FUEL EARLY DEPLOYMENT AND COMMERCIALIZATION INITIATIVES.

(a) GENERAL REQUIREMENTS.—

(1) DEFINITIONS.—In this section:

(A) CELLULOSE BIOMASS-TO-FUEL.—The term "cellulose biomass-to-fuel" means any fuel that is produced from at least 80 percent cellulosic biomass.

(B) COMMERCIAL-SCALE PLANT.—The term "commercial-scale plant" means a plant that—

(i) has a production capacity of greater than 7,000,000 gallons per year of cellulose biomass-to-fuel and related products, as measured by energy content; and

(ii) uses technology that has been successfully tested in a pilot or demonstration project that produced at least 1,000,000 gallons per year of cellulose biomass-to-fuel and related products, as measured by energy content.

(C) COMMITTEE.—The term "Committee" means the Cellulosic Biomass-to-Fuel Review Committee established under paragraph (4).

(D) PRE-COMMERCIAL SCALE PLANT.—The term "pre-commercial scale plant" means—

(i) a plant that has a production capacity of less than 7,000,000 gallons per year of cellulose biomass-to-fuel and related products, as measured by energy content; or

(ii) an existing industrial facility—

(I) that adds equipment to conduct research, development, or demonstration to overcome the recalcitrance of biomass, feedstock development, or co-products development; and

(II) at which the addition of the equipment increases the production capacity of the facility by less than 7,000,000 gallons per year of cellulose biomass-to-fuel and related products, as measured by energy content.

(E) PRODUCTION CAPACITY.—For purposes of this section, the production capacity of a plant shall be measured—

(i) assuming maximum potential output, 24 hours a day, 365 days per year; and

(ii) in terms of gallons of ethanol equivalent, with other fuels converted to this unit of measurement, based on the energy content of the fuels.

(2) PURPOSE.—The purpose of this section is to—

(A) accelerate deployment and commercialization of cellulosic biomass to fuel;

(B) reduce the oil dependence of the United States; and

(C) enhance the ability of the United States to produce alternative fuels.

(3) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of the Treasury, shall establish a cellulose biomass-to-fuels incentives program under subsection (b).

(4) CELLULOSE BIOMASS-TO-FUEL REVIEW COMMITTEE.—The Secretary shall request that the National Academy of Science establish an independent Cellulose Biomass-to-Fuel Review Committee, of which at least ½ of the members shall be experts external to the Department of Agriculture and the Department of Energy.

(5) SOLICITATION PROCESS.—

(A) IN GENERAL.—The Secretary, in consultation with the Committee, shall establish an open and competitive solicitation process to select projects for participation in the cellulose biomass-to-fuel early deployment and commercialization initiative.

(B) ELIGIBILITY DETERMINATIONS.—Eligibility determinations shall be established based on expert peer review of the proposals by the Committee.

(C) CONSISTENCY.—The solicitation shall be consistent from year to year.

(D) REQUIREMENTS.—At a minimum, eligible plants shall—

(i) be located in the United States;

(ii) meet all applicable Federal and State permitting requirements; and

(iii) convert cellulose biomass to fuel.

(E) FINANCIAL CRITERIA.—The Secretary may establish such additional financial criteria as the Secretary considers to be appropriate.

(F) PRIORITIZATION.—In selecting projects, the Committee shall prioritize the following goals in the following order:

(i) Projects demonstrating the potential for significant advances in biomass processing.

(ii) Projects demonstrating the potential to substantially further scale-sensitive national objectives, including—

(I) sustainable resource supply;

(II) reduced greenhouse gas emissions;

(III) healthier rural economies; and

(IV) improved strategic security and trade balances.

(iii) Projects located in local markets that have the greatest need for the facility because of—

(I) a high level of demand for fuel ethanol or other commercial byproducts of the facility; or

(II) availability of sufficient quantities of cellulosic biomass.

(6) REPORTING.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Committee, shall submit to Congress a report that includes a 10-year plan containing—

(A) a detailed assessment of whether the aggregate funding levels provided under subsection (b) are appropriate;

(B) a detailed description of how proposals will be solicited and evaluated, including a list of all activities expected to be carried out; and

(C) a detailed list of milestones for each biomass and related technology that will be pursued.

(7) PERIODIC UPDATES.—Until all incentives committed under subsection (b) have been used, the Secretary, in conjunction with the Secretary of the Treasury, shall annually submit to Congress a report on the activities of the Secretary and the Secretary of the Treasury under this section.

(b) CELLULOSIC BIOMASS FUELS INCENTIVE PROGRAM.—

(1) IN GENERAL.—

(A) ESTABLISHMENT OF PROGRAM.—The Secretary, in consultation with the Secretary of the Treasury, shall establish a program for providing incentives to commercial scale cellulose biomass-to-fuels producers.

(B) IN GENERAL.—The Secretary may provide loan guarantees and performance incentives to merchant producers of cellulose biomass-to-fuel in the United States to assist the producers—

(i) to build eligible commercial-ready production facilities; and

(ii) to produce cellulose biomass-to-fuel in accordance with paragraphs (2) and (3).

(C) TOTAL VALUE OF INCENTIVES.—

(i) IN GENERAL.—Except as provided in clause (ii), cellulose biomass-to-fuel facilities selected by the Secretary may receive all of the incentives offered under this subsection.

(ii) TOTAL VALUE.—The total value to the facility of all incentives offered under this subsection shall not exceed the values presented in the following table, in which the "Facility on line" dates are expressed in years from the date of enactment of this Act.

Facility on line:	Total Value of Incentives Over the Life of a Facility: The lesser of:		
	Per million gallons capacity	Percent of total capital cost	Total dollar amount
Year 4	$4,600,000	46%	$80,000,000
Year 6	$3,500,000	35%	$60,000,000
Year 10	$1,500,000	15%	$25,000,000

(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection.

(E) TERMINATION OF AUTHORITY.—The authority of the Secretary and the Secretary of the Treasury to commit to new incentives under paragraphs (2), (3), and (4) shall terminate on the date that is 10 years after the date of enactment of this Act.

(2) CELLULOSIC BIOMASS FUEL LOAN GUARANTEES.—

(A) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide guarantees of loans by private institutions for the construction of facilities to process and convert cellulosic biomass into fuel and other commercial byproducts.

(B) LIMITATION.—The total amount of all loans guaranteed under this paragraph shall not exceed $2,000,000,000 at any time during the program.

(C) REQUIREMENTS.—The Secretary may provide a loan guarantee under this paragraph to an applicant if—

(i) the prospective earning power of the applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with the terms of the loan; and

(ii) the loan bears interest at a rate determined by the Secretary to be reasonable, taking into account—

(I) the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the loan; and

(II) the risk profile of the loan.

(D) TERMS AND CONDITIONS.—The loan agreement for a loan guarantee under this paragraph shall provide that—

(i) no provision of the loan agreement may be amended or waived without the consent of the Secretary;

(ii) the loan guarantee shall have a maturity of not more than 20 years; and

(iii) the recipient of a loan guarantee under this paragraph shall pay the Secretary an amount determined by the Secretary to be sufficient to cover the administrative costs of the Secretary relating to the loan guarantee.

(E) ELIGIBILITY AND LIMITATIONS.—

(i) IN GENERAL.—In addition to the overall limitation established under paragraph (1)(C)(ii), the maximum loan guarantee that any project that is begun not later than 4 years after the date of establishment of the program under this paragraph may receive shall be the lesser of—

(I) $5,600,000 per million gallons of capacity;

(II) 80 percent of the total project debt; or

(III) $100,000,000 per facility.

(ii) SCHEDULE.—The Secretary shall establish a schedule of limitations that decrease throughout the period that begins on the date that is 4 year after the date of establishment of the program under this paragraph and ends on the date that is 10 years after the date of establishment of the program.

(F) FULL FAITH AND CREDIT.—

(i) IN GENERAL.—The full faith and credit of the United States is pledged to the payment of all guarantees issued under this paragraph with respect to principal and interest.

(ii) CONCLUSIVE EVIDENCE.—Any guarantee made by the Secretary under this paragraph shall be conclusive evidence of the eligibility of the loan for the guarantee with respect to principal and interest.

(iii) INCONTESTABLE VALIDITY.—The validity of the guarantee shall be incontestable in the hands of a holder of the guaranteed loan.

(G) ALLOWED USES OF FUNDS.—In the event of a performance shortfall, the loan guarantee funds may be used to either pay senior debt or make fixes to increase output or efficiency.

(3) CELLULOSIC BIOMASS FUELS PERFORMANCE INCENTIVES PROGRAM.—

(A) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to make available to commercial scale cellulose biomass-to-fuel producers performance incentives on a per gallon basis of cellulose biomass-to-fuel from eligible facilities.

(B) INCENTIVES.—

(i) IN GENERAL.—The program established under subparagraph (A) shall consist of 2 phases.

(ii) FIRST PHASE.—

(I) IN GENERAL.—During the period that begins on the date of establishment of the program under this paragraph and ends on the date that is 6 years after the date of establishment of the program, performance payments shall be available to all projects participating in the program, subject to the limits established in paragraph (1)(C)(ii).

(II) PAYMENTS.—During the period described in subclause (I), payments shall be made per gallon produced and sold by the facility during the first 6 years of operation.

(iii) SECOND PHASE.—

(I) IN GENERAL.—During the period that begins on the date that is 7 years after the date of establishment of the program under this paragraph and ends on the date that is 10 years after the date of establishment of the program, performance incentives shall be made available through not less than 2 reverse auctions as described in subclauses (II) through (V).

(II) AMOUNT OF FUNDS.—The Secretary, in coordination with the Secretary of the Treasury, shall establish the amount of funds available for use as performance payments after taking into account other existing and expected liabilities under this subsection.

(III) DESIRED AMOUNT.—For each reverse auction conducted under this clause, each eligible facility shall request a desired amount of performance incentive on a per gallon basis.

(IV) SELECTION OF FACILITIES.—The Secretary shall select facilities beginning with the facility that requests the lowest amount of performance incentive on a per gallon basis and continuing until the funds available under subclause (II) for the reverse auction are committed.

(V) INCENTIVES RECEIVED.—A facility selected by the Secretary shall receive the amount of performance incentive requested by the facility in the auction for each gallon produced and sold by the facility during the first 6 years of operation.

(C) LIMITATIONS.—

(i) IN GENERAL.—In addition to the overall limitation established in paragraph (1)(C)(ii), the value of incentives paid under this subsection for projects that are begun not later than 4 years after the date of establishment of the program under this paragraph shall be limited to the lesser of—

(I) $0.75 per gallon;

(II) $4,000,000 per million gallons of capacity; or

(III) 40 percent of the total capacity cost of the project.

(ii) SCHEDULE.—The Secretary shall establish a schedule of limitations that decrease throughout the period that begins on the date that is 4 year after the date of establishment of the program under this paragraph and ends on the date that is 10 years after the date of establishment of the program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 154. NEAR-TERM VEHICLE TECHNOLOGY PROGRAM.

(a) PURPOSES.—The purposes of this section are—

(1) to enable and promote comprehensive development, demonstration, and commercialization of a wide range of electric drive components, systems, and vehicles—

(A) in partnership with industry; and

(B) for a wide range of electric drive components, systems, and vehicles in a wide range of applications using diverse electric drive transportation technologies;

(2) to make critical public investments in building strong links to private industry, institutions of higher education, National Laboratories, and research institutions to expand innovation, industrial growth, and jobs in the United States;

(3) to take greater advantage of the existing electric infrastructure for transportation and other on-road and non-road mobile sources of emissions—

(A) that are reported to be over 3,000,000 units today, including electric forklifts, golf carts, and similar non-road vehicles; and

(B) because existing and emerging technologies that connect to the grid greatly enhance the energy security of the United States, reduce dependence on imported oil, and reduce emissions;

(4) to more quickly advance the widespread commercialization of all types of hybrid electric vehicle technology into all sizes and applications of vehicles leading to commercialization of plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and eventually to fuel cell vehicles and use of batteries and electric vehicles to provide services back to the grid; and

(5) to improve the energy efficiency of and reduce the petroleum use of transportation.

(b) DEFINITIONS.—In this section:

(1) BATTERY.—The term "battery" means an energy story device used in an on-road or non-road vehicle powered in whole or in part using an off-board or on-board source of electricity.

(2) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term "electric drive transportation technology" means—

(A) on-road or non-road vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, including battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and electric rail; or

(B) equipment related to transportation or mobile sources of air pollution that use an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including corded electric equipment linked to transportation or mobile sources of air pollution.

(3) ENGINE DOMINANT HYBRID ELECTRIC VEHICLE.—The term "engine dominant hybrid electric vehicle" means an on-road or non-road vehicle propelled by an internal combustion engine or heat engine using—

(A) any combustible fuel;

(B) an on-board, rechargeable storage device; and

(C) no means of using an off-board source of electricity.

(4) FUEL CELL VEHICLE.—The term "fuel cell vehicle" means an on-road or non-road vehicle that uses a fuel cell (as defined in section 3 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990).

(5) ON-ROAD OR NON-ROAD VEHICLE.—The term "on-road or non-road vehicle" means—

(A) a light-duty, medium-duty, or heavy-duty motor vehicle; or

(B) a vehicle or propelled piece of equipment that is primarily intended for use on private or public property other than publicly-owned highways, freeways, streets, and roads.

(6) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term "plug-in hybrid electric vehicle" means an on-road or non-road vehicle that is propelled by an internal combustion engine or heat engine using—

(A) any combustible fuel;

(B) an on-board, rechargeable storage device; and

(C) a means of using an off-board source of electricity.

(7) PLUG-IN HYBRID FUEL CELL VEHICLE.—The term "plug-in hybrid fuel cell vehicle" means a fuel cell vehicle that also can use a battery supplied by an off-board source of electricity.

(c) PROGRAM.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for electric drive transportation technology, including—

(1) high capacity, high efficiency lithium and nickel metal hybrid batteries for plug-in hybrid electric vehicles and plug-in hybrid fuel cell vehicles;

(2) high efficiency on-board and off-board charging components;

(3) high power drive train systems for passenger and commercial vehicles and for non-road equipment;

(4) control system development and power train development and integration for plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid electric vehicles, including—

(A) development of efficient cooling systems;

(B) analysis and development of control systems that minimize the emissions profile when clean diesel engines are part of a plug-in hybrid drive system; and

(C) development of different control systems that optimize for different goals, including—

(i) battery life;

(ii) reduction of petroleum consumption;

(iii) green house gas reduction; and

(iv) understanding consumer preference for many different control systems will assist or deter widespread applications of the vehicles;

(5) nanomaterial technology applied to both battery and fuel cell systems;

(6) large-scale demonstrations, testing, and evaluation of plug-in hybrid electric vehicles in different applications with different batteries and control systems, including—

(A) military applications;

(B) paratransit applications;

(C) mass market passenger and light-duty truck applications;

(D) private fleet applications; and

(E) medium- and heavy-duty applications;

(7) a nationwide education strategy for electric drive transportation technologies providing secondary and high school teaching materials and support for university education focused on electric drive system and component engineering;

(8) introduction strategies for plug-in hybrid electric vehicles and plug-in hybrid fuel cell vehicles, including—

(A) examining how best to link the technology to low carbon or renewable energy;

(B) an improved understanding of potential markets, driving patterns, charging behavior, and consumer acceptance and benefits; and

(C) working with the Administrator of the Environmental Protection Agency to develop procedures for testing and certification of criteria pollutants, fuel economy, and petroleum use for light-, medium- and heavy-duty vehicle applications, including considering—

(i) the vehicle and fuel as a system, not just an engine; and

(ii) nightly off-board charging; and

(9) advancement of battery and corded electric transportation technologies in mobile source applications by—

(A) improvement in battery, drive train, and control system technologies; and

(B) working with industry and the Administrator of the Environmental Protection Agency to—

(i) understand and inventory markets; and

(ii) identify and implement methods of removing barriers for existing and emerging applications.

(d) GOALS.—The goals of the electric drive transportation technology program established under subsection (c) shall be to develop, in partnership with industry and institutions of higher education, projects that focus on—

(1) innovative electric drive technology developed in the United States;

(2) growth of job opportunities for electric drive design and manufacturing;

(3) validation of the plug-in hybrid potential through fleet demonstrations; and

(4) enabling the fuel cell revolution by establishing a mature electric drive technology system that is an integral part of the fuel cell vehicle system.

(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 155. TIRE EFFICIENCY PROGRAM.

(a) STANDARDS FOR TIRES MANUFACTURED FOR INTERSTATE COMMERCE.—Section 30123 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in the first sentence, by striking "The Secretary" and inserting the following:

"(1) UNIFORM QUALITY GRADING SYSTEM.—

"(A) IN GENERAL.—The Secretary";

(B) in the second sentence, by striking "The Secretary" and inserting the following:

"(2) NOMENCLATURE AND MARKETING PRACTICES.—The Secretary";

(C) in the third sentence, by striking "A tire standard" and inserting the following:

"(3) EFFECT OF STANDARDS AND REGULATIONS.—A tire standard"; and

(D) in paragraph (1), as designated by subparagraph (A), by adding at the end the following:

"(B) INCLUSION.—The grading system shall include standards for rating the fuel efficiency of tires designed for use on passenger cars and light trucks."; and

(2) by adding at the end the following:

"(d) NATIONAL TIRE EFFICIENCY PROGRAM.—

"(1) DEFINITION.—In this subsection, the term 'fuel economy', with respect to a tire, means the extent to which the tire contributes to the fuel economy of the motor vehicle on which the tire is mounted.

"(2) PROGRAM.—The Secretary shall develop and carry out a national tire fuel efficiency program for tires designed for use on passenger cars and light trucks.

"(3) REQUIREMENTS.—Not later than March 31, 2008, the Secretary shall implement—

"(A) policies and procedures for testing and labeling tires for fuel economy to enable tire buyers to make informed purchasing decisions about the fuel economy of tires;

"(B) policies and procedures to promote the purchase of energy-efficient replacement tires, including purchase incentives, website listings on the Internet, printed fuel economy guide booklets, and mandatory requirements for tire retailers to provide tire buyers with fuel-efficiency information on tires; and

"(C) minimum fuel economy standards for tires, promulgated by the Secretary.

"(4) MINIMUM FUEL ECONOMY STANDARDS.—In promulgating minimum fuel economy standards for tires, the Secretary shall design standards that—

"(A) ensure that the average fuel economy of replacement tires is equal to or better than the average fuel economy of tires sold as original equipment;

"(B) secure the maximum technically feasible and cost-effective fuel savings;

"(C) do not adversely affect tire safety;

"(D) incorporate the results from—

"(i) laboratory testing; and

"(ii) to the extent appropriate and available, on-road fleet testing programs conducted by manufacturers; and

"(E) do not adversely affect efforts to manage scrap tires.

"(5) APPLICABILITY.—The policies, procedures, and standards developed under paragraph (3) shall apply to all tire types and models regulated under the uniform tire quality grading standards in section 575.104 of title 49, Code of Federal Regulations (or a successor regulation).

"(6) REVIEW.—

"(A) IN GENERAL.—Not less than once every 3 years, the Secretary shall—

"(i) review the minimum fuel economy standards in effect for tires under this subsection; and

"(ii) subject to subparagraph (B), revise the standards as necessary to ensure compliance with standards under paragraph (4).

"(B) LIMITATION.—The Secretary may not reduce the average fuel economy standards applicable to replacement tires.

"(7) NO PREEMPTION OF STATE LAW.—Nothing in this section preempts any provision of State law relating to higher fuel economy standards applicable to replacement tires designed for use on passenger cars and light trucks.

"(8) EXCEPTIONS.—Nothing in this section shall apply to—

"(A) a tire or group of tires with the same SKU, plant, and year, for which the volume of tires produced or imported is less than 15,000 annually;

"(B) a deep tread, winter-type snow tire, space-saver tire, or temporary use spare tire;

"(C) a tire with a normal rim diameter of 12 inches or less;

"(D) a motorcycle tire; or

"(E) a tire manufactured specifically for use in an off-road motorized recreational vehicle.".

(b) CONFORMING AMENDMENT.—Section 30103(b)(1) of title 49, United States Code, is amended by striking "When" and inserting "Except as provided in section 30123(d), when".

(c) TIME FOR IMPLEMENTATION.—Beginning not later than March 31, 2008, the Secretary of Transportation shall administer the national tire fuel efficiency program established under section 30123(d) of title 49, United States Code, in accordance with the policies, procedures, and standards developed under section 30123(d)(2) of such title.

SEC. 156. HEAVY TRUCK IDLING REDUCTION.

(a) DEFINITIONS.—In this section:

(1) HEAVY-DUTY MOTOR VEHICLE.—The term "heavy-duty motor vehicle" means a vehicle of greater than 10,000 pounds gross vehicle weight that is driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

(2) IDLING REDUCTION SYSTEM.—The term "idling reduction system" means a device or system of devices used to reduce long duration idling of a main drive engine in a vehicle.

(3) LONG DURATION IDLING.—The term "long duration idling" means the operation of a main drive engine of a heavy-duty motor vehicle for a period of more than 5 consecutive minutes when the main drive engine is not engaged in gear, except that such term does not include idling as a result of traffic congestion or other impediments to the movement of a heavy-duty motor vehicle.

(b) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall, in consultation with the Secretary of Transportation, prescribe regulations that ensure the maximum feasible and cost effective reductions in fuel consumption during long duration idling of heavy-duty motor vehicles. The Administrator shall review the regulations not less frequently than every 3 years and revise the regulations as necessary to ensure the regulations reflect the maximum feasible and cost effective reductions in fuel consumption during long duration idling.

(c) AIR QUALITY.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall prescribe regulations that prevent degradation in air quality resulting from the use of idling reduction systems.

(d) AGREEMENTS WITH STATES.—Section 111 of title 23, United States Code, is amended by adding at the end the following:

"(d) IDLING REDUCTION FACILITIES IN INTERSTATE RIGHTS-OF-WAY.—

"(1) IN GENERAL.—Notwithstanding subsection (a), a State may—

"(A) permit electrification or other idling reduction facilities and equipment, for use by motor vehicles used for commercial purposes, to be placed in rest and recreation areas, and in safety rest areas, constructed or located on rights-of-way of the Interstate System in the State, if the idling reduction measures do not—

"(i) reduce the existing number of designated truck parking spaces at any given rest or recreation area; or

"(ii) preclude the use of the spaces by trucks employing alternative idle reduction technologies; and

"(B) charge a fee, or permit the charging of a fee, for the use of a parking space that provides electrification or other idling reduction facilities and equipment.

"(2) PURPOSE OF FACILITIES.—The exclusive purpose of the electrification or other idling reduction facilities described in paragraph (1) (or similar technologies) shall be to enable operators of motor vehicles used for commercial purposes—

"(A) to reduce idling of a truck while parked in the rest or recreation area; and

"(B) to use equipment specifically designed to reduce idling of a truck, or provide alternative power for supporting driver comfort, while parked.".

SEC. 157. FUEL EFFICIENCY FOR HEAVY DUTY TRUCKS.

Part C of subtitle VI of title 49, United States Code, is amended by inserting after chapter 329 the following:

"CHAPTER 330—HEAVY DUTY VEHICLE FUEL ECONOMY STANDARDS

Sec.
33001. Purpose and policy.
33002. Definitions.
33003. Standards.

"§ 33001. Purpose and policy

"The purpose of this chapter is to reduce petroleum consumption by heavy duty motor vehicles.

"§ 33002. Definitions

"In this chapter, 'heavy duty motor vehicle'—

"(1) means a vehicle of greater than 10,000 pounds gross vehicle weight that is driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways; and

"(2) does not include a vehicle operated only on a rail line.

"§ 33003. Standards

"(a) GENERAL REQUIREMENTS.—The Secretary of Transportation shall prescribe heavy duty motor vehicle fuel economy standards. Each standard shall be practicable, meet the need for heavy duty motor vehicle fuel consumption reduction, and be stated in objective terms.

"(b) CONSIDERATIONS AND CONSULTATION.—When prescribing a heavy duty motor vehicle fuel economy standard under this chapter, the Secretary shall—

"(1) consider relevant available heavy duty motor vehicle fuel consumption information;

"(2) consider whether a proposed standard is reasonable, practicable, and appropriate for the particular type of heavy duty motor vehicle for which it is prescribed; and

"(3) consider the extent to which the standard will carry out section 33001.

"(c) Cooperation.—The Secretary may advise, assist, and cooperate with departments, agencies, and instrumentalities of the United States Government, States, and other public and private agencies in developing fuel economy standards for heavy duty motor vehicles.

"(d) Effective Dates of Standards.—The Secretary shall specify the effective date and model years of a heavy duty motor vehicle fuel economy standard prescribed under this chapter.

"(e) 5-Year Plan for Testing Standards.—The Secretary shall establish, periodically review, and continually update a 5-year plan for testing heavy duty motor vehicle fuel economy standards prescribed under this chapter. In developing the plan and establishing testing priorities, the Secretary shall consider factors the Secretary considers appropriate, consistent with section 33001 and the Secretary's other duties and powers under this chapter.".

SEC. 158. FLEXIBLE FUEL VEHICLE STANDARDS.

(a) Definitions.—In this section:

(1) Alternative fuel; alternative fuel automobile.—The terms "alternative fuel" and "alternative fuel automobile" have the meanings given such terms in section 32901 of title 49, United States Code.

(2) Alternative fuel refueling retail outlet.—The term "alternative fuel refueling retail outlet" means an establishment—

(A) equipped to dispense alternative fuel into motor vehicles; and

(B) at which alternative fuel is sold or offered for sale to the general public for use in motor vehicles without the need to establish an account.

(3) Flexible fuel vehicles.—The term "flexible fuel vehicle" means an alternative fuel vehicle capable of operating using gasoline and 1 or more alternative fuels, including—

(A) ethanol and methanol in blends up to 85 percent alternative fuel by volume; and

(B) electricity from an external charging source sufficient to power the vehicle for at least 20 miles of driving.

(4) Owner or lessor.—The term "owner or lessor" means—

(A) a franchisor who owns, leases, or controls a retail gasoline outlet at which the franchisee is authorized or permitted, under the franchise agreement, to sell alternative fuel;

(B) a refiner or distributor who owns, leases, or controls a retail gasoline outlet

(b) Increasing Percentage of Light Duty Vehicles that are Alternative or Flexible Fuel Vehicles.—

(1) In general.—Of the new light duty vehicles sold in the United States—

(A) not less than 10 percent manufactured for model year 2009 shall be alternative fuel automobiles or flexible fuel vehicles;

(B) not less than 20 percent manufactured for model year 2010 shall be alternative fuel automobiles or flexible fuel vehicles;

(C) not less than 35 percent manufactured for model year 2011 shall be alternative fuel automobiles or flexible fuel vehicles; and

(D) not less than 50 percent manufactured for model year 2012, and each year thereafter, shall be alternative fuel automobiles or flexible fuel vehicles.

(2) Rulemaking.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue regulations to carry out the provisions of this subsection.

(c) Alternative Fuel Retail Outlets.—

(1) Requirement.—Beginning in the year in which 10 percent or more of the registered vehicles in a county are capable of using a designated alternative fuel, each owner or lessor of a retail gasoline outlet with 10 or more vehicle fuel pumps in that county shall offer such designated alternative fuel at not less than 10 percent of such pumps.

(2) Compliance.—An owner or lessor is in compliance with the requirement under paragraph (1) if the owner or lessor—

(A) provides alternative fuel at vehicle pumps owned or controlled by the owner or lessor; or

(B) purchases credits from another owner or lessor who operates more than the minimum required number of alternative fuel pumps.

(3) Projections.—Not later than July 1st of each year, the Secretary of Energy shall—

(A) identify the counties in which at least 10 percent of the registered vehicles are expected to be capable of using a designated alternative fuel within the following 18-month period; and

(B) notify owners and lessors with retail gasoline outlets in the counties identified under subparagraph (A) of the alternative fuel pump requirement under this subsection.

(4) Rulemaking.—The Secretary of Energy shall issue regulations to carry out the provisions of this subsection.

SEC. 159. OIL SAVINGS STUDIES.

(a) In General.—The Secretary of Transportation shall develop and implement pilot projects the purpose of which is to reduce vehicle miles traveled.

(b) Highway Congestion Tolling Evaluation Study.—The Secretary of Transportation shall carry out a national evaluation study to determine how technology can best be applied to assess—

(1) mileage-based road user charges on major highways at peak-commuting times for the purposes of—

(A) reducing oil usage;

(B) lessening highway congestion; and

(C) expanding travel alternatives; and

(2) the economic impact on users.

(c) Parking Cash-Out Evaluation Project.—The Secretary of Transportation shall carry out a national evaluation pilot project to assess how offering commuters the option to receive the cash value of their workplace parking place instead of free parking can—

(1) reduce oil usage;

(2) lessen highway congestion; and

(3) promote economic development.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $8,000,000 for each of fiscal years 2006 through 2015.

SEC. 159A. NATIONWIDE MEDIA CAMPAIGN TO DECREASE OIL CONSUMPTION.

(a) In General.—The Secretary of Energy, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy (referred to in this section as the "Secretary"), shall develop and conduct a national media campaign for the purpose of decreasing oil consumption in the United States over the next decade.

(b) Contract With Entity.—The Secretary shall carry out subsection (a) directly or through—

(1) contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements; or

(2) collective agreements with 1 or more nationally recognized institutes, businesses, or nonprofit organizations for the funding, development, and distribution of monthly television, radio, and newspaper public service announcements.

(c) Use of Funds.—

(1) In general.—Amounts made available to carry out this section shall be used for the following:

(A) Advertising costs.—

(i) The purchase of media time and space.

(ii) Creative and talent costs.

(iii) Testing and evaluation of advertising.

(iv) Evaluation of the effectiveness of the media campaign.

(v) The negotiated fees for the winning bidder on requests from proposals issued either by the Secretary for purposes otherwise authorized in this section.

(vi) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

(B) Administrative costs.—Operational and management expenses.

(2) Limitations.—In carrying out this section, the Secretary shall allocate not less than 85 percent of funds made available under subsection (e) for each fiscal year for the advertising functions specified under paragraph (1)(A).

(d) Reports.—The Secretary shall annually submit to Congress a report that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished, including—

(A) determinations concerning the rate of change of oil consumption, in both absolute and per capita terms; and

(B) an evaluation that enables consideration whether the media campaign contributed to reduction of oil consumption;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts or cooperative agreements entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2006 through 2010.

SEC. 159B. OIL SAVINGS TARGET AND ACTION PLAN.

Not later than 270 days after the date of enactment of this Act, the Director of the Office of Management and Budget (referred to in this section as the "Director") shall publish in the Federal Register an action plan consisting of—

(1) a list of requirements proposed pursuant to section 159C that are authorized to be issued under law in effect on the date of enactment of this Act, and this subtitle, that will be sufficient, when taken together, to save from the baseline determined under section 159F, at least—

(A) 1,000,000 barrels of oil per day during calendar year 2015; and

(B) 2,500,000 barrels per day during calendar year 2020; and

(2) a Federal Government-wide analysis that analyzes—

(A) the expected oil savings from the baseline to be accomplished by each requirement; and

(B) whether all such requirements, taken together, will achieve the oil savings specified in this section.

SEC. 159C. STANDARDS AND REQUIREMENTS.

(a) SECRETARY OF ENERGY.—On or before the date of publication of the action plan under section 159B, the Secretary shall propose regulations establishing each standard or other requirement listed in the action plan that is under the jurisdiction of the Secretary.

(b) SECRETARY OF TRANSPORTATION.—On or before the date of publication of the action plan under section 159B, the Secretary of Transportation shall propose regulations establishing each standard or other requirement listed in the action plan that is under the jurisdiction of the Secretary of Transportation.

(c) ADMINISTRATOR.—On or before the date of publication of the action plan under section 159B, the Administrator shall propose regulations establishing each standard or other requirement listed in the action plan that is under the jurisdiction of the Administrator.

(d) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary, the Secretary of Transportation, and the Administrator shall promulgate final regulations described in subsections (a), (b), and (c), respectively.

(e) AGENCY ANALYSES.—Each proposed and final regulation promulgated under this section shall—

(1) be accompanied by an agency analysis of the oil savings from the baseline determined under section 159F that the regulation will achieve; and

(2) achieve at least the oil savings required as a result of the regulation under the action plan published under section 159B.

SEC. 159D. INITIAL EVALUATION.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director of the Office of Management and Budget (referred to in this section as the "Director") shall publish in the Federal Register a Federal Government-wide analysis of the oil savings achieved from the baseline established under section 159F.

(b) INADEQUATE OIL SAVINGS.—If the oil savings are less than the targets established under section 159B, simultaneously with the analysis required under subsection (a)—

(1) the Director shall publish a revised action plan that is adequate to achieve the targets; and

(2) the Secretary of Energy, the Secretary of Transportation, and the Administrator shall propose new or revised regulations under subsections (a), (b), and (c), respectively, of section 159C.

(c) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under subsection (b)(2), the Secretary of Energy, the Secretary of Transportation, and the Administrator shall promulgate final versions of those regulations.

SEC. 159E. REVIEW AND UPDATE OF ACTION PLAN.

(a) REVIEW.—Not later than January 1, 2010, and every 3 years thereafter, the Director of the Office of Management and Budget (referred to in this section as the "Director") shall publish a report that—

(1) evaluates the progress achieved in implementing the oil savings targets established under section 159B;

(2) analyzes the expected oil savings under the standards and requirements established under this subtitle and the amendments made by this subtitle; and

(3)(A) analyzes the potential to achieve oil savings that are in addition to the savings required by section 159B; and

(B) if the President determines that it is in the national interest, establishes a higher oil savings target for calendar year 2016 or any subsequent calendar year.

(b) INADEQUATE OIL SAVINGS.—If the oil savings are less than the targets established under section 159B, simultaneously with the report required under subsection (a)—

(1) the Director shall publish a revised action plan that is adequate to achieve the targets; and

(2) the Secretary of Energy, the Secretary of Transportation, and the Administrator shall propose new or revised regulations under subsections (a), (b), and (c), respectively, of section 159C.

(c) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under subsection (b)(2), the Secretary of Energy, the Secretary of Transportation, and the Administrator shall promulgate final versions of those regulations.

SEC. 159F. BASELINE AND ANALYSIS REQUIREMENTS.

In performing the analyses and promulgating proposed or final regulations to establish standards and other requirements necessary to achieve the oil savings required by this subtitle, the Director of the Office of Management and Budget, the Secretary of Energy, the Secretary of Transportation, and the Administrator shall—

(1) determine oil savings as the projected reduction in oil consumption from the baseline established by the reference case contained in the report of the Energy Information Administration entitled "Annual Energy Outlook 2005";

(2) determine the oil savings projections required on an annual basis for each of calendar years 2008 through 2025; and

(3) account for any overlap among the standards and other requirements to ensure that the projected oil savings from all the promulgated standards and requirements, taken together, are as accurate as practicable.

SA 949. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 327, after line 21, insert the following:

SEC. 3___. COST-SHARING PLAN.

Section 3 of the Natural Gas Act (15 U.S.C. 717b) (as amended by section 381) is amended by adding at the end the following:

"(f)(1) Before issuing an order authorizing an applicant to site, construct, expand, or operate a liquefied natural gas import facility, the Commission shall require the applicant, in cooperation with the Commandant of the Coast Guard and State and local agencies that provide for the safety and security of the liquefied natural gas import facility and any vessels that serve the facility, to develop a cost-sharing plan.

"(2) A cost-sharing plan developed under paragraph (1) shall include a description of any direct cost reimbursements that the applicant agrees to provide to any State and local agencies with responsibility for security and safety—

"(A) at the liquefied natural gas import facility; and

"(B) in proximity to vessels that serve the facility.".

SA 950. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 311, strike lines 19 through 24.

SA 951. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page 311, strike line 19 and all that follows through page 312, line 25, and insert the following:

"(2)(A) Except as provided in subparagraph (B), the Commission may approve an application for the siting, construction, expansion, or operation of facilities located onshore or in State waters for the import of natural gas from a foreign county or the export of natural gas to a foreign country, in whole or part, with such modifications and upon such terms and conditions as the Commission finds appropriate.

"(B) The Commission shall not—

"(i) deny an application solely on the basis that the applicant proposes to use the liquefied natural gas import facility exclusively or partially for gas that the applicant or an affiliate of the applicant will supply to the facility; or

"(ii) condition an order on—

"(I) a requirement that the liquefied natural gas import facility offer service to customers other than the applicant, or any affiliate of the applicant, securing the order;

"(II) any regulation of the rates, charges, terms, or conditions of service of the liquefied natural gas import facility; or

"(III) a requirement to file with the Commission schedules or contracts related to the rates, charges, terms, or conditions of service of the liquefied natural gas import facility.

"(3) An order issued for a liquefied natural gas import facility that also offers service to customers on an * * *

SA 952. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 311, after line 24, add the following:

"(3)(A) The Governor of a State in which a facility for the import of natural gas from a foreign country (referred to in this paragraph as a 'LNG facility') is proposed to be located shall designate a lead State agency.

"(B) The Commission shall grant the request of a lead State agency that requests cooperating agency status in accordance with regulations promulgated pursuant to the National Environmental Policy Act (42 U.S.C. 4321 et seq.) with respect to a proposed LNG facility.

"(C) The Commission shall promulgate regulations under the National Environmental Policy Act pre-filing process within 60 days of enactment of this section.

"(D) An applicant seeking Commission approval for an LNG facility shall follow the National Environmental Policy Act pre-filing process to commence at least 7 months prior to the filing of an application for authorization to construct an LNG facility. During this pre-filing process the applicant shall—

"(i) list all the relevant Federal and State agencies with corresponding permitting requirements;

"(ii) include documents establishing that the applicant has notified the relevant Federal and State agencies of the applicant's intent to file an application with the Commission;

"(iii) identify interested persons and organizations that have been contacted about the project; and

"(iv) detail stakeholder outreach efforts to date and provide a public participation plan to facilitate stakeholder communications and outreach efforts.

"(E) Upon completion of the pre-filing process under the National Environmental Policy Act, the applicant may file its application with the Commission.

"(F) A lead State agency may furnish an advisory report to the Commission with respect to an application no later than 30 days after the application was filed with the Commission. An advisory report may address siting issues, access to infrastructure, alternative potential locations, safety and security concerns, and access to emergency responders.

"(G) Before issuing an order authorizing an applicant to site, construct, expand or operate a liquefied natural gas import facility, the Commission shall review and respond specifically to the issues raised by the lead State agency in the advisory report.

"(H) This paragraph shall apply to any application filed after the date of enactment of this paragraph. A lead State agency has 30 days after the date of enactment of this paragraph to file an advisory report related to any applications pending at the Commission as of the date of enactment of this paragraph.

"(4)(A) Before issuing an order authorizing an applicant to site, construct, expand, or operate a liquefied natural gas import facility, the Commission shall require the applicant, in cooperation with the Commandant of the Coast Guard and State and local agencies that provide for the safety and security of the liquefied natural gas import facility and any vessels that serve the facility, to develop a cost-sharing plan.

"(B) A cost-sharing plan developed under subparagraph (A) shall include a description of any direct cost reimbursements that the applicant agrees to provide to any State and local agencies with responsibility for security and safety—

"(i) at the liquefied natural gas import facility; and

"(ii) in proximity to vessels that serve the facility.".

SA 953. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 11, between lines 10 and 11, insert the following:

(O) Savannah River National Laboratory.

On page 11, line 11, strike "(O)" and insert "(P)".

On page 11, line 12, strike "(P)" and insert "(Q)".

Beginning on page 47, strike line 11 and all that follows through page 49, line 4, and insert the following:

SEC. 127. STATE BUILDING ENERGY EFFICIENCY CODES INCENTIVES.

Section 304(e) of the Energy Conservation and Production Act (42 U.S.C. 6833(e)) is amended—

(1) in paragraph (1), by inserting before the period at the end of the first sentence the following: ", including increasing and verifying compliance with such codes"; and

(2) by striking paragraph (2) and inserting the following:

"(2) Additional funding shall be provided under this subsection for implementation of a plan to achieve and document at least a 90 percent rate of compliance with residential and commercial building energy efficiency codes, based on energy performance—

"(A) to a State that has adopted and is implementing, on a statewide basis—

"(i) a residential building energy efficiency code that meets or exceeds the requirements of the 2004 International Energy Conservation Code, or any succeeding version of that code that has received an affirmative determination from the Secretary under subsection (a)(5)(A); and

"(ii) a commercial building energy efficiency code that meets or exceeds the requirements of the ASHRAE Standard 90.1-2004, or any succeeding version of that standard that has received an affirmative determination from the Secretary under subsection (b)(2)(A); or

"(B) in a State in which there is no statewide energy code either for residential buildings or for commercial buildings, to a local government that has adopted and is implementing residential and commercial building energy efficiency codes, as described in subparagraph (A).

"(3) Of the amounts made available under this subsection, the Secretary may use $500,000 for each fiscal year to train State and local officials to implement codes described in paragraph (2).

"(4)(A) There are authorized to be appropriated to carry out this subsection—

"(i) $25,000,000 for each of fiscal years 2006 through 2010; and

"(ii) such sums as are necessary for fiscal year 2011 and each fiscal year thereafter.

"(B) Funding provided to States under paragraph (2) for each fiscal year shall not exceed ½ of the excess of funding under this subsection over $5,000,000 for the fiscal year.".

On page 76, lines 9 and 10, strike "January 1, 2006" and insert "January 1, 2007".

On page 234, strike lines 23 through 25, and insert the following:

(20) by striking "section 104(b) of the Naval Petroleum Reserves Production Act of 1976 (90 Stat. 304; 42 U.S.C. 6504)" and inserting "section 104(a)"; and

On page 296, after line 25, add the following:

SEC. 347. FINGER LAKES WITHDRAWAL.

All Federal land within the boundary of Finger Lakes National Forest in the State of New York is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws; and

(2) disposition under all laws relating to oil and gas leasing.

On page 321, line 18, insert "by the Commission" after "request".

On page 353, strike lines 19 through 24 and insert the following:

on Indian land;

"(C) provide low-interest loans to Indian tribes and tribal energy resource development organizations for use in the promotion of energy resource development on Indian land and integration of energy resources; and

"(D) provide grants and technical assistance to an appropriate tribal environmental organization, as determined by the Secretary, that represents multiple Indian tribes to establish a national resource center to develop tribal capacity to establish and carry out tribal environmental programs in support of energy-related programs and activities under this title, including—

"(i) training programs for tribal environmental officials, program managers, and other governmental representatives;

"(ii) the development of model environmental policies and tribal laws, including tribal environmental review codes, and the creation and maintenance of a clearinghouse of best environmental management practices; and

"(iii) recommended standards for reviewing the implementation of tribal environmental laws and policies within tribal judicial or other tribal appeals systems.

On page 356, between lines 15 and 16, insert the following:

"(C) In providing a grant under this subsection for an activity to provide, or expand the provision of, electricity on Indian land, the Director shall encourage cooperative arrangements between Indian tribes and utilities that provide service to Indian tribes, as the Director determines to be appropriate.

On page 357, line 6, insert "(A)" after "(2)".

On page 357, between lines 16 and 17, insert the following:

"(B) In providing a loan guarantee under this subsection for an activity to provide, or expand the provision of, electricity on Indian land, the Secretary of Energy shall encourage cooperative arrangements between Indian tribes and utilities that provide service to Indian tribes, as the Secretary determines to be appropriate.

On page 488, strike lines 5 through 9 and insert the following:

(a) DEFINITION OF LIGNOCELLULOSIC FEEDSTOCK.—In this section, the term "lignocellulosic feedstock" means any portion of a plant or coproduct from conversion, including crops, trees, and agricultural and forest residues not specifically grown for food.

On page 489, line 3, strike "cellulosic feedstocks" and insert "lignocellulosic feedstocks".

On page 489, lines 11 and 12, strike "cellulosic feedstocks" and insert "lignocellulosic feedstocks".

On page 503, strike lines 22 through 24.

On page 504, line 1, strike "(2)" and insert "(1)".

On page 504, strike lines 4 through 7 and insert the following:

(2) For activities under section 955—

(A) $337,000,000 for fiscal year 2006;

(B) $364,000,000 for fiscal year 2007; and

(C) $394,000,000 for fiscal year 2008.

(3) For activities under section 956—

(A) $20,000,000 for fiscal year 2006;

(B) $25,000,000 for fiscal year 2007; and

(C) $30,000,000 for fiscal year 2008.

On page 504, line 24, strike "(b)(2)" and insert "(b)(1)".

Beginning on page 505, strike lines 17 and all that follows through page 506, line 2.

On page 506, line 3, strike "(c)" and insert "(b)".

On page 506, line 11, strike "(d)" and insert "(c)".

Beginning on page 519, strike line 9 and all that follows through page 523, line 6, and insert the following:

SEC. 955. COAL AND RELATED TECHNOLOGIES PROGRAM.

(a) IN GENERAL.—In addition to the programs authorized under title IV, the Secretary shall conduct a program of technology research, development, and demonstration and commercial application for coal and power systems, including programs to facilitate production and generation of coal-based power through—

(1) innovations for existing plants (including mercury removal);

(2) gasification systems;

(3) advanced combustion systems;

(4) turbines for synthesis gas derived from coal;

(5) carbon capture and sequestration research and development;

(6) coal-derived chemicals and transportation fuels;

(7) liquid fuels derived from low rank coal water;

(8) solid fuels and feedstocks;

(9) advanced coal-related research;

(10) advanced separation technologies; and

(11) fuel cells for the operation of synthesis gas derived from coal.

(b) COST AND PERFORMANCE GOALS.—

(1) IN GENERAL.—In carrying out programs authorized by this section, the Secretary shall identify cost and performance goals for coal-based technologies that would permit the continued cost-competitive use of coal for the production of electricity, chemical feedstocks, and transportation fuels in 2008, 2010, 2012, and 2016, and each calendar year beginning after September 30, 2021.

(2) ADMINISTRATION.—In establishing the cost and performance goals, the Secretary shall—

(A) consider activities and studies undertaken as of the date of enactment of this Act by industry in cooperation with the Department in support of the identification of the goals;

(B) consult with interested entities, including—

(i) coal producers;

(ii) industries using coal;

(iii) organizations that promote coal and advanced coal technologies;

(iv) environmental organizations;

(v) organizations representing workers; and

(vi) organizations representing consumers;

(C) not later than 120 days after the date of enactment of this Act, publish in the Federal Register proposed draft cost and performance goals for public comments; and

(D) not later than 180 days after the date of enactment of this Act and every 4 years thereafter, submit to Congress a report describing the final cost and performance goals for the technologies that includes—

(i) a list of technical milestones; and

(ii) an explanation of how programs authorized in this section will not duplicate the activities authorized under the Clean Coal Power Initiative authorized under title IV.

(c) POWDER RIVER BASIN AND FORT UNION LIGNITE COAL MERCURY REMOVAL.—

(1) IN GENERAL.—In addition to the programs authorized by subsection (a), the Secretary may establish a program to test and develop technologies to control and remove mercury emissions from subbituminous coal mined in the Powder River Basin, and Fort Union lignite coals, that are used for the generation of electricity.

(2) EFFICACY OF MERCURY REMOVAL TECHNOLOGY.—In carrying out the program under paragraph (1), the Secretary shall examine the efficacy of mercury removal technologies on coals described in that paragraph that are blended with other types of coal.

SEC. 956. CARBON CAPTURE RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out a 10-year carbon capture research and development program to develop carbon dioxide capture technologies on combustion-based systems for use—

(1) in new coal utilization facilities; and

(2) on the fleet of coal-based units in existence on the date of enactment of this Act.

(b) OBJECTIVES.—The objectives of the program under subsection (a) shall be—

(1) to develop carbon dioxide capture technologies, including adsorption and absorption techniques and chemical processes, to remove the carbon dioxide from gas streams containing carbon dioxide potentially amenable to sequestration;

(2) to develop technologies that would directly produce concentrated streams of carbon dioxide potentially amenable to sequestration;

(3) to increase the efficiency of the overall system to reduce the quantity of carbon dioxide emissions released from the system per megawatt generated; and

(4) in accordance with the carbon dioxide capture program, to promote a robust carbon sequestration program and continue the work of the Department, in conjunction with the private sector, through regional carbon sequestration partnerships.

On page 522, between lines 8 and 9, insert the following:

(d) FUEL CELLS.—

(1) IN GENERAL.—The Secretary shall conduct a program of research, development, demonstration, and commercial application on fuel cells for low-cost, high-efficiency, fuel-flexible, modular power systems.

(2) DEMONSTRATIONS.—The demonstrations referred to in paragraph (1) shall include solid oxide fuel cell technology for commercial, residential, and transportation applications, and distributed generation systems, using improved manufacturing production and processes.

On page 558, beginning on line 22, strike "of the Senate" and all that follows through "Commerce" on line 23 and insert "and the Committee on Foreign Relations of the Senate and the Committee on Energy and Commerce and the Committee on International Relations".

On page 595, between lines 4 and 5, insert the following:

(2) REPORT ON TRENDS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on current trends under paragraph (1), with recommendations (as appropriate) to meet the future labor requirements for the energy technology industries.

On page 595, line 5, strike "(2) REPORT.—As" and insert the following:

(3) REPORT ON SHORTAGE.—As

On page 596, strike line 22 and all that follows through page 597, line 20, and insert the following:

SEC. 1103. EDUCATIONAL PROGRAMS IN SCIENCE AND MATHEMATICS.

(a) SCIENCE EDUCATION ENHANCEMENT FUND.—Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is amended by adding at the end:

"(c) SCIENCE EDUCATION ENHANCEMENT FUND.—The Secretary shall use not less than 0.2 percent of the amount made available to the Department for fiscal year 2006 and each fiscal year thereafter to carry out activities authorized by this part.".

(b) AUTHORIZED EDUCATION ACTIVITIES.—Section 3165 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381b) is amended by adding at the end the following:

"(14) Support competitive events for students under the supervision of teachers, designed to encourage student interest and knowledge in science and mathematics.

"(15) Support competitively-awarded, peer-reviewed programs to promote professional development for mathematics teachers and science teachers who teach in grades from kindergarten through grade 12 at Department research and development facilities.

"(16) Support summer internships at Department research and development facilities, for mathematics teachers and science teachers who teach in grades from kindergarten through grade 12.

"(17) Sponsor and assist in educational and training activities identified as critical skills needs for future workforce development at Department research and development facilities.".

(c) EDUCATIONAL PARTNERSHIPS.—Section 3166(b) of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381c(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) loaning or transferring equipment to the institution;";

(2) in paragraph (5), by striking "and" at the end;

(3) in paragraph (6), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(7) providing funds to educational institutions to hire personnel to facilitate interactions between local school systems, Department research and development facilities, and corporate and governmental entities.".

(d) DEFINITION OF DEPARTMENT RESEARCH AND DEVELOPMENT FACILITIES.—Section 3167(3) of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381d(3)) is amended by striking "from the Office of Science of the Department of Energy" and inserting "by the Department of Energy".

(e) STUDY.—

(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Public Administration to conduct a study of the priorities, quality, local and regional flexibility, and plans for educational programs at Department research and development facilities.

(2) INCLUSION.—The study shall recommend measures that the Secretary may take to improve Department-wide coordination of educational, workforce development, and critical skills development activities.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under this subsection.

On page 599, line 15, insert "(as amended by section 1103(a))" after "7381a)".

On page 599, line 17, strike "(c)" and insert "(d)".

On page 686, line 3, insert "by the Commission" after "request".

On page 755, after line 25, add the following:

SEC. 13   . STUDY OF LINK BETWEEN ENERGY SECURITY AND INCREASES IN VEHICLE MILES TRAVELED.

(a) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to assess the implications on energy use and efficiency of land development patterns in the United States.

(b) Scope.—The study shall consider—

(1) the correlation, if any, between land development patterns and increases in vehicle miles traveled;

(2) whether petroleum use in the transportation sector can be reduced through changes in the design of development patterns;

(3) the potential benefits of—

(A) information and education programs for State and local officials (including planning officials) on the potential for energy savings through planning, design, development, and infrastructure decisions;

(B) incorporation of location efficiency models in transportation infrastructure planning and investments; and

(C) transportation policies and strategies to help transportation planners manage the demand for the number and length of vehicle trips, including trips that increase the viability of other means of travel; and

(4) such other considerations relating to the study topic as the National Academy of Sciences finds appropriate.

(c) Report.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to the Secretary and Congress a report on the study conducted under this section.

SEC. 13___. STUDY OF AVAILABILITY OF SKILLED WORKERS.

(a) In General.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the National Academy of Sciences shall conduct a study of the short-term and long-term availability of skilled workers to meet the energy and mineral security requirements of the United States.

(b) Inclusions.—The study shall include an analysis of—

(1) the need for and availability of workers for the oil, gas, and mineral industries;

(2) the availability of skilled labor at both entry level and more senior levels; and

(3) recommendations for future actions needed to meet future labor requirements.

(c) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study.

SA 954. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STATE TAXES ON LIQUIFIED NATURAL GAS.

(a) In General.—

(1) In general.—A State may impose a tax on the value of any liquified natural gas received by any facility which is authorized by the Federal Energy Regulatory Commission under section 3(d) of the Natural Gas Act (15 U.S.C. 717b(d)) and which is within such State.

(2) Amount of tax.—The amount of any tax imposed under paragraph (1) shall not be more than 0.25 percent of the value such gas.

(b) Effect on Interstate Commerce.—Any tax imposed under subsection (a) shall—

(1) be considered to be a reasonable regulation of commerce; and

(2) not be considered to impose an undue burden on interstate commerce or to otherwise impair, restrain, or discriminate against interstate commerce.

SA 955. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page 1, line 1, strike "On page" and all that follows through page 15, line 24, and insert the following:

On page 56, between lines 17 and 18, insert the following:

SEC. 325. OUTER CONTINENTAL SHELF.

Sections 107, 108, and 109 of division E of the Consolidated Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 3063) are amended by striking "provided in this title" each place appears and inserting "made available under this Act or any other Act for any fiscal year".

SA 956. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 10, line 5, insert "and each State in the same OCS planning area with a coastline" after "State".

SA 957. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page 1, line 1, strike "On page" and all that follows through page 15, line 24, and insert the following:

On page 56, between lines 17 and 18, insert the following:

SEC. 325. OUTER CONTINENTAL SHELF.

Sections 107, 108, and 109 of division E of the Consolidated Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 3063) are amended by striking "provided in this title" each place appears and inserting "made available under this Act or any other Act for any fiscal year".

SA 958. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page 120, strike line 21 and all that follows through page 122, line 14, and insert the following:

Subtitle D—Oil Security

SEC. 151. SHORT TITLE; FINDINGS AND PURPOSES.

(a) Short Title.—This subtitle may be cited as the "Oil Security Act".

(b) Findings.—Congress finds that—

(1) the United States is dangerously dependent on oil;

(2) that dependence threatens the national security, weakens the economy, and harms the environment of the United States;

(3) the United States currently imports nearly 60 percent of oil needed in the United States, and that ratio is expected to grow to almost 70 percent by 2025 if no actions are taken;

(4) approximately 2,500,000 barrels of oil per day are imported from countries in the Persian Gulf region;

(5) that dependence on foreign oil undermines the war on terror by financing both sides of the war;

(6) in 2004 alone, the United States sent $103,000,000,000 to undemocratic countries, some of which use revenues to support terrorism and spread ideology hostile to the United States, as documented by the Council on Foreign Relations;

(7) terrorists have identified oil as a strategic vulnerability and have ramped up attacks against oil infrastructure worldwide;

(8) oil imports comprise more than 25 percent of the dangerously high United States trade deficit;

(9) it is feasible to achieve oil savings of more than 2,500,000 barrels per day by 2015 and 10,000,000 barrels per day by 2025;

(10) those goals can be achieved by establishing a set of flexible policies, including—

(A) increasing the gasoline-efficiency of cars, trucks, tires, and oil;

(B) providing economic incentives for companies and consumers to purchase fuel-efficient cars;

(C) encouraging the use of transit and the reduction of truck idling; and

(D) increasing production and commercialization of alternative liquid fuels;

(11) technology available as of the date of enactment of this Act (including popular hybrid-electric vehicle models, the sales of which in the United States increased 136 percent in the first 4 months of 2005 as compared with the same period in 2004) make an oil savings plan eminently achievable; and

(12) it is urgent, essential, and feasible to implement an action plan to achieve oil savings as soon as practicable because any delay in initiating action will—

(A) make achieving necessary oil savings more difficult and expensive; and

(B) increase the risks to the national security, economy, and environment of the United States.

(c) Purposes.—The purposes of this subtitle are—

(1) to help instill consumer confidence and acceptable of alternative motor vehicles by lowering the 3 major barriers to confidence and acceptance;

(2) to enable the accelerated introduction into the marketplace of new motor vehicle technologies without adverse emission impact, while retaining a policy of fuel neutrality in order to foster private innovation and commercialization and allow market forces to decide the technologies and fuels that are consumer-friendly, safe, environmentally-sound, and economic;

(3) to provide, for a limited time period, financial incentives to encourage consumers nationwide to purchase or lease new fuel cell, hybrid, battery electric, and alternative fuel motor vehicles;

(4) to increase demand of vehicles described in paragraph (3) so as to make the annual production by manufacturers and retail sale of the vehicles economically and commercially viable for the consumer;

(5) to promote and expand the use of vehicles described in paragraph (3) throughout the United States; and

(6) to promote a nationwide diversity of motor vehicle fuels for advanced and hybrid technology and alternatively fueled motor vehicles.

SEC. 152. MANUFACTURING INCENTIVES FOR ALTERNATIVE FUEL VEHICLES.

(a) Advanced Technology Motor Vehicles Manufacturing Credit.—

(1) In general.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 30D. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

"(a) Credit Allowed.—

"(1) In general.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 33 percent of the qualified investment of an eligible taxpayer for such taxable year.

"(2) Limitation.—The credit allowed under subsection (a) for any taxable year shall not exceed $200,000,000.

"(b) Eligible Taxpayer.—For purposes of this section, the term 'eligible taxpayer' means any taxpayer if more than 25 percent of its gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

"(c) Qualified Investment.—For purposes of this section—

"(1) In general.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

"(A) to re-equip or expand a manufacturing facility of the eligible taxpayer to produce advanced technology motor vehicles or to produce eligible components, and

"(B) for engineering integration of such vehicles and components as described in subsection (e).

"(2) Attribution rules.—In the event a facility of the taxpayer produces both advanced technology motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

"(3) Sustained improvement.—

"(A) Definitions.—For purposes of this paragraph—

"(i) Adjusted fuel economy.—

"(I) In general.—The term 'adjusted fuel economy' means the average fuel economy of a manufacturer for all light duty motor vehicles, adjusted as described in subclause (II).

"(II) Adjustment.—The fuel economy of each vehicle qualifying for the credit shall be deemed to be equal to the base year average fuel economy for the weight class of the vehicle.

"(ii) Base year.—The term 'base year' means model year 2002.

"(B) Eligibility.—For an automobile manufacturer to be eligible for an award under this subsection in a year, the adjusted average fuel economy of the manufacturer for light duty vehicles for the most recent year for which data is available may not be less than the base year average fuel economy of the manufacturer for all of the light duty motor vehicles of the manufacturer.

"(d) Advanced Technology Motor Vehicles and Eligible Components.—For purposes of this section—

"(1) Advanced technology motor vehicle.—The term 'advanced technology motor vehicle' means—

"(A) any advanced lean burn technology motor vehicle, or

"(B) any new qualified hybrid motor vehicle as defined in section 30B(c)(3) (other than a heavy duty hybrid motor vehicle), eligible for a credit amount under section 30B(c)(2)(B),

which is in compliance with any Environmental Protection Agency emission standard for fine particulate matter for the applicable make and model year of the vehicle.

"(2) Advanced lean burn technology motor vehicle.—The term 'advanced lean burn technology motor vehicle' means a motor vehicle with an internal combustion engine—

"(A) which is designed to operate primarily using more air than is necessary for complete combustion of the fuel,

"(B) which incorporates direct injection,

"(C) which achieves at least 125 percent of the 2002 model year city fuel economy, and

"(D) which, for 2004 and later model vehicles, has received a certificate that such vehicle meets or exceeds—

"(i) in the case of any vehicle having a gross vehicle weight rating of not more than 6,000 pounds, the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

"(ii) in the case of any vehicle having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, the Bin 8 Tier II emission standard as so established.

"(3) Eligible components.—The term 'eligible component' means any component specially designed for any advanced technology motor vehicle and installed for the purpose of meeting the performance requirements for such vehicle, including—

"(A) with respect to any gasoline-electric new qualified hybrid motor vehicle—

"(i) electric motor or generator,

"(ii) power split device,

"(iii) power control unit,

"(iv) power controls,

"(v) integrated starter generator, or

"(vi) battery,

"(B) with respect to any advanced lean burn technology motor vehicle—

"(i) diesel engine,

"(ii) turbocharger,

"(iii) fuel injection system, or

"(iv) after-treatment system, such as a particle filter or NO_x absorber, and

"(C) any other component submitted for approval by the Secretary.

"(e) Engineering Integration Costs.—For purposes of subsection (c)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

"(1) incorporating eligible components into the design of advanced technology vehicles, and

"(2) designing new tooling and equipment for production facilities which produce eligible components or advanced technology vehicles.

"(f) Limitation Based on Amount of Tax.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(1) the sum of—

"(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

"(B) the tax imposed by section 55 for such taxable year, over

"(2) the sum of the credits allowable under subpart A and sections 27, 30, 30B, and 30C for the taxable year.

"(g) Reduction in Basis.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(h) No Double Benefit.—The amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

"(i) Business Carryovers Allowed.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (f) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback and carryforward under rules similar to the rules of section 39.

"(j) Special Rules.—For purposes of this section, rules similar to the rules of paragraphs (4) and (5) of section 179A(e) and paragraphs (1) and (2) of section 41(f) shall apply

"(k) Election Not To Take Credit.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

"(l) Regulations.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

"(m) Termination.—This section shall not apply to any qualified investment after December 31, 2015.".

(2) Conforming amendments.—

(A) Section 1016(a), as amended by this Act, is amended by striking "and" at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting ", and", and by adding at the end the following new paragraph:

"(34) to the extent provided in section 30D(g).".

(B) Section 6501(m), as amended by this Act, is amended by inserting "30D(k)," after "30C(j),".

(C) The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 30C the following new item:

"Sec. 30D. Advanced technology motor vehicles manufacturing credit.".

(3) Effective Date.—The amendments made by this subsection shall apply to amounts incurred in taxable years beginning after December 31, 2004.

(b) Fuel Economy Calculations.—

(1) In general.—Section 32905 of title 49, United States Code, is amended—

(A) in subsections (b) and (d),

(i) by amending paragraph (1) of each subsection to read as follows:

"(1) the number determined by—

"(A) subtracting from 1.0 the alternative fuel use factor for the model; and

"(B) dividing the difference calculated under subparagraph (A) by the fuel economy measured under section 32904(c) when operating the model on gasoline or diesel fuel; and"; and

(ii) by amending paragraph (2) of each subsection to read as follows:

"(2) the number determined by dividing the alternative fuel use factor for the model by the fuel economy measured under subsection (a) when operating the model on alternative fuel."; and

(B) by adding at the end the following:

"(h) Determination of Alternative Fuel Use Factor.—

"(1) For purposes of subsections (b) and (d), the term 'alternative fuel use factor' means, for a model of automobile, the factor determined by the Administrator under paragraph (3).

"(2) At the beginning of each calendar year, the Secretary of Transportation shall estimate, by model, the aggregate amount of fuel and the aggregate amount of alternative fuel used to operate all dual fuel automobiles during the most recent 12-month period.

"(3) The Administrator shall determine, by regulation, the alternative fuel use factor for each model of dual fueled automobile, on an energy equivalent basis, by calculating the ratio that the amount of alternative fuel used by such model bears to the amount of fuel used by such model.".

(2) APPLICABILITY OF EXISTING STANDARDS.—The amendments made by this subsection shall not affect the application of section 32901 of title 49, United States Code, to automobiles manufactured before model year 2007.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2007.

SEC. 153. CELLULOSE BIOMASS-TO-FUEL EARLY DEPLOYMENT AND COMMERCIALIZATION INITIATIVES.

(a) GENERAL REQUIREMENTS.—

(1) DEFINITIONS.—In this section:

(A) CELLULOSE BIOMASS-TO-FUEL.—The term "cellulose biomass-to-fuel" means any fuel that is produced from at least 80 percent cellulosic biomass.

(B) COMMERCIAL-SCALE PLANT.—The term "commercial-scale plant" means a plant that—

(i) has a production capacity of greater than 7,000,000 gallons per year of cellulose biomass-to-fuel and related products, as measured by energy content; and

(ii) uses technology that has been successfully tested in a pilot or demonstration project that produced at least 1,000,000 gallons per year of cellulose biomass-to-fuel and related products, as measured by energy content.

(C) COMMITTEE.—The term "Committee" means the Cellulosic Biomass-to-Fuel Review Committee established under paragraph (4).

(D) PRE-COMMERCIAL SCALE PLANT.—The term "pre-commercial scale plant" means—

(i) a plant that has a production capacity of less than 7,000,000 gallons per year of cellulose biomass-to-fuel and related products, as measured by energy content; or

(ii) an existing industrial facility—

(I) that adds equipment to conduct research, development, or demonstration to overcome the recalcitrance of biomass, feedstock development, or co-products development; and

(II) at which the addition of the equipment increases the production capacity of the facility by less than 7,000,000 gallons per year of cellulose biomass-to-fuel and related products, as measured by energy content.

(E) PRODUCTION CAPACITY.—For purposes of this section, the production capacity of a plant shall be measured—

(i) assuming maximum potential output, 24 hours a day, 365 days per year; and

(ii) in terms of gallons of ethanol equivalent, with other fuels converted to this unit of measurement, based on the energy content of the fuels.

(2) PURPOSE.—The purpose of this section is to—

(A) accelerate deployment and commercialization of cellulosic biomass to fuel;

(B) reduce the oil dependence of the United States; and

(C) enhance the ability of the United States to produce alternative fuels.

(3) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of the Treasury, shall establish a cellulose biomass-to-fuels incentives program under subsection (b).

(4) CELLULOSE BIOMASS-TO-FUEL REVIEW COMMITTEE.—The Secretary shall request that the National Academy of Science establish an independent Cellulose Biomass-to-Fuel Review Committee, of which at least ½ of the members shall be experts external to the Department of Agriculture and the Department of Energy.

(5) SOLICITATION PROCESS.—

(A) IN GENERAL.—The Secretary, in consultation with the Committee, shall establish an open and competitive solicitation process to select projects for participation in the cellulose biomass-to-fuel early deployment and commercialization initiative.

(B) ELIGIBILITY DETERMINATIONS.—Eligibility determinations shall be established based on expert peer review of the proposals by the Committee.

(C) CONSISTENCY.—The solicitation shall be consistent from year to year.

(D) REQUIREMENTS.—At a minimum, eligible plants shall—

(i) be located in the United States;

(ii) meet all applicable Federal and State permitting requirements; and

(iii) convert cellulose biomass to fuel.

(E) FINANCIAL CRITERIA.—The Secretary may establish such additional financial criteria as the Secretary considers to be appropriate.

(F) PRIORITIZATION.—In selecting projects, the Committee shall prioritize the following goals in the following order:

(i) Projects demonstrating the potential for significant advances in biomass processing.

(ii) Projects demonstrating the potential to substantially further scale-sensitive national objectives, including—

(I) sustainable resource supply;

(II) reduced greenhouse gas emissions;

(III) healthier rural economies; and

(IV) improved strategic security and trade balances.

(iii) Projects located in local markets that have the greatest need for the facility because of—

(I) a high level of demand for fuel ethanol or other commercial byproducts of the facility; or

(II) availability of sufficient quantities of cellulosic biomass.

(6) REPORTING.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Committee, shall submit to Congress a report that includes a 10-year plan containing—

(A) a detailed assessment of whether the aggregate funding levels provided under subsection (b) are appropriate;

(B) a detailed description of how proposals will be solicited and evaluated, including a list of all activities expected to be carried out; and

(C) a detailed list of milestones for each biomass and related technology that will be pursued.

(7) PERIODIC UPDATES.—Until all incentives committed under subsection (b) have been used, the Secretary, in conjunction with the Secretary of the Treasury, shall annually submit to Congress a report on the activities of the Secretary and the Secretary of the Treasury under this section.

(b) CELLULOSIC BIOMASS FUELS INCENTIVE PROGRAM.—

(1) IN GENERAL.—

(A) ESTABLISHMENT OF PROGRAM.—The Secretary, in consultation with the Secretary of the Treasury, shall establish a program for providing incentives to commercial scale cellulose biomass-to-fuels producers.

(B) IN GENERAL.—The Secretary may provide loan guarantees and performance incentives to merchant producers of cellulose biomass-to-fuel in the United States to assist the producers—

(i) to build eligible commercial-ready production facilities; and

(ii) to produce cellulose biomass-to-fuel in accordance with paragraphs (2), (3), and (4).

(C) TOTAL VALUE OF INCENTIVES.—

(i) IN GENERAL.—Except as provided in clause (ii), cellulose biomass-to-fuel facilities selected by the Secretary may receive all of the incentives offered under this subsection.

(ii) TOTAL VALUE.—The total value to the facility of all incentives offered under this subsection shall not exceed the values presented in the following table, in which the "Facility on line" dates are expressed in years from the date of enactment of this Act.

Facility on line:	Total Value of Incentives Over the Life of a Facility: The lesser of:		
	Per million gallons capacity	Percent of total capital cost	Total dollar amount
Year 4	$4,600,000	46%	$80,000,000
Year 6	$3,500,000	35%	$60,000,000
Year 10	$1,500,000	15%	$25,000,000

(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection.

(E) TERMINATION OF AUTHORITY.—The authority of the Secretary and the Secretary of the Treasury to commit to new incentives under paragraphs (2), (3), and (4) shall terminate on the date that is 10 years after the date of enactment of this Act.

(2) CELLULOSIC BIOMASS FUEL LOAN GUARANTEES.—

(A) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide guarantees of loans by private institutions for the construction of facilities to process and convert cellulosic biomass into fuel and other commercial byproducts.

(B) LIMITATION.—The total amount of all loans guaranteed under this paragraph shall not exceed $2,000,000,000 at any time during the program.

(C) REQUIREMENTS.—The Secretary may provide a loan guarantee under this paragraph to an applicant if—

(i) the prospective earning power of the applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with the terms of the loan; and

(ii) the loan bears interest at a rate determined by the Secretary to be reasonable, taking into account—

(I) the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the loan; and

(II) the risk profile of the loan.

(D) TERMS AND CONDITIONS.—The loan agreement for a loan guarantee under this paragraph shall provide that—

(i) no provision of the loan agreement may be amended or waived without the consent of the Secretary;

(ii) the loan guarantee shall have a maturity of not more than 20 years; and

(iii) the recipient of a loan guarantee under this paragraph shall pay the Secretary an amount determined by the Secretary to be sufficient to cover the administrative costs of the Secretary relating to the loan guarantee.

(E) ELIGIBILITY AND LIMITATIONS.—

(i) IN GENERAL.—In addition to the overall limitation established under paragraph (1)(C)(ii), the maximum loan guarantee that any project that is begun not later than 4 years after the date of establishment of the program under this paragraph may receive shall be the lesser of—

(I) $5,600,000 per million gallons of capacity;

(II) 80 percent of the total project debt; or

(III) $100,000,000 per facility.

(ii) SCHEDULE.—The Secretary shall establish a schedule of limitations that decrease throughout the period that begins on the date that is 4 year after the date of establishment of the program under this paragraph and ends on the date that is 10 years after the date of establishment of the program.

(F) FULL FAITH AND CREDIT.—

(i) IN GENERAL.—The full faith and credit of the United States is pledged to the payment of all guarantees issued under this paragraph with respect to principal and interest.

(ii) CONCLUSIVE EVIDENCE.—Any guarantee made by the Secretary under this paragraph shall be conclusive evidence of the eligibility of the loan for the guarantee with respect to principal and interest.

(iii) INCONTESTABLE VALIDITY.—The validity of the guarantee shall be incontestable in the hands of a holder of the guaranteed loan.

(G) ALLOWED USES OF FUNDS.—In the event of a performance shortfall, the loan guarantee funds may be used to either pay senior debt or make fixes to increase output or efficiency.

(3) CELLULOSIC BIOMASS FUEL TAX-EXEMPT FINANCING.—

(A) ESTABLISHMENT OF PROGRAM.—

(i) IN GENERAL.—The Secretary of the Treasury, in coordination with the Secretary, shall establish a tax-exempt financing program specifically for commercial scale cellulose biomass-to-fuel projects.

(ii) PURPOSE.—The program established under clause (i) shall provide tax-exempt financing to construct facilities to process and convert cellulosic biomass into fuel and other commercial byproducts.

(B) TAX CODE AMENDMENTS.—

(i) TREATMENT AS EXEMPT FACILITY BOND.—Subsection (a) of section 142 of the Internal Revenue Code of 1986 (relating to exempt facility bond) is amended by striking "or" at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting ", or", and by adding at the end the following:

"(15) qualified cellulose biomass-to-fuel facilities.".

(ii) QUALIFIED CELLULOSE BIOMASS-TO-FUEL FACILITIES.—Section 142 of such Code is amended by adding at the end the following:

"(m) QUALIFIED CELLULOSE BIOMASS-TO-FUEL FACILITIES.—

"(1) IN GENERAL.—For purposes of subsection (a)(15), the term 'qualified cellulose biomass-to-fuel facilities' means any cellulose biomass-to-fuel project approved by the Secretary of Energy, in consultation with the Secretary, under section 1512 of the Energy Policy Act of 2005.

"(2) NATIONAL LIMITATION ON AMOUNT OF TAX-EXEMPT FINANCING FOR FACILITIES.—

"(A) NATIONAL LIMITATION.—There is a national cellulose biomass-to-fuel facilities bond limitation for each calendar year equal to such amount which when added to other incentives offered under section 1512 of such Act to qualified cellulose biomass-to-fuel facilities for such calendar year does not exceed the total value of all such incentives available to all such facilities under section 112(b)(1)(C) of such Act for such calendar year.

"(B) ENFORCEMENT OF NATIONAL LIMITATION.—An issue shall not be treated as an issue described in subsection (a)(15) if the aggregate face amount of bonds issued for any calendar year (when added to the aggregate face amount of bonds previously issued as part of issues described in subsection (a)(15) for such calendar year) exceeds the national cellulose biomass-to-fuel facilities bond limitation for such calendar year.

"(C) ALLOCATION BY SECRETARY OF ENERGY.—The Secretary of Energy, in consultation with the Secretary, shall allocate the amount described in subparagraph (A) among cellulose biomass-to-fuel projects in such manner as the Secretary determines appropriate.".

(iii) EFFECTIVE DATE.—The amendments made by this subparagraph apply to bonds issued after the date of the enactment of this Act.

(4) CELLULOSIC BIOMASS FUELS PERFORMANCE INCENTIVES PROGRAM.—

(A) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to make available to commercial scale cellulose biomass-to-fuel producers performance incentives on a per gallon basis of cellulose biomass-to-fuel from eligible facilities.

(B) INCENTIVES.—

(i) IN GENERAL.—The program established under subparagraph (A) shall consist of 2 phases.

(ii) FIRST PHASE.—

(I) IN GENERAL.—During the period that begins on the date of establishment of the program under this paragraph and ends on the date that is 6 years after the date of establishment of the program, performance payments shall be available to all projects participating in the program, subject to the limits established in paragraph (1)(C)(ii).

(II) PAYMENTS.—During the period described in subclause (I), payments shall be made per gallon produced and sold by the facility during the first 6 years of operation.

(iii) SECOND PHASE.—

(I) IN GENERAL.—During the period that begins on the date that is 7 years after the date of establishment of the program under this paragraph and ends on the date that is 10 years after the date of establishment of the program, performance incentives shall be made available through not less than 2 reverse auctions as described in subclauses (II) through (V).

(II) AMOUNT OF FUNDS.—The Secretary, in coordination with the Secretary of the Treasury, shall establish the amount of funds available for use as performance payments after taking into account other existing and expected liabilities under this subsection.

(III) DESIRED AMOUNT.—For each reverse auction conducted under this clause, each eligible facility shall request a desired amount of performance incentive on a per gallon basis.

(IV) SELECTION OF FACILITIES.—The Secretary shall select facilities beginning with the facility that requests the lowest amount of performance incentive on a per gallon basis and continuing until the funds available under subclause (II) for the reverse auction are committed.

(V) INCENTIVES RECEIVED.—A facility selected by the Secretary shall receive the amount of performance incentive requested by the facility in the auction for each gallon produced and sold by the facility during the first 6 years of operation.

(C) LIMITATIONS.—

(i) IN GENERAL.—In addition to the overall limitation established in paragraph (1)(C)(ii), the value of incentives paid under this subsection for projects that are begun not later than 4 years after the date of establishment of the program under this paragraph shall be limited to the lesser of—

(I) $0.75 per gallon;

(II) $4,000,000 per million gallons of capacity; or

(III) 40 percent of the total capacity cost of the project.

(ii) SCHEDULE.—The Secretary shall establish a schedule of limitations that decrease throughout the period that begins on the date that is 4 year after the date of establishment of the program under this paragraph and ends on the date that is 10 years after the date of establishment of the program.

SEC. 154. NEAR-TERM VEHICLE TECHNOLOGY PROGRAM.

(a) PURPOSES.—The purposes of this section are—

(1) to enable and promote comprehensive development, demonstration, and commercialization of a wide range of electric drive components, systems, and vehicles—

(A) in partnership with industry; and

(B) for a wide range of electric drive components, systems, and vehicles in a wide range of applications using diverse electric drive transportation technologies;

(2) to make critical public investments in building strong links to private industry, institutions of higher education, National Laboratories, and research institutions to expand innovation, industrial growth, and jobs in the United States;

(3) to take greater advantage of the existing electric infrastructure for transportation and other on-road and non-road mobile sources of emissions—

(A) that are reported to be over 3,000,000 units today, including electric forklifts, golf carts, and similar non-road vehicles; and

(B) because existing and emerging technologies that connect to the grid greatly enhance the energy security of the United States, reduce dependence on imported oil, and reduce emissions;

(4) to more quickly advance the widespread commercialization of all types of hybrid electric vehicle technology into all sizes and

applications of vehicles leading to commercialization of plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and eventually to fuel cell vehicles and use of batteries and electric vehicles to provide services back to the grid; and

(5) to improve the energy efficiency of and reduce the petroleum use of transportation.

(b) Definitions.—In this section:

(1) Battery.—The term "battery" means an energy story device used in an on-road or non-road vehicle powered in whole or in part using an off-board or on-board source of electricity.

(2) Electric drive transportation technology.—The term "electric drive transportation technology" means—

(A) on-road or non-road vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, including battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and electric rail; or

(B) equipment related to transportation or mobile sources of air pollution that use an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including corded electric equipment linked to transportation or mobile sources of air pollution.

(3) Engine dominant hybrid electric vehicle.—The term "engine dominant hybrid electric vehicle" means an on-road or non-road vehicle propelled by an internal combustion engine or heat engine using—

(A) any combustible fuel;

(B) an on-board, rechargeable storage device; and

(C) no means of using an off-board source of electricity.

(4) Fuel cell vehicle.—The term "fuel cell vehicle" means an on-road or non-road vehicle that uses a fuel cell (as defined in section 3 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990).

(5) On-road or non-road vehicle.—The term "on-road or non-road vehicle" means—

(A) a light-duty, medium-duty, or heavy-duty motor vehicle; or

(B) a vehicle or propelled piece of equipment that is primarily intended for use on private or public property other than publicly-owned highways, freeways, streets, and roads.

(6) Plug-in hybrid electric vehicle.—The term "plug-in hybrid electric vehicle" means an on-road or non-road vehicle that is propelled by an internal combustion engine or heat engine using—

(A) any combustible fuel;

(B) an on-board, rechargeable storage device; and

(C) a means of using an off-board source of electricity.

(7) Plug-in hybrid fuel cell vehicle.—The term "plug-in hybrid fuel cell vehicle" means a fuel cell vehicle that also can use a battery supplied by an off-board source of electricity.

(c) Program.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for electric drive transportation technology, including—

(1) high capacity, high efficiency lithium and nickel metal hybrid batteries for plug-in hybrid electric vehicles and plug-in hybrid fuel cell vehicles;

(2) high efficiency on-board and off-board charging components;

(3) high power drive train systems for passenger and commercial vehicles and for non-road equipment;

(4) control system development and power train development and integration for plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid electric vehicles, including—

(A) development of efficient cooling systems;

(B) analysis and development of control systems that minimize the emissions profile when clean diesel engines are part of a plug-in hybrid drive system; and

(C) development of different control systems that optimize for different goals, including—

(i) battery life;

(ii) reduction of petroleum consumption;

(iii) green house gas reduction; and

(iv) understanding consumer preference for many different control systems will assist or deter widespread applications of the vehicles;

(5) nanomaterial technology applied to both battery and fuel cell systems;

(6) large-scale demonstrations, testing, and evaluation of plug-in hybrid electric vehicles in different applications with different batteries and control systems, including—

(A) military applications;

(B) paratransit applications;

(C) mass market passenger and light-duty truck applications;

(D) private fleet applications; and

(E) medium- and heavy-duty applications;

(7) a nationwide education strategy for electric drive transportation technologies providing secondary and high school teaching materials and support for university education focused on electric drive system and component engineering;

(8) introduction strategies for plug-in hybrid electric vehicles and plug-in hybrid fuel cell vehicles, including—

(A) examining how best to link the technology to low carbon or renewable energy;

(B) an improved understanding of potential markets, driving patterns, charging behavior, and consumer acceptance and benefits; and

(C) working with the Administrator of the Environmental Protection Agency to develop procedures for testing and certification of criteria pollutants, fuel economy, and petroleum use for light-, medium- and heavy-duty vehicle applications, including considering—

(i) the vehicle and fuel as a system, not just an engine; and

(ii) nightly off-board charging; and

(9) advancement of battery and corded electric transportation technologies in mobile source applications by—

(A) improvement in battery, drive train, and control system technologies; and

(B) working with industry and the Administrator of the Environmental Protection Agency to—

(i) understand and inventory markets; and

(ii) identify and implement methods of removing barriers for existing and emerging applications.

(d) Goals.—The goals of the electric drive transportation technology program established under subsection (c) shall be to develop, in partnership with industry and institutions of higher education, projects that focus on—

(1) innovative electric drive technology developed in the United States;

(2) growth of job opportunities for electric drive design and manufacturing;

(3) validation of the plug-in hybrid potential through fleet demonstrations; and

(4) enabling the fuel cell revolution by establishing a mature electric drive technology system that is an integral part of the fuel cell vehicle system.

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 155. TIRE EFFICIENCY PROGRAM.

(a) Standards for Tires Manufactured for Interstate Commerce.—Section 30123 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in the first sentence, by striking "The Secretary" and inserting the following:

"(1) Uniform quality grading system.—

"(A) In general.—The Secretary";

(B) in the second sentence, by striking "The Secretary" and inserting the following:

"(2) Nomenclature and marketing practices.—The Secretary";

(C) in the third sentence, by striking "A tire standard" and inserting the following:

"(3) Effect of standards and regulations.—A tire standard"; and

(D) in paragraph (1), as designated by subparagraph (A), by adding at the end the following:

"(B) Inclusion.—The grading system shall include standards for rating the fuel efficiency of tires designed for use on passenger cars and light trucks."; and

(2) by adding at the end the following:

"(d) National Tire Efficiency Program.—

"(1) Definition.—In this subsection, the term 'fuel economy', with respect to a tire, means the extent to which the tire contributes to the fuel economy of the motor vehicle on which the tire is mounted.

"(2) Program.—The Secretary shall develop and carry out a national tire fuel efficiency program for tires designed for use on passenger cars and light trucks.

"(3) Requirements.—Not later than March 31, 2008, the Secretary shall implement—

"(A) policies and procedures for testing and labeling tires for fuel economy to enable tire buyers to make informed purchasing decisions about the fuel economy of tires;

"(B) policies and procedures to promote the purchase of energy-efficient replacement tires, including purchase incentives, website listings on the Internet, printed fuel economy guide booklets, and mandatory requirements for tire retailers to provide tire buyers with fuel-efficiency information on tires; and

"(C) minimum fuel economy standards for tires, promulgated by the Secretary.

"(4) Minimum fuel economy standards.—In promulgating minimum fuel economy standards for tires, the Secretary shall design standards that—

"(A) ensure that the average fuel economy of replacement tires is equal to or better than the average fuel economy of tires sold as original equipment;

"(B) secure the maximum technically feasible and cost-effective fuel savings;

"(C) do not adversely affect tire safety;

"(D) incorporate the results from—

"(i) laboratory testing; and

"(ii) to the extent appropriate and available, on-road fleet testing programs conducted by manufacturers; and

"(E) do not adversely affect efforts to manage scrap tires.

"(5) Applicability.—The policies, procedures, and standards developed under paragraph (3) shall apply to all tire types and models regulated under the uniform tire quality grading standards in section 575.104 of title 49, Code of Federal Regulations (or a successor regulation).

"(6) Review.—

"(A) In general.—Not less than once every 3 years, the Secretary shall—

"(i) review the minimum fuel economy standards in effect for tires under this subsection; and

"(ii) subject to subparagraph (B), revise the standards as necessary to ensure compliance with standards under paragraph (4).

"(B) Limitation.—The Secretary may not reduce the average fuel economy standards applicable to replacement tires.

"(7) No preemption of state law.—Nothing in this section preempts any provision of State law relating to higher fuel economy standards applicable to replacement tires designed for use on passenger cars and light trucks.

"(8) Exceptions.—Nothing in this section shall apply to—

"(A) a tire or group of tires with the same SKU, plant, and year, for which the volume of tires produced or imported is less than 15,000 annually;

"(B) a deep tread, winter-type snow tire, space-saver tire, or temporary use spare tire;

"(C) a tire with a normal rim diameter of 12 inches or less;

"(D) a motorcycle tire; or

"(E) a tire manufactured specifically for use in an off-road motorized recreational vehicle.".

(b) Conforming Amendment.—Section 30103(b)(1) of title 49, United States Code, is amended by striking "When" and inserting "Except as provided in section 30123(d), when".

(c) Time for Implementation.—Beginning not later than March 31, 2008, the Secretary of Transportation shall administer the national tire fuel efficiency program established under section 30123(d) of title 49, United States Code, in accordance with the policies, procedures, and standards developed under section 30123(d)(2) of such title.

SEC. 156. HEAVY TRUCK IDLING REDUCTION.

(a) Definitions.—In this section:

(1) Heavy-duty motor vehicle.—The term "heavy-duty motor vehicle" means a vehicle of greater than 10,000 pounds gross vehicle weight that is driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

(2) Idling reduction system.—The term "idling reduction system" means a device or system of devices used to reduce long duration idling of a main drive engine in a vehicle.

(3) Long duration idling.—The term "long duration idling" means the operation of a main drive engine of a heavy-duty motor vehicle for a period of more than 5 consecutive minutes when the main drive engine is not engaged in gear, except that such term does not include idling as a result of traffic congestion or other impediments to the movement of a heavy-duty motor vehicle.

(b) Regulations.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall, in consultation with the Secretary of Transportation, prescribe regulations that ensure the maximum feasible and cost effective reductions in fuel consumption during long duration idling of heavy-duty motor vehicles. The Administrator shall review the regulations not less frequently than every 3 years and revise the regulations as necessary to ensure the regulations reflect the maximum feasible and cost effective reductions in fuel consumption during long duration idling.

(c) Air quality.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall prescribe regulations that prevent degradation in air quality resulting from the use of idling reduction systems.

(d) Agreements With States.—Section 111 of title 23, United States Code, is amended by adding at the end the following:

"(d) Idling Reduction Facilities in Interstate Rights-of-Way.—

"(1) In general.—Notwithstanding subsection (a), a State may—

"(A) permit electrification or other idling reduction facilities and equipment, for use by motor vehicles used for commercial purposes, to be placed in rest and recreation areas, and in safety rest areas, constructed or located on rights-of-way of the Interstate System in the State, if the idling reduction measures do not—

"(i) reduce the existing number of designated truck parking spaces at any given rest or recreation area; or

"(ii) preclude the use of the spaces by trucks employing alternative idle reduction technologies; and

"(B) charge a fee, or permit the charging of a fee, for the use of a parking space that provides electrification or other idling reduction facilities and equipment.

"(2) Purpose of facilities.—The exclusive purpose of the electrification or other idling reduction facilities described in paragraph (1) (or similar technologies) shall be to enable operators of motor vehicles used for commercial purposes—

"(A) to reduce idling of a truck while parked in the rest or recreation area; and

"(B) to use equipment specifically designed to reduce idling of a truck, or provide alternative power for supporting driver comfort, while parked.".

SEC. 157. FUEL EFFICIENCY FOR HEAVY DUTY TRUCKS.

Part C of subtitle VI of title 49, United States Code, is amended by inserting after chapter 329 the following:

"CHAPTER 330—HEAVY DUTY VEHICLE FUEL ECONOMY STANDARDS

Sec.
33001. Purpose and policy.
33002. Definitions.
33003. Standards.

"§ 33001. Purpose and policy

"The purpose of this chapter is to reduce petroleum consumption by heavy duty motor vehicles.

"§ 33002. Definitions

"In this chapter, 'heavy duty motor vehicle'—

"(1) means a vehicle of greater than 10,000 pounds gross vehicle weight that is driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways; and

"(2) does not include a vehicle operated only on a rail line.

"§ 33003. Standards

"(a) General Requirements.—The Secretary of Transportation shall prescribe heavy duty motor vehicle fuel economy standards. Each standard shall be practicable, meet the need for heavy duty motor vehicle fuel consumption reduction, and be stated in objective terms.

"(b) Considerations and Consultation.—When prescribing a heavy duty motor vehicle fuel economy standard under this chapter, the Secretary shall—

"(1) consider relevant available heavy duty motor vehicle fuel consumption information;

"(2) consider whether a proposed standard is reasonable, practicable, and appropriate for the particular type of heavy duty motor vehicle for which it is prescribed; and

"(3) consider the extent to which the standard will carry out section 33001.

"(c) Cooperation.—The Secretary may advise, assist, and cooperate with departments, agencies, and instrumentalities of the United States Government, States, and other public and private agencies in developing fuel economy standards for heavy duty motor vehicles.

"(d) Effective Dates of Standards.—The Secretary shall specify the effective date and model years of a heavy duty motor vehicle fuel economy standard prescribed under this chapter.

"(e) 5-Year Plan for Testing Standards.—The Secretary shall establish, periodically review, and continually update a 5-year plan for testing heavy duty motor vehicle fuel economy standards prescribed under this chapter. In developing the plan and establishing testing priorities, the Secretary shall consider factors the Secretary considers appropriate, consistent with section 33001 and the Secretary's other duties and powers under this chapter.".

SEC. 158. FLEXIBLE FUEL VEHICLE STANDARDS.

(a) Definitions.—In this section:

(1) Alternative fuel; alternative fuel automobile.—The terms "alternative fuel" and "alternative fuel automobile" have the meanings given such terms in section 32901 of title 49, United States Code.

(2) Alternative fuel refueling retail outlet.—The term "alternative fuel refueling retail outlet" means an establishment—

(A) equipped to dispense alternative fuel into motor vehicles; and

(B) at which alternative fuel is sold or offered for sale to the general public for use in motor vehicles without the need to establish an account.

(3) Flexible fuel vehicles.—The term "flexible fuel vehicle" means an alternative fuel vehicle capable of operating using gasoline and 1 or more alternative fuels, including—

(A) ethanol and methanol in blends up to 85 percent alternative fuel by volume; and

(B) electricity from an external charging source sufficient to power the vehicle for at least 20 miles of driving.

(4) Owner or lessor.—The term "owner or lessor" means—

(A) a franchisor who owns, leases, or controls a retail gasoline outlet at which the franchisee is authorized or permitted, under the franchise agreement, to sell alternative fuel;

(B) a refiner or distributor who owns, leases, or controls a retail gasoline outlet

(b) Increasing Percentage of Light Duty Vehicles That are Alternative or Flexible Fuel Vehicles.—

(1) In general.—Of the new light duty vehicles sold in the United States—

(A) not less than 10 percent manufactured for model year 2009 shall be alternative fuel automobiles or flexible fuel vehicles;

(B) not less than 20 percent manufactured for model year 2010 shall be alternative fuel automobiles or flexible fuel vehicles;

(C) not less than 35 percent manufactured for model year 2011 shall be alternative fuel automobiles or flexible fuel vehicles; and

(D) not less than 50 percent manufactured for model year 2012, and each year thereafter, shall be alternative fuel automobiles or flexible fuel vehicles.

(2) Rulemaking.—Not later than 1 year after the date of enactment of this Act, the

Secretary of Transportation shall issue regulations to carry out the provisions of this subsection.

(c) ALTERNATIVE FUEL RETAIL OUTLETS.—

(1) REQUIREMENT.—Beginning in the year in which 10 percent or more of the registered vehicles in a county are capable of using a designated alternative fuel, each owner or lessor of a retail gasoline outlet with 10 or more vehicle fuel pumps in that county shall offer such designated alternative fuel at not less than 10 percent of such pumps.

(2) COMPLIANCE.—An owner or lessor is in compliance with the requirement under paragraph (1) if the owner or lessor—

(A) provides alternative fuel at vehicle pumps owned or controlled by the owner or lessor; or

(B) purchases credits from another owner or lessor who operates more than the minimum required number of alternative fuel pumps.

(3) PROJECTIONS.—Not later than July 1st of each year, the Secretary of Energy shall—

(A) identify the counties in which at least 10 percent of the registered vehicles are expected to be capable of using a designated alternative fuel within the following 18-month period; and

(B) notify owners and lessors with retail gasoline outlets in the counties identified under subparagraph (A) of the alternative fuel pump requirement under this subsection.

(4) RULEMAKING.—The Secretary of Energy shall issue regulations to carry out the provisions of this subsection.

SEC. 159. OIL SAVINGS STUDIES.

(a) IN GENERAL.—The Secretary of Transportation shall develop and implement pilot projects the purpose of which is to reduce vehicle miles traveled.

(b) HIGHWAY CONGESTION TOLLING EVALUATION STUDY.—The Secretary of Transportation shall carry out a national evaluation study to determine how technology can best be applied to assess—

(1) mileage-based road user charges on major highways at peak-commuting times for the purposes of—

(A) reducing oil usage;

(B) lessening highway congestion; and

(C) expanding travel alternatives; and

(2) the economic impact on users.

(c) PARKING CASH-OUT EVALUATION PROJECT.—The Secretary of Transportation shall carry out a national evaluation pilot project to assess how offering commuters the option to receive the cash value of their workplace parking place instead of free parking can—

(1) reduce oil usage;

(2) lessen highway congestion; and

(3) promote economic development.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $8,000,000 for each of fiscal years 2006 through 2015.

SEC. 159A. NATIONWIDE MEDIA CAMPAIGN TO DECREASE OIL CONSUMPTION.

(a) IN GENERAL.—The Secretary of Energy, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy (referred to in this section as the "Secretary"), shall develop and conduct a national media campaign for the purpose of decreasing oil consumption in the United States over the next decade.

(b) CONTRACT WITH ENTITY.—The Secretary shall carry out subsection (a) directly or through—

(1) contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements; or

(2) collective agreements with 1 or more nationally recognized institutes, businesses, or nonprofit organizations for the funding, development, and distribution of monthly television, radio, and newspaper public service announcements.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts made available to carry out this section shall be used for the following:

(A) ADVERTISING COSTS.—

(i) The purchase of media time and space.

(ii) Creative and talent costs.

(iii) Testing and evaluation of advertising.

(iv) Evaluation of the effectiveness of the media campaign.

(v) The negotiated fees for the winning bidder on requests from proposals issued either by the Secretary for purposes otherwise authorized in this section.

(vi) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

(B) ADMINISTRATIVE COSTS.—Operational and management expenses.

(2) LIMITATIONS.—In carrying out this section, the Secretary shall allocate not less than 85 percent of funds made available under subsection (e) for each fiscal year for the advertising functions specified under paragraph (1)(A).

(d) REPORTS.—The Secretary shall annually submit to Congress a report that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished, including—

(A) determinations concerning the rate of change of oil consumption, in both absolute and per capita terms; and

(B) an evaluation that enables consideration whether the media campaign contributed to reduction of oil consumption;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts or cooperative agreements entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2006 through 2010.

SEC. 159B. OIL SAVINGS TARGET AND ACTION PLAN.

Not later than 270 days after the date of enactment of this Act, the Director of the Office of Management and Budget (referred to in this section as the "Director") shall publish in the Federal Register an action plan consisting of—

(1) a list of requirements proposed pursuant to section 159C that are authorized to be issued under law in effect on the date of enactment of this Act, and this subtitle, that will be sufficient, when taken together, to save from the baseline determined under section 159F, at least—

(A) 1,000,000 barrels of oil per day during calendar year 2015; and

(B) 2,500,000 barrels per day during calendar year 2020; and

(2) a Federal Government-wide analysis that analyzes—

(A) the expected oil savings from the baseline to be accomplished by each requirement; and

(B) whether all such requirements, taken together, will achieve the oil savings specified in this section.

SEC. 159C. STANDARDS AND REQUIREMENTS.

(a) SECRETARY OF ENERGY.—On or before the date of publication of the action plan under section 159B, the Secretary shall propose regulations establishing each standard or other requirement listed in the action plan that is under the jurisdiction of the Secretary.

(b) SECRETARY OF TRANSPORTATION.—On or before the date of publication of the action plan under section 159B, the Secretary of Transportation shall propose regulations establishing each standard or other requirement listed in the action plan that is under the jurisdiction of the Secretary of Transportation.

(c) ADMINISTRATOR.—On or before the date of publication of the action plan under section 159B, the Administrator shall propose regulations establishing each standard or other requirement listed in the action plan that is under the jurisdiction of the Administrator.

(d) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary, the Secretary of Transportation, and the Administrator shall promulgate final regulations described in subsections (a), (b), and (c), respectively.

(e) AGENCY ANALYSES.—Each proposed and final regulation promulgated under this section shall—

(1) be accompanied by an agency analysis of the oil savings from the baseline determined under section 159F that the regulation will achieve; and

(2) achieve at least the oil savings required as a result of the regulation under the action plan published under section 159B.

SEC. 159D. INITIAL EVALUATION.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director of the Office of Management and Budget (referred to in this section as the "Director") shall publish in the Federal Register a Federal Government-wide analysis of the oil savings achieved from the baseline established under section 159F.

(b) INADEQUATE OIL SAVINGS.—If the oil savings are less than the targets established under section 159B, simultaneously with the analysis required under subsection (a)—

(1) the Director shall publish a revised action plan that is adequate to achieve the targets; and

(2) the Secretary of Energy, the Secretary of Transportation, and the Administrator shall propose new or revised regulations under subsections (a), (b), and (c), respectively, of section 159C.

(c) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under subsection (b)(2), the Secretary of Energy, the Secretary of Transportation, and the Administrator shall promulgate final versions of those regulations.

SEC. 159E. REVIEW AND UPDATE OF ACTION PLAN.

(a) REVIEW.—Not later than January 1, 2010, and every 3 years thereafter, the Director of the Office of Management and Budget (referred to in this section as the "Director") shall publish a report that—

(1) evaluates the progress achieved in implementing the oil savings targets established under section 159B;

(2) analyzes the expected oil savings under the standards and requirements established under this subtitle and the amendments made by this subtitle; and

(3)(A) analyzes the potential to achieve oil savings that are in addition to the savings required by section 159B; and

(B) if the President determines that it is in the national interest, establishes a higher oil savings target for calendar year 2016 or any subsequent calendar year.

(b) Inadequate Oil Savings.—If the oil savings are less than the targets established under section 159B, simultaneously with the report required under subsection (a)—

(1) the Director shall publish a revised action plan that is adequate to achieve the targets; and

(2) the Secretary of Energy, the Secretary of Transportation, and the Administrator shall propose new or revised regulations under subsections (a), (b), and (c), respectively, of section 159C.

(c) Final Regulations.—Not later than 180 days after the date on which regulations are proposed under subsection (b)(2), the Secretary of Energy, the Secretary of Transportation, and the Administrator shall promulgate final versions of those regulations.

SEC. 159F. BASELINE AND ANALYSIS REQUIREMENTS.

In performing the analyses and promulgating proposed or final regulations to establish standards and other requirements necessary to achieve the oil savings required by this subtitle, the Director of the Office of Management and Budget, the Secretary of Energy, the Secretary of Transportation, and the Administrator shall—

(1) determine oil savings as the projected reduction in oil consumption from the baseline established by the reference case contained in the report of the Energy Information Administration entitled "Annual Energy Outlook 2005";

(2) determine the oil savings projections required on an annual basis for each of calendar years 2008 through 2025; and

(3) account for any overlap among the standards and other requirements to ensure that the projected oil savings from all the promulgated standards and requirements, taken together, are as accurate as practicable.

SEC. 160. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) In General.—Section 7701 is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

"(o) Clarification of Economic Substance Doctrine; Etc.—

"(1) General rules.—

"(A) In General.—In any case in which a court determines that the economic substance doctrine is relevant for purposes of this title to a transaction (or series of transactions), such transaction (or series of transactions) shall have economic substance only if the requirements of this paragraph are met.

"(B) Definition of economic substance.—For purposes of subparagraph (A)—

"(i) In general.—A transaction has economic substance only if—

"(I) the transaction changes in a meaningful way (apart from Federal tax effects) the taxpayer's economic position, and

"(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

In applying subclause (II), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

"(ii) Special rule where taxpayer relies on profit potential.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

"(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

"(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

"(C) Treatment of fees and foreign taxes.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

"(2) Special rules for transactions with tax-indifferent parties.—

"(A) Special rules for financing transactions.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

"(B) Artificial Income Shifting and Basis Adjustments.—The form of a transaction with a tax-indifferent party shall not be respected if—

"(i) it results in an allocation of income or gain to the tax indifferent party in excess of such party's economic income or gain, or

"(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax indifferent party.

"(3) Definitions and Special Rules.—For purposes of this subsection—

"(A) Economic Substance Doctrine.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

"(B) Tax-Indifferent Party.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

"(C) Exception for Personal Transactions of Individuals.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

"(D) Treatment of Lessors.—In applying paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease—

"(i) the expected net tax benefits with respect to the leased property shall not include the benefits of—

"(I) depreciation,

"(II) any tax credit, or

"(III) any other deduction as provided in guidance by the Secretary, and

"(ii) subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

"(4) Other common law doctrines not affected.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

"(5) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.".

(b) Effective Date.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 5522. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) In General.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

"(a) Imposition of Penalty.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

"(b) Reduction of Penalty for Disclosed Transactions.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

"(c) Noneconomic Substance Transaction Understatement.—For purposes of this section—

"(1) In general.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

"(2) Noneconomic substance transaction.—The term 'noneconomic substance transaction' means any transaction if—

"(A) there is a lack of economic substance (within the meaning of section 7701 (0)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701 (0)(2), or

"(B) the transaction fails to meet the requirements of any similar rule of law.

"(d) Rules Applicable To Compromise of Penalty.—

"(1) In general.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

"(2) Applicable rules.—The rules of paragraphs (2) and (3) of section 6707A(d) shall apply for purposes of paragraph (1).

"(e) Coordination With Other Penalties.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

"(f) Cross References.—

"(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

"(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707 A(e).'.

(b) COORDINATION WITH OTHER UNDERSTATEMENTS AND PENALTIES.—

(1) The second sentence of section 6662(d)(2)(A) is amended by inserting "and without regard to items with respect to which a penalty is imposed by section 6662B" before the period at the end.

(2) Subsection (e) of section 6662A is amended.—

(A) in paragraph (1), by inserting "and noneconomic substance transaction understatements" after "reportable transaction understatements" both places it appears,

(B) in paragraph (2)(A), by inserting "and a noneconomic substance transaction understatement" after "reportable transaction understatement",

(C) in paragraph (2)(B), by inserting "6662B or" before "6663",

(D) in paragraph (2)(C)(i), by inserting "or section 6662B" before the period at the end,

(E) in paragraph (2)(C)(ii), by inserting "and section 6662B" after "This section",

(F) in paragraph (3), by inserting "or noneconomic substance transaction understatement" after "reportable transaction understatement", and

(G) by adding at the end the following new paragraph:

"(4) Noneconomic substance transaction understatement.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).".

(3) Subsection (e) of section 6707A is amended.—

(A) by striking "or" at the end of subparagraph (B), and

(B) by striking subparagraph (C) and inserting the following new subparagraphs:

"(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction, or

"(D) is required to pay a penalty under section 6662(h) with respect to any transaction and would (but for section 6662A(e)(2)(C)) have been subject to penalty under section 6662A at a rate prescribed under section 6662A(c) or under section 6662B,".

(c) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

"SEC. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 5523. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163(m) (relating to interest on unpaid taxes attributable to nondisclosed reportable transactions) is amended—

(1) by striking "attributable" and all that follows and inserting the following: "attributable to—

"(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

"(2) any noneconomic substance transaction understatement (as defined in section 6662B(c))", and

(2) by inserting "AND NONECONOMIC SUBSTANCE TRANSACTIONS" in the heading thereof after 'TRANSACTIONS'".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

SA 959. Mr. ROCKEFELLER (for himself, Mr. BUNNING, and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 35 (of title XV as agreed to), strike lines 10 through 16, and insert the following:

"(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1).

"(B) REQUIREMENTS FOR APPLICATIONS FOR CERTIFICATION.—An application under subparagraph (A) shall contain such information as the Secretary may require in order to make a determination to accept or reject an application for certification as meeting the requirements under subsection (e)(1). Any information contained in the application shall be protected as provided in section 552(b)(4) of title 5, United States Code.

"(C) TIME TO ACT UPON APPLICATIONS FOR CERTIFICATION.—The Secretary shall issue a determination as to whether an applicant has met the requirements under subsection (e)(1) within 60 days following the date of submittal of the application for certification.

"(D) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification shall have 2 years from the date of acceptance by the Secretary of the application during which to provide to the Secretary evidence that the criteria set forth in subsection (e)(2) have been met.

"(E) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 5 years from the date of issuance of the certification in order to place the project in service and if such project is not placed in service by that time period then the certification shall no longer be valid.".

On page 36 (of title XV as agreed to), strike lines 14 through 23.

On page 36 (of title XV as agreed to), line 24, strike "(6)" and insert "(5)".

On page 37 (of title XV as agreed to), line 16, strike "commitment".

On page 37, line 17, strike "(e)(4)(B)" and insert "paragraph (2)".

On page 37 (of title XV as agreed to), line 19, strike "(f)(2)(B)(ii)" and insert "paragraph (2)(D)".

On page 37 (of title XV as agreed to), line 20, strike "commitment".

On page 37, between lines 22 and 23, insert the following:

"(C) REALLOCATION.—If the Secretary determines that megawatts under clause (i) or (ii) of paragraph (3)(B) are available for reallocation pursuant to the requirements set forth in paragraph (2), the Secretary is authorized to conduct an additional program for applications for certification.".

On page 38 (of title XV as agreed to), line 7, strike "or polygeneration".

On page 38 (of title XV as agreed to), beginning with line 13 strike all through page 39, line 25, and insert the following:

"(C) the project, consisting of one or more electric generation units at one site, will have a total nameplate generating capacity of at least 400 megawatts;

"(D) the applicant demonstrates that there is a letter of intent signed by an officer of an entity willing to purchase the majority of the output of the project or signed by an officer of a utility indicating that the electricity capacity addition is consistent with that utility's integrated resource plan as approved by the regulatory or governing body that oversees electricity capacity allocations of the utility;

"(E) there is evidence of ownership or control of a site of sufficient size to allow the proposed project to be constructed and to operate on a long-term basis; and

"(F) the project will be located in the United States.

"(2) REQUIREMENTS FOR CERTIFICATION.—For the purpose of subsection (d)(2)(D), a project shall be eligible for certification only if the Secretary determines that—

"(A) the applicant for certification has received all Federal and State environmental authorizations or reviews necessary to commence construction of the project; and

"(B) the applicant for certification, except in the case of a retrofit or repower of an existing electric generation unit, has purchased or entered into a binding contract for the purchase of the main steam turbine or turbines for the project, except that such contract may be contingent upon receipt of a certification under subsection (d)(2).".

On page 40 (of title XV as agreed to), strike "(2)" and insert "(3)".

On page 40 (of title XV as agreed to), line 4, strike "subsection (d)(3)(B)(i)" and insert "subsection (d)(2)".

On page 40 (of title XV as agreed to), beginning with line 19, strike all through page 42, line 6.

On page 42 (of title XV as agreed to), line 18, strike "the vendor warrants that".

On page 44, after line 25, insert the following:

"(h) APPLICABILITY.—No use of technology (or level of emission reduction solely by reason of the use of the technology), and no achievement of any emission reduction by the demonstration of any technology or performance level, by or at one or more facilities with respect to which a credit is allowed under this section, shall be considered to indicate that the technology or performance level is—

"(1) adequately demonstrated for purposes of section 111 of the Clean Air Act (42 U.S. C. 7411);

"(2) achievable for purposes of section 169 of that Act (42 U.S. C. 7479); or

"(3) achievable in practice for purposes of section 171 of such Act (42 U.S.C. 7501).

SA 960. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 134, strike lines 1 through 7, and insert the following:

(2) RENEWABLE ENERGY.—The term "renewable energy" means electric energy generated from solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, municipal solid waste, or new hydroelectric generation capacity achieved from—

(A) hydroelectric facilities installed at existing dams subject to all applicable environmental laws and licensing and regulatory requirements that are placed in service on or after the date of enactment of this Act; or

(B) increased efficiency or addition of new capacity at a hydroelectric project in existence on the date of enactment of this Act.

SA 961. Mr. ALEXANDER (for himself, Mr. WARNER, Ms. LANDRIEU, Mr.

MCCAIN, Mr. ALLEN, Mr. VOINOVICH, Mr. BROWNBACK, Mr. BURR, and Mr. BUNNING) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

On page 697, between lines 6 and 7, insert the following:

SEC. 1270A. LOCAL CONTROL FOR SITING OF WINDMILLS.

(a) LOCAL NOTIFICATION.—Prior to the Federal Energy Regulatory Commission issuing to any wind turbine project its Exempt-Wholesale Generator Status, Market-Based Rate Authority, or Qualified Facility rate schedule, the wind project shall complete its Local Notification Process.

(b) LOCAL NOTIFICATION PROCESS.—

(1) In this section, the term "Local Authorities" means the governing body, and the senior executive of the body, at the lowest level of government that possesses authority under State law to carry out this Act.

(2) Applicant shall notify in writing the Local Authorities on the day of the filing of such Market-Based Rate application or Federal Energy Regulatory Commission Form number 556 (or a successor form) at the Federal Energy Regulatory Commission. Evidence of such notification shall be submitted to the Federal Energy Regulatory Commission.

(3) The Federal Energy Regulatory Commission shall notify in writing the Local Authorities within 10 days of the filing of such Market-Based Rate application or Federal Energy Regulatory Commission Form number 556 (or a successor form) at the Federal Energy Regulatory Commission.

(4) The Federal Energy Regulatory Commission shall not issue to the project Market-Based Rate Authority, Exempt Wholesaler Generator Status, or Qualified Facility rate schedule, until 180 days after the date on which the Federal Energy Regulatory Commission notifies the Local Authorities under paragraph (3).

(c) HIGHLY SCENIC AREA AND FEDERAL LAND.—

(1)(A) A Highly Scenic Area is—

(i) any area listed as an official United Nations Educational, Scientific, and Cultural Organization World Heritage Site, as supported by the Department of the Interior, the National Park Service, and the International Council on Monuments and Sites;

(ii) land designated as a National Park;

(iii) a National Lakeshore;

(iv) a National Seashore;

(v) a National Wildlife Refuge that is adjacent to an ocean;

(vi) a National Military Park;

(vii) the Flint Hills National Wildlife Reserve;

(viii) the Tallgrass Prairie National Preserve;

(ix) White Mountains National Forest; or

(x) the Flint Hills Tallgrass Prairie Preserve or the Konza Prairie in the State of Kansas.

(B) The term "Highly Scenic Area" does not include—

(i) the Pueblo de Taos World Heritage Area;

(ii) any coastal wildlife refuge located in the State of Louisiana; or

(iii) any area in the State of Alaska.

(2) A Qualified Wind Project is any wind-turbine project located—

(A)(i) in a Highly Scenic Area; or

(ii) within 20 miles of the boundaries of an area described in subparagraph (A), (B), (C), (D), or (F) of paragraph (1); or

(B) within 20 miles off the coast of a National Wildlife Refuge that is adjacent to an ocean.

(3) Prior to the Federal Energy Regulatory Commission issuing to a Qualified Wind Project its Exempt-Wholesale Generator Status, Market-Based Rate Authority, or Qualified Facility rate schedule, an environmental impact statement shall be conducted and completed by the lead agency in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). If no lead agency is designated, the lead agency shall be the Department of the Interior.

(4) The environmental impact statement determination shall be issued within 12 months of the date of application.

(5) Such environmental impact statement review shall include a cumulative impacts analysis addressing visual impacts and avian mortality analysis of a Qualified Wind Project.

(6) A Qualified Wind Project shall not be eligible for any Federal tax subsidy.

(d) EFFECTIVE DATE.—

(1) This section shall expire 10 years after the date of enactment of this Act.

(2) Nothing in this section shall prevent or discourage environmental review of any wind projects or any Qualified Wind Project on a State or local level.

(e) EFFECT OF SECTION.—Nothing in this section shall apply to a project that, as of the date of enactment of this Act—

(1) is generating energy; or

(2) has been issued a permit by the Federal Energy Regulatory Commission.

SA 962. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 724, line 12, insert before "shall enter" the following: ", in consultation with the Administrator of the Environmental Protection Agency,".

On page 726, line 5, insert "and the Administrator of the Environmental Protection Agency" after "Interior".

On page 726, line 10, insert before "shall report" the following: "and the Administrator of the Environmental Protection Agency"; after consulting with states,

On page 726, line 14, strike "Secretary's agreement or disagreement" and insert "agreement or disagreement of the Secretary of the Interior and the Administrator of the Environmental Protection Agency".

SA 963. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

1. On page 3, strike Line 18, and insert "the consent of the Governor and State Legislatures of all other states"

2. On page 7, Line 14, after "Governor)" strike "may" and insert "must have the consent of every Governor and State Legislature with a coast that is under the OCS moratoria as of January 1, 2005 in order to"

SA 964. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 7, Line 14, after "Governor)" strike "may" and insert "must have the consent of every Governor and State Legislature with a coast that is under the OCS moratoria as of January 1, 2005 in order to"

SA 965. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

1. On page 14, strike Lines 14 through 17

SA 966. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

1. On page 14, strike Lines 4-6
2. On page 14, strike lines 9–10
3. On page 14, strike lines 11–17

SA 967. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

1. On page 14, strike Lines 4 through 17 and insert "all such funds, to states and to local political subdivisions, shall only be expendable for mitigation measures and environmental restoration projects, fully subject to NEPA review, that specifically repair the adverse impacts of onshore and offshore facilities and operations associated with federal offshore oil and gas leasing, exploration, and development activities"

SA 968. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COALMINE GAS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business credits), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 45O. CREDIT FOR CAPTURING COALMINE GAS.

"(a) GENERAL RULE.—For purposes of section 38, the coalmine gas capture credit for any taxable year is an amount equal to the product of—

"(1) the credit amount, and

"(2) the qualified credit coalmine gas captured which is attributable to the taxpayer.

"(b) CREDIT AMOUNT.—For purposes of this section, the credit amount is $0.517 per 1,000 cubic feet of qualified coalmine gas captured.

"(c) QUALIFIED COALMINE GAS CAPTURED.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified coalmine gas captured' means any coalmine gas which is—

"(A) captured or extracted by the taxpayer during the period -beginning after September 30, 2005, and ending before January 1, 2008, -and

"(B) utilized as a fuel source or sold by or on behalf of the taxpayer -to an unrelated person during such period.

"(2) SPECIAL RULE FOR ADVANCED EXTRACTION.—In the case of coalmine gas which is captured in advance of coal mining operations, the credit under subsection (a) shall be allowed only after the date the coal extraction occurs in the immediate area where the coalmine gas was removed.

"(3) NONCOMPLIANCE WITH POLLUTION LAWS.—This paragraph shall not apply to the capture or extraction of coalmine gas from coal mining operations with respect to any period in which such coal mining operations are not in compliance with applicable State and Federal pollution prevention, control, and permit requirements.

"(4) DEFINITIONS.—

"(A) COALMINE GAS.—For purposes of this paragraph, the term 'coalmine gas' means any methane gas which is—

"(i) liberated during or as a result of domestic coal mining -operations, or

"(ii) extracted up to 10 years in advance of domestic coal —mining operations as part of a specific plan to mine a coal ——deposit.".

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986, as amended by this Act, is amended by striking "plus" at the end of paragraph (24), by striking the period at the end of paragraph (24) and inserting ", plus", and by adding at the end the following new paragraph:

"(25) the coalmine gas capture credit determined under section 45O.".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code, as amended by this Act, is amended by inserting after section 45N the following:

"Sec. 45O. Credit for capturing coalmine gas.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 969. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COALMINE GAS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business credits), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 45O. CREDIT FOR CAPTURING COALMINE GAS.

"(a) GENERAL RULE.—For purposes of section 38, the coalmine gas capture credit for any taxable year is an amount equal to the product of—

"(1) the credit amount, and

"(2) the qualified credit coalmine gas captured which is attributable to the taxpayer.

"(b) CREDIT AMOUNT.—For purposes of this section, the credit amount is $0.517 per 1,000 cubic feet of qualified coalmine gas captured.

"(c) QUALIFIED COALMINE GAS CAPTURED.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified coalmine gas captured' means any coalmine gas which is—

"(A) captured or extracted by the taxpayer during the period -beginning after September 30, 2005, and ending before January 1, 2008, -and

"(B) utilized as a fuel source or sold by or on behalf of the taxpayer -to an unrelated person during such period.

"(2) SPECIAL RULE FOR ADVANCED EXTRACTION.—In the case of coalmine gas which is captured in advance of coal mining operations, the credit under subsection (a) shall be allowed only after the date the coal extraction occurs in the immediate area where the coalmine gas was removed.

"(3) NONCOMPLIANCE WITH POLLUTION LAWS.—This paragraph shall not apply to the capture or extraction of coalmine gas from coal mining operations with respect to any period in which such coal mining operations are not in compliance with applicable State and Federal pollution prevention, control, and permit requirements.

"(4) DEFINITIONS.—

"(A) COALMINE GAS.—For purposes of this paragraph, the term 'coalmine gas' means any methane gas which is—

"(i) liberated during or as a result of domestic coal mining -operations, or

"(ii) extracted up to 10 years in advance of domestic coal —mining operations as part of a specific plan to mine a coal ——deposit.".

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986, as amended by this Act, is amended by striking "plus" at the end of paragraph (24), by striking the period at the end of paragraph (24) and inserting ", plus", and by adding at the end the following new paragraph:

"(25) the coalmine gas capture credit determined under section 45O.".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code, as amended by this Act, is amended by inserting after section 45N the following:

"Sec. 45O. Credit for capturing coalmine gas.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 970. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COALMINE GAS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business credits), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 45O. CREDIT FOR CAPTURING COALMINE GAS.

"(a) GENERAL RULE.—For purposes of section 38, the coalmine gas capture credit for any taxable year is an amount equal to the product of—

"(1) the credit amount, and

"(2) the qualified credit coalmine gas captured which is attributable to the taxpayer.

"(b) CREDIT AMOUNT.—For purposes of this section, the credit amount is $0.517 per 1,000 cubic feet of qualified coalmine gas captured.

"(c) QUALIFIED COALMINE GAS CAPTURED.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified coalmine gas captured' means any coalmine gas which is—

"(A) captured or extracted by the taxpayer during the period -beginning after September 30, 2005, and ending before January 1, 2008, -and

"(B) utilized as a fuel source or sold by or on behalf of the taxpayer -to an unrelated person during such period.

"(2) SPECIAL RULE FOR ADVANCED EXTRACTION.—In the case of coalmine gas which is captured in advance of coal mining operations, the credit under subsection (a) shall be allowed only after the date the coal extraction occurs in the immediate area where the coalmine gas was removed.

"(3) NONCOMPLIANCE WITH POLLUTION LAWS.—This paragraph shall not apply to the capture or extraction of coalmine gas from coal mining operations with respect to any period in which such coal mining operations are not in compliance with applicable State and Federal pollution prevention, control, and permit requirements.

"(4) DEFINITIONS.—

"(A) COALMINE GAS.—For purposes of this paragraph, the term 'coalmine gas' means any methane gas which is—

"(i) liberated during or as a result of domestic coal mining -operations, or

"(ii) extracted up to 10 years in advance of domestic coal —mining operations as part of a specific plan to mine a coal ——deposit.".

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986, as amended by this Act, is amended by striking "plus" at the end of paragraph (24), by striking the period at the end of paragraph (24) and inserting ", plus", and by adding at the end the following new paragraph:

"(25) the coalmine gas capture credit determined under section 45O.".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code, as amended by this Act, is amended by inserting after section 45N the following:

"Sec. 45O. Credit for capturing coalmine gas.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 971. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COALMINE GAS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business credits), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 45O. CREDIT FOR CAPTURING COALMINE GAS.

"(a) GENERAL RULE.—For purposes of section 38, the coalmine gas capture credit for any taxable year is an amount equal to the product of—

"(1) the credit amount, and

"(2) the qualified credit coalmine gas captured which is attributable to the taxpayer.

"(b) CREDIT AMOUNT.—For purposes of this section, the credit amount is $0.517 per 1,000 cubic feet of qualified coalmine gas captured.

"(c) QUALIFIED COALMINE GAS CAPTURED.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified coalmine gas captured' means any coalmine gas which is—

"(A) captured or extracted by the taxpayer during the period –beginning after September 30, 2005, and ending before January 1, 2008, –and

"(B) utilized as a fuel source or sold by or on behalf of the taxpayer –to an unrelated person during such period.

"(2) SPECIAL RULE FOR ADVANCED EXTRACTION.—In the case of coalmine gas which is captured in advance of coal mining operations, the credit under subsection (a) shall be allowed only after the date the coal extraction occurs in the immediate area where the coalmine gas was removed.

"(3) NONCOMPLIANCE WITH POLLUTION LAWS.—This paragraph shall not apply to the capture or extraction of coalmine gas from coal mining operations with respect to any period in which such coal mining operations are not in compliance with applicable State and Federal pollution prevention, control, and permit requirements.

"(4) DEFINITIONS.—

"(A) COALMINE GAS.—For purposes of this paragraph, the term 'coalmine gas' means any methane gas which is—

"(i) liberated during or as a result of domestic coal mining –operations, or

"(ii) extracted up to 10 years in advance of domestic coal —mining operations as part of a specific plan to mine a coal ——deposit.".

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986, as amended by this Act, is amended by striking "plus" at the end of paragraph (24), by striking the period at the end of paragraph (24) and inserting ", plus", and by adding at the end the following new paragraph:

"(25) the coalmine gas capture credit determined under section 45O.".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code, as amended by this Act, is amended by inserting after section 45N the following:

"Sec. 45O. Credit for capturing coalmine gas.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 972. Mr. WARNER (for himself, Mr. ALEXANDER, and Mr. VOINOVICH) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

On page 327, after line 21, add the following:

SEC. 390. GAS-ONLY LEASES; STATE REQUESTS TO EXAMINE ENERGY AREAS.

(a) GAS-ONLY LEASES.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) (as amended by section 321) is amended by adding at the end the following:

"(q) GAS-ONLY LEASES.—

"(1) IN GENERAL.—The Secretary may issue a lease under this section beginning in the 2007–2012 plan period that authorizes development and production only of gas and associated condensate in accordance with regulations issued under paragraph (2).

"(2) REGULATIONS.—Not later than October 1, 2006, the Secretary shall issue regulations that, for purposes of this section—

"(A) define natural gas so that the definition—

"(i) includes—

"(I) hydrocarbons and other substances in a gaseous state at atmospheric pressure and a temperature of 60 degrees Fahrenheit;

"(II) liquids that condense from natural gas in the process of treatment, dehydration, decompression, or compression prior to the point for measuring volume and quality of the production established by the Minerals Management Service; and

"(III) natural gas liquefied for transportation; and

"(ii) excludes crude oil;

"(B) provide that gas-only leases shall contain the same rights and obligations established for oil and gas leases;

"(C) provide that, in reviewing the adequacy of bids for gas-only leases, the Minerals Management Service shall exclude the value of any crude oil estimated to be discovered within the boundaries of the leasing area;

"(D) provide for cancellation of a gas-only lease, with payment of the fair value of the lease rights canceled, if the Secretary determines that any natural gas discovered within the boundaries of the leasing area cannot be produced without causing an unacceptable waste of crude oil discovered in association with the natural gas; and

"(E) provide that, at the request and with the consent of the Governor of the State adjacent to the lease area, as determined under section 18(i)(2)(B)(i), and with the consent of the lessee, an existing gas-only lease may be converted, without an increase in the rental or royalty rate and without further payment in the nature of a lease bonus, to a lease under subsection (b), in accordance with a process, to be established by the Secretary, that requires—

"(i) consultation by the Secretary with the Governor of the State and the lessee with respect to the operating conditions of the lease, taking into consideration environmental resource conservation and recovery, economic factors, and other factors, as the Secretary determines to be relevant; and

"(ii) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(3) EFFECT OF OTHER LAWS.—Any Federal law (including regulations) that applies to an oil and gas lease on the Outer Continental Shelf shall apply to a gas-only lease issued under this subsection.".

(b) STATE REQUESTS TO EXAMINE ENERGY AREAS.—Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

"(i) STATE REQUESTS TO EXAMINE ENERGY AREAS.—

"(1) DEFINITIONS.—In this subsection:

"(A) LEASE.—The term 'lease' includes a gas-only lease under section 8(q).

"(B) MORATORIUM AREA.—The term 'moratorium area' means—

"(i) any area withdrawn from disposition by leasing by the memorandum entitled 'Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition' (34 Weekly Comp. Pres. Doc. 1111 (June 12, 1998)); and

"(ii) any area of the outer Continental Shelf as to which Congress has denied the use of appropriated funds or other means for preleasing, leasing, or related activities.

"(2) RESOURCE ESTIMATES.—

"(A) REQUESTS.—At any time, the Governor of an affected State, acting on behalf of the State, may request the Secretary to provide a current estimate of proven and potential gas, or oil and gas, resources in any moratorium area (or any part of the moratorium area the Governor identifies) adjacent to, or lying seaward of the coastline of, that State.

"(B) RESPONSE OF SECRETARY.—Not later than 45 days after the date on which the Governor of a State requests an estimate under subparagraph (A), the Secretary shall provide—

"(i) a delineation of the lateral boundaries between the coastal States, in accordance with—

"(I) any judicial decree or interstate compact delineating lateral offshore boundaries between coastal States;

"(II) any principles of domestic and international law governing the delineation of lateral offshore boundaries; and

"(III) to the maximum extent practicable, existing lease boundaries and block lines based on the official protraction diagrams of the Secretary;

"(ii) a current inventory of proven and potential gas, or oil and gas, resources in any moratorium areas within the area off the shore of a State, in accordance with the lateral boundaries delineated under clause (i), as requested by the Governor; and

"(iii) an explanation of the planning processes that could lead to the leasing, exploration, development, and production of the gas, or oil and gas, resources within the area identified.

"(3) MAKING CERTAIN AREAS AVAILABLE FOR LEASING.—

"(A) PETITION.—

"(i) IN GENERAL.—On consideration of the information received from the Secretary, the Governor (acting on behalf of the State of the Governor) may submit to the Secretary a petition requesting that the Secretary make available for leasing any portion of a moratorium area off the coast of the State, in accordance with the lateral boundaries delineated under paragraph (2)(B)(i).

"(ii) CONTENTS.—In a petition under clause (i), a Governor may request that an area described in that clause be made available for leasing under subsection (b) or (q), or both, of section 8.

"(B) ACTION BY SECRETARY.—Not later than 90 days after the date of receipt of a petition under subparagraph (A), the Secretary shall approve the petition unless the Secretary determines that leasing in the affected area presents a significant likelihood of incidents associated with the development of resources that would cause serious harm or damage to the marine resources of the area or of an adjacent State.

"(C) FAILURE TO ACT.—If the Secretary fails to approve or deny a petition in accordance with subparagraph (B), the petition shall be considered to be approved as of the date that is 90 days after the date of receipt of the petition.

"(D) TREATMENT.—Notwithstanding any other provision of this section, not later than 180 days after the date on which a petition is approved, or considered to be approved, under subparagraph (B) or (C), the Secretary shall—

"(i) treat the petition of the Governor under subparagraph (A) as a proposed revision to a leasing program under this section; and

"(ii) except as provided in subparagraph (E), expedite the revision of the 5-year outer Continental Shelf oil and gas leasing program in effect as of that date to include any lease sale for any area covered by the petition.

"(E) INCLUSION IN SUBSEQUENT PLANS.—

"(i) In general.—If there are fewer than 18 months remaining in the 5-year outer Continental Shelf oil and gas leasing program described in subparagraph (D)(ii), the Secretary, without consultation with any State, shall include the areas covered by the petition in lease sales under the subsequent 5-year outer Continental Shelf oil and gas leasing program.

"(ii) Environmental assessment.—Before modifying a 5-Year Outer Continental Shelf Oil and Gas Leasing Program under clause (i), the Secretary shall complete an environmental assessment that describes any anticipated environmental effect of leasing in the area under the petition.

"(F) Spending limitations.—Any Federal spending limitation with respect to preleasing, leasing, or a related activity in an area made available for leasing under this paragraph shall terminate as of the date on which the petition of the Governor relating to the area is approved, or considered to be approved, under subparagraph (B) or (C).

"(G) Coastal zone management.—For purposes of title III of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), any activity relating to leasing and subsequent production in an area made available for leasing under this paragraph shall—

"(i) if the leased area is located more than 20 miles offshore of an adjacent State (or the boundaries of the State as delineated under paragraph (2)(B)), be considered by the Secretary of Commerce to be necessary to the interest of national security and be carried out notwithstanding the objection of a State to a consistency certification under that Act; or

"(ii) if the leased area is located not greater than 20 miles offshore of an adjacent State, be subject to section 307(c) of that Act (16 U.S.C. 1456(c)).

"(4) Revenue sharing.—

"(A) Bonus bids.—If the Governor of a State requests the Secretary to allow gas, or oil or natural gas, leasing in the moratorium area and the Secretary allows that leasing, the State shall, without further appropriation or action, receive 25 percent of any bonus bid paid for leasing rights in the area.

"(B) Post leasing revenues.—In addition to bonus bids under subparagraph (A), a State described in subparagraph (A) shall receive 25 percent of—

"(i) any lease rental minimum royalty;

"(ii) any royalty proceeds from a sale of royalties taken in kind by the Secretary; and

"(iii) any other revenues from a bidding system under section 8.

"(C) Conservation royalties.—After making distributions in accordance with subparagraphs (A) and (B), and in accordance with section 31, the Secretary, in coordination with the Governor of a State, shall, without further appropriation or action, distribute a conservation royalty of 12.5 percent of Federal royalty revenues in an area leased under this section, not to exceed $1,250,000,000 for any year, to 1 or more of the following:

"(i) The Coastal and Estuary Habitat Restoration Trust Fund.

"(ii) The wildlife restoration fund established under section 3 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b).

"(iii) The Land and Water Conservation Fund to provide financial assistance to States under section 6 of that Act (16 U.S.C. 460*l*–8).

"(5) Application.—This subsection shall not apply to—

"(A) any area designated as a national marine sanctuary or a national wildlife refuge;

"(B) the Lease Sale 181 planning area;

"(C) any area not included in the outer Continental Shelf;

"(D) the Great Lakes, as defined in section 118(a)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3));

"(E) the eastern coast of the State of Florida; OR

"(F) Bristol Bay.".

(c) Great Lakes Oil and Gas Drilling Ban.—No Federal or State permit or lease shall be issued for new oil and gas slant, directional, or offshore drilling in or under 1 or more of the Great Lakes (as defined in section 118(a)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3))).

SA 973. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 12, strike line 16 and insert the following:

"(5) Prohibition.—No exploration or production activities under this subsection may be carried out within 100 nautical miles of a national park, national seashore, national military park, national marine sanctuary, location listed on the National Register of Historic Places, or State park facility.

"(6) Application.—This subsection shall not

SA 974. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page 11, strike line 3 and all that follows through page 12, line 15 and insert the following:

"(4) Use of revenue.—If the Governor of a State requests the Secretary to allow gas, or oil or natural gas, leasing in the moratorium area, and the Secretary allows that leasing, any additional revenue raised by the leasing shall be deposited in the general fund of the Treasury for purposes of deficit reduction.

SA 975. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 12, strike line 16 and insert the following:

"(5) Prohibition.—No exploration or production activities under this subsection may be carried out within 100 nautical miles of a military training area.

"(6) Application.—This subsection shall not

SA 976. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 12, strike line 16 and insert the following:

"(5) Liability.—Any person that conducts exploration or production activities in accordance with a gas, or oil or natural gas, lease under this subsection shall be liable for any environmental or economic damages that result from those activities.

"(6) Application.—This subsection shall not

SA 977. Mr. SNOWE submitted an amendment intended to be proposed to amendment SA 825 submitted by Mr. Kerry and intended to be proposed to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

(f) Authority to Provide Disaster Assistance to Aquaculture Enterprises.—Section 18(b)(1) of the Small Business Act (15 U.S.C. 647(b)(1)) is amended—

(1) by striking "aquaculture,"; and

(2) by inserting before the semicolon at the end ", other than aquaculture".

SA 978. Mr. FRIST (for Mr. Conrad (for himself, Mr. Durbin, and Ms. Stabenow)) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

On page 767, strike lines 6 through 15, and insert the following:

(D) facilities that—

(i) generate 1 or more hydrogen-rich and carbon monoxide-rich product streams from the gasification of coal or coal waste; and

(ii) use those streams to facilitate the production of ultra clean premium fuels through the Fischer-Tropsch process.

SA 979. Mr. FRIST (for Mr. Hatch (for himself and Mr. Salazar)) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

Beginning on page 290, strike line 6 and all that follows through page 296, line 25, and insert the following:

SEC. 346. OIL SHALE AND TAR SANDS.

(a) Declaration of Policy.—Congress declares that it is the policy of the United States that—

(1) United States oil shale and tar sands are strategically important domestic resources that should be developed through methods that help reduce the growing dependence of the United States on politically and economically unstable sources of foreign oil imports;

(2) the development of oil shale and tar sands, for research and commercial development, should be conducted in an economically feasible and environmentally sound manner, using practices that minimize impacts;

(3) development should occur at a deliberate pace, with an emphasis on sustainability, to benefit the United States while taking into account affected States and communities; and

(4) the Secretary of the Interior should work toward developing a commercial leasing program for oil shale and tar sands so that such a program can be implemented when production technologies are commercially viable.

(b) Leasing Program.—

(1) Research and Development.—

(A) In general.—In accordance with section 21 of the Mineral Leasing Act (30 U.S.C. 241) and any other applicable law, except as provided in this section, not later than 1 year after the date of enactment of this Act, from land otherwise available for leasing, the Secretary of the Interior (referred to in this section as the "Secretary") shall, for a period determined by the Secretary, make available for leasing such land as the Secretary considers to be necessary to conduct research and development activities with respect to innovative technologies for the recovery of shale oil from oil shale resources on public land.

(B) Application.—The Secretary may offer to lease the land to persons that submit an application for the lease, if the Secretary determines that there is no competitive interest in the land.

(C) Administration.—In carrying out this paragraph, the Secretary shall—

(i) provide for environmentally sound research and development of oil shale;

(ii) provide for an appropriate return to the public, as determined by the Secretary;

(iii) before carrying out any activity that will disturb the surface of land, provide for an adequate bond, surety, or other financial arrangement to ensure reclamation;

(iv) provide for a primary lease term of 10 years, after which the lease term may be extended if the Secretary determines that diligent research and development activities are occurring on the land leased;

(v) require the owner or operator of a project under this subsection, within such period as the Secretary may determine—

(I) to submit a plan of operations;

(II) to develop an environmental protection plan; and

(III) to undertake diligent research and development activities;

(vi) ensure that leases under this section are not larger than necessary to conduct research and development activities under an application under subparagraph (B);

(vii) provide for consultation with affected State and local governments; and

(viii) provide for such requirements as the Secretary determines to be in the public interest.

(2) Commercial leasing.—Prior to conducting commercial leasing, the Secretary shall carry out—

(A) the programmatic environmental impact statement required under subsection (c); and

(B) the analysis required under subsection (d).

(3) Moneys received.—Any moneys received from a leasing activity under this subsection shall be paid in accordance with section 35 of the Mineral Leasing Act (30 U.S.C. 191).

(c) Programmatic Environmental Impact Statement.—Not later than 18 months after the date of enactment of this Act, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the Secretary shall complete a programmatic environmental impact statement that analyzes potential leasing for commercial development of oil shale resources on public land.

(d) Analysis of Potential Leasing Program.—

(1) In general.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report (including recommendations) analyzing a potential leasing program for the commercial development of oil shale on public land.

(2) Inclusions.—The report under paragraph (1) shall include—

(A) an analysis of technologies and research and development programs for the production of oil and other materials from oil shale and tar sands in existence on the date on which the report is prepared;

(B) an analysis of—

(i) whether leases under the program should be issued on a competitive basis;

(ii) the term of the leases;

(iii) the maximum size of the leases;

(iv) the use and distribution of bonus bid lease payments;

(v) the royalty rate to be applied, including whether a sliding scale royalty rate should be used;

(vi) whether an opportunity should be provided to convert research and development leases into leases for commercial development, including the terms and conditions that should apply to the conversion;

(vii) the maximum number of leases and maximum acreage to be leased under the leasing program to an individual; and

(viii) any infrastructure required to support oil shale development in industry and communities;

(C) an identification of events that should serve as a precursor to commercial leasing, including development of environmentally and commercially viable technologies, and the completion of land use planning and environmental reviews; and

(D) an analysis, developed in conjunction with the appropriate State water resource agencies, of the demand for, and availability of, water with respect to the development of oil shale and tar sands.

(3) Public participation.—In preparing the report under this subsection, the Secretary shall provide notice to, and solicit comment from—

(A) the public;

(B) representatives of local governments;

(C) representatives of industry; and

(D) other interested parties.

(4) Participation by certain States.—In preparing the report under this subsection, the Secretary shall—

(A) provide notice to, and solicit comment from, the Governors of the States of Colorado, Utah, and Wyoming; and

(B) incorporate into the report submitted to Congress under paragraph (1) any response of the Secretary to those comments.

(e) Oil Shale and Tar Sands Task Force.—

(1) Establishment.—The Secretary of Energy, in cooperation with the Secretary of the Interior, shall establish an Oil Shale and Tar Sands Task Force to develop a program to coordinate and accelerate the commercial development of oil shale and tar sands in an integrated manner.

(2) Composition.—The Task Force shall be composed of—

(A) the Secretary of Energy (or the designee of the Secretary of Energy);

(B) the Secretary of Defense (or the designee of the Secretary of Defense);

(C) the Secretary of the Interior (or the designee of the Secretary of the Interior);

(D) the Governors of the affected States; and

(E) representatives of local governments in affected areas.

(3) Development of a 5-year plan.—

(A) In general.—The Task Force shall formulate a 5-year plan to promote the development of oil shale and tar sands.

(B) Components.—In formulating the plan, the Task Force shall—

(i) identify public actions that are required to stimulate prudent development of oil shale and tar sands;

(ii) analyze the costs and benefits of those actions;

(iii) make recommendations concerning specific actions that should be taken to stimulate prudent development of oil shale and tar sands, including economic, investment, tax, technology, research and development, infrastructure, environmental, education, and socio-economic actions;

(iv) consult with representatives of industry and other stakeholders;

(v) provide notice and opportunity for public comment on the plan;

(vi) identify oil shale and tar sands technologies that—

(I) are ready for pilot plant and semiworks development; and

(II) have a high probability of leading to advanced technology for first- or second-generation commercial production; and

(vii) assess the availability of water from the Green River Formation to meet the potential needs of oil shale and tar sands development.

(4) National program office.—The Task Force shall analyze and make recommendations regarding the need for a national program office to administer the plan.

(5) Partnership.—The Task Force shall recommend whether to initiate a partnership with Alberta, Canada, for purposes of sharing information relating to the development and production of oil from tar sands.

(6) Reports.—

(A) Initial report.—Not later than 180 days after the date of enactment of this Act, the Task Force shall submit to the President and Congress a report that describes the analysis and recommendations of the Task Force and contains the 5-year plan.

(B) Subsequent reports.—The Secretary of Energy shall provide an annual report describing the progress in carrying out the plan for each of the 5 years following submission of the report provided for in subparagraph (A).

(f) Mineral Leasing Act Amendments.—Section 21(a) of the Mineral Leasing Act (30 U.S.C. 241(a)) is amended—

(1) by designating the first, second, and third sentences as paragraphs (1), (2), and (3), respectively; and

(2) in paragraph (3) (as designated by paragraph (1))—

(A) by striking "rate of 50 cents per acre" and inserting "rate of $2.00 per acre"; and

(B) in the last proviso—

(i) by striking "That not more than one lease shall be granted under this section to any" and inserting "That no"; and

(ii) by striking "except that with respect to leases for" and inserting "shall acquire or hold more than 25,000 acres of oil shale leases in the United States. For".

(g) Cost-Shared Demonstration Technologies.—

(1) Identification.—The Secretary of Energy shall identify technologies for the development of oil shale and tar sands that—

(A) are ready for demonstration at a commercially-representative scale; and

(B) have a high probability of leading to commercial production.

(2) Assistance.—For each technology identified under paragraph (1), the Secretary of Energy may provide—

(A) technical assistance;

(B) assistance in meeting environmental and regulatory requirements; and

(C) cost-sharing assistance in accordance with section 1002.

(h) Technical Assistance.—

(1) In general.—The Secretary of Energy may provide technical assistance for the purpose of overcoming technical challenges to the development of oil shale and tar sands technologies for application in the United States.

(2) Administration.—The Secretary of Energy may provide technical assistance under this section on a cost-shared basis in accordance with section 1002.

(i) National Oil Shale Assessment.—

(1) Assessment.—

(A) In general.—The Secretary shall carry out a national assessment of oil shale resources for the purposes of evaluating and mapping oil shale deposits, in the geographic areas described in subparagraph (B).

(B) Geographic areas.—The geographic areas referred to in subparagraph (A), listed in the order in which the Secretary shall assign priority, are—

(i) the Green River Region of the States of Colorado, Utah, and Wyoming;

(ii) the Devonian oil shales of the eastern United States; and

(iii) any remaining area in the central and western United States (including the State of Alaska) that contains oil shale, as determined by the Secretary.

(2) Use of state surveys and universities.—In carrying out the assessment under paragraph (1), the Secretary may request assistance from any State-administered geological survey or university.

(j) State Water Rights.—Nothing in this section preempts or affects any State water law or interstate compact relating to water.

(k) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 980. Mr. FRIST (for Ms. Stabenow (for herself, Mrs. Boxer, and Mr. Dorgan)) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

At the appropriate place, insert the following:

SEC. . INVESTIGATION OF GASOLINE PRICES.

(a) Investigation.—Not later than 90 days after the date of enactment of this Act, the Federal Trade Commission shall conduct an investigation to determine if the price of gasoline is being artificially manipulated by reducing refinery capacity or by any other form of market manipulation or price gouging practices.

(b) Evaluation and Analysis.—The Secretary shall direct the National Petroleum Council to conduct an evaluation and analysis to determine whether, and to what extent, environmental and other regulations affect new domestic refinery construction and significant expansion of existing refinery capacity.

(c) Reports to Congress.—

(1) Investigation.—On completion of the investigation under subsection (a), the Federal Trade Commission shall submit to Congress a report that describes—

(A) the results of the investigation; and

(B) any recommendations of the Federal Trade Commission.

(2) Evaluation and analysis.—On completion of the evaluation and analysis under subsection (b), the Secretary shall submit to Congress a report that describes—

(A) the results of the evaluation and analysis; and

(B) any recommendations of the National Petroleum Council.

SA 981. Mr. FRIST (for Mr. Kohl (for himself, Mr. DeWine, and Mr. Lieberman)) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

On page 53, strike lines 4 through 8 and insert the following:

Small Business Administration shall make program information available directly to small businesses and through other Federal agencies, including the Federal Emergency Management Agency and the Department of Agriculture, and coordinate assistance with the Secretary of Commerce for manufacturing-related efforts, including the Manufacturing Extension Partnership Program.".

SA 982. Mr. FRIST (for Mr. Alexander) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

On page 755, after line 25, add the following:

SEC. 13 . STUDY OF BEST MANAGEMENT PRACTICES FOR ENERGY RESEARCH AND DEVELOPMENT PROGRAMS.

(a) In General.—The Secretary shall enter into an arrangement with the National Academy of Public Administration under which the Academy shall conduct a study to assess management practices for research, development, and demonstration programs at the Department.

(b) Scope of the Stúdy.—The study shall consider—

(1) management practices that act as barriers between the Office of Science and offices conducting mission-oriented research;

(2) recommendations for management practices that would improve coordination and bridge the innovation gap between the Office of Science and offices conducting mission-oriented research;

(3) the applicability of the management practices used by the Department of Defense Advanced Research Programs Agency to research programs at the Department;

(4) the advisability of creating an agency within the Department modeled after the Department of Defense Advanced Research Projects Agency;

(5) recommendations for management practices that could best encourage innovative research and efficiency at the Department; and

(6) any other relevant considerations.

(c) Report.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under this section.

SA 983. Mr. FRIST (for Mr. Jeffords) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

On page 131, line 20, insert "livestock methane," after "landfill gas,".

SA 984. Mr. FRIST (for Mr. Cornyn) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

On page 517, after line 22, insert the following:

SEC. 9___. LOW-VOLUME GAS RESERVOIR RESEARCH PROGRAM.

(a) Definitions of GIS.—In this section, the term "GIS" means geographic information systems technology that facilitates the organization and management of data with a geographic component.

(b) Program.—The Secretary shall establish a program of research, development, demonstration, and commercial application to maximize the productive capacity of marginal wells and reservoirs.

(c) Data Collection.—Under the program, the Secretary shall collect data on—

(1) the status and location of marginal wells and gas reservoirs;

(2) the production capacity of marginal wells and gas reservoirs;

(3) the location of low-pressure gathering facilities and pipelines; and

(4) the quantity of natural gas vented or flared in association with crude oil production.

(d) Analysis.—Under the program, the Secretary shall—

(1) estimate the remaining producible reserves based on variable pipeline pressures; and

(2) recommend measures that will enable the continued production of those resources.

(e) Study.—

(1) In general.—The Secretary may award a grant to an organization of States that contain significant numbers of marginal oil and natural gas wells to conduct an annual study of low-volume natural gas reservoirs.

(2) Organization with no GIS capabilities.—If an organization receiving a grant under paragraph (1) does not have GIS capabilities, the organization shall contract with an institution of higher education with GIS capabilities.

(3) State geologists.—The organization receiving a grant under paragraph (1) shall collaborate with the State geologist of each State being studied.

(f) Public Information.—The Secretary may use the data collected and analyzed under this section to produce maps and literature to disseminate to States to promote conservation of natural gas reserves.

(g) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $1,500,000 for fiscal year 2006; and

(2) $450,000 for each of fiscal years 2007 and 2008.

SA 985. Mr. FRIST (for Mrs. Hutchison) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

On page 767, between lines 21 and 22, insert the following:

(3) Petroleum coke gasification projects.—The Secretary is encouraged to make loan guarantees under this title available for petroleum coke gasification projects.

SA 986. Mr. FRIST (for Mr. Jeffords) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

On page 159, after line 23, add the following:

SEC. . RURAL AND REMOTE COMMUNITY ELECTRIFICATION GRANTS.

The Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended in title VI by adding at the end the following:

"SEC. 609. RURAL AND REMOTE COMMUNITIES ELECTRIFICATION GRANTS.

"(a) Definitions.—In this section:

"(1) The term 'eligible grantee' means a local government or municipality, peoples' utility district, irrigation district, and cooperative, nonprofit, or limited-dividend association in a rural area.

"(2) The term 'incremental hydropower' means additional generation achieved from increased efficiency after January 1, 2005, at a hydroelectric dam that was placed in service before January 1, 2005.

"(3) The term 'renewable energy' means electricity generated from—

"(A) a renewable energy source; or

"(B) hydrogen, other than hydrogen produced from a fossil fuel, that is produced from a renewable energy source.

"(4) The term 'renewable energy source' means—

"(A) wind;

"(B) ocean waves;

"(C) biomass;

"(D) solar

"(E) landfill gas;

"(F) incremental hydropower;

"(G) livestock methane; or

"(H) geothermal energy.

"(5) The term 'rural area' means a city, town, or unincorporated area that has a population of not more than 10,000 inhabitants.

"(b) GRANTS.—The Secretary, in consultation with the Secretary of Agriculture and the Secretary of the Interior, may provide grants under this section to eligible grantees for the purpose of—

"(1) increasing energy efficiency, siting or upgrading transmission and distribution lines serving rural areas,; or

"(2) providing or modernizing electric generation facilities that serve rural areas.

"(c) GRANT ADMINISTRATION.—(1) The Secretary shall make grants under this section based on a determination of cost-effectiveness and the most effective use of the funds to achieve the purposes described in subsection (b).

"(2) For each fiscal year, the Secretary shall allocate grant funds under this section equally between the purposes described in paragraphs (1) and (2) of subsection (b).

"(3) In making grants for the purposes described in subsection (b)(2), the Secretary shall give preference to renewable energy facilities.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $20,000,000 for each of fiscal years 2006 through 2012.".

SA 987. Mr. FRIST (for Mr. ALEXANDER) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

On page 755, after line 25, add the following:

SEC. 13___. PASSIVE SOLAR TECHNOLOGIES.

(a) DEFINITION OF PASSIVE SOLAR TECHNOLOGY.—In this section, the term "passive solar technology" means a passive solar technology, including daylighting, that—

(1) is used exclusively to avoid electricity use; and

(2) can be metered to determine energy savings.

(b) STUDY.—The Secretary shall conduct a study to determine—

(1) the range of levelized costs of avoided electricity for passive solar technologies;

(2) the quantity of electricity displaced using passive solar technologies in the United States as of the date of enactment of this Act; and

(3) the projected energy savings from passive solar technologies in 5, 10, 15, 20, and 25 years after the date of enactment of this Act if—

(A) incentives comparable to the incentives provided for electricity generation technologies were provided for passive solar technologies; and

(B) no new incentives for passive solar technologies were provided.

(c) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study under subsection (b).

SA 988. Mr. FRIST (for Mr. HARKIN) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

On page 489, between lines 20 and 21, insert the following:

SEC. 9 . HYDROGEN INTERMEDIATE FUELS RESEARCH PROGRAM.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture, shall carry out a 3-year program of research, development, and demonstration on the use of ethanol and other low-cost transportable renewable feedstocks as intermediate fuels for the safe, energy efficient, and cost-effective transportation of hydrogen.

(b) GOALS.—The goals of the program shall include—

(1) demonstrating the cost-effective conversion of ethanol or other low-cost transportable renewable feedstocks to pure hydrogen suitable for eventual use in fuel cells;

(2) using existing commercial reforming technology or modest modifications of existing technology to reform ethanol or other low-cost transportable renewable feedstocks into hydrogen;

(3) converting at least 1 commercially available internal combustion engine hybrid electric passenger vehicle to operate on hydrogen;

(4) not later than 1 year after the date on which the program begins, installing and operating an ethanol reformer, or reformer for another low-cost transportable renewable feedstock (including onsite hydrogen compression, storage, and dispensing), at the facilities of a fleet operator;

(5) operating the 1 or more vehicles described in paragraph (3) for a period of at least 2 years; and

(6) collecting emissions and fuel economy data on the 1 or more vehicles described in paragraph (3) in various operating and environmental conditions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SA 989. Mr. FRIST (for Mr. DOMENICI) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

On page 11, between lines 10 and 11, insert the following:

(O) Savannah River National Laboratory.

On page 11, line 11, strike "(O)" and insert "(P)".

On page 11, line 12, strike "(P)" and insert "(Q)".

Beginning on page 47, strike line 11 and all that follows through page 49, line 4, and insert the following:

SEC. 127. STATE BUILDING ENERGY EFFICIENCY CODES INCENTIVES.

Section 304(e) of the Energy Conservation and Production Act (42 U.S.C. 6833(e)) is amended—

(1) in paragraph (1), by inserting before the period at the end of the first sentence the following: ", including increasing and verifying compliance with such codes"; and

(2) by striking paragraph (2) and inserting the following:

"(2) Additional funding shall be provided under this subsection for implementation of a plan to achieve and document at least a 90 percent rate of compliance with residential and commercial building energy efficiency codes, based on energy performance—

"(A) to a State that has adopted and is implementing, on a statewide basis—

"(i) a residential building energy efficiency code that meets or exceeds the requirements of the 2004 International Energy Conservation Code, or any succeeding version of that code that has received an affirmative determination from the Secretary under subsection (a)(5)(A); and

"(ii) a commercial building energy efficiency code that meets or exceeds the requirements of the ASHRAE Standard 90.1–2004, or any succeeding version of that standard that has received an affirmative determination from the Secretary under subsection (b)(2)(A); or

"(B) in a State in which there is no statewide energy code either for residential buildings or for commercial buildings, to a local government that has adopted and is implementing residential and commercial building energy efficiency codes, as described in subparagraph (A).

"(3) Of the amounts made available under this subsection, the Secretary may use $500,000 for each fiscal year to train State and local officials to implement codes described in paragraph (2).

"(4)(A) There are authorized to be appropriated to carry out this subsection—

"(i) $25,000,000 for each of fiscal years 2006 through 2010; and

"(ii) such sums as are necessary for fiscal year 2011 and each fiscal year thereafter.

"(B) Funding provided to States under paragraph (2) for each fiscal year shall not exceed ½ of the excess of funding under this subsection over $5,000,000 for the fiscal year.".

On page 76, lines 9 and 10, strike "January 1, 2006" and insert "January 1, 2007".

On page 234, strike lines 23 through 25, and insert the following:

(20) by striking "section 104(b) of the Naval Petroleum Reserves Production Act of 1976 (90 Stat. 304; 42 U.S.C. 6504)" and inserting "section 104(a)"; and

On page 296, after line 25, add the following:

SEC. 347. FINGER LAKES WITHDRAWAL.

All Federal land within the boundary of Finger Lakes National Forest in the State of New York is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws; and

(2) disposition under all laws relating to oil and gas leasing.

On page 321, line 18, insert "by the Commission" after "request".

On page 353, strike lines 19 through 24 and insert the following:

on Indian land;

"(C) provide low-interest loans to Indian tribes and tribal energy resource development organizations for use in the promotion of energy resource development on Indian land and integration of energy resources; and

"(D) provide grants and technical assistance to an appropriate tribal environmental organization, as determined by the Secretary, that represents multiple Indian tribes to establish a national resource center to develop tribal capacity to establish and carry out tribal environmental programs in support of energy-related programs and activities under this title, including—

"(i) training programs for tribal environmental officials, program managers, and other governmental representatives;

"(ii) the development of model environmental policies and tribal laws, including tribal environmental review codes, and the creation and maintenance of a clearinghouse of best environmental management practices; and

"(iii) recommended standards for reviewing the implementation of tribal environmental laws and policies within tribal judicial or other tribal appeals systems.

On page 356, between lines 15 and 16, insert the following:

"(C) In providing a grant under this subsection for an activity to provide, or expand the provision of, electricity on Indian land, the Director shall encourage cooperative arrangements between Indian tribes and utilities that provide service to Indian tribes, as the Director determines to be appropriate.

On page 357, line 6, insert "(A)" after "(2)".

On page 357, between lines 16 and 17, insert the following:

"(B) In providing a loan guarantee under this subsection for an activity to provide, or expand the provision of, electricity on Indian land, the Secretary of Energy shall encourage cooperative arrangements between Indian tribes and utilities that provide service to Indian tribes, as the Secretary determines to be appropriate.

On page 488, strike lines 5 through 9 and insert the following:

(a) DEFINITION OF LIGNOCELLULOSIC FEEDSTOCK.—In this section, the term "lignocellulosic feedstock" means any portion of a plant or coproduct from conversion, including crops, trees, and agricultural and forest residues not specifically grown for food.

On page 489, line 3, strike "cellulosic feedstocks" and insert "lignocellulosic feedstocks".

On page 489, lines 11 and 12, strike "cellulosic feedstocks" and insert "lignocellulosic feedstocks".

On page 503, strike lines 22 through 24.

On page 504, line 1, strike "(2)" and insert "(1)".

On page 504, strike lines 4 through 7 and insert the following:

(2) For activities under section 955—

(A) $337,000,000 for fiscal year 2006;

(B) $364,000,000 for fiscal year 2007; and

(C) $394,000,000 for fiscal year 2008.

(3) For activities under section 956—

(A) $20,000,000 for fiscal year 2006;

(B) $25,000,000 for fiscal year 2007; and

(C) $30,000,000 for fiscal year 2008.

On page 504, line 24, strike "(b)(2)" and insert "(b)(1)".

Beginning on page 505, strike lines 17 and all that follows through page 506, line 2.

On page 506, line 3, strike "(c)" and insert "(b)".

On page 506, line 11, strike "(d)" and insert "(c)".

Beginning on page 519, strike line 9 and all that follows through page 523, line 6, and insert the following:

SEC. 955. COAL AND RELATED TECHNOLOGIES PROGRAM.

(a) IN GENERAL.—In addition to the programs authorized under title IV, the Secretary shall conduct a program of technology research, development, and demonstration and commercial application for coal and power systems, including programs to facilitate production and generation of coal-based power through—

(1) innovations for existing plants (including mercury removal);

(2) gasification systems;

(3) advanced combustion systems;

(4) turbines for synthesis gas derived from coal;

(5) carbon capture and sequestration research and development;

(6) coal-derived chemicals and transportation fuels;

(7) liquid fuels derived from low rank coal water;

(8) solid fuels and feedstocks;

(9) advanced coal-related research;

(10) advanced separation technologies; and

(11) fuel cells for the operation of synthesis gas derived from coal.

(b) COST AND PERFORMANCE GOALS.—

(1) IN GENERAL.—In carrying out programs authorized by this section, the Secretary shall identify cost and performance goals for coal-based technologies that would permit the continued cost-competitive use of coal for the production of electricity, chemical feedstocks, and transportation fuels in 2008, 2010, 2012, and 2016, and each calendar year beginning after September 30, 2021.

(2) ADMINISTRATION.—In establishing the cost and performance goals, the Secretary shall—

(A) consider activities and studies undertaken as of the date of enactment of this Act by industry in cooperation with the Department in support of the identification of the goals;

(B) consult with interested entities, including—

(i) coal producers;

(ii) industries using coal;

(iii) organizations that promote coal and advanced coal technologies;

(iv) environmental organizations;

(v) organizations representing workers; and

(vi) organizations representing consumers;

(C) not later than 120 days after the date of enactment of this Act, publish in the Federal Register proposed draft cost and performance goals for public comments; and

(D) not later than 180 days after the date of enactment of this Act and every 4 years thereafter, submit to Congress a report describing the final cost and performance goals for the technologies that includes—

(i) a list of technical milestones; and

(ii) an explanation of how programs authorized in this section will not duplicate the activities authorized under the Clean Coal Power Initiative authorized under title IV.

(c) POWDER RIVER BASIN AND FORT UNION LIGNITE COAL MERCURY REMOVAL.—

(1) IN GENERAL.—In addition to the programs authorized by subsection (a), the Secretary may establish a program to test and develop technologies to control and remove mercury emissions from subbituminous coal mined in the Powder River Basin, and Fort Union lignite coals, that are used for the generation of electricity.

(2) EFFICACY OF MERCURY REMOVAL TECHNOLOGY.—In carrying out the program under paragraph (1), the Secretary shall examine the efficacy of mercury removal technologies on coals described in that paragraph that are blended with other types of coal.

SEC. 956. CARBON CAPTURE RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out a 10-year carbon capture research and development program to develop carbon dioxide capture technologies on combustion-based systems for use—

(1) in new coal utilization facilities; and

(2) on the fleet of coal-based units in existence on the date of enactment of this Act.

(b) OBJECTIVES.—The objectives of the program under subsection (a) shall be—

(1) to develop carbon dioxide capture technologies, including adsorption and absorption techniques and chemical processes, to remove the carbon dioxide from gas streams containing carbon dioxide potentially amenable to sequestration;

(2) to develop technologies that would directly produce concentrated streams of carbon dioxide potentially amenable to sequestration;

(3) to increase the efficiency of the overall system to reduce the quantity of carbon dioxide emissions released from the system per megawatt generated; and

(4) in accordance with the carbon dioxide capture program, to promote a robust carbon sequestration program and continue the work of the Department, in conjunction with the private sector, through regional carbon sequestration partnerships.

On page 522, between lines 8 and 9, insert the following:

(d) FUEL CELLS.—

(1) IN GENERAL.—The Secretary shall conduct a program of research, development, demonstration, and commercial application on fuel cells for low-cost, high-efficiency, fuel-flexible, modular power systems.

(2) DEMONSTRATIONS.—The demonstrations referred to in paragraph (1) shall include solid oxide fuel cell technology for commercial, residential, and transportation applications, and distributed generation systems, using improved manufacturing production and processes.

On page 558, beginning on line 22, strike "of the Senate" and all that follows through "Commerce" on line 23 and insert "and the Committee on Foreign Relations of the Senate and the Committee on Energy and Commerce and the Committee on International Relations".

On page 595, between lines 4 and 5, insert the following:

(2) REPORT ON TRENDS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on current trends under paragraph (1), with recommendations (as appropriate) to meet the future labor requirements for the energy technology industries.

On page 595, line 5, strike "(2) REPORT.—As" and insert the following:

(3) REPORT ON SHORTAGE.—AS

On page 596, strike line 22 and all that follows through page 597, line 20, and insert the following:

SEC. 1103. EDUCATIONAL PROGRAMS IN SCIENCE AND MATHEMATICS.

(a) SCIENCE EDUCATION ENHANCEMENT FUND.—Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is amended by adding at the end:

"(c) SCIENCE EDUCATION ENHANCEMENT FUND.—The Secretary shall use not less than 0.2 percent of the amount made available to the Department for fiscal year 2006 and each fiscal year thereafter to carry out activities authorized by this part.".

(b) AUTHORIZED EDUCATION ACTIVITIES.—Section 3165 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381b) is amended by adding at the end the following:

"(14) Support competitive events for students under the supervision of teachers, designed to encourage student interest and knowledge in science and mathematics.

"(15) Support competitively-awarded, peer-reviewed programs to promote professional development for mathematics teachers and science teachers who teach in grades from kindergarten through grade 12 at Department research and development facilities.

"(16) Support summer internships at Department research and development facilities, for mathematics teachers and science teachers who teach in grades from kindergarten through grade 12.

"(17) Sponsor and assist in educational and training activities identified as critical skills needs for future workforce development at Department research and development facilities.".

(c) EDUCATIONAL PARTNERSHIPS.—Section 3166(b) of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381c(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) loaning or transferring equipment to the institution;";

(2) in paragraph (5), by striking "and" at the end;

(3) in paragraph (6), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(7) providing funds to educational institutions to hire personnel to facilitate interactions between local school systems, Department research and development facilities, and corporate and governmental entities.".

(d) DEFINITION OF DEPARTMENT RESEARCH AND DEVELOPMENT FACILITIES.—Section 3167(3) of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381d(3)) is amended by striking "from the Office of Science of the Department of Energy" and inserting "by the Department of Energy".

(e) STUDY.—

(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Public Administration to conduct a study of the priorities, quality, local and regional flexibility, and plans for educational programs at Department research and development facilities.

(2) INCLUSION.—The study shall recommend measures that the Secretary may take to improve Department-wide coordination of educational, workforce development, and critical skills development activities.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under this subsection.

On page 599, line 15, insert "(as amended by section 1103(a))" after "7381a)".

On page 599, line 17, strike "(c)" and insert "(d)".

On page 686, line 3, insert "by the Commission" after "request".

On page 755, after line 25, add the following:

SEC. 13 . STUDY OF LINK BETWEEN ENERGY SECURITY AND INCREASES IN VEHICLE MILES TRAVELED.

(a) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to assess the implications on energy use and efficiency of land development patterns in the United States.

(b) SCOPE.—The study shall consider—

(1) the correlation, if any, between land development patterns and increases in vehicle miles traveled;

(2) whether petroleum use in the transportation sector can be reduced through changes in the design of development patterns;

(3) the potential benefits of—

(A) information and education programs for State and local officials (including planning officials) on the potential for energy savings through planning, design, development, and infrastructure decisions;

(B) incorporation of location efficiency models in transportation infrastructure planning and investments; and

(C) transportation policies and strategies to help transportation planners manage the demand for the number and length of vehicle trips, including trips that increase the viability of other means of travel; and

(4) such other considerations relating to the study topic as the National Academy of Sciences finds appropriate.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to the Secretary and Congress a report on the study conducted under this section.

SEC. 13 . STUDY OF AVAILABILITY OF SKILLED WORKERS.

(a) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the National Academy of Sciences shall conduct a study of the short-term and long-term availability of skilled workers to meet the energy and mineral security requirements of the United States.

(b) INCLUSIONS.—The study shall include an analysis of—

(1) the need for and availability of workers for the oil, gas, and mineral industries;

(2) the availability of skilled labor at both entry level and more senior levels; and

(3) recommendations for future actions needed to meet future labor requirements.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources on Tuesday, July 19, at 10 a.m. in Room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the oversight hearing is to receive testimony regarding the effects of the U.S. nuclear testing program on the Marshall Islands.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. INHOFE. Mr. President, I ask unanimous consent that the committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday, June 22, 2005 at 10 a.m. in SR-328A, Russell Senate Office Building. The purpose of this hearing will be to consider the nomination of Dr. Richard A. Raymond to be Under Secretary for food safety at the United States Department of Agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. INHOFE. Mr. President, I ask unanimous consent that the committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate at 10:30 a.m. on Wednesday, June 22, 2005, in SR-328A, Russell Senate Office Building. The purpose of this hearing will be to review the Livestock Manadatory Reporting Act 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorize to meet during the session of the Senate on Wednesday, June 22, 2005 at 9:30 a.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, June 22, 2005, at 10 a.m. to hold a business meeting to consider pending committee business.

AGENDA

LEGISLATION

S. 662, Postal Accountability Enhancement Act; S. 457, Purchase Card Waste Elimination Act; S. 611, Emergency Medical Services Support Act; S. 37, a bill to extend the special postage stamp for breast cancer research for two years.

POST OFFICE NAMING BILLS

H.R. 1460, a bill to designate the facility of the U.S. Postal Service located at 6200 Rolling Road in Springfield, VA, as the "Captain Mark Stubenhofer Post Office Building".

S. 590/H.R. 1236, a bill to designate the facility of the U.S. Postal Service located at 750 4th Street in Sparks, NV, as the "Mayor Tony Armstrong Memorial Post Office".

S. 571, a bill to designate the facility of the U.S. Postal Service located at 1915 Fulton Street in Brooklyn, NY, as the "Congresswoman Shirley A. Chisholm Post Office Building".

S. 892/H.R. 324, a bill to designate the facility of the U.S. Postal Service located at 321 Montgomery Road in Altamonte Springs, FL, as the "Arthur Stacey Mastrapa Post Office Building".

S. 867/H.R. 289, a bill to designate the facility of the U.S. Postal Service located at 8200 South Vermont Avenue in Los Angeles, CA, as the "Sergeant First Class John Marshall Post Office Building".

S. 1207/H.R. 120, a bill to designate the facility of the U.S. Postal Service located at 20777 Rancho California Road in Temecula, CA, as the "Dalip Singh Saund Post Office Building".

S. 775, a bill to designate the facility of the U.S. Postal Service located at 123 West 7th Street in Holdenville, OK, as the "Boone Pickens Post Office".

S. 1206/H.R. 504, a bill to designate the facility of the U.S. Postal Service located at 4960 West Washington Boulevard in Los Angeles, CA, as the "Ray Charles Post Office Building".

H.R. 1001, a bill to designate the facility of the U.S. Postal Service located at 301 South Heatherwilde Boulevard in Pflugerville, TX, as the "Sergeant Byron W. Norwood Post Office Building."

HR. 1072, a bill to designate the facility of the U.S. Postal Service located at 151 West End Street in Goliad, TX, as the "Judge Emilio Vargas Post Office Building."

S. 904, a bill to designate the facility of the U.S. Postal Service located at 1560 Union Valley Road in West Milford, NJ, as the "Brian P. Parrello Post Office Building."

HR. 1542, a bill to designate the facility of the U.S. Postal Service located at 695 Pleasant Street in New Bedford, MA, as the "Honorable Judge George N. Leighton Post Office Building."

H.R. 1082, a bill to designate the facility of the U.S. Postal Service located at 120 East Illinois Avenue in Vinita, OK, as the "Francis C. Goodpaster Post Office Building."

H.R. 1524, a bill to designate the facility of the U.S. Postal Service at 12433 Antioch Road in Overland Park, KS, as the "Ed Eilert Post Office Building."

H.R. 627, a bill to designate the facility of the U.S. Postal Service located at 40 Putnam Avenue in Hamden, CT, as the "Linda White-Epps Post Office."

H.R. 2326, a bill to designate the facility of the U.S. Postal Service located at 614 West Old County Road in Belhaven, NC, as the "Floyd Lupton Post Office."

NOMINATIONS

Linda M. Combs to be Controller, Office of Federal Financial Management, Office of Management and Budget.

Linda M. Springer to be Director, Office of Personnel Management.

Laura A. Cordero to be Associate Judge, Superior Court of the District of Columbia.

Noel Anketell Kramer to be Associate Judge, District of Columbia Court of Appeals.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. INHOFE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 22, 2005, at 9:30 a.m. in Room 216 of the Hart Senate Office Building to conduct an oversight hearing on the In Re Tribal Lobbying Matters, et al.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 22, 2005 at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BOND. Mr. President, I ask unanimous consent that John Stoody, an EPW fellow in my office, be granted floor privileges during the pendency of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Mr. President, I ask unanimous consent that Pat Haman on my staff, detailed from EPA, be granted floor privileges for the duration of the debate on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Dr. Jana Davis, an AAAS science fellow in Senator LAUTENBERG's office, be granted floor privileges during the consideration of H.R. 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE SIGMA CHI FRATERNITY ON THE OCCASION OF ITS 150TH ANNIVERSARY

Mr. FRIST. Madam President, I ask unanimous consent the Judiciary Committee be discharged and the Senate proceed to the immediate consideration of H. Con. Res. 163.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 163) honoring the Sigma Chi Fraternity on the occasion of its 150th Anniversary.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. ENZI. Mr. President, it gives me a great deal of pleasure to bring before the Senate a resolution honoring Sigma Chi on the occasion of its 150th anniversary.

I am especially pleased to do so because I am a member of that organization. I am very proud of that, and of my association with the people who have made Sigma Chi what it is today and has been for 150 years.

Pay a quick visit to any college campus in the country and you will see a number of fraternities in residence that are working to help support their members and be a force for change in the world. They are good organizations, and they offer a lot to those who enroll, but, even given my bias in favor of Sigma Chi, I don't think there is any question that Sigma Chi has been one of the best of the bunch for many, many years.

Sigma Chi was founded in 1855 at Miami University in Ohio by seven friends who wanted to provide a better fraternity experience at their school. The seven joined together to pursue their dream of a fraternity that would be an "association for the development of the nobler powers of the mind, the finer feelings of the heart, and for the promotion of friendship and congeniality of feeling."

That effort succeeded beyond their wildest dreams and today, that one chapter has grown to more than 200 with over 200,000 active members across the United States and Canada. Each chapter exists to promote each member's active pursuit of an education on campus and, off campus, it encourages them to get involved in the day to day life of the community that surrounds their school. That has enabled Sigma Chi to produce leaders committed to making a difference in the world using their God-given talents and abilities and the education they have received in college. Simply put, Sigma Chi people are committed to making the world a better place for us all to live by encouraging everyone to get involved.

Fraternities have traditionally provided an important source of support for many people who are away from home for an extended period of time—some for the first time in their lives. Sigma Chi has a 150-year history of being an important part of the social network that exists to make campus life better. Thanks to Sigma Chi, the friends you make, the support you receive, and the camaraderie you develop lasts a lifetime.

Congratulations, Sigma Chi. You have a history of helping to develop leaders who have produced results that have changed the world. Your future is bright and full of promise. The roster of those who have belonged to Sigma Chi is long and impressive. I know I'm in good company with my Sigma Chi brothers and I'm proud to be a part of it all.

I ask unanimous consent to print the following in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FAMOUS SIGMA CHI'S

John Wayne, motion picture actor; David Letterman, talk show host; Brad Pitt, television and movie actor; Carson Daly, MTV personality; Tom Selleck, television and movie actor; Matt Groening, creator of The Simpsons; Eddie Murphy, actor and comedian; Woody Harrelson, motion picture actor; Warren Beatty, motion picture actor and producer; Brian Dennehy, motion picture actor; Clarence Gilyard, Jimmy Trivette on "Walker Texas Ranger"; Woody Hayes, former Ohio State football coach; Bud Adams, owner of the Tennessee Titans; Jim Palmer, Hall of Fame baseball pitcher; Mike Ditka, Super Bowl winning coach of the Chicago Bears; Mike Holmgren, Super Bowl winning coach of the Green Bay Packers; Drew Brees, quarterback for the San Diego Chargers; Jim Everett, former quarterback of the New Orleans Saints and Robert Griese, Super Bowl winning quarterback of the Miami Dolphins.

Kliff Kingsbury, former Texas Tech quarterback; Eddie Sutton, Oklahoma State basketball coach; James Brady, Press Secretary for President Reagan who was shot during Reagan's assasination attempt; Barry Goldwater, Arizona Senator and 1968 Republican Presidential Candidate; Grover Cleveland, President of the United States; Frank Murphy, U.S. Supreme Court Judge; William Marriott, President & CEO of Marriott Hotel Corp.; Michael D. Rose, CEO of Holiday Corp., parent company of Holiday Inns; Richard Nunis, chairman of Walt Disney Attractions; Carl Bausch, chairman of Bausch Lomb; John Gingrich, CEO of Nestle; Ben Wells, president of 7-Up Co.; James Barksdale, CEO of Netscape Communications; Steven Lew, CEO of Universal Studios; Charles Weaver, CEO of the Clorox Company; John Madigan, president of The Tribune Company; Ted Rogers, president of Rogers Communications; Lod Cook, CEO of ARCO and John Young, America's most experienced astronaut.

Greg Harbaugh, U.S. Space Shuttle astronaut; Gavin & Joe Maloof, owners of the Sacremento Kings; Barry Ackerley, owner of the Seattle Supersonics; Bob McNair, owner of the Houston Texans; Mark DeRosa, Atlanta Braves infielder; Hank Stram, Super Bowl winning coach of the Kansas City Chiefs; Dennis Swanson, president of ABC Sports; Patrick Muldoon, actor on "Days of our Lives"; Merlin Olsen, former football player and actor; Ted McGinley, actor on "Married with Children"; William Christopher, actor on "M.A.S.H."; Rip Torn, motion picture actor; Mike Peters, Pulizer Prize cartoonist of "Mother Goose and Grimm"; Alan Sugg, president of the University of Arkansas System; General Merrill McPeak, Chief of Staff, U.S. Air Force; H. Jackson Brown Jr., best-selling author of "Life's Little Instruction Book"; Gordon Gould, primary inventor of the laser; and Dr. William DeVries, pioneering surgeon of the artificial heart.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 163) was agreed to.

The preamble was agreed to.

CONGRATULATING SMALL BUSINESS DEVELOPMENT CENTERS

Mr. FRIST. Madam President, I ask unanimous consent the Small Business Committee be discharged from further consideration of S. Res. 165, and the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 165) congratulating the Small Business Development Centers of the Small Business Administration on their 25 years of service to America's small business owners and entrepreneurs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 165) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 165

Whereas in 1980, Congress established the Small Business Development Center program to deliver management and technical assistance counseling and provide educational programs to prospective and existing small business owners;

Whereas over the last 25 years, the Small Business Development Center network counseled and trained more than 11,000,000 small business owners and entrepreneurs, helping small businesses start and grow and create jobs in the United States;

Whereas the Small Business Development Centers exemplify the partnership between private sector institutions of higher education and Government, working together to support small businesses and entrepreneurship;

Whereas the Small Business Development Centers have been a critical partner in the start-up and growth of the Nation's small businesses;

Whereas in 2004, the Small Business Development Centers counseled and trained approximately 750,000 new and existing small businesses;

Whereas the Small Business Development Centers deliver specialized assistance through a network of 63 lead centers and more than 1,100 service locations, in all 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa;

Whereas the Small Business Development Centers provide assistance tailored to the local community and the needs of the client, including counseling and training on financial management, marketing, production and organization, international trade assistance, procurement assistance, venture capital formation, and rural development, among other services that improve the economic environment in which small businesses compete;

Whereas in 2003, the Small Business Development Center's in-depth counseling helped small businesses generate nearly $6,000,000,000 in revenues and save an additional $7,000,000,000 in sales;

Whereas in 2003, the Small Business Development Centers helped create and retain over 163,000 jobs across the United States; and

Whereas the Small Business Development Centers proudly celebrate 25 years of service to America's small business owners and entrepreneurs: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Small Business Development Centers of the Small Business Administration on their 25 years of service to America's small business owners and entrepreneurs;

(2) recognizes their service in helping America's small businesses start, grow, and flourish; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Association for Small Business Development Centers for appropriate display.

SUPPORTING THE GOALS AND IDEAS OF NATIONAL TIME OUT DAY

Mr. FRIST. Madam President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 40, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 40) supporting the goals and ideas of National Time Out Day to promote the adoption of the Joint Commission on Accreditation of Healthcare Organizations' universal protocol for preventing errors in the operating room.

There being no objection the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution and preamble be agreed to en bloc, and motions to reconsider be laid on the table en bloc, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 40) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 40

Whereas according to an Institute of Medicine report entitled "To Err is Human: Building a Safer Health System", published in 2000, between 44,000 and 98,000 hospitalized people in the United States die each year due to medical errors, and untold thousands more suffer injury or illness as a result of preventable errors;

Whereas there are more than 40,000,000 inpatient surgery procedures and 31,000,000 outpatient surgery procedures performed annually in the United States;

Whereas for the first time, nurses, surgeons, and hospitals throughout the country are being required by the Joint Commission on Accreditation of Healthcare Organizations to adopt a common set of operating room procedures in order to help curb the alarming number of deaths and injuries due to medical errors;

Whereas the Joint Commission on Accreditation of Healthcare Organizations has developed a universal protocol, endorsed by more than 50 national healthcare organizations, which calls for surgical teams to call a "time out" before surgeries begin in order to verify the patient's identity, the procedure to be performed, and the site of the procedure;

Whereas 4,579 accredited hospitals, 1,261 ambulatory care facilities, and 131 accredited office-based surgery centers were required by the Joint Commission on Accreditation of Healthcare Organizations to adopt the universal protocol beginning July 1, 2004;

Whereas the Association of periOperative Registered Nurses has created an Internet website and distributed 55,000 tool kits to healthcare professionals throughout the country to assist them in implementing the universal protocol; and

Whereas the Association of periOperative Registered Nurses, the Joint Commission on Accreditation of Healthcare Organizations, the American College of Surgeons, the American Society of Anesthesiologists, the American Hospital Association, and the American Society for Healthcare Risk Management celebrate National Time Out Day on June 22, 2005, to promote the adoption of the Joint Commission on Accreditation of Healthcare Organizations' universal protocol for preventing errors in the operating room: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideas of National Time Out Day, as designated by the Association of periOperative Registered Nurses and endorsed by the American College of Surgeons, the American Society of Anesthesiologists, the American Hospital Association, and the American Society for Healthcare Risk Management, to promote the adoption of the Joint Commission on Accreditation of Healthcare Organizations' universal protocol for preventing errors in the operating room; and

(2) congratulates perioperative nurses and representatives of surgical teams for working together to reduce medical errors to ensure the improved health and safety of surgical patients.

EXPRESSING THE SENSE OF THE SENATE REGARDING THE MASSACRE AT SREBENICA IN JULY 1995

Mr. FRIST. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 134, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 134) expressing the sense of the Senate regarding the massacre at Srebenica in July 1995.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 134) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 134

Whereas, in July 1995, thousands of men and boys who had sought safety in the United Nations-designated "safe area" of Srebrenica in Bosnia and Herzegovina under the protection of the United Nations Protection Force (UNPROFOR) were massacred by Serb forces operating in that country;

Whereas, beginning in April 1992, aggression and ethnic cleansing perpetrated by Bosnian Serb forces, while taking control of the surrounding territory, resulted in a massive influx of Bosniaks seeking protection in Srebrenica and its environs, which the United Nations Security Council designated a "safe area" in Security Council Resolution 819 on April 16, 1993;

Whereas the UNPROFOR presence in Srebrenica consisted of a Dutch peacekeeping battalion, with representatives of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and the humanitarian medical aid agency Medecins Sans Frontiers (Doctors Without Borders) helping to provide humanitarian relief to the displaced population living in conditions of massive overcrowding, destitution, and disease;

Whereas Bosnian Serb forces blockaded the enclave early in 1995, depriving the entire population of humanitarian aid and outside communication and contact, and effectively reducing the ability of the Dutch peacekeeping battalion to deter aggression or otherwise respond effectively to a deteriorating situation;

Whereas, beginning on July 6, 1995, Bosnian Serb forces attacked UNPROFOR outposts, seized control of the isolated enclave, held captured Dutch soldiers hostage and, after skirmishes with local defenders, ultimately took control of the town of Srebrenica on July 11, 1995;

Whereas an estimated one-third of the population of Srebrenica, including a relatively small number of soldiers, made a desperate attempt to pass through the lines of Bosnian Serb forces to the relative safety of Bosnian-held territory, but many were killed by patrols and ambushes;

Whereas the remaining population sought protection with the Dutch peacekeeping battalion at its headquarters in the village of Potocari north of Srebrenica but many of these individuals were randomly seized by Bosnian Serb forces to be beaten, raped, or murdered;

Whereas Bosnian Serb forces deported women, children, and the elderly in buses, held Bosniak males over 16 years of age at collection points and sites in northeastern Bosnia and Herzegovina under their control, and then summarily murdered and buried the captives in mass graves;

Whereas approximately 20 percent of Srebrenica's total population at the time—at least 7,000 and perhaps thousands more—was murdered;

Whereas the United Nations and its member states have largely acknowledged their failure to take actions and decisions that could have deterred the assault on Srebrenica and prevented the subsequent massacre, including the lengthy report issued by the Government of the Netherlands on April 10, 2002, entitled "Srebrenica, a 'safe' area—Reconstruction, background, consequences and analyses of the fall of a safe area";

Whereas Bosnian Serb forces, hoping to conceal evidence of the massacre at Srebrenica, subsequently moved corpses from initial mass grave sites to many secondary sites scattered throughout parts of northeastern Bosnia and Herzegovina under their control;

Whereas the massacre at Srebrenica was among the worst of many horrible atrocities to occur in the conflict in Bosnia and Herzegovina from April 1992 to November 1995, during which the policies of aggression and ethnic cleansing pursued by Bosnian Serb forces with the direct support of authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) ultimately led to the displacement of more than 2,000,000 people, an estimated 200,000 killed, tens of thousands raped or otherwise tortured and abused, and the innocent civilians of Sarajevo and other urban centers repeatedly subjected to shelling and sniper attacks;

Whereas Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, done at Paris December 9, 1948, and entered into force January 12, 1951, defines genocide as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group";

Whereas, on May 25, 1993, the United Nations Security Council adopted Security Council Resolution 827, establishing the world's first international war crimes tribunal, the International Criminal Tribunal for the former Yugoslavia (ICTY), based in The Hague, the Netherlands, and charging the ICTY with responsibility for investigating and prosecuting individuals suspected of committing war crimes, genocide, crimes against humanity, and grave breaches of the 1949 Geneva Conventions on the territory of the former Yugoslavia since 1991;

Whereas numerous members of the Bosnian Serb forces and political leaders at various levels of responsibility have been indicted for grave breaches of the 1949 Geneva Conventions, violations of the laws or customs of war, crimes against humanity, genocide, and complicity in genocide associated with the massacre at Srebrenica, some of whom have been tried and sentenced while others, including Radovan Karadzic and Ratko Mladic, remain at large; and

Whereas the international community, including the United States, has continued to provide personnel and resources, including through direct military intervention, to prevent further aggression and ethnic cleansing, to negotiate and help ensure the full implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina, initialled at Dayton, Ohio, November 21, 1995, and done at Paris December 14, 1995, including cooperation with the International Criminal Tribunal for the former Yugoslavia: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the thousands of innocent people murdered at Srebrenica in Bosnia and Herzegovina in July 1995, along with all individuals who were victimized during the conflict and genocide in Bosnia and Herzegovina from 1992 to 1995, should be solemnly remembered and honored;

(2) the policies of aggression and ethnic cleansing as implemented by Serb forces in Bosnia and Herzegovina from 1992 to 1995 meet the terms defining the crime of genocide in Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, done at Paris December 9, 1948, and entered into force January 12, 1951;

(3) foreign nationals, including United States citizens, who have risked, and in some

cases lost, their lives in Bosnia and Herzegovina while working toward peace should be solemnly remembered and honored;

(4) the United Nations and its member states should accept their share of responsibility for allowing the Srebrenica massacre and genocide to occur in Bosnia and Herzegovina from 1992 to 1995 by failing to take sufficient, decisive, and timely action, and the United Nations and its member states should constantly seek to ensure that this failure is not repeated in future crises and conflicts;

(5) it is in the national interest of the United States that those individuals who are responsible for war crimes, genocide, crimes against humanity, and grave breaches of the 1949 Geneva Conventions committed in Bosnia and Herzegovina should be held accountable for their actions;

(6) all persons indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY) should be apprehended and transferred to The Hague without further delay, and all countries should meet their obligations to cooperate fully with the ICTY at all times; and

(7) the United States should continue to support—

(A) the independence and territorial integrity of Bosnia and Herzegovina;

(B) peace and stability in southeastern Europe as a whole; and

(C) the right of all people living in southeastern Europe, regardless of national, racial, ethnic or religious background—

(i) to return to their homes and enjoy the benefits of democratic institutions, the rule of law, and economic opportunity; and

(ii) to know the fate of missing relatives and friends.

PATIENT NAVIGATOR OUTREACH AND CHRONIC DISEASE PREVENTION ACT OF 2005

Mr. FRIST. I ask unanimous consent the HELP Committee be discharged from consideration of H.R. 1812, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1812) to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1812) was read the third time and passed.

ORDERS FOR THURSDAY, JUNE 23, 2005

Mr. FRIST. Madam President, I ask unanimous consent when the Senate completes its business today, it stand in adjournment until 9 a.m. on Thursday, June 23. I further ask that following the prayer and pledge, the morning hour be deemed expired, and the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of H.R. 6, the Energy bill; provided that the time until 10 a.m. be equally divided between the chairman and the ranking member of the Energy Committee, or their designees; provided further that at 10 a.m. the Senate proceed to the cloture vote on the Energy bill.

I further ask that notwithstanding the provisions of rule XXII, the filing deadline for second-degree amendments occur at 9:45 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Tomorrow, the Senate will resume consideration of the Energy bill. At 10 a.m. the Senate will proceed to the cloture vote on the bill. It is my hope and indeed my expectation that cloture will be invoked as we can move closer to passage. Following the cloture vote, we will continue working through amendments to the bill. Several amendments are currently pending, and a number of Senators filed amendments under the cloture deadline. I encourage Senators to show restraint in offering additional amendments. Again, we will complete action on this bill by the week's end.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:21 p.m. adjourned until Thursday, June 23, 2005, at 9 a.m.

EXTENSIONS OF REMARKS

COMMENDING MEGAN TRISCARI FOR RECEIVING THE CHILD CARE WORKER OF THE YEAR AWARD

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to commend Megan Triscari, a resident of the Chautauqua County town of Jamestown, upon the occasion of her receiving the Child Care Worker of the Year award.

Megan was honored at the YMCA Camp Onyhasa's annual meeting for her exemplary service and dedication to children. This honor was given based on her never ending commitment to her job.

Ms. Triscari has been known to report to work on snow days and even request to work extra shifts. This type of dedication is very rare in this day and age.

Megan has displayed extreme compassion, love and dedication to her work and the children she is entrusted with and I am proud, Mr. Speaker, to have an opportunity to honor her today.

THE AMERICAN LEGION SUPPORTS AUTHORIZATION OF PARKINSON'S DISEASE RESEARCH EDUCATION AND CLINICAL CENTERS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. EVANS. Mr. Speaker, the American Legion, which has 2.8 million members fully supports H.R. 2959, which will permanently authorize the Department of Veterans' Affairs Parkinson Disease Research, Education and Clinical Centers. The VA treats some 40,000 veterans who have this neuro-degenerative disease.

The letter from the American Legion follows:

THE AMERICAN LEGION,
Washington, DC, June 21, 2005.

Hon. LANE EVANS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE EVANS: On behalf of the 2.8 million members of The American Legion, I would like to offer full support of H.R. 2959—"Authorization of Parkinson's Disease Research Education and Clinical Centers", permanently authorizing the six existing VA Parkinson's Disease Research Education and Clinical Centers (PADRECCs).

Parkinson's Disease is a debilitating neuro-degenerative disease that affects approximately 1.5 million Americans each year. The Department of Veteran Affairs (VA) currently treats more than 40,000 veterans with Parkinson's disease. As the veteran population ages, the PADRECCs will become even more essential, not only for treatment, but for training health care professionals, conducting progressive research, and finding a cure. This bill will help to ensure that these veterans receive the best quality care.

Again, The American Legion fully supports H.R. 2959, "Authorization of Parkinson's Disease Research Education and Clinical Centers" and we appreciate your dedication to this serious health issue.

Sincerely,

STEVE ROBERTSON,
Director,
National Legislative Commission.

PERSONAL EXPLANATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. PENCE. Mr. Speaker, I was detained late yesterday afternoon. Had I been present, I would have voted in the following manner: Rollcall 289 (Motion to Recommit with Instructions—H.R. 2475)—nay; Rollcall 290 (On Passage—H.R. 2475)—yea.

RECOGNIZING CROATIA'S NATIONAL DAY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. RADANOVICH. Mr. Speaker, on behalf of the Hon. PETER J. VISCLOSKY and myself, in our capacity as Co-chairs of the Congressional Croatian Caucus, on the occasion of National Day of the Republic of Croatia, June 25, I rise to recognize the significant progress the country of Croatia has made in gaining recognition and responsibility within the international community since its independence.

Croatia has come a long way in the last 14 years and has experienced a number of important developments in the process. Overcoming the legacies of communism and armed aggression, Croatia is now well on the path towards full membership in the Euro-Atlantic community. All these achievements mark Croatia's successful transition in political and economic reforms to a thriving democracy and market economy, as well as depicting the Croatian Government's commitment to the rule of law and human rights.

Croatia's strategic objectives to enter NATO and the European Union, as well as strengthen and deepen its ties with the United States, are the driving forces behind its foreign and security policy, and defense reforms. Integration into the Euro-Atlantic Community will enable Croatia to assume a more active role within the community of democracies that share the same values, principles and interests. Active participation by Croatian military personnel in a number of peacekeeping operations worldwide, including the NATO-led mission in Afghanistan, displays Croatia's credibility as a future NATO member state. Furthermore, Croatia has a track record of cooperation with NATO allies through the PfP.

Mr. Speaker, it is clearly in our national interest to encourage peace and stability in the region of Southeastern Europe. To this end, the role of the Croatian American community and their representatives in the nation's capital, as an inherent component of the U.S.-Croatia partnership, cannot be overlooked. They represent a vital bridge between our two countries in order to strengthen deep historical and cultural links between the United States and Croatia since 1783. Special recognition should be given to the current Croatian government under the leadership of Dr. Ivo Sanader to solidify Croatia's place within the community of democratic nations and to move the country forward to becoming a model of stability, peace and cooperation throughout Southeastern Europe.

IN RECOGNITION OF FORT WORTH METROPOLITAN BLACK CHAMBER OF COMMERCE'S 25TH ANNIVERSARY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. BURGESS. Mr. Speaker, it is my great honor that I rise today to recognize the Fort Worth Metropolitan Black Chamber of Commerce (FWMBCC)'s 25 years of devoted service to the enhancement of the economic development in the African American community in my district. Since its founding in 1979, the FWMBCC's tireless efforts, on behalf of the black community of Fort Worth, have accomplished a great deal. I would like to mention a few of their accomplishments.

The FWMBCC has done much to improve minority involvement in the Fort Worth economy. In 1985, the FWMBCC contracted with the Fort Worth Convention and Visitor's Bureau for sales, and marketing initiatives to attract minority association conventions. Three years later, it established two enterprise zones in a partnership effort with the City of Fort Worth. It initiated the development of a comprehensive plan for redevelopment of Southeast Fort Worth in 1991.

The FWMBCC strives to get others involved as well. In 1989, it signed a Community Reinvestment Act Agreement with Bank One (Chase Bank) to benefit low to moderate income families. It also recruited the OmniAmerican Federal Credit Union to build a branch location in Southeast Fort Worth on Rosedale in the Poly neighborhood. It also lobbied to pursue development of workforce support for the Alliance Corridor, including public transportation to the growing Alliance business community from Southeast Fort Worth.

The FWMBCC is about more then just money, as shown by the way it adopted Como Elementary School under the Fort Worth Independent School District's Adopt-a-School program. Showing further concern for education, it collaborated with Downtown Fort Worth, Inc. on a strategic plan resulting in the refurbishing of the F.W. Carver School for use by the Fort Worth Housing Authority and the I.M. Terrell School.

The FWMBCC believes strongly in integration of both race and gender. It established the Women's Business Issues Division as a part of the FWMBCC—the first women's division in the nation affiliated with a Black Chamber in recognition of the business assistance needs of women of color to much acclaim. It also served as an advocate on behalf of people of color for business opportunities in Sundance Square and other business areas in and around the City of Fort Worth as well as integration of the Colonial Country Club.

I would like to applaud the FWMBCC on its first 25 years, and encourage it to keep up its impressive work.

TRIBUTE TO RUTH SHACK. PRESIDENT OF DADE COMMUNITY FOUNDATION: DECADES OF SERVICE TO THE PEOPLE OF MIAMI-DADE COUNTY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. MEEK of Florida. Mr. Speaker, rise to honor a true leader in our South Florida Community, Ruth Shack.

After she became the President of the Dade Community Foundation in 1985, Ruth spearheaded a campaign to encourage philanthropy and charitable giving by developing a permanent endowment to meet Greater Miami's emerging charitable needs. The Foundation protects and manages the assets of philanthropic funds and provides grant-making expertise to donors with various interests at all levels of giving. By bringing together diverse groups in Miami-Dade County, the Foundation helps improve the quality of life and build a more cohesive community by supporting local nonprofit organizations with grants and technical assistance.

Spurred by her leadership, the Foundation made a radical change in its mission by diversifying its Board of Governors, its staff and its grant-making focus to better respond to the needs of Miami's greatest asset and our most intractable challenge: the incredible ethnic diversity of our community. They review the grants they award from the standpoint of their impact on the issue of cultural alienation and the need to help people work successfully across ethnic barriers. Empowerment and seed funding for emerging groups, based in the diverse multicultural communities of Miami-Dade, are the hallmarks of their grant-making program.

In addition to her two decades of leadership at the Dade Community Foundation, Ruth Shack has also served three very productive terms on the Dade County Commission and in leadership capacities in numerous other organizations, both locally and across the country. Throughout her career she has demonstrated a profound commitment to making Miami a community where opportunity is available to everyone.

Mr. Speaker, I know that I speak for our entire community in congratulating and thanking Ruth Shack for her 20 years at the helm of the Dade Community Foundation.

INTRODUCTION OF A BILL TO SUSPEND THE DUTY ON CERTAIN EDUCATIONAL TOYS AND DEVICES

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. HERGER. Mr. Speaker, I rise today to introduce a bill to suspend the duty on electronic educational toys for children. This duty is, in fact, an educational tax on the consumer.

At a time when we as policymakers are focusing on ways to enhance education for our children, it is important to aggressively promote tools that are valuable in teaching fundamental skills. Penalizing the consumer for buying educational toys is contrary to the country's educational goals.

Currently, computers and toys enter the United States duty free. But electronic educational toys have a duty. This duty is inevitably passed on to the consumer. We do not want to create a situation where a consumer may be less inclined to buy an educational toy versus a regular toy, which has not had to absorb the cost of the duty.

The company leading the fight to eliminate the tax on electronic educational toys is a California company, LeapFrog Enterprises, Inc. LeapFrog is an innovative company and a leading developer of educational products, currently employing 1,000 people in my state.

I hope my colleagues will join me in this effort to end an unwise tax on education.

LEADERSHIP TRAINING INSTITUTE OF AMERICA

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. BURGESS. Mr. Speaker, I rise today to pay tribute to the Leadership Training Institute of America, the leading training program for students seeking instruction in personal development in leadership and character. Their training program gives students the necessary tools to lead the next generation of young Americans in the traditions, principles and wisdom imparted to us by our founding fathers. The quality of this training assures me of America's bright future as the leader of the world.

The Leadership Training Institute of America is a cultural think tank providing training and opportunity in leadership development and cultural dynamics. This organization encourages youth to apply and excel in leadership and critical thinking skills, study world view conflicts and strategies, network with outstanding leaders, and pursue careers in influential sectors of society.

The Leadership Training Institute of America trains and equips young men and women to be leaders with high standards of personal morality and integrity. The participants are exposed to the major philosophies, views, and issues of our world today and are encouraged to become leaders with convictions built on scientific knowledge, historical record, and Biblical wisdom.

Our Nation is in great need of young men and women of character to lead in every arena of our society. The Leadership Training Institute of America encourages students to use their talents and abilities to set a standard of excellence in their homes, schools, businesses, or whatever profession they might pursue to establish a new standard of excellence and integrity for the next generation.

It is with great appreciation that I rise today to commend the vision and accomplishments of this outstanding organization. I salute the dedicated staff of the Leadership Training Institute of America and encourage its increased influence among our Nation's youth.

USA PATRIOT ACT

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. OTTER. Mr. Speaker, please allow me to express my great respect and support for the manner in which Chairman SENSENBRENNER managed the recent hearings of the House Committee on the Judiciary regarding the USA PATRIOT Act. His resolve in following the rules while providing as much flexibility as possible in the face of often partisan and inflammatory rhetoric was a credit to his leadership, and was precisely what was needed in this deliberative process.

There are legitimate criticisms to be made of the PATRIOT Act, and I have been among those maintaining that ensuring a greater balance of judicial oversight and adherence to the spirit as well as the letter of our constitutional protections would enhance its usefulness. However, associating the PATRIOT Act with what may occur in a prisoner of war camp or other well intentioned but illegal or inhumane action—as some members and witnesses have done—is a disservice to the process and to those who wish to keep the debate focused on improving the law, not destroying it.

As the House continues deliberating reauthorization of the PATRIOT Act, it is my goal to restore balance to the branches of our Federal government, secure the people in their homes and personal affects, and renew the promise of our Founders. That will not be accomplished by blaming the law for the real or alleged behavior of individual acting outside this or any other law. I will not stand idly by while some who wish not to rein in but rather to eviscerate the PATRIOT Act, or to use it as a political cudgel, use some of the very tactics we have professed to fear in the law itself in order to bring public ridicule and professional discredit to either Chairman SENSENBRENNER or the Judiciary Committee.

In closing, Mr. Speaker, I wish to remind us all of the words of George Washington, uttered as a promise of the faith he had in our political system, this great Republic and those who govern:

> If, to please the people, we offer what we ourselves disprove, how can we afterwards defend our work? Let us raise a standard to which the wise and the honest can repair. The event is in the hand of God.

INTRODUCTION OF THE INDUSTRIAL HEMP FARMING ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. PAUL. Mr. Speaker, I rise to introduce the Industrial Hemp Farming Act. The Industrial Hemp Farming Act requires the Federal government to respect State laws allowing the growing of industrial hemp.

Six states—Hawaii, Kentucky, Maine, Montana, North Dakota, and West Virginia allow the growing of industrial hemp in accord with State laws. However, Federal law is standing in the way of farmers in these States growing what may be a very profitable crop. Because of current Federal law, all hemp included in products sold in the United States must be imported instead of being grown by American farmers.

Since 1970, the Federal Controlled Substances Act's inclusion of industrial hemp in the schedule one definition of marijuana has prohibited American farmers from growing industrial hemp despite the fact that industrial hemp has such a low content of THC (the psychoactive chemical in the related marijuana plant) that nobody can be psychologically affected by consuming hemp. Federal law concedes the safety of industrial hemp by allowing it to be legally imported for uses including as food.

The United States is the only industrialized Nation that prohibits industrial hemp cultivation. The Congressional Research Service has noted that hemp is grown as an established agricultural commodity in over 30 nations in Europe, Asia, and North America. My Industrial Hemp Farming Act will relieve this unique restriction on American farmers and allow them to grow industrial hemp in accord with State law.

Industrial hemp is a crop that was grown legally throughout the United States for most of our Nation's history. In fact, during World War II, the Federal government actively encouraged American farmers to grow industrial hemp to help the war effort. The Department of Agriculture even produced a film "Hemp for Victory" encouraging the plant's cultivation.

In recent years, the hemp plant has been put to many popular uses in foods and in industry. Grocery stores sell hemp seeds and oil as well as food products containing oil and seeds from the hemp plant. Industrial hemp is also included in consumer products such as paper, cloths, cosmetics, and carpet. One of the more innovative recent uses of industrial hemp is in the door frames of about 1.5 million cars. Hemp has even been used in alternative automobile fuel.

It is unfortunate that the Federal government has stood in the way of American farmers, including many who are struggling to make ends meet, competing in the global industrial hemp market. Indeed, the founders of our Nation, some of whom grew hemp, would surely find that Federal restrictions on farmers growing a safe and profitable crop on their own land are inconsistent with the constitutional guarantee of a limited, restrained Federal government. Therefore, I urge my colleagues to stand up for American farmers and cosponsor the Industrial Hemp Farming Act.

IN HONOR OF THE TOWN OF PHELPS

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. GREEN of Wisconsin. Mr. Speaker, today I'd like to recognize the Town of Phelps, which this year celebrates 100th anniversary. Phelps is located within the Nicolet National Forest, and is home to some of the most forested and beautiful parts of the State.

Charles Hackley, William Phelps and John Bonnell, three loggers, founded the Town of Phelps in 1905. Their hard work set the standard high for residents, and these days the town can pride itself on a strong work ethic, upholding family values, and continually moving 'forward'—exemplifying Wisconsin's State motto.

Over the years, the small towns and villages that blanket Wisconsin have demonstrated how truly unique and wonderful our State is. The Town of Phelps is no exception. It is a tightknit community and its charm entices scores of visitors every year.

Mr. Speaker, I am honored and pleased to recognize the Town of Phelps on this historic day. One hundred years is a very special accomplishment, and on behalf of the residents of Wisconsin's 8th Congressional District, and the U.S. Congress, we say congratulations.

PERSONAL EXPLANATION

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. SIMMONS. Mr. Speaker, I was regrettably delayed in my return to Washington, DC from an official visit to Kings Bay, Georgia and was unable to be on the House Floor for rollcall votes 274 to 282.

Had I been present, I would have voted "yea" on rollcall 274, an amendment offered by Mr. ROYCE; "yea" on rollcall 275, an amendment offered by Mr. FORTENBERRY; "yea" on rollcall 276, an amendment offered by Mr. FLAKE; "yea" on rollcall 277, an amendment offered by Mr. CHABOT and Mr. LANTOS; "yea" on rollcall 278, an amendment offered by Mr. PENCE; "nay" on rollcall 279, an amendment offered by Mr. GOHMERT; "nay" on rollcall 280, an amendment offered by Mr. STEARNS; "yea" on rollcall 281, the Lantos/Shays substitute; and "yea" on rollcall 282, final passage on H.R. 2745.

COMMENDING MARILYN GERACE FOR RECEIVING THE MORGAN GRADUATE AWARD

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to commend the exemplary educational achievement of Marilyn Gerace, a resident of the Chautauqua County town of Jamestown, upon the occasion of receiving the Morgan Graduate Award.

Ms. Gerace, a Professor of Criminal Justice at Jamestown Community College was awarded the Morgan Graduate Award upon graduation from Buffalo State College with a Master's degree. This award is presented to the top master's degree student in the field of Criminal Justice. This student must demonstrate integrity, academic excellence and community service.

Not only is Ms. Gerace an excellent student but she is also very active in her community. She has served as the Ellicott town justice since 1992 and also as the secretary/treasurer of the Chautauqua County Magistrates Association since 1993. Marilyn is also a member of the Chautauqua Regional Youth Ballet board of directors, the county and states magistrates associations, the Chautauqua County Integrated Domestic Violence Court Team, and Jamestown Community College's adjunct faculty task force.

In addition to receiving the Morgan Graduate Award, Ms. Gerace also was presented with the President's Award for Excellence from Jamestown Community College.

Ms. Gerace has excelled both in the classroom and also in her community and I am proud, Mr. Speaker, to have an opportunity to honor her today.

THE ONE YEAR ANNIVERSARY OF THE RE-ELECTION OF TAIWAN PRESIDENT CHEN SHUI-BIAN

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. SULLIVAN. Mr. Speaker, one year ago Chen Shui-bian was re-elected as President of Taiwan. The election was evidence that Taiwan is a vibrant democracy in an area of the world where totalitarianism is still the rule for the vast majority of the people in East Asia.

I want to take this opportunity to acknowledge the one year anniversary of President Chen's re-election, to offer my congratulations to the people of Taiwan and to reflect on the current state of affairs on Taiwan and across the Taiwan straits with China.

Earlier this year China passed its anti-secession law, codifying the use of force if Taiwan moves toward independence. At the moment, there is a heated debate on Taiwan regarding the recent visits of Taiwan's two opposition leaders to China. This debate is further evidence of the strength of Taiwan's democracy. President Chen and other opponents of reunification have been steadfast in demanding that the people of Taiwan must be safeguarded. I am confident President Chen will not waiver on his longstanding position of protecting Taiwan.

Mr. Speaker, Americans treasure our affiliations and relations with Taiwan just as we admire Taiwan's political and economic achievements of the last two decades. Taiwan today is a beacon of democracy and an island of prosperity to many developing countries in East Asia and throughout the world.

The Taiwanese people, as Americans know, strongly value their democratic way of life and their independence. It is vital that no action be taken which would compromise these long cherished principles which were developed after decades of hard work. I also applaud President Chen for pointing out the critical differences between democratic Taiwan and autocratic China and the importance of conducting direct talks by elected leaders in Taiwan and China.

Mr. Speaker, while we do not know when the leader of Taiwan and the leader of China will have direct talks, I believe it is critical for China to immediately withdraw its missiles which are deployed on the other side of the Taiwan Strait and establish stable mechanisms for cross-strait interaction. These actions will go a long way toward reaching a permanent peace and creating sustainable development in the Taiwan Strait.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 23, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 28

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the Agricultural Risk Protection Act of 2000 and related crop insurance issues.

SR–328A

Finance

To hold hearings to examine threatening the health care safety net regarding Medicaid waste, fraud and abuse.

SH–216

Commerce, Science, and Transportation

Global Climate Change and Impacts Subcommittee

To hold hearings to examine coastal impacts.

SR–253

Indian Affairs

To hold an oversight hearing to examine regulation of Indian gaming.

Room to be announced

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the security clearance process of the Department of Defense (DOD), focusing on the transfer of investigative responsibilities from DOD to the Office of Personnel Management (OPM), including the impact this shift will have on the ability to investigate and adjudicate security clearances in a thorough and expeditious manner, including strategies employed by DOD and OPM to remove the Personnel Security Clearance Program from the high-risk list.

SD–562

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 206, to designate the Ice Age Floods National Geologic Trail, S. 556, to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona, S. 588, to amend the National Trails System Act to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study on the feasibility of designating the Arizona Trail as a national scenic trail or a national historic trail, and S. 955, to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin.

SD–366

2 p.m.

Aging

To hold hearings to examine issues relative to Medicaid.

SD–G50

JUNE 29

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of General Peter Pace, USMC, for reappointment to the grade of general and to be Chairman, Joint Chiefs of Staff, Admiral Edmund P. Giambastiani, Jr., USN, for reappointment to the grade of admiral and to be Vice Chairman, Joint Chiefs of Staff, General T. Michael Moseley, USAF, for reappointment to the grade of general and to be Chief of Staff of the Air Force, Eric S. Edelman, of Virginia, to be Under Secretary of Defense for Policy, Daniel R. Stanley, of Kansas, to be Assistant Secretary of Defense for Legislative Affairs, and James A. Rispoli, of Virginia, to be Assistant Secretary of Energy for Environmental Management.

SD–106

Indian Affairs

Business meeting to consider pending committee issues.

SR–485

9:50 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider S. 681, to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells, and any nominations cleared for action.

SD–430

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine Spectrum-DTV.

SR–253

Finance

To continue hearings to examine threatening the health care safety net regarding Medicaid waste, fraud and abuse.

SH–216

Homeland Security and Governmental Affairs

To hold hearings to examine vulnerabilities in the United States passport system.

SD–562

2:30 p.m.

Commerce, Science, and Transportation

Disaster Prevention and Prediction Subcommittee

To hold hearings to examine national weather service-severe weather.

SR–253

Intelligence

To hold a closed briefing regarding certain intelligence matters.

SH–219

JUNE 30

9:30 a.m.

Armed Services

To hold hearings to examine the status of the U.S. Army and U.S. Marine Corps in fighting the global war on terrorism.

SR–325

Foreign Relations

To hold hearings to examine challenges of the Middle East road map.

SD–419

10 a.m.

Commerce, Science, and Transportation

Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine how information technology can reduce medical errors, lower healthcare costs, and improve the quality of patient care, including the importance of developing interoperable electronic medical records and highlight new technologies that will impact how health services are provided in the future.

SR–253

Intelligence

To hold a closed briefing regarding certain intelligence matters.

SH–219

Aging

To hold hearings to examine the importance of prevention in curing Medicare.

SH–216

2 p.m.

Appropriations

Business meeting to markup H.R. 2528, making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, proposed legislation making appropriations for fiscal year 2006 for the Department of State and foreign operations.

SD–106

Veterans' Affairs

To hold hearings to examine the nominations of James Philip Terry, of Virginia, to be Chairman of the Board of Veterans' Appeals, Department of Veterans Affairs, and Charles S. Ciccolella, of Virginia, to be Assistant Secretary of Labor for Veterans' Employment and Training.

SR–418

3 p.m.

Health, Education, Labor, and Pensions

Education and Early Childhood Development Subcommittee

To hold hearings to examine issues relating to American history.

SD–430

SEPTEMBER 20

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.

345 CHOB

CANCELLATIONS

JUNE 28

3 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine the water supply status in the Pacific Northwest and its impact on power production, and S. 648, to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance.

SD–366

HOUSE OF REPRESENTATIVES—*Thursday, June 23, 2005*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal God, guide and protector of Your people, grant us unfailing respect for Your holy name and for Your holy presence in the people we meet today.

Consecrate the work of this Congress. Raise up statesmen here and abroad who will recognize Your holy will in the waves of history and the will of the people whom they serve.

May the peace and prosperity of this Nation be secured, while our attention is expanded and genuine concern for others is deepened by sincerity.

Your bountiful resources of the Earth are plentiful enough, Lord, and can even be multiplied by the ingenuity and cooperative labor of people working together.

For Your many gifts, we give You praise, honor and thanksgiving now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) come forward and lead the House in the Pledge of Allegiance.

Ms. LINDA T. SÁNCHEZ of California led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PARLIAMENTARY INQUIRY

Mr. LAHOOD. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. State your inquiry.

Mr. LAHOOD. Mr. Speaker, I have noticed at least one occasion when a Member announced he was opposed to a measure when he sought to offer a motion to recommit but then voted "yes" on passage of the bill.

Mr. Speaker, is that regular order?

The SPEAKER. As Members are aware, the first element of priority in recognition for a motion to recommit is whether the Member seeking recognition is opposed to the main measure. This criterion is not a matter of record at that point. Instead, it depends on the statement of the Member seeking recognition. Under the practice of the House exemplified in Cannon's Precedents, volume 8, section 2770, the Chair accepts without question an assertion by a Member of the House that he is opposed to the measure in its current form.

The Chair is cognizant of the possibility that a very close question can engender a genuine change of heart during the collegial discussions that occur during proceedings in recommittal and passage. But it is hard to believe that such genuine changes of heart might occur on regular bases. So the Chair must ask all Members to reflect on how important it is that the Chair be able to rely on the statement of a Member in judging whether he qualifies over another who is truly opposed to offer a particular motion.

The instance recorded in the Deschler-Brown Precedents, volume 12, chapter 29, section 23.49, is instructive. As articulated in an apology by the ranking minority member of the Committee on Appropriations in 1979, "the honorable, if not technical, duty of a Member offering a motion to recommit is to vote against the bill on final passage." The Chair asks each Member to give thoughtful consideration to this sentiment.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize up to 10 Members on each side for 1-minute speeches.

GITMO

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, I rise today on behalf of our military. It has been 4 years since terrorists killed more than 3,000 innocent people and it seems that Democrats still do not understand who the enemy is.

They have turned their rhetoric to the American soldiers who guard the prison at Guantanamo Bay which houses some of the world's most wanted and is vital to the war on terror. Their efforts have provided some very valuable intelligence, intelligence that will save countless lives and keep our country secure. Yet some would rather use it as a political tool than honor those who serve there.

I hope our troops cannot hear them.

What is more, they would rather focus this Congress on investigating our own troops than on investigating enemy combatants, would-be terrorists, and threats to our homeland. You would think that the party of Truman and FDR would reserve comparisons to Nazis, the Holocaust and Pol Pot for al Qaeda, Saddam's ethnic cleansing, or Osama bin Laden.

But no. Those are the words they use to describe our troops in the field, our military command, and our soldiers at Guantanamo.

I hope our men and women in uniform cannot hear them.

RESTORE FUNDING FOR PUBLIC BROADCASTING

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEKS of New York. Mr. Speaker, I rise this morning to urge the House to restore full funding for public broadcasting. The Republican House appropriators' unwise decision to cut funding totaling 45 percent is offensive to the millions of Americans who rely on PBS for news and information. Parents depend on PBS to provide their children with wholesome programming that is educational and free of charge. But not only children benefit from PBS. Their programs and services also educate adults and engage people in the sciences, history and arts; and inform viewers and listeners of local and world events. As a result, PBS programming helps Americans engage as literate citizens of their respective communities.

The Republican Party who preaches about family values and morality is turning its back on millions of Americans who seek decent, wholesome programming free from the smut and violence that has infested the airwaves. Only the GOP would assassinate Big Bird, Elmo and Barney with one vicious swipe of their mean-spirited, budget-cutting sword.

It is time that my friends on the other side of the aisle match their values rhetoric with their actions and restore full funding for our families by giving PBS the Federal moneys it justly deserves.

CONCERNING THE ROLE OF GUANTANAMO BAY PRISON

(Ms. ROS-LEHTINEN asked and was given permission to address the House

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, the detention facility at Guantanamo Bay is of strategic importance in winning the global war against terrorism. Guantanamo provides the United States with a secure interrogation center to gain essential intelligence information from terrorists. Illegal enemy combatants held at Guantanamo Bay include terrorist trainers, bombmakers, would-be suicide bombers and terrorist financiers. Through the detainees held at this facility, we have learned about the detonation system used in roadside bombs in Iraq by the insurgency, bombs that have killed our troops and innocent Iraqi citizens. Detainees include 20 of Osama bin Laden's personal bodyguards as well as one of the architects of the September 11 attacks and suspected 20th hijacker in the attack on our country on September 11.

GITMO is designed to save the lives of our citizens and our service men and women from future acts of terror. Let us continue to support this important mission to protect the safety of our constituents and our Nation.

LOBBYING REFORM

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, yesterday in the Senate we heard testimony of blatant fraud masquerading as a legitimate lobbying operation. And also yesterday, the Washington Post ran a front page story detailing the excesses of K Street, known as Lobbyists Avenue.

Mr. Speaker, it is clear that these are gold rush times for professional lobbyists in Washington, DC. Since 2000, the number of professional lobbyists has more than doubled, to 34,000. Professional lobbyists have become the full service "back office" to Congress, arranging lavish fact-finding trips, writing legislation, and functioning as an employment agency for Members and staff.

Just as we put distance between donors and Members of Congress when they run for office, we need to do the same when it comes to professional lobbyists and Members of Congress who write the laws. Our bill, the Meehan-Emanuel bill, slows the revolving door between government and lobbying, enhances disclosure and transparency, curbs privately funded congressional junkets and gives teeth to enforcement mechanisms. With congressional approval at all-time lows, we must act now to restore public confidence.

Mr. Speaker, when your gavel comes down, it should mark the opening of the people's house, not the auction house.

SOCIAL SECURITY

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Mr. Speaker, Social Security is going broke and we need to fix it. The question is how. When the baby boomers begin to retire in 2008 and 2009, the only way to save Social Security is then to cut benefits by 30 percent or raise taxes by $600 billion a year.

The Democrats believe in tax hikes. In fact, the only Democrat proposal to reform Social Security is to raise your taxes. But the best way to reform Social Security is with personal accounts, to get a better return on our investments. And there are a lot of proposals out there. In fact, Ways and Means Committee leaders actually came up with a good plan yesterday that has personal accounts, that everyone paying into the system would get a personal retirement account by using the Social Security surplus that we have for the next few years. I like this idea because it means politicians cannot spend the money and it is a true lockbox for every citizen that pays taxes.

We need to have personal retirement accounts, Mr. Speaker, not tax hikes. We need to support Social Security reform.

150TH ANNIVERSARY TREATIES

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, this weekend marks the 150th anniversary of the Treaty with the Tribes of Middle Oregon and today I have introduced legislation to commemorate that event. There were a number of important treaties signed in 1855 which included the Cayuse, Umatilla, Walla Walla and ultimately the Warm Springs. These treaties helped guide and shape the management of land, water, wildlife and fisheries of the Pacific Northwest now and into the future. The treaties were understood by their signers to ensure the unique quality of life of native peoples in middle Oregon.

Unfortunately, the United States' history of honoring its commitments to Native Americans leaves much to be desired. In honor of the anniversary of these treaties, we should reaffirm and support the promises made 150 years ago between the Pacific Northwest tribes and the United States of America. Together, we have a rich legacy and a bright future to protect, and I urge my colleagues in joining me in supporting this resolution.

STOP USING TAXPAYER DOLLARS TO SUBSIDIZE VIAGRA FOR SEX OFFENDERS

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute.)

Mr. DOOLITTLE. Mr. Speaker, we must stop using taxpayer dollars to subsidize Viagra for sex offenders. It was recently revealed that almost 800 convicted sex offenders in 14 States have received Medicaid funded Viagra and other similar drugs. This practice is a disgusting abuse of taxpayer dollars and must be stopped now.

On today's calendar, an amendment in the Labor-HHS appropriations bill prevents taxpayer dollars from being used to reimburse sex offenders for Viagra and similar drugs. This amendment does not just address Medicaid but it also prevents Medicare and any other public health service from reimbursing convicted sex offenders for these types of drugs. It is the responsibility of Congress to take action to close this loophole immediately which we in the House shall do today.

ON THE ANNIVERSARY OF TITLE IX

(Ms. LINDA T. SÁNCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to honor the 33rd anniversary of title IX. Title IX creates opportunities for female athletes. Since its inception in 1972, female participation in sports has increased 400 percent in colleges and 800 percent in high schools. As a young girl, I played on several sports teams. These experiences fostered my love of competition. But they have far greater benefits. Girls who play sports are less likely to have an unplanned pregnancy, more likely to leave an abusive relationship, and are less likely to suffer from depression.

Unfortunately, under President Bush's administration, the Department of Education has created a huge title IX loophole. By bending title IX rules, it is now easier for schools to evade their responsibilities to provide opportunities for female athletes. It is wrong for this administration to reverse the progress made over the last three decades.

Tonight, I will be joining my colleagues in the annual congressional baseball game and when I join the lineup in RFK Stadium, I will be on the line for title IX.

Mr. President, I hope you can join us in supporting title IX by repealing these damaging new rules instead of slamming the door of opportunity in the face of women.

□ 1015

LET US DISCONNECT THE SPANISH-AMERICAN WAR TELEPHONE TAX

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, I rise today to announce to all Americans that the Spanish-American War of 1898 has ended. It has been 107 years since the war was over and Teddy Roosevelt and the Rough Riders went up San Juan Hill and we won that war. Yet 95 percent of all Americans are still paying for it and do not even know it.

Introduced in 1898 was a phone tax, which established the concept of a temporary luxury tax to defray costs on the Spanish-American War. It started on 1,300 phones, a tax on telephones. Today more than 100 million American households across the Nation still are paying for this excise tax to the tune of $5.6 billion a year on their phone services such as land lines, cell phones, and dial-up Internet connection. This tax strikes at every use of the telephone and burdens everyone, especially those in lower incomes.

Initially, this tax was used to finance this 3-month Spanish-American War, but it has been made permanent and was even raised in World War II.

So I would like to commend the gentleman from California for sponsoring legislation to get rid of this "temporary tax." This tax has proved there is no such thing as a temporary tax, and let us disconnect the Spanish-American tax on telephones.

33RD ANNIVERSARY OF TITLE IX

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, today I also rise with my colleagues who are here from the Women's Caucus to pay tribute to a historic occasion, the celebration of the 33rd anniversary of Title IX that seeks to achieve fairness among student athletes, both men and women.

For 33 years, Title IX has expanded opportunities for young women and girls to participate in athletic programs in schools across the country. Since it was enacted in 1972, women's participation in these sports has increased by 400 percent at college level and about 800 percent in high schools. Title IX's fundamental intent is significant because it ensures equal access and opportunity to all women and especially women of color.

And yesterday I had the opportunity of joining with Members of the Senate and the House to celebrate this very important occasion and to also make very clear that we are in opposition to this clarification, or notion of clarification, that the Secretary of the Department of Education would like to somehow implement, which would actually create a big loophole so that we would not be able to account for those young women participating in these sports. It would keep scholarships from them and the ability to participate in sports. So, please, I ask the Members to contact the President.

IRAQ

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, day after day Members from across the aisle have been coming to this floor to tell Americans that in their opinion we are losing the war on terror. They say that Iraq is a disaster, Gitmo is a gulag, and that our soldiers should have come home yesterday.

Mr. Speaker, they have no shame. If they want policy change, fine. But do not undermine our soldiers' efforts by going all out and selling this as hopeless in order to try to score political points.

Did they think winning the war was going to be easy? No one ever told them the endeavor would be without cost. Iraq is not a failure. Is it tough? For heaven's sake, absolutely, yes, it is tough. We all knew that going in. But transforming Iraq, freeing millions of people, stamping out terrorism in a nation right in the middle of the Arab world will pay huge dividends in the war on terror, period. It gives us a democratic ally in the Middle East.

I hope my colleagues will join us in supporting this effort, rather than tearing it and the brilliant men and women in uniform down.

THE REPUBLICANS AND SOCIAL SECURITY

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, what is it that the Republicans really do not like about Social Security? The Social Security system has provided retirement security for millions of Americans. But every time these Republicans start talking about Social Security, things get worse for those retirees. In the Senate the other day they talked about a new plan for Social Security that drastically cuts the benefits of future retirees and current retirees.

Then the Republicans on the House side here decided they had a new plan yesterday, and what did they decide? After borrowing $700 billion from the Social Security trust fund, yesterday the Republicans in the House decided to end that trust fund, to get rid of that trust fund, to make the solvency of Social Security worse now than it is today. That was their plan.

In the Senate, they cut the benefits and here they end the solvency of Social Security by ending the trust fund. They have taken $700 billion out of the trust fund since George Bush was elected. Bill Clinton left them a $5.6 trillion surplus. They squandered it. It is gone. And the President has suggested he is not planning to pay it back, the first President in the history of the country that said he would not pay back the Social Security trust fund, and now these boys want to end the whole thing.

SOCIAL SECURITY REFORM

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, it is time to turn down the rhetoric and to stop the raid on the Social Security trust fund and start allowing Americans to invest their Social Security taxes in personal savings accounts.

For more than 40 years, the United States Congress has shamelessly used payroll taxes intended for Social Security to fund Big Government spending. Thanks to the leadership of President George W. Bush, Congress has undertaken a national discussion about how we deal with the inevitable insolvency in the program. And while there are multiple plans for reforms, several of my colleagues yesterday offered a thoughtful approach.

The Ryan-Johnson-McCrery-Shaw plan is a good start down the right path for form, first and foremost by stopping the raid on the Social Security fund, by requiring that any surplus in Social Security taxes be returned to the American people in personal savings accounts. The plan ensures that Social Security taxes will be used for Social Security.

Let us stop the raid, start the accounts. Let us move forward with this commonsense plan.

I urge all my colleagues to give thoughtful consideration to the Ryan-Johnson-McCrery-Shaw plan for beginning the reform of Social Security.

IN SUPPORT OF TITLE IX

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I rise today to speak on the 33rd anniversary of Title IX, the landmark 1972 law that blocks gender discrimination in education. I am a proud supporter of this law that has helped girls and women move toward equality in athletics at every level and in every community across the Nation.

As opportunities have been made increasingly available, women's participation in sports has grown exponentially. Nearly 2.6 million high school girls and over 135,000 women in college now participate in organized sports. That is more than 2 million women and girls having a chance to score a goal, slide into home plate, or sink that winning basket. For many young athletes, the scholarship opportunities provide the only means by which they can attend college.

Moreover, they tend to graduate at higher rates, perform better in school, are less likely to use drugs and alcohol. They also tend to have more confidence, better body image, and higher self-esteem than female nonathletes, the critical attributes that help them succeed throughout their lives.

We build on these advancements in the name of the equality, and I want those here to stand for and defend the integrity of this pioneering civil rights law.

SCNT EQUALS CLONING

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Members of this body this past week have been told by outside groups that somatic cell nuclear transfer is not cloning. That is just not true. SCNT is the same process that created Dolly the sheep. If SCNT does not create a clone, then Dolly was not a sheep.

SCNT produces an embryo, whether the procedure is done to destroy the human embryo for research or to implant it to produce a child. The fact that creating it does not involve sperm is what makes it a clone. This is unquestioned by serious people. Bioethics commissions, President Clinton, and George W. Bush said that the product of SCNT is a cloned embryo.

In a debate as emotional and important as this one, it is important to understand all the facts; and it is equally important to see through the word games espoused by some groups and Members of this body.

SCNT creates a cloned human embryo. There is no way around it. And that is why this body should move quickly to stop human cloning before scientists start killing human clones like they killed all those sheep when they cloned Dolly.

TITLE IX AND SOCIAL SECURITY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, this morning I rise to speak about two wrong-headed policies.

First of all, let me honor and celebrate Title IX: remember the U.S. soccer team, women's soccer team, the WMBA; and then of course the assault on Title IX to allow the schools to send an e-mail to determine whether students, young women want to participate in sports. Do the Members know what that means? No women's sports. I stand here today to support a full funding of Title IX. Get rid of the loophole.

And then, Mr. Speaker, I want to say to my friends who think that we are going to accept the smoke and mirrors on the new Social Security plan, let us let me tell them that it is the same old plan. It privatizes Social Security, raids the trust fund, and weakens Social Security because what it does is it takes money from the trust fund and puts it in private accounts. Democrats stand for a solvent Social Security. Social Security is not a policy issue. It is a personal issue. It is an umbrella. It is the wind beneath the wings of those who work every day. Do not buy the smoke and mirrors of Social Security and support Title IX with no changes.

CELEBRATING A CENTURY OF ROTARY INTERNATIONAL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, more than 40,000 business and professional leaders from 150 countries have come together this week to attend Rotary International's Centennial Convention led by President Glenn Estess, Sr., in Chicago.

During their first 100 years, Rotary International grew from a small club established by Paul Harris in Chicago to a diverse international network of community volunteers who are dedicated to building peace and goodwill in the world. Today, approximately 1.2 million Rotarians belong to more than 32,000 Rotary Clubs in 161 countries.

Rotarians are carrying out humanitarian projects in their own neighborhoods, promoting youth exchanges, and raising money to eradicate polio worldwide.

As a former Rotary Club president, I am proud to recognize the organization's distinguished record of volunteerism and thank all Rotarians who contribute to the success of this vital organization. I also appreciate my district director, Butch Wallace, as president of the West Metro Rotary Club; and my chief of staff, Eric Dell, as president of the Capitol Hill Rotary Club.

In conclusion, God bless our troops and we will never forget September 11.

CELEBRATING ANNIVERSARY OF TITLE IX

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise to celebrate the 33rd anniversary of Title IX and pay tribute to the significant advancements made for women's educational and athletic opportunities. Not coincidentally, this year is also the 33rd anniversary of the UC Santa Barbara Lady Gauchos basketball team, this year's Big West Conference champions.

I hold a basketball signed by the team members of the 1997 team who participated in the NCAA tournament here in Washington, DC. Any woman who has played for this team can attest to the numerous benefits afforded to them by receiving the same opportunity as men to participate in college athletics.

☐ 1030

There is a clear interest for women to play sports, and schools must respond.

To anyone who disagrees, I would like you to know that the UCSB women's basketball team sells more season tickets than the men's team.

So I am appalled that the Bush administration is trying to weaken the enforcement of Title IX in our Nation's colleges and universities.

On this anniversary of Title IX, we must stand up and protect it.

AIRLINE PENSIONS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, we do not need any more airline companies going bankrupt.

Imagine retiring with a pension only 50 or even 20 percent of what you expected. That is what is happening to thousands of airline employees.

A government bailout is not fair to taxpayers, and it will not work. What will work is industry-specific pension reform.

In the Committee on Transportation and Infrastructure hearing yesterday, we heard testimony from financial experts, the PBGC, the Pilots Association, and others. They painted a picture of a flawed current business model. In the face of high fuel costs and more retirees than workers, defined benefit plans simply do not work for many companies.

Congress can help. H.R. 2106 gives the airline carriers greater flexibility in funding their pensions. It provides more security for employees and will ensure that taxpayers will not be held liable for these underfunded pensions. A government bailout should not be a financial planning tool for the airlines.

Mr. Speaker, employees should receive the pensions they have worked for their entire lives, and taxpayers should not be left holding the bag. The Employment Pension Preservation and Tax Prepare Protection Act, H.R. 2106, is the winning formula.

TITLE IX'S 33RD ANNIVERSARY

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, 33 years ago, Title IX, written by our dear friend, Patsy Mink, became law. Title IX recognizes that only when all Americans have opportunity to reach their potential can our country reach its potential.

Recently, the Bush administration said that if a school's women students do not respond to an e-mail from the school asking if they are interested in sports, then the school would be in compliance with Title IX.

That is ridiculous. There are acceptable standards to measure compliance that are accurate and must be used.

The lesson of Title IX is that interest flows from opportunity. That is why women's participation in sports has increased 800 percent in high school and 400 percent in college since 1972.

Moreover, if we are going to make policy based on how many people ignore one of the dozens of e-mails in their in-box, we will be in huge trouble with Title IX.

I hope that the President will heed the letter from the gentlewoman from California (Leader PELOSI), the gentleman from California (Ranking Member MILLER), and myself and 140 other Members, and rescind this clarification.

FLAWED POLICY DENIES CUBAN AMERICANS REGULAR FAMILY VISITS

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, I rise today to draw attention to the case of Sergeant Carlos Lazo. Sergeant Lazo is a Cuban American, a proud Cuban American who is serving in our military. He recently did a tour in Iraq and came home, wanting to visit his two children in Cuba. He was prevented from doing so, stopped at the airport, because we have a policy that only allows Cuban American families to visit each other once every 3 years. Here is a man serving in our military, proudly; we trust him in Iraq, but we do not trust him to visit his own family in Cuba.

It seems to me this policy is flawed. We will have amendments next week on the Treasury-Postal bill.

I urge my colleagues to look at this case, to meet with Sergeant Lazo who is on Capitol Hill today, and to rethink this policy of ours that denies Cuban Americans the ability to visit their families.

IN SUPPORT OF TITLE IX

(Ms. BORDALLO asked and was given permission to address the House for 1 minute.)

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of the Title IX program which created equality, equality for young men and women in our Nation's schools.

As Title IX celebrates its 33rd anniversary today, I am concerned with recent attempts to undermine the program that will reverse the progress Title IX has made in enabling young women to participate in sports.

The Department of Education recently issued its "Additional Clarification of Intercollegiate Athletics Policy: Three-Part Test, Part Three" which changes the way schools determine female interest in athletics by making an e-mail survey the sole interest indicator.

This new policy harms the Title IX program because it prevents schools from using a multi-method approach to assess female sports programs. By deciding to base the future of women's athletic programs on e-mail surveys, the Department of Education is denying women the same opportunities as men to participate in sports.

Mr. Speaker, I urge my colleagues to continue to support equal rights for men and women in every arena of public life, including sports. I strongly urge the Department of Education to rescind its policy. Title IX opened the doors for women; let us not close them now.

PROVIDING FOR CONSIDERATION OF H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 337 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 337

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except for section 511. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the Committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 337 is a fair, open rule that provides for the consideration of the Labor, Health, and Human Services, and Education appropriations bill for fiscal year 2006.

I want to commend my friend, the gentleman from Ohio (Chairman REGULA) and the gentleman from Wisconsin (Ranking Member OBEY) for their efforts in moving this important piece of legislation to the floor.

This appropriation bill funds health and education programs that are vitally important to our children and families. The Committee on Appropriations has met the need for these programs, while living within the parameters set by the House and the budget resolution.

The bill provides an $118 million increase to the Department of Education, including a $100 million increase for Title I State grants. My colleagues across the aisle decry what they call a lack of funding for education, and nothing could be further from the truth.

Since Republicans took control of Congress, funding for the Department of Education has more than doubled. In the last 5 years alone, total education expenditures have increased by nearly 50 percent.

I am particularly pleased that the committee provided resources to key college prep programs. The TRIO program is funded at last year's level of $837 million, and GEAR-UP will receive $306 million, also equal to last year's allocation. These two programs are very successful in helping low-income students in making the transition to college. Many TRIO and GEAR-UP participants from high schools and colleges across West Virginia took the time to write me about their successes in the programs. I appreciate these students' efforts and wish them every success as they continue their education.

The bill also provides money for the Perkins Vocational Education and

Tech Prep programs at last year's level. These programs provide job skills to students, some of whom will go to college, and many others will have the necessary training to enter the work force. Many West Virginia students take advantage of vocational education, so I appreciate that funding for those programs was maintained.

The maximum Pell grant award is increased to $4,100, the highest level in the program's history. This increase is the beginning of a series of proposed increases in Pell grants that will help more students across the country afford the growing cost of a college education.

The committee provides $569.6 million, the same as fiscal year 2005, for the Adult Education State Grant program. This money will be used to help fund literacy programs for adults and enable them to complete a secondary education. Reading skills are a necessity for our adults as well as our youth, and for adults in the employment market and in everyday life, so I am pleased this bill restores adult education to last year's level.

The legislation before us also addresses the many health care needs of our Nation. The bill contains a $145 million increase for the National Institutes of Health, demonstrating our commitment to finding cures for deadly diseases. Funds for community health centers that provide primary care for many patients in counties across my district and others across the country are increased by $100 million to $1.8 billion. These health centers are important, because they offer health care to people in rural communities who have few other options for quality care. Health centers are cost effective because they cut down on unnecessary emergency room visits and expensive, serious ailments that come when minor illnesses go untreated.

I am also glad that the bill provides $890 million to begin the implementation of Medicare Part D, the long-awaited prescription drug benefit that will be especially helpful for our Nation's poorest seniors.

Job training activities, especially the successful Job Corps program, are also well provided for in this legislation. The Job Corps Centers in Charleston and Harper's Ferry in my district do an outstanding job of training students not only to be productive workers, but to be active members of their community as well. I am pleased that Job Corps will see an increase to $1.44 billion this year.

As with any appropriation legislation, we had to make tough choices in this legislation. These choices are particularly difficult when dealing with the sensitive health and education issues like the ones in this bill. The Committee on Appropriations allocated the available resources in this bill in a manner that emphasizes those programs most important to our Nation. I urge my colleagues to join me in support for the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from West Virginia (Mrs. CAPITO) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, let me start with a quote from Lyndon Johnson: Today we rededicate a part of the airwaves which belong to all the people," a thing we should always remember, "and we dedicate them for the enlightenment of all the people."

President Lyndon Johnson spoke these words at the White House ceremony which marked the official creation of the Corporation for Public Broadcasting in 1967. Much has changed in the 37 years since then, but in the realm of television, Mr. Speaker, a PBS program that reaches millions of families every day has been the only constant.

PBS programming is first and foremost about children. At a time when so many television networks are wary of producing educational programming because it will not be cost-effective as they define it, PBS stands alone. They are proud to present wonderful programs that teach children how to read, how to share, and how to be tolerant of others. But PBS is not just for children, it is for minds of all ages that seek to question and learn about our world.

PBS has the best documentaries, the best programs about American history and about the new scientific discoveries which are constantly changing our world. There is a reason that Peggy Noonan of The Wall Street Journal, an unabashed conservative, has written that "At its best, at its most thoughtful and intellectually honest and curious, PBS does the kind of work that no other network in America does or will do." Ms. Noonan wrote this because it is true. And what is most important, PBS programming is free to all.

Big Bird reaches all the children in America, regardless of whether they are in urban or rural areas, regardless of their economic class or whether or not their parents can afford 500 channels of cable, but the majority leadership is speaking out against Big Bird here today and the other great children's programming. They are speaking out against quality news and arts and entertaining programs that have no other place to call home on television today.

The Labor-HHS appropriations bill we will consider today offers cuts of more than $100 million from the Corporation for Public Broadcasting funding. And, all told, this bill imposes a staggering 42 percent cut in funding for PBS this year.

□ 1045

Now, why would the Congress do this? There is only one reason, Mr. Speaker, and that reason is the leadership of this body does not like PBS. In fact, Republicans have been after PBS for years. Ronald Reagan tried to slash CPB funding, so did Newt Gingrich. And now the conservatives have redoubled their efforts.

They claim that PBS is the lapdog of the left. But the notion that PBS is partisan runs against the very grain of what PBS is and what the Corporation for Public Broadcasting was designed to accomplish.

President Johnson stated that CPB was intended to be carefully guarded from government and party control. It will be free, it will be independent, and it will belong to all of our people.

PBS and CPB, therefore, should be neither liberal nor conservative and should instead be honest and objective; and it always has been. The real problem with our friends on the right seems to be confusing intellectually honest and independent programming with so-called liberal bias, simply because they are not espousing their own narrow conservative world view 24 hours a day.

Most Americans, no matter their political persuasion, understood the benefits of hearing views from different perspectives; and they like the idea of truly independent, stimulating public programming. They understand that Big Bird cannot be replaced by 500 channels of cable.

That is why Roper polls taken in 2004 and 2005 found that the people of our country thought that spending money on PBS was the second best use of their tax dollars, right behind the funding of our military.

But the independence of PBS and the Corporation for Public Broadcasting is somehow a threat to this Republican leadership. Why else would Kenneth Tomlinson, the new Republican chairman of CPB, attempt to appoint Patricia Harrison as the new head of the Corporation For Public Broadcasting?

Ms. Harrison is a strange choice for the leader of a broadcasting corporation in as much as she has never even worked in broadcasting. On the other hand, she was at one time the cochair of the Republican National Committee, and so perhaps her qualifications for the position speak for themselves.

Mr. Tomlinson also felt that such prominent PBS programs such as "NOW," with Bill Moyers, were liberal in their orientation. He therefore did the honorable thing and hired several ombudsmen to secretly spy on the programs and report on their activity.

And just last week, we learned that in 2004 the Corporation for Public Broadcasting, now firmly under partisan Republican leadership, gave two Republican lobbyists $15,000 and did not tell anybody they had done so.

By the way, Mr. Tomlinson was head of Voice of America, and we understand that Voice of America is to be outsourced to Asia. How do you like that, America? Is this what we have come to, spying on the network that brings us "Sesame Street," "The Electric Company," "Captain Kangaroo"? And if so, what is next?

Will we have satellite surveillance of the "Antiques Road Show"? Wire taps in Oscar's trash can? Are the American people going to allow these same individuals who actively manipulate the media, who have allowed political operatives to pose as journalists in the White House, who have paid commentators and pundits to falsely pose as journalists, to manipulate public opinion?

Are we going to allow them to tell us that now Public Broadcasting is the enemy? I certainly hope and pray not. If there is any doubt that this is their true intention, my fellow Americans, we need look no further than this very bill, approved in a subcommittee where the Republican leadership successfully eliminated funding for PBS and the Corporation For Public Broadcasting.

As with so many other things in this Congress, they were shamed by the American people into reversing course, but I imagine that the right wing assault on PBS will continue.

President Johnson feared that if placed "in weak or even in irresponsible hands," public television could generate controversy without understanding, could mislead as well as teach.

It could appeal to passions rather than to reason. That was very far-seeing for President Johnson. Let us not succumb to the misguided partisan passions of the leadership which threaten to destroy this cherished American institution. Let us preserve public networks across our country.

Mr. Speaker, Sesame Street teaches children to be fair and just. And we learned that from Sesame Street, our children learned it from Sesame Street, let us practice it today, and we expect no less from Members of this Congress.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill contains quite a bit on education. I think the wonderful thing about America is that every child in America is afforded a public education through our public schools. I am very proud to say that I have three children who are very fine graduates of West Virginia public schools. And there are tough choices to be made in this bill. I acknowledged that in my opening statement. And I acknowledge that as well.

But I would like to go through some of the things, the public education things, in this bill that will help every child in America no matter what channel they turn to on the television. There is a $118 million increase to the Department of Education. Increases in Pell grants to the highest ever, $4,100 availability. Special Ed grants are funded at $10.7 billion, $150 million above last year's funding.

Title 1 grants, which help the underprivileged and our lower-economic students, $100 million over last year's funding. Reading programs. Reading is an essential art; I hope it never becomes a lost art. It is an essential art for our future, not only to bring much joy into people's lives but also to see that they are able to secure fruitful employment and raise a family and have the best things in America. Reading is absolutely essential.

Reading programs are funded at $1.2 billion. The Reading First program is funded at over $1 billion. The Even Start program is funded at $200 million. Math and science. We have heard a lot about the loss of math and science abilities in our students coming out of high school. We recognize that in this bill, and we have increased by over $11 million for a total of $190 million to enhance the number of teachers trained to teach in the fields of math and science.

I think there is much to be proud of in this bill in terms of the way we have addressed problems in our public education, and the way we have addressed something that is near and dear to every American's heart, that is, a good solid quality education for our children.

We have also worked to improve teacher quality. This provides $2.94 billion to help teachers with professional development programs. So I think that this year's bill, while the tough decisions were made, and as I said, I congratulate the chairman and ranking member for making those tough choices, there is a lot in here that will help enhance the education, enrich the lives of our children, and help improve the quality of our public education.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I am pleased that the House is on schedule to pass all 10 appropriations bills necessary to fund the Federal Government. But the challenge we face is to do so under the tight constraints dictated by the budget resolution put forth by the Republican majority.

I believe a budget is a moral blueprint for the priorities of the Federal Government. But, sadly, this year's budget fails to address our Nation's most basic priorities and fails to plan for our Nation's future. And now, to the detriment of our appropriations bills and ultimately our country, we have become chained to its misguided priorities.

The long-term health of our Nation is being threatened at a time when we should be investing in it. Within 15 years, America's supply of nurses will fall almost 30 percent below the Nation's needs. Filling the registered nurse pipeline with new recruits requires sustained, aggressive funding over the long term. And I am disappointed to say that level funding in the bill for nursing programs will not do enough to reverse this demographic reality.

If we fail to support the backbone of this Nation's health care industry and ask our nurses to spread themselves even thinner, we risk everything that comes with it, including decreased patient safety and poor quality of care.

And we are failing in this bill to meet the needs of those individuals who most need the access to health care professionals. This bill guts critical funding from title VII programs which encourage health professionals to serve in underrepresented populations. I have seen the positive effects of this funding in my hometown of Sacramento. The UC Davis Medical Center uses title VII funds to train medical students to work through significant language or economic barriers in communities that have a host of otherwise treatable medical conditions.

And medical center fellows trained with these monies conduct cutting-edge research in health care disparities and how to improve cancer screening. Sacramentoans have been well served because of this investment in the health of the community.

But, again, title VII funding is eliminated in this bill without regard for these long-term impacts. And so, again, we see yet one more example of the misguided priorities contained in this year's budget.

Let me close by talking about this commitment to the future in a slightly different way. Growing up, I never doubted that I would have the opportunity to go to college. And never once did I doubt a doctor would be there when I fell ill.

But, Mr. Speaker, not all Americans are lucky enough to have these assurances. The way in which we as a Nation meet the gap between the world we want to raise our children in and the challenges of life speaks directly to the values we hold. This bill absolutely fails in that vision.

Mrs. CAPITO. Mr. Speaker, I would like to take the opportunity to talk a little bit about community health centers. I visited all of the community health centers in my district of West Virginia. They go a long way towards enhancing access and quality in the rural areas. It has been a great initiative that has worked very successfully in a State that sometimes has difficult areas to get to.

And I am pleased that this bill enhances that funding by $100.000 million.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I rise in opposition to the rule, and I rise in opposition to the Labor-HHS Education appropriations bill.

My reason is simple: This bill shortchanges the American people in so many ways that it is difficult to keep track of them all. Just last month, when the House was considering H.R. 366, the Vocational and Technical Education for the Future Act, I raised the question of where the Appropriations Committee was going to find the $1.3 billion to fund these programs without making deep cuts in other critical programs.

I raised this question, because the Republican majority had just passed a budget resolution in lock step with the President's request to zero out vocational education programs.

So while I am pleased that the committee has restored $1.3 billion for vocational education, my worse fears have come to pass. This bill eliminates half a billion dollars' worth of other education programs. It eliminates half a billion dollars' worth of important health programs. It eliminates $56 million of Labor Department programs.

These critical programs include early learning opportunities for early childhood development, the Community Food and Nutrition program, comprehensive school reform, student alcohol abuse reduction, and dozens of others.

This bill practically eliminates funding for health professions training and professional development programs at a time when our Nation is facing a severe shortage of health care professionals. Primary care physician training programs in Massachusetts would be cut by $12 million.

These programs stand to be cut by over $2 million alone at the University of Massachusetts Health Care Center, the largest employer in my district. These cuts will further strain an already fragile health care system in my home State and around the country.

And I have not even begun to touch upon programs that have seen their funding sharply reduced or frozen for the second, third, or fourth year in a row. My colleague, the gentlewoman from New York (Ms. SLAUGHTER), talked about the senseless cuts to PBS.

Essential programs such as community service block grants, the child block grant, after-school programs, the investment and professional training and development of our teachers have all been cut or level funded. In the end, thousands and thousands of families, children and elderly, the sick and the poor in our communities will lose the help and services that are critical to reducing the vulnerability of their daily lives.

□ 1100

Hospitals, health care centers, schools, and community centers will lose the ability to provide quality classes, programs and services.

Mr. Speaker, I was not sent to Washington to hurt the poor and the elderly. I was not sent here to shortchange our schools and health care providers or to undercut State and local efforts by starving them of needed resources.

As I have said on many occasions, and it is important to repeat today as we move on this legislation, the Republican majority is fast creating a government, that lacks compassion and has no conscience. My friends on the other side of the aisle fought ferociously for tax cuts for millionaires and billionaires. They had to have those tax cuts, and guess what, they have diverted billions and billions of dollars from programs that benefit our kids, our senior citizens, and the most vulnerable in our society.

I suppose that highlights the real difference between the two political parties. But, Mr. Speaker, what they are doing is wrong, it is so wrong and it is why I oppose this bill today, and I urge my colleagues to do the same.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to note in this bill another program that is very important to every State across the Nation, and that is the Head Start program. The Head Start program has been funded $56 million over last year's level, and this will help towards the readiness of our preschoolers to be able to be ready to handle the challenges of school.

Another program highlighted in this bill is funding of $100 million for a new pilot program to develop and implement innovative ways to provide financial incentives for teachers and principals who raise student achievement and close the achievement gap.

And back to community health centers, I think this is one of the best ways to cover children's health care. Many young families cannot travel far to access hospitals for preventative care. This will go towards managing health care for children with another $100 million for that program.

My colleague talked about senior programs. I note in this bill there are several senior programs. There is the National Senior Volunteer Corps and the Foster Grandparents program. Foster Grandparents always come to visit me in Washington and tell me about their program. I am in awe at their dedication to not only seniors but to the youth of America. The Senior Companion Program and the Retired Senior Volunteer program, these programs are funded at the highest levels ever, and I think it will go a long way towards giving our seniors a way to volunteer and give back to the Nation, to the young people and families. I am pleased that the chairman recognized the value of these programs in his bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I am sad to say that I think this bill is a prescription for a second-rate economy for the American people because it declines to make the long-term investments that are necessary in education, in health care, in job training, in worker protection and the like.

I will be voting against the previous question on the rule and the rule itself because the Committee on Rules did not make in order the amendment that I had asked them to make in order which would have done one very simple thing: it would have provided an additional $11.8 million in funding for high-priority education, health and worker protection programs. It would have provided that same amount, $11.8 million, in deficit reduction; and it would have paid for that by reducing the supersize tax cuts for people who make over a million dollars a year. Right now they are expected to get on average a $140,000 tax cut this year. We would have limited their tax cut to only $36,000, the poor devils. They would have to get along with only $36,000.

I make no apology about wanting to make these investments. We are the greatest country in the world. We have the greatest economy in the world. We are the world's leader in technology. We are the world's leader in almost everything, but we did not get there by not making crucial investments year after year after year. We got there by investing in our people by way of education, by making the right capital investments, by making the right investments in science and technology; and that grew the economy for everybody. This bill walks away from that responsibility.

This bill, in real-dollar terms, after you adjust for inflation, will deliver on a per-person basis about $5.9 billion less in these critical areas than it delivered last year.

There is one other element of the amendment I would like to talk about for just a moment. We talk a lot in this country about preventing abortions. It has been my experience that lectures from your local friendly politician or your local clergyman are not nearly as helpful to young women who are pregnant and trying to decide if they are going to carry a baby to term or not as is a helping hand. The amendment we wanted to offer would have provided that helping hand.

It would have taken critical programs that would make it economically easier for low-income and vulnerable women to choose to carry pregnancies to term. We would have had $175 million for maternal and infant health care, returning it to the fiscal year 2002 level. We would have added $300 million to child care, returning that to the fiscal year 2002 level. We would have added $418 million to the community service block grant to provide people with an opportunity for education, training and work, and to live with decency and dignity. And we would have provided $126 million for domestic violence prevention, effectively doubling that program. We would have doubled the Healthy Start program for newborn babies, and we would have increased job training for young women by $212 million.

If we are concerned about life, our concern cannot end with the checkbook's edge. We need to recognize that if we are going to provide real-life, real-world opportunities for women to help convince them not to have abortions, we need to be funding programs like this. These are a whole lot more important to the spirit of the country, to the economy of the country, than providing a $140,000 tax cut to somebody who makes a million bucks a year.

Mr. Speaker, I regret the Committee on Rules did not make this amendment in order. That is why I will be voting against the previous question and voting against the rule.

Mrs. CAPITO. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee.

Mr. REGULA. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I think the gentlewoman has done a great job of describing the bill as part of the rule debate. The bill covers many items of great importance to people. The bill is a balanced bill. It is a recognition, of course, that we have limited resources. But within the framework of what was available and what was given to us by way of an allocation, I think we have done an excellent job, as was described by the gentlewoman from West Virginia (Mrs. CAPITO), in making priority choices.

I was interested this morning when I read the Post that David Broder in his column says, "As for the value of education, when asked to identify from a list of five options the single greatest source of U.S. success in the world, the public education system edged out our democratic system of government for first place, with our entrepreneurial culture, military strength and advantages of geography and natural resources far behind."

Number one in public opinion was education. We will talk about this in the general debate, and the gentlewoman likewise pointed this out, that this bill emphasizes education and some new areas, putting emphasis on teachers and principals, because the people are what make a school system a success.

Also in Roll Call today, an article by Morton Kondracke, the editor, the caption is: "Avian Flu Could Become Top '08 Issue. Seriously." He goes on to point out in here how the Senate leader, a physician, made a speech and declared infectious disease and bioterrorism are "the single greatest threat to our safety and security today." He went on to say fighting them will be the overriding purpose of his political future. That, again, we address in this bill.

I just want to point out that the bill does as much as possible within the constraints of limiting spending, addressing two major issues that are both in the news today, education and the threat of bioterrorism. We will discuss that more in the general debate on the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, of the many reasons to vote against this measure, one of the most significant is its failure to address the "opportunity deficit." Yes, this administration's many failures are reflected in the budget deficit and the trade deficit, but I am even more concerned about the "opportunity deficit."

When students cannot develop their God-given potential to its fullest extent, we have an "opportunity deficit." When our community cannot benefit from the talents of those students unable to get a higher education, we have an "opportunity deficit." By failing to increase the amount of federal financial assistance to let all students get the full extent of educational opportunity, this measure today deepens the "opportunity deficit."

Freezing Perkins loans, freezing work-study financing for all of those students who want to work, freezing Supplemental Education Opportunity Grants, and virtually freezing Pell grants demonstrate that these Republicans are putting higher education on ice for too many students. This administration gives students a cold shoulder, as they have by freezing Pell grants in the past, in not addressing the rising tuition rates across the country.

Our students at UT-Pan American, South Texas College, Austin Community College, and Huston-Tillotson University depend on Pell grants, but the purchasing power of Pell grants has shrunk to historic lows. The purchasing power of Pell grants, which once covered half of tuition and fees, is down to a historic low, now only covering a fourth of tuition and fees.

In his budget President Bush proposed a Pell Grant increase of, finally, a pittance, $100: enough to buy a chemistry textbook, almost. But this bill cuts that pittance in half. That is not enough for a textbook. It is not even enough to pay for the increased cost of gas, another failure of this administration, to get to class for a week.

I believe we need to do more to support our young people, to support our future by giving them the financial assistance that they need; and this bill, like the entire approach of this administration, from pre-kindergarten to postgraduate education, fails to address that "opportunity deficit."

For those who can still afford to attend school, we are saddling that generation with a burden of debt, much like the burden of debt in the public sector. We are not investing adequately in our future or in our students. Students are facing a mountain of debt after graduation that this bill does not address. Let us close the "opportunity deficit" and reject this measure.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

I would like to comment on Pell grants because this bill contains the largest amount for Pell grants ever in the history of the United States, $4,100 per student. That is a lot of opportunity for a lot of different students.

I would also like to say that the TRIO program, the GEAR-UP program, the Job Corps program, these are all programs designed to help students who might not have an opportunity get an opportunity through those programs. They are well-funded, successful programs; and they are recognized in this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CUNNINGHAM), a champion of education.

☐ 1115

Mr. CUNNINGHAM. Mr. Speaker, I came on this committee after I had been on the authorizing committee for education. Then the chairman was Congressman JON PORTER, probably one of the best chairmen that have ever chaired that particular committee. I was concerned that because of the delicacies of the programs that this particular bill offers, the gentleman from Wisconsin (Mr. OBEY) has quite often spoken of it as the caring committee because it involves such things as education, health care, medical research and so on. I was concerned about who was going to replace JON PORTER. The leadership came up and gave the gentleman from Ohio (Mr. REGULA) the chair, and I watched and watched. Members on both sides of the aisle would agree that the gentleman from Ohio has done every single thing that he can to enhance the properties of this bill.

Now, many will use each of these bills for propaganda against the administration, against Republicans. I would tell you that most of the things that we fight for in this bill are done in a bipartisan way. There are other things that other people would like, but when it comes down to it, education and the different aspects of this bill, we do work together. The House bill is only the start. We have the other body to go through and we have a conference to go through. What we are talking about here today will not be in effect.

I would also like to recognize, Mr. Speaker, that only 7 percent of education is funded by the Federal Government; 93 percent of education is funded by the State. California has had a particular problem with a $12 billion debt left by a different Governor and they are trying to pay that back. In most States, Leave No Child Behind has worked successfully. In California, we need more flexibility. Many of the State laws do not apply or correspond to the Federal laws and we are having problems, especially in IDEA, attendance and testing. But I will tell you that the items in which this bill are important, Impact Aid that takes care of our military troops and Native Americans, is increased in this bill.

If you look at title I, what is title I? Title I is for the most disadvantaged children we have in our Nation. California has to fight for its fair share. About 1 in 9 Americans live there. But yet title I is in this bill is increased.

Pell grants, as has been mentioned, is the highest level ever. No child should be denied a secondary or a college education if they meet the standards, and Pell grants help that. But, remember, the State pays for 93 percent.

IDEA, there is some reform I think we can work on together in the Individuals With Disabilities Act. There are some students that take over $100,000 a year out of the school system under IDEA because of special needs, and the school has to pay. We need to embrace that because in many areas those costs are impacting the schools themselves.

There is one amendment that I think is a good amendment that I may have to go against my chairman in this today and that is Easy Start, authored by former member Bill Goodling of the authorizing committee, a program in which parents are actually involved with their children at an early age in education, and I think that that should somehow be restored, hopefully in conference or maybe even with this amendment.

But I want to thank the gentleman from Ohio and I want to thank the Members on the other side of the aisle. I am sad to hear the partisan rhetoric when many times we work so closely together.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, the only thing I can say is that I rise with enthusiasm to support the Obey/Slaughter/Leach amendment that recognizes the need and the reason for survival of public broadcasting. I only say one sentence. If Afghan citizens can gather yesterday in Washington to welcome Big Bird to Afghanistan, then it really is a shame that we are closing the door and turning off the lights and turning off the television for the children of America who learn and are inspired by Big Bird and Sesame Street and PBS.

But then I want to support the Obey amendment that will be coming up that adds $11.8 billion to a bill that has been called America's umbrella. I am very sad to say that even though I have the greatest respect for the chairman and, of course, the ranking member of this subcommittee, we have not done our job. From the billions of dollars that have been cut from education, it is evident that we need a reform of this bill. No Child Left Behind, $806 million has been cut. The bill cuts $603 million from Title I. The Republican majority again breaks their promise on the funding of IDEA, provisions that help those with special needs. The bill freezes dollars in the after-school centers. It slashes education technology dollars by $196 million. It eliminates comprehensive school reform grants to 1,000 high-poverty schools by eliminating the program. This is not the umbrella that the American people need.

When we begin to talk about investment in America, this is the bill we do it in, and we have traditionally done it in a bipartisan way. I have heard my good friend from California say this is a House bill, we are not finished, but this is a bill that makes a statement to America. We have cut moneys from the most vulnerable. I would ask my colleagues to look at this closely, defeat this bill and go back to the American people and work on their behalf.

Support the Obey amendment.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy. I rise in opposition to the rule and to the bill. I have many concerns, but one of the most fundamental deals with the treatment of public broadcasting. Public broadcasting, is America's voice. It is our window on public affairs, culture, children's programming and education, enjoyed by 80 million viewers a week and over 30 million listeners on NPR, and one of the last locally owned media voices in America. I worked hard over the last couple of weeks to avoid a partisan showdown over this bill, but here we are.

What does it say about America's priorities that we are cutting public broadcasting over 40 percent from the current year's spending level to help achieve the overall 1 percent target reduction in the bill of over $140 billion, a self-imposed straitjacket by the Republican majority? The committee actually tried at first to eliminate altogether future funding which has luckily been beaten back, at least for the time being. But I would urge each of my colleagues to look at the committee report, at the estimated allocations for public television and radio stations that are listed on pages 315 to 327 to look at the damage.

Ironically, in States that are rural like mine that have large rural areas, small towns, this damage is understated, because the big cities will always have public broadcasting, although it will be hurt under this bill; but small town America, rural America, that do not have the resources to make up for it and are much more expensive to receive broadcasting, they face elimination, and it is outrageous.

I am pleased that the gentleman from Wisconsin (Mr. OBEY) is coming forward with an amendment. I urge all of my colleagues on both sides of the aisle to get real about what America wants and America needs. This is one thing we ought to come together and fix.

Mrs. CAPITO. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, unfortunately this appropriations bill fails the values test of equal opportunity and fairness that the American people would expect of us. The bill's failure is rooted in the flawed priorities of the House leadership, which has said in its budget resolution that it is okay to cut education, job training, and health programs so that someone making $1 million a year can receive every dime of his or her $220,000 annual tax cut. That is not okay. It is wrong.

These flawed priorities not only offend Americans' sense of fairness, they undercut our constitutional promise of equal opportunity for all Americans. It makes no sense. There are 7.6 million unemployed Americans, but this bill cuts job training programs. It makes no sense. Our Nation faces an ever more competitive world, but this bill does not allow college student loans and grants to even keep up with the inflationary cost of higher education. The result, millions of hardworking students who have earned the right to go to college will not be able to afford to do so, thus undermining their future and our Nation's future. It makes no sense.

Over 43 million Americans, most of them from working families, have no health insurance, but this bill cuts services from maternal and child health along with rural health programs. It makes no sense.

Parents yearning to have more commercial-free quality television programming for their small children will be deeply disappointed to learn that this bill guts funding for public broadcasting.

Our labor, health and human service programs are about helping people help themselves. Yet this bill, after inflation and population growth, cuts $5.9 billion from these important programs. That is a lot of bootstraps that decent, hardworking people will not have to pull themselves up and their family's future up.

Cutting programs that help millions of hardworking middle- and low-income American families make a better life for themselves in order to pay for a $220,000 annual tax cut for a privileged few reflects neither faith-based nor pro-family values. The bottom line is this bill fails the American family values test of equal opportunity and fairness. This bill fails American children, seniors, and families. It fails our Nation's future. We can do better and American families deserve better.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

I would like to point out in this bill in terms of America's seniors that there is implementation funding in here for the very historic prescription drug plan that will help many, many, many seniors across this country and particularly those lower-income seniors who really are making those tough choices. I am proud to say that is a bill I was proud to have voted for. I cannot wait for the implementation. This bill provides for the good education materials and the implementation materials that our seniors are going to need to move forward with this program.

I would like to dispute also in terms of cutting education, that is inherently false. There are 118 million more dollars in this bill for public education than there was last year. I think that looks at the programs that are successful and enhances them. Tough choices have been made, no question about it.

There are other things in here. I talked about Job Corps, but there is also a dislocated workers program which is a rapid response for layoffs and plant closures or natural disasters, something, unfortunately, a State like West Virginia, we seem to have our share of natural disasters in flooding. This gives us the ability to have that rapid response. I think there is much to be proud of in this bill. There is lots in here for education, for our families, for our seniors, for our workers and for the health of our Nation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

I will be calling for a "no" vote on the previous question. If the previous question is defeated, I will amend the rule so that we can consider the Obey amendment that was rejected in the Rules Committee on a straight party-line vote.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the CONGRESSIONAL RECORD immediately prior to the vote.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, the Obey amendment would give $11.8 billion in needed funding for the priority job training, education and health programs which have been underfunded in this bill. A $50 increase in a Pell grant, let me state, is not going to help anybody get a college education. The cost of this amendment will not add one dollar to the deficit. It is fully offset by reducing the substantial six-digit tax cuts for those making more than $1 million from about $140,000 to $36,500 for the coming year. That cannot hurt too much. That means that America's millionaires will only be getting $36,000 in special tax breaks so that we may properly fund education for our children and provide adequate health care for working Americans, a sacrifice, I believe, that is well worth the cost.

☐ 1130

In addition, the Obey amendment would reduce the deficit by $11.8 billion while at the same time protecting these valuable social programs for the American people.

Mr. Speaker, the activities included in this bill fund many of the government's most important social services and touch almost every American in some way. Most of the programs and services in the bill are considerably underfunded, many funded at last year's levels or below. And those that have received increases have generally not received enough to keep pace with inflation. Most education programs are cut or frozen at fiscal year 2005 levels. Job training is funded below last year. NIH funding, though slightly increased from last year, still is receiving the lowest increase in 36 years. The Centers for Disease Control is funded at $293 million below last year.

The list goes on and on, and the amendment will help reverse these serious shortfalls in our Nation's top education, health care, and job training programs. Members should know that a "no" vote will not prevent us from considering the Departments of Labor, Health and Human Services, and Education appropriations bill under an open rule, but a "no" vote will allow Members to vote on the Obey amendment to restore funding shortfalls in the bill, and a "yes" vote will block consideration of the amendment.

Please vote "no" on the previous question.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, just the facts: in 1996 the maximum Pell grant was $2,470. In this bill it is $4,100, almost a doubling in the past 10 years. One other fact: in 1997 the total funding for this bill was $75 billion. Today in this bill it is $142.5 billion, almost double.

So, I think it is important for people to realize that we have in the majority party's tenure of the last 10 years almost doubled the total.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, with respect to Pell grants, the College Board has indicated that the cost of attending a 4-year public university has increased by $2,300 since the President became President. The President decided to fix that problem by raising Pell grants by $100, thus taking care of 4 percent of the problem. The committee cut that to $50. That means that the committee is taking care of 2 percent of the problem.

In addition to that, the new IRS regulations out of the administration have cost students in my State over $170 per person. So the fact is that right now any student going to a 4-year university is dragging behind. He is not doing nearly as well as he was 4 years ago.

To suggest that a $50 increase in the Pell grant is going to take care of a $2,300 program is a joke.

The SPEAKER pro tempore (Mr. SIMPSON). The time of the gentlewoman from New York (Ms. SLAUGHTER) has expired.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

I would like to close this debate by again thanking the gentleman from Ohio (Chairman Regula), the chairman of the subcommittee, and the ranking member and for their efforts on this important piece of legislation.

The debate on this rule has shown some of the difficulties that we have faced when appropriating funds for areas as important as education and health care. From community health centers to TRIO and title I, this bill addresses our Nation's critical health and education funding needs.

I ask my colleagues to join me in support for the rule and underlying legislation.

Ms. WOOLSEY. Mr. Speaker, what we are hearing today is that there isn't enough money to fund any of these important programs like the Corporation for Public Broadcasting, education, or health research.

But, let's be honest. The real reason that we do not have the money to put towards these programs is because of the reckless tax cuts for the wealthiest of the wealthy that the White House and the majority party have insisted on passing.

Yesterday, I met with some of my young constituents representing the Migrant Education Program. I would like to read their requests to you.

We the constituents of the Migrant Education Program regions II and XXIII of California are here today to address constant issues that challenge the quality of our lives. In order to achieve this we propose the following.

EDUCATION

We propose to the Congress to allocate funds to use in the implementations of programs that will benefit learning through buying proper equipment that will permit students to succeed. Proper equipment includes: textbooks, sports, uniforms, and computers.

IMMIGRATION

We propose that Congress pass the Dream Act and Student Adjustment Act, which could allow undocumented students to pursue higher education. We propose better working conditions for agricultural workers. Better working conditions such as health care, breaks and better pay.

SOCIAL SECURITY

In order to secure our Social Security benefits we propose to reject President Bush's Social Security Reforms and accept to continue the current Social Security Program without the government tapping into our resources. In order to reimburse the lost money the Government must repay the deficit that was caused by the Governor's decisions.

HEALTH CARE

We propose to the Congress that in order to have healthier citizens a universal program should be established with an equal payment for insurance coverage regardless of their status in California.

The result of this will be a healthier public thus reducing the burden on taxpayers.

A small tax increase, which will be offset by the thousands or even million of dollars saved in the urgent care facilities.

All families will be able to live their lives knowing that their tax payments are in return to their health care leaving them with a satisfaction that their insurance bill will not increase. We ask that the Government intervene to help maintain a set price.

LABOR

Minimum wages: The average person lives below the poverty line and in order to improve the quality of life a higher minimum wage needs to be issued.

Pesticides: Pesticides present a hazard towards the health of workers and their families.

Benefits: Equal health benefits should be issued to all employees as a result of hazardous working conditions.

FIELD WORKER PERMIT

Permits should be issued for workers of foreign countries to work in the United States under fair conditions.

SAME SEX

Acknowledging the couple: Same sex couples deserve equal unalienable rights as heterosexual couples.

Support Adoption: Same sex couples deserve the opportunity to give a loving home to a child in need.

Separating state and religion: An individual deserves the right to do as one pleases without the intervention of theocracy, while respecting civil rights.

VIOLENCE IN THE MEDIA

We propose to the Congress that violence in TV should be controlled to a substantial level of awareness; such level could include showing violence media in the after hours and avoid presentation of inappropriate material. We the delegates of California propose to the Congress that there will be more funds for community activities for the youth, so that they get involved and occupy their time in something useful other than gangs, such as, sports, music, dancing groups, karate, etc.

Children and adolescents are the most affected audience through the contents of violence. We strongly recommend that such material be diminished; such contents include music, alcohol, sex, drugs, gun control, and homicide. We propose to the Congress that programs should be developed in local communities in order to educate parents about violence and how to keep it away from today's youth.

These are some of the requests that we could have fulfilled had it not been for these reckless tax cuts. We should not forget about the needs of our children and the elderly. It is time to turn back some of these reckless tax cuts and put the money into education, health care, and all of the services that the most vulnerable in our society need to survive.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today with grave concern about the Labor-HHS-Education Appropriations bill for fiscal year 2006 and the direction in which our country's priorities are going. I find it amazing that we don't have the money to continue funding critical programs in this bill because we continue to fund outlandish tax cuts for millionaires.

We don't have the money to continue funding a sickle cell demonstration program which received $198,000 in fiscal year 2005 because we continue to fund ridiculous tax cuts for millionaires.

We don't have the money to continue funding trauma care and emergency medical services which received more than $3.4 million in fiscal year 2005 because we continue to fund outrageous tax cuts for millionaires.

We don't have the money to continue funding early learning opportunities which received almost $36 million in fiscal year 2005 because we continue to fund morally reprehensible tax cuts for millionaires.

We don't have the money to continue funding arts in education programs which received $35.6 million in fiscal year 2005 because we continue to fund unconscionable tax cuts for millionaires.

We don't have the money to continue funding alcohol abuse reduction programs which received $32.7 million in fiscal year 2005 because we continue to fund self-serving tax cuts for millionaires.

Mr. Speaker, the Labor-HHS-Education Appropriations bill for fiscal year 2006 provides us with a perfect example of what we are left with due to the irresponsible and reckless economic policies of the President and Republican Majority. It is a clear indication of the different approaches that Republicans and Democrats take toward ensuring the domestic security and well-being of our country.

The drastic cuts in the Labor-HHS-Education bill are also clear examples of the very different philosophical approach toward government that our two parties take. Democrats, on one hand, believe that the role of government is to serve the masses, especially those who have the least and need the most. We do not demonize and slash funding for federally sponsored programs that help individuals stay in school, assist the unemployed find work, help pay for college, and further improve rural health care. Democrats believe that government exists not only to protect the people, but to provide services that, as our framers put it, "promote the general welfare" of all.

Republicans, on the other hand, believe that government is intrusive. They believe that shared responsibility should not be a priority of our government, and the responsibility that we have to others is limited only to the unselfish and altruistic. Republicans are willing to sacrifice the greater good of the masses to further pad the pockets of the wealthy.

I'm tired of hearing the Appropriations Committee say, 'We did the best that we could with what we were given,' because ultimately, we aren't doing the best that we can. Congress is failing the American people when we slash funding for programs that millions depend on.

Mr. Speaker, am I the only one who is offended that we don't have the money to continue funding foreign language assistance programs which received almost $18 million in fiscal year 2005 because we continue to fund odious tax cuts for millionaires?

Am I the only one who is appalled that we don't have the money to continue funding literacy programs for prisoners which received just under $5 million in fiscal year 2005 because we continue to fund irresponsible tax cuts for millionaires?

Where's the outrage from my Republican colleagues that we don't have the money to continue funding programs on America's Underground Railroad which received $2 million in fiscal year 2005 because we continue to fund offensive tax cuts for millionaires?

Where's the infuriation from Members that we don't have the money to continue funding drop-out prevention programs, mental health integration programs in schools, and women's educational equity programs which received a combined $12.6 million in fiscal year 2006 because we continue to fund appalling tax cuts to millionaires?

Just once, Mr. Speaker, just once, I would like to come to this floor with Republicans in the Majority and President Bush in the White House and say, we don't have money for tax cuts for millionaires because we have to fund programs that benefit the other 99 percent of this country.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION ON H. RES. 337—RULE FOR H.R. 3010—LABOR/HHS/EDUCATION FY06 APPROPRIATIONS

At the end of the resolution, add the following new sections:

SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by Representative Obey of Wisconsin or a designee.The amendment is not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT TO H.R. 3010, AS REPORTED
OFFERED BY MR. OBEY OF WISCONSIN

Page 2, line 12, strike "$2,658,792,000" and insert "$2,900,792,000".

Page 2, line 13, strike "$1,708,792,000" and insert "$1,950,792,000".

Page 2, line 18, strike "$950,000,000" and insert "$986,000,000".

Page 2, line 24, strike "$1,193,264,000" and insert "$1,243,264,000".

Page 3, line 1, strike "$125,000,000" and insert "$250,000,000".

Page 5, line 18, strike "$3,299,381,000" and insert "$3,414,381,000".

Page 6, line 16, strike "$672,700,000" and insert "$757,700,000".

Page 21, line 13, strike "$244,112,000" and insert the following:

and including the management or operation, through contracts, grants or arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, $325,112,000

Page 25, line 16, strike "$6,446,357,000" and insert "$7,587,357,000".

Page 26, line 18, strike "$285,963,000" and insert "$295,963,000".

Page 27, line 3, strike "$797,521,000" and insert "$817,521,000".

Page 29, line 1, strike "$5,945,991,000" and insert "$6,207,991,000".

Page 31, line 18, strike "$4,841,774,000" and insert "$4,969,526,000".

Page 32, line 2, strike "$2,951,270,000" and insert "$3,029,140,000".

Page 32, line 7, strike "$393,269,000" and insert "$403,646,000".

Page 32, line 12, strike "$1,722,146,000" and insert "$1,767,585,000".

Page 32, line 17, strike "$1,550,260,000" and insert "$1,591,164,000".

Page 32, line 22, strike "$4,359,395,000" and insert "$4,574,419,000".

Page 32, line 25, insert the following before the period:

: *Provided further*, That $100,000,000 may be made available to International Assistance Programs, "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended

Page 33, line 4, strike "$1,955,170,000" and insert "$2,006,758,000".

Page 33, line 9, strike "$1,277,544,000" and insert "$1,311,252,000".

Page 33, line 13, strike "$673,491,000" and insert "$691,261,000".

Page 33, line 18, strike "$647,608,000" and insert "$664,695,000".

Page 33, line 22, strike "$1,057,203,000" and insert "$1,085,098,000".

Page 34, line 5, strike "$513,063,000" and insert "$526,600,000".

Page 34, line 10, strike "$397,432,000" and insert "$407,918,000".

Page 34, line 14, strike "$138,729, 000" and insert "$142,389,000".

Page 34, line 19, strike "$440,333, 000" and insert "$451,951,000".

Page 34, line 23, strike "$1,010,130,000" and insert "$1,036,783,000".

Page 35, line 4, strike "$1,417,692,000" and insert "$1,455,098,000".

Page 35, line 8, strike "$490,959,000" and insert "$503,913,000".

Page 35, line 13, strike "$299,808,000" and insert "$307,719,000".

Page 35, line 17, strike "$1,100,232,000" and insert "$1,129,323,000".

Page 36, line 5, strike "$122,692,000" and insert "$125,929,000".

Page 36, line 10, strike "$197,379,000" and insert "$202,587,000".

Page 36, line 13, strike "$67,048,000" and insert "$68,817,000".

Page 36, line 17, strike "$318,091,000" and insert "$326,484,000".

Page 37, line 7, strike "$482,216,000" and insert "$494,939,000".

Page 39, line 11, strike "$3,230,744,000" and insert "$3,262,744,000".

Page 45, line 10, strike "$1,984,799,000" and insert "2,199,799,000".

Page 45, after line 10, insert the following new paragraph:

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $215,000,000, to remain available until expended: *Provided*, That these funds are for the unanticipated home energy assistance needs of one or more States, as authorized by section 2604(e) of the Act, and notwithstanding the designation requirement of section 2602(e).

Page 45, line 20, strike "$560,919,000" and insert "$601,919,000".

Page 46, line 9, strike "$2,082,910,000" and insert "$2,382,910,000".

Page 48, line 7, strike "$8,688,707,000" and insert "$9,283,707,000".

Page 48, line 13, strike "$6,899,000,000" and insert "$7,038,000,000".

Page 48, line 17, strike "$384,672,000" and insert "$714,672,000".

Page 52, line 6, strike "$1,376,217,000" and insert "$1,419,217,000".

Page 65, line 8, strike "$14,728,735,000" and insert "$17,923,735,000".

Page 65, line 8, strike "$7,144,426,000" and insert "$10,339,426,000".

Page 65, line 22, strike "$2,269,843,000" and insert "$3,769,843,000".

Page 65, line 24, strike "$2,269,843,000" and insert "$3,769,843,000".

Page 66, line 2, strike "$10,000,000" and insert "$205,000,000".

Page 66, line 9, strike "$1,240,862,000" and insert "$1,340,862,000".

Page 66, line 9, strike "$1,102,896,000" and insert "$1,202,896,000".

Page 67, line 18, strike "$5,393,765,000" and insert "$6,343,765,000".

Page 67, line 18, strike "$3,805,882,000" and insert "$4,755,882,000".

Page 70, line 23, strike "$11,813,783,000" and insert "$13,373,783,000".

Page 70, line 24, strike "$6,202,804,000" and insert "$7,762,804,000".

Page 75, line 4, strike "$15,283,752,000" and insert "$17,183,752,000".

Page 75, line 7, strike "$4,100" and insert $4,550".

Page 88, strike line 11.

Page 88, line 14, strike "$100,000,000 is rescinded;".

Page 96, line 13, strike "$9,159,700,000" and insert "$9,268,700,000".

Insert at the end of title V (before the short title) the following new section:

SEC. . In the case of taxpayers with adjusted gross income in excess of $1,000,000, for the tax year beginning in 2005 the amount of tax reduction resulting from enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001 and the Jobs and Growth Tax Relief Reconciliation Act of 2003 shall be reduced by 74 percent.

Mrs. CAPITO. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 225, nays 194, not voting 14, as follows:

[Roll No. 304]

YEAS—225

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield

Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Boyd
Buyer
Davis, Tom
Hunter
Hyde
Jones (OH)
Kucinich
LaTourette
Lewis (GA)
Moore (WI)
Peterson (MN)
Platts
Pomeroy
Ryan (OH)

☐ 1200

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3010 and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 337 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3010.

☐ 1203

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, with Mr. PUTNAM in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say at the outset here that the gentleman from Wisconsin (Mr. OBEY) and I have had a discussion about the possibility of trying to finish this bill today. We want to make every effort to do so. And that will depend, of course, on what kind of cooperation we can get on amendments.

Also, I am going to ask unanimous consent to move the issue of the Corporation for Public Broadcasting to come up as the first issue as there is a lot of interest in this. We will try to limit time on both sides and give people a chance to vote on this.

So all of that is an effort to expedite today's proceedings.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman from Ohio (Mr. REGULA) for yielding.

Mr. Chairman, I want to emphasize, as the subcommittee chairman says, we are trying to help Members get out of here today. We cannot do that unless we get cooperation from Members on amendments and on time.

Frankly, if I had my way, there would be one speech for this bill, one speech against it, and we would vote, because we are not going to make any significant changes in this bill given what the budget has done to us.

So we might as well get on with it. I would ask Members to give us their cooperation. I thank the gentleman from Ohio (Mr. REGULA) for bringing it to the House's attention.

Mr. REGULA. Mr. Chairman, and my colleagues, I am pleased to present before the House today the fiscal year 2006 appropriations bill for the Departments of Labor, Health and Human Services, Education, and Related Agencies.

By taking into consideration the priorities of the President and the Members of this House, we have produced a bill that meets the needs of all Americans. We are appreciative of the efforts of the leader of the House and the chairman of the Appropriations Committee, the gentleman from California (Mr. LEWIS), in providing a workable allocation for this bill.

I would also like to acknowledge the hard work, dedication, and expertise of my subcommittee staff, as well as the minority staff, in putting together this bill.

Mr. Chairman, we have made a commitment to reduce Federal deficits. With the reduction in the budget from last year, support for Pell grants required by the budget resolution, and that was money that has been spent in years past that we had to pay in this bill, and new implementation and processing costs of the Medicare Modernization Act, we had nearly $2 billion less to spend on programs that were funded in fiscal year 2005.

We made some tough decisions. We eliminated four programs and did not initiate eight new programs proposed by the President. But when looked at as a whole, this bill provides $142.5 billion to over 500 discretionary programs. It is a lot of money, and it does a lot of good.

It is a responsible, fair, and balanced bill. I believe it does a good job in meeting the needs of the American people. Let me start with education. Earlier on the rule, I quoted from an editorial piece by David Broder today that in polling the American people, they said education was the number one reason for the success of this Nation. Education is essential to the preservation of democracy, and an investment in education is an investment in people.

Mr. Chairman, Federal education spending has more than doubled since 1996, from $23 billion to $56.7 billion, as contained in this bill. Education funding in this bill for fiscal year 2006 is

$476 million above the President's request. We added to his request. This is a significant commitment to the future of our Nation.

However, we must be prudent in our funding priorities to ensure that these dollars are targeted to programs that most directly improve the education of our Nation's students.

We have focused spending in this bill on the key areas that directly impact our children's education. First, and foremost, I believe that no child will be left behind if he or she has a quality teacher. Almost every teacher in our Nation's classrooms today is there for one reason: they care about children and want to help them reach their full potential.

We applaud their hard work and dedication and support them in this bill by providing funding to encourage people to enter the field of teaching, and provide incentives for quality teachers to remain in the classrooms. This bill supports teachers and students by increasing funding for title I by $100 million. Title I provides additional resources to low-income schools, to help principals, teachers, and students close education achievement gaps.

At the school level, Title I helps provide additional staffing, ongoing training, and the latest research, computer equipment, books or new curricula. That, coupled with strong accountability measures, helps disadvantaged children meet the same high standards as their more advantaged peers.

I want to say that this bill really tries to help every individual to be sensitive to the needs of all people. We, this morning, and every morning when we meet, give the Pledge of Allegiance. We close by saying "with liberty and justice for all." That is what we have tried to do here, because education does give people liberty, it does give them justice, and the same thing with medical research.

Mr. Chairman, many of my colleagues spoke with me about the financial demands of special education on their local school districts. We also hear from parents about the need to support adequate special education funding to ensure their special needs children receive a quality education.

In this bill, funding for special education is increased by $150 million, which brings its total to over $11 billion, a nearly 378 percent increase since the fiscal year 1996.

I believe that quality of classroom teachers and principals is one of the most important factors that affects student achievement. This bill provides $100 million to reward effective teachers and to offer incentives for highly qualified teachers to be in our Nation's high schools, and particularly in high-needs schools.

Mr. Chairman, science and technology have been and will continue to be the engines of U.S. economic growth and national security. Excellence in discovery, innovation in science and engineering is derived from an ample and well-educated workforce. To ensure competency in a rapidly changing global market, this bill provides $190 million for the math and science partnership program. This program supports State and local efforts to improve student academic achievements in mathematics and science by promoting strong teaching skills for elementary and secondary school teachers.

Many of you already know that First Lady Laura Bush supports the Troops to Teachers programs, and has visited military bases to inform our troops about the opportunity to enter the field of teaching upon completion of their military service.

With maturity, training in mathematics or science, and assistance in appropriate courses for teaching, members of our Armed Forces make outstanding classroom teachers. And in fields where we currently have teacher shortages, this bill provides $15 million for the Troops to Teachers program.

During the 2001–2002 school year, approximately 42 percent of the Nation's schools were located in rural areas or small towns, and approximately 30 percent of all students attended these schools. The average rural or small town school serves 364 students, compared to 609 students served by the average urban school.

The small size of many rural schools and districts presents a different set of problems from those of urban schools and districts. This bill provides over $171 million to meet the needs of schools in rural communities.

TRIO, GEAR UP, Vocational Education State grants and adult education programs have strong support from Members of this body. These programs were proposed for termination in the President's budget. However, we have allocated over $3 billion for the continuation of these important efforts.

Title III programs are designed to strengthen institutions of higher education that serve a high percentage of minority students and students from low-income backgrounds. Federal grants made under those programs go to eligible institutions to support improvements in the academic quality, institutional management, endowments and fiscal stability. Funding is targeted to minority-serving and other institutions that enroll a large proportion of financially disadvantaged students and have low per-student expenditures.

□ 1215

Fiscal year 2006 spending for Title III programs is at $506 million; combined with the funding for Howard University, our commitment to minority serving institutions exceeds $747 million.

The sharp rise in college costs continues to be a barrier to many students. Pell grants help ensure access to postsecondary education for low- and middle-income undergraduate students by providing financial assistance. This bill increases the maximum award of a Pell grant to $4,100, the highest level in history. As required by the budget resolution, the bill provides $4.3 billion to retire the shortfall that has accumulated in the program over the last several years because of higher-than-expected student participation in the program. And, that is good, that more students are participating.

Health care is a critical part of the Nation's economic development. To assist in protecting health of all Americans and provide essential human services, this bill provides the Department of Health and Human Services over $63 billion for fiscal year 2006. Mr. Chairman, similar to the Department of Education, we have more than doubled the funding for HHS since 1996 from $28.9 billion in fiscal year 1996 to $63.1 billion in this bill.

At the forefront of new progress in medicine, the National Institutes of Health supports and conducts medical research to understand how the human body works and to gain insight into countless diseases and disorders. It supports a wide spectrum of research to find cures covering many medical conditions that affect people. As a result of our commitment to NIH, our citizens are living longer and better lives. In 1900, the life expectancy was only 47 years. By 2003 it was almost 78 years. And I am sure that it would be even more today.

The 5-year doubling of the NIH budget completed in fiscal year 2003 both picked up the pace of discovery and heightened public expectations. We now expect NIH to carefully examine its portfolio and continue to be a good steward of the public's investment. Funding for NIH has increased by over $142 million, bringing its total budget to $28.5 billion.

It is certainly a serious commitment to health research. All the information and advances we have gained from NIH would be useless if it does not make its way to health care providers and individuals, those most responsible for their own health. Thus, the work for Centers for Disease Control and Prevention, better known as CDC, is critical to protecting the health and safety of people both at home and abroad. Infectious diseases such as SARS, West Nile Virus, HIV/AIDS, and tuberculosis have the ability to destroy lives, strain community resources, and even threaten nations. In today's global environment, new diseases have the potential to spread across the world in a matter of days, or even hours, making early detection and action more important than ever.

As the CDC director, Dr. Gerberding, and National Institutes of Health director, Dr. Zerhouni, have said, infectious disease and bioterrorism are one of the greatest threats to our safety and security today. CDC plays a critical role in controlling these diseases. Traveling at a moment's notice to investigate outbreaks both abroad and at home, CDC is watching over these particular and dangerous medical issues.

Recognizing the tremendous challenges faced by the CDC, we have provided nearly $6 billion for their budget in fiscal year 2006.

Mr. Chairman, as you know, many of the community health centers have served as America's health care safety net for the Nation's underserved populations. Health centers operating at the community level provide regular access to high-quality, family-oriented, comprehensive primary and preventative health care, regardless of ability to pay, and improve the health status of underserved populations living in inner-city and rural areas.

The health centers' target populations have lower life expectancy and higher death rates compared to the general population. These patients have less purchasing power and many are unable to afford even the most basic medical or dental attention. In 2003, the Community Health Centers served more than 12 million patients and I am sure many more in the last couple of years. Funding for the community health centers is $1.8 billion; again, an increase of $100 million over last year.

Children's hospitals across the Nation are the training grounds for our pediatricians and pediatric specialists. Many of these hospitals are regional and national referral centers for very sick children, often serving as the only source of care for many critical pediatric services. This bill provides $300 million to train these important caregivers who will care for America's youngest population, its children.

The AIDS Drug Assistance Program for funding is increased by $10 million and brings the Ryan White AIDS program total to over $2 billion. The increase in funding assists those infected with the virus in receiving vital medical attention.

We have provided nearly $6.9 billion for Head Start, a program designed primarily for preschoolers from low-income families. Head Start promotes school readiness by enhancing the social and cognitive development of children through the provision of educational, health, nutritional, social and other services.

The Low Income Home Energy Assistance Program ensures that low-income households are not without heating or cooling, and provides protection to our most vulnerable populations: the elderly, households with small children, and persons with disabilities. The funds are distributed to the States through a formula grant program and we have provided nearly $2 billion for fiscal year 2006.

Mr. Chairman, our society is judged not only by the care we provide to our young, but also how we treat our elderly. We owe a profound debt of gratitude to a generation of older Americans whose hard work, courage, faith, sacrifice, and patriotism helped to make this Nation great.

Funding in the nutrition programs, including Meals On Wheels for the elderly, are increased by over $7 million. This bill provides nearly $1.4 billion to the Administration on Aging to enhance health care, nutrition, and social supports to seniors and their family caregivers.

The Labor Department. We ought to support the aspirations of people: good health, security, meaningful work, creative and intellectual pursuits. The Department of Labor places a key role in many important worker training and protection programs. Therefore, we have restored funding to core job training and employment assistance programs.

A number of communities continue to experience plant closings and other layoffs, and we understand the need to support dislocated worker training programs that can assist workers return to gainful employment. In this bill we restore funding for dislocated worker assistance programs to over $1.4 billion, an increase of $62 million over the budget request.

The Job Corps program provides a comprehensive and intensive array of training, career development, job placement and support services to our disadvantaged young people between the ages of 16 and 24. Many people who enroll in a Job Corps Center never completed their high school education and may have other barriers to sustaining a job. This program ensures that disadvantaged young people are afforded an opportunity to successfully participate in the Nation's workforce.

For fiscal year 2006 this bill provides over $1.5 billion for this program, an increase of $25 million over the President's request.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my chairman yielding. I rise just for a moment.

As you know, over the years in the Committee on Appropriations, I have not had the chance to serve on the gentleman's great subcommittee. Since I have the job chairing the whole committee now, I have involved myself in the gentleman's work; and I must say to my colleagues, our Members, as well as the public-at-large, the gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) over the years have done a fabulous job, especially this year in a year of some constraint.

We may have to come up with some money for a sound system for ourselves.

Mr. Chairman, I just want my colleagues to know how impressed I am with the work both the gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) have done on behalf of the American public, whether it be Indian health care, or preschool, or dealing with labor issues that can be very contentious, a fabulous job of priorities.

I particularly want to compliment the gentleman for the priority he has given to the kind of research and development that is extending the good health as well as the lives of our citizens. I have been very impressed with those people from NIH but also from the Centers for Disease Control, fabulously involving America in the most important work; that is, healthy lives and longer lives for our citizens. I compliment the gentleman and thank him very much for the time.

Mr. REGULA. Mr. Chairman, I thank the gentleman for his comments.

Reclaiming my time, the Job Corps provides a comprehensive and intensive array of training, career development, job placement, and support services to disadvantaged young people between the ages of 16 and 24. Many people enrolled in the Job Corps Center never completed their high school education and have other barriers.

For fiscal year 2006, this bill provides over $1.5 billion for these programs and this is an increase. And we likewise protect the safety of workers.

Mr. Chairman, in order to implement more than 400 provisions of the Medicare Modernization Act and ensure that senior citizens receive the prescription drug benefits that we provide in MMA, we have allocated more than $1 billion over the fiscal year 2005 level to the Centers for Medicare and Medicaid Services and Social Security Administration.

While benefits that both of these agencies provide come through mandatory spending by way of the Committee on Ways and Means, this bill provides the funding for the agencies' administrative costs. Centers for Medicare and Medicaid Services pay about one-third of national health care expenditures and pay for more than one-half of all senior health care costs.

Let me repeat that. Medicare and Medicaid pay for more than one-half of all senior health care costs. More than 85 million Americans rely on these programs for health care coverage. Last year the Centers for Medicare and Medicaid Services processed over 1 billion claims, answered over 52 million inquiries and reviewed nearly 8 million appeals.

SSA, Social Security Administration, will also play a vital role in the implementation of the Medicaid Modernization Act, as they will identify low-income beneficiaries who might be eligible for drug benefit subsidies, make low-income subsidy determinations, withhold premiums appropriate to beneficiaries' selected plans, and calculate Part B premiums for high-income beneficiaries.

The increases provided to CMS and SSA will enable them to implement and improve delivery of benefits and expedite the processing of disability claims, and that is very important. This bill meets our financial commitment for effective administration of these programs and ensures efficient services to recipients.

In conclusion, Mr. Chairman, much more could be said about this bill which touches every American at some point in life. We are mindful of the fiscal limitations on our bill and we have tried to use the allocation to fund our highest priorities. This bill does its part, its best, to meet the American people's needs.

I want to say to my colleagues on the other side of the aisle and also on our side, it was a great subcommittee. Both Republican and Democrat members worked very well together, and we may have some disagreements on the amounts of money, but I think within the confines of what was available, we pretty much are in agreement with the assignment of priorities that were made. All the members participated very effectively.

It is a responsible, fair, and balanced bill and I ask my colleagues to support it.

Mr. Chairman, the following is a detailed table of the bill:

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
TITLE I - DEPARTMENT OF LABOR					
EMPLOYMENT AND TRAINING ADMINISTRATION					
TRAINING AND EMPLOYMENT SERVICES					
Grants to States:					
Adult Training, current year	184,618	153,736	153,736	-30,882	---
Advance from prior year	(706,304)	(712,000)	(712,000)	(+5,696)	---
FY 2007	712,000	712,000	712,000	---	---
Adult Training	896,618	865,736	865,736	-30,882	---
Youth Training	986,288	950,000	950,000	-36,288	---
Dislocated Worker Assistance, current year	345,264	226,867	345,264	---	+118,397
Advance from prior year	(841,216)	(848,000)	(848,000)	(+6,784)	---
FY 2007	848,000	848,000	848,000	---	---
Dislocated Worker Assistance	1,193,264	1,074,867	1,193,264	---	+118,397
Federally Administered Programs:					
Dislocated Worker Assistance National Reserve:					
Current year	70,800	56,717	---	-70,800	-56,717
Advance from prior year	(210,304)	(212,000)	(212,000)	(+1,696)	---
FY 2007	212,000	212,000	212,000	---	---
Dislocated Worker Assistance Nat'l Reserve	282,800	268,717	212,000	-70,800	-56,717
Less funding reserved for Community College Initiative (NA)	(-125,000)	---	---	(+125,000)	---
Dislocated Worker Assistance Nat'l Reserve	157,800	268,717	212,000	+54,200	-56,717
Total, Dislocated Worker Assistance	1,476,064	1,343,584	1,405,264	-70,800	+61,680
Native Americans	54,238	54,238	54,238	---	---
Migrant and Seasonal Farmworkers	75,759	---	75,759	---	+75,759
Job Corps:					
Operations	844,670	851,019	851,019	+6,349	---
Advance from prior year	(586,272)	(591,000)	(591,000)	(+4,728)	---
FY 2007	591,000	591,000	591,000	---	---
Construction and Renovation	16,190	---	---	-16,190	---
Advance from prior year	(99,200)	(100,000)	(100,000)	(+800)	---
FY 2007	100,000	75,000	100,000	---	+25,000
Subtotal, Job Corps	1,551,860	1,517,019	1,542,019	-9,841	+25,000
National Activities:					
Pilots, Demonstrations and Research	85,167	30,000	74,000	-11,167	+44,000
Responsible Reintegration of Youthful Offender	49,600	---	---	-49,600	---
Evaluation	7,936	7,936	7,936	---	---
Prisoner Re-entry	19,840	35,000	19,840	---	-15,160
Community College initiative	124,000	250,000	125,000	+1,000	-125,000
Community College initiative (NA) 1/	(125,000)	---	---	(-125,000)	---
Subtotal, CC initiative, program level	249,000	250,000	125,000	-124,000	-125,000
Denali Commission	6,944	---	---	-6,944	---
Other	3,458	2,000	2,000	-1,458	---
Subtotal, National activities	296,945	324,936	228,776	-68,169	-96,160
Subtotal, Federal activities	2,261,602	2,164,910	2,112,792	-148,810	-52,118
Current Year	1,358,602	1,286,910	1,209,792	-148,810	-77,118
FY 2007	903,000	878,000	903,000	---	+25,000
Total, Training and Employment Services	5,337,772	5,055,513	5,121,792	-215,980	+66,279

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Current Year	(2,874,772)	(2,617,513)	(2,658,792)	(-215,980)	(+41,279)
FY 2007	(2,463,000)	(2,438,000)	(2,463,000)	---	(+25,000)
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS	436,678	436,678	436,678	---	---
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES	1,057,300	966,400	966,400	-90,900	---
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS					
Unemployment Compensation:					
State Operations	2,663,040	2,622,499	2,622,499	-40,541	---
National Activities	10,416	10,416	10,416	---	---
Subtotal, Unemployment Compensation	2,673,456	2,632,915	2,632,915	-40,541	---
Employment Service:					
Allotments to States:					
Federal Funds	23,114	23,300	23,300	+186	---
Trust Funds	757,478	672,700	672,700	-84,778	---
Subtotal, allotments to States	780,592	696,000	696,000	-84,592	---
ES National Activities	64,976	33,766	33,766	-31,210	---
Subtotal, Employment Service	845,568	729,766	729,766	-115,802	---
Federal Funds	23,114	23,300	23,300	+186	---
Trust Funds	822,454	706,466	706,466	-115,988	---
One-Stop Career Centers/Labor Market Information	97,974	87,974	87,974	-10,000	---
Work Incentives Grants	19,711	19,711	19,711	---	---
Total, State Unemployment & Employment Srvcs	3,636,709	3,470,366	3,470,366	-166,343	---
Federal Funds	140,799	130,985	130,985	-9,814	---
Trust Funds	3,495,910	3,339,381	3,339,381	-156,529	---
ADVANCES TO THE UI AND OTHER TRUST FUNDS 2/	517,000	465,000	465,000	-52,000	---
PROGRAM ADMINISTRATION					
Adult Employment and Training	38,874	44,631	44,631	+5,757	---
Trust Funds	6,901	7,925	7,925	+1,024	---
Youth Employment and Training	39,627	38,805	38,805	-822	---
Employment Security	6,045	6,039	6,039	-6	---
Trust Funds	48,235	77,952	77,952	+29,717	---
Apprenticeship Services	21,136	21,655	21,655	+519	---
Executive Direction	6,845	6,993	6,993	+148	---
Trust Funds	2,065	2,111	2,111	+46	---
Welfare to Work	373	---	---	-373	---
Total, Program Administration	170,101	206,111	206,111	+36,010	---
Federal Funds	112,900	118,123	118,123	+5,223	---
Trust Funds	57,201	87,988	87,988	+30,787	---
Total, Employment and Training Administration	11,155,560	10,600,068	10,666,347	-489,213	+66,279
Federal Funds	7,602,449	7,172,699	7,238,978	-363,471	+66,279
Current Year	(5,139,449)	(4,734,699)	(4,775,978)	(-363,471)	(+41,279)
FY 2007	(2,463,000)	(2,438,000)	(2,463,000)	---	(+25,000)
Trust Funds	3,553,111	3,427,369	3,427,369	-125,742	---
EMPLOYEE BENEFITS SECURITY ADMINISTRATION					
SALARIES AND EXPENSES					
Enforcement and Participant Assistance	109,374	114,462	114,462	+5,088	---
Policy and Compliance Assistance	17,357	17,458	17,458	+101	---
Executive Leadership, Program Oversight and Admin	4,482	5,080	5,080	+598	---
Total, EBSA	131,213	137,000	137,000	+5,787	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
PENSION BENEFIT GUARANTY CORPORATION					
Pension insurance activities	(12,211)	(42,122)	(42,122)	(+29,911)	---
Pension plan termination	(169,739)	(161,117)	(161,117)	(-8,622)	---
Operational support	(84,380)	(93,739)	(93,739)	(+9,359)	---
Total, PBGC (Program level)	(266,330)	(296,978)	(296,978)	(+30,648)	---
EMPLOYMENT STANDARDS ADMINISTRATION					
SALARIES AND EXPENSES					
Enforcement of Wage and Hour Standards	164,493	167,359	167,359	+2,866	---
Office of Labor-Management Standards	41,681	48,799	48,799	+7,118	---
Federal Contractor EEO Standards Enforcement	80,059	82,106	82,106	+2,047	---
Federal Programs for Workers' Compensation	97,339	100,129	100,129	+2,790	---
Trust Funds	2,023	2,048	2,048	+25	---
Program Direction and Support	15,252	15,891	15,891	+639	---
Total, ESA salaries and expenses	400,847	416,332	416,332	+15,485	---
Federal Funds	398,824	414,284	414,284	+15,460	---
Trust Funds	2,023	2,048	2,048	+25	---
SPECIAL BENEFITS					
Federal employees compensation benefits	230,000	234,000	234,000	+4,000	---
Longshore and harbor workers' benefits	3,000	3,000	3,000	---	---
Total, Special Benefits	233,000	237,000	237,000	+4,000	---
SPECIAL BENEFITS FOR DISABLED COAL MINERS					
Benefit payments	358,806	308,000	308,000	-50,806	---
Administration	5,191	5,250	5,250	+59	---
Subtotal, FY 2006 program level	363,997	313,250	313,250	-50,747	---
Less funds advanced in prior year	-88,000	-81,000	-81,000	+7,000	---
Total, Current Year, FY 2006	275,997	232,250	232,250	-43,747	---
New advances, 1st quarter FY 2007	81,000	74,000	74,000	-7,000	---
Total, Special Benefits for Disabled Coal Miners	356,997	306,250	306,250	-50,747	---
ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND, Part B Administrative Expenses	40,321	96,081	96,081	+55,760	---
BLACK LUNG DISABILITY TRUST FUND					
Benefit payments and interest on advances	1,004,951	1,010,011	1,010,011	+5,060	---
Employment Standards Adm. S&E	32,615	33,050	33,050	+435	---
Departmental Management S&E	23,705	24,239	24,239	+534	---
Departmental Management, Inspector General	342	344	344	+2	---
Subtotal, Black Lung Disability	1,061,613	1,067,644	1,067,644	+6,031	---
Treasury Administrative Costs	356	356	356	---	---
Total, Black Lung Disability Trust Fund	1,061,969	1,068,000	1,068,000	+6,031	---
Total, Employment Standards Administration	2,093,134	2,123,663	2,123,663	+30,529	---
Federal Funds	2,091,111	2,121,615	2,121,615	+30,504	---
Current year	(2,010,111)	(2,047,615)	(2,047,615)	(+37,504)	---
FY 2007	(81,000)	(74,000)	(74,000)	(-7,000)	---
Trust Funds	2,023	2,048	2,048	+25	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Safety and Health Standards	16,003	16,628	16,628	+625	---
Federal Enforcement	169,652	174,318	174,318	+4,666	---
State Programs	91,013	92,013	92,013	+1,000	---
Technical Support	20,742	21,652	21,652	+910	---
Compliance Assistance:					
Federal Assistance	70,859	73,278	73,278	+2,419	---
State Consultation Grants	53,362	53,896	53,896	+534	---
Training Grants	10,218	---	10,218	---	+10,218
Subtotal, Compliance Assistance	134,439	127,174	137,392	+2,953	+10,218
Safety and Health Statistics	22,203	24,498	24,498	+2,295	---
Executive Direction and Administration	10,106	10,698	10,698	+592	---
Total, OSHA	464,158	466,981	477,199	+13,041	+10,218
MINE SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Coal Enforcement	115,251	118,335	118,335	+3,084	---
Metal/Non-Metal Enforcement	66,752	68,750	68,750	+1,998	---
Standards Development	2,334	2,506	2,506	+172	---
Assessments	5,238	5,445	5,445	+207	---
Educational Policy and Development	31,255	32,021	32,021	+766	---
Technical Support	25,111	25,736	25,736	+625	---
Program evaluation and information resources (PEIR)	17,525	15,671	15,671	-1,854	---
Program Administration	15,670	12,026	12,026	-3,644	---
Total, Mine Safety and Health Administration	279,136	280,490	280,490	+1,354	---
BUREAU OF LABOR STATISTICS					
SALARIES AND EXPENSES					
Employment and Unemployment Statistics	162,714	167,047	167,047	+4,333	---
Labor Market Information (Trust Funds)	77,845	77,845	77,845	---	---
Prices and Cost of Living	169,370	174,779	174,779	+5,409	---
Compensation and Working Conditions	78,942	81,532	81,532	+2,590	---
Productivity and Technology	10,503	10,847	10,847	+344	---
Executive Direction and Staff Services	29,629	30,473	30,473	+844	---
Total, Bureau of Labor Statistics	529,003	542,523	542,523	+13,520	---
Federal Funds	451,158	464,678	464,678	+13,520	---
Trust Funds	77,845	77,845	77,845	---	---
OFFICE OF DISABILITY EMPLOYMENT POLICY					
Ofce of Disability Employ. Policy, Salaries & expenses	47,164	27,934	27,934	-19,230	---
DEPARTMENTAL MANAGEMENT					
SALARIES AND EXPENSES					
Executive Direction	26,720	29,504	29,504	+2,784	---
Departmental IT Crosscut	29,760	29,760	29,760	---	---
Departmental Management Crosscut	4,960	1,700	1,700	-3,260	---
Legal Services	79,769	81,907	81,907	+2,138	---
Trust Funds	311	311	311	---	---
International Labor Affairs	93,248	12,419	12,419	-80,829	---
Administration and Management	32,414	33,197	33,197	+783	---
Frances Perkins building security enhancements	6,944	6,944	6,944	---	---
Adjudication	25,665	27,126	27,126	+1,461	---
Women's Bureau	9,478	9,764	9,764	+286	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Civil Rights Activities	6,237	6,451	6,451	+214	---
Chief Financial Officer	5,182	5,340	5,340	+158	---
Total, Salaries and expenses	320,688	244,423	244,423	-76,265	---
Federal Funds	320,377	244,112	244,112	-76,265	---
Trust Funds	311	311	311	---	---
VETERANS EMPLOYMENT AND TRAINING					
State administration, Grants	161,097	162,415	162,415	+1,318	---
Federal Administration	30,438	30,435	30,435	-3	---
National Veterans Training Institute	1,984	1,984	1,984	---	---
Homeless Veterans Program	20,832	22,000	22,000	+1,168	---
Veterans Workforce Investment Programs	8,482	7,500	7,500	-982	---
Total, Veterans Employment and Training	222,833	224,334	224,334	+1,501	---
Federal Funds	29,314	29,500	29,500	+186	---
Trust Funds	193,519	194,834	194,834	+1,315	---
OFFICE OF THE INSPECTOR GENERAL					
Program Activities	63,478	65,211	65,211	+1,733	---
Trust Funds	5,517	5,608	5,608	+91	---
Total, Office of the Inspector General	68,995	70,819	70,819	+1,824	---
Federal funds	63,478	65,211	65,211	+1,733	---
Trust funds	5,517	5,608	5,608	+91	---
Total, Departmental Management	612;516	539,576	539,576	-72,940	---
Federal Funds	413,169	338,823	338,823	-74,346	---
Trust Funds	199,347	200,753	200,753	+1,406	---
WORKING CAPITAL FUND					
Working capital fund	9,920	6,230	6,230	-3,690	---
Total, Title I, Department of Labor	15,321,804	14,724,465	14,800,962	-520,842	+76,497
Federal Funds	11,489,478	11,016,450	11,092,947	-396,531	+76,497
Current Year	(8,945,478)	(8,504,450)	(8,555,947)	(-389,531)	(+51,497)
FY 2007	(2,544,000)	(2,512,000)	(2,537,000)	(-7,000)	(+25,000)
Trust Funds	3,832,326	3,708,015	3,708,015	-124,311	---

Title I Footnotes:
1/ Funding from the Dislocated Worker National Reserve
2/ Two year availability

TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

BUREAU OF PRIMARY HEALTH CARE

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Community health centers	1,734,311	2,037,671	1,834,311	+100,000	-203,560
Free Clinics Medical Malpractice	99	---	---	-99	---
Radiation Exposure Compensation Act	1,958	1,936	1,900	-58	-36
Healthy Community Access Program	82,993	---	---	-82,993	---
Hansen's Disease Services	17,251	16,066	16,066	-1,185	---
Buildings and Facilities	247	222	222	-25	---
Payment to Hawaii, treatment of Hansen's	2,017	2,016	2,016	-1	---
Black lung clinics	5,951	5,912	5,912	-39	---
Subtotal, Bureau of Primary Health Care	1,844,827	2,064,023	1,860,427	+15,600	-203,596

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs Request
BUREAU OF HEALTH PROFESSIONS					
National Health Service Corps:					
Field placements	45,068	40,705	40,705	-4,363	---
Recruitment	86,380	86,091	86,091	-289	---
Subtotal, National Health Service Corps	131,448	126,796	126,796	-4,652	---
Health Professions					
Training for Diversity:					
Centers of excellence	33,609	---	12,000	-21,609	+12,000
Health careers opportunity program	35,647	---	---	-35,647	---
Faculty loan repayment	1,302	---	---	-1,302	---
Scholarships for disadvantaged students	47,128	9,831	35,128	-12,000	+25,297
Subtotal, Training for Diversity	117,686	9,831	47,128	-70,558	+37,297
Training in Primary Care Medicine and Dentistry	88,816	---	---	-88,816	---
Interdisciplinary Community-Based Linkages:					
Area health education centers	28,971	---	---	-28,971	---
Health education and training centers	3,819	---	---	-3,819	---
Allied health and other disciplines	11,753	---	---	-11,753	---
Geriatric programs	31,548	---	---	-31,548	---
Quentin N. Burdick program for rural training	6,076	---	---	-6,076	---
Subtotal, Interdisciplinary Comm. Linkages	82,167	---	---	-82,167	---
Health Professions Workforce Info & Analysis	716	712	---	-716	-712
Public Health Workforce Development:					
Public health, preventive med. and dental programs	9,097	---	---	-9,097	---
Health administration programs	1,070	---	---	-1,070	---
Subtotal, Public Health Workforce Development	10,167	---	---	-10,167	---
Nursing Programs:					
Advanced Education Nursing	58,160	42,806	57,637	-523	+14,831
Nurse education, practice, and retention	36,468	46,325	36,468	---	-9,857
Nursing workforce diversity	16,270	21,244	16,270	---	-4,974
Loan repayment and scholarship program	31,482	31,369	31,369	-113	---
Comprehensive geriatric education	3,450	3,426	3,426	-24	---
Nursing faculty loan program	4,831	4,821	4,821	-10	---
Subtotal, Nursing programs	150,661	149,991	149,991	-670	---
Subtotal, Health Professions	450,213	160,534	197,119	-253,094	+36,585
Children's Hospitals Graduate Medical Education	300,730	200,000	300,000	-730	+100,000
National Practitioner Data Bank	15,700	15,700	15,700	---	---
User Fees	-15,700	-15,700	-15,700	---	---
Health Care Integrity and Protection Data Bank	4,000	4,000	4,000	---	---
User Fees	-4,000	-4,000	-4,000	---	---
Subtotal, Bureau of Health Professions	882,391	487,330	623,915	-258,476	+136,585
MATERNAL AND CHILD HEALTH BUREAU					
Maternal and Child Health Block Grant	723,928	723,928	700,000	-23,928	-23,928
Sickle cell service demonstration program	198	---	---	-198	---
Traumatic Brain Injury	9,297	---	9,000	-297	+9,000
Healthy Start	102,543	97,747	97,747	-4,796	---
Universal Newborn Hearing	9,792	---	10,000	+208	+10,000
Emergency medical services for children	19,830	---	19,000	-830	+19,000
Poison control	23,499	23,301	23,301	-198	---
Subtotal, Maternal and Child Health Bureau	889,087	844,976	859,048	-30,039	+14,072

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
HIV/AIDS BUREAU					
Ryan White AIDS Programs:					
Emergency Assistance	610,094	610,094	610,094	---	---
Comprehensive Care Programs	1,121,836	1,131,836	1,131,836	+10,000	---
AIDS Drug Assistance Program (ADAP) (NA)	(787,521)	(797,521)	(797,521)	(+10,000)	---
Early Intervention Program	195,578	195,578	195,578	---	---
Pediatric HIV/AIDS	72,519	72,519	72,519	---	---
AIDS Dental Services	13,218	13,218	13,218	---	---
Education and Training Centers	35,051	35,051	35,051	---	---
Subtotal, Ryan White AIDS programs	2,048,296	2,058,296	2,058,296	+10,000	---
Evaluation Tap Funding (NA)	(25,000)	(25,000)	(25,000)	---	---
Subtotal, Ryan White AIDs program level	(2,073,296)	(2,083,296)	(2,083,296)	(+10,000)	---
Telehealth	3,916	3,888	3,888	-28	---
Subtotal, HIV/AIDS Bureau	2,052,212	2,062,184	2,062,184	+9,972	---
SPECIAL PROGRAMS BUREAU					
Organ Transplantation	24,413	23,282	23,282	-1,131	---
Cord Blood Stem Cell Bank	9,859	---	---	-9,859	---
Bone Marrow Program	25,416	22,916	25,416	---	+2,500
Trauma Care	3,418	---	---	-3,418	---
State Planning Grants for Health Care Access	10,910	---	---	-10,910	---
Subtotal, Special programs bureau	74;016	46,198	48,698	-25,318	+2,500
RURAL HEALTH PROGRAMS					
Rural outreach grants	39,278	10,767	10,767	-28,511	---
Rural Health Research	8,825	8,528	---	-8,825	-8,528
Rural Hospital Flexibility Grants	39,180	---	39,180	---	+39,180
Rural and community access to emergency devices	8,927	1,960	1,960	-6,967	---
Rural EMS	496	---	---	-496	---
State Offices of Rural Health	8,321	8,223	8,223	-98	---
Denali Commission	39,680	---	---	-39,680	---
Subtotal, Rural health programs	144,707	29,478	60,130	-84,577	+30,652
Family Planning	285,963	285,963	285,963	---	---
Health Care-related Facilities and activities	482,729	---	---	-482,729	---
Bioterrorism hospital grants to States 1/	---	---	500,000	+500,000	+500,000
Program Management	147,080	145,992	145,992	-1,088	---
Total, Health resources and services	6,803,012	5,966,144	6,446,357	-356,655	+480,213
Total, Health resources & services program level	(6,828,012)	(5,991,144)	(6,471,357)	(-356,655)	(+480,213)
Evaluation tap funding	(25,000)	(25,000)	(25,000)	---	---
HEALTH EDUCATION ASSISTANCE LOANS (HEAL) PROGRAM:					
Liquidating account	(4,000)	(4,000)	(4,000)	---	---
Program management	3,244	2,916	2,916	-328	---
Total, HEAL	3,244	2,916	2,916	-328	---
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:					
Post-FY 1988 claims	66,000	70,884	70,884	+4,884	---
HRSA administration	3,151	2,832	3,500	+349	+668
Total, Vaccine Injury Compensation Trust Fund	69,151	73,716	74,384	+5,233	+668
Total, Health Resources and Services Admin	6,875,407	6,042,776	6,523,657	-351,750	+480,881
Total, HRSA program level	(6,904,407)	(6,071,776)	(6,552,657)	(-351,750)	(+480,881)

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
CENTERS FOR DISEASE CONTROL AND PREVENTION					
Infectious Diseases	1,667,095	1,696,964	1,704,529	+37,434	+7,565
Evaluation Tap Funding	(12,794)	(12,794)	(12,794)	---	---
Subtotal, Program level	(1,679,889)	(1,709,758)	(1,717,323)	(+37,434)	(+7,565)
Health Promotion	1,021,709	964,421	983,647	-38,062	+19,226
Health Information and Service	94,438	89,564	195,069	+100,631	+105,505
Evaluation Tap Funding	(134,235)	(134,235)	(28,730)	(-105,505)	(-105,505)
Subtotal, Program level	(228,673)	(223,799)	(223,799)	(-4,874)	---
Environmental health and injury	285,721	284,820	285,721	---	+901
Occupational safety and health 2/	198,970	198,859	164,170	-34,800	-34,689
Evaluation Tap Funding	(87,071)	(87,071)	(87,071)	---	---
Subtotal, Program level 2/	(286,041)	(285,930)	(251,241)	(-34,800)	(-34,689)
Global health	293,863	306,079	309,076	+15,213	+2,997
Supplemental (P.L. 109-13) (emergency)	15,000	---	---	-15,000	---
Subtotal, Program level	(308,863)	(306,079)	(309,076)	(+213)	(+2,997)
Terrorism preparedness and response 1/	---	---	1,616,723	+1,616,723	+1,616,723
Public Health research:					
Evaluation Tap Funding	(31,000)	(31,000)	(31,000)	---	---
Public health improvement and leadership	266,842	206,541	258,541	-8,301	+52,000
Preventive health and health services block grant	118,526	---	100,000	-18,526	+100,000
Buildings and Facilities	269,708	30,000	30,000	-239,708	---
Business services	278,838	263,715	298,515	+19,677	+34,800
Total, Centers for Disease Control	4,510,710	4,040,963	5,945,991	+1,435,281	+1,905,028
Evaluation Tap Funding (NA)	(265,100)	(265,100)	(159,595)	(-105,505)	(-105,505)
Total, Centers for Disease Control program level	(4,775,810)	(4,306,063)	(6,105,586)	(+1,329,776)	(+1,799,523)
NATIONAL INSTITUTES OF HEALTH					
National Cancer Institute	4,825,259	4,841,774	4,841,774	+16,515	---
National Heart, Lung, and Blood Institute	2,941,201	2,951,270	2,951,270	+10,069	---
National Institute of Dental & Craniofacial Research	391,829	393,269	393,269	+1,440	---
National Institute of Diabetes and Digestive and Kidney Diseases	1,713,584	1,722,146	1,722,146	+8,562	---
Juvenile diabetes (mandatory)	(150,000)	(150,000)	(150,000)	---	---
Subtotal, NIDDK	(1,863,584)	(1,872,146)	(1,872,146)	(+8,562)	---
National Institute of Neurological Disorders & Stroke	1,539,448	1,550,260	1,550,260	+10,812	---
National Institute of Allergy and Infectious Diseases	4,303,640	4,359,395	4,359,395	+55,755	---
Global HIV/AIDS Fund Transfer	99,200	100,000	---	-99,200	-100,000
Subtotal, NIAID	4,402,840	4,459,395	4,359,395	-43,445	-100,000
National Institute of General Medical Sciences	1,944,067	1,955,170	1,955,170	+11,103	---
National Institute of Child Health & Human Development	1,270,321	1,277,544	1,277,544	+7,223	---
National Eye Institute	669,070	673,491	673,491	+4,421	---
National Institute of Environmental Health Sciences	644,505	647,608	647,608	+3,103	---
National Institute on Aging	1,051,990	1,057,203	1,057,203	+5,213	---
National Institute of Arthritis and Musculoskeletal and Skin Diseases	511,157	513,063	513,063	+1,906	---
National Institute on Deafness and Other Communication Disorders	394,259	397,432	397,432	+3,173	---
National Institute of Nursing Research	138,072	138,729	138,729	+657	---
National Institute on Alcohol Abuse and Alcoholism	438,277	440,333	440,333	+2,056	---
National Institute on Drug Abuse	1,006,419	1,010,130	1,010,130	+3,711	---
National Institute of Mental Health	1,411,933	1,417,692	1,417,692	+5,759	---
National Human Genome Research Institute	488,608	490,959	490,959	+2,351	---
National Institute of Biomedical Imaging and Bioengineering	298,209	299,808	299,808	+1,599	---
National Center for Research Resources	1,115,090	1,100,203	1,100,203	-14,887	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
National Center for Complementary and Alternative Medicine	122,105	122,692	122,692	+587	---
National Center on Minority Health and Health Disparities	196,159	197,379	197,379	+1,220	---
John E. Fogarty International Center	66,632	67,048	67,048	+416	---
National Library of Medicine	315,146	318,091	318,091	+2,945	---
Evaluation Tap Funding	(8,200)	(8,200)	(8,200)	---	---
Subtotal, NLM	323,346	326,291	326,291	+2,945	---
Office of the Director 1/	358,047	385,195	482,216	+124,169	+97,021
Biodefense countermeasures 1/	---	---	(97,021)	(+97,021)	(+97,021)
Buildings and Facilities	110,288	81,900	81,900	-28,388	---
Total, National Institutes of Health (NIH)	28,364,515	28,509,784	28,506,805	+142,290	-2,979
Global HIV/AIDS Fund Transfer	-99,200	-100,000	---	+99,200	+100,000
Evaluation Tap Funding	(8,200)	(8,200)	(8,200)	---	---
Total, NIH, Program Level	(28,273,515)	(28,417,984)	(28,515,005)	(+241,490)	(+97,021)
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA)					
Mental Health:					
Programs of Regional and National Significance	274,297	210,213	253,257	-21,040	+43,044
Mental Health block grant	410,953	410,953	410,953	---	---
Evaluation Tap Funding	(21,803)	(21,803)	(21,803)	---	---
Subtotal, Program level	(432,756)	(432,756)	(432,756)	---	---
Children's Mental Health	105,112	105,129	105,129	+17	---
Grants to States for the Homeless (PATH)	54,809	54,809	54,809	---	---
Protection and Advocacy	34,343	34,343	34,343	---	---
Subtotal, Mental Health	879,514	815,447	858,491	-21,023	+43,044
Subtotal, Program level	(901,317)	(837,250)	(880,294)	(-21,023)	(+43,044)
Substance Abuse Treatment:					
Programs of Regional and National Significance	418,066	442,752	405,131	-12,935	-37,621
Evaluation Tap Funding	(4,300)	(4,300)	(4,300)	---	---
Subtotal, Program level	(422,366)	(447,052)	(409,431)	(-12,935)	(-37,621)
Substance Abuse block grant	1,696,355	1,696,355	1,696,355	---	---
Evaluation Tap Funding	(79,200)	(79,200)	(79,200)	---	---
Subtotal, Program level	(1,775,555)	(1,775,555)	(1,775,555)	---	---
Subtotal, Substance Abuse Treatment	2,114,421	2,139,107	2,101,486	-12,935	-37,621
Subtotal, Program level	(2,197,921)	(2,222,607)	(2,184,986)	(-12,935)	(-37,621)
Substance Abuse Prevention:					
Programs of Regional and National Significance	198,725	184,349	194,950	-3,775	+10,601
Program Management	75,806	75,817	75,817	+11	---
Evaluation Tap funding (NA)	(18,000)	(16,000)	(16,000)	(-2,000)	---
Subtotal, Program level	93,806	91,817	91,817	-1,989	---
Total, SAMHSA	3,268,466	3,214,720	3,230,744	-37,722	+16,024
Evaluation Tap funding	(123,303)	(121,303)	(121,303)	(-2,000)	---
Total, SAMHSA program level	(3,391,769)	(3,336,023)	(3,352,047)	(-39,722)	(+16,024)

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
AGENCY FOR HEALTHCARE RESEARCH AND QUALITY					
Research on Health Costs, Quality, and Outcomes:					
Federal Funds	---	---	318,695	+318,695	+318,695
Evaluation Tap funding (NA)	(260,695)	(260,695)	---	(-260,695)	(-260,695)
Clinial effectiveness research (NA)	(15,000)	(15,000)	---	(-15,000)	(-15,000)
Reducing medical errors (NA)	(84,000)	(84,000)	---	(-84,000)	(-84,000)
Subtotal, Program level	(260,695)	(260,695)	(318,695)	(+58,000)	(+58,000)
Health Insurance and Expenditure Surveys:					
Evaluation Tap funding (NA)	(55,300)	(55,300)	---	(-55,300)	(-55,300)
Program Support:					
Evaluation Tap funding (NA)	(2,700)	(2,700)	---	(-2,700)	(-2,700)
Total, AHRQ	---	---	318,695	+318,695	+318,695
Evaluation Tap funding (NA)	(318,695)	(318,695)	---	(-318,695)	(-318,695)
Total, AHRQ program level	(318,695)	(318,695)	(318,695)	---	---
Total, Public Health Service appropriation	43,019,098	41,808,243	44,525,892	+1,506,794	+2,717,649
Total, Public Health Service program level	(43,664,196)	(42,450,541)	(44,843,990)	(+1,179,794)	(+2,393,449)
CENTERS FOR MEDICARE AND MEDICAID SERVICES GRANTS TO STATES FOR MEDICAID					
Medicaid current law benefits	171,407,893	204,166,276	204,166,276	+32,758,383	---
State and local administration	9,318,602	9,803,100	9,803,100	+484,498	---
Vaccines for Children	1,468,799	1,502,333	1,502,333	+33,534	---
Subtotal, Medicaid program level	182,195,294	215,471,709	215,471,709	+33,276,415	---
Less funds advanced in prior year	-58,416,275	-58,517,290	-58,517,290	-101,015	---
Total, Grants to States for medicaid	123,779,019	156,954,419	156,954,419	+33,175,400	---
New advance, 1st quarter	58,517,290	62,783,825	62,783,825	+4,266,535	---
PAYMENTS TO HEALTH CARE TRUST FUNDS					
Supplemental medical insurance	114,002,000	128,015,000	128,015,000	+14,013,000	---
Hospital insurance for the uninsured	87,000	202,000	202,000	+115,000	---
Federal uninsured payment	199,000	206,000	206,000	+7,000	---
Program management	215,000	164,000	164,000	-51,000	---
General revenue for Part D benefit	---	53,596,000	53,596,000	+53,596,000	---
General revenue for Part D administration (CMS)	---	357,000	357,000	+357,000	---
General revenue for Part D administration (SSA)	---	320,000	320,000	+320,000	---
HCFAC reimbursement	---	80,000	---	---	-80,000
Prescription drug eligibility determinations	105,900	99,100	99,100	-6,800	---
Subtotal, Payments to Trust Funds, current law	114,608,900	183,039,100	182,959,100	+68,350,200	-80,000
Less funds advanced in prior year	---	-5,216,900	-5,216,900	-5,216,900	---
New Advance FY 2007	5,216,900	---	---	-5,216,900	---
Total, Payments to Trust Funds, current law	119,825,800	177,822,200	177,742,200	+57,916,400	-80,000
PROGRAM MANAGEMENT					
Medicare reform funding 3/ 4/ 5/ (NA)	(250,000)	(250,000)	(250,000)	---	---
Research, Demonstration, Evaluation	77,494	45,194	65,000	-12,494	+19,806
Medicare Operations	1,722,984	2,189,987	2,172,987	+450,003	-17,000
H.R. 3103 funding (NA)	(720,000)	(720,000)	(720,000)	---	---
Subtotal, Medicare Operations program level	(2,442,984)	(2,909,987)	(2,892,987)	(+450,003)	(-17,000)

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Revitalization plan	24,205	24,205	24,205	---	---
State Survey and Certification	258,735	260,735	260,735	+2,000	---
Federal Administration	581,493	657,357	657,357	+75,864	---
Total, Program management, Limitation on new BA	2,664,911	3,177,478	3,180,284	+515,373	+2,806
Total, Program management, program level	(3,364,911)	(3,897,478)	(3,900,284)	(+515,373)	(+2,806)
Health Care Fraud and Abuse Control:					
Part D drug benefit/medicare advantage (MIP)	---	75,000	---	---	-75,000
Medicaid and SCHIP financial management	---	5,000	---	---	-5,000
Total, Health Care Fraud and Abuse Control	---	80,000	---	---	-80,000
Total, Center for Medicare and Medicaid Services	304,787,020	400,817,922	400,660,728	+95,873,708	-157,194
Federal funds	302,122,109	397,560,444	397,480,444	+95,358,335	-80,000
Current year	(238,387,919)	(334,776,619)	(334,696,619)	(+96,308,700)	(-80,000)
New advance, FY 2007	(63,734,190)	(62,783,825)	(62,783,825)	(-950,365)	---
Trust Funds	2,664,911	3,257,478	3,180,284	+515,373	-77,194
ADMINISTRATION FOR CHILDREN AND FAMILIES FAMILY SUPPORT PAYMENTS TO STATES					
Payments to territories	23,000	33,000	33,000	+10,000	---
Repatriation	1,000	1,300	1,300	+300	---
Subtotal, Welfare payments	24,000	34,300	34,300	+10,300	---
Child Support Enforcement:					
State and local administration	3,610,465	3,715,816	3,715,816	+105,351	---
Federal incentive payments	446,000	458,000	458,000	+12,000	---
Access and visitation	10,000	12,000	12,000	+2,000	---
Subtotal, Child Support Enforcement	4,066,465	4,185,816	4,185,816	+119,351	---
Total, Family support payments program level	4,090,465	4,220,116	4,220,116	+129,651	---
Less funds advanced in previous years	-1,200,000	-1,200,000	-1,200,000	---	---
Total, Family support payments, current request	2,890,465	3,020,116	3,020,116	+129,651	---
New advance, 1st quarter, FY 2007	1,200,000	1,200,000	1,200,000	---	---
Total, Family support payments	4,090,465	4,220,116	4,220,116	+129,651	---
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM					
Formula grants	1,884,799	1,800,000	1,984,799	+100,000	+184,799
Emergency allocation:					
Contingent emergency allocation	---	200,000	---	---	-200,000
Emergency allocation	297,600	---	---	-297,600	---
Total, Low income home energy assistance	2,182,399	2,000,000	1,984,799	-197,600	-15,201
REFUGEE AND ENTRANT ASSISTANCE					
Transitional and Medical Services	192,028	264,129	264,129	+72,101	---
Victims of Trafficking	9,915	9,915	9,915	---	---
Social Services	164,888	151,121	160,000	-4,888	+8,879
Preventive Health	4,796	4,796	4,796	---	---
Targeted Assistance	49,081	49,081	49,081	---	---
Unaccompanied minors	53,771	63,083	63,083	+9,312	---
Victims of Torture	9,915	9,915	9,915	---	---
Total, Refugee and entrant assistance	484,394	552,040	560,919	+76,525	+8,879

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
CHILD CARE AND DEVELOPMENT BLOCK GRANT	2,082,921	2,082,910	2,082,910	-11	---
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	1,700,000	1,700,000	1,700,000	---	---
CHILDREN AND FAMILIES SERVICES PROGRAMS					
Programs for Children, Youth and Families:					
Head Start, current funded	5,454,314	5,499,336	5,499,000	+44,686	-336
Advance from prior year	(1,388,800)	(1,400,000)	(1,400,000)	(+11,200)	---
FY 2007	1,400,000	1,388,800	1,400,000	---	+11,200
Subtotal, Head Start, program level	6,843,114	6,899,336	6,899,000	+55,886	-336
Consolidated Runaway, Homeless Youth Program	88,724	88,728	88,728	+4	---
Maternity Group Homes	---	10,000	---	---	-10,000
Prevention grants to reduce abuse of runaway youth	15,178	15,179	15,179	+1	---
Child Abuse State Grants	27,280	27,280	27,280	---	---
Child Abuse Discretionary Activities	31,640	31,645	31,645	+5	---
Community based child abuse prevention	42,858	42,859	42,859	+1	---
Abandoned Infants Assistance	11,955	11,955	11,955	---	---
Child Welfare Services	289,650	289,650	289,650	---	---
Child Welfare Training	7,409	7,409	7,409	---	---
Adoption Opportunities	27,116	27,119	27,119	+3	---
Adoption Incentive (no cap adjustment)	31,846	31,846	31,846	---	---
Adoption Awareness	12,802	12,802	12,802	---	---
Compassion Capital Fund	54,549	100,000	75,000	+20,451	-25,000
Social Services and Income Maintenance Research	26,012	---	2,621	-23,391	+2,621
Evaluation tap funding	(6,000)	(6,000)	(8,000)	(+2,000)	(+2,000)
Subtotal, Program level	(32,012)	(6,000)	(10,621)	(-21,391)	(+4,621)
Developmental Disabilities Programs:					
State Councils	72,496	72,496	72,496	---	---
Protection and Advocacy	38,109	38,109	38,109	---	---
Voting access for individuals with disabilities	14,879	14,879	14,879	---	---
Developmental Disabilities Projects of National Significance	11,542	11,529	11,529	-13	---
University Centers for Excellence in Developmental Disabilities	31,549	31,548	33,548	+1,999	+2,000
Subtotal, Developmental disabilities programs	168,575	168,561	170,561	+1,986	+2,000
Native American Programs	44,786	44,780	44,780	-6	---
Community Services:					
Grants to States for Community Services	636,793	---	320,000	-316,793	+320,000
Community Initiative Program:					
Economic Development	32,731	---	32,731	---	+32,731
Individual Development Account Initiative	24,704	24,699	24,699	-5	---
Rural Community Facilities	7,242	---	7,242	---	+7,242
Subtotal, Community Initiative Program	64,677	24,699	64,672	-5	+39,973
National Youth Sports	17,856	---	---	-17,856	---
Community Food and Nutrition	7,180	---	---	-7,180	---
Subtotal, Community Services	726,506	24,699	384,672	-341,834	+359,973

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Domestic Violence Hotline	3,224	3,000	3,000	-224	---
Family Violence/Battered Women's Shelters	125,630	125,991	125,991	+361	---
Early Learning Fund	35,712	---	---	-35,712	---
Mentoring Children of Prisoners	49,598	49,993	49,993	+395	---
Independent Living Training Vouchers	46,623	59,999	50,000	+3,377	-9,999
Abstinence Education	99,198	138,045	110,000	+10,802	-28,045
Evaluation Tap Funding	(4,500)	(4,500)	(4,500)	---	---
Subtotal, Program level	(103,698)	(142,545)	(114,500)	(+10,802)	(-28,045)
Faith-Based Center	1,375	1,400	1,400	+25	---
Program Direction	185,210	185,217	185,217	+7	---
Total, Children and Families Services Programs	9,007,770	8,386,293	8,688,707	-319,063	+302,414
Current Year	(7,607,770)	(6,997,493)	(7,288,707)	(-319,063)	(+291,214)
FY 2007	(1,400,000)	(1,388,800)	(1,400,000)	---	(+11,200)
Evaluation Tap funding	(10,500)	(10,500)	(12,500)	(+2,000)	(+2,000)
Total, Program level	9,018,270	8,396,793	8,701,207	-317,063	+304,414
PROMOTING SAFE AND STABLE FAMILIES	305,000	305,000	305,000	---	---
Discretionary Funds	98,586	105,000	99,000	+414	-6,000
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION					
Foster Care	4,895,500	4,685,000	4,685,000	-210,500	---
Adoption Assistance	1,770,100	1,795,000	1,795,000	+24,900	---
Independent living	140,000	140,000	140,000	---	---
Total, Payments to States	6,805,600	6,620,000	6,620,000	-185,600	---
Less Advances from Prior Year	-1,767,700	-1,767,200	-1,767,200	+500	---
Total, payments, current year	5,037,900	4,852,800	4,852,800	-185,100	---
New Advance, 1st quarter	1,767,200	1,730,000	1,730,000	-37,200	---
Total, Administration for Children & Families	26,756,635	25,934,159	26,224,251	-532,384	+290,092
Current year	(22,389,435)	(21,615,359)	(21,894,251)	(-495,184)	(+278,892)
FY 2007	(4,367,200)	(4,318,800)	(4,330,000)	(-37,200)	(+11,200)
Evaluation Tap funding	(10,500)	(10,500)	(12,500)	(+2,000)	(+2,000)
Total, Administration for Children & Families	26,767,135	25,944,659	26,236,751	-530,384	+292,092
ADMINISTRATION ON AGING					
Grants to States:					
Supportive Services and Centers	354,136	354,136	354,136	---	---
Preventive Health	21,616	21,616	21,616	---	---
Protection of vulnerable older americans-Title VII	19,288	19,360	19,360	+72	---
Family Caregivers	155,744	155,744	155,744	---	---
Native American Caregivers Support	6,304	6,304	6,304	---	---
Subtotal, Caregivers	162,046	162,048	162,048	---	---
Nutrition:					
Congregate Meals	387,274	387,274	391,147	+3,873	+3,873
Home Delivered Meals	182,827	182,826	184,656	+1,829	+1,830
Nutrition Services Incentive Program	148,596	148,596	150,082	+1,486	+1,486
Subtotal, Nutrition	718,697	718,696	725,885	+7,188	+7,189
Subtotal, Grants to States	1,275,785	1,275,856	1,283,045	+7,260	+7,189

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Grants for Native Americans	26,398	26,398	26,398	---	---
Program Innovations	43,286	23,843	23,843	-19,443	---
Aging Network Support Activities	13,266	13,266	13,266	---	---
Alzheimer's Disease Demonstrations	11,786	11,786	11,786	---	---
White House Conference on Aging	4,520	---	---	-4,520	---
Program Administration	18,301	17,879	17,879	-422	---
Total, Administration on Aging	1,393,342	1,369,028	1,376,217	-17,125	+7,189
OFFICE OF THE SECRETARY					
GENERAL DEPARTMENTAL MANAGEMENT:					
Federal Funds	184,155	172,643	172,643	-11,512	---
Trust Funds	5,804	5,851	5,851	+47	---
Subtotal	189,959	178,494	178,494	-11,465	---
Adolescent Family Life (Title XX)	30,900	30,742	30,742	-158	---
Minority health	50,518	47,236	47,236	-3,282	---
Office of women's health	28,818	28,715	28,715	-103	---
Minority HIV/AIDS	52,415	52,415	52,415	---	---
Health care information technology	---	---	---	---	---
Afghanistan	5,952	5,952	5,952	---	---
Embryo adoption awareness campaign	992	992	992	---	---
IT Security and Innovation Fund	14,695	14,630	---	-14,695	-14,630
Evaluation tap funding (ASPE) (NA)	(39,552)	(39,552)	(39,552)	---	---
Total, General Departmental Management	374,249	359,176	344,546	-29,703	-14,630
Federal Funds	368,445	353,325	338,695	-29,750	-14,630
Trust Funds	5,804	5,851	5,851	+47	---
Evaluation tap funding	(39,552)	(39,552)	(39,552)	---	---
OFFICE OF MEDICARE HEARINGS AND APPEALS	57,536	80,000	60,000	+2,464	-20,000
OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY 6/	---	75,000	58,100	+58,100	-16,900
Evaluation tap funding	(16,943)	(2,750)	(16,900)	(-43)	(+14,150)
Total, Health Information Tech. program level	(16,943)	(77,750)	(75,000)	(+58,057)	(-2,750)
OFFICE OF THE INSPECTOR GENERAL:					
Federal Funds	39,930	39,813	39,813	-117	---
HIPAA funding (NA)	(160,000)	(160,000)	(160,000)	---	---
Total, Inspector General program level	(199,930)	(199,813)	(199,813)	(-117)	---
OFFICE FOR CIVIL RIGHTS:					
Federal Funds	31,726	31,682	31,682	-44	---
Trust Funds	3,287	3,314	3,314	+27	---
Total, Office for Civil Rights	35,013	34,996	34,996	-17	---
MEDICAL BENEFITS FOR COMMISSIONED OFFICERS					
Retirement payments	241,294	256,193	256,193	+14,899	---
Survivors benefits	14,750	15,600	15,600	+850	---
Dependents' medical care	74,592	56,759	56,759	-17,833	---
Total,Medical benefits for Commissioned Officers	330,636	328,552	328,552	-2,084	---
PUBLIC HEALTH AND SOCIAL SERVICE EMERGENCY FUND					
HRSA homeland security activities 1/	514,618	510,500	---	-514,618	-510,500
CDC homeland security activities 1/	1,622,757	1,616,723	---	-1,622,757	-1,616,723
NIH homeland security activities 1/	47,021	97,021	---	-47,021	-97,021
Office of the Secretary homeland sercurity activities	63,821	83,589	63,589	-232	-20,000
Other PHSSEF homeland security activities	109,198	120,000	120,000	+10,802	---
Supplemental (P.L. 108-234) (emergency)	50,000	---	---	-50,000	---
Total, PHSSEF	2,407,415	2,427,833	183,589	-2,223,826	-2,244,244

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Total, Office of the Secretary	3,244,779	3,345,370	1,049,596	-2,195,183	-2,295,774
Federal Funds	3,178,152	3,256,205	980,431	-2,197,721	-2,275,774
Trust Funds	66,627	89,165	69,165	+2,538	-20,000
Total, Title II, Dept of Health & Human Services	379,200,874	473,274,722	473,836,684	+94,635,810	+561,962
Federal Funds	376,469,336	469,928,079	470,587,235	+94,117,899	+659,156
Current year	(308,367,946)	(402,825,454)	(403,473,410)	(+95,105,464)	(+647,956)
FY 2007	(68,101,390)	(67,102,625)	(67,113,825)	(-987,565)	(+11,200)
Trust Funds	2,731,538	3,346,643	3,249,449	+517,911	-97,194

Title II Footnotes:
1/ Funds provided for biodefense activities are reflected within HRSA, CDC, and NIH respectively.
2/ Includes Mine Safety and Health.
3/ Funds provided in P.L. 108-173, the 2003 Medicare Prescription Drug, Improvement & Modernization Act
4/ $1 billion available for fiscal years 2004-2005
5/ $250 million available for fiscal years 2005-2008
6/ An additional $50 million for Health IT within AHRQ

TITLE III - DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Grants to Local Educational Agencies (LEAs)					
Basic Grants:					
Advance from prior year	(1,883,584)	(1,383,584)	(1,383,584)	(-500,000)	---
Forward funded	5,547,798	5,955,536	5,452,798	-95,000	-502,738
Current funded	3,472	3,472	3,472	---	---
Subtotal, Basic grants current year approp.	5,551,270	5,959,008	5,456,270	-95,000	-502,738
Subtotal, Basic grants total funds available	(7,434,854)	(7,342,592)	(6,839,854)	(-595,000)	(-502,738)
Basic Grants FY 2007 Advance	1,383,584	975,846	1,478,584	+95,000	+502,738
Subtotal, Basic grants, program level	6,934,854	6,934,854	6,934,854	---	---
Concentration Grants:					
Advance from prior year	(1,365,031)	(1,365,031)	(1,365,031)	---	---
FY 2007 Advance	1,365,031	1,365,031	1,365,031	---	---
Subtotal, Concentration Grants program level	1,365,031	1,365,031	1,365,031	---	---
Targeted Grants:					
Advance from prior year	(1,969,843)	(2,219,843)	(2,219,843)	(+250,000)	---
FY 2007 Advance	2,219,843	2,822,581	2,269,843	+50,000	-552,738
Subtotal, Targeted Grants program level	2,219,843	2,822,581	2,269,843	+50,000	-552,738
Education Finance Incentive Grants:					
Advance from prior year	(1,969,843)	(2,219,843)	(2,219,843)	(+250,000)	---
FY 2007 Advance	2,219,843	2,219,843	2,269,843	+50,000	+50,000
Subtotal, Education Finance Incentive Grants	2,219,843	2,219,843	2,269,843	+50,000	+50,000
Subtotal, Grants to LEAs, program level	12,739,571	13,342,309	12,839,571	+100,000	-502,738
Even Start	225,095	---	200,000	-25,095	+200,000
Reading First:					
State Grants (forward funded)	846,600	1,041,600	1,041,600	+195,000	---
Advance from prior year	(195,000)	(195,000)	(195,000)	---	---
FY 2007 Advance	195,000	---	---	-195,000	---
Subtotal, Reading First State Grants	1,041,600	1,041,600	1,041,600	---	---
Early Reading First	104,160	104,160	104,160	---	---
Striving readers	24,800	200,000	30,000	+5,200	-170,000

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Literacy through School Libraries	19,683	19,683	19,683	---	---
High School Intervention	---	1,240,000	---	---	-1,240,000
State Agency Programs:					
Migrant	390,428	390,428	390,428	---	---
Neglected and Delinquent/High Risk Youth	49,600	49,600	49,600	---	---
Subtotal, State Agency programs	440,028	440,028	440,028	---	---
Evaluation	9,424	9,424	9,424	---	---
Comprehensive School Reform Demonstration	205,344	---	10,000	-195,344	+10,000
Migrant Education:					
High School Equivalency Program	18,737	18,737	18,737	---	---
College Assistance Migrant Program	15,532	15,532	15,532	---	---
Subtotal, Migrant Education	34,269	34,269	34,269	---	---
Total, Education for the disadvantaged	14,843,974	16,431,473	14,728,735	-115,239	-1,702,738
Current Year	(7,460,673)	(9,048,172)	(7,345,434)	(-115,239)	(-1,702,738)
FY 2007	(7,383,301)	(7,383,301)	(7,383,301)	---	---
Subtotal, forward funded	(7,264,865)	(8,677,164)	(7,144,426)	(-120,439)	(-1,532,738)
IMPACT AID					
Basic Support Payments	1,075,018	1,075,018	1,102,896	+27,878	+27,878
Payments for Children with Disabilities	49,966	49,966	49,966	---	---
Facilities Maintenance (Sec. 8008)	7,838	7,838	5,000	-2,838	-2,838
Construction (Sec. 8007)	48,545	45,544	18,000	-30,545	-27,544
Payments for Federal Property (Sec. 8002)	62,496	62,496	65,000	+2,504	+2,504
Total, Impact aid	1,243,863	1,240,862	1,240,862	-3,001	---
SCHOOL IMPROVEMENT PROGRAMS					
State Grants for Improving Teacher Quality	1,481,605	1,481,605	1,481,605	---	---
Advance from prior year	(1,435,000)	(1,435,000)	(1,435,000)	---	---
FY 2007	1,435,000	1,435,000	1,435,000	---	---
Subtotal, State Grants for Improving Teacher Quality, program level	(2,916,605)	(2,916,605)	(2,916,605)	---	---
Early Childhood Educator Professional Development	14,695	14,696	14,696	+1	---
Mathematics and Science Partnerships	178,560	269,000	190,000	+11,440	-79,000
State Grants for Innovative Education (Education Block Grant)	198,400	100,000	198,400	---	+98,400
Educational Technology State Grants	496,000	---	300,000	-196,000	+300,000
Supplemental Education Grants	18,183	18,183	18,183	---	---
21st Century Community Learning Centers	991,077	991,077	991,077	---	---
State Assessments/Enhanced Assessment Instruments	411,680	411,680	411,680	---	---
High school assessments	---	250,000	---	---	-250,000
Javits gifted and talented education	11,022	---	---	-11,022	---
Foreign language assistance	17,856	---	---	-17,856	---
Education for Homeless Children and Youth	62,496	62,496	62,496	---	---
Training and Advisory Services (Civil Rights)	7,185	7,185	7,185	---	---
Education for Native Hawaiians	34,224	32,624	24,770	-9,454	-7,854
Alaska Native Education Equity	34,224	31,224	31,224	-3,000	---
Rural Education	170,624	170,624	170,624	---	---
Comprehensive Centers	56,825	56,825	56,825	---	---
Total, School improvement programs	5,619,656	5,332,219	5,393,765	-225,891	+61,546
Current Year	(4,184,656)	(3,897,219)	(3,958,765)	(-225,891)	(+61,546)
FY 2007	(1,435,000)	(1,435,000)	(1,435,000)	---	---
Subtotal, forward funded	(3,990,442)	(3,736,482)	(3,805,882)	(-184,560)	(+69,400)
INDIAN EDUCATION					
Grants to Local Educational Agencies	95,166	96,294	96,294	+1,128	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Federal Programs:					
Special Programs for Indian Children	19,595	19,595	19,595	---	---
National Activities	5,129	4,000	4,000	-1,129	---
Subtotal, Federal Programs	24,724	23,595	23,595	-1,129	---
Total, Indian Education	119,890	119,889	119,889	-1	---
INNOVATION AND IMPROVEMENT					
Troops-to-Teachers	14,793	14,793	14,793	---	---
Transition to Teaching	44,933	44,933	44,933	---	---
National Writing Project	20,336	---	20,336	---	+20,336
Teaching of Traditional American History	119,040	119,040	50,000	-69,040	-69,040
School Leadership	14,880	---	14,880	---	+14,880
Advanced Credentialing	16,864	8,000	16,864	---	+8,864
Charter Schools Grants	216,952	218,702	216,952	---	-1,750
Credit Enhancement for Charter School Facilities	36,981	36,981	36,981	---	---
Voluntary Public School Choice	26,543	26,543	26,543	---	---
Magnet Schools Assistance	107,771	107,771	107,771	---	---
Fund for the Improvement of Education (FIE):					
Current funded	414,079	156,296	27,000	-387,079	-129,296
Teacher Incentive Fund	---	500,000	100,000	+100,000	-400,000
Ready to Learn television	23,312	23,312	---	-23,312	-23,312
Dropout Prevention Programs	4,930	---	---	-4,930	---
Close Up Fellowships	1,469	---	1,469	---	+1,469
Advanced Placement	29,760	51,500	30,000	+240	-21,500
Total, Innovation and Improvement	1,092,643	1,307,871	708,522	-384,121	-599,349
SAFE SCHOOLS AND CITIZENSHIP EDUCATION					
Safe and Drug Free Schools and Communities:					
State Grants, forward funded	437,381	---	400,000	-37,381	+400,000
National Programs	152,537	267,967	152,537	---	-115,430
Alcohol Abuse Reduction	32,736	---	---	-32,736	---
Mentoring Programs	49,307	49,307	49,307	---	---
Character education	24,493	24,493	24,493	---	---
Elementary and Secondary School Counseling	34,720	---	34,720	---	+34,720
Carol M. White Physical Education Program	73,408	55,000	73,408	---	+18,408
Civic Education	29,405	---	29,405	---	+29,405
State Grants for Incarcerated Youth Offenders	26,784	---	---	-26,784	---
Total, Safe Schools and Citizenship Education	860,771	396,767	763,870	-96,901	+367,103
Current Year	(860,771)	(396,767)	(763,870)	(-96,901)	(+367,103)
FY 2007	---	---	---	---	---
Subtotal, forward funded	(464,165)	---	(400,000)	(-64,165)	(+400,000)
ENGLISH LANGUAGE ACQUISITION					
Current funded	84,816	---	---	-84,816	---
Forward funded	590,949	675,765	675,765	+84,816	---
Total, English Language Acquisition	675,765	675,765	675,765	---	---
SPECIAL EDUCATION					
State Grants:					
Grants to States Part B current year	5,176,746	4,893,746	5,326,746	+150,000	+433,000
Part B advance from prior year	(5,413,000)	(5,413,000)	(5,413,000)	---	---
Grants to States Part B (FY 2007)	5,413,000	6,204,000	5,413,000	---	-791,000
Subtotal, Grants to States, program level	10,589,746	11,097,746	10,739,746	+150,000	-358,000
Preschool Grants	384,597	384,597	384,597	---	---
Grants for Infants and Families	440,808	440,808	440,808	---	---
Subtotal, State grants, program level	11,415,151	11,923,151	11,565,151	+150,000	-358,000

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
IDEA National Activities (current funded):					
State Improvement	50,653	---	50,653	---	+50,653
Special Education-Voc Rehab transition initiative	---	5,000	---	---	-5,000
Technical Assistance and Dissemination	52,396	49,397	49,397	-2,999	---
Personnel Preparation	90,626	90,626	90,626	---	---
Parent Information Centers	25,964	25,964	25,964	---	---
Technology and Media Services	38,816	31,992	31,992	-6,824	---
Subtotal, IDEA special programs	258,455	202,979	248,632	-9,823	+45,653
Total, Special education	11,673,606	12,126,130	11,813,783	+140,177	-312,347
Current Year	(6,260,606)	(5,922,130)	(6,400,783)	(+140,177)	(+478,653)
FY 2007	(5,413,000)	(6,204,000)	(5,413,000)	---	(-791,000)
Subtotal, Forward funded	(6,052,804)	(5,719,151)	(6,202,804)	(+150,000)	(+483,653)
REHABILITATION SERVICES AND DISABILITY RESEARCH					
Vocational Rehabilitation State Grants	2,635,845	2,720,192	2,720,192	+84,347	---
Client Assistance State grants	11,901	11,901	11,901	---	---
Training	38,826	38,826	38,826	---	---
Demonstration and training programs	25,607	6,577	6,577	-19,030	---
Migrant and seasonal farmworkers	2,302	---	2,302	---	+2,302
Recreational programs	2,543	---	2,543	---	+2,543
Protection and advocacy of individual rights (PAIR)	16,656	16,656	16,656	---	---
Projects with industry	21,625	---	19,735	-1,890	+19,735
Supported employment State grants	37,379	---	30,000	-7,379	+30,000
Independent living:					
State grants	22,816	22,816	22,816	---	---
Centers	75,392	75,392	75,392	---	---
Services for older blind individuals	33,227	33,227	33,227	---	---
Subtotal, Independent living	131,435	131,435	131,435	---	---
Program Improvement	843	843	843	---	---
Evaluation	1,488	1,488	1,488	---	---
Helen Keller National Center for Deaf/Blind Youth and Adults	10,581	8,597	8,597	-1,984	---
National Inst. Disability and Rehab. Research (NIDRR)	107,783	107,783	107,783	---	---
Assistive Technology	29,760	15,000	29,760	---	+14,760
Subtotal, discretionary programs	438,729	339,106	408,446	-30,283	+69,340
Total, Rehabilitation services	3,074,574	3,059,298	3,128,638	+54,064	+69,340
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES					
AMERICAN PRINTING HOUSE FOR THE BLIND	16,864	16,864	17,000	+136	+136
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF (NTID):					
Operations	53,672	53,672	55,337	+1,665	+1,665
Construction	1,672	800	800	-872	---
Total, NTID	55,344	54,472	56,137	+793	+1,665
GALLAUDET UNIVERSITY	104,557	104,557	107,657	+3,100	+3,100
Total, Special Institutions for Persons with Disabilities	176,765	175,893	180,794	+4,029	+4,901
VOCATIONAL AND ADULT EDUCATION					
Vocational Education:					
Basic State Grants/Secondary & Technical Education					
State Grants, current funded	403,331	---	403,331	---	+403,331
Advance from prior year	(791,000)	(791,000)	(791,000)	---	---
FY 2007	791,000	---	791,000	---	+791,000
Subtotal, Basic State Grants, program level	1,194,331	---	1,194,331	---	+1,194,331

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Tech-Prep Education State Grants	105,812	---	105,812	---	+105,812
National Programs	11,757	---	11,757	---	+11,757
Tech-Prep Education Demonstration	4,899	---	---	-4,899	---
Occupational and Employment Information Program	9,307	---	---	-9,307	---
Subtotal, Vocational Education	1,326,106	---	1,311,900	-14,206	+1,311,900
Adult Education:					
State Grants/Adult basic and literacy education:					
State Grants, current funded	569,672	200,000	569,672	---	+369,672
National Programs:					
National Leadership Activities	9,096	9,096	9,096	---	---
National Institute for Literacy	6,638	6,638	6,638	---	---
Subtotal, National programs	15,734	15,734	15,734	---	---
Subtotal, Adult education	585,406	215,734	585,406	---	+369,672
Smaller Learning Communities, current funded	4,724	---	4,724	---	+4,724
Smaller Learning Communities, forward funded	89,752	---	89,752	---	+89,752
Community Technology Centers	4,960	---	---	-4,960	---
Total, Vocational and adult education	2,010,948	215,734	1,991,782	-19,166	+1,776,048
Current Year	(1,219,948)	(215,734)	(1,200,782)	(-19,166)	(+985,048)
FY 2007	(791,000)	---	(791,000)	---	(+791,000)
Subtotal, forward funded	(1,210,264)	(215,734)	(1,196,058)	(-14,206)	(+980,324)
STUDENT FINANCIAL ASSISTANCE					
Pell Grants -- maximum grant (NA)	(4,050)	(4,150)	(4,100)	(+50)	(-50)
Pell Grants:					
Regular Program	12,364,997	13,199,000	13,383,000	+1,018,003	+184,000
Enhanced Pell grants for State scholars	---	33,000	---	---	-33,000
Federal Supplemental Educational Opportunity Grants	778,720	778,720	778,720	---	---
Federal Work Study	990,257	990,257	990,257	---	---
Federal Perkins Loans:					
Loan Cancellations	66,132	---	66,132	---	+66,132
Presidential math and science scholars	---	50,000	---	---	-50,000
LEAP program	65,643	---	65,643	---	+65,643
Subtotal, discretionary programs	14,265,749	15,050,977	15,283,752	+1,018,003	+232,775
Total, Student Financial Assistance	14,265,749	15,050,977	15,283,752	+1,018,003	+232,775
STUDENT AID ADMINISTRATION					
Administrative Costs	119,084	939,285	124,084	+5,000	-815,201
Fed Direct Student Loan Reclassification (Leg prop)	---	-625,000	---	---	+625,000
LOANS FOR SHORT-TERM TRAINING	---	11,000	---	---	-11,000
HIGHER EDUCATION					
Aid for Institutional Development:					
Strengthening Institutions	80,338	80,338	80,338	---	---
Hispanic Serving Institutions	95,106	95,873	95,873	+767	---
Strengthening Historically Black Colleges (HBCUs)	238,576	240,500	240,500	+1,924	---
Strengthening historically black graduate insts	58,032	58,500	58,500	+468	---
Strengthening Alaska Native and Native Hawaiian-Serving Institutions	11,904	6,500	6,500	-5,404	---
Strengthening Tribal Colleges	23,808	23,808	23,808	---	---
Subtotal, Aid for Institutional development	507,764	505,519	505,519	-2,245	---
International Education and Foreign Language:					
Domestic Programs	92,465	92,466	92,466	+1	---
Overseas Programs	12,737	12,737	12,737	---	---
Institute for International Public Policy	1,616	1,616	1,616	---	---
Subtotal, International Education & Foreign Lang	106,818	106,819	106,819	+1	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Fund for the Improvement of Postsec. Ed. (FIPSE)	162,108	22,211	49,211	-112,897	+27,000
Minority Science and Engineering Improvement	8,818	8,818	8,818	---	---
Interest Subsidy Grants	1,488	---	---	-1,488	---
Tribally Controlled Postsec Voc/Tech Institutions	7,440	7,440	7,440	---	---
Federal TRIO Programs	836,543	369,390	836,543	---	+467,153
GEAR UP	306,488	---	306,488	---	+306,488
Byrd Honors Scholarships	40,672	---	---	-40,672	---
Javits Fellowships	9,797	9,797	9,797	---	---
Graduate Assistance in Areas of National Need	30,371	30,371	30,371	---	---
Teacher Quality Enhancement Grants	68,337	---	58,000	-10,337	+58,000
Child Care Access Means Parents in School	15,970	15,970	15,970	---	---
Community college access	---	125,000	---	---	-125,000
Demonstration in Disabilities / Higher Education	6,944	---	---	-6,944	---
Underground Railroad Program	2,204	---	---	-2,204	---
GPRA data/HEA program evaluation	980	980	980	---	---
B.J. Stupak Olympic Scholarships	980	---	980	---	+980
Thurgood Marshall legal education opportunity program	2,976	---	---	-2,976	---
Total, Higher education	2,116,698	1,202,315	1,936,936	-179,762	+734,621
HOWARD UNIVERSITY					
Academic Program	205,507	205,506	207,507	+2,000	+2,001
Endowment Program	3,524	3,524	3,524	---	---
Howard University Hospital	29,759	29,759	29,759	---	---
Total, Howard University	238,790	238,789	240,790	+2,000	+2,001
COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM: (CHAFL)	573	573	573	---	---
HBCU CAPITAL FINANCING PROGRAM -- Federal Adm	210	210	210	---	---
INSTITUTE OF EDUCATION SCIENCES					
Research, development and dissemination	164,194	164,194	164,194	---	---
Statistics	90,931	90,931	90,931	---	---
Regional Educational Laboratories	66,132	---	66,132	---	+66,132
Research in special education	83,104	72,566	72,566	-10,538	---
Special education studies and evaluations	---	10,000	10,000	+10,000	---
Statewide data systems	24,800	24,800	24,800	---	---
Assessment:					
National Assessment	88,985	111,485	88,985	---	-22,500
National Assessment Governing Board	5,088	5,088	5,088	---	---
Subtotal, Assessment	94,073	116,573	94,073	---	-22,500
Total, IES	523,234	479,064	522,696	-538	+43,632
DEPARTMENTAL MANAGEMENT					
PROGRAM ADMINISTRATION	419,280	418,992	418,992	-288	---
OFFICE FOR CIVIL RIGHTS	89,375	91,526	91,526	+2,151	---
OFFICE OF THE INSPECTOR GENERAL	47,327	49,408	49,000	+1,673	-408
Total, Departmental management	555,982	559,926	559,518	+3,536	-408
Total: Elementary and Secondary Education Act programs	24,555,998	25,504,846	23,725,884	-830,114	-1,778,962
TITLE III GENERAL PROVISIONS					
Pell grant shortfall payoff 1/	---	---	4,300,000	+4,300,000	+4,300,000
Total, Title III, Department of Education	59,212,775	58,939,040	63,714,964	+4,502,189	+4,775,924
Current Year	(44,190,474)	(43,916,739)	(48,692,663)	(+4,502,189)	(+4,775,924)
FY 2007	(15,022,301)	(15,022,301)	(15,022,301)	---	---

1/ Part of the HEA reauthorization budget request.

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
TITLE IV - RELATED AGENCIES					
COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED	4,669	4,669	4,669	---	---
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE					
DOMESTIC VOLUNTEER SERVICE PROGRAMS					
Volunteers in Service to America (VISTA)	94,240	96,428	96,428	+2,188	---
Volunteers in Homeland Security	4,960	---	---	-4,960	---
Teach for America	---	4,000	2,000	+2,000	-2,000
National Senior Volunteer Corps:					
Foster Grandparents Program	111,424	112,058	112,058	+634	---
Senior Companion Program	45,905	47,438	47,438	+1,533	---
Retired Senior Volunteer Program	58,528	60,288	60,288	+1,760	---
Subtotal, Senior Volunteers	215,857	219,784	219,784	+3,927	---
Program Administration	38,688	39,750	39,750	+1,062	---
Total, Domestic Volunteer Service Programs	353,745	359,962	357,962	+4,217	-2,000
National and Community Service Programs: 1/					
National service trust	142,848	146,000	146,000	+3,152	---
AmeriCorps grants	287,680	275,000	270,000	-17,680	-5,000
Innovation, assistance, and other activities	13,227	9,945	9,945	-3,282	---
Evaluation	3,522	4,000	4,000	+478	---
National Civilian Community Corps	25,296	25,500	25,500	+204	---
Learn and Serve America: K-12 and Higher Ed	42,656	40,000	40,000	-2,656	---
State Commission Administrative Grants	11,904	12,642	12,642	+738	---
Points of Light Foundation	9,920	10,000	10,000	+80	---
America's Promise	4,464	5,000	5,000	+536	---
Subtotal, National & Community Service Programs	541,517	528,087	523,087	-18,430	-5,000
National and Community Service, Salaries & expenses 1/	25,792	27,000	27,000	+1,208	---
Office of Inspector General 1/	5,952	6,000	6,000	+48	---
Total, Corp. for National and Community Service	927,006	921,049	914,049	-12,957	-7,000
CORPORATION FOR PUBLIC BROADCASTING:					
FY 2008 (current) with FY 2007 comparable	400,000	---	400,000	---	+400,000
FY 2007 advance with FY 2006 comparable (NA)	(400,000)	(400,000)	(400,000)	---	---
FY 2006 advance with FY 2005 comparable (NA)	(386,880)	(400,000)	(400,000)	(+13,120)	---
Rescission of FY 2006 funds (NA)	---	(-10,000)	(-100,000)	(-100,000)	(-90,000)
Subtotal, FY 2006 program level	386,880	390,000	300,000	-86,880	-90,000
Digitalization program, current funded 2/	39,387	---	---	-39,387	---
Previous appropriated funds (NA) 3/	---	(30,000)	(30,000)	(+30,000)	---
Interconnection, current funded 2/	39,680	---	---	-39,680	---
Previous appropriated funds (NA) 3/	(75,000)	(52,000)	(52,000)	(-23,000)	---
Subtotal, FY 2006 appropriation	79,067	---	---	-79,067	---
Subtotal, FY 2006 comparable	(154,067)	(82,000)	(82,000)	(-72,067)	---
FEDERAL MEDIATION AND CONCILIATION SERVICE	44,439	42,331	42,331	-2,108	---
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION	7,809	7,809	7,809	---	---
INSTITUTE OF MUSEUM AND LIBRARY SERVICES	280,564	262,240	249,640	-30,924	-12,600
MEDICARE PAYMENT ADVISORY COMMISSION	9,899	10,168	10,168	+269	---
NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE	993	993	993	---	---
NATIONAL COUNCIL ON DISABILITY	3,344	2,800	2,800	-544	---
NATIONAL LABOR RELATIONS BOARD	249,860	252,268	252,268	+2,408	---
NATIONAL MEDIATION BOARD	11,628	11,628	11,628	---	---
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION	10,510	10,510	10,510	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
RAILROAD RETIREMENT BOARD					
Dual Benefits Payments Account	107,136	97,000	97,000	-10,136	---
Less Income Tax Receipts on Dual Benefits	-7,936	-7,000	-7,000	+936	---
Subtotal, Dual Benefits	99,200	90,000	90,000	-9,200	---
Federal Payment to the RR Retirement Account	150	150	150	---	---
Limitation on Administration	102,543	102,543	102,543	---	---
Inspector General	7,196	7,196	7,196	---	---
SOCIAL SECURITY ADMINISTRATION					
Payments to Social Security Trust Funds	20,454	20,470	20,470	+16	---
SUPPLEMENTAL SECURITY INCOME					
Federal benefit payments	38,109,000	37,487,174	37,487,174	-621,826	---
Beneficiary services	45,929	52,000	52,000	+6,071	---
Research and demonstration	35,000	27,000	27,000	-8,000	---
Administration	2,986,900	2,897,000	2,897,000	-89,900	---
Subtotal, SSI program level	41,176,829	40,463,174	40,463,174	-713,655	---
Less funds advanced in prior year	-12,590,000	-10,930,000	-10,930,000	+1,660,000	---
Subtotal, regular SSI current year	28,586,829	29,533,174	29,533,174	+946,345	---
Total, SSI, current request	28,586,829	29,533,174	29,533,174	+946,345	---
New advance, 1st quarter, FY 2007	10,930,000	11,110,000	11,110,000	+180,000	---
Total, SSI program	39,516,829	40,643,174	40,643,174	+1,126,345	---
LIMITATION ON ADMINISTRATIVE EXPENSES					
OASDI Trust Funds	4,359,033	4,665,400	4,617,600	+258,567	-47,800
HI/SMI Trust Funds	1,256,968	1,704,000	1,643,100	+386,132	-60,900
Social Security Advisory Board	2,000	2,000	2,000	---	---
SSI	2,986,900	2,897,000	2,897,000	-89,900	---
Subtotal, regular LAE	8,604,901	9,268,400	9,159,700	+554,799	-108,700
SSI User Fee activities	124,000	119,000	119,000	-5,000	---
SSPA User Fee Activities	1,000	1,000	1,000	---	---
Total, Limitation on Administrative Expenses	8,729,901	9,388,400	9,279,700	+549,799	-108,700
MEDICARE REFORM FUNDING					
Medicare reform funding 4/ 5/	(446,054)	---	---	(-446,054)	---
OFFICE OF INSPECTOR GENERAL					
Federal Funds	25,542	26,000	26,000	+458	---
Trust Funds	64,836	67,000	66,805	+1,969	-195
Total, Office of Inspector General	90,378	93,000	92,805	+2,427	-195
Adjustment: Trust fund transfers from general revenues	-2,986,900	-2,897,000	-2,897,000	+89,900	---
Total, Social Security Administration	45,370,662	47,248,044	47,139,149	+1,768,487	-108,895
Federal funds	39,687,825	40,809,644	40,809,644	+1,121,819	---
Current year	(28,757,825)	(29,699,644)	(29,699,644)	(+941,819)	---
New advances, 1st quarter	(10,930,000)	(11,110,000)	(11,110,000)	(+180,000)	---
Trust funds	5,682,837	6,438,400	6,329,505	+646,668	-108,895
Total, Title IV, Related Agencies	47,609,539	48,974,398	49,245,903	+1,636,364	+271,505
Federal Funds	41,807,064	42,416,091	42,796,491	+989,427	+380,400

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Current Year	(30,477,084)	(31,306,091)	(31,286,491)	(+809,427)	(-19,600)
FY 2007 Advance	(10,930,000)	(11,110,000)	(11,110,000)	(+180,000)	---
FY 2008 Advance	(400,000)	---	(400,000)	---	(+400,000)
Trust Funds	5,802,475	6,558,307	6,449,412	+646,937	-108,895

Title IV Footnotes:
1/ FY 2006 House jurisdiction change--account moved from former VA-HUD Appropriations.
2/ Current funded
3/ Requested funds for these activities are from previously appropriated funds
4/ Funds provided in P.L. 108-173, the 2003 Medicare Prescription Drug, Improvement & Modernization Act
5/ Available in fiscal years 2004 and 2005

SUMMARY

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Federal Funds	488,978,653	582,299,660	588,191,637	+99,212,984	+5,891,977
Current year	(391,980,962)	(486,552,734)	(492,008,511)	(+100,027,549)	(+5,455,777)
2007 advance	(96,597,691)	(95,746,926)	(95,783,126)	(-814,565)	(+36,200)
2008 advance	(400,000)	---	(400,000)	---	(+400,000)
Trust Funds	12,366,339	13,612,965	13,406,876	+1,040,537	-206,089
Grand Total	501,344,992	595,912,625	601,598,513	+100,253,521	+5,685,888

RECAP

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Mandatory, total in bill	357,872,275	454,393,513	458,613,513	+100,741,238	+4,220,000
Less advances for subsequent years	-77,712,390	-76,897,825	-76,897,825	+814,565	---
Plus advances provided in prior years	74,061,975	77,712,390	77,712,390	+3,650,415	---
Total, mandatory, current year	354,221,860	455,208,078	459,428,078	+105,208,218	+4,220,000
Discretionary, total in bill	143,472,717	141,519,112	142,985,000	-487,717	+1,465,888
Less advances for subsequent years	-19,285,301	-18,849,101	-19,285,301	---	-436,200
Plus advances provided in prior years	19,241,277	19,285,301	19,285,301	+44,024	---
Subtotal, Discretionary, current year	143,428,693	141,955,312	142,985,000	-443,693	+1,029,688
Scorekeeping adjustments:					
SSI User Fee Collection	-124,000	-119,000	-119,000	+5,000	---
Vaccines for children legislative proposal	---	-100,000	---	---	+100,000
Smallpox vaccine injury compensation (rescission)	-20,000	---	---	+20,000	---
Medical facilities guarantee and loan fund (rescission)	-66,000	---	---	+66,000	---
Health professions student loan (rescission)	-19,000	---	-15,912	+3,088	-15,912
MMA Health Care infrastructure improvement program (P.L. 109-13) (rescission)	-58,000	---	---	+58,000	---
Title V Chapter III (P.L. 109-13) (rescission)	-10,000	---	---	+10,000	---
H-1B (rescission)	-100,000	---	---	+100,000	---
Job Corps construction FY06 advance (rescission)	---	-25,000	---	---	+25,000
National Emergency Grant (healthcare premium) (rescission)	---	-20,000	-20,000	-20,000	---
Workers compensation (NY 9-11) (rescission)	---	-5,000	-5,000	-5,000	---
Workers compensation (9-11) (rescission)	---	-120,000	-120,000	-120,000	---
Community College initiative (rescission)	---	---	-125,000	-125,000	-125,000
75 percent rule scoring	9,000	---	---	-9,000	---
Medicare eligible accruals (permanent,indefinite)	---	33,912	33,912	+33,912	---
CPB (FY 2006 Rescission)	---	-10,000	-100,000	-100,000	-90,000
Less emergency appropriations	-362,600	---	---	+362,600	---
Total, discretionary	142,678,093	141,590,224	142,514,000	-164,093	+923,776
Adjustment to balance with 2005 enacted	-1,038	---	---	+1,038	---
Total, discretionary (FY 2005 enacted)	142,677,055	141,590,224	142,514,000	-163,055	+923,776
Grand total, current year (incl FY 2005 comparable)	496,899,953	596,798,302	601,942,078	+105,042,125	+5,143,776
Grand total, current year (incl FY 2005 enacted)	496,898,915	596,798,302	601,942,078	+105,043,163	+5,143,776

□ 1230

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this bill is the clearest demonstration that I can think of of what happens when Congress puts $140,000 tax cuts for people who make $1 million a year or more ahead of our investment needs in our children, ahead of our investment needs in our health care system, and ahead of supporting programs that will help our workers compete in world markets. This bill, make no mistake about it, is a prescription for a second-class economy.

I know most of the discussion today will be focused on public broadcasting. I will be offering an amendment to add back $100 million that the committee cut out. Previously in the committee, I offered another amendment which added $400 million for this year's funding. We are simply trying to get it back up to last year's level. That is an important issue, and I hope that the House will vote for the amendment.

I want to make clear that even though the press has focused 90 percent of its attention on public broadcasting, in one sense that is fortunate because at least the people who pay attention to public broadcasting do have a megaphone of sorts, and they can get their message known. I believe our amendment today will pass, but even if it does, I would hope that the Members of this House and the members of the press would understand that that is far from the most important issue in this bill.

The most important thing about this bill is what it does to hurt the future of our children, what it does to avoid meeting the needs of people in this society who are sick and without health insurance, what it does to help our workers in the world economy.

The distinguished majority leader in discussing the budget resolution earlier this year said this: "This is the budget the American people voted for when they elected a Republican House, a Republican Senate and a Republican White House." I quite agree, and this bill is also, unfortunately, the kind of bill that the American people are going to get because they voted for a Republican House, a Republican Senate, and a Republican White House.

Last year, the programs in this bill were $3.5 billion above the previous year. This year, this bill in a program-to-program basis cuts $1.6 billion from these programs.

Now, what does that mean? It means, for instance, that this bill even cuts into the President's signature programs in training, in health care and education. It cuts back substantially the President's recommendation for community college skills, for community health centers and high school reform. Let us take a look at what it does in other key areas of our economy.

For our workers, the administration is about to bring forth CAFTA, yet another misguided, misbegotten trade agreement. The administration is breaking arms and promising the Moon in order to get people to vote for that amendment; and yet this bill cuts the program that is supposed to be the traffic cop that protects American workers against having to compete against child and slave labor. It cuts that program by 87 percent. I do not think that the American people would agree with that.

This bill disinvests in job training and help for the unemployed. This bill for adult training grants is the lowest funding level in 10 years. It even cuts the Job Corps below current services level. And if you take a look at the health care area, of the 11 programs that we had on the books to help us develop the kind of health profession that we need, so that you have enough in rural areas and enough in your major metropolitan areas, this bill cuts 10 of those 11 programs. Only one is remaining, and 84 percent of that portion of the budget is gone. It also eliminates a community access program that is a key program that helps deliver health care services to the uninsured.

National Institutes of Health. There is not a politician in this House who does not go home and tell your constituents what you are doing on cancer research or Alzheimer's or Parkinson's. And what does this bill do? It means the National Institutes of Health are going to have 500 fewer grants to put out to scientists around the country than they had 2 years ago. We are backing off on the attack on disease.

Low Income Home Energy Assistance program. That is a program that helps low-income people and seniors avoid having to choose between heating their houses and feeding themselves. The program is cut by $200 million.

Education. Effectively, this is the first freeze on education funding in a decade. This bill cuts No Child Left Behind programs by $800 million. You have the mother of all mandates, telling the States and school districts what they must do here, what they must do there. That costs money. But the Federal Government is welshing on its responsibility and on its promise to help pay those costs. It is backing off.

On IDEA, the program that helps local units, or local school districts, pay for educating disabled kids. What does this bill do for that? Well, the Republican majority promised a few years ago that the Feds would pay 40 percent of the cost of that program. Today, this bill actually cuts the share of Federal participation from 18.6 to 18.2 percent of that program, welshing on another promise.

It freezes after-school centers for the fourth year in a row. It slashes education technology at a time when that has never been more important. It eliminates comprehensive school grants for 1,000 high-poverty school districts by eliminating the program. It freezes Impact Aid.

On Pell grants, the main program we use to help kids go to college, what does it do? On Pell grants, we are told by the College Board that the cost of a 4-year public university has increased $2,300 during the last 4 years. What is our response to it? The President says, well, we will fix the problem with a hundred bucks add-on to Pell grant. That takes care of 4 percent of the problem. This bill cuts that to 2 percent. It provides a measly $50 increase in the Pell grant program, and that does not address the fact that because the IRS has changed the eligibility tables there are going to be thousands and thousands of kids who are tossed off the program entirely. In fact, it is going to raise costs in my State by about $187 per student.

So what I would say is that this is the main legislation we will deal with this year that deals with the economic and social problems of the country. The main issue in this country the next 40 years is going to be how we gear ourselves up to economically compete with countries like China and India. We need to invest in all of the technology, all of the education that we can possibly invest in. This bill walks away from that obligation, and that is why I say it is a prescription for a second-rate economy. It walks away from our obligation to workers, and we will long regret it if we pass this bill.

I would urge a "no" vote on the bill. The problems with this bill have nothing to do with the gentleman from Ohio (Mr. REGULA). He is a fine man and a fine chairman, but this bill implements the Republican budget resolution in the broadest possible areas in our economy and our country. It is a major social and economic mistake, and it certainly does not represent my values, and I do not believe it represents the values of the American people.

Madam Chairman, I reserve the balance of my time.

Mr. REGULA. Madam Chairman, I yield 3 minutes to the gentleman from Oklahoma (Mr. ISTOOK), a very fine member of our subcommittee.

Mr. ISTOOK. Madam Chairman, I want to congratulate the gentleman from Ohio (Chairman REGULA) for producing a solid bill under very challenging circumstances; but rather than talking about the entirety of the bill, I want to address myself to one particular process.

During the amendment process, there will be an amendment offered to add more funding to public broadcasting. I will oppose that amendment.

We should recognize two things: first, Big Bird and his friends can fly on their own; and, second, Americans have access to a wide variety and multitude of educational, cultural, and children's programming that are provided by a vast variety of diverse networks that we have today.

Public broadcasting has developed a major base of private donors, corporate donors and licensing fees and royalties from programs. Because of this. Federal funding is only 15 percent, $1 in $7, of the budget for public broadcasting; and this bill only reduces a fraction of that 15 percent, about a 4 percent overall reduction for public broadcasting's budget. This will not jeopardize any program or any station, because they have ample resources already on hand to make up that difference.

Public broadcasters have accumulated major financial resources, hundreds of millions of dollars that they have invested in stocks, bonds and other securities, in addition to owning their broadcast facilities. In other words, Big Bird and his friends can fly on their own. But there is another factor.

Public broadcasting is not the only place to find education, cultural, historical documentaries and children's programs. We have achieved variety and diversity, thanks to networks that do not ask for Federal money. C-SPAN carries the proceedings of Congress to the world without a Federal subsidy. We have the Discovery Channel, the History Channel, Nickelodeon, the Arts and Entertainment Network, Lifetime TV, Family Channel, Food Network, Science Channel, and so forth.

We do not need a nationwide subsidy either to reach a few targeted households. I heard somebody say, well, we need public broadcasting to provide TV for the poor. Let us understand what we call poverty in the U.S.A. is not like poverty in Bangladesh, the Sudan, Haiti or anyplace else. In the United States, not only does almost every poor household have a TV, but two-thirds of them have cable television with full access to a vast diversity of programs.

It is getting harder and harder to distinguish public TV from the rest of broadcasting because other broadcasters, a great many, carry the same type of programs today, and each year public broadcasting looks more and more like other networks.

Public radio has even moved away from classical music and more toward talk radio that is common to the profit sector. Much of public TV has the same movies and old TV shows that we see on other networks, even as those other networks are adding more documentaries and more special programs.

Madam Chairman, as the gentleman from Ohio (Chairman REGULA) has said, we have higher priorities than subsidizing one segment of America's broadcasters. The gentleman from Ohio (Chairman REGULA) has made tough decisions about those priorities, and we should support his decisions.

Mr. OBEY. Madam Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. Madam Chairman, I thank the distinguished ranking member and congratulate him on the extraordinary job he does as the ranking member not only on this subcommittee but on all the subcommittees.

Let me begin with a traditional disclaimer, and that disclaimer is I do not hold the gentleman from Ohio (Mr. REGULA) personally responsible for this product. He has done the best he could with the resources that were given to him, and I congratulate him and thank him for that.

□ 1245

Nor do I hold the gentleman from California (Mr. LEWIS) responsible, but I do hold responsible the policies that have been adopted by the Committee on Ways and Means, by the Committee on the Budget, and by this House.

Madam Chairman, just 3 months ago the Republican majority leader, the gentleman from Texas (Mr. DELAY) stood on this House floor and with great passion stated, "The one major responsibility of a government is to protect the innocent, vulnerable people." On that very same day in March, the President of the United States stated, "The essence of civilization is that the strong have a duty to protect the weak."

I served under Bill Natcher from Kentucky who chaired this committee for many years. He used to say as long as we take care of the education of our children and the health of our people, we will continue to live in the strongest and greatest Nation on the face of this earth. But now the political party that exploits every opportunity to talk about the culture of life, virtually ignores and dismisses what I call the culture of the living: the innocent, the vulnerable, the weak, who are living, breathing, members of the American family.

Today, this bill demonstrates in concrete terms how the Republican Party's misguided, irresponsible tax and budget policies have harmful consequences for so many living Americans.

Just yesterday President Bush visited my congressional district in Maryland. He stated, "I know some workers are concerned about jobs going overseas." Yet this bill cuts job training for unemployed by $346 million. This bill cuts the President's community college skills training initiative in half. This bill cuts the International Labor Affairs Bureau by 87 percent which helps enforce child and slave labor abroad.

Mr. President, you are not meeting the concerns. He went on to say, "I know some are concerned about gaining the skills necessary to compete in the global market that we live in." Yet this bill cuts No Child Left Behind by $806 million. This is $13.2 billion short of authorization and $40 billion short of what the President said we were going to fund when he signed the bill.

This bill provides only a $50 increase in Pell grants, notwithstanding hundreds of dollars of increases in college costs. This bill cuts education technology by 40 percent. This bill cuts the Community Services Block Grant in half. This bill cuts the administration's proposal for title I by $603 million.

Mr. President, you know the American people are concerned, but you have not responded. He went on to say this: "I know that families are worried about health care and retirement. And I know moms and dads are worried about their children finding good jobs."

Yet, Madam Chairman, this bill eliminates 10 out of the 12 title VII health profession training programs. These programs help alleviate the shortage of doctors and dentists in underserved areas to meet that concern that he recognizes the American people have.

This bill eliminates the Health Communities Access Program which helps health centers and public hospitals better serve the uninsured. This bill cuts the Maternal and Child Health Block Grant program by $24 million. This bill freezes after-school centers for the fourth year in a row. This bill provides only a half a percent increase, far less than inflation, which means they will do less for the National Institutes of Health which researches the afflictions which confront Americans, like heart disease, cancer, and diabetes.

Madam Chairman, I have the utmost respect for those who speak about the culture of life. But we must ask, what about the culture of the living? What about the people who are served by this bill, who need this bill, whose quality of life is critically affected by this bill? This bill is perhaps the most important piece of domestic legislation that this Congress considers every year. It is a statement of national and moral principle. But today it is nothing more than Exhibit A for the Republican Party's culture of fiscal irresponsibility.

Mr. REGULA. Madam Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Madam Chairman, I thank the gentlewoman for yielding me this time.

Madam Chairman, I rise to congratulate the gentleman from Ohio (Mr. REGULA) and the subcommittee for doing a remarkable job in funding our Nation's education, health and workforce priorities in a time of intense fiscal restraint.

This legislation includes in education: increased funding for special funding, for No Child Left Behind, and for Head Start. It has a tremendous increase in the Pell grant area which will help our young people go to college, get the education they need to succeed and contribute. It holds firm on TRIO and GEAR UP, so important to kids who are the first in their family to go to college. So in education, while it does not do everything, it does some important things for our children, and I thank the gentleman. I hope in conference we will find a little more additional money for title I, but this is a good start.

In health, it also has some very important accomplishments. By increasing Community Health Center funding, it decidedly reaches out to additional uninsured people. It provides the support vitally needed for the important initiative to implant information technology in our health care sector, which is our best hope of both improving quality and reducing long-term costs, and it provides the money needed for the government to educate our seniors about the important, generous prescription drug program that will go into effect January 1. I thank the gentleman for those very important education dollars.

There are, of course, as always, areas of concern. I hope that in conference there will be more money for the Community Services Block Grant because that is the critical, flexible money that cities, particularly, use to fill the holes in the safety net programs, to provide day-care for women returning to work, and so on.

In HCAP, I hope we will restore the funding and thoughtfully review some of the other problems in the bill. But this is a fine job done, and I commend the gentleman from Ohio (Mr. REGULA).

Mr. OBEY. Madam Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Madam Chairman, I want to express my appreciation as well to the gentleman from Ohio (Mr. REGULA) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), for their hard work in crafting this legislation. I know they did the best they could with the allocation, and this bill does include many of our most important priorities, from education funding and worker training, to biomedical research and public health activities, and impacts the lives of virtually every American.

I am pleased that the bill makes significant investments in preparing for and responding to a potential pandemic influenza outbreak, and restores funding to the TRIO and GEAR UP programs, and partial funding to the Preventive Health Block Grant.

However, because of this limited budget allocation, many important needs will remain underfunded. For example, the bill provides the smallest increase for the National Institutes of Health in 36 years, squandering the momentum we built up in the 5 years completed in 2003. And despite an average 26 percent tuition increase in the last 2 years, the bill fails to adequately increase the maximum Pell grant award, and does nothing to stop the new financial aid formula that severely impacts the ability of low- and middle-income students to attend college. These changes will affect more than 1.3 million students nationwide, including 4,600 students in Westchester, New York.

The bill provides the smallest increase for elementary and secondary education in a decade, allows Congress to continue to renege on its promise to fully fund special education, IDEA.

The bill cuts the Corporation for Public Broadcasting base account by $100 million, and I urge my colleagues to support an amendment that I will be offering with the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Iowa (Mr. LEACH) to restore funding to CPB.

Madam Chairman, I also want to express my continued concern with the Weldon refusal clause provision included in the bill. For over 30 years there have been Federal laws which allow doctors, hospitals, and nurses to refuse to provide abortion services because of their religious beliefs. However, this provision extends that protection to HMOs and insurance companies. And just as the law protects religious and moral objections to performing medical services, it protects patients' access to accurate and complete medical information when making decisions about their health. The Weldon provision would unravel these protections. I want to make it very clear that States that attempt to protect access to these health services can be denied all of their Federal health, education, and labor funding. I will work to remove this provision from the final bill.

Madam Chairman, this legislation has significant flaws. However, I hope that as it moves through the process, we can work together to make necessary improvements to the final measure. I will vote "no" today.

Madam Chairman, I want to express my appreciation to Chairman REGULA and Ranking Member OBEY for their hard work in crafting this legislation.

This bill includes many of our most important priorities—from education funding and worker training to biomedical research and public health activities. The programs and policies in this legislation impact the lives of virtually every American.

I am pleased that the bill makes significant investments in preparing for and responding to a potential pandemic influenza outbreak and restores funding to the TRIO and GEAR UP programs and partial funding to the Preventive Health Block Grant.

However, because of the limited budget allocation many important needs will remain under-funded. For example, This bill provides the smallest increase for the National Institutes of Health in 36 years, squandering the momentum we've built up over the last five years.

Despite an average 26 percent tuition increase in the last two years, the bill fails to adequately increase the maximum Pell grant award and does nothing to stop the new financial aid formula that severely impacts the ability of low-and-middle-income students to attend college. These changes will affect more than 1.3 million students nationwide, including 4,600 students in Westchester County, New York.

The bill provides the smallest increase for elementary and secondary education in a decade and allows Congress to continue to renege on its promise to fully fund special education. And frankly, I was appalled that the majority chose to completely eliminate the Foreign Language Assistance Program (FLAP). There is little disagreement that the nation continues to face a shortage of language experts after the attacks of September 11th. FLAP is the only federal program that supports language education for students in elementary and secondary schools.

The bill cuts the Maternal and Child Health Block Grant, Healthy Start, training grants for health care workers and grants for public health and hospital preparedness, and eliminates $100 million for the Global Fund to fight HIV/AIDS, Malaria and Tuberculosis.

The bill cuts the Corporation for Public Broadcasting's base account by $100 million. I hope that my colleagues will support an amendment that I will be offering with Ranking Member OBEY and Representative LEACH to restore funding to CPB.

I'm also disappointed that when so many other programs faced the chopping block this year, the bill provides a $10 million increase for abstinence-until-marriage programs despite mounting evidence of the scientific and medical inaccuracy of their curricula and ineffective results. We all agree that we must teach our children that abstinence is the best way to prevent pregnancy and STDs. However, federal dollars should be invested only in programs with strong evaluation components and those found to provide medically and scientifically sound information to young people.

Madam Chairman, I also want to express my continued concern with the Weldon refusal clause provision included in the bill. For over thirty years, there have been Federal laws that allow doctors, nurses, and hospitals to refuse to provide abortion services because of their religious beliefs. However, this provision extends that protection to HMOs and insurance companies.

And just as the law protects religious or moral objections to performing medical services, it protects patients' access to accurate and complete medical information when making decisions about their health. The Weldon provision would unravel these protections, gutting the stipulations included in the Title X family planning program which require that all legal options are presented to a woman; denying rape and incest survivors access to legal abortion services; and overriding state constitutional patient protections. States that attempt to protect access to these health services can be denied all of their federal health, education and labor funding.

I will work to remove this provision from the final bill.

Madam Chairman, this legislation has significant flaws, however, I hope that as it moves through the process we can work together to make necessary improvements to the final measure.

I will vote "no" today.

Mr. OBEY. Madam Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Madam Chairman, I do not know what to say about H.R. 3010. I know the gentleman from Ohio (Mr. REGULA) and the subcommittee staff did the best they could under the circumstances. But to virtually eliminate title VII health professions is draconian and unconscionable.

Since I started serving on this subcommittee almost 6½ years ago, I have fought to end disparities, disparities in employment, disparities in education, and especially disparities in health.

Health disparities are real. If you are black in this country, your life expectancy is 66 years. If you are white in this country, your life expectancy is 74 years. Infant mortality is twice as high for African American babies than white babies.

Fortunately, institutions like the Institute of Medicine and the National Academy of Sciences have laid out a framework on how to end these disparities. One of the recommendations of the IOM was to increase the number of health professions, and this bill virtually does the opposite. It essentially eliminates health professions, a cut of $250 million.

I think a society says a lot about the way it treats the weakest and most vulnerable of its citizens. I believe we live in a "united" States, and like a chain, we are only as strong as our weakest link. By leaving some of our citizens behind, we prove that we are not strong and compassionate, but weak and uncaring.

There is a phrase that former Labor-HHS Chairman Porter was fond of saying, "Noblesse oblige," the belief that the wealthy and privileged are obliged to help those less fortunate. In Luke, chapter 12, verse 48, Jesus simply says, "To who much is given, much is expected."

We are the wealthiest country in the world. We spend more money on our military than the entire world combined, with the sole mission of protecting this country and advancing U.S. interests, interests which should include a high-quality education and high-quality health care for every American.

I keep hearing members of this committee and the House leadership say that this is a tight budget year. Well, this tight budget year did not occur because of immaculate conception. Congress voted to make it a tight budget year. Congress approved the budget resolution. Saying it is going to be a tough budget year is like a farmer saying he is going to have a bad harvest because he did not plant any seeds.

Madam Chairman, when Congress approved the budget resolution, we did not plant any seeds. Nothing will grow this year. This is not a natural disaster like a drought. This is a disaster of our own making.

What does it say about a society that approves tax cuts for millionaires instead of trying to solve why babies of color die sooner? What does it say about a society that approves tax cuts for millionaires instead of trying to solve what ails the weakest amongst of us?

Madam Chairman, I know the gentleman from Ohio (Mr. REGULA) and the subcommittee staff were dealt a bad hand and did the best job they could under the circumstances, but we should be ashamed of this budget that has produced the product that is before us today.

□ 1300

In Matthew 6:21, Jesus says, "For where your treasure is, there will your heart be, also." If this verse is true, what does it say about us, about this Congress, about our government, that we pass a budget resolution every year that spends almost half of our discretionary dollars on defense and hundreds of billions on all kinds of tax cuts for the most well off?

Madam Chairman, I encourage my colleagues to vote against this bill. In good conscience, none of us should support H.R. 3010.

Madam Chairman, I don't know what to say about H.R. 3010. I know Chairman REGULA and his subcommittee staff did the best they could under the circumstances, but to virtually eliminate Title VII Health Professions I think is draconian and unconscionable.

Since I started serving on this subcommittee almost six-and-a-half years ago, I have fought to end disparities—disparities in employment, disparities in education and especially disparities in health.

Health disparities are real. If you are black in this country, your life expectancy is 66 years. If you are white in this country, your life expectancy is 74 years. Infant mortality is twice as high for African American babies than for white babies.

Fortunately, institutions, like the Institute of Medicine of the National Academy of Sciences, have laid out a framework on how to end these disparities. One of the recommendations of the IOM was to increase the number of health professions. This bill does exactly the opposite. It essentially eliminates health professions—a cut of $250 million.

I think a society says a lot by the way that it treats the weakest and most vulnerable of its citizens. I believe we live in a 'united' states, and like a chain, we are only as strong as our weakest link. By leaving some of our citizens behind, we prove that we are not strong and compassionate but weak and uncaring.

There is a phrase that former Labor-HHS Chairman PORTER was fond of saying, "Noblesse oblige", the belief that the wealthy and privileged are obliged to help those less fortunate. In Luke, chapter 12, verse 48, Jesus simply says, "To whom much is given, much is expected."

We are the wealthiest country in the world. We spend more money on our military than the entire world combined with the sole mission of protecting this country and advancing U.S. interests. Interests which should include a high quality education and high quality health care for all Americans.

I keep hearing members of this committee and House leadership say that this is a tight budget year. Well this tight budget year did not occur by immaculate conception. Congress voted to make it a tough budget year. Congress approved the budget resolution. Saying it is going to be a tough budget year is like a farmer saying he is going to have a bad harvest because he didn't plant any seeds. Madam Chairman, when Congress approved the budget resolution we didn't plant any seeds. Nothing will grow this year. This is not a natural disaster like a drought. This disaster was of our making.

What does it say about a society that approves of tax cuts for millionaires instead of trying to solve why babies of color die sooner? What does it say about a society that approves tax cuts for millionaires instead of trying to solve what ails the weakest among us?

Chairman REGULA, I know you and your staff were dealt a bad hand and did the best job you could under the circumstances, but we all should be ashamed of the budget that has produced the product before us today.

In Matthew chapter 6, verse 21 , Jesus said, "For where your treasure is, there will your heart be also." If this verse is true, what does it say about us, about Congress, about our government that we pass budget resolutions each year that spend almost half of our discretionary dollars on defense, and hundreds of billions on all kinds of tax cuts for the most well off. I have a masters in theology from the Chicago Theological Seminary and have read my bible from cover to cover, and nowhere does it say, "only clothe the naked and feed the poor if it fits into your annual budget resolution." Noblesse oblige, Madam Chairman.

In 1984, referring to Marxist-ruled Ethiopia, President Ronald Reagan said, "a hungry child knows no politics." I would also add that a hungry child, or a sick child, doesn't know a 302(b) allocation from a point-of-order." All he knows is that he is hungry or sick.

Every day I am proud to say I am a Member of the United States Congress. Since December 1995, I have gone home every night and held my head high knowing I worked to improve the lives of all Americans. Tonight I will not be able to do that.

Madam Chairman, fellow Members of the House, I have dedicated my service on this subcommittee to ending disparities in health, education and employment. This bill will only increase them. In good conscience, I cannot support H.R. 3010.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Rhode Island (Mr. KENNEDY), also a member of the subcommittee.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I want to thank the chairman and ranking member for giving me the opportunity to serve on this committee and to work with them on so many of these important issues. I know this would be a different bill if the budget had provided the gentleman from Ohio more dollars to work with. I just want to explain some of the things that this bill does that will impact my State of Rhode Island.

In the area of education, the Leave No Child Behind Act is crushing each and every one of our communities because it is driving our property taxes up. All of our local school committees are in an outrage because of the Leave No Child Behind and we do not properly fund it.

In IDEA, Rhode Island is the number one State in the country with the most kids in IDEA, so the cuts to IDEA will obviously affect us disproportionately.

And, Mr. Chairman, we also have the case of military families. Rhode Island is home to the Navy. We have many families from the Navy, children, and they do not get the Impact Aid dollars that they need to properly get a decent education.

As has been said before, child labor has not been properly funded. Actually it has been cut by 87 percent, inspections. Medical research has gone up less than it has in 32 years.

But let me also, to the credit of Chairman REGULA, point out some of the good things that the bill does. The bill does restore money for elementary school counseling and the foundations for learning, both of which are programs that help deal with the emotional needs of our young people. In the area of mental health, the seniors mental health program has been restored, the child mental health block grant has been restored, and the youth suicide are restored. Suicide is twice the rate of homicide in this country. In the next year, we will lose 1,400 young people in our colleges and universities to suicide, and I am glad that those dollars have finally been restored in the budget. They should have never been cut by the President in the first place.

Finally, I am glad that this budget includes dollars to fund health information technology. We lose 98,000 people every year of preventable medical errors because providers do not have the information that they need at the point of service to give the best quality care that they can provide, and I am glad that we provided money in this bill to enable those providers to make those proper decisions and to save lives in our country.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

Mr. Chairman, I listened to my friend from Oklahoma talk about public broadcasting, flush with money, lots of other free choices, and that the quality of public broadcasting does not distinguish it from others. I would suggest strongly that he and anybody else who is confused about this go check with the people back home. They would be foolish to eliminate their assets, most stations are not flush in the first place. Asking them to eat their seed corn to continue operations would be criminal.

And if you are confused about the quality, watch it. Nobody has any difficulty telling the difference between the commercial opportunities and the high quality that is offered by public television. The number does not equal quality, and even the good commercial efforts are a pale imitation of the award-winning opportunities that are given to us by public television. But most critically, are the offerings for children. Look at what is on television every day, all day long, for kids in the commercial arena. Then compare it to public broadcasting, and I do not think anybody would agree with my friend from Oklahoma.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I thank the gentleman for yielding me this time.

Mr. Chairman, I think that this budget as well as these spending bills are clear expressions of the values of the majority party and the White House, but they are clearly not the expression of the values of this country. This country believes in moving forward and investing in its future. It believes in having education for its children, opportunity for everyone, health care.

We are cutting to the bone. This is not a debate about cutting waste and fraud. This is a decision that has been made to give enormous amounts of money back to people that are already very, very wealthy; and the choice was to get that money to cut into education, not to fund No Child Left Behind, not to fund community health clinics, not to fund job training programs, not to fund those things that make this country strong and give us a promise for opportunity and prosperity.

This is the wrong way for us to go. The American people understand that this majority is not talking to the issues that matter most to them. The issues that matter for them are the future of this country and not just arbitrarily giving money back to people who, frankly, have not asked for it and do not need it. At a time when our country is stretched, there is a need of making sure that we have a competitive strategy. Other countries are moving forward. We need to get even, move ahead, and do what this country is capable of doing, and that is lead.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

I just want to address one issue because it has been raised twice on the floor today, Mr. Chairman. The argument our friends on the majority side make is that we should be happy because the education budget has gone up considerably since they took over control of Congress.

Let me point out what the record of the majority party has been on education. When the Republicans took control of the Congress, they did so with the promise to abolish the U.S. Department of Education. Their first act was to rescind $1.8 billion in fiscal year 1995 in education funding. In the next year they tried to do the same to the tune of $3.7 billion. In the 7 years between 1995 and 2001, each of the Labor-Health bills passed by the House Republicans was below President Clinton's request for education. The net result is that there would have been nearly $19 billion less spent on education between 1995 and 2005 if we had enacted the Republican Labor-Health bills into law.

Title I. If Congress had approved the House Republican Labor-H bills, we would have spent $2.8 billion less than we actually spent. After-school centers. If the Congress had approved the House Republican Labor-H bills, we would have spent $516 million less for after-school centers. Special education: If Congress had approved the House Republican Labor-H bills, we would have spent $2.7 billion less for special education. On Pell grants, for the last 3 years, the Republican majority has proposed to freeze Pell grants. If the Republican proposals in fiscal year 2006 are adopted, the purchasing power of Pell grants will continue on a downward spiral.

The plain fact is yes, the money went up for education because Democrats dragged the Republican Party, kicking and screaming, to those higher numbers. So I am glad the Republicans are now trying to take credit for something they were pushed into. It does not matter who gets the credit so long as the school districts get the money.

Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Chairman, I rise in reluctant opposition to this bill. I say reluctant, because I along with many of my colleagues in the House have a proud tradition of supporting it.

I salute the distinguished chairman of the Labor, Health and Human Services and Education Subcommittee. The gentleman from Ohio follows a tradition of excellence on both sides of the aisle in the leadership of this committee. Before him, our committee was led by John Porter of Illinois who acted in a very bipartisan way addressing the needs of America's families. Before that, the gentleman from Wisconsin (Mr. OBEY) chaired the committee. Before that, Mr. Natcher who chaired it for a long time. Mr. Natcher again acted in a very bipartisan way.

He used to say of this bill, this is the people's bill. He knew full well that this is the one piece of legislation that addressed the aspirations of the American people, that tried to allay the concerns that kept them up at night, the economic security of their families, meaning the security of their jobs, the security of their pensions, the health and well-being of their families as well, and, of course, the education of their children, our investment in America's future.

So it is very sad to see the place that we are today. And why are we here? We are here because a very, very skimpy, in terms of investments in America's future. And generous in terms of tax cuts for the wealthiest Americans, budget placed us in a place where the allocation for this subcommittee was one that made decisions very difficult. We say of this bill that it is "lamb eat lamb." There is no way you can go into the bill and say, well, if we want to spend more money on education, we will just take it out of what? Children's health? Pension security? There is no good place to take money from in order to try to improve the situation or mitigate for the damage that has been caused by the cuts. Imagine, as our population growing and with inflation, this bill is about $6 billion effectively in cuts over last year; and, without even those considerations, $1.6 billion over fiscal year 2005.

Economists will tell you, and we all know just because we can observe it ourselves, that one of the best investments we can make for America's future, for America's competitiveness and for the self-fulfillment of the American people and our children is our investment in education. In fact, economists will tell you that nothing brings more money back to the Treasury or grows the economy more than the education of the American people, early childhood education, K–12, higher education, postgraduate and lifetime learning for our workers. All of that is considered in this bill. All of that is shortchanged in this bill.

For one example, No Child Left Behind legislation. By the President's own legislation, not my figure, President Bush's figure, this bill for the fourth year straight cuts No Child Left Behind in terms of the authorization. We are now $40 billion in shortchanging No Child Left Behind, leaving millions of children behind. How can that be right? And children in title I, children who need special help in terms of reading, many of these children, 3 million of these children will not get help with reading and math that they were promised because this bill gives it $9.9 billion less than it deserves.

Remember, these are investments. How are they paid for? They pay for themselves because they return to the Treasury more than any tax cut and any kind of tax credit, any other instrument you can name. Educating the American people is a very wise investment.

The list goes on about the problems with the underfunding in terms of education. But the point to be made is in these cases, we have given the States a mandate to do a particular job, to reform education, and we have fallen $40 billion short in the money to match the mandates. No wonder people are squawking about No Child Left Behind. The money was not there to match the mandate.

And then on the issue of health care, there are so many examples of where this bill falls short. I will just focus on one, the National Institutes of Health. Many of us were part of the challenge to double the National Institutes of Health funding through the nineties. It seemed like a big task. We were determined to get it done. We realigned our priorities so that it would happen. We had a cooperative President in the White House, and it has happened.

□ 1315

But now in this bill, it will receive the lowest increase, .05 percent; but that represents a cut when we take into consideration inflation, and what it translates to is over 500 grants, since 2 years ago, 500 fewer grants will be able to be made.

People look to the National Institutes of Health with almost a reverential approach. They have the power to cure. Research is the answer for so many families in America. Every one of us, every family, is just one telephone call away from receiving a diagnosis or learning of an accident, which necessitates research at the National Institutes of Health.

And yet we are shortchanging the National Institutes of Health, which also has a pragmatic, practical aspect to it because, in order to be preeminent and excellent in science, we must be number one; and we cannot be number one if we must compete with a shortchanged budget for the National Institutes of Health. The list goes on, these disparities, whether we are talking about the cut in the bill that trims 84 percent, or $252 million taken from the health professions training.

This is one place where we can address health disparities in our country because by doing this, we will reduce the number of minority students who can enter the health professions. We will reduce the number of students, medical students, who will become primary care physicians. We will reduce the number of physicians who will be able to attend to the health needs of rural America, which is a very important aspect of the life of our country.

The bill cuts funding for the Corporation for Public Broadcasting, we all know, by $100 million. It underfunds Head Start; freezes child care moneys; fails to raise the Pell grant by $100, as promised; freezes funding for most Ryan White programs to combat AIDS; and slashes the Community Services block grant in half. The list goes on and on. That is opposed to what this committee used to do and what this bill used to do.

In the late 1980s and the 1990s, especially in the 1990s, this subcommittee rose to the challenge of HIV/AIDS as it was making its assault on our country, with increasing the research, care, and prevention program initiatives in the bill. It has risen to the occasion by increasing funding drastically for breast cancer research and prostate cancer research and the rest. And now what are we doing but effectively giving a cut to the National Institutes of Health.

No bill better illustrates, I think, how America is great, because America is good, than this bill, Labor, Health and Human Services, and Education, because we met the needs of the American people. We did before, but not today. No bill illustrates how out of touch our budget priorities are, how completely out of touch the Republicans are in terms of meeting the needs of the American people. The bill should be about crucial investments in the future of America. They are grossly underfunded.

Mr. Chairman, this bill does not meet the needs of America's children. It does not meet the needs of America's workers. It does not meet the needs of America's seniors. It does not deserve our support.

Mr. SHAYS. Mr. Chairman, I would like to state my concern with the manner in which Title I funds for No Child Left Behind are distributed.

Title I, the funds meant to provide aid to states and school districts to help educationally disadvantaged children achieve the same high standards as all other students, are increased in this bill by $100 million over last year, bringing the total funding to $12.7 billion.

However, Title I funds for Bridgeport, Connecticut, will be cut this year for the fourth year in a row under NCLB. According to the Department of Education, Bridgeport will receive $678,000 less in Title I funds for the next school year, going from $13.7 million to just over $13 million, and down from a high of $14.8 million in 2002.

I voted for NCLB. I support this legislation because it is a monumental step forward for American public education. I also believe NCLB grants unprecedented flexibility to local school districts, demands results in public education through strict accountability measures, empowers parents and provides a safety valve for children trapped in failing schools.

It is hard for me to fathom, however, that while we have increased funding for Title I by 52 percent since 2001, Bridgeport, one of the most disadvantaged school districts in the country, has received a cut of $1.8 million. I believe the law should make sense. The spirit of the bill is to provide funding to the neediest districts, and, quite frankly, cutting Bridgeport funding does not seem to reflect that intention.

While I realize it is not necessarily within the purview of this committee, I believe the formula needs to be fixed.

Mr. SIMMONS. Mr. Chairman, I rise today in strong support of the Community Services Block Grant (CSBG) program.

The Community Services Block Grant provides the core funding for our local community action agencies, allowing them to address the problems that leave individuals in poverty.

Through job skills and employment programs, through educational opportunities for young children like Head Start, and through nutritionally sound programs like WIC, community action agencies work to make their community a better place to live and to offer opportunities for the economically disadvantaged to be successful and break the chains of poverty.

This Congress has continually demonstrated its support for CSBG. In fact, the Conference Agreement on the FE 2006 Budget Resolution added $600 million to maintain CSBG funding at its current level and the letter I circulated with my colleagues, Representatives PHIL ENGLISH (R–PA) and BRIAN BAIRD (D–WA) in support of level funding for CSBG garnered 122 bipartisan signatures.

Yet the bill we are considering today cuts CSBG funding in half. At a time when demands on our community action agency services from the working poor, older Americans, and families struggling with unemployment continue to increase, it is essential that Congress maintain its commitment to CSBG.

In my home state of Connecticut, this 50% reduction in funds to CSBG will result in a serious reduction of social services to our most vulnerable communities, reduction in services assisting families moving from welfare to work, and will seriously impact our community action agencies' ability to leverage other community dollars. The Thames Valley Council for Community Action in New London County, for example, generates and leverages $27 in other resources for every $1 funded under CSBG.

Mr. Chairman, it is clear the CSBG dollars are a smart investment for this Congress and are essential to our nation's most vulnerable citizens. While my colleagues and I intend to withdraw our amendment today, I thank the distinguished Chairman for the opportunity to debate this important issue here today and I look forward to working with him to increase funding through the remainder of the legislative process.

Mr. SHAYS. Mr. Chairman, I rise to state my opposition to the extension of the refusal clause provision.

The refusal clause exempts health care companies from any federal, state or local government law that ensures women have access to reproductive health services, including information about abortion.

If extended, this provision will continue to have many negative effects by overriding federal Title X guidelines that ensure women receive full medical information. A fundamental principle of Title X, the national family planning program, ensures pregnant women who request information about all their medical options, including abortion, be given that information, including a referral upon patient request.

I am also concerned this bill does not include an increase in funding for Title X. Each year approximately 4.5 million low-income women and men receive basic health care through 4,600 clinics nation wide that receive Title X funds. This program reduces unintended pregnancies and makes abortion less necessary. Had funding for Title X kept pace with inflation since 1980, with no additional increases, it would be funded today at double its current budget.

While Title X is receiving flat funding from last year, the Labor, Health and Human Services and Education Appropriations Act of 2006 gives abstinence-only sex education programs an increase of $11 million, to an all time funding high of $168 million. Unlike Title X, abstinence-only programs do not provide clinical health services.

Additionally, research shows comprehensive sex-education programs, which teach both abstinence and contraception, are the most effective. There is no federal program that earmarks dollars for comprehensive sex education.

I support a woman's right to choose whether to terminate a pregnancy subject to Roe v. Wade, but we can all recognize the importance of preventing unintended pregnancies.

Abortion is a very personal decision. While a woman's doctor, clergy, friends, family and public officials may have an opinion, the ultimate decision rests solely with her. It is vital for every woman to have access to as much information as she needs in order to make this decision.

I oppose these provisions and encourage my colleagues to do so as well.

Mr. SIMPSON. Mr. Chairman, there was an oversight in the No Child Left Behind Act, NCLB required teachers to meet their states highly qualified teacher requirement by the end of the 2005–2006 school year, about a year from now. Paraprofessionals were required to meet their requirements four years after enactment of NCLB. That would be January 8th of next year, halfway through the school year. Everyone agrees that it was an oversight and that these two dates should be aligned. I discussed various ways to fix this oversight with the Education and Workforce Committee Chairman Boehner and the staff, with the Deputy Secretary of the U.S. Department of Education Raymond Simon, and with the National Education Association.

Last week I received a letter from Deputy Secretary Simon which reads in part "to enable the Department to enforce these two requirements in an efficient, effective and coordinated manner, the Department will align the paraprofessional timeline with the teacher timeline." I will include the entire letter for the RECORD.

I want to thank the Department of Education, Dep. Sec. Simon, chairman of the Education and Workforce Committee John Boehner and the staff, particularly, Sally Lovejoy and the National Education Association for working to resolve this oversight in a quick and efficient manner.

U.S. DEPARTMENT OF EDUCATION,
June 15, 2005.

Hon. MIKE SIMPSON,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN SIMPSON: Thank you for your recent questions about the time frame within which all paraprofessionals working in Title I-funded programs must meet certain qualifications.

The relevant qualifications and time frame for paraprofessionals are detailed in section 1119(d) of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB). In general, this section states that all Title I paraprofessionals hired before enactment of NCLB must demonstrate competency by no later than four years after the law's enactment, i.e., January 8, 2006.

As you may know, the ESEA permits all veteran teachers of core academic subjects to have until the end of the 2005–2006 school year to demonstrate that they meet the requirements of NCLB; yet, as mentioned above, Title I paraprofessionals have only until January 8, 2006—the middle of the school year. We agree that it is unusual to have a deadline in the middle of the school year, and believe that the paraprofessional and highly qualified teacher provisions should be consistent. The Department will continue to be supportive of States, school districts and schools, in implementing these particular requirements.

You have suggested that the timeline for Title I paraprofessionals be consistent with the timeline for teachers. Your suggestion is reasonable and practical. Therefore, to enable the Department to enforce these two requirements in an efficient, effective and coordinated manner, the Department will align the paraprofessional timeline with the teacher timeline.

Thank you again for contacting me.

Sincerely,

RAYMOND SIMON.

Mrs. CHRISTENSEN. Mr. Chairman, this LHHS appropriation bill not only undermines what would otherwise be our nations greatest resource, its people, but as a document is not worthy of what I believe this country stands for.

As a matter of fact, as I look at what the Republican leadership lays out in this budget, I just don't know any more what we as a Nation stand for.

We obviously don't stand for equal and the best health care for every American, when you look at the imposition of an 11.9% cut in the programs of the Health Resources and Services Administration and the elimination of Sickle Cell programs, Universal Newborn Hearing, and Emergency Medical Services for Children.

We also don't believe that in this increasingly diverse country that our residents should be able to communicate fully with their healthcare provider—the health professions programs that are key to eliminating health care disparities are decimated.

It appears we don't understand or don't care that the African American community which is so devastated by HIV/AIDS has to have the resources itself to reverse its toll.

And we obviously don't care that an ounce of prevention is worth a pound of cure. This country would rather neglect prevention and early care in favor of the high tech, more expensive treatments that come too little and too late if at all to the poor, the rural, the people of color to make a significant difference.

But that is fully in keeping with why we are where we are in this bill in the first place. This is a country that prefers to have the poor and the middle class citizens bear every burden from war to illness to environmental pollution, just so the richest people in this country can get richer.

What have we come to? We reject the crumbs from the table of the rich. We want what we deserve, good health a decent education and the opportunity for a good job with a living wage.

Apparently the White house and the Republican leadership which has pushed this appropriation to the floor doesn't think so.

The culture of life they talk about apparently does not extend past birth.

I urge my colleagues to vote no on this, to do whatever we can to block the tax cuts and to take our country back.

Let's really fund a culture of life by rejecting the tax cuts in favor of sharing the burdens and the bounty, and really have a budget that supports life.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today to address something of great concern to the tens of thousands of students of all ages in my district: the need for more responsible funding for education.

The President's budget would have eliminated over 50 programs that benefit students. Unfortunately, the President called for the elimination of programs such as TRIO, GEAR UP and the Perkins program.

I was shocked to find these programs on the President's chopping block because they benefit the students who come from lower income families and are trying to be the first person in their family to go to college, and in some cases, to graduate from high school.

I commend Chairman LEWIS and Ranking Member OBEY for agreing to keep these programs so that many more students can achieve their goals of getting a good education.

While I'm glad to see TRIO and Perkins programs in this bill, it still does not do enough for students in districts like mine. Enrollment rates are increasing in our area and throughout the country. Yet we increase funding for education to a level that can not begin to meet that need. Every Congress, we shrink the amount of funding increases to education. This time, we've brought it to a new low by raising our education funding by 3.6 percent.

Under this bill, Title I funding is increased by $1 billion. The thousands of students who benefit from Title I funds will greatly appreciate this increase. However, this is still $7 billion short of what is authorized for Title I under No Child Left Behind.

I support the efforts the committee has made to restore the TRIO and Perkins programs and increase Title I funds. We should always do our best to fully fund these initiatives. This bill falls short of what we should be investing in education.

Ms. WOOLSEY. Mr. Chairman, I rise in opposition to a bill that does not value America's children and families.

The average American wants Congress to do more to ensure that our children receive the help they need to succeed in school and in life.

Instead, this bill implements a budget that values tax cuts for the wealthiest Americans more than it values education for the least wealthy Americans.

In 2001, Congress passed the No Child Left Behind Act. We and the President agreed, or at least I thought we did, that Federal education policy must include both reforms and resources.

I strongly support NCLB's goals, although as we move forward, I want us to look closely at what needs to be done to make it work best.

But, I can tell you right now that one thing that needs to be done is to keep the promise that Congress and the President made to the American people to fully fund NCLB.

Yet, not only would this bill provide $13 billion less than was promised for NCLB for this year, it would actually cut funding for NCLB compared to last year.

Over 4 years, this Congress has underfunded NCLB by more than $40 billion.

This bill would increase funding for Title I by less than 1 percent, at a time when we need to do more than ever to close the achievement gap not only within our country, but between our country and many of our economic competitors around the world.

It would freeze funding for teacher training, even as we face a looming teacher shortage—and we know that the most important factor in child's education is a good teacher.

It would freeze funding for after-school centers, even though last year we were only able to fund 38 percent of applications.

And this bill would cut funding for education technology by 40 percent, even as technology becomes more and more important to learning.

Another area in which this bill would do less is special education.

I think every member knows that in 1975, Congress and the President promised to fund 40 percent of schools' special education costs. Last year, 30 years after we passed the Individuals with Disabilities Education Act, we funded only 19 percent of those costs. Under this bill, that percentage would go down to 18 percent. That's what this bill does—or more accurately, doesn't do—for elementary and secondary education.

For younger children, even though we're only serving about half of the children who are eligible for Head Start, this bill would increase funding by less than 1 percent.

And for college students, it would provide only a $50 increase for Pell grants, even though tuition at the average public college has gone up by $2,300 since 2001.

Finally, this bill would make drastic cuts to the Corporation for Public Broadcasting, which does so much to promote a diverse and free-thinking society.

Public broadcasting provides forums for many voices that otherwise would not be heard.

It provides our children with the best educational programs on television, such as Sesame Street, and is a valuable source for reliable news programs for millions of Americans.

By cutting funding for CPB, we are weakening our strongest source of unbiased, diverse, educational and cultural programming.

In short, this bill is a step backward—a step we can't afford.

In his new book, "The World is Flat," the New York Times' Thomas Friedman explains that America's historical economic advantages have disappeared now that "the world is flat, and anyone with smarts, access to Google and a cheap wireless laptop can join the innovation fray."

Mr. Friedman's and others' remedy is to "attract more young women and men to science and engineering."

But, it will be impossible for our country to continue to lead the world in innovation as long as Congress and the President choose tax cuts for millionaires over investment in education.

Mr. Chairman, that choice does not reflect the values of the people in my district, nor do I think it reflects the values of most Americans.

And so, I ask my colleagues to join me in opposition to this bill.

Mr. DAVIS of Illinois. Mr. Chairman, H.R. 3010 falls far short of helping rectify many of the problems facing our Nation's and specifically, my constituents' healthcare needs. There are a number of areas of this appropriations bill that will have a significant impact on the future of healthcare delivery for the underserved communities of this country. As the number of uninsured and underinsured continues to rise, the government programs which act as a safety net continue to be challenged to provide more care with less funding. While the President and his administration support the funding of Community Health Centers, CHCs, the implication of the funding shortfall with regards to the training of health care professionals is that there will be a lack of future physicians and health care providers to staff these very centers.

Specifically, three HHS programs targeting underrepresented minorities in the healthcare professions have been completely eliminated by this bill with no explanation from the committee. This evisceration totals $158 million that would otherwise directly lead to underrepresented minorities entering healthcare professions and potentially serving the very communities they grew up in and are hurting the most from the lack of access. The "Centers of Excellence" program, which last year contributed $33.6 million to health professions schools with significant minority enrollment, will no longer exist under this appropriations bill. In my district, the University of Illinois at Chicago has benefited from this program and stands to lose necessary funding to train a greater number of minority students.

The "Health Careers Opportunity Program," HCOP, is also effectively eliminated by the $35.7 million cut from last year's funding again with no explanation from the committee. This program strives to build diversity in the health professions by developing a more competitive applicant pool. The program provides students from disadvantaged backgrounds an opportunity to develop the skills needed to successfully compete for admission to and graduation from health professions schools.

Lastly, the "Training in Primary Care Medicine and Dentistry" program is effectively eliminated by the $88.8 million cut, again with no explanation from the committee. The aim of this program is to improve access to quality health care through the appropriate preparation, composition and distribution of the health professions workforce. The program emphasizes diversity, distribution and the quality of the health professions workforce as a means of improving access to care. Grants for training in primary care medicine and dentistry support academic administrative units, residency training, pre-doctoral training, faculty development, physician assistants, and general and pediatrics dentistry program areas.

Like the previous two programs eliminated, this program specifically aims at increasing underrepresented minorities in healthcare professions with a focus on meeting the increased demand for primary care physicians and health care providers.

Overall, these programs are vital to meeting the needs of underserved communities in my district as well as those all around America. Eliminating their funding will create more holes in an already fragmented and fractured healthcare system. As the number of uninsured and underinsured Americans continues to rise, a greater number of health professionals will be needed to meet their demands. Cutting funding that would increase the numbers of these health professionals is not in the best interest of our constituents that are in need of increased access, quality professionals, and overall better care.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of H.R. 3010, the Fiscal Year 2006 Labor HHS Appropriations Act.

This bill contains funding for many important programs to protect our working men and women, provide for the education of our Nation's children, and support healthcare needs.

Specifically, I want to commend Chairman REGULA and the Appropriations Committee for working with me to include increased funding in this bill to ensure that our country is better prepared against the emerging threat of a pandemic influenza. As the chairman noted so eloquently in his opening statement, this bill is about setting priorities and the chairman has rightfully focused increased resources on this very real threat to our Nation's health and security.

The chairman has rightfully included in this bill $530,000,000 for the Strategic National Stockpile, which is $63 million above the 2005 funding level to expand our Nation's strategic national stockpile of antiviral treatments as well as $120 million to ensure a year-round influenza vaccine production capacity in the U.S. and the development and implementation of rapidly expandable influenza production technologies.

The avian flu is a huge health risk and national security concern that we cannot ignore.

The Centers for Disease Control and U.S. Department of Health and Human Services have both acknowledged that the avian flu is a leading and quickly emerging threat to our population and that of other nations.

Currently, the avian flu is very contagious among birds, including chickens, ducks, and turkeys. It is believed that most cases of this flu in humans has resulted from contact with sick birds.

Health experts warn that a global pandemic could occur if avian flu eventually undergoes genetic changes, making it easily contagious among humans. Such an event could create a global pandemic, resulting in the deaths of hundreds of thousands of people in the U.S. and worldwide.

Already, the avian flu has killed 54 people in Southeast Asia in the past year, and just last week we learned of new human cases in Vietnam and a new case in Indonesia.

In response, the World Health Organization has again issued warnings to all governments urging them to act swiftly to control the spread of flu before it mutates into a form that can be easily transmitted among humans and become far deadlier. And further, these same health experts have urged all countries to increase their stockpiles of available antiviral treatments so that we are prepared for a worst case scenario.

This morning, I read with great interest Mort Kondracke's column in Roll Call, where he cited a cover story in the summer edition of the journal Foreign Affairs as saying avian flu could be "the next pandemic." According to his column, the journal goes on to refer to avian flu as being "far more dangerous than the Spanish flu that killed 50 million people worldwide in 1918 and 1919, including 675,000 in the United States."

Mr. Chairman, we must prevent what is happening in Southeast Asia from spreading and reaching the American continent. If Americans are left unprotected and unprepared for an outbreak, there could be dire consequences.

Today, the national Strategic Stockpile includes antiviral treatment for just one percent of the population. If an avian flu pandemic occurred today, this would leave millions of Americans susceptible to infection, and possibly death.

The threat of avian flu spreading across our borders is not going away, and neither can our commitment to protecting the American people from such a risk. The funding included in this bill for the purchase of antiviral vaccines and ongoing efforts to develop an effective vaccine against the avian flu is hugely necessary for the security and health of all Americans.

Again, I commend the chairman for placing the highest priority on this urgent need and I urge my colleagues to support this bill.

Mr. OSBORNE. Mr. Chairman, I rise in strong support of the Community Service Block Grant and in opposition to the cuts to this program. The Community Services Block Grant program distributes Federal money to more than 1,100 community action agencies nationwide that use those funds to lessen the effects of poverty.

In my Congressional District, there are six Community Action Agencies: Blue Valley Community Action, Central Nebraska Community Services, Community Action Partnership of Mid-Nebraska, Kearney, Goldenrod Hills Community Services, Northwest Community Action, and Panhandle Community Services. Each of these agencies provide invaluable services to the citizens of Nebraska.

Many people have asked about what CSBG funds do. In short, CSBG funds provide the glue that help Community Action Agencies coordinate funding and services across the spectrum of what families might need. An example of the success of CSBG was shared with me by Shelley Mayhew of the Blue Valley Crisis Intervention. Shelley worked with a young mother with a 5-year-old child who was abandoned, with no money or car, by her abusive and violent fiancé.

Unable to search for a job because of her inability to pay for childcare, lack of extended family support, lack of domestic violence services, and her lack of a car, since in rural Nebraska we have no mass transit system, this young mother was referred to Blue Valley Community Action Crisis Intervention. There, through the actions of staff at Blue Valley, the child was enrolled in school, the family received domestic violence counseling and found affordable housing, and the mother found a job that allows her to support her family. Today, this young mother is even enrolled in a program to help her prepare for homeownership. Shelly's caseworker says, "I watched a family struggling and hopeless become self-sufficient and optimistic about the future. I feel very fortunate to be part of an agency that makes a difference in so many people's lives."

This is just one story from my Congressional District. CSBG is a true State block grant program that allows States to establish and operate anti-poverty programs that meet the unique needs of their low-income communities. In Nebraska, it is critically important. I hope that the funding for this important program can be restored during the Conference Committee.

Mr. ISSA. Mr. Chairman, I offer my amendment no behalf of the thousands of women fighting a fierce battle against gyneocologic cancers. I would like to first thank Chairman LEWIS and Chairman REGULA for giving me the opportunity to speak on a topic that is not only a legislative priority, but a personnel commitment.

My amendment would simply redirect $5 million within the HHS budget to the Office of Women's Health to coordinate a national education campaign to educate the public on gynecologic cancers.

Every 7 minutes a woman is diagnosed with a gynecologic cancer. In 2005, over 82,000 will be diagnosed with a gynecologic cancer and over 27,000 women will die. The most common gynecologic cancers include ovarian, cervical and uterine cancers.

Too many women are dying because they were diagnosed too late. Education and early detection are the keys to saving women's lives and reducing these statistics. If diagnosed in the early stages, the 5 year survivability rates are as high as 95 percent.

Gynecologic cancers, when detected early, can often be prevented from becoming fatal. Since all women are at risk—no matter their ethnic background or socioeconomic status—it is critical that we find a way to inform women about the steps they can take to maintain their health.

Due to the private and intimate nature of these cancers, oftentimes women are uncomfortable discussing issues surrounding gynecologic cancers with friends and family. It is vital that we have a national dialogue to provide accurate and timely information to the public.

By simply educating women about these cancers, we have an opportunity to save lives. The messages are simple: learn the symptoms, have an annual exam and talk to your doctor. Unfortunately, most women do not know these messages, which is why we need to pass today's amendment.

Dollars spent on education are an appropriate use of federal resources. Education empowers individuals to make the best choices regarding their health care.

Last year, I discovered first-hand how important early diagnosis and education can be. My Legislative Director was diagnosed with cervical cancer. Her journey led me to work with Representatives SANDER LEVIN, KAY

GRANGER and ROSA DELAURO and introduce H.R. 1245, "the Gynecologic Education and Awareness Act of 2005," which has 193 bipartisan cosponsors.

This bill, also know as "Johanna's law," has allowed me the privilege and honor to meet and work with an amazing group of survivors, patients, doctors, and families who have lost loved ones to these awful cancers.

I would like to personally thank Sheryl Silver, who started this whole effort over 4 years ago. In honor of her sister, Johanna, who died of ovarian cancer, Sheryl focused her energy and resources on writing, lobbying and working this bill. It is a model of how our democracy should work.

In addition, I would like to thank the Society of Gynecologic Oncologists (SGO) and the Gynecologic Cancer Foundation for their tireless efforts in saving women's lives. They have been invaluable to this Legislative effort. Dr. Beth Karlan, from Cedars Sinai Medical Center, is the President of SGO and the doctor who saved my Legislative Director's life and deserves a special note of heartfelt gratitude.

I appreciate the opportunity in raising this issue today. I look forward to working with Chairman JERRY LEWIS and Chairman RALPH REGULA and appreciate their hard work and their willingness to work with all members on their issues.

Mr. HIGGINS. Mr. Chairman, I rise today to add my voice to those of millions of Americans who are outraged at the dramatic reduction in much-needed support for public television stations across the country. Under the Departments of Labor, Health and Human Services, and Education Appropriations Act for Fiscal Year 2006, the Public Broadcasting Corporation will lose $100 million, a 25 percent reduction from last year's funding. In addition to such cuts, this measure also proposes the elimination of the highly successful "Ready to Learn" children's education service, as well as funds needed to upgrade aging satellite technology and make the conversion to digital programming that has been mandated by this very body. All told, these reductions amount to a nearly 50 percent decrease in funding for public broadcasting.

These reductions target a thriving network responsible for a wide range of intellectual and creative programming, much of it targeted toward children. Recently many Americans, and many in this chamber, have inveighed against the proliferation of sex and violence on television. They have rightly expressed frustration at the increasing difficulty of monitoring the objectionable material that appears on network stations. Yet these same members are now proposing a debilitating reduction in much-needed funding for the very network that provides quality substantive programming for children and serves as an educational resource for parents and teachers. These cuts will most dramatically impact local public television and radio stations, especially those in rural areas and those servicing minority audiences.

These budget cuts target the "Ready to Learn" children's program that has helped more than eight million American children improve their reading skills. This program has supported more than 6.5 hours of educational programming each weekday, and has even financed workshops for parents interested in helping their children learn how to read.

The cuts will also significantly affect the financial security of local public broadcasting affiliates; nearly 70 percent of funding allocated for the Public Broadcasting Corporation is transferred directly to these local stations. With these funds, local PBS stations like WNED and WBFO in my district in Western New York purchase national programs and produce their own local programming. In an age dominated by giant media conglomerates, PBS affiliates are often the only television station offering shows that are specifically targeted to their locality. This local perspective is particularly important in rural areas, like much of my district, that are deemed unprofitable by larger, for-profit media conglomerates. Moreover, Americans overwhelmingly trust and support PBS, even as their respect for the news media at-large has substantially decreased. As the sixth most-watched media outlet, PBS attracts the attention of more than 70 percent of American households at least once a month.

I have received hundreds of phone calls and letters from my constituents in Western New York who are outraged at this targeted attack on public broadcasting. I firmly believe that this Congress has a responsibility to fully support substantive programming for our constituents, particularly our youngest constituents. In an era when partisan bickering and raucous shouting matches have become increasingly prevalent on our Nation's television and radio stations, we have an opportunity to elevate the level of public discourse by supporting programming that seeks not only to entertain but also to educate.

By fully funding public broadcasting, we provide an unbiased, intellectual outlet for those Americans who do not have access to the gilded museums and vaunted cultural institutions of our nation's wealthiest cities. In a broadcast space increasingly dominated by rampant consumerism and the extreme elements of the political spectrum, we have an opportunity to back an enterprise devoted not to the acquisition of greater wealth, but to the betterment of our common culture. We must not allow our partisan differences to obscure the very real contribution of the Public Broadcasting Service, if not for ourselves than for the youngest members of our society.

Mr. HOLT. Mr. Chairman, Americans have long relied on the Pell Grant program to help pay for higher education. For decades, the program has supported students as they strive to reach their potential. Now, at a time when tuition costs are rising significantly every year, the Pell Grant program has become even more important.

This year it is projected that 1.3 million students will see their Pell grants reduced, and another 90,000 will become ineligible entirely due to the administration formula tax table changes. I was going to offer an amendment with my colleague TIM BISHOP today which would have stopped future formula changes cutting more students. The amendment would have been ruled out of order.

Though the Bush Administration's change to the federal student aid formula was subtle, its effect is not. Just as states are raising the-price tags for higher education, the Bush Administration tells students and their families that they must shoulder a greater share of the burden. Due to the fact the Pell grant formulas effect the rest of student aid the Bush student aid reduction will force students and families to pay $3.2 billion more overall for college this year.

And these aid cuts come at a time when tuition is rising at double-digit rates. Even without these cuts, students and working families are straining to pay for higher education. According to the College Board, tuition, room, and board at a 4-year public university costs an average of $11,354, which is $824 more than last year and $1,775 more than 2 years ago. In other words, tuition at public institutions has been increasing by almost ten percent each year. In fact, according to the National Association of State Universities and Land-Grant Colleges, tuition and fees at public institutions in New Jersey have increased by more than 40 percent over the past 5 years. In some states, the increase is more than 60 percent.

Given rising college costs, reducing eligibility for financial aid seems short-sighted at best, and at worst, insensitive and uncompassionate.

Five million students rely on these grants to help pay for college. However because of these changes 36 percent of the 5 million students who receive Pell will have their awards reduced. The Pell Grant program has long embodied what government can and should do: serve as a pillar to lean on for individuals working hard and using their talents to achieve their dreams. Unfortunately and inevitably, these cutbacks have priced students out of college, forcing them to postpone their education and put career goals on hold. And those who do go on to college do so only by taking on larger burdens, including private loans that must be repaid starting immediately after graduation.

We believe the current course is taking us in the wrong direction. At a time when the country faces international competition and outsourcing, at a time when education has never been more important, Congress should be expanding college opportunity, not shrinking it. More than just an individual accomplishment or a point of pride for a family, college education is a public good. Our economy, culture, and communities benefit from having more college graduates.

I ask my colleagues to work with us to ensure that no students see their student aid reduced.

Mr. CUMMINGS. Mr. Chairman, the Labor-HHS Education Appropriations bill (H.R. 3010) that we are considering today is a sad reflection of Congress' commitment to our Nation, as it represents a gross underfunding of key domestic priorities as well as widens the disparities gap.

Access to an affordable, high-quality, public education helps save our children and generations yet unborn from the clutches of poverty, crime, drugs, and hopelessness. I would ask what could be more important or more necessary than to make sure that those who wish to better themselves through a high quality education are able to achieve that goal unobstructed by the barriers of financial disadvantage?

Regrettably, this bill would close the door of opportunity to more students by providing the smallest increase in education funding in 10 years.

Specifically, H.R. 3010 eliminates 24 important education programs. It freezes funding for after school centers, maintains the broken promise of IDEA full funding, and underfunds Title I by $9.9 billion below the investment promised in NCLB, leaving 3 million needy children to struggle without the academic assistance we pledged to provide. Despite the need to expand the affordability of higher education, this bill would provide only a paltry $50 increase to the maximum Pell Grant award.

Mr. Chairman, I am also deeply troubled by the fact that this bill fails to move America in a direction in which being a minority is not a mortality factor.

The National Institute of Medicine concluded that: Americans of color tend to receive lower-quality health care than do Caucasians; Americans of color receive inferior medical care—compared to the majority population—even when the patients' incomes and insurance plans are the same; and these disparities contribute to higher death rates from heart disease, cancer, diabetes, HIV/AIDS and other life-endangering conditions.

H.R. 3010 would expand the disparity in health care access by eliminating the Healthy Communities Access Program and ten health profession training programs. It would also cut by $871 million the Health Resources and Services Administration and freeze nearly all Ryan White AIDS Care programs at a time when AIDS disproportionately ravages communities of color.

H.R. 3010 would also leave the neediest with even less help by cutting the Community Services Block Grant by 50 percent.

Lastly, I know I echo the sentiments of many of my constituents and those around the country when I say—restore the funding for the Corporation for Public Broadcasting (CPB). I received almost 200 calls from constituents concerned about the detrimental impact cuts to the CPB will impose.

In my state, the $100 million rescission in the bill means that Maryland Public Television will be cut by $1,192,198. For Maryland's public radio stations, it also translates into significant decreases in funding—WBJC by over $84,000; WESM by almost $63,000; WSCL by $55,000; and WEAA and WYPR, both based in my district, by $78,673 and $138,029 respectively. The CPB is an invaluable part of the educational and informational structure of our Nation—for both those young and the old. We should not deafen its voice by cutting nearly 50 percent of its budget.

Mr. Chairman, H.R. 3010 represents a misguided attempt to restore fiscal sanity on the backs of those least able to bear the heavy burden.

Our collective belief in the principles of fairness and equality demand that we do more than the Bush Administration and House Leadership—who only offer hollow promises to address these disparities. We should hold them accountable and force an actual delivery on these promises by restoring funding for the numerous critical domestic programs in this bill. America expects and deserves this accountability.

Mr. HOLT. Mr. Chairman, today I rise to express my concern that this bill zeroes out funding for the Foreign Language Assistance Program (FLAP) within the Labor, Health and Human Services and Education Appropriation Bill. FLAP is currently the only federal program that supports foreign language education at the elementary and secondary school level. It is widely understood that early language education is the key to language proficiency later on.

In order to start addressing the pressing need for skilled linguists and other language professionals that currently exist, forty of my colleagues and I sent Chairman REGULA and Ranking Member OBEY a letter requesting $30 million for this program.

In the past, FLAP grants have helped elementary and secondary schools create and maintain high quality language programs in areas such as Arabic, Chinese, Japanese, Spanish and French.

Our Nation's language capabilities are underdeveloped because we have neglected to provide the language programs that currently exist. An increase in FLAP funding will pay large dividends in the future as new generations of Americans are exposed to foreign languages and cultures at a young age. Currently the demand for language services in the United States is greater than ever before. For reasons such as economic development, cultural growth and national security, Americans are learning that we need to have much better facility with all languages and dialects.

I understand that language education is one of the most pressing national security issues facing our Nation today. While the Defense Department, the State Department and our intelligence agencies have recently turned their attention to the language problem, their approach remains focused on immediate needs. However, programs such as FLAP are critical in addressing the long term problem by increasing interest in, and access to, language education.

The House has already gone on record this year in strong support of language education when it unanimously approved H. Res. 122, and established 2005 as the Year of Languages. I believe that an increase in FLAP funding would be an appropriate way to further show Congressional support for language education.

As this bill goes to conference I ask my colleagues to join me in demanding funding for foreign language education.

Mr. MORAN of Kansas. Mr. Chairman, I rise to voice my opposition to the existing law that provides an automatic annual cost-of-living pay increase for Members of Congress.

While I appreciate the hard work of my colleagues on this bill, I object to the process and believe it should be reformed. Failure to allow an up or down vote on this issue only serves to increase cynicism towards the political process and confirms the feeling of many voter that their representatives are out of touch. The American public deserves better. Members of Congress should be on record with our constituents as to whether we believe an increase in our salary is justified. Given the opportunity, I would vote "no".

Fiscal discipline must start with Members of Congress. While our nation's economy continues to improve, our national debt remains at unprecedented levels and many rural Americans are struggling. Struggling to put food on the table. Struggling to make their farms and businesses profitable. Struggling to pay skyrocketing medical costs. Struggling to educate their children. Struggling to save for retirement. The people we represent deserve responsible government and Congress should not receive an automatic cost-of-living increase during these challenging economic times.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, for the purpose of entering into a colloquy, I yield to the gentleman from Wisconsin.

Mr. KIND. Mr. Chairman, I thank the chairman for yielding to me.

I rise today with the gentleman from Nebraska (Mr. OSBORNE) for the purpose of engaging the chairman in this colloquy about the National Youth Sports Program.

Mr. Chairman, this year due to funding constraints, the National Youth Sports Program was not funded in this appropriation bill. The National Youth Sports Program is an educational partnership that has worked successfully for 37 years. It provides low-income children, ages 10 to 16, a 5-week summer program offering sports and academic programs at colleges and universities nationwide.

This proven program also reaches beyond academics and sports to provide opportunities for learning about good nutrition, developing leadership skills, and developing good character. Currently, the program serves about 76,000 kids at 201 colleges and universities across the country. Participants benefit from close contact with caring adults and learn about discipline and self-esteem that organized sports provide. In addition, NYSP gives many participants the first opportunity to experience a college or university campus from the inside. In my home State of Wisconsin, close to 1,600 young people participate in this program.

Mr. OSBORNE. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Nebraska.

Mr. OSBORNE. Mr. Chairman, I thank the gentleman for yielding to me, and I thank him for his work on this bill.

Mr. Chairman, over 36 years of dealing with young people as a coach, recruiting, and as a teacher, I have witnessed an unraveling of our Nation's families. Young people in America currently face more overwhelming obstacles than ever before. Nearly one half of all children grow up without one biological parent or are in some difficult home environment.

The main value of this program, as I see it, Mr. Chairman, is that it does give some very needy children on a college campus great supervision and through the vehicle of sports encourages them to do well in school, provides some character-building experiences. I have experienced personally these programs. I have participated in them; so I see great value and really appreciate the chairman's willingness to at least consider our proposal.

Mr. REGULA. Mr. Chairman, reclaiming my time, the committee acknowledges the good work that is done by the National Youth Sports Program, but was unfortunately unable to fund this program due to funding constraints.

Mr. KIND. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. KIND. Mr. Chairman, as the chairman is aware, earlier this year we did have a bipartisan letter of support from over 50 of our colleagues requesting a $20 million appropriation for NYSP. Given the importance of this program to many children throughout the country and the fact that NYSP has successfully leveraged Federal funding to secure substantial matching community investments, we would hope that if the funding is found on the Senate side that the House could be supportive, that the chairman could be supportive of the funding level coming out of the Senate in conference.

Mr. REGULA. Mr. Chairman, reclaiming my time, the committee will do its best in the conference if additional funding is available to preserve the National Youth Sports Program.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the legislation.

Mr. Chairman, I oppose the Republican education appropriations bill because it makes huge cuts to our critical education programs.

The Republican education measure will force millions of students, elderly, disabled and veterans to foot much of the bill for billions in unprecedented tax giveaways to corporations and the super rich.

This bill compromises our ability to build a highly skilled workforce and strong economy, just at the time when we need the investment the most.

THE REPUBLICAN EDUCATION BILL CUTS NO CHILD LEFT BEHIND

The Republican education bill actually cuts overall funding for No Child Left Behind by 806 million dollars this year.

The timing could not be worse. Schools are continuing to work to meet the challenges of NCLB.

In 2006, all students are to be taught by a highly qualified teacher for the first time.

These reforms are critically needed, yet we aren't meeting our commitment to fund them.

Since its passage, President Bush and the Republican controlled Congress have broken their pledge to fully fund NCLB by a total of nearly $40 billion.

DENYING CRITICAL MATH AND READING SERVICES TO MILLIONS OF SCHOOL CHILDREN

The Republican education bill cuts the Administration's Title I funding increase by 83 percent.

As a result, more than 3 million children will be denied critical services to improve their math and reading skills.

Current funding for Title I grants—which help low-income children improve their academic skills—is now $10 billion short of what President Bush and the Congress promised under NCLB.

THE REPUBLICAN EDUCATION BILL MAKES IT EVEN HARDER TO PAY FOR COLLEGE

Millions of students and families continue to struggle to cover rising college costs and soaring loan debt.

Yet this bill provides no real relief.

Instead, the Republican education bill provides a meager $50 increase to the maximum Pell grant scholarship—which doesn't even cover the rise of inflation.

In addition, it falls nearly $1,000 short of President Bush's $5,100 maximum Pell promise—despite the fact that last year's maximum Pell grant scholarship was worth nearly $800 less, in real terms, than it was 30 years ago.

As a result, students will shoulder huge new debts as college expenses continue to rise.

The Republican education bill also shortchanges teacher training by freezing Teacher Quality State Grants—which have been frozen or cut for 3 years in a row.

As a result, 56,000 fewer teachers would receive the high quality training promised under NCLB.

This education bill marks the first year in nearly a decade that we are actually losing ground on IDEA.

The Republican education bill funds IDEA at less than half of the amount we promised when we enacted the law.

Congress promised to cover 40 percent of the costs of education for children with special needs—yet this year, we'll only cover 18 percent.

We need to move forward to close the gap between the amount Congress promised and the amount that we provided—not backwards, as this bill does.

This bill raids critical services to children, the disabled, veterans and college students to pay for billions in unprecedented tax giveaways to corporations and the super rich.

I strongly oppose the Republican education bill because it will force massive cuts to our key education programs and shortchange millions of American children, students and workers.

I urge my colleagues to oppose the Republican education appropriations bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 3010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING RESCISSIONS)

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by such Act; $2,658,792,000 plus reimbursements, of which $1,708,792,000 is available for obligation for the period July 1, 2006, through June 30, 2007; except that amounts determined by the Secretary of Labor to be necessary pursuant to sections 173(a)(4)(A) and 174(c) of such Act shall be available from October 1, 2005, until expended; and of which $950,000,000 is available for obligation for the period April 1, 2006, through June 30, 2007, to carry out chapter 4 of such Act: *Provided*, That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of such Act of 1998, $212,000,000 shall be for activities described in section 132(a)(2)(A) of such Act and $1,193,264,000 shall be for activities described in section 132(a)(2)(B) of such Act: *Provided further*, That $125,000,000 shall be available for Community-Based Job Training Grants: *Provided further*, That $7,936,000 shall be for carrying out section 172 of such Act: *Provided further*, That, notwithstanding any other provision of law or related regulation, $75,759,000 shall be for carrying out section 167 of such Act, including $71,213,000 for formula grants, $4,546,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $500,000 for other discretionary purposes: *Provided further*, That notwithstanding the transfer limitation under section 133(b)(4) of such Act, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: *Provided further*, That funds provided to carry out section 171(d) of such Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to enter into a colloquy with the gentleman from Texas (Chairman BARTON) of the Committee on Energy and Commerce to discuss an amendment which I introduced and which was adopted by the Committee on Appropriations to the Departments of Labor, Health and Human Services, and Education, and Related Agencies Fiscal Year 2006 appropriations bill. The Committee on Appropriations adopted my amendment, which blocks convicted sex offenders from receiving federally funded medication such as Viagra and other similar medication.

As the chairman may know, more than 800 sex offenders in 14 States have been reimbursed for Viagra and similar medication. The sex offenders being tracked for these statistics are level three sex offenders, which are the most threatening and dangerous of all convicted sex offenders.

The amendment, already incorporated in the bill before us, will prohibit any Federal funds under this act to be used for reimbursement to convicted sex offenders for Viagra or similar medication. Since this is an appropriations bill, it means that the effect of these provisions will last only for 1 year. I look forward to working with the gentleman from Texas (Chairman BARTON) on the Committee on Energy and Commerce and the gentleman from California (Chairman THOMAS) on the Committee on Ways and Means on legislation to stop this practice quickly and permanently.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman from California, the author of the amendment, section 519 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Fiscal Year 2006 appropriation bill, for yielding to me.

Section 519, as authored by the gentleman from California (Mr. DOOLITTLE), would prohibit Medicare, Medicaid, and other public health agencies from paying for erectile dysfunction medications to convicted sex offenders by modifying the medication coverage policies of entitlement programs established under the statutes within the jurisdiction of the Committee of Energy and Commerce, which I chair.

This provision is clearly, and I repeat, clearly, legislating on an appropriations bill, a clear violation of clause 2 of rule XXI of the rules of the House. Legislative changes affecting these public health programs should be properly considered by the authorizing committee of jurisdiction and not in an appropriations bill.

I am, however, very sympathetic to the goals of the sponsor of this provision, what the gentleman from California (Mr. DOOLITTLE) is trying to accomplish. I have with me a press report by the Associated Press just released today that says in California, the State that the gentleman from California (Mr. DOOLITTLE) is from, last year their program paid for 137 sex offenders to get these types of drugs, and I know the gentleman from California (Mr. DOOLITTLE) wants to prevent that.

So I am not going to object today because I believe that under no circumstances should taxpayers' dollars be used to pay for providing these medications to convicted sex offenders. We do not want to send the wrong message to these individuals or to the State public health officials that have allowed this to happen.

I did send a letter to the Committee on Rules asking that this language remain subject to a point of order on the floor today; but given these unique circumstances, I have agreed to allow this provision to be included in the bill today.

I want to put the House on notice and the gentleman from California (Mr. LEWIS), chairman of the full committee, and the gentleman from Ohio (Mr. REGULA), chairman of the subcommittee, that the Committee on Energy and Commerce will move legislation prohibiting convicted sex offenders from gaining access to these medications before the conference on this appropriations bill is complete.

This is the proper way for the House to address the issue. I would hope that all Members will support this legislation when it comes to the floor in the very near future.

[From the Associated Press]

STATE AGENCIES DIRECTED TO STOP PROVIDING SUCH DRUGS TO EX-CONVICTS

SAN FRANCISCO.—California taxpayers helped pay for Viagra and other impotence drugs for at least 137 registered sex offenders in the past year, the state Attorney General's office said.

An audit found that Medi-Cal—the state Medicaid agency that funds some health services programs for California's poor—spent $2.6 million to provide 5,855 men with Viagra and other erectile dysfunction drugs, including 137 men who were registered sex offenders, Nathan Barankin, spokesman for Attorney General Bill Lockyer, said Wednesday.

Lockyer's office received a list of Medi-Cal-funded Viagra recipients from the Department of Health Services and ran that list against the men whose whereabouts are registered with local law enforcement, Barankin said.

Last month, under federal pressure to prevent sex offenders from obtaining taxpayer-funded Viagra, Gov. Arnold Schwarzenegger directed state agencies to stop providing such ex-convicts with erectile dysfunction drugs.

The federal Centers for Medicare and Medicaid Services even warned it might cut federal funding for states that do not make serious efforts to cut convicted sex offenders off from these drugs.

State authorities across the country have been searching their databases after a New York state audit showed that 198 sex offenders there received government-reimbursed Viagra between January 2000 and March 2005.

Mr. FOSSELLA. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from New York.

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman for yielding to me.

I too support the spirit and intent of the gentleman from California (Mr. DOOLITTLE). And if there ever was common sense, it is the fact that taxpayer money should not be used to provide Viagra and similar medications to convicted sex offenders, those among the worst in the country. So this is a short-term solution; but we need a long-term solution, a bill that I have introduced; and it is understood that the chairman will move that legislation. It focuses on drug utilization review programs that provide the States with the flexibility to prevent convicted sex offenders from obtaining Viagra with taxpayer money.

Mr. DOOLITTLE. Mr. Chairman, reclaiming my time, I thank both these gentlemen and commend the gentleman from New York (Mr. FOSSELLA), the author of the permanent legislation, and the gentleman from Texas (Mr. BARTON), the chairman of the primary committee with jurisdiction over this. This definitely needs to be made permanent. This is really just an interim step until that legislation can move.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman from Ohio (Chairman REGULA) and the gentleman from Wisconsin (Mr. OBEY), ranking member, for letting us have this colloquy.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to begin my remarks by acknowledging the obvious. The gentleman from California (Chairman LEWIS) and the gentleman from Wisconsin (Mr. OBEY), ranking member, dealt the hand that was given to them.

□ 1330

The gentleman from Wisconsin (Ranking Member OBEY) of the subcommittee and the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee, dealt the hand that was given to them.

But, my friends, when the budget is cut by $16 billion and you expect that the most vulnerable of America can raise their head and survive, you understand that a crisis is in the midst.

Now, I was prepared today to offer two amendments, because I believe that in helping that we can all work together. But I realize that the ranking member and the chairman have done everything that they could possibly do, and I buy into our leader's concept that this is simply borrowing from the lambs, the most vulnerable.

But I do want to acknowledge the two amendments that I would have offered today and share with my colleagues the reason for withdrawing them, because I hope that we will battle all the way to conference, restore the $16 billion that takes away from the most needy, but also from the Americans who depend on us the most.

Just a couple of days ago, the Subcommittee on Defense of the Committee on Appropriations stood on the floor of the House and they said they came in $3.5 billion under mark, meaning that they spent less than they were authorized or able to do. But even with that $3.5 billion, we find ourselves cutting over 20 Health and Human Services programs and over 25 educational programs to educate our children.

I would have offered the following two amendments, one dealing with the hepatitis C virus, and I pay tribute to a former constituent of mine, Ed Wendt, who lost his life in the battle with hepatitis C and liver disease, a Vietnam war veteran, somebody with whom I stood in front of the Justice Department fighting against the discrimination of veterans who have hepatitis C virus. Although many of them do not know it, nearly 4 million Americans are currently infected and 35,000 new infections occur each year. HCV costs millions of dollars in health care and lost wages, and this amendment would have offered an additional $1.5 million to deal with this issue.

Hepatitis C impacts African Americans, children, and adolescents, renal dialysis patients, HIV-positive patients. We need help.

But I will not offer this amendment to continue the battle for more dollars for all Americans on all issues. Today on the floor of the House I saw a former colleague, Congresswoman Meek. Carrie Meek was a soldier on the battlefield for lupus research, and I was prepared to offer an amendment to increase the dollars for lupus because we have not determined the cause of lupus. But because of the need to spread the wealth and the need to provide resources that we do not have because the majority determined that the most vulnerable of America do not need our attention, I will not offer that amendment.

I rise to offer the impact or to emphasize the impact that we will be facing. Do my colleagues realize that we are cutting dollars from community health clinics, we are cutting dollars from training and primary care medicine and dentistry, sickle cell demonstration projects are being zeroed out, early learning opportunities programs are being zeroed out? In education, we are zeroing out comprehensive school reform, parental information and resource centers. We are zeroing out arts and education, alcohol abuse reduction; all of those are being zeroed out. And even though I will be supporting my colleagues on the Congressional Black Caucus, because we are appreciative of being able to save TRIO, we will also be standing here to say that because we believe in the mandate of the gentleman from North Carolina (Chairman WATT) for this Congress, closing the disparities gap for Americans, particularly minority Americans and African Americans, we can stand here today and say that this legislation is a travesty, for it impacts the elderly, it impacts the most vulnerable, the sickest of Americans, it impacts the youngest of Americans.

In Texas alone we will be losing some $9 billion in language acquisition in education, we will be losing $62 billion in education technology, $7 billion in assessments. We will be losing $27 billion in innovative education. We will be losing $13 billion in rural education. We will be losing another amount in special ed.

Mr. Chairman, this bill needs to go back to address the needs of the most vulnerable Americans and to close the disparities gap.

Mr. Chairman, let me first say thanks to you and the Ranking Member for your work on this bill.

Mr. Chairman, I had planned to offer two amendments but have decided to withdraw them due to existing funding cuts in the bill and the fact that there is not much room to transfer monies throughout the bill. Nevertheless, I feel it is very important to briefly discuss these amendments for they deal with two very pressing health issues (Lupus and Hepatitis-C). My first amendment, which was two fold, would have increased funding for the "Centers for Disease Control and Prevention-Disease Control, Research, and Training", by $2.5 million. The second half of this amendment would have increased funding to the "National Center on Minority Health and Health Disparities" by $1.5 million. The purpose of these funding increases would have been to increase educational programs on Lupus for health care providers and the general public. In addition, my first amendment would have sought to expand the operation of the National Lupus Patient Registry. Lupus is a chronic, disabling, and potentially fatal condition in which the immune system attacks the body's own organs and .tissues. Lupus strikes primarily women and is twice as common among people of color. Currently, it is estimated that 1.5 to 2 million Americans have Lupus. There is no cure for Lupus, no new drugs have been approved to treat the disease in nearly forty years, and no valid medical measure to diagnose and track the disease's progression exists. This is a serious disease and we must focus more attention on it if we are to find a cure.

My second amendment would also have increased funding for "Centers for Disease Control and Prevention-Disease Control, Research, and Training" for the purpose of increasing Hepatitis-C research activities. Particularly at risk for Hepatitis-C are African-Americans, children and adolescents, renal dialysis patients, HIV/HCV positive patients, and patients with hemophilia. Although many of them do not know it, nearly four million Americans are currently infected, and 35,000 new infections occur each year. This insidious virus takes thousands of lives annually—primarily through cirrhosis and liver cancer. HCV costs millions of dollars in healthcare and lost wages each year, but it receives inadequate attention from the public, the medical field, and the federal government.

Hepatitis-C is an inflammation of the liver including tenderness, and sometimes permanent damage. Hepatitis-C can be caused by various viruses or by substances such as chemicals, drugs, and alcohol. Hepatitis C virus is one of six known types of the hepatitis virus. I would urge my colleagues to take a closer look at this devastating disease.

I would also like to take a moment to express my concerns with some of the many funding cuts for Title VII programs in this year's appropriations bill. While I am pleased to see that funding was provided for Minority Centers of Excellence ($12 million) and Scholarships for Disadvantaged Students ($35 million), I am disappointed that Area Health Education Centers, Health Education and Training Centers, and Health Professions Training Programs were all zeroed out. These programs have been addressing the needs of medically underserved communities in Texas since 1991 by playing a key role in providing health services and health care professionals for our most vulnerable populations. I would hope that I would be able to work with the Chairman and the Ranking Minority Member as this bill moves through conference to see if we can find some funding for these very important programs.

I am pleased to see that the Committee provided an increase over last year's funding level for Ryan White AIDS Programs. Specifically, the bill appropriates $2.1 billion for the programs, which is $10 million (2%) more than the current level but equal to the administration's request. This total includes $610 million for the emergency assistance program—which provides grants to metropolitan areas with very high numbers of AIDS cases—$1.1 billion for comprehensive-care programs, $196 million for the early-intervention program, and $73 million for the Pediatric HIV/AIDS program.

Head Start also received an increase in funding. The bill provides $6.9 billion for the program. This is $56 million more than the current level but slightly less than the administration's request. I would like to work with the Chairman and Ranking Minority Member to increase funding to the Administration's request during conference. The total for Head Start includes $5.5 billion in FY 2006 billion in advance appropriations from a prior year. The measure also includes $1.4 billion in advance FY 2007 appropriations.

Unfortunately, the bill only provides $14.7 billion for the Education for the Disadvantaged Children Program. It saddens me to say that this amount is $115 million less than the current level and $1.7 billion less than the Administration's request. I hope more funding can be provided for this important program during conference.

Before closing, I would like to express my dismay with the $100 million decrease in funding for Corporation for Public Broadcasting. A loss in CPB funding would seriously hamper PBS' ability to acquire the top quality children's educational programming that is used in classrooms, day care centers and millions of American households to educate, entertain and provide a safe harbor from the violent, commercial and crass content found in the commercial marketplace. PBS provides valuable services that improve classroom teaching and assist homeschoolers. These could be reduced or eliminated if federal funding is cut. These services include PBS TeacherSource, a service that provides pre-K through 12 educators with nearly 4,000 free lesson plans, teachers' guides, and homeschooling guidance; and PBS TeacherLine, which provides high-quality professional teacher development through more than 90 online-facilitated courses in reading, mathematics, science and technology integration. We must not cut funding for this valuable program.

Again, I thank the Chairman and the Ranking Member for their work on this bill, and I hope we can all work to further fund the programs mentioned in my statement as we move to conference.

Ms. WATSON. Mr. Speaker, I move to strike the last word.

Mr. Chairman, I had two amendments that I was going to offer on the Corporation of Public Broadcasting, and they have to do with restricting funding for opening a new office that would monitor dissenting and ideological statements.

Mr. Chairman, today I am offering an amendment that will help end the partisan attacks on public broadcasting by prohibiting the funding of the new Office of Ombudsmen at the Corporation for Public Broadcasting. The creation of such office is partisan, unnecessary, and contrary to the spirit of the law that created CPB, and I strongly urge my colleagues to support this amendment.

Corporation of Public Broadcasting, CPB, Chairman, Kenneth Tomlinson, has inserted politics into our public media and has taken the public out. Recently we learned that Mr. Tomlinson secretly coordinated with a White House official to formulate "guiding principles" for the appointment of two partisan ombudsmen to monitor and critique all public broadcasting content. Furthermore, the ombudsmen were appointed by Tomlinson based on their purported political ideology—"one for the left and one for the right." These actions are in violation of the original mandate established by the Public Broadcasting Act of 1967. This historic act forbids "political or other tests" from being used in employee actions and prohibits interference by Federal officials over public media content. Congress intended that the CPB serve as a firewall against outside political pressures, and the creation of the ombudsmen office at the CPB clearly contradicts that spirit.

Secondly, hiring outside ombudsmen at CPB is completely unnecessary. NPR already has an in-house ombudsman. In response to the unfounded accusations of liberal bias, the PBS board recently selected an independent ombudsman that is in line with the original bill's language, which states that the "production and acquisition of programs" is supposed to be "evaluated on the basis of comparative merit by panels or outside experts, representing diverse interests and perspectives appointed by the corporations." There is clearly no need to spend additional taxpayer's money for the monitoring of public broadcasting programming, especially through the lens of political ideology.

The amendment I am offering today simply restores what was already in place by legal precedent by prohibiting the funding of the Office of Ombudsmen at CPB. This amendment is in the spirit of the 1967 act, which forbade "any direction, supervision, or control over the content or distribution of public telecommunications programs and services."

The American people, in poll after poll, have judged PBS to be "fair and balanced" compared to network and cable television. We do not need outside operatives to intervene. Furthermore, in these times of fiscal crisis for PBS, the last thing we need is to spend taxpayers' money on partisan media police. My amendment will help return balance and objectivity to our public media, and I urge my colleagues to support this amendment.

Mr. Chairman, once again our public broadcasting system is under attack by reactionary forces inside the beltway. This time, it is suffering a two-pronged assault; one on content, one on funding, and both politically motivated.

Congressman HINCHEY and I are offering an amendment to reinforce existing law and buffer PBS from the kind of political attacks that Corporation of Public Broadcasting, CPB Chairman, Kenneth Tomlinson, has brought upon Big Bird and Elmo. Mr. Tomlinson has revealed his personal crusade to discredit and destroy public broadcasting by unjustly accusing PBS and NPR of liberal bias, and working behind the scenes to stack the CPB's board and executive offices with operatives who share his ideological views.

According to recent reports, Tomlinson is promoting Patricia Harrison, the former cochairwoman of the Republican National Committee, to be CPB's next president. Mr. Tomlinson also secretly coordinated with a White House official to formulate "guiding principles" for the appointment of two partisan ombudsmen to monitor and critique all public broadcasting content. Tomlinson suppressed a public poll showing that 80 percent of Americans judge PBS to be "fair and balanced" compared to network and cable television. Finally, Tomlinson diverted taxpayers' money to hire a partisan researcher for a stealth study to track "anti-Bush" and "anti-TOM DELAY" comments by the guests of NOW with Bill Moyers—a move that currently is being investigated by the Inspector General.

Mr. Chairman, the law is clear on this. The Public Broadcasting Act of 1967 clearly forbids "any direction, supervision, or control over the content or distribution of public telecommunications programs and services." Congress established the Corporation for Public Broadcasting to "encourage the development of public radio and television broadcasting" and to "afford (public broadcasting) maximum protection from extraneous interference and control." Under the direction of Tomlinson, however, the CPB has engaged in a deliberate campaign to inject politics into public broadcasting.

The taxpayer-funded CPB is supposed to serve as a firewall between Washington, DC, politics and public broadcasting. Mr. Chairman, we must take the politics out of public broadcasting—and put the public back in. Our amendment will prohibit Mr. Tomlinson from exercising any direction, supervision, or control over the content or distribution of public broadcasting. It would also reaffirm the longstanding policy that public broadcasting must be free from outside interference. This is about the future of a vital public trust, a resource that is owned and enjoyed by everyone, and not allowing it to be hijacked by the nefarious agenda of a few political operatives. It is a shame that it has even come to arguing for safeguards we used to take for granted, but the actions of Mr. Tomlinson demand it. I urge my colleagues to support our amendment.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY:

At the end of the bill (before the short title), insert the following:

SEC. ___. The amounts otherwise provided in this Act for the following accounts and activities are hereby reduced by the following amounts, and none of the funds made available in this Act may be used to carry out the rescission specified in this Act under the heading "Corporation for Public Broadcasting":

(1) "Department of Labor—Employment and Training Administration—Training and Employment Services", $58,000,000.

(2) "Department of Labor—Departmental Management—Salaries and Expenses", $4,640,000.

(3) "Department of Health and Human Services—Health Resources and Services Administration—Health Resources and Services", $2,920,000.

(4) "Department of Education—Higher Education", $27,000,000.

(5) "Department of Education—Departmental Management—Program Administration", $8,380,000.

Mr. OBEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 30 minutes to be equally divided and controlled by the proponent and myself as the opponent.

The CHAIRMAN. Without objection, the amendment will be considered at this point in the reading and, without objection, the debate will be considered within the time specified.

There was no objection.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, we all know what this amendment is. It is very simple, and I will not take very much time on explain it.

We simply strike the $100 million rescission that was included in the Labor-HHS bill for the Corporation for Public Broadcasting. This restores the $100 million in funding for CPB, which distributes the majority of those funds to over 1,000 public television and radio stations nationwide, and uses the remaining funds to support national programming and public broadcasting systems.

It is offset by modest reductions in low-priority demonstration programs and administrative accounts in the Labor, Health and Human Services, and Education Department. I think those reductions will not do serious harm to any of the administrative budgets involved.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I claim the time in opposition to the amendment offered by the gentleman from Wisconsin, and I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I am pleased to offer this amendment with the gentleman from Wisconsin (Ranking Member OBEY) and the gentleman from Iowa (Mr. LEACH).

What we have today is a new remake of an old show: the misguided effort to deny the American people the quality, thought-provoking, and insightful programming of PBS.

Ten years ago, when the right wing launched an all-out assault on public television, Americans understood what was at stake and rallied around PBS. The Republican leadership retreated, and public broadcasting was saved.

Today, the majority is again trying to pull the plug on public television and radio. This time, well over a million Americans have signed petitions calling for the restoration of CPB's operating funds, and thousands more have contacted congressional offices in opposition to these devastating cuts.

Families across the country turn to public radio and television for educational programs, job training, the latest digital services, balanced news, local information: the very types of programs and services commercial television stations simply do not offer because they just are not profitable.

Local public stations are already struggling to provide these quality programs with limited dollars. This $100 million rescission, 25 percent of CPB's operating budget, could force many stations to fade to black.

Do we want to live in a society where pop culture dictates all that is offered on the airwaves? Do we want to live in a society in which the only characters that appear on Sesame Street and other children's programs are the ones that gross the highest profits, rather than those who deliver the most compelling lessons to our kids?

We have an opportunity today to send the same strong and successful message that beat back these cuts to public broadcasting 10 years ago. I urge my colleagues to restore this critical funding to CPB by voting in favor of the Obey-Lowey-Leach amendment.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Chairman, I understand one of the objections to the Obey amendment will be that it takes money from worker training programs and community health services. But I want to state that as a child psychologist, I cannot overstate the need to make the ability of quality, wholesome media a priority for our children, and I am certainly concerned about reducing these funds that would affect children's programming, as I am sure every Member is.

In southwestern Pennsylvania, it has been the home of WQED, the first community-owned TV station, production center for many PBS programs, and also the home for Fred Rogers' programs with Mr. Rogers' Neighborhood.

It is extremely important, and I am hoping in conference, as I expect this amendment may fail, in conference the chairman may work to help restore some programming funds for public broadcasting. I believe it is important to have nonviolent, noncommercial programs, because so many other programs still have so much in there that appears to be just infomercials for children's programming.

So I ask that as this proceeds, that the chairman work in conference and in other areas to help restore some of the programming funds that would help us with such important children's programming.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Iowa (Mr. LEACH), one of the cosponsors of the amendment, and I appreciate very much his involvement in this activity.

Mr. LEACH. Mr. Chairman, I thank my distinguished friend for yielding me this time.

I would like to just take a moment to discuss what might seem esoteric, that is a definitional issue. The word "public" means "of or pertaining to the whole community."

I mention this because public broadcasting is not intended to be a reflection of the views of any government. It is not government broadcasting we are talking about; it is public broadcasting. That was made clear when Congress created this particular program that so many of Americans hear and feel every day of their lives.

Public broadcasting simply was not to be the microphone of the government. Perspectives reflected are expected to be honest and of the highest quality, hopefully reflecting a variety of views. But all governments, Republican or Democratic, all government officials, left, right and center, should expect to be criticized and find views reflected that they do not agree with. It is simply better for society to have a questioning, skeptical press and, most particularly, a skeptical, questioning public broadcasting system than one that is slavishly supportive of any perspective, especially a perspective that might be considered a government one.

Here, all of us have heard a lot of criticism of public broadcasting, particularly journalists like Bill Moyers and Dan Schorr. Let me say, I do not think either would consider themselves a card-carrying arch-conservative. But the fact of the matter is that there have probably been no journalists in the last several generations who have uplifted public discourse more than these two men. We, all of us, will not agree with anything or everything that they say, but we certainly can respect them.

Let me end for the moment with the notion that public broadcasting is about increasing the civility level of public discourse. It is also about increasing the appreciation level for the American arts. I cannot think of any publicly funded endeavor that has done more for uplifting what we consider to be the values that underpin public policy rather than simply reflect perspectives on public policy itself. I cannot think of any publicly funded endeavor that has done more to bring out the best in the American arts.

☐ 1345

And so I would strongly urge my colleagues to reflect that these institutions of the Public Broadcasting System deserve our respect and our support.

Mr. LEWIS of California. Mr. Chairman, it is a privilege to yield 3 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, today we are talking about deficits, debt and tight spending. We are talking about tight veterans budgets and funding our troops. But the other side of the aisle will not let us even cut from the most obvious sources. I would like to let them know, and the other Members, let them know what PBS does not want you to know, Big Bird is a billionaire.

What they do not want you to know is that the marketing rights for Sesame Street and Barney total $1.3 billion. Merchandise from PBS can be found in every toy store across America, and yet that money does not appear on the Corporation for Public Broadcasting's balance sheet. Americans should be shocked.

This is the height of absurdity, a massive corporation shielding its profits so that it can continue to feed at the Federal trough. Where is the Democratic outrage at this? If this were a Fortune 500 company, we would be hearing breathless condemnations from the other side. But there is actually more. The average household income of a listener of NPR is approximately $75,000. Guess what? This means the taxpayers are being soaked so that the affluent people can get their news commercial-free.

This debate shows that many people have truly met a government program they could not cut. Mr. Speaker, Big Bird is strong enough to fly on his own. If we cannot get this billionaire off the public trough, than I ask how can we ever hope to cut spending.

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Ms. GINNY BROWN-WAITE of Florida. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the point that is being made. I think the listening public, the interested public, should know that the Federal funding for programs like Sesame Street, the popular children's programs, frankly only 2.5 percent of that comes from the Federal Government. Indeed, the billionaire could clearly take care of that.

And one more point. For all those people who are calling our offices from San Francisco and New York and otherwise across the country, if each would just send another dollar, they would not have to bother with this; they would save that in the phone bills.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I could not agree with you more. And that exactly should be the message, that those who want to support public broadcasting should do it through their personal checkbook.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, this amendment is necessary because my friends on the other side know the cost of everything and the value of nothing. I rise in strong support of the amendment to restore funding to the Corporation for Public Broadcasting.

This is money already authorized by the Congress. Now my friends on the other side of the aisle are trying to take it away. Today's debate is laced with irony because to millions of Americans there is simply no debate over how important public broadcasting is to them and their children.

It is an educational and cultural enrichment to our whole society, and it is a success story of which we can be proud. I urge that we adopt the amendment which actually should be $200 million, instead of $100 million, because that is the amount that has been cut over here.

I urge my colleagues to adopt the amendment. I commend the authors, the gentleman from Wisconsin (Mr. OBEY), the gentlewoman from New York (Mrs. LOWEY), and the gentleman from Iowa (Mr. LEACH) for their amendment.

The amendment should not have been needed. But the House can cure the mistakes of the Appropriations Committee by adopting the amendment by an overwhelming vote. Public broadcasting is a highly valued national investment. It generates extraordinary returns for local communities across our Nation. It preserves the highest quality programming and commitment to public service.

Public broadcasting must remain not only fully funded but insulated from political pressures which are now being placed upon it. Every Democratic Member of the Committee on Energy and Commerce recently signed a letter in support of restoring full funding to the Corporation for Public Broadcasting, including funding for the digital conversion and an upgraded satellite interconnection system.

Some of these vital items remain zeroed out. But I hope we can rectify those matters later. Mr. Chairman, this important amendment values our children, and the in-depth journalism and life-long learning that sustains our democracy. I urge my colleagues to support this amendment. If we do not, we will be sorry and the Nation will disapprove of our decision.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to oppose this amendment. I want to point out a number of reasons, not that I dislike public broadcasting or public television; I think they do great programming. My grandchildren love Elmo and Big Bird, and Between the Lions. I like a number of the programs.

But keep in mind, that this was created at a time, what, some 30-plus years ago when we did not have the huge variety of programming that is available today. And keep in mind, of course, that we have limited amounts of money.

I know that there has been a lot of conversation out across the country and the Corporation for Public Broadcasting is involved here, and National Public Radio, they have the microphones available to reach people who are calling us. But I am not sure that those who call realize what would be eliminated if we were to adopt this amendment.

Just let me enumerate those. What this amendment does to make up the 100 million for CPB is takes $58 million out of the Department of Labor. For what purpose? Employment and training and administration, training and employment services. Takes away from young people's training opportunities. That is extremely important in today's world, where we have 32 percent of our high school graduates, not graduates, 32 percent of our high school students that do not graduate.

That is a national statistic. And we offer programs here, GEDs, training, all kinds of things to give them a chance later on as they realize their mistake in not finishing high school.

But this would take away, this amendment would take away from the Department of Labor employment and training administration services, $58 million. So that means some young man and some young woman across this Nation who suddenly realize how important it is to their future and to their country and to their community and to their family that they get additional training would not have that opportunity so that we can have public broadcasting.

Now, I point out that only 15 percent of the money that provides for the Corporation for Public Broadcasting comes from the Federal Government. And it has been pointed out that this would eliminate a number of these programs. But I would point out that Elmo and Big Bird and the Lions all make a lot of money, as was brought to our attention earlier today.

And they have opportunities to raise a lot of funds. All of us have seen the fund-raising. But we do not see fund-raising out there to give young people a new opportunity to be retrained so that they can be employed. So let us not take that away. Another item that this would take away: the Department of Labor salaries and expenses.

We need people at the Department of Labor to manage the programs, to ensure that workers' safety is taken care of, to ensure that workers' rights are protected. We are not going to have a fund-raising program to do that, as can be the case with public broadcasting.

Third item. Takes away from the Department of Health and Human Services, health resources and services administration, health resources and services, $2.9 million.

Well, what is important to the people in this Nation is health: health research, health management; NIH. Keep in mind that the National Institutes of Health and the Centers for Disease Control are both part of the Department of Health and Human Services. We do not do fund-raising for them. But we are going to take the money away, or propose to take it away, for the public broadcasting where they have lots of opportunity to raise money in the private sector.

Fourth item that is taken away by this amendment, that would be reduced, is the Department of Education, higher education, $27 million would be taken out of the Department of Education to fund the Corporation for Public Broadcasting. We have heard a lot of discussion today how important it is to have higher education. Pell grants, not enough. We have heard other items are not enough; and yet here we are proposing, in an amendment, to take away $27 million that is vital to the future of young people in higher education programs.

Lastly, Department of Education, program administration, $8 million-plus. Someone has commented today that we originally wanted to get rid of the Department of Education. But we are not. We have a great number of programs here in the Department of Education to improve teacher quality, principals, to improve opportunity for young people, to provide, through the TRIO and through the other programs of that type, an opportunity to provide for the historically black colleges. All of this money has to be administered.

And this would take away the money to do part of that. So I want to say to all of my colleagues, I realize all that you have been getting in the way of phone calls; but I dare say that if you said to those that call you, well, if we do what you are requesting me to do, would you be willing to eliminate the Department of Labor training services;

the Department of Labor management; department of Health and Human Services resources; Department of Education higher education, and so on, I suspect that, if they were given the choice, that they would say, oh, wait a minute, these are important to us. They are important to my family. They are important to my community. They are important to the young people who are my neighbors and friends.

And given the fact that the Corporation for Public Broadcasting has the ability to raise a lot of money, has the ability to fund the development of programs like Elmo and Big Bird. Go into a store, you will see a lot of these things on sale. I know that they produce a lot of profit for those that sell them.

So let me say to my colleagues today, when you cast this vote, keep in mind that you are trading off to give CPB more money, that they are very successful in raising money in the private sector; you are trading off against that all of these educational opportunities that will be limited to the tune of $100 million total.

☐ 1400

Members should weigh which is more beneficial to the constituents we represent.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, how much remains on both sides?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 7 minutes remaining. The gentleman from Ohio (Mr. REGULA) has 3 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I rise in support of the Obey-Lowey-Leach amendment.

Mr. Chairman, I rise in support of the Obey/Lowey/Leach amendment to H.R. 3010, the Labor, Health and Human Services and Education Appropriations Act of 2006.

This amendment would restore the $100 million that this bill cuts from the Corporation for Public Broadcasting, CPB.

I support CPB, NPR and PBS because they provide Americans of all ages with a broad range of valuable programming.

CPB helps fund local stations all across America, and if we implement these cuts, the impact on local services, community support and vital programming will be significantly damaging.

Local public broadcasting stations are leaders in education, news and information, and are attracting growing numbers of listeners as they air unique programs.

Restoring the $100 million cut will allow CPB to continue funding the important community service contributions of local public television and radio stations.

I support this amendment and encourage my colleagues to do so as well.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I cannot believe some of the comments I have just heard from my good friend, the gentleman from Ohio (Mr. REGULA).

Let me simply say with respect to the offsets we have in this amendment, with respect to the Labor Department all this does is to reduce funding for pilot and demonstrations in the department from $74 million in the committee bill to $16 million. It still leaves a significant amount of money in this account.

This is an area where the committee itself has indicated that they do not have sufficient information from the agency to even know how they are spending that money. So it seems to me that we are simply following the committee shot across the agency bow.

With respect to the Labor Department, departmental management, this essentially cuts the increase over last year for departmental management, excluding the International Labor Affairs Bureau. Large amounts of money in that department are being spent for activities that are clearly not authorized, and some procurement practices now being exercised by the agency do not meet the standards that we will want to have to defend in public.

With respect to HRSA program management, I cannot believe any objection is being made to the reduction in this account. The bill itself eliminates 11 programs in HRSA. If all of these programs are going to be eliminated, certainly there are fewer bodies that are needed to manage them, and this is simply consistent with the programmatic actions already taken by the committee.

With respect to the funds for the improvement of education, this amendment merely trims the additional funding provided in the committee over the administration's request for this item. None of these items are going to have any significant impact on the accounts involved.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding me time. More importantly, I thank the chairman for bringing fiscal discipline and leadership to the appropriations process.

I rise today not so much as a Member of Congress from Indiana but as the chairman of the largest caucus in the House of Representatives. The Republican Study Committee boasts over 100 members, men and women who are committed to fiscal discipline and traditional moral values. And so when the gentleman from Ohio (Chairman REGULA) brings to the floor a Labor-HHS appropriations bill that makes the tough decisions to put our fiscal house in order, I have to rise, even on a controversial issue like Big Bird, to stand with this chairman and to thank him.

The stakes are high; $7.7 trillion is the current running money on the national debt. According to CBO, our fiscal 2004 national deficit number is $413 billion. In order to bring this bill in and to keep discretionary spending below last year's level, this legislation literally eliminates 57 programs encompassed in this bill and asks many programs to accept up to a 50 percent cut. Asking the Corporation for Public Broadcasting that receives only 15 percent of its funding from the Federal Government to accept what amounts to a 22 percent reduction as we attempt to put our fiscal house in order is reasonable and responsible and precisely that which the American people elected the Republican majority to do.

We have no higher stewardship, no higher calling than to come onto this floor and into this Chamber and make the tough decisions. And put in the context of recognizing that the Corporation for Public Broadcasting receives 85 percent of its funding from sources beyond the Federal Government, in the context of its overall budget we are simply asking them to do with 4 percent less.

I rise in opposition to the amendment. I stand in strong conservative support of the gentleman from Ohio (Chairman Regula) and his desire to make the tough decisions and put our fiscal house in order.

Mr. OBEY. Mr. Chairman, how much time remains?

The Acting CHAIRMAN (Mr. GILLMOR). The gentleman from Wisconsin (Mr. OBEY) has 5 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the Obey amendment.

Mr. Chairman, I rise in strong support of the Obey-Lowey-Leach amendment to restore funding to the Corporation for Public Broadcasting.

PBS is exceptional because it's local. Unlike the mammoth international media conglomerates that dominate commercial TV, who answer only to their shareholders, the 348 PBS stations are locally owned and operated—accountable to the local communities they serve.

The bulk of CPB funding—67 percent—goes directly to local stations, allowing them to serve their communities with the excellent and highly valued programming that is the hallmark of PBS. This cut will slice between 30–40 percent out of most stations' overall budgets.

My district in New York is served by PBS channel Thirteen/WNET. If this cut to the Corporation for Public Broadcasting is passed, Thirteen's budget would be cut by as much as $5 million. I want to be very clear about what that means for my constituents: A substantial number of local programs produced entirely out of discretionary funding would be eliminated. These are programs like New York Voices, Inside Albany, REEL New York, Women's History Month, Cantos Latinos, Harmony & Spirit: Chinese Americans in New York, Korean-American Spirit, The Irish in America, and New York Kids, outreach service programs to schools and other community partners would be completely cut, at least 40 jobs would be lost, and in addition the indirect impact of cuts would affect nation-wide programing like Great Performances, Wide Angle, and the Newshour with Jim Lehrer, and of course Sesame Street, as we've heard so much about today.

With its gold standard historical and cultural programming, PBS captures the culture and history of America. As we Americans face vast new challenges in a post-9/11 world, PBS helps us to understand who we are and where we have been—and to help us to see where we're going.

It is imperative that we restore CPB funding to ensure PBS's ability to continue to serve our country and our local communities in this vital role.

The Acting CHAIRMAN. The gentleman from Ohio (Mr. REGULA) has 1 minute remaining. The gentleman from Wisconsin (Mr. OBEY) has 5 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Chairman, I think by perspective we should understand that there is no possibility all Americans can agree all the time or appreciate equally all aspects of the American arts. But what we all can do is respect honesty and quality and first amendment rights. And it is these qualities exercised in an uplifting, nondivisive way that public broadcasting symbolizes. So I again urge my colleagues to support this amendment.

Mr. OBEY. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I rise in strong support of the Obey amendment.

Mr. Chairman, I rise in support of this amendment because it is our only chance to restore the $100 million that have been cut from public broadcasting.

Mr. Chairman, the cuts to the Corporation for Public Broadcasting in this bill are stunningly shortsighted.

At a time when we're all concerned about the lack of decent programming on television and radio, public broadcasting offers consistent quality.

Yet the majority is cutting 46 percent from the budget that supports the broadcast of programs like the News Hour with Jim Lehrer and National Public Radio's All Things Considered, as well as documentary programs like The American Experience.

The majority also completely eliminates the program that helps fund Sesame Street, Arthur, Between the Lions, and other broadcasts that help prepare children for school.

For parents concerned about what their children are exposed to on television, what are the alternatives to PBS's educational shows? In looking at the television section of the Washington Post, here are some of the television section of the Washington Post, here are some of the programs running opposite Sesame Street: Jerry Springer, Divorce Court, Maury, Texas Justice, Judge Hatchett, Judge Joe Brown, Family Feud, Guiding Light and General Hospital.

So why does the majority want to cut this funding? They say it's to reduce the deficit. What they are ensuring is a deficit of education, information, and analytical thinking.

Does the majority expect the American people to take their argument seriously?

Already this year the majority has rammed through a $290 billion tax cut for the country's wealthiest families and an energy bill larded with billions for oil and gas producers. None of these costs are accounted for in their budget.

And now we're going to plug the budget deficit by cutting Sesame Street?

Mr. Chairman, the argument for these cuts are ridiculous. We should reinstate the budget for public broadcasting. Vote for the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY), ranking member on the subcommittee with jurisdiction in this matter.

Mr. MARKEY. Mr. Chairman, I rise in strong support of the Obey-Lowey-Leach amendment.

To the Republicans: Keep your hands off of Big Bird. Sesame Street is balanced. Big Bird is there, but so is Oscar the Grouch to represent the Republican point of view. So every program has a balance to it.

But Ken Tomlinson, this new Republican head of the Corporation for Public Broadcasting, has decided that there is a problem with public television and he has gone out to find the problem. And when he looks in the mirror the problem is he.

We are out here today because Ken Tomlinson has now opened the floodgates of criticism for a network which in polling is recognized as the most respected network in America. And after national security, in polling decided by the American people, it is the Federal program they like most after the Defense Department. But the Republicans and Ken Tomlinson today have named the former co-chairwoman of the Republican National Committee to be the new head, the new President of the Corporation for Public Broadcasting.

So Tomlinson's answer to the absence of political balance is to name the Republican co-chair of their national committee. That is all you have to know about what the Republican Party is doing here on the House floor today.

Here is what public television is from 6 a.m. in the morning on, for 12 hours in a row: It is Zoom; it is Maya and Miguel; it is Arthur; it is the Berenstein Bears; Clifford the Big Red Dog; Dragon Tales; George Shrinks; Barney and Friends; Sesame Street. Until you hit 6 o'clock, when it is the News Hour with Jim Lehrer. It is NOVA. It is The American Experience.

They are attacking the Children's Television Network. They are turning CPB from Corporation for Public Broadcasting into Corporation for Political Boondoggle. That is the whole agenda that they have here today.

Mr. REGULA. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Ohio (Mr. REGULA) has 1 minute remaining. The gentleman from Wisconsin (Mr. OBEY) has 2½ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, I rise in support of the Obey amendment and also the 81 percent of the American people who said the Republican-controlled Congress is out of tune with their values and this is a perfect example.

Once again, the Republicans are out of step with mainstream America. This fact is made evident in the recent CBS poll taken that showed that the Republican dominated Congress's popularity is hovering around 30 percent, an outright embarrassing figure.

Public broadcasting is extremely important, and should not be simply ignored by conservatives here in Congress. For millions of parents, public broadcasting represents a children's television network of amazing excellence and value. At a cost of just over $1 per year per person, what parents and children get from free, over-the-air public television and public radio is an incredible bargain.

Now, I say to my colleagues, we are talking about a corporation (The Corporation for Public Broadcasting or CPB) that is a taxpayer-funded agency that provides critical dollars to public broadcasting across the country, and is considered by many, if not most of America, to be a "highly reliable source of information."

I remember when I first came to Congress, and Speaker Newt Gingrich had a similar plan, which was to "zero out" public broadcasting altogether. At that time, just as they are doing now, the Republicans were claiming that there was an extreme liberal bias in the programming. And then, as now, they tried to do away with the programming, but more practical voices prevailed and the funding was eventually restored. So here once again, led by Kenneth Tomlinson, the Republican who is now chairman of the corporation, the Republican Party wants to move PBS to the right wing of the political spectrum, and at the same time streamline their funding. I say to them that, along with Representative OBEY, I emphatically will fight to have this horrific cut in funding restored, and strongly support this amendment.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members recognized for unanimous-consent requests should not embellish such requests with oratory.

Mr. OBEY. Mr. Chairman, I yield for the purpose of making a unanimous-consent request to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Chairman, I rise in support of public broadcasting.

Mr. Chairman, the Corporation for Public Broadcasting provides an essential public service and we ought to pass this amendment to restore funding for a program that works.

This budget cut hurts our children and the least fortunate in our community the most. PBS is especially critical for low-income Americans who may not be able to send their children to preschool. For millions of Americans, PBS programs like Sesame Street and Reading Rainbow are the only educational resources available to their children. PBS programs produce the most popular videos used by American teachers in the classroom.

According to a recent poll, 82% of the public thinks money given to PBS is money well spent. But if this amendment doesn't pass, PBS affiliate WFYI in my district will lose $1 million, or ⅓ of the entire payroll for a station that reaches over a million households and 500,000 viewers every week. This is unacceptable.

But even more unacceptable is the threat this poses to the community services that WFYI provides on a daily basis to people in my district.

It provides workshops in day care centers for the most disadvantaged in Indiana.

For millions of Americans, PBS programs like Sesame Street and Reading Rainbow are the only educational resources available to their children at home.

But WFYI also helps prepare low-income pre-schoolers for the first grade.

My hometown station sponsors over 400 volunteers who read to more than 2,000 Hoosiers who can't see the printed word. And there's much, much more.

Mr. Chairman, this station is not the exception. It is the norm. These services are the most threatened by this budget cut. No other broadcaster will ever offer the same level of community service that public television provides.

Let us pass the Obey amendment and restore full funding for public broadcasting.

Mr. OBEY. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I enthusiastically support the Obey amendment to restore PBS funds.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Wisconsin, Mr. OBEY, that seeks to prevent the use of funds in H.R. 3020 to carry out the recission of the "Corporation for Public Broadcasting." This recission would have amounted to a 45 percent cut to local Public Radio and Television stations in FY 2006.

Under the legislation as drafted, rural stations and those serving minority populations would suffer greatly with respect to their operating budget. The grants that fall under the account affected comprise anywhere from 15 to 85 percent of their budgets. Most stations would be forced to layoff employees, to shut down local production—which would include local public affairs programs—and to cut back on local outreach. Mr. Chairman, public television is the backbone of mass media communications for most of the minority population—which includes in large part, our children who need guidance and education.

In Houston, to be specific, KUHF–FM would have suffered a cut of 46.4 percent or $228,197 of its funding. Similarly, KUHT–TV would have suffered a 44.4 percent or $679,049 cut of its funding. These amounts translate to severe loss in operating budget for these stations.

Relative to the State of Texas, over $6,263,296 or 42.8 percent of its funding would have been cut under the bill as drafted.

For the reasons stated above, Mr. Chairman, I fully support the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me time.

I am a little tired, frankly, about hearing how wealthy Big Bird is. Your own witnesses here indicate that a very small amount of the money that we are talking about here goes to Sesame Street and Big Bird.

The money goes where you are cutting: the infrastructure. Big Bird will be around, but many small stations will not. We will lose the ability to create more "Big Birds" in the future. And it may well be to the point that as you slowly starve the infrastructure for public broadcasting, that the only way Big Bird will be watched is on a commercial station, on a cable station with commercials on it.

But where are we going to provide the other educational elements? Already there are a whole range of items here that you are ignoring, and you are undermining the fabric of that public station infrastructure that allows it to be seen in the first place.

Ask your local stations about the impact of what you are doing to their ability for people to be able to watch this quality programming.

Mr. OBEY. Mr. Chairman, how much time remains on each side?

The Acting CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 1½ minutes remaining. The gentleman from Ohio (Mr. REGULA) has 1 minute remaining.

Mr. OBEY. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Obey amendment.

Mr. Chairman, now we've heard it all. The Majority in the House has attacked the poor and the sick with their cuts to Medicaid; they have given away billions of dollars in tax breaks to corporations and the rich, and now they want to string up Big Bird.

The drastic cuts that this bill will inflict on the Corporation for Public Broadcasting are dangerous to our freethinking and diverse society. Public broadcasting provides a forum for groups who otherwise would not be heard and provides underserved areas with quality programming.

It helps to teach our children with the best educational programs on television like Sesame Street and Arthur. These shows not only help our children learn, but also motivate them to turn off the TV and pick up a book to read about their favorite characters featured on these shows.

Public broadcasting is a favorite source for reliable information for Americans. Shows like Now and The Newshour are trusted by Americans to give them the straight story about current events in our world. By cutting funding to the Corporation for Public Broadcasting we are attacking our strongest source of unbiased, diverse, and cultured programming available.

These proposed cuts are just another step in the Bush Administration's agenda to dismantle Public Broadcasting and silence one of the last objective voices in American media. The President's recent attempts to politicize PBS by bringing in a partisan activist to be President of the Corporation for Public Broadcasting are shameful.

I urge my colleagues to support the Obey amendment to restore the funding it needs and protect the Corporation for Public Broadcasting as a powerful voice of the people.

Mr. OBEY. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I rise in very strong support of this amendment in support of public broadcasting.

Mr. Chairman, I rise today in support of the Obey-Lowey-Leach Amendment that would recoup full funding for the Corporation of Public Broadcasting for Fiscal Year 2006 because it will maintain the highest quality programming available to the American people today.

The Labor-HHS Appropriations Act before us today will eliminate $100 million in Federal funding for the CPB.

This bill will eliminate existing funding earmarked for interconnecting local stations and the transition to digital broadcasting—both necessary modernizations to carry public broadcasting through this century. Money to fund these improvements will be taken from general operating expenses, further limiting public broadcasters' resources.

Public broadcasting provides unique programming not found on major broadcast stations or cable television. Its programming aims to increase awareness, provide multiple viewpoints, treat complex social issues completely, and provide objective forums for deliberation. Public broadcasting serves no partisan master.

It is the most "fair and balanced" programming available. Its listening audience, polls have shown, is ⅓ liberal, ⅓ conservative, and ⅓ middle of the road politically.

Newt Gingrich tried to zero out public broadcasting subsidies 10 years ago. He acknowledged before an audience recently an ironic evolution. He listens to NPR every morning now as he drives to work.

While most television programming provides few outlets targeted and appropriate for young children, public broadcasting offers families unparalleled excellence and value. Whether it is Sesame Street or Reading Rainbow, public programs have taught generations of children practical grammatical and arithmetic skills while expanding their imagination and creativity. At a cost of just over $1 per year per person, what parents and children get from free, over-the-air public television and public radio is an incredible bargain and a national asset.

In Arlington, WETA, an invaluable FM and television station that serves us in Northern Virginia and Washington, DC, estimates that the proposed cuts will result in the loss of $1.6 million. Like most stations, WETA operates on a limited budget and the magnitude of this cut threatens the cancellation of programming such as "Talk of the Nation", "Sesame Street" or "Marketplace." I'm even more afraid for rural radio and television stations that are even more reliant on public funding.

America won't accept a cut in these services. The harm they would do to children's education and the marketplace of ideas outweighs what little effect these cuts would have in the reduction of government spending. The Ameircan people understand we have a robust economy today. These cuts in programming are to pay for the tax cuts we've enacted over the last 5 years for the wealthiest among us.

If anything, we demand an expansion of public broadcasting. We want more programming that promotes detail, diversity, and balance. We need programs that take creative risks to engage the public in thoughtful discourse.

I urge my colleagues to support the Obey-Lowey-Leach Amendment and restore funding for the CPB. Do it for your own children.

Mr. OBEY. Mr. Chairman, I know the gentleman from Ohio (Mr. REGULA) has the right to close. How much time do I have remaining?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 1½ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say the choice before the House is simple. I think the American people recognize that public television and public radio are both national treasures. I think also that we all recognize that there has been a systematic attack on both for quite some time.

What is before us today is a very simple choice. We can either stand with those who are determined to see to it that public radio and public television continue to function reasonably effectively, or we can take an action today which will gut the ability of many of the stations to continue to produce quality programming and meet the needs of local areas.

□ 1415

Some objection has been raised to the offsets. The fact is, under the budget resolution, tough choices are required. You cannot get the offsets out of thin air. These offsets do as little damage to management accounts as is humanly possible. If anyone does not like the offsets involved, then I would suggest they amend the budget resolution so that we do not have to provide them.

But the choice is very simply: Are you going to support public broadcasting or are you not? And the vote will tell the tale.

Mr. Chairman, I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me say, reiterate, I am a fan of public broadcasting and public radio; and, of course, my family members like Elmo and Big Bird and Between the Lions.

I do not have a closed mind on this subject. I am sure it will come up in conference in making agreement with the other body; but let me say to my colleagues, right now you are choosing between public television, and we provided $300 million in the bill, keep in mind there. We are not taking it all away. There is $300 million there. This is only 25 percent of this that we are taiking about.

On the other side of the scales, you are going to hurt employment and training for young people. You are going to hurt the Department of Labor. You are going to hurt the Department of Health and Human Services that provides the Centers for Disease Control, that provides the National Institutes of Health on health research. You are going to hurt the Department of Education and their higher education programs and their departmental management.

I think when we put it on the scale, on one side is public television, we are giving them $300 million in this bill. They have the capacity to raise a lot of money in the public sector. On the other side of the scale are young people that need an opportunity for job retraining, that need an opportunity to participate in the American Dream. Those Departments have no ability to go out and raise money as does the Corporation for Public Broadcasting.

I urge my colleagues to vote against this amendment. It is not the last word on this subject, but understand the trade-offs that I think are very damaging to young people and their opportunities in terms of higher education and job retraining.

Mr. HOLT. Mr. Chairman, I rise today in support of the Obey-Lowey-Leach amendment, which restores the full, previously appropriated level of funding to the Corporation for Public Broadcasting, or CPB. As someone who has contributed personally to both NPR and PBS, the committee's scant proposal for CPB funding comes as a supreme disappointment.

Public television and radio stations are locally controlled. The primary mission of the Corporation for Public Broadcasting is to enable those local stations to remain independent and free of advertising by providing a guaranteed, content-independent source of funding. For this reason, the Corporation's funding is set 2 years in advance. Mr. Chairman, I hope my colleagues can keep that in mind: the funding that the Obey-Lowey-Leach amendment seeks to restore has already been passed. In 2003, I voted along with 241 of my colleagues to appropriate $400 million for the Corporation for Public Broadcasting in fiscal year 2006. That the committee now seeks to override the will of the whole House is simply unfair to the stations and their viewers.

Each week, more than 80 million people watch PBS. Without even counting the 30 million who listen to NPR during that same period, that's a minimum of 80 million Americans who ask us each week to support this amendment. They may not leave their family rooms, they may not pick up the phone, but make no mistake: they're voting with their remote controls. Each and every week, they're telling us how they feel.

Opponents of CPB funding regularly claim that Federal funding cuts will have no significant effect on public programming, and that public television can easily absorb any funding cut. But look at the facts: the Corporation for Public Broadcasting provides critical, irreplaceable support to some of public television's most popular programs. Had the proposed funding cuts been enacted for the current year, they would have caused a 20 percent drop in funding for Reading Rainbow. A 20 percent drop in funding for Sesame Street. A 54 percent drop in funding for Mister Rogers. A 27 percent drop in funding for NOVA, and a 27 percent drop in funding for the NewsHour, to which millions turn each night for balanced news coverage. And opponents call that "no significant effect"?

Under the No Child Left Behind Act, Congress established two public television programs designed to facilitate education and learning: Ready to Learn, and Ready to Teach. Together, these two programs requested a total of $49 million for the coming budget year, which they would use to support educational programming like Sesame Street, Reading Rainbow, and Clifford the Big Red Dog. Rather than meet their request, the Appropriations Committee chose to rescind all 2006 funding from each of these programs, which we established just 3 years ago.

Mr. Chairman, these cuts are unwise. Entire generations of children have grown up watching Big Bird and Snuffleupagus; entire generations have learned to love books while reading along with LeVar Burton; entire generations have been taught to follow their dreams by Mister Fred Rogers and his characters. In an age when more and more children are spending more and more time in front of the television, public TV is one of the very last cuts we can afford to make. For that reason, Mr. Chairman, and for all the reasons above, I urge my colleagues to support the Obey-Lowey-Leach amendment, and to restore full funding to the CPB.

Mr. TOWNS. Mr. Chairman, I rise today in absolute opposition to the proposed appropriation cuts to the Corporation for Public Broadcasting.

The CPB has been funding great American treasures including PBS and National Public Radio, free of political influence or favoritism. These entities have become staples of society and to cut or diminish their badly needed funding is plainly wrong.

Mr. Chairman, during a time in which this body claims to be the saviors of family values, I find it odd that it chooses to undermine public broadcasting, which truly embodies family values and clean programming.

The television and radio can be a precarious place for young and impressionable minds.

Much of what is sent over the airwaves is unsafe for the development children. The excessive violence and sex that is often found on TV is alarming to parents who are constantly looking for a viable alternative to the negative influences prevalent on television.

Mr. Speaker, PBS has been that oasis and refugee for families. Its educational and wholesome programming allows parents and children alike, to watch shows that place an emphasis on the positive aspects of American culture. Too often modern entertainers glorify the worst of our society and it is imperative that we counter that influence with the positive shows found on PBS and NPR.

I urge my colleagues here today to rise up in support of CPB, wholesome broadcasting and family values by rejecting these cuts to CPB.

Mr. CLEAVER. Mr. Chairman, for years, the Corporation for Public Broadcasting has provided countless Americans of all ages with high-quality, innovative programming.

But today, House Republicans have renewed their efforts against public broadcasting by reducing funding to the Corporation for Public Broadcasting by $100 million. That is a 25 percent reduction in funding and would have a devastating effect on public television and public radio. If enacted, public broadcasting stations in Kansas City, Missouri serving my Congressional District would stand to lose over half a million dollars.

As a former radio talk show host on KCUR, the Kansas City affiliate of National Public Radio, I understand the importance of public broadcasting. These days, commercial television and radio provides us with more information about the runaway bride than the runaway budget, and more about the Desperate Housewives than the desperate lives of those whose Medicaid has been cut. Public broadcasting has, for over 40 years, provided the American people with the type of excellent educational, cultural and news programming that is rarely found on television. Whose children didn't grow up watching Big Bird, Arthur, or Clifford?

We cannot afford to lose this important national resource. So today, I will vote in favor of the Obey-Lowey-Leach amendment to restore the $100 million that was cut from public broadcasting. I urge my colleagues to do the same.

Ms. BORDALLO. Mr. Chairman, I rise today in strong support of the Obey-Lowey-Leach amendment to H.R. 3010. This amendment would restore $100 million that was cut from the Corporation for Public Broadcasting in subcommittee earlier this month. Public broadcasting is important for small communities across the country, even all the way out in the U.S. Territory of Guam. Small public broadcasting stations like KGTF Channel 12 in Guam are an important avenue for expression of local identity and community discussion.

I am particularly concerned that the proposed cuts to the Corporation for Public Broadcasting (CPB) may disproportionately affect the CPB's commitment to quality programming for minority communities through the National Minority Consortia. For example, Pacific Islanders in Communications (PIC), which primarily receives its funding from CPB, develops Pacific Island media content and talent that leads to a deeper understanding of Pacific Island history, culture, and contemporary issues. Without continued funding from CPB, PIC would be unable to produce meaningful programs like Dances of Life or The Meaning of Food that have given indigenous communities in the Pacific a voice in our national conversation on race and culture. This August, PIC will be conducting a filmmaking workshop in Guam to build a greater capacity for cultural expression in the video medium.

As KGTF celebrates its 35th year broadcasting in Guam, I hope to be able to tell them that the future looks bright for public broadcasting and that Congress is appreciative and supportive of their excellent work. I strongly urge my colleagues to support this amendment and restore funding to the Corporation for Public Broadcasting.

Mr. RYAN of Ohio. Mr. Chairman, I rise today in recognition of House Amendment 343 to House Resolution 3010, to restore full funding to the Corporation of Public Broadcasting.

The passage of this amendment preserves public broadcasting, a longstanding American tradition. This amendment enables the Corporation of Public Broadcasting to continue providing countless benefits to our society, including unbiased and nonpartisan information and news, educational and developmental programming and services, and arts and entertainment to the American public.

I would like to commend my fellow colleagues on their cooperation and nonpartisanship in voting to preserve the American institution of public broadcasting. I was unable to vote on the amendment because I was paying my respects to the family of a brave soldier who made the ultimate sacrifice for his country in Operation Iraqi Freedom.

I am strongly against the cuts proposed by House Republicans that were even more severe than the President's suggested budget cuts. While the President recommended a cut of approximately ten million dollars in funding to the Corporation of Public Broadcasting, the House Appropriations Committee and other subcommittees recommended a total cut of $246.2 million, or 44.9 percent of the current funding. While I recognize the importance of fiscal responsibility, especially in the midst of a severe budget deficit, I believe that we must properly prioritize funding provided by taxpayer dollars. The majority of Americans, according to a recent poll, rank public broadcasting as the second most important publicly provided service, after military defense; additionally the majority of Americans believe not only that their tax dollars are well spent on public broadcasting, but actually support an increase in its funding.

The proposed cuts to public broadcasting are clearly contrary to public opinion. Moreover, these cuts would result in the loss of invaluable services that Americans trust and rely upon, and would harm local economies in the form of closed local stations and lost jobs. For these reasons, I celebrate the passage of this amendment, and pledge my support to continuing funding the Corporation of Public Broadcasting.

The Acting CHAIRMAN (Mr. GILLMOR). The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) will be postponed.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do so to try to report to the House what is happening with respect to a unanimous consent request.

The gentleman from Ohio (Chairman REGULA) announced to the House earlier, and I concurred, that we are trying to make an attempt to get the House out today. We indicated that would require a lot of cooperation from both sides.

I think everyone understands how this bill is going to wind up. Much as I detest this bill and will vote against it, it is not going to be changed very much between now and the time it finally reaches final passage. No amount of fixing can fix this bill, in my view, because of the inadequate allocation.

The problem we have is that despite the gentleman from Ohio's (Mr. REGULA) best efforts and my best efforts and that of our staffs, at this point, there are still some 20 Republican amendments that people seem to be hell-bent on offering, and there are approximately 27 Democratic amendments that people seem to be hell-bent on offering.

If all of those amendments are offered, we will have to have at least 6½ hours of debate time. In order to finish today, because of events beyond our control, we have to be finished with debating by 4:30. Obviously, unless we get a much greater sense of give, not only will we be here tomorrow, we will be here a long time tomorrow.

So if Members are serious about wanting to get out today, it would be nice if they recognized that that means that we cannot dispose of 47 amendments in 2 hours.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

The gentleman from Wisconsin (Mr. OBEY) makes it very clear. We are trying to eliminate some potential amendments with colloquies, and I hope that some of the Members will consider withdrawing their amendments.

We are making a real effort to try to finish it today; and with cooperation of all the Members, I think this can be accomplished. As the gentleman from

Wisconsin (Mr. OBEY) points out, I do not think the bill will be changed much in the final analysis by whatever amount of discussion we have.

AMENDMENT OFFERED BY MR. FOSSELLA

Mr. FOSSELLA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOSSELLA:

Page 10, strike lines 3 through 7, and insert the following:

WORKERS COMPENSATION PROGRAMS

Of the amounts made available under this heading in chapter 8 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117), $50,000,000 shall be available for payment to the New York State Uninsured Employers Fund for reimbursement of claims related to the terrorist attacks of September 11, 2001 and for reimbursement of claims related to the first response emergency services personnel who were injured, were disabled, or died due to such terrorist attacks, and $75,000,000 shall be made available upon enactment of this Act for purposes related to the September 11, 2001 terrorist attacks, with priority given to administer baseline and follow-up screening and clinical examinations and long-term health monitoring, analysis, and treatment for emergency services personnel and rescue and recovery personnel: *Provided*, That such amounts are each designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. FOSSELLA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REGULA. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 15 minutes to be equally divided and controlled by the proponent and myself, the opponent.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Acting CHAIRMAN. The gentleman from New York (Mr. FOSSELLA) is recognized for 7½ minutes.

Mr. FOSSELLA. Mr. Chairman, I yield myself 2 minutes.

First, I want to thank the gentleman from Ohio (Chairman REGULA) for not only the great work he does but also entertaining this, allowing us to submit this amendment and engaging in a colloquy.

We all know that September 11, 2001, was many things. It was the worst attack in our country's history. It was a devastating loss. Almost 3,000 individuals lost their lives. We are still recovering from the ravages of what happened on that day; and after that, bringing America together, Congress, along with the President of the United States, committed itself to New York. This has been appreciated.

But sadly, what has happened is for many people who rushed into Ground Zero selflessly, not thinking of themselves or their well-being, in an effort to rescue others who could have been victim to that dreadful attack, they became the heroes of our time. What has happened is many of those individuals who were injured immediately have been dealt with, whether it is worker's compensation or providing for their health care; but there is that segment of the population, those heroes, thousands of them perhaps, who rushed into Ground Zero who are now discovering the health effects of having to give almost their lives to rescue others.

We also know that it could be weeks, months, or years before some of these side effects show up, perhaps a respiratory problem, perhaps leg or arm injuries, that will only get worse over time.

What we intend to do today is to seek the restoration of $125 million to this appropriations budget. We believe, in a bipartisan way, that 9/11 is not over. Many, many people who thought nothing about giving of themselves for the sake of their fellow man are now just coming to learn that they may need our help.

Congress, rightly, responded to say to New York, we will be there to help; we will continue in our efforts to ensure that happens. It is imperative that this at least $125 million be restored, that the rescission that occurred be undone; and it is, I think, paramount that we stand united to show and to demonstrate to anybody who rushed into those burning buildings on 9/11, that this country will not forget the heroics, will not forget their efforts, and we will stand with them as long as they need our help.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

We understand the importance of this, and originally we provided, that is, the government, the Federal Government, $175 million for this purpose; but only a limited amount of that has been spent in the last 2½ years, to be exact, $51 million out of the $175 million. In 2003, $44 million; in 2004, $6 million; in 2005, no money.

So what we are proposing is to rescind this and urging that it be reappropriated as the needs arise to meet whatever challenges. I think there is a problem a little bit in the language in that the money cannot really address the needs that are out there, and this is why a reappropriation or reauthorization would make it possible.

I think all of us are in agreement that we want to provide the money. It is just that the mechanics of it and doing that are not appropriate at this point.

Mr. Chairman, I reserve the balance of my time.

Mr. FOSSELLA. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY), my colleague.

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding me time, and I thank him and the gentleman from New York (Mr. WALSH) for their commitment and work on restoring these moneys; and I thank the gentleman from Ohio (Chairman REGULA) for agreeing to this colloquy. I know that the rescission of 9/11 funds was not the gentleman's idea and that he has been put into a difficult position with OMB; but we sincerely appreciate the gentleman's help.

I would also like to thank the gentleman from California (Chairman LEWIS) and, of course, the gentleman from Wisconsin (Ranking Member OBEY), and all of my colleagues on both sides of the aisle who responded with great commitment in helping New York City with the recovery.

Finally, I need to mention the names of some of the rescue workers who have come here today to Washington to put a human face on those who selflessly gave of themselves on 9/11 and still need our help. They are here with us today in the gallery. They are Marvin Bethea; John Feal; Mike McCormack, the rescue worker who literally found the flag on 9/11; John Sferarzo; Scott Shields; and Ron Vega. These men responded selflessly to the largest emergency of our time. They risked their lives to save others; and, today, they are first responders once again, but this time to save the health and compensation aid needed for their fellow workers at Ground Zero. They should be proud of the progress that we are making here today, but there is still much more that needs to be done.

It has been reported that 10 times the claims have been turned down by worker's compensation in New York State, and there is no question that there are still many workers who need health aid. Many of them are literally here today trying to speak with my colleagues on both sides of the aisle about their need.

I think it is absolutely an insult not only to the 9/11 workers but to all emergency aid workers to deny them the aid and compensation that they need, especially those that were hurt on 9/11.

We are asking for this money to be restored. It was allocated. It was part of the commitment this country made to helping New York and its workers and its people recover, and I will say that the New York delegation is totally united on this in our effort to preserve this money for the rescue workers and volunteers.

Again, we thank all for their commitment and hard work.

Mr. FOSSELLA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from upstate New York (Mr. WALSH), who has really led the effort to secure the funding for New York since 9/11.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding time to me and for his leadership on this really, really emotional and important issue for our State and our Nation.

In the ensuing Federal action, we provided almost $21 billion to rebuild New York City and to rebuild the lives of these individuals. Less than $1 billion is going toward the health and well-being of human beings. All the other $20 billion went to rebuild the city. Of that, we are now being asked to rescind $125 million that was not spent on worker's compensation claims.

Today, I also met with some of these individuals. Some of them are sick. They have mental health problems. They have physical health problems. Some of them have no health insurance. We need to find a way, and I appreciate the gentleman from Ohio's (Chairman REGULA) statement about finding a way, because we do want this money to be spent. We do not want to leave any soldiers on the battlefield. We do not want to leave any wounds unhealed.

So with the gentleman from Ohio's (Mr. REGULA) help as we go forward, I think we can find a way to get this resolved, and I thank the gentleman.

□ 1430

Mr. FOSSELLA. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I thank the gentleman for yielding, and I thank my colleagues for their commitment and work on restoring these monies. None of us could have imagined that we would find ourselves here today, fighting to hold onto $125 million set aside for workers and responders who helped search for survivors and assist victims in the aftermath of September 11.

In my judgment, the committee's rescission of $125 million appropriated by Congress for New York State workers' compensation claims and related expenses breaks the President's promise to New York. The Office of Budget and Management has argued that these funds are no longer needed, but nothing could be further from the truth. What we do know is that the health needs of September 11 responders continue to be great and the Federal response continues to be incomplete. There have been ongoing concerns about the injuries and chronic illnesses sustained by first responders and other individuals who work or volunteered at the site in the weeks and months following the attack. The men and women were exposed to toxic materials, included asbestos, fiberglass, PCBs; and many may not even exhibit symptoms of sickness for years to come.

We simply cannot rescind the funds to assist those victims before we even review the full needs of September 11.

I rise in support of the Maloney amendment and thank my colleague from New York for her leadership on this issue.

When President Bush stood on the rubble of the World Trade Center, and when he sat in the Oval Office with New York's Congressional delegation almost four years ago, no one doubted his promise to give our State and city the funds we needed to recover from the terrorist attack on our Nation.

None of us could have imagined that we would find ourselves here today, fighting to hold onto $125 million set aside for workers and responders who helped search for survivors and assist victims in the aftermath of September 11.

In my judgment, this Committee's rescission of $125 million appropriated by Congress for New York State Worker's Compensation claims and related expenses breaks the President's promise to New York.

The Office of Budget and Management has argued that these funds are no longer needed, but nothing could be farther from the truth.

What we do know is that the health needs of September 11th responders continue to be great, and the federal response continues to be incomplete.

Since September 11, there have been ongoing concerns about the injuries and chronic illnesses sustained by first responders and other individuals who worked or volunteered at the site in the weeks and months following the attack.

These men and women were exposed to toxic materials, including asbestos, fiberglass, and PCBs, and many may not even exhibit symptoms or sickness for years to come. We simply cannot rescind the funds to assist those victims before we even review the full needs of September 11 responders.

If any of these funds are not needed for workers compensation payments, then we should redirect the money to supplement the federal response to the ongoing medical needs of September 11th responders.

When New York needed help, volunteers from New Jersey, Connecticut, Massachusetts, Ohio, and even as far as Florida and California—and the list goes on—came to aid the victims of this tragic attack. I hope you will join me in fighting to preserve the funds to assist these individuals should they become ill as a result of their efforts in the aftermath of September 11th.

I urge my colleagues to support this amendment.

Mr. FOSSELLA. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, the World Trade Center was in my district. I have dealt with hundreds of first responders who responded. The majority of all the first responders have now come down with respiratory ailments, and yet the State has betrayed them and we are betraying them because the insurance company that handles workers' comp has contested the worker comp claims at a rate of 10 times the normal rate of contest. And now we are going to rescind the money?

We have a hero who testified at a hearing last week that he got awards for rescuing people, and then at the workers' comp hearing, they said he was not even there.

The fact is thousands of people have come down with illnesses. Thousands more probably will. It would be the height of hypocrisy to rescind these funds and not have these funds available for the medical treatment of these people whom we know are sick. And, unfortunately, we know more will get sick, and the funds to treat those already sick are not there. I urge adoption of this amendment.

Mr. FOSSELLA. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, I rise in full and strong support of this amendment. I agree with the comments of colleagues in support of this amendment. I know that our great chairman is working very diligently and hard to make sure that what I consider to be a mistake does not indeed happen. I think we all need to focus on a number of points.

One of those points is this was decided by somebody at OMB in an effort to do a good thing, which was try to save some money; but it was not well-thought-out. It overturns the intent of this body and the intent of the other body a couple of years ago. We ought not let that process continue.

This is not just about New Yorkers. This is about all of us. This is about the commitments we make. There were 40,000 volunteers who went to the site. They were from all over the Nation. We need to honor that commitment.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. FOSSELLA. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from New York.

Mr. FOSSELLA. Mr. Chairman, I understanding we are in tight fiscal times. However, given the circumstances the workers face, will you work with me and my New York colleagues and others as we move towards conference and think creatively on this issue and work with the administration to attempt to find a restoration of this much-needed funding?

Mr. REGULA. Mr. Chairman, I appreciate the gentleman's comments and recognize this is a legitimate and important issue that needs to be addressed. The brave people who responded to the attacks on September 11 will always be remembered in the hearts of Americans, and I recognize that they need additional help.

While there is concern about the dormancy of this funding over the last few years, and questions over whether or not the needs match the available funding, I am pleased to hear that the State of New York plans on starting an actuarial review to determine just how much money is needed to address the problem.

In light of the gentleman's comments today, I will work with the gentleman, the administration, and the other body in an attempt to find ways of addressing these workers' needs as the bill moves forward.

Over the long term, I look forward to examining the needs of 9/11 responders in light of the actuarial review results, and working with the gentleman from New York (Mr. FOSSELLA) and colleagues from New York State to maintain Congress' commitment to these heroes.

Mr. FOSSELLA. Mr. Chairman, I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

Mr. FOSSELLA. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN (Mr. GILLMOR). Is there objection to the request of the gentleman from New York?

There was no objection.

The Acting CHAIRMAN. The amendment is withdrawn.

Mr. WAMP. Mr. Chairman, I move to strike the last word.

In order to avoid offering an amendment, I rise today to engage the chairman in a colloquy to discuss funding for the Healthy Communities Access Program, HCAP. HCAP funds the development of community-wide health care networks which organize and coordinate care for low-income and uninsured individuals. Through shared resources, HCAP networks help improve health care access, reduce emergency room use, and save a lot of money. HCAP is a flexible, bottoms-up approach that can be tailored to meet a community's unique needs. Without a coordinated community-based approach, the uninsured simply end up in the emergency room or go without care. Both results add to our growing health care crisis.

Since 2000, HCAP has leveraged $6 in the community for every $1 in Federal grant funds, and has saved $1.9 billion annually through increased efficiency in health care systems. It has provided access to health care for 6.2 million more uninsured and vulnerable people.

Five communities in my State of Tennessee have won HCAP grants since 2000, and I have worked closely with one of our current grantees, the Medical Foundation of Chattanooga. The HCAP coalition partners in Chattanooga have used this small investment to serve the uninsured.

While I understand well this year's budgetary constraints, I strongly believe programs like HCAP are providing essential support for improving access to care, reducing cost to the Federal Government, and making communities more self-sustaining. The HCAP program embodies exactly the kind of innovative approach to health care access and cost we must address across the Nation.

I ask the chairman to continue to work with me throughout the process to ensure this program can continue.

Mr. GENE GREEN of Texas. Mr. Chairman, will the gentleman yield?

Mr. WAMP. I yield to the gentleman from Texas.

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman from Tennessee for yielding and thank him for his work on the Committee on Appropriations to restore the HCAP funding.

The subcommittee has worked wonders with the allocation you have been given, and I know you are supportive of the HCAP program and have seen the tremendous outcomes achieved in communities with HCAP funding.

In Houston, we have utilized CAP funding to put together the necessary collaboratives to help solve our health care access problems. Unfortunately, this bill completely eliminates the CAP program at a time when the level of uninsured individuals in this country has reached 45 million and growing.

We know all too well that now is not the time to limit access to primary and preventive health care services in our community. Without this health care access, our uninsured constituents tend to seek health care from our hospital emergency rooms where costs are skyrocketing and beds are scarce.

In Harris County, 57 percent of diagnoses in our safety net hospital ERs could be treated in a primary care clinic. With HCAP funds, communities can shepherd folks to the appropriate health care home and put together the partnerships needed to develop additional community health centers for all of our uninsured.

This is truly a case where an ounce of prevention is worth a pound of cure. I appreciate the willingness of the chairman to work with us on this issue, and hopefully we can restore the funding on this worthy program in conference.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. WAMP. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I know that many Members support the Healthy Communities Access Program. I have seen an HCAP program in Ohio that seemed to work very well.

The President's budget proposed to terminate HCAP; and given Members' interest in other programs that were not funded in the budget, we felt we had to accept the President's proposal to restore others, like the pediatric GME program. And, of course, we increased the community health centers programs.

I will certainly try to work with our Senate colleagues to provide some funding for the HCAP in conference.

Mr. POE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy, and I appreciate the tough spending decisions the gentleman has had to make on this bill. I intended to offer two amendments in the Labor-HHS-Education appropriation bill because I am concerned about the money that is being spent the wrong way by the National Institutes of Health and the Centers for Disease Control.

At the NIH, the Institute of Child Health and Human Development has been commissioned by Congress to promote research to improve and save kids lives in the areas of Down syndrome, autism, vaccination, birth defects and infectious disease; but they are spending money in other nonresearch ways.

Since 1997, the NIH has been spending up to $175,000 a year to operate the Milk Matters Campaign, which was first created in the 1990s. The campaign features Bo Vine, the spokescow. This is a drawing of Bo Vine the spokescow. Also, money is spent not on research for disease but on coloring books. Here is one that the taxpayers fund called "Milk Matters" with Buddy the Brush.

Taxpayers fund these programs, but the money authorized by Congress was to go for research in these two areas. Some say it is not much money, but we need to keep Bo Vine the spokescow from becoming a herd and stampeding through the trough of taxpayer money.

Every year Congress is lobbied to increase funding for live-saving programs at the National Institutes of Health, and every year we are presented with a plea that more money is needed for research. So the money Congress takes from the taxpayers of America should be spent on saving lives and not on Web games and Bo Vine the cow.

Also in this bill is funding for a program at the Center For Disease Research. It is called the VERB youth activity program to Federal fund things like basketball games. This program's authorization has expired and the President has asked for the program to be terminated; yet today we are funding this program with $11.2 million of taxpayer money. The Centers for Disease Control is asking for more money for life-saving research, yet they are spending money on programs that are not authorized anymore.

Mr. Chairman, would the gentleman be willing to work with me and other fiscally responsible colleagues to protect taxpayer money from wasteful spending at the NIH and the CDC, and work with us to ensure that NIH and the CDC spend the money in the way it is appropriated in fiscal year 2006?

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. POE. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I do not think the gentleman is questioning the value of milk as a healthy food, but maybe the way it is being sold.

I look forward to working with the gentleman as we head into conference. We do not want these things to happen either.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2006, through June 30, 2007, and of which $100,000,000 is available for the period October 1, 2006, through June 30, 2009, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

Of the funds provided under this heading in division G of Public Law 108–7 to carry out section 173(a)(4)(A) of the Workforce Investment Act of 1998, $20,000,000 is rescinded.

Of the funds provided under this heading in division B of Public Law 107–117, $5,000,000 is rescinded.

Of the funds provided under this heading in division F of Public Law 108–447 for Community-Based Job Training Grants, $125,000,000 is rescinded.

The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998 until such time as legislation reauthorizing the Act is enacted.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $436,678,000.

Federal Unemployment Benefits and Allowances

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I and section 246; and for training, allowances for job search and relocation, and related State administrative expenses under part II of chapter 2, title II of the Trade Act of 1974 (including the benefits and services described under sections 123(c)(2) and 151 (b) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107–210), $966,400,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

State Unemployment Insurance and Employment Service Operations

For authorized administrative expenses, $130,985,000, together with not to exceed $3,299,381,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980 and including $10,000,000 which may be used to conduct in-person reemployment and eligibility assessments of unemployment insurance beneficiaries in one-stop career centers), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2006, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2008; of which $130,985,000, together with not to exceed $672,700,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2006, through June 30, 2007, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2006 is projected by the Department of Labor to exceed 2,984,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

In addition to amounts made available above, and subject to the same terms and conditions, $10,000,000 to conduct in-person reemployment and eligibility assessments of unemployment insurance beneficiaries in one-stop career centers, and $30,000,000 to prevent and detect fraudulent unemployment benefits claims filed using personal information stolen from unsuspecting workers: *Provided*, That not later than 180 days following the end of fiscal year 2006, the Secretary shall provide a report to the Congress which includes:

(1) the amount spent for in-person reemployment and eligibility assessments of UI beneficiaries in One-Stop Career Centers, as well as funds made available and expended to prevent and detect fraudulent claims for unemployment benefits filed using workers' stolen personal information;

(2) the number of scheduled in-person reemployment and eligibility assessments, the number of individuals who failed to appear for scheduled assessments, actions taken as a result of individuals not appearing for an assessment (e.g., benefits terminated), results of assessments (e.g., referred to reemployment services, found in compliance with program requirements), estimated savings resulting from cessation of benefits, and estimated savings as a result of accelerated reemployment; and

(3) the estimated number of UI benefit claims filed using stolen identification that are discovered at the time of initial filing, with an estimate of the resulting savings; and the estimated number of ID theft-related continued claims stopped, with an estimate of the amount paid on such fraudulent claims and an estimate of the resulting savings from their termination.

Advances to the Unemployment Trust Fund and Other Funds

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2007, $465,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2006, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

Program Administration

For expenses of administering employment and training programs, $118,123,000, together with not to exceed $87,988,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided*, That not to exceed $3,000,000 shall be available for contracts that are not competitively bid.

Workers Compensation Programs

(RESCISSION)

Of the funds provided under this heading in the Emergency Supplemental Act, 2002 (Public Law 107–117, division B), $120,000,000 is rescinded.

Employee Benefits Security Administration

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $137,000,000.

Pension Benefit Guaranty Corporation

Pension Benefit Guaranty Corporation Fund

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2006, for such Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2006 shall be available for obligations for administrative expenses in excess of $296,977,728: *Provided further*, That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $414,284,000, together with $2,048,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $237,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2005, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2006: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $45,001,000 shall be made available to the Secretary as follows:

(1) for enhancement and maintenance of automated data processing systems and telecommunications systems, $13,305,000;

(2) for automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, $18,454,000;

(3) for periodic roll management and medical review, $13,242,000; and

(4) the remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107-275, (the "Act"), $232,250,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2007, $74,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $96,081,000, to remain available until expended: *Provided*, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2006 to carry out those authorities: *Provided further*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2006 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d) (1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2006 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): $33,050,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; $24,239,000 for transfer to Departmental Management, "Salaries and Expenses": $344,000 for transfer to Departmental Management, "Office of Inspector General"; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $477,199,000, including not to exceed $92,013,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2006, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That not less than $3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2006, to September 30, 2007, provided that a grantee has demonstrated satisfactory performance: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to administer or enforce the provisions of 29 CFR 1910.134(f)(2) (General Industry Respiratory Protection Standard) to the extent that such provisions require the annual fit testing (after the initial fit testing) of respirators for occupational exposure to tuberculosis.

□ 1445

AMENDMENT NO. 22 OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN (Mr. GILLMOR). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. PETERSON of Pennsylvania:

Page 16, line 4, insert after the dollar amount the following: "(reduced by $37,336,000)".

Page 25, line 16, insert after the dollar amount the following: "(increased by $37,336,000)".

Mr. REGULA. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 15 minutes to be divided equally and controlled by the proponent and myself, the opponent.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Acting CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume. I have great respect for the gentleman from Ohio (Mr. REGULA) and the incredibly difficult task he and his staff have had before them to write this bill. I think he did a remarkable job and I want to commend him.

My amendment would simply make a modest adjustment to the bill by restoring funding for two vital rural health programs to their fiscal year 2005 levels. Specifically, my amendment allows for increases to rural outreach grants by $28.511 million and $8.825 million to rural health research. This $37 million increase is offset by a reduction to OSHA.

As Members may know, rural programs across the Federal budget continue to be proposed for cuts or elimination. As cochairman of the Congressional Rural Caucus, I feel obligated to rise and share my concern. Some argue that the Medicare bill we passed last year fixed rural health care and that we do not need to continue to fund rural programs, but this is comparing apples to oranges. The Medicare bill increased reimbursements for rural hospitals and doctors, while outreach grants that we are dealing with generally do not involve hospitals. Outreach funds go to a variety of providers that saw no benefit from the Medicare prescription drug bill, such as public health departments, community health centers, rural health clinics, mental health providers, and other community-based organizations that provide the finest care to our poorest.

Outreach grants run for 3 years with applicants being eligible for up to $200,000 per year. Outreach grants emphasize collaboration by key community groups, requiring at least three health care providers to come together to apply for the funding. The idea of the grants is to provide start-up funds to innovative approaches to health problems in rural areas with the applicants using the 3 years to make the program self-sustaining. According to a study by the University of Minnesota, more than 80 percent of programs established with outreach grants were still operating 5 years after Federal funding expired.

My amendment also restores funding for the $9 million rural health research program. This money supports eight rural health research centers around the country and also supports the Secretary's National Advisory Committee on Rural Health, which is composed of national leaders on rural health care and has an important role in shaping administration policy. The rural research centers help us understand how CMS payments interact with the reality of rural health practice, including the wage index issues researched by the University of North Carolina and physician payment issues researched in the past by the Rural Policy Research Institute in Nebraska.

The rural research line also funds the Secretary's National Advisory Committee on Rural Health which submits an annual report to the Secretary, the only rural-specific report our Secretary of Health may ever see in a given year. This funding line also carries out the function of evaluating Federal regulations within the Office of Rural Health Policy. Eliminating this program would effectively cut off the only rural policy shop within HHS.

If rural health fails, there are no winners. People travel long distances to more affordable, less accessible health care settings in our suburban areas. No one wins. Families are displaced, people are long distances from their loved ones and their support team, and the system pays considerably more, so there is no savings.

This is the worst possible time to eliminate funding for these programs. As the health care world continues to evolve, we have to ensure that rural America has a seat at the table of Congress and the administration. We need to restore funding for these two vital rural health programs I have just shared with you.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

I have to reluctantly rise in opposition to the gentleman's amendment. He is a valuable member of our subcommittee and is certainly a strong voice for programs providing health care in rural areas. As the gentleman knows, we have tried to respond as much as possible within the constraints of the budget. That program seemed to be the highest priority rural health program for our Members. I realize the outreach program is popular among Members but we just felt we had to restore some of the other cuts proposed, like pediatric GME.

Unfortunately, the offset in the amendment is unacceptable and any cut in OSHA would savage the agency's ability to maintain its safety programs. This is a clear example of we wish we had more money, but we do not, and we are trying to make the best use of what we have.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I am strongly opposed to this amendment. I take a back seat to no one in my support for rural health care. I have offered numerous amendments in the past to add to its budget. But this amendment gets the money to restore funding for rural health care in an outrageous fashion, because it takes it from the agency that is supposed to protect workers' health and lives.

In 2003, more than 5,500 workers were killed in this country by job injuries. That is 15 workers every day. In the steel industry, there has been a major increase in workplace fatalities the last 2 years. The impact of those fatalities is enormous. According to Liberty Mutual, the Nation's largest Workmen's Compensation company, the direct cost of these injuries and illness is $1 billion a week, and the total cost is between $200 and $300 billion a year.

The present budget proposal for OSHA in this bill is $477 million, which is less than $4.60 for every private sector worker. Under the current OSHA budget, OSHA can inspect workplaces on an average of once every 108 years, and this amendment will make that worse.

This is a case where, again, the budget resolution is totally inadequate. Neither of these programs should be cut. The problem is that this amendment takes money away from a program which will save workers' lives. I would urge a "no" vote. I most reluctantly take this position because I am strongly in favor of rural health care but not at the expense of workers' lives.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

I am not going to take a lot of time here to defend the cut in OSHA, but I will say that I have a lot of friends that work in plants and refineries and mills in my district, and if there is an agency that could better utilize their enforcement dollars, it is OSHA. I have many union workers, close friends of mine, that talk about the nonsense-type things that OSHA comes in and tinkers with when they could come in and instruct, because most employers today want to run a safe shop. If they had the process where they would come in and instruct, go after the real safety issues instead of the nit-picking issues that they do, I do not believe this small cut in OSHA would cost us one life. If OSHA used modern technology, they could double what they do in saving lives.

I want to say this in conclusion. Rural health care is struggling in America. We have always been at the short end of the payment system. We have always had to deal with less payment for the very same procedures. I was in the food business. I was in the retail business. Only in health care does the smallest get paid the least. When you go to a small store, you expect to pay a little more. But the big hospitals, the big institutions who have the volume, who have the multitude of customers and use those expensive pieces of equipment morning, noon, and night get paid more. It is the most unfair part. And why should rural citizens not have adequate equal access to good health care?

But let me tell you what happens too often. They leave their families, drive hundreds of miles away to an urban center that they are not even comfortable in, and the system will pay 50 percent more for the same health care that could be given to them in their own community. Nobody wins. And sometimes people die.

Mr. Chairman, I will reluctantly withdraw this amendment in hopes that the chairman and the ranking member will see that these two programs do not go unfunded in the final conference report.

Mr. REGULA. Mr. Chairman, if the gentleman will yield, I am sympathetic. I come from a rural district myself and live on a farm, as a matter of fact. I understand what the gentleman is saying. He illustrates the fact that we have had to make very difficult priority judgments. Certainly I for one, and I know the gentleman from Wisconsin has a rural district, too, would be sympathetic to this in conference. We obviously cannot promise anything, but I hear my colleague's comments and his arguments and would certainly keep these in mind.

Mr. PETERSON of Pennsylvania. I thank the chairman and the ranking member. I will hope and pray that they come through for rural America.

Mr. Chairman, I withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. OWENS

Mr. OWENS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OWENS:

In title I, in the item relating to "OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—SALARIES AND EXPENSES", strike ": *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to administer or enforce the provisions of 29 CFR 1910.134(f)(2) (General Industry Respiratory Protection Standard) to the extent that such provisions require the annual fit testing (after the initial fit testing) of respirators for occupational exposure to tuberculosis".

Mr. REGULA. Mr. Chairman, I ask unanimous consent that the debate on this amendment and any amendments thereto be limited to 10 minutes to be equally divided and controlled by the proponent and myself, the opponent.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

□ 1500

The Acting CHAIRMAN (Mr. GILLMOR). The Chair recognizes the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment in support of OSHA and the safety of workers, in contrast to the last amendment offered which tried to trivialize the importance of workers' safety. My amendment is to protect first responders and receivers from bioterrorism and its deadly consequences. Several distinguished colleagues have joined me in offering this amendment: they are the gentleman from Ohio (Mr. LATOURETTE), who co-chairs the Nurse Caucus; the gentleman from California (Mr. GEORGE MILLER), who is senior Democrat on the Committee on Education and the Workforce; and the gentleman from Mississippi (Mr. THOMPSON), who is the ranking Democrat on the Committee on Homeland Security.

Mr. Chairman, this amendment simply strikes a dangerous provision in the underlying bill that would leave first responders and receivers without the most basic protection against bioterrorist attacks. This provision bans the annual fit testing of respirators or masks for our front-line heroes. Why is such a provision there? It is part of the effort to trivialize the whole concept of workers' safety. Why single out a small matter like this and deny the fit testing of respirators and masks for our front-line heroes?

Unless this provision is deleted, let me spell out the commonsense consequences, and bear in mind the fact that even on the Hill here when we had the anthrax attacks, the danger of people being exposed who were not protected was dramatized; and during the series of anthrax attacks, the two people who were casualties, who are unrecognized, unsung heroes, they are dead, were postal workers who died as a result of not being protected from anthrax. So to trivialize this situation, I think, is one more step in the attempt by the majority party to make OSHA seem like an irrelevant inconsequential agency.

In the event of an attack, emergency medical technicians from a local fire department would be the first on the scene to help scores of victims with the same unexplained illness. Unless they have respirators that fit properly, these emergency medical workers would themselves face exposure to the deadly bio-agent. Likewise, nurses in a local hospital would routinely have first contact with patients brought in with similar unexplained symptoms. Unless they had respirators, they would pass it on to other people.

Mr. Chairman, the provision in this bill that bans such fit testing of respirators clearly undermines a core tenet of preparedness in the event of a bio-terrorist attack. I would urge each Member to consider the fact that we were given opportunities to go get fitted for masks, to get used to how the masks go on, and most Members of Congress did not go; but those who did go found just to be fitted with a mask and get used to the idea is very difficult. By the time such an attack is under way, it is flat out too late to start fit testing respirators for individual workers.

The only Federal rule we have that requires the annual fit testing of respirators for these workers is the Occupational Safety and Health Administration's tuberculosis prevention standard. Yet the bill we are now considering would prohibit OSHA from enforcing this requirement.

At a time when the Bush administration continues to issue daily color-coded terrorist alerts, it makes absolutely no sense to weaken the only standard we have to protect first responders and receivers from bioterrorism. We already know that in the hands of terrorists, airborne pathogens would quite literally become weapons of mass destruction capable of causing life-threatening illnesses and death for hundreds of thousands, and perhaps millions, of Americans.

Examples of these pathogens include multidrug-resistant TB, smallpox, and pneumonic plague, among others. Elsewhere in this bill, we are appropriating $500 million for hospitals to purchase equipment for this purpose. We also are appropriating $30 million for hospitals to educate their workers, but we picked out this situation that says but we cannot have a standard which ensures responders and receivers would be protected by having a prefitting.

It would only cost about $11.7 million to fit test all the first responders and receivers in fiscal year 2006, and one third of the amount appropriated for hospital funding for workforce education on bioterrorism could be used for this purpose. Talk about a lack of common sense and egregious failure to act responsibly, this is it. And it is only there because of this great contempt for workers' safety and for OSHA.

The respirators first responders use, N95 masks, are 95 percent efficient at deterring pathogens if and only if they fit properly. According to the manufacturer of these respirators, and this is laid out in the instructions for use, there must be annual fit testing to ensure a proper fit. Even slight changes posed by weight gain or loss, dental work, or normal aging can interfere.

If we are going to carry out our duties in terms of homeland security, then this small step must be taken. Remove and ban this provision.

JUNE 22, 2005.

DEAR REPRESENTATIVE: On behalf of nearly one million first responders and nurses represented by our organizations, we are writing to urge you to support an amendment to the Labor-Health and Human Services-Education Appropriations bill that would protect health care workers and first responders from unnecessary risk when exposed to tuberculosis (TB) as well as other natural or man-made airborne biological agents. The amendment to be offered by Representatives Major R. Owens and Steven C. LaTourette would remove a provision in the bill that prohibits the Occupational Safety and Health Administration (OSHA) from enforcing the annual fit testing of respirator masks that employers are required to provide workers who are at risk of exposure to TB.

In December 2003, OSHA extended its respirator standard (29 CFR 1910.134) to apply to workplaces where there is a risk of exposure to TB. This requirement would protect nurses, first responders and other health care workers in workplaces where tuberculosis cases have previously presented. As part of the respirator standard, employers are required to conduct an annual fit test, to ensure that an employee's respirator mask fits properly and provides the expected protection. When developing the respirator standard, OSHA determined that an annual fit test was necessary due to changes in a worker's weight, dental work and other factors that affect the facial seal of the respirator mask.

Properly fitted respirators not only safeguard against TB, but against additional airborne hazards such as SARS, anthrax, avian flu, monkey pox and other biological agents that could be released in a terrorist attack. Annual fit testing against TB will ensure that nurses and responders are prepared in advance from airborne biological threats. The need for a properly fitted respirator mask was demonstrated in Toronto during the SARS outbreak when several health care workers whose respirators had not been fit tested contracted SARS. Because the cost of the annual fit testing is small—estimated by OSHA at $10.7 million nationally—it is a wise investment to be made for those most vulnerable to TB and on the frontline of any biological threat or attack.

While many states have made progress against TB infection rates since the early 1990s, it is still a serious threat to many nurses and first responders. Furthermore, drug resistant TB is still a daily risk for nurses and first responders who care for immigrant, homeless, incarcerated and long-term populations.

The annual fit testing requirement is not unique to tuberculosis. The respirator standard requires other industries to conduct an annual fit test where there is risk of exposure to other airborne hazards. Indeed, health care facilities are required to conduct annual fit testing when the presence of other contaminants, such as ethylene oxide and formaldehyde, require the use of respirators. First responders and nurses at risk of exposure to tuberculosis should be afforded the same protections as workers who are at risk of exposure to other airborne hazards. Moreover, the annual fit test serves the public interest by reducing the possibility that first responders and nurses will become vectors of TB and other diseases.

For all of these reasons, we strongly urge you to support the Owens-LaTourette amendment and to help protect first responders and nurses from unnecessary and serious health risks.

Sincerely,

AFL-CIO; American Federation of State, County and Municipal Employees; American Federation of Teachers; American Nurses Association; Communications Workers of America; International Association of Fire Fighters; International Brotherhood of Teamsters; International Union, United Auto Workers; Service Employees International Union; United American Nurses; United Food and Commerical Workers International Union; United Steelworkers.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Chairman, I thank the gentleman from Ohio (Chairman REGULA) for yielding me this time.

I join the gentleman from Ohio (Chairman REGULA) in opposing the Owens amendment and would submit to my colleagues that this amendment offers this very straightforward question to Members of the House today: whether to continue the effective job that the Centers for Disease Control are doing currently to fight tuberculosis in the United States or whether, on the other hand, to adopt the Owens amendment and implement an expensive new regulation to allow OSHA to become involved in infectious disease control. That is the basic question.

I know that many of us in the House of Representatives and many people across the country are concerned about the issue of rising health care costs. And I will tell the Members that this amendment, if adopted today, would increase the cost of health care for Americans. It may sound reasonable and narrowly drawn at first, dealing only with the fit testing of respirators used to prevent tuberculosis; but I would invite Members to call their hospital administrators and find out what they have to say about this amendment, and what they will tell them is this will be an expensive new regulation for hospitals, and it will increase health care costs for Americans.

I think most of us agree that the correct people to fight infectious disease are the health care professionals in our hospitals, and the best agency to regulate and provide guidelines for these health care professionals is the Centers for Disease Control. They have been doing it since 1992, and they have been doing a good job of it.

This amendment is a back-door method of allowing OSHA a foothold in the regulation of infectious diseases, and I do not think we want to do that today. And one reason we do not want to do it is the success of CDC.

I direct the attention of my colleagues to this chart here. I do not know if every Member can see it, but we can see that tuberculosis rates are the lowest they have been since 1953, and they continue to drop. On the other chart, "Reported TB cases in the United States, 1982 to 2003", along about 1992 when CDC started providing guidelines for our health care facilities for regulation of tuberculosis, the TB rate started to drop, and it has continuously dropped.

CDC is winning the war against tuberculosis in this country. I thank the chairman for including this in the legislation last year. It is now the law of the land. I thank the chairman for keeping the legislation this year, and I urge my colleagues to stay with a proven record in fighting tuberculosis by voting "no" on the Owens amendment.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the amendment. It was included in the bill last year. It was offered as an amendment in full committee markup and passed and was retained in the conference report. This is good language, allows the committee to exercise its oversight rights, and tuberculosis outbreaks and hospitals ought to be regulated by the CDC, not OSHA. CDC is this Nation's primary infectious disease control agency, and we do not need other agencies to enact regulations that are not backed up by sound science in a misguided attempt to control infectious diseases. That is the CDC role. For that reason I oppose the amendment.

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise today in support of the amendment offered by my friend and colleague from New York.

As public officials, we face many difficult decisions. This issue should not be one.

The amendment before us this morning would strike a provision in this bill that bans OSHA from conducting fit tests of the respirator masks worn by our first responders.

These masks are crucial to the survival of our first responders and it is only common sense that these masks must fit properly to perform as expected.

We would never ask our soldiers on the battlefield to go into combat with equipment that may or may not perform as expected. Our first responders who are our domestic defenders deserve the same treatment.

We must do everything we can to help those who sacrifice so much to protect us.

Only yesterday, a group of 80 arms control and security experts released a survey commissioned by Senator LUGAR of Indiana which says that they believe there is a 70 percent chance of a WMD attack in the next 10 years.

We all agree that we should focus our efforts on preventing any future WMD attack, but we must ensure that our first responders are adequately protected should an attack take place.

I strongly support the amendment offered by Mr. OWENS and urge my colleagues to do the same.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise today in support of the amendment by Representatives STEVEN LATOURETTE, GEORGE MILLER, MAJOR OWENS, and BENNIE THOMPSON, to the Labor/HHS appropriations bill to strike a provision that bans the annual fit-testing of respirators for first responders and first receivers.

As many working Americans know, this ban on annual fit-testing undermines our national preparedness and that of our first responders in the event of a bio-terrorism attack. In the wake of the tragedies of September 11, 2001, it seems irresponsible for us to ban the annual fit-testing of respirators.

We all have heard about the dangers of airborne pathogens becoming "weapons of mass destruction." The only federal rule mandating annual fit-testing of respirators for workers is the Occupational Health and Safety Administration's, OSHA, TB prevention standard. The bill before us would prohibit OSHA from enforcing this requirement.

This amendment is supported by the AFL–CIO, AFSCME, American Nurses Association, ANA, International Association of Fire Fighters, IAFF, and the International Safety Equipment Association, ISEA.

I strongly urge my colleagues to support this amendment.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. OWENS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OWENS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. OWENS) will be postponed.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I, along with the gentleman from Connecticut (Mr. SIMMONS) and the gentleman from Washington (Mr. BAIRD), was considering proposing an amendment to restore funds for the Community Service Block Grant program. Earlier this year, 121 of my colleagues and I sent a letter to the chairman and to the ranking member respectfully requesting that adequate funding be provided for the CSBG program. Recognizing the challenges that the chairman faced, we were disappointed that the bill provided 50 percent less funding than the previous year.

Mr. REGULA. Mr. Chairman, reclaiming my time, we did receive their correspondence, and I appreciate the gentleman's concerns. They are not unlike the supporters of many other popular programs. I would also thank the gentleman for understanding the tight fiscal constraints that my committee is facing this year.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Pennsylvania.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, the chairman is absolutely right. We do not intend to diminish attention and concern for other programs within this measure, which we recognize represents a very tight balancing act. However, I would like to bring to the attention of my colleagues in the House the ramifications of cutting this vital program.

CSBG ensures that America's low-income families and communities have access to quality programs that help meet their local needs. If this cut were to take place, current and future services would be eliminated or disrupted for about 6.5 million low-income individuals and 3 million families, including almost 2 million children.

As the chairman knows, CSBG supplies the core funding for more than 1,100 grantees, primarily Community Action Agencies nationwide. A cut in funding would put many important services provided by these agencies at risk. This includes domestic violence services, food banks, health and dental clinics, entrepreneurship skills and financing, asset development, job development and skills training, and youth training. And the list goes on.

I would like to use an example of one such organization in my district, the Greater Erie Community Action Committee, or GECAC. This cut would considerably limit GECAC's ability to provide tailor-made services and initiatives that help vulnerable families in Erie, Pennsylvania. An important facet of CSBG is the flexibility that allows GECAC to deliver community-designed responses to our unique needs.

Mr. Chairman, the bottom line is that we have seen great progress for many of America's poorer families as a result of this program. CSBG has provided invaluable assistance to our neediest families and gives individuals the necessary tools to help them get back on their feet.

Mr. REGULA. Mr. Chairman, reclaiming my time, certainly I appreciate the gentleman's concerns, and I hope that we can work together in the coming months.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, if the gentleman will further yield, I thank the gentleman for the opportunity to discuss this important issue this afternoon.

Mr. GOODLATTE. Mr. Chairman, I rise today in support of the colloquy between the gentleman from Pennsylvania (Mr. ENGLISH) and Chairman REGULA that highlights the importance of restoring funding for the Community Service Block Grant Program.

Mr. Chairman, while I certainly understand the difficult work of the Appropriations Committee as it strives to keep the 2006 budget process under strict allocations, it is my hope that we can somehow find additional funding for the C–S–B–G Program. While the President sought to consolidate the program in his 2006 budget to the Congress, I was pleased to support language in the House-passed budget package, which states that:

> Community Service Block Grants provides invaluable assistance to low-income families and communities. These funds are used to build healthy and stable communities. Due consideration should be given to this program before Congress implements any changes.

Mr. Chairman, thousands of community action agencies provide services that help low-income individuals: Train for gainful employment, obtain quality living environments and generally move toward self-sufficiency. One of those agencies is "Total Action Against Poverty," in my congressional district, which has provided much-needed services to the Roanoke Valley and southwest Virginia for nearly 30-years.

I Believe a major reason for the effectiveness of organizations like "Total Action Against Poverty" are that they are locally controlled. Rather than seeking guidance from a know-it-all bureaucracy in Washington, DC, community action agencies can resolve community problems with community solutions. These organizations are grassroots-based, and are led by local boards and volunteers, with diverse memberships and strong roots in their communities. By nature, these groups are invested in their communities—and have the ability to leverage C–S–B–G funds with significant resources from private organizations including corporations and foundations with a stake in promoting the wellness of their neighborhoods, rather than pleasing constituencies in Washington.

Mr. Chairman, it is my belief that C–S–B–Gs are the kind of good-government programs that Congress should continue to support. I hope that conferees can support the C–S–B–G program.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

I rise for the purpose of entering into a colloquy with the gentlewoman from Washington (Miss MCMORRIS).

Miss MCMORRIS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentlewoman from Washington.

Miss MCMORRIS. Mr. Chairman, I rise for the purpose of entering into a colloquy with the chairman, and I thank the gentleman for yielding to me.

I appreciate the chairman's leadership on the Labor-HHS and Education bill, and I especially appreciate his allowing me some time to highlight the significant role training in primary medicine plays in rural health and dental care.

My district in eastern Washington stretches from the Canadian border to the Oregon border and covers 23,000 square miles. As I travel around the district and hear from doctors, individuals, and families, I am told of the many challenges facing small rural communities in terms of access to health care.

□ 1515

In Congress, one of my top priorities is to ensure those in my district from Spokane, which is the largest medical center between Seattle and Minneapolis, to the more rural communities have access to quality, affordable health care.

It concerns me that eastern Washington and throughout rural America, we are seeing an increasing shortage of health care professionals. Already, 20 percent of the United States is impacted by health care personnel shortages. We need doctors, nurses, lab technicians and, especially in rural areas, we have a critical need for training in primary care medicine and dentistry.

Congress has recognized these challenges and has worked to preserve rural communities' access to health care by investing in the Training in Primary Care Medicine and Dentistry program under Title VII of the Public Health Care Service Act, and administered in the Health Resources and Services Administration of the Department of Health and Human Services. This funding plays a critical role in supporting programs that help train and bring health care professionals to rural areas of our country.

One of the regional programs that has benefited from Title VII grants is the rural health training program, referred to as WWAMI, which stands for Washington, Wyoming, Alaska, Montana, and Idaho. This rural health training residency network trains its graduate students at rural sites within these five States, with the supposition that doctors practice where they were trained. Statistics show that this method has proven itself effective time and time again. Retention rates of doctors who have been trained in rural areas within these States show that 89 percent of physicians who have been trained in rural areas have chosen to practice in those rural areas. Federal grants have been instrumental in the development of this innovative program. Congress needs to continue to invest in training in primary care medicine and dentistry because, in areas of critical need, it is a vital resource used to ensure access to health care.

Mr. Chairman, I hope that the gentleman from Ohio (Chairman REGULA) will be able to address this issue in conference so that primary care training programs receive some Federal funding in fiscal year 06.

Mr. REGULA. Mr. Chairman, reclaiming my time, I thank the gentlewoman for bringing the issue of training primary care physicians for service in rural areas to the attention of all of the Members.

All of us who represent rural areas share the gentlewoman's concern. It is very difficult for me to recommend not funding many of the health professions training programs. I certainly pledge to the gentlewoman that I will try to address this problem when we are in conference with our Senate colleagues.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I thank the ranking member for yielding me time, and I apologize for speaking out of order on an amendment that I did not understand the rules for providing debate time for.

Mr. Chairman, I rise in support of the Owens-LaTourette amendment. This bill before us endangers the lives of our Nation's nurses and our first responders, and it threatens the ability of our country to keep control of tuberculosis, and it blocks a critical requirement that nurses, EMTs, firefighters, and other first responders are fitted annually for tight-fitting respirators.

Mr. Chairman, these respirators are masks that protect these emergency responders, these health care professionals, from being exposed to deadly diseases like tuberculosis or anthrax or any of the bioterrorist agents that could be used in a terrorist attack.

For these respirators to be effective, they must fit properly. And since people's faces change over the years as they gain or lose weight, they must be checked on an annual basis, which is currently required by law. It is a commonsense law.

Language inserted into this bill would eliminate that requirement. The Owens-LaTourette amendment would protect current law and the requirement for annual fit-testing of respirators. Retaining the requirements that respirators be fit-tested annually is essential to our efforts to control tuberculosis and to respond to bioterrorism.

If these respirators do not fit properly, the emergency responders we are counting on to prevent the spread of contagion, disease, and death may become infected themselves, and that would increase the number of patients we have to deal with and reduce our ability to effectively respond. It would certainly affect the ability of caregivers to respond. This is not the right way to prepare our Nation for bioterrorism or public health emergencies.

I urge my colleagues to support nurses, to support EMTs, firefighters, and other first responders by voting for the Owens-LaTourette amendment.

Mr. WATT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I ask unanimous consent that the time be extended by 10 additional minutes, for a total of 15 minutes in time, and that I be allowed to yield that time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WATT. Mr. Chairman, I am here as chairman of the Congressional Black Caucus, and to talk about the bill before us.

When I became Chair of the Congressional Black Caucus earlier this year, I encouraged my colleagues in the caucus to refocus their energies, and they agreed to do so, on the basic historical purpose of the Congressional Black Caucus: closing disparities that exist between African Americans and other Americans in this country.

That enabled us to develop, in a daylong retreat, an agenda around closing disparities in this country. It enabled us to give that agenda to the President of the United States on January 17 of this year, and to say to the President of the United States, we will not evaluate you on whether you are a Republican or a Democrat; we will evaluate you solely on whether you are proposing an agenda, an appropriation, a proposal that will close or widen the disparities that exist between African Americans and other Americans in this country. It enabled us to come, when we engaged in this debate on the budget and offer a Congressional Black Caucus budget that focused on the agenda of closing disparities between African Americans and other Americans. It enabled us to develop a legislative and an appropriations agenda that focused on that same objective.

So why are we here today? Because this bill literally blows up our whole domestic agenda that the Congressional Black Caucus has adopted. In health care, in education, in justice, and in all of the things that we believe are important, we believe this bill moves us in the wrong direction.

In our CBC budget, we proposed to roll back the tax cuts on people who make the highest amount of money in our country, people over $200,000 a year, and to get $20 billion, approximately, out of that rollback from which we could do our agenda. That was not allowed.

We cannot do what we want to do in the context of this bill because the only thing we could do in this bill, if we offered an amendment, would be to rob Peter to pay Paul. We would be taking from one worthy purpose to give to another.

But we cannot sit by and allow this bill, which rolls back adult training grants, U.S. employment services, youth training grants, Job Corps, community service block grants, LIHEAP, No Child Left Behind, and zeroes out a total of 48 programs that would have the effect of closing disparities between us and other Americans.

We must stand, and that is why we have asked for the time today.

Mr. Chairman, I yield to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) to talk about the health disparities that this bill will not help close.

Mrs. CHRISTENSEN. Mr. Chairman, this bill not only undermines our Nation's greatest resources, our people, but as a document, it is not worthy of what this country stands for. As a matter of fact, when I look at it, I just do not know what the Nation stands for.

It obviously does not stand, this bill says that it does not stand for equal and the best health care for every American when we look at the cuts in programs that provide needed services, maternal and child health, sickle cell programs, the HCAP program, rural health program, community health centers, and the failure to extend full Medicaid to the territories. It also says that the country does not believe that in this increasingly diverse country, that our residents should be able to communicate with their health care provider.

The health profession programs that are key to eliminating health care disparities are decimated, an 84 percent cut. That is scholarships, loan repayments, and outreach programs. It appears that they do not accept that the African American community, which is so devastated by HIV/AIDS, has to have adequate resources itself to reverse its toll, and that AIDS patients across this country need adequate ADAP funding to get the treatment they need.

This budget does not care, obviously, that an ounce of prevention is worth a pound of cure. This country, it says that this country would rather neglect prevention and early care in favor of high-tech, more expensive payments that come too little too late, if at all, to the poor, the rural, and the people of color to make a difference. This bill would make this country one that prefers to have the poor and the middle-class citizens bear every burden, from war to environmental pollution and to illness, just so that its richest people can get richer.

On behalf of my constituents and people of color across this country, I say we reject the crumbs from the tables of the rich. We want what we deserve: good health, a decent education, and the opportunity for a good job with a living wage.

This bill sends the wrong message. The culture of life that we hear so much about, apparently, this bill does not want it extended past birth.

I urge my colleagues to vote "no" on this bill, to do whatever we can to block the tax cuts, and to take our country back. I say, let us really fund our culture of life. Let us fund those programs that are being eliminated from sickle cell, from training, and maternal and child health and, all of the programs that keep our communities healthy. Let us really fund the culture of life by rejecting tax cuts in favor of sharing the burdens and the bounty of this country, by investing in our people and their health, and really have a budget that supports life.

Mr. WATT. Mr. Chairman, I yield to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, the Congressional Black Caucus has always held up education as our number one priority. At the heart of our agenda to end disparities this year is a bill which calls for the Federal Government to require that all States equalize their distribution of education funds. It is a major problem across the country. Columbia University has recently started a project which identifies 28 States where there are lawsuits underway, just requiring basically that the States distribute education funds equally to minority areas and to rural areas as a first step toward ending disparities.

When Lyndon Johnson proposed Title I in the Elementary Education Assistance Act, he proposed it to go into the areas with the greatest needs, the greatest poverty. He was offering a way to help eliminate disparities. When we proposed that Title I funding be raised to the level of the promise, we promised enough money for it to have $13.2 billion this year and over the period of time that the legislation has existed. If we had lived up to the promise, we would have had $40 billion going into the system which basically is designed to help end disparities.

□ 1530

Title I money goes to the poorest areas of our country. Title I money goes, in big cities, to areas like my district. Title I money goes to areas where you will find the largest amount of health problems, you find the largest amount of people who are being put in prisons.

You will find the greatest rate of unemployment. So title I money is targeted to help end disparities. But it is not happening at the rate that it should, because of the fact that we are cutting back on our investment in education.

The people who live in the areas helped by title I funds are people who are important to the America of the future as anyone else. These are major human resources. We should invest in these human resources, follow the gentleman from Wisconsin (Mr. OBEY) in terms of setting aside money for priority education programs.

If you reached into the tax cuts and gave less of a cut to the richest people in America, you could easily fund the promise of title I as well as many of these other education programs. But this budget reverses what has been happening over the last few years. For the first time, we have frozen education and actually gone backwards in some instances, because the rising cost of living means that you cannot have the same funding and get the same results when the costs are going up.

Not only has No Child Left Behind received what is really a cut, but the promise of funding IDEA, Individuals With Disabilities Education Act, with greater funds has been thrown away. The bill freezes after-school centers; education technology has been slashed. And on and on it goes. We are not investing in a major area of human resources that our Nation needs.

Mr. WATT. Mr. Chairman, solely for the purpose of a unanimous consent request, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to associate myself with my colleagues to promote a better quality of life for all Americans and African Americans who are suffering greatly from the disparities that are found in health and education.

Mr. WATT. Mr. Chairman, solely for the purpose of a unanimous consent request, I yield to the gentleman from Texas (Mr. AL GREEN.)

Mr. AL GREEN of Texas. Mr. Chairman, I too would like to associate myself with the comments from the Congressional Black Caucus. I would want to assure the chairman of the caucus that I think that what we are doing now is most appropriate.

Mr. Chairman, let me first say thanks to you and the Ranking Member for your work on this bill.

Despite the hard work that went into this bill, I will not be voting in favor of the bill.

More specifically, the bill cuts all funding for Area Health Education Centers, Health Education and Training Centers, and Health Professions Training Programs. All of these programs fall under Title VII and are very important to my constituents. These programs have been addressing the needs of medically underserved communities in Texas since 1991 by playing a key role in providing health services and health care professionals for our most vulnerable populations.

The bill also cuts funding in other important programs. For example, the bill provides the smallest increase for NIH in 36 years. It reduces the overall Centers for Disease Control and Prevention budget. Further it ends HHS contributions to the Global AIDS Fund. The bill also cuts substance abuse prevention and treatment and produces a continued decline in the number of research grants. While the bill provides a small increase for Head Start, it does not adopt the President's proposal to spend $45 million on new pilot programs under which State governments would take over management of the program in nine States. The bill also freezes appropriations on the Child Care Block Grant at the FY05 level of $2.083 billion, making it the fourth year in a row which this program has been either frozen or cut.

Unfortunately, the bill only provides $14.7 billion for the Education for the Disadvantaged Children Program. It saddens me to say that this amount is $115 million less than the current level and $1.7 billion less than the Administration's request. I hope more funding can be provided for this important program during conference.

Before closing, I would like to express my dismay with the $100 million decrease in funding for Corporation for Public Broadcasting. A loss in CPB funding would seriously hamper PBS's ability to acquire the top quality children's educational programming that is used in classrooms, day care centers and millions of American households to educate, entertain and provide a safe harbor from the violent, commercial and crass content found in the commercial marketplace. PBS provides valuable services that improve classroom teaching and assist homeschoolers. These could be reduced or eliminated if federal funding is cut. These services include PBS TeacherSource, a service that provides pre-K through 12 educators with nearly 4,000 free lesson plans, teachers' guides, and homeschooling guidance; and PBS TeacherLine, which provides high-quality professional teacher development through more than 90 online-facilitated courses in reading, mathematics, science and technology integration. We must not cut funding for this valuable program.

Let me also take a moment to speak on the Congressional Black Caucus Closing Disparities Agenda. Closing the achievement and opportunity gaps in education, assuring quality health care for every American, focusing on employment and economic security, building wealth and business development, ensuring justice for all, guaranteeing retirement security for all Americans, and increasing equity in foreign policy are all important issues that we as members of the Congressional Black Caucus strive to make advancements in every day.

The CBC acknowledges the unfortunate fact that disparities between African-Americans and white Americans continue to exist in 2005 in every aspect of our lives and that the historical mission of the CBC has not yet been fully accomplished. It is important to note that providing high-quality education to all public school students is very critical to achieving our objectives in all areas of our Agenda.

More specifically, we must continue supporting early childhood nutrition, Head Start and movements toward universal pre-schools. Providing education and assistance appropriate to the needs of each individual student to fulfill the promise of No Child Left Behind, dropout prevention, after-school programs, school modernization and infrastructure and equipment enhancement is important.

Increasing the availability of Pell Grants, scholarships, loan assistance and other specialized programs to enable and provide incentives to more African-American students to obtain college, graduate or professional degrees or otherwise receive training and retraining to meet changing job needs is also very important. The preservation and improving of Historically Black Colleges and Universities is also essential to our growth as a people. The following are some of the dramatic disparities that the CBC believes would be reduced by the above priorities:

In 2003, 39 percent of African-American 4th grade students could read at or above a basic reading level compared to 74 percent of white 4th grade students, and 39 percent of African-American 8th grade students performed at or above a basic math level compared to 79 percent of white 8th grade students;

High school completion rates—83.7 percent for African-Americans, and 91.8 percent for whites;

Bachelor Degree recipients—16.4 percent for African-Americans, and 31.7 percent for whites; and

Digital Divide—41.3 percent of African-Americans are capable of accessing the Internet, compared to 61.5 percent of whites.

Another important area of the CBC agenda centers on health care disparities. The twentieth century saw major advances in health care, health status, and longevity. Despite these gains, differential morbidity and mortality between Caucasian populations and people of color persist; creating what the CBC believes is one of the most pressing health problems affecting America today. Recent reports on racial and ethnic health disparities document the relatively poor health of African Americans, American Indians, Latinos, Asian Americans, and other underrepresented groups when compared to white Americans. Not only are these groups often less healthy, but they also tend to have shorter life expectancies, greatly increased rates of infant mortality, high rates of chronic disease such as diabetes, worse outcomes once diagnosed with an illness, and less access to health care.

Among the dramatic disparities the CBC believes could be reduced by taking action are:

In December 2004, the American Journal of Public Health reported that 886,000 more African-Americans died between 1991 and 2000 than would have died had equal health care been available;

While African-Americans comprised approximately 12 percent of the U.S. population in 2000, they represented 19.6 percent of the uninsured;

African-American men experience twice the average death rate from prostate cancer;

In 2002, the African-American AIDS diagnosis rate was 11 times the white diagnosis rate (23 times more for women and 9 times more for men);

African-Americans are two times more likely to have diabetes than whites, four times more likely to see their diabetes progress to end-stage renal disease and four times more likely to have a stroke; and

African-Americans are only 2.9 percent of doctors, 9.2 percent of nurses, 1.5 percent of dentists and 0.4 percent of health care administrators, yet African-Americans comprise 12 percent of the population.

As Congressional Black Caucus members, we will continue to work towards closing the gaps in education, health care, and employment.

I thank the Chairman for my time.

Mr. WATT. Mr. Chairman, solely for the purpose of a unanimous consent request, I yield to the gentleman from Texas (Mr. AL GREEN.)

Mr. AL GREEN of Texas. Mr. Chairman, I too would like to associate myself with the comments from the Congressional Black Caucus. I would want to assure the chairman of the caucus that I think that what we are doing now is most appropriate.

Mr. WATT. Mr. Chairman, solely for the purpose of seeking a unanimous consent request, I yield to the gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Chairman, I rise in opposition to the bill.

Mr. WATT. Mr. Chairman, I yield to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, today I rise to say this: you know for the sake of $140,000 tax cuts for those making more than a million dollars, Republicans continue to force working men and women, our children, and the poor to pay, putting the priorities of the wealthy over basic investments in education, health care in our communities. It is immoral; it is just downright wrong.

This bill widens the disparities which the Congressional Black Caucus is trying to close. The Republican leadership is totally detached from the realities on AIDS funding, by freezing funding for the Ryan White AIDS Care Program and ending the Global AIDS Fund Contribution. Critical support for HIV/AIDS patients is totally denied. They are detached from the reality on human services. Slashing the community services block grant program in half only hurts the poorest who have no other place to turn. They are detached from the reality of job training, cutting adult job training programs by $31 million, which makes it much more difficult for the 7.6 million Americans who are out of work to get ahead.

The Republican leadership is detached from the reality on youth services. Cutting services for successful programs by 36 million young people not only undermines our efforts to help our youth and become successful in life, but it helps generate a whole cycle of hopelessness and despair.

Let me just say, I think the Republican leadership is totally detached from the reality on education. Cutting funding for No Child Left Behind by $806 million only shortchanges public education. This bill fails to live up to any standard of morality. In fact, it really does take morality to a new low.

If this bill is to reflect our values of compassion, Mr. Chairman, it needs to stop taking from the poor and giving to the rich. This bill does nothing to close the glaring disparities put forth by the Congressional Black Caucus that we are trying to close.

Mr. Chairman, I urge my colleagues to vote "no" on this bill.

Mr. WATT. Mr. Chairman, I yield to the gentleman from Illinois (Mr. DAVIS.)

Mr. DAVIS of Illinois. Mr. Chairman, recognizing the fact that serious disparities continue to exist for African Americans in practically all aspects of life, the Congressional Black Caucus has focused much of its attention this session on closing these gaps and reducing those disparities.

Unfortunately, this budget, this appropriation in many ways dashed the hopes of those who had thought and hoped that maybe it would provide some help. Instead, it cuts at the heart of many of these programs and areas of concentration, which are absolutely essential if we are to reduce these gaps. This budget cuts job training, job development programs, health services, education.

We reduce educational opportunities and cut funds for prisoner reentry and successful reintegration of these individuals back into normal life as self-sufficient and contributing members of society.

I would hope, I would urge, I would implore, I would importune conferees that as you go to conference, please look seriously at putting money back into reentry programs so that these individuals, both juveniles and adults, can lead happy, productive, contributing lives; and let the 630,000 individuals who come home from prison each year have some help to become productive citizens.

Mr. WATT. Mr. Chairman, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, we have very many disparities in the criminal justice system, particularly the juvenile justice system. But many of these programs have been terminated to fund tax cuts, primarily for those with incomes over $200,000.

One of those programs is the Reintegration of Youthful Offenders program sponsored by the Department of Labor. It helps young people get jobs, and we know that those with jobs are much less likely to commit crimes in the future.

We could fund this program by eliminating the earmark of $10 million for random nonsuspicion-based drug testing. Studies show that that drug testing does not reduce drug use, and that is why that kind of drug testing is opposed by the American Academy of Pediatrics, the American Public Health Association, and the National Education Association.

I would hope that as we go forward, adjustments in the budget to re-fund the Reintegration of Youthful Offender program and un-fund the earmark for $10 million for the random nonsuspicion-based drug testing could be made.

This amendment would be supported by the American Correctional Association, the Association for Addictive Professionals, and the National Association of Social Workers.

Mr. WATT. Mr. Chairman, I yield for a unanimous consent request to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Chairman, I rise because the racial disparity in unemployment, median family income, average household net worth, over-65 poverty rate, and infant mortality is not decreasing, it is increasing.

Mr. WATT. Mr. Chairman, I yield solely for purposes of a unanimous consent request to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, I rise to say that there are extraordinary discrepancies faced by African Americans and associate my remarks with the eloquent remarks of those who have preceded me from the Congressional Black Caucus.

Mr. WATT. Mr. Chairman, I yield solely for a unanimous consent request to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise against this bill. It has cut every program to help the poor and elderly in the entire government. It would be shameful to vote for it.

I object to this bill. This bill cuts every program designated to assist poor children and the elderly. It's shameful that anyone will vote for it.

Mr. WATT. Mr. Chairman, I rise to say to my colleagues, 15 minutes, an hour and 15 minutes, 15 days would not be enough time for us to tell you how bad this bill is and how devastating it will be in opening disparities that already exist wider and wider and wider.

When we rise into the full House, we intend to offer a copy of the Congressional Black Caucus agenda, the legislative agenda, and a listing of 48 programs that are zeroed out by this bill. I do not know how we think there is going to be any kind of movement toward a closing of the disparities that exist between rich and poor, black and white in this country if we continue to go down the road we are going.

We have drained all of our resources off to war, to tax cuts, and left nothing to address the needs of our own country and our own people.

AMENDMENT OFFERED BY MR. BRADLEY OF NEW HAMPSHIRE

Mr. BRADLEY of New Hampshire. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BRADLEY of New Hampshire:

Page 16, line 4, insert "(reduced by $25,000,000)" after the aggregate dollar amount.

Page 70, line 23, insert "(increased by $50,000,000)" after the aggregate dollar amount.

Page 78, line 15, insert "(reduced by $25,000,000)" after the aggregate dollar amount.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that the debate on this amendment and any amendments thereto be limited to 10 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to begin by thanking the graciousness of the chairman of the subcommittee, as well as the chairman of the full committee, and the staff who have worked with us today to try and find an acceptable offset so that we can increase the amount of dollars in special education funding in this appropriations bill.

Unfortunately, we were unable to reach an agreement, and so I am proceeding with this amendment to increase appropriated dollars in this bill by $50 million and to take $25 million from OSHA, as well as $25 million from the Department of Education, both from the administrative accounts, in both of those Departments, to fund this additional request for special education.

Mr. Chairman, as you know, and as the chairman of the subcommittee and the chairman of the full committee know, we have made tremendous progress in funding our commitment to special education over the years. Yet we are falling short.

Since 1976, we have increased the percentage of special education from about 7 percent to now approximately 20 percent. But having said that, and having talked about the progress that we have made, when we first passed the Individuals with Education Disability Act in 1975, the Federal Government committed to fund 40 percent of the cost of special education. Today, though we have made significant progress, as I said, going from 7 percent to 20 percent, we are still 20 percent short.

Since I have been a Member of Congress, we have also appropriated in each budget that I have voted for, and the corresponding appropriations bills, nearly $1 billion more for special education in 2003 and in 2004. And in the 2005 budget this year, we budgeted $500 million, which I believe during tight budget times was an appropriate figure.

Unfortunately, in the appropriations process, that figure of $500 million was cut to $150 million. My amendment today, if accepted, would restore $50 million of that funding and increase the special ed funding.

□ 1545

Now, as I suspect most of my colleagues find when they do town hall meetings, as I do, that a constant question arises, When will the Federal Government fully fund its commitment to special education?

This is a question that I answer repeatedly in my home State of New Hampshire. As people struggle with the high cost of property taxes and all of the mandates that are put upon them both by the Federal Government and by State governments, they ask me when will the Federal Government fulfill its commitment to fully funding special education.

Well, I realize this amendment is a modest amendment, adding $50 million to the appropriated level for special education; nevertheless, it is important to continue to seek to do everything that we can to maintain our commitment to special education funding.

Mr. Chairman, I ask my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

I reluctantly rise in opposition to this amendment. I am a very strong supporter of the IDEA programs and we did put additional money in, as much as we were able to do given the constraints of what was given to us to work with. It is quite obvious there are a lot of good programs that we are not able to fund to the level we would like to. We did put $150 million increase in this bill, and anyone that has been listening to the debate today knows that there are a lot of favorite programs and a lot of good programs that we are not able to give the level of funding to that people would like to have.

But here we are talking about offsetting this, taking this money out of OSHA. Now, I understand the concern for these children, these students, but I also have a great concern for people who are in the workplace and need to be protected with safety inspections, need to be protected with the OSHA efforts to ensure that the workplace is safe and so on. And if we cut the funding for OSHA to fund this program, I do not think we are being fair to people who depend on OSHA to ensure that they have a safe place to work. And also it would have the effect of denying OSHA the money they need to go into places of employment and give them advice on how to make it safer.

Well, that is very important to the employer. It is important to the employee, and it is important to all the people who are part of this Nation's workforce. And here we have got a perfect example of having to make some very difficult trade-offs because IDEA is vital, too, in terms of opportunity for young people who have some type of a special need.

I wish we could do both. But we had to make priority judgments when we put this bill together. So we tried to increase IDEA and at the same time maintain OSHA to a level that would ensure worker safety. And for this reason I have to oppose this amendment because this, like many others, has a wonderful and a worthy intent; but in terms of priorities between the safety of the workplace and putting more in, and we do put a lot into the IDEA program, over $11 billion, we just have to make the choice.

Under those circumstances I would have to oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself the balance of my time to close on this amendment.

With all due respect to the chairman of the subcommittee, who I know has worked very hard over the years to increase our commitment to special education, I thank him for that and fully respect him for that. And I also understand the difficulty of the choices that we have to make.

Nevertheless, my amendment will help us, in some small but significant way, keep the commitment that the Federal Government made in 1975 when it passed the IDEA law, keep the commitment to local taxpayers, to State-funded and local-funded education efforts that we mandate right here in Washington. It will help us keep that commitment, and I urge my colleagues to support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. BRADLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Hampshire (Mr. BRADLEY) will be postponed.

The point of no quorum is considered withdrawn.

Mr. MENENDEZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I believe the budget we pass is reflective of the values we hold as a country and the vision we have for our Nation. And the budget resolution and appropriations bills, such as the ones we are debating here, are moral documents and we should treat them as such.

The bill before us is in clear disregard of the values that makes this country great. This is a bill that will do a disservice to our Nation and will only weaken its future. At a time when we can find the money to fund tax cuts of $140,000 for the lucky few who make over a million dollars a year, at a price tag of $10.7 billion next year alone, it is inexcusable and I find it immoral, that the first thing that goes is our investment in our children's future.

Mr. Chairman, educators in schools across the country have been working hard to implement the changes No Child Left Behind asked of them to achieve: to raise proficiency, to demonstrate results. And they have been working to do this despite a persistent underfunding of the law totaling nearly $30 billion in the 4 years since we passed No Child Left Behind. This bill would increase that deficit to $40 billion.

Now we are asking more of our schools than ever before. And yes, they can meet higher standards and they can increase performance, but we must provide them with the resources that we promised in this legislation.

Now, I served on a school board, Mr. Chairman. I know the struggle of impossible budgets and having to choose between new textbooks, better technology, music classes and meeting the capital challenges of a school district. No Child Left Behind promised a strong Federal partnership for our schools and educators, but this works only if we act as true partners. Yet this bill actually cuts funding for No Child Left Behind by more than $800 million from last year and by more than a billion dollars less than even the President's request.

In addition to slashing a number of the President's requests, this bill provides only half of his proposed increase for Pell grants, something the President himself has touted as a top priority.

Now, instead, this bill flat-funds, or cuts program after program. I believe it is a slap in the face to our young people that as we ask them to reach new heights and as they find themselves reaching higher costs in terms of college tuition, the only increase to financial aid in this bill, the only increase is a mere $50 to the maximum Pell grant. College tuition for a public university in my State has risen more than $1,500 over 4 years. In that time, the actual average Pell award increased a meager $432.

Mr. Chairman, I know the value of a Pell grant. I benefited from one. As the first in my family to attend college, receiving that aid gave me critical financial support, but also a boost of confidence that I could succeed. There are now nearly 5 million students who benefit from Pell grants, approximately 100,000 in my State alone. But not for long. Under a formula change by this administration, at least 90,000 students would lose their award and another 1.3 million would see reductions in their awards this year.

So in the end, what is the real value of a $50 increase? Not much, Mr. Chairman. Our young people deserve a real effort to help them finance their dreams of college. But that is not part of the vision Republicans have for our country. And we see clearly in this bill what their vision is not.

It is not a vision that includes the opportunity for all children regardless of background or income to attend college, or the chance for every child to have the best teachers, the best education, and the best chance to succeed regardless of the happenstance of where they were born.

Instead, what we get is the realization of the priorities of the President and this Republican Congress.

Tax cuts in the name of our children's future are not my priorities, Mr. Chairman. Our children deserve better. Our country deserves better. This bill does not represent our values. It does not represent the values of families in this country, and it certainly does not represent the values of the people I serve in New Jersey.

I urge my colleagues to vote against the bill. At the end of the day, it is a poor excuse for providing the caliber of education that the future of the country deserves.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. BILIRAKIS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentlewoman from Florida.

Mr. BILIRAKIS. Mr. Chairman, I thank the chairman for yielding to me so that I might engage in a colloquy with him to discuss the funding for the consolidated health centers program.

The gentleman from Ohio (Mr. REGULA), as we all know, has been a tremendous supporter of health centers, and I appreciate his taking the time today to discuss how we can strengthen and expand the program next year.

As the gentlemen is well aware, Members of both sides of the aisle have risen in support of this critically important program over the years and I thank him for his great leadership in this regard. Within this bill and under these tight allocations, the subcommittee was able to provide an increase of $100 million for this program for fiscal year 2006, bringing overall spending to $1.817 billion.

While this is a step in the right direction, it is my hope that the gentleman will continue to work throughout the process to increase funding for the program closer to the President's request of $2.038 billion. As we search for ways to control Medicaid cost, reduce emergency room visits and keep people healthy, community health centers have served as a shining example, Mr. Chairman, of what works. The only problem is that we do not have more them of them across the country in communities of need.

This bill is the means to expand the program to more people, especially those who lack health insurance. And it is my hope that we do as much as possible in this regard to save money and keep people healthy in the future. I cannot emphasize strongly enough the important role that community health centers play in providing care to the millions of Americans who lack health insurance. For some, the only medical attention they receive comes from the local health center.

I applaud the subcommittee's approval of a $100 million increase. Much of that funding, unfortunately, is already committed, leaving very few additional resources to strengthen current health centers or expand to new communities outside the President's new initiative for poor counties. This year HHS actually canceled the last competition for new health centers site funding due to the lack of available funds. As the chairman is very well aware, many communities apply numerous times before they are selected. And with fewer and fewer opportunities, many communities may become discouraged by the process and withdraw from this model of care.

So I would ask the chairman to work throughout the process to increase the funding for this program to further expand access to care in a manner closer to the $304 million increase by the President. And a letter to that effect was signed by more than half of the House earlier this year.

☐ 1600

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, I thank the gentleman from Ohio for his time and greatly appreciate his leadership on behalf of health centers across the country. I also appreciate the years of work that the gentleman from Florida has put in on behalf of health centers, and I dare say the current expansion would not have occurred without his leadership.

Mr. Chairman, I would like to add to the gentleman's remarks by discussing the need to strengthen existing centers, like the one in my congressional district, Uvalde County Clinic. Although Uvalde County Clinic has a remarkable record of controlling costs while serving thousands of patients, they are still seeing cost increases that are forcing them to make decisions on what services to continue and which to cut back if increased funding is not available.

As a matter of fact, their funding has been cut this year since HHS has not yet sent out the base grant adjustments provided by this bill last year due to the new policy of reducing each center's grant by the across-the-board cuts approved last year.

As the chairman is aware, over the past few years, the President's budget has not included increased funding for existing centers to meet the rising costs, but each year we have ensured that some portion of the increase was provided for base grant adjustments. Unfortunately, this bill does not include any funding for base grant adjustments, and I would hope as we move through the process we are able to find a way to set aside some funding for existing centers for base grant adjustments.

Mr. Chairman, I appreciate the gentleman's commitment to this program and hope that he will continue to work through the legislative process to ensure that the funding for the health centers program can be closer to the President's request and also include specific funding for base grant adjustments in the final bill.

Again, Mr. Chairman, the chairman has been a true champion of the health center program, and I look forward to our continued work together to expand community health centers to those most in need.

Mr. REGULA. Mr. Chairman, I thank both gentlemen, and I think what they are discussing is vitally important. I wish we could do more. I am a big fan of the community health centers. They help with the relief, the pressure on emergency rooms; and they give people without any other access to health care a place to go in an emergency.

I am pleased that both gentlemen are actively pushing; and I might also tell my colleagues, we have a great ally in the President of the United States. He believes in the health center program. In fact, we were not able to do as much as he requested in his budget because of other competing needs, but I hope as this body in the years to come will continue to strengthen the health centers.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $280,490,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the

Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

Bureau of Labor Statistics

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $464,678,000, together with not to exceed $77,845,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2).

Office of Disability Employment Policy

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $27,934,000.

Departmental Management

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, $244,112,000 of which $6,944,000 to remain available until September 30, 2007, is for Frances Perkins Building Security Enhancements, and $29,760,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed $311,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $194,834,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2006, of which $1,984,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), $29,500,000, of which $7,500,000 shall be available for obligation for the period July 1, 2006, through June 30, 2007.

Office of Inspector General

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $65,211,000, together with not to exceed $5,608,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

Mr. ISSA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to thank the gentleman from California (Chairman LEWIS) and the gentleman from Ohio (Chairman REGULA). I planned to offer an amendment, which is at the desk, but after discussing at length the merits of it with the chairman of the full committee and the chairman of the subcommittee, we reached an understanding that the importance of women's health and, particularly, gynecological awareness, is sufficient that we will be able to make every effort to try to find dollars to move gynecological awareness through the ordinary process without an amendment.

I certainly want to thank the chairman for his help on this. I want to thank the gentleman from Michigan (Mr. LEVIN) and the gentleman from Indiana (Mr. BURTON), who also wants to quickly make a couple of comments on the effort to raise gynecological awareness, one of the great and unheard-of killers of American women.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. ISSA. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding. Excuse my froggy voice, I have got a little bit of a cold.

This is a silent killer. Even a primary physician many times misses a woman who has a gynecological cancer, and it is something where education is extremely important, very important.

I join with my colleague in asking the chairman of the committee in conference to do whatever funding is necessary or agreeable to make sure that there is an educational process so that women are informed on what can be done to protect themselves. If they get this cancer early, 95 percent of the women can survive more than 5 years, but this year 27,000 women will die because they do not know about it.

I join with the gentleman from California (Mr. ISSA) in urging the gentleman from California (Mr. LEWIS), our chairman, to deal with this problem.

Mr. LEVIN. Mr. Chairman, will the gentleman yield?

Mr. ISSA. I yield to the gentleman from Michigan, the coauthor of this legislation.

Mr. LEVIN. Mr. Chairman, I thank the gentleman very much for yielding, and I want to join all of my colleagues in emphasizing the importance of this and congratulating the chairman and everybody concerned with willingness to take action on this.

As mentioned, this indeed is a serious problem. Each year about 80,000 women are diagnosed with gynecological cancers. If they are detected early, they are among the most curable. If they are not, they are among the most deadly, and so this education effort is so critical.

So I know the gentleman from California (Mr. LEWIS) cares so much about this. I do hope and trust that a way will be found to address this issue. So many lives are at stake.

Mr. ISSA. Mr. Chairman, I thank the gentleman.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. ISSA. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman from San Diego for his bringing this item to our attention. I also thank very much the gentleman from Michigan (Mr. LEVIN) and the gentleman from Indiana (Mr. BURTON).

There is no doubt that the committee is very interested in this challenge. We intend to take their message to the conference and look forward to working with them and doing everything that is possible in the conference agreement.

Mr. ISSA. Mr. Chairman, I thank the chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Working Capital Fund

For the acquisition of a new core accounting system for the Department of Labor, including hardware and software infrastructure and the costs associated with implementation thereof, $6,230,000.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That an appropriation may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the

United States Department of Labor prior to enactment of this Act.

SEC. 104. For purposes of chapter 8 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117), payments made by the New York Workers' Compensation Board to the New York Crime Victims Board and the New York State Insurance Fund before the date of the enactment of this Act shall be deemed to have been made for workers compensation programs.

This title may be cited as the "Department of Labor Appropriations Act, 2006".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, as amended, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, $6,446,357,000, of which $39,180,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That of the funds made available under this heading, $222,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That $26,000,000 of the funding provided for Health Centers shall be used for high-need counties, notwithstanding section 330(s)(2)(B) of the Public Health Service Act: *Provided further*, That no more than $45,000,000 is available until expended for carrying out the provisions of Public Law 104–73: *Provided further*, That of the funds made available under this heading, $285,963,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $797,521,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: *Provided further*, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $116,124,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act.

AMENDMENT OFFERED BY MRS. JOHNSON OF CONNECTICUT

Mrs. JOHNSON of Connecticut. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. JOHNSON of Connecticut:

Page 25, line 16, after the dollar amount insert "(increased by $11,200,000)".

Page 29, line 1, after the dollar amount insert "(reduced by $11,200,000)".

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that the debate on this amendment and any amendment thereto be limited to 10 minutes to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OBEY. Could the Clerk reread the amendment again?

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the amendment.

Mr. OBEY. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Without objection, the gentlewoman from Connecticut (Mrs. JOHNSON) will control 5 minutes and the gentleman from California (Mr. LEWIS) will control 5 minutes.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

I offer this amendment because one of the things that has concerned the Members of this body is the plight of the uninsured in America. The community health centers reach out to help the uninsured, and they are very effective and very important to that health care system, available to those who are either underinsured or uninsured.

But the HCAP grants are becoming equally important because they enable the community health centers to create a whole network in neighborhoods and urban communities that can reach out to the uninsured and the underinsured and bring them into the system and provide them with a patient home and the kind of support that they need.

Many of these people have chronic illnesses. Many of these people are a very high cost to the system because they do not get care until they land in the emergency room or the hospital.

This amendment to provide some funds for the HCAP program is modest. It merely moves money from the CDC budget, from the VERB program, which is funding for an anti-obesity media campaign that is now duplicative of Federal and private sector programs. Even the Bush administration's OMB says, "There is no longer a need for this Federal program."

I would maintain that now that every school board is conscious of the problem of obesity and so many groups, including McDonald's, have taken on this cause, that it is not necessary to spend the Federal money on the obesity campaign; but it is absolutely crucial that we put some placeholder dollars in the budget for the HCAP program.

This program is in 45 States across the country and has already provided access to care for 6.2 million uninsured and vulnerable Americans and has placed about the same number of children and parents, children and adults, into either Medicaid or CHIP.

In Waterbury, Connecticut, the biggest city in my district, the HCAP program started only a year and a half ago. It has already provided 750 low-income city residents with case managers who help them coordinate complex care regimens, make sure they have access to low-cost medications and track their progress. This same program has enrolled 450 patients, HIV/AIDS patients and diabetes patients in the appropriate kind of management program to monitor their conditions and keep them healthy and out of the hospital, better quality of life to the patient, savings to society.

Eighty physicians because of HCAP, 80 physicians from Waterbury have signed up to provide their fair share of specialty care to this uninsured population, and the hospitals have donated lab services.

Ultimately, this HCAP grant is going to electronically provide electronic health records for 120,000 patients in the greater Waterbury area through every hospital and doctor's office so that this kind of patient coming into the system with no insurance but complex needs can immediately have their medical record accessed by their physician; their medication protocol accessed by their physician; the history of their care accessed by their physician. Therefore, the physician is able to provide to these uninsured and very ill people timely, fast, high-quality care.

So the HCAP program has been extremely helpful to building beyond the community health centers out into the community a system to provide access to medical care for uninsured people, and that is why I am so interested in the passage of my amendment that just would move a little money from a program that is at the end of its useful life into this critical area so there would be a placeholder on which we could build in conference.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Let me say to the gentlewoman, I am very empathetic to the question that she is raising. I must say that at this moment the committee is quite anxious to see us go forward with the funding in the VERB program, to measure further its effectiveness.

We are very empathetic to that which the gentlewoman is discussing, and we do intend to raise this question with the Senate. It is not an issue that will go undiscussed, and I am very hopeful as we will go forward that we will be able to be responsive to the gentlewoman's request.

☐ 1615

Mrs. JOHNSON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Chairman, does the gentleman feel confident even without any placeholder, should, say, the Senate fail to provide a placeholder, as they have in the past, that we will be able to address this in conference?

Mr. LEWIS of California. I have every reason to believe that we will be able to address it in conference.

Mrs. JOHNSON of Connecticut. Mr. Chairman, if the gentleman would continue to yield, I appreciate the good work the Committee on Appropriations and the subcommittee has done.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN (Mr. PUTNAM). Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

The Acting CHAIRMAN. The amendment is withdrawn.

The Clerk will read.

The Clerk read as follows:

Health Education Assistance Loans Program Account

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $2,916,000.

Vaccine Injury Compensation Program Trust Fund

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $3,500,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

Centers for Disease Control and Prevention

Disease Control, Research, and Training

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $5,945,991,000, of which $30,000,000 shall remain available until expended for equipment, and construction and renovation of facilities; of which $30,000,000 of the amounts available for immunization activities shall remain available until expended; of which $530,000,000 shall remain available until expended for the Strategic National Stockpile; and of which $123,883,000 for international HIV/AIDS shall remain available until September 30, 2007. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act:

(1) $12,794,000 to carry out the National Immunization Surveys;

(2) $3,516,000 to carry out the National Center for Health Statistics surveys;

(3) $24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels;

(4) $463,000 for Health Marketing evaluations;

(5) $31,000,000 to carry out Public Health Research; and

(6) $87,071,000 to carry out research activities within the National Occupational Research Agenda:

Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further*, That up to $30,000,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer: *Provided further*, That not to exceed $12,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States, tribes, or tribal organizations: *Provided further*, That without regard to existing statute, funds appropriated may be used to proceed, at the discretion of the Centers for Disease Control and Prevention, with property acquisition, including a long-term ground lease for construction on non-Federal land, to support the construction of a replacement laboratory in the Fort Collins, Colorado area: *Provided further*, That of the funds appropriated, $10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act for purposes related to homeland security, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

AMENDMENT OFFERED BY MR. CAPUANO

Mr. CAPUANO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CAPUANO:

Page 29, line 1, insert after the dollar amount the following: "(increased by $5,000,000) (reduced by $5,000,000)".

Mr. CAPUANO. Mr. Chairman, this is a very small problem, but a very big problem to a handful of small people that need our help.

Basically, there is a program now run out of the CDC. It is called Reach 2010. It allows community-based coalitions, mostly community health centers, to focus on eliminating racial and ethnic health disparities in six priority areas: infant mortality, breast and cervical cancer, cardiovascular diseases, diabetes, HIV–AIDS and child immunizations.

The reason this issue has come up is because in the last several years this program has received money from the NIH National Center For Minority Health and Health Disparities. But because of the budget crunches they have faced, they have let it be known they intend to cut back their portion of the program, which will definitely cut programs on the street that are truly helping people.

This proposal would restore that $5 million into the CDC budget by reducing another part of the budget that, even with this cut, will still be $50 million above the President's request.

I know most Members already know there are health disparities in the country, but just a few statistics to frame the debate. When it comes to infant mortality, black infants are 2.3 times more likely to die than white infants.

Cardiovascular disease, African Americans have a 30 percent higher rate of cardiovascular disease and a 41 percent higher rate of strokes. Just today, a coalition of health care providers in Boston came out with a study that confirmed what everybody knew. The black men in Boston die, on average, 5 years sooner than white men. Blacks are twice as likely to die from diabetes as whites.

Again, these are not new statistics, this is not a new issue to people. It is an issue we have been trying to deal with, and because of the budget crunch so many people are facing, this particular program faces a small, yet important cut that we are trying to restore.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. CAPUANO. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me say I think the gentleman's amendment is a good one. It is an important program and an important initiative, and I would hope that the committee would accept it.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I very much appreciate the gentleman from Massachusetts (Mr. Capuano) bringing this to our attention. The gentleman knows the difficulty we are facing in terms of funding overall, but it was very significant that the gentleman brought this matter to the committee's attention, and your advocacy is going to be very helpful to us as we go to conference.

Mr. CAPUANO. Mr. Chairman, I ask unanimous consent to withdraw the amendment, understanding that this is an issue that has sort of crept up on Members, and the chairman will do his best.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Acting CHAIRMAN. The amendment is withdrawn.

The Clerk will read.

The Clerk read as follows:

National Institutes of Health

National Cancer Institute

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,841,774,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

National Heart, Lung, and Blood Institute

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,951,270,000.

National Institute of Dental and Craniofacial Research

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $393,269,000.

National Institute of Diabetes and Digestive and Kidney Diseases

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,722,146,000.

National Institute of Neurological Disorders and Stroke

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,550,260,000.

National Institute of Allergy and Infectious Diseases

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,359,395,000: *Provided*, That up to $30,000,000 shall be for extramural facilities construction grants to enhance the Nation's capability to do research on biological and other agents.

National Institute of General Medical Sciences

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,955,170,000.

National Institute of Child Health and Human Development

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,277,544,000.

National Eye Institute

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $673,491,000.

National Institute of Environmental Health Sciences

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $647,608,000.

National Institute on Aging

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,057,203,000.

National Institute of Arthritis and Musculoskeletal and Skin Diseases

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $513,063,000.

National Institute on Deafness and Other Communication Disorders

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $397,432,000.

National Institute of Nursing Research

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $138,729,000.

National Institute on Alcohol Abuse and Alcoholism

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $440,333,000.

National Institute on Drug Abuse

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,010,130,000.

National Institute of Mental Health

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,417,692,000.

National Human Genome Research Institute

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $490,959,000.

National Institute of Biomedical Imaging and Bioengineering

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $299,808,000.

National Center for Research Resources

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,100,203,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.

National Center for Complementary and Alternative Medicine

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $122,692,000.

National Center on Minority Health and Health Disparities

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $197,379,000.

John E. Fogarty International Center

For carrying out the activities at the John E. Fogarty International Center, $67,048,000.

National Library of Medicine

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $318,091,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2006, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.

Office of the Director

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $482,216,000, of which up to $10,000,000 shall be used to carry out section 217 of this Act: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for 1 fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: *Provided further*, That in addition to the transfer authority provided above, a uniform percentage of the amounts appropriated in this Act to each Institute and Center may be transferred and utilized for the National Institutes of Health Roadmap for Medical Research: *Provided further*, That the amount utilized under the preceding proviso shall not exceed $250,000,000 without prior notification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts transferred and utilized under the preceding two provisos shall be in addition to amounts made available for the Roadmap for Medical Research from the Director's Discretionary Fund and to any amounts allocated to activities related to the Roadmap through the normal research priority-setting process of individual Institutes and Centers: *Provided further*, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of NIH.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $81,900,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act ("PHS Act") with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act, and section 301 of the PHS Act with respect to program management, $3,230,744,000: *Provided*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act:

(1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX;

(2) $21,803,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX;

(3) $16,000,000 to carry out national surveys on drug abuse; and

(4) $4,300,000 to evaluate substance abuse treatment programs.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $318,695,000; and in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That no amount shall be made available pursuant to section 927(c) of the Public Health Service Act for fiscal year 2006.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $156,954,419,000, to remain available until expended.

For making, after May 31, 2006, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2006 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2007, $62,783,825,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844, 1860D–16, and 1860D–31 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $177,742,200,000.

In addition, for making matching payments under section 1844, and benefit payments under 1860D–16 and 1860D–31 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,180,284,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $24,205,000, to remain available until September 30, 2007, is for contract costs for CMS's Systems Revitalization Plan: *Provided further*, That $79,934,000, to remain available until September 30, 2007, is for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2006 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2006, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,121,643,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2007, $1,200,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

Mr. SHIMKUS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in 1992 this Congress passed the Energy Policy Act of 1992. In that act was a requirement that all Federal agencies have to make sure that 75 percent of all vehicles they purchase each year are alternatively fueled vehicles. These vehicles run on ethanol or biodiesel or other alternatives fuels. However, very few agencies are actually meeting this requirement. In fact, highlighted in a recent lawsuit, the Federal Government was found not to be in compliance with the act, but no agency did worse than the Department of Labor last year. The Department of Labor was only able to achieve a 19 percent goal.

The goal of EPAct was to reduce our dependence on foreign oil by 30 percent by 2010. The department only purchased 5,000 gallons of E85 and 200 gallons of biodiesel, yet it purchased over 5.3 million gallons of gasoline and diesel fuel. Not only is this bad in terms of helping us reduce our dependence on foreign oil, it is also a bad fiscal move as E85 is selling for less than regular gasoline in many areas of the country.

Mr. Chairman, it is my hope that when this bill is in conference, some language can be added that will encourage the department to do a better job at meeting the requirements set forth by Congress to help reduce our dependence on foreign oil. How can we expect the average consumer to reduce oil use when we cannot even get our own Federal agencies to take the steps necessary to make our Nation more secure?

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. SHIMKUS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, the gentleman from Illinois makes a very good point. We should be leading the way. The Federal Government should be a model. With the energy problems that confront us, we have to look to alternative fuels as one of the ways through which this can be achieved. I commend the gentleman for his comments and hope that the Department of Labor is listening.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Low-Income Home Energy Assistance

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,984,799,000.

Refugee and Entrant Assistance

For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), for carrying out section 462 of the Homeland Security Act of 2002 (Public Law 107–296), and for carrying out the Torture Victims Relief Act of 2003 (Public Law 108–179), $560,919,000, of which up to $9,915,000 shall be available to carry out the Trafficking Victims Protection Act of 2003 (Public Law 108–193): *Provided*, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2006 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2008.

Payments to States for the Child Care and Development Block Grant

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,082,910,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That $18,967,040 shall be available for child care resource and referral and school-aged child care activities, of which $992,000 shall be for the Child Care Aware toll-free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, $270,490,624 shall be reserved by the States for activities authorized under section 658G, of which $99,200,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That $9,920,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

Social Services Block Grant

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

Children and Families Services Programs

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, sections 40155, 40211, and 40241 of Public Law 103–322, and section 126 and titles IV and V of Public Law 100–485, $8,688,707,000, of which $31,846,000, to remain available until September 30, 2007, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed before September 30, 2006: *Provided*, That $6,899,000,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2006, and remain available through September 30, 2007: *Provided further*, That $384,672,000 shall be for making payments under the Community Services Block Grant Act: *Provided further*, That not less than $7,242,000 shall be for section 680(3)(B) of the Community Services Block Grant Act: *Provided further*, That in addition to amounts provided herein, $8,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further*, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That $75,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: *Provided further*, That $14,879,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $9,919,000 shall be for payments to States to promote access for voters with disabilities, and of which $4,960,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: *Provided further*, That $110,000,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: *Provided further*, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: *Provided further*, That within amounts provided herein for abstinence education for adolescents, up to $10,000,000 may be available for a national abstinence education campaign: *Provided further*, That in addition to amounts provided herein for abstinence education for adolescents, $4,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: *Provided further*, That $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

Promoting Safe and Stable Families

For carrying out section 436 of the Social Security Act, $305,000,000 and for section 437, $99,000,000.

Payments to States for Foster Care and Adoption Assistance

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $4,852,800,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2007, $1,730,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

Administration on Aging

Aging Services Programs

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,376,217,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions.

Office of the Secretary

General Departmental Management

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act $338,695,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund, and $39,552,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: *Provided*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further*, That of this amount, $52,415,000 shall be for minority AIDS prevention and treatment activities; and $5,952,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002.

MEDICARE APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $60,000,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Funds.

HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, $58,100,000: *Provided*, That in addition to amounts provided herein, $16,900,000 shall be available from amounts under section 241 of the Public Health Service Act to carry out health information technology network development.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, $39,813,000: *Provided*, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $31,682,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and to ensure a year-round influenza vaccine production capacity, the development and implementation of rapidly expandable influenza vaccine production technologies, and if determined necessary by the Secretary, the purchase of influenza vaccine, $183,589,000: *Provided*, That $120,000,000 of amounts available for influenza preparedness shall remain available until expended: *Provided further*, That, in addition to the amount above, $8,589,000 shall be transferred from amounts appropriated under the head "Disease Control, Research, and Training" for activities authorized by section 319F-2(a) of the Public Health Service Act to be utilized consistent with section 319F-2(c)(7)(B)(ii) of such Act.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development; the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

SEC. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 207. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 1.3 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 208. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That an appropriation may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 209. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

(TRANSFER OF FUNDS)

SEC. 210. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 211. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 212. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 213. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2006, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2006 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2005, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2005 State expenditures and all fiscal year 2006 obligations for tobacco prevention and compliance activities by program activity by July 31, 2006.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2006.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

Sec. 215. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2006, the Secretary of Health and Human Services—

(1) may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State, and

(2) is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

Sec. 216. The Division of Federal Occupational Health hereafter may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

Sec. 217. (a) Authority.—Notwithstanding any other provision of law, the Director of the National Institutes of Health may use funds available under section 402(i) of the Public Health Service Act (42 U.S.C. 282(i)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research in support of the NIH Roadmap for Medical Research.

(b) Peer Review.—In entering into transactions under subsection (a), the Director of the National Institutes of Health may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

Sec. 218. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry may be transferred to "Disease Control, Research, and Training," to be available only for Individual Learning Accounts: *Provided*, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

Sec. 219. $15,912,000 of the unobligated balance of the Health Professions Student Loan program authorized in subpart II, Federally-Supported Student Loan Funds, of title VII of the Public Health Service Act is rescinded.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2006".

TITLE III—DEPARTMENT OF EDUCATION

Education for the Disadvantaged

For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, $14,728,735,000, of which $7,144,426,000 shall become available on July 1, 2006, and shall remain available through September 30, 2007, and of which $7,383,301,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006–2007: *Provided*, That $6,934,854,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,472,000 of these funds shall be available to the Secretary of Education on October 1, 2005, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,365,031,000 shall be available for concentration grants under section 1124A: *Provided further*, That $2,269,843,000 shall be available for targeted grants under section 1125: *Provided further*, That $2,269,843,000 shall be available for education finance incentive grants under section 1125A: *Provided further*, That $9,424,000 shall be available to carry out part E of title I: *Provided further*, That $10,000,000 shall be available for comprehensive school reform grants under part F of the ESEA.

Impact Aid

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,240,862,000, of which $1,102,896,000 shall be for basic support payments under section 8003(b), $49,966,000 shall be for payments for children with disabilities under section 8003(d), $18,000,000 shall be for construction under section 8007 and shall remain available through September 30, 2007, $65,000,000 shall be for Federal property payments under section 8002, and $5,000,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of the Elementary and Secondary Education Act (20 U.S.C. 7703(a)) for school year 2005–2006, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

School Improvement Programs

For carrying out school improvement activities authorized by titles II, part B of title IV, part A of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,393,765,000, of which $3,805,882,000 shall become available on July 1, 2006, and remain available through September 30, 2007, and of which $1,435,000,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006–2007: *Provided*, That $411,680,000 shall be for State assessments and related activities authorized under sections 6111 and 6112 of the ESEA: *Provided further*, That $56,825,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: *Provided further*, That $12,132,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia, and $6,051,000 shall be available to carry out the Supplemental Education Grants program for the Republic of the Marshall Islands: *Provided further*, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services.

Indian Education

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $119,889,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 ("ESEA"), $708,522,000: *Provided*, That $36,981,000 shall be for subpart 2 of part B of title V: *Provided further*, That $127,000,000 shall be available to carry out part D of title V of the ESEA, of which $100,000,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of (1) a local educational agency, a State, or both and (2) at least one non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need areas: *Provided further*, That such performance-based compensation systems must consider gains in student achievement, among other factors, and may reward educators who choose to work in hard-to-staff schools: *Provided further*, That up to $700,000 of the funds available under title V, part D, subpart 1 of the ESEA may be used for evaluation of the program carried out under the DC School Choice Incentive Act of 2003.

□ 1630

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. PUTNAM, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3010), making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. REGULA. Mr. Speaker, I ask unanimous consent that, during further consideration in the Committee of the Whole of H.R. 3010 pursuant to House Resolution 337, notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, may be offered except pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate, the additional amendments specified in this order, and amendments en bloc specified in this order; it shall be in order at any time for the chairman of the Committee on Appropriations or a designee, after consultation with the ranking minority member of the Committee on Appropriations, to offer amendments en bloc as follows: Amendments en bloc shall consist of amendments that may be offered under this order, or germane modifications of any such amendment; such amendments en bloc shall be considered as read, except that modifications shall be reported, shall be debatable for 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole; all points of order against such amendments en bloc are waived; the original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

The additional amendments specified in this order are as follows:

amendments printed in the CONGRESSIONAL RECORD and numbered 1, 2, 4, 5, 8, 10, 11, 14, 15, 16, 17, and 24;

an amendment by the gentleman from Iowa (Mr. KING) regarding coverage of certain drugs;

an amendment by the gentlewoman from Connecticut (Ms. DELAURO) regarding enforcement of certain compliance agreements;

an amendment by the gentleman from New York (Mr. ENGEL) regarding grants under the Public Health Service Act;

an amendment by the gentleman from Wisconsin (Mr. KIND) regarding designations of critical access hospitals;

an amendment by the gentleman from California (Mr. WAXMAN) regarding certain appointments to Federal advisory committees;

an amendment by the gentleman from California (Mr. GEORGE MILLER) regarding United Airline pension plans;

an amendment by the gentleman from New York (Mr. HINCHEY) regarding the content or distribution of public telecommunications programs and services under the Communications Act of 1934;

an amendment by the gentleman from California (Mr. HONDA) regarding military recruiters;

an amendment by the gentleman from Wisconsin (Mr. OBEY) regarding funding levels and income tax rates;

an amendment by the gentleman from Maryland (Mr. VAN HOLLEN) regarding special allowances under the Higher Education Act;

an amendment by the gentleman from Massachusetts (Mr. MARKEY) regarding interoperable information technology;

an amendment by the gentleman from Ohio (Mr. BROWN) regarding funding for the Medicaid Commission;

amendments by the gentleman from Ohio (Mr. REGULA) regarding veterans programs of the Department of Labor, LIHEAP, section 503 of H.R. 3010, or a limitation on the use of certain education funds; and

an amendment by the gentleman from Georgia (Mr. PRICE) regarding funding for certain education programs.

Each additional amendment may be offered only by the Member named in this request or a designee, or by the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole; and an amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. OBEY. Reserving the right to object, Mr. Speaker, I think the Members need to understand what is happening. As we indicated at the beginning of the debate, the gentleman from Ohio and I were trying to work things out so that we could finish debate on this bill this afternoon. That, unfortunately, has not been possible. We have had quite a bit of cooperation from some Members and quite a bit less from others. As a result, it appears that at this moment we still have 26 amendments to consider. As you know, there is an event which some Members of the Congress feel required to attend tonight, not the gentleman from Ohio and not the gentleman from Wisconsin, but because of that event, we are going to be required to begin voting very shortly. An offer was made to continue to debate this bill throughout that event, allowing Members to return afterwards, but that offer was not accepted, and so the problem we have now is that, despite our best efforts, we will be here tomorrow, and, if this unanimous consent agreement is accepted, we might be finished by 3 or 4 o'clock.

Mr. Speaker, I want to say one other thing. I would ask Members in the future if they are offering amendments to any appropriations bill to please be attentive enough to what is going on on the floor so that we do not pass their amendment in the reading of the bill. If we do that, then there are misunderstandings, somebody thinks somebody else was double-crossed or misled, and we wind up with frayed tempers. The committee cannot be expected to take care of Members who do not take care of their own interests.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 337 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3010.

☐ 1643

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, with Mr. TERRY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, the bill was open for amendment from page 68, line 21, through page 69, line 19.

The Chair will describe the supplemental order of the House after disposing of unfinished business.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment offered by the gentleman from Wisconsin (Mr. OBEY), amendment offered by the gentleman from New York (Mr. OWENS), an amendment offered by the gentleman from New Hampshire (Mr. BRADLEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. OBEY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 284, noes 140, not voting 9, as follows:

[Roll No. 305]

AYES—284

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boozman
Boren
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Drake
Duncan
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hart
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nunes
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOES—140

Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Chabot
Chocola
Cole (OK)
Conaway
Cox
Crenshaw
Culberson
Davis (KY)
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Emerson
Everett
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jindal
Johnson, Sam
Jones (NC)
Keller
King (IA)
Kingston
Kline
Knollenberg
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCrery
McHenry
McKeon
McMorris
Mica
Miller, Gary
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Pitts
Poe
Pombo
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Turner
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (SC)
Young (FL)

NOT VOTING—9

Bass
Boyd
Davis, Tom
Harman
Lewis (GA)
Meek (FL)
Ryan (OH)
Udall (NM)
Wilson (NM)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. TERRY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1706

Messrs. CALVERT, ROGERS of Michigan, HEFLEY, COLE of Oklahoma, and McKEON changed their vote from "aye" to "no."

Messrs. BRADLEY of New Hampshire, MURPHY, and SODREL, and Mrs. JO ANN DAVIS of Virginia changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. HARRIS. Mr. Chairman, on rollcall No. 305, the Obey Amendment, I was recorded as voting "no" and wished to vote "aye."

AMENDMENT OFFERED BY MR. OWENS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. OWENS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 206, noes 216, not voting 11, as follows:

[Roll No. 306]

AYES—206

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—216

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Bass
Boyd
Davis, Tom
Harman
Jones (NC)
Lewis (GA)
Meek (FL)
Meeks (NY)
Reyes
Udall (NM)
Wilson (NM)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1714

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BRADLEY OF NEW HAMPSHIRE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Hampshire (Mr. BRADLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 161, noes 262, not voting 10, as follows:

[Roll No. 307]

AYES—161

Akin
Barrow
Bean
Beauprez
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blumenauer
Boozman
Boren
Bradley (NH)
Brady (TX)
Brown (SC)
Burton (IN)
Butterfield
Camp
Cannon
Capito
Case
Chandler
Chocola
Cleaver
Coble
Cole (OK)
Cooper
Costello
Cubin
Davis (CA)
Davis (TN)
Davis, Jo Ann
Drake
Duncan
Edwards
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gingrey
Gohmert
Gordon
Graves
Green (WI)
Green, Al
Gutierrez
Gutknecht
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hoekstra
Hooley
Hostettler
Hulshof
Hunter
Inslee
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
Kingston
Kirk
Kline
Kuhl (NY)
Langevin
Latham
Leach
Lewis (KY)
Lipinski
Lungren, Daniel E.
Manzullo
Markey
Matheson
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McIntyre
McMorris
Meehan
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Neugebauer
Nussle
Osborne
Otter
Pastor
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Ramstad
Reichert
Renzi
Rohrabacher
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shays
Simmons
Simpson
Smith (WA)
Souder
Stearns
Tanner
Taylor (NC)
Terry
Tierney
Udall (CO)
Upton
Walden (OR)
Wasserman Schultz
Weiner
Weldon (PA)
Weller
Westmoreland
Wu
Young (AK)

NOES—262

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Bartlett (MD)

Barton (TX)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Boustany
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Cantor
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Clay
Clyburn
Conaway
Conyers
Costa
Cox
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (KY)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Ehlers
Emanuel
Emerson
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frelinghuysen
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Granger
Green, Gene
Grijalva
Hall
Harris
Hastings (FL)
Hastings (WA)
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hoyer
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick (MI)
King (NY)
Knollenberg
Kolbe
Kucinich
LaHood
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Linder
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Marchant
Marshall
Matsui
McCarthy
McDermott
McGovern
McHugh
McKeon
McKinney
McNulty
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Payne
Pelosi
Peterson (PA)
Pombo
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Shimkus
Shuster
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wynn
Young (FL)

NOT VOTING—10

Barrett (SC)
Bass
Boyd
Davis, Tom
Harman
Lewis (GA)
Meek (FL)
Reyes
Udall (NM)
Wilson (NM)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. TERRY) (during the vote). There are 2 minutes remaining in this vote.

□ 1722

Mr. PORTER and Miss McMORRIS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. Pursuant to the order of the House of today, no further amendment to the bill, as amended, may be offered except pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate, the additional amendments specified in the order, and amendments en bloc specified in this order.

It shall be in order at any time for the chairman of the Committee on Appropriations or a designee, after consultation with the ranking minority member of the Committee on Appropriations, to offer amendments en bloc consisting of amendments that may be offered under the order, or germane modifications of any such amendment. Such amendments en bloc shall be considered as read, except that modifications shall be reported, shall be debatable for 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

The additional amendments specified in the order are:

amendments printed in the CONGRESSIONAL RECORD and numbered 1, 2, 4, 5, 8, 10, 11, 14, 15, 16, 17, and 24;

an amendment by the gentleman from Iowa (Mr. KING) regarding coverage of certain drugs;

an amendment by the gentlewoman from Connecticut (Ms. DELAURO) regarding enforcement of certain compliance agreements;

an amendment by the gentleman from New York (Mr. ENGEL) regarding grants under the Public Health Service Act;

an amendment by the gentleman from Wisconsin (Mr. KIND) regarding designations of critical access hospitals;

an amendment by the gentleman from California (Mr. WAXMAN) regarding certain appointments to Federal advisory committees;

an amendment by the gentleman from California (Mr. GEORGE MILLER) regarding United Airline pension plans;

an amendment by the gentleman from New York (Mr. HINCHEY) regarding the content or distribution of public telecommunications programs and services under the Communications Act of 1934;

an amendment by the gentleman from California (Mr. HONDA) regarding military recruiters;

an amendment by the gentleman from Wisconsin (Mr. OBEY) regarding funding levels and income tax rates;

an amendment by the gentleman from Maryland (Mr. VAN HOLLEN) regarding special allowances under the Higher Education Act;

an amendment by the gentleman from Massachusetts (Mr. MARKEY) regarding interoperable information technology;

an amendment by the gentleman from Ohio (Mr. BROWN) regarding funding for the Medicaid Commission;

amendments by the gentleman from Ohio (Mr. REGULA) regarding veterans programs of the Department of Labor, LIHEAP, section 503 of H.R. 3010, or a limitation on the use of certain education funds; and

an amendment by the gentleman from Georgia (Mr. PRICE) regarding funding for certain education programs.

Each additional amendment may be offered only by the Member named in the request or a designee, or by the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question.

Mr. REGULA. Mr. Chairman, I move to strike the last word and yield to the gentleman from Louisiana (Mr. JINDAL).

Mr. JINDAL. Mr. Chairman, I rise today to request that in lieu of offering my amendment, which will provide that a small portion of the $50 million in health information technology grants that are already allocated to the agency for health care research and quality are designated to small and rural hospitals to implement bedside bar-coded medication technology, that we agree to work together to achieve improvements in health care quality by implementing technology initiatives in our small and rural hospitals.

Mr. Chairman, quality of health care is the driving force for implementing technological changes in the administration of medications in hospitals. More than one-third of adverse drug events occur during the administration to patients.

The estimated cost of preventable errors in the inpatient setting is a staggering $2 billion annually. Hand-held devices that scan bar codes on medication bags, patient wristbands, and nurse badges can help eliminate those errors by tracking medical information and alerting hospital staff before a mistake is made.

In fact, a study by the University of Wisconsin shows that medication-dispensing errors can be reduced from 1.43 percent 0.13 percent with the use of bar code technology. Unfortunately, the penetration of these devices is small. Less than 10 percent of hospitals have implemented such systems.

The second driving force for implementing bar code technology is cost. The cost burden relative to the ever-rising demand for health care is not going to be met without implementing technological advancements in health care organizations.

The United States spends over $1.2 trillion a year on health care. We could have a dramatic impact on reducing the amount of paperwork on the administrative side by using bar code technology that automatically captures patient data and eliminates some of the costly administrative burdens that take hospital staff away from patient care.

Moreover, the quality of life in rural America depends on having access to quality, affordable health care.

Mr. Chairman, will you agree to work with me to improve the quality of health care in small and rural hospitals as this bill moves forward in the legislative process?

☐ 1730

Mr. REGULA. Yes. I thank the gentleman for bringing this important issue to my attention and to the attention of the House of Representatives.

I agree that the quality of health care in rural America is an important issue. And regrettably in a tight fiscal environment, some reductions have been made to rural health care programs. I look forward to working with the gentleman to help find funding streams from which to draw from to help improve the technology available to patients of health care providers in rural America.

Mr. JINDAL. I thank the gentleman.

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MARCHANT) having assumed the chair, Mr. TERRY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. KUCINICH. Mr. Speaker, I was unavoidably detained yesterday on official business.

Had I been here, I would have cast the following votes: Roll Call 297, no. Roll Call 298, no. Roll Call 299, aye. Roll Call 300, no. Roll Call 301, no. Roll Call 302, aye. Roll Call 303, no. Roll Call 304, no.

PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO HAVE UNTIL MIDNIGHT, FRIDAY, JUNE 24, 2005, TO FILE A REPORT ON H.R. 2864, WATER RESOURCES DEVELOPMENT ACT OF 2005

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure have until midnight, Friday, June 24, 2005, to file a report to accompany the bill H.R. 2864, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2567

Mr. FARR. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2567.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 415

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 415.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

PERSONAL EXPLANATION

Ms. WOOLSEY. Mr. Speaker, I was unavoidably detained and I missed Roll Call vote 259. Had I been present I would have voted nay.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was unavoidably detained and I missed several votes. Had I been present I would have voted the following: Roll Call vote 293, aye. Roll Call vote 294, no. Roll Call vote 295, no. Roll Call vote 296, nay. Roll Call vote 297, no. Roll Call vote 298, no. Roll Call vote 299, aye. Roll Call vote 300, no. Roll Call vote 301, no. Roll call vote 302, aye. Roll Call vote 303, aye.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SAVE PUBLIC BROADCASTING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. CHANDLER) is recognized for 5 minutes.

Mr. CHANDLER. Mr. Speaker, it was with alarm and a great sense of shock that I learned of the proposal to cut public broadcasting. Public broadcasting provides unbiased, in-depth coverage of public policy issues, exposure to the arts and culture, and quality family-friendly educational program.

Cutting funding for public broadcasting would damage the fabric of public discourse and citizen oversight, the very basis of representative government. By encouraging and informing public debate, public broadcasting makes a lasting contribution to community across the country and has historically enjoyed broad bipartisan support.

In Kentucky, Governors from both parties have worked with Kentucky Educational Television to create the largest PBS member network in America, serving 640,000 Kentuckians each week. The proposed cut that we debated today would have had a crippling impact on the ability of KET and other public broadcasters to inform the public and enrich the curriculum taught to school children in the district of every single Member of this body.

The question on everyone's minds was why?

As educators and parents across our Nation contend with inadequate resources for public schools, why drastically scale back support for programming that enhances basic education and provides many students, especially those in rural schools, with their only exposure to the arts, music and the humanities? As policymakers work to improve early childhood education, why eliminate support for good programs like Sesame Street and Clifford the Big Red Dog which improve reading and literacy skills for millions of children?

As parents express concern about indecent content in the shows that their children watch, why turn our back on the only station I can allow my three children, Lucie, Albert and Branham, to watch without supervision?

And as the public seeks refuge from an increasingly disappointing, and, in some cases, outright partisan media, why rescind support for highly respected objective news programs like the NewsHour with Jim Lehrer and Frontline?

Why cripple excellent radio stations like WUKY and WEKU in my district, jeopardizing shows like Morning Edition and All Things Considered?

Why indeed? I cannot answer such questions. The very notion of turning away from the future of public broadcasting is preposterous. I am fearful this is an administration effort to either censor public broadcasters or intimidate them into favorably reporting on the current administration. I sincerely hope not. Objectivity and facts know nothing of partisan politics.

The opponents of public broadcasting should take note, we will never stop fighting to preserve public broadcasting's independence. Public broadcasting is a true civic treasury, a shining example of what good government policy can do to improve our quality of life and strengthen the American Republic by engaging citizens in public affairs.

As Thomas Jefferson once said, Whenever people are well informed, they can be trusted with their own government.

Maintaining our commitment to public broadcasting will help keep the very people who elect us well informed, and in doing so, help to promote the integrity and proper functioning of this very body itself.

I applaud the Members of this body who rose to the defense of public broadcasting earlier today by voting to restore funding to a cherished American institution.

HONORING ARMY SPECIALIST STANLEY "STOSH" LAPINSKI

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, it is with a heavy heart that I rise today to express condolences of a grateful Nation.

I rise to honor the life of Army Specialist Stanley, also known as Stosh, Lapinski. Specialist Lapinski was a recent victim of a terrorist roadside bomb.

During his last conversation before he was killed, Sergeant Lapinski told his parents not to worry about him and he would be fine.

While Stosh did not make it home from Iraq, I am honored to join the Lapinski family for his burial at Arlington National Cemetery next week.

A grateful Nation has brought him home to the honors and accolades he well deserves.

Nothing I could say today would heal the wounds of the Lapinski family. After speaking to them, however, I can tell you that they want their son's sacrifice to be remembered for the good and honorable actions he was doing in Iraq.

His service showed the true American spirit. While the Lapinskis lost their son, they know that he died preserving and fighting for democracy.

Mr. Speaker, I ask all Americans to join me in honoring a true American hero.

ORDER OF BUSINESS

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Minnesota (Mr. GUTKNECHT).

The SPEAKER pro tempore (Mr. MCCAUL of Texas). Is there objection to the request of the gentleman from Indiana?

There was no objection.

MERCURY AND AUTISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I have been down here a lot talking about autism over the years and my committee had many hearings on the issue of autism. My grandson became autistic after receiving 9 shots in one day, 7 of which contained mercury, in a product called thimerosal. And he is doing better but it has been a very difficult time for me and my family.

I strongly believe that there is a link between the mercury that is in the thimerosal in the vaccines and children developing neurological disorders such as autism. In fact, according to a recent study released by collaboration of U.S. medical researchers from Johns Hopkins University, Northeastern University in Boston, and the University of Nebraska and Tufts University that was published in the Vancouver Sun in February of last year and was officially released in the April 2004 edition of the scientific journal Molecular Psychiatry, "A recent review of vaccine-related adverse events in the U.S. found a significant correlation between shots containing thimerosal," i.e. mercury "and autism."

The study further concluded that the use of thimerosal-containing shots could account for the rising rates of autism since the early 1980s when more thimerosal-containing vaccinations were added to the government-mandated childhood vaccination schedule.

Scientific evidence aside, we have seen an increase from 1 in 10,000 children who are autistic to 1 in 166 since they started using thimerosal in many, many vaccines in the early eighties and children started getting more of these shots.

I am not against vaccinations but I do believe, as many of my colleagues, including the gentleman from Florida (Mr. WELDON) believe, that mercury should be taken out of all childhood vaccines and in fact all vaccines.

We need to ask ourselves one simple question: What is right? The answer I think is very clear. Get mercury out of all vaccinations.

In reality the answer that is given by far too many officials in our government, health agencies and some Members of Congress, sorry, we cannot help you, and the need to protect the pharmaceutical industry is so great, we cannot do much about it.

☐ 1745

Some in my party keep talking about changing the law to protect the drug companies against so-called frivolous lawsuits, and we have to do something to help these families who had their children damaged by the mercury vaccines. I am against class action lawsuits in general. I am for tort reform, but we have got to do something to help these families.

We have tried to talk to the pharmaceutical industry about protecting them while at the same time changing the Vaccine Injury Compensation Fund in a way that will protect these families and help those who have been damaged, but so far we have gotten absolutely nowhere with them; and it is something I think we need to continue to work on.

Just recently, there was an article that was published in a magazine I normally do not read. It is called Rolling Stone, but this article was brought to my attention, and I think everybody in this body ought to read that article. It was written by Robert F. Kennedy, Jr., somebody who I normally do not read, but I have to tell my colleagues it is a very well-written article. It goes into great detail and scientific research studies on mercury-connected mental disorders caused by the thimerosal in the mercury in these vaccinations.

I would submit to all my colleagues they really need to read this article. I am going to send a Dear Colleague out to all of my colleagues in the House and the Senate over the next couple of days. It is a fairly lengthy article, but it goes into how government officials met with pharmaceutical company officials and deliberately covered up the connection, deliberately covered up the connection between the thimerosal in vaccines and the problems that are being created, neurological problems that have been created in these children, including autism.

All of my colleagues ought to read this and realize that we have had a collaboration between health officials in our government and the pharmaceutical industry to protect themselves from class action lawsuits at the expense of these young kids and families who have been damaged by neurological disorders, including autism.

So I submit to my colleagues who may be in their offices or here tonight, please read this article. It is extremely important. I do not want to hurt the pharmaceutical industry. I would like to protect them from class action lawsuits: but at the same time, we need to change that Vaccine Injury Compensation Fund to take care of these kids that have been damaged and help their families.

DEADLY IMMUNITY

(By Robert F. Kennedy, Jr.)

JUNE 16, 2005.—In June 2000, a group of top government scientists and health officials gathered for a meeting at the isolated Simpsonwood conference center in Norcross, Ga. Convened by the Centers for Disease Control and Prevention, the meeting was held at this Methodist retreat center, nestled in wooded farmland next to the Chattahoochee River, to ensure complete secrecy. The agency had issued no public announcement of the session—only private invitations to 52 attendees. There were high-level officials from the CDC and the Food and Drug Administration, the top vaccine specialist from the World Health Organization in Geneva, and representatives of every major vaccine manufacturer, including GlaxoSmithKline, Merck, Wyeth and Aventis Pasteur. All of the scientific data under discussion, CDC officials repeatedly reminded the participants, was strictly "embargoed." There would be no making photocopies of documents, no taking papers with them when they left.

The federal officials and industry representatives had assembled to discuss a disturbing new study that raised alarming questions about the safety of a host of common childhood vaccines administered to infants and young children. According to a CDC epidemiologist named Tom Verstraeten, who had analyzed the agency's massive database containing the medical records of 100,000 children, a mercury based preservative in the vaccines—thimerosal—appeared to be responsible for a dramatic increase in autism and a host of other neurological disorders among children. "I was actually stunned by what I saw," Verstraeten told those assembled at Simpsonwood, citing the staggering number of earlier studies that indicate a link between thimerosal and speech delays, attention-deficit disorder, hyperactivity and autism. Since 1991, when the CDC and the FDA had recommended that three additional vaccines laced with the preservative be given to extremely young infants—in one case, within hours of birth—the estimated number of cases of autism had increased fifteen fold, from one in every 2,500 children to one in 166 children.

Even for scientists and doctors accustomed to confronting issues of life and death, the findings were frightening. "You can play with this all you want," Dr. Bill Weil, a consultant for the American Academy of Pediatrics, told the group. The results "are statistically significant." Dr. Richard Johnston, an immunologist and pediatrician from the University of Colorado whose grandson had been born early on the morning of the meeting's first day, was even more alarmed. "My gut feeling?" he said. "Forgive this personal comment—I do not want my grandson to get a thimerosal-containing vaccine until we know better what is going on."

But instead of taking immediate steps to alert the public and rid the vaccine supply of thimerosal, the officials and executives at Simpsonwood spent most of the next two days discussing how to cover up the damaging data. According to transcripts obtained under the Freedom of Information Act, many at the meeting were concerned about how the damaging revelations about thimerosal would affect the vaccine industry's bottom line.

"We are in a bad position from the standpoint of defending any lawsuits," said Dr. Robert Brent, a pediatrician at the Alfred I. duPont Hospital for Children in Delaware. "This will be a resource to our very busy plaintiff attorneys in this country." Dr. Bob Chen, head of vaccine safety for the CDC, expressed relief that" given the sensitivity of the information, we have been able to keep it out of the hands of, let's say, less responsible hands." Dr. John Clements, vaccines advisor at the World Health Organization, declared flatly that the study "should not have been done at all" and warned that the results "will be taken by others and will be used in ways beyond the control of this group. The research results have to be handled."

In fact, the government has proved to be far more adept at handling the damage than at protecting children's health. The CDC paid the Institute of Medicine to conduct a new study to whitewash the risks of thimerosal, ordering researchers to "rule out" the chemical's link to autism. It withheld Verstraeten's findings, even though they had been slated for immediate publication, and told other scientists that his original data had been "lost" and could not be replicated. And to thwart the Freedom of Information Act, it handed its giant database of vaccine records over to a private company, declaring it off-limits to researchers. By the time Verstraeten finally published his study in 2003, he had gone to work for GlaxoSmithKline and reworked his data to bury the link between thimerosal and autism.

Vaccine manufacturers had already begun to phase thimerosal out of injections given to American infants—but they continued to sell off their mercury-based supplies of vaccines until last year. The CDC and FDA gave them a hand, buying up the tainted vaccines for export to developing countries and allowing drug companies to continue using the preservative in some American vaccines—including several pediatric flu shots as well as tetanus boosters routinely given to 11-year-olds.

The drug companies are also getting help from powerful lawmakers in Washington. Senate Majority Leader BILL FRIST, who has received $873,000 in contributions from the pharmaceutical industry, has been working to immunize vaccine makers from liability in 4,200 lawsuits that have been filed by the parents of injured children. On five separate occasions, FRIST has tried to seal all of the government's vaccine-related documents—including the Simpsonwood transcripts—and shield Eli Lilly, the developer of thimerosal, from subpoenas. In 2002, the day after Frist quietly slipped a rider known as the "Eli Lilly Protection Act" into a homeland security bill, the company contributed $10,000 to his campaign and bought 5,000 copies of his book on bioterrorism. Congress repealed the measure in 2003—but earlier this year, Frist slipped another provision into an anti-terrorism bill that would deny compensation to children suffering from vaccine-related brain disorders. "The lawsuits are of such magnitude that they could put vaccine producers out of business and limit our capacity to deal with a biological attack by terrorists," says Andy Olsen, a legislative assistant to Frist.

Even many conservatives are shocked by the government's effort to cover up the dangers of thimerosal. Rep. Dan Burton, a Republican from Indiana, oversaw a three-year investigation of thimerosal after his grandson was diagnosed with autism. "Thimerosal used as a preservative in vaccines is directly related to the autism epidemic," his House Government Reform Committee concluded in its final report. "This epidemic in all probability may have been prevented or curtailed had the FDA not been asleep at the switch regarding a lack of safety data regarding injected thimerosal, a known neurotoxin." The FDA and other public-health agencies failed to act, the committee added, out of "institutional malfeasance for self protection" and "misplaced protectionism of the pharmaceutical industry."

The story of how government health agencies colluded with Big Pharmacy to hide the risks of thimerosal from the public is a chilling case study of institutional arrogance, power and greed. I was drawn into the controversy only reluctantly. As an attorney and environmentalist who has spent years working on issues of mercury toxicity, I frequently met mothers of autistic children who were absolutely convinced that their kids had been injured by vaccines. Privately, I was skeptical. I doubted that autism could be blamed on a single source, and I certainly understood the government's need to reassure parents that vaccinations are safe; the eradication of deadly childhood diseases depends on it. I tended to agree with skeptics like Rep. Henry Waxman, a Democrat from California, who criticized his colleagues on the House Government Reform Committee for leaping to conclusions about autism and vaccinations. "Why should we scare people about immunization," Waxman pointed out at one hearing, "until we know the facts?"

It was only after reading the Simpsonwood transcripts, studying the leading scientific research and talking with many of the nation's preeminent authorities on mercury that I became convinced that the link between thimerosal and the epidemic of childhood neurological disorders is real. Five of my own children are members of the Thimerosal Generation—those born between 1989 and 2003—who received heavy doses of mercury from vaccines. "The elementary grades are overwhelmed with children who have symptoms of neurological or immune-system damage," Patti White, a school nurse, told the House Government Reform Committee in 1999. "Vaccines are supposed to be making us healthier; however, in 25 years of nursing I have never seen so many damaged, sick kids. Something very, very wrong is happening to our children." More than 500,000 kids currently suffer from autism, and pediatricians diagnose more than 40,000 new cases every year. The disease was unknown until 1943, when it was identified and diagnosed among children born in the months after thimerosal was first added to baby vaccines in 1931.

Some skeptics dispute that the rise in autism is caused by thimerosal-tainted vaccinations. They argue that the increase is a result of better diagnosis—a theory that seems questionable at best, given that most of the new cases of autism are clustered within a single generation of children. "If the epidemic is truly an artifact of poor diagnosis," scoffs Dr. Boyd Haley, one of the world's authorities on mercury toxicity, "then where are all the 20-year-old autistics?" Other researchers point out that Americans are exposed to a greater cumulative "load" of mercury than ever before, from contaminated fish to dental fillings, and suggest that thimerosal in vaccines may be only part of a much larger problem. It's a concern that certainly deserves far more attention than it has received—but it overlooks the fact that the mercury concentrations in vaccines dwarf other sources of exposure to our children.

What is most striking is the lengths to which many of the leading detectives have gone to ignore—and cover up—the evidence against thimerosal. From the very beginning, the scientific case against the mercury additive has been overwhelming. The preservative, which is used to stem fungi and bacterial growth in vaccines, contains ethylmercury, a potent neurotoxin. Truckloads of studies have shown that mercury tends to accumulate in the brains of primates and other animals after they are injected with vaccines—and that the developing brains of infants are particularly susceptible. In 1977, a Russian study found that adults exposed to much lower concentrations of ethylmercury than those given to American children still suffered brain damage years later. Russia banned thimerosal from children's vaccines 20 years ago, and Denmark, Austria, Japan, Great Britain and all the Scandinavian countries have since followed suit.

"You couldn't even construct a study that shows thimerosal is safe," says Haley, who heads the chemistry department at the University of Kentucky. "It's just too darn toxic. If you inject thimerosal into an animal, its brain will sicken. If you apply it to living tissue, the cells die. If you put it in a petri dish, the culture dies. Knowing these things, it would be shocking if one could inject it into an infant without causing damage."

Internal documents reveal that Eli Lilly, which first developed thimerosal, knew from the start that its product could cause damage—and even death—in both animals and humans. In 1930, the company tested thimerosal by administering it to 22 patients with terminal meningitis, all of whom died within weeks of being injected—a fact Lilly didn't bother to report in its study declaring thimerosal safe. In 1935, researchers at another vaccine manufacturer, Pittman-Moore, warned Lilly that its claims about thimerosal's safety "did not check with ours." Half the dogs Pittman injected with thimerosal-based vaccines became sick, leading researchers there to declare the preservative "unsatisfactory as a serum intended for use on dogs."

In the decades that followed, the evidence against thimerosal continued to mount. During the Second World War, when the Department of Defense used the preservative in vaccines on soldiers, it required Lilly to label it "poison." In 1967, a study in Applied Microbiology found that thimerosal killed mice when added to injected vaccines. Four years later, Lilly's own studies discerned that thimerosal was "toxic to tissue cells" in concentrations as low as one part per million—100 times weaker than the concentration in a typical vaccine. Even so, the company continued to promote thimerosal as "nontoxic" and also incorporated it into topical disinfectants. In 1977, 10 babies at a Toronto hospital died when an antiseptic preserved with thimerosal was dabbed onto their umbilical cords.

In 1982, the FDA proposed a ban on over-the-counter products that contained thimerosal, and in 1991 the agency considered banning it from animal vaccines. But tragically, that same year, the CDC recommended that infants be injected with a series of mercury-laced vaccines. Newborns would be vaccinated for hepatitis B within 24 hours of birth, and 2-month-old infants would be immunized for haemophilus influenzae B and diphtheria-tetanus-pertussis.

The drug industry knew the additional vaccines posed a danger. The same year that the CDC approved the new vaccines, Dr. Maurice Hilleman, one of the fathers of Merck's vaccine programs, warned the company that 6-month-olds who were administered the shots would suffer dangerous exposure to mercury. He recommended that thimerosal be discontinued, "especially when used on infants and children," noting that the industry knew of nontoxic alternatives. "The best way to go," he added, "is to switch to dispensing the actual vaccines without adding preservatives."

For Merck and other drug companies, however, the obstacle was money. Thimerosal enables the pharmaceutical industry to package vaccines in vials that contain multiple doses, which require additional protection because they are more easily contaminated by multiple needle entries. The larger vials cost half as much to produce as smaller, single-dose vials, making it cheaper for international agencies to distribute them to impoverished regions at risk of epidemics. Faced with this "cost consideration," Merck ignored Hilleman's warnings, and government officials continued to push more and more thimerosal-based vaccines for children. Before 1989, American preschoolers received 11 vaccinations—for polio, diphtheria-tetanus-pertussis and measles-mumps-rubella. A decade later, thanks to federal recommendations, children were receiving a total of 22 immunizations by the time they reached first grade.

As the number of vaccines increased, the rate of autism among children exploded. During the 1990s, 40 million children were injected with thimerosal-based vaccines, receiving unprecedented levels of mercury during a period critical for brain development. Despite the well-documented dangers of thimerosal, it appears that no one bothered to add up the cumulative dose of mercury that children would receive from the mandated vaccines. "What took the FDA so long to do the calculations?" Peter Patriarca, director of viral products for the agency, asked in an e-mail to the CDC in 1999. "Why didn't CDC and the advisory bodies do these calculations when they rapidly expanded the childhood immunization schedule?"

But by that time, the damage was done. Infants who received all their vaccines, plus boosters, by the age of six months were being injected with a total of 187 micrograms of ethylmercury—a level 40 percent greater than the EPA's limit for daily exposure to methylmercury, a related neurotoxin. Although the vaccine industry insists that ethylmercury poses little danger because it breaks down rapidly and is removed by the body, several studies—including one published in April by the National Institutes of Health—suggest that ethylmercury is actually more toxic to developing brains and stays in the brain longer than methylmercury. Under the expanded schedule of vaccinations, multiple shots were often administered on a single day: At two months, when the infant brain is still at a critical stage of development, children routinely received three inoculations that delivered 99 times the approved limit of mercury.

Officials responsible for childhood immunizations insist that the additional vaccines were necessary to protect infants from disease and that thimerosal is still essential in developing nations, which, they often claim, cannot afford the single-dose vials that don't require a preservative. Dr. Paul Offit, one of CDC's top vaccine advisors, told me, "I think if we really have an influenza pandemic—and certainly we will in the next 20 years, because we always do—there's no way on God's earth that we immunize 280 million people with single-dose vials. There has to be multidose vials."

But while public-health officials may have been well-intentioned, many of those on the CDC advisory committee who backed the additional vaccines had close ties to the industry. Dr. Sam Katz, the committee's chair, was a paid consultant for most of the major vaccine makers and shares a patent on a measles vaccine with Merck, which also manufactures the hepatitis B vaccine. Dr. Neal Halsey, another committee member, worked as a researcher for the vaccine companies and received honoraria from Abbott Labs for his research on the hepatitis B vaccine.

Indeed, in the tight circle of scientists who work on vaccines, such conflicts of interest are common. Rep. Burton says that the CDC "routinely allows scientists with blatant conflicts of interest to serve on intellectual advisory committees that make recommendations on new vaccines," even though they have "interests in the products and companies for which they are supposed to be providing unbiased oversight." The House Government Reform Committee discovered that four of the eight CDC advisors who approved guidelines for a rotavirus vaccine "had financial ties to the pharmaceutical companies that were developing different versions of the vaccine."

Offit, who shares a patent on one of the vaccines, acknowledged to me that he "would make money" if his vote eventually leads to a marketable product. But he dismissed my suggestion that a scientist's direct financial stake in CDC approval might bias his judgment. "It provides no conflict for me," he insists. "I have simply been informed by the process, not corrupted by it. When I sat around that table, my sole intent was trying to make recommendations that best benefited the children in this country. It's offensive to say that physicians and public-health people are in the pocket of industry and thus are making decisions that they know are unsafe for children. It's just not the way it works."

Other vaccine scientists and regulators gave me similar assurances. Like Offit, they view themselves as enlightened guardians of children's health, proud of their "partnerships" with pharmaceutical companies, immune to the seductions of personal profit, besieged by irrational activists whose anti-vaccine campaigns are endangering children's health. They are often resentful of questioning. "Science," says Offit, "is best left to scientists."

Still, some government officials were alarmed by the apparent conflicts of interest. In his e-mail to CDC administrators in 1999, Paul Patriarca of the FDA blasted federal regulators for failing to adequately scrutinize the danger posed by the added baby vaccines. "I'm not sure there will be an easy way out of the potential perception that the FDA, CDC and immunization-policy bodies may have been asleep at the switch re: thimerosal until now," Patriarca wrote. The close ties between regulatory officials and the pharmaceutical industry, he added, "will also raise questions about various advisory bodies regarding aggressive recommendations for use" of thimerosal in child vaccines.

If federal regulators and government scientists failed to grasp the potential risks of thimerosal over the years, no one could claim ignorance after the secret meeting at Simpsonwood. But rather than conduct more studies to test the link to autism and other forms of brain damage, the CDC placed politics over science. The agency turned its database on childhood vaccines—which had been developed largely at taxpayer expense—over to a private agency, America's Health Insurance Plans, ensuring that it could not be used for additional research. It also instructed the Institute of Medicine, an advisory organization that is part of the National Academy of Sciences, to produce a study debunking the link between thimerosal and brain disorders. The CDC "wants us to declare, well, that these things are pretty safe," Dr. Marie McCormick, who chaired the IOM's Immunization Safety Review Committee, told her fellow researchers when they first met in January 2001. "We are not ever going to come down that [autism] is a true side effect" of thimerosal exposure. According to transcripts of the meeting, the committee's chief staffer, Kathleen Stratton, predicted that the IOM would conclude that the evidence was "inadequate to accept or reject a causal relation" between thimerosal and autism. That, she added, was the result "Walt wants"—a reference to Dr. Walter Orenstein, director of the National Immunization Program for the CDC.

For those who had devoted their lives to promoting vaccination, the revelations about thimerosal threatened to undermine everything they had worked for. "We've got a dragon by the tail here," said Dr. Michael Kaback, another committee member. "The more negative that [our] presentation is, the less likely people are to use vaccination, immunization—and we know what the results of that will be. We are kind of caught in a trap. How we work our way out of the trap, I think is the charge."

Even in public, federal officials made it clear that their primary goal in studying thimerosal was to dispel doubts about vaccines. "Four current studies are taking place to rule out the proposed link between autism and thimerosal," Dr. Gordon Douglas, then-director of strategic planning for vaccine research at the National Institutes of Health, assured a Princeton University gathering in May 2001. "In order to undo the harmful effects of research claiming to link the [measles] vaccine to an elevated risk of autism, we need to conduct and publicize additional studies to assure parents of safety." Douglas formerly served as president of vaccinations for Merck, where he ignored warnings about thimerosal's risks.

In May of last year, the Institute of Medicine issued its final report. Its conclusion: There is no proven link between autism and thimerosal in vaccines. Rather than reviewing the large body of literature describing the toxicity of thimerosal, the report relied on four disastrously flawed epidemiological studies examining European countries, where children received much smaller doses of thimerosal than American kids. It also cited a new version of the Verstraeten study, published in the journal Pediatrics, that had been reworked to reduce the link between thimerosal and autism. The new study included children too young to have been diagnosed with autism and overlooked others who showed signs of the disease. The IOM declared the case closed and—in a startling position for a scientific body—recommended that no further research be conducted.

The report may have satisfied the CDC, but it convinced no one. Rep. David Weldon, a Republican physician from Florida who serves on the House Government Reform Committee, attacked the Institute of Medicine, saying it relied on a handful of studies that were "fatally flawed" by "poor design" and failed to represent "all the available scientific and medical research." CDC officials are not interested in an honest search for the truth, Weldon told me, because "an association between vaccines and autism would force them to admit that their policies irreparably damaged thousands of children. Who would want to make that conclusion about themselves?"

Under pressure from Congress, parents and a few of its own panel members, the Institute of Medicine reluctantly convened a second panel to review the findings of the first. In February, the new panel, composed of different scientists, criticized the earlier panel for its lack of transparency and urged the CDC to make its vaccine database available to the public.

So far, though, only two scientists have managed to gain access. Dr. Mark Geier, president of the Genetics Center of America, and his son, David, spent a year battling to obtain the medical records from the CDC. Since August 2002, when members of Congress pressured the agency to turn over the data, the Geiers have completed six studies that demonstrate a powerful correlation between thimerosal and neurological damage in children. One study, which compares the cumulative dose of mercury received by children born between 1981 and 1985 with those born between 1990 and 1996, found a "very significant relationship" between autism and vaccines. Another study of educational performance found that kids who received higher doses of thimerosal in vaccines were nearly three times as likely to be diagnosed with autism and more than three times as likely to suffer from speech disorders and mental retardation. Another soon-to-be-published study shows that autism rates are in decline following the recent elimination of thimerosal from most vaccines.

As the federal government worked to prevent scientists from studying vaccines, others have stepped in to study the link to autism. In April, reporter Dan Olmsted of UPI undertook one of the more interesting studies himself. Searching for children who had not been exposed to mercury in vaccines—the kind of population that scientists typically use as a "control" in experiments—Olmsted scoured the Amish of Lancaster County, Penn., who refuse to immunize their infants. Given the national rate of autism, Olmsted calculated that there should be 130 autistics among the Amish. He found only four. One had been exposed to high levels of mercury from a power plant. The other three—including one child adopted from outside the Amish community—had received their vaccines.

At the state level, many officials have also conducted in-depth reviews of thimerosal. While the Institute of Medicine was busy whitewashing the risks, the Iowa Legislature was carefully combing through all of the available scientific and biological data. "After three years of review, I became convinced there was sufficient credible research to show a link between mercury and the increased incidences in autism," says state Sen. Ken Veenstra, a Republican who oversaw the investigation. "The fact that Iowa's 700 percent increase in autism began in the 1990s, right after more and more vaccines were added to the children's vaccine schedules, is solid evidence alone." Last year, Iowa became the first state to ban mercury in vaccines, followed by California. Similar bans are now under consideration in 32 other states.

But instead of following suit, the FDA continues to allow manufacturers to include thimerosal in scores of over-the-counter medications as well as steroids and injected collagen. Even more alarming, the government continues to ship vaccines preserved with thimerosal to developing countries—some of which are now experiencing a sudden explosion in autism rates. In China, where the disease was virtually unknown prior to the introduction of thimerosal by U.S. drug manufacturers in 1999, news reports indicate that there are now more than 1.8 million autistics. Although reliable numbers are hard to come by, autistic disorders also appear to be soaring in India, Argentina, Nicaragua and other developing countries that are now using thimerosal-laced vaccines. The World Health Organization continues to insist thimerosal is safe, but it promises to keep the possibility that it is linked to neurological disorders "under review."

I devoted time to study this issue because I believe that this is a moral crisis that must be addressed. If, as the evidence suggests, our public-health authorities knowingly allowed the pharmaceutical industry to poison an entire generation of American children, their actions arguably constitute one of the biggest scandals in the annals of American medicine. "The CDC is guilty of incompetence and gross negligence," says Mark Blaxill, vice president of Safe Minds, a non-profit organization concerned about the role of mercury in medicines. "The damage caused by vaccine exposure is massive. It's bigger than asbestos, bigger than tobacco, bigger than anything you've ever seen." It's hard to calculate the damage to our country—and to the international efforts to eradicate epidemic diseases—if Third World nations come to believe that America's most heralded foreign-aid initiative is poisoning their children. It's not difficult to predict how this scenario will be interpreted by America's enemies abroad. The scientists and researchers—many of them sincere, even idealistic—who are participating in efforts to hide the science on thimerosal claim that they are trying to advance the lofty goal of protecting children in developing nations from disease pandemics. They are badly misguided. Their failure to come clean on thimerosal will come back horribly to haunt our country and the world's poorest populations.

ORDER OF BUSINESS

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent to take my time out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE CORPORATION FOR PUBLIC BROADCASTING—PROVIDING INDEPENDENT FAMILY PROGRAMMING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, I rise today to express my strong support for the Corporation for Public Broadcasting and its contributions to our shared American experience.

On November 7, 1967, President Lyndon Johnson signed into law the Public Broadcasting Act of 1967, creating the Corporation for Public Broadcasting and bringing about the genesis of one of our Nation's most cherished educational and cultural institutions.

Before signing the bill, President Johnson presented his vision for this new public communications enterprise, stating that the "time had come to enlist the computer and the satellite, as well as the television and the radio, and to enlist them in the cause of education."

Since Congress created this not-for-profit entity, it has become one of the most relied-upon sources of news and educational programming for all Americans, especially for our children.

Mr. Speaker, as the father of two small children, I can speak directly to the love that our kids have for educational programming, such as Sesame Street, Mr. Rogers' Neighborhood, Arthur, Clifford the Big Red Dog. They have captured the imaginations and challenged the minds of our children for decades. In fact, these programs are also a hit with parents, and often present the only alternative to inappropriate daytime programming that is available on network and for-profit television stations.

The mission of the Public Broadcasting Act was realized when the Corporation for Public Broadcasting, CPB, created the nonprofit Public Broadcasting Service in 1969 and the National Public Radio in 1970. American families now had television and radio stations they could call their own.

Much like the Chamber in which we stand, the people's House, these airwaves and programming supported by the CPB also belong to the individuals we have the privilege to represent in Congress, and I have heard from hundreds of my constituents who have shared personal stories of the impact of PBS and NPR on their lives and the lives of their children.

KPCC, for example, in my district is just one of the many superb affiliates of NPR around the Nation. My constituents rely on KPCC, as they do on public broadcasting generally for news, informational programming, and educational programming for their kids; and I applaud the significant contributions they have made and others and the individual public broadcasting stations.

The legislation brought before the House today would have effectively gutted this fine institution of critical funding necessary to accomplish the vision laid out by President Johnson. The base bill would have cut a staggering $100 million, stripping the Corporation for Public Broadcasting of one-quarter of its funding.

Critics maintain that the CPB has strayed from its mandate of independence and impartiality. In fact, polls show a large majority of Americans think that the news and information programming is more trustworthy, more independent than that of network and cable programming. A majority of viewers also think PBS is a valuable educational and cultural resource. A poll commissioned by the board of directors confirmed that 48 percent of those surveyed believe that funding for public broadcasting should be increased, not decreased.

Mr. Speaker, I, too, am concerned about the independence of the Corporation for Public Broadcasting; and today, I reluctantly join with many of my colleagues in calling on the President to ask for the resignation of chairman of the Corporation for Public Broadcasting Kenneth Tomlinson. Mr. Tomlinson has actively sought to undermine, underfund, and ultimately dismantle the very organization he has been appointed to lead.

As the leader of CPB, Mr. Tomlinson should be advocating for the continued vitality of the Corporation for Public Broadcasting. Instead, he seems bent on politicizing its content, undermining the objectivity of its news analysis, and turning it into yet another partisan organ. Mr. Tomlinson has withheld publicly funded polls that show strong support for public broadcasting, and more recently, expressed his desire to nominate Patricia Harrison as the new president.

The nomination of Ms. Harrison, a former cochair of the Republican National Committee, further calls into question the impartiality of the Corporation for Public Broadcasting and flies in the face of the mandate of President Johnson that the corporation was to be carefully guarded from government and party control. Mr. Tomlinson, regrettably, has not proved to be a good steward of the immense public trust placed in his charge.

Mr. Speaker, on that day in 1967, President Johnson had high hopes for the Corporation for Public Broadcasting, and said, "Today we rededicate a part of the airwaves, which belong to all the people, and we dedicate them for the enlightenment of all the people."

Today, I am proud we have beaten back this assault on public broadcasting and taken an important step to renew our commitment to public broadcasting and restore the funding and independence necessary to ensure that our children and their children will continue to enjoy quality, independent public broadcasting.

SUPPORTING CLEAR LAW ENFORCEMENT FOR IMMIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, next week I will introduce legislation that received wide bipartisan support in the last Congress, the Clear Law Enforcement for Removal of Criminal Illegal Aliens Act, better known as CLEAR.

This bill seeks to address a major crisis in our country: the lack of enforcement of our immigration laws.

The CLEAR Act makes clear that State and local law enforcement can and should help Federal agencies enforce these laws.

We have no problem asking local law enforcement to help enforce Federal drug laws. We have no problem asking local agencies to help in Federal manhunts for murderers and terrorists. We even have no problem with deputy and police enforcing Federal laws against cigarette sales to minors.

Yet when the issue of immigration enforcement arises, so do the squeals that immigration is a Federal responsibility and should not be pushed off on the States. They are right. It is a Federal responsibility. The problem is that the Federal Government is not taking their responsibility very serious.

Mr. Speaker, the catastrophe of illegal immigration has already been pushed off on the States by the Federal Government flatly refusing to do its duty of enforcing the law. Our police and deputies spend billions combating illegal immigrant crime, including organized foreign gangs. This could have been prevented by vigorous Federal enforcement at the border.

Our local jails are full of criminal illegal aliens, costing the States billions per year. This could have been prevented by vigorous Federal enforcement at the border.

Our local hospital emergency rooms are full of indigent illegal aliens who drive up the cost of health care to a point that hardworking Americans can basically no longer afford it. This could have been prevented by vigorous Federal enforcement at the border.

Our local schools are filled with children of illegal immigrants who pay little or no local taxes, but drive up property taxes for hardworking American families to cover the skyrocketing costs of bilingual and special education. This could have been prevented by vigorous Federal enforcement at our borders.

Our police routinely find illegals, including those with criminal records. They call the Federal Government, which does nothing other than force our police to release these criminals back on to our streets. There are about 500,000 of them out there.

This has got to stop, and this is a fair bill, and it is intended to stop that.

Washington had its chance to enforce the law, and it has failed the Nation. Now it is time we stop putting obstacles in the way of our police, deputies, and State patrol helping to get this job done.

Under the CLEAR Act, local law enforcement is authorized to not only arrest illegal aliens but to transport them to the nearest Federal detention centers, including across State lines; and if DHS does not pick them up immediately, under CLEAR, the Federal Government pays the tab for that, as appropriate.

CLEAR authorizes new Federal resources to support local law enforcement, including immigration law training, 20 new Federal detention centers and more if they are needed.

The CLEAR Act makes illegal immigration a criminal offense, not just a civil offense. Repeat offenders will face serious jail time, not a free ride back to the border.

Mr. Speaker, next week this House will have a chance to start getting serious about fighting our national crisis of illegal immigration. I urge every Member in this House to join us as an original cosponsor.

SMART SECURITY AND THE NEED FOR AN IRAQ PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, it is time for Congress to take a good hard look at the role the United States is playing in Iraq and whether it is in our national interests to maintain a military presence there.

We need to acknowledge the fact that Iraq's insurgency is growing in strength, not diminishing. It is the very presence of our 150,000-or-so American troops in Iraq that unites the growing collection of insurgent forces.

Since our military presence encourages further fighting, this war will continue as long as the United States troops remain in Iraq, appearing to be occupiers of their country. That is why Congress must accept that we cannot possibly be successful through military means alone.

During consideration of the defense authorization bill on May 25 for fiscal year 2006, I offered an amendment urging the President to develop a plan for the withdrawal of troops from Iraq. Surprisingly, this is the first time the House formally debated the possibility of withdrawal from Iraq, and that was over a 2-year period. While my amendment was defeated, it is clear that Congress is starting to get serious about the need to end the war in Iraq. 128 Members, including five Republicans, voted for this important amendment, but there is much more work to be done.

The Iraq war has now raged on for more than 2 years, and we are no closer to winning this conflict than we were when President Bush declared an end to major combat operations under an arrogant banner declaring "Mission Accomplished."

Despite this lack of progress, the war has exacted a deeply troubling human and financial toll. In just over 2 years of war, almost 1,800 American soldiers and an estimated 25,000 innocent Iraqi bystanders have been killed. The Pentagon lists the number of Americans wounded as over 12,000; but that does not take into consideration the invisible wounds many of our soldiers have brought home, the painful mental trauma they have contracted from months and years of fighting, watching their friends being killed or wounded by the insurgents, and killing and wounding others themselves, a lot to live with when they finally come home.

□ 1800

When accounting for these psychological injuries, the number of wounded jumps to more than 40,000 soldiers. Given what is at stake here, do the American people not deserve a plan? Do our brave men and women who are selflessly sacrificing their time and energy, not to mention their arms, legs and lives for this war, not deserve a plan? And it would be helpful for their families to know what the plan is in Iraq.

We have asked the President to address Iraq's lack of security. We have asked him to come up with a plan for ending the war. He has not; so we will.

After we bring the troops home, we do have a plan. There is a plan. It is a plan that would secure America for the future, the SMART Security resolution, which I recently reintroduced with the support of 50 of my House colleagues. SMART is Sensible Multilateral American Response to Terrorism for the 21st Century, and it will help address the threats we face as a Nation. SMART Security will ensure America's security by reaching out and engaging the Iraqi people.

Instead of rushing off to war for the wrong reasons, SMART Security encourages the United States to work with other nations to address the most pressing global problems. Because not every international problem has a military answer, SMART Security will prevent terrorism by addressing the very conditions that give rise to terrorism in the very first place: poverty, despair, resource scarcity and lack of proper education, as an example.

SMART Security also encourages democracy building, human rights education, conflict resolution through nonmilitary means, educational opportunities, and strengthening civil programs in the developing world. These are the best ways to encourage democracy in countries like Iraq, not through wars that cost thousands of unnecessary deaths and cost billions of dollars. The SMART approach is the best way to reach out to Iraq. It is time we stopped putting all of our eggs in the military basket and started getting smart about our national security.

STOP COUNTERFEIT POLLS

The SPEAKER pro tempore (Mr. MCCAUL of Texas). Under a previous order of the House, the gentleman from Nebraska (Mr. TERRY) is recognized for 5 minutes.

Mr. TERRY. Mr. Speaker, today I want to call attention to the June 25 Bulgarian and July 3 Albanian parliamentary elections. Voters in these developing economies deserve the opportunity to exercise the freedoms that were unavailable to them for so long.

As the world's greatest democracy, we should strive to foster the ideals of freedom in these developing democracies. Free and fair elections are the first essential step in this long and arduous process.

As a member of the International Anti-Piracy Caucus, I am a proud supporter of international intellectual property protection.

As Albania and Bulgaria move through the election process, they should understand that part of the process of becoming free is making sure that applicable laws are in force both locally and internationally. Failure to punish those that disregard laws will mean that these countries will not become accepted players on the world stage for some time to come.

Part of the process for providing free and fair elections is respecting and enforcing the intellectual property rights of American businesses assisting in these elections.

Therefore, I call upon the sitting governments of these two nations, including their justice ministries and central election commissions, to condemn the distribution of counterfeit Gallup polls that are being used to distort the democratic process during their parliamentary elections.

Promotion of democracy is one of the core pillars of our national security policy. Bulgaria and Albania are both important allies in the war on terror. It is essential that the elected leadership of these two great nations remain committed to defeating, preserving, and extending freedom and the rule of law. The citizens of these great countries have already made substantial progress in the fight for democracy. It is unfortunate, however, that a small segment of society has chosen to act nefariously in an attempt to distort the election process by misuse of the Gallup name.

George H. Gallup, the founder of the Gallup Poll, felt that providing a voice to all people around the world would strengthen societies to help ensure accountability of elected representatives. Unfortunately, Mr. Gallup's mission is being tainted by a group of counterfeiters in both Bulgaria and Albania.

These organizations are conducting electoral polling under the Gallup name without permission or license, while all the while receiving American support through USAID. These actions constitute a clear violation of Gallup's intellectual property rights and, perhaps more importantly, taint the reputation that Gallup has rightfully earned during its 70 years of existence.

While it is true that Gallup is a major employer with its headquarters in my district, Gallup has been active across the country during their existence, providing polling in every Presidential election and several senatorial and congressional elections during that time period. Gallup might employ a number of my constituents, but it is a strong national company with a solid international reputation as well. To see this reputation tarnished with the aid of taxpayer dollars is not only a serious mismanagement of government funds but reprehensible conduct as well.

Mr. Speaker, USAID ought to provide better oversight of the work conducted under their name overseas, and I have called upon them to provide an explanation regarding this matter. Additionally, Congress should do all it can to help ensure that American companies and American intellectual property rights are protected overseas without the willful and wanton negligence of American governmental institutions.

Mr. Speaker, I hope that my colleagues will join me in this call for free and fair elections in Bulgaria and Albania, and support my request to stop the counterfeit polls from being distributed.

IRAQ SOLUTION LIES WITH UNITED NATIONS INVOLVEMENT

The SPEAKER pro tempore (Mr. MCHENRY). Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, I rise today to amplify on the Iraq proposal that I made last night in the House. I believe the solution in Iraq lies with the United Nations and that it is time for direct U.N. involvement to replace U.S. forces and to allow our troops to return home safely and in an orderly way.

The evidence is mounting that America's current approach in Iraq will not work. When was the last time anybody heard the word "coalition" to describe the military activity in Iraq? The world largely perceives the United States as going it alone in Iraq. Furthermore, large portions of the Arab world believe in the insurgency rhetoric that America is an occupier in Iraq for selfish oil reasons and not to serve the needs of the Iraqi people.

Administration claims about the insurgency do not square with the news coming out of Iraq every day or with the sober assessment by America's best military leaders. U.S. and Iraq civilian casualties are mounting. That is what Americans see every night on the news. What Americans want is a sober assessment of Iraq that reflects reality and for the Congress and the administration to work together to come up with a solution. Americans are sick of the politics. They want a solution that will protect U.S. soldiers and make what they are fighting and dying for, and what has taken untold numbers of Iraqi lives, worth the enormous sacrifice.

We need a new strategy in Iraq. We need a new plan. This one is not working. The more the administration denies it, the more time we waste and the more lives we lose because we do not do what we need to do. We do not need permanent bases in Iraq. Every day that goes by with the current war scenario, this country loses credibility around the world.

Every concrete block that we lay is sowing seeds of mistrust, anger, and resentment that will affect us for generations. Consider that we are still dealing with Vietnam 30 years later trying to establish relationships with them. It is time to involve the rest of the world in Iraq and stop anyone from calling this is the U.S.-Iraq war. Only the United Nations has the international imprimatur to lead an international coalition in Iraq. Only the United Nations can credibly install a peace-enforcing force in Iraq that is seen as such by the entire world.

We did a similar thing under UNTAC in Cambodia. We have done it before. I have never supported this war, but I would gratefully support a Republican resolution to get the U.N. into Iraq. This would be a positive development to safeguard U.S. ground forces and send a positive signal to a skeptical Arab world that America's intentions are not what the insurgents claim them to be.

We need a bold stroke in Iraq if we are to succeed in stopping the loss of lives and spread of terror. We cannot just fight insurgents in the streets day by day if there is any hope of peace in Iraq. The world has to believe we are only there to benefit Iraq. As long as the war is called and perceived as the U.S.-Iraq war, the insurgents have new ammunition to recruit, terrorize, maim, and kill.

We have an opportunity to work together as Americans, not Democrats and Republicans, but to create a plan that creates a new role for the U.S. in Iraq, contributing to the U.N. peace-enforcing force. We have an opportunity to safeguard American lives we are replacing, not withdrawing U.S. soldiers from Iraq.

Today, too many military experts in our country quietly say that the Iraq war could go on for the indefinite future. David Hackworth, the most decorated Vietnam veteran, said we are going to be there 30 years. We cannot afford the price in dollars, and more importantly, in loss or shattered lives for our soldiers.

The way to win the war in Iraq is to allow the world, not the United States, to lead the war in Iraq. Since the Republicans are the majority party in the House, I willingly submit my proposal to the Republicans to call their own, get the President on board, turn it into legislation that we can pass by unanimous consent.

The best military option for the United States in Iraq is to act under the command and direction of the United Nations. U.N. leadership offers the best chance for a lasting peace and the fastest orderly way for American troops to return home.

Mr. Speaker, please put politics aside and let us act together. Yesterday, 82 members of the Iraq parliament submitted a letter to their speakers saying get the troops out of Baghdad. We ought to be working with them and make it happen, but it will take both Republicans and Democrats to do it.

THE NEED FOR THE RETURN OF FEDERALISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, the 10th amendment states: "The powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States respectively, or to the people."

These historic words, penned by our Founding Fathers, some of the most ingenious political minds the world has ever known, set forth an important principle: the Federal Government may exercise specific powers that are listed in the Constitution, and the States and the people may exercise all remaining powers.

Unfortunately, as the authors of the Constitution have long since passed, so too have many of their ideals for our system of government, from an ever-expanding Federal Government that for decades has crept into many facets of once locally controlled areas, to a Federal judiciary that in many instances completely ignores the intent of federalism, all resulting in a Federal Government that has become wildly inefficient and a hemorrhaging bureaucracy.

In an effort to draw attention to this nationally destructive trend, I have recently founded the Congressional States and Community Rights Caucus, which will be a forum to work to ensure that the Federal Government is operating under the intent of the 10th amendment of our Bill of Rights. I look forward to working with my like-minded colleagues who share the sentiment that the Federal Government has taken authority over too many areas from State governments and are operating them in an inefficient manner.

This is not a new concept. It goes back over some last 10 years and even back further than that. Our Founders were very clear when establishing our system of government. They intended to set up a Republic of sovereign States capable of self-governing with a small central government with clearly defined, limited powers.

Our Constitution must be thought of as a social contract between people and the government. We must think of the most important document as a trade where our forefathers gave up certain specific rights in exchange for limited services specified, most notably, for defense of the people and the Nation.

□ 1815

When we refer to federalism, we refer to only powers specifically listed in the Constitution are to be administered by the Federal Government. All others are to be left to the States, local government, or to the people themselves. James Madison wrote this in Federal paper No. 45: The powers delegated to the Federal Government are few and defined, he said. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties and properties of the people, and the internal order, improvement and prosperity of the State.

Of course, we know we have gone much further than this now. Throughout the last few generations especially, the intent of the 10th amendment of a limited government has been shredding away. Over the years in many areas, national crises and otherwise, many of the government's powers have grown on the Federal level, particularly in social service areas, through a centralized Federal Government.

Limited government was a gift to the American people. More accurately, it was got by blood, sweat, and tears that were shed by our forefathers who sought to break away from their mother country, Great Britain, and also by subsequent generations who worked for this great experiment of personal liberty.

There are those who support a big government, who have no faith in the people whatsoever to care for themselves, who feel a few should provide for the many. They believe that high taxes and high spending is the most efficient way to provide services. Of course, we know that history proves them not true. Those who support a big government might contend that those like myself are really antigovernment, but that is not true as well. Our Federal Government serves an important purpose, but our Nation is better off when that purpose is limited.

Mr. Speaker, those who support federalism as I do, those who strictly adhere to the 10th amendment, know that a large, burdensome, bureaucratic government is not the most efficient way to get the services to the American people. You see, State taxpayers and Federal taxpayers are not two separate groups of people but they are individuals who are taxed twice.

Think about that for a moment. Americans from all around the country send their money to Washington only for Washington to lose some of it, waste some it, and spend some of it on areas and ways that you and I might not agree with. In fact, you have taxpayers from one State who are subsidizing services for taxpayers in another State. For instance, in my State of New Jersey, I know that for every dollar that we send to Washington, we only receive back 54 cents from the Federal Government. That does not make sense to me and I know that is not fair.

Our recent leaders have tried to right this position of our Federal Government back to where our Founding Fathers had it. In his first inaugural address in 1981, President Reagan said, "It is my intention to curb the size and influence of the Federal establishment and to demand recognition of the distinction between the powers granted to the Federal Government and those reserved to the States or to the people. All of us need to be reminded that the Federal Government did not create the States; the States created the Federal Government."

In light of the looming fiscal crisis of our Federal budget and the domestic programs that are simply not reaching their intended goals, I believe it is imperative to highlight the need to return to a system intended under the reserve clause of the Constitution. I invite and encourage my colleagues to join the caucus and help us return control to those who know what is best, to the people. All of our constituents deserve the most efficient and effective government, a government in accord with our Constitution.

PRISONER ABUSE INVESTIGATIONS

The SPEAKER pro tempore (Mr. McHENRY). Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, the call for an independent commission to review accusations of abuse of prisoners at Guantanamo Bay, Cuba and other places continues to grow. This is not a partisan issue. Members from both sides of the aisle, citizens who consider themselves progressives and citizens who consider themselves conservatives, have joined the call for such a commission. Opinion polls reflect the American people's deep concern about prisoner abuse. The security of our Nation is profoundly impacted by our reputation, by how we are viewed by the rest of the world.

Our response to terrorism is based on contrasting our values to theirs. We are conducting an ideological war in parallel with police and military operations. The outcome of both the ideological struggle and the armed struggle hinge to a significant extent on this great test of values.

Therefore, Mr. Speaker, it is great shame that attention has been diverted in recent days from the fundamental issues to the words used by one Senator, a Senator whom I much admire and greatly respect, who has admitted that the words he used were too strong and who has apologized to those whom he may have offended. The issue raised by the Senator was timely, on target, and central to our Nation's best interests, despite the fact that his specific words failed to properly frame his message.

It is imperative that we remain focused on the issue that the Senator called to our attention and not allow ourselves to be dissuaded, deterred, or discouraged from pursuing a thorough public inquiry into prisoner abuse in much the same manner as the commission we created to examine September 11.

Do some of the policies of our government endanger our troops by disparaging the image of America? Are our own troops endangered by our strained and unique interpretation of the Geneva Conventions? Has our approach to human intelligence distorted and limited our ability to understand and respond to the insurgency in Iraq and the terrorist threat in general? Do the incidents of abuse flow from decisions taken at the highest levels with regard to the conduct of American intelligence?

These are urgent and critical questions that cannot be answered adequately in the inquiries launched to date. We owe a great debt to those who have spoken out, calling for an independent commission, sometimes at great personal cost. I thank them for their leadership.

We owe a great debt to Senator RICHARD DURBIN for helping cause Americans to look seriously at this issue of prisoner abuse by our intelligence agencies and our military. I thank the Senator.

EXCHANGE OF SPECIAL ORDER TIME

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent to use the time of the gentleman from Nebraska (Mr. OSBORNE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SOMATIC CELL NUCLEAR TRANSFER IS HUMAN CLONING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, the bioethical issues that we have been debating for the past several years, and particularly over the last couple of months, deal with fundamental questions about the value of human life and the meaning of human dignity. Every poll conducted on the subject of human embryo cloning for research indicates that 70 to 80 percent of the American people oppose human embryo cloning for research purposes. Cloning advocates know that the American public is adamantly opposed to their goals, so they have crafted new speech in an attempt to deliberately mislead Members of Congress, the media, grassroots advocates and the American public.

One of the leading patient advocacy groups for human cloning research is the Juvenile Diabetes Research Foundation, and they have been sanitizing the language and playing semantic games with a willing media and an unaware American public.

Let me give you a few examples. Last year when representatives of the JDRF stopped by my office, they shared with my staff that they endorsed stem cell research involving somatic cell nuclear transfer. When my staff replied that somatic cell nuclear transfer, or SCNT, was the cloning of human embryos, the JDRF advocates in my office responded that they had been told by those training them for their Hill visit that SCNT did not create a human embryo because sperm was not used. Indeed, the literature in their own hands stated the following: "When scientists use SCNT to create stem cells, no sperm is used and the resulting cell has no chance of developing into a human being because it is never placed in a uterus. This is a fundamentally different procedure from reproductive cloning, as was used by scientists in 1996 to create Dolly the sheep."

This statement is misleading on several counts. JDRF is flat-out wrong when they state that SCNT is a "fundamentally different procedure from reproductive cloning, as was used by scientists in 1996 to create Dolly the sheep." Dr. Ian Wilmut, Dolly's own creator, does not agree with the JDRF statement. Dr. Wilmut stated clearly in a peer-reviewed article, "the unique feature of Dolly was that she was the first mammal to be cloned from an adult somatic body cell." Then he goes on to say, "The success of somatic cell nuclear transfer was used in creating Dolly."

Cloning supporter and then-NIH Director Harold Varmus testified in 1998 stating, "in the Dolly experiment, a lamb was produced using the technology of somatic cell nuclear transfer."

JDRF implies that sperm is necessary to develop an embryo capable of growing into a human. This notion is completely inaccurate, as hundreds of animals have been created through SCNT using no sperm. Was Dolly not a sheep because sperm was not involved? JDRF characterizes the resulting product of SCNT as merely a cell with no chance of developing into a "human." But President Clinton's own Bioethics Advisory Commission disagrees with this statement. In 1997 his commission stated, "the commission began its discussions fully recognizing that any effort in humans to transfer a somatic cell nucleus into an enucleated egg involves the creation of an embryo, with the apparent potential to be implanted in utero and developed to term."

Many of the JDRF advocates that have visited Members of Congress are not to be faulted for this misinformation. They are simply sharing with you what those running JDRF's Hill advocacy program have told them. In fact, the patients and families selected to participate in the 2005 JDRF Children's Congress in Washington were required to assign a loyalty oath agreeing to support the JDRF position on these issues. The loyalty oath found on that application, which I have blown up, and I have next to me right here states, "If there is a discussion of such controversial topics as embryonic stem cell research, I will either embrace the JDRF legislative position on such topics or will not work against the JDRF position."

This statement clearly calls for applicants to be willing to embrace ethically questionable research or be willing to muzzle their personal and moral convictions. Let us have an honest debate on embryonic stem cell research and let us have an honest debate on human cloning and what it is. It is somatic cell nuclear transfer.

CONGRESS OUT OF TOUCH WITH AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Mr. Speaker, to see just how out of touch the Republican Congress is with the American people, look no further than the recent CBS poll taken just last week. In the poll, it clearly says that 81 percent of the American public believes that Congress does not share their priorities. This, Mr. Speaker, is just how out of touch the Republican leadership is with the American people. They just do not get it. And today's debate is just one more example of that. Cutting public broadcasting. I cannot tell you how many dozens and dozens of my constituents have been calling me on this issue telling me and my staff emphatically that they absolutely do not want to see any cuts in public radio and TV broadcasting. But their wishes, their calls, their complaints, their desires, their priorities are falling on deaf ears.

In reality, the Labor-HHS bill that was on the floor today and will be back tomorrow shows once again how the Republican Party's outright irresponsible tax cuts for the rich have exhausted the budget. So when they say we have to cut money for things like job training, assistance for the unemployed, No Child Left Behind, community services block grants, training programs for health professionals, the health communities access program, a program which helps serve the uninsured; as well as children's health block grants and freezing after-school centers, I say to them, on behalf of the American people, four out of five of whom do not support the Republican leadership, shame, shame, shame.

We are also spending $1 billion a week in Iraq. That is $4 billion a month. Yet this administration has zeroed out funding for Amtrak.

□ 1830

Just 1 week of investment in Iraq would significantly improve passenger rail for the entire country for an entire year. I just want someone to explain to the American public why investing in transportation in Iraq is so much more important than investing in passenger rail right here in the United States of America.

Today right here in America we have 50 million people without health insurance. We have the highest trade deficit in the history of this country, and we have a $477 billion Federal deficit. We have a $375 billion shortfall in transportation funding, and we still do not know what happened to the weapons of mass destruction.

I close by posing this question: Is bankrupting this great country the top priority of this administration? I must repeat that. Is bankrupting this great country the top priority of this administration? They are certainly big on bankrupting Amtrak and doing away with passenger trains. I stand here to question the priorities of the House leadership, the priorities of the other body, and definitely to question those of the policymakers or the bean counters over in the White House.

Like 81 percent of the American public, I am growing tired and weary of the Republican majority and the priorities of this administration. I call on my colleagues to change directions, to give up privatizing Social Security, to give up selling out our health care system to the pharmaceuticals, and to listen to the American public and get in tune with their real needs.

URGING SUPPORT FOR H.R. 2892, REVERSE MORTGAGES TO HELP AMERICA'S SENIORS ACT

The SPEAKER pro tempore (Mr. MCHENRY). Under a previous order of the House, the gentleman from Pennsylvania (Mr. FITZPATRICK) is recognized for 5 minutes.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, as we continue to discuss the best ways to strengthen retirement security for our Nation's seniors, I have looked into numerous programs to lessen the burden that our seniors face in rising health care costs, transportation, and homeownership.

As a long-time Bucks County Commissioner and now as a Member of Congress, I have received many phone calls, many letters from seniors looking to find ways to stay in their homes and pay their bills. How many seniors do the Members know who are struggling financially because they do not have a steady income stream coming in, but are sitting on a valuable asset that is not working for them, an asset that they cannot cash in: the home that they want to stay in for their retirement?

Last week, Mr. Speaker, I introduced H.R. 2892. This legislation is bipartisan and is endorsed by AARP. It will eliminate the volume cap on the Department of Housing and Urban Development's Home Equity Conversion Mortgage, commonly referred to as the FHA-insured reverse mortgage program. A reverse mortgage is a unique loan that enables senior homeowners to remain in their homes and be financially independent by converting part of the equity in their homes into tax-free income without having to sell the home, does not require them to give up title, or to take on new mortgage payments. The funds from a reverse mortgage can be used for needs that every senior faces like health care costs, prescription drug costs, in-home care, prevention of foreclosure, paying off existing debts, home repairs, modification, or simple daily living expenses.

Reverse mortgages are aptly named because the payment stream is reversed. Instead of making monthly payments to the lender, as with a regular mortgage, the lender makes payments to the senior homeowner. This unique loan enables senior homeowners who are house rich but cash poor to convert part of their equity in their homes into tax-free income and allow the homeowner great flexibility in choosing how to receive the money. They can opt to receive a lump sum, fixed monthly payments, a line of credit, or a combination of the three. No monthly payments are required during the term of the loan, and it is paid back only when the resident sells the home, passes away, or has permanently moved out of the home.

A key part of the reverse mortgage program is mandatory counseling. To make sure that no one rushes into a mortgage that they are unprepared for, the program requires mandatory counseling prior to applying for a reverse mortgage to ensure that the homeowner has a plan to use the payments in a responsible and beneficial manner. The reverse mortgage program has been successful and popular with senior homeowners, so much so that the rapid growth in these mortgages created a near crisis this April when concerns arose that the cap was going to be reached, leading to a suspension of the program.

While the cap was raised from 150,000 to 250,000 in the 2005 emergency supplemental appropriation bill, this is just a temporary solution. AARP stated that the only complete removal of the volume cap, which is my bill, H.R. 2892, will prevent the possibility of future program disruptions that will be detrimental to seniors.

The importance of sustaining the FHA reverse mortgage program was further emphasized to me this past Monday while I was visiting in my district in Pennsylvania with several senior homeowners who recently obtained reverse mortgages.

Their stories are the same. They have worked their whole lives to obtain this home and to pay for the home. They have raised their children in the home. They have retired into their homes, and they live on Social Security income with basically no remaining savings. They have converted the equity in their home so that they can repair their homes, they can increase their standard of living, and they can live out their senior years with dignity in their own home.

Mr. Speaker, I think every Member of Congress can agree that seniors must have the option to stay in their homes as long as they wish. Lifelong homeownership is the American Dream. My legislation, H.R. 2892, would provide relief for those seniors faced with losing their homes. As we celebrate National Homeownership Month, it is fitting that Congress enact legislation that will allow existing homeowners to remain homeowners.

Today I call on all of my colleagues on both sides of the aisle to join me in this vital effort and to co-sponsor H.R. 2892.

DFAS BRAC COMMISSIONER VISIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, I rise in support of a wonderful facility, the DFAS center in Cleveland, the Defense Finance and Accounting Services Center in the city of Cleveland, originally founded in 1942 as the Navy Bureau of Supplies and Accounts. It was renamed in 1955, and then DFAS was created in 1991, established six field sites in 1995, a reorganization in 2000, and unfortunately this year DFAS in Cleveland has become a victim of a BRAC reorganization.

I am pleased to stand here today with the gentleman from Ohio (Mr. KUCINICH) from the Tenth Congressional District from Ohio, and we were joined earlier today by the gentleman from Ohio (Mr. LATOURETTE) from the 14th Congressional District. And in that process, we had an opportunity to meet with the BRAC Commissioner. He was a wonderful general by the name of "Fig" Newton, who came to give us a site visit on this particular issue.

And I am pleased to now engage in a colloquy with the gentleman from Ohio (Mr. KUCINICH).

Mr. Speaker, I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Speaker, I thank the gentlewoman for yielding to me and want to say what a pleasure and honor it is to work with her and with the gentleman from Ohio (Mr. LATOURETTE) as well in our effort to save over 1,000 jobs at the Defense Finance and Accounting Service in Cleveland, Ohio.

This is a center which is important for the entire Nation because this is a center which processes payroll for a total of 5.7 million Department of Defense employees, military, civilian, and retired, including 2 million Armed Forces members, Navy Active Reserve, Air Force Reserve and Guard, and Army Reserve; 2.4 million military retirees and annuitants. They also do work for the Department of Energy and the Office of Health and Human Services and for various armed service headquarters' elements.

I want to say that this center has been recognized and acknowledged across this country for the tremendous work which the people there do. They do the best accounting work; and now, despite the fact that they have been doing great work for decades, they are finding that the rug is being pulled out from them by a BRAC that does not even save any money.

Mrs. JONES of Ohio. Absolutely, Mr. Speaker. And, reclaiming my time, the interesting thing about this BRAC facility in the city of Cleveland, it has developed a system for garnishment, which is one of the ways in which we are able to collect child support for young people across this country. They have developed a system for retired annuitant pay that is one of the finest systems in the country. It just seems to me that they could not be considering the economic situation in the city of Cleveland in deciding to take this BRAC on.

I yield to the gentleman from Ohio to talk about that.

Mr. KUCINICH. Mr. Speaker, the gentlewoman is correct. Unfortunately, in the city whose responsibilities we share as Members of the Congress to represent the people here in the Federal Government, our city has had one of the highest poverty rates in America, and one of the criteria which must be taken into account during a BRAC are the economic conditions within the community. And it is clear that the economic conditions in the city of Cleveland were not taken into account, and that is one of the bases of the appeal that we are making to the BRAC Commission in Buffalo on Monday.

Mrs. JONES of Ohio. Mr. Speaker, reclaiming my time, it is very interesting that today we had an opportunity to have a rally with the DFAS workers and more than 1,000 of these workers came out in support of keeping their jobs. I am confident that with the work that we will do that we will be able to establish in this BRAC hearing on Monday in the city of Buffalo that the city of Cleveland deserves to hold on to this facility and that the 1,200 people along with the 1,000 people in county jobs who facilitate these services will be able to stay on.

I yield to the gentleman.

Mr. KUCINICH. Mr. Speaker, again, I want to thank the gentlewoman from Ohio (Mrs. JONES) for the tremendous leadership that she has shown in rallying the community. She really has performed a powerful service, as well as the work of the gentleman from Ohio (Mr. LATOURETTE), in building the case.

Keep in mind the BRAC Commission has the authority to change the Department's recommendations if it determines that the Secretary deviated substantially from the force structure and/or selection criteria, and I believe that the Department of Defense has clearly deviated from the selection criteria in two areas: the Secretary is required to consider, among several things, the military value and the economic impact on existing communities in the vicinity of the military installations, and the Department of Defense has erroneously ranked the military value for DFAS Cleveland low and states that a .01 percent within the Cleveland metropolitan statistical area has minimal economic impact.

We look forward to taking our case to Buffalo.

GEAR UP FACTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, pretty much everybody tonight has been upset about something, and often when I come to the floor, I am too. But I wanted to share some good news, actually some good news inside the Labor-HHS appropriations bill, which is very tight in funding, and it involves the GEAR UP program, which I believe is a very important program, and, in fact, the President has proposed to zero it out and the Committee on Appropriations had put $306 million, the same funding as fiscal year 2005, in this.

It is a program that, from the first time we funded it in 1999, had only $120 million in it after we finally got it appropriated; and now it is up to $306 million in spite of a very tight budget.

I would like to give just a brief history of this program. The gentleman from Philadelphia, Pennsylvania (Mr. FATTAH), when I was first elected in the class of 1994, came to me with this proposal of how to reach minority and low-income kids and give them some hope that someday they might be able to get student loans and someday might be able to get scholarships and aid, because it is one thing for a middle class or upper class suburban family where somewhere between prenatal care and child care the parents are already getting their college catalogues out and trying to encourage them to go to college versus many families where they have never had anybody go to college, where they do not really feel there is going to be a chance.

And sometimes in Head Start and elementary school, when we go visit, we see the bright hopes in these kids' eyes and they want to be this and they want to be that, but somewhere around junior high they start to lose these hopes. That is why the gentleman from Pennsylvania (Mr. FATTAH) originally called this program High Hopes, because at eighth grade we now have a program that moves on through the high school years and the bulk of these dollars, half of it, go roughly to scholarships and half of it to help go into the schools to provide financial advice, to provide support, to basically tell these kids that if they keep a 2.0 grade average, and depending upon the State's program in Indiana where they have some other supplemental things, that they will guarantee them to get into a State university with financial aid, that they will be eligible for scholarship aid but will be guaranteed financial aid, that they will be worked through with this financial aid, that they will continue to receive some support.

And I believe that this program was a very critical program that, as we first moved it through committee, it was clear that we were very close in the votes. And with the gentleman from Michigan (Mr. UPTON) and then Congressman McIntosh and me, it wound up to be a tie vote, and Joe Scarborough, who is now on TV, cast the deciding vote, which caused quite a bit of uproar on our side, but we got it authorized. Then it moved through the appropriations process where we continued to move that, and by that time President Clinton adopted the program and changed the name to GEAR UP and helped push this program.

☐ 1845

In fact, one of my more difficult moments was when we went to the signing ceremony, and then Congressman Lindsey Graham and I went to the ceremony, and our goal was particularly not to be in the picture with President Clinton. As a conservative Republican, it could have been the death of me politically. But we went to the White House, and when I left I made it through without a picture, and when I turned around, there was the gentleman from Pennsylvania (Mr. FATTAH) and he said, somebody wants to talk to you, and the whole press corps was there, and there is President Clinton. He starts talking to me about this program and thanking me for my help, with the gentleman from Pennsylvania (Mr. FATTAH) on this program. The bottom line was, I thought my career was going to be over.

But, secondly, it showed that you can do things in a bipartisan way. What I saw in the President's eyes was a commitment to these kids. What we have seen is the dangers of a lot of these programs, is when the Presidency changes the program gets abandoned.

Mr. Speaker, we have continued and expanded this program, even under a Republican administration, in a bipartisan way. At a time when we are divided on so many different issues, to be able to take an education program that is targeted for low-income kids across this country and continue to fund this is a tremendous credit, first to the gentleman from Pennsylvania (Mr. FATTAH) and his committed leadership, to the gentleman from Ohio (Chairman REGULA) in continuing to fund this, and it is a credit to this House that we at least have this program in place, supplemented with TRIO programs and other things, where we can tell young people in America that we can help provide some assistance to them and that, indeed, while you may not get exactly equal chances to everybody else, we are going to give you an opportunity in America, and we are going to give at least some assistance so you too can have some hope in this country.

And if we are going to compete worldwide, as Thomas Friedman in his great book says about the flattening of the earth, we have to have everybody in this country understand that if we are going to compete, we have to succeed. So it is important that we have some programs to supplement the family support system and the lack of some of the educational history in these high-risk families. Because they too have to get up to much higher competitive standards, and we have not been able to do this, and the GEAR UP program is one small step in that direction.

Mr. Speaker, I want to thank the subcommittee and the full committee and the United States Senate for continuing to fund the GEAR UP program.

LABOR-HHS BILL VIOLATES SENIORS' PRIVACY

The SPEAKER pro tempore (Mr. MCHENRY). Under a previous order of the House, the gentleman from Oregon (Mr. DeFazio) is recognized for 5 minutes.

Mr. DeFAZIO. Mr. Speaker, when the House passed the so-called Medicare Modernization Act, the purported prescription drug benefit for seniors in the dark of the night, after holding the vote open for 3 hours by a small margin, a lot of Members did not know fully what was in the bill. We know we were lied to about the cost and that it was withheld from the Congress. There were a lot of other provisions people did not realize were in there.

But there is one that we still have a chance to correct tomorrow with an amendment I am going to offer. Seniors are going to be outraged if my amendment is not accepted.

The bill waives all privacy rights for seniors on Medicare and Medicaid. That is, the Secretary of Health and Human Services is, notwithstanding any other provision of law, able to disclose their personal information to private insurance companies who supposedly will not share it with anybody beyond their company. It is bad enough it is going to a bunch of private insurance companies, but we know, with the interconnectedness of these companies and problems with data retention, that these seniors are likely to have their data widely shared; in addition to which, that means these seniors will be solicited over the phone by mail, aggressively, by private prescription drug plans, insurance companies, obviously trying to sell them something they probably will not really understand.

Now, some people on that side will say, well, how else are we going to market this plan? You do it the way we do the Federal Employees Health Benefit Plan. The government compiles all the data, you send it to all the eligible people, and then you, the consumer, have a choice. They look at the ones they are interested in, they have a 1-800 number, a Web site, they contact them. We do not give the personal information about every Federal employee or Member of Congress to private insurance companies to solicit us; why should we do that to every senior in America? They will be outraged.

Mr. Speaker, it is a simple amendment. It just says that this will not go into effect, and then the Secretary of Health and Human Services can work out a much better plan for marketing this program that does not violate the sanctity, the privacy of all, every one of America's seniors. That would be an outrage, and they will notice.

PAYING TRIBUTE TO DICK HOYT, THE STRONGEST DAD IN THE WORLD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. Duncan) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise tonight to pay tribute to a man who is not from my districts or even from my State, but who certainly must be one of the most wonderful men of whom I have ever read. The story of Dick Hoyt of Holland, Massachusetts is one of the most amazing, inspiring stories I have ever read.

Rick Reilly, a columnist for Sports Illustrated, wrote about Mr. Hoyt in a column published in that magazine the week before last. Mr. Reilly described it as a love story that began 43 years ago when Mr. Hoyt's son Rick "was strangled by the umbilical cord during birth, leaving him brain damaged and unable to control his limbs."

The Hoyts were told Rick would be a vegetable for the rest of his life and that they should put him in an institution. They refused.

When Rick was 11, they took him to engineers at Tufts University to ask them if there was some way to allow him to communicate. They were told, no way, nothing was going on in Rick's brain.

"Tell him a joke," Mr. Hoyt said. "They did. Rick laughed." They had noticed the way Rick's eyes followed them around the room. There was a lot going on in Rick's brain.

The engineers rigged up a computer that Rick could peck letters on by hitting it with a stick attached to the side of his head. His first words were, "Go Bruins!"

After a high school classmate of Rick's was paralyzed in an accident, and a charity run was organized, Rick pecked out the words, "Dad, I want to do that."

Mr. Hoyt, who called himself a porker, pushed Rick in that race, and Rick typed out "Dad, when we were running, it felt like I was not disabled anymore."

Now, here comes the amazing part.

Since that first race, Dick Hoyt has pushed Rick in 85 marathons, 26.2 miles each. Twenty-four times they have run in the Boston Marathon.

Listen to Rick Reilly's column: "Their best time, 2 hours 40, minutes in 1992; only 35 minutes off the world record which, in case you don't keep track of these things, happens to be held by a guy who was not pushing another man in a wheelchair at the time."

Now Dick Hoyt is 65, his son is 43. They have done 212 triathlons, including four grueling, 15-hour Ironmans in Hawaii, 8 triathlons altogether where the father not only pushed his son 26.2 miles in a wheelchair, but also pulled him 2.4 miles in a dinghy while swimming, and pedaled him 112 miles in a seat on the handlebars, all in the same day.

Columnist Reilly wrote, "I try to be a good father, but compared with Dick Hoyt I suck."

What a special son. What a special father. What a special story.

I thank Rick Reilly for writing such a wonderful column.

It is an honor to pay tribute to a man like Dick Hoyt.

I am sure that his special relationship with his son has inspired countless numbers across the land and has, in a very unique way, made this Nation a better place.

Mr. Speaker, I think it is the most inspiring story I have ever read. I would like to attach the column from Sports Illustrated to my remarks here tonight and call them to the attention of my colleagues and other readers of the Record.

[From Sports Illustrated]

STRONGEST DAD IN THE WORLD

(By Rick Reilly)

I try to be a good father. Give my kids mulligans. Work nights to pay for their text messaging. Take them to swimsuit shoots.

But compared with Dick Hoyt, I suck.

Eighty-five times he's pushed his disabled son, Rick, 26.2 miles in marathons. Eight times he's not only pushed him 26.2 miles in a wheelchair but also towed him 2.4 miles in a dinghy while swimming and pedaled him 112 miles in a seat on the handlebars—all in the same day.

Dick's also pulled him cross-country skiing, taken him on his back mountain climbing and once hauled him across the U.S. on a bike. Makes taking your son bowling look a little lame, right?

And what has Rick done for his father? Not much—except save his life.

This love story began in Winchester, Mass., 43 years ago, when Rick was strangled by the umbilical cord during birth, leaving him brain-damaged and unable to control his limbs.

"He'll be a vegetable the rest of his life;" Dick says doctors told him and his wife, Judy, when Rick was nine months old. "Put him in an institution."

But the Hoyts weren't buying it. They noticed the way Rick's eyes followed them around the room. When Rick was 11 they took him to the engineering department at Tufts University and asked if there was anything to help the boy communicate. "No way," Dick says he was told. "There's nothing going on in his brain."

"Tell him a joke," Dick countered. They did. Rick laughed. Turns out a lot was going on in his brain.

Rigged up with a computer that allowed him to control the cursor by touching a switch with the side of his head, Rick was finally able to communicate. First words? "Go Bruins!" And after a high school classmate was paralyzed in an accident and the school organized a charity run for him, Rick pecked out, "Dad, I want to do that."

Yeah, right. How was Dick, a self-described "porker" who never ran more than a mile at a time, going to push his son five miles? Still, he tried. "Then it was me who was handicapped," Dick says. "I was sore for two weeks."

That day changed Rick's life. "Dad," he typed, "when we were running, it felt like I wasn't disabled anymore!"

And that sentence changed Dick's life. He became obsessed with giving Rick that feeling as often as he could. He got into such hard-belly shape that he and Rick were ready to try the 1979 Boston Marathon.

"No way," Dick was told by a race official. The Hoyts weren't quite a single runner, and they weren't quite a wheelchair competitor. For a few years Dick and Rick just joined the massive field and ran anyway, then they found a way to get into the race officially: In 1983 they ran another marathon so fast they made the qualifying time for Boston the following year.

Then somebody said, "Hey, Dick, why not a triathlon?"

How's a guy who never learned to swim and hadn't ridden a bike since he was six going to haul his 110-pound kid through a triathlon? Still, Dick tried.

Now they've done 212 triathlons, including four grueling 15-hour Ironmans in Hawaii. It must be a buzzkill to be a 25-year-old stud getting passed by an old guy towing a grown man in a dinghy, don't you think?

Hey, Dick, why not see how you'd do on your own? "No way," he says. Dick does it purely for "the awesome feeling" he gets seeing Rick with a cantaloupe smile as they run, swim and ride together.

This year, at ages 65 and 43, Dick and Rick finished their 24th Boston Marathon, in 5,083rd place out of more than 20,000 starters. Their best time? Two hours, 40 minutes in 1992—only 35 minutes off the world record, which, in case you don't keep track of these things, happens to be held by a guy who was not pushing another man in a wheelchair at the time.

"No question about it," Rick types. "My dad is the Father of the Century."

And Dick got something else out of all this too. Two years ago he had a mild heart attack during a race. Doctors found that one of his arteries was 95% clogged. "If you hadn't been in such great shape," one doctor told him, "you probably would've died 15 years ago."

So, in a way, Dick and Rick saved each other's life.

Rick, who has his own apartment (he gets home care) and works in Boston, and Dick, retired from the military and living in Holland, Mass., always find ways to be together. They give speeches around the country and compete in some backbreaking race every weekend, including this Father's Day.

That night, Rick will buy his dad dinner, but the thing he really wants to give him is a gift he can never buy.

"The thing I'd most like," Rick types, "is that my dad sit in the chair and I push him once."

STILL NO ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise tonight to talk, sadly, about the fact that America once again is completing another month, another halfway through another year, with no energy policy.

Is it important that we have an energy policy? Should we have an energy policy? Well, I happen to think we should. With oil approaching $60 a barrel and natural gas at $7.50 today, that is the highest fuel prices this country has faced, ever.

Gasoline, we hear a lot about. In the last 20 years, gasoline prices have increased 86 percent. It is on the news every night. We talk about it as if it is a tragedy. Now, it is painful, because it costs all of us more to drive than we would like. But we have choices there: what size vehicle, what kind of mileage it has, and what trips we take.

But in natural gas, the people that use natural gas heat their homes, provide their air-conditioning, run their businesses. They cannot make those same choices. Natural gas prices have increased in the same length of time 550 percent. I want to tell my colleagues, if you heard complaints last winter about natural gas prices for heating our homes, next year is going to be a lot more difficult. Because the gas we put in the ground today will have been paid $7.50 for, and last year at this time it was less than $5 that we were putting into the ground. We put it in storage in the ground at this time of year so we have enough in the winter.

We are now 62 to 64 percent dependent on foreign countries for oil. On natural gas, we are 88 percent self-sufficient. We import about 11 percent from Canada and 1 percent is from liquefied natural gas. Like I said before, $60-a-barrel oil is painful but, in my view, $7.50 and continuing rising natural gas prices has the ability to kill our economy, and I will tell my colleagues why.

We are an island to ourselves with natural gas prices. When we pay $55 or $60 for oil, the whole world pays that, all our competitors pay that, and we are a very competitive global economy. But when we pay $7.50 for natural gas, Canada pays about $6. Europe is in the $5 range. China, our big competitor, pays $4, giving them another advantage on top of cheap labor and all the other ways they manipulate the economy.

Trinidad in northern South America, $1.60. Russia, 90 cents. North Africa, 80 cents. Because of these prices for natural gas and a government here in Washington who will do nothing about it, three industries are leaving our country that are some of the best-paying jobs we have left. Twenty-one fertilizer factories that our farmers depend on closed last year. Why? Because their number one ingredient to make fertilizer is natural gas as an ingredient and as a fuel to make it. The petrochemical companies, again, 40 to 55 percent of their cost is natural gas. They are leaving as we speak. The polymers in plastics, the best jobs in America, are leaving as we speak.

We could be totally self-sufficient on natural gas if we made the right decisions. We need to open up many areas of the West that have been locked up, and we need to streamline the permitting process so that natural gas can move forward timely. We need to open up the Outer Continental Shelf, where there is enough gas to totally supply this country for 50, 60 years without any question.

With the clean fuel, natural gas is the clean fuel. No NO_X, no SO_X, a fourth of the CO_2; it is the nonpolluting fuel, it is the one we ought to be using. We could be using it in vehicles, we could be using it in a lot of ways that we are not using it today to need less oil. But we must open the production of natural gas on our Outer Continental Shelf. Every country in the world, Canada, does and sells it to us. They drill in our Great Lakes and sell it to us. Europe, Germany, England, Norway, Sweden, Australia, New Zealand all produce gas on the Outer Continental Shelf, with no negative impact.

A natural gas well is not an environmental hazard. It is a 6-inch hole in the ground with a steel casing cemented at the bottom and at the top, and you let gas out. It is a gas that is a clean burning fuel. And when you are 40 or 50 miles offshore, nobody knows they are there. There are fine beaches where natural gas is produced. There is fine recreation, there is fine fisheries.

Natural gas is the bridge to the future of America's economy, and if this Congress does not do something about it, they are going to give the best jobs in America to the rest of the world. In fact, last year one of our major chemical companies moved 2,000 jobs to Germany; not a cheap market.

Mr. Speaker, my conclusion is the number one issue facing the economy of this country is the availability and the price of natural gas and the decision is in our hands, this Congress's hands, and we need to make it soon.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

IMPLEMENTING THE DOMINICAN REPUBLIC-CENTRAL AMERICAN FREE TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–36)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the Dominican Republic-Central America-United States Free Trade Agreement (the "Agreement"). The Agreement represents an historic development in our relations with Central America and the Dominican Republic and reflects the commitment of the United States to supporting democracy, regional integration, and economic growth and opportunity in a region that has transitioned to peaceful, democratic societies.

In negotiating this Agreement, my Administration was guided by the objectives set out in the Trade Act of 2002. Central America and the Dominican Republic constitute our second largest export market in Latin America and our tenth largest export market in the world. The Agreement will create significant new opportunities for American workers, farmers, ranchers, and businesses by opening new markets and eliminating barriers. United States agricultural exports will obtain better access to the millions of consumers in Central America and the Dominican Republic.

Under the Agreement, tariffs on approximately 80 percent of U.S. exports will be eliminated immediately. The Agreement will help to level the playing field because about 80 percent of Central America's imports already enjoy duty-free access to our market. By providing for the effective enforcement of labor and environmental laws, combined with strong remedies for noncompliance, the Agreement will contribute to improved worker rights and high levels of environmental protection in Central America and the Dominican Republic.

By supporting this Agreement, the United States can stand with those in the region who stand for democracy and freedom, who are fighting corruption and crime, and who support the rule of law. A stable, democratic, and growing Central America and Dominican Republic strengthens the United States economically and provides greater security for our citizens.

The Agreement is in our national interest, and I urge the Congress to approve it expeditiously.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 23, 2005.*

□ 1900

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–37)

The SPEAKER pro tempore (Mr. MCHENRY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the Western Balkans emergency is to continue in effect beyond June 26, 2005. The most recent notice continuing this emergency was published in the Federal Register on June 25, 2004, 69 FR 36005.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, has not been resolved. Subsequent to the declaration of the national emergency, I amended Executive Order 13219 in Executive Order 13304 of May 28, 2003, to address acts obstructing implementation of the Ohrid Framework Agreement of 2001 in the Republic of Macedonia, which have also become a concern. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 23, 2005.*

HONORING THE FALLEN IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Illinois (Mr. EMANUEL) is recognized for 60 minutes as the designee of the minority leader.

Mr. EMANUEL. Mr. Speaker, there are 1,917 American military personnel who have given their lives in the service of our Nation in Iraq and Afghanistan. We owe these brave men and women, and their families, a debt of gratitude that can never fully be repaid.

It is our responsibility to honor the ultimate sacrifice that our men and women in uniform have made while serving our country. We often invoke their sacrifices in general. Seldom do we take the time to thank them individually.

My colleagues and I would like to take this hour and recognize these individual heroes on the floor of the people's House, their House. Over the next hour, and continuing next week until we finish, we will read the name and rank of each servicemember who has fallen in the Iraq and Afghanistan theaters of war.

By reading these names into the CONGRESSIONAL RECORD, we hope to ensure that our Nation never forgets their sacrifice, and their families will know that their loved ones will be part of the official CONGRESSIONAL RECORD.

As President Franklin Delano Roosevelt said, your loved one, "stands in the unbroken line of Patriots who have dared to die that freedom might live, and grow and increase its blessings. Freedom lives, and through it he lives, in a way that humbles the undertakings of most men."

God bless, and keep each of the brave Americans whose memory we now honor.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, as I continue, I just want to apologize for the inevitable mispronunciation that may come in. I hope that no one will think that this in any way denigrates the respect and admiration that we have for these brave people and the deep sympathy we extend to their families.

1. Master Sergeant Evander E. Andrews
2. Specialist Jonn J. Edmunds
3. Private First Class Kristofor T. Stonesifer
4. Machinist's Mate Fireman Apprentice Bryant L. Davis
5. Engineman First Class Vincent Parker
6. Electronics Technician Third Class Benjamin Johnson
7. CIA Johnny Michael Spann
8. Private Giovanny Maria
9. Electrician's Mate Fireman Apprentice Michael Jakes, Jr.
10. Staff Sergeant Brian C. Prosser
11. Master Sergeant Jefferson D. Davis
12. Sergeant First Class Daniel H. Petithory
13. Sergeant First Class Nathan R. Chapman
14. Captain Matthew W. Bancroft
15. Lance Corporal Bryan P. Bertrand
16. Gunnery Sergeant Stephen L. Bryson
17. Captain Daniel G. McCollum
18. Staff Sergeant Scott N. Germosen
19. Sergeant Jeannette L. Winters
20. Sergeant Nathan P. Hays
21. Staff Sergeant Dwight J. Morgan
22. Staff Sergeant Walter F. Cohee III
23. Specialist Jason A. Disney
24. Major Curtis D. Feistner
25. Captain Bartt D. Owens
26. Chief Warrant Officer Jody L. Egnor
27. Staff Sergeant James P. Dorrity
28. Staff Sergeant Kerry W. Frith
29. Specialist Thomas F. Allison
30. Master Sergeant William L. McDaniel II
31. Staff Sergeant Juan M. Ridout
32. Specialist Curtis A. Carter
33. Chief Warrant Officer Stanley L. Harriman

34. Senior Airman Jason D. Cunningham
35. Technical Sergeant John A. Chapman
36. Sergeant Peter P. Crose
37. Specialist Marc A. Anderson
38. Private First Class Matthew A. Commons
39. Aviation Boatswain's Mate-Handling First Class Neil C. Roberts
40. Sergeant Philip J. Svitak
41. Chief Petty Officer Matthew J. Bourgeois
42. Staff Sergeant Brian T. Craig
43. Sergeant First Class Daniel A. Romero
44. Sergeant Jamie O. Maugans
45. Staff Sergeant Justin J. Galewski
46. Sergeant Gene A. Vance Jr.
47. Staff Sergeant Anissa A. Shero
48. Technical Sergeant Sean M. Corlew
49. Sergeant First Class Peter P. Tycz II
50. Sergeant First Class Christopher J. Speer
51. Sergeant Ryan D. Foraker
52. Lance Corporal Antonio J. Sledd
53. Private James H. Ebbers
54. Specialist Pedro Pena
55. Sergeant Steven Checo
56. Chief Warrant Officer Thomas J. Gibbons
57. Staff Sergeant Daniel Leon Kisling Jr.
58. Sergeant Gregory Michael Frampton
59. Chief Warrant Officer Mark O'Steen
60. Sergeant Michael C. Barry
61. Operations Officer Helge Boes
62. Specialist Brian Michael Clemens
63. Specialist Rodrigo Gonzalez-Garza
64. Sergeant William John Tracy Jr.
65. Chief Warrant Officer Timothy Wayne Moehling
66. Chief Warrant Officer John D. Smith
67. Private First Class Spence A. McNeil
68. Private First Class James R. Dillon Jr.
69. Navy Petty Officer Third Class Jason Profitt
70. Staff Sergeant John "Mike" Teal
71. Lieutenant Colonel John Stein
72. Senior Airman Jason Thomas Plite
73. First Lieutenant Tamara Long Archuleta
74. Staff Sergeant Jason Carlyle Hicks
75. Master Sergeant Michael Maltz
76. Sergeant Orlando Morales
77. Staff Sergeant Jacob L. Frazier
78. Private Jerod R. Dennis
79. Airman First Class Raymond Losano
80. Sergeant First Class John E. Taylor
81. Captain Seth R. Michaud
82. First Class Petty Officer Thomas E. Retzer
83. Specialist Kelvin Feliciano Gutierrez
84. Sergeant Christopher Geiger
85. Petty Officer First Class David Tapper

Mr. EMANUEL. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina.

1. Sergeant First Class Mitchell A. Lane
2. Specialist Chad C. Fuller
3. Private First Class Adam L. Thomas
4. Private First Class Evan W. O'Neill
5. Private First Class Kristian E. Parker
6. Lieutenant Colonel Paul W. Kimbrough
7. Navy Petty Officer Darrell Jones
8. Civilian contractor William Carlson
9. Civilian contractor Christopher Glenn Mueller
10. Staff Sergeant Paul A. Sweeney
11. Sergeant Jay A. Blessing
12. Staff Sergeant Thomas A. Walkup Jr.
13. Major Steven Plumhoff
14. Technical Sergeant Howard A. Walters
15. Sergeant Major Phillip R. Albert
16. Technical Sergeant William J. Kerwood
17. Sergeant Theodore L. Perreault
18. Sergeant Roy A. Wood
19. Staff Sergeant Shawn M. Clemens
20. Specialist Robert J. Cook
21. Specialist Adam G. Kinser
22. Sergeant First Class Curtis Mancini
23. Staff Sergeant James D. Mowris
24. Specialist Justin A. Scott
25. Sergeant Danton K. Seitsinger
26. Sergeant Benjamin L. Gilman
27. Sergeant Nicholes Darwin Golding
28. Specialist David E. Hall
29. Staff Sergeant Anthony S. Lagman
30. Sergeant Michael J. Esposito Jr.
31. Command Sergeant Major Dennis Jallah
32. Commander Adrian Basil Szwec
33. Master Sergeant Herbert R. Claunch
34. Specialist Patrick D. Tillman
35. Specialist Phillip L. Witkowski
36. Private First Class Brandon James Wadman
37. Corporal Ronald R. Payne Jr.
38. Chief Warrant Officer Bruce E. Price
39. Petty Officer First Class Brian J. Ouellette
40. Captain Daniel W. Eggers
41. Staff Sergeant Robert J. Mogensen
42. Private First Class Joseph A. Jeffries
43. Corporal David M. Fraise

Mr. EMANUEL. Mr. Speaker, I yield to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD.

44. Lance Corporal Russell P. White
45. Private First Class Daniel B. McClenney
46. Lance Corporal Juston Tyler Thacker
47. Staff Sergeant Robert K. McGee
48. Specialist Julie R. Hickey
49. Specialist Juan Torres
50. Sergeant Bobby E. Beasley
51. Staff Sergeant Craig W. Cherry
52. Sergeant Daniel Lee Galvan
53. Staff Sergeant Robert S. Goodwin
54. Staff Sergeant Tony B. Olaes
55. Specialist Wesley R. Wells
56. Staff Sergeant Alan L. Rogers
57. Staff Sergeant Brian S. Hobbs
58. Specialist Kyle Ka Eo Fernandez
59. Corporal William M. Amundson Jr.
60. Airman First Class Jesse M. Samek
61. Corporal Billy Gomez
62. Specialist James C. Kearney III
63. Sergeant Michael C. O'Neill
64. Corporal Dale E. Fracker Jr.
65. Corporal Jacob R. Fleischer
66. Lieutenant Colonel Michael J. McMahon
67. Chief Warrant Officer Travis W. Grogan
68. Specialist Harley Miller
69. Specialist Isaac E. Diaz
70. Sergeant First Class Pedro A. Munoz
71. Sergeant Jeremy R. Wright
72. Specialist Richard M. Crane
73. Petty Officer First Class Alec Mazur
74. Staff Sergeant Shane M. Koele
75. Captain Michael T. Fiscus
76. Master Sergeant Michael T. Hiester
77. Specialist Brett M. Hershey
78. Private First Class Norman K. Snyder
79. Sergeant Major Barbaralien Banks
80. Master Sergeant Edwin A. Matoscolon
81. Sergeant James Shawn Lee
82. Captain David S. Connolly
83. Specialist Chrystal Gaye Stout
84. Sergeant Stephen C. High
85. Chief Warrant Officer Clint J. Prather
86. Chief Warrant Officer David Ayala

□ 1915

Mr. EMANUEL. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE.

1. Major Jay Thomas Aubin
2. Captain Ryan Anthony Beaupre
3. Corporal Brian Matthew Kennedy
4. Staff Sgt. Kendall D. Waters-Bey
5. Second Lieutenant Therrel Shane Childers
6. Lance Corporal Jose Antonio Gutierrez
7. Lieutenant Thomas Mullen Adams
8. Specialist Brandon Scott Tobler
9. Sergeant Nicolas Michael Hodson
10. Lance Corporal Eric James Orlowski

11. Captain Christopher Scott Seifert
12. Second Lieutenant Frederick Eben Pokorney Jr.
13. Sergeant Michael Edward Bitz
14. Lance Corporal Thomas Alan Blair
15. Lance Corporal Brian Rory Buesing
16. Lance Corporal David Keith Fribley
17. Corporal Jose Angel Garibay
18. Corporal Jorge Alonso Gonzalez
19. Staff Sergeant Phillip Andrew Jordan
20. Lance Corporal Patrick Ray Nixon
21. Corporal Randal Kent Rosacker
22. Lance Corporal Thomas Jonathan Slocum
23. Lance Corporal Michael Jason Williams
24. Sergeant George Edward Buggs
25. Specialist Jamaal Rashard Addison
26. Master Sergeant Robert John Dowdy
27. Private Ruben Estrella-Soto
28. Private First Class Howard Johnson II
29. Chief Warrant Officer Johnny Villareal Mata
30. Specialist James Michael Kiehl
31. Private First Class Lori Ann Piestewa
32. Private Brandon Ulysses Sloan
33. Sergeant Donald Ralph Walters
34. Corporal Evan Tyler James
35. Sergeant Bradley Steven Korthaus
36. Specialist Gregory Paul Sanders
37. Hospital Corpsman Third Class Michael Vann Johnson Jr.
38. Private First Class Francisco Abraham Martinez-Flores
39. Staff Sergeant Donald Charles May Jr.
40. Lance Corporal Patrick Terence O'Day
41. Corporal Robert Marcus Rodriguez
42. Major Gregory Lewis Stone
43. Major Kevin Gerard Nave
44. Gunnery Sergeant Joseph Menusa
45. Lance Corporal Jesus Alberto Suarez del Solar
46. Sergeant Roderic Antoine Solomon
47. Sergeant Fernando Padilla-Ramirez
48. Lance Corporal William Wayne White
49. Private First Class Michael Russell Creighton-Weldon
50. Private First Class Diego Fernando Rincon
51. Corporal Michael Edward Curtin
52. Sergeant Eugene Williams
53. Staff Sergeant James Wilford Cawley
54. Sergeant Michael Vernon Lalush
55. Captain Aaron Joseph Contreras
56. Sergeant Brian Daniel McGinnis
57. Specialist Brandon Jacob Rowe
58. Specialist William Andrew Jeffries
59. Sergeant Jacob Lee Butler
60. Lance Corporal Joseph Basil Maglione III
61. Lance Corporal Brian Edward Anderson
62. Private First Class Christian Daniel Gurtner
63. Master Sergeant George Andrew Fernandez
64. Captain James Francis Adamouski
65. Specialist Matthew George Boule
66. Chief Warrant Officer Erik Anders Halvorsen
67. Chief Warrant Officer Scott Jamar
68. Chief Warrant Officer Eric Allen Smith

Mr. EMANUEL. Mr. Speaker, I yield to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY.

69. Sergeant Michael Francis Pedersen
70. Specialist Donald Samuel Oaks Jr.
71. Sergeant First Class Randall Scott Rehn
72. Sergeant Todd James Robbins
73. Staff Sergeant Nino Dugue Livaudais
74. Specialist Ryan Patrick Long
75. Captain Russell Brian Rippetoe
76. Private First Class Chad Eric Bales
77. Corporal Mark Asher Evnin
78. Corporal Erik Hernandez Silva
79. Staff Sergeant Wilbert Davis
80. Captain Edward Jason Korn
81. Captain Benjamin Wilson Sammis
82. Captain Tristan Neil Aitken
83. Private First Class Wilfred Davyrussell Bellard
84. Specialist Daniel Francis Cunningham Jr.
85. Private Devon Demilo Jones
86. Sergeant First Class Paul Ray Smith
87. Captain Travis Allen Ford
88. Corporal Bernard George Gooden
89. First Lieutenant Brian Michael McPhillips
90. Sergeant Duane Roy Rios
91. Specialist Larry Kenyatta Brown
92. Staff Sergeant Stevon Alexander Booker
93. First Sergeant Edward Smith
94. Private First Class Gregory Paul Huxley Jr.
95. Private Kelley Stephen Prewitt
96. Staff Sergeant Lincoln Daniel Hollinsaid
97. Lance Corporal Andrew Julian Aviles
98. Corporal Jesus Martin Antonio Medellin
99. Second Lieutenant Jeffrey Joseph Kaylor
100. Private First Class Anthony Scott Miller
101. Specialist George Arthur Mitchell Jr.
102. Corporal Henry Levon Brown
103. Private First Class Juan Guadalupe Garza Jr.
104. Private First Class Jason Michael Meyer
105. Staff Sergeant Robert Anthony Stever
106. Staff Sergeant Scott Douglas Sather

Mr. EMANUEL. Mr. Speaker, I yield to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER.

1. Gunnery Sergeant Jeffrey Edward Bohr Jr.
2. Staff Sergeant Terry Wayne Hemingway
3. Staff Sergeant Riayan Augusto Tejeda
4. Corporal Jesus Angel Gonzalez
5. Lance Corporal David Edward Owens Jr.
6. Specialist Gil Mercado
7. Private First Class John Eli Brown
8. Specialist Thomas Arthur Foley III
9. Corporal Armando Ariel Gonzalez
10. Specialist Richard Allen Goward
11. Private First Class Joseph Patrick Mayek
12. Corporal Jason David Mileo
13. Corporal John Travis Rivero
14. Chief Warrant Officer Andrew Todd Arnold
15. Specialist Roy Russell Buckley
16. Chief Warrant Officer Robert William Channell Jr.
17. Lance Corporal Alan Dinh Lam
18. Specialist Edward John Anguiano
19. Sergeant Troy David Jenkins
20. First Lieutenant Osbaldo Orozco
21. Specialist Narson Bertil Sullivan
22. First Sergeant Joe Jesus Garza
23. Sergeant Sean C. Reynolds
24. Private Jason L. Deibler
25. Chief Warrant Officer Brian K. Van Dusen
26. Chief Warrant Officer Hans N. Gukeisen
27. Corporal Richard P. Carl
28. Lance Corporal Cedric E. Bruns
29. Lance Corporal Matthew R. Smith
30. Lance Corporal Jakub Henryk Kowalik
31. Private First Class Jose F. Gonzalez Rodriguez
32. Staff Sergeant Patrick Lee Griffin Jr.
33. Lance Corporal Nicholas Brian Klieboeker
34. Specialist David T. Nutt
35. Master Sergeant William L. Payne
36. Corporal Douglas Jose Marencoreyes
37. Specialist Rasheed Sahib
38. Captain Andrew David LaMont
39. Lance Corporal Jason William Moore
40. First Lieutenant Timothy Louis Ryan
41. Lieutenant Nathan Dennis White
42. Sergeant Kirk Allen Straseskie
43. Lieutenant Colonel Dominic Rocco Baragona

Mr. EMANUEL. Mr. Speaker, I yield to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY.

44. Specialist Nathaniel A. Caldwell
45. Private David Evans Jr.
46. Private First Class Jeremiah D. Smith
47. Major Matthew E. Schram
48. Staff Sergeant Brett J. Petriken
49. Private Kenneth A. Nalley
50. Sergeant Keman L. Mitchell
51. Staff Sergeant Michael B. Quinn
52. Sergeant Thomas F. Broomhead
53. Staff Sergeant Kenneth R. Bradley
54. Specialist Jose A. Perez III
55. Specialist Kyle A. Griffin
56. Specialist Michael T. Gleason
57. Specialist Zachariah W. Long
58. Sergeant Jonathan W. Lambert
59. Sergeant Atanasio Haro Marin Jr.
60. Private First Class Branden F. Oberleitner
61. Petty Officer Third Class Doyle W. Bollinger Jr.
62. Sergeant Travis L. Burkhardt
63. Private Jesse M. Halling
64. Sergeant Michael E. Dooley
65. Private First Class Gavin L. Neighbor
66. Specialist John K. Klinesmith Jr.
67. Staff Sergeant Andrew R. Pokorny
68. Private First Class Ryan R. Cox
69. Specialist Joseph D. Suell
70. Private Shawn D. Pahnke
71. Sergeant Michael L. Tosto
72. Private Robert L. Frantz
73. Private First Class Michael R. Deuel
74. Staff Sergeant William T. Latham
75. Specialist Paul T. Nakamura
76. Specialist Orenthial Javon Smith
77. Sergeant First Class Gladimir Philippe
78. Specialist Cedric Lamont Lennon
79. Private First Class Kevin C. Ott
80. Lance Corporal Gregory E. MacDonald
81. Specialist Andrew F. Chris
82. Specialist Richard P. Orengo

Mr. EMANUEL. Mr. Speaker, I yield to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM of Minnesota.

1. Specialist Corey A. Hubbell
2. Corporal Tomas Sotelo Jr.
3. Sergeant Timothy M. Conneway
4. First Sergeant Christopher D. Coffin
5. Corporal Travis J. Bradachnall
6. Private First Class Edward J. Herrgott
7. Private First Class Corey L. Small
8. Specialist Jeffrey M. Wershow
9. Sergeant David B. Parson
10. Staff Sergeant Barry Sanford Sr.
11. Specialist Chad L. Keith
12. Private Robert L. McKinley
13. Sergeant First Class Craig A. Boling
14. Sergeant Melissa Valles
15. Lance Corporal Jason Tetrault
16. Sergeant Roger Dale Rowe
17. Sergeant First Class Dan H. Gabrielson
18. Specialist Christian C. Schultz
19. Specialist Joshua M. Neusche
20. Captain Paul J. Cassidy
21. Sergeant Jaror C. Puello-Coronado
22. Sergeant Michael T. Crockett
23. Lance Corporal Cory Ryan Geurin
24. Specialist Ramon Reyes Torres
25. Petty Officer Third Class David J. Moreno
26. Sergeant Mason Douglas Whetstone
27. Specialist Joel L. Bertoldie
28. Second Lieutenant Jonathan D. Rozier
29. Sergeant First Class Christopher R. Willoughby
30. Sergeant Jason D. Jordan
31. Sergeant Justin W. Garvey
32. Corporal Mark Anthony Bibby
33. Specialist Jon P. Fettig
34. Specialist Brett T. Christian
35. Captain Joshua T. Byers
36. Staff Sergeant Hector R. Perez
37. Private First Class Raheen Tyson Heighter
38. Corporal Evan Asa Ashcraft
39. Sergeant Juan M. Serrano
40. Specialist Wilfredo Perez Jr.
41. Sergeant Daniel K. Methvin
42. Private First Class Jonathan M. Cheatham
43. Specialist Jonathan P. Barnes
44. Sergeant Heath A. McMillin
45. Specialist William J. Maher III
46. Sergeant Nathaniel Hart Jr.
47. Captain Leif E. Nott
48. Specialist James I. Lambert III
49. Private Michael J. Deutsch
50. Specialist Justin W. Hebert
51. Staff Sergeant David L. Loyd
52. Specialist Ronald D. Allen Jr.
53. Specialist Farao K. Letufuga
54. Sergeant Leonard D. Simmons
55. Staff Sergeant Brian R. Hellerman
56. Private Kyle C. Gilbert
57. Specialist Zeferino E. Colunga
58. Private First Class Duane E. Longstreth
59. Private First Class Brandon Ramsey
60. Private Matthew D. Bush
61. Sergeant Floyd G. Knighten Jr.
62. Specialist Levi B. Kinchen
63. Staff Sergeant David S. Perry
64. Private First Class Daniel R. Parker
65. Staff Sergeant Richard S. Eaton Jr.
66. Private First Class Timmy R. Brown Jr.
67. Sergeant Taft V. Williams
68. Sergeant Steven W. White
69. Private First Class David M. Kirchhoff
70. Specialist Eric R. Hull
71. Specialist Kenneth W. Harris Jr.
72. Staff Sergeant Bobby C. Franklin
73. Lieutenant Kylan A. Jones-Huffman
74. Private First Class Michael S. Adams
75. Specialist Stephen M. Scott
76. Private First Class Vorn J. Mack
77. Private First Class Pablo Manzano
78. Specialist Darryl T. Dent
79. Lieutenant Colonel Anthony L. Sherman
80. Specialist Rafael L. Navea
81. Sergeant Gregory A. Belanger
82. Staff Sergeant Mark A. Lawton
83. Kristian E. Parker
84. Sergeant Sean K. Cataudella

☐ 1930

Mr. EMANUEL. Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, in honor of their valor, courage and sacrifice. Sergeant Charles Todd Caldwell.

1. Staff Sergeant Cameron B. Sarno
2. Staff Sergeant Joseph Camara
3. Private First Class Christopher A. Sisson
4. Technical Sergeant Bruce E. Brown
5. Specialist Jarrett B. Thompson
6. Specialist Ryan G. Carlock
7. Staff Sergeant Joseph E. Robsky Jr.
8. Sergeant Henry Ybarra III
9. Master Sergeant Kevin N. Morehead
10. Sergeant First Class William M. Bennett
11. Sergeant Trevor A. Blumberg
12. Specialist Alyssa R. Peterson
13. Staff Sergeant Kevin C. Kimmerly
14. Specialist James C. Wright
15. Sergeant Anthony O. Thompson
16. Specialist Richard Arriaga
17. Captain Brian R. Faunce
18. Staff Sergeant Frederick L. Miller Jr.
19. Sergeant David Travis Friedric
20. Specialist Lunsford B. Brown II
21. Specialist Paul J. Sturino
22. Specialist Michael Andrade
23. Captain Robert L. Lucero
24. Sergeant First Class Robert E. Rooney
25. Specialist Kyle G. Thomas
26. Sergeant Darrin K. Potter
27. Staff Sergeant Christopher E. Cutchall
28. Sergeant Andrew Joseph Baddick
29. Specialist Dustin K. McGaugh
30. Specialist Simeon Hunte
31. Private First Class Analaura Esparza Gutierrez
32. Command Sergeant James Blankenbecler
33. Private First Class Charles M. Sims
34. Specialist James H. Pirtle
35. Second Lieutenant Richard Torres
36. Private First Class Kerry D. Scott
37. Specialist Spencer Timothy Karol
38. Staff Sergeant Christopher W. Swisher
39. Specialist Joseph C. Norquist

40. Specialist James E. Powell
41. Private First Class Stephen E. Wyatt
42. Specialist Donald L. Wheeler
43. Private Benjamin L. Freeman
44. Specialist Douglas J. Weismantle
45. Private First Class Jose Casanova
46. Lieutenant Colonel Kim S. Orlando
47. Corporal Sean R. Grilley
48. Staff Sergeant Joseph P. Bellavia
49. Private First Class John D. Hart
50. First Lieutenant David R. Bernstein
51. Staff Sergeant Paul J. Johnson
52. Private First Class Paul J. Bueche
53. Specialist John P. Johnson
54. Captain John R. Teal
55. Sergeant Michael S. Hancock
56. Specialist Jose L. Mora
57. Specialist Artimus D. Brassfield
58. Staff Sergeant Jamie L. Huggins
59. Lieutenant Colonel Charles H. Buehring
60. Private First Class Rachel K. Bosveld
61. Private First Class Steven Acosta
62. Sergeant Aubrey D. Bell
63. Private Jonathan I. Falaniko
64. Specialist Isaac Campoy
65. Sergeant Michael Paul Barrera
66. Private Algernon Adams
67. Second Lieutenant Todd J. Bryant
68. Specialist Maurice J. Johnson
69. First Lieutenant Joshua C. Hurley
70. Private First Class Karina S. Lau
71. Staff Sergeant Paul A. Velasquez
72. Private First Class Anthony D. Dagostino
73. First Lieutenant Brian D. Slavenas
74. Chief Warrant Officer Bruce A. Smith
75. First Lieutenant Benjamin J. Colgan
76. Staff Sergeant Joe Nathan Wilson
77. Sergeant Ross A. Pennanen
78. Sergeant Ernest G. Bucklew
79. Sergeant Joel Perez
80. Specialist Frances M. Vega
81. Specialist Darius T. Jennings
82. Sergeant Keelan L. Moss
83. Specialist Brian H. Penisten

Mr. EMANUEL.

1. Specialist Steven Daniel Conover
2. Staff Sergeant Daniel A. Bader
3. Private First Class Rayshawn S. Johnson
4. Sergeant Francisco Martinez
5. Specialist Robert T. Benson
6. Sergeant First Class Jose A. Rivera
7. Sergeant Paul F. Fisher
8. Specialist James A. Chance III
9. Specialist James R. Wolf
10. Sergeant Scott C. Rose
11. Command Sergeant Major Cornell W. Gilmore I
12. Chief Warrant Officer Kyran E. Kennedy
13. Captain Benedict J. Smith
14. Staff Sergeant Paul M. Neff II
15. Staff Sergeant Morgan DeShawn Kennon
16. Chief Warrant Officer Sharon T. Swartworth
17. Private Kurt R. Frosheiser
18. Staff Sergeant Mark D. Vasquez
19. Staff Sergeant Gary L. Collins
20. Sergeant Nicholas A. Tomko
21. Specialist Genaro Acosta
22. Specialist Marlon P. Jackson
23. Specialist Robert A. Wise
24. Staff Sergeant Nathan J. Bailey
25. Private First Class Jacob S. Fletcher
26. Sergeant Joseph Minucci II
27. Specialist Irving Medina
28. Sergeant Timothy L. Hayslett
29. Sergeant Warren S. Hansen
30. Private First Class Damian L. Heidelberg
31. Specialist Ryan T. Baker
32. Specialist William D. Dusenbery
33. Sergeant Michael D. Acklin II
34. Specialist Eugene A. Uhl III
35. Sergeant First Class Kelly Bolor
36. Chief Warrant Officer Erik C. Kesterson
37. Chief Warrant Officer Scott A. Saboe
38. Sergeant John W. Russell
39. Specialist John R. Sullivan
40. Second Lieutenant Jeremy L. Wolfe
41. Specialist Jeremiah J. DiGiovanni
42. Private First Class Joey D. Whitener
43. Captain Pierre E. Piche
44. Private First Class Richard W. Hafer
45. Chief Warrant Officer Alexander S. Coulter
46. Captain James A. Shull
47. Staff Sergeant Dale A. Panchot
48. Captain Nathan S. Dalley
49. Private Scott Matthew Tyrrell
50. Captain George A. Wood
51. Specialist Joseph L. Lister
52. Corporal Gary B. Coleman
53. Private First Class Damian S. Bushart
54. Specialist Robert D. Roberts
55. Specialist Rel A. Ravago IV
56. Command Sergeant Major Jerry L. Wilson
57. Staff Sergeant Eddie E. Menyweather
58. Chief Warrant Officer Christopher G. Nason
59. Corporal Darrell L. Smith
60. Specialist David J. Goldberg
61. Specialist Thomas J. Sweet II
62. Sergeant Ariel Rico
63. Staff Sergeant Stephen A. Bertolino
64. Specialist Aaron J. Sissel
65. Specialist Uday Singh
66. Chief Warrant Officer Clarence E. Boone
67. Specialist Raphael S. Davis
68. Sergeant Ryan C. Young
69. Specialist Arron R. Clark
70. Private First Class Ray J. Hutchinson
71. Private First Class Jason G. Wright
72. Specialist Christopher Jude Rivera Wesley
73. Specialist Joseph M. Blickenstaff
74. Staff Sergeant Steven H. Bridges
75. Specialist Todd M. Bates
76. Staff Sergeant Richard A. Burdick
77. Private First Class Jerrick M. Petty
78. Staff Sergeant Aaron T. Reese
79. Specialist Marshall L. Edgerton
80. Private First Class Jeffrey F. Braun
81. Sergeant Jarrod W. Black
82. Staff Sergeant Kimberly A. Voelz
83. Specialist Rian C. Ferguson
84. Private First Class Kenneth C. Souslin

Mr. EMANUEL. Mr. Speaker, I yield to the gentlewoman from New York (Mrs. McCARTHY) beginning with the names reading from 2004.

Mrs. McCARTHY. Mr. Speaker, Specialist Nathan W. Nakis.

1. Specialist Christopher J. Holland
2. Sergeant Glenn R. Allison
3. Private First Class Charles E. Bush Jr.
4. Private First Class Stuart W. Moore
5. First Lieutenant Edward M. Saltz
6. Major Christopher J. Splinter
7. Captain Christopher F. Soelzer
8. Sergeant Benjamin W. Biskie
9. Command Sergeant Major Eric F. Cooke
10. Sergeant Michael E. Yashinski
11. Staff Sergeant Thomas W. Christensen
12. Staff Sergeant Stephen C. Hattamer
13. Specialist Charles G. Haight
14. Specialist Michael G. Mihalakis
15. Staff Sergeant Michael J. Sutter
16. Captain Ernesto M. Blanco
17. Private Rey D. Cuervo
18. Sergeant Curt E. Jordan Jr.
19. Specialist Justin W. Pollard
20. Sergeant Dennis A. Corral
21. Specialist Solomon C. "Kelly" Bangayan
22. Captain Eric Thomas Paliwoda
23. Specialist Marc S. Seiden
24. Captain Kimberly N. Hampton
25. Specialist Luke P. Frist
26. Private First Class Jesse D. Mizener
27. Chief Warrant Officer Ian D. Manuel
28. Sergeant Jeffrey C. Walker
29. Chief Warrant Officer Aaron A. Weaver
30. Staff Sergeant Craig Davis
31. Specialist Michael A. Diraimondo
32. Specialist Nathaniel H. Johnson
33. Chief Warrant Officer Philip A. Johnson Jr.
34. Sergeant First Class Gregory B. Hicks
35. Specialist Christopher A. Golby
36. Staff Sergeant Ricky L. Crockett
37. Sergeant Keicia M. Hines
38. Staff Sergeant Roland L. Castro
39. Sergeant Edmond Lee Randle Jr.
40. Specialist Larry E. Polley Jr.

41. Private First Class Cody J. Orr
42. Master Sergeant Kelly L. Hornbeck
43. Private First Class James D. Parker
44. Specialist Gabriel T. Palacios
45. Chief Warrant Officer Brian D. Hazelgrove
46. Chief Warrant Officer Michael T. Blaise
47. Specialist Jason K. Chappell
48. Private First Class Ervin Dervishi
49. Staff Sergeant Kenneth W. Hendrickson
50. Sergeant Randy S. Rosenberg
51. Sergeant Keith L. Smette
52. Specialist William R. Sturges Jr.
53. Staff Sergeant Christopher Bunda
54. Chief Warrant Officer Patrick D. Dorff
55. First Lieutenant Adam G. Mooney
56. Sergeant Travis A. Moothart
57. Sergeant Cory R. Mracek
58. Sergeant First Class James T. Hoffman
59. Second Lieutenant Luke S. James
60. Staff Sergeant Lester O. Kinney II
61. Captain Matthew J. August
62. Staff Sergeant Sean G. Landrus
63. Private First Class Luis A. Moreno
64. Private First Class Holly J. McGeogh
65. Sergeant Eliu A. Miersandoval
66. Corporal Juan C. Cabral Banuelos
67. Private First Class Armando Soriano
68. Second Lieutenant Seth J. Dvorin
69. Specialist Joshua L. Knowles
70. Staff Sergeant Richard P. Ramey
71. Sergeant Thomas D. Robbins
72. Sergeant Elijah Tai Wah Wong
73. Master Sergeant Jude C. Mariano
74. Private First Class William C. Ramirez
75. Sergeant Patrick S. Tainsh
76. Specialist Eric U. Ramirez
77. Private Bryan N. Spry
78. Specialist Christopher M. Taylor
79. Private First Class Nichole M. Frye
80. Specialist Michael M. Merila
81. Specialist Roger G. Ling
82. Second Lieutenant Jeffrey C. Graham
83. Sergeant First Class Henry A. Bacon

Mr. EMANUEL. Mr. Speaker, I yield to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, Chief Warrant Officer Matthew C. Laskowski.

1. Chief Warrant Officer Stephen M. Wells
2. Specialist Michael R. Woodliff
3. Petty Officer Second Class Michael J. Gray
4. Captain Gussie M. Jones
5. Private First Class Matthew G. Milczark
6. Sergeant First Class Richard S. Gottfried
7. Specialist Edward W. Brabazon
8. Private First Class Bert Edward Hoyer
9. Specialist Christopher K. Hill
10. Staff Sergeant Joe L. Dunigan Jr.
11. Specialist Jason C. Ford
12. Captain John F. "Hans" Kurth
13. Specialist Jocelyn "Joce" L. Carrasquillo
14. Private First Class Joel K. Brattain
15. Sergeant Daniel J. Londono
16. Sergeant First Class Clint D. Ferrin
17. Sergeant William J. Normandy
18. First Lieutenant Michael R. Adams
19. Master Sergeant Thomas R. Thigpen Sr.
20. Specialist Tracy L. Laramore
21. Sergeant Ivory L. Phipps
22. Private First Class Ricky A. Morris Jr.
23. Private First Class Brandon C. Smith
24. Private First Class Ernest Harold Sutphin
25. Corporal Andrew D. Brownfield
26. Specialist Doron Chan
27. Specialist Clint Richard "Bones" Matthews
28. Corporal David M. Vicente
29. Private First Class Jason C. Ludlam
30. First Lieutenant Michael W. Vega
31. Specialist Matthew J. Sandri
32. Major Mark D. Taylor
33. Private Dustin L. Kreider
34. Private First Class Christopher E. Hudson
35. Lance Corporal Andrew S. Dang
36. Private First Class Bruce Miller Jr.
37. Staff Sergeant Wentz Jerome Henry Shanaberger III
38. Lance Corporal Jeffrey C. Burgess
39. Specialist Adam D. Froehlich
40. Lance Corporal James A. Casper
41. Private First Class Leroy Sandoval Jr.
42. Master Sergeant Timothy Toney
43. Private First Class Sean M. Schneider
44. Specialist Jeremiah J. Holmes
45. Master Sergeant Richard L. Ferguson
46. Lance Corporal William J. Wiscowiche
47. Private Brandon L. Davis
48. Private First Class Cleston C. Raney
49. Specialist Michael G. Karr Jr.
50. Specialist Sean R. Mitchell
51. First Lieutenant Doyle M. Hufstedler
52. Private First Class Dustin M. Sekula
53. Private First Class William R. Strange
54. Lance Corporal Aric J. Barr
55. Private First Class John D. Amos II
56. Corporal Tyler R. Fey
57. Private First Class Geoffrey S. Morris
58. Specialist Philip G. Rogers
59. Sergeant Michael W. Mitchell
60. Sergeant Yihiyh L. Chen
61. Specialist Robert R. Arsiaga
62. Specialist Stephen D. Hiller
63. Specialist Ahmed Akil "Mel" Cason
64. Specialist Israel Garza
65. Corporal Forest Joseph Jostes
66. Specialist Casey Sheehan
67. Specialist Scott Quentin Larson Jr.
68. Sergeant David M. McKeever
69. Private First Class Christopher Ramos
70. Corporal Jesse L. Thiry
71. Lance Corporal Matthew K. Serio
72. Lance Corporal Shane Lee Goldman
73. Private First Class Moises A. Langhorst
74. Private First Class Christopher R. Cobb
75. Private First Class Ryan M. Jerabek
76. Lance Corporal Travis J. Layfield
77. Lance Corporal Anthony P. Robert
78. Private First Class Benjamin R. Carman
79. Lance Corporal Marcus M. Cherry
80. Second Lieutenant John Thomas Wroblewski
81. Lance Corporal Kyle D. Crowley
82. Staff Sergeant Allan K. Walker
83. Private First Class Deryk L. Hallal

□ 1945

Mr. EMANUEL. Mr. Speaker, I yield to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO.

1. Sergeant Gerardo Moreno
2. Sergeant Lee Duane Todacheene
3. Petty Officer Third Class Fernando A. Mendez-Aceves
4. Staff Sergeant George S. Rentschler
5. Specialist Tyanna S. Felder
6. Captain Brent L. Morel
7. Sergeant First Class Marvin Lee Miller
8. Private First Class Christopher D. Mabry
9. Sergeant First Class William W. Labadie Jr.
10. Specialist Isaac Michael Nieves
11. Staff Sergeant William M. Harrell
12. Lance Corporal Phillip E. Frank
13. Lance Corporal Levi T. Angell
14. Lance Corporal Christopher B. Wasser
15. Corporal Nicholas J. Dieruf
16. Lance Corporal Michael B. Wafford
17. First Lieutenant Joshua M. Palmer
18. Specialist Jonathan Roy Kephart
19. Sergeant Felix M. Delgreco
20. Corporal Matthew E. Matula
21. Lance Corporal Elias Torrez III
22. Corporal Michael Raymond Speer
23. Private First Class Chance R. Phelps
24. Private First Class Eric A. Ayon

25. Staff Sergeant Don Steven McMahan
26. Specialist Michelle M. Witmer
27. Specialist Peter G. Enos
28. Private First Class Gregory R. Goodrich
29. Staff Sergeant Toby W. Mallet
30. Specialist Allen Jeffrey "A.J." Vandayburg
31. Staff Sergeant Raymond Edison Jones Jr.
32. Sergeant Elmer C. Krause
33. Airman First Class Antoine J. Holt
34. Specialist Adolf C. Carballo
35. Specialist Justin W. Johnson
36. Sergeant William C. Eckhart
37. Private First Class George D. Torres
38. First Lieutenant Oscar Jimenez
39. Lance Corporal Torrey L. Gray
40. Corporal Daniel R. Amaya
41. Chief Warrant Officer Lawrence S. Colton
42. Chief Warrant Officer Wesley C. Fortenberry
43. Private First Class Nathan P. Brown
44. Sergeant Major Michael Boyd Stack
45. Lance Corporal Robert Paul Zurheide Jr.
46. Lance Corporal Brad S. Shuder
47. Private Noah L. Boye
48. Corporal Kevin T. Kolm
49. Staff Sergeant Victor A. Rosaleslomeli
50. Specialist Richard K. Trevithick
51. Sergeant Christopher Ramirez
52. Specialist Frank K. Rivers Jr.
53. Staff Sergeant Jimmy J. Arroyave
54. Sergeant Brian M. Wood
55. Specialist Dennis B. Morgan
56. Specialist Michael A. McGlothin
57. Specialist Marvin A. Camposiles
58. Private First Class Clayton Welch Henson
59. First Lieutenant Robert L. Henderson II
60. Sergeant Jonathan N. Hartman
61. Staff Sergeant Edward W. Carman
62. Lance Corporal Gary F. Van Leuven
63. Lance Corporal Ruben Valdez Jr.
64. Lance Corporal Michael J. Smith Jr.
65. Captain Richard J. Gannon II
66. Corporal Christopher A. Gibson
67. Private First Class Leroy Harris-Kelly
68. First Sergeant Bradley C. Fox
69. Specialist Christopher D. Gelineau
70. Corporal Jason L. Dunham
71. Private First Class Shawn C. Edwards
72. Staff Sergeant Cory W. Brooks
73. Petty Officer Third Class Nathan B. Bruckenthal
74. Petty Officer Second Class Christopher E. Watts
75. Petty Officer First Class Michael J. Pernaselli
76. Staff Sergeant Stacey C. Brandon
77. Staff Sergeant Billy J. Orton
78. Chief Warrant Officer Patrick W. Kordsmeier
79. Captain Arthur L. "Bo" Felder
80. Specialist Kenneth A. Melton
81. Lance Corporal Aaron C. Austin
82. Sergeant Sherwood R. Baker
83. Sergeant Lawrence A. Roukey
84. Staff Sergeant Abraham D. Penamedina

Mr. Speaker, I would like to thank the distinguished Members from both sides of the aisle who have participated tonight. I would also like to thank the veterans and their families who have contacted my office to express their support for this effort, and other Members' office.

Unfortunately, a single hour is not enough time to recognize each of our fallen citizens. My colleagues and I will continue this tribute on Monday evening for as many tomorrows as it takes to properly thank those who have made the ultimate sacrifice for their Nation.

I would also like to take this opportunity on behalf of my colleagues to thank the brave men and women who continue to serve our Nation in both Iraq, Afghanistan, and overseas. Our thoughts and prayers are with them and their families in these times.

☐ 2000

REPUBLICAN AGENDA

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 60 minutes as the designee of the majority leader.

Ms. FOXX. Mr. Speaker, in this Special Order, we are going to focus on two things. I am first here to speak a tribute to a very good friend of mine and then I will share the rest of the hour with my colleagues.

TRIBUTE TO LOIS BRITT

Ms. FOXX. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to the memory of a true leader and my friend, Anne Lois Britt. On June 4, just 3 weeks ago, Lois Britt passed away in her sleep. Not only did her family lose a devoted and caring matriarch but Lois' passing marked a serious loss for my State. Lois' first love was to her family and grandchildren, Ralph and Luke, but she loved and treated the betterment of rural North Carolina like it was her second family. She touched the lives of so many, and words cannot express what she meant to those around her. Throughout her nearly 50-year career, Lois was able to work for, and with, the things she loved—her family, people, education, agriculture, and Duplin County.

Lois was born and reared in Duplin County, North Carolina. Duplin County is in the rural eastern part of North Carolina. However, Lois could see from an early age, if given just a few resources, the citizens of Duplin County could do and achieve wonderful things. She was determined to improve the lives of everyone she knew, and she knew almost everybody. So after earning her bachelor's degree from East Carolina University and graduating from North Carolina State with a master's degree in adult education, she returned home to begin her life's work.

Once back in Duplin, she started with the extension service, working in 4–H, home economics and community development. For more than 33 years, she helped mold 4–H'ers, families, and coworkers into positive, productive citizens. To put into perspective how much she meant to the 4–H community, I would like to tell you a story I heard from one of her closest friends. It is customary in North Carolina to have one large family Bible that you keep records, newspaper clippings, and any general memorabilia about your family. One common item usually found in Duplin County family Bibles was the children's 4–H certificates. For 33 years, Lois Britt signed every single 4–H certificate awarded. You see, Lois was a part of everyone's family in some way or another. Countless people in Duplin County credit Lois and the skills they gained under her 4–H and extension leadership for the success they have enjoyed in life.

While she was doing what God had put her on earth to do, helping others, Lois' career began to take off. In 1976, she was promoted to county extension director. She held this position for 14 years and was the first woman in North Carolina's history to serve in that capacity.

After leaving the county extension in 1990, she worked until 2000 with Murphy Family Farms as vice president for public relations. Additionally, she was a member of the board of the North Carolina Pork Council and was vice president of the National Pork Producers Council. It was through her work in pork and agriculture that Lois and I first became friends. We worked together in the North Carolina State Senate and here in the House of Representatives on a number of projects to improve and bolster the pork industry in our home State. We did not always see eye to eye on every issue, but I always knew where she stood and I admired her for that.

It was during her time with Murphy Brown Farms and the North Carolina Pork Council that Lois became a national spokesperson for her industry. She gained national notoriety in her field as an effective and creative leader. People looked up to Lois and respected what she had to say. Although she never ran for public office, I suspect Lois could have held any elected position she wanted due to her leadership, compassion, and understanding of complicated issues.

While moving the agribusiness sector of North Carolina forward. Lois became heavily involved with North Carolina State University. She served on the University of North Carolina board of governors and had been appointed to the chancellor's board of visitors for North Carolina State University. In fact, one of the easiest decisions I ever made in the State Senate was to vote for Lois Britt for board of governors.

Along with her distinguished professional career, Lois was awarded and achieved many honors in her successful life. Awards such as the North Carolina Pork Council Hall of Fame, North Carolina 4-H Lifetime Achievement Award, the North Carolina State University Watauga Medal, the 2003 Volunteer Service Award from the National Agricultural Alumni and Development Association, and the 2002 Distinguished Alumnus for Agriculture from the North Carolina State University College of Agriculture and Life Sciences are just a few of the awards and achievements bestowed upon Lois. If I read them all to you, we would be here till next week.

As you can see, Lois Britt meant the world to her family, her community and the State of North Carolina. Lois had a history of helping people solve problems that arise from our need to be good stewards of the land. She built systems that allow our youth, families and communities to plan and execute productive agribusiness enterprises. She was a great mother and a great friend.

I am pleased that her son Ralph, his wife Suzanne, and Lois' sister Gail have traveled to Washington to join me in celebrating the life of their loved one. They traveled to D.C. to be a part of this tribute, along with many other of Lois' closest friends. I was also honored to be a part of her life. Although Lois is no longer with us physically, we can rest easy knowing she is reunited with her husband and is teaching somewhere in heaven. May God bless her soul.

Mr. Speaker, a group of us is here tonight to bring some perspectives to many things that have been said in the past few weeks by leaders and members of the Democratic Party. I want to recognize first. Representative MARSHA BLACKBURN who represents the Seventh District of Tennessee, and then Representative KENNY MARCHANT who represents the 24th District of Texas. I will then speak very briefly and then recognize the gentlewoman from Virginia (Mrs. DRAKE) who is here.

Let me please turn the floor over to the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentlewoman from North Carolina and how we welcome her enthusiasm and her dedication to helping move forward with the Republican agenda and with the leadership that has been shown.

Mr. Speaker, before I begin my comments this evening, I would like to just pause for a few moments and commend our colleagues from across the aisle as they have stood tonight to remember and to commemorate those men and women who have given their lives in the fight for freedom. We can never begin to express our thanks and our gratitude to the men and women who fight to preserve freedom. Our country has a long, storied, noble history in the fight for freedom and democracy. I want to commend them for reminding and for remembering that there are those who have given their lives. We need to remember each and every individual.

This Nation has been being attacked by terrorists now for a couple of decades. We need to go back and as we remember these men and women who have lost their lives in Iraq, we need to also remember those that lost their lives with the Khobar Towers, with the Cole, with the first World Trade Center bombing, those in Afghanistan and those that currently serve in Afghanistan as well as all of our men and women who are currently deployed. In Tennessee, in my district, we have men and women who are members of the National Guard who are deployed in both Afghanistan and Iraq. To those families, we say we stand with you so solidly, so totally in this fight for freedom.

We have men and women from Fort Campbell, which primarily sits in the Seventh Congressional District of Tennessee, who are preparing to redeploy with the 101st or the 160th, who are in the process of being redeployed. We thank each and every one of them for their service, for their sacrifice, their families we thank for their service and their sacrifice, these precious children who are at home for the summer without mom or dad to go to the ball field with them or to take them to swimming lessons or to hold them tight at night when they are worried and have fears and concerns. We stand with you in this fight for freedom.

We are talking a good bit about what our agenda has been and being in touch with the desires of the American people. I want to call attention to a couple of things that have been in the press lately. We had seven House Members yesterday who wrote a letter to Minority Leader PELOSI saying that they were shocked by a statement in which she said the war in Afghanistan was over, and I am quoting from the letter. They wrote: "Messages like yours could demoralize our troops and undermine our efforts to fight terrorism in Afghanistan and around the world." That was in their letter, and reminding her that we have known all along this is going to be a long, long war. It is not going to be an easy war. It is going to require some sacrifice on all of our parts, on each and every single individual's part.

And then I pulled another article from today's press. It was talking about Taliban, Rebels Fight Afghan, U.S. Forces. We had 102 insurgents that were killed in 3 days of fighting in Afghanistan. It just goes to show us, those who wish us harm, those who would do evil are still out there and still fighting and fighting against freedom.

But much of this has to do with focus and where we put our focus and where this 109th Congress chooses to place its focus. We were here earlier this week talking about the agenda, the Republican agenda, and some of the things that we have accomplished. We are in our 69th day, I believe it is, of our session. There are many strides that we have made for the American people. As we have talked about this, and I know the gentlewoman from North Carolina is certainly aware of this, every time we pass a bill here, it does not mean we have added another law or added another statute to the books. Many times what it means is that we are removing or repealing something and that is the way it ought to be, because being committed to freedom, being here to defend the individual freedoms that each and every person holds dear, means that one of the things we are doing is trying to roll back that long reaching arm of government, roll it back and send that power and send that money and send that authority to the State and local levels. That is something that we as a majority feel is very important: individual freedoms, local control, moving forward on an agenda that is a conservative, well-placed agenda, rooting out waste, fraud and abuse, looking for ways to shrink some of these programs.

These are some of the things that we have been able to make progress on over the last few months: bankruptcy reform, which we passed with 302 votes in this body. That meant we had 73 Democrats cross over and vote with us to pass that. The reason they do that, most of America agrees with the majority's agenda, things that are going to strengthen families, things that are going to strengthen small business.

Class action reform. We have all heard the stories of how trial lawyers go out and make 20, $30 million off of different class action cases and then the members of the class end up with a coupon for 50 cents off, a free movie, a free bottle of juice, a free packet of some commodity. Class action reform passed in this body with 279 votes. Fifty of those votes were Democrats.

The REAL ID Act, border security, addressing illegal immigration and the impact illegal immigration has on this great Nation. We passed the REAL ID Act which is the first step in this, working in concert with many of our State legislatures. They were supporting us as we moved forward with the REAL ID Act to be certain that we had valid documents, immigration documents, used for driver's licenses. The

REAL ID Act passed with 261 votes. Forty-two of those were Democrat votes.

Permanent repeal of the death tax which we have passed in this body. We look forward to seeing that signed into law, because we are looking to roll back taxes and free up this economy, continue to free it up. We have had 25 months of sustained economic growth and it comes from the tax reductions that have been passed by this majority. One of those is the death tax repeal. An important reason for this is because the death tax is a triple tax. You pay tax when you acquire an asset, you pay tax when you maintain the asset, and certainly when you earn your income that you use to purchase that asset, you are paying tax there, too. So rolling back the death tax. Two hundred seventy-two Members of this body, the U.S. House of Representatives, voted to repeal the death tax. Forty-two of those were Democrats.

Continuity of government. The energy bill. Everyone is concerned about gas prices. Something we can do that is going to help us send the right message is passing an energy bill.

□ 2015

And we did that in this House, sent it across the Rotunda to our friends and colleagues in the Senate. And we passed that energy bill with 249 votes; 41 of those were Democrats. And the gentlewoman knows that all of this goes to show that America responds to our agenda. They are looking forward to our reducing the size of government, getting government off their back, getting it out of their pocketbook, leaving them with more money to spend, lightening up on that regulation so that the free enterprise system can do what it does best: generate jobs. We know we do not create those jobs. Government does not create those jobs. Free enterprise creates those jobs.

So as we look at an agenda that is based on hope, is based on planning for the future, is based on a better life for our children, we welcome that the other party comes along and supports this agenda because we know it energizes America. We have provisions that energize this economy, that get us moving in the direction that we should be moving.

I want to thank the gentlewoman for organizing this hour, looking at the strength that is in the agenda that we are working on this year and looking at the momentum that we have for this agenda. It is going to be a busy summer here in Washington, and it is going to be a very brisk, aggressive fall. And we look forward to continuing to work on these issues of taxation, of regulation, the immigration, addressing illegal immigration, litigation, beginning to continue to address these frivolous lawsuits; and we know that progress is going to be made on behalf of the American people.

I thank the gentlewoman for yielding to me and for inviting me to join her on the floor.

Ms. FOXX. Mr. Speaker, I thank the gentlewoman from Tennessee (Mrs. BLACKBURN).

Now I would like to yield to the gentleman from Texas (Mr. MARCHANT), who has come into this Congress along with me and whom I have come to appreciate so much for his leadership and insights.

Mr. MARCHANT. Mr. Speaker, I thank the gentlewoman from North Carolina (Ms. FOXX) for yielding to me.

It is a rare privilege for me to be on the floor with her tonight, and it was a privilege for me to spend the last hour listening to the names of men and women who have given their lives so that we would have the opportunity to be here tonight and to state our views and debate and pass laws that will affect this country.

But this evening I would like to commend the leadership of the Republican-led 109th Congress, which at its halfway point has been marked by major legislative achievement. The Democrats have responded to our party's ideas and vision with a lack of ideas and a lack of vision. They have continuously criticized the actions of the majority, but remain unwilling to put forward any constructive plan on Social Security, energy, or illegal immigration.

I am proud of the many initiatives already passed by House Republicans this year to strengthen this great Nation. This includes class action reform. This reform addresses the most serious cases of class action abuse by allowing large interstate class action cases to be heard in Federal court. The measure unclogs specified, very specific, overused courts and ends harassment of local businesses through forum shopping and limits the thousands and thousands of frivolous lawsuits that are being filed every day.

Another example is the READ ID Act. The READ ID Act completes the mission and recommendations of the 9/11 Commission. It closes asylum loopholes and implements driver's license reforms, strengthens deportation laws, and defends our borders. This bill is necessary to secure our borders and our homeland.

This majority has also passed the permanent repeal of the death tax. The death tax is the leading cause of dissolution for most of our small businesses in America. This unfair tax hampers economic growth. Permanently killing the death tax creates a tax policy that supplements economic growth and opportunity and gives hope to future generations. Our small farmers, our Realtors, our small businesses in America only want to pass on what they have spent generations earning to their families; yet we have a death tax now that robs them of that ability.

America needs a comprehensive energy policy. This Republican Congress has passed an energy bill that creates ½ million new jobs in a wide range of industries. The initiative provides incentives for renewable energies and leadership in energy conservation. The Energy Policy Act allows for increased domestic oil and gas exploration and development. It aims to decrease America's dependence on foreign oil and therefore make our country safer and more self-reliant.

Republican Members of Congress are also currently hammering out solutions to the looming Social Security crisis, as well as negotiating a highway bill that will improve driver safety, traffic congestion, and create millions of new jobs across America.

Such progress and achievement for the well-being of this country can only be attributed to the leadership and effectiveness of congressional Republicans. I am disappointed that our opposing party continues to hinder progress and relies on its legislative obstructionism.

I am proud of what we have accomplished thus far in the 109th Congress for the American people.

Ms. FOXX. Mr. Speaker, I thank the gentleman for his comments.

I now yield to the gentlewoman from Virginia (Mrs. DRAKE), who also came in with this freshman class and represents the Second District of Virginia.

Mrs. DRAKE. Mr. Speaker, I thank the gentlewoman from North Carolina (Ms. FOXX) for her leadership tonight and for allowing us to participate here with her in this hour.

We have heard from the gentleman from Texas and the gentlewoman from Tennessee that we are right at our halfway point for the very first year of the 109th Congress. I think that the gentlewoman from North Carolina would agree with me that it is a very exciting time to serve in Congress. There are very many major issues that face our Nation, and the exciting thing is that this Congress is committed to dealing with those issues.

We have begun the debate on Social Security. We will begin the debate on Medicaid reform with the commission that is being formed, a bipartisan commission. We will work on the total issue of health care, Medicare reform, illegal immigration. There are just many issues that this Congress must deal with and is committed to dealing with.

We have heard tonight about some of the major pieces of legislation that have already been passed by both bodies and enacted into law, from bankruptcy reform to class action lawsuit reform to the READ ID Act and the Continuity of Government Act.

We have also heard about pieces of legislation that were in the works for a very long time and have now passed over to the Senate and we are awaiting their action. On a national energy plan, our country knows today how critical it is that we have a national energy plan. We can no longer be reliant on foreign oil, which today is 62 percent of the energy of the oil that is used in this country.

Other key things that this Congress has sent to the Senate is the Child Interstate Abortion Act, a critical piece of legislation for our parents and our families; Gang Violence Deterrence and Protection Act, critical for our safety in our communities; the flag protection amendment; U.N. reform; and the reauthorization of the PATRIOT Act. Also, both Houses have acted on our highway bill, and that bill is currently in conference and there will be a compromise at approximately somewhere around $284 billion for highways, transit, and road safety through 2009, creating countless new jobs and addressing many transportation needs.

The American people need to know that Congress is hard at work and dealing with problems that have not yet been addressed. Bankruptcy reform and class action lawsuit alone were at least 6 years before those bills were passed. Last year Congress did not pass a highway bill; and this year, as we have heard, we are very close to finalizing that.

The people of this Nation have expressed that Congress needed to demand and require commonsense reform in regards to our participation and financial support of the U.N. I commend the gentleman from Illinois (Chairman HYDE) and the House Committee on International Relations for their hard work. Now the U.S. can require accountability and tie payments to it.

And we now have figures to show how well the Bush tax cuts are working. Current numbers reflect an additional $100 billion in revenue. It shows that that economic model of allowing people to keep more of their hard-earned money means that they will creates new jobs, they will invest it, and they will grow tax dollars for us.

But to the gentlewoman from North Carolina (Ms. FOXX), who has organized this, Mr. Speaker, as pleased as I am with the progress and accomplishments of this Congress, I stand here today with a very heavy heart and am very distressed beyond belief by the action and decision of the Supreme Court today in regards to private property rights.

The constitutional right of the government to eminent domain to purchase private property for public use is a sensitive, difficult issue even when roads, schools, and other public facilities are the reason for the rare and cautious use of this power. But to force an unwilling private party to sell his property for the ultimate use by another private party, even if the property's intended use is a more productive one, is just plain wrong.

The exact words of the dissenting opinion are: "Under the banner of economic development, all private property is now vulnerable to being taken and transferred to another private owner so long as it might be upgraded, i.e., given to an owner, who will use it in a way that the legislature deems more beneficial to the public in the process."

Mr. Speaker, this decision today effectively removes the requirement of public use from the takings clause of the fifth amendment. With this decision all property owners are at risk. My office is currently exploring what legislative remedies are available to ensure that Americans do truly own their property.

I would like to thank the gentlewoman for yielding to me. I look forward to continuing to work with her and adding this additional item to our plate to make sure that the people of our country express the right that our forefathers came here for, to own private property.

Ms. FOXX. Mr. Speaker, I thank the gentlewoman from Virginia (Mrs. DRAKE) for her comments, and I want to tell her that I am as distressed about this ruling as she is. I think that the people of this country are very concerned with activist courts and are very concerned at where the country is going as far as judicial rulings, and I want to join her in doing whatever we possibly can legislatively to stop this kind of action from being taken. She is absolutely right. It is one of our most fundamental rights, the right to private property, and it is one of the things that has made this country so great. So I look forward to her leadership on this issue.

Mr. Speaker, I now yield to the gentleman from Florida (Mr. MARIO DIAZ-BALART), someone I have come to know and admire tremendously, who represents the 25th District of Florida, for his wisdom on the issues we are discussing tonight.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, the gentlewoman is very kind, and I thank her for yielding to me.

I too want to join the many who have expressed their gratitude for what she is doing here tonight. But really more importantly, if I may, I want to thank her for her incredible, passionate leadership particularly on fighting waste, fraud, and abuse that is, unfortunately, still rampant in the Federal budget. She has been such a champion, and it has been a privilege for me to learn from her, see how she does it, and she has been extremely effective. So it is truly just wonderful to see how she works, and it is wonderful that she is giving this Special Order to speak about issues that are important to the United States of America.

☐ 2030

I was listening to the honorable gentlewoman from North Carolina, and she was talking about things that have happened in this Chamber. One of the things that is important is to highlight that it is not only legislation that we have passed here, but it is legislation, not for the sake of passing legislation, it is legislation that has had real, concrete, positive results for the American people. Let us look at some of the results; more than just the legislation, but the results of that legislation.

Look at, for example, the growth in the GDP, the gross domestic product. This is after 9/11. This is after the Internet bubble burst. This is after the recession that President Bush inherited when he first got elected. Despite all that, because of legislation that the President led on and that this Congress passed, the GDP, the growth of the economy, has been spectacular. Mr. Speaker, we have had 14 consecutive quarters of real growth in the economy, a 3.5 rate in the first quarter of this year, a 3.5 percent increase in the GDP. Again, 14 consecutive quarters of real growth, despite what this Congress and our President found itself dealing with after 9/11.

Look at payroll employment. It rose by 2.2 million jobs during 2004; 2.2 million jobs that would be unemployed if it was not for the policies of this Congress, of this majority, and of the President of the United States. Mr. Speaker, 3.5 million jobs over the past 24 months. Ask those hard-working Americans who now have jobs if the policies that this Congress has pursued and passed have not worked for them. They have worked for them, and we are grateful for the President's leadership. I think we have to always remind ourselves that with a little bit of help, with a few Democrats, but with the leadership of the Speaker of the House and the Majority party, great things have happened for our country, for our working men and women in our great country.

Look at, again, the fact that unemployment today, right now, is lower than it was, than the average of the 1970s, the decade of the 1980s and, yes, even lower than the decade of the 1990s. Hard to believe that that is possible, after 9/11, after the scandals on Wall Street, after the bubble-burst of the Internet. Again, that is because of the leadership of our President and because of the leadership of this House.

The homeownership rate is at record levels. More people own homes than ever in the history of our country and, by the way, if we look at minority homeownership also, that is at record levels.

Now, we have more to do. We have more to do, still, and we are working hard to do even more. All of us are concerned about the deficit. We have to reduce the size of the deficit. We know that the President has said, and he has pledged to cut the deficit in half over the next five years. The budget that this House passed does just that in a responsible fashion. It gets a handle on the deficit. It is going to reduce the deficit in half. We do that by controlling spending.

Hey, folks, this is not rocket science. If you are spending too much money, that is why you have a deficit, hey, what do you do? Spend less. Not rocket science. Well, that is what we are doing.

But let me tell my colleagues what our friends in the Democratic Party have proposed as their solution to control the deficit. We hear them here on the Floor of the House continuously, and even in the Senate, talking about, oh, the deficit is too high. But then, what do they propose? They propose billions and billions and billions of dollars in additional spending, which would go directly to increase the size of the deficit. They have done so publicly. They have done so with an amendment in the Committee on the Budget on which I have the honor of serving and also here on the Floor of the House. They cannot have it both ways. They cannot be concerned about the deficit and then propose billions and billions of dollars of additional spending in the Federal budget, spending of Federal dollars.

The President, by the way, has done a great job in looking for programs that are not working. I do not think again it takes a rocket scientist to understand that there are Federal programs that frankly are just not doing that well, that are just wasting the taxpayers' money. Once again, I have to repeat what I said in the beginning. I want to thank the gentlewoman from North Carolina (Ms. FOXX) for her efforts, particularly in trying to fight waste in the Federal Government.

The President has also done a great job. He has created this assessment tool called PART. What he has done is he has gone through every single area of the Federal budget, the Federal Government looking for things that can be reduced or eliminated because they are not needed, not doing a good job, because there are other programs that are better and less expensive. He has proposed eliminating a number of programs and to shift that money to programs that do work.

We also have to be very proud of the job that the chairman of the Committee on Appropriations is doing, the honorable gentleman from California (Mr. LEWIS). He has actually cut an incredible amount of those duplicative, those programs that do not work, that are proven money-wasters, and has shifted those funds to programs that do work. I think, again, we are doing some good things. We do get every once in a while, a few, a couple, one or two, sometimes three or four, and sometimes many more, Democrats who come on board and help us with these efforts. But, unfortunately, most of the heavy lifting to cut waste, to reduce the deficit, to cut taxes, to incentivize the economy has been done with no help from the opposition party. But, fortunately, we have been able to pass those issues, and that is why the economy is doing as well as it is doing, and that is why millions of Americans that otherwise would have been unemployed now have jobs.

Finally, Mr. Speaker, I just want to end with a separate thought. It is always difficult, and I think an honor and a privilege, to listen to the names of our fallen heroes, and we had that tonight, we heard it a little while ago, and I think it is always something that we have to again thank them, thank their families, and thank God that there are heroes like them that are willing to put even their lives on the line to protect our freedoms. I have to say that I was very pleased to see Members of this House come on to this floor to mention the names of our heroes with respect.

That, unfortunately, contrasts so dramatically, sadly, with the statements by a member of the other party of the U.S. Senate. He recently had to apologize because he compared our troops, our men and women in uniform, compared them to the Nazis, to the Soviets and their gulags, to that mad assassin, crazy regime of Pol Pot in Cambodia, those regimes that killed people as a policy, assassinated people. And for anybody, anybody to even mention our troops, our men and women in uniform in that same breath as the Soviet gulags, Pol Pot, or the Nazis is, frankly, totally unacceptable. I guess he was comparing the hard work of our brave men and women in uniform to Nazis. Is he equating the treatment of innocent victims in the concentration camps or in the gulags to the humane treatment that terrorists are getting in Guantanamo at the hands of our troops? Again, it is totally unacceptable.

We accept his apology, after he was forced to apologize, even though he first did not want to. We are talking about the second highest ranking Democrat in the U.S. Senate who said those things. So we will accept his apology. I think, though, that we should also demand his resignation from that position of leadership, a position of leadership, the second highest ranking leader, democratic leader in the Senate, who compared our troops to the Nazis, to the Soviet gulags, and to Pol Pot.

So that is why, Mr. Speaker, I have to tell my colleagues that I was very pleased with coming here tonight and listening in contrast to the names of our fallen heroes. That is the way we should refer to our troops as heroes, as men and women who guarantee the peace not only of the United States of America, but of the entire world. They are heroes that will never be forgotten. And I, for one, have to tell my colleagues, as I will also never forget those who insult our heroes, who compare them to Nazis; I will never forget that either.

Mr. Speaker, I thank the gentlewoman from North Carolina (Ms. FOXX) for her great leadership, for her impassioned leadership and again, in particular, I thank her for really teaching us a lesson as to what it means to be passionate, fighting for the taxpayer against fraud, waste, and abuse in the Federal budget.

Ms. FOXX. Mr. Speaker, I appreciate so much the gentleman from Florida. He also has great passion for the issues that he is concerned about, and I am so proud to be serving with him in the 109th Congress.

I agree with him that it is appropriate for us to honor our heroes, and what happened tonight is a great contrast to much that has been said recently.

Mr. Speaker, I took to the Floor earlier this session to reject Democrat charges that the Republican Party is out of the mainstream. At the time I thought the rhetoric from the other side of the aisle could not be more partisan, more vitriolic, or more damaging to America's credibility abroad. I also thought that they would take their rhetoric only so far. I never thought that they would take their rhetoric so far as to put our troops in greater danger than they are already in. But, Mr. Speaker, I am sorry to say I was wrong. From the chair of the Democrat National Committee to their party leaders in Congress, something has gone terribly awry. Where are the statesmen who put country ahead of party? What happened to the party of Franklin Roosevelt and Harry Truman, the party of Daniel Patrick Moynihan and John F. Kennedy?

Last week I was able to take my grandchildren to Arlington National Cemetery, and I can tell my colleagues that I could not read the words at the Eternal Flame spoken by President Kennedy without getting very, very emotional. I think that President Kennedy's words are so important for us to talk about tonight in light of our having talked about our soldiers who have given their lives. President Kennedy said, "Ask not what your country can do for you; ask what you can do for your country." That is what the brave men and women who are now serving in our military have done. They have asked what can they do for their country. Some of them are giving the ultimate sacrifice.

But, unfortunately, the party of President Kennedy and the party of these other great patriots seems to be gone. It has been replaced by the party of moveon.org and George Soros. A once proud party with a strong pedigree of ideals and values has devolved into a festering wound whose only attributes are hate and obstruction. What is worse, Mr. Speaker, is some

Democrats are proud of their transformation and proclaim it loudly. At a DNC gathering in New York, the chairman of the party said, "I hate Republicans and everything they stand for."

Well, Mr. Speaker, I do not hate Howard Dean and I have never heard another single Republican say that they hate him, but we do feel sorry for him. I feel sorry for those whom he has let down, the millions of Democrats across the country whose party he leads. Mr. Speaker, unlike Dr. Dean, I do not lump all members of the opposition party together. I know there are good Democrats who possess bright ideas and patriotic souls. Some of them might even live and work in this town. And I feel for them. Their leader believes that the louder he screams, the better people will somehow be able to hear him. But I tell my colleagues this: soon, people will stop listening.

Mr. Speaker, our two-party system works best when both sides bring ideas to the table and hash them out. Yes, the Majority party tends to win most, if not all the time, but that is what the voters intended. I understand this better than most, because I spent 10 years in the North Carolina General Assembly in the minority party.

What is most important is that the marketplace of ideas is routinely stocked with the freshest and most visionary policies each side has to offer. I am happy to say Republicans are doing their job, but I am sorry I cannot say the same about the Democrats' leadership.

Instead of policy proposals, we get blank stares. Instead of negotiation, we get obstruction. Instead of dialogue, we get rhetoric.

□ 2045

And I truly wish this were not the case, because now is a time of great responsibility. Now more than ever we need a Congress that is serious about preparing this Nation for the challenges of the century ahead.

And, Mr. Speaker, while Republicans are happy to continue passing our solution-oriented agenda, I truly wish we had a partner in the Democratic Party. How much more vibrant would our political discourse be if we could speak civilly with each other? How much more fruitful would this Congress be?

Nowhere is this clearer than the issue of Social Security. We all know that reforming America's most honored program is more than a hot topic around here; it is the premier domestic issue of our day. And so you would think that all honest attempts at reform would be met at the very least with openmindedness and a desire to discuss, but not so.

When a member of the Democratic caucus offered his plan to reform Social Security, his own leadership chastised him for even bringing an idea and signaling a willingness to talk with Republicans.

Mr. Speaker, it is one thing for Democrats to criticize Republican policies. It is another for them to reprimand one of their own for simply introducing an idea. While I certainly do not agree with the policies proposed in the gentleman's legislation, I applaud him for bucking his party's reticence. He put the needs of the American people before politics. For that he should be commended; and for their condemnation of action, the Democrats should be ashamed.

For what is the purpose of this body but to debate solutions to problems and then choose the very best among them? And that, Mr. Speaker, is just what House Republicans have been doing. My colleagues have given you a long list of accomplishments in this session of Congress. We have proposed an agenda with solutions that are reaping results.

I am happy to say that on many of the most important issues of the day, a large number of rank-and-file Democrats have joined us, despite the reluctance of their leadership.

In 5 short months, the House has passed landmark legislation addressing everything from our roads and highways to the war on terror. Mr. Speaker, we have heard on numerous occasions from the minority leadership that bills are being railroaded through, that substitutes are not being allowed, that rules are closed too often.

You have heard already how most of our bills have had Democratic votes. And nothing could be further from the truth that our rules are closed. And I might also add that Democrats are being treated a great deal better than they treated Republicans when we were in the minority.

When Democrats controlled the House, Republicans were often denied the right to offer motions to recommit. For those unfamiliar with that term, it is the last chance for the minority to attach an amendment to a bill under consideration by the full House.

When Republicans took control of the House, we changed the rules so that the minority always has the opportunity to offer the motion to recommit.

We have enacted rules governing debate on legislation that have allowed for numerous Democratic amendments and substitutes. We responded to demands for greater access to legislative information and have granted nearly every request of the minority. Yet the Democratic leadership continues to use abuse of power as a campaign issue.

I ask the American people to examine the facts, and I also ask the American people to contrast the Republican record of achievement with the Democratic record of obstruction, obtuseness, and obliviousness.

I mentioned earlier that when I last took to the floor to discuss these matters, I thought the Democratic leadership could not be further out to sea when it comes to the most important issues facing the Nation.

Well, it now seems they are somewhere between the Bermuda Triangle and the Lost City of Atlantis. You know, Mr. Speaker, I just do not think the leaders of the Democratic Party here in Washington get it. It has been 4 years since our homeland was attacked, and they still cannot distinguish friend from foe, and patriot from terrorist.

From the comments made by members of the Democratic leadership in both bodies, it is clear that they are not connected with the realities of the war on terror. One said, and I quote, "the war is unwinnable." Another compared our men and women in uniform to Soviets and their gulags, unquote. And yet another, perhaps most egregiously compared Operation Iraqi Freedom which brought an end to Saddam's ethnic cleansing to the Holocaust. He said, the war, and I quote, is the biggest fraud ever committed on the people of this country. This is just as bad as the 6 million Jews being killed, unquote.

Mr. Speaker, I struggle for the words to respond to such comments. The Washington Democratic establishment is simply adrift at a time when our Nation is at war and preparing for the next great American century. It is sad that they are not a part of that preparation. And it is deplorable that in some cases they are actively campaigning against it. I hope that soon things will change. And I hope it happens before the Democratic Party is lost once and for all.

Mr. Speaker, I appreciate all of the comments that were made by my colleagues tonight outlining the very major successes that have occurred in the 109th Congress already. Along with my colleagues, I came to Washington to get things done. I long for a time when the Democratic leadership will come to the table and work with Republicans to make policy that has the best interests of the American people at heart.

DEMOCRATS ARE IN TOUCH WITH THE PEOPLE

The SPEAKER pro tempore (Mr. POE). Under the Speaker's announced policy of January 4, 2005, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I was not expecting to come down here tonight. I did because I was very upset by some of the comments that were made by my Republican colleagues.

Many of them said that they were not here tonight to attack the Democrats and the Democratic Party. In reality, that is exactly what they did. And the negative comments that they were making about Democrats and what we stand for were, frankly, very offensive to me, because I have been here as a Member of Congress for 17 years. And I have never seen the Republican Party sink to the depths in terms of their attacks on Democrats and their unwillingness to cooperate with the Democrats and their abuse of power in this institution.

One of the things that disturbs me the most is that I have always thought that Republicans were very concerned as a party about spending money and about deficits. I remember when I was first elected to the House of Representatives back in 1988. There were a group of Republicans who used to come down on the floor of the House of Representatives every night during Special Orders, about this time, and would hold up a digital clock and talk about the huge deficits that the Federal Government was pursuing and how it continued to go up and how it was necessary for the Republicans to take the majority back because they would be the only ones that would try to do something about the deficit.

Well, you do not hear that anymore from the Republicans, the party that historically, at least in the early days when I was here, seemed to be so much concerned about deficits, has essentially ignored the issue.

I hear my Republican colleague saying that it does not matter what the deficit is, it does not matter how much it grows, you know, that it is just some sort of accounting measure and we can spend all we want and we can go into debt and borrow all we want, and it does not make any difference.

In fact, what you find now is Democrats coming down on the floor and holding up the same charts and talking about the deficit being at an all-time high and the negative impact it is having on this government.

So I say to my Republican colleagues, what happened to the Republican Party that cared about the deficit and was concerned about rampant spending? Because they have become the majority now, they can spend whatever they want and not worry about the impact on the Federal Government over the long term?

In fact what we see is the Republican Party abandoning its ideals, abandoning it principles for the sake, essentially, of just being in the majority and in control.

We have witnessed, as Democrats, efforts on the part of the Republicans to simply exclude us from almost every aspect of this institution. The gentlewoman from North Carolina (Ms. FOXX) who spoke before me suggests that she wanted to get together and work together with the Democrats.

How is that possible when Democrats are not allowed to have a hearing in committee, when the committee moves forward without allowing Democrats to have amendments, when bills come to the floor without the opportunity for Democrats to even speak because the amount of time that is allowed on the bill for speaking is very limited or practically eliminated?

The fact of the matter is that the Republican majority has no interest in reaching out to Democrats and hearing their views. All they want to do is force legislation down the throats of the Democratic minority and act as if in some way they are reaching out, when in fact they are not.

I heard some of my colleagues on the other side of the aisle in the last Special Order go on and on about how the economy is so wonderful, everything is so rosy, more jobs are being created. I do not know what fairy land they live in. When I go back to New Jersey, all I hear about from my constituents is how factories have closed and moved overseas; how jobs have been outsourced to other countries in Europe and Asia; how people are unemployed, and if they have a job, it does not pay as much as it used to; about how pensions and health care benefits have been reduced.

And for the Republican to stand up here tonight and talk about their accomplishments and how great the economy is, they are simply blind to the realities. At one time, Republicans used to look out for the little guy. They used to be concerned about what the average American was doing, whether or not they had a job, whether or not they, you know, were making an income in small-town, in rural America. They have forgotten about the little guy.

All their emphasis as a Republican majority is not on the average American, but on the well-to-do American, on the millionaire, on the corporate interest. What happened to the Republican Party of Abraham Lincoln, of Theodore Roosevelt, of Ronald Reagan for that matter?

We did not see anything that comes to this floor that looks out for the interest of the average person. What we see are tax cuts that go primarily to millionaires and corporate interests. We see special legislation come up that gives a tax break to someone who happens to be, you know, the CEO of a major firm. Whether it is pension policies or it is health care policies, everything is oriented toward the corporate interest or the interests of the wealthy individuals.

You know, when you talk about deficits, deficits of the kind that we see now are basically crippling the American economy. And I used to think that the Republican Party, like the Democratic Party, cared about America first. But that is not the case any more.

Sending jobs overseas is not a problem. Outsourcing jobs, setting up free trade agreements that basically allow other countries to take our jobs, take our resources, this is the face now of the Republican Party. And the saddest thing of all, in my opinion, and this is what I think many of my colleagues, why so many of my colleagues on the Democratic side were here tonight talking about the war and putting up the faces of those who had died in the war, is that Republicans, from what I remember, used to be very wary of getting America involved in overseas conflicts.

Throughout the 20th century, the Republican Party, in many cases, was what we call isolationist, meaning that they felt very strongly that we should not get involved overseas, we should not get involved in wars overseas if they were not in our national interest.

Many Republican Senators and Members of the House of Representatives would come to the floor throughout the 20th century, those in leadership roles, and question whether America should be involved in wars overseas. But we do not see the face of that Republican Party anymore.

□ 2100

We just get involved in wars wherever it happens to be. We do not worry about the rationale for the war. We do not worry about the fact that so many people died or are wounded or the amount of resources we spent on the war.

My colleagues tonight talked about war in Afghanistan and Iraq as if it was going to go on for a long time and last beyond, who knows, 5, 10, 15, 20 years. What is the cost of that? What is the cost in terms of Americans lives and cost in terms of the resources that we have to spend in Iraq and in other places that could be spent on domestic priorities here, educational needs, health care needs, housing needs here at home as opposed to the billions and billions of dollars that are being spent in Iraq?

Do not tell me that we should not think about how we are going to end the Iraq war and how we can end it soon, because every American life that is lost and every dollar that is spent over there could possibly, that dollar could be spent here and that life could be saved. And I would like to know what happened to the Republican Party that used to question our involvement overseas, that used to worry about how much we spent, that used to worry about how many lives would be lost, that suggested that we should only be involved in overseas wars if our national interest was at stake? I do not hear about that Republican Party anymore.

War is supposed to be a last resort. Many Republicans used to say that. They do not say that anymore.

So I will say to my colleagues on the other side of the aisle, it is not the Democratic Party that has changed.

The Democratic Party is still looking out for the little guy. The Democratic Party is still concerned about our economy and our jobs and putting America first. It is the Republican Party that, in fact, has lost sight of that with the Republican leadership that we see here running the House of Representatives.

And I could go on and on. I do not really seek to, because I am not interested in being negative. I would rather be positive. I would like to see the day when we get together and work on issues together. But the only way that that can happen is if the Republican majority and its leadership allows the Democrats to participate, allows the Democrats to provide ideas, allows Democrats to speak, allows Democrats to propose amendments. That is not what we are seeing.

It was very interesting tonight because when we had the first Special Order and we began to read the names of those soldiers who had died in Iraq, there were both Democrats and Republicans on the floor. It was my colleague, the gentleman from North Carolina (Mr. JONES) who voted for the war but says now that it is time to get out. And I think what is beginning to happen here is that there are some Republicans who are beginning to realize the Democrats are right; that it is time for us to get out of Iraq; that we have to have an exit strategy; that there is too much abuse of power on the part of the Republican majority; that in fact too much of Republican policy is aimed towards helping the millionaire and the big-shot rather than the little guy; that there is too much emphasis on the Republican side in terms of Republican policy about worrying about free trade and whether or not we can get something cheaper done overseas instead of trying to protect a job for Americans here at home.

And there are some Republicans who have expressed interest and concern about the deficit and the crippling impact it has on the economy and, in fact, that the economy is not that good. So there is hope here.

I would like to end on a positive note because I do believe that there are members of the Republican Party, my colleagues on the other side, that now realize that on many of these policy issues Democrats are right. And, hopefully, we can forge a bipartisan leadership that will address some of these issues in a positive way. But it is only going to begin when my colleagues on the other side realize that they have to give an opportunity for Democrats to speak, that they cannot abuse the power of their majority. And we are not there yet, but hopefully we can be in the next few weeks or the next few months before this session of Congress is over.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOYD (at the request of Ms. PELOSI) for today.

Ms. HARMAN (at the request of Ms. PELOSI) for today after 2:00 p.m. and the balance of the week.

Mr. UDALL of New Mexico (at the request of Ms. PELOSI) for today after 2:45 p.m. and the balance of the week on account of business in the district.

Mr. REYES (at the request of Ms. PELOSI) for today and the balance of the week on account of official business.

Mr. BASS (at the request of Mr. DELAY) for today after noon on account of attending his daughter Lucy's graduation from the eighth grade.

Mr. TOM DAVIS of Virginia (at the request of Mr. DELAY) for today and the balance of the week on account of personal reasons.

Mrs. WILSON of New Mexico (at the request of Mr. DELAY) for today after 3:00 p.m. and the balance of the week on account of attending a hearing at Cannon Air Force Base in Clovis, New Mexico, with members of the Base Realignment and Closure Commission.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. CHANDLER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, June 30.

Mr. GINGREY, for 5 minutes, today.

Mr. FITZPATRICK of Pennsylvania, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

Mr. KELLER, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 4 minutes p.m.), the House adjourned until tomorrow, Friday, June 24, 2005, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2444. A letter from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D — 2005-06 Subsistence Taking of Fish and Wildlife Regulations (RIN: 1018-AT70) received June 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2445. A letter from the Secretary, Department of Commerce, transmitting the biennial report regarding the activities of the National Oceanic and Atmospheric Administration's Chesapeake Bay Office Activities, pursuant to Section 307(b)(7) of the NOAA Authorization Act of 1992; to the Committee on Resources.

2446. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No. 041110317-4364-02; I.D. 030305D] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2447. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for North Carolina [Docket No. 031119283-4001-05; I.D. 122204F] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2448. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Alaska Plaice in the Bering Sea and Aleutian Islands Managements Area [DOcket No. 041126332-5039-02; I.D. 050605D] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2449. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Framework Adjustment 40B [Docket No. 050314072-5126-02; I.D. 030705D] (RIN: 0648-AS33) received June 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2450. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Galveston Channel, Gulf Intracoastal Waterway, Galveston, Texas [CGD08-05-035] received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2451. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, mile 1012.6, North Palm Beach, Palm

Beach County, FL. [CGD07-05-044] (RIN: 1625-AA09) received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2452. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; White River, Augusta, Arkansas [CGD08-05-030] (RIN: 1625-AA09) received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2453. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Port Allen Canal, Morley, Louisiana [CGD08-05-036] received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2454. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Presque Isle Bay, Dobbins Landing, Erie, PA [CGD09-05-016] (RIN: 1625-AA00) received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2455. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rochester Harbor Fireworks, Rochester, NY [CGD09-05-017] (RIN: 1625-AA00) received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 362. A bill to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes; with an amendment (Rept. 109–149). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1797. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes; (Rept. 109–150). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 2364. A bill to establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and in National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs; with an amendment (Rept. 109–151). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TIBERI (for himself and Mr. SCOTT of Georgia):

H.R. 3043. A bill to authorize the Secretary of Housing and Urban Development to carry out a pilot program to insure zero-downpayment mortgages for one-unit residences; to the Committee on Financial Services.

By Ms. LORETTA SANCHEZ of California:

H.R. 3044. A bill to amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to provide standards for the use of military commissions for the trial of offenses under the law of war or in furtherance of international terrorism; to the Committee on Armed Services.

By Mr. DELAY (for himself and Mr. JEFFERSON):

H.R. 3045. A bill to implement the Dominican Republic-Central America-United States Free Trade Agreement; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Ms. ROS-LEHTINEN, Ms. JACKSON-LEE of Texas, Mr. OWENS, and Mr. MCGOVERN):

H.R. 3046. A bill to amend the Public Health Service Act to deem certain training in geriatric medicine or geriatric psychiatry to be obligated service for purposes of the National Health Service Corps Loan Repayment Program, and for other purposes; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself and Mr. PLATTS):

H.R. 3047. A bill to amend title XVIII of the Social Security Act to provide for expanded coverage of paramedic intercept services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 3048. A bill to require the Secretary of the Treasury to retain indefinitely records (including images) of redeemed savings bonds; to the Committee on Ways and Means.

By Mr. GREEN of Wisconsin:

H.R. 3049. A bill to amend section 42 of title 18, United States Code, popularly known as the Lacey Act, to add certain species of carp to the list of injurious species that are prohibited from being imported or shipped; to the Committee on the Judiciary.

By Mrs. JOHNSON of Connecticut (for herself, Mr. TOWNS, Mrs. BONO, Mr. KOLBE, Mr. SIMMONS, and Mr. SHAYS):

H.R. 3050. A bill to amend title XXI of the Social Security Act to provide grants to promote innovative outreach and enrollment under the Medicaid and State children's health insurance programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KOLBE:

H.R. 3051. A bill to provide for a land exchange involving certain Bureau of Land Management lands in Pima County, Arizona, for the purpose of consolidating Federal land ownership within the Las Cienegas National Conservation Area, and for other purposes; to the Committee on Resources.

By Mr. LOBIONDO (for himself, Mr. SAXTON, Mr. SMITH of New Jersey, and Mr. ANDREWS):

H.R. 3052. A bill to direct the Secretary of Veterans Affairs tc expand the capability of the Department of Veterans Affairs to provide for the medical care needs of veterans in southern New Jersey; to the Committee on Veterans' Affairs.

By Mr. MCKEON:

H.R. 3053. A bill to remediate groundwater contamination caused by perchlorates in the city of Santa Clarita, California; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON:

H.R. 3054. A bill to amend the Federal Credit Reform Act of 1990 to require appropriations to cover the estimated subsidy costs of monetary resources provided by the United States Government to the International Monetary Fund, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. ABERCROMBIE, Mr. BERMAN, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DOGGETT, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. GUTIERREZ, Mr. HINCHEY, Mr. JEFFERSON, Mr. KILDEE, Mr. KUCINICH, Ms. LEE, Mrs. MCCARTHY, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. PALLONE, Mr. RANGEL, Mr. RUSH, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Mr. SHERMAN, Mr. VAN HOLLEN, Mr. WEINER, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 3055. A bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2006; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida (for himself, Mr. SESSIONS, Mr. FOLEY, Mr. MURPHY, Mr. SAXTON, Mr. BISHOP of New York, Mr. BURTON of Indiana, Ms. WATSON, Mr. WILSON of South Carolina, Mr. BARTLETT of Maryland, Mr. BILIRAKIS, Mr. SHIMKUS, Mr. TAYLOR of Mississippi, Mr. SIMMONS, Mr. OBERSTAR, Mr. SCHWARZ of Michigan, Mr. SHAW, Mr. KING of New York, Ms. GINNY BROWN-WAITE of Florida, Ms. WASSERMAN SCHULTZ, Mr. ISRAEL, Mr. JONES of North Carolina, Mr. HERGER, Ms. HARRIS, Mr. HAYES, Mr. BOOZMAN, Mr. BROWN of South Carolina, Mr. MCCAUL of Texas, Mr. WAMP, Mr. HAYWORTH, Mr. TURNER, Mr. RADANOVICH, Ms. CORRINE BROWN of Florida, Ms. KILPATRICK of Michigan, Mr. SNYDER, Mr. YOUNG of Alaska, Mr. AKIN, Mr. GREEN of Wisconsin, Mr. TIAHRT, Ms. BORDALLO, Mr. BUYER, Mr. FOSSELLA, Mr. SULLIVAN, Mr. CRENSHAW, Mr. RAHALL, Mr. ORTIZ, and Mr. DAVIS of Tennessee):

H. Con. Res. 188. Concurrent resolution honoring the members of the United States Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia; to the Committee on Armed Services.

By Mr. BLUMENAUER (for himself, Mr. INSLEE, Mr. DEFAZIO, Mr. WALDEN of Oregon, Mr. WU, Ms. HOOLEY, Mr. SMITH of Washington, Mr. LARSEN of Washington, Mr. DICKS, Mr. MCDERMOTT, Miss MCMORRIS, Mr. HASTINGS of Washington, Mr. REICHERT, and Mr. BAIRD):

H. Con. Res. 189. Concurrent resolution honoring the Native American tribes of the Pacific Northwest and the Treaties of 1855 between these tribes and the United States of America; to the Committee on Resources.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, Mr. CARDIN, Mr. PITTS, and Mr. MCINTYRE):

H. Con. Res. 190. Concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards; to the Committee on International Relations.

By Ms. DELAURO (for herself, Mr. BROWN of Ohio, Mr. NADLER, Mr. HONDA, Ms. MCCOLLUM of Minnesota, and Mr. SHERWOOD):

H. Res. 338. A resolution recognizing the importance of sports in fostering the leadership ability and success of women; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. GINGREY.

H.R. 65: Ms. HARRIS.

H.R. 98: Mr. WILSON of South Carolina.

H.R. 278: Ms. HARRIS.

H.R. 282: Mr. SHUSTER, Mr. SODREL, and Mrs. CAPITO.

H.R. 297: Mr. GUTIERREZ.

H.R. 302: Ms. LEE and Ms. WOOLSEY.

H.R. 457: Mr. SMITH of New Jersey, Mrs. CHRISTENSEN, and Mr. WOLF.

H.R. 509: Mr. DAVIS of Illinois.

H.R. 510: Mr. JEFFERSON.

H.R. 588: Mr. BEAUPREZ and Mr. OWENS.

H.R. 772: Mr. EMANUEL, Mrs. JONES of Ohio, Mr. MELANCON, Mrs. CAPITO, and Mr. CROWLEY.

H.R. 817: Mr. OXLEY, Ms. DELAURO, Ms. KILPATRICK of Michigan, Mrs. MALONEY, Mr. ROGERS of Michigan, Mr. TOWNS, Mr. PALLONE, Ms. WASSERMAN SCHULTZ, Mr. RUSH, Mr. FITZPATRICK of Pennsylvania, Mr. SHERMAN, Mr. WYNN, Mr. SNYDER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. UDALL of Colorado, Mrs. NAPOLITANO, Ms. MATSUI, Ms. KAPTUR, Mr. EMANUEL, Mr. HINCHEY, and Ms. LORETTA SANCHEZ of California.

H.R. 822: Ms. CARSON and Mr. GUTIERREZ.

H.R. 831: Mr. BISHOP of Georgia.

H.R. 887: Mr. EDWARDS.

H.R. 899: Mr. SOUDER.

H.R. 916: Mrs. JONES of Ohio, Mr. HULSHOF, Ms. HERSETH, Mr. DELAHUNT, Mr. SHERMAN, and Mr. DAVIS of Illinois.

H.R. 920: Mr. NEUGEBAUER.

H.R. 923: Mr. DAVIS of Illinois.

H.R. 930: Mrs. BONO.

H.R. 976: Ms. HARRIS, Ms. JACKSON-LEE of Texas, Mr. BOUSTANY, and Mr. LAHOOD.

H.R. 994: Mr. INGLIS of South Carolina, Mr. SNYDER, Ms. DEGETTE, Ms. WASSERMAN SCHULTZ, Mr. CLAY, Mr. KENNEDY of Rhode Island, Mrs. BONO, Mr. FRELINGHUYSEN, Mr. BARROW, and Mr. BARRETT of South Carolina.

H.R. 1055: Mr. WAMP.

H.R. 1056: Mr. WAMP.

H.R. 1124: Mr. PASTOR.

H.R. 1132: Mr. SOUDER.

H.R. 1167: Mr. CONAWAY.

H.R. 1186: Mrs. DRAKE and Mr. WILSON of South Carolina.

H.R. 1201: Mr. MURTHA.

H.R. 1214: Mr. INSLEE.

H.R. 1216: Mr. PLATTS.

H.R. 1220: Ms. CORRINE BROWN of Florida, Mr. SNYDER, and Mr. KOLBE.

H.R. 1227: Mr. BRADLEY of New Hampshire.

H.R. 1232: Mr. UDALL of Colorado.

H.R. 1246: Mr. LANTOS.

H.R. 1259: Mr. LIPINSKI, Mr. TERRY, Mr. EVANS, Mr. DAVIS of Alabama, and Mr. BACA.

H.R. 1282: Mr. DAVIS of Alabama and Ms. HERSETH.

H.R. 1288: Mr. BOSWELL, Mr. CARDOZA, Mr. COOPER, Mr. COSTELLO, Mr. MOLLOHAN, Mr. RAHALL, Mr. BOEHNER, Mr. CHOCOLA, Mr. CAMP, and Mr. NEY.

H.R. 1298: Mr. WOLF.

H.R. 1306: Mr. GREEN of Wisconsin, Mr. HENSARLING, Mr. RADANOVICH, Mrs. EMERSON, Mr. FILNER, Mr. TANCREDO, Mr. BRADY of Texas, Mr. CANTOR, Mr. PORTER, Mr. JONES of North Carolina, Mr. BONNER, Mr. HOEKSTRA, Mr. REHBERG, Mr. MCCOTTER, Mrs. MUSGRAVE, Mr. SENSENBRENNER, Ms. GRANGER, Mr. DOOLITTLE, Mr. PAYNE, Ms. GINNY BROWN-WAITE of Florida, Mr. KENNEDY of Minnesota, and Mr. JENKINS.

H.R. 1308: Mr. GILLMOR.

H.R. 1312: Ms. DEGETTE and Mr. GUTIERREZ.

H.R. 1378: Mr. WAMP.

H.R. 1380: Mr. ROTHMAN, Mr. CUMMINGS, and Mr. GILLMOR.

H.R. 1395: Mr. WAMP.

H.R. 1415: Mr. CUMMINGS.

H.R. 1426: Mr. HAYWORTH and Mr. EVANS.

H.R. 1443: Mr. UDALL of Colorado, Mr. PAYNE, and Mr. NADLER.

H.R. 1446: Mr. WAMP.

H.R. 1498: Mr. ALEXANDER and Mr. GENE GREEN of Texas.

H.R. 1517: Mr. HASTINGS of Washington.

H.R. 1591: Mr. HOEKSTRA, Ms. WOOLSEY, and Mr. CARDIN.

H.R. 1602: Mr. MCKEON.

H.R. 1632: Mr. BOOZMAN, Mrs. JO ANN DAVIS of Virginia, Mr. PLATTS, and Mrs. CHRISTENSEN.

H.R. 1652: Ms. VELÁZQUEZ.

H.R. 1668: Mr. JEFFERSON, Mr. MCNULTY, and Ms. MATSUI.

H.R. 1671: Mr. BARROW.

H.R. 1704: Mrs. NORTHUP.

H.R. 1709: Mr. FARR, Ms. CORRINE BROWN of Florida, Mr. UDALL of New Mexico, Mr. DAVIS of Illinois, Ms. WASSERMAN SCHULTZ, Mr. RANGEL, Mr. SCOTT of Virginia, Mrs. CHRISTENSEN, and Mrs. MALONEY.

H.R. 1722: Mr. GERLACH.

H.R. 1898: Mr. CHOCOLA.

H.R. 1973: Mr. MCGOVERN.

H.R. 2014: Mr. SALAZAR, Mr. FILNER, and Mrs. CHRISTENSEN.

H.R. 2133: Mr. BERMAN.

H.R. 2134: Mr. KILDEE.

H.R. 2209: Mr. BARROW and Mr. PRICE of North Carolina.

H.R. 2218: Mr. ROTHMAN.

H.R. 2229: Mrs. CAPITO.

H.R. 2259: Mr. SHERMAN.

H.R. 2291: Mrs. CHRISTENSEN.

H.R. 2327: Mr. MCGOVERN.

H.R. 2328: Mr. BISHOP of Georgia.

H.R. 2357: Mr. BISHOP of Georgia.

H.R. 2423: Mr. DEAL of Georgia and Mr. CONAWAY.

H.R. 2512: Mr. OWENS.

H.R. 2533: Mr. STRICKLAND.

H.R. 2567: Ms. HARMAN, Mr. MCGOVERN, and Mr. CALVERT.

H.R. 2642: Mr. OWENS and Mr. HOLDEN.

H.R. 2648: Mrs. MALONEY.

H.R. 2717: Mr. PRICE of North Carolina.

H.R. 2730: Mr. ANDREWS, Mrs. MCCARTHY, Mr. GRIJALVA, Mr. HOLT, and Ms. ROS-LEHTINEN.

H.R. 2739: Ms. LEE.

H.R. 2793: Mr. BOSWELL.

H.R. 2794: Ms. KAPTUR, Mr. CASE, Miss MCMORRIS, Mr. CHANDLER, Mr. BISHOP of Utah, Mr. ABERCROMBIE, and Mrs. WILSON of New Mexico.

H.R. 2803: Mr. RANGEL and Mr. WICKER.

H.R. 2804: Mr. BARRETT of South Carolina.

H.R. 2811: Mr. MEEKS of New York.

H.R. 2834: Mr. GRIJALVA.

H.R. 2861: Mr. WAXMAN.

H.R. 2874: Mr. EDWARDS.

H.R. 2877: Mr. KUCINICH.

H.R. 2891: Mr. WYNN, Mr. GRIJALVA, and Mr. WATT.

H.R. 2923: Mr. FORTUÑO.

H.R. 2945: Mr. MEEKS of New York, Mr. MCDERMOTT, and Mr. BUTTERFIELD.

H.R. 2947: Mr. MCGOVERN.

H.R. 2948: Mr. MORAN of Kansas.

H.R. 3011: Mr. DEAL of Georgia, Mrs. BLACKBURN, and Mr. MURPHY.

H.R. 3041: Mr. ETHERIDGE.

H. Con. Res. 38: Mr. NORWOOD.

H. Con. Res. 140: Mr. CHABOT, Mr. SIMMONS, Mr. BASS, Mr. MORAN of Kansas, and Mr. BUYER.

H. Res. 158: Mr. SERRANO.

H. Res. 175: Mr. ANDREWS and Mr. HOLT.

H. Res. 209: Mr. NEUGEBAUER.

H. Res. 246: Mr. PRICE of North Carolina.

H. Res. 259: Mr. DAVIS of Alabama and Mr. MENENDEZ.

H. Res. 312: Mr. CALVERT, Mr. OBERSTAR, and Mr. GILLMOR.

H. Res. 316: Mrs. MCCARTHY, Mr. PAYNE, Mr. HOLT, and Mr. STARK.

H. Res. 317: Mr. PAYNE, Ms. BORDALLO, Mr. FOLEY, Mr. MCHENRY, Mr. KLINE, and Mr. BISHOP of Georgia.

H. Res. 325: Mr. BERMAN, Mr. HINCHEY, Mr. BROWN of South Carolina, and Mr. CROWLEY.

H. Res. 332: Mr. CASTLE and Mr. SAXTON.

H. Res. 333: Mr. PITTS, Mr. ROHRABACHER, Mr. MENENDEZ, Mr. BURTON of Indiana, Ms. MCCOLLUM of Minnesota, Mr. BERMAN, Ms. WATSON, Mr. FALEOMAVAEGA, Mr. LEACH, Mr. CARDOZA, Mr. CROWLEY, Mr. CHABOT, Mr. MCCOTTER, Mr. PENCE, and Mr. CHANDLER.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 415: Ms. WOOLSEY.

H.R. 2567: Mr. FARR.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3010

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 26: At the end of the bill (before the short title), insert the following:

SEC. _____ None of the funds made available in this Act may be used to reimburse, or provide reimbursement, for Viagra, Levitra, or Cialis.

H.R. 3010

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 27: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to reimburse, or provide reimbursement, for drugs prescribed for the treatment of impotence.

H.R. 3010

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 28: At the end of the bill (before the short title) insert the following:

SEC. . None of the funds made available under this Act to the Department of Education may be expended in contravention of section 505 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1623).

SENATE—*Thursday, June 23, 2005*

The Senate met at 9 a.m. and was called to order by the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, our Lord, how excellent is Your name in all the Earth. You have set Your glory above the Heavens. Lord, we thank You for blessing our land with productivity and protection. May we never take these gifts for granted.

Use our Senators as Your instruments across the world to fill the emptiness in the lives of others. Lead them to make sacrifices that others may find freedom. Open their minds to divine principles, holy directives, and undeniable truths as they seek to respond to a world in need.

Lord, move each of us with Your power to comfort the sorrowful, strengthen the tempted, inspire the faithful and to save the lost. We pray this in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHNNY ISAKSON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 23, 2005.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. ISAKSON thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will resume debate on the Energy bill, with the time equally divided until the cloture vote, which is scheduled for 10 a.m., about an hour from now. I expect that cloture will be invoked on the bill today. We have now debated the bill and the amendments for almost 2 weeks, and it is time that we move toward final passage, which I hope and believe will be today.

Senators DOMENICI and BINGAMAN have been on the floor and available to consider amendments during the entire 2-week process. I congratulate them on moving this bill forward in a very efficient and timely way.

I do hope that once cloture is invoked, we will find a way to bring this bill to completion this afternoon or evening. As I mentioned last night before closing, if Members do cooperate and show restraint with their amendments, we could certainly finish at a reasonable hour, and I hope we will accomplish that. If Members wait and come forward at the very last minute, it will be necessary to stay here until very late tonight, indeed until tomorrow. So it really is up to us how we handle it. I encourage our colleagues to come to the floor and talk to the managers as soon as possible if they wish to offer their amendments.

I do think we are on the glidepath to completing this bill. As I mentioned last night, following completion of the bill, hopefully tomorrow, we would begin the Interior appropriations bill. The Democratic leader and I will be having more to say about that.

IRAQI PRIME MINISTER

Mr. FRIST. Mr. President, this morning I have the honor of meeting with Iraqi Prime Minister Ibrahim al-Jafari. The Prime Minister is in the United States to meet with President Bush and other Washington leaders to discuss the next steps in Iraq's transition to a free and democratic society. I have not yet met the Prime Minister. I look forward to doing so in the next couple of hours.

The Prime Minister deserves great praise for his leadership. He has worked hard as Prime Minister to reach out across ethnic and religious lines. Because of his efforts, Iraq is led by a transitional government that includes ministers from each of Iraq's ethnic and religious groups.

The Prime Minister's steady leadership has been inspiring. Next Tuesday, 5 days from now, June 28, will mark the 1-year anniversary of the transfer of sovereignty from the Coalition Provisional Authority to a sovereign Iraqi Government. Since then, Iraq has fought the insurgency with determination as it has undergone truly remarkable changes. Perhaps none was more remarkable than the elections on January 31. On that day, 8 million Iraqis cast their votes for the first democratically elected national assembly in more than 50 years. They came on foot, they came by car and some even came by wagon. They defied all manner of terrorist threat and terrorist intimidation.

It was truly extraordinary. No one who saw the images of those brave citizens emerging from the polling stations, holding aloft those stained, blue-inked fingers, could help but be moved and inspired. While the task of forming a government has taken much longer than any of us would have hoped, the Iraqi people now turn to the task of drafting a constitution and laying the groundwork for a new round of elections at this year's end.

Last week, leaders of the 55-member committee charged with drafting the new constitution reached a compromise with the Sunni Arab groups. Together, they decided on the number of Sunni representatives to serve on that committee. This was a major step forward and a significant effort on the part of the majority to reach out to the Sunni leadership. It was also significant because of the impact it could have on the ground.

As we have seen political progress slow, we have watched unfortunately the violence increase. Building and sustaining momentum in the political process is clearly linked to undermining the terrorists and their support. During their low turnout in the January elections and the current spate of violence, the Sunnis realized they cannot achieve their aims by standing outside the process or by failing to face down the insurgents.

Like all Iraqis, they have a tremendous stake in the success of Iraq becoming a peaceful and prosperous democracy. They know the best way to ensure the outcome and to ensure their rightful place is to work constructively with their fellow Iraqis. I am heartened by the efforts of the Shi'a and Kurd leaders to include the Sunnis in the political process.

These are difficult times, and they require thoughtful leadership. The efforts of all parties to reach out and be inclusive deserves our praise and our steadfast support, as do the brave Iraqis who have stepped forward to defend and protect their country. The

Iraqi forces have suffered more deaths and casualties than coalition forces. Despite repeated direct attacks on their ranks, every day thousands of young Iraqis continue to volunteer for service. The Defense Department reports that, as of June 8, more than 160,000 Iraqi security forces have been trained and equipped.

Yes, many of them have much experience to gain and much more to learn before they will be able to act independently, but this will take time as we strive to get 270,000 Iraqis in uniform by July 2006.

Progress is being made. Two or three months ago, I had the opportunity to travel to Jordan and visited one of the Iraqi-Jordanian police training academies. They are on the ground. One can see the progress that is being made in Iraq and with the Iraqi police recruits. One can see their commitment to seeing the job through.

It is all a difficult task, and it is going to take a lot of determination, but I am confident the Iraqi forces will continue to improve and continue to demonstrate their bravery in the days ahead.

As Iraqis assume a greater responsibility for their own defense, the pace of Iraq's reconstruction should also gain speed. After decades of corruption and mismanagement by Saddam's regime, many of Iraq's towns and cities were in shambles, sewage in the streets, tumbled-down schools, unreliable electricity and unreliable and unpotable water. Coalition forces have been working hard to help the Iraqis rebuild and retool.

We are also helping the Iraqis strengthen the rule of law, a civil society, and private enterprise. A strong economy means more opportunities, better jobs, more jobs and a brighter future. Opinion polls show a majority of Iraqis remain optimistic about their economic future despite ongoing security concerns. It is all hard work, and it is made much harder by foreign interference.

The State Department reports that while Syria has taken some steps to improve border security, supporters of the terrorists continue to use Syrian territory as a staging ground. On the Iranian front, Secretary of Defense Rumsfeld and CIA Director Goss report that Iran has sent money and fighters to proteges in Iraq. The fact is, some of Iraq's neighbors fear a large, prosperous democracy on their borders. They fear that a democratic Iraq will export freedom and liberty to their lands. But fear will not stop freedom's progress. Iraq will succeed and will become a beacon of hope throughout the region and throughout the world.

We have already seen the beginnings in the Cedar Revolution in Lebanon. Freedom is on the march, and the Iraqi people are leading the way.

I urge my colleagues in the Senate to continue to offer our steadfast support. This is an extraordinary opportunity to change the course of history and bring peace and stability to the heart of the Middle East. Such steadfastness will not be easy and will not be without cost, but we must succeed. We cannot allow the terrorists to win, and we cannot allow Iraq to fall into chaos, sectarian violence or the rule of extremists. This is going to take a lot of time. It is going to take a lot of money. It is going to take a lot of patience.

The American people need to understand that we will be in Iraq for some time to come. It is vital to the Iraqis that we be there. It is critical to the region that we be there. It is essential to our own security that we be there. Our time line will be driven by success and our exit will depend on the security situation. It will depend on democracy's advance and the wishes of a sovereign Iraq.

It is clear to me that as Iraqis are able to stand up and provide their own security, without coalition assistance and without foreign intervention, we should be able to begin withdrawing personnel from that region.

When I meet with the new Iraqi Prime Minister later this morning, we will discuss all of these pressing matters. I will let him know America is fully committed to Iraq's success. I will also tell him we expect continued progress on security, on reconstruction, and the formation of a functioning democracy.

In the end, Iraq, the region, and the United States will be more safe and more secure.

I ask unanimous consent that the time just consumed be counted against the majority's allocated time prior to the cloture vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ENERGY POLICY ACT OF 2005

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 6) to ensure jobs for our future with secure, affordable and reliable energy.

Pending:

Wyden-Dorgan amendment No. 792, to provide for the suspension of Strategic Petroleum Reserve acquisitions.

Reid (for Lautenberg) amendment No. 839, to require any Federal agency that publishes a science-based climate change document that was significantly altered at White House request to make an unaltered final draft of the document publicly available for comparison

Schumer amendment No. 811, to provide for a national tire fuel efficiency program.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided between the Senator from New Mexico, Mr. DOMENICI, and the Senator from New Mexico, Mr. BINGAMAN, or their designees.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand we have 30 minutes; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY. First, I thank my friend and the ranking member, Senator LEAHY, for permitting me to go first so we can attend in an appropriate way the Armed Services Committee and Secretary Rumsfeld. It is typical courtesy on his part.

I yield myself 9 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

SUPREME COURT VACANCY

Mr. KENNEDY. Mr. President, as we all know, a major debate may soon be underway in the Senate and the country if there is a vacancy on the Supreme Court. It is clear that the Bush administration is well along in choosing its nominee for the vacancy, and the Senate must be well-prepared as well.

The initial major question is whether, for the highest judicial position in the land, President Bush will choose consultation and consensus or confrontation and conflict. I urge the President not to cede this important constitutional responsibility to a narrow faction of his own party—and to groups so extreme they have called for the impeachment of six of the current nine Justices because those Justices refuse to make the law in accord with the groups' wishes.

In the landmark May 23rd agreement, the bipartisan group of 14 Senators spoke clearly for this body on two vital points. First, we intend to remain the world's greatest deliberative body, where the rules, not raw power, prevail, and where the rights of the minority are respected—not silenced. Second, the agreement sent a strong reminder to the President that the Constitution requires him to obtain both the advice and consent of the Senate before appointing judges, and that we expect him to do so in good faith.

When the Framers of the Constitution adopted our system of checks and balances 218 years ago, they focused intently on the process for selecting judges. They wanted judges to be independent, so they gave them lifetime positions and prohibited any reduction in their compensation.

Initially, they were so concerned that Presidents might abuse the power to select judges that they gave the Senate the sole power to appoint Federal judges. But some delegates argued for a Presidential role, and they debated the issue at length.

Benjamin Franklin, always ready with new ideas, pointed to the Scottish system, where the lawyers themselves selected the judges. Invariably, he said, the best and smartest candidates were selected as judges, because the other lawyers wanted to remove their toughest competitor and divide his business among themselves.

In fact, in three separate votes in July 1787, the Framers refused to give the Executive any role in judicial selection, because they did not believe the President could be trusted with that responsibility. They again placed the entire appointment power in the Senate.

Later, as the Constitutional Convention was ending in September, they agreed to a compromise, based on the procedure that Massachusetts had used successfully for over a century. To get the best possible judges, the President and the Senate would have to agree on appointments to the Federal courts. The President was powerless to appoint judges without considering the Senate's advice and obtaining its consent.

For over two centuries that system has worked well. At the Supreme Court level, Presidents have nominated 154 Justices. Most of them were confirmed by the Senate, but some 20 percent were not. Some could not get Senate consent because the Senate did not feel they were qualified for the job, some because they were selected for reasons of politics or ideology with which the Senate did not agree, and some because they were perceived as being too close to the President to be independent.

A few of us who have been here in the Senate for all of the confirmations of the current nine Justices know that most of them were consensus choices. Seven of them—including all six whom the right-wing wants to impeach—were confirmed with such strong bipartisan support that no more than nine Senators voted against them, and, of those, four received unanimous Senate support.

We learned many things from past debates. One of the most important is that there are large reservoirs of excellent potential nominees among the many capable judges and lawyers in the United States, and that, if they are chosen for the High Court, they will receive overwhelming support in the country and in the Senate. Presidents who have listened to the Senate's advice and selected such candidates have had no problem obtaining Senate consent. President Bush can do that, too. If he takes our bipartisan advice, he will have no trouble obtaining our bipartisan consent.

Presidents who have had the most trouble with the confirmation process are those who listened to erroneous advice about the process. As recently as this week, a Member of this body argued in print that:

> Senate practice and even the Constitution contemplate deference to the President and a presumption in favor of confirmation.

That's not what the Constitution says. Since the days of George Washington—whose nomination of a Justice was denied consent by the Senate of that day, there has been no "presumption in favor of confirmation" of lifetime judicial appointees. In general, many of us do give some deference to a President's nominees to the executive branch, since they are not lifetime appointments. But even there, if the President overreaches, we act to fulfill our constitutional responsibility.

Three times in my experience, Presidents have pushed the Senate too far on Supreme Court nominations, and the Senate has said "no." Each time, the White House argued for Senate deference and the Senate, each time with bipartisan support, refused to defer. Two of those rejections were consecutive nominations for the same vacancy, with members of the President's own party providing the majority for rejection each time. In the second of those two, the selection was so plainly an arrogant affront to the Senate, that the best argument the proponents could make was that mediocrity deserved representation, too, on the High Court, a proposition the Senate soundly rejected.

Clearly, Senators should not support a nominee just because a President of their party proposed the nomination. The Framers relied on each of us to make independent and individual judgments about the President's nominees. We do not fulfill our constitutional trust if we merely "placate-the-President." I have seen repeated examples of Senatorial courage when numerous members of the President's party—even members of his leadership team—have refused to go along with plainly inappropriate Presidential selections.

We should do exactly what the Framers intended us to do—be joint and coequal defenders of the rule of law and the fairness and quality and independence of the Federal courts. We must listen to their voices now, summoning us across the centuries, to uphold that basic ideal, with full devotion to our role in the checks and balances that have served the Nation so well. We fail them if we march in lockstep with the White House.

As past experience shows, nominees selected for their devotion to a particular ideological agenda are likely to have the most difficulty being confirmed, because that kind of choice rarely achieves a consensus. History shows plainly that the better course is to search for the highest quality candidates who have demonstrated their respect for the rule of law. They respect core constitutional principles, especially those that define the rights of each citizen. They have demonstrated their commitment to finding the law, not making the law. They respect stare decisis, the deference to well-accepted past decisions that have kept the Nation strong by reconciling traditional principles with new needs and challenges. They show respect for the basic structure of Government, especially for Congress when it acts within its established powers. They have demonstrated the ability to subordinate their own ideological and result-oriented preferences to the rule of law.

Especially at the Supreme Court level, the choices should not be partisan choices based on today's partisan issues. The Justice we may select this year could well be providing justice to our children and grandchildren for decades to come. It is more important that the nominee have a strong dedication to principles of justice than a strong position on controversial issues of the day.

It is a disservice to the Court to attempt to install ideological activists bent on making sudden and drastic shifts in the Court's careful, gradual jurisprudence. The Supreme Court is at its worst when it splits into extreme, contentious sides, and reaches extreme results that make much of the Nation cringe and leave only the ideological activists satisfied.

Like sausage and legislation, the confirmation or rejection of a Supreme Court nomination is not always something pleasant to watch or be part of. The course is set by the President. If the President submits an "in your face" nomination to flaunt his power, it takes time and effort and sweat and tears before the truth about the candidate is fully discovered and explained to the public and voted on.

We are fortunate to have had a dress rehearsal for the process. Before the White House decided to threaten the Senate with the nuclear option, few Americans had any idea what was happening here and how important it was. It took some time, but eventually the public understood the seriousness of the threat to break the rules in order to change the rules, so that for the first time in Senate history, a bare majority of the Senate could impose a gag rule on every other Senator and enable the President to exercise absolute power over the courts without meaningful review by the Senate. Fortunately, the Senate stepped back from that brink, and the Senators who reached that bipartisan agreement to make it possible deserve great credit.

Those who want the Senate to be a rubber stamp for a White House nominee to the Supreme Court will undoubtedly try to rush us through our duty. But if we are to do our job for the American people in good faith, the process of considering a Supreme Court nominee cannot be rushed. It will take time to obtain the necessary information and documents, and to review and understand them. It will take time to gather witnesses and prepare for hearings. If the nomination is not a consensus nomination, the hearings will be intensive and extensive. If the nominee is evasive, there will be longer hearings and follow-up questions, which will also take time to analyze. Only when all the information is available and fairly considered, can the nomination go forward.

If President Bush resists his fringe constituencies, and seeks the advice of the Senate as he should, the nomination process can have a happy ending. I hope our colleagues across the aisle will urge the President to respect the May 23rd bipartisan agreement and its memorandum of understanding, and take to heart its serious request that he consult with Senators from both parties before proposing a Supreme Court nominee.

We already have in place a process for doing so. In selecting district judge nominees in our States, the White House sends us the list of persons being considered seriously, and asks for our comments on each, as well as our suggestions for additional names to consider. When they have narrowed down the list, they share the short list with us, so that we can give our final advice as to which ones are best and which ones would raise problems. Almost always, our advice is considered and respected. As a result, most District Judges go through the confirmation process quietly and expeditiously, and obtain the consent of the Senate.

Article II, Section 2, Clause 2, of the Constitution clearly says, "with the advice and consent of the Senate," not the advice of anyone else, just 100 of us here in the Senate, who speak for all the American people. It doesn't take much to get our consent. All the President has to do is seek out his preferred non-ideological choices, ask us about them, and listen to our answers.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I appreciate the strong, eloquent statement of the Senator from Massachusetts. He is a former chairman of this committee, the Judiciary Committee. Of course, he is not only a former chairman but, as one of the three most senior Members of the Senate, is well aware of what has been our practice.

I think we may also hear from the senior Senator from Delaware, Mr. BIDEN, who is another former chairman.

Let me speak in my capacity also as a former chairman of the Judiciary Committee.

It is now almost 1 month since the bipartisan agreement was forged to avert an unnecessary "nuclear" showdown in the Senate. Democratic Senators who signed the Memorandum of Understanding on Judicial Nominations that averted the nuclear option have fulfilled their commitments with respect to invoking cloture on several controversial nominees. Sadly, with Republicans voting party-line on almost every one of these nominees, they have been confirmed. Meanwhile, as the Democratic leader had offered months ago, the Senate considered and voted upon two Sixth Circuit nominees and an additional DC Circuit nominee.

What has yet to take place, however, is the kind of meaningful consultation that Republican and Democratic Senators explicitly called for in that memorandum. They "encouraged the Executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration." They called for a "return to the early practices of our government" that reduced conflict and led to consensus. We have not yet noticed an abundance of consultation. And unfortunately, White House officials have declared that the President has no interest in and feels no obligation to assist in implementing this feature of the memorandum.

Since the White House will not acknowledge the record, I thought it worth noting that 214 of this President's judicial nominations have already been confirmed by the Senate. That includes 41 circuit court nominees, an almost 80-percent confirmation rate of his many divisive circuit court nominees. These figures are all well ahead of the rates during President Clinton's administration. At a similar point in the last administration, only 180 nominees had been confirmed, including only 31 circuit court nominees, which amounted to barely 74 percent of President Clinton's circuit court nominees.

With all the recent talk from Republicans about the principle of every nominee being entitled to an up-or-down vote, it is striking that such a standard was not considered at all while Republicans pocket filibustered more than 60 of President Clinton's judicial nominees. As I demonstrated during the time I served as chairman and since then, President Bush's nominees have been treated far more fairly than were President Clinton's nominees.

I have spoken over the last 4½ years, most recently in the last few weeks, about the benefits to all if the President were to consult with Members of the Senate from both sides of the aisle on important judicial nominations. I return today to emphasize, again, the significance of meaningful consultation on these nominations. It bears repeating given what is at stake for the Senate, the judiciary and the American people.

In a few more days the U.S. Supreme Court will complete its term. Last year the Chief Justice noted publicly that at the age of 80, one thinks about retirement. I get to see the Chief Justice from time to time in connection with his work for the Judicial Conference and the Smithsonian Institution. Sometimes we see each other in Vermont or en route there, and I am struck every time by his commitment to service. He is waging his personal battle against ill health with his characteristic resolve. I know that the Chief will retire when he decides that he should, and not before. He has earned that right after serving on the Supreme Court for more than 30 years, the last 19 as the Chief Justice. I have great respect and affection for him, and he is in our prayers.

In light of the age and health of our Supreme Court Justices, speculation has accelerated about the potential for a Supreme Court vacancy this summer. In advance of any such vacancy, I have called upon the President to follow the constructive and successful examples set by previous Presidents of both parties who engaged in meaningful consultation with Members of the Senate before selecting nominees. This decision is too important to all Americans to be unnecessarily embroiled in partisan politics.

I have said repeatedly that should a Supreme Court vacancy arise, I stand ready to work with President Bush to help him select a nominee to the Supreme Court who can unite Americans. I have urged consultation and cooperation for 4 years and have reached out to the President, again, over these last few weeks. I hope that if a vacancy does arise the President will finally turn away from his past practices, consult with us and work with us. This is the way to unite instead of divide the Nation, and this is the way to honor the Constitution's "advise and consent" directive, and this is the way to preserve the independence of our federal judiciary, which is the envy of the rest of the world.

Some Presidents, including most recently President Clinton, found that consultation with the Senate in advance of a nomination was highly beneficial in helping lay the foundation for successful nominations. President Reagan, on the other hand, disregarded the advice offered by Senate Democratic leaders and chose a controversial, divisive nominee who was ultimately rejected by the full Senate.

In his recent book, "Square Peg," Senator HATCH recounts how in 1993, as the ranking minority member of the Senate Judiciary Committee, he advised President Clinton about possible Supreme Court nominees. In his book, Senator HATCH wrote that he warned President Clinton away from a nominee whose confirmation he believed "would not be easy." Senator HATCH goes on to describe how he suggested the names of Stephen Breyer and Ruth Bader Ginsburg, both of whom were eventually nominated and confirmed "with relative ease." Indeed, 96 Senators voted in favor of Justice Ginsburg's confirmation, and only three Senators voted against; Justice Breyer received 87 affirmative votes, and only nine Senators voted against. Nor are these recent examples the only evidence of effective and meaningful consultation with the Senate over our history.

The Constitution provides that the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint" judges and explicitly the members of the only court established by the Constitution itself, the Supreme Court. For advice to be meaningful, it needs to be informed. Despite his public commitment at a news conference three weeks ago specifically regarding the Supreme Court, the President has not even begun the process of consulting with Democratic Senators. I wrote to the President, again, last month, urging consultation and even making suggestions on how he might wish to proceed.

Bipartisan consultation would not only make any Supreme Court selection a better one, it would also reassure the Senate and the American people that the process of selecting a Supreme Court justice has not become politicized.

The bipartisan group of 14 Senators who joined together to avert the "nuclear option" included the following in their agreement:

> We believe that, under Article II, Section 2, of the United States Constitution, the word "Advice" speaks to consultation between the Senate and the President with regard to the use of the President's power to make nominations. We encourage the Executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration.
>
> Such a return to the early practices of our government may well serve to reduce the rancor that unfortunately accompanies the advice and consent process in the Senate.
>
> We firmly believe this agreement is consistent with the traditions of the United States Senate that we as Senators seek to uphold.

I agree. Bipartisan consultation is consistent with the traditions of the Senate and would return us to practices that have served the country well. Our fellow Senators have history and the well-being of the Nation on their side in urging greater consultation on judicial nominations. They are right.

What is troubling are the recent reports that the White House plan does not include meaningful consultation at all, but instead plans a political-style campaign and some sort of preemptive contact to allow them to pretend they consulted, without anything akin to the kind of meaningful consultation that this important matter deserves. Partisan activists supporting the White House boasted last week about a war chest of upwards of $20 million to be used to crush any opposition to the White House's selection. That sounds awfully like preparations for all out partisan political warfare. If the White House intends to follow that type of plan, it would be most unfortunate, unwise and counterproductive.

Though the landscape ahead is sown with the potential for controversy and contention should a vacancy arise on the Supreme Court, confrontation is unnecessary. Consensus should be our mutual goal. I would hope that the President's objective will not follow the path he has taken with so many divisive circuit court nominees and send the Senate a Supreme Court nominee so polarizing that confirmation is eked out in the narrowest of margins. This would come at a steep and gratuitous price that the entire Nation would have to pay in needless division. It would serve the country better to choose a qualified consensus candidate who can be broadly supported by the American people and by the Senate.

The process begins with the President. He is the only participant in the process who can nominate candidates to fill Supreme Court vacancies. If there is a vacancy, the decisions made in the White House will determine whether the nominee chosen will unite the Nation or will divide the Nation. The power to avoid destructive political warfare over a Supreme Court vacancy is in the hands of the President. No one in the Senate is spoiling for a fight. Only one person will decide whether there will be a divisive or a unifying process and nomination. If consensus is accepted as a worthy goal, bipartisan consultation will help achieve it. I believe that is what the American people want, and I know that is what they deserve.

If the President chooses a Supreme Court nominee because of that nominee's ideology or record of activism in the hopes that he or she will deliver political victories, the President will have done so knowing that he is starting a confirmation confrontation. The Supreme Court should not be a wing of the Republican Party, nor should it be an arm of the Democratic Party. If the right-wing activists who were disappointed that the nuclear option was averted convince the President to choose a divisive nominee, they will not prevail without a difficult struggle that will embroil the Senate and the country. And if they do, what will they have wrought? The American people will be the losers: The legitimacy of the judiciary will have suffered a damaging blow from which it may not soon recover. Such a contest would itself confirm that the Supreme Court is just another setting for partisan contests and partisan outcomes. People will perceive the federal courts as places in which "the fix is in."

Our Constitution establishes an independent federal judiciary to be a bulwark of individual liberty against incursions or expansions of power by the political branches. That independence is what makes our judiciary the model for others around the world. That independence is at grave risk when a President tries to pack the courts with activists from either side of the political spectrum. Even if successful, such an effort would lead to decisionmaking based on politics and would forever diminish public confidence in our justice system.

The American people will cheer if the President chooses someone who unifies the Nation. This is not the time and a vacancy on this Supreme Court is not the setting in which to accentuate the political and ideological division within our country. In our lifetimes, there has never been a greater need for a unifying pick for the Supreme Court. At a time when too many partisans seem fixated on devising strategies to force the Senate to confirm the most extreme candidates with the least number of votes possible, Democratic Senators are urging cooperation and consultation to bring the country together. There is no more important opportunity than this to lead the Nation in a direction of cooperation and unity.

The independence of the federal judiciary is critical to our American concept of justice for all. We all want Justices who exhibit the kind of fidelity to the law that we all respect. We want them to have a strong commitment to our shared constitutional values of individual liberties and equal protection. We expect them to have had a demonstrated record of commitment to equal rights. There are many conservatives who can readily meet these criteria and who are not rigid ideologues.

This is a difficult time for our country, and we face many challenges. Providing adequate health care for all Americans, improving the economic prospects of Americans, defending against threats, the proliferation of nuclear weapons, the continuing upheaval that afflicts our soldiers in Iraq—all these are fundamental matters on which we need to improve. It is my hope that we can work together on many issues important to the American people, including maintaining a fair and independent judiciary. I am confident that a smooth nomination and confirmation process can be developed on a bipartisan basis if we work together. The American people we represent and serve are entitled to no less.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from New York.

Mr. SCHUMER. How much time remains?

The PRESIDING OFFICER. The minority side controls 10 minutes.

Mr. SCHUMER. I ask unanimous consent that others who wish to add statements to the record on this subject be allowed to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I thank my colleague from Vermont, our leader on the Judiciary Committee, for, as usual, being right on point with eloquence and with no malice.

As many know, there is a real possibility that a vacancy on the Supreme Court will be announced shortly. The Supreme Court should finish its term either Monday or Thursday, depending on the caseload.

There is one question American people are asking about the Supreme Court; that is, how, if and when a vacancy occurs—and we all pray, of course, for Chief Justice Rehnquist's health, but if and when a vacancy occurs—how do we avoid the divisiveness that has plagued this body, this town, and this country about Court nominees over the last several years?

The answer is simple. It can be described in one word: consultation. The ball is in the President's court. If the President chooses to do what he has done on court of appeals nominees—not consult, just choose someone, oftentimes way out of the mainstream, and say take it or leave it—the odds are very high there will be a battle royal over that nomination. If, on the other hand, the President follows the path of what so many other Presidents before him have done—consults with the Senate, with the Congress, both Republicans and Democrats, and takes their advice to heart—we can have a smooth, amiable, easy Supreme Court nomination.

Again, the ball is in the President's court. Consultation is part of the constitutional process, advise and consent. The Founding Fathers did not use words lightly. The relatively short document of our Constitution is amazing for its brilliance and its brevity. When they decide to put a word in like "advise," lots of thought has gone in before it. "Advise" means seek the advice of the Senate. It does not say in the Constitution, seek the advice of your party or seek the advice of people who agree with you. The intention, it is quite clear, is to seek a breadth of advice.

That is why, today, a letter signed by 44 of the 45 members of the Democrat caucus, asking the President to consult with us, will be sent. The 45th member, Senator BYRD, agrees with the thrust and the concept of our letter but felt so strongly about the issue he is sending his own letter, which I am sure will be in his own wonderful style and make the point well.

The need for advice, the need for consultation, was made clear when the group of 14—seven Democrats and seven Republicans—got together. In their agreement, they wrote:

> We believe that, under Article II, Section 2, of the United States Constitution, the word "advice," speaks to consultation between the Senate and the President with regard to the use of the President's power to make nominations. We encourage the Executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration.

This is a moderate, bipartisan group. They tend to be some of the more conservative Democrats and some of the more liberal Republicans. It is certainly mainstream. Will the President heed their advice and seek the advice of the Senate? If he seeks advice, will it be real? To simply call someone in for a meeting and say, what do you think, and then go about things as if the meeting did not happen is not advice. Real advice means talking about specific nominees in private, saying: What do you think of this name or that name, this person or that person? That is, indeed, what President Clinton did as he consulted Senator HATCH, hardly his ideological soul mate, and many others. Senator HATCH told President Clinton some proposed nominees might be out of the mainstream and garner opposition, at least from the other side of the aisle. But some, even though Senator HATCH clearly did not agree with their politics, were in the mainstream and would get through the Senate with relatively little acrimony. President Clinton took Senator HATCH's advice and the nominations were smooth.

That is not the only time advice has been sought. In 1869, President Grant appointed Edward Stanton to the Supreme Court in response to a petition from a majority of the Senate and the House. In 1932, President Hoover presented Senator William Borah, the influential chairman of the Foreign Relations Committee, with a list of candidates he was considering to replace Justice Oliver Wendell Holmes. Borah persuaded Hoover to move the name of the eventual nominee, Benjamin Cardozo, from the bottom of the list to the top, and Cordozo was speedily and unanimously confirmed.

There are many instances of Presidents seeking the advice in terms of the advice and consent of the Senate. When the President has done it on judicial nominees here, it has worked. Frankly, the President and the White House have consulted with me about nominations to the district courts in New York and the Second Circuit Court of Appeals. They have actually bounced names off of me and said: What do you think of this one? What do you think of that? As a result, every vacancy is filled quickly with little acrimony and with broad consensus.

Most of the nominees I have supported in my area do not agree with me philosophically. But they are part of the mainstream, and I was willing, able and, in many cases, happy to support them. So it can be done and should be done.

There is all too much divisiveness in Washington. On the issue of the courts, it is our sincere belief on this side of the aisle that the President's refusal to consult and willingness to nominate some who are so far out of the mainstream that they cannot be regarded as interpreters of law rather than makers of law. That is the main reason we stand at this point of great acrimony in terms of judicial nominations. All of that can be undone by some sincere consultation.

President Bush, when he ran for office and got into office, said he wanted to change the tone and climate in Washington; he wanted to bring people together. That was a noble sentiment, a wonderful sentiment. He can, despite the acrimony that has occurred on judicial nominations and so much else over the last few years, almost like with a magic wand, undo much of it by seeking real consultation should there be a vacancy on the Supreme Court.

On behalf—I believe I can say this without any hesitation—of all 44 of my colleagues on this side of the aisle, we plead, we pray, with the President to engage in real consultation, to heed the advise and consent of the Constitution, and to come up with a Supreme Court Justice, should a vacancy occur shortly, that we all—from the most conservative to the most liberal Member of this body—can be proud to support.

I yield the floor.

The PRESIDING OFFICER. The minority time is expired.

The Senator from New Mexico.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. DOMENICI. How much time does the Senator want?

Mr. ISAKSON. Three minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 3 minutes.

Mr. ISAKSON. Mr. President, I thank the Senator from New Mexico for yielding the time.

(The remarks of Mr. ISAKSON are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself as much time as I may use.

Mr. President, fellow Senators, shortly the Senate is going to vote. We are going to have a cloture vote to decide whether we should bring closure to what I think has been an excellent 2 weeks of debate about a new American policy, a policy which is directed at trying to make our energy supply for the future more secure for our domestic growth and for our national security.

We have been waiting a long time for this day. If the Senate, indeed, at its pleasure, grants cloture, which I hope we will, it means we will bring to a conclusion in short order a long debate and fulfill a longstanding need for an American energy policy that is encapsulated in this bill, which was produced by the Energy and Natural Resources Committee over weeks of hearings and day after day of debate, with voting, and finally concluding that the bill that is before us is the right thing to do.

Since then, the Senate has exercised its right to offer amendments and discuss them. Some amendments were adopted to change, alter what the committee recommended. But in essence, fellow Senators, we have a rare opportunity today, in a reasonable period of time—not with acrimony but with debate—to pass this legislation. That is, in a sense, consistent with the best of the Senate: having amendments openly debated, many of them; views, some in accord with the bill, some in opposition to the bill here on the floor, as witnessed by those who pay attention to what goes on in the Senate.

So I say, as one who has been a participant for a few years, this is an effort to bring this matter to a vote in the Senate so we can bring this legislation to the House of Representatives. Our Constitution requires that both Houses agree on the legislation. Some do not understand that our Constitution is rather conservative when it comes to passing legislation. You do not just have your vote in the Senate; the House has theirs. Then you have to go to conference and agree on the same text in both Houses, which is done by a committee called a conference committee.

That will occur only when we have voted out a bill. We will vote out a bill only when we have completed debate under our rules. We probably will not conclude debate for a long time unless cloture is imposed.

I believe on a domestic bill, cloture should not be invoked arbitrarily or in advance of a reasonable amount of time. People should be permitted to talk, to amend. But, fellow Senators, we have been at this on the floor for enough time. And when you consider the prior efforts, I believe the American people are wondering why we cannot get something done. Why more time? The purpose for this activity called cloture is to say we have had enough time. With cloture invoked, sooner rather than later, the bill will be voted "yes" or "no" by the Senate.

So we seek that. That is the privilege of saying to the Senate, we are going to vote "yes" or "no" soon rather than later. The way we can do that is by voting "aye" on the cloture vote.

I note the presence of Senator BINGAMAN. I have additional time. Would the Senator care to address the issue of cloture today?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I appreciate my colleague's comments and his willingness to let me speak for a few minutes.

I join him in urging that we go ahead and invoke cloture on the bill. I do believe we have had a good debate on the Senate floor. We have had a good opportunity for amendments to be offered. The process has been open. I have supported some amendments that have been offered to the bill; I have opposed others. I note my colleague has done the same. I believe each Senator has done the same. That is exactly how the Senate is intended to operate.

Obviously, there are Senators who still have amendments they would like to offer. Some of those amendments will be germane after the cloture vote occurs even if cloture is invoked. Those amendments can be considered by the Senate and disposed of at that time. That is appropriate.

But I understand the scheduling problems the majority leader has and the Democratic leader has as well. They believe they need to move to other legislation early next week, or even as early as tomorrow. Therefore, they would like to go ahead and conclude work on this bill.

This bill is not coming to the Senate sort of ab initio, as they teach you in law school. It has come here after we had a substantial debate on these very same issues two Congresses ago, and again last Congress. As the Senator from New Mexico pointed out, we had a very thorough and open process in the committee. This process we have had on the floor has been a thorough and open process as well.

I believe the bill that came out of committee was a good product. It was a substantial improvement over current law. And I said that. I believe it has been further improved as we have been working here on the Senate floor in considering amendments to the bill, so I do not doubt it could be improved even more. Some of the amendments which Members may still want to offer may well improve it more, and I may be a strong supporter of those. But clearly this has been a process that I think has given everyone an opportunity to participate and offer amendments. It has been a process that has led to a good product which we can take to conference with the House of Representatives. As I say, there will be additional opportunities, even if cloture is invoked, for us to further improve this bill with germane amendments.

So I will support cloture. I know each Senator can make his or her own mind up about that vote, but I believe the chairman of our committee has worked diligently to get us to this point. I have tried to work with him in that process. I think the majority leader and the Democratic leader are very focused on trying to get conclusion on this legislation. I support their efforts.

I yield the floor.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I ask for the regular order.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 6, a bill to ensure jobs for our future with secure, affordable, and reliable energy.

Bill Frist, Pete Domenici, Lamar Alexander, Kay Bailey Hutchison, Jim DeMint, Michael Enzi, Ted Stevens, Larry Craig, Craig Thomas, Mike Crapo, Conrad Burns, David Vitter, Richard Burr, Kit Bond, Wayne Allard, Jim Inhofe, Lisa Murkowski, George Voinovich.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 6, as amended, the Energy Policy Act of 2005, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Minnesota (Mr. DAYTON), and the Senator from North Dakota (Mr. DORGAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 92, nays 4, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—92

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dodd
Dole
Domenici
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—4

Corzine
Durbin
Lautenberg
McCain

NOT VOTING—4

Coleman
Conrad
Dayton
Dorgan

The PRESIDING OFFICER. On this vote, the yeas are 92, the nays are 4. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DOMENICI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Madam President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

AMENDMENT NO. 839

Mr. LAUTENBERG. Madam President, I have an amendment, Amendment No. 839, related to altering scientific documents. Would that amendment be germane postcloture?

The PRESIDING OFFICER. It would not be germane postcloture.

Mr. LAUTENBERG. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Regular order, Madam President.

The PRESIDING OFFICER. Is the Senator making a point of order against the amendment?

Mr. DOMENICI. I make a point of order that the amendment is not germane.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

AMENDMENT NO. 891

(Purpose: To modify the section relating to the coastal impact assistance program)

Mr. DOMENICI. Madam President, I call up amendment No. 891 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. BINGAMAN, Ms. LANDRIEU, Mr. VITTER, and Mr. LOTT, proposes an amendment numbered 891.

Mr. DOMENICI. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I am pleased to be a cosponsor of this amendment, along with the Senator from Louisiana, Mr. VITTER, and many other Senators. We feel very strongly about this particular amendment.

I first thank the chairman of the committee and the ranking member for the excellent work they have done to move this Energy bill forward to this point. It has been a very difficult, tedious, and time-consuming task that has required a lot of patience and a lot of compromises to get a bill of this nature in this climate to this point. We appreciate their patience and their skill.

This is an amendment both leaders have been working on for many weeks. Amendment No. 891 would basically direct a portion of revenues to six States in the United States that have production off their shores, Louisiana being the prime State that produces so much of that energy resource for our Nation, but in addition, obviously Texas, Mississippi, to some degree Alabama, there is some production off the coast of California today—not much but some—and even the State of the Presiding officer, the State of Alaska, that contributes so much to the Nation's energy reserves, has some production off the coast.

Because of this tremendous contribution we have made these many years, let me say willingly and very ably, so many small, medium, and large companies have worked to perfect the technology. They have invented the tools, established the procedures, and have been pioneers in this industry. Many of the tools and technology invented for the environmentally responsible extraction of these minerals—not just in the United States but around the world—have actually been invented and developed in Louisiana. We are extremely proud of the contribution we have made.

In addition to this technological contribution we have made, we have contributed over $150 billion to the Federal Treasury since this began.

I see my colleague from Louisiana on the floor ready to speak in a few moments, but I would like to make a couple of other comments.

The wetlands in Louisiana are not Louisiana's wetlands, they are America's wetlands. They are host to some of the largest commercial shipping in the world. There are seven ports that comprise the ports of south Louisiana and, if combined, it is the largest port system in the world.

We have leveed the Mississippi River for the benefit of the Nation, not just for Louisiana's benefit. Realize, there were people living in Louisiana before the United States was a country. So we have been doing this a very long time. Controlling and taming this river, while it has been a great benefit to the Nation, has come at great cost to the State that holds this mouth of the great Mississippi River.

What do I mean by that? Because we channeled this river, again for the benefit of the Nation so we can ship grain out of Kansas and can ship goods throughout this world—north, south, east, and west—and serve as the vibrant global port that we are, the river has ceased to overflow its banks. So this great delta, the seventh largest in the world, is rapidly sinking. If we do not get some infusion of revenue through this mechanism and others that we are seeking, we will lose these wetlands. It will not be Louisiana's loss, it will be America's loss.

In addition to the commerce we support for our Nation, we also serve as a great migratory flyway for all the many bird species in North America. If they do not have a place to land when they come up from South America and Mexico—that is the place they land, that is the place they nest, that is the first land that is available to them off the water, and that is the marshland we are losing.

In addition, this delta, besides the commerce, besides the environmental benefits for birds and other wildlife, is the fisheries, the nursery for the Gulf of Mexico. More than 40 to 50 percent, estimated by scientists, of all the fisheries in the Gulf of Mexico have some part of their life cycle spent in this great expanse of wetlands.

I have been so pleased to have Senator DOMENICI and Senator BINGAMAN—both Senators from New Mexico—come down to Louisiana to fly over our marsh and see it. You cannot get there any other way. You cannot drive to our coast as you can to the coast in Florida or to the beaches in Mississippi where many of us spent many of our years growing up. There are actually only two beaches, and they are each only about 5 miles long. There are no highways. The only way you can get there is by pirogue, motor boat, skiff, helicopter, or air boat in the marsh. So not many people have seen these wetlands. I have pictures to show any colleague who would like to see them.

It is a magnificent stretch of land. The Everglades can fit inside it. It is three times the size of the Everglades in Florida. It is a huge expanse we are losing. If we do not capture these revenues in some annual, reliable amount to help the State of Louisiana put the resources into saving this wetlands, it will be, indeed, a great loss to America.

In addition to what this wetlands contributes to the United States, it is not only all the above I have described, but it also drains water from two-thirds of the United States. Without the ability to drain this water out, we would have flooding all the way up the Missouri. As you know, because of the geography of our Nation, that water has to leave those areas or businesses and communities will flood.

We think we are making such—we don't think, we know we are making such a great contribution to this Nation in so many ways. We think this amendment is quite reasonable. There is money available for this purpose. It will be shared with these producing States.

From Louisiana's perspective, this money would be used primarily and almost exclusively for the restoration of America's wetlands so that these wetlands will be there for our children and our grandchildren.

It is with great pride I helped to lead this effort, along with my colleague from Louisiana and many cosponsors. That number continues to grow. We have substantial support because of the leadership of Senator DOMENICI and Senator BINGAMAN.

Again, Louisiana has contributed so much. We simply ask an investment back to preserve this wetlands, which is America's, and to recognize the contribution our State makes to the energy independence of this Nation and to the future economic viability of this Nation.

I want to recognize my colleague from Louisiana, Senator VITTER.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I rise in strong support of amendment No. 891 as well. I am proud to join my Louisiana colleague, MARY LANDRIEU, in doing so.

I want to make five important points why this amendment is clearly the right thing to do.

First, as Senator LANDRIEU said, this amendment has very broad, very deep, and very bipartisan support. I thank her for her leadership, as well as so many others who have come together and worked very hard to craft a responsible amendment to move this issue forward in a concrete way.

Senator DOMENICI, the chairman of the committee, has led in an extraordinary way on this issue and is the primary author of this amendment. We thank him. Senator BINGAMAN, the ranking member of the committee, has led on this amendment as well and is a cosponsor and supportive of it. We thank him. Senator LANDRIEU and I, of course, as well as Senators LOTT and COCHRAN, SESSIONS, and others are all coming together, very broad based, in a bipartisan way to support this effort. That is point No. 1.

Point No. 2 is this is an utterly fair and just thing to do. In this overall debate about an energy bill, we are constantly looking for ways to secure our energy future, to increase our energy independence, to lessen our dependence on foreign sources, which is so troublesome, particularly in a post-9/11 world.

While in that debate, it is important to remember that there are a few States that have been leading that effort and have been doing their part all along, particularly these five coastal producing States—Louisiana, Texas, Mississippi, Alabama, Alaska, and California to a much lesser extent. So in this energy debate, it is certainly important to remember that some of us have been pulling our weight and far more than our weight every step of the way. Yet up until this moment, we have gotten virtually nothing for it.

While oil and gas and other mineral production on public lands onshore gives significant royalties to the host State—usually about 50 percent—that same sort of oil and gas production offshore gives virtually nothing to the host State, less than 1 percent.

That is utterly unfair and this amendment is a small initial step to correct that. As Senator LANDRIEU said, these coastal areas have produced $150 billion or more of Federal revenue, virtually no State revenue. This amendment would correct that injustice in a very small way by capturing a truly tiny percentage of that overall production and royalty figure for the host States.

Point No. 3 is that the host States, the coastal producing States, need this revenue to address problems directly related to this oil and gas production and our contribution to the Nation's energy security. In my home State of Louisiana, we have an absolute crisis going on. It is called coastal erosion. The easiest way I can summarize it is as follows: Close your eyes and try to picture a piece of land the size of a football field. That piece of land disappears from Louisiana, drifts out into the Gulf, lost forever, every 38 minutes. That is around the clock, 24 hours a day, 7 days a week, 52 weeks a year. The clock never stops. It goes on and on.

That loss is directly related to this oil and gas activity. So we have been contributing to the Nation's energy security, but the only thing we have gotten directly for it is these monumental problems which this revenue will help address.

Point No. 4 is that this amendment does not open any new areas to drilling. It does not provide incentives to open any new areas. Personally, I would like to do that. I think more of America needs to contribute to our energy security. I think we need to look in other areas. But clearly that is very politically controversial and this amendment does not attempt to do that in any way. So States that are not in the business, that do not want to be in the business, have nothing to fear from this amendment.

Point No. 5 has to do with the budget. All of us, led by Senator DOMENICI, a former budget chairman, have worked extremely hard so that this does not bust the budget in any way. We have bent over backward to fashion this amendment so it is within all the budget numbers.

A budget point of order may nevertheless be raised and I expect it to be raised. I want to explain what that is because it is not busting the numbers built into the budget. There is a reserve fund or a contingency fund within the budget that was part of the budget and part of the Budget Act specifically associated with the Energy bill. This amendment is well within the numbers of that fund and therefore does not go beyond the numbers of the budget. However, in the Budget Act, the chairman of the Budget Committee has the role of having to sign off on the use of that contingency fund. The chairman may not do that. He may therefore raise a budget point of order, and that is his right, and I respect his right and what he views as his obligation, but I want to make the point very clearly that is a technical point of order which is fundamentally different from an amendment which busts the budget numbers, which goes beyond the numbers built into the budget.

We have worked extremely hard with the budget chairman's staff, I might add, hand in glove with them, to make sure this amendment falls within all of the numbers of the budget and is well below that contingency fund number specifically for the Energy bill. So if that budget point of order is raised, it is valid, but it is, in a sense, a technicality because our amendment does not go beyond the numbers built into the budget and the Budget Act.

Mr. GREGG. Will the Senator yield on that point?

Mr. VITTER. I would be happy to yield.

Mr. GREGG. Is it the position of the Senator from Louisiana, therefore, that when a discretionary program is taken and turned into a direct spending entitlement program, that that is a technical point?

Mr. VITTER. No. The point which I just made was that this amendment is well within all of the numbers laid out in the Budget Act. That was the point I was trying to make.

Mr. GREGG. Madam President, would the Senator yield for a question?

Mr. VITTER. I will be happy to.

Mr. GREGG. It appears to be the Senator's position that since this budget point of order involves taking a discretionary program and making it an entitlement program that that is a technical point.

Mr. VITTER. That is not my——

Mr. GREGG. My position is that is not technical.

Mr. VITTER. If I could clarify and respond to the question, that is not my position at all. My position, which I think I laid out pretty clearly, is this amendment is well within all of the numbers within the budget. It does not bust those numbers. It does not go beyond those budget numbers. That is what I said, that is what I meant, and I believe to the extent the Senator did not argue the point, it is confirmed.

Mr. GREGG. Madam President, would the Senator from Louisiana yield for a question?

Mr. VITTER. I will be happy to.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. The Senator from Louisiana appears to want to have it both ways, that the chairman of the Budget Committee has a right to make this point of order because the chairman of the Budget Committee is given that authority by the Senate in order to protect the integrity of the budget process, and when the chairman of the Budget Committee rises and asks a question which is the basis of his point of order, which is that this amendment takes a discretionary program and turns it into an entitlement program, and asks the Senator from Louisiana does he deem that to be a technical point, the Senator from Louisiana says, no, that is not my argument. My argument is something else.

Well, I would simply say to the Senator from Louisiana, he cannot have it both ways. He cannot say to the budget chairman he has the authority to do this and then say to the budget chairman, when he asks the Senator whether it is a technical point when the budget chairman elicits why he is doing it, that it is not a technical point.

It is a very unusual position to take, that moving a discretionary program to an entitlement program is a technical point, and that is the gravamen of the argument of the Senator from Louisiana.

Mr. VITTER. Reclaiming my time, I think I have laid out my position very clearly. This is a broad-based, bipartisan amendment. This is a fair amendment, particularly considering everything that these coastal producing States have given the country in terms of our energy security. Unfortunately, we are a very small number of States that have contributed in that way. This is designed to address a very real crisis in Louisiana and other coastal States. By the way, that is not some parochial problem. That is a national problem, as my colleague, the senior Senator from Louisiana, has outlined. It threatens national oil and gas infrastructure. It threatens national maritime commerce and ports. It threatens nationally significant fisheries.

Fourth, we are not opening new areas with this amendment. We are not providing incentives to open new areas with this amendment.

Fifth and finally, we are within all the numbers within the budget.

I thank the chairman of the committee. I thank Senator BINGAMAN and others. I thank my colleague, Senator LANDRIEU, for her leadership on this issue.

I yield back my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I rise in support of this amendment. I am a cosponsor of this amendment. It would dedicate funding for coastal impact assistance to States that currently produce oil and gas from the Federal OCS adjacent to State waters.

I have visited the coastal area near Louisiana with Senator LANDRIEU. I know of the very serious concerns which many in that State have about the loss of coastal wetlands caused by a variety of factors, including some activities related to the oil and gas development that has occurred there. Senator LANDRIEU has been a tireless advocate for her State on this issue and I know her colleague has as well.

It is important for my colleagues to know what the amendment does not do. The amendment does not modify any moratorium on OCS leasing. It does not provide an incentive for States to start production. It does not provide for a State opt-in or opt-out for resource assessment or leasing activities. What the amendment does is establish a coastal impact assistance program and provide a stream of revenues for coastal impact assistance to States that already have OCS production off their coast.

Under the amendment, funding would be made available to address the loss of coastal wetlands as well as for other projects and activities for the conservation, protection, and restoration of coastal areas, mitigation of damage for fish and wildlife and other natural resources, and implementation of federally approved marine coastal and conservation management plans.

In addition, up to a fixed percentage of the funding could be used for mitigation of the impact of OCS activities through funding of infrastructure projects. In other words, the amendment allows funding of certain infrastructure projects and public services, but the amount of funds that can be expended for those purposes is capped.

Before concluding, let me clarify one significant point. I support the amendment because it does provide dedicated funds from the Treasury for coastal impact assistance. The amendment does not provide a percentage of revenues or future revenues or otherwise call for revenuesharing from the Outer Continental Shelf. I have stated repeatedly my opposition to that idea. It is my view that the oil and gas resources in the OCS belong to the entire Nation, and the revenue-sharing arrangement, which was earlier discussed but is not part of this amendment, would run contrary to that principle.

In closing, I reiterate my support for this amendment. I hope my colleagues will join me in voting aye for the amendment and waiving the Budget Act, if necessary.

I yield the floor.

Ms. LANDRIEU. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GREGG. I object.

The PRESIDING OFFICER. The Senator may not object to a quorum call. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, I do not sense that the manager of the bill is on the floor, but I would be interested in knowing whether the Senators from Louisiana wish to enter into a time agreement so we can move to a vote on this point of order.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, it is my understanding there are other Members who have asked to be given a chance to speak, some in opposition to the amendment, perhaps some additional in favor. So we are not able to go to a vote at this point.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Did the Senator from Louisiana wish to respond to my time agreement? I was going to speak.

Ms. LANDRIEU. No. I am sorry. I am wondering if we could have some additional time. Did the Senator want to speak for a certain amount of time?

Mr. GREGG. I understand there is an objection. I believe I have the—do I have the floor?

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. GREGG. It is my understanding from the Democratic leader on the bill that there is an objection so there is no point in even entering a discussion on that matter, I guess.

Madam President, I rise to address this issue as chairman of the Budget Committee. I begin with this rather unfortunate characterization that a budget point of order is a technical event around here.

Budget points of order are not technical events. In my humble opinion, they are rather important. I guess that is because I am chairman of the Budget Committee. We pass a budget and we say as a Congress and as a party specifically, because nobody on the other side of the aisle participated in passing the budget, that we are going to discipline our house, we are going to be fiscally responsible. In fact, the budget we passed was extremely disciplined. It limited nondefense discretionary spending to a zero increase over the next 3 years. For the first time in 7 years, it attempted to address entitlement spending because we see that as probably the most significant threat to our fiscal integrity as a nation.

It had very aggressive language in the area of enforcement. Certain accounts were set up, such as the reserve account which has been referred to, in order to make sure that dollars were spent appropriately and not whimsically or outside the purposes of the budget.

That budget passed. It was voted on. It passed by a couple of votes but with no Democratic support. However, it was the first budget to pass this Congress in 2 years and only the second time in 4 years did we actually get a budget out of the Congress. I think it is important that we look to the budget for leadership, or at least for guideposts as to how we are going to function around here. To represent that points of order made under the budget might be technical is, to say the least, inconsistent with the purposes of the budget and the points of order under the budget.

There are a lot of points that have been raised in presenting this case. There have been substantive points and then there have been arguments that it is not outside the budget and therefore should be paid for.

Let me speak initially to the substantive points. I do respect the comments of the senior Senator from Louisiana, when she quite forthrightly stated that the problem that is being caused in Louisiana, relative to loss of frontage and land, is a function of the levying situation—which benefits the Nation. I do not deny that. I read the book "Rising Tide" and was amazed at the impact of that flood and know that the levee situation addresses that as well as commerce.

But here is the essential problem. I have reviewed this, briefly. I haven't reviewed it in depth, but I asked my people who are expert in this area, especially those who work in NOAA or have worked in NOAA, what causes this erosion. I agree with the Senator from Louisiana, the senior Senator, that the erosion is essentially being caused by the levees.

It is not a function of drilling offshore, and therefore there is no nexus here. Between drilling offshore and the need to restore, the conservation issues around the land that is being lost, there is no nexus. A scientific nexus does not exist. The issues are really independent of each other. How you fund the restoration of those shore lands is the issue at hand. But what I think is important is that, from a substantive policy debate purpose, the problem is not being caused by energy production, and the amendment, as proposed, has no relationship to energy production, and this is an Energy bill. In other words, this amendment does not create new production. This amendment does not create new renewables, and it does not create conservation.

This amendment conserves land, but the land that is being lost is not necessarily being impacted by energy production, or at least there is no scientific evidence to that effect that I can glean. It hasn't been presented, and I think the senior Senator from Louisiana made the case better than I could make it on that point. So there is not a relationship between what this amendment wants to gather money for and the Energy bill.

Second, I think it is important to note that this amendment uniquely benefits five States at the expense of the General Treasury. It essentially says those five States have a unique conservation issue which the General Treasury has an obligation to support over other States which have conservation issues.

There may be other places that have conservation issues which are probably directly related to the production of energy. I suspect West Virginia has some very serious conservation issues dealing with the production of coal. There is a pretty good nexus. But this amendment doesn't say we use general revenues, that we use the General Treasury to support that effort. No, it says five States have gathered together to take money out of the General Treasury for the purposes of addressing what they see as their conservation needs, which have no nexus of any significance that can be proven to the energy production.

Granted, those States do produce a lot of energy and that energy is a benefit to this country and I appreciate the fact that they do that. But New Hampshire produces more energy than we consume—a significant amount more than we consume—because we built a nuclear plant. I will tell you that produced some conservation issues. But we are not seeking a special fund, for which the taxpayers will have to pay, in order to take care of that issue that will be uniquely tied to New Hampshire.

Ms. LANDRIEU. Will the Senator yield?

Mr. GREGG. After I finish my comments, I will be happy to yield for a question.

The more appropriate approach here, if this is what the game plan is, is probably to fund something such as—use these moneys, if you are going to take money out of the General Treasury and set up an entitlement program for a few States—is to say that program should be for more than a few States. It should be for all the States that have impact from conservation. But I don't think we should be doing even that because I don't think we should be creating new entitlement programs, which is the gravamen of this case, creating a new entitlement program.

Louisiana already benefits rather uniquely—and I think this point should be made, and folks should focus on it a bit—from a variety of different funds which are generated by energy, which help them in the area, theoretically, of conservation. They get 100 percent of the royalties for the first 3 miles of drilling. Last year that was over $800 million. I think they get 27 percent of the rights for the next 3 miles, and last year that was about $38 million. What we are talking about are royalties beyond those areas, in Federal water—not State water; Federal taxpayers, Federal water.

Louisiana is already receiving a fair amount of money through the present royalty process. In addition, due to the creativity—I suspect the senior Senator from Louisiana was involved in this, and I know the prior Senator from Louisiana was involved in this—through their creativity, when Dingell-Johnson was reauthorized, they managed to get a dedicated stream of money for conservation land, and they are the only State in the country that has this; the only State that has a dedicated stream of money.

I congratulate them for their creativity, but I don't think they should get another dedicated stream of money. They already did it once. Why should they get it twice? Every time you start a lawnmower in this country, whether you start it in Louisiana or whether you start it in upstate New York or Montana or Washington or Oregon, every time you pull that cord and it doesn't start and you pull it again and you finally get it started, you are sending money to Louisiana.

Every time somebody in New Hampshire gets on a snowmobile, you are sending money to Louisiana. A lot of people don't get on snowmobiles in Louisiana, but in New Hampshire they do. But we are sending our dollars to Louisiana every time we take out a snowmobile. It is a dedicated stream. I think last year it was $767 million they received out of that fund, unique to Louisiana. I guess they thought it was such a good idea they would come back again: Let's get another dedicated stream of money. What the heck, if it worked once, why not try it twice?

The problem they have, of course, is that this time there is a budget point of order against it. So they have to convince 60 people that Louisiana should get this unique treatment, after Louisiana already gets 100 percent of the royalties from the 3-mile area, which is over $800 million; 27 percent of the royalties from 3 to 6 miles, which is about $38 million; and $71 million from Dingell-Johnson, which no other State gets in that dedicated stream.

Then they put it forward for a program which has no relationship to energy production. Interestingly enough, if you read the amendment, it appears that not only does it have no relationship to energy production but that the money could actually be spent on just about anything. It could probably go into the General Treasury of Louisiana. It basically will become a revenue-sharing event. It doesn't have to go to conservation. On page 14 it says:

> Mitigation of impacts of Outer Continental Shelf activities through the funding of onshore infrastructure projects and public service needs.

"Public service needs" is a term that means you can fund anything. You could fund the fact that fishermen are not having a good year fishing or that the casino didn't have a good year of gambling or maybe, as we have seen occasionally in the past, that you wanted to build a Hooters in order to hold the shoreline in place. "Public service needs" is a pretty broad term, and I know there are some very creative people who, when they see language such as that, see Federal revenue sharing. Give me the dollars, I am going to spend it on whatever.

So this amendment not only does not have a nexus to energy, it doesn't even necessarily have a nexus to conservation with that language in there. So it has some serious problems.

Those are a few of the substantive problems. There are obviously more. Just the issue of fairness is probably the biggest one.

But the bigger issue, of course, is the attack on the General Treasury. The representation that this is a technical event when you create an entitlement, to me, affronts the sensibility of fiscal responsibility. The creation of entitlements around here has become a game. What happens is the Appropriations Committee, of which I am a Member—and I honor my service there and appreciate my chance to serve on it—has given up massive amounts of spending responsibility to the entitlement side. Why? Because every time they create an entitlement to do something which is a discretionary program, it frees up money to spend on some other discretionary program. So it is a very attractive event, quite honestly, to create an entitlement for a discretionary program because that gives an appropriator freedom to spend the money that has just been freed up—again.

That is how you end up driving up Federal spending. Because suddenly you have taken money, for which there was going to have to be some prioritization because the Appropriations Committee would have had to say: If we spend "X" million here, we can't spend "X" million over there because we can't have it because we are subject to a budget cap. You take that money and put it over on the entitlement side so that money can be spent again.

That is why this is such an outrage as an approach, creating an entitlement. There is no way that, as budget chairman, in good conscience, I can allow this type of activity to go forward without being at least noticed—without at least putting up the red flag and saying: Hey, folks, this is highway robbery. This is a attempt to raid the Treasury, to stick it to the taxpayers twice.

That is why I raised the point of order. I will probably lose it because there is a log rolling exercise going on around here that is significant. But it doesn't mean I should not raise it; That is my job. That is what I am here for, I guess—temporarily, anyway.

So that is the essence of the problem. Substantively, this is not an energy issue. The State of Louisiana already has many revenue streams, including, ironically, unique revenue streams which they have been successful in the past in gaining. This would be an additional revenue stream which would be inappropriate to limit to five States because conservation is not a unique problem for Louisiana, and there are other States that actually have higher equity arguments relative to impacts from energy directly related to where the conservation dollars are going.

I am sure there are significant conservation issues in Louisiana relative to energy production, but the loss of this frontage doesn't appear to be one of them. And creating an entitlement where there was a discretionary program is just bad fiscal policy.

So that is the reason I will be making a point of order at the proper time. I am perfectly happy to go to that vote as soon as the parties wish to do so. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I wanted to briefly respond to each of the major points that the distinguished chairman of the Budget Committee has made because I believe, quite honestly and sincerely, he is misinformed about each of these points.

No. 1, the idea that there is no causal linkage between the problem, at least in Louisiana we are trying to address, and offshore oil and gas production: Nothing could be further from the truth. I am glad the distinguished Senator has read "Rising Tide." But I suggest he needs to read a lot more and maybe come to Louisiana.

There are, of course, several causes that have all worked to create this coastal erosion problem, but one of the biggest has been all of the oil and gas service activity which comes off the swampy coast of Louisiana. All of that 50 years of activity has created channelization of our marshes. That has directly led to the intrusion of saltwater into the marshland, the loss of vegetation, which is the glue that holds it together, and this coastal erosion.

There is an absolute identifiable, scientifically proven, causal connection between offshore oil and gas activity and this coastal erosion problem. It is not speculative. It has been scientifically proven. Are there other contributing factors? Of course. Is levying of the Mississippi a significant factor? Of course. But there is a direct causal connection.

Point No. 2, the chairman has suggested there is no relation between this money and energy production. Again, nothing could be further from the truth. The amendment specifically states these States share in this fund in direct proportion to their Outer Continental Shelf energy production. The way to calculate how much each State gets is according to what activity, in meeting the Nation's energy needs, goes on off our coast. There is a direct connection between the calculation of the money and this activity. Again, a direct connection in terms of what money the States get directly dependent on what OCS oil and gas activity exists.

Point No. 3 causes me the most angst being from Louisiana, the notion that there is no justice to this amendment, or that this is somehow a rip-off to the advantage of Louisiana and other coastal States. Nothing could be further from the truth. We have worked 50 years to produce energy in this country. We are one of the only States in this country to have done this. The other States are also represented in this amendment. Yet we have gotten hardly anything for it and truly hardly anything for it in terms of direct revenue to the State.

States that have onshore mineral production or onshore oil and gas production on public land get a 50-percent royalty share. A State such as Louisiana that has this production offshore in the OCS gets less than 1 percent. Yes, there is a justice issue, but the justice issue is weighted in our favor.

I note two things, in particular, the distinguished Senator from New Hampshire mentioned. He talked about other conservation needs. What about the conservation needs brought about by coal activity in West Virginia? The chairman should note West Virginia gets a 50-percent royalty share that directly relates to that activity. Put us on par with West Virginia. We will take that; we will take 50 percent. The fact is this is a pittance compared to that.

Is there a justice problem? You bet there is. West Virginia produces coal, and that is great for the country, and they get a 50 percent royalty share. We produce oil and gas, and that is great for the country, and we get less than 1 percent. This is a justice issue, and all the justice arguments are in our favor.

The Senator also mentioned that Louisiana has a windfall because 3 miles off our coast is State waters. That is true. But the distinguished Senator from New Hampshire should note that for Texas, that seaward boundary is 9 miles. For Florida, that seaward boundary is 9 miles. Yet because of historical accidents and idiosyncracies, it is only 3 miles for Louisiana and Mississippi and Alabama. Everywhere else it is 9 miles or more. For Louisiana, Mississippi, Alabama, it is a third of that, about 3 miles.

You bet there is a justice issue. But, again, the injustice for 50 years and more has been against us. We are trying to correct that in a truly modest way with this amendment.

Fourth and finally is the budget point. I reiterate and am very specific and very clear: This amendment is wholly within the numbers built into that budget. As the chairman knows, built into the budget is a fund specifically dedicated to the Energy bill. This amendment is well within those numbers.

There are lots of things in the Energy bill that are mandatory spending. There are lots of tax provisions. There are lots of other provisions that basically can amount to mandatory spending. This is the same as that. There are lots of other things that are not subject to future decisions or future appropriation or other decisions. This is tantamount to that, and it is within the numbers built into the budget for the Energy bill. We have bent over backwards, worked very hard, to make sure that was the case.

I yield time to the senior Senator from Louisiana, Ms. LANDRIEU.

The PRESIDING OFFICER. There is no time.

The Senator from Louisiana.

Ms. LANDRIEU. I ask unanimous consent to speak for 5 minutes since we have no timeline.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I appreciate so much the support we have on this amendment from both sides of the aisle. A great deal of thought has gone into this amendment. My colleague from Louisiana answered every single one of the objections raised against this amendment by the Senator from New Hampshire. I add just a few words.

First of all, the Senator has done a very good job as budget chairman. I have enjoyed working with the Senator on many issues, including the education reform issue and trying to move toward a balanced budget. I share his goals in so many ways.

He, of course, is a great advocate for his State, although he is somewhat critical of an act that we fondly, and in a very appreciative way, refer to as the Breaux Act in Louisiana. We take that in Louisiana as a great compliment when a Representative, a Senator or a Congressman, can use their committees to do something that is so warranted and so worthy and so necessary for a State. Senator Breaux served so ably in this Senate for many years. We refer to that act as the Breaux Act.

The Senator is correct, we get a relatively substantial amount of money, $50 million a year. It started out at $20 to $25 million and has gone up to $50 million. However, that is a drop in the bucket considering the money that Louisiana has generated for this Nation and for the Senator's general fund. There has been $155 billion generated since 1953. Last year alone, $5 billion came off the coast of Louisiana. That would not be possible without our State agreeing to lay the pipeline, drive the pipe, allow the trucks to come down our two-lane roads that go underwater even when it rains. Forget the storm and hurricanes. Five billion dollars last year.

If any State has contributed to the Federal Treasury anywhere near that amount with their resources, please, I would like to know. No other State, except the State of Wyoming, contributes more to energy independence than the State of Louisiana. Wyoming gets prize 1 and we get prize 2. I am speaking about all sources—nuclear, hydro, geothermal, wood, wind, waste, solar, oil, natural gas, and coal. All of it. The States of Wyoming, Louisiana, West Virginia, Alaska, New Mexico, Kentucky, Oklahoma, Montana, North Dakota, Colorado, and Utah, generate more energy in their State than they consume, more energy than their industries need, and we export it out. And we are happy to do it because we actually believe in our State what we say in the Senate, that we want to be energy independent.

These States are at the top of the chart for usage: California, New York, Ohio. There are others.

People say every State contributes what it can. Some produce sweet potatoes, some produce Irish potatoes, some States have beaches, some States have mountains. I understand that argument. That is what makes our Nation great. We all contribute to this great whole. But Louisiana contributes more than its share and it has since 1940.

Are we asking anybody else to do that? No. Are we trying to move moratoria? No. We are saying for the money we contribute—we understand the OCS does not belong to us; we do not claim it does—we are saying for the money we contribute, could we please have six-tenths of a percent. If it means an entitlement, let me say to the Senator, the people in Louisiana are entitled. They are entitled to the money we helped contribute to the general fund. I don't take that as an insult. I take it as a compliment to the people of my State. We are entitled to some small amount of money we are asking for. We are willing to share it with the States that did not produce nearly the amount we produce, but we are happy to do that. In fact, the Presiding Officer may remember we have had bills to try to share the money with everyone. No matter what we try, we can share with everyone, but it is never quite enough, never quite right.

We have it right this time because we probably have over 60 supporters of this amendment to give Louisiana and these coastal States a small share of the money that, yes, they are most certainly entitled to.

Second, in this bill, the use of this money will go to wetlands conservation and resources. There have been a lot of pictures shown of the coast. I will show one of my favorites because this is what our coast looks like. This is what we are trying to keep healthy, a place where wildlife can flourish. A lot of people live near marshes like this. When they open their kitchen windows, they do not see interstates or big highways, they see this marsh.

If you live near the Atchafalaya and you open your back windows, you will see a beautiful cypress forest. Most are gone in North America, but we are fortunate to have some in Louisiana we are trying to preserve. If you go out near Lake Maurepas around Lake Pontchartrain, this is what you see when the sun sets in the evening.

I am tired of people coming to the Senate and putting up pictures of pelicans with oil all over them. We are wise people. We are an industrious people. We are a people who care about our environment. We have cared about it for hundreds of years. And we continue to try to save it.

The Senator from New Hampshire can most certainly appreciate how much we love our State because he loves his, and how smart the people in Louisiana are to use the resources appropriately, the Senator would understand that these are some of the extraordinarily beautiful places that we are trying to save.

There is a delta that is growing in Louisiana. It is the Atchafalaya Delta. And because of its natural beauty and because the water continues to flow and because of the good technologies our great universities have contributed to understanding the ecology of a delta—there is no delta in New Hampshire, I don't believe. The last time I checked there wasn't one, but there is a big one in Louisiana, the seventh largest delta in the world. It is a growing delta. If you looked on a map from the satellite, you could see there is land growing off the coast of Louisiana. We are proud that this Atchafalaya Delta is growing. We are preserving it. The State is spending millions of dollars to buy this land and preserve it.

Any argument in the Senate that the people of Louisiana are sitting around twiddling their thumbs, not smart enough to figure this out, is an insult. I don't think that is what the Senator meant, but sometimes people in Louisiana hear words in the Senate that lead them to believe that might be the conclusion. I am certain that is not what he meant.

We have every intention of using this money to preserve these wetlands, to make the place that we have lived for over 300, 400 years more beautiful, and most importantly to make it secure for the future. As this marsh goes away, it threatens not only the life and livelihood and investments of the 2 million people who happen to live there and the 1 million people who live on the coast of Mississippi—because this marsh land protects them, as well—it also puts at risk billions and billions of dollars of infrastructure that the oil and gas industry has invested for the benefit of every single solitary American, whether they live in New Hampshire, Maine, Illinois, California, or Florida.

The Senator from Louisiana and I have made our points very well. We appreciate the work of the Senator from New Hampshire and his work on the budget. We understand he has a tough job. But we have a job to do, as well. That job is to get six-tenths of 1 percent of the money that we generate for this Nation without bellyaching about it, without complaining about it. We have patiently and consistently asked for some fair share.

Yes, Senator Breaux was quite successful in managing a small amount of money, but the tab that we have, the Corps of Engineers has helped us to appreciate. The tab that we have to pick up right now in our 20/50 plan is estimated to be $14 billion.

So am I to believe the Senator from New Hampshire expects the 4.5 million people in Louisiana to pick up the tab—$14 billion—to fix the wetlands that is not ours but belongs to everyone, that we did not destroy but the Mississippi River leveeing destroyed, and put taxes on us to do this? I do not think he would suggest that.

This is a partnership we ask for. We will do our part. The Federal Government should do its part. We are going to continue to press this issue. I am pleased to be able to answer some of those questions and concerns.

Finally, this is a picture of the wetlands itself from a satellite view. This is Louisiana's coast. It is very different from Florida, very different from California. As I said, most people have never quite seen it because there are only two places you can get to. One is Grand Isle, which is shown right here, that tiny, little place. It is a beautiful little island, but it keeps getting battered by the hurricanes that continue to come. And Holly Beach is somewhere right around here on the map. It is too small to see on the map.

There are only two roads you can get to. No one can see our coast unless you are one of the thousands of fishermen who come fish and tie their boats up next to the rigs. They actually fish next to the oil and gas rigs. That is where the best fishing is in the Gulf of Mexico. So unless you are one of those fishermen, or one of the trappers who have trapped here—for hundreds of years families have trapped here—you would not know where this is or what it looks like. But we do because we represent this State.

We are losing this land and must find a way to save it.

This amendment is a beginning. My colleagues have been so patient. Our colleagues have been so helpful. Chairman DOMENICI and Ranking Member BINGAMAN have seen this land.

Again, as my partner from Louisiana said—and I am going to wrap up in a moment—this does not open moratoria. It is not an opt-out or opt-in amendment. It is simply a revenue-sharing amendment. We believe the people of Louisiana and Mississippi and Texas and California and Alaska and Alabama are entitled to some of the money, a small amount of money they are contributing to the general fund that helps us keep our taxes low and funding projects all over the Nation.

Mr. President, 30 more seconds. The Senators have been so patient, but I want to say this one response.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. When the Senator says no other States share the revenues, that is inaccurate. I know he is aware that interior States share 50 percent of their revenues from Federal land in their States. Louisiana does not have a lot of Federal lands. Texas has very little Federal land. Mississippi does not have much Federal land. Most of that is in the West. We are different. We are not the West. We are the South, although Texas could claim to be both. But Louisiana and Mississippi are Southern States. We do not have a lot of Federal land. What we do have is a lot of land right off of here, as shown on the chart, that belongs to the Federal Government. But the Federal Government could not get to it unless we allowed pipelines. There are 20,000 miles of pipelines put under this south Louisiana territory to go all over the country, to keep our lights on and our industries running.

So again, there is revenuesharing. We would like our share. This is going to go for a good cause, for the preservation of an extraordinary marsh. It is time for us to make this decision today for Louisiana and the coastal States.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the forthrightness of the Senator from Louisiana. She has made my case. She says it is revenuesharing. I agree with her. She says it is an entitlement. I agree with her. She says they want their share. I agree that is what this plan would do. It would create a new entitlement. It would take money from the general fund and send it to Louisiana.

Fifty-four percent of the money under this amendment goes to Louisiana. The amendment started out as a $200 million a year amendment. Now it is up to $250 million a year, which would mean Louisiana would get about $135 million.

The issue of whether it violates the budget is obvious. It does. And the issue of whether it is technical is obvious. It is not technical. It would create a new entitlement. And it is certainly not technical to say five States should have a unique role in conservation revenues from the Federal general treasury, that they should have a unique right to that as compared to other States which have equal arguments of equity relative to conservation.

So it is very hard to understand—well, no, it is not hard to understand. The Senator from Louisiana made the case. They want their share, they want revenuesharing, and they want an entitlement. That is what they are going after here. It is a grab at the Federal Treasury. Maybe they will be successful at it. But before they do that, they are going to have to at least overcome a point of order and vote to disregard the budget.

At this point, I do make that point of order. Mr. President, this additional spending in this amendment would cause the underlying bill to exceed the committee's section 302(a) allocation; and, therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Budget Act.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I move to waive the applicable sections of the Budget Act with respect to this amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I think the fact that this budget point of order has to be waived makes the case there is a budget point of order that lies. It is not an insignificant point of order when it involves creating a new entitlement.

Mr. President, I yield the floor. I would be happy to vote on this now, but I understand the other side has reservations about voting now. But it is fine with me to go to a vote.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, let me say to the Senator from New Hampshire——

Mr. GREGG. Can I get the yeas and nays on the motion to waive?

Mr. DOMENICI. Of course.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, might I say to the Senator from New Hampshire, of course, this motion is debatable, as the Senator knows. We do not want to take a lot of time, and we do not want them to take a lot of time. But we have objection to proceeding from the other side, so we are going to be here a while. Sooner or later we will vote, even if it is at the end of 30 hours. Everybody should know that. So whoever is delaying this, all the other amendments are waiting.

Mr. GREGG. Mr. President, I leave it to the good offices of the chairman of the committee, who is an exceptional floor leader, to tell me when he wants to have a vote.

Mr. DOMENICI. I say to the Senator, you should know that at some point I am going to take 3 minutes to explain my version of the budget.

Mr. GREGG. I look forward to that.

Mr. DOMENICI. You do not have to be here, but I want you to know that so you don't think I am doing it without your knowledge. I will not take more than 3 minutes explaining what I think it says. All right.

I yield the floor.

Mr. CORZINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORZINE. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. The pending business is the amendment offered by Senators Landrieu, Domenici, Vitter, and others with regard to the offshore royalty.

The PRESIDING OFFICER. The Senator is correct.

Mr. LOTT. Mr. President, I believe there are some negotiations going on on other issues. My intent is to speak strictly on this amendment, and then I would be glad to put a quorum back in place if there is not another Senator waiting to speak.

To me, this amendment is about energy production, but it is also about basic fairness. I am not going to argue at this point with those who are opposed to oil and gas drilling in various and sundry places. I personally think we should drill where the oil, where the gas is. I know that is a novel idea. I do believe we need a national energy policy that is broad, that will have more production of oil and gas and clean coal technology and hydropower and nuclear power and LNG plants and conservation and alternative fuels—the whole package.

I am glad we appear to be getting to the end of this debate and amendment process and hopefully will produce a bill that passes overwhelmingly and will get into conference and will come up with a bill that can be passed. We need to do it for the country.

This legislation is about national security, and it is about economic security. If we don't deal with the problems of energy needs, if we don't become less dependent on foreign imported oil, the day will come when we are going to have a problem. Just remember, those troops in Iraq and Afghanistan and around the world, those sailors steaming in ships, those tanks, those planes, it takes fuel to run them. So it is about national security.

We are an energy-driven economy. We need this diversity. We need more production, more independence. I believe we should open more areas than we are prepared to do apparently. But the fact is, in my part of the country and the Gulf of Mexico, we have been prepared to have an energy policy. We have been prepared to have the oil and gas industries and refineries and nuclear plants and LNG plants. We are prepared to do what is necessary not just for our own people and for the financial benefit of our own but, frankly, for the whole country.

We are prepared to produce fuels and oil and gas and other fuels. We are prepared to refine it and share it with the rest of the country. We are prepared to wheel our power to other parts of the country because we have been willing to take the risks. We are willing to build utility plants.

Other parts of the country don't want to drill. They don't want coal. They don't want nuclear power. They don't want hydropower. They don't want utility plants. They want nothing. But they want to flip the switch and have the lights come on. They want to get in their SUVs and drive off into the sunset. I resent that hypocrisy, quite frankly, but that is the way it is.

All we are saying is, in our area—Texas, Louisiana, Mississippi, Alabama—we have been willing to do what needs to be done, the right thing for our region, for our people, and for our country. So we have oil and gas off the coast. I haven't had a problem with it. I live on the Gulf of Mexico. When I get up in the morning and look out the window, I am looking at the gulf. I am looking at the pelicans that now are plentiful. I am sure they are coming from Louisiana. When I look at ships going and coming, I am looking at oil tankers, smaller tankers that are lightering oil from bigger tankers. I can remember sitting on my front porch and looking at a natural gas well being flared late at night. It wasn't ugly. It was really quite pretty. But there are risks that go with this.

Particularly in Louisiana, they have paid some prices for what we have done. We levied the Mississippi River, the big and mighty Mississippi River, to keep it from overflowing year after year. That has affected their wetlands because now you don't have that overflow that goes particularly west of the river that puts sediment out there. The levees send it right on out into the gulf. Now we are concerned about dead zones. We are concerned about the impact on salinity. We are concerned about the fisheries in the gulf, the shellfish and others.

We have had to oil drill. In some areas of our region, that has led to some channelization. When you are taking things from under the Earth, I think it has an effect on elevation in certain areas, wetlands areas in particular, estuaries.

You might say: Wait a minute. You get the benefit of the business. Some, yes. I don't deny that. It does create some jobs—some good-paying jobs, some dangerous jobs. It does, though, create a lot of activity for which we have to provide services—roads, harbors. Some of the big companies in the Gulf of Mexico drill off of our coast of Mississippi, but they don't do business there, not in my State. They don't really even hire that many employees. So there is some good from this, but there is some risk and some bad things.

Other parts of the country, when you drill in their States, they get 50 percent of the royalties, and we get an infinitesimal 1 percent plus some benefits within, I guess, the 6-mile limits of the State. But that money coming out of the gulf goes into the deep dark hole of the Federal Treasury. A lot of it goes into land and water conservation for other parts of the States.

Other States are saying: We don't want you to drill or produce or build utility plants in our area. And by the way, we don't want you folks down there who are doing the job and taking the risk to get any of that money. We want that money to come up to the Federal Treasury and come to our States.

Now we are accused of trying to bust the budget. No, we are trying to get a fair share. It is not big money in my State, but it would make a huge difference. When you come from a small 2.8 million-population State with a history of poverty and needs, even though we are making some progress now—we are not 50th or 49th or 48th on most lists; we are moving up the line, creating more jobs, more businesses, better education, better roads—we have other problems. We do have wetlands that are being disturbed or destroyed. We are losing some land, as they are in Louisiana. We do have some environmentally sensitive and some historic sites we need to preserve, protect, and improve. We need some help. We are prepared to do the dirty work. We are prepared to take the risks. We are prepared to do the right thing and share it with America. But we do think we should get a little bit of the return on the royalties that go right through our hands to the rest of America.

This is not a great money grab by Louisiana or Texas, Alabama. This is a way that we can get some help from things that we are producing, some benefit that will help our people and preserve the areas we live in and love. We are accused of being insensitive to the environment and to conservation. Well, this will give us a way to do something about it. Quite often, we don't do what we need to do because we cannot afford it; we do not have the money. I plead with my colleagues from all parts of the country: Look at what we are doing. Look at what problems we are coping with, and look at what we will do with this small amount of money.

By the way, the budget allowed $2 billion in this energy area for us to make some decisions on. Yes, it can be objected to on a point of order at the committee or on the floor or out of conference. But there was money allowed, and this amendment gets well within that number. I think this is a questionable budget point of order, although I don't dispute that the chairman has that authority. I want him to have that authority. Chairman JUDD GREGG is doing his job. I am not mad at him. I told him I hope he will do his job and I hope he will do it for effect, but don't get mad about it. If anybody should get mad, the Senators from Louisiana and the Texans should get mad, and the Mississippians, too.

I support this amendment. I plead with my colleagues, let us have a little bit to help ourselves, and we will in turn help the country.

Ms. LANDRIEU. Mr. President, will the Senator yield for a question?

Mr. LOTT. I yield to the Senator from Louisiana.

Ms. LANDRIEU. The Senator from Mississippi has made such excellent points, and we appreciate his comments and support. The Senator may want to express for a moment the terror that reigned south Louisiana, Mississippi, and Florida last hurricane season with the unusual number of storms that came up through the Gulf of Mexico and how frightening it is to people on the coast when these wetlands continue to disappear. The intensity of those storms gets greater and greater, and the damage to property and the threat to life is fairly serious.

As a Senator who lives on the Gulf of Mexico, maybe just a word to talk about what happened to our States last hurricane season.

Mr. LOTT. Mr. President, we have great fear that some day, one of those hurricanes will go right up the mouth of the Mississippi River and inundate New Orleans. When Hurricane Ivan was coming through the gulf last year, when it got to the hundred-mile marker, it was headed for my front porch. Then it veered to the east and missed us by about 90 miles and did a lot of damage.

What can we do about that? First of all, you have to have evacuation routes. We need more money for roads to allow the people to get out of there. The best buffer against the damage is the wetlands, the protective barrier islands, protective areas. The only reason my house hasn't been wiped out is because we have a seawall in front of my house, and we are up on a relatively high point. My house is 11 feet up off the ground, what we call an old Creole house.

It survived hurricanes for 150 years. But these estuaries, these areas outside the main area in which we live, are critical because once that high wind and water hits that area, it begins to lose its strength. If we keep losing land into the gulf, across the Gulf of Mexico, the hurricane damage—even though the violence may not increase, the damage will really increase. This is just one aspect.

By the way, we have to be prepared to get people off these oil rigs and out of the Gulf of Mexico. We have to have infrastructure to do that. This will help us achieve that goal.

I yield to my colleague from Mississippi.

Mr. COCHRAN. Mr. President, I appreciate the Senator's remarks. I assure him that I support everything he has said, and I agree it is now time for us to recognize that the initiative of the Senators from Louisiana, Senator VITTER and Senator LANDRIEU, and others, including my colleague from Mississippi, deserves to be supported. It deserves our support.

I understand the question about the budget, but I am reminded about an appeal that I had to defend one time in the Supreme Court of the State of Mississippi. The lawyer on the other side started off his brief he filed with the supreme court, and he said that this is a classic example of a claim not being paid on the basis of a mere technicality. Well, of course, there was a lot more to it than just that. The technicality was a real impediment to the appeal being filed by my opponent in that case. But I was reminded of that when I was walking over here. This is an issue that could go either way, in terms of the point of order and the provisions of the Budget Act. The Senator has made that point, and I congratulate him for doing that.

We are not quarreling with the fact that you can make a point of order, but you should not as a matter of the overriding national interest. It is a national interest; the integrity of the Gulf Coast States are at risk. We have before us a solution to the problem, and it is in the national interest that we support it. That is the argument that is being made to the Senate right now. So however this vote is couched, in terms of a motion to waive the Budget Act or on the validity of the point of order, I hope the Senate will come down on the side of the gulf coast Senators who are trying to solve a problem that is in the national interest. We ought to recognize that and vote that way on this issue.

Mr. LOTT. I thank my colleague from Mississippi for his comments and his knowledge of the issue and the procedures we are dealing with. It is a great comfort to have him here.

One final point before I yield the floor. I thank Senator DOMENICI and Senator BINGAMAN for working with the Senators who are sponsoring this legislation to try to help us find a way to make this effort, to get it at a level that would be helpful to us that would not be a budget buster, that would comply with the amount of money that was allowed in the budget resolution. So I commend Senators VITTER and LANDRIEU, and I hope we will be able to get this provision approved.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, on behalf of the people of Utah, I thank the managers of this Omnibus Energy bill for their leadership in producing a comprehensive and broadly supported proposal.

If the American people think bipartisanship is dead in Congress, they should look at this bill and how it is being managed on the floor these past 2 weeks.

On behalf of the people of Utah, I want to thank the managers of this Omnibus Energy bill for their leadership in producing such a comprehensive and broadly supported proposal.

If the American people think that bipartisanship is dead in Congress, they should take a look at this bill, and how it is being managed on the floor these 2 weeks.

I must commend the leadership of Chairmen DOMENICI and GRASSLEY, and their Democratic counterparts, Senators BINGAMAN and BAUCUS as the Senate considers this critically important piece of legislation.

In addition, I want to thank Chairman GRASSLEY and Senator BAUCUS for working so closely with me on the energy tax incentive package, now part of the Omnibus Energy bill.

In particular, this bill includes a number of provisions of great importance to Utahns, provisions I authored. These include my CLEAR Act, which promotes alternatives in the transportation sector, my Gas Price Reduction through Increased Refinery Capacity Act, and my proposal to improve the treatment of geothermal powerplants. All were included in the energy package.

I am also grateful to the leaders of the Energy Committee, Chairman DOMENICI and Senator BINGAMAN, for agreeing to include the major provisions of another bill of keen interest to Utahns, my bill, the Oil Shale and Tar Sands Promotion Act, S.1111, which was cosponsored by Senators BENNETT and ALLARD.

Our bill would promote development of the largest untapped resource of hydrocarbons in the world. There is more recoverable oil in the oil shale and oil sands of Utah, Colorado, and Wyoming than in the entire Middle East.

The chairman and his staff have done yeomen's work to successfully strike a compromise on S. 1111 that is agreeable to all sides and that can be accepted into this bill. I thank both leaders for that effort.

And finally, I thank them for including my bill, S. 53, in the Energy bill. S. 53 would amend the Mineral Leasing Act to authorize the Secretary of the Interior to issue separately, for the same area, a lease for tar sands and a lease for oil and gas, thus freeing up a new resource of natural gas in our Nation.

Now, I would like to turn to the Hatch-Bennett amendment on high level nuclear waste, which we filed in an effort to bring some focus to our Nation's policy for handling spent nuclear fuel.

In my hand is an article from yesterday's Washington Post.

The headline reads, "Bush Calls for More Nuclear Power Plants." And the article begins: "President Bush called today for a new wave of nuclear power plant construction as he promoted an energy policy that he wants to see enacted in a bill now making its way through Congress."

The President is calling for a robust nuclear power strategy, and his reasons are clear: nuclear power is clean and safe, and there is an abundant supply of cheap uranium in Northern America.

But my question is, "What are we going to do with all the waste?"

We cannot have a nuclear power strategy until we know what to do with all the spent nuclear fuel.

And what is becoming quickly apparent to me and to the people of Utah is that we do not have a coherent national nuclear waste policy. Until we do, we are putting the cart before of the horse.

For years, I have supported sending this high level nuclear waste to the desert of Nevada.

To be honest, it has never been an easy vote for me, because it was against the wishes of my friends and colleagues from that State. However, it has been our national policy for more than two decades to build a site at Yucca Mountain, a safe, remote location, where spent fuel could be taken over by the Federal Government and buried deep beneath the desert.

Even though Utah does not use or produce nuclear power, I have recognized the need to have a nuclear power program in the U.S. that relies on a plan to safely handle our waste. In other words, we need a strong nuclear waste program.

Here is a picture of the desert area where Yucca Mountain actually is. You can see it is desolate and out in the middle of nowhere.

Unfortunately, a few nuclear power utilities are attempting to hijack our Nation's nuclear waste strategy by joining forces to build an away-from-reactor, aboveground storage site for one-half of our Nation's high level nuclear waste on a tiny Indian reservation in Tooele, UT.

Even more unfortunate is that the only tribe they could con into taking this waste was the Skull Valley Band of the Goshutes, whose small reservation just happens to sit on one of the most dangerous sites you could imagine for storing high level nuclear waste.

The Skull Valley reservation is directly adjacent to the Air Force's Utah Test and Training Range and Dugway Proving Grounds where live ordnance is used.

Here is an illustration of an F–16 that flies regularly in this area.

This location proposed for the aboveground storage of half of our nuclear waste sits directly under the flight path of 7,000 low altitude F–16 flights every year.

Even if this area were truly remote from all civilization, which it is not, its location alone should disqualify it for the storage of even one cask of high level nuclear waste. But that's the problem with allowing private intrests to establish our nuclear waste strategy, economics can get in the way of reason and safety.

Mr. President, 80 percent of Utah's population sits within 50 miles of the Skull Valley reservation.

Represented on this picture are the type of communities we have near that place.

As a crow flies, Skull Valley is less than 15 miles away from Tooele City, one of the fastest growing cities in Utah, which is becoming a major suburb of Salt lake City.

Skull Valley is only about 30 miles from the Salt Lake City International Airport. And let us not forget that many of the families of the Skull Valley Band live right on the reservation, and half, if not more, of them are against this. These families face, by far, the greatest risk.

When this group of utilities, known as Private Fuel Storage, or PFS, applied for a license from the Nuclear Regulatory Commission, the Commission's three judge Atomic Licensing Board ruled that the threat of a crash from an F–16 was too great to allow a license for the proposed facility. Not letting science get in its way, PFS came back later after two of the three judges were replaced with new ones, this time making a different pitch even though all the facts remained the same.

As a result, the two new judges ruled, in a two-to-one decision, that the risk of a crash from an F–16 was low enough to allow the license.

One has to wonder who in the world would allow the license for a small tribe in this area with this type of danger. The trustee I don't think could possibly do that. Nevertheless, they ignored the prior commission and went ahead and did it.

However, Judge Peter Lam, the senior member of the panel, and its only nuclear engineer, gave a very strong dissent. I would like to quote from Judge Lam's dissent:

> The proposed PFS facility does not currently have a demonstrated adequate safety margin against accidental aircraft crashes. . . . This lack of an adequate safety margin is a direct manifestation of the fundamentally difficult situation of the proposed PFS site: 4,000 spent fuel storage casks sitting in the flight corridor of some 7,000 F–16 flights a year.

Judge Lam also cited the inadequacy of the new methodology used to determine that the site would be safe.

He writes:

> In this current proceeding, the Applicant has performed an extensive probability analysis and a structural analysis to rehabilitate its license application. As explained below, the Applicant's probability and structural analyses both suffer from major uncertainties. These uncertainties fundamentally undermine the validity of the analyses.

Mr. President, with 7,000 F–16 flights every year, one can imagine that emergency landings are not uncommon at the training range, and I am unhappy to report that crash landings are not rare, either.

In the last 20 years, there have been 70 F–16 crashes at the Utah Test and Training Range, and a number of these crashes have occurred well outside the boundaries of the training range.

I have found it baffling that the Final EIS for the Skull Valley plan does not require PFS to have any onsite means to handle damaged or breached casks. Rather, the NRC staff concluded the risk of a cask breach is so minimal that they did not have to consider such a scenario in their EIS. I find this conclusion dubious and dangerous in light of the facts relating to F–16 overflights.

In his dissent, Judge Lam refers to the threat of accidental aircraft accidents. He doesn't even go into the possibility of terrorists. Since the events of September 11, we have learned that one of our Nation's most serious threats may come in the form of deliberate suicide air attacks. It would seem inconceivable that a Government entity would consider giving their endorsement of the PFS plan without thoroughly taking into account the added terrorist threat our Nation now faces.

Yet the Nuclear Regulatory Commission has refused to reopen the Environmental Impact Statement to consider this new threat, even though post-9–11 studies have been completed at all other facilities licensed by the NRC.

It is apparent they just want to dump this stuff somewhere. I have to say, if this continues, I am certainly going to do some reconsidering myself.

I found this especially troubling since the NRC has never granted a license for the storage of more than about 60 casks, but the Skull Valley site will hold up to 4,000 casks of this waste.

I want my colleagues to understand that not only is the size of the PFS proposal a gigantic precedent, but issuing itself a license for a private away-from-reactor storage site has never been done and runs counter to the Nuclear Waste Policy Act which clearly limits the NRC to license storage sites only at Federal facilities or onsite at nuclear powerplants.

Former Secretary of Energy Abraham stated publicly he shares our interpretation. In a letter to members of the Utah congressional delegation, Secretary Abraham issued a policy statement that barred any DOE reimbursement funds from being used in relation to the Skull Valley site. This would include industry members who would lease space at the site. He said:

> Because the PFS/Goshute facility in Utah would be constructed and operated outside the scope of the [Nuclear Waste Policy] Act, the Department will not fund or otherwise provide financial assistance for PFS, nor can we monitor the safety precautions the private facility may install.

My amendment is compatible with the policy outlined by Secretary Abraham in his letter. It would ban the transportation of high level nuclear waste to private away-from-reactor waste sites and calls for a study to the feasibility of storing spent fuel either at Department of Energy facilities or of the Department taking possession of the spent fuel onsite at nuclear reactors.

My amendment calls also for a study of reprocessing spent nuclear fuel for future use.

Let me state the obvious for the record. The PFS plan is vehemently opposed by the entire Utah congressional delegation, Gov. Jon Huntsman, former Gov. Michael Leavitt, and an overwhelming majority of Utahans. In fact, virtually everybody in Utah. A large portion of the 70-member Goshute Band is strongly opposed to the proposal. We believe a majority of them are, but there is some indication of fraud in their elections out there.

Furthermore, the leader of the band, Leon Bear, has pleaded guilty to a Federal indictment. It is notable that every other tribal government in Utah has come out flatly against it. How could any trustee for the Indians allow something like that to be?

Utahns are well aware of the points I have made today. Because of the risks we face associated with the PFS proposal, we know better than any that our Nation's nuclear waste policy is broken. It was with good reason that our Nation's nuclear waste strategy has been built around the expectation that the Federal Government, namely the Department of Energy, would take possession of spent nuclear fuel rods. What better example do we need than the PFS plan to see why private industry should not be allowed to develop and implement our Nation's nuclear waste strategy.

Think about it. PFS is a shell corporation. If anything went wrong, Utah is going to eat it. That is all there is to it. It is ridiculous.

I understand why our colleagues from Nevada oppose the Yucca Mountain site. I am getting more and more understanding of that as I go along. But if they are concerned about waste at Yucca Mountain, they should be exponentially more concerned over the PFS site which is so flawed as to be inherently dangerous, extremely dangerous.

In closing, let me drive home one point. Our President has called for a dramatic increase in our Nation's capacity to generate nuclear power. As Congress considers that proposal, I ask, Should any increase we might authorize rest on a nuclear waste policy established by the Federal Government or should that policymaking rest with a couple of private companies that are driven by profit?

Do we want the Federal Government to take possession of our high level nuclear waste or is our national waste policy to allow private companies to control the transport, storage, and security of this waste? And with shell corporations at that. If that is to be our policy, then I need to inform our colleagues that our Nation's nuclear power strategy is a house built on sand.

Let me summarize my remarks. We Utahns are adamantly opposed to the storage of spent nuclear fuel at the Skull Valley reservation. The current site that has been selected by a consortium made up of eight utilities has several fatal flaws, including the fact that it contemplates a facility that is, one, located fewer than 50 miles from the Salt Lake Valley where 80 percent of our fellow Utahans live; two, directly under the Utah Test and Training Range where roughly 7,000 low-altitude F–16 training flights take place each year, many with live ordnance, and over a range where 70 crashes have taken place already; and three, on the small Skull Valley Goshute Indian reservation where about 40 of the band's 120 total members reside—only 40. Moreover, the Skull Valley Band's leadership is in question. Leon Bear, the band's current chairman, has been accused by his colleagues of disregarding a vote of no confidence. In addition, Mr. Bear recently pleaded guilty to Federal criminal charges and is awaiting sentencing relating to his management of tribal financial resources.

I would like to know if my friend, the chairman of the Senate Energy Committee, believes that storing spent nuclear fuel on a privately run and privately owned offsite facility, such as the Skull Valley reservation in Utah, is a component of our national nuclear waste policy.

Mr. DOMENICI. Mr. President, in response to that question, I would say that our national policy for handling high level nuclear waste is to store it at the proposed DOE site at Yucca Mountain. I don't know whether the Skull Valley site will receive the regulatory approval it needs. That is not my decision. However, in my view, our focus should remain on a solution that puts this waste directly in the hands of the Federal Government.

Mr. HATCH. Mr. President, I thank the chairman for that clarification.

I again thank the leaders of this bill who have done such a great job in bringing both sides together to pass what will be one of the most important energy bills in the history of the world. It certainly is going to do a lot for our country if we will continue to follow this through conference and get it back for final passage. It is long overdue.

I know it has been an ordeal for Senator DOMENICI in particular and others as well. I pay my tribute to them for the hard work they have done.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Virginia.

AMENDMENT NO. 891

Mr. ALLEN. Mr. President, I rise to speak in favor of this Energy bill and in particular the amendment that is primarily sponsored by Senators

DOMENICI, BINGAMAN, LANDRIEU, VITTER, and others.

First, I thank Chairman DOMENICI and Ranking Member BINGAMAN for their skillful leadership, their dedication, their patience, and everything they have done to craft a bipartisan bill. It is a bipartisan energy policy that I believe encourages, incents, provides us, as a country, with clean and affordable energy in a growing and obviously more secure economy.

We have made significant progress so far on this measure. I look forward to passage of this bill in the Senate so we can get a final measure passed before the summer recess.

This bill is important for three salient reasons: No. 1, the security of this country; No. 2, jobs in this country; and No. 3, the competitiveness of the United States of America.

As far as security and energy independence, we must become less reliant on foreign sources of oil and natural gas from unstable, unreliable places in the world.

Second, as far as jobs are concerned, this measure, when passed, will save jobs. Hundreds of thousands of jobs will be saved and hundreds of thousands of jobs in a variety of ways will be created—new jobs. It is important for saving jobs especially in the areas where there is manufacturing of chemicals, fertilizers, plastics, forestry products, and even tires. All of those can be manufactured anywhere in the world, but we have a high-intensity need for clean burning natural gas right here in America. And jobs will be saved if we produce it here within our own borders.

We are supporting new technologies for the production of electricity using clean coal technology—where we are embracing the advances of technology to utilize an abundant resource, coal—we are the Saudi Arabia of the world in coal, and we ought to be using it, as well as new technologies for clean nuclear power generation. That is where jobs matter.

As far as competitiveness, there is not a person here, not a person in this country, whether it is driving to school, driving to work, operating a business, and it could be the highest, most technologically advanced business, that doesn't need electricity. Everything we consume goes by rail, truck, air, or a combination thereof before it gets to the store or to our homes or to our places of business. This bill is essential for lower gasoline and diesel costs for transport of these products.

We need to have an affordable energy source for our economy, for jobs, and the competitiveness of our country in the future because many of these jobs can be put anywhere in the world. In addition to proper tax policies, reasonable regulatory policies, less litigation, and the embracing of innovations, an energy policy for this country is long overdue.

With regard to competitiveness, I was Governor at one time. We would always try to get businesses to locate in the Commonwealth of Virginia. We succeeded. The businesses looked at the cost of operations in different States. They looked at what the cost was; what is the regulatory burden; do you have a right-to-work law, which we did; what is the cost of health care. They cared about transportation, but they also looked at the cost of doing business with electricity. We would have a report to top management in New York City, and we would compare our electricity rates in Virginia to those in the New York City area. Virginia's electricity rates, compared to those, looked as though they were almost free. That was an attribute, a strong selling point for businesses to come to the Commonwealth of Virginia. These same principles apply to the entire United States of America.

Let's look at natural gas. Natural gas, that wonderful clean burning fuel, is in many places around the world, in many strong economies around the world. We would certainly want to be able to match other countries in the cost of producing this clean burning fuel, whether for our homes, but also for manufacturers. It is not just the chemical and fertilizer manufacturers, it is the farmers who have to pay these higher prices, and when farmers have to pay higher prices to run their tractors or to fertilize their fields, that means the cost of food goes up, which affects us all in that way as well.

Look at our prices—and these prices are from February, and prices of natural gas have gone up in this country since this report. In the United States of America, we are over $7 for 1 million Btus of natural gas and it is rising.

Take the United Kingdom, Great Britain. It is $5.15. Turkey is only $2.65. Ukraine is $1.70. Russia is less than a dollar per 1 million Btus. You say, well, we are not competing with them. Who are we competing with then? We are competing with them, as well as with South America. Look at the prices of natural gas in South American countries: $1.50 in Argentina compared to over $7 in the United States. In North Africa, it is less than a dollar.

What about real competition we are facing in the loss of manufacturing jobs to India and to China? China and India are increasing in their economies and, of course, demand for oil, natural gas, coal and other fuels is going up, too, exacerbating the prices. We see China now trying to buy up our gasoline companies, specifically Unocal. For our national security, it's important that we have a comprehensive review of the types of investments State owned Chinese companies are making in international and U.S. based energy resources.

Even there, where China has this booming economy, their price is $4.50 compared to us. The same with Japan. India pays half the price we do in natural gas, $3.10 per 1 million Btus. Our friends in Australia pay $3.75 for a million Btus of natural gas.

As a result of what we are seeing in these higher natural gas prices, we are already losing jobs in this country. The chemical industry, one of our Nation's largest industrial users of natural gas, has watched more than 100,000 jobs, one-tenth of the U.S. chemical workforce, disappear just since the year 2000.

Recent studies by the National Association of Manufacturers and the American Chemistry Council found that 2 million jobs could be saved if Congress lays out a fresh blueprint for the supply, delivery, and efficient use of all forms of energy, including clean burning natural gas.

To address this natural gas crisis that is crippling our American farmers and manufacturers, we need a positive, proactive strategy for greater fuel diversity. The bill does just that by supporting clean coal. It supports nuclear energy and a whole host of renewable technologies, such as biofuels and incentives for fuel cells.

In the area of nuclear, I think it is one of the most important aspects of the bill. When one thinks of the generation of electricity, we ought to be using clean nuclear and clean coal technology while allowing natural gas to be utilized not for base load electricity generation but rather for factories, manufacturing jobs, and in our homes.

The President's Nuclear Power 2010 Program is designed to work with the nuclear industry in a 50/50 cost-sharing arrangement. It also addresses some of the risks and litigation aspects of it. One thing that is not in this measure but I am going to work on in the future is the repository.

The Senator from Utah, Mr. HATCH, was talking about Yucca Mountain. I fully understand why the people in Nevada would not want to have highly radioactive fuel rods that are radioactive for 40,000 years. What we need to do long term is look at what France is doing with nuclear power. What they have done is taken a technology that was started in this country on reprocessing and they have perfected it. We ought to be reprocessing this nuclear fuel, these spent fuel rods. If we do that, it is a much more efficient and much less dangerous approach. It is much less volume, and are decreased. That is something we need to do long term. It is not in this measure, but we need to move forward with it in the future.

Also in this bill we have set efficiency standards for everything from buildings to appliances that will help reduce our demand for electricity and natural gas.

Ultimately, we need to need to produce more natural gas. This amendment talks about coastal States that are committed to more exploration, the impact on their coastal areas and allowing them to get some assistance to these States closest to the exploration.

What I am going to say is not part of this amendment, but the issue of exploration off the coasts of different States came up during the hearings in our committee. It is not necessarily part of—in fact, it is not part of this amendment, but for the people of the Commonwealth of Virginia, this is an issue of some interest in our General Assembly. Our State legislature, in a very strong bipartisan action, stated that they were in favor of allowing or at least determining if there is any natural gas—not oil but natural gas—far off the coast of Virginia, beyond the viewshed, and, in the event that there is, allowing Virginia to share some of those revenues. That is not going to be part of this measure, and I say to Senator BINGAMAN, it is not part of this measure.

I realize things move slowly around here, slower than some of us would like, but I do think that the people in the States should have more of a say in energy production. Right now, if one looks at these coastal areas, it is all subject to the whims of the Federal Government. The Federal Government says they own it; the Federal Government says: We will determine if it is in a moratorium or not.

I am one, having been Governor, who would actually like the people in the States to have more prerogatives. There may be a different batch of folks in the Senate, and we may have a different President who says, No, we are going to do this, we do not care what the people of New Jersey think; we are going to go forward and explore. I would like to protect the prerogatives of the people of the States and also allow the people in the States, if they so choose to explore, to actually share in those revenues.

I have suggested that in Virginia, we ought to use a good portion of it for universities and colleges to reduce in-State tuition costs; another big chunk for transportation to alleviate traffic congestion; and another portion to the coastal areas, such as places like Virginia Beach, for things like beach replenishment. That is just something I would like to see ultimately allowed, but that is not part of this measure.

I also do think that I know the President's views on the inventory issue. People in South and North Carolina, Florida, and New Jersey do not even want an inventory. They do not even want to know what is off their coast. In my view, the compromise to all of this, if they do not want to, they don't have to. Why spend money looking off those coasts because the people of Florida, North Carolina, New Jersey, and maybe South Carolina as well, do not want to. So why waste the money? However, if the people of Georgia and Virginia would like to know what is off their coasts, allow them to at least find out what is out there and then make a determination therefrom. That might be the good compromise to this issue in conference.

This measure that Senator LANDRIEU and Senator VITTER have brought up has to do with Louisiana and a great deal, obviously, with the gulf coast. They have certain needs in Louisiana. Being in Cajun country and all around Louisiana last year for a variety of purposes, I know this is a very big issue to the people of Louisiana. We should be thankful to the people of Louisiana for the efforts they have made in the exploration off their coast because they are powering this country.

Granted, natural gas prices are high, and maybe we will get more production out of Alaska, and maybe we will get some more out of Louisiana or maybe off of Mississippi, but the point is that they have great coastal impacts, not because of the exploration way off in the Gulf of Mexico but because of the services to transport it, just the nature of the bayous. It is just the topography, that they have coastal erosion there that is of great concern to everyone in the State of Louisiana, especially south Louisiana. They are all proud of that sportsman paradise, as they call it.

I strongly support Senator DOMENICI's and Senator BINGAMAN's effort in this bill to consider the needs of producing States. Long term, what we are looking at is supporting, creating, and preserving manufacturing jobs and finding environmentally safe ways to increase production of clean burning natural gas. It is important for jobs in this country. It is important for our national security to be less dependent on foreign energy. We need to be more independent, and, of course, we need to be much more competitive for investments and jobs if we are going to be the world capital of innovation.

So I urge my colleagues most respectfully to vote for this amendment that allows coastal impact assistance to States closest to this exploration. We have listened in meetings to Senator VITTER argue very persuasively to me and to others, I hope, and the same with Senator LANDRIEU in a variety of forums as well—they have made a persuasive argument for Louisiana, but ultimately it is a persuasive argument for the United States of America.

I thank my colleagues for their attention, and most importantly I thank my colleagues in anticipation of a positive vote for this amendment and moreover getting this Energy bill passed so that this country can become more independent of foreign oil, foreign energy, save those jobs, create more jobs, and make this country more competitive for investment and creativity in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, before the Senator from Virginia leaves the floor, might I say to all of those who pay attention to these issues that the Senator is a new member of the Energy Committee, and I wondered when we made up the committee why the Senator had chosen to be on the committee. Then I found out that Virginia has a terrific interest in a lot of these issues, and I found that the Senator was very knowledgeable and a very good participant. The Senator helped us get a good bill. I commend the Senator on his analysis today. This is a bill that should direct us in the right way, especially in the natural gas area.

Clearly, we are at our knees. People say it is the gas pump, but it is also the price of natural gas that is causing America great trouble. We have resources. We just cannot use them because we need new technology and we need to do a better job of getting them ready for the marketplace so that we do not damage the air. We are working on that, and I thank the Senator for that.

Also, I want to compliment the Senator on seeing the value of the offshore resources of the United States. I am not suggesting that I understand each State's political issues, but I do understand that there is a lot of natural gas offshore. No. 2, I do understand it can be produced with little or no harm to anybody. A lot of it can be produced if it is there.

I commend the Senator for realizing that is an American asset and he would like very much for the Congress to face up to that.

I yield to the Senator.

Mr. ALLEN. I say to my chairman that the reason I wanted to get on his committee was because I believed that this Energy bill was the most important legislation we will pass in this Congress that will affect our competitiveness, jobs in this country, as well as our independence or less dependence on foreign oil and foreign energy, whether it is natural gas, liquefied natural gas, and all the rest.

I have been so impressed by the bipartisan way the Senator has methodically tried to move this measure forward that has great importance for the future of our country, not just for the next 5 or 10 years but, indeed, for generations to come. It is a model for how we can work in a bipartisan way. Does everyone get everything they want? No. But I think the American people ultimately will be much better off, there will be more people and families working, and we will be more competitive, thanks to the Senator's leadership.

I am very proud and pleased to have been appointed and elected to the Energy Committee, and I look forward to working with the chairman. He is a magnificent leader with the right vision for this country.

Mr. DOMENICI. I thank the Senator. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I support the Landrieu/Vitter amendment. As a State that is a producer of oil and gas off its shore, I certainly believe we should have some slight, minor benefit from that effort, particularly in light of the fact that State after State just blithely announces they will not have any off their shore. I believe that a 2-percent part of the revenue that is going to the Federal Government to the States that bear the burden of this offshore production is not too much to ask. It is not a violation of the budget. The money is set aside that can be spent on this. It is a question of priority. I believe we should go forward with that.

I wish to say how much I appreciate the remarks of Senator ALLEN. I believe he has analyzed our energy situation well. I would also join in my praise for Chairman DOMENICI for his work. He understands that nuclear and all other sources of power have to be increased to have us more energy independent. It is not just one step that we can take. Frankly, if one wants my opinion, and I believe it is correct, the area most overlooked, the area in which we can have the largest short-term surge of energy in our country that can be so important for our economy and jobs is offshore production of oil and gas, particularly natural gas.

We had an amendment just yesterday that I joined with the Senators from California to support—it did not pass—to have more controls over the building of liquefied natural gas terminals in our States, to give the States some more ability to participate in that process.

Why do we have liquefied natural gas terminals? We have not had them before. The reason is we are not producing enough natural gas in our country to supply our needs, and there are resources worldwide offshore that can be produced around countries such as Qatar in the Persian Gulf—some of whom have been friends, some of whom have not been friends of the United States—so they would have us produce it on those waters, to liquefy it at great expense, transport it around the world to some terminal in my hometown in Mobile, AL, and then put it in our pipelines. And where does the money go? Where does 100 percent of the royalty money go in that circumstance? It goes to the Saudi Arabias and the Qatars and Venezuela and those other countries, sucking out huge sums of money from our country, when we could keep all of that money in our national economy if we produced the existing supplies of natural gas that are off our shores.

I go down to one of the prettiest beaches in America. It is becoming more and more recognized—Gulf Shores, AL. You can stand on those beaches and at night you can see the oil rigs out off the shore. We have not had a spill there. In fact, I had the numbers checked, and I understand there was one spill off Louisiana in 1970. None of that reached the shore.

By the way, as all who have studied this know, natural gas is far less a threat to our environment, if there is a leak, than is oil. Oil is thicker and heavier and can pollute if there is a large amount spread on our shore. But we have not had any of that, and hundreds—thousands—of wells have been drilled and produced in the Gulf of Mexico. According to the Energy Committee, 65 percent of all energy produced from oil and gas comes from the Gulf of Mexico. That is a tremendous amount right off our coast. So Texas and Louisiana and Mississippi and Alabama have participated in that. Yet under the law of the United States and the tax provisions of our country, you cannot receive any revenue from it. It is moving in interstate commerce. You can't tax a truck going through your State, under the Constitution. You can't tax fuel going through a pipeline. So you produce it, and it moves out.

An LNG terminal, by the way, some have said, is an economic benefit to your community. It only has about 30 jobs, and it does have some safety risk, no doubt. Some say a lot. I don't know how much, but it has some safety risk. It has some tendency to diminish the value of property around it for sure. But you can't tax it because it is the interstate flow of a resource.

So they want these States to continue to be serving the American economy with no compensation whatsoever. The 2-percent figure that has been proposed here is not at all unreasonable to me. I think that is a modest charge, in fact.

Let me tell you the extent of the hypocrisy that goes on. My colleagues from Florida, the leaders in the State of Florida, have beautiful beaches such as we have. We border their beaches. They declare you cannot have a well if you have a beach in sight of it. Now they said you can't have an oil well so close—even outside of the sight of the beach. In fact, they are objecting to drilling oil wells 250 miles from the Florida beaches, as if this is somehow some religious event of cataclysmic proportions, if somebody were to drill an oil or gas well—mostly gas wells—out in the deep Gulf of Mexico. You know what. They are proposing right now, they desire and are moving forward with a plan to build a natural gas pipeline from my hometown of Mobile, AL, to Tampa, FL. They want to take the natural gas produced off the shores of Alabama, Mississippi, Louisiana, put it in a pipeline and move it to their State so they can have cheaper energy, and they don't want to have anything within 100 to 250 miles of their State. This is not correct.

Mr. President, I know you are a skilled lawyer and a JAG Officer in the military, but I was a U.S. attorney and represented the U.S. Government. Let me tell you, under the law of the United States, Florida does not own the land 200 miles off its shore. I have to tell you, that is U.S. water. There is no doubt about it. For the Senator from Louisiana and I, our boundary line is just 3 miles. Everybody else in the country has 9 miles, but after 9 miles, it is Federal water. Yet we show deference to the States and want to work with the States and listen to what they have to say, but as a matter of law, they don't get to decide who drills in the waters of the United States of America.

This country is at a point where we have to ask ourselves where we want this offshore oil and gas produced. Do we want to have it produced off Venezuela, in the lake down there, or in the Persian Gulf where all the money we have to pay for it goes to those countries, sucking it out of our economy or would we rather have it produced in this Nation, in the huge amounts that exist so our country can benefit from it? We have these crocodile tears by people who begrudge a little 2 percent that would go to our States that produce it, and they are not complaining one bit, I suppose, about an LNG terminal in Mobile, AL, designed to bring natural gas from halfway around the world, from some country that may be hostile to our national interests.

It makes no sense whatsoever. It is time for us to have a lot bigger discussion about this matter. I see the Senator from Louisiana is here. I know her State has more offshore wells than any other. I know they have had probably more environmental degradation as a result of it. I don't see anything wrong with them being able to ask for some compensation.

I have enjoyed working with her on this legislation.

Ms. LANDRIEU. Will the Senator yield for a question?

Mr. SESSIONS. I am pleased to.

Ms. LANDRIEU. If the Senator will yield, he has made so many excellent points, and I am not sure I heard them. Maybe if he would repeat—right now we are building a pipeline from Alabama to Florida? Could the Senator explain that, again? I am not sure people understand that you are building a pipeline from Alabama and sending the gas—where?

Mr. SESSIONS. To Tampa, FL, to some of those people, I guess, who have the multimillion-dollar mansions on the coast, who want to use that natural gas to cool their hot houses. I remember when it first came up, this debate was ongoing, former Congressman "Sonny" Callahan, from Mobile, was in the House. I suggested that he put in an amendment that just blocked the pipeline. If they don't want to produce any oil and gas, why should they get it? And he did, almost perhaps as a bit of humor, but also to raise a serious point. People want to utilize this resource but they are opposing its production.

But let me ask the Senator from Louisiana this question. Don't you think that some of the areas, such as California and others, that are so hostile to producing offshore, are ill-informed about the risk? It is almost as though it is this huge risk that their entire beaches are going to be threatened every day, but we have not had problems in our beaches. Have you in Louisiana?

Ms. LANDRIEU. I thank the Senator for that question. I would like to respond this way. I do think there is a lot of misunderstanding and fear associated with an industry that not everyone knows about. As the Senator knows, we do know a great deal about the industry. We understand that 40 years ago, 30 years ago, the industry was relatively new and mistakes were made and technology was being tried out. We just did not have all the environmental data that we have today. But as the Senator knows, in every industry there has been tremendous advancement made.

Not too along ago I was watching a program on television that was showing the way hot water heaters were developed in the Nation. I think the chairman from New Mexico would appreciate this. The whole program was about how in the early days people really wanted to have water, clean water, but they needed it warm for many purposes—not just for convenience and health, but cleanliness. They couldn't figure it out. So they kept trying to figure out a way to get hot water to people's houses.

But what would happen is these early hot water pumps, as you know, would blow up, they would blow the whole house up and people were actually killed; they lost their lives. But did we stop trying to bring hot water into the homes of Americans?

I know this might seem to be a small matter to people who live in the United States, but turning on a faucet, in your home, for clean, drinkable cold and hot water is still a luxury in the world today. But Americans did not stop with that technology. So today we take it for granted. Everybody can go home and turn the hot water on and it comes out and nobody blows up.

The Senator from Alabama is absolutely correct. There are people who just do not know. This technology is very safe. Plus, we have the Coast Guard, we have Federal agencies, we have the State court system, and the Federal court system, in answer to your question, that all enforce the laws, and agencies that are "Johnny on the spot" if something goes wrong.

Are there accidents? Yes. Can things go wrong? Yes. But I think as we start telling people more and at least give people more good information—the Senator from Alabama is correct—then they can make better decisions for the country. Again, to be respectful, if some States have accepted this information and still make the choice not to go forward, that might be their prerogative. But the Senator is absolutely correct. For those States such as Alabama, such as Mississippi, such as Texas and Louisiana, that have decided this is in our State's interests and the Federal interest, then most certainly this small amount of money for coastal impact assistance—to help us with our wetlands, to help us with beach erosion, to help make those investments that are so necessary—is absolutely the right thing to do at this time.

Mr. SESSIONS. May I ask the Senator another question? It has been reported that Cuba is going to be drilling for oil and gas out in the Gulf of Mexico. I wonder if our colleague would prefer that Cuba would do this where, I assume, it would be less safe, with less management, and all the money go to them rather than to the United States? Is that a fact? Is Cuba considering participating in drilling for oil and gas off the coast of Mexico, off our coast?

Ms. LANDRIEU. The Senator is correct. There is some thought that perhaps Cuba may open drilling and Canada may open drilling. But again, this amendment that the Senator has cosponsored, along with my colleague from Louisiana, who is here on the floor as well, is not a drilling amendment. It is not touching the moratoria. It is not laying down any boundary changes whatsoever. It is a coastal impact assistance revenue sharing for only the current producing States. So while there has been an extended debate—because we are not able to go to a final vote because there are some things that are being worked out and there has been an extended debate in these last hours, as my good friend from Florida knows, who is here on the floor—this amendment is a coastal impact amendment.

We have already debated the moratoria issue. We have debated the drilling issue. We could not come to a compromise on that so that issue is going to be saved to another day.

I have said to my friends from New Jersey and my friends from Florida and to my friends from Virginia and to you, the Senator from Alabama, this debate is not going to go away. We are going to have to continue to debate it. But this is not the debate at this moment. This debate now, this amendment that has broad bipartisan support, is about coastal revenue sharing, coastal impact assistance for States that produce oil and gas.

If I could, I wanted to make mention of something that would help the country understand, I think. This is from the Department of Energy, Energy Information Agency's Report of 2001.

These numbers will have changed, obviously, since 2001, but probably not by too much, and I doubt the quarter will change too much.

This is all energy produced—nuclear, hydro, geothermal, wood, wind, waste, solar, oil, natural gas, and coal. That is everything—nuclear, hydro, geothermal, wood, wind, waste, solar, oil, natural gas, coal.

There are only 11 States in the Union that produce more energy than they consume. All of these States, starting from No. 1, California, all the way down to Vermont, use more energy than they produce.

Again, I am aware that we are a Nation of 50 States. Some States grow sweet potatoes, some States grow Irish potatoes; some States make tractors, some States make automobiles.

But the problem here is that some are saying we don't want to produce energy but we want the benefits. So I am saying to my friends on all sides, if you don't want to drill for oil and gas on your shore or off, then put up a nuclear powerplant. If you don't want to put up a nuclear powerplant, put up windmills. If you don't want to put up windmills, you have to try to do something to generate energy for this country.

That is my only argument. That is not this amendment. This amendment is just recognizing that the States that have—let me just say this. I am trying to speak the truth here. Not only does Louisiana produce more than it uses, but please remember how much industry we have. Most of the chemical plants are in Louisiana, New Jersey, Illinois. Those are the areas where there are a lot of chemical plants.

We are proud of the petrochemical industry. But we also supply all of those manufacturing facilities—huge manufacturing facilities—that produce products that are not just bought by Louisiana; these chemicals go into better products we create in America. We sell them overseas, we sell some to ourselves, and we make money.

Not only are we producing all the gas and energy we need, we are fueling all of our plants and then exporting. When you add that on top of the numbers on my chart—and I want this corrected for the record. I am not sure this chart counts offshore; I think this may be just onshore. I don't think this counts offshore. If you add that, these numbers go up exponentially.

Wyoming gets the first prize. Some States say, We do not have the resources. I understand that. Not everyone has oil and gas. Not everyone has coal. The point Senator DOMENICI has been trying to make is, that is fine, but everybody has an ability to do something. Either conserve more, do not let SUVs come to your State if that is what you want to do, or produce more. That is the point—not on this amendment—one of the points of this bill.

Mr. SESSIONS. First, the Senator is exactly correct. This amendment is a very modest amendment. It has nothing to do with production of oil and gas. It is with frustration that our State has worked toward that goal and has not been able to receive any compensation, and many other States seem to be slamming the door on even considering that.

I ask the Senator if there is not a difference in safety and environmental impact when we deal with natural gas as opposed to oil? And is it not true that much of the energy capacity in the Gulf of Mexico and probably off our other States, is natural gas? I know that is important. We have probably seen a tripling of natural gas prices.

I know the Senator agrees that pipelines commence out of the gulf coastal areas—Alabama, Mississippi, Louisiana, Texas—that move the natural gas all over the country, and those States, if the price keeps going up when they heat their houses, they heat their water, their industries utilize natural gas, those prices are going up, also, which threatens their economic competitiveness. It is not that our States have a particular benefit from having the production. It goes in the pipelines that move it all over the country.

Ms. LANDRIEU. The Senator is correct. The Senator from Louisiana could answer as well, Senator VITTER. I will yield to him for a response.

We get the benefit of jobs. We are happy for the jobs, and we are proud of the technology we are developing.

The Senator from Alabama is correct. This oil and gas that comes through our State and is generated in and around our State goes to the benefit of everyone to try to keep the lights on in Chicago, New York, California, and Florida. We are happy to do it. We are not even complaining. We are just saying, in light of this, could we please share less than 1 or 2 percent of the money generated. Last year we gave $5 billion to the Treasury.

The PRESIDING OFFICER (Mr. BURR). The Chair reminds Senators that the Senator from Alabama controls the microphone and the Senator from Louisiana does not have the ability to yield to the Senator from Louisiana.

Mr. SESSIONS. Mr. President, we had a nice discussion and I thank the Chair for reminding us of that.

Before I yield the floor, I have enjoyed discussing this with the Senators from Louisiana, Senator LANDRIEU and Senator VITTER.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will yield momentarily.

I say to the Senators who are listening and to their staffs, we are in the process of trying to put together a short list of amendments that are absolutely necessary. We are getting close to the end—the end will be here when 30 hours have elapsed and then we could have a series of votes, but I don't think anyone wants that.

The Democratic and Republican staffers are taking these amendments and they are working together to see how many are absolutely necessary.

I ask Senators, do not wait, because we will have to go back and call you all. If you are serious about an amendment, there are people on the Democratic side and the Republican side and in the respective cloakrooms waiting to see and talk with you through your staffs or otherwise as to what you want to do about the amendments.

Clearly, there are numerous amendments and I am sure they are all not going to be offered. They were submitted in good faith, but I am sure they are not intended to be voted on before we finish.

Would Senators on both sides of the aisle—I think Senator BINGAMAN agrees—try to help by getting word to the cloakrooms whether they are serious, whether they want to work on their amendments so we can put our list together.

Mr. NELSON of Florida. Will the Senator yield?

Mr. DOMENICI. I am pleased to yield.

Mr. NELSON of Florida. It is my understanding the Senator wants to get this bill done quickly. I certainly support him in his desire to get that done quickly. It is also my understanding, in order to achieve that goal, the two managers of the bill are presently negotiating down the number of amendments.

Is it correct, the understanding that the Senator from Florida has, that the amendments that would be agreed to take up would not include any amendments having to do with the Outer Continental Shelf drilling?

Mr. DOMENICI. Might I say it this way. We are not going to agree unilaterally or even together what the list is. Senators have to agree. So, Senator, you and others who do not want that on the list, you will be there and you will say no, and so it will not be on that list. That is the best way to say it. It is not going to be on the list unless Senators want it on the list. If you do not want it on the list, when we get there, we will call, as you know, and we will find out. We cannot tell you now because we have a lot of amendments. Let's follow the regular order. You will be there and everyone should know that.

Mr. NELSON of Florida. Indeed. And this Senator understands where both Senators from New Mexico are trying to get with the legislation. I certainly want you to get there and get there fast.

Basically you come up with a list of amendments that would be considered and you would consider under unanimous consent in the Senate, that is the list to be considered for the rest of the debate on the bill before final passage?

Mr. DOMENICI. The Senator is absolutely right. That is the way it is done. That is the way it will be done.

Mr. NELSON of Florida. I thank the Senator for his clarification.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I follow up on some of the previous comments regarding this coastal amendment and quickly underscore two very important points.

As my colleague from Louisiana has explained, this is merely treating those coastal producing States that have produced so much of the Nation's energy needs, taken care of so much of those needs, simply treating those coastal producing States fairly.

If only more States were like us in producing far more energy than we consume, of course, this energy crisis we are facing would be less and less onerous, but that is not the case.

In particular, the distinguished chairman of the Budget Committee was in the Senate and said his State produced more energy than it consumed. I would love to hear the distinguished chairman's sources for that. I checked with the U.S. Department of Energy and they flatly disagreed. The most recent figures I could obtain, September 5, 2003, certainly include the nuclear energy plant the distinguished Senator from New Hampshire was referring to. That produces far less than the State of New Hampshire consumes. In fact, the total energy production from New Hampshire comes from that nuclear facility, .036 quadrillion Btus. The total energy consumption of New Hampshire is .329 quadrillion Btus. So, according to my source from the U.S. Department of Energy, the best information I have, dated September 5, 2003, New Hampshire consumes about nine times what it produces from that nuclear plant or any other source.

I use that as an example because, unfortunately, the coastal producing States we are talking about are in the distinct minority. We do produce the Nation's energy needs. We do produce far more energy than we consume. That is great for the Nation. I wish that load were spread around more, but it is not. That is a very important element of this debate.

The second point that directly flows into is a question of fairness. The Senator from New Hampshire talked about some boondoggle to coastal States. Nothing could be further from the truth. We are simply asking for a small, modest modicum of fairness. This amendment covers 4 years, 2007, 2008, 2009, 2010, 4 years, and then it goes away. During those 4 years, the royalties into the Federal Treasury from this offshore production are expected to be $26 billion. Under this amendment, during those 4 years, our share is $1 billion. That is less than 4 percent. Meanwhile, onshore oil and gas and mineral production is shared in terms of royalties on public lands 50 percent to the States and 50 percent to the Feds.

The Senator from New Hampshire, when he was here, cited the example of West Virginia coal production. That royalty share on public lands is 50/50. We will take 50 percent. If the Senator from New Hampshire wants to offer that amendment, we will accept that. We are only asking for 4 percent for 4 years and then it goes away.

This is fair. It is a fair way to treat those few States that help produce the energy the Nation needs. Those are very important points.

I hope all Senators remember those points as they vote, particularly on an amendment that is squarely within the budget, that does not bust any of the numbers within the budget.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I have new pictures. Before I show the pictures, I will state the situation in the Senate.

The Senator from New Jersey, Senator CORZINE, and this Senator from Florida, are insisting the debate remain on the Landrieu amendment as a means, as the clock is ticking, and with most of the Senate having an interest to recess tonight for the purpose of many schedules that need to be met for tomorrow, including a number of BRAC Commission hearings, especially in the State of New Mexico, that are being held tomorrow, very important pieces of business that Senators need to attend.

What the managers of the bill are presently doing, because the Senator from New Jersey and this Senator from Florida are insisting, since, lo and behold, we discovered what we thought we had taken care of yesterday, which was amendments would not be offered for further attempts at drilling on the Outer Continental Shelf—lo and behold, those amendments have been filed and they were declared germane by the Parliamentarian. Therefore, regardless of all of the agreements that have been made, they can be brought up at any time.

So the Senator from New Jersey and this Senator from Florida, simply recognizing the clock is ticking, in order that those amendments will not be brought up, are continuing to keep the debate on the Landrieu amendment. At such time as we expect the normal process would be done, which is the winnowing down of the remaining amendments, we then would ask for unanimous consent from the Senate to take up only those remaining amendments and that those amendments will not include the amendments further causing the drilling off the Outer Continental Shelf. So that is the parliamentary procedure we find ourselves in.

Now, I have heard a number of statements on this floor over the last several days. I wish to clarify. I also wish to bring an update to the Senate. As shown in this picture, this is what we have at stake in Florida. It is the pristine beaches. That is not the only reason for not wanting to drill off the coast of Florida, but that is one of the reasons, and it is a major reason. We do have a $50 billion-a-year tourism industry that depends on those pristine beaches. Of course, people from all over the world come to enjoy the extraordinary environment we have. That is one of the reasons.

I have enumerated over the last several days many other reasons. Those reasons certainly include the delicacy of the balance of nature in some of the estuaries and bays; the brackish waters; the mangrove swamps which you find on the coast of Florida, which is not specifically a beach. Generally you will find a beach on what is known as a barrier island. It is those barrier islands that have these extraordinary opportunities for guests to come and visit.

I have enumerated over the last several days also another reason; that is, the major national asset that we have off the gulf coast of Florida and off a good part of the Atlantic coast of Florida. It is called restricted airspace. Is it any wonder why the training of pilots for the new F-22 Stealth Fighter is at Tyndall Air Force Base? Is it any wonder why the training of pilots from all branches of the military for the new F-35 Joint Strike Fighter is at Eglin Air Force Base?

It is not any wonder when you realize the place they train is out over the Gulf of Mexico, most of which is restricted airspace, and most of which has had now increased training coming because the Navy Atlantic Fleet training was shut down on the island of Vieques off of Puerto Rico. Most of that training has come to northwest Florida. That training is done out off the Gulf of Mexico. You cannot have surface ships coordinating and training with aircraft, which are practicing with their targets on virtual land masses that have been created by computers on the Gulf of Mexico, if you have oil rigs down there on the surface of the Gulf of Mexico. That is another reason.

But I want to dwell for a minute on this reason right here as shown on this picture. I said I had a new picture. I do. This picture is a week old. This is an oilspill that just occurred off of Louisiana in the last week. There have been now 600 pelicans threatened, and 200 pelicans have died from this oilspill. This was a relatively minor oilspill: 560 gallons—13 barrels—of oil, a relatively minor spill. You can see the damage it has done.

Now, I have shown other pictures out here. Shown on this picture is what we do not want. And shown on this picture is what we want. That is why the Senators from Florida, the Senators from other coastal States such as North Carolina and South Carolina, the Senators from New Jersey—and you could go on up the coast and then go out to the west coast and start in the North with Washington, Oregon, and California—that is why these Senators are so concerned about the protection of the interests of their particular States.

Now, this next picture is of an oilspill from years ago. I think this was actually from the *Exxon Valdez*, which was a much larger oilspill. That was a whole tanker. But a tanker can do that damage. And the spill from a week ago, which was a relatively minor spill, can also do damage, where 200 pelicans have died and 600 are threatened.

Now I want to address what has been stated here. It is as if Florida is not doing its part, as suggested by the list that was shown earlier of those that are net-plus of energy and those that are net-minus of energy. Is this the way we are going to solve our energy crisis? I think we ought to all be doing each thing we can to solve our energy crisis. It is absolutely inexcusable that America today is in a position whereby we are importing almost 60 percent of our daily consumption from foreign shores. That is not only inexcusable, that is unsustainable, when you consider the defense interests of our country, that we would be so dependent on oil coming from the Mideast and the Persian Gulf region.

By the way, 15 percent of our daily consumption comes from Venezuela. Guess what. We do not exactly have good relations with the Government of Venezuela these days. And the President of Venezuela, Hugo Chavez, from time to time beats his chest and beats the desk and says he is considering the cutting off of oil. That is another story. We could discuss that at length. But it all is forming a composite picture that we ought to be doing something about our dependence on foreign oil.

Well, where do you do the most good the quickest? It is to go where you consume the most energy. Where is most energy in America consumed? It is in transportation. And where in transportation is most energy consumed? It is in our personal vehicles—automobiles, trucks, SUVs. Yet you see we are considering an energy bill, and we cannot even get past an amendment that will raise miles per gallon on SUVs, phased in over a 10-year period. We do not have the votes. Why? Because there are certain interests here that say no. They want those gas guzzlers. Yet it is completely contrary to the interests of the United States.

If we really want to do something, we have to do something about miles per gallon. I wish to share with the Senate a recent experience I had talking with the former Director of Central Intelligence, Jim Woolsey, about a proposal he has that I believe makes a great deal of sense. It is quite exciting. This proposal could, according to his statistics, have the equivalent of having vehicles that would run at 500 miles per gallon. This is not science fiction. Let me tell you the three components.

The first component has to do with the fact that we already mix ethanol with gasoline, the ethanol being made primarily from corn. That is an expensive process, but we do that. In different places, there are various percentages of that ethanol. The ethanol and the gasoline burn together, and the ethanol starts replacing the gasoline.

What if you could replace that gasoline with more ethanol so that, say, it is 50 percent gasoline and 50 percent ethanol? You may say: Well, it would not be economical because it is very expensive to get that ethanol from corn. Jim Woolsey has said you can make ethanol from prairie grass. We have 31 million acres of prairie grass in the United States. It would have to be harvested each year, cutting the grass. You would have refined processes, just like in making ethanol from corn, but you have a different ingredient, and it would be much cheaper to make the ethanol. So why don't we start replacing oil—in other words, gasoline—with ethanol?

What the experts are telling me is you could use the same engines that we have. Perhaps they would have to have a little bit of tweaking to accommodate 50 percent ethanol and 50 percent gasoline, but look how much oil per day we would be saving just with that. But that is just the first component.

The second component is, what happens if you start turning all of America's new automobile engines into hybrid engines? A hybrid engine is what the Japanese have already done so successfully that they have these long waiting lists for these cars that have hybrid engines, that have computers that shift to electricity at one point and to gasoline at another point. The Japanese automakers' cars today—and they have been for several years—are getting better than 50 miles per gallon. That is the second component.

So what happens if you take fuel which is a mixture of ethanol and gasoline and put it into hybrid cars which are being run off of electricity and the mixture of fuel is that you start to see you are beginning to use less and less oil, and you are allowing technology to start working for us.

But there is a third component: that is, taking your hybrid vehicle—that is in your garage at night when you are not using it—and just plugging it in, so that in the morning, when you are ready to use your vehicle, your battery is fully charged up to its capacity. It would be using electricity that has been coming from a powerplant that is usually a powerplant that is fueled by something other than oil.

So now you have a car that leaves the garage. It is fully powered up in its battery, so as it is going to its electric side of the fuel component, it has that extra reserve. The gasoline side does not have to produce all that much for the electrical side of the hybrid.

And, by the way, when it is over on the gasoline side, it is using a lot less gasoline because the gasoline is mixed with ethanol. What Jim Woolsey has told a number of Senators is the calculations are that, under present standards, you would actually have a car that would be the equivalent of 500 miles per gallon. Can you imagine what that would do to our dependence on foreign oil, since our personal vehicles are, in fact, the major factor in our daily consumption of oil? We are talking serious changes. We are talking about not having to have a foreign policy—and I want to recognize my colleague because I want to hear what she says—where we, the United States, become the protector for the entire civilized world of the oil supply flowing out of the Persian Gulf region.

We are talking about a United States foreign policy that, Lord forbid, if radical Islamists were to cause the Saudi Royal Family to fall and then the other gulf states start falling like dominos and suddenly radical Islamists are in control of a major source of the world's oil supply—you can imagine what that would do to the rest of the free world and the industrialized world. We are talking about major crisis.

And how much of a threat is it that there is such a crisis? Look what we are dealing with in Iraq today. Who are the insurgents? Most of the terrorists in the world are now coming there not only to kill our boys and girls but are coming there to train to be terrorists instead of training in the former area of Afghanistan. It is easier for them to come where all the action is in Iraq. Lord help us if ever radical Islamists took over in Iraq.

Ms. LANDRIEU. Will the Senator yield?

Mr. NELSON of Florida. I am happy to yield to my distinguished and very persistent colleague from the State of Louisiana.

Ms. LANDRIEU. I thank the Senator from Florida.

I wanted to say that he has made some excellent points about our need for energy independence. He has stated it eloquently and correctly in terms of our overdependence. In large measure that has been what so many of our debates in the last few weeks have been.

As the Senator knows, the underlying bill we are trying to get to a final vote on within a few hours actually addresses so many of the concerns the Senator has so rightly raised. He is correct that we can move to a new kind of vehicle that you can plug in at night, drive during the day, switch from electricity to gasoline. That gives us extraordinary hope, without compromising our industry, without Draconian measures. What he spoke about is real, it is not fantasy, and it is in this bill. The ethanol provisions that he talked about are in this bill because of the great work of Senator DOMENICI and Senator BINGAMAN, a Republican and a Democrat. Yes, they are from the same State, but they have different views—some more conservative, some more liberal. But they have come together on a great, balanced bill.

We are attempting to pass this good bill today. We are very close. We are down to the last few amendments. The Senator from Florida has made some excellent points. I also want to say he has been tireless in his advocacy for Florida. He is a Senator from Florida, along with Senator MARTINEZ. They have been down here for hours telling us about their beautiful beaches. We acknowledge it. In Louisiana—I tease the Senator from Florida—we know about those beaches. We grew up on those beaches as well. People from Mississippi and Alabama and Louisiana spend a lot of time on those beaches. We want to help them preserve their beaches.

I wanted to ask the Senator: Does he intend, if we can get our situation cleared up, to support the amendment we have on the floor, which is a revenue coastal impact assistance sharing? He has been so good in his comments about the contribution that Louisiana and other coastal producing States make. I know he is aware that this amendment we are considering is not a drilling amendment. It is not a boundary amendment, the Bingaman-Domenici-Landrieu-Vitter-Lott amendment. I wanted to ask him to comment on that.

Mr. NELSON of Florida. As the Senator well knows, her original amendment had the provisions for drilling off the coast of Florida, which this Senator vigorously fought. But when I sought the advice and counsel of the Senator from Louisiana, she had explained to this Senator that what she wanted was revenuesharing so that she could help with the bays and estuaries and coastal waters of her State. This Senator from Florida did not find that at all to be contrary to any interest in

Florida. Therefore, it was the expectation of this Senator that if the Senator from Louisiana backed off of her attempts to want to drill off the coast of Florida, then certainly this Senator would try to help her with regard to the Senator from Louisiana protecting the interests of her State. That is part of the wonderful process of the give and take and the consensus building that we have around here where each State is represented by two Senators. We can look out for our interests, and you can look out for your interests, and then we can look out for our mutual interests. As the Good Book says: Come and reason together.

That is what we have attempted to do. I suspect that although several of us coastal Senators have had to scratch and claw and stand on the floor and make objections and stand up and filibuster and do all of those kinds of things to get our point across, it looks as though the Senator from Louisiana is going to be flying on cloud nine passing her amendment. But she has a higher threshold to get to. She has a threshold of 60 votes in order to pass a budgetary waiver in order to get it through. It is my hope the Senator from Louisiana will get her 60 votes.

Would the Senator like me to yield for purposes of a question and retaining the floor?

Ms. LANDRIEU. I thank the Senator for those comments.

Again, I recognize Senator DOMENICI and Senator BINGAMAN, who have tried to work through the great differences between all of us, representing our individual States, trying to move a bill forward that achieves the purpose we all want. The goal of more energy independence for our Nation, stronger conservation measures, opening the supply of different types—that is the purpose of the bill. So as we get to the final hours, having debated this bill now for 2 hours, I hope we can stay in the spirit of moving this important legislation. One of our colleagues from Virginia said this morning that in his opinion this might be the most significant piece of legislation we may pass this Congress.

We have tried for 14 years. The Senator from Florida is aware we have tried to pass an energy bill. This is not an easy bill to pass, not because Democrats and Republicans disagree, but because regions of the country disagree about how best to achieve that goal. It is an extremely difficult piece of legislation.

If we had not had the two leaders we had, with the patience of Job—as I have said many times, I don't know how they have brought us to this point. I know it is the Domenici-Bingaman amendment that is pending. Senator VITTER and I are cosponsors. Both Senators from Mississippi came earlier to speak on the amendment. We hope sometime in the next hour or so—hopefully sooner—to get a vote on the amendment—it would be a bipartisan vote—and then move on to take care of the other amendments and finalize the bill.

The Senator from Florida knows that despite our differences on this issue, we will agree to debate it in the future. This debate will go on. The underlying debate is not about the moratoria. It is not a drilling amendment. I look forward to having his support.

Mr. NELSON of Florida. This Senator thought the agreement to support the amendment of the Senator from Louisiana is that the Senator from Louisiana would forever and always support the Senator from Florida to keep drilling off of the coast of Florida.

Senator LANDRIEU has been such a tremendous advocate for the interests of her State. She has a need that is in front of the Senator. This Senator intends to help her, even though this Senator would certainly appreciate a little more help in the future from the Senator from Louisiana.

I want to point out again why the Senator from New Jersey, Mr. CORZINE, and I have been so exercised about now that this amendment is out there, filed, and it is germane to the bill, an amendment offered by Senator ALEXANDER, why it is such anathema to us. I will simply give you the explanation. When they say: Oh, we are just going to let States decide if they want to have the drilling off their coasts, there is something known as seaward lateral boundaries that are drawn as to what is the waters off of a State according to a Law of the Sea Treaty which, by the way, was never ratified by the United States, so it is not the law of this country. Let me show you what the line would be off the State of Florida for the State of Louisiana under that Law of the Sea Treaty.

This is Louisiana. This is Mississippi. This is Alabama. And this is the line on the latitudes of Alabama and Florida. Guess what would be considered under the drawing of these lines called seaward lateral boundaries for Louisiana. It is a faint line, but I will point it out with my finger. This is the line for Louisiana. All that off the coast of Florida would be Louisiana.

I suspect that in the case of Senator CORZINE off New Jersey, he would have to worry about something that is not the law of this land but those boundaries being drawn that an adjacent State would say: We want to drill. And lo and behold, it would end up off the coast of New Jersey.

I yield to the Senator from New Jersey.

Mr. CORZINE. I thank my colleague, who is pointing out the legal argument about seaward lateral boundaries which are those that would end up applying in a practical sense where drilling might occur. There is also the reality of oil spills, some associated with drilling for natural gas which has occurred on more than a small percentage of situations in drilling for natural gas, and oil spills moved with the flow of the tides. As is shown in the map the Senator from Florida is presenting, not only do you have a legal boundary, you have a practical boundary because there are no boundaries in the water. And there are no boundaries for fish to swim.

There are grave risks if the environmental and ecological elements of protection are not thought about. And there is a huge cost-benefit for many States with regard to how their economies and the quality of life and lifestyles are developed. That has to be put in measurement and measured against what is going to be gained.

In the case of New Jersey and the Mid-Atlantic and North Atlantic region, earlier tests show very limited supplies of natural gas and oil on that Outer Continental Shelf. Why do we want to put ourselves at that kind of risk on a cost-benefit analysis? I ask the question, Is that the same kind of analysis at which my distinguished colleague from Florida has arrived?

Mr. NELSON of Florida. Indeed it is. But we feel so passionately about this for the reasons that I have articulated much earlier. When somebody then wants to claim the patina of legality suddenly for their State's waters and, in fact, allow the drilling off the coast of another State, then it is starting to get absurd. That is when we have to put our foot down.

As the Senator from New Jersey was talking, it occurred to me that I want to show, once again, these charts. This is from the *Exxon Valdez*, which is many years ago. But that was last week. That is last week off the coast of Louisiana. That is what we want to prevent.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. I ask unanimous consent to be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSULTATION ON SUPREME COURT NOMINEES

Mr. CORNYN. Mr. President, I want to talk about the anticipated vacancy on the U.S. Supreme Court. Whatever the timeframe for a vacancy on the Court, the process for selecting the next Associate or Chief Justice should reflect the very best of the American judiciary, not the worst of American politics. We deserve a Supreme Court nominee who reveres and respects the law—and a confirmation process that is civil, respectful, and keeps politics out of the judiciary.

This morning, a number of our colleagues on the other side of the aisle asked to be consulted about any future Supreme Court nomination.

I have two responses. First, we should be clear. Although consultation, in theory, may or may not be a good idea, there is no constitutional requirement or Senate tradition that obligates the President, or anyone in the executive branch, to consult with individual Senators, let alone with the Senate as an institution.

Second, consultation may or may not be a good idea, but Senators should behave in a manner that is both respectful and deserving of such a special role in the Supreme Court nomination process, if they expect the administration to meet them halfway.

At a minimum, the President should consider the following three conditions before agreeing to any special consultation with any particular Senator. First, whoever the nominee is, the Senate should focus its attention on judicial qualifications, not personal political beliefs. Second, whoever the nominee is, the Senate should engage in respectful and honest inquiry, not partisan, political, or personal attacks. Third, whoever the nominee is, the Senate should apply the same fair process that has existed for more than two centuries, and that is confirmation or rejection by a majority vote.

First, as I said, there is no constitutional or Senate tradition requiring consultation with individual Senators, let alone with the Senate as an institution.

The text of the Constitution contemplates no formal role for the Senate as an institution—let alone individual Senators—to advise on selecting Justices on the Supreme Court, or on any Federal court.

As renowned constitutional scholar and historian, David Currie, has pointed out, President George Washington did not consult with the Senate. I quote: "Madison, Jefferson, and Jay all advised Washington not to consult the Senate before making nominations."

Professor Michael Gerhardt, the top Democrat adviser on the confirmation process, has similarly noted that "the Constitution does not mandate any formal prenomination role for the Senate to consult with the President; nor does it impose any obligation on the President to consult with the Senate prior to nominating people to confirmable posts."

My second point: If there is to be any consultation, the Senate must first show that it will behave itself in a manner worthy of such a special role in the Supreme Court nomination process. After all, there is a right way and a wrong way to debate the merits of a Supreme Court nominee. And history itself provides some useful benchmarks.

First, whoever the nominee is, the Senate should focus its attention on judicial qualifications—not on personal political beliefs.

When President Clinton nominated Ruth Bader Ginsburg to the Court in 1993, Senators knew that she was a brilliant lawyer with a strong record of service in the law. Senators knew that she served as general counsel of the American Civil Liberties Union, a liberal organization that has championed the abolition of traditional marriage laws and attacked the Pledge of Allegiance. And they know that she had previously written that traditional marriage laws are unconstitutional; that the Constitution guarantees a right to prostitution; that the Boy Scouts, Girl Scouts, Mother's Day, and Father's Day are all discriminatory institutions; that courts should force taxpayers to pay for abortions against their will; and that the age of consent for sexual activity should be lowered to the age of 12. The Senate, nevertheless, confirmed her by a vote of 96 to 3.

Similarly, when Steven Breyer, nominated in 1994 by President Clinton, and Antonin Scalia, nominated in 1986 by President Reagan, the Senate recognized that these were brilliant jurists with strong records of service. Breyer had served previously as chief counsel to Senator TED KENNEDY on the Senate Judiciary Committee. His nomination to the Court was opposed by many conservatives because of alleged hostility to religious liberty and private religious education, while Scalia was known to hold strongly conservative views on a number of topics. The Senate, nevertheless, confirmed them by votes of 87 to 9 and 98 to 0, respectively.

Second, whoever the nominee is, the Senate should engage in respectful and honest inquiry, not partisan political or personal attacks.

Unfortunately, as we know, respect for nominees has not always been the standard—at least it has not always been observed.

Lewis Powell, a distinguished member of the U.S. Supreme Court, during his nomination process was accused of demonstrating "continued hostility to the law," and waging a "continual war on the Constitution." Senate witnesses warned that his confirmation would mean that "justice for women would be ignored." John Paul Stevens, also with a distinguished record of service on the Supreme Court, was charged during his confirmation hearings with "blatant insensitivity to discrimination against women." Anthony Kennedy, also on the Court, was scrutinized for his "history of pro bono work for the Catholic Church," and found to be "a deeply disturbing candidate for the United States Supreme Court," according to some accounts.

David Souter, also on the U.S. Supreme Court, during his confirmation process, was described as "almost neanderthal," "biased," and "inflammatory." One Senator actually said Souter's civil rights record was "particularly troubling" and "raised troubling questions about the depth of his commitment to the role of the Supreme Court and Congress in protecting individual rights and liberties under the Constitution." That same Senator condemned Souter for making "reactionary arguments" and for being "willing to defend the indefensible" and predicted that, if confirmed, Souter would "turn the clock back on the historic progress of recent decades." At Senate hearings, witnesses cried that, "I tremble for this country if you confirm David Souter," warning that "women's lives are at stake," and even predicting that "women will die."

The best apology for these ruthless and reckless attacks is for them never to be repeated again. Unfortunately, recent history is not particularly promising. Even before President Bush took office in January 2001, the now-leader of the opposition party in the Senate told Fox News Sunday that "we have a right to look at John Ashcroft's religion," to determine whether there is "anything with his religious beliefs that would cause us to vote against him." And over the last 4 years, this President's judicial nominees have been labeled "kooks," "Neanderthals," and even "turkeys." Respected public servants and brilliant jurists have been called "scary" and "despicable."

Third, whoever the nominee is, the Senate should apply the same fair process that has existed for over two centuries when it comes to confirmation or rejection—by an up-or-down vote of the majority.

Our colleagues on the other side of the aisle have recently asked to be consulted about any future Supreme Court nomination—even though the Constitution provides only for advice and consent of the Senate, not individual Senators, and only with respect to the appointment, not the nomination of any Federal judge. If Senators want an extraordinary and extraconstitutional role in the Supreme Court nomination process, the President should first consider seeking a commitment from them to subscribe to the three principles that I have talked about briefly above.

After years of unprecedented obstruction and destructive politics, we must restore dignity, honesty, respect, and fairness to our Senate confirmation process. That is the only way to keep politics out of the judiciary.

Mr. McCONNELL. Will the Senator yield for a question before yielding the floor?

Mr. CORNYN. Yes.

Mr. McCONNELL. I was listening carefully to my friend's comments about the process by which we react to the President's nominees to the Supreme Court. Did I hear my colleague correctly, in discussing the issue of what is or is not a mainstream nominee, that Ruth Bader Ginsburg, for whom I voted—and I believe the final vote was something like 96 to 3—had at one time speculated that there might be a constitutional right to prostitution? Did she not suggest that at some point in one of her writings?

Mr. CORNYN. The distinguished assistant majority leader is correct.

Mr. McCONNELL. Also, had she not suggested at one point that there be a uni-sex "Parent's Day" instead of a Father's Day or a Mother's Day, or something similar to that?

Mr. CORNYN. Again, the distinguished assistant majority leader is correct.

Mr. McCONNELL. I ask my friend from Texas, is it not the case that many nominations that have been sent up here by Presidents have opined, from time to time, controversial or provocative views, particularly if they have had a background as a teacher, that might strike many of us on this side of the aisle, and I suspect a majority on the other side, as outside of the mainstream to the left?

Mr. CORNYN. I say to the distinguished assistant majority leader that any lawyer—and we are likely to get a lawyer nominated for this important job on the Supreme Court—is going to have taken on behalf of a client, someone they have represented, or if they have taught, as the question suggests, during the course of their academic musings, programs, or writings, in Law Journal articles or otherwise, they are going to engage in the kind of intellectual exercise speculating perhaps about the limits of the law or what the law would or would not be under a particular set of circumstances.

It is simply unreasonable to ascribe to those nominees, let's say, the views of someone they are defending in a criminal case because they have volunteered to serve pro bono to defend somebody accused of a crime, or to ascribe to them as their own personal beliefs or ones they will actively seek and enforce from the bench or what they have written in academic writings on perhaps the limits of the Constitution or what would or would not stand up in a particular court decision.

I agree we should be fair to the nominees. We should require they rule in accordance with precedent and the intent of Congress when it comes to interpreting acts of Congress. But we should not try to mischaracterize them or paint them as out of the mainstream by viewing in isolation some of these writings or representations in their legal practice.

Mr. McCONNELL. Finally, let me ask, is it not largely the case, I ask my colleague from Texas, that until the last few years, controversial or provocative comments or writings have, in fact, not been used as a rationale for defeating nominees, assuming they are lacking in qualifications or "outside the mainstream" as a rationale for defeating otherwise well-qualified nominees?

Mr. CORNYN. As the distinguished assistant majority leader knows, there has been a mischaracterization of the record of many nominees who have come up in recent times and one I hope we do not see repeated when we have this Supreme Court vacancy to consider, the President's nominee. But we have not had a good record recently of treating these nominees respectfully, understanding that these are people who are subjecting themselves to this process and public service at some personal sacrifice. I worry if this process becomes too mean and too unfair that we will simply see people who will not answer the call when the President requests they serve as a judge.

We have seen those kinds of characterizations and attacks, as the assistant majority leader described them. It is my hope, and I know his, that we will not see a repetition of that, but we will see a respectful process. We will see one where the Senate does its job. We ask tough questions. We do a thorough investigation. But at the end of the day, we do not try to paint these nominees as something they are not and that we have an up-or-down vote on these nominees, as we have had for more than 200 years.

Mr. McCONNELL. I thank my friend from Texas for responding to my questions.

Mr. CORNYN. I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Kentucky.

SUPREME COURT NOMINEES

Mr. McCONNELL. Mr. President, I listened with interest this morning to the remarks of our Democratic colleagues. They talked about a potential Supreme Court vacancy. While we have no knowledge of the occurrence of such a vacancy at this time, our friends implored the White House to consult with them in selecting a Supreme Court nominee. It is on this subject that I wish to make a few observations in the event such a vacancy were to occur.

From time to time, Senators may suggest to a President who he should nominate to the Federal bench. Sometimes Presidents agree with the suggestions and sometimes they do not. This White House has observed this practice, and I believe it will continue to do so. But we should not confuse the solicitude that any President may afford the views of individual Senators on a case-by-case basis with some sort of constitutional right of 100 individual Senators to co-nominate persons to the Federal court.

Unfortunately, I am afraid our Democratic friends are under a misapprehension that they have some sort of individual right of co-nomination. In the past, our colleague Senator SCHUMER has said that in his view—in his view—the President and the Senate should have "equal roles" in picking judicial nominees.

And just last week, and again on the floor this morning, my good friend from Vermont said that he "stands ready to work with President Bush to help him select a nominee to the Supreme Court."

Such a view of the confirmation process is completely at odds with the plain language of the Constitution, the Framers' intent, common sense, and past statements of our Democratic friends themselves.

Let's start with the Constitution. Article II, section 2 provides that the President, and the President alone—no one else—nominates. It says "the President shall nominate." It does not say "the President and the Senate shall nominate," nor does it say "the President and a certain quantity of individual Senators shall nominate." It says "the President shall nominate"—the plain words of the Constitution.

It then adds that after he nominates, his nominees will be appointed "by and with the Advice and Consent of the Senate."

This plain language meaning of article II, section 2 is confirmed by the Founding Father who proposed the very constitutional language I just cited. Alexander Hamilton wrote that it is the President, not the President and members of the opposition party, who nominates judges. Specifically, in Federalist No. 66, Alexander Hamilton wrote:

> It will be the Office of the President to nominate, and, with the advice and consent of the Senate, to appoint. There will, of course, be no exertion of choice—

I repeat, no exertion of choice—

> on the part of the Senate. They may defeat one choice of the Executive and oblige him to make another; but they cannot themselves choose—they can only ratify or reject the choice [of the President].

Nothing could be more clear—Alexander Hamilton in Federalist No. 66 interpreting the plain language of article II, section 2 of the Constitution.

The Framers were, of course, as we all know, brilliant. They recognized that the judicial confirmation process would not function at all if we had the President and a multitude of individual Senators selecting judges. How could a President hope to accommodate the views of 100 different Senators on who he should nominate, each of whom might submit their own slate of nominees? That is why the only person who won a national election is charged with the power of nomination—the only person who won a national election is charged with the power of nomination.

Our Democratic friends at one point at least recognized this as well. For example, during Justice O'Connor's confirmation hearing, my good friend from Delaware, the former chairman of the Judiciary Committee, said:

> I believe it is necessary at the outset of these hearings on your nomination—

Talking to Sandra Day O'Connor at the time—

> to define the nature and scope of our responsibilities in the confirmation process, at

> least as I understand them. . . . [A]s a Member of the U.S. Senate, I am not choosing a nominee for the Court.

This is our colleague from Delaware.

> . . . I am not choosing a nominee for the Court. That is the prerogative of the President of the United States, and we Members of the U.S. Senate are simply reviewing the choice that he has made.

That was Senator BIDEN in 1981.

And on the subject of deference, I must respectfully disagree with my good friend from Massachusetts, Senator KENNEDY. Professor Michael Gerhardt, on whose expertise in constitutional law our Democratic friends have relied, notes that:

> The Constitution . . . establishes a presumption of confirmation that works to the advantage of the President and his nominees.

Finally, let me reiterate that at the end of the day, the Senate gives the President's nominees an up-or-down vote. This has been the practice even when there were highly contested Supreme Court nominees. There were no Supreme Court nominees more contested than Robert Bork and Clarence Thomas. Yet those Supreme Court nominees received up-or-down votes. I expect the same courtesy will be afforded to the next Supreme Court nominee regardless of who the nominating President is.

I thank the Chair, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mr. SCHUMER. Mr. President, I am sorry I was at the DPC lunch, but I heard that a number of my colleagues had a little debate about consultation, a letter that 44 of the 45 Democrats sent to the President today, and the 45th, Senator BYRD, agreed in theory with the letter, agreed in the sentiments of the letter but wanted to write his own. He felt so strongly about it, he told me, that he wanted to put it in his own words.

All of a sudden we are hearing two things from the other side about consultation. First—and I could not believe this statement—my good friend from Texas, Senator CORNYN, said the Democrats are being political. If 1984 has not arrived, when asking to consult and bring people together is political and asking to be divided and not consult is nonpolitical, I don't know what is. This is 1984. We are asking the President to bring people together. We are asking the President to follow the Constitution. There is the word "advise." And all of a sudden that is called being political? Please, give me a break.

The American people have asked us—every one of us; we can be from any one of the 50 States, we can be of any political philosophy, and I am sure we are asked when we get home: How do we break this partisanship on judges? The wisdom of the Founding Fathers, as always, is usually best. They recommended advise as well as consent, meaning consult. And here we, in a way—all the Democrats—in a desire to avoid confrontation, asked for consultation, and we are called political?

It seems to my good friend from Texas the only thing that is not political is we just say yes to whatever the President asks. That is not what we will do, and that is not what America is all about.

Our letter, I say to the American people, was heartfelt.

Our letter said: Let us avoid the confrontation on judges. The only way to do it is by consultation, plain and simple. President Clinton consulted. He called Senator HATCH at a time when Senator HATCH was not in the majority. According to Senator LEAHY, he told me this morning that Senator HATCH at that time—it must have been 1993 or 1994—was the ranking minority member, and as I understand it President Clinton bounced names off Senator HATCH: How about this one, how about that one?

Senator HATCH was wise enough to know that he was not going to get a conservative. The President would not nominate a conservative, just as we know and do not expect the President to nominate a Democrat or a liberal. We know that. But there are always shades of gray which only the ideologues of the hard right and the hard left never see. There are people who are mainstream conservatives who would be acceptable to most of us because we believe—my test, and I think it is the test of most of us is not on any one issue but, rather, would be people who would interpret the law, not make it.

I do not like judges who are ideologues. I do not like judges at the extremes. Obviously, the President has nominated some judges at the extremes, but my judicial committee, under my instructions in New York, where I get a say in nominations, knocks out anybody on the far left. That is because ideologues want to make law. They are so sure they are right that they can ignore everybody else.

Consultation is what it is all about. In my judgment, consultation is the only way to avoid the kinds of confrontations which I am sure none of us likes when it comes to judges. To call it political, that does not pass the laugh test.

Then I heard—and again, I was not here—that my friend from Texas and I believe my friend from Kentucky were having a debate on what should be allowed to be in the record in terms of if and when a Supreme Court Justice is nominated. I was told, Well, what they considered and argued while in court should not be considered because they were representing a client, or it should not be this or it should not be that.

The nomination and the confirmation of a U.S. Supreme Court Justice and a U.S. Chief Justice is one of the most important things we shall do as Senators. Let me put my colleagues on notice: Everything should be on the record—everything. Some will have less importance, some will have more importance, but to already, before someone is even nominated, start saying, 'Oh, this should not be part of the record, that should not be part of the record, sounds a little defensive.

I suppose we should not know anything about the nominee; just take the President's recommendation. Well, again, read the Constitution, I would advise my colleagues, with respect. It does not say the President determines who are Supreme Court nominees. In fact, for two-thirds of the period when the Founding Fathers wrote the Constitution, they had the Senate choose the Supreme Court. The only reason they changed it to have the President nominate is—I think they called it unity of purpose. They thought having—then it was probably 30—26 people try to choose 1 nominee was far more difficult than 1 choosing a nominee. But make no mistake about it, they wanted the Senate to be very active. In fact, as we know from our history and we have repeated on this floor, although it does not seem to make much of a dent, the early Senate rejected one of George Washington's nominees, and I believe in that Senate there were eight Founding Fathers.

They ought to know better than any of us. Here we are saying this should not be part of the record, that should not be part of the record. Maybe my colleagues are being a little defensive. Maybe they do not want—I do not know who the nominees will be. I have no idea. But maybe they are worried that if all the facts came out, the American people might not want the nominee. I am of the other view. Justice Brandeis stated that sunlight is the greatest disinfectant. The more we see and the more we learn, the better we will be prepared.

I see my good friend, our great leader from Hawaii, has come to the floor of the Senate, and I do not want to delay him.

In conclusion, one, we plead with the President to consult with the minority, as President Clinton did, as President Hoover did, as President Grant did, and as so many others. That will make the process go more easily. When the American people ask us what can avoid the kind of confrontation we have seen with judges, there is a one word answer: consultation. Advise, as in advise and consent.

The ball is in the President's court. He can determine whether we have the kind of process the American people want—careful, thorough but harmonious, without acrimony, by consulting—or he can be like Zeus from Mount Olympus and throw down judicial thunderbolts and say: This is the nominee. Then maybe some of his minions will say: You cannot admit this fact about the nominee or that fact about the nominee or that fact about the nominee. That is not legitimate. That will not create a harmonious process in this body.

We are on the edge of perhaps a nomination for the U.S. Supreme Court—again, one of the most important things we Senators do. Let us hope, with consultation, it will occur in a harmonious and bipartisan way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

WE ARE ALL AMERICANS

Mr. INOUYE. Mr. President, according to press reports last evening one of the principal advisors to the President, Mr. Karl Rove, criticized Democrats for failing to respond to the attacks on 9/11. He is reported to have said that the Democratic Party did not understand the consequences of the Sept. 11, 2001, attacks. He is quoted saying, "Liberals saw the savagery of the 9/11 attacks and wanted to prepare indictments and offer therapy and understanding for our attackers, Conservatives saw the savagery of 9/11 and the attacks and prepared for war."

Oftentimes in press reports, words are taken out of context or simply misquoted. I would hope that is the case here. I would hope that the views that were reported to have been expressed do not really represent the thoughts of Mr. Rove and certainly not the President of the United States.

It is not often that I come to the floor to question what someone might have said. My view is that most of the time it is better to just remain silent and not to dignify the remarks which might have been made in the heat of partisan rhetoric, but this is a bit different.

All of us who were in the Congress at that time recall 9/11 vividly. Like all Americans we saw the jet liners crash into the Twin Towers on our televisions and we could all see the smoke rising from the Pentagon just across the river.

Perhaps Mr. Rove forgets what that day was like as we evacuated our offices and tried to maintain an aura of calm for the American public. Perhaps he forgets the spontaneous action of many of my colleagues who gathered on the steps of the Capitol to sing "God Bless America." It wasn't Republicans on the steps and it wasn't conservatives, it was Americans. All colors, all religions, both parties came together in a patriotic symbol to demonstrate the resolve of America.

Mr. Rove must also not remember that the Senate was in the hands of a Democratic majority in September 2001. It was the Democratic majority, acting with the Republican minority, which pushed through a resolution authorizing the use of force to go after Osama Bin Laden. There was no dispute between the parties on this issue. We all agreed that we had to defeat this enemy of America.

I was Chairman of the Defense Appropriations Subcommittee at that time. I worked with my colleague TED STEVENS to put together an emergency appropriations bill to support the Defense Department's requirements to mount an attack on the terrorists. It was a bipartisan plan that provided the administration wide latitude to respond to this tragedy. There was no dissent. We were united across party lines.

Perhaps Mr. Rove just forgets. I cannot forget visiting the Pentagon and examining the extent of the damage and the continuing rescue efforts with my colleague Senator STEVENS. I vividly recall flying to New York City one week later to tour the site of the disaster. I will never forget the acrid smell that still arose through the smoke from the site as we flew over the area in a helicopter. I will forever recall seeing the widows of lost firefighters being escorted, and literally held up, by other New York emergency workers as they visited the site.

It has not been often in our Nation's history that we have been tested. As a teenager I was present on December 7, 1941 at another time in our Nation's history when we suffered a savage attack.

At the time the Nation responded in a bipartisan fashion to respond to that awful attack. Our response to the 9/11 attack was similar. All Americans were outraged by the attack and we proved our resolve to respond. To claim that one party had a monopoly on a patriotic response or a will to act is not only factually in error it is an insult to all Americans.

I have been in politics for many years. I understand the use of partisan political rhetoric to play to an audience. I also know that in this era of instantaneous information, erroneous statements can become accepted as facts. This statement, if it truly reflects the views of the President's advisor, needs to be refuted before it can be thought of as being historically accurate.

There has been a lot said in the press recently about demanding apologies for words that have been spoken. The White House needs to take a look at these statements and consider an appropriate response to repudiate these words.

Patriotism is not owned by one political party. Our national resolve is not Democratic or Republican. It is American.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent that I be excused from the Senate between the hours of 3 p.m. and 6 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask for recognition in my own right and I ask my comments be printed in an appropriate place in the RECORD and be given as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. KENNEDY are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER (Mr. THOMAS). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I see the distinguished Senator from Massachusetts. I know he wants to speak. I do want to explain the position I am in. I am trying very hard to get the amendment that is pending voted on. We have been waiting for a long time. Both Senator BINGAMAN and Senator DOMENICI have to leave. Our scheduled time of departure is 3:30 to get home to go to a BRAC Commission meeting where six commissioners will be there. I need all the time between now and 3:30 to get it done. But if the Senator wants to speak, I will yield and see what happens.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I want to accommodate and help my friend and colleague. What I would like to find out is, if I could be part of a unanimous consent request to simply be recognized after the business the Senator needs to do. I am happy to accommodate him.

Mr. DOMENICI. The Senator wants to be recognized for a speech.

Mr. KERRY. I want to be recognized to be able to speak immediately after the business the Senator has to conduct. If I can be so recognized, I would appreciate it very much.

Mr. DOMENICI. So long as there is no misunderstanding, the business I am talking about would include a vote.

Mr. KERRY. I understand. The Senator needs to have a vote now, and I will happily accommodate that.

Mr. DOMENICI. I am appreciative. I thank the Senator so much.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I understand I am part of the unanimous consent request to be recognized after the vote.

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. Yes, indeed. As soon as this business is finished on the pending amendment, he will be recognized for whatever time he needs.

In order to save time, I wonder if I could have 2 minutes of colloquy with the Senator from Louisiana, which is part of the proposal we are trying to finish. No amendments, just a colloquy with reference to the subject matter. I know the Senator from New Jersey is here. This colloquy has to do with some amendments he is pulling down that put our compromise together so we don't have any amendments that offend you. He wants to ask me about two amendments which he will withdraw.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

AMENDMENT NO. 802 RECALLED

Mr. VITTER. Mr. President, I rise to engage in a colloquy with the distinguished chairman about one amendment in particular, amendment No. 802. It is based on an underlying bill I introduced, the Alternative Energy Enhancement Act, which would provide some regulatory structure and some royalty sharing for new alternative energy that is developed offshore, particularly on the Outer Continental Shelf. These are new forms of energy which are not in production now, things such as solar energy, thermal energy, wave energy, methane hydrates.

First, I compliment the chairman for his work on the bill because the underlying bill includes most, if not all, of the regulatory provisions of my bill. What it does not include is royalty sharing. I would like to ask the chairman if he could continue to work with me as this energy bill goes to conference to create a fair system of royalty sharing for these new forms of energy, noting that it is absolutely no loss to the Federal Treasury because those revenues are not coming in yet.

Mr. DOMENICI. The Senator has my assurance. Just as I have tried to do that in the past, I will continue to do it. It cannot be included in this bill for a lot of reasons, including those the Senators from offshore States understand. We will continue to work on it and see how we can move it along in due course.

Mr. VITTER. I thank the chairman.

Mr. DOMENICI. Will you pull your amendment after this colloquy?

Mr. VITTER. Yes, this first amendment is No. 802. My second amendment we can deal with much later on. We don't to have deal with it immediately.

Mr. DOMENICI. Will you withdraw it?

Mr. VITTER. Mr. President, I withdraw amendment No. 802.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. CORNYN. Mr. President, I rise to add my support to the Domenici amendment No. 891. However, before I proceed, I want to extend my gratitude and congratulations to the chairman and ranking member of the Energy and Natural Resources Committee, Senator DOMENICI and Senator BINGAMAN, for their hard work in producing this Senate energy bill.

Congress has tried several times to approve a comprehensive energy bill. Under their wise guidance and counsel, I believe that we will be successful this time. It is critical that we provide the country with the resources and tools to meet our growing energy needs and this bill will go a long way in accomplishing that goal.

It is toward this same goal that I support this amendment that would share a portion of the revenues generated by off-shore oil and gas operations with coastal producing States. As we work to address our Nation's growing energy needs and to increase our domestic production of oil and gas, there will be enormous pressures placed on the communities along our coasts that serve as a platform to these operations. These pressures take a variety of forms and present a number of challenges. By giving coastal States an arrangement that States with in-land development already have by sharing some of these oil and gas revenues, we can mitigate some of these pressures. This includes assistance with conservation of critical coastal habitats and wetlands to providing coastal communities with help for infrastructure and public service needs. There has been a significant amount of discussion on the issue of coastal erosion in Louisiana, but I want the Senate to know that parts of Texas are experiencing some of the very same problems.

I also appreciate the comments and reservations expressed by the distinguished Chairman of the Budget Committee. As a member of the Budget Committee, I recognize the significance and implications of waiving the Budget Act. However, in this case, the budget resolution does contain a specific reserve fund to accommodate spending in the energy bill. This amendment does not cause the bill to exceed the funds provided in the resolution for the bill and is fully within the amount of money Congress set aside for the energy bill.

Texas is proud of its heritage as an energy producing State. Texas will continue to play a vital role in providing for the Nation's energy needs. This amendment is a reasonable proposal to address an issue of basic fairness. This will demonstrate to those communities along the coast that are so vital to the production of oil and gas for the Nation that they are valuable, important, and supported.

AMENDMENT NO. 891

Mr. DOMENICI. Might I ask if we are ready to proceed now? Is the chairman of the Budget Committee prepared to make his closing remarks?

The PRESIDING OFFICER. The amendment I mentioned has been recalled.

Mr. DOMENICI. The appropriate word is "recalled."

The PRESIDING OFFICER. Recalled.

Mr. DOMENICI. I thank the Parliamentarian.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, what is the parliamentary situation? Is there unanimous consent agreement?

Mr. DOMENICI. There is none. When you finish, we are going to vote.

Mr. GREGG. So I have the last say here and then we will go to a vote.

Mr. DOMENICI. Equal time, 1 minute, 2 minutes; whatever you take, I take. Then we vote.

Mr. GREGG. Well, since it is my point of order, I would like to go last, and I will need about 5 minutes.

Mr. DOMENICI. I will use 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, the distinguished chairman of the Budget Committee has the right to raise a point of order and he did. There is also a provision in the Budget Act that says if a point of order is made, the Senate may waive the point of order. So the issue before the Senate is whether we should waive the point of order. I want to make two points.

First, the Energy and Natural Resources Committee, which has the bill on the floor, was allotted $2 billion. People think we were allotted a lot of money. We were allotted $2 billion to be spent by the committee on matters pertaining to this bill. We have a debate as to whether we can spend it on this amendment or whether we have to spend it on the bill in committee. The Senator from New Mexico maintains that we should, as a Senate, say the $2 billion was given to the committee. We are spending it on legitimate committee business, and we ought to be allowed to spend it on this amendment. We do not break the budget, we just use the money we were allotted. So it isn't a budgetary question. It is a budget issue whether we should waive based upon whether we should have used it in the committee or whether we could use that very same amount of money on the floor of the Senate. That is the issue.

I yield back any time I have.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I am now recognized for 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Mr. President, it is important to review the bidding here. The situation is that a budget point of order has been raised. It is properly founded, and there is a motion to waive it. The logic behind the point of order is very simple. We are taking a discretionary program and moving it over to be an entitlement program to benefit five States, primarily Louisiana, which will get 54 percent of the money that is allocated. It is hard to understand why we would want to create a new entitlement program simply for Louisiana to address their conservation concerns. There are a lot of States that have conservation concerns. There is, in my opinion, virtually no nexus between the conservation issues which will be addressed theoretically by this amendment, should it pass, and the energy that is being sought off the coast of Louisiana. But even if there were, it would be inappropriate to pass such an amendment to create a new entitlement unless you included other States which had the same type of impact, because they were producing energy, on their environment. Furthermore, we have heard a great deal about how Louisiana has a right to this money. They have an entitlement to this money. Those were the words used by my friends across the aisle. As we look at the numbers relative to how funds are disbursed from the Federal Government, it appears that Louisiana is doing pretty well.

For every dollar Louisiana sends to the U.S. Treasury, Louisiana gets $1.43 back. That is pretty darn good. They are getting a 43-cent bonus on every dollar they spend from what they send up here. Of the five States that will benefit from this, all of them get more money back than they send to Washington, and four get substantially more money. In fact, they are in the top 10 of States to get more money back.

The equities of this Louisiana case are weak, to say the least. When you throw into the factor that they already have a dedicated fund—the only State in the country—for all the money raised as a result of people running lawnmowers in places such as Montana, Oregon, or Massachusetts, you end up, if you start your lawnmower or your snowblower, sending money to Louisiana to help them with environmental mitigation. They already have a fund, and they want more on top of that.

The issue is simple. We passed a budget. The other side of the aisle didn't participate in the process. The Republican side of the aisle did. We passed a budget. Now the question is, Are we going to enforce that budget or are we going to spend money creating an entitlement program that is totally outside of the bounds of the budget, which is wrong, and which has no equities behind it, other than that group of States decided to raid the Federal Treasury?

It seems to me we have to make some decisions as to whether we are going to enforce the budget process. I note that the administration supports this point of order and opposes this amendment. I hope my colleagues will join me in that position, also.

I yield back the remainder of my time.

The yeas and nays have been ordered, as I understand it.

Mr. DOMENICI. Mr. President, before the yeas and nays are called, I think we have a unanimous consent agreement that everybody put their fingerprints on. I will read it, after which time we will vote.

I ask unanimous consent that the list of amendments that I send to the desk be the only first-degree amendments remaining in order to the bill, including the managers' amendment, which are enumerated; provided further that this agreement does not waive the provisions of rule XXII; further, that upon disposition of the pending Domenici amendment, no further amendments relating to the issue of OCS moratorium and natural gas and oil exploration be in order to the bill, with the exception of amendments Nos. 802 and 804, to be offered by the distinguished Senator VITTER; and that upon his statements on them, the amendments will be withdrawn. I modify that to strike the amendment we have already recalled, and that was amendment No. 802. So I strike No. 802, which has already been recalled. The rest of the proposal I leave with the Senate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The list of amendments is as follows:

FINAL LIST OF ENERGY AMENDMENTS

Talent—#819; Baucus—#846; Rocky Mountain Fund (to be withdrawn); Durbin—#902, CAFE, #903, Small Business Next Generation Lighting; Lautenberg—#778, P-FUELS; Inouye/Akaka—#876, Deep Water Renewable Thermal Energy; Pryor—#881, Weatherization Assistance Credit; Dodd—#882, SOS: Power Rates in New England; Schumer—#810, Uranium Exports; Obama—#851; Sununu—#873; Bond/Levin—#925; Salazar—#892; and a Manager's Package.

Mr. DOMENICI. I understand that we will proceed to an up-or-down vote. Mr. President, I might say to the Senate, after this vote, I don't believe either Senator from New Mexico will be here for the remainder of the votes. Senator LARRY CRAIG will assume my role as manager of the bill. I thank everybody for their cooperation to get the bill this far.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Minnesota (Mr. COLEMAN), and the Senator from Alaska (Mr. STEVENS).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN), would have voted "yea."

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Minnesota (Mr. DAYTON), and the Senator from North Dakota (Mr. DORGAN), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 26, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—69

Akaka
Alexander
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Burr
Cantwell
Carper
Clinton
Cochran
Cornyn
Corzine
Craig
DeWine
Dodd
Dole
Domenici
Durbin
Ensign
Feinstein
Frist
Graham
Grassley
Hagel
Hatch
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lott
Martinez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Talent
Thune
Vitter
Voinovich
Warner

NAYS—26

Allard
Bunning
Burns
Byrd
Chafee
Chambliss
Coburn
Collins
Crapo
DeMint
Enzi
Feingold
Gregg
Harkin
Inhofe
Isakson
Kyl
Leahy
Lugar
McCain
McConnell
Santorum
Specter
Sununu
Thomas
Wyden

NOT VOTING—5

Coleman
Conrad
Dayton
Dorgan
Stevens

The PRESIDING OFFICER. On this vote, the ayes are 69, the nays are 26. Three-fifths of the Senators, duly chosen and sworn, having voted in the affirmative, the motion is rejected. The point of order fails.

Under the previous order, the Senator from Massachusetts will be recognized, but first the question is on agreeing to amendment No. 891.

Mr. CRAIG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 891.

The amendment (No. 891) was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

JUDICIAL NOMINATIONS

Mr. SPECTER. Mr. President, I have sought recognition to comment about certain statements made this morning that were somewhat critical of the President on the issue of consultation on a prospective Supreme Court nomination. One of the Senators from the other side of the aisle said that there would be a battle royal unless there was consultation that met the requirements of the other side of the aisle. Two other lengthy speeches were also presented along the same line.

There has been a letter submitted by some 44 Senators that called for consultation by the President on the issue of a Supreme Court nomination. However, I think the first thing to acknowledge is that there is no vacancy. It would be premature to be critical. It would be premature to raise the issue in a confrontational sense until the matter is ripe for consideration.

A number of us had occasion to have lunch with members of the Supreme Court last week, and the Chief Justice looked remarkably fit. We saw him when he administered the oath to the President some 5 months ago, when he was helped down to the podium, a little shaky and his voice a little faltering, but last Thursday he looked remarkably well. What he intends to do or what anyone else intends to do remains to be seen, but it is hardly the time, given the kind of confrontation in this body which we have seen on the judicial nomination process, to be looking to pick a fight. I am not saying anyone is picking a fight—just that we ought to avoid picking one. I respect the letter which was sent, dated June 23, to the President, and signed by some 44 Senators. It quotes the President at the press conference on May 31, 2005, where he said: "I look forward to talking to Members of the Senate about the Supreme Court process to get their opinions as well and will do so. We will consult with the Senate."

That is an extract from the letter sent to President Bush dated today. Well, May 31 was only 24 days ago and when the President has made a commitment to consult with the Senate, that is pretty firm and that is pretty emphatic.

Given his other responsibilities, and the fact that there is no vacancy on the Supreme Court, it is presumptuous to say that there is some failure on his part. I have asked the President to consult with Democratic Members and to listen. The advice and consent clause of the Constitution is well known. He has asked me, in my capacity as Chairman of the Judiciary Committee, about the issue, and I recommended to him consultation. He has been very receptive to the idea. Although he has made no commitment to me, he did make a very flat commitment in his speech, as cited in this letter.

I might comment that during the confirmation proceedings of Attorney General Gonzales, I think it is fair to say Senator SCHUMER was effusive in his praise of Mr. Gonzales as White House counsel regarding consultation with New York Senators.

May the record show that Senator SCHUMER is nodding in the affirmative. As former prosecutors we sometimes say such things.

It is my hope that we will proceed to the Supreme Court nomination—if and when it occurs—in a spirit of comity. I do not have to speak about my record on the subject. When we were fighting during the Clinton administration about confirming Paez and Berzon, I broke party ranks and supported them. It is my view that there is fault on both sides regarding stalling nominations. It began during the last two years of President Reagan, all four years of Bush No. 1, and reached an intense line, frankly, during the administration of President Clinton, when some 60 nominations were held up in committee. We know what happened with the systematic filibuster and the interim appointment, and we are past that.

We have a very heavy responsibility, if a vacancy occurs on the Supreme Court, to move ahead in a spirit of comity to try to get somebody who can be confirmed; somebody who is acceptable to the Senate. If we are to fail in that and have an eight-person Court, it would be dysfunctional. As we all know, there are many 5-to-4 decisions. The country simply could not function with 4-to-4 court.

It would be my hope that we would lower the rhetoric and not put anybody in the position of being compelled to respond to a challenge. Let us not challenge each other. Let us not challenge the President. Let us move toward consultation.

This is something I have discussed with the distinguished Democratic Leader, Senator REID. Also, Senator LEAHY and I have talked about the subject at length. I think we have established—as Senator LEAHY called—it an atmosphere of comity in the Judiciary Committee. Such that we will approach this very important duty with tranquility, comity, and good will to do the work of the American people and not presume that the President is going to pick someone characterized as out of the mainstream or someone objectionable.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. REID. First, I underscore what the distinguished chairman of the Judiciary Committee said. We all hope that Chief Justice Rehnquist's health permits him to continue serving on the Court. I became an admirer of his during the impeachment proceedings. I got to know him. He has a great sense of humor, and we all know he has a tremendous intellect. I wish him the very best health. So I hope we do not have to consider a vacancy in the Supreme Court.

I would say to my friend, the distinguished chairman of the Judiciary Committee, we on this side of the aisle, as most all of the Senate, have the greatest respect for ARLEN SPECTER. We are very happy with the relationship he has with the ranking member, Senator LEAHY. They have a relationship that is going to allow us to get work done in the Judiciary Committee. They have respect and admiration for each other.

I always joke with Senator SPECTER that I am one of the people who have read his book—and I have read his book. But my feelings about the Senator from Pennsylvania have only increased in recent years, especially during the last few months when he has responded so well to the illness that he has. We are all mindful of the physical strength this man has. So anything we do in the Judiciary Committee is never disrespectful of the chairman of the Judiciary Committee.

I would say, I attended one of the press events, and I think there was only one, dealing with the Supreme Court, that we talked about today. It was not a battle royal. It was a very constructive statement that we all made.

We are hopeful and confident the President will follow through. Like Senator HATCH's relationship with President Clinton, it was a good way to do things. As a result of the work done with President Clinton and then Senator HATCH, we were able to get two outstanding Supreme Court Justices—Ginsburg and Breyer. No one can complain about the intellect or the hard work and what they have done for our country and for the Court.

We believe there should be advice and consent on all judicial nominations but at least on the Supreme Court. As the Senator from Pennsylvania said, the President a month ago indicated he was going to do that, and we, today, wanted to remind the President, in the letter we sent to him, that he should follow what he said before.

We look forward to a hearing. I have spoken to our ranking member, Senator LEAHY, and he is in the process of working with the Senator from Pennsylvania to come up with a protocol, how we proceed on Supreme Court nominations.

This is a very unusual time in the history of this country. We have gone more than 11 years without an opening in the Supreme Court. As a result of that, staff is not as familiar with how things have happened in the past, and most Senators were not even here when the Supreme Court vacancies were filled last time—at least many of the Senators.

So I say to my friend from Pennsylvania, we look forward to working with you and the administration if, in fact, there is a vacancy on the Supreme Court. And even if there is not a vacancy on the Supreme Court, I believe it is important that you and Senator LEAHY work toward a protocol so when one does come up, it is not catchup time. I say if there is no Supreme Court vacancy, we look forward to working with you on the many things over which the Judiciary Committee has jurisdiction. We are confident your experience and intellect and love of the law will allow this body to be a better place.

Mr. SPECTER. I thank the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts.

KARL ROVE

Mr. KERRY. Mr. President, last night in New York City, Karl Rove made some comments to the Conservative Party of New York that need to be discussed on this floor and for which an apology is needed.

None of us here will ever forget the hours after September 11, the frantic calls to our families after we evacuated the Capitol, the evacuations themselves, the images on television, and then the remarkable response of the American people as we came together as one to answer the attack on our homeland.

I remember being in a leadership meeting just off the Chamber here at the moment that the plane hit the Pentagon and we saw the plume of smoke. Then the word came from the White House that they were evacuating and that we should evacuate. I will never forget the anger I felt as we walked out of here, numbers of people running across the street, and I turned to somebody else walking with us and I said, "We're at war." That was the reaction of the American people. That was the reaction of everybody in the Senate and Congress.

We drew strength when our firefighters ran upstairs in New York City and risked their lives so that other people could live. When rescuers rushed into smoke and fire at the Pentagon, we took heart at their courage. When the men and women of flight 93 sacrificed themselves to save our Nation's Capitol, when flags were hanging from front porches all across America and strangers became friends, it brought out the best of all of us in America. That spirit of our country should never be reduced to a cheap, divisive political applause line from anyone who speaks for the President of the United States.

I am proud, as my colleagues on this side are, that after September 11, all of the people of this country rallied to President Bush's call for unity to meet the danger. There were no Democrats, there were no Republicans, there were only Americans. That is why it is really hard to believe that last night in New York, a senior adviser, the most senior adviser to the President of the United States, is twisting, purposely twisting those days of unity in order to divide us for political gain.

Rather than focusing attention on Osama bin Laden and finding him or rather than focusing attention on just smashing al-Qaida and uniting our effort, as we have been, he is, instead, challenging the patriotism of every American who is every bit as committed to fighting terror as is he.

For Karl Rove to equate Democratic policy on terror to indictments or to therapy or to suggest that the Democratic response on 9/11 was weak is disgraceful.

Just days after 9/11, the Senate voted 98 to nothing, and the House voted 420 to 1, to authorize President Bush to use all necessary and appropriate force against terror. And after the bipartisan vote, President Bush said:

> I'm gratified that the Congress has united so powerfully by taking this action. It sends a clear message. Our people are together and we will prevail.

That is not the message that was sent by Karl Rove in New York City last night. Last night, he said: "No more needs to be said about their motives." The motives of liberals.

I think a lot more needs to be said about Karl Rove's motives because they are not the people's motives. They are not the motives that were expressed in that spirit that brought us together. They are not the motives of a Nation that found unity in that critical moment—Democrat and Republican alike, all of us as Americans.

If the President really believes his own words, if those words have meaning, he should at the very least expect a public apology from Karl Rove. And frankly, he ought to fire him. If the President of the United States knows the meaning of those words, then he ought to listen to the plea of Kristen Brightweiser, who lost her husband when the Twin Towers came crashing down. She said:

> If you are going to use 9/11, use it to make this Nation safer than it was on 9/11.

Karl Rove doesn't owe me an apology and he doesn't owe Democrats an apology. He owes the country an apology. He owes Kristen Brightweiser and a lot of people like her, those families, an apology. He owes an apology to every one of those families who paid the ultimate price on 9/11 and expect their Government to be doing all possible to keep the unity of their country and to fight an effective war on terror.

The fact is, millions of Americans across our country have serious questions about that, and they have a right to have a legitimate debate in our Nation without being called names or somehow being divided in a way that does a disservice to the effort to be safer and to bring our people together. The fact is that mothers and fathers of service people spend sleepless nights now, worrying about sons and daughters in humvees in Iraq that still are not adequately armored. They are asking Washington for honesty, for results, and for leadership—not for political division. Before Karl Rove delivers another political assault, he ought to stop and think about those families and the unity of 9/11.

The 9/11 Commission has given us a path to follow to try to make our Nation safer. He ought to be working overtime to implement the provisions. We should not be letting 95 percent of our container ships come into our country uninspected. We should not be leaving nuclear and chemical plants without enough protection. Until the work is done of truly responding in the way that Kristen Brightweiser said we should, making America safer, using 9/11 for that purpose only, we should not see people trying to question the patriotism of Americans who are working in good faith to accomplish those goals.

Before wrapping themselves in the memory of 9/11 and shutting their eyes and ears to the truth, they ought to remember what America is really about; that leadership is not insult or intimidation, it is the strength of making America safe. And they ought to remember what their responsibility is to every single American, and they ought to just focus on the work of doing that. That is what Americans expect of us, and that is what is going to make this country safer in the long run.

I yield the floor.

Mr. JOHNSON. May I direct a question to my colleague from Massachusetts?

Mr. KERRY. I am happy to yield for a question.

Mr. JOHNSON. Is it your view that Mr. Rove understands that the men and women in uniform in Afghanistan and Iraq are Republicans and Democrats in political registration and political philosophy, but they are Americans working together to protect us, to protect our Nation?

As my friend from Massachusetts knows, my oldest son, a staff sergeant in the U.S. Army, served in combat—he is a Democrat—in Afghanistan and Iraq. There is no political division among those young men and women fighting and endangering their lives each and every day in those countries. They are responding to the call of their country, to endanger their lives. They fought heroically, Republicans and Democrats alike. For anyone to suggest that there are differences of motive about protecting America, about responding to 9/11, is beyond the pale. Do you believe Mr. Rove understands that or do you believe that he honestly thinks that the defense of this country is a partisan issue?

Mr. KERRY. Mr. President, let me say to the Senator, first of all, every one of us is proud of him and proud of his family and proud of the service of his son. I remember talking to the Senator from South Dakota about how he felt while his son was in harm's way. If ever there were a sort of clear statement about the insult of Karl Rove's comments, it is the question asked by the Senator. I don't know if Karl Rove understands that. His comments certainly do not indicate it. But I will tell you this: It raises the question of whether he is, as many have suggested, prepared to say anything for political purposes.

I think he owes your son. I think he owes every Democrat. I have been to Iraq. I met countless soldiers who came up to me and said, "I voted for you" or people who said "I support you" or people who said they are just Democrats. This comment by Karl Rove insults every single one of them who responded to the call of our country, as did every Senator on this side of the aisle in voting to go into Afghanistan and in supporting the troops across the board. If we are going to get things done and find the common ground here, this is not the way for the most senior adviser to the President to be talking about our country.

I remember the storm created in the last week over the comments of a Senator. Here is a senior adviser to the President of the United States who has insulted every Democrat in this country, every patriot in this country who is trying to do their best to protect our troops and provide good policy to our Nation. To suggest there was a weak response, when we voted 98 to 0, is an insult to that vote and to the unity of the moment and to the words of his own President, and I think he owes an apology to your son and to all of those soldiers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, we are on the Energy bill at this moment and have put forth a unanimous consent that moves us forward. We have a finite list of amendments I will work with Senator JOHNSON on in the next few minutes. We are about to do a unanimous consent. Those who have amendments should come to the Senate so we can work out the time agreement as we work on the managers' package.

The majority leader is committed to finishing this bill tonight. If we line ourselves up and move in reasonable order with those amendments that will need votes, we might get out of here at a reasonable time. Other than that we could be here quite late.

I hope Senators who do have amendments remaining, and we have not worked them out, can work with us as we finalize the unanimous consent.

I am happy to yield.

Mr. DURBIN. I have one of those amendments. I am prepared to either discuss it or to wait until there is some agreement as to the order, sequence, and time of debate.

What would the Senator prefer?

Mr. CRAIG. I ask the Senator to hold for just a few moments until we work out a unanimous consent of order. We are about there. We have two or three Senators ready to go. We know of your concern and interest and the amendment to be offered. If the Senator withholds for a few moments, we can do that.

Mr. DURBIN. I thank the Senator.

Mr. CRAIG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, with the agreement of the distinguished manager, I ask for 10 minutes to speak on the subject of asbestos as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SPECTER are printed in today's RECORD under "Morning Business.")

Mr. CRAIG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, we are now ready to proceed to continue, and hopefully within the next few hours finish this very important bill.

I ask unanimous consent Senator BAUCUS and Senator SCHUMER be recognized to offer amendment No. 810 and that there be 30 minutes equally divided in the usual form; provided further that following that time the amendment be temporarily set aside for Senator SUNUNU to offer amendment No. 873, and that there be 30 minutes for debate equally divided in the usual form. I further ask consent that following the use or yielding back of time, the Senate proceed to vote in relation to the amendments in the order offered with no second-degree amendments in order to the amendments and with 2 minutes equally divided for closing remarks prior to each vote.

Mr. DURBIN. Reserving the right to object, and I will not object, but I want to establish a spot in the queue. I have been waiting patiently for 2 days. I have said on the CAFE amendment I will be more than happy to allow Senators BOND and LEVIN to offer their alternative amendment at the same time, debate it at the same time, with an agreement on time limitation on debate, but my fear is we are going to drift into the night hours and drift away. I don't want that to happen.

I ask if the Senator would be kind enough to tell me what his intention is after we have completed these two amendments.

Mr. CRAIG. I appreciate the Senator's concern. He has every right to ask. The Senator is in the queue and on the list. We have worked out this tranche of amendments and we will now work to see when we can fit you in. I would hope sooner rather than later. So my advice would be to stick around.

Mr. DURBIN. Being on the Senator's list is as safe as being in a mother's arms.

Mr. SCHUMER. Reserving the right to object, as I understand it, the procedure precludes second degrees?

Mr. CRAIG. It does.

Mr. SCHUMER. The amendment I am going to offer—there is a friendly second degree that Senator KYL and I have agreed to.

As I understand it, Senator DOMENICI and his staff know of the Kyl amendment and approve of it. Senator KYL is on his way. If my colleague will yield, it is filed.

Mr. CRAIG. The Senator makes a good point.

I will withdraw the UC so we can get this solved. I would advise the Senator to start debating his amendment now, and let us see if we cannot resolve that. If you have opening remarks on your amendment, I believe this can be solved. I talked to Senator KYL on the issue. I will talk with staff, and we will move forward.

Is the Senator ready to proceed?

Mr. SCHUMER. I am. I do not have that much to say, and we limited the time. I do not want to finish before Senator KYL gets here. His staff has told him to get here. I guess I can talk about a lot of different subjects until he gets here.

Mr. CRAIG. I withdraw the UC for that purpose.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. First, Mr. President, I ask unanimous consent that following my remarks Senator KYL be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 810

Mr. SCHUMER. Mr. President, I rise today to offer an amendment with my colleague from Arizona to strike language from this Energy bill that would undermine years of progress toward combating nuclear terrorism in an effort to solve a problem that does not exist.

I want to repeat myself for the benefit of my colleagues. By weakening existing law, section 621 of this Energy bill would drastically undercut efforts to encourage reductions in the circulation of weapons-grade uranium and to defend against the specter of nuclear terrorism.

I have often said that the prospect of a nuclear attack on America's soil is our nightmare. That is why I, like many of my colleagues, have been so aggressive in pushing the administration to install nuclear detection devices in our ports, and to take other measures to make sure that nuclear materials cannot be obtained by terrorists and used against us. The human, environmental, and economic impact of such an attack on the United States—any part of our dear country—would be almost unfathomable.

So I urge my colleagues to contemplate that when they are examining what exactly the provision in the Energy bill would do. For years, we have prohibited what this provision of the Energy bill would allow.

The supporters of the language claim that it is necessary to avert an impending crisis in the supply of medical isotopes used in radiopharmaceuticals. A look at the current isotope industry raises some serious questions as to whether that is what is really going on here. Isotope producers currently make isotopes for use in radiopharmaceuticals and other products by taking a mass of fissionable material, known as the fuel, and using it to shoot neutrons through another mass of fissionable material; that is, the target. Reactors have traditionally used highly enriched uranium, HEU, which can be used to make a nuclear bomb, for fuel and targets.

The Law that we enacted over 10 years ago, in the Energy Policy Act of 1992, has encouraged reactors to shift to low-enriched uranium. And the difference is very simple. It does the same medically, but it cannot be used to create a nuclear weapon. What we do in present law is require that any foreign reactor receiving exports of United States HEU, highly enriched uranium, work with our Government in actively transitioning to LEU, low-enriched uranium, the kind that cannot be used in bombs. It makes common sense, complete common sense. Why the heck would we want to encourage companies to have HEU?

Now, the language in the Energy bill undoes that. After 12 years of it working, after 12 years of everyone getting the medical isotopes they need, and after 12 years of moving countries away from HEU—highly enriched uranium, which bombs can be made from—to LEU, the language in the Energy bill needlessly and dangerously undercuts this requirement. What does it do? It exempts research reactors that produce medical isotopes from current U.S. law.

As our Nation continues to fight the war on terror, now is clearly the wrong time to relax export restrictions on bomb-grade uranium and potentially increase the demand for that material.

By increasing the amount of HEU in circulation around the world, the language in the Energy bill would create an unacceptable risk by heightening the possibility that weapons-grade uranium could be lost or stolen and fall into the hands, God forbid, of terrorists with known nuclear ambitions.

What makes this language even more astonishing is that it creates so much risk for no reward by claiming to fix a problem that does not exist. Supporters of the language argue we are in danger of running out of medical isotopes if the current law is not changed. All of the isotopes that can be produced with HEU can also be produced with LEU, which has no danger to us. And under current law, no producer has ever been denied a shipment of the material necessary to produce isotopes. Let me repeat that. No producer has ever been denied a shipment of the material necessary to produce isotopes.

In fact, the Department of Energy's Argonne National Laboratory has declared that the proposition that our supply of medical isotopes is in danger because LEU targets have not been developed is incorrect, and the U.S.-developed LEU target "has been successfully irradiated, dissembled, and processed in Indonesia, Argentina, and Australia," a move from HEU to LEU because of our law.

Mr. President, I would like to be clear about one thing. I do not intend to trivialize in any way the plight of those suffering from illnesses overseas that require isotopes to treat. My colleagues and I who support this amendment take this point seriously and are unequivocally supportive of making sure that patients can get the medicine they need. In fact, if current law hindered the ability to get isotopes and treat the sick, maybe this debate would be different. But that is not the case.

Under existing law, medical isotope production capacity has grown to 250 percent of demand. Let me repeat that. Under present law, which the Energy bill seeks to change, medical isotope production capacity has grown to 250 percent of demand.

In addition, I repeat, no medical isotope producer has ever been denied a shipment of HEU as a result of the successful incentivization of efforts to convert to LEU.

Existing law guarantees continued use of HEU to produce medical isotopes until LEU substitutes are available, so long as the foreign producers cooperate on efforts to eventually convert to LEU.

For example, exports to Nordion, a Canadian producer, have never been affected by current law, and the company which is at issue here has several years' worth of material stockpiled at soon-to-be-operating reactors. Quite frankly, maybe we have given them too much access and made them complacent. Despite the efforts of the United States to operate in good faith and keep supplying Nordion, this company has decided to resist and slow-walk the conversion process to LEU.

Why? Because it may inconvenience them or cost them a few more dollars in the short run. So for one company, not an American company, we are going to increase the chances of nuclear terrorism by whatever amount with no benefit other than to that company because everyone is getting the isotopes. Maybe they can save a few dollars. If they think that the Senate is willing to risk a catastrophe for their convenience, they have another thing coming.

Existing law does not jeopardize an adequate supply of medical isotopes. Instead, it has been successful in enticing foreign operators to begin converting to LEU, thereby reducing the risk of proliferation.

The record shows that the program works. As a result of existing law, reactors in several nations have successfully instituted measures to convert to LEU. The Petten reactor in the Netherlands, where the major isotope maker Mallinckrodt produces most of its isotopes, will convert its fuel to LEU by 2006 because of incentives in the current law.

The Department of Energy has recognized the importance of this goal and the effectiveness of the program. Secretary Bodman has said we should set the goal of ending commercial use of weapons-grade uranium, and that the LEU allows great progress toward that end. The Department of Energy's Reduced Enrichment for Research and Test Reactors Program Web site states:

> This law has been very helpful in persuading a number of research reactors to convert to LEU.

So what we have here is an effort to undermine an existing program that has not had a negative impact on health care and has played a role in our fight against nuclear terrorism.

If the provision in the Energy bill does become law, make no mistake, it will create a proliferation risk. By increasing the amount of weapons-grade uranium in circulation, this bill would increase the likelihood that lost or stolen material would find its way into the wrong hands.

I know the list in this bill looks innocent enough with countries such as Canada, Germany, Belgium, the Netherlands, and France. However, four of these countries are members of the EU and subject to the U.S.-EURATOM Agreement on Nuclear Cooperation.

Under the agreement, these nations will not be required to inform the United States of retransfers of U.S.-supplied materials from one EURATOM country to another, report on alterations to U.S.-supplied materials, or inform the United States of retransfers of these materials from one facility in one country to another facility in that same country.

As a result, HEU could end up being directly sent to any of the 25 countries in the European Union, including those in which the Department of Energy is spending a considerable amount of money to remove existing HEU stockpiles.

So to my colleagues I say, if you support the language in the Energy bill, do not do it because of assurances that the countries the material is heading to are safe. In reality—in reality—we do not know this and cannot control where the material may end up. That is a terrifying thought.

In conclusion, the reality of this situation is that terrorists do not care if the weapons-grade uranium they can try to get their hands on was meant for a military or medical purpose. All we know they care about is how they can use it to attack our Nation and harm our way of life.

If we learned anything from the attacks on September 11, it should be that we can never again afford to underestimate the ingenuity or determination of those who would cause us harm. Likewise, we must take every step to ensure that they can never lay their hands on the materials they would need to launch an attack of mass destruction against the United States.

Mr. President, a needless risk is a reckless risk, and that is exactly the type of risk the language in the Energy bill lays before us. I urge my colleagues to support the existing law that has effectively combated nuclear proliferation without degrading the quality of health care in the United States by voting for my amendment, along with the friendly second-degree amendment that my colleague from Arizona, I believe, will offer.

Mr. President, under the unanimous consent agreement, I now yield to my colleague from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I thank you. I think what we are going to be able to agree to is that after the proponents and opponents of the Schumer amendment have concluded their debate, we will have an up-or-down vote on the Schumer amendment. In either event, I believe we could at that point get a unanimous consent agreement that the study and report called for in the Kyl second-degree amendment could be voted on by voice vote.

But until Senator BOND is available to confirm that, we do not need to propound that particular request. So we should simply go ahead with the debate on the underlying Schumer amendment. Given the fact that Senator SCHUMER just spoke in favor of that, let me simply take about 2 minutes to second what Senator SCHUMER did and then turn time over to an opponent of the amendment, perhaps the Senator from North Carolina.

Mr. CRAIG. Mr. President, will the Senator from Arizona yield?

Mr. KYL. Yes.

Mr. CRAIG. Mr. President, as we tried to craft the UC, we gave this issue of the Schumer amendment 30 minutes. So I would hope we could keep in the spirit of 15 and 15 so we can keep ourselves on track this evening. So the opponents would have 15 minutes, as we finish fashioning this UC.

Mr. KYL. If I could, Mr. President, just inquire of the manager of the bill, we don't have a set 30 minutes yet, but that is the desire; is that correct?

Mr. CRAIG. We are hoping that adds in.

Mr. KYL. Mr. President, let me take a moment to say that I totally agree with Senator SCHUMER that we need to restore existing law in this area. The reason is because highly enriched uranium is used to build bombs. We want to be very careful how we export that. In the case of the production of medical isotopes, we do need to export it because that is all that is available right now to produce medical isotopes in relatively large quantities. Low enriched uranium for a target for these isotopes is a process that scientifically works. We are trying to work out whether or not it can happen on a large-scale production basis. Current law says we will continue to export highly enriched uranium as long as the recipient of that highly enriched uranium is working with the United States cooperatively to try to get to the production of these isotopes with low enriched uranium. That is a goal that I think everybody agrees with. We need to have that incentive so that when we export this, we are exporting it to somebody that is cooperating with us.

What the Energy bill did was to eliminate that requirement of cooperation. It is stricken from the language. That is wrong. If we want an incentive for people to continue to work with us, we have to retain the existing law's language. That is why the Schumer amendment is critical, to ensure that we can both continue to produce these medical isotopes, but also to do so in a way that does not proliferate highly enriched uranium around the world.

The manufacturer of this product in Canada has enough of this material right now to build a couple of bombs. In Canada that is probably OK, as long as they continue to cooperate with us. But you eliminate that requirement of cooperation, all of us will have a real problem on our hands. Were something bad to happen, each one of us would be responsible for that. That is the reason the Schumer amendment is so important.

My second-degree amendment, if it is agreed to, simply requires a study and report to us about the status of the development of this technology, whether it is cost beneficial and whether it is scientifically achievable.

With that, let me yield the floor to an opponent of the amendment.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from North Carolina.

Mr. BURR. Mr. President, I rise in opposition to the Schumer amendment. Let me compliment Senator KYL for his willingness, over the last 24 hours, to try to bring assurances, through some consensus legislation, of where we both agree we need to get to, that we had language that would do it. We do have a slight disagreement because I believe the language that is in the bill does meet the move towards low-enriched uranium. I believe that the health of the American public should be at the forefront of our consideration. Because if, in fact, we adopt a policy that eliminates the availability of radiopharmaceuticals, then we have greatly affected the diagnostic capabilities that exist, that technology has created over the last decade and, in many cases, the treatments for cancer. An interruption that happened from even the Canadian source before meant that doctors were rationed on what they could receive in radiopharmaceuticals. We know how fragile this is because we are reliant on reactors outside this country for those radiopharmaceuticals.

Senator KYL and, hopefully, Senator SCHUMER agree that when this is all decided—and I hope it is decided with the language that the entire Energy Committee worked on and what is in the House language and has been there—when it is all said and done, I hope we find a way to either get the Department of Energy or somebody to begin to produce low-enriched uranium in this country. It is an awful policy that we still turn outside the country for those reactors to produce the medical isotopes, but there is a rich history of that. The Department of Energy has looked at this since 1992. They looked at Los Alamos and using the reactors there to begin to make low-enriched uranium. Then they looked at Sandia. Then they talked about privatizing Sandia. The net result was, in the year 2000, the Department of Energy came to the conclusion that they were going to disband this effort, that they couldn't figure out how to do it. The fact is, there is not a lot of profit generated from it. But this is clearly a treatment that will grow as researchers find new tools for it.

I know there is an attempt to try to address a time limit here, but I am not sure that we can put a time limit on all the patients in America that are relying on the decision we are going to make tonight. We would spend a lot more time on individual health bills.

Nuclear medicine procedures using medical isotopes are heart disease, cancer, including breast, lung, prostate, thyroid and non-Hodgkin's lymphoma, and brain, Grave's disease, Parkinson's, Alzheimer's, epilepsy, renal failure, bone infections. Our ability to take radioisotopes and send them to an organ, where now we can see that organ without an incision, without opening a person up, a noninvasive way to determine exactly what is happening in the human body and, on the oncology side, a way to treat cancers, when we can take the chemotherapy product and send it right to where we want those cells to be killed.

I would like to submit, for the record, a letter from the Nuclear Regulatory Commission because they have commented on this language. I ask unanimous consent to print it in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. NUCLEAR REGULATORY COMMISSION,
Washington, DC, June 3, 2004.

Hon. CHRISTOPHER S. BOND,
Chairman, Subcommittee on Transportation and Infrastructure, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to the letter of April 20, 2004, from you and Senator Inhofe, requesting information on the security measures employed by the NRC regarding the licensing and transport of high-enriched uranium (HEU).

As you noted in your letter, the NRC has twice provided comments on the provision related to export shipments of HEU used in medical isotope production (a letter signed by Chairman Meserve to Representative Tauzin, dated March 31, 2003, and a letter signed by me to the members of the Conference Committee considering the differing versions of H.R. 6, the "Energy Policy Act of 2003," passed by the Senate and the House of Representatives, dated September 5, 2003). The NRC continues to have no objections to the provision pertaining to the export of HEU targets for the production of medical isotopes by specified countries. The NRC continues to believe that the enactment of this measure could be of benefit in ensuring the timely supply of medical isotopes in the United States.

Additional information responding to your specific questions is provided in the Enclosure. If you have any further questions or comments, please feel free to contact me.

Sincerely,

NILS J. DIAZ.

Mr. BURR. They have been consulted. They are the agency that determines whether a license is granted. It was suggested that this is some willy-nilly program, that anybody who wants to send highly enriched uranium out to a reactor somewhere just simply does that, and hopefully we get back radiopharmaceuticals. That is not the case. This is a very stringent licensing program, where they apply to the Nuclear Regulatory Commission. They are instructed by the Atomic Energy Act as to the process they go through, currently in the law, that was written by Senator SCHUMER in 1992. Over the years, the interpretation of that provision has changed. Over the years, that has caused indecision at the Nuclear Regulatory Commission.

It was that indecision, that vagueness in the current law that Senator SCHUMER is attempting to strike and go back to provision in law that the Nuclear Regulatory Commission has said: We don't feel that we can successfully make this evaluation without you clarifying the parameters you want us to be in.

So in short, we asked the Nuclear Regulatory Commission to write us on the language and asked them if it cleared it up, asked them if, in fact, this gave them the proper direction from the Senate, from the Congress. This is the letter back from the Nuclear Regulatory Commission that says:

> The NRC continues to have no objections to the provisions pertaining to the export of HEU targets for the production of medical isotopes by specified countries.

I know there are others anxious to speak. I have so much more to say. I see the chairman of the bill has stood and may have a unanimous consent request. I am not sure. But I would like to see if my colleague from Arkansas is prepared to speak in opposition to the Schumer amendment.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I would like to take a few moments. I rise to join the Senator from North Carolina in speaking in opposition to the Schumer amendment. I certainly am concerned that the amendment before us would remove a carefully crafted provision from the bill that seeks to ensure that Americans will maintain a reliable supply of medical isotopes or the radiopharmaceuticals used to diagnose and treat so many diseases. We are on the brink, all of us here, working hard to increase funding for the discovery of eliminating these diseases. In the meantime, being able to provide the hope to those who suffer from these diseases is so critically important.

These diseases include everything from heart disease to hyperthyroidism, Parkinson's disease, Alzheimer's, epilepsy, kidney failure, bone infection, brain cancer, lung cancer, prostate cancer, thyroid cancer, non-Hodgkin's lymphoma, and brain cancer—so many of these that plague the lives of Americans who can get some relief from the medical treatment that is provided by these medical isotopes.

At least 14 million Americans are diagnosed and treated with medical isotopes each year. While I believe America should continue in the vein of developing policies consistent with our nonproliferation goals, we must make sure that these and future patients do not lose access to the radiopharmaceuticals. We cannot move forward in a way toward nonproliferation and wrest the responsibility, not knowing full well what the future might be for these patients and their needs.

I support the provision in the underlying bill, as was mentioned by my colleague from North Carolina, that was carefully crafted in the committee to take into consideration all of these needs, making sure that we are recognizing the sensitivity and the caution that needs to exist and yet recognizing that the development of technologies and new information and medical treatments are something that are vital to these 14 million Americans.

The provision in the underlying bill permits the export of the highly enriched uranium used only for the production of the medical isotopes until a low-enriched uranium alternative is commercially viable and available. We know that those are also issues. We talk about the reimportation of those isotopes, making sure that the production of them is something that is going to continue in order to make sure that the access to these pharmaceuticals is available.

This provision is balanced, it is fair, and it is supported by the nuclear medicine community, including those in my home State of Arkansas. I urge my colleagues to vote against this amendment. Vote against it so that patients do not lose their access to these very necessary drugs.

I don't know that my colleagues have mentioned all of those in support of this effort: The American College of Nuclear Physicians, the American College of Radiology, the American Society of Nuclear Cardiology, the Council on Radionuclides and Radiopharmaceuticals, the National Association of Cancer Patients, the National Association of Nuclear Pharmacies, the Nuclear Energy Institute, and the Society of Nuclear Medicine.

We have an opportunity to stay on course with something that has been negotiated and very thoroughly vetted in the underlying bill that will keep us on the right track and make sure that these 14 million Americans and their families will continue to have the access to these pharmaceuticals that they need while we continue to work forward in the manner which we can to make sure that all of the safety and caution that needs to be there is there, will remain there, while we still enjoy the unbelievable technologies that have been discovered in recent medicine.

I thank the Senator from North Carolina for yielding. I do encourage my colleagues to rise in opposition to the amendment so that we can go back to what is in the underlying bill. I think it will prove well for all of those who suffer from many diseases that we can treat with these medical isotopes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I will attempt to offer a unanimous consent now that will finalize action on the Schumer amendment and move us to the Sununu amendment.

I ask unanimous consent that Senator SCHUMER be recognized to offer his amendment No. 810 and that there be—there has already been approximately 30 minutes of debate on this. I ask for another 30 minutes, and I would hope that my colleagues would use it wisely and judiciously or we will be here until early tomorrow morning, that 30 minutes be equally divided in the usual form; provided further that following that time, the amendment be temporarily set aside for Senator SUNUNU to offer amendment No. 873, and that there be 30 minutes for debate equally divided in the usual form. I further ask consent that following the use or yielding back of time, the Senate proceed to votes in relation to the amendments in the order offered, with no second-degree amendments in order to the amendments, and with 2 minutes equally divided for closing remarks prior to each vote; provided further that following the vote in relation to the Schumer amendment, the Kyl amendment, No. 990, as modified, be considered and agreed to.

Finally, Senator BOND will be allocated 7 minutes prior to the vote on or in relation to the Schumer amendment. That will come out of the 15 minutes allocated of the 30 for debate on the Schumer amendment.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, so long as the unanimous consent agreement did not say that the last word was Senator BOND. The last word is ordinarily reserved for the proponent of the amendment.

Mr. CRAIG. That is the intent. It is just to secure for Senator BOND 7 minutes of debate on the Schumer amendment prior to the vote.

Mr. KYL. Further reserving the right to object, would the manager of the bill at this time have an estimate—we will temporarily lay this aside for the presentation of another amendment and then back to this amendment and, with the 30 minutes, presumably, we would be voting at about 6 o'clock, or thereabouts; is that correct?

Mr. CRAIG. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 810

Mr. SCHUMER. Mr. President, I call up my amendment No. 810.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York, [Mr. SCHUMER], proposes an amendment numbered 810.

Mr. SCHUMER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike a provision relating to medical isotope production)

Beginning on page 395, strike line 3 and all that follows through page 401, line 25.

Mr. SCHUMER. Mr. President, I will let some of the opponents speak now, since I have spoken, unless my colleague from Arizona would like to speak. We could have some of the opponents go.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I will speak very briefly in opposition to the Schumer amendment.

Since 1971, there have been more than 45 million successful shipments of radioactive materials. And the Nuclear Regulatory Commission tracks and licenses all of these statements of medical isotope production. The NRC takes its job very seriously. This is a phenomenally safe track record that we are involved in.

My colleagues from North Carolina and Arkansas have talked of the tremendous importance of being able to have adequate supplies of radioisotopes. Doctors conduct 14 million procedures each year in the United States using medical isotopes to diagnose and treat cancer, heart disease, and other serious sicknesses. The Senator from North Carolina has clearly laid out why this language is in this bill, and it is important.

Mr. President, hundreds, of thousands of Americans depend on medical isotopes to diagnose and treat life-threatening diseases.

It is also a fact that we do not produce these isotopes in the United States. We must ship enriched uranium to producers in Canada and Western Europe that produce the isotopes and return them to hospitals in the United States.

Yet some of my colleagues ask: Why must we ship these isotopes internationally at all? Does this pose security risks?

My answer: An emphatic no!

Let me explain why . . .

It is understandable to be concerned about the shipment of enriched uranium outside of the United States. And, of course, I share your concern. But it is important to recognize that these shipments are safe and secure.

The U.S. Nuclear Regulatory Commission tracks and licenses all of the shipments for medical isotope production. The NRC takes its job very seriously.

The shipments are carefully tracked by the NRC and corresponding agencies in Canada and Western Europe throughout their journey. They are subject to the same sort of strict guidelines in these countries that they are under in the United States.

Since 1971, there have been more than 45 million successful shipments of radioactive materials. Shippers, State regulators, government agencies, and international organizations carefully handle and track each and every shipment—time after time. The result: The isotopes can do what they are made for—fight deadly disease.

Doctors conduct 14 million procedures each year in the United States using medical isotopes to diagnose and treat cancer, heart disease and other serious sicknesses. We must ensure a reliable supply of medical isotopes so that doctors can carry out these procedures.

The diagnosis and treatment of diseases like cancer, heart disease and other dreaded diseases depend on radiotherapy using medical isotopes. Doctors and patients depend on a stable supply of medical isotopes.

That supply depends on the assurance that these isotopes are transported safely and securely. And they are. But the NRC must have the tools it needs to carry out its mission.

This bill before us today helps the NRC to effectively license these shipments so that supply of medical isotopes is there when we need them.

I urge my colleagues to support this important and timely legislation as written, to insure a reliable supply of isotopes to help treat and diagnose heart disease; cancer, including breast, lung, prostate, thyroid cancer, Non-Hodgkin's Lymphoma, and brain; Grave's Disease (hyperthyroidism); Occult infection (in AIDS); Parkinson's Disease; Alzheimer's Disease; Epilepsy; Renal (kidney) Failure; and Bone Infections.

I yield the floor and ask my colleagues to oppose the Schumer amendment.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I was not on the floor when the unanimous consent request was proposed. It is not typical to have 7 minutes on the other side and only 1 for us right before the amendment.

I ask unanimous consent that 7 out of our 15 minutes be used right before the vote on the Schumer-Kyl amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I will speak for a moment. I am responding both to the senior Senator from Idaho and also the Senator from Arkansas. The Senator from Idaho is correct. Under existing law, we have had numerous shipments since 1992, and we have been producing these medical isotopes, and everything has been fine. That is what the Schumer amendment seeks to do—to ensure that the existing law is in place. So that condition the Senator from Idaho spoke to is precisely the good condition that would prevail if the Schumer amendment is adopted and we return to existing law.

The problem is that an amendment was inserted in the Energy bill in committee which strikes existing law and eliminates the requirement that the recipient of this highly enriched uranium provide assurances to the United States that it is cooperating with us to move to a low-enriched uranium target. That is everybody's goal. Nobody disagrees with that goal.

But because of that amendment, we would no longer have the assurance that we could eventually get off of highly enriched uranium—which is used to build nuclear bombs—and get to low-enriched uranium. This is a proliferation issue, not a medical issue. That is what I say to the Senator from Arkansas.

There is no suggestion that there is going to be any lack of medical treatment as a result of the existing law. Since 1992, we have had medical isotopes available for treatment, and we are going to have them available in the future. There is nothing in existing law that takes away from that. There is an attempt by somebody to scare people into believing that somehow or another the existing law—in effect since 1992—is somehow going to result in a lack of medical isotopes. That is false, and it is pernicious. Whoever is trying to spread this notion should not do that because it will scare people into thinking there are not going to be medical isotopes available for treatment. Nothing could be further from the truth. Existing law has worked. Not once has an export license been denied. So let's forget this scare tactic. We are going to have the medical isotopes that we need.

The real question here is proliferation. We have had a law that has worked very well since 1992. We are trying to move toward low-enriched uranium. Listen to what the Secretary of Energy has had to say about this. In a speech delivered on April 5, Secretary Samuel Bodman said:

> We should set a goal of working to end the commercial use of highly enriched uranium in research reactors.
>
> The availability today of advanced, high-density low enriched uranium fuels allows great progress toward this goal.

The Department of Energy's Reduced Enrichment for Research and Test Reactors program Web site states:

> This law has been very helpful in persuading a number of research reactors to convert to LEU.

That is existing law, which we want to retain. Why would we want to strike the one provision in existing law that helps us to achieve this goal? The provision that says that the recipient of this highly enriched uranium has to provide assurances to the United States that it is cooperating with us toward this goal—something is going on here, Mr. President, and it is not good.

Let me also say, with regard to this myth about the lack of medical isotopes, the fact is that DOE's Argonne National Laboratory characterized this very claim as a "myth," adding that the U.S.-developed low-enriched uranium foil target "has been successfully irradiated, disassembled, and processed in Indonesia, Argentina, and Australia." Furthermore, HEU exports for use as targets in medical isotope production are not prohibited under current law, and no such export has ever been denied under that law, as I said. Current law is intended to encourage conversion to low-enriched uranium, which can't be used to make nuclear bombs. But in no way does it prohibit the export of highly enriched uranium. We are not at the technological stage where we can mass produce through low-enriched uranium.

The bottom line is this: Current law has been working, as the Senator from Idaho so eloquently noted. It provides the medical isotopes we need. No export license has ever been denied. Recently, the Secretary of Energy made the point that we are trying to convert, eventually, to low-enriched uranium, and the current law that requires recipients of highly enriched uranium to work with us toward that goal has worked very well toward this end.

Why would we eliminate that requirement of cooperation, when we are trying to make sure that this highly enriched uranium doesn't proliferate around the globe? As I said, a company in Canada that is currently working with us has enough of this stuff for two bombs. It would not be a good idea for us to allow further proliferation of highly enriched uranium around the world when we are concerned about terrorists getting a hold of a nuclear weapon. Let's keep the law in place. I urge my colleagues to support the Schumer amendment.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, I have all the respect in the world for my colleague, Senator KYL. I think it is reasonable in life that two people can disagree on what something says.

In this particular case, an entire committee looked at it, the Nuclear Regulatory Commission. When the question is asked, Who asked for change? the answer is simple: The Nuclear Regulatory Commission. This is with over 10 years of working with the current language. And as time has gone on and technology has changed, and as the requirement for the size of what we needed in radioisotopes has changed, it was the Nuclear Regulatory Commission that, in fact, suggested they needed Congress's help.

Let me address the last fact Senator KYL brought up. One, only Argentina currently produces medical isotopes using LEU target technology, which is unable to even meet the current needs in Argentina medical community. Indonesia has ceased any further testing of the U.S.-developed LEU through the technical obstacles. We all want low-enriched uranium. After this is over, I hope this body will take on that challenge, the challenge of domestically producing medical isotopes and the Department of Energy will probably have a hold of the tiger that we give them when we instruct the Department to go back to what they dropped in 2000, after they have reviewed it, and look at our reactors here and how we accomplish production, whether we can make money at it or not.

I want to go back to health, though. Some have suggested that health is not important. Health is important. I list it up here on the chart. Annually, over 14 million nuclear medicine procedures are performed in the United States that require medical isotopes manufactured from highly enriched uranium. Patients and doctors in the United States are 100 percent reliant on the import of medical isotopes that are used with highly enriched uranium. That is a fact. Every day, over 20,000 patients undergo procedures that use radiopharmaceuticals developed to diagnose coronary artery disease and assist in assessing patient risk for major cardiac-related deaths, such as strokes.

This is not just what we treat; this is what we prevent from happening through this diagnostic tool. The CDC estimates that 61 million Americans—almost one-fourth of the U.S. population—lives with the effects of stroke or heart disease, and heart disease is the leading cause of disability among working adults.

Medical isotopes are one of the tools used to diagnose and treat many forms of cancer, as we have listed. Medical isotopes are also used to help manage pain in cancer patients, such as decreasing the need for pain medication when cancer spreads or metastasizes to the bone. Thyroid cancer. Radiopharmaceuticals are used to diagnose and treat thyroid disorders and cancer which, according to the American Cancer Society, is one of the few cancers where the incident rate is increasing.

Mr. President, we are talking about dealing with real health problems that are on the rise, and technology can come up with new treatments. But that treatment is held in limbo until we decide. Non-Hodgkins lymphoma is the fifth most common cancer in the United States. According to the American Cancer Society, approximately 56,000 new cases of non-Hodgkins lymphoma will be diagnosed in the year 2005. The voice of proliferation, Alan Kuperman, of the Nuclear Control Institute, said this about the language that is currently in the Energy bill:

> This provision is not controversial and, thus, likely to remain in the energy bill when and if it is enacted.

He went on to say:

Ironically, an amendment originally drafted to pave the way for continued HEU exports [which is his interpretation, not that of the committee] for isotope production may have the unintended consequences of terminating them.

That is exactly the opposite of what those who suggest the need for this amendment is. Even the person who is the most outspoken in this country says: You know what. What the Energy Committee has done will force us into the use of low-enriched uranium.

In fact, this tells me from the person who is the most outspoken that our committee has done exactly what we attempted to do. We have written exactly the right language.

Without a secure and permanent supply of medical isotopes, it is unlikely that new nuclear medicine procedures will be researched or developed. If, in fact, we suggest we will cut off this source, why would any researcher around this country look at how to further what they can do with medical isotopes?

My colleague from Arkansas stated it very well. This is not just Members of the Senate who are suggesting we have read the language and it is right; it is the American College of Nuclear Physicians, the American College of Radiology, the American Society of Nuclear Cardiology—and the list goes on. Every Member can see it. Can this many health care professionals be wrong?

Separate this, as Senator Kyl suggested. This is a proliferation issue, and it is a health issue. As to the health issue, I do not think anybody questions the value of this product for the health of the American people.

There is no better gold standard on deciding whether an application or license should be approved than the Nuclear Regulatory Commission. The Nuclear Regulatory Commission is still in charge of this process. That has not changed. It will not change. If it is a national security risk, it will not just be the Nuclear Regulatory Commission that screams, it will be the Government—the House and Senate, the White House—that screams.

The PRESIDING OFFICER. There is 7 minutes remaining to the opposition which has been allocated to Senator Bond.

Mr. BURR. Mr. President, I want to maintain the 7 minutes for Senator Bond. I thank Senator Kyl for the gracious way we tried to negotiate. I think it is unfortunate that we have not. I urge Senators to defeat this amendment. Protect the patients.

Mr. CRAIG. Mr. President, how much of that time remains of the window of 7 minutes for the Schumer side?

The PRESIDING OFFICER. There is 10 minutes remaining on the Schumer side.

Mr. CRAIG. A total of 10.

Mr. KYL. Mr. President, let me use part of that 3 minutes right now to ask unanimous consent to print in the Record a statement and a letter from the Physicians for Social Responsibility, dated June 20, 2005. I ask unanimous consent that this material be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Stop the Proliferation of Weapons-Grade Uranium

SUPPORT THE SCHUMER AND KYL AMENDMENTS TO THE ENERGY BILL

Senator Schumer and Senator Kyl intend to offer amendments (Amendments 810 and 990, respectively) to the Energy Bill to eliminate language that would undermine U.S. efforts to encourage reductions in the circulation of weapons grade uranium. Senators Schumer and Kyl urge their colleagues to support these amendments, which will maintain current restrictions on the export of bomb-grade uranium and reduce the possibility that nuclear material will wind up in terrorists' hands.

Isotope producers currently make isotopes for use in radiopharmaceuticals and other products by taking a mass of fissionable material, known as fuel, and using it to shoot neutrons through another mass of fissionable material, the target. Reactors have traditionally used highly enriched uranium (HEU), which can be used to make a nuclear bomb, for fuel and targets. Language in the Energy Policy Act of 1992 has encouraged reactors to shift to low-enriched uranium (LEU), which cannot be used to create a nuclear weapon, by requiring any foreign reactor receiving exports of U.S. HEU to work with the United States in actively transitioning to LEU.

Section 621 of the Energy Bill dangerously undercuts this requirement by exempting research reactors that produce medical isotopes from current U.S. law. It would weaken efforts to reduce the amount of weapons-grade uranium in circulation around the world and reward producers that have been most resistant to complying with U.S. law. It would do so by allowing facilities to avoid ever having to move to an LEU "target", even if it is technically and economically feasible to do so. This is in direct contradiction to Secretary of Energy Bodman's call to "set a goal of working to end the commercial use of highly enriched uranium in research reactors."

As our nation continues to fight the War on Terror, now is clearly the wrong time to relax export restrictions on bomb-grade uranium and potentially increase the demand for that material. Not only does the language in the Energy bill pose a threat to national security, it seeks to fix a problem that does not exist. Supporters of the language argue that we are in danger of running out of medical isotopes if current law is not changed. No producer has ever been denied an export license for HEU to be used in medical isotope production because of the restrictions in the 1992 Energy Policy Act. Indeed, all that a facility must do to continue to receive these exports is work in good faith with the United States on eventual conversion to LEU when it is technically and economically feasible. This is not an unreasonable standard, it does not jeopardize our supply, and it is, as intended, encouraging conversion.

Senator Schumer plans to offer a first degree amendment to strike section 621. Senator Kyl will second degree his amendment with a requirement for a study. The rationale is that it is prudent to conduct a comprehensive study before we even consider lifting the restrictions, as opposed to after lifting them, as the Energy bill language would do.

Medical Isotope Production: Myths and Facts

Myth: Our supply of medical isotopes is in danger because LEU targets have not been developed, and an adequate supply of medical isotopes cannot be produced with LEU.

Fact: The Department of Energy's Argonne National Laboratory characterizes this claim as a "myth," adding that the US-developed, LEU foil target "has been successfully irradiated, disassembled, and processed in Indonesia, Argentina, and Australia." Furthermore, HEU exports for use as targets in medical isotope production are not prohibited under current law, and no such export has ever been denied under that law. Current law is intended to encourage conversion to low-enriched uranium, which cannot be used to make a nuclear bomb. It is working without jeopardizing our supply of medical isotopes.

Myth: Section 621 has broad agency support.

Fact: The fact is that the United States has a long-established policy of reducing HEU exports. In a speech delivered on April 5th, Secretary of Energy Bodman stated, "We should set a goal of working to end the commercial use of highly enriched uranium in research reactors. The availability today of advanced, high-density low-enriched uranium fuels allows great progress toward this goal." The Department of Energy's Reduced Enrichment for Research and Test Reactors program website states, "This law has been very helpful in persuading a number of research reactors to convert to LEU."

Myth: Existing law needs to be weakened to ensure a reliable supply of medical isotopes for use in medical procedures.

Fact: Under existing law, medical isotope production capacity has grown to 250% of demand. In addition, no medical isotope producer has ever been denied a shipment of HEU as a result of the successful incentivization of efforts to convert to LEU. The Schumer-Kyl amendments would guarantee continued use of HEU to produce medical isotopes until LEU substitutes are available, so long as foreign producers cooperate on efforts to eventually convert to LEU when possible. For example exports to Nordion, a Canadian producer, have never been affected by current law and the company has several-years worth of material stockpiled at soon-to-be-operating reactors.

Myth: Weakening existing law will not create a proliferation risk.

Fact: Weakening existing law will increase the amount of HEU in circulation and the frequency with which it is transported, resulting in a greater proliferation risk of loss or theft. For example, Section 621 exempts five countries from current law restrictions, including four members of the European Union. These four nations would be subject to the requirements of the U.S.-EURATOM Agreement on Nuclear Cooperation. Under the EURATOM agreement, EURATOM countries are not required to inform the U.S. of retransfers of U.S.-supplied materials from one EURATOM country to another, report on alterations to U.S.-supplied materials, or inform the U.S. of retransfers of these materials from one facility in one country to another facility in that same country. As a result, HEU could end up being indirectly sent to any of the 25 countries in the European Union including those in which the Department of Energy is spending a considerable amount of money to remove existing HEU stockpiles.

Myth: Existing law has not been effective in decreasing the risk of proliferation.

Fact: As a result of existing law, reactors in several nations have successfully instituted measures to convert to LEU. For example, the Petten reactor in the Netherlands, where the major isotope maker Mallinckrodt produces most of its isotopes, will convert its fuel to LEU by 2006 because of incentives in the existing law. The Department of Energy's Reduced Enrichment for Research and Test Reactors program website states, "This law has been very helpful in persuading a number of research reactors to convert to LEU."

PHYSICIANS FOR
SOCIAL RESPONSIBILITY,
Washington, DC, June 20, 2005.

U.S. Senate,
Washington, DC.

DEAR SENATOR: Physicians for Social Responsibility (PSR), representing 30,000 physicians and health professionals nationwide, is writing to urge you to reject a provision in the Energy Policy Act of 2005 (Section 621 of the nuclear title, "Medical Isotope Production") that would seriously weaken export controls on highly enriched uranium (HEU), the easiest material for terrorists to use to make a nuclear bomb. As physicians and health care professionals, we support the use of medical isotopes, but this legislation is not necessary to ensure the supply of medical isotopes to U.S. hospitals and clinics. We urge you to support instead the amendment offered by Senators Chuck Schumer (D-NY) and Jon Kyl (R-AZ), which would retain current HEU export control provisions.

Under existing law, medical isotope production capacity has grown to 250 percent of demand. In addition, no medical isotope producer has ever been denied a shipment of HEU as a result of the successful incentivization of efforts to convert to LEU. The Schumer-Kyl amendment would guarantee continued use of HEU to produce medical isotopes until LEU substitutes are available, so long as foreign producers cooperate on efforts to eventually convert to LEU when possible. For example exports to Nordion, a Canadian producer, have never been affected by current law and the company has several-years worth of material stockpiled at soon-to-be-operating reactors.

Moreover, there is no shortage of medical isotopes. An April 2005 paper entitled "Production of Mo-99 in Europe: Status and Perspectives," by Henri Bonet and Bernard David of IRE, a major producer of medical isotopes, reports both "current production" and "peak capacity" production by the major isotope producers at the major reactors used for isotope production. Nordion's current production is 40 percent of current world demand. The firms IRE and Mallinckrodt (Tyco-Healthcare), at Petten and BR-2, together currently produce 39 percent of current world demand. But their peak capacity production is 85 percent of current world demand. That means that IRE and Mallinckrodt, by themselves, could more than replace Nordion's entire current production.

In addition, the Safari reactor in South Africa currently produces 10 percent of current world demand. But its peak capacity is 45 percent of current world demand. That means that the South African reactor, by itself, could almost entirely replace Nordion's entire current production.

A final illustrative statistic is that worldwide peak capacity production today is 250 percent of current world demand. So, we do indeed have a surplus of production capacity. Worldwide production capacity is more than twice worldwide demand.

There is therefore absolutely no need to put Americans at risk of nuclear terrorist attack by loosening rules on international shipments of HEU. We would gain nothing from repealing the Schumer Amendment but an increased proliferation threat.

Existing law limiting U.S. HEU exports (Section 134 of the Atomic Energy Act, known popularly as the Schumer amendment) has been on the books for more than a decade, and there is no evidence that it has interfered in any way with the supply of medical isotopes in the past, or that it will suddenly begin to do so in the future. The law as it stands allows continued export of HEU to producers of medical isotopes, as long as they agree to convert to low-enriched uranium (which cannot be used as the core of a nuclear bomb) when it becomes technically and economically possible to do so, and to cooperate with the United States to bring that day closer. We strongly believe that this law has served our country well for more than ten years, drastically reducing commerce in potential bomb material while ensuring continued supplies of needed medicines, and that this is the right policy to maintain for the future. This law directly supports the call of Energy Secretary Samuel Bodman, made in a speech on April 5, to "set a goal of working to end the commercial use of highly enriched uranium in research reactors."

The purpose of Schumer amendment was to phase out HEU exports in order to reduce the risk of this material being stolen by terrorists or diverted by proliferating states for nuclear weapons production. The law bars export of HEU for use as reactor fuel or as targets to produce medical isotopes, except on an interim basis to facilities that are actively pursuing conversion to low-enriched uranium (LEU), a material that, unlike HEU, cannot be used to make a Hiroshima-type bomb. Because the United States has been the primary world supplier of HEU, the law provides a strong incentive for reactor operators and isotope producers to convert their operations from HEU to LEU. The law does not impose an unreasonable burden on isotope producers and indeed exempts them if conversion would result in "a large percentage increase in the total cost of operating the reactor."

This is entirely in line with administration policy. President Bush has repeatedly said that the deadliest threat facing the United States is that of terrorists armed with nuclear weapons. Repealing the Schumer amendment would make access to HEU easier, and thus a terrorist nuclear attack on an American city more likely. It is further likely that countries such as Latvia, Poland and Hungary would be allowed to receive retransfers of U.S. HEU, despite holding poorly safeguarded stocks of this material already. Once this material gets into the hands of terrorists, it is a relatively simple task to produce a crude nuclear weapon that could kill hundreds of thousands of people if exploded in a major city. It makes no sense to take action that would not make our medical isotope supply more secure, but would increase the terrorist threat to our cities.

The legislation on which you are about to vote would eliminate the Schumer amendment's legal restriction on supply of HEU to the main producers of medical isotopes and thereby dramatically reduce their incentives to convert from HEU to LEU. The likely result would be perpetual use of HEU by these isotope producers instead of the phase-out foreseen by current law. Worldwide, such isotope production now annually requires some 50-100 kg of fresh HEU, sufficient for at least one nuclear weapon of a simple design, or several of a more sophisticated design. (Each of the world's major isotope production facilities already requires annually about 20 kg of fresh HEU.) If conversion to LEU is derailed, the annual amount of HEU needed for isotope production is likely to grow in step with the rising demand for isotopes. Moreover, after the HEU targets are used and processed, the uranium waste remains highly enriched (exceeding 90 percent), and cools quickly, so that within a year the remaining HEU is no longer "self-protecting" against terrorist theft. Thus, substantial amounts of weapon-usable HEU waste accumulate at isotope production sites, presenting yet another vulnerable and attractive target for terrorists.

Contrary to its stated intent, section 621 would do nothing to ensure the supply of medical isotopes to the United States because that supply is not currently endangered by restrictions on exports of HEU. The United States now gets most of its medical isotopes from the Canadian supplier Nordion, which still produces such isotopes at its aging NRU reactor and associated processing plant. The Schumer Amendment does not block continued export of HEU for isotope production at this facility prior to its impending shutdown. In addition, Nordion has stockpiled four years' worth of HEU targets specially designed for its new isotope production facility, which is scheduled to commence commercial operation soon. Even in the unexpected circumstance that Nordion's isotope production were to cease, the United States could turn to alternate suppliers in the Netherlands, Belgium, and South Africa that currently enjoy excess production capacity.

We wish to underscore that the existing law does not discriminate against Canada or any other foreign producer. Indeed, in 1986, the U.S. Nuclear Regulatory Commission (NRC) ordered all domestic, licensed nuclear research reactors to convert from HEU to LEU fuel as soon as suitable LEU fuel for their use became available. The NRC recognized that prevention of theft and diversion of HEU from civilian facilities cannot be assured by physical protection and safeguards alone, but rather requires a phase-out of HEU commerce. The Schumer Amendment applied the same standard to foreign operators.

Supporters of the new legislation, like the Burr Amendment before it, such as the American College of Nuclear Physicians, have argued erroneously that the Schumer Amendment "was not drafted with medical uses of HEU in mind." In fact, the approximately 500-word Schumer Amendment uses the word "target" nine times. Targets, in distinction to "fuel," are used exclusively for the production of medical isotopes. Thus, it is readily apparent that the current law was drafted explicitly to include the HEU targets that are used in medical isotope production.

We also wish to underscore that conversion of isotope production from HEU to LEU is technically and economically feasible. Australia has produced medical isotopes using LEU for years. According to Argonne National Laboratory, the main consequence of Nordion converting from HEU to LEU would be to increase its waste volume by about ten percent. That is a small price to pay to eliminate the risk that this material could be stolen by terrorists and used to build nuclear weapons.

The main obstacle to Nordion converting its production process from HEU to LEU has been the company's refusal to pursue such conversion in good faith, as required by the Schumer amendment as a condition for interim exports of HEU. In 1990, Atomic Energy Canada, Ltd. (from which Nordion was spun off) pledged to develop an LEU target by 1998 and to "phase out HEU use by 2000." Nordion and AECL failed to meet this target. During the last few years, to qualify for additional HEU exports, Nordion repeatedly has pledged to cooperate with the United States on conversion. However, Nordion stopped engaging in such cooperation more than a year ago.

The Schumer Amendment will never lead to an interruption in Nordion's ability to produce isotopes unless Nordion aggressively refuses to cooperate with U.S. policies designed to prevent terrorists from acquiring the essential ingredients of nuclear weapons. No company has a perpetual entitlement to U.S. bomb-grade uranium, and any such exports should be reserved for recipients who cooperate with U.S. law intended to prevent nuclear proliferation and nuclear terrorism.

During the past 25 years, an international effort led by the U.S. has succeeded at sharply reducing civilian HEU commerce. In 1978, the U.S. created the Reduced Enrichment for Research and Test Reactors (RERTR) program at Argonne National Laboratory. In 1980, the UN endorsed the conversion of existing reactors in its International Nuclear Fuel Cycle Evaluation. In 1986, the NRC ordered the phase-out of HEU at licensed facilities. Also in 1986, the RERTR program began work on converting isotope production. And in 1992, the Schumer amendment was enacted. All of these far-sighted efforts were undertaken well in advance of the concrete manifestation of the terrorist intent to wreak mass destruction that our country experienced on September 11, 2001. For Congress now to undermine this longstanding U.S. effort to prevent nuclear terrorism flies in the face of the Bush Administration's stated determination to protect our country from weapons of mass destruction.

For over forty years PSR physicians have dedicated themselves to protecting public health and opposing spread of nuclear weapons and material. We strongly oppose current efforts to repeal part of the Schumer Amendment to relax export controls on nuclear-weapon grade material because be believe that rather than ensuring the supply of medical isotopes, the main effect of section 621 would be to perpetuate dangerous commerce in bomb-grade uranium and increase the risk that this material will find its way into terrorist hands. We urge you to support the amendment offered by Senators Schumer and Kyl, maintaining important proliferation controls and safeguarding the medical isotope needs of Americans.

Thank you for your attention to this important national security matter. PSR physicians stand ready to provide further information upon request.

Sincerely,

JOHN O. PASTORE M.D.,
President,
President Physicians for Social Responsibility.
ROBERT K. MUSIL, PH.D., MPH,
Executive Director and CEO,
Physicians for Social Responsibility.

Mr. KYL. Mr. President, I will quote a couple lines from this letter. I appreciate the comments of my colleague from North Carolina. I am tempted—I do not know if he is a poker player—to use that old phrase, "I will see you one and call you here," talking about the number of people who are supportive. We have a letter from 30,000 physicians. That letter is in the RECORD and I will quote from it briefly.

The Physicians for Social Responsibility, representing 30,000 physicians and health professionals nationwide, is writing to urge support for the Schumer amendment and opposition to the language supported by the Senator from North Carolina.

As noted, the letter says:

> As physicians and health care professionals, we support the use of medical isotopes, but this legislation—

Meaning the legislation in the Energy bill—

> is not necessary to ensure the supply of medical isotopes to U.S. hospitals and clinics.
>
> Under existing law, medical isotope production capacity has grown to 250 percent of demand. In addition, no medical isotope producer has ever been denied a shipment of HEU as a result of the successful incentivization of efforts to convert to LEU. The Schumer-Kyl amendment would guarantee continued use of HEU to produce medical isotopes until LEU substitutes are available, so long as foreign producers cooperate on efforts to eventually convert to LEU when possible.

It makes the point that under existing law, we have all the medical isotopes we need, but we also have something else. We have assurances from these producers that they are working with the United States to eventually try to move away from using highly enriched uranium, which makes nuclear bombs, and move instead to low-enriched uranium, when that is possible.

The essence of the Schumer amendment is to retain that law because the language that is in the bill right now eliminates that requirement of assurances. Why on Earth would we want to do that?

I urge my colleagues to support the Schumer amendment. I simply note that if there is any confusion, after the Schumer amendment is dispensed with, the Kyl second-degree amendment will be automatically voted on or adopted, and that provides for a study and a report to the Congress on the status of this situation so that instead of having competing claims by all of us, we will have a report upon which I think we can all rely to help guide us in the future. In the meantime, it seems to me only to make sense to keep current law in effect.

Mr. President, might I inquire if there is more than 7 minutes remaining on the Schumer side?

The PRESIDING OFFICER. There is precisely 7 minutes remaining on the Schumer side.

Mr. KYL. I leave it to the manager at this point to determine what to do.

Mr. CRAIG. Mr. President, I ask, consistent with the unanimous consent request, that we set the Schumer amendment aside for consideration of the Sununu amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. The Sununu amendment has 30 minutes equally divided allotted under the unanimous consent agreement.

The PRESIDING OFFICER. That is correct.

The Senator from New Hampshire.

AMENDMENT NO. 873

Mr. SUNUNU. Mr. President, I call up amendment No. 873.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from New Hampshire [Mr. SUNUNU], for himself and Mr. WYDEN, proposes an amendment numbered 873.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To strike the title relating to incentives for innovative technologies)
>
> Beginning on page 756, strike line 1 and all that follows through page 768, line 20.

Mr. SUNUNU. Mr. President, I am pleased to offer this amendment on behalf of myself and Senator WYDEN. This is a very comprehensive energy bill. As I have said before on this floor and outside this Chamber, I think it is probably much too comprehensive an energy bill; there is too much in it; it is too large; it spends too much money. There are authorizations. There is mandatory spending. We, unfortunately, voted to waive the budget limitations in our budget resolution earlier today. There is an $11 billion tax package that creates all manner of incentives and subsidies for producing energy.

It is time that we exercise just a little bit of restraint, and the amendment I offer this afternoon with Senator WYDEN would do just that in one particular area, and that is in the area of loan guarantees for building new powerplants.

We need a competitive energy sector including nuclear power, coal, gas, hydroelectric, solar, and wind. And we should do everything possible to establish a competitive marketplace that avoids trying to pick winners and losers in that energy production marketplace. Unfortunately, in too many areas, this bill fails to do so.

In particular, this title provides loan guarantees—taxpayer subsidized loan guarantees—for building new privately owned powerplants. That simply is not sound economic policy, sound fiscal policy, or sound energy policy. They could be coal plants. They could be nuclear plants. They could be renewable energy plants.

Over the course of the 5-year authorization in this bill, the Congressional

Budget Office estimates that nearly $4 billion worth of loan guarantees will be offered at a cost to the taxpayers of $400 million. But the potential cost could be much higher because the Federal Government and the taxpayers would be on the hook for the full subsidy, the full cost of those loans.

The Congressional Budget Office says the following in their report on the Energy bill:

> Under the bill, the Department of Energy could sell, manage, or hire contractors to take over a facility to recoup losses in the event of a default or it could take over a loan and make payments on behalf of the borrowers.

These are private sector borrowers.

> Such payments could result in the Department of Energy—

That is the Federal Government and the taxpayers—

> effectively providing a direct loan with as much as a 100-percent subsidy rate.

That just is not sound economic policy. The administration, through its budget office, states that "the administration is concerned about the potential cost of the bill's new Department of Energy programs to provide 100 percent federally guaranteed loans for a wide range of commercial or near commercial technologies."

Therein lies the heart of the problem. We are subsidizing, providing loan guarantees for privately owned and operated and profitable powerplants, whether coal or nuclear or renewable energy. It is not sound economic policy. Our amendment simply strikes this portion of the bill.

There is still $11 billion in tax subsidies to every conceivable kind of energy production. There is still an 8-billion-gallon mandate to purchase ethanol and it still contains a taxpayer subsidy for ethanol. This does not touch the electricity title. It does not touch the authorization for the clean coal technologies or fossil fuel research and development or other areas in the bill that provide subsidies to successful private companies. We are just trying to target this loan guarantee which just does not make any sense. It would be a new program. It is a terrible precedent, putting the taxpayers on the hook for billion-dollar loans to successful private profitable corporations.

I urge my colleagues to support this amendment. It is supported by a number of taxpayer groups concerned about the size and scope of Government—Taxpayers for Common Sense and National Taxpayers Union. It also is supported by the Sierra Club and a host of other environmental groups that are focused on good environmental policy as well as good energy policy.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I urge our colleagues to reject the Sununu-Wyden bill and support the Domenici-Bingaman bill. The provision the Senator seeks to strike is one of the most innovative and one of the crucially important parts of the legislation. As I will explain in a minute, it is not a free ride, and it costs the Government nothing. It scores at 0. It is constructed in conformance with the Federal Credit Reform Act.

Let me explain the amendment and, in doing so, I am doing it on behalf of the chairman of the committee, Senator DOMENICI. This is his idea. It is an idea to help us jump-start legislation which we have probably come to think of as a clean energy bill, as a bill which transforms the way we produce electricity in the United States, puts us on a path toward low-carbon and no-carbon electricity, and involves, in doing so, using a number of new technologies, technologies that are not yet commercially proven.

For example, in our legislation, the Domenici-Bingham clean energy legislation, we talk about more efficient coal plants. We talk about carbon sequestration, a technology which has not yet been fully demonstrated. We talk about advanced nuclear plants, plants that are of the next generation of nuclear plants. We talk about new forms of solar. Solar has a very limited use in the United States, but there is some exciting new technology there. We talk about new biomass and hybrid cars, a technology which is just beginning to emerge.

One of the largest and most important of these new technologies is what we call IGCC, or clean coal gasification, the idea of using coal, of which we have hundreds of years supply, to turn it into gas. I will say more about that in a minute. We have higher efficiency natural gas turbines, a hydrogen economy. We are quite a bit away from there, and research and development is important for that.

We are excited about these incredible potential new technologies, and our goal here is to jump-start these technologies, get them into the marketplace—only new technologies, only technologies that are not commercially viable—and then we step back and get out of the way.

That is not just the idea of our Energy Committee, which voted 21 to 1 for a bill that contains this provision and heard a great amount of testimony, it is the idea, for example, of the bipartisan National Commission on Energy Policy, which pointed out that the energy challenges faced by the United States mean many new technologies and, unfortunately, "both public and private investments in research and development, demonstration and early deployment of advanced energy technologies have been falling short of what is likely to be needed to make these technologies available in the time frames and on the scales required."

We have since World War II invested in research and development. Half our new jobs since World War II, according to the National Academy of Sciences, have come from research and development. Our R&D, our scientific capacity, is our cutting edge advantage. If we do not, for example, help launch a handful of new clean coal gasification plants, if we do not, for example, invest in the next generation of nuclear plants, they either will not happen or they will happen so slowly that we do not get on the path we intend to be on.

In conclusion, let me point out exactly what we are talking about. This title is limited to technologies that are not commercial, that are not in general use. These technologies have to avoid reduced or sequestered air pollutants or manmade greenhouse gases, and the technology has to be new or significantly improved over what is available today in the marketplace.

In addition, this is not a free ride. The guarantees can only be for 80 percent of the cost of the project. The developers will share the risk.

More important, the program is constructed in accordance with the Federal Credit Reform Act and it costs the Government nothing. In every case, the cost of the guarantee has to be paid in advance. It could be done through appropriations, but that would have to be decided each time. But in most cases it will be done because the project sponsors will simply write a check to the Federal Treasury before the guarantee is issued. These payments are calculated based upon the risk that any one of the guaranteed loans might go into default—that always could happen—so that the amount collected will be sufficient to pay off that portion of the loans that do default.

In other words, it is in the form of an insurance premium that takes into account, actuarially, what the defaults might be should there be any.

This is not new. The Federal Credit Reform Act has been on the books since 1990. It applies across the Government, and I want to emphasize this key point: The provision scores at zero. Only if Congress later decides to appropriate money for the program will it cost anything.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, let me respond briefly just to a couple of points there. There was a lot of discussion at the end of Senator ALEXANDER's remarks about the credit law and scoring and the suggestion that this scores at zero.

This scores at zero cost, as we stand here on the Senate floor, because no loans have been issued. So, obviously, it scores at zero. To say that, and to suggest to the American taxpayers that there won't be any liability or any cost to this program is absolutely outrageous.

This is a program that does authorize, No. 1. no limit of the number of loans that could be offered; no limit in the total principal that could be put at risk. The Congressional Budget Office estimates $3.75 billion in loans over the 5 years. Yes, when you use our credit law, that would mean $400 million in appropriations. But to say it scores at nothing, as if this is a program with no cost or risk to the taxpayer, is absolutely misleading.

We need to be clearer about what this program really does and does not do. There are no limits on the number of projects, no limits on the principal that could be guaranteed, and it certainly does authorize a program that puts the taxpayers at risk.

At this time I yield to my cosponsor on this amendment, Senator WYDEN.

Mr. CRAIG. Mr. President, before the Senator from Oregon speaks, could I ask what time remains on both sides?

The PRESIDING OFFICER. The Senator from New Hampshire has 8½ minutes; the time in opposition is 9½ minutes.

Mr. CRAIG. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I ask unanimous consent to speak for up to 5 minutes and then allow my friend and colleague to conclude on behalf of the Sununu-Wyden amendment.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield 5 minutes?

Mr. SUNUNU. I yield 5 minutes to the Senator from Oregon.

Mr. WYDEN. Mr. President, I rise in support of the Sununu-Wyden amendment to strike the so-called incentives title of this legislation because I believe this title is a blank check for boondoggles. The fact is, we are now at the point when some of the special interests in this country are going to be triple-dipping. They are going to get tax incentives as a result of the tax cut; they are going to get loan guarantees under the amendment of the distinguished Senator from Nebraska; and this amendment, this section that we seek to strike, offers additional loan guarantees.

These loan guarantees are not only costly, they are also risky. American taxpayers would be required, under title XIV, to subsidize as much as 80 percent of the cost of constructing and operating new and untried technologies. According to the Congressional Budget Office, the risk of default on these projects funded by guarantees is between 20 percent and 60 percent. The amendment that Senator SUNUNU and I offer today would block this unwise and risky investment and stop throwing good taxpayer money after bad.

I see our friend from Tennessee is here. He heard me discuss this to some extent in the Energy Committee. I have believed that this legislation is already stuffed with a smorgasbord of subsidies for various industries. As I touched on earlier, the buffet of subsidies is so generously larded that you are going to have industries in this country come back for seconds and even third helpings from this taxpayer-subsidized buffet table.

You look for examples: the Hagel amendment, which provides secured loan guarantees for virtually the same projects and technologies as title XIV loan guarantees; coal gasification, advanced nuclear power projects, and renewable projects receive up to 25 percent of their estimated costs for construction activity, acquisition of land and financing. There is no need to double the subsidies for these projects with the incentives under title XIV as well.

I want to be clear. I am not against incentives for new technologies. That is why, as a member of the Finance Committee, I supported the energy tax title that provides tax benefits for a variety of energy technologies, ranging from fuel cells and renewable technologies to fossil fuel and nuclear energy. So I am already one who has voted, at this point in the debate, to say that we ought to have some incentives with respect to these promising industries.

But what concerns me is the double- and triple-dipping. There is an important difference between the tax incentives that I supported in the Finance Committee and the loan guarantees under title XIV. The tax incentives that were produced on a bipartisan basis in the Finance Committee reward those who produce or save energy. By contrast, the loan guarantees subsidize projects whether they produce energy or not.

As I mentioned, the Congressional Budget Office says there is a very substantial risk of failure. I might even be persuaded to go along with the 25-percent subsidy provided by the Hagel amendment to help kick-start new energy technologies, but I don't think it is a wise use of taxpayer money to provide up to an 80-percent subsidy for the very same projects that would also get a 25-percent subsidy under the Hagel amendment.

Just with that example alone, you are talking about some projects that would receive a subsidy of 105 percent.

With respect to who reaps the benefits from these extraordinary loan guarantees, we know a variety of interests would. In my area of the country, we still remember WPPSS, the nuclear powerplants where there was a huge default and we had many ratepayers very hard hit. Our ratepayers are still paying the bills for the powerplants that were planned years ago but were never built. Skyrocketing cost overruns led to defaults. The collapse shows that Federal loan guarantees are a gamble that taxpayers should not be forced to take.

I am very hopeful my colleagues will support the Sununu-Wyden amendment. At this point, I think it is fair to say that we have voted for multiple subsidies for a lot of the industries that we hope will help to some degree cure this country's addiction to foreign oil. But at some point the level of subsidies ought to stop. I urge my colleagues to support the amendment, and I yield.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

The Senator from Idaho.

Mr. CRAIG. Mr. President, I don't know that all has been said, but most nearly all has been said. Let me speak briefly about the Sununu amendment.

If I have heard it once I have heard it a lot of times in the last few years: Oh, we need new technology. We need innovation. We need clean energy. All of those kinds of things are at the threshold of the American consumer's opportunity: Sequestration of carbon, new nuclear technology, biomass, hybrid cars—some of those are beginning to enter the market—coal gasification—here we have a very large part of our energy being supplied by coal; we want to clean it up so we can continue to use it—high, efficient natural gas turbines, hydrogen, and on and on and on.

New technologies are wonderful, but sometimes it is very hard to get them started, get them into the marketplace, allow them to be mainstreamed, create the cost effectiveness, the duplication, and multiplying effects that occur in the marketplace. That is why, in working this major piece of energy legislation for our country, we looked at incentives. We also looked at assuring that we protect the American taxpayer, who is also now, because we failed over the last 5 years to develop an energy policy, being taxed at the pump higher than any of these incentives would ever tax them. Yet we have some who would suggest that this is simply the wrong approach—to add some incentive, to build guarantees, to do that which assures that we can mainstream a variety of these technologies, that we can become increasingly self-sufficient.

The Senator from Tennessee is right, and he has explained it very well. Many of these are scored as zero, not because the loan has not been made but because the cost of the guarantee is paid by the person taking out the loan.

So this is clearly, here, the right thing that is being done, and that does not mean that the Government of our country, our taxpayers, is "off the hook." It doesn't mean that at all. It means right now they are on the hook and paying through the nose for high-cost energy because we have not done for the last 5 years what we are now trying to do in this bill, and that is to build a new marketplace, new opportunities, clean technologies, get them into the marketplace, get them working, mainstream them so America and American business can pick them up and make them available to the American consumer.

I think it is a very important amendment. If you are for the Energy bill as it is before us, you must vote no on the Schumer amendment. It guts the very underlying premise of the bill. It is not a double-dip, it is not a triple-dip, it is a slam-dunk to defeat and destroy a very valuable piece of legislation.

I hope my colleagues will oppose the Sununu amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, first I apologize to my colleague, Senator SCHUMER of New York. It was just a slip of the tongue by the Senator from Idaho, I am sure. Senator SCHUMER may be in trouble if he is easily confused with me when he goes back home to New York.

Mr. CRAIG. I do apologize. I do know the difference, and I apologize.

Mr. SUNUNU. No offense taken, but I would say, lightheartedly, that you might wish to apologize to the Senator from New York.

If the owners of these powerplants were paying the risk premium, then the Congressional Budget Office would not estimate that in the year 2006 there will have to be $85 million in appropriated taxpayer resources to support this program; or, in 2007, $85 million; or 2008, $85 million; or 2009, $85 million; or 2010, $60 million. The owners of these powerplants are not picking up the risk. That money will have to be appropriated because there will be risks borne by the Federal Government, by the taxpayer, when these loans are issued. To suggest otherwise is to misunderstand how the program operates.

With regard to technology, let me close in response on this broad point of our concerns for technology. I also would like to see new and innovative technologies brought to the market. Only, when I talk about the importance of those new technologies, I then do not hesitate to say I have confidence in the engineers and scientists and investors and financial people, working in the solar industry and nuclear industry and coal industry, to continue to develop new ideas and new technologies. I am not so arrogant, as an elected representative, or someone here in Washington, to think that only someone working in the Department of Energy in Washington, DC, can know or understand what kind of technologies are deserving of a billion-dollar loan subsidy or a $500 million loan guarantee.

That is the problem with this kind of a program. It presumes that the only people who understand technology and innovation and how it might make a contribution to our energy markets and our environment reside in Washington. That is wrong.

We need more competitive markets. We need to do something about the costs of regulation, but we do not need to put the taxpayers on the hook for billions of dollars in loan guarantees for privately owned and operated powerplants that are operated by successful, profitable corporations. I wish them well, I want to see them compete, but I do not want to put taxpayers on the hook for the cost.

I urge my colleagues to support this amendment that is endorsed and supported by those concerned about the cost to the Federal budget as well as those concerned about the environment.

I yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I would hope that timewise, all time could be used on the Sununu amendment, understanding there is still a minute to close at the time of the vote and that we can return now to the Schumer amendment. Senator BOND is on the Senate floor, and he could utilize his 7 minutes prior to Senator SCHUMER utilizing his 7 minutes in closure so we could bring these two amendments to a close and to a vote.

The PRESIDING OFFICER. The Senator yields back the time in opposition to the Sununu amendment?

Mr. CRAIG. We have no objection. I yield back time on our side.

AMENDMENT NO. 810

The PRESIDING OFFICER (Mr. DEMINT). There are now 7 minutes per side on the Schumer amendment.

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I urge my colleagues to oppose the amendment by Senator SCHUMER and Senator KYL to prevent cancer patients from getting the cancer medicine they need. Both Senator SCHUMER's first-degree amendment and Senator KYL's second-degree amendment would strip provisions we put in the Energy bill to ensure cancer patients continue to have a reliable and affordable source of cancer medicine. We cannot do this to our cancer patients.

Cancer is a scourge that affects millions of people across the Nation in each of our States and in many of our families. Cancer will strike over a million people this year, 30,000 in my home State of Missouri, and cancer will kill 12,000 Missourians this year. Cancer takes our mothers and fathers. Cancer takes our spouses, our children. But many people beat cancer.

Section 621 of the Energy bill will help people beat cancer. Cancer patients beat cancer with nuclear medicines, also known as medical isotopes, to diagnose and treat their cancer. Doctors use slightly radioactive forms of iodine, xenon, and other substances to help them find and diagnose breast cancer, lung cancer, prostate cancer, and other cancers. Doctors also use nuclear medicines to treat cancer patients fighting non-Hodgkin's lymphoma, thyroid cancer, and relieve cancer symptoms such as bone pain.

Andrew Euler, seen here, is a boy from the small town of Billings, MO, in my home State. Drew was 8 years old when cancer struck him. Drew's parents described the day the doctors told them that their son had cancer as the most horrific experience of their lives. The Eulers learned that cancer is the leading cause of death among children like Drew under 15 years of age. Thyroid cancer will strike 23,000 Americans this year and take the lives of 1,400 children and adults.

With the help from the fine cancer doctors at Washington University in St. Louis, Drew underwent surgery and received doses of nuclear medicine in the form of radioactive iodine to treat his cancer. Drew, I am happy to say, is now cancer free, living a normal teenage life of basketball, skateboarding, and swimming. Having good doctors and access to medicine is a blessing too many take for granted. Drew and many others across the country are alive today because of the nuclear medicine administered after his surgery.

Section 621 of the Energy bill, which Senator BURR and I authored, will ensure that cancer patients like Drew can continue to get and afford the cancer medicine they need.

This provision is needed because the Atomic Energy Act requires industry to change the way they make nuclear medicines. The law requires a shift from highly enriched uranium, HEU, to low enriched uranium, LEU. I have no problem with the switch. Indeed, our energy provisions encourage this switch. What I have a problem with is that current law makes no accommodation for supply disruptions or affordability. That means cancer patients might not get their medicine.

Currently, law was written that way to address fuel for nuclear reactors but is now being applied to nuclear medicine. It would force a premature switch in the nuclear medicine production process before we have a feasible and affordable alternative. That would mean cancer patients could not get the medicine they need at prices they could afford. Section 621 still requires a production changeover but not before we know that patients will retain affordable access to their medicine.

Unfortunately, well-meaning stakeholders want to strip this cancer medicine provision from the bill. Opponents of this provision somehow think that making the cancer medicine that helped cure Drew will help terrorists build a bomb, but that is simply not the case. The nuclear medicine production process is highly regulated by the U.S. Nuclear Regulatory Commission. Raw material shipments of HEU are conducted under strict Government requirements, including armed guards. These shipments go to Canada and back because no U.S. reactor is designed to make medical isotopes. We send HEU because that is the only raw material target that the Canadian reactor can accept.

In the post-9/11 world, we are obliged to take this concern seriously, check it out, and see whether it is valid. I can assure my colleagues that the concern is not one we have to worry about. Homeland security is fully protected in the production of nuclear medicines. No one has to take my word for it. We wrote to the U.S. Nuclear Regulatory Commission to ask them whether the shipment of HEU to Canada endangers homeland security. The NRC said it did not. Indeed, they said:

> The NRC continues to believe that the current regulatory structure for export of HEU provides reasonable assurance that the public health and safety and the environment will be adequately protected and that these exports will also not be inimical to the common defense and security of the United States.

The full response is for official use only, so I cannot describe it on the Senate floor. This has been cleared. I will be happy to share the full response with any Senator who wishes to see it.

There are other smaller issues raised by stakeholders that are addressed in our provision. The section only applies to nuclear medicine production, not reactor fuel. It allows HEU so long as there is no feasible and affordable alternative. Once the Department of Energy finds that a feasible and affordable alternative exists, then the switch occurs and the provision sunsets.

These provisions sound reasonable because they are the outcome of a compromise. Section 621 represents a compromise reached in the Energy bill in the last Congress. Indeed, this section has garnered nothing but unanimous approval as it has gone through the committee process. The Energy Committee approved it unanimously during their markup. My colleagues on the Environment Committee approved this section unanimously last Congress and again this Congress. Members of the medical community support this provision and strongly oppose attempts to strike it such as the Schumer and Kyl amendments. These groups include: The National Association of Cancer Patients, American College of Nuclear Physicians, American College of Radiology, American Society of Nuclear Cardiology, Council on Radionuclides and Radiopharmaceuticals, National Association of Nuclear Pharmacies, and Society of Nuclear Medicine.

Of course, Drew Euler supports this provision. He is alive today because of nuclear medicines. Drew got the medicine he needed. I hope the Senate will act today to ensure that cancer patients continue to get the medicine they need. I ask my colleagues to oppose the Schumer and Kyl amendments.

I yield such time as remains to my colleague from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I thank the Senator and would only make this point. Some have made the accusation that this legislation weakens existing law. Let me point out to my colleagues item 7 in the language, termination of review:

> After the Secretary submits a certification under paragraph (6), the Commission shall, by rule, terminate its review of export license applications under this subsection.

This does fulfill the national security. It is reassured by the Nuclear Control Institute and the person who is most outspoken, Alan Kuperman. Ironically, he says this amendment, originally drafted to pave the way to continued HEU exports, would actually do away with them. We would go to LEU faster, is his conclusion.

We urge our colleagues to oppose the Schumer amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. It is now my understanding that Senator SCHUMER will close, and the 7 minutes remaining includes the 2 that had been allotted in the original UC.

Mr. SCHUMER. I am going to take 3½ minutes and yield the closing 3½ minutes to my colleague from Arizona, Senator KYL.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, again, the argument is simple: Do we want nuclear proliferation? If we do, we allow highly enriched uranium to be floating around the world with very few checks.

There is no issue of health. Let me repeat: Everyone, every single person in this country and in other countries who needs isotopes has gotten them. Let me quote from Physicians for Social Responsibility, a group that has been involved: Contrary to its stated intent, section 621, the new section added to this bill, would do nothing to ensure the supply of medical isotopes to the United States because that supply is not currently endangered by restrictions on exports of HEU.

So the bottom line is simple: We want sick people to get these isotopes. They are all getting them. But why do we have to trade away the ability to prevent highly enriched uranium from proliferating around the world? God forbid the consequences to our country if a terrorist steals such uranium or it gets lost.

No U.S. firm has any interest in this. It is one Canadian firm that does not want to pay the extra price that other firms have been paying to require foreign countries to convert from HEU, highly enriched uranium, which can be used for weapons, to low-grade uranium, LEU, which cannot.

So the argument is simple. There are a large number of organizations that support our amendment, many of them concerned with nuclear proliferation and, of course, organizations concerned with health such as Physicians for Social Responsibility.

The argument is clear-cut. This amendment never should have been put in the Energy bill. The policy that our country has had for the last 12 years has been working very well, and we have had our cake and eaten it, too. Everyone gets isotopes, and various reactors and foreign countries are required to convert from HEU to LEU. Right now, we are worried about Iran. We are worried about North Korea. We are worried about terrorists stealing weapons-grade uranium, and we are now doing something here, mainly at the behest of one Canadian company, to allow more of that uranium out on the market.

If my friends on the other side could point to a single person who is denied the isotope they need for health purposes, they might have an argument, but they do not. The argument is simple: the cost to one Canadian company versus our ability to prevent weapons-grade uranium, highly enriched uranium, from proliferating around the world.

I hope we will go back to present law, stay with present law, stick to the law that has been supported by both administrations, Republican and Democrat, and prevent the danger of nuclear terrorism from getting any greater than it is.

I yield my remaining time to my colleague and friend from Arizona, JON KYL.

The PRESIDING OFFICER. The Senator from Arizona has 4 minutes.

Mr. KYL. Mr. President, my colleagues first should be astonished that Senator SCHUMER and I are in total agreement on something, and I cannot wait to tell them why and hope that will persuade them that if the Senator from New York and I are in agreement on something, there must be something to it. Indeed, both Senator SCHUMER and I have been very strong advocates against proliferation of nuclear material.

The chairman of the Senate Foreign Relations Committee, Senator LUGAR, is strongly in agreement with the position that Senator SCHUMER and I are taking. He will be listed as one of the people in support of the Schumer-Kyl approach. No one has fought this harder than Senator LUGAR. We are all familiar with the Nunn-Lugar work.

The reason Senator LUGAR is so strongly supportive, the reason members of the Democratic Party are so strongly supportive, the reason people who have been involved in national defense and proliferation on nuclear issues from day one, like myself, are so concerned about this is that we are in danger, unless this amendment passes, of changing a law that has helped us to control proliferation of nuclear material. Why would we want to change the law?

Since 1992, our law has enabled us to export highly enriched uranium, from which you can make bombs, as long as there is an assurance that the recipient is cooperating with us in trying to control proliferation; in this case, trying to eventually move to low-enriched uranium. We would all love to be able to move to low-enriched uranium to produce, for example medical isotopes. That is why we are so concerned.

The language in the bill, unfortunately, removes the requirement for that cooperation. Why would we want to do that? Because one Canadian company is concerned about the cost. That shouldn't even be a concern because today the Nuclear Regulatory Commission issues these export licenses and one of their considerations is cost. They have already made the decision that this is not an issue for the issuance of a license.

Has one license ever been denied? Never. None. It is a false choice to suggest somebody is going to be denied medical treatment, a little boy or a little girl or anybody else, if this amendment is adopted. Since 1992, nobody has been denied treatment with medical isotopes. The law has permitted the development of this kind of treatment, and there is nothing to suggest that it will not continue.

The law does something else, too. It requires assurances that the people who are producing this are working with us to eventually try to convert to low-enriched uranium. What does the Department of Energy say about that? The Department of Energy, on its Web site dealing with this subject with regard to current law, says this law has been very helpful in persuading a number of research reactors to convert to low-enriched uranium.

Why, if we have a law that has never denied any license and has permitted the production of these isotopes for medical production and moves us toward a nonproliferation, toward low-enriched uranium, why we would want to scrap that and say we will do away with the requirement that the companies work with the United States to work toward low-enriched uranium? It makes no sense at all.

That is why the group of physicians I cited earlier is in support of the current law. It is why the Department of Energy Web site notes the fact that the current law is working well.

I ask my colleagues, in summary, this question: If ever a terrorist group gets a hold of this high-enriched uranium and builds a bomb because we eliminated this requirement for no particular purpose, what are we going to say about that? Let's retain the existing law the Department of Energy believes has been working. Nobody is denied medical treatment as a result of this law.

I urge my colleagues to support the Schumer amendment. Please support the Schumer amendment at this time.

The PRESIDING OFFICER. All time is expired. The question is on agreeing to the amendment.

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays were previously ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from New Mexico (Mr. DOMENICI).

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. BINGAMAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—52

Akaka
Alexander
Bayh
Biden
Boxer
Byrd
Cantwell
Clinton
Collins
Conrad
Cornyn
Corzine
Dayton
Dodd
Dorgan
Durbin
Ensign
Feingold
Feinstein
Gregg
Harkin
Inouye
Kennedy
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Martinez
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Reed
Reid
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Snowe
Specter
Stabenow
Sununu
Vitter
Wyden

NAYS—46

Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Burr
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Craig
Crapo
DeMint
DeWine
Dole
Enzi
Frist
Graham
Grassley
Hagel
Hatch
Hutchison
Inhofe
Isakson
Jeffords
Johnson
Landrieu
Lincoln
McConnell
Murkowski
Pryor
Roberts
Sessions
Shelby
Smith
Stevens
Talent
Thomas
Thune
Voinovich
Warner

NOT VOTING—2

Bingaman
Domenici

The amendment (No. 810) was agreed to.

Mr. SCHUMER. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 873

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, under the unanimous consent, we now have the Sununu amendment with a minute allocated to each side for closing comments.

The PRESIDING OFFICER. The Senator is correct. Who yields time?

The Senator from Idaho.

Mr. CRAIG. I yield 1 minute for closure to the Senator from Tennessee.

Mr. ALEXANDER. Mr. President, if Chairman DOMENICI were here tonight, he would urge our colleagues to oppose the Sununu amendment because it is critical to this clean energy bill. If we want lower natural gas prices, we need new technologies for carbon sequestration, for advanced nuclear, for solar, for biomass, and for hybrid vehicles. We need to invest in these options and jump start them. We have done that throughout our history in America. That is our secret weapon, our science and technology, research and development. Chairman DOMENICI likes the existing provision because this is for new technology. It is not a free ride.

Chairman DOMENICI would urge Members, as I do, to vote no on Sununu-Wyden because his existing provision jumpstarts new technologies for a clean energy bill from coal plants to sequestration to advanced nuclear to solar, new technologies not in general use. It costs the Government nothing, according to the scoring of the Congressional Budget Office. It is like an insurance policy. The user of the guarantee pays the premium.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, there are nearly $4 billion in estimated loan guarantees over the next 5 years in this title. Those absolutely will cost the Federal Government something. That is exactly why money, $400 million, has to be appropriated to support them.

I was pleased to work on this amendment with Senator WYDEN to whom I yield the remainder of my time.

Mr. WYDEN. Mr. President, when it comes to subsidies, without the Sununu-Wyden amendment, some of the country's deepest pockets will be triple-dipping. These industries get subsidies under the tax title from Finance. That is dip 1. The Hagel amendment, yesterday adopted, provides loans. That is dip 2. Title XIV that we seek to strike provides loan guarantees of up to 80 percent. That is dip 3. I urge Senators to join all the country's major environmental groups, all the country's major organizations representing taxpayer rights and support the bipartisan Sununu-Wyden amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 873.

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from New Mexico (Mr. DOMENICI), and the Senator from Nevada (Mr. ENSIGN).

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. BINGAMAN) is necessarily absent.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 21, nays 76, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—21

Allard
Boxer
Coburn
Collins
Corzine
DeMint
Durbin
Feingold
Gregg
Harkin
Kennedy
Kyl
Lautenberg
McCain
Mikulski
Reed
Sarbanes
Schumer
Smith
Sununu
Wyden

NAYS—76

Akaka
Alexander
Allen
Baucus
Bayh
Bennett
Biden
Bond
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Conrad
Cornyn
Craig
Crapo
Dayton
DeWine
Dodd
Dole
Dorgan
Enzi
Feinstein
Frist
Graham
Grassley
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reid
Roberts
Rockefeller
Salazar
Santorum
Sessions
Shelby
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—3

Bingaman
Domenici
Ensign

The amendment (No. 873) was rejected.

Mr. CRAIG. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 990, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the clerk will report amendment No. 990, as modified.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. LUGAR, and Mr. LOTT, proposes an amendment numbered 990, as modified.

The amendment is as follows:

(Purpose: To provide a substitute to the amendment)

On page 401, after line 25 insert the following:

SEC. 621. MEDICAL ISOTOPE PRODUCTION: NONPROLIFERATION, ANTITERRORISM, AND RESOURCE REVIEW.

(a) DEFINITIONS.—In this section:

(1) HIGHLY ENRICHED URANIUM FOR MEDICAL ISOTOPE PRODUCTION.—The term "highly enriched uranium for medical isotope production" means highly enriched uranium contained in, or for use in, targets to be irradiated for the sole purpose of producing medical isotopes.

(2) MEDICAL ISOTOPES.—The term "medical isotopes" means radioactive isotopes, including molybdenum-99, that are used to produce radiopharmaceuticals for diagnostic or therapeutic procedures on patients.

(b) STUDY.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Academy of Sciences for the conduct of a study of issues associated with section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d), including issues associated with the implementation of that section.

(2) CONTENTS.—The study shall include an analysis of—

(A) the effectiveness to date of section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) in facilitating the conversion of foreign reactor fuel and targets to low-enriched uranium, which reduces the risk that highly enriched uranium will be diverted and stolen;

(B) the degree to which isotope producers that rely on United States highly enriched uranium are complying with the intent of section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) to expeditiously convert targets to low-enriched uranium;

(C) the adequacy of physical protection and material control and accounting measures at foreign facilities that receive United States highly enriched uranium for medical isotope production, in comparison to Nuclear Regulatory Commission regulations and Department administrative requirements;

(D) the likely consequences of an exemption of highly enriched uranium exports for medical isotope production from section 134(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2160d(a)) for—

(i) United States efforts to eliminate highly enriched uranium commerce worldwide through the support of the Reduced Enrichment in Research and Test Reactors program; and

(ii) other United States nonproliferation and antiterrorism initiatives;

(E) incentives that could supplement the incentives of section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) to further encourage foreign medical isotope producers to convert from highly enriched uranium to low-enriched uranium;

(F) whether implementation of section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) has ever caused, or is likely to cause, an interruption in the production and supply of medical isotopes in needed quantities;

(G) whether the United States supply of isotopes is sufficiently diversified to withstand an interruption of production from any 1 supplier, and, if not, what steps should be taken to diversify United States supply; and

(H) any other aspects of implementation of section 134 of of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) that have a bearing on Federal nonproliferation and antiterrorism laws (including regulations) and policies.

(3) TIMING; CONSULTATION.—The National Academy of Sciences study shall be—

(A) conducted in full consultation with the Secretary of State, the staff of the Reduced Enrichment in Research and Test Reactors program at Argonne National Laboratory, and other interested organizations and individuals with expertise in nuclear nonproliferation; and

(B) submitted to Congress not later than 18 months after the date of enactment of this Act.

Mr. KYL. Mr. President, my amendment would simply add a reporting requirement.

Current law—known as the Schumer amendment to the Energy Policy Act of 1992—is intended to phase out U.S. exports of highly enriched uranium in order to reduce the risk of that material being stolen by terrorists or diverted by proliferating states for nuclear weapons production.

The importance of phasing out these exports is glaringly obvious in the post-September 11 world, as we are confronted with terrorist-sponsoring regimes, such as North Korea and Iran, that are intent on developing nuclear weapons and terrorist organizations that would like nothing more than to attack the United States using a nuclear device.

Asked several years ago about suspicions that he is trying to obtain chemical and nuclear weapons, Osama bin Laden said:

If I seek to acquire such weapons, this is a religious duty. How we use them is up to us.

U.S. law bars export of HEU for use as reactor fuel or as targets to produce medical isotopes, except on an interim basis to facilities that are actively pursuing conversion to low-enriched uranium.

Because the United States is the world's primary supplier of HEU, the law also provides a strong incentive for such conversion, an objective that is strongly supported by Secretary of Energy Samuel Bodman's recent statement that, "We should set a goal of working to end the commercial use of highly enriched uranium in research reactors."

Why is this important? Unlike highly enriched uranium, low-enriched uranium cannot be used as the core of a nuclear bomb.

Section 621 of the pending bill would essentially exempt HEU exports to five countries for medical isotope production from the standards set by the 1992 Schumer amendment. If enacted, it would allow foreign companies to receive U.S. HEU for use in medical isotope production "targets" without having to commit to converting to low-enriched uranium.

Specifically, for export license approval, the new language requires only a determination that the HEU will be irradiated in a reactor in a recipient country that "is the subject of an agreement with the United States Government to convert to an alternative nuclear reactor fuel when such fuel can be used in that reactor."

In contrast, current law requires the proposed recipient of a U.S. HEU export to provide "assurances that, whenever an alternative nuclear reactor fuel or target can be used in that reactor, it will use that alternative in lieu of highly enriched uranium." In addition, current law permits such exports only if "the United States government is actively developing an alternative nuclear reactor fuel or target that can be used in that reactor," which requires the proposed recipient to actively cooperate with the United States on conversion.

This is a difficult distinction, so let me be clear: current law places restrictions on exports of targets and fuel, and the Energy bill exempts targets from these restrictions. How are fuel and targets used? Fuel is used to generate the chain reaction that powers a reactor; a target is a mass of fissionable material that is irradiated to produce a medical isotope. The target is inserted in an operating reactor and then withdrawn after it has been irradiated.

This change would allow countries to avoid ever having to move to an LEU target, even if it is technically feasible to do so.

Furthermore, four of the five countries to which the Energy bill's exemption would apply are members of the European Union and, therefore, U.S. exports of HEU to them would be subject to the requirements of the U.S.-EURATOM Agreement on Nuclear Cooperation.

Under that agreement, EURATOM countries are not required to inform the United States of retransfers of U.S. supplied materials from one EURATOM country to another or report on alterations to U.S. supplied materials. As such U.S. HEU—once transferred to one of these four countries—can go anywhere else in the EU. Given EU expansion, it is not difficult to imagine the concern this creates. The Energy bill language ostensibly exempts only five countries from current law; in practice, the number is much larger.

This is all the more reason not to remove the incentive to convert to LEU.

One of the gravest threats we face today is the possibility that a terrorist will obtain nuclear material and use it in an attack against the United States. It simply makes no sense to loosen our own restrictions on the export of nuclear weapon-grade uranium to countries where we do not have direct control over its security.

Proponents of the new language contained in the Energy bill argue that weakening current law is needed to ensure the continued supply of medical isotopes—for the diagnosis and treatment of sick patients—and that this reality justifies any increased proliferation risk. They claim that there is a danger we will run out of these isotopes.

But we have seen no compelling evidence that the United States is in danger of running out of medical isotopes. Our main supplier—a Canadian company called Nordion—has stockpiled over 50 kg of U.S.-origin HEU, which is enough to make one simple nuclear bomb or two more sophisticated bombs. Indeed, Nordion has enough U.S.-origin bomb-grade uranium to produce medical isotopes for the next three to four years. [Source: Union of Concerned Scientists and the Nuclear Control Institute]

Supporters of the language in the Energy bill seem to be concerned that Nordion will cut off from U.S.-HEU exports and that will result in an isotope deficiency. But that claim does not mesh with the facts. Nordion produces about 40 percent of the world's supply of medical isotopes today; worldwide production capacity is 25 percent of current wordwide demand.

That means that, even without Nordion's medical isotopes, production could still reach 210 percent of world demand.

Finally, it is important to note that no company has ever been denied an export license under the Schumer amendment for HEU to be used in targets for medical isotope production AND current law has, as intended, incentivized countries to begin to convert to LEU. The Netherlands is one good example; conversion of that country's Petten reactor (to LEU fuel) is scheduled to be completed by 2006.

Senator SCHUMER's amendment, which I strongly support, strikes section 621 of H.R. 6. Maintaining current law restrictions will ensure that the United States plays an active role in encouraging other countries to convert to using low-enriched uranium. All that they must do in order to continue to receive U.S. HEU exports is agree to convert to low-enriched uranium—which cannot be used as the core of a nuclear bomb—when it becomes technically and economically possible to do so and actively cooperate with the United States on that conversion. This is not unreasonable.

And, as I mentioned, there is no danger of running out of medical isotopes at this time—the largest supplier to the United States currently has a surplus of U.S. HEU and worldwide maximum production capacity is more than twice demand.

My second-degree amendment would simply add a requirement for a report from the National Academy of Sciences. That report includes an analysis of:

The effectiveness of current law (the Schumer amendment) in compelling conversion to low-enriched uranium; the likely consequences with respect to nonproliferation and antiterrorism initiatives of removing current restrictions;

Whether implementation of current law has ever caused an interruption in the production and supply of medical isotopes to the U.S.; and

Whether the U.S. supply of isotopes is sufficiently diversified to withstand an interruption of production from any one supplier.

It is prudent to conduct such a comprehensive study before we even consider lifting the restrictions in current law, as opposed to after lifting them, as the Energy bill language would do.

The report would be due 18 months after enactment of the Energy bill. So, even if Nordion were cut off from U.S. exports tomorrow, the due date would be long before Nordion's surplus HEV runs out.

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to.

The amendment (No. 990), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, we are going to move as quickly as we can. It appears that we can complete all work on this bill tonight. We have a few remaining amendments. I am going to offer a unanimous consent request at this time and, hopefully, we can cut the time down from it, if our colleagues will expedite their effort on behalf of these amendments that are outstanding.

Mr. President, I ask unanimous consent that Senator BOND be recognized in order to offer the Bond-Levin CAFE amendment No. 925; provided further that the amendment be set aside and Senator DURBIN be recognized immediately to offer his CAFE amendment No. 902; provided further that there be 80 minutes of debate total to be used in relation to both amendments, with Senators Bond and/or his designee in control of 40 minutes, and Senator DURBIN and/or his designee in control of 40 minutes.

I further ask that following the use or yielding back of time, the Senate proceed to a vote in relation to the Bond amendment, to be followed by a vote in relation to the Durbin Amendment, with no second degrees in order to either amendment prior to the vote, and with 2 minutes equally divided for debate prior to the second vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CRAIG. I thank the Chair. I trust that our colleagues are on the Senate floor. I see them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 925

Mr. BOND. Mr. President, I call up the Bond-Levin amendment, as described by the distinguished acting floor manager of this bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mr. LEVIN, Ms. STABENOW, and Mr. VOINOVICH, proposes an amendment numbered 925.

Mr. BOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Wednesday, June 22, 2005 under "Text of Amendments.")

Mr. BOND. Mr. President, pursuant to the order, I ask that that amendment be set aside.

The PRESIDING OFFICER. The amendment is set aside under the order.

AMENDMENT NO. 902

Mr. DURBIN. Mr. President, I call up amendment No. 902.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Illinois [Mr. DURBIN], proposes an amendment numbered 902.

Mr. DURBIN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Wednesday, June 23, 2005, under "Text of Amendments.")

Mr. DURBIN. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors: DODD, CANTWELL, LAUTENBERG, KENNEDY, REED of Rhode Island, and BOXER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, it is my understanding, under the terms of the agreement, that we have 40 minutes on our side, and there are 40 minutes under the control of Senators BOND or LEVIN.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. Mr. President, I will start by reading a paragraph, but it is not from an environmental magazine or a political magazine or from a liberal magazine. It is from BusinessWeek, published in their most recent online edition of June 20, entitled "Energy; Ignoring the Obvious Fix." I will read this paragraph because it describes where we are at this moment in time:

> As Congress puts the final touches on a massive new energy bill, lawmakers are about to blow it. That's because the bill, which they hope to pass by the end of July, almost certainly won't include the one policy initiative that could seriously reduce America's dependence on foreign oil: A government-mandated increase in the average fuel economy of new cars, SUVs, light trucks and vans.

That is BusinessWeek. They say that Congress is about to blow it. Sadly, BusinessWeek is correct because you can search this bill, page after page, section after section, and find no reference to the obvious need in America to increase the fuel efficiency of the cars and trucks that we drive.

The amendment that I am proposing addresses the CAFE standards. This amendment would result in more fuel-efficient vehicles in America. This amendment would incrementally increase fuel economy standards in automobiles over the next 10 years.

Regardless of what the opponents of this amendment say, technology is available to reach these goals, the safety of our vehicles need not be compromised in the process, and we don't have to lose American jobs in order to have safer, more fuel-efficient cars.

I suggest to those who have no faith in the innovative capacity of our Nation that America has risen to the challenge before. We can do it again.

Before I explain my amendment and highlight why improving fuel efficiency would be a priority, let me read from a few headlines that make this debate especially important.

This was in this week's Washington Post:

> Gas price rises as oil hits a record high.

What was the dollar amount, the latest amount? It was $59.42 a barrel—record high amounts for oil. In my State of Illinois, the average price of gasoline is $2.16 per gallon.

From the Wall Street Journal, here is the big headline:

> Big Thirst for Oil is Unslaked, Demand by U.S., China Rises.

The Wall Street Journal says:

> Oil consumption remains strong even as petroleum prices approach $60 a barrel, sparking concerns that growing demand could spur still-higher prices and further dampen economic growth.

Philip Verleger, senior fellow at the Washington-based Institute for International Economics, says:

> I can see oil at $90 a barrel by next March 31.

I have read from BusinessWeek. We understand their consideration of this provision. They understand that if we do not deal with more fuel-efficient vehicles, we are ignoring the obvious.

I am offering this amendment to give my colleagues an opportunity to put America back on track, to reduce consumption of oil-based products by our transportation fleet by increasing fuel economy standards.

The BusinessWeek online piece continues:

> If we don't act now, a crisis will probably force more drastic action later.

I first say to my colleague following this debate, I wish them all a happy 30th anniversary. It was 30 years ago we faced an energy crisis in America. This year marks the 30th anniversary of the Energy Policy and Conservation Act that created the original CAFE program and responded to that crisis.

Listen to these oil prices that brought America's economy to its knees 30 years ago. I am going back to October of 1973. The price of oil rose from $3 a barrel to $5.11 per barrel, sending a shock across America. By January, just a few months later, the prices were up to $11.65 a barrel. At the time, however, the United States was only dependent on foreign oil for 28 percent of its use. That percentage has grown to 58 percent today.

Put it in context: 30 years ago, 28 percent of our oil was coming from overseas, and we were dealing with $11 a barrel. Today, 58 percent is, and we are dealing with $59.60 a barrel, roughly speaking. So we have seen a dramatic increase in our dependence, a dramatic increase in price, and there is no reason to believe it is going to end. We are captives of OPEC and that cartel.

When MARIA CANTWELL came to the floor of the Senate and offered an amendment to reduce America's dependence on foreign oil by 40 percent over the next 20 years, it was soundly defeated. I think only three Republicans joined the Democrats who supported it.

To think we are overlooking in a debate on an energy bill dependence on foreign oil and the inefficiency of cars and trucks tells you how irrelevant this debate is. Any serious debate about America's energy future would talk about our dependence—overdependence—on foreign oil and the fact that we continue to drive cars and trucks that are less fuel efficient every single year.

The recent prices that have shown up also create anxiety over oil exports from other producer nations. This past Friday, the United States, Britain, and Germany closed their consulates in Nigeria, in its largest city of Lagos, due to a threat from foreign Islamic militants. The countries we are relying on for foreign oil are politically shaky, and we depend on them. If they do not provide the oil, our economy suffers, and American families and consumers suffer.

In response to the 1973 oil embargo, Congress created the CAFE program and decided at the time to increase the new car fleet fuel economy because it had declined from 14.8 miles per gallon in 1967 to 12.9 miles per gallon in 1973.

Today we face even more embarrassing statistics. Today we consume more than 3 gallons of oil per capita in the United States, whereas other industrialized countries consume 1.3 gallons per capita per day, and the world average is closer to a half a gallon per capita per day. We use four times more oil than any nation.

The amendment I am proposing would increase passenger fuel economy standards by 12.5 miles per gallon over the next 11 years, increasing fuel economy standards for nonpassenger vehicles by 6.5 miles per gallon in the same time period, for a combined fleet average of nearly 34 miles per gallon. I am increasing it 5.3 miles per gallon over current plans. Current NHTSA rulemaking would only raise it to 22.2 miles per gallon by 2007.

The average mileage of U.S. passenger vehicles peaked in 1988 at 25.9

miles per gallon and has fallen to an estimated 24.4 in 2004.

Let me show one chart which graphically demonstrates the sad reality. Remember the oil embargo I talked about, in 1973, the panic in America, the demand that our manufacturers of automobiles increase the fuel efficiency of cars over the next 10 years? They screamed bloody murder. They said the same things we are going to hear from my colleagues tonight in opposition to this amendment. They said if you want cars that get so many miles per gallon over the next 10 years, America is going to be riding around in little dinky cars such as golf carts. I heard exactly the same words on the Senate floor today.

Furthermore, if you want more fuel-efficient cars, they are going to be so darned dangerous, no family should ride in them. This is what our big three said back in 1973: We can't do this; it is technologically impossible. Frankly, if you do it, we are going to see more and more foreign cars coming into the United States.

Thank God Congress ignored them. We passed the CAFE standards. Looked what happened. Fuel-efficiency cars in a 10-year period went up to their highest levels. Now look what has happened since. It is flat or declining in some areas. It tells us, when we look at both cars and trucks, that our fuel efficiency has been declining since 1985. How can this be good for America? How can this make us less energy dependent? How can this clean up air we breathe? It cannot.

People will come to the floor of the Senate today and say: We think every American ought to buy and drive the most fuel-inefficient truck or car they choose, and if you do not stand by that, you are violating the most basic American freedom. What about the freedoms that are at stake as we get in conflicts around the world with oil-producing nations?

If we want to preserve our freedoms, we should accept personal responsibility as a nation, as families, and as individuals. Personal responsibility says we need better cars and better trucks that are more fuel efficient. We need to challenge all manufacturers of cars and trucks, foreign and domestic, to meet these standards so that we are not warping the market, we are setting a standard for the whole market.

Unfortunately, there is strong opposition to this notion. Some of those who oppose it have the most negative and backward view of American technology that you can imagine.

We understand now from reliable scientific sources—in particular the National Academy of Sciences—that we have technologies and can improve fuel efficiency of trucks by 50 to 65 percent and cars by 40 to 60 percent. But Detroit is so wedded to the concept of selling these monster SUVs and big cars that they will not use it. They will not use the technology that is currently there.

We are dealing now with hybrid technology. Let me tell a little story about hybrid technology.

First let me tell you what we are dealing with on the overall picture. This chart shows U.S. consumption of oil in the transportation sector. As we can see, light-duty vehicles represent the biggest part of it—60 percent. It is a huge part.

We also have general oil consumption in America. If we want to reduce our dependence on foreign oil, we have to focus attention on transportation—68 percent usage of the oil we import.

We know if we want to reduce dependence on foreign oil, this is what we need to do. Here is a list of all the different technologies currently available. I won't read them all through but will make them part of the RECORD as part of my statement: transmission technology, engine technologies, vehicle technologies that could be used right now to make cars and trucks more efficient.

What is going to happen over a period of time, though, is we are going to see a lot of debate about different cars and different trucks. Let me show you one in particular. I just mentioned hybrid vehicles. My wife and I decided a few months ago to buy a new car. We wanted to buy American. We did not need a big monster SUV. It is basically just the two of us and maybe a couple of other passengers. We wanted something American and fuel efficient.

Go out and take a look. You will find there is one American-made car on the market today that even cares about fuel efficiency—the Ford Escape hybrid. That is the only one. The others are made by manufacturers around the world. It turns out they are not making too many of these Ford Escape hybrids. In the first quarter of this year, Ford made 5,274. Take a look at the competition. Japan again, sadly, got the jump on us. When they came up with their Honda Accords and Civics, they ended up selling 9,317 and then 14,604 the first quarter. Toyota was 13,602, and look at the number here: 34,225.

What I am telling you is, how could Detroit miss this? When we look at the big numbers, the total sales for these cars for hybrids sold, total hybrids sold in 2004 before we ended up having an American car on the market was 83,000 vehicles. Where was Detroit? Where are they now? The only place one can turn is a Ford Escape hybrid. What are they waiting for? Do they want the Japanese to capture another major market before they even dip their toe in the water?

We have to understand that there is demand in America for more fuel-efficient cars. We also have to understand the technology is there to dramatically increase gas mileage. This Ford Escape hybrid my wife and I drive is getting a little better than 28 miles a gallon. I wish it were a lot better. Sadly, some of the Japanese models are a lot better. At least it is better than the average SUV by a long shot and better than most cars we buy. They can do a lot better if Ford, General Motors, and Chrysler would wake up to the reality. Instead, they are stuck in the past. They are going to sell more this year of what they made last year. They cannot just look ahead as, unfortunately, their competitors in Japan have done.

The National Research Council puts away this argument that we cannot have a fuel-efficient car that is safe. The National Research Council's recent report found that increases of 12 to 27 percent for cars and 25 to 42 percent for trucks were possible without any loss of performance characteristics or degradation of safety.

What we know now is that we have the technology to make a more fuel-efficient car. They do not have to be so dinky you would not want to drive in them. They accommodate a family, and you do not compromise safety in the process.

Look at history. The automobile industry in America has resisted change for such a long time. I can remember as a college student when they came out with all the exposes about the dangers of the Corvair. Oh, Detroit just denied it completely. The auto industry, sadly, has fought against safety belts, airbags, fuel system integrity, mandatory recalls, side impact protection, roof strength, and rollover standards. I am not surprised they are fighting against fuel efficiency, but I am disappointed. They just don't get the marketplace. As the price of oil goes up and the price of gas goes up, Americans want an alternative—a safe car they can use for themselves and their family that is fuel efficient.

Let me talk about the loss of jobs. The argument is made that if we have more fuel-efficient cars, we are just going to be giving away American jobs. It comes from the same industry where General Motors announced 2 weeks ago they were laying off 25,000 people, and Ford announced they were laying off 1,700 this week. They have to see the writing on the wall. Their current models are not serving the current market. Their sales are going down while the sales from foreign manufacturers are going up.

There was an auto industry expert on NPR a few weeks ago, Maryann Keller. She said:

> General Motors has been focused in the United States on big SUVs and big pickup trucks. . . . It worked as long as gas was cheap, but gas is not cheap . . . They really have not paid attention to fuel economy technology, nor have they paid attention to developing crossover vehicles which have better fuel economy. They've just been very late to the party and that's probably their primary problem today in the marketplace.

We ought to ask the American people what they want. We are going to hear a lot of people stand up and say what they want. I will tell you what the latest polls say: 61 percent of Americans favor increasing fuel-efficiency requirements to 40 miles a gallon. They get it; they understand it. The problem is they can't buy it. If you want to buy an American car that meets this goal in your family's mind, there is only one out there. Some will come trailing along in a year or two, but the Japanese have beaten us to the punch again.

Let's create an incentive for Detroit and for Tokyo. Let's create an incentive for all manufacturers that are selling cars in the United States, an incentive that lessens our dependence on foreign oil, cleans up the air, and gives us safe vehicles using new technology. Those who are convinced that America cannot rise to this challenge do not know the same Nation I know. We can rise to it. We can succeed. We can meet our energy needs in the future by making good sense today in our energy policy.

Mr. NELSON of Florida. Will the Senator yield?

Mr. DURBIN. Mr. President, how much time have I consumed?

The PRESIDING OFFICER. The Senator from Illinois has 22 minutes remaining.

Mr. DURBIN. I will be happy to yield to the Senator from Florida.

Mr. NELSON of Florida. I thank the Senator for laying out so clearly the fact that we are so dependent on foreign oil. If we really want to do something about it—as the Senator has explained by the charts, it is clear that most of the oil that is consumed in America is consumed in the transportation sector and most of the oil that is consumed in the transportation sector is consumed in our personal light vehicles. So if we really want to do something about weaning ourselves from dependence on foreign oil, of which almost 60 percent of our daily consumption of oil is coming from foreign shores, this is where we can make a difference.

Mr. DURBIN. The Senator from Florida is correct. I will tell him I know what I am up against. I think the Senator from Florida, being a realist, does too. When you have the major automobile manufacturers who are frightened by the challenge—they are afraid of this challenge. They do not think they can meet it. They have been beaten to the punch by Japan when it comes the hybrid cars. Instead, they started talking about hydrogen fuel vehicles. That may happen in my lifetime, but it is just as likely it will not happen in my lifetime. Instead of dealing with hybrid vehicles that are already successful with consumers in America, they are afraid of this challenge. Because they are afraid of this challenge, they throw up all of these arguments: oh, that car is going to be a golf cart, it is going to be so tiny if it is fuel efficient, it is not going to be safe; there is just no way that American engineers can even figure out how to make them.

I do not buy it. I think, as I said to the Senator and others who are listening, the technology is there. We do not have to compromise safety. What is wrong with the challenge? What is wrong with the challenge from the President and the Congress asking the manufacturers selling cars in America to make them more fuel efficient? This legislation does not do it; my amendment would.

Mr. NELSON of Florida. Would it not be something if we could start to have all new vehicles be required, in some way, to be hybrid and/or higher miles per gallon standard, if that were combined with an additional thing like ethanol into gasoline, ethanol that could be made more cheaply, perhaps from prairie grass—that is on 31 million acres; all it needs to be is cut—instead of a more expensive process of corn, although that certainly is a good source of ethanol. Would we not start to see exponentially our ability to wean ourselves from dependence on foreign oil?

Mr. DURBIN. The Senator from Florida has a vision that I share, and that is alternative fuels, fuels that are renewable such as those the Senator has described, ethanol and biodiesel, and vehicles that do not use as much fuel.

Senator OBAMA and I have a public meeting every Thursday morning, and there was a real sad situation today. A group of parents brought in children with autism to talk about that terrible illness and the challenges they face. More and more of that illness, and others, are being linked to mercury. Whether it is in a vaccine, I do not know; whether it is in the air, most certainly it is. If we can reduce emissions by reducing the amount of fuel that we burn, would my colleagues not believe we would be a healthier nation? Maybe there would be fewer asthma victims. Maybe some of these poor kids who are afflicted with respiratory problems would be spared from them.

I cannot believe people can rationally stand on the Senate floor and say what we need is to give Americans a choice of driving a car that burns gasoline and gets 6 miles per gallon: boy, that is the American way. Well, that is selfish. It really is. We ought to be looking at national goals that bring us, as an American family, together to do the responsible thing.

Mr. NELSON of Florida. I thank the Senator for being so eloquent in laying out what is a looming crisis. The crisis is going to hit us. We may not suspect it. It may hit us in the way of radical Islamists suddenly taking over major countries where those oilfields are, such as Saudi Arabia. If that occurs, Lord forbid. Then we are going to have a crisis, and we are going to be wishing that we were not so dependent on foreign oil, as we are now.

Mr. DURBIN. I thank the Senator. I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Missouri.

Mr. BOND. Mr. President, I yield myself 15 minutes.

I rise to address some of the lingering questions regarding Corporate Average Fuel Economy, or CAFE standards. I was hoping this debate would not be necessary because we have debated it, we have resolved it, we have set a process in place, and it is working. Obviously, we are here again. We have been through this CAFE debate in the 107th and 108th Congresses, and with the Durbin amendment before us we get to go through it once again in this Congress. Surely, my colleagues remember that both of the previous CAFE amendments in the last two Congresses were soundly defeated.

Why were they? Because Members of this body realize that CAFE is a complex issue that requires thought and scientific analysis, not just political rhetoric.

The Bond-Levin amendment that was passed in 2003 by a vote of 66 to 30 requires the National Highway Traffic Safety Administration, or NHTSA, to increase CAFE standards as fast as technology becomes available. It is a scientific test based on science, not politics.

We must recognize at the beginning that the Durbin amendment costs lives, costs U.S. jobs, and deprives consumers of their basic free will to choose the vehicle that best fits their needs and the needs of their families. Neither the lives of drivers or passengers on our Nation's highways nor the livelihood of autoworkers and their families should be placed in jeopardy so Congress can arbitrarily increase infeasible and scientifically unjustified standards for fuel efficiency.

Any fuel efficiency standard that is administered poorly, without a sound scientific analysis, will have a damaging impact on automobile plants, suppliers, and the fine men and women who build these vehicles.

There have been many arguments that a large increase in CAFE standards is needed to pressure automakers to invest in new technologies which will consistently increase automobile fuel efficiency. Automobile manufacturers already utilize advanced technology programs to ensure the improvement of fuel efficiency, the reduction of emissions and driver and passenger safety, and they are being pushed to do so by NHTSA regulations. Auto manufacturers are constantly investing capital in advanced technology research by the integration of new products, such as hybrid electric and alternative fuel vehicles and higher fuel efficiency vehicles. So far, the auto industry has invested billions of dollars in developing and promoting these new technologies. Diverting resources from further investments in these programs in favor of arbitrarily higher CAFE standards would place a stranglehold on the technological breakthroughs which are already taking place.

Alternative fuels, such as biodiesel, ethanol, and natural gas, have continuously been developed to service a wide variety of vehicles. The automotive industry continues to utilize breakthrough technology which focuses on the development of advanced applied science to produce more fuel-efficient vehicles, while at the same time producing innovative safety attributes for these vehicles.

Furthermore, modifications need time to be implemented. According to the National Academy of Sciences:

> Any policy that is implemented too aggressively (that is, too much in too short a period of time) has the potential to adversely affect manufacturers, suppliers, employees and consumers.

The NAS further found that no car or truck can be prepared to reach the 40 miles per gallon or 27.5-mile-per-gallon level required for fleets within 15 years. The Durbin amendment would require it in 11. That makes it clear that if we try to shove unattainable standards down the throats of automakers, the workers and the companies, we will have a problem.

What will we have achieved by doing so? There is the false perception that the Federal Government has done nothing to address CAFE standards. Nothing could be further from the truth. On April 3, 2003, NHTSA set new standards for light trucks for the model years 2005 through 2007. These standards are 21 miles per gallon this year; 21.6 next year; and 22.2 the following year. This 1½-mile-per-gallon increase during this 3-year-period more than doubles the last increase in light truck CAFE standards that occurred between 1986 and 1996. This recent increase is the highest in 20 years.

In addition, by April 1 next year, NHTSA will publish new light truck CAFE standards for model year 2008 and possibly beyond. Most stakeholders expect a further increase in CAFE standards for these years as well.

It is important to understand that NHTSA is doing this, utilizing scientific analysis as a basis for these increases. We must proceed with caution because higher fuel economy standards, based on emotion or political rhetoric, not sound science, can strike a major blow to the economy, the automobile industry, auto industry jobs, and our Nation. Highway safety and consumer choice will also be at risk.

Letting NHTSA promulgate standards is the appropriate way to do it, and that is what almost two-thirds of the Members of this body decided when we brought the last Levin-Bond amendment before us.

In an April 21 letter this year, Dr. Jeff Runge, Director of NHTSA, said:

> The Administration supports the goal of improving vehicle fuel economy while protecting passenger safety and jobs. To this end, we believe that future fuel economy must be based on data and sound science.

Those advocating arbitrary increases may try to avert any discussion of the impact on jobs or dismiss the argument. However, I have heard from a broad array of union officials, plant managers, local automobile dealers and small businesses who have told me that unrealistic CAFE standards cut jobs because the only way for manufacturers to meet these numbers is to make significant cuts to light truck, minivan and SUV production. But these are the same vehicles that Americans continue to demand and American workers produce.

On June 17, this month, I received a letter from the UAW regarding CAFE amendments, such as the Durbin amendment, which speaks volumes about the detrimental impact that further CAFE increases could have on the automotive industry. The letter states that:

> the UAW continues to strongly oppose these amendments because we believe the increases in CAFE standards are excessive and discriminatory, and would directly threaten thousands of jobs for UAW members and other workers in this country.

It further states:

> In light of the economic difficulties currently facing GM and Ford, the UAW believes it would be a profound mistake to require them now to shoulder the additional economic burdens associated with extreme, discriminatory CAFE standards. This could have an adverse impact on the financial condition of these companies, further jeopardizing production and employment for thousands of workers throughout this country.

However, the UAW does strongly support the newly introduced Bond-Levin amendment requiring NHTSA to continue the rulemaking efforts to issue new fuel economy standards for cars and light trucks, based on a wide range of factors such as technological feasibility and the impact of CAFE standards. I ask unanimous consent that the letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE, & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW
Washington, DC, June 17, 2005.

DEAR SENATOR: Next week the Senate is scheduled to continue debate on the comprehensive energy legislation. At that time, the Senate may consider a number of amendments relating to Corporate Average Fuel Economy (CAFE) standards.

The UAW strongly supports the Levin-Bond amendment which would require the Department of Transportation to engage in rulemaking to issue new fuel economy standards for both cars and light trucks, taking into consideration a wide range of factors, including technology, safety, and the impact on employment. This amendment is similar to the Levin-Bond amendment that was approved by the Senate in the last Congress. The UAW supports the approach contained in this amendment because we believe it can lead to a significant improvement in fuel economy, without jeopardizing the jobs of American automotive workers.

The UAW understands that Senators McCain, Feinstein or Durbin may offer amendments that I would mandate huge increases in the CAFE standards. These amendments are similar to proposals that have been considered and rejected decisively by the Senate in previous Congresses. The UAW continues to strongly oppose these amendments because we believe the increases in the CAFE standards are excessive and discriminatory, and would directly threaten thousands of jobs for UAW members and other workers in this country. In our judgment, fuel economy increases of the magnitude proposed in these amendments are neither technologically or economically feasible. The study conducted by the National Academy of Sciences does not support such increases. The UAW is particularly concerned that the structure of these proposed fuel economy increases—a flat mpg requirement for cars and/or light trucks—would severely discriminate against full line producers, such as GM, Ford and DaimlerChrysler, because their product mix contains a higher percentage of larger cars and light trucks. This could result in severe disruptions in their production, and directly threaten the jobs of thousands of UAW members.

Furthermore, in light of the economic difficulties currently facing GM and Ford, the UAW believes it would be a profound mistake to require them now to shoulder the additional economic burdens associated with extreme, discriminatory CAFE increases. This could have an adverse impact on the financial condition of these companies, further jeopardizing production and employment for thousands of workers throughout this country.

The UAW continues to believe that improvements in fuel economy are achievable over time. But we believe that the best way to achieve this objective is to provide tax incentives for domestic production and sales of advanced technology (hybrid and diesel) vehicles, and to direct the Department of Transportation to continue promulgating new fuel economy standards that are economically and technologically feasible.

Thank you for considering our views on these important issues.

Sincerely,

ALAN REUTHER,
Legislative Director.

JUNE 16, 2005.

Hon. BILL FRIST,
Senate Majority Leader,
Washington, DC.

DEAR MAJORITY LEADER FRIST: The U.S. Senate is in the process of considering various energy-related provisions and amendments to the comprehensive energy bill which passed the Committee on Energy and Natural Resources earlier this month. It has come to our attention that amendments may be forthcoming calling for increases to the Corporate Average Fuel Economy (CAFE) standards including light trucks. The Committee on Energy and Natural Resources defeated similar amendments, in a bipartisan way. The organizations listed below strongly oppose any increase in CAFE standards.

Our opposition is based on concerns that such a federal mandate will have a negative impact on consumers and translate directly into a narrower choice of vehicles for America's farmers and ranchers, who depend on affordable and functional light trucks to perform the daily rigors of farm and ranch work. Our groups cannot support standards that increase the purchase price of trucks, while decreasing horsepower, towing capacity, and torque. In addition, recent studies indicate that an aggressive increase in the CAFE; standard for light trucks could add over $3,000.00 in the purchase price per vehicle. This would result in yet another added production cost for U.S. farmers and ranchers that cannot be passed on when selling farm commodities.

On behalf of farm and ranch families across the country who rely on affordable light trucks and similar vehicles for farming and transportation needs, we urge you to oppose any amendments calling for an increase in CAFE standards as well as any amendment which will have the effect of increasing those standards.

Sincerely,

NATIONAL CATTLEMEN'S BEEF ASSOCIATION,
AMERICAN FARM BUREAU FEDERATION,
AGRICULTURAL RETAILERS ASSOCIATION,
NATIONAL CORN GROWERS ASSOCIATION,
THE FERTILIZER INSTITUTE,
NATIONAL MILK PRODUCERS FEDERATION,
NATIONAL GRANGE,
AMERICAN SOYBEAN ASSOCIATION.

MAY 13, 2005.

Hon. PETE DOMENICI,
Chairman, Senate Energy and Natural Resources Committee, Washington, DC.

DEAR CHAIRMAN DOMENICI: The Senate Energy and Natural Resources Committee will soon consider various energy-related provisions and amendments to the comprehensive energy bill which passed the U.S. House of Representatives a few weeks ago. It has come to our attention that amendments may be forthcoming calling for increases to the Corporate Average Fuel Economy (CAFE) standards including light trucks. The organizations listed below strongly oppose any increase in CAFE standards.

Our opposition is based on concerns that such a federal mandate will have a negative impact on consumers and translate directly into a narrower choice of vehicles for America's farmers and ranchers, who depend on affordable and functional light trucks to perform the daily rigors of farm and ranch work. Our groups cannot support standards that increase the purchase price of trucks, while decreasing horsepower, towing capacity, and torque. In addition, recent studies indicate that an aggressive increase in the CAFE standard for light trucks could add over $3,000.00 in the purchase price per vehicle. This would result in yet another added production cost for U.S. farmers and ranchers that cannot be passed on when selling farm commodities.

On behalf of farm and ranch families across the country who rely on affordable light trucks and similar vehicles for farming and transportation needs, we urge you to oppose any amendments calling for an increase in CAFE standards.

Sincerely,

National Cattlemen's Beef Association, Public Lands Council, The Fertilizer Institute, National Corn Growers Association, National Grange, American Farm Bureau Federation, Agricultural Retailers Association, National Milk Producers Federation, National Association of Wheat Growers.

Mr. BOND. This is very important to know because 1 out of every 10 jobs in our country is dependent on new vehicle production and sales. The auto industry is responsible for 13.3 million jobs, or 10 percent of private sector jobs. Auto manufacturing contributes $243 billion to the private sector, over 5.6 percent of the private sector compensation. Every State in the Union is an auto State. Let us take a look at that chart. The occupant of the chair is from North Carolina. That has 158,000. The State of Illinois has 311,000. My State has 221,000. The State of Michigan has 1,007,500.

I have heard it said that we should not worry about these jobs. The proponents of the amendment to increase it say that it is not going to do any harm.

But if you adopt this amendment you can kiss tens of thousands of good, high-paying, American, union manufacturing jobs goodbye. I am not willing to do that to the 36,000 men and women working directly in the automotive industry, nor to the over 200,000 men and women who work in auto-dependent jobs in my State.

But it is not just jobs. It is safety. According to the National Academy of Sciences:

> Without a thoughtful restructuring of the program . . . additional traffic fatalities would be the tradeoff if CAFE standards are increased by any significant amount.

You see, we have learned in the past that when you have politically inspired CAFE increases which cannot be achieved with technological means, the only way of achieving them is by making the cars lighter, 1,000 pounds to 2,000 pounds lighter.

Do you know what. More people die in those smaller cars than in the full-size cars that they replace. Since it began, we are running about 1,500 deaths a year. In August of 2001, the NAS issued a report which found that between 1,300 to 2,600 people in 1993 alone were killed in these smaller automobiles. It is not just smaller automobiles hitting larger automobiles—43 percent of those deaths were in single-car accidents.

My colleague from Illinois has suggested we disregard these statistics as estimates. These are not estimates, these are dead people. These are people who died from politically inspired CAFE. That is what we are talking about. Excessive CAFE standards pressure automobile manufactures to reduce the weight for light trucks, completely do away with larger trucks used for farming and other commercial purposes.

My colleague from Illinois mentioned golf carts—yes, golf carts would comply. But certainly the pickup trucks that a lot of farmers in my State drive would not make it.

If an increase in fuel economy is brought about by encouraging downsizing, weight reduction, or more small cars, it will cause additional traffic fatalities. The notion that people's lives and safety are hanging in the balance because of unwarranted CAFE increases should cause all of us some concern. The ability to have a choice of the vehicle assures the safety of one's family. It should not be a sacrifice that must be made in favor of arbitrary fuel efficiency standards.

I don't want to tell the people in my State or any other State they are not allowed to purchase an SUV because Congress decided it would not be a good choice. That sounds like the command and control economy of the Soviet Union.

Another very important point is the impact of increased CAFE standards on consumer choice and affordability. Despite the record high cost of gasoline sales, light truck sales have continued to skyrocket. In the past 25 years, sales of light trucks have almost tripled. In March of 2005, full-size pickup trucks occupied three of the top five sales positions, including the No. 1 and 2 spots. From these numbers and from these charts it is obvious that consumers consistently favor safety, utility, performance, and other characteristics over fuel economy. The only way to stop sales of these vehicles would be to enact Soviet-style mandates, declaring that auto manufacturers could no longer produce light trucks and SUVs, and consumers could no longer buy them.

Some people in this body apparently believe our fellow Americans cannot be trusted to make the right choice when purchasing a vehicle. As far as I am concerned, when you get down to having the Government making the choice or the consumer making the choice, I am with the consumer.

Just how arbitrary would these CAFE cost increases be to consumers? The CBO last found that raising fuel standards for cars and trucks by 4 miles per gallon could cost consumers as much as $3.6 billion.

I also have a copy of a recent letter that was sent to Chairman DOMENICI and Majority Leader FRIST from a consortium of agricultural organizations which states that "recent studies indicate that an aggressive increase in CAFE standards for light trucks could add over $3,000 to the purchase price per vehicle. It is signed by the National Cattlemen's Association, the National Corn Growers, the American Farm Bureau, National Milk Producers and the

National Association of Wheat Growers among others. They oppose these arbitrary increases because they believe they will have a negative impact on consumers, and translate directly into a narrower choice of vehicles for America's farmers and Ranchers, who depend on affordable and functional light trucks to perform the I daily rigors of farm and ranch work. I submitted this letter for the RECORD.

Finally, I must to dispel the myth that CAFE increases reduce our Nation's dependence on foreign oil. According to the American International Automobile Dealers:

> Despite the claims of CAFE advocates, experience shows that CAFE does not result in the reduction of oil imports. The import share of U.S. oil consumption was 35% in 1974. Since that time, new car fuel economy has doubled but our oil imports share has climbed to almost 60%.

In that 30 year time frame, the consumption of gasoline has increased and not decreased. The bottom line is that after 30 years of CAFE standards, our nation is more dependent on foreign oil than ever before.

I believe that there are other better ways to reduce our Nation's dependence on foreign oil than massive increases in CAFE standards. These include promoting the development and use of alternative fuels such as ethanol, bio-diesel and natural gas. We should pass legislation that encourages the development of advance fuel technology such as hybrid and fuel cell vehicles that utilize hydrogen and other sources of energy. We should also focus on increasing domestic supplies I of energy that include oil and natural gas.

We must talk about what is technologically feasible and what will produce better fuel economy, while continuing to preserve and produce jobs, and not risk the lives of drivers and their families on our nation's roads. We must continue to ensure the safety for parents and their children, and we must not throw out of work the wonderful American men and women who are making these automobiles in my state and across the entire nation.

In light of this, Senator LEVIN and I have reintroduced an amendment that was " adopted by the Senate in the previous two Congresses, which maintains the authority of the National Highway Traffic Safety Administration—subject to public comment—to determine passenger auto standards based upon the "maximum feasible" level. Under the Bond-Levin Amendment, determinations to this feasibility level include the following factors:

No. 1. Technological feasibility;

No. 2. Economic Practicability;

No. 3. The effect of other government motor vehicle standards on fuel economy;

No. 4. The need of the nation to conserve energy;

No. 5. The desirability of reducing U.S. dependency on foreign oil;

No. 6. The effects of fuel economy standards on motor vehicle safety, and passenger safety;

No. 7. The effects of increased fuel economy on air quality;

No. 8. The adverse effects of increased CAFE standards on the competitiveness of U.S. manufacturers;

No. 9. The effects of CAFE Standards on U.S. employment;

No. 10. The cost and lead time required for the introductions of new technologies; and

No. 11. The potential for advanced hybrid and fuel cell technologies.

Every factor, which I have just mentioned, must play a major role in the consideration of setting future fuel efficiency standards for vehicles. The Bond-Levin amendment provides for these impacts and leaves it to the experts at NHTSA to develop viable standards based on this criteria and sound scientific analysis.

The Bond-Levin amendment also extends the flexible fuel or "duel fuel" credit to continue to provide incentives for automakers to produce vehicles that are capable of running on alternative fuels such as ethanol/gasoline blends. So far these incentives have been successful in putting more than 4 million alternative fuel vehicles on our nation's roads. This will be another positive step in helping our Nation reduce its dependence on foreign oil.

Again, this debate is about safety, jobs, consumer choice and sound scientific analysis.

I urge my colleagues to oppose the arbitrary and unscientific Durbin amendment, and to support the Levin-Bond 2nd degree amendment.

I yield to my colleague from Michigan—how much time does he want?

The PRESIDING OFFICER. The Senator from Missouri has 24½ minutes.

Mr. LEVIN. Is the time combined on the two amendments?

The PRESIDING OFFICER. The Senator from Illinois has 17 minutes remaining.

Mr. LEVIN. That is on both amendments combined?

The PRESIDING OFFICER. That is correct.

Mr. BOND. I yield 15 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, first let me thank Senator BOND for his work on this amendment, which offers an alternative, a rational alternative. This alternative would allow the agency that is the expert to weigh all the factors that should go into a rulemaking and to raise CAFE standards in a logical and rational and scientific way rather than a totally arbitrary way, which is what the Durbin amendment does.

Of course, we want to raise CAFE standards. We want to do it in a way that protects the environment and protects jobs in America. But we do not want to do it in a way that will not protect the environment and will destroy jobs in America at the same time.

We need to improve fuel economy, but how we increase it is critical. That is the main point I am going to make. You need to do it, but how we do it is critical. The question is whether we are going to do it through a rulemaking on the part of an agency looking at all the relevant factors, and I am going to list them in a moment or whether we are going to just pick a number out of the air. The number of the Senator from Illinois is 40—just go to 40 miles per gallon on the fleet and at the same time, by the way, just add trucks to the car fleet for the first time. It is not just cars now that have to get to 40 miles per gallon under the proposal of the Senator, but we add minivans and sport utility vehicles to that fleet—and it is done arbitrarily. It is not based on the considerations that a rational agency should bring to bear on rulemaking, which is what NHTSA is there for.

Instead we are going to 40 miles per gallon for the whole fleet. We are throwing trucks into the car fleet to boot. It is a triple whammy to American jobs in the Durbin amendment. The first whammy is that the numbers that he picks are total arbitrary numbers: 40 miles per gallon, and he adds two of the three types of light trucks to the car fleet.

Rather than legislating an arbitrary number, what the Bond-Levin amendment does is to tell NHTSA to take a number of important considerations into account when setting the level of the standard. Here are the 13 factors that we tell NHTSA to consider. We think we have found and identified every rational standard or criterion which they ought to look at in setting this number.

First, maximum technological feasibility.

Second, economic practicability.

Third, the effect of other Government motor vehicle standards on fuel economy—because we have other standards, in terms of clean air and emissions, which bear on fuel economy. Someone, NHTSA, should take that into account.

Fourth, the need to conserve energy.

Fifth, the desirability of reducing U.S. dependence on foreign oil.

Next, the effect on motor vehicle safety. This is a point which Senator BOND has made, which the National Academy of Sciences has commented on.

Next, the effects of increased fuel economy on air quality.

Next, the adverse effects of increased fuel economy standards on the relative competitiveness of manufacturers.

Next, the effect on U.S. employment.

Next, the cost in lead time required for introduction of new technologies.

Next, the potential for advanced technology vehicles, such as hybrid and fuel cell vehicles, to contribute to significant fuel usage savings.

Next, the effect of near-term expenditures required to meet increased fuel economy standards on the resources available to develop advanced technologies.

Finally, to take into account the report of the National Research Council entitled "Effectiveness and Impact of Corporate Average Fuel Economy Standards."

Those are 13 factors that ought to be considered in a rulemaking, instead of just an arbitrary seizure on a number that is then put into law and imposed on everybody arbitrarily.

The Durbin amendment, in addition to adopting an arbitrary number, worsens the discriminatory features of the existing CAFE system because there are inherent discriminatory features in that system that give an unfair competitive advantage to foreign automotive manufacturers while not benefiting the environment. The reason for this is a bit complicated. I hope every Member of this body will look very hard at the CAFE system and not just look at the amendments that are before us, but also look at the situation we have where CAFE already gives a discriminatory boost to imported vehicles. The CAFE system gives this boost, not because the vehicles are more efficient—because they are not. The same size imported vehicles have about the same fuel economy as the same size domestic vehicles.

I want to give some examples. There is no difference in terms of fuel economy. But the CAFE system, because of the way it has been designed, gives a discriminatory boost to imports because the domestic manufacturers provide a full line of different sized vehicles, which results in a lower fleet average.

Let's just take four vehicles. This is a comparison of vehicle fuel economy, pound per pound. We are looking at vehicles of the same size.

Here is an example of a large SUV. The Chevrolet Suburban weighs 6,000 pounds. The Toyota Sequoia weighs 5,500 pounds. So the Sequoia, in this case, is actually lighter than the Suburban. But the Sequoia, Toyota, is less fuel efficient—although it is slightly lighter—than the Chevrolet Suburban.

The Jeep Liberty, 19 miles per gallon; the Toyota 4Runner, slightly less fuel efficient, although they are the same weight, 4,500 pounds.

The example of a large pickup truck, the Chevrolet Silverado gets 18 miles per gallon, the Toyota Tundra gets 17 miles per gallon. They both weigh the same amount, 4,750 pounds. The Toyota Tundra, slightly less fuel efficient than the Chevrolet Silverado.

The Chevrolet Venture and the Toyota Sienna both weigh exactly the same, 4,250 pounds. The Chevrolet Venture is slightly more fuel efficient than the Toyota Sienna.

The point of this is to try to bring to bear the fact that, when you have vehicles of about the same weight, you have about the same fuel economy, in these cases slightly better fuel economy on the part of the Chevrolet and the Jeep, than we do the Toyota.

You never get that impression from the charts that we see from the Senator from Illinois. That is not the impression that you get. He says that Toyota does everything more efficiently, they do all the hybrids. We, on the other hand, do all the big vehicles.

We do not make all the big vehicles. As a matter of fact, the growth in the sale of Toyotas and Hondas, when it comes to light trucks primarily pick up trucks and SUVs is dramatically greater than anything they are doing in the area of hybrids. Their hybrid sales are a peanut compared to the growth in light truck sales. Hybrids represent 1 percent of the market, but when you look at the light truck sales on the part of Toyota and Honda, there are dramatic increases in numbers of sales of those vehicles. That is not because they are more fuel efficient, they are not. In some cases, they are slightly less. Let's assume they are the same. The sale of those light trucks has nothing to do with their fuel efficiency. It has to do with legacy costs, but I am not going to get into that at this point.

So we have a situation where, because of the CAFE system, which is designed to look at the entire fleet average, because the imports have traditionally had a lot smaller vehicles—smaller trucks and SUVs in their fleet, they have a lot more "headroom" to sell all the light trucks they want without being penalized under the CAFE system.

It doesn't do the environment one bit of good to tell people you can buy a Toyota Tundra but not a Chevrolet Silverado. But that is what the CAFE system does.

That is what the CAFE system does. Toyota has "headroom"—and I will give you the numbers in a moment—to sell huge additional numbers of their vehicles but a company like GM does not. That does nothing for the environment. Quite the opposite, it slightly hurts the environment. But call it a draw. It does nothing for the environment, and it damages American jobs. That is an inherent defect in the CAFE system. The Durbin amendment exacerbates that defect because it builds into the system an even larger number that must be met.

By the way, these are the numbers I said a moment ago. This is the headroom, the additional sale of large pickups or SUVs allowed under CAFE. Toyota can sell an additional 1.8 million vehicles and still meet the CAFE standard. Honda can sell an additional 2.6 million vehicles and still meet the CAFE standard. But GM cannot sell any additional vehicles. But that is not because the Toyota and Honda vehicles are more fuel efficient. I cannot say that enough times. It is not because they are more fuel efficient. They are not more fuel efficient. At best, they are even.

What good does it do to tell folks: You can buy a Tundra but not a Silverado? Why are we doing that to ourselves? It is not for the environment because it is no more environmentally friendly. Why are we doing that to ourselves? Why are we doing that to American jobs?

The growth in sales of the imported vehicles is dramatic. It overwhelms the numbers of hybrids being sold. My dear friend from Illinois shows on his chart hybrid sales of something like 35,000. Meanwhile, Toyota's truck sales include 700,000 pickup trucks and SUVs this year. The impression of my colleague's chart is, look at all of the hybrids they are selling. But this is a peanut compared to the number of large trucks they are selling. So do not say the Big 3 are selling all the large vehicles and let everyone else off the hook. They are all selling a lot more large trucks than they are hybrids.

Mr. BIDEN. Will the Senator yield?

Mr. LEVIN. I am happy to yield.

Mr. BIDEN. Why don't we change the standard, the CAFE standard? Why is no one recommending that? Why don't we say that every vehicle, based on weight, no matter where it is made, must meet the same exact standard? Why don't we do that?

Mr. LEVIN. It could be done. And NHTSA has a right to do that under our bill if it is logical to do that. But we should not set the number. We could say to NHTSA, and it is a perfectly logical argument, it seems to me that you should have the same mile per gallon standard for the same size vehicle. That is a logical argument. But that is not what is in this amendment. This builds on a defective system and makes it worse.

Mr. BIDEN. If the Senator will yield, I have trouble with the amendment of the Senator from Illinois, but I also have trouble with the amendment of the Senator from Michigan. It seems to me we have a problem, a big problem. I don't think we can meet the standard of the Senator from Illinois in time, and I think it would damage American jobs significantly.

But I don't understand why we do not bite the bullet and say, whether NHTSA does it or not, you can't drive a Toyota that gets less miles than a Dodge Durango or an American-made car because you have a fleet average.

The PRESIDING OFFICER. The Senator from Michigan should be advised his time has expired.

Mr. DURBIN. Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER. The Senator from Illinois has 17 minutes; the Senator from Missouri has 9 minutes 20 seconds.

Mr. DURBIN. I will speak for a few minutes and yield to my colleague and friend from Missouri.

To the Senator from Delaware, I am talking fleet average. That applies to German, Japanese, American cars—to all cars. The argument, buy a Toyota Tundra, do not buy a Chevrolet Silverado that is not true. This is not a standard for American-made cars but a standard for cars sold in America from wherever they are manufactured.

Yes, the rules will apply to American manufacturers the same as they apply to others. Don't we want that? Isn't our goal to reduce the consumption of oil in America and our dependence on foreign oil? I no more stand here and put a discriminatory amendment up for American manufacturers and workers and say, You have to play to a higher standard than Japanese, German, Swedish, or whatever the source might be of the other car. This is a fleet average. It does not mean that every car has to meet this average. It is an average, which means there will be larger cars and larger trucks that will get lower mileage, but there must be more fuel-efficient cars that bring it to an average number.

Let me also talk about the unrealism of my proposal. For the record, increasing the fuel efficiency of passenger cars by 12½ miles per gallon over the next 11 years, the argument that it is beyond us, Americans cannot imagine how we would do such a thing—NHTSA has required that trucks in our country increase their fuel efficiency by 2.2 miles a gallon over 2 years. So they are improving by more than a mile a gallon over 2 years. My standard for all is 12½ miles over 11 years. Why is this such a huge technological leap? I don't think it is.

I yield for a short question on a limited time.

Mr. BIDEN. I truly am confused. I don't doubt what the Senator says. I don't fully understand it.

It is a fleet average. Toyota makes an automobile—I am making this up—that gets 60 miles per gallon when people drive around in Tokyo that they will not sell here at all in order that they can make a giant Toyota truck that gets poorer mileage or as poor mileage as our truck, and they get to sell it here because they have averaged out their fleet.

My question is, Why don't we just say, based on the weights of these vehicles, everybody has to meet the same standard, not an average, because people are not buying two-seater 60-mile-per-gallon vehicles here as they are in Europe where it is $4 a gallon. That is my question.

Mr. DURBIN. Let me say to the Senator from Delaware, if that is the loophole, I want to close it.

Mr. BIDEN. I think it is.

Mr. DURBIN. I am concerned about what is sold in America. I am concerned about the oil that is consumed in America and the gasoline consumed in America. I don't care if Toyota makes a car that is sold in Australia and what the mileage might be. That is their concern.

For us to take the attitude or approach that we are not even going to hold the manufacturer to any higher standards with fuel efficiency in my mind is a concession that we will be dependent on foreign oil for as long as we can imagine.

The Senator from Missouri says I am engaged in a "Soviet survival" approach to the economy. I will just tell him that I don't believe it was a Soviet-style approach which enacted CAFE in the first instance and resulted in such a dramatic decline in our dependence on foreign oil.

As to the argument that this kills jobs, the idea this kills jobs, I ask unanimous consent to have printed in the RECORD a letter of endorsement from the Transport Workers Union of America. Here is one union that supports it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRANSPORT WORKERS UNION
OF AMERICA,
Washington, DC, June 16, 2005.

DEAR SENATOR: On behalf of the 130,000 members of the Transport Workers Union and transit and rail workers everywhere, we urge you to vote for the Durbin CAFE amendment to the pending energy bill to raise fuel economy standards.

The amendment requires all car companies in America—both domestic and foreign—to increase average fuel efficiency. This is achievable with current technology and so clearly in the national interest that it is difficult to understand how anyone could oppose it:

(1) National Security—in an era when the United States is under attack from foreign fanatics, it is of critical importance to reduce our dependence on foreign oil imports, most especially when those imports support and subsidize those very nations which are the source of these attacks.

(2) Air Pollution—Opponents of environmental measures are fond of citing the need for established, proven science. There is no dispute that auto emissions are one of the major sources of air pollution in the modern era.

(3) Reducing Health Costs—Auto emissions are a major cause of asthma and other respiratory diseases and a major contributor to the rising health care costs in America. These costs are, in turn, a major factor in the difficulty American manufacturers have in competing with foreign manufacturers.

It would be disingenuous to pretend that the members of the Transport Workers Union do not have a major stake in reducing the costs to the U.S. economy—accidents, death, healthcare, pollution cleanup, and enforcement—of automobile use. Certainly anything that would stop the extreme subsidizing of auto use in America and allow the marketplace to drive consumers to the most efficient use of transportation resources would increase jobs for the rail and transit workers we represent.

But that is an important point. Tightening auto fuel efficiency standards would not, as some argue, reduce American jobs. It would simply transfer them from one industry to another—to an industry which is not only highly unionized and highly compensated, but which promotes the national interest of security, a clean environment and lower health care costs.

We urge you to vote for the Durbin fuel economy amendment to the energy bill.

Sincerely,

ROGER TAUSS,
Legislative Director,
Transport Workers Union.

Mr. DURBIN. And I might also say the National Environmental Trust says that by 2020, nearly 15,000 more U.S. autoworkers would have jobs because of a higher fuel efficiency standard, a 14-percent increase in average annual growth in U.S. auto industry employment, an auto industry that is declining in terms of the people who are working there.

In terms of the savings, the Senator from Missouri was troubled by the notion that American consumers would spend $3.6 billion for this new technology in these more fuel-efficient vehicles. What the Senator does not acknowledge is that by making that investment of $3.6 billion, under my amendment the savings in fuel to consumers will be over $110 billion; $3.6 billion in new cars and trucks, $110 billion of savings to consumers.

So would you get rid of an old gas guzzler to have a more fuel-efficient engine if it meant a trip to the gasoline station did not require taking out a loan at a local bank? Of course you would. That is only smart and only sensible.

Let me also say on the issue of safety, if you see the memo on safety on the vehicles involved, we know that we have the potential here of building vehicles that are safer and fuel efficient. We have statistics that relate to cars and trucks sold, but, in fairness, these are statistics in a period from 1994 and 1997. I will assume SUVs are a lot safer today.

But if you think it is a given that an SUV is safer than a car, the Honda Civic, at 2,500 pounds, had a year death rate of 47 per million registered vehicle miles; a 5,500-pound vehicle—twice as large—four-wheel-drive Chevy Suburban had a death rate of 53 per million registered vehicle miles. Other popular SUVs are even more lethal during that period: four-door Blazers, at 72 deaths per million; the shorter-wheel-base two-door Blazer had an appalling 153 deaths per million; the Explorer, 76; Jeep Grand Cherokee had 52; and of course, in fairness, Toyota 4Runner, a large SUV, 126 deaths per million.

The notion that SUVs are automatically safer—we know the problems with rollovers, and we know that some of the difficulties with even the larger cars have to be reconciled. To assume that a larger, bigger SUV is always safer is not proven by these numbers, these statistics.

Let me also say what I propose would apply to Toyota and Honda SUVs sold in America as well. I honestly believe we should hold those to the same standard.

Mr. BIDEN. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. BIDEN. I have trouble explaining to my Chrysler workers when I want to raise the CAFE standard. They are not happy with me. I voted against it last time.

My friend from Michigan, if you can drive a Toyota into that Chrysler parking lot that gets less mileage than the vehicle being made in that Chrysler plant under the way CAFE standards are set up, you would be able to do that because the fleet average means you can drive in a big old Toyota getting 16 miles to the gallon or 17 miles to the gallon, but you could not drive the Dodge Durango that gets 18 miles a gallon—1 mile better—because the fleet average causes the Durango to be out of the ballpark.

That is my problem with all of this. That is why I cannot vote for what the Senator is suggesting even though I agree with the thrust of what he is saying. That is why I have difficulty with my friend from Michigan. He solves that problem in a sense, but he does not solve the larger problem of kicking the requirements higher.

I thank the Senator.

Mr. DURBIN. How much time remains?

The PRESIDING OFFICER. The Senator from Illinois has 8 minutes 40 seconds.

Mr. DURBIN. I also say about a Bond-Levin amendment that will be offered that it does not set goals for increased fuel economy for oil savings. That is unfortunate. It gives the decisionmaking over to the National Highway Traffic Safety Administration. They do not have a very good track record in holding the automobile maker selling in America to increased fuel efficiency.

I like dual E85 vehicles. I think those are sensible. Sadly, at this point, there are very few places to turn to to buy the fuel.

My colleague, Senator OBAMA, was talking about a tax treatment that would give incentives to set up these E85 stations. It was, unfortunately, not included in this bill. I think it should have been. Right now, there are precious few to turn to. Dual-fuel use is part of the Bond-Levin amendment, but it is a very rare occurrence where you can actually find the E85 fuel to put in your car. Plus, we find when they are dual-fuel use vehicles, which the Senators rely on a great deal for their savings, fewer than 1 percent of the people actually use the better fuel. They stick to the less fuel efficient source of energy for their car. They do not use the E85 fuel.

Sadly, the Bond-Levin amendment will increase our 2015 oil consumption by almost as much as we currently import from Saudi Arabia. So no more fuel efficiency, a response to the problem which is not realistic and, unfortunately, even more dependent on foreign oil in the future.

Mr. President, I reserve the remainder of my time.

Mr. LEVIN. Mr. President, I wonder if the Senator from Missouri would yield 30 additional seconds to me to put a statement in the RECORD.

Mr. BOND. I so yield, Mr. President.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, this is a National Academy of Sciences finding about the CAFE system that the Senator from Delaware made reference to. It states:

> . . . one concept of equity among manufacturers requires equal treatment of equivalent vehicles made by different manufacturers" that is, "equal treatment of equivalent vehicles made by different manufacturers."

The NAS continues, "The current CAFE standards fail this test."

That is what the Senator from Delaware was referring to.

Mr. President, I ask unanimous consent that the full paragraphs from the National Academy of Sciences study be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ACADEMY OF SCIENCES REPORT ON CAFE [2002]

CAFE DISCRIMINATES AGAINST THE DOMESTIC AUTO INDUSTRY

". . . one concept of equity among manufacturers requires equal treatment of equivalent vehicles made by different manufacturers. The current CAFE standards fail this test. If one manufacturer was positioned in the market selling many large passenger cars and thereby was just meeting the CAFE standard, adding a 22-mpg car (below the 27.5-mpg standard) would result in a financial penalty or would require significant improvements in fuel economy for the remainder of the passenger cars. But, if another manufacturer was selling many small cars and was significantly exceeding the CAFE standard, adding a 22-mpg vehicle would have no negative consequences." (page 102)

"A policy decision to simply increase the standard for light-duty trucks to the same level as for passenger cars would operate in this inequitable manner. Some manufacturers have concentrated their production in light-duty trucks while others have concentrated production in passenger cars. But since trucks tend to be heavier than cars and are more likely to have attributes, such as four-wheel drive, that reduce fuel economy, those manufacturers whose production was concentrated in light-duty trucks would be financially penalized relative to those manufactures whose production was concentrated in cars. Such a policy decision would impose unequal costs on otherwise similarly situated manufacturers." (page 102)

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Missouri.

Mr. BOND. Mr. President, I thank my colleague from Michigan.

I would say that, No. 1, NHTSA has said they will consider basing light-truck standards on vehicle weight or size, as the Senator from Delaware suggested. The Senator from Illinois was downplaying the CAFE increases by NHTSA, but he just talked about them. The difference between the 1.5-mile-per-gallon increase that NHTSA ordered for light trucks—and they did order it—and what he is proposing is that NHTSA's was based on science and technology.

With that, Mr. President, I yield 4 minutes to my friend from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I thank my friend for yielding me time.

Mr. TALENT. Mr. President, Missouri is an auto State. Each year the hard-working employees of six assembly plants produce well over 1 million cars and light trucks that are shipped around the country. In fact, we have 221,000 auto-related workers in Missouri. There are 6.6 million autoworkers around the country. I raise the question: What happens to our automobile economy, what happens to the workers, what happens to the people who buy them, what happens to the people on the highways if suddenly our auto manufacturers are forced to make unreasonable changes in fuel economy standard?

When enacted, CAFE established a 14.6-mpg level for combined car and light truck fuel economy. That level increased to 17.5-mpg in 1982 and to 20.7-mpg in 1996. Since the early 1970s, new vehicles have continued to become more fuel efficient. According to the EPA data, efficiency has increased steadily at nearly 2 percent per year on average from 1975 to 2001 for both cars and trucks. Fuel economy rates in cars have more than doubled in the past generation, from 14.2 miles per gallon in 1974 to more than 28.1 miles per gallon in 2000.

Today's light truck gets better mileage than the compact cars from the 1970s. This bipartisan approach, offered by Senator LEVIN and the Senior Senator from Missouri, KIT BOND, increases fuel economy. It does it in a way that also allows the domestic manufacturing industry in our U.S. economy to thrive as well. The two are not mutually exclusive. We can accomplish both goals. If we rush to legislate higher CAFE standards it will have a negative effect on the American economy and on manufacturing jobs in America. If we do it wrong, we will not even benefit the environment the way we should.

I drive a Ford, and I just toured the Ford Motor plant in Kansas City. I listened to the car manufacturers, the working men and women in the unions who build the cars, and the other impacted groups, and the significantly higher CAFE standard creates a real possibility of costing thousands of Americans their jobs, including many of the 221,000 auto-related workers in Missouri. The Ford F150 pickup truck is made in Kansas City. They estimated that an increase in CAFE standards to the 34-mpg that others are suggesting would raise the price of the truck by $3,000. That is a lot of money to a farmer or a construction worker considering a purchase. Adding $3,000 or more to the sticker price of a new SUV or truck hurts sales and it kills jobs. This compromise offered by Senators BOND and LEVIN is a reasonable measure that gives our U.S. automakers equal footing with their foreign counterparts. The adverse effects of an increased fuel economy standard will have a negative effect on the relative competitiveness of U.S. manufacturers.

A higher fuel economy discriminates against the American auto industry. The American-manufactured vehicles, like those made in Missouri, are just as fuel efficient as the imports. However, they are put in a negative position, because of the CAFE structure—the fact that it looks at a fleetwide average rather than looking at class of vehicles compared to class of vehicles. Nothing is gained for the environment if an imported SUV is bought instead of an American-made SUV where the American SUV is at least as fuel efficient as the foreign SUV. Nothing is gained for the air, but a lot of American jobs are lost. This is the impact of a 36-mile-per-gallon combined car/truck standard on five manufacturers. Honda only has to increase theirs by 20 percent; Toyota, 36 percent; GM, 51 percent; Ford, 56 percent; DaimlerChrysler, 59 percent.

Instead of saying the same size vehicle will be subject to the same CAFE standard, the same mileage standard, it lumps together all vehicles of a manufacturer, and the results are, in my judgment, bizarre and costs huge numbers of American jobs without the benefit to the environment. While CAFE standards do not mandate that manufacturers make small cars, they have had a significant effect on the designs manufacturers adopt—generally, the weights of passenger vehicles have been falling. Producing smaller, lightweight vehicles that can perform satisfactorily using low-power, fuel-efficient engines is the most affordable way for automakers to meet the CAFE standards.

The only way for U.S. automakers to meet the unrealistic numbers that others are proposing is to cut back significantly on the manufacturing of the light trucks, minivans, and SUVs that the American consumers want, that the people of my State and the people of the other States want—to carry their children around safely and conveniently, to do their business.

Levin-Bond asks the Department of Transportation to consider rulemaking that would also consider the effect on U.S. employment, the effect on near-term expenditures that are required to meet increased fuel economy standards on the resources available to develop advanced technology. It puts in place a rational and science-based system of looking at many criteria which are relevant to the question of where the new standards for fuel economy ought to be instead of arbitrarily picking a number out of the air. CAFE should be addressed through a rational rulemaking process that is put in place by experts over a fixed period of time that then makes a decision on what the new standards should be. Politicians who don't fully understand the technologies involved should not arbitrarily set unattainable CAFE standards.

As we struggle to get our economy moving again, we ought to be developing proposals that will increase the number of jobs—not eliminate them. We are debating this obscure theory of CAFE where foreign manufacturers are relatively unconstrained by CAFE because of a fleet mix, not because they are more fuel efficient class by class. For those who say, too bad, we must force the U.S. Big Three to build more fuel-efficient cars and trucks, do you know that under CAFE it doesn't matter what the companies manufacture and build? It is calculated based on what the consumer buys.

Our auto manufacturers can produce vehicles that get 40 miles per gallon. Sure, they can. They can produce electric vehicles which even do better than that. The question is: Are there people who want to buy them? Light trucks today account for about 50 percent of GM sales, 60 percent of Ford sales, and 73 percent of DaimlerChrysler sales. There are over 50 of these high economy models in the showrooms across America today. But guess what. They represent less than 2 percent of total sales. Americans don't want them. You can lead a horse to water; you can't make him drink. You can lead the American consumer to a whole range of lightweight, automobiles, but you can't make them buy them.

Additionally, with the higher cost of new vehicles, farmers, construction workers and parents aren't going to afford the more expensive new light truck. More older, less efficient cars will stay on the road longer. How does that improve our air quality or reduce the need for imported oil?

Let's put this debate in perspective. Support the American autoworker, support the American economy, support the Levin-Bond amendment and oppose the unreasonable proposal from Senator DURBIN.

Mr. President, I sure agree with what the Senator from Delaware was saying, and the Senator from Michigan, so I do not have to repeat it all. I want to make what I think are four brief points.

Let me clarify, whether you meet CAFE standards does not depend on the cars you offer to sell. It depends on the cars that people actually buy. It is very important to remember that. That is the reason for the problem with the amendment of the Senator from Illinois that the Senator from Michigan and Senator BIDEN both mentioned.

The Japanese have been effective in capturing more of the small-car market. American manufacturers have been more effective in capturing the SUV and truck market. Now, the Senator from Illinois says we missed a bet by going after the truck and SUV market. Well, the Japanese don't think so. The Senator from Michigan made the point, they have been going like a house afire to try to capture precisely that market. And the amendment of the Senator from Illinois would make it much easier for them to do it.

The reason is, the trucks and the SUVs we sell now are general fleet. They tend to be big and, therefore, have somewhat lower mileage. So if the amendment of the Senator from Illinois were adopted, the Japanese manufacturers could continue to sell lower mileage bigger trucks and bigger SUVs and still comply with his standard under the CAFE laws. The result would be they would be able to capture the SUV and larger truck market.

His amendment would not cause people to buy fewer large SUVs and trucks. It would cause them to buy fewer American SUVs and American trucks. That is the point the Senator from Michigan and my friend from Missouri have made.

Now, the Senator from Illinois talks about monster SUVs. I have to comment, people do not buy SUVs or trucks because they have lower gas mileage. They buy them generally for reasons of safety or utility. We went through this in my family. We used to drive smaller cars. When we started having kids, my wife put her foot down and said: The car you have been driving would fold up like an accordion if you ever got in an accident. We have kids now. You have to get a bigger car. That is the first time we bought an SUV. That kind of decisionmaking goes on all over the United States.

Let me close by commenting on some of what the Senator from Illinois said about our auto manufacturers. He was criticizing decisions they made and mentioning they are having difficult economic times. It is true that our auto manufacturers are going through some troubled times. Is that a reason to heap a new burden on them? It is true they have not been as effective as any of us would have liked in capturing the small-car market. Is that a reason to take the larger truck market from them? It is true that America relies too much on overseas oil. Is that a reason to send our jobs overseas?

We have an alternative in front of us that is going to encourage greater fuel economy: higher mileage automobiles. It is working. It is rational and logical, as the Senator from Michigan has said, rather than arbitrary. It is the Bond-Levin amendment.

I urge the Senate to adopt that amendment and stay the course. It is working, and it will protect American jobs.

I thank the Senate, Mr. President. I yield whatever time I have.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my friend from Missouri.

Mr. President, I ask unanimous consent that the Senator from Missouri, Mr. TALENT, and the Senator from Kentucky, Mr. BUNNING, be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I yield 2 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. President, as cochairman of the Senate Auto Caucus, I am pleased to join with my colleagues, Senator BOND and Senator LEVIN, as a cosponsor of this corporate average fuel economy standards amendment to the Energy bill. It is an important issue, and it impacts on the economy of our country, the environment, and the safety of the traveling public.

There is no doubt that each of us wants the automobile industry to make cars, trucks, SUVs, and minivans that are energy efficient. It is not only good for the environment, but it means more money in the pockets of the American consumers because they are going to spend less money at the gas pump.

However, I am deeply concerned that the artificial and arbitrarily chosen CAFE standard supported by some of my colleagues will have a devastating effect on jobs. Ohio is the No. 2 automotive manufacturing State in America, employing more than 630,000 people either directly or indirectly. I have heard from a number of these men and women whose livelihood depends on the auto industry and who are, frankly, very worried about their future.

There is genuine concern that a provision mandating an arbitrary standard could cause a serious disruption and shifting in the auto industry resulting in the loss of tens of thousands of jobs across the Nation.

Domestic automakers build the light trucks that consumers want. DaimlerChrysler's fleet of light trucks makes up more than 50 percent of their entire fleet. The company manufactures the Jeep Liberty and the Jeep Wrangler in Toledo, OH, and employs approximately 5,200 workers at this plant. If an arbitrary CAFE provision is mandated that targets light trucks, this plant could close because Chrysler would be forced to redistribute their manufacturing base to build more small, high-mileage cars.

The concern of auto workers was evident at the polls in Ohio last November. Voters rejected a candidate for President who had advocated an arbitrary standard that would have cost jobs and raised prices on the vehicles that consumers demand.

Another concern is that an arbitrary standard would have a harmful effect on public safety, as well as put a severe crimp in the manufacturing base of my State of Ohio which is already under duress because of high natural gas costs, litigation, health care costs, and competition from overseas.

In 2001, new vehicle sales of trucks, SUVs, and minivans outpaced the sale of automobiles for the first time in American history. This remarkable result can be attributed to a number of factors, but one reason that is often cited is the fact that these vehicles are seen as safer.

On the other hand, the Bond-Levin amendment is a rational proposal based on sound science that will keep workers both in Ohio and nationwide working, allowing these men and women to continue to take care of their families and educate their children while also encouraging greater fuel efficiency and safer vehicles.

This amendment calls for the Department of Transportation to increase fuel economy standards based on several factors including the following: technology feasibility; economic practicability; the need to conserve energy and protect the environment; the effect on motor vehicle safety; and the effect on U.S. employment.

I believe this is a much more responsible approach that will improve the fuel efficiency of our Nation's vehicles while also protecting public safety and our Nation's economic security.

This amendment also requires that the Department of Transportation complete the rulemaking process that would increase fuel efficiency standards for 2008 model vehicles. If the administration doesn't act within the required timeframe, Congress will act, under expedited procedures, to pass legislation mandating an increase in fuel economy standards consistent with the same criteria that the administration must consider.

This administration is already taking steps to improve fuel efficiency. As you know, in 2003, the National Highway Traffic Safety Administration enacted the largest fuel efficiency increase for light trucks in over 20 years. By 2007, fuel efficiency requirements will increase to 22.2 miles per gallon from the 20.7 miles per gallon that had been in place through the 2004 model year.

The amendment will also increase Federal research and development for hybrid electric vehicles and clean diesel vehicles.

Additionally, the amendment will increase the market for alternative-powered and hybrid vehicles by mandating that the Federal Government, where feasible, purchase alternative powered and hybrid vehicles.

I believe that this guaranteed market will encourage the auto industry to continue to increase their investment in research and development with an eye towards making alternative-fuel and hybrid vehicles more affordable, available, and commercially appealing to the average consumer.

As a matter of fact, I have ridden in a hybrid manufactured by DaimlerChrysler and I have driven a fuel-cell automobile manufactured by General Motors. I firmly believe that my children and grandchildren will one day be driving automobiles that run on hydrogen and give off only water. However, it will take time for the technology that makes these vehicles possible to be cost-effective and for these vehicles to be marketable.

Until then, I believe that consumer demand will continue to drive the market place. While truck, SUV, and minivan demand is not expected to decrease any time soon, automakers will meet this demand.

In the meantime, many consumers are making the decision to move from light trucks to smaller vehicles as their needs change. In light of today's gas prices, consumers will demand more fuel efficient-vehicles that do not jeopardize their personal and family safety.

For example, my daughter-in-law currently drives a full-size van. As the mother of four young children, she has needed the space and flexibility a van provides in order to accommodate the necessary safety seats for my grandchildren. Now that her children are getting older and are able to travel without car safety seats, she is looking into purchasing a station wagon. Such a vehicle will meet her needs while saving fuel over the long term.

As consumer demands change because of trends and fuel prices, automakers will change to meet that demand. These changes in auto manufacturing should be driven by consumer choice, not by a government-mandated arbitrary standard.

The Bond-Levin amendment is supported by the AFL–CIO, the UAW, the U.S. Chamber of Commerce, the automotive industry, the American Farm Bureau Federation and a number of other organizations.

I urge my colleagues to support the Bond-Levin amendment. It meets our environmental, safety and economic needs in a balanced and responsible way, contributing to the continued and needed harmonization of our energy and environmental policies.

Mr. McCAIN. Mr. President, I support increasing corporate average fuel economy standards. In fact, I have supported strengthening CAFE standards for several years, and in 2002 I introduced legislation that would have significantly improved such standards. My strong support for raising CAFE standards makes it all the more difficult for me to oppose the amendment offered by Senator DURBIN this evening.

When this body considers legislation, we must always be mindful of distinguishing between the advisability and the feasibility of the proposal before us. I strongly support the Durbin amendment's goals of lowering our reliance on foreign oil and of reducing the emission of greenhouse gases. I strongly support those goals. But this amendment, sadly, does not appear to be achievable without significantly and detrimentally affecting our economy.

Mr. President, there are realistic options available to us. For example, I support legislation that would require passenger cars and light trucks to meet the same average fuel economy standard of 27.5 miles within a reasonable amount of time. I will continue to work towards such achievable and beneficial improvements to our Nation's average fuel economy.

The PRESIDING OFFICER. Who yields time?

Mr. DURBIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Illinois has 6 minutes 53 seconds. The Senator from Missouri has 1 minute 50 seconds.

The Senator from Illinois.

Mr. DURBIN. Thank you very much, Mr. President.

Take a look at this chart and see what is happening in America. As the price of gasoline goes up, this veracious appetite for SUVs is going down. SUV sales in America are declining, with a 19-percent decrease from the first quarter of 2004 to 2005.

Detroit, are you listening? Are you listening to consumers across America? They do not like to take expensive gasoline and put it into an SUV that gets terrible mileage. They are telling you what the future is going to look like when we have $50- and $60- and $70- and $80- and $90-a-barrel oil coming into the United States.

The consumers are speaking already. Sadly, their response is not being picked up. Sadly, their response is not being picked up by some of the major manufacturers of U.S. automobiles.

Take a look at this chart. The Chevy Suburban: I know the Chevy Suburban. The car I am provided in the Senate is a Chevy Suburban. It is a great car but a big, heavy car. It is picked for that reason for security purposes. Whatever. But take a look at the comparable sales: the Toyota Prius, 34,225 in U.S. sales so far in 2005; 35,756 Ford Expeditions; 24,000 Chevy Suburbans.

The point I am making is the American consumer's appetite is growing for a car which Detroit is not making. We are, sadly, 2 years behind. These Toyota Priuses, which one of our colleagues in the Senate drives, happen to be cars for which you can get 50 miles a gallon and more. People want them, but they cannot buy an American version. What is Detroit waiting for?

Look where we are as a nation. When we took the leadership—Senator BOND may call this Soviet-style leadership, command-and-control leadership—in 1975 and said we were going to have more fuel-efficient vehicles, look at that increase in average miles per gallon in a 10-year period of time—dramatic. Look what has happened since then—flat-lining.

As we have increased our dependence on foreign oil, our cars and trucks are less and less fuel efficient. The end is near, my friends. It is going to reach us sooner rather than later if we do not accept the reality that we need to say, if America is going to be truly less dependent on foreign oil, we have to set standards that move us toward energy conservation and energy efficiency. The first place to start is in the cars and trucks we drive.

I think if a President, if a Congress, stood up and said: "America, we are in this together; we are challenging Detroit to come out with a fuel-efficient car; we need one that is going to make America less dependent on foreign oil so we do not get involved in wars, so we do not have to walk hand-in-hand with Saudi sheiks around America; we want to be less dependent and will you join us, America, the businesses and families of this country would stand up and say: We are ready.

I wish to say, in response to the Senator from Ohio, the Chair of the Senate Auto Caucus, Mr. VOINOVICH, I could not agree with him more. This is a hugely important industry. It is in trouble because the market share for American automobile manufacturers continues to decline. They are building cars that Americans are not buying. Americans are looking to Japanese and German and other cars instead.

There is a message there. We have to revitalize this industry by thinking forward instead of thinking backward. And thinking forward says, the price of gas is going up. You better have a more fuel-efficient vehicle. You can reach it if you use innovation and creativity. Unfortunately, that is not occurring today.

Let me close with a comment I opened with from BusinessWeek magazine:

> As Congress puts the final touches on a massive new energy bill, lawmakers are about to blow it. That's because the bill, which they hope to pass by the end of July, almost certainly won't include the one policy initiative that could seriously reduce American's dependence on foreign oil: a government-mandated increase in the average fuel economy of new cars, SUVs, light trucks, and vans.

The Bond-Levin amendment does not do that. It does not increase fuel efficiency. It does not reduce dependence on foreign oil. The amendment which I offer does, and I hope my colleagues will support it.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Missouri.

Mr. BOND. Mr. President, I think there is a clear difference. My colleague from Illinois has a political idea of a fuel standard and says that will increase efficiency. The difference is that the Bond-Levin approach relies on what is working and that is having sound science, administered by the National Highway Traffic Safety Administration, pushing the manufacturers of cars to improve mileage as quickly as it can be improved, using science and technology, rather than forcing them to go to small automobiles which, according to NHTSA, have caused between 1,300 and 2,600 more vehicle deaths a year as a result of the lower weight cars needed to meet arbitrary fuel standards previously imposed.

I urge my colleagues to oppose the Durbin amendment but to support the Bond-Levin amendment to ensure that we maintain safe, efficient automobiles, getting better fuel economy, and providing choices for our families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, does the Senator from Missouri have time remaining?

The PRESIDING OFFICER. The Senator has 37 seconds.

Does the Senator wish to reserve that time or yield it back?

Mr. BOND. I reserve my time.

Dr. DURBIN. In the interest of picking up a few more votes, I yield back all my time.

The PRESIDING OFFICER. The Senator from Illinois yields back all his time.

The Senator from Missouri.

Mr. BOND. I yield back all my time as well.

The PRESIDING OFFICER. The Senator yields back his time. All time has expired.

The junior Senator from Missouri.

Mr. TALENT. Mr. President, I have talked to both sides to get permission for a unanimous consent request allowing me to offer an amendment that is acceptable to both sides on a voice vote.

AMENDMENT NO. 819

So I ask unanimous consent to be permitted to offer amendment No. 819 and proceed to a vote right after I explain it.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, some of us have to catch a flight. I was hoping we would get the vote off here.

Mr. CRAIG. Let me work this through. This will take a minute or 2 for the Senator from Missouri. It has been agreed to. It will be a voice vote, and then we will move immediately to the votes.

Mrs. BOXER. I object if it is more than a minute. That is how close it is. I can give him a minute.

Mr. TALENT. Thirty seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Missouri [Mr. Talent], for himself, Mr. Johnson, Mr. Bond, and Mr. Dorgan, proposes an amendment numbered 819.

The amendment is as follows:

(Purpose: To increase the allowable credit for fuel use under the alternatively fueled vehicle purchase requirement)

On page 420, strike lines 5 through 16 and insert the following:

SEC. 702. FUEL USE CREDITS.

(a) In General.—Section 312 of the Energy Policy Act of 1992 (42 U.S.C. 13220) is amended to read as follows:

"SEC. 312. FUEL USE CREDITS.

"(a) Definitions.—In this section:

"(1) Biodiesel.—The term 'biodiesel' means a diesel fuel substitute produced from nonpetroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545).

"(2) Qualifying volume.—The term 'qualifying volume' means—

"(A) in the case of biodiesel, when used as a component of fuel containing at least 20 percent biodiesel by volume—

"(i) 450 gallons; or

"(ii) if the Secretary determines by rule that the average annual alternative fuel use in light duty vehicles by fleets and covered persons exceeds 450 gallons or gallon equivalents, the amount of the average annual alternative fuel use; and

"(B) in the case of an alternative fuel, the amount of the fuel determined by the Secretary to have an equivalent energy content to the amount of biodiesel defined as a qualifying volume under subparagraph (A).

"(b) Allocation.—

"(1) In general.—The Secretary shall allocate 1 credit under this section to a fleet or covered person for each qualifying volume of alternative fuel or biodiesel purchased for use in a vehicle operated by the fleet.

"(2) Limitation.—The Secretary may not allocate a credit under this section for the purchase of an alternative fuel or biodiesel that is required by Federal or State law.

"(3) Documentation.—A fleet or covered person seeking a credit under paragraph (1) shall provide written documentation to the Secretary supporting the allocation of the credit to the fleet or covered person.

"(c) Use.—At the request of a fleet or covered person allocated a credit under subsection (b), the Secretary shall, for the year in which the purchase of a qualifying volume is made, consider the purchase to be the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title, title IV, or title V.

"(d) Treatment.—A credit provided to a fleet or covered person under this section shall be considered to be a credit under section 508.

"(e) Issuance of Rule.—Not later than 180 days after the date of enactment of the Energy Policy Act of 2005, the Secretary shall issue a rule establishing procedures for the implementation of this section.".

(b) Table of Contents Amendment.—The table of contents of the Energy Policy Act of 1992 is amended by striking the item relating to section 312 and inserting the following:

"Sec. 312. Fuel use credits.".

Mr. TALENT. Mr. President, this is an amendment that has been accepted by unanimous consent and voice vote by the Senate in the past. It would allow municipalities to help meet their EPAct requirement by using biodiesel. I am offering it on behalf of Senators Johnson, Bond, Dorgan, and myself.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 819.

The amendment (No. 819) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 925

The PRESIDING OFFICER. The question is on agreeing to amendment No. 925 offered by the Senators Bond and Levin.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Sentors are necessarily absent: the Senator from New Mexico (Mr. Domenici), and the Senator from Mississippi (Mr. Lott).

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. Bingaman), the Senator from Connecticut (Mr. Dodd), and the Senator from Hawaii (Mr. Inouye) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 31, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—64

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bond
Brownback
Bunning
Burns
Burr
Byrd
Carper
Chambliss
Coburn
Cochran
Coleman
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dole
Dorgan
Ensign
Enzi
Feingold
Frist
Graham
Grassley
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kohl
Kyl
Landrieu
Levin
Lincoln
Lugar
Martinez
McConnell
Mikulski
Murkowski
Nelson (NE)
Pryor
Roberts
Salazar
Santorum
Sessions
Shelby
Smith
Specter
Stabenow
Stevens
Talent
Thune
Vitter
Voinovich
Warner

NAYS—31

Akaka
Biden
Boxer
Cantwell
Chafee
Clinton
Collins
Corzine
Durbin
Feinstein
Gregg
Harkin
Jeffords
Kennedy
Kerry
Lautenberg
Leahy
Lieberman
McCain
Murray
Nelson (FL)
Obama
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Sununu
Thomas
Wyden

NOT VOTING—5

Bingaman
Dodd
Domenici
Inouye
Lott

The amendment (No. 925) was agreed to.

Mr. CRAIG. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, for the information of Senators, in all likelihood the next vote will be the last vote tonight. We cannot say with certainty, but in all likelihood this is the last vote. The plan is to have final passage on the Energy bill at 9:45 on Tuesday morning. We will complete the bill tonight. We still have the managers' package. That is why I cannot say absolutely no votes. But there is a 99-percent chance that the next vote will be the last vote.

We will be working on the Interior bill on Friday and Monday. We will be stacking the votes on Interior, hopefully, for Tuesday and complete passage of the Interior bill.

I yield the floor.

AMENDMENT NO. 902

The PRESIDING OFFICER. Under the previous order, the Durbin amendment is next for consideration.

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Senators have yielded back their time. The question is on agreeing to amendment No. 902. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from New Mexico (Mr. Domenici), and the Senator from Mississippi (Mr. Lott).

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. Bingaman), the Senator from California (Mrs. Boxer), and the Senator from Hawaii (Mr. Inouye) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. Boxer) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 67, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—28

Akaka
Cantwell
Carper
Chafee
Collins
Corzine
Dayton
Dodd
Durbin
Feinstein
Gregg
Harkin
Jeffords
Kennedy
Lautenberg
Leahy
Lieberman
Lugar
Murray
Nelson (FL)
Obama
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Wyden

NAYS—67

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Brownback
Bunning
Burns
Burr
Byrd
Chambliss
Clinton
Coburn
Cochran
Coleman
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Dorgan
Ensign
Enzi
Feingold
Frist
Graham
Grassley
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kerry
Kohl
Kyl
Landrieu
Levin
Lincoln
Martinez
McCain
McConnell
Mikulski
Murkowski
Nelson (NE)
Pryor
Roberts
Salazar
Santorum
Sessions
Shelby
Smith
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—5

Bingaman
Boxer
Domenici
Inouye
Lott

The amendment (No. 902) was rejected.

Mr. CRAIG. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, before I move to a couple of other items to complete our work this evening, I will yield the floor to the Senator from Georgia for a brief statement.

The PRESIDING OFFICER. The Senator from Georgia.

(The remarks of Mr. CHAMBLISS are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENTS NOS. 811; 832, AS MODIFIED; 871, AS MODIFIED; 886, AS MODIFIED; 899, AS MODIFIED; 808; 825; 940, AS MODIFIED; 1005; 1006; 1007; 1008; 851, AS MODIFIED; 892, AS MODIFIED; 903, AS MODIFIED; 919, AS MODIFIED; 834

Mr. CRAIG. Mr. President, we have a series of managers' amendments that have been cleared on both sides. Therefore, I now ask unanimous consent that the series of amendments at the desk be considered and agreed upon en bloc and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to as follows:

AMENDMENT NO. 811

(The amendment is printed in the RECORD of June 21, 2005, under "Text of Amendments.")

AMENDMENT NO. 832, AS MODIFIED

On page 724, line 12, insert before "shall enter" the following: ", in consultation with the Administrator of the Environmental Protection Agency,".

On page 726, line 5, insert "and the Administrator of the Environmental Protection Agency" after "Interior".

On page 726, line 10, insert before "shall report" the following: "and the Administrator of the Environmental Protection Agency, after consulting with states,".

On page 726, line 14, strike "Secretary's agreement or disagreement" and insert "agreement or disagreement of the Secretary of the Interior and the Administrator of the Environmental Protection Agency".

AMENDMENT NO. 871, AS MODIFIED

(Purpose: To provide whistleblower protection for contract and agency employees at the Department of Energy)

At the appropriate place, insert the following:

"SECTION. WHISTLEBLOWER PROTECTION FOR EMPLOYEES OF THE DEPARTMENT OF ENERGY.

(a) DEFINITION OF EMPLOYER.—Section 211(a)(2) of the Energy Reorganization Act of 1974 (42 U.S.C. 5851(a)(2)) is amended—

(1) in subparagraph (C), by striking 'and' at the end;

(2) in subparagraph (D), by striking 'that is indemnified' and all that follows through '12344.'; and

(3) by adding at the end the following:

'(E) the Department Of Energy.'.

(b) DE NOVO JUDICIAL DETERMINATION.—Section 211(b) of the Energy Reorganization Act of 1974 (42 U.S.C. 5851(b)) is amended by adding at the end the following:

'(4) DE NOVO JUDICIAL DETERMINATION.—If the Secretary does not issue a final decision within 180 days after the filing of a complaint under paragraph (1) and the Secretary does not show that the delay is caused by the bad faith of the claimant, the claimant may bring a civil action in United States district court for a determination of the claim by the court de novo.'.

AMENDMENT NO. 886, AS MODIFIED

(Purpose: To include waste-derived ethanol and biodiesel in a definition of biodiesel)

On page 159, after line 23, add the following:

SEC. 211. WASTE-DERIVED ETHANOL AND BIODIESEL.

Section 312(f)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)(1)) is amended—

(1) by striking "'biodiesel' means" and inserting the following: "'biodiesel'—

"(A) means"; and

(2) in subparagraph (A) (as designated by paragraph (1)) by striking "and" at the end and inserting the following:

"(B) includes biodiesel derived from—

"(i) animal wastes, including poultry fats and poultry wastes, and other waste materials; or

"(ii) municipal solid waste and sludges and oils derived from wastewater and the treatment of wastewater; and".

AMENDMENT NO. 899, AS MODIFIED

(Purpose: To establish procedures for the reinstatement of leases terminated due to unforeseeable circumstances)

On page 296, after line 25, add the following:

SEC. 34 . REINSTATEMENT OF LEASES.

Notwithstanding section 31(d)(2)(B) of the Mineral Leasing Act (30 U.S.C. 188(d)(2)(B)), the Secretary may reinstate any oil and gas lease issued under that Act that was terminated for failure of a lessee to pay the full amount of rental on or before the anniversary date of the lease, during the period beginning on September 1, 2001, and ending on June 30, 2004, if, (1) not later than 120 days after the date of enactment of this Act, the lessee—

(A) files a petition for reinstatement of the lease;

(B) complies with the conditions of section 31(e) of the Mineral Leasing Act (30 U.S.C. 188(e)); and

(C) certifies that the lessee did not receive a notice of termination by the date that was 13 months before the date of termination; and (2) the land is available for leasing.

AMENDMENT NO. 808

(Purpose: To establish a program to develop Fischer-Tropsch transportation fuels from Illinois basin coal)

On page 346, between lines 9 and 10, insert the following:

SEC. 4 . DEPARTMENT OF ENERGY TRANSPORTATION FUELS FROM ILLINOIS BASIN COAL.

(a) IN GENERAL.—The Secretary shall carry out a program to evaluate the commercial and technical viability of advanced technologies for the production of Fischer-Tropsch transportation fuels, and other transportation fuels, manufactured from Illinois basin coal, including the capital modification of existing facilities and the construction of testing facilities under subsection (b).

(b) FACILITIES.—For the purpose of evaluating the commercial and technical viability of different processes for producing Fischer-Tropsch transportation fuels, and other transportation fuels, from Illinois basin coal, the Secretary shall support the use and capital modification of existing facilities and the construction of new facilities at—

(1) Southern Illinois University Coal Research Center;

(2) University of Kentucky Center for Applied Energy Research; and

(3) Energy Center at Purdue University.

(c) GASIFICATION PRODUCTS TEST CENTER.—In conjunction with the activities described in subsections (a) and (b), the Secretary shall construct a test center to evaluate and confirm liquid and gas products from syngas catalysis in order that the system has an output of at least 500 gallons of Fischer-Tropsch transportation fuel per day in a 24-hour operation.

(d) MILESTONES.—

(1) SELECTION OF PROCESSES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall select processes for evaluating the commercial and technical viability of different processes of producing Fischer-Tropsch transportation fuels, and other transportation fuels, from Illinois basin coal.

(2) AGREEMENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall offer to enter into agreements—

(A) to carry out the activities described in this section, at the facilities described in subsection (b); and

(B) for the capital modifications or construction of the facilities at the locations described in subsection (b).

(3) EVALUATIONS.—Not later than 3 years after the date of enactment of the Act, the Secretary shall begin, at the facilities described in subsection (b), evaluation of the

technical and commercial viability of different processes of producing Fischer-Tropsch transportation fuels, and other transportation fuels, from Illinois basin coal.

(4) CONSTRUCTION OF FACILITIES.—

(A) IN GENERAL.—The Secretary shall construct the facilities described in subsection (b) at the lowest cost practicable.

(B) GRANTS OR AGREEMENTS.—The Secretary may make grants or enter into agreements or contracts with the institutions of higher education described in subsection (b).

(e) COST SHARING.—The cost of making grants under this section shall be shared in accordance with section 1002.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $85,000,000 for the period of fiscal years 2006 through 2010.

AMENDMENT NO. 825

(Purpose: To establish a 4-year pilot program to provide emergency relief to small business concerns affected by a significant increase in the price of heating oil, natural gas, propane, gasoline, or kerosene, and for other purposes)

On page 208, after line 24, insert the following:

SEC. 303. SMALL BUSINESS AND AGRICULTURAL PRODUCER ENERGY EMERGENCY DISASTER LOAN PROGRAM.

(a) SMALL BUSINESS PRODUCER ENERGY EMERGENCY DISASTER LOAN PROGRAM.—

(1) DISASTER LOAN AUTHORITY.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (3) the following:

"(4)(A) In this paragraph—

"(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, gasoline, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

"(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, gasoline, or propane during the subsequent calendar month, commonly known as the 'front month'; and

"(iii) the term 'significant increase' means—

"(I) with respect to the price of heating oil, natural gas, gasoline, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

"(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant.

"(B) The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene occurring on or after January 1, 2005.

"(C) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

"(D) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the $1,500,000 limitation.

"(E) For purposes of assistance under this paragraph—

"(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

"(ii) if no declaration has been made pursuant to clause (i), the Governor of a State in which a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

"(F) Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating oil, natural gas, gasoline, propane, or kerosene to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.".

(2) CONFORMING AMENDMENTS.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting ", significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene" after "civil disorders"; and

(B) by inserting "other" before "economic".

(b) AGRICULTURAL PRODUCER EMERGENCY LOANS.—

(1) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(A) in the first sentence—

(i) by striking "operations have" and inserting "operations (i) have"; and

(ii) by inserting before ": *Provided*," the following: ", or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after January 1, 2005, in connection with an energy emergency declared by the President or the Secretary";

(B) in the third sentence, by inserting before the period at the end the following: "or by an energy emergency declared by the President or the Secretary"; and

(C) in the fourth sentence—

(i) by inserting "or energy emergency" after "natural disaster" each place that term appears; and

(ii) by inserting "or declaration" after "emergency designation".

(2) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subparagraph (A) to meet the needs resulting from natural disasters.

(c) GUIDELINES AND RULEMAKING.—

(1) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration and the Secretary of Agriculture shall each issue guidelines to carry out this section and the amendments made by this section, which guidelines shall become effective on the date of their issuance.

(2) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(4)(A)(iii)(II) of the Small Business Act (15 U.S.C. 636(b)(4)(A)(iii)(II)), as added by this section.

(d) REPORTS.—

(1) SMALL BUSINESS ADMINISTRATION.—Not later than 12 months after the date on which the Administrator of the Small Business Administration issues guidelines under subsection (c)(1), and annually thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(4) of the Small Business Act, as added by this section, including—

(A) the number of small business concerns that applied for a loan under such section 7(b)(4) and the number of those that received such loans;

(B) the dollar value of those loans;

(C) the States in which the small business concerns that received such loans are located;

(D) the type of energy that caused the significant increase in the cost for the participating small business concerns; and

(E) recommendations for ways to improve the assistance provided under such section 7(b)(4), if any.

(2) DEPARTMENT OF AGRICULTURE.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under subsection (c)(1), and annually thereafter, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(A) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section; and

(B) contains recommendations for ways to improve the assistance provided under such section 321(a).

(e) EFFECTIVE DATE.—

(1) SMALL BUSINESS.—The amendments made by subsection (a) shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Administrator of the Small Business Administration under subsection (c)(1) or 30 days after the date of enactment of this Act, with respect to assistance under section 7(b)(4) of the Small Business Act, as added by this section.

(2) AGRICULTURE.—The amendments made by subsection (b) shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Secretary of Agriculture under subsection (c)(1) or 30 days after the date of enactment of this Act, with respect to assistance under section 321(a) of the Consolidated

Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section.

AMENDMENT NO. 940, AS MODIFIED

An amendment intended to be proposed by Mr. INHOFE:

"(vi) Not later than July 1, 2007, the Administrator shall promulgate final regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels, as provided for in section 80.1045 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph), and as authorized under section 202(l) of the Clean Air Act. If the Administrator promulgates by such date, final regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels that achieve and maintain greater overall reductions in emissions of air toxics from reformulated gasoline than the reductions that would be achieved under section 211(k)(1)(B) of the Clean Air Act as amended by this clause, then sections 211 (k)(1)(i) through 211(k)(1)(v) shall be null and void and regulations promulgated thereunder shall be rescinded and have further effect.

AMENDMENT NO. 1005

(Purpose: To make a technical correction)

At the end of subtitle H of title II, add the following:

SEC. 2___. ENERGY POLICY AND CONSERVATION TECHNICAL CORRECTION.

Section 609(c)(4) of the Public Utility Regulatory Policies Act of 1978 (as added by section 291) is amended by striking "of 1954 (42 U.S.C. 6303)" and inserting "(42 U.S.C. 6303(d))".

AMENDMENT NO. 1006

(Purpose: To require the Secretary to carry out a study and compile existing science to determine the risks or benefits presented by cumulative impacts of multiple offshore liquefied natural gas facilities reasonably assumed to be constructed in an area of the Gulf of Mexico using the open-rack vaporization system)

On page 755, after line 25, insert the following:

SEC. 13 . SCIENCE STUDY ON CUMULATIVE IMPACTS OF MULTIPLE OFFSHORE LIQUEFIED NATURAL GAS FACILITIES.

(a) IN GENERAL.—The Secretary (in consultation with the National Oceanic Atmospheric Administration, the Commandant of the Coast Guard, affected recreational and commercial fishing industries and affected energy and transportation stakeholders) shall carry out a study and compile existing science (including studies and data) to determine the risks or benefits presented by cumulative impacts of multiple offshore liquefied natural gas facilities reasonably assumed to be constructed in an area of the Gulf of Mexico using the open-rack vaporization system.

(b) ACCURACY.—In carrying out subsection (a), the Secretary shall verify the accuracy of available science and develop a science-based evaluation of significant short-term and long-term cumulative impacts, both adverse and beneficial, of multiple offshore liquefied natural gas facilities reasonably assumed to be constructed in an area of the Gulf of Mexico using or proposing the open-rack vaporization system on the fisheries and marine populations in the vicinity of the facility.

AMENDMENT NO. 1007

(Purpose: To improve the clean coal power initiative)

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 1008

(Purpose: To clarify provisions regarding relief for extraordinary violations)

On page 696, lines 24 and 25, strike "unlawful on the grounds that it is unjust and unreasonable" and insert "not permitted under a rate schedule (or contract under such a schedule) or is otherwise unlawful on the grounds that the contract is unjust and unreasonable or contrary to the public interest".

AMENDMENT NO. 851, AS MODIFIED

(Purpose: To require the Secretary to establish a Joint Flexible Fuel/Hybrid Vehicle Commercialization Initiative, and for other purposes)

On page 424, between lines 7 and 8, insert the following:

SEC. 706. JOINT FLEXIBLE FUEL/HYBRID VEHICLE COMMERCIALIZATION INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term eligible entity means—

(A) a for-profit corporation;

(B) a nonprofit corporation; or

(C) an institution of higher education.

(2) PROGRAM.—The term "program" means the applied research program established under subsection (b).

(b) ESTABLISHMENT.—The Secretary shall establish an applied research program to improve technologies .for the commercialization of—

(1) a combination hybrid/flexible fuel vehicle; or

(2) a plug-in hybrid/flexible fuel vehicle.

(c) GRANTS.—In carrying out the program, the Secretary shall provide grants that give preference to proposals that—

(1) achieve the greatest reduction in miles per gallon of petroleum fuel consumption;

(2) achieve not less than 250 miles per gallon of petroleum fuel consumption; and

(3) have the greatest potential of commercialization to the general public within 5 years.

(d) VERIFICATION.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register procedures to verify—

(1) the hybrid/flexible fuel vehicle technologies to be demonstrated; and

(2) that grants are administered in accordance with this section.

(e) REPORT.—Not later than 260 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report that—

(1) identifies the grant recipients;

(2) describes the technologies to be funded under the program;

(3) assesses the feasibility of the technologies described in paragraph (2) in meeting the goals described in subsection (c);

(4) identifies applications submitted for the program that were not funded; and

(5) makes recommendations for Federal legislation to achieve commercialization of the technology demonstrated.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

(1) $3,000,000 for fiscal year 2005;

(2) $7,000,000 for fiscal year 2006;

(3) $10,000,000 for fiscal year 2007; and

(4) $20,000,000 for fiscal year 2008.

AMENDMENT NO. 892, AS MODIFIED

On page 342, strikelines 1 through 19 and insert the following:

SEC. 407. WESTERN INTEGRATED COAL GASIFICATION DEMONSTRATION PROJECT.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall carry out a project to demonstrate production of energy from coal mined in the western United States using integrated gasification combined cycle technology (referred to in this section as the "demonstration project").

(b) COMPONENTS.—The demonstration project—

(i) may include repowering of existing facilities;

(ii) shall be designed to demonstrate the ability to use coal with an energy content of not more than 9,000 Btu/lb.; and

(iii) shall be capable of removing and sequestering carbon dioxide emissions.

(c) ALL TYPES OF WESTERN COALS.—Notwithstanding the foregoing, and to the extent economically feasible, the demonstration project shall also be designed to demonstrate the ability to use a variety of types of coal (including subbituminous and bituminous coal with an energy content of up to 13,000 Btu/lb) mined in the western United States.

(d) LOCATION.—The demonstration project shall be located in a western State at an altitude of greater than 4,000 feet above sea level.

(e) COST SHARING.—The Federal share of the cost of the demonstration project shall be determined in accordance with section 1002.

(f) LOAN GUARANTEES.—Notwithstanding title XIV, the demonstration project shall not be eligible for Federal loan guarantees.

AMENDMENT NO. 903, AS MODIFIED

(Purpose: To provide that small businesses are eligible to participate in the Next Generation Lighting Initiative)

Beginning on page, 469, strike line 10 and all that follows through page 470, line 20, and insert the following:

(d) INDUSTRY ALLIANCE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms, including large and small businesses, that, as a group, are broadly representative of United States solid state lighting research, development, infrastructure, and manufacturing expertise as a whole.

(e) RESEARCH.—

(1) GRANTS.—The Secretary shall carry out the research activities of the Initiative through competitively awarded grants to—

(A) researchers, including Industry Alliance participants;

(B) small businesses;

(C) National Laboratories; and

(D) institutions of higher education.

(2) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify solid-state lighting technology needs;

(B) an assessment of the progress of the research activities of the Initiative; and

(C) assistance in annually updating solid-state lighting technology roadmaps.

(3) AVAILABILITY TO PUBLIC.—The information and roadmaps under paragraph (2) shall be available to the public.

(f) DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION.—

(1) IN GENERAL.—The Secretary shall carry out a development, demonstration, and commercial application program for the Initiative through competitively selected awards.

(2) PREFERENCE.—In making the awards, the Secretary may give preference to participants in the Industry Alliance.

AMENDMENT NO. 919, AS MODIFIED

(Purpose: To enhance the national security of the United States by providing for the research, development, demonstration, administrative support, and market mechanisms for widespread deployment and commercialization of biobased fuels and biobased products)

(The amendment is printed in the RECORD of June 22, 2005 under "Text of Amendments.")

AMENDMENT NO. 1009

(Purpose: To provide a Manager's amendment)

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 834

(Purpose: To provide for understanding of and access to procurement opportunities for small businesses with regard to Energy Star technologies and products, and for other purposes)

On page 52, line 24, strike "efficiency; and" and all that follows through page 53, line 8 and insert the following: "efficiency:

"(C) understanding and accessing Federal procurement opportunities with regard to Energy Star technologies and products; and

"(D) identifying financing options for energy efficiency upgrades.

"(2) The Secretary, the Administrator of the Environmental Protection Agency, and the Administrator of the Small Business Administration shall make program information available to small business concerns directly through the district offices and resource partners of the Small Business Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives (SCORE), and through other Federal agencies, including the Federal Emergency Management Agency and the Department of Agriculture.

"(3) The Secretary, on a cost shared basis in cooperation with the Administrator of the Environmental Protection Agency, shall provide to the Small Business Administration all advertising, marketing, and other written materials necessary for the dissemination of information under paragraph (2).

"(4) There are authorized to be appropriated such sums as may be necessary to carry out this subsection, which shall remain available until expended.".

AMENDMENT NO. 792 WITHDRAWN

Mr. CRAIG. I ask unanimous consent the Wyden amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUHCA REPEAL AND FERC MERGER AUTHORITY

Mr. SHELBY. Will the chairman yield for a question?

Mr. DOMENICI. I will be happy to yield.

Mr. SHELBY. I thank the chairman. As the chairman is aware, repeal of the Public Company Utility Holding Act of 1935 has been a priority of the Senate Banking Committee for almost 25 years. As recently as 1997 and 1999, the Senate Banking Committee reported PUHCA repeal bills out of committee. As chairman of the Banking Committee, I have been pleased to work with the Chairman of the Energy Committee to ensure that PUHCA repeal was included as part of a comprehensive Energy bill.

I congratulate the chairman for reporting a bill out of Committee that includes PUHCA repeal. Nevertheless, I have concerns that the expanded merger review authority for FERC provided for in the Electricity title undermines the important policy goals behind PUHCA repeal. It is widely understood that PUHCA has served its purpose and is outdated. Now, PUHCA acts as a barrier to interstate capital flows, and other Federal laws make the PUHCA regime redundant.

The purpose of PUHCA repeal legislation is to eliminate these duplicative and unnecessary regulatory burdens. I am concerned that PUHCA repeal is undermined by legislation providing FERC with enhanced merger review authority over utility companies. I do not believe that Congress should repeal PUHCA, only to replace it with a burdensome regulatory framework administered by FERC. But I am afraid that may be exactly what we are doing in the Electricity title of this bill. I do not believe that Congress should require enhanced FERC merger authority as a prerequisite for PUHCA repeal.

I would ask the chairman to consult with me during conference to ensure against this result. As the Senate Banking Committee has done recently, I think it is important that we repeal PUHCA without creating additional regulatory burdens.

Mr. DOMENICI. I thank the Senator from Alabama for his remarks, and I share his concern regarding additional FERC merger review authority. I look forward to working with him in conference to ensure that PUHCA repeal is not accompanied by the grant of unnecessary merger review authority to FERC.

Mr. SHELBY. I thank the chairman.

ELECTRIC TRANSMISSION PROPERTY DEPRECIATION

Mr. THOMAS. Mr. President, I would like to speak about an amendment I filed to the tax title of this bill on electric transmission property depreciation and engage Mr. GRASSLEY in a colloquy on this important issue if I may.

I did not push this issue to a vote during the committee markup, and I don't intend to do so on the floor either since I understand the provision is included in the House version of the bill and enjoys broad support in both the House and the Senate.

That said, I felt it was important to underscore the importance of energy infrastructure in the United States. It is completely irrelevant how much we have in the area of energy-producing resources if we can't transport that energy to where it's needed.

And electric transmission capacity is a prime example.

There are a number of barriers to building additional transmission capacity, among them being stringent regulations at the federal, state, and local levels; NIMBY-ism, in other words, those who want it, but not in their backyard; and high capital cost.

My amendment—which would have incorporated my bill, S. 815, into the tax title—addresses the substantial investment required to build additional capacity.

I thank Senators SNOWE, BINGAMAN, BUNNING, and SMITH for cosponsoring both the bill and the amendment.

The provision would shorten the depreciation life of electric transmission property from the current 20 years to 15 years, thereby substantially reducing the cost.

I understand Chairman GRASSLEY's hesitancy to include provisions in the Senate package that are already covered in the House bill. However, I am asking for the Chairman's commitment to ensure this important provision is included in a final energy package.

Mr. GRASSLEY. I agree that energy infrastructure, particularly electric transmission capacity, is a critical component of our domestic energy policy, and I am committed to helping you ensure that it is included in the final energy bill.

SEC. 261, HYDROELECTRIC RELICENSING REFORM

Ms. CANTWELL. Mr. President, Section 261 of the underlying bill contains provisions designed to reform the hydroelectric relicensing process. These provisions are the result of a hard-won compromise, and I thank the chairman and ranking member, along with Senators CRAIG, SMITH and FEINSTEIN for their leadership on this issue. In particular, these provisions significantly differ from previous House- and Senate-passed versions, as they will allow States, tribes and the public to propose alternative licensing conditions, and will further allow these entities to trigger the trial-type hearing process outlined in this section. I believe these public participation provisions are key improvements in this legislation. I would also like to more fully explore the process by which alternative conditions proposed by these stakeholders should be considered.

Before an alternative condition or prescription to a license may be approved, the Secretary must concur with the judgment of the license applicant that it will either cost significantly less to implement, or result in improved operation of the hydro project for electricity production—at the same time it provides for adequate protection of the resource—or in the case of fishway prescriptions, will be no less protective than the fishway initially proposed by the Secretary. This provision does not provide the license applicant a so-called veto power over proposed alternatives, because this judgment requires the Secretary's concurrence. In addition, it is the Senate's intent that these judgments be supported by substantial evidence as required by Section 313 of the Federal

Power Act. I would like to ask the senior Senator from New Mexico the following question: If the Secretary determines that a license applicant's judgment has been based on inaccurate data and thus fails to meet the test of being supported by substantial evidence, can the Secretary withhold his or her concurrence?

Mr. DOMENICI. The Senator from Washington is correct in expressing our intent that the license applicant's judgment be supported by substantial evidence. It is not our intent to provide an incentive for applicants to provide poor data in order to prompt the rejection of a condition by other stakeholders. If the Secretary of a resource agency determines that the evidence provided by the license applicant is of insufficient quality and therefore does not meet the substantial evidence test, the Secretary should not concur with the license applicant's judgment in the matter.

INTEGRATED COAL GASIFICATION

Mr. SALAZAR. Mr. President, I am pleased to join with the distinguished majority leader in support of H.R. 6.

I am particularly pleased with the bill's support for integrated coal gasification, IGCC, technology development and deployment into commercial use. Our Nation needs a comprehensive energy policy which promotes new, cleaner, and more advanced generation technologies.

I have been increasingly concerned with the challenges associated with developing IGCC technology for burning Western coal. Western coal is a valuable resource and crucial to our economy; however, both cost and technological difficulties have prevented development of IGCC in the West. That is why I support a provision for a Western IGCC Demonstration Project, Section 407. This project would allow for development of an IGCC technology designed to use Western coal and in a cost-effective manner.

I have also been increasingly concerned with the need to address climate change. The promise of IGCC technology's ability to reduce carbon dioxide emissions should be realized as soon as possible. That is why the Western IGCC demonstration project shall include a carbon technology component.

I wish to also take this opportunity to clarify an important point. There have been media reports expressing concern that the Western IGCC demonstration project is special legislation designed to benefit a single company building a new project in Wyoming. I can assure you that neither this provision, nor any other provision I have sponsored, is designed to benefit any specific project or any specific company. My sincere objective is simply to provide for the development of an IGCC demonstration project in the West, using Western coal, regardless of who owns or develops it.

This provision is designed to provide incentives to an IGCC project using Western coal at high altitudes. I have heard from many stakeholders, the utility industry, environmental groups and energy consumers, regarding the potential environmental and energy benefits of this new technoloy. However, I have also heard that IGCC has been applied primarily in the East. It is not yet demonstrated to be viable and cost-effective in the high altitude West using the low-rank coals mined in Western States. This provision would allow the region to prove the viability of this important technology, assess carbon capture and sequestration opportunities, and, I hope, lead to its successful deployment in my region of the country.

The purpose of the Western coal demonstration project will be to show that coal gasification works for the different kinds of coals mined in the West. This includes the lower energy coals like those mined in Wyoming's Powder River Basin, and it includes higher energy coals like those found in Colorado. These coals vary by energy content, and in other ways such as moisture and sulfur content. My colleague from Wyoming and I want to ensure that the demonstration project will show the feasibility of gasification for the entire range of Western coals. In that way, hurdles to gasification can be removed and our Nation can move forward into a cleaner energy future, and one that recognizes the importance of our abundance of coal resources.

I want to close with a special tribute to Senator THOMAS for his diligence in this effort. We are both Western Senators and we share a concern that the Western United States should benefit from IGCC technology as much as the Eastern United States. I want to thank him for his initiative and support for this provision.

Mr. DOMENICI. I thank Senator SALAZAR for his support for H.R. 6 and share his interest in developing a sound and forward-looking energy policy for our Nation. I understand his concern that the West enjoy clean energy generation. I look forward to working with him to move H.R. 6 as quickly as possible.

INNOVATIVE TECHNOLOGIES

Mr. CONRAD. Mr. President, I would like to engage the distinguished manager of the bill in a brief colloquy. I understand that title XIV of the bill before us includes incentives for "innovative technologies," including gasification projects that will allow us to use our vast domestic coal reserves to produce clean transportation fuels.

Mr. DOMENICI. The Senator is correct.

Mr. CONRAD. I thank the distinguished Senator from New Mexico for accepting clarifying language that will allow additional coal-to-fuel facilities to qualify for the loan guarantees included in title XIV of the Energy bill. As a result of these changes, the incentives included in section 1403, which include loan guarantees, would apply to the development of projects that will utilize various gasification technologies to produce clean transportation fuels from any of our coal types, including bituminus, sub-bituminous, and lignite coals.

Mr. DOMENICI. The Senator is correct.

Mr. CONRAD. Again, I thank the distinguished chairman of the Energy Committee for working with me to ensure that facilities in my State will be eligible for these incentives for coal-to-liquids technologies. It is my hope that North Dakota's coal resources will play an important role in reducing our dependence on foreign oil, allowing us to create jobs here at home and clean our environment.

GOVERNOR'S AUTHORITY

Mr. VITTER. Mr. President, I would like to discuss a Governor's authority to approve the issuance of a license for an offshore LNG facility.

Mr. DOMENICI. I understand that intend to emphasize the current role of a Governor in the licensing of offshore LNG facilities pursuant to the Deepwater Port Act.

Mr. VITTER. The Senator is correct. In Louisiana, there has been a tremendous amount of controversy involving the licensing of offshore LNG terminals recently related mainly to a technology for reheating the gas called open rack vaporization. My amendment is designed to emphasize the Governor's current authority under the Deepwater Port Act. Under current law the Deepwater Port Act allows the Governor of a state to approve—or be presumed to approve—the issuance of a license for an offshore LNG facility.

Mr. DOMENICI. The Senator saying that a Governor currently has a clear opportunity to disapprove that a license be issued for any offshore LNG terminal?

Mr. VITTER. That is correct. So, no changes to existing law are necessary in order for the Governor to approve or disapprove issuance of a license for offshore LNG facilities.

Mr. DOMENICI. How many times has a Governor used this authority to approve or disapprove that a license be issued?

Mr. VITTER. A Governor has never attempted to use this authority. In the case of Louisiana, we have two licensed offshore LNG facilities and the Governor of Louisiana approved both of these facilities.

Louisiana has lost thousands of jobs due to the high costs of energy. The underlying bill does much to address this challenge and LNG will play an important role in addressing the increasing demand for natural gas.

I thank the Senator from New Mexico for clarifying the Governor's authority to approve or disapprove an offshore LNG facility.

BLM POLICY ON OIL AND GAS DEVELOPMENT IN POTASH RESERVE

Mr. CORNYN. Mr. Chairman, I rise to speak to an amendment I have filed to address the Bureau of Land Management's policy toward development of much needed oil and gas resources in the potash reserve. Notwithstanding the strong bipartisan consensus that the U.S. must expeditiously develop its readily available domestic oil and gas resources, for decades the Bureau of Land Management has restricted development of large volumes of oil and gas located in the Known Potash Leasing Area near Carlsbad, NM. BLM has authority to permit compatible oil and gas development in conjunction with potash mining in the area, but the agency has failed to do so due to asserted concerns with adverse impact on potash mining reserves and mine safety. For a long time the oil and gas industry has had the technical ability to drill in the potash region without creating any such threat to these potash mining interests. Concerns with BLM's administration of the Interior Secretary's October 1986 order have been raised with Congress over many years. However, given the Nation's continuing economic stress due to the oil and gas price and supply situation, and the policy imperative underlying the current energy bill debate to facilitate resource development on Federal lands where Federal rules or policies have unnecessarily inhibited such activity, the time has come to expeditiously resolve the administrative problems that have impeded reasonable oil and gas development in the Nation's potash reserve.

The BLM has denied approximately 190 applications for drilling permits and applicants strongly believe that their permits have been denied without appropriate consideration of their technical ability to develop oil and gas in the potash area while not creating any safety risks to potash mining or jeopardizing economically recoverable potash reserves.

My amendment would address this disadvantage for oil and gas drilling permits in the potash area, insuring that BLM allows drilling compatibly with the interest in maintaining potash reserves and mining in the area. Specifically, my amendment would still allow BLM to deny permits out of concern for adverse impact on potash mining, but only if the agency could specify with particularity the reasons why approval of the oil and gas permit would jeopardize potash mining safety or threaten recoverable potash reserves the value of which exceeded the value of the recoverable oil and gas associated with the relevant permit.

I understand that the chairman is well aware of the protracted history of this problem and has directed his staff to investigate the situation with BLM. Indeed, this week my staff attended a meeting with the BLM State director and the Chairman's staff to discuss this issue.

I certainly could offer the amendment for a vote at this time, but may I first inquire of the chairman whether he shares my concern with the BLM policy regarding the amount of oil and gas drilling being permitted in the potash region?

Mr. DOMENICI. This has been an evolving problem for some time now and I share the Senator's concern about whether the proper balance is being struck. Particularly in light of available technologies, I believe that there should be a way to produce oil and gas in the potash area without interfering with the recovery of the potash resource. My desire is to see both a vibrant potash industry and a vibrant oil and gas industry in the region, with both generating strong economic activity and employment.

Mr. CORNYN. I share the Chairman's views and would furthr inquire whether the chairman would be willing to work with me through the course of the conference on the energy bill to assure that this problem with BLM policy is properly addressed?

Mr. DOMENICI. I would tell the Senator that I would be pleased to give him that commitment.

Mr. CORNYN. I thank the Chairman.

SECTION 1270

Ms. CANTWELL. Mr. President, I wish to clarify for my colleagues the intent of section 1270 of the underlying Energy bill, which is a provision of extreme importance to my Washington State constituents. Ratepayers in my State were harmed by the Western energy crisis and the manipulation and fraudulent practices of Enron in wholesale electricity markets. A number of proceedings remain underway at the Federal Energy Regulatory Commission, which will determine the relief granted to consumers harmed by Enron's unlawful trading practices. An important issue that remains is whether utilities—such as Washington State's Snohomish County Public Utility District—should be forced to make termination payments to Enron, for power Enron never delivered in the midst of its scandalous collapse into bankruptcy.

The intent of section 1270 of the underlying bill and the technical correction we have adopted today is simply to affirm that the Federal Energy Regulatory Commission has exclusive jurisdiction under sections 205 and 206 of the Federal Power Act to determine whether these termination payments should be required. This provision expresses Congress's belief that the issues surrounding the potential requirement to make termination payments associated with wholesale power contracts are inseparable and inextricably linked to the commission's jurisdictional responsibilities.

Mr. CRAIG. I would like to inquire of the Senator from Washington, does section 1270 predetermine or in any way prejudice the manner in which FERC employs its jurisdiction in matters currently pending before the Commission?

Ms. CANTWELL. This provision in no way prejudices or predetermines FERC's decisions in those matters. During the Senate Energy Committee's work on this legislation, the supporters of this amendment and I initially considered offering an amendment that would have gone further to require a certain outcome, had the commission made certain findings. We chose not to pursue that amendment in response to concerns that were raised by colleagues. Section 1270 of this legislation is completely neutral regarding how the commission uses its authority under sections 205 and 206 of the Federal Power Act. As such, the provision does not in any way implicate what is known as the Mobile-Sierra doctrine, related to which standard FERC should apply to its review of jurisdictional wholesale power contracts.

Mr. CRAIG. How does the technical amendment adopted today further clarify the committee and Congress's intent in regard to section 1270 of the underlying legislation?

Ms. CANTWELL. The clarifications to section 1270 effectuated by the amendment accepted today are consistent with the committee's intent in adopting section 1270. In addition, they are completely consistent with Supreme Court precedent.

The committee sought assurances that section 1270 would not disturb underlying legal doctrines such as the Mobile-Sierra doctrine or the separation of powers principles. The amendment provides further clarity that section 1270 is not intended to otherwise disturb or modify the Mobile-Sierra doctrine by adding the phrase "or contrary to the public interest." This phrase, when coupled with the standard recital of FERC's exclusive authority to determine whether a charge is just and reasonable, makes it clear that Congress is making no pronouncements regarding the manner in which FERC exercises its authority, but rather only that it is the appropriate forum to resolve these issues. Congress is giving no guidance to FERC on Mobile-Sierra one way or another through this provision.

The committee's overarching intent with respect to section 1270 was to ensure that the Federal Energy Regulatory Commission, and not the bankruptcy court involved in the Enron matter, decides all of the issues surrounding whether termination payments are lawful. The addition of the phrase "rate schedules and contracts entered thereunder" ensures that result.

In addition, this clarification is completely consistent with Supreme Court decisions permitting Congress to give a Federal agency the authority to resolve matters that are also normally addressed by our judicial branch of government. As the Supreme Court stated in a case entitled Commodity Futures Trading Commission v. Schor, 478 U.S. 833, 854 (1986),

> "looking beyond form to the substance of what Congress has done", we are persuaded that the congressional authorization of limited CFTC jurisdiction over a narrow class of common law claims as an incident to the CFTC's primary, and unchallenged, adjudicative function does not create a substantial threat to the separation of powers. Thomas v. Union Carbide Agricultural Products Co., 473 U.S. 568, 589 (1985).

Similarly, in this instance, the grant of authority to FERC to decide this matter is exceedingly narrow insofar as it relates solely to the legality of Enron collecting additional profits in the form of termination payments for power not delivered. Clearly, it is directly related to the agency's core function to ensure just and reasonable rates and guard against market manipulation. Moreover, these are public rights that are at stake in this dispute—the rights of electric ratepayers across the country to just and reasonable rates, rights that have existed under federal statute since 1935—and not mere private rights that should be resolved by a non-article III bankruptcy tribunal. Accordingly, the clarification provided by the amendment is completely consistent with Supreme Court precedent on the separation of powers principle.

CLEAN DIESEL PASSENGER VEHICLES

Mr CARPER. Mr. President, I would like to take a moment to discuss with my friend, the Senator from Montana, a tax incentive which I believe is very important to our efforts to reduce fuel consumption in America. As you know, Senator BAUCUS is the ranking Democrat on the Senate Finance Committee and has a great understanding of our nation's tax policy, as well as a great institutional memory of tax legislation through the years. Senator BAUCUS and Senator GRASSLEY, the chairman of the Finance Committee, provide us with advice and counsel concerning tax policy and do a superb job in that role.

The specific incentive I would like to discuss with my friend from Montana is a provision included in the House energy bill to encourage the use of clean diesel passenger vehicles. It is called the "diesel advanced lean-burn" tax credit, and it would give consumers a credit on their income taxes when they purchase a clean diesel vehicle meeting stated fuel efficiency and environmental requirements. I am very supportive of this provision and want to encourage my colleagues to consider it when the Senate energy bill is conferenced with the House bill.

Why is that? Why do I think this provision is so important to our energy policy? For these reasons.

Diesel fuel contains more energy than gasoline, resulting in fuel economy increases of more than 40 percent compared to equivalent gas powered autos.

In fact, the Department of Energy estimates that 30 percent diesel penetration in the U.S. passenger vehicle market by 2020 would reduce net crude oil imports by 350,000 barrels per day.

So why aren't diesel vehicles more common on U.S. highways? Because until recently, they have been considered significantly dirtier in terms of air pollution. But the technology has changed. Today, you will have a difficult time telling a new diesel car from its gasoline counterpart. New diesels are clean, quiet, and powerful. And they will get even cleaner with the introduction of low sulfur diesel fuel in the United States late next year as the result of new regulations.

Diesel engines have become increasingly popular in Europe over the last 20 years to the extent that market penetration now exceeds 40 percent. The situation is very different in the U.S. where diesel accounts for only 1 percent of light vehicles.

Clean diesel engines provide the perfect platform for the use of BioDiesel which comes from products grown here at home by American farmers. The more diesel engines on the road, the greater demand for this renewable product, and the less petroleum imports from overseas to meet our fuel needs.

We now have the opportunity to take advantage of the advances in clean diesel technology and to do what we can to get more of these fuel efficient vehicles on the road.

In the 2003 Energy Bill there was a tax incentive for "new advanced lean burn motor vehicles," and the House recently passed an Energy Bill containing essentially the same provision.

So with that background, I wanted to ask my friend from Montana whether it is correct that high efficiency diesel vehicles would be considered "lean burning" vehicles?

Mr. BAUCUS. First, let me compliment my friend for his thoughtful discussion of this issue. The Senator from Delaware has obviously done a fair amount of homework on automotive technology, and I appreciate his insights on the benefits of clean diesel technology. Let me also congratulate the Senator on his work with Senator VOINOVICH and others on the recently introduced legislation to clean up heavy-duty diesel engines through retrofitting. We adopted that measure as an amendment to the energy bill earlier this week, and I think it is an important addition, so I thank the Senator for his work in that regard.

Now, to respond to the Senator's question concerning the diesel lean-burn provision from the House bill. Under the House provision, the tax credit would be available for the purchase of diesel vehicles meeting certain fuel efficiency and emissions standards. As long as a vehicle met those standards, it would be considered a "lean burning" vehicle and thereby merit the tax credit to the purchaser.

Mr. CARPER. The 2003 conference legislation contained incentives for lean-burn diesel vehicles. Is it fair to say that you are interested in this technology and in promoting cleaner diesel cars in the U.S.?

Mr. BAUCUS. I agree with my colleague that lean-burn diesel is promising technology. We did include the diesel lean-burn credit in the energy conference measure in 2003. As you know, in the Senate bill, we have included similar incentives for the purchase of other energy-efficient vehicles—hybrids, alternative fuel vehicles and fuel cell vehicles. We often start out with different positions than our House counterparts, and typically we merge together the best pieces of each bill in conference. I think any new technology warrants serious consideration if it can help make U.S. vehicles more fuel efficient and lessen our dependence on foreign oil.

Mr. CARPER. And is it your thought that the Senate conferees should carefully consider the tax incentives provided in the House version of the bill for these types of vehicles?

Mr. BAUCUS. I believe we should, and I believe we will. I am confident that the clean diesel credit will get very careful consideration by the Senate conferees.

Mr. CARPER. I thank my friend for taking a moment to discuss this matter with me, and I would encourage my colleagues who will be negotiating the tax provisions of the Energy Bill with the House of Representatives to do just that—to carefully consider the benefits that new clean diesel vehicles have to offer. I think the benefits are substantial, that diesel passenger vehicles are already very clean and will get even cleaner next year when low sulfur fuel becomes available, and that a transition toward this technology will pay big dividends for the country over the next few years. This is something we can do which will have an almost immediate positive effect, and I encourage my colleagues to consider this incentive positively.

Ms. CANTWELL. Mr. President, I rise to speak to a particular section of the comprehensive energy bill (S. 10) that we have been discussing for the past 2 weeks. My comments focus specifically on section 1270 of this legislation.

Section 1270 was an amendment I offered in the Energy & Natural Resources Committee mark-up of this legislation. It was accepted after considerable debate and discussion, on a bipartisan voice vote. Since then, I have continued to work with my colleagues on the Energy Committee, to further clarify and perfect this language. In fact, I was pleased to work with my colleague from Idaho, Senator CRAIG, on a technical amendment to this language, amendment No. 895, to refine it even further.

This provision, entitled "Relief for Extraordinary Violations," is extremely important to the consumers of Washington State and ratepayers in other parts of the West, who bore tremendous costs as a result of Enron's schemes to manipulate our wholesale electricity markets. The principle at the heart of this provision is simple. The consumers of Washington State must not be forced to become the deep-pockets for Enron's bankruptcy. The same ratepayers who have paid so dearly for the Western energy crisis and Enron's schemes to manipulate markets should not be forced to pay even more—four years later—for power that Enron never even delivered.

I must thank my colleagues on the Energy Committee for their thoughtful consideration of this issue, particularly my colleagues from the Pacific Northwest and West as a whole who have seen first-hand the toll the crisis has taken on our economy and our constituents. I must also express my gratitude to the rest of the members of the committee, and to the chairman and ranking member for indulging what was a very thoughtful debate on this issue.

At the conclusion of the committee debate, this Senator was extremely satisfied: first, because of the very nature of the debate itself, in which—for almost an entire hour—a bipartisan group of Senators focused their valuable time and attention on a situation that is highly complicated, and likely unprecedented in the history and application of our Nation's energy laws. And second, because, at the end of the day, the committee struck a blow for justice and for Western consumers. It was an important statement. This is not the kind of country where we should reward Enron for its criminal conspiracy to commit fraud; a fraud of historic proportions perpetrated against the consumers of the West.

As my colleagues appreciate by now, my State was particularly ravaged by the western energy crisis of 2000–2001. One of my State's public utility districts, Public Utility District No. 1 of Snohomish County, had a long-term contract with Enron, to purchase power. The contract was terminated once Enron began its scandalous collapse into bankruptcy. Nonetheless, Enron has asserted before the bankruptcy court the right to collect all of the profits it would have made under the contract through so-called "termination payments." Enron has made this claim even though Enron never delivered the power under the contract, even though Enron had obtained its authority to sell power fraudulently, and even though Enron was in gross violation of its legal authority to sell power at the very time the contract was entered into. This has been demonstrated by the criminal guilty pleas of the senior managers of Enron's Western power trading operation, in which it has been admitted that Enron was engaged in a massive criminal conspiracy to rig electric markets and rip off electric ratepayers. But it has been further illustrated by the now-infamous Enron tapes, in which Enron employees discuss many unsavory topics, including specifically how they were "weaving lies together" in their negotiations related to the contract with Snohomish.

I will tell my colleagues that there is no way under the sun that I believe my constituents owe Enron another penny. Not one single penny more. What this amendment does is ensure that, when the Federal Energy Regulatory Commission FERC comes to a conclusion later this year about how to cleanup the Enron mess, that the bankruptcy court cannot overturn FERC's decision about whether these "termination payments" are just, reasonable or in the public interest. It says to FERC, "do your job to protect consumers, and when you make a decision, that decision will stand." Interpreting our nation's energy consumer protection laws is not the job of a bankruptcy judge.

Now, this Senator has a very strong opinion on this matter in general. I believe there is no way no stretch of the imagination, or interpretation of law in which these termination payments could be deemed just, reasonable or in the public interest, knowing everything we know today about what Enron did to the consumers of my state. In fact, during committee debate on the underlying provision in this bill, some of my colleagues suggested that we should just out-right abrogate these contracts: simply declare them null and void on their face. But what we recognized, relying on the legal expertise of the committee staff, is that an act like that—as tempting as it may seem—would pose certain constitutional issues. We recognized that this provision section 1270—is the best way for Congress to express its will in this matter.

I have, as my colleagues know, had substantial differences with FERC over the course of the past few years. But I am glad to say today, after 4 long years, it appears that the commission may be on the right track on this issue. This March, FERC issued a ruling in which the commission definitely found that the termination payments at issue here "are based on profits Enron projected to receive under its long-term wholesale power contracts executed during the period when Enron was in violation of conditions of its market-based rate authority." For the first time, FERC found that Enron was in violation of its market-based rate authority at the time victimized utilities such as Washington's Snohomish PUD inked power sales contract with the now-bankrupt energy giant. That FERC process is on-track to wrap-up this year; but so long as that process is ongoing, utilities like Snohomish have been operating under the threat that the bankruptcy court would swoop in and demand payments for Enron, regardless of the pattern of market manipulation and fraud. In a series of rulings, the bankruptcy court has expressed its will to do just that. What this provision does is ensure the bankruptcy court cannot force these utilities and their consumers to make termination payments that are unjust, unreasonable or contrary to the public interest.

Section 1270 states that notwithstanding any other provision of law, and specifically the bankruptcy code, FERC "shall have exclusive jurisdiction" to make these determinations. Many of my colleagues might naturally assume that this provision merely sets forth what is already the case. But as I stated earlier, that is not necessarily the case. This provision is necessary and critical because the Federal bankruptcy court has already concluded that it will not defer to FERC with respect to whether our constituents will be required to make termination payments. Not only has the bankruptcy court not deferred to FERC, it compounded the seriousness of the issue by enjoining FERC from proceeding with its own specific inquiry into whether Enron is owed the termination payments. It forced FERC to stop on a matter that FERC had said required its special expertise.

Imagine making it through the arduous and frustrating, years-long process of proving the case against Enron and proving it to FERC, only to find out at the end of the day that the bankruptcy court would intervene and force these termination payments anyway. It is this situation—a collision between FERC and the bankruputcy court that this legislation addresses. And what the Congress is saying with this amendment, as counsel for the Energy Committee stated during our extended discussion, is that "the Commission, not the bankruptcy [court], is the proper forum in which these question be resolved." That is certainly my view, and the view of many of us who represent ratepayers harmed by Enron.

I do not assume this position in denigration of the responsibility of the bankruptcy court. The bankruptcy court has an important role to play in our law and our economic community. However, I do think it is fair to say that it is a forum in which it naturally looks first to maximizing the assets of the estate. In contrast, the Federal Energy Regulatory Commission's first obligation is to protect our nation's ratepayers. In this very unique context, in which a seller of electricity that has fraudulently and criminally manipulated the market in violation of the tariffs on file with the commission—and where the seller is now seeking to reap the profits from that activity in the form of termination payments for power never delivered—what we are saying here, unequivocally, is that FERC is the forum in which this should be resolved. FERC is the entity that is supposed to look after our nation's ratepayers, and should have make the decision about whether termination payments are permissible under the Federal Power Act..

Given the nuanced, legal nature of this provision, I can assure my colleagues that this "rifle shot," as the ranking minority member of the committee called it, is narrowly drawn in order to minimize any unanticipated impacts. It is only applicable to contracts entered into during the electricity crisis with sellers of electricity that manipulated the market to such an extent that they brought about unjust and unreasonable rates. There is only one such seller, and that is Enron, and there are only a handful of terminated contracts with Enron that haven't been resolved as of this date.

As a result, the amendment does not tamper with or otherwise disturb longstanding legal precedents. It does not tamper with the Mobile-Sierra doctrine, nor does it disturb other recent federal court decisions regarding the relationship of the bankruptcy courts and FERC in the context of the rejection in bankruptcy of FERC approved power sales contracts. It is, as the ranking minority member of the committee observed, a "clean shot" that "affirms that FERC is the entity with the authority to review whether termination payments associated with cancelled Enron power contracts are lawful under the Federal Power Act."

The ultimate disposition of this issue is of paramount concern to my constituents. It will decide whether they will be on the hook for more than $120 million, an amount that means more than $400 in the pocket of each ratepayer in Snohomish County, WA. It is critical that this issue be decided by the forum with the specialized expertise in matters relating to the sale of electricity with a stated mission of protecting ratepayers, and that is the Federal Energy Regulatory Commission.

Let me conclude by saying that I am very pleased that this provision has broad bipartisan support as well as the support of the Edison Electric Institute, the National Rural Electric Cooperative Association and the American Public Power Association. I believe my colleague from Oregon, Senator SMITH, said it exactly right when this amendment was debated in committee, and I am extremely grateful for his support. He essentially said that no Senator Republican or Democrat should feel any limitation in "lending their shoulder to this wheel," to get this situation fixed. Senator SMITH, Senator ALLEN, and Senator CRAIG all played important roles during the mark-up in allowing this measure to move forward.

And I would be remiss if I did not mention the invaluable assistance from the Senators from Nevada on this issue the minority leader, Senator REID, but also Senator ENSIGN. While Senator ENSIGN does not serve on the Energy Committee, he played a crucial role in ensuring that colleagues on both sides of the aisle understood the importance and reasonableness of this measure, and the importance of this provision to him and to the people of Nevada.

I thank my colleagues, look forward to the passage of this provision out of the Senate and to working together to ensure this critical measure is included in legislation that emerges from the Energy bill conference with the House of Representatives.

Mrs. MURRAY. Mr. President, I would like to express my support for a provision in this energy legislation that provides relief for Washington State ratepayers who suffered from Enron's market manipulation schemes.

All of us from the West Coast remember the energy crisis of 2001, when consumers and businesses were hit with massive increases in the cost of energy. Many in California faced shortages and brownouts. In Washington State, we felt the impact as well.

Washington State ratepayers have been continually penalized for failures in the energy market and failures by Federal energy regulators. While there were many causes for the energy crisis, the most disturbing is the fact that energy companies, such as Enron, manipulated the marketplace to take advantage of consumers.

As we saw throughout the crisis, the Federal Energy Regulatory Commission did not take aggressive action to protect consumers from market manipulation. In fact, over the last several years, as we in the West have sought to clean up the mess that these companies left in their wake, FERC has continued to drag its regulatory feet.

For more than 3 years, many of us in the Northwest delegation have been urging FERC to better protect consumers, and provide relief to ratepayers affected by market manipulation. At the height of the 2001 energy crisis, FERC was urging companies to enter into long-term contracts at highly-inflated rates, advice which many Northwest companies followed.

In 2003, FERC found that market manipulation occurred during the 2001 energy crisis, but indicated it would be unlikely that Washington State ratepayers would be reimbursed for the harm caused by the manipulation. When Western utilities—including Snohomish PUD, which was hit particularly hard—terminated their contracts with Enron, Enron turned around and sued them for "termination payments."

It was very disturbing for all of us to see FERC agree that there was manipulation, but leave Washington ratepayers holding the bag—with no relief—for the harm they experienced in 2001 and continue to experience today.

I am pleased that this energy legislation addresses this important issue by giving FERC exclusive jurisdiction to determine whether termination payments are required under certain power contracts are unjust and unreasonable.

This is wonderful news for Washington State ratepayers because of a March 2005 order, in which FERC found Enron in violation of its market-based authority at the time Snohomish PUD signed its power contract. This provision ensures Snohomish PUD's ratepayers will not be required to pay the now-bankrupt Enron for power the region did not receive.

Mr. President, I support this provision as it will protect Northwest ratepayers and give FERC more tools to better police the energy market.

Mr. ENSIGN. Mr. President, I rise to thank my colleagues for including a provision in this bill which give the people of Nevada a fair chance to keep their hard earned money away from the clutches of Enron.

Enron is still seeking to extract an additional $326 million in profits from my State's utilities for power that was never delivered. Enron, after all of its market manipulation and financial fraud, is still trying to profit from its wrong-doing at the expense of each and every Nevadan.

Section 1270 of the Energy Policy Act ensures that the proper government agency will determine whether Enron is entitled to more money from Nevada. That agency is the Federal Energy Regulatory Commission. When FERC was established by Congress, its fundamental mission was, and remains, to protect ratepayers. FERC has specialized expertise required to resolve the issues surrounding some of the contracts that Enron entered into and eventually terminated.

Many of my colleagues know that Enron has filed for bankruptcy protection. There is an issue in the bankruptcy case as to whether Enron can enforce contracts that it terminated. The enforceability of these contracts should not be decided by a bankruptcy court. A bankruptcy judge does not have the specialized expertise required for this job. A bankruptcy court is responsible for considering different equities than an oversight agency, like FERC, would. The bankruptcy court is responsible for enhancing the bankruptcy estate for the benefit of creditors. FERC, on the other hand, sees a more complete picture which includes protecting the interests of the general public.

This is why section 1270 is so important. It is a provision that is limited in scope. It does not seek to resolve the issue in the favor of one party. Though many Senators from affected States may have been tempted to legislate the outcome, we have refrained from doing so. Let me set the stage for why this provision is so critical. It is a complicated story. It is one that should be told in order to understand why I so strongly support this provision and why I believe the provision should be enacted into law.

There are two major utilities that serve Nevada: Nevada Power and Sierra Pacific Power. Both need to buy power in the wholesale power market to meet the growing energy needs of Nevada. Las Vegas is the fastest growing city in the country. It takes a lot of power to keep the lights on in Las Vegas, Reno, and other parts of our growing State. At the height of the western electricity crisis, when spot market prices for electricity were going not just through the roof but through the stratosphere, FERC urged utilities like the Nevada utilities to reduce their purchases of spot supplies and enter into long-term contracts for electricity.

That is precisely what the Nevada utilities did. Enron was one of the biggest suppliers of wholesale electricity at the time. Starting in December 2000, the Nevada utilities entered into long-term contracts with Enron to meet a significant portion of their long-term needs. At the time, no one was aware of Enron's on-going criminal conspiracy to manipulate the market. No one knew that Enron had engaged in fraud to hide its true financial picture.

The prices that the Nevada utilities agreed to pay Enron for long-term power were truly outrageous. The prices fully reflected Enron's success in manipulating the market. Prices were three times as high as the threshold that FERC had established as a ceiling price that would trigger close scrutiny under the just and reasonable standard. As a result, in November 2001, the Nevada utilities asked FERC to review the rates to determine whether those contract prices were just and reasonable.

Two days after the Nevada companies filed their complaints against Enron, Enron filed for bankruptcy. Its financial house of cards had finally collapsed. As one definitive study of Enron concluded, Enron had been insolvent at the time the company entered into each and every contract with the Nevada utilities.

The contracts between Enron and the Nevada utilities incorporated the Western Systems Power Pool Agreement, a master agreement on file and approved by FERC. This master agreement governs transactions of more than 200 parties throughout the west.

Under the terms of that agreement, if one of the parties files for bankruptcy, the other party may rescind the agreement. So in this case, Enron's bankruptcy would have given the Nevada utilities cause to terminate the contracts. Under the unique terms of this agreement, however, the commercial party that is "in the money" will still be able to benefit if the contract is rescinded. So while the Nevada companies could terminate the contract, they still would have had to pay Enron the difference between the contract price and the market price at the time of terminating, to say nothing of the need to buy replacement power.

When Enron entered bankruptcy, the price for electricity had fallen to the level power had sold for prior to Enron's market manipulation. This demonstrates that there was a huge difference between the artificially and unlawfully manipulated price that Enron commanded at the time of the contract and the market price at the time Enron filed for bankruptcy. Given the huge financial hit that the Nevada companies would have had to pay to terminate the Enron contracts, the Nevada companies continued to honor their commitment to purchase power under these contracts.

In March 2002, the Public Utilities Commission of Nevada refused to allow the Nevada utilities to pass more than $400 million in purchased power costs on to ratepayers. As a result, the credit ratings of the Nevada utilities fell below investment grade. Under the terms of the WSPPA, this downgrade gave Enron the right to request assurances regarding the Nevada companies' intentions with respect to their contracts. In meetings and in telephone calls, the Nevada Companies assured Enron that they would be able to pay Enron everything that would be owed under the contracts.

The WSPPA required Enron to use "reasonable" discretion with respect to the contracts. Despite this requirement, Enron terminated the contracts with the Nevada companies and demanded that the Nevada companies pay Enron termination payments totaling approximately $326 million. These termination payments represent pure profit to Enron on power than Enron never delivered. By pure profit, I mean just that. The termination payments are calculated, as I previously noted, by the difference between the cost of power today and the outrageous, manipulation-based prices Enron was able to extract during the energy crisis that Enron had unlawfully created.

The Nevada companies refused to make payment. At this time, it was known that Enron had manipulated the entire western market. As part of Enron's bankruptcy, an "adversary proceeding" was initiated to determine the enforceability of these contracts and whether Enron would be allowed to continue to profit under fraudulent contracts at the expense of Nevada's ratepayers.

At this point, the legal proceedings become very complex but the proceedings should be summarized so my colleagues will understand exactly what has happened.

On June 24, 2003, FERC determined that the "just and reasonable" standard of review is not available to the Nevada companies with respect to their long-term contracts with Enron. This decision was made because FERC argued that it had previously "pre-determined" that the contracts would be just and reasonable when they granted Enron its authority to sell electricity at market-based rates years earlier.

On the very next day, FERC withdrew Enron's authority to sell electricity at market-based rates because of its "market manipulation schemes that had profound adverse impacts on market outcomes" which violated its "market-based rate authorizations."

The bankruptcy court judge, on August 23, 2003, ruled on a summary judgment motion that the Nevada utilities were required to pay Enron $326 million in termination payments. The court held that, because FERC had not found that Enron's contracts should be modified by virtue of its market manipulation, the filed-rate doctrine applied. It further ruled that it did not need to defer to FERC on whether Enron had complied with the tariff since it could interpret the tariff as well as FERC.

On October 6, 2003, the Nevada Companies filed a complaint with FERC. The complaint sought to have FERC determine: Enron's termination was unreasonable under the tariff; Enron was not entitled to termination payments on equitable grounds; and, assuming Enron was otherwise entitled to termination payments, the contract provision should be set aside as contrary to the public interest.

Then, on July 22, 2004, FERC set for hearing the narrow question of whether Enron's termination was reasonable. FERC deferred ruling on the issue of whether the contract should be set aside under the public interest standard until that issue became "necessary." At the hearing, FERC did not address the issue of equitable claims. On that same day, FERC ruled in a separate case that Enron could be required to disgorge all of its profits.

On September 30, 2004, FERC's administrative law judge denied Enron's motion to dismiss the case, finding, among other things, that FERC's specialized expertise is required.

U.S. District Court Judge Barbara Jones reversed a ruling of the bankruptcy court on October 15, 2004. The district court considered the issue of whether the Nevada companies owed Enron the termination payments. The district court found that the Nevada companies had offered timely assurances and that the issue of whether Enron rejected those assurances and terminated reasonably were issues of fact which required a trial.

On December 3, 2004, the bankruptcy court enjoined FERC from further proceedings after finding that FERC had violated the "automatic stay" provisions of the Bankruptcy Code. A hearing on termination payments was tentatively scheduled for this coming July. Currently, motions for interlocutory appeal are pending before a U.S. District Court Judge.

Despite the ruling of a FERC administrative law judge that FERC's expertise was necessary to interpret the master tariff's requirement that a terminating party act "reasonably," the bankruptcy court has enjoined FERC from further considering this issue. Section 1270 of this legislation confirms the decision of the FERC administrative law judge. This section says the judge is correct and the bankruptcy court is wrong. It makes clear that, in this limited matter, FERC has the exclusive jurisdiction to determine the merits of the claims at issue.

This provision is very reasonable. It is a targeted response to a clash among competing jurisdictions over which tribunal, FERC or the bankruptcy court, should decide this issue. If Congress doesn't address the issue of jurisdiction now, the Supreme Court will have to do so years from now. That need not happen. Congress can decide this jurisdictional issue. The decision of the Senate, as reflected in Section 1270, is the right decision.

The language of the amendment tracks Supreme Court precedent that recognizes that Congress can choose to give jurisdiction over issues to administrative agencies when the jurisdiction is consistent with the core functions of the agency. In this instance, the recognition of authority to FERC to decide this matter is narrow. It relates solely to the legality of Enron collecting additional profits in the form of termination payments for power not delivered. It is also directly related to the agency's core function to ensure just and reasonable rates and guard against market manipulation.

I want to assure my colleagues that this provision does not encroach upon the sanctity of contracts. It merely picks the proper forum for determining whether Enron complied with its tariff obligations. Likewise, it also does not alter the standard of review for challenging the contract. Congress is not picking a standard; it is only picking a forum.

Mr. President, this reasonable provision has the support of key industry leaders such as the National Rural Electric Cooperative Association, the American Public Power Association, and the Edison Electric Institute. It has bipartisan support. Anyone who has been as harmed by Enron as ratepayers in my state have understands the need to ensure that only the most qualified tribunal should rule on whether Enron can collect an additional $326 million in windfall profits.

Mr. SALAZAR. Mr. President, as I have said time and again during this debate over the last several weeks, America is being held hostage to its over-dependence on foreign oil. This Energy bill is our first step in setting America free.

From the National Renewable Energy Laboratory in Golden to the balanced development of oil and gas, Colorado is already playing a big part in setting America free.

With a huge, untapped resource called oil shale, Colorado can play an even bigger role in this effort. If properly developed, oil shale that exists in my great State of Colorado has the potential to be part of a strategy to address America's dependence on foreign oil.

Colorado is home to tremendous deposits of oil shale, a type of hydrocarbon bearing rock that is abundant in Western Colorado, as well as Utah and Wyoming. Estimates place the potential recoverable amount of this type of oil as high as 1 trillion barrels. Let me say that again—1 trillion barrels.

Let me put that in perspective:

Saudi Arabia's proven conventional reserves are said to be around 261 billion barrels.

Several of our colleagues argued earlier this spring that ANWR is a resource so remarkable that we must open that pristine land to drilling. According to the U.S. Geological Survey—USGS—the mean estimate of technically recoverable oil is 7.7 billion barrels—billion bbl—but there is a small chance that, taken together, the fields on this Federal land could hold 10.5 billion bbl of economically recoverable oil. That's one percent of the potential oil shale.

Assuming we use 15 million barrels of oil a day just for transportation, oil shale could keep our transportation going for another 200 years.

Colorado has some experience in trying to access this potential asset. We have had two boom and bust periods, one in the 1800s and the other in the 1980s.

The most recent story is about the "Boom & Bust" Colorado experienced during the last oil shale development cycle that began in the 1970's and ended in May of 1982 on "Black Sunday."

I will never forget the powerful lessons of Black Sunday.

Colorado invested millions in new towns, only to see thousands of residents flee when oil prices fell, leaving behind them a devastated real estate market.

Communities that invested heavily in schools and roads and housing could no longer meet the burden of paying for this critical infrastructure.

Buildings on the Western Slope—and even in Denver—were built and left empty, if the construction was completed at all.

Towns that thought they were seeing a bright future, struggled to deal with crippling unemployment.

The technical challenges of oil shale and the searing memories of Black Sunday have taught all of Colorado some important lessons.

We now recognize that oil shale's potential can only be realized if it is approached in the right way.

Oil shale development must be considered a marathon and not a sprint.

I believe, as many in Colorado do, that oil shale research and development must be conducted in an open, cautious and thoughtful manner that includes our local communities.

As Congress instructs Federal agencies to consider oil shale research and development leasing and commercial leasing, it must give careful consideration to environmental and socioeconomic impacts and mitigations as well as the sustainability of an oil shale industry.

Colorado is a team player. The people of my State are ready to share the abundant natural resources with which we have been blessed. In exchange, Colorado expects to have a seat at the table.

That is why I introduced the Oil Shale Development Act of 2005. I am very pleased that it has been incorporated into the Energy bill we are now considering.

I believe the oil shale provision in this Energy bill is a thoughtful approach to future oil shale development. It is full of commonsense provisions that build on the lessons we learned in that painful experience 30 years ago.

It directs leasing for research and development;

It requires a programmatic Environmental Impact Study to ensure that we take a comprehensive environmental look at potential commercial leasing;

It directs the Secretary of Interior to work with the States, local communities, and industry to identify and report on issues of primary concern to local communities and populations with commercial leasing and development;

and it insists that States—not the Federal Government—retain authority over water rights.

I know we are going to hear more and more about oil shale development in the Rocky Mountain west. That is as it should be, and we will embark on a thoughtful, balanced approach to oil shale development with this bill.

Mr. ALLEN. Mr. President, as we move forward on Energy legislation crucial for our country's national security, jobs, and competitiveness, I wish to raise an issue which is threatening global energy security. The surging demand for energy in developing countries coupled with the dynamic rise in power and influence of government operated energy companies is changing the global energy market. Specifically, I am concerned about the role of the People's Republic of China with its national oil companies, and the potential adverse effects on U.S. energy supplies. I am also concerned about our ability to compete for energy assets.

China's surging demand for energy is impacting the world. China has now emerged as the second largest consumer of energy, and demand could double by 2020. According to the U.S. Energy Information Administration, China is consuming 7.2 million barrels of oil per day and this is expected to rise to 7.8 million barrels of oil per day by next year. China alone has accounted for 40 percent of growth in oil demand over the last 4 years. According to recent studies, China's growing demand for oil is one of the significant factors driving oil prices to record high levels. With such growth in the Chinese economy, it is understandable why there is greater demand for energy in the form of coal, oil, and nuclear power as well as materials ranging from cement to steel.

With limited domestic resources, China has embarked on an aggressive program through its national energy companies to secure energy and in doing so has proposed acquisition of energy assets around the world, including assets of U.S. based companies. It has become increasingly difficult for private companies in the U.S. to compete against these government-owned energy companies, such as the Chinese state-owned company known as CNOOC. The inherent advantage that these state-owned companies have is that they can operate under non-market terms and conditions for the purchase of energy supplies and assets, including accepting very low rates of return. Thus, private entities in free countries are disadvantaged in competing for energy assets.

China in the past year has signed deals for oil reserved in Africa, Iran, South America, and now Canada. Today, one of China's largest state-controlled oil companies made a $18.5 billion unsolicited bid for Unocal, signaling the first big takeover battle by a Chinese company for a U.S. corporation.

Energy is a global issue and we need to understand the implications for American interests on how these energy shifts may impact us as well as the rest of the world.

It is important that we have a comprehensive review which would include a full assessment of the types of investments China is making in international and U.S. based companies, a better understanding of the relationship between the Chinese energy sector and the Chinese government, and what we can do to ensure a level playing field and flexibility in the global market. Perhaps most importantly, we need to understand how we can better work cooperatively to pursue energy interests as well as work together on conservation, energy efficiency, and technology.

It is nice to talk about working cooperatively with China, but I am concerned that we may be headed on a collision course. Energy is the lifeblood of economic growth and we are beginning to see an imbalance occur. I look forward to hearing from the administration to gain a better understanding of the issues and how the U.S. can best proceed to secure our future energy needs.

Mr. FEINGOLD. Mr. President, while I voted for a similar amendment offered by the Senators from Arizona, Mr. McCAIN, and Connecticut, Mr. LIEBERMAN, in 2003, unfortunately, the current version of the amendment includes over $600 million in taxpayer subsidies for the creation of new nuclear powerplants. The nuclear industry is a mature industry that does not need to be propped up by the taxpayers. Over 300 national environmental and consumer organizations, including the League of Conservation Voters, Public Interest Research Group, and the Sierra Club, oppose this amendment. Our Nation faces an ever-growing budget deficit and we must be fiscally and environmentally responsible. I strongly believe that global warming is an important national issue, which is why I supported the Bingaman-Specter sense-of-the-Senate amendment to push for a national policy on global warming. I will continue to work with my colleagues on both sides of the aisle to create a meaningful global warming program.

Mr. JEFFORDS. Mr. President, I rise today to congratulate my colleagues on our efforts to pass an energy bill through the Senate that does not include exemptions for the oil and gas industry from drinking water and clean water protections. Section 327 of H.R. 6 as reported contains an exemption to the Safe Drinking Water Act for the practice of hydraulic fracturing. Section 328 of H.R. 6 contains an exemption for the oil and gas industry from obtaining stormwater discharge permits under the Clean Water Act, rolling back fifteen years of environmental protection. These efforts to weaken the protections applied to our Nation's waters should be stricken from the bill as the conferees on H.R. 6 work to resolve the differences between the two bills.

Over half of our Nation's fresh drinking water comes from underground sources. Hydraulic fracturing occurs when fluids are injected at high rates of speed into rock beds to fracture them and allow easier harvesting of natural oils and gases. It is these injection fluids, and their potential to contaminate underground sources of drinking water, that are of high concern. In a recent report, the EPA acknowledged that these fluids, many of them toxic and harmful to people, are pumped directly into or near underground sources of drinking water. This same report cited earlier studies that indicated that only 61 percent of these fluids are recovered after the process is complete. This leaves 39 percent of these fluids in the ground, risking contamination of our drinking water.

In June of 2004, an EPA study on hydraulic fracturing identified diesel as a "constituent of potential concern." Prior to this, EPA had entered into a Memorandum of Agreement with three of the major hydraulic fracturing corporations, whom all voluntarily agreed to ban the use of diesel, and if necessary select replacements that will not cause hydraulic fracturing fluids to endanger underground sources of drinking water. However, all parties acknowledged that only technically feasible and cost-effective actions to provide alternatives would be sought.

Litigation over the last several years has resulted in findings that hydraulic fracturing should be regulated as part of the underground injection control program in the Safe Drinking Water Act. Yet, EPA indicated in a letter in December of 2004 that they have no intention of publishing regulations to that effect or ensuring that state programs adequately regulate hydraulic fracturing.

I will include our letter to EPA dated October 14, 2004, and their response dated December 7, 2004, in the RECORD.

We need to be moving in the right direction—taking steps to ensure that hydraulic fracturing is appropriately regulated under the Safe Drinking Water Act. I have introduced S. 1080, the Hydraulic Fracturing Safety Act of 2005 to ensure that the practice of hydraulic fracturing is regulated under the Safe Drinking Water Act through the Underground Injection Control, UIC, Program. I would like to thank Senators LAUTENBERG, BOXER, and LIEBERMAN for co-sponsoring that bill. The House energy bill takes steps in the wrong direction—exempting hydraulic fracturing from the Safe Drinking Water Act.

I urge the conferees of this energy bill to strike section 327 of the House-passed energy bill. By striking this language, the conferees will help to ensure that the drinking water enjoyed by all Americans is not damaged through the process of hydraulic fracturing.

This exemption for hydraulic fracturing is not the only step backwards that the House energy bill takes. Section 328 of the bill exempts the oil and gas industry from stormwater protections in the Clean Water Act.

Stormwater runoff is a leading cause of impairment to the nearly 40 percent of surveyed U.S. water bodies that do not meet water quality standards.

Currently, the oil and gas industry is regulated under Phase I of EPA's stormwater regulations which requires National Pollution Discharge Elimination System, NPDES, permits for medium and large municipal storm sewer systems and eleven, 11, categories of industrial activity, including construction sites disturbing more than 5 acres of land. In 1999, EPA adopted the Phase II permitting requirements, effective March 10, 2003, covering small municipal separate stormwater systems and construction sites affecting one to five acres of land. However, EPA extended the Phase II permitting deadline to June 12, 2006 for only the oil and gas industry.

Now, section 328 of the House energy bill completely exempts the oil and gas industry from compliance with both Phase I and Phase II of the NPDES stormwater program.

This action will adversely impact water quality. Oil and gas construction activities require companies to undertake a number of earth disturbing activities, including: clearing, grading, and excavating. Oil and gas site development may also include road construction to transport equipment and other materials, as well as pipeline construction. The stormwater pollution created from these activities can be devastating to the environment.

According to the EPA, over a short period of time, stormwater runoff from construction site activity can contribute more harmful pollutants, including sediment, into rivers, lakes, and streams than had been deposited over several decades. Sediment clouds water, decreases photosynthetic activity, reduces the viability of aquatic plants and animals; and ultimately destroys animals and their habitat. Sediment rates from cleared and graded construction sites are typically 10 to 20 times greater than those from agricultural lands and one-thousand to two-thousand times greater than those from forest lands. Other harmful pollutants in stormwater runoff from construction sites include phosphorous and nitrogen, pesticides, petroleum derivatives, construction chemicals, and solid wastes that may be mobilized when land surfaces are disturbed.

More than 5,000 cities, towns, and counties and eleven, 11, industrial sectors are required to obtain NPDES stormwater permits. Large oil and gas construction sites covered under the Phase I stormwater program have been taking action to reduce the impact of sediments and pollutants on water quality since 1990. In 2005, GAO reported that over a one-year period, 4,330 oil and gas construction sites obtained Phase I stormwater permits in three of the six largest oil and gas producing states. In 20 the Warren County Conservation District submitted information to EPA indicating that 70 percent of the oil and gas projects they inspected between 1997 and 2002 were in violation of Phase I permit conditions. If this amendment is adopted, these actions will no longer be required. In FY 2002/2003, the Alaska Department of Environmental Conservation estimated that they would review 400 engineering plans as part of the stormwater permitting process. The House provision would exempt these sites from 15-year-old requirements to reduce the pollution they send into surrounding waters through stormwater discharges.

The environmental impact from this amendment is even more severe when you factor in the approximately 30,000 oil and gas "starts" per year that EPA anticipates could be covered by the Phase II stormwater regulation. EPA is currently reviewing the impact of the regulation on these sites. Adopting this amendment would circumvent this review process and exempt thousands of sites from taking action to protect water quality.

Section 402(l) of the Clean Water Act contains a limited exemption for specific types of uncontaminated discharges from specific types of oil and gas sites from stormwater permit requirements. The language of the Act and the legislative history of this section indicate that when adopted, section 402(l) was intended to give a narrow exemption for specific circumstances in the oil and gas industry that did not include construction activities at every oil and gas—related site.

I urge the conference committee on H.R. 6 to reject the Clean Water and Safe Drinking Water Act exemptions included in the House energy bill. These provisions represent a major step backward in efforts to protect water quality and could pose a direct threat to the safety of drinking water supplies. Should these exemptions be included in the final conference report, we will see our Nation's water quality standards go down the drain.

I ask unanimous consent to print the above-referenced letters in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS,
Washington, DC, October 14, 2004.
Administrator MICHAEL O. LEAVITT,
Environmental Protection Agency, Ariel Rios Building, Washington, DC

DEAR ADMINISTRATOR LEAVITT: We are writing to you regarding the Environmental Protection Agency's (EPA's). administration of the Safe Drinking Water Act (SDWA) as it pertains to hydraulic fracturing. In recent months, the Agency has taken several key actions on this issue:

On December 12, 2003, the EPA signed a Memorandum of Understanding with three of the largest service companies representing 95 percent of all hydraulic fracturing performed in the U.S. These three companies, Halliburton Energy Services, Inc., Schlumberger Technology Corporation, and BJ Services Company, voluntarily agreed not to use diesel fuel in their hydraulic fracturing fluids while injecting into underground sources of water for coalbed methane production.

In June of 2004, EPA completed its study on hydraulic fracturing impacts and released its findings in a report entitled, "Evaluation of Impacts to Underground Sources of Drinking Water by Hydraulic Fracturing of Coalbed Methane Reservoirs. The report concluded that hydraulic fracturing poses little chance of contaminating underground sources of drinking water and that no further study was needed.

On July 15, 2004, the EPA published in the Federal Register its final response to the court remand (Legal Environmental Assistance Foundation (LEAF), Inc., v: United States Environmental Protection Agency, 276 F. 3d 1253). The Agency determined that the Alabama underground injection control (UIC) program for hydraulic fracturing, approved by EPA under section 1425 of the SDWA, complies with Class II well requirements.

We are concerned that the Agency's execution of the SDWA, as it applies to hydraulic fracturing, may not be providing adequate public health protection, consistent with the goals of the statute.

First, we have questions regarding the information presented in the June 2004 EPA Study and the conclusion to forego national regulations on hydraulic fracturing in favor of an MOD limited to diesel fuel. In the June 2004 EPA Study, EPA identifies the characteristics of the chemicals found in hydraulic fracturing fluids, according to their Material Safety Data Sheets (MSDSs), identifies harmful effects ranging from eye, skin, and respiratory irritation to carcinogenic effects. EPA determines that the presence of these chemicals does not warrant EPA regulation for several reasons. First, EPA states that none of these chemicals, other than BTEX compounds, are already regulated under the SDWA or are on the Agency's draft Contaminant Candidate List (CCL). Second, the Agency states that it does not believe that these chemicals ate present in hydraulic fracturing fluids used for coalbed methane, and third, that if they are used, they are not introduced in sufficient concentrations to cause harm. These conclusions raise several questions:

1. The data presented in the June 2004 EPA study identifies potential harmful effects from the chemicals listed by the Agency in this report. Has the Agency or does the Agency plan to incorporate the results of this study and the fact that these chemicals are present in hydraulic fracturing agents into the CCL development process, and if not, why not?

2. In the June 2004 EPA study, the Agency concludes that hydraulic fracturing fluids do not contain most of the chemicals identified. This conclusion is based on two items—"conversations with field engineers" and "witnessing three separate fracturing events" (June 2004 EPA Study, p. 4–17.)

a. How did the Agency select particular field engineers with whom to converse on this subject?

b. Please provide a transcript of the conversations with field engineers, including the companies or consulting firms with which they were affiliated.

c. How did the Agency select the three separate fracturing events to witness?

d. Were those events representative of the different site-specific characteristics referenced in the June 2004 study (June 2004 EPA Study, p. 4–19) as determining factors in the types of hydraulic fracturing fluids that will be used?

e. Which companies were observed?

f. Was prior notice given of the planned witnessing of these events?

g. What percentage of the annual number of hydraulic fracturing events that occur in the United States does "3" represent?

h. Finally, please explain why the Material Safety Data Sheets for the fluids identified as potentially being used in hydraulic fracturing list component chemicals that the EPA does not believe are present.

The Agency concludes in the June 2004 study that even if these chemicals are present, they are not present in sufficient concentrations to cause harm. The Agency bases this conclusion on assumed flowback, dilution and dispersion, adsorption and entrapment, and biodegradation. The June 2004 study repeatedly cites the 1991 Palmer study, "Comparison between gel-fracture and water-fracture stimulations in the Black Warrior basin: Proceedings 1991 Coalbed Methane Symposium," which found that only 61 percent of the fluid injected during hydraulic fracturing is recovered. Please explain what data EPA collected and what observations the Agency made in the field that would support the conclusion that the 39 percent of fluids remaining in the ground are not present in sufficient concentrations to adversely affect underground sources of drinking water.

After identifying BTEX compounds as the major constituent of concern (June 2004 EPA study, page 4–15), the Agency entered into the MOU described above as its mechanism to eliminate diesel fuel from hydraulic fracturing fluids.

3. a. How does the Agency plan to enforce the provisions in the MOD and ensure that its terms are met?

b. For example, will the Agency conduct independent monitoring of hydraulic fracturing processes in the field to ensure that diesel fuel is not used?

c. Will the Agency require states to monitor for diesel use as part of their Class II UIC Programs?

4. a. Should the Agency become aware of an unreported return to the use of diesel fuel in hydraulic fracturing by one of the parties to the MOU, what recourse is available to EPA under the terms of the MOU?

b. What action does the Agency plan to take should such a situation occur?

c. Why did EPA choose to use an MOU as opposed to a regulatory approach to achieve the goal of eliminating diesel fuel in hydraulic fracturing?

d. What revisions were made to the June 2004 EPA study between the December 2003 adoption of the MOU and the 2004 release of the study? Which of those changes dealt specifically with the use and effects of diesel fuel hydraulic fracturing?

e. The Agency also states that it expects that even if diesel were used, a number of factors would decrease the concentration and availability of BTEX. Please elaborate on the data EPA collected and the observations the Agency made in the field that would support the conclusion that the 39 percent of fluids remaining in the ground (1991 Palmer), should they contain BTEX compounds, would not be present in sufficient concentrations to adversely affect underground sources of drinking water.

We are also concerned that the EPA response to the court remand leaves several unanswered questions. The Court decision found that hydraulic fracturing wells "fit squarely within the definition of Class II wells," (LEAF II, 276 F.3d at 1263), and remanded back to EPA to determine if the Alabama underground injection control program under section 1425 complies with Class II well requirements. On July 15, 2004, EPA published its finding in the Federal Register that the Alabama program complies with the requirements of the 1425 Class IT well requirements. (69 FR No. 135, pp 42341.) According to EPA, Alabama is the only state that has a program specifically for hydraulic fracturing approved under section 1425. Based on this analysis, it seems that in order to comply with the Court's finding that hydraulic fracturing is a part of the Class II well definition, the remaining states should be using their existing Class IT, EPA—approved programs, under 1422 or 1425, to regulate hydraulic fracturing.

To date, EPA has approved Underground Injection Control programs in 34 states. Approval dates range from 1981–1996.

5. Do you plan to conduct a national survey or review to determine whether state Class IT programs adequately regulate hydraulic fracturing?

At the time that these programs were approved, the standards against which state Class IT programs were evaluated did not include any minimum. requirements for hydraulic fracturing. In its January 19, 2000 notice of EPA's approval of Alabama's 1425 program, the Agency stated, "When the regulations in 40 CFR parts 144 and 146, including the well classifications, were promulgated, it was not EPA's intent to regulate hydraulic fracturing of coal beds. Accordingly, the well classification systems found in 40 CFR 144.6 and 146.5 do not expressly include hydraulic fracturing injection activities. Also, the various permitting; construction and other requirements found in Parts 144 and 146 do not specifically address hydraulic fracturing." (65 FR No. 12, p. 2892.)

Further, EPA acknowledges that there can be significant differences between hydraulic fracturing and standard activities addressed by state Class IT programs. In the January 19, 2000 Federal Register notice, the Agency states:

". . . since the injection of fracture fluids through these wells is often a one-time exercise of extremely limited duration (fracture injections generally last no more than two hours) ancillary to the well's principal junction of producing methane, it did not seem entirely appropriate to ascribe Class II status to such wells, for all regulatory purposes, merely due to the fact that, prior to commencing production, they had been fractured." (65 FR No. 12, p. 2892.)

Although hydraulic fracturing falls under the Class II definition, the Agency has acknowledged that hydraulic fracturing is different than most of the activities that occur under Class II and that there are no national regulations or standards on how to regulate hydraulic fracturing.

6. In light of the Court decision and the Agency's July 2004 response to the Court remand, did the Agency consider establishing national regulations or standards for hydraulic fracturing or minimum requirements for hydraulic fracturing regulations under state Class II programs?

7. a. If so, please provide a detailed description of your consideration of establishing these regulations or standards and the rationale for not pursuing them.

b. Do you plan to establish such regulations or standards in the future?

c. If not, what standards will be used as the standard of measurement for compliance for hydraulic fracturing under state Class IT programs?

We appreciate your timely response to these questions in reaction to the three recent actions taken by the EPA in relation to hydraulic fracturing—the adoption of the MOU, the release of the final study, and the response to the Court remand. Clean and safe drinking water is one of our nation's greatest assets, and we believe we must do all we can to continue to protect public health. Thank you again for your response.

Sincerely,

JIM JEFFORDS.
BARBARA BOXER.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, December 7, 2004.

Hon. JIM JEFFORDS,
U.S. Senate,
Washington, DC.

DEAR SENATOR JEFFORDS: Thank you for your letter to Administrator Michael Leavitt dated October 14, 2004, concerning the recent actions that the Environmental Protection Agency (EPA) has taken in implementing the Underground Injection Control (UIC) program with respect to hydraulic fracturing associated with coalbed methane wells.

The Office of Ground Water and Drinking Water (OGWDW) has prepared specific responses to your technical and policy questions regarding how we conducted the hydraulic fracturing study, the reasons behind our decisions pertaining to the recommendations contained in the study, and any plans or thoughts we may have on the likelihood for future investigation, regulation, or guidance concerning such hydraulic fracturing.

Since the inception of the UIC program, EPA has implemented the program to ensure that public health is protected by preventing endangerment of underground sources of drinking water (USDWs). The Agency has placed a priority on understanding the risks posed by different types of UIC wells, and worked to ensure that appropriate regulatory actions are taken where specific types of wells may pose a significant risk to drinking water sources. In 1999, in response to concerns raised by Congress and other stakeholders about issues associated with the practice of hydraulic fracturing of coalbed methane wells in the State of Alabama, EPA initiated a study to better understand the impacts of the practice.

EPA worked to ensure that its study, which was focused on evaluating the potential threat posed to USDWs by fluids used to hydraulically fracture coalbed methane wells was carried out in a transparent fashion. The Agency provided many opportunities to all stakeholders and the general public to review and comment on the Agency study design and the draft study. The study design was made available for public comment in July 2000, a public meeting was held in August 2000, a public notice of the final study design was provided in the Federal Register in September 2000, and the draft study was noticed in the Federal Register in August 2002. The draft report was also distributed to all interested parties and posted on the internet. The Agency received more than 100 comments from individuals and other entities.

EPA's final June 2004 study, Evaluation of Impacts to Underground Sources of Drinking Water by Hydraulic Fracturing of Coalbed Methane Reservoirs, is the most comprehensive review of the subject matter to date. The Agency did not recommend additional study at this time due to the study's conclusion that the potential threat to USDWs posed by hydraulic fracturing of coalbed methane wells is low. However, the Administrator retains the authority under the Safe Drinking Water Act (SDWA) section 1431 to take appropriate action to address any imminent and substantial endangerment to public health caused by hydraulic fracturing.

During the course of the study, EPA could not identify any confirmed cases where drinking water was contaminated by hydraulic fracturing fluids associated with coalbed methane production. We did uncover a potential threat to USDWs through the use of diesel fuel as a constituent of fracturing fluids where coalbeds are co-located with a USDW. We reduced that risk by signing and implementing the December 2003 Memorandum of Agreement (MOA) with three major service companies that carry out the bulk of coalbed methane hydraulic fracturing activities throughout the country. This past summer we confirmed that the companies are carrying out the MOA and view the completion of this agreement as a success story in protecting USDWs.

In your letter, you asked about the Agency's actions with respect to hydraulic fracturing in light of LEAF v. EPA. In this case, the Eleventh Circuit held that the hydraulic fracturing of coalbed seams in Alabama to produce methane gas was "underground injection" for purposes of the SDWA and EPA's UIC program. Following that decision, Alabama developed—and EPA approved—a revised UTC program to protect USDWs during the hydraulic fracturing of coalbeds. The Eleventh Circuit ultimately affirmed EPA's approval of Alabama's revised UIC program.

In administering the UIC program, the Agency believes it is sound policy to focus its attention on addressing those wells that pose the greatest risk to USDWs. Since 1999, our focus has been on reducing risk from shallow Class V injection wells. EPA estimates that there are more than 500,000 of these wells throughout the country. The wastes injected into them include, in part, storm water runoff, agricultural effluent, and untreated sanitary wastes. The Agency and States are increasing actions to address these wells in order to make the best use of existing resources.

EPA remains committed to ensuring that drinking water is protected. I look forward to working with Congress to respond to any additional questions, or the concerns that Members of Congress or their constituents may have. If you have further comments or questions, please contact me, or your staff may contact Steven Kinberg of the Office of Congressional and Intergovernmental Relations at (202) 564-5037.

Sincerely,
BENJAMIN H. GRUMBLES,
Acting Assistant Administrator.

Attachment.

EPA RESPONSE TO SPECIFIC QUESTIONS REGARDING HYDRAULIC FRACTURING

The data presented in the June 2004 EPA study identifies potential harmful effects from the chemicals listed by the Agency in this report. Has the Agency or does the Agency plan to incorporate the results of this study and the fact that these chemicals are present in hydraulic fracturing agents into the Contaminant Candidate List (CCL) development process, and if not, why not?"

Although the EPA CBM study found that certain chemical constituents could be found in some hydraulic fracturing fluids, EPA cannot state categorically that they are contained in all such fluids. Each fracturing procedure may be site specific or basin specific and fluids used may depend on the site geology, the stratigraphy (i.e. type of coal formation), depth of the formation, and the number of coal beds for each fracture operation. The Agency's study did not develop new information related to potential health effects from these chemicals; it merely reported those potential health effects indicated on the Material Safety Data Sheet (MSDS) or other information we obtained from the service companies.

As noted in the final report, "Contaminants on the CCL are known or anticipated to occur in public water systems. . ." The extent to which the contaminants identified in fracturing fluids are part of the next CCL process will depend upon whether they meet this test.

2. In the June 2004 EPA study, the Agency concludes that hydraulic fracturing fluids do not contain most of the chemicals identified. This conclusion is based on two items—"conversations with field engineers" and "witnessing three separate fracturing events".

a. How did the agency select particular field engineers with whom to converse on this subject?

The Agency did not "select" any of the engineers; we talked with the engineers who happened to be present at the field operations. In general those were engineers from the coalbed methane companies and the service companies who conducted the actual hydraulic fracturing. When we scheduled to witness the events, we usually conversed with the production company engineer to arrange the logistics and only spoke with the field engineers from the service companies at the well site.

b. Please provide a transcript of the conversations with field engineers, including the companies or consulting firms with which they were affiliated.

EPA did not prepare a word-for-word transcript of conversations with engineers.

c. How did the Agency select the three separate fracturing events to witness?

The events selected were dependent on the location of the fracturing events, the schedules of both EPA OGWDW staff and EPA Regional staff to witness the event, and the preparation time to procure funding and authorization for travel. EPA witnessed the 3 events because the planning and scheduling of these happened to work for all parties. In one event, only EPA HQ staff witnessed the procedure, in another event only EPA Regional staff witnessed it, and in one event both EPA HQ and Regional staff attended with DOE staff.

d. Were those events representative of the different site-specific characteristics referenced in the June 2004 study (p. 4-19) as determining factors in the types of hydraulic fracturing fluids that will be used?

Budget limitations precluded visits to each of the 11 different major coal basins in the U.S. It would have proven to be an expensive and time-consuming process to witness operations in each of these regions. Additionally, even within the same coal basin there are potentially many different types of well configurations, each of which could affect the fracturing plan. EPA believed that witnessing events in 3 very different coal basin settings—Colorado, Kansas, and south western Virginia—would give us an understanding of the practice as conducted in different regions of the country.

e. Which companies were observed?

EPA observed a Schlumberger hydraulic fracturing operation in the San Juan basin of Colorado, and Halliburton hydraulic fracturing operations in southwest Virginia and Kansas.

f. Was prior notice given of the planned witnessing of these events?

Yes, because it would have been very difficult to witness the events had they not been planned. To plan the visit, EPA needed to have prior knowledge of the drilling operation, the schedule of the drilling, and the scheduling of the services provided by the hydraulic fracturing service company. Wells, in general, take days to drill (in some cases weeks and months depending on depth of the well) and the fracturing may take place at a later date depending on the availability of the service company and other factors beyond anyone's control.

g. What percentage of the annual number of hydraulic fracturing events that occur in the United States does "3" represent?

Because of a limited project budget, EPA did not attempt to attend a representative number of hydraulic fracturing events; that would have been beyond the scope of this Phase I investigation. The primary purpose of the site visits was to provide EPA personnel familiarity with the hydraulic fracturing process as applied to coalbed methane wells. The visits served to give EPA staff a working-level, field experience on exactly how well-site operations are conducted, how the process takes place, the logistics in setting up the operation, and the monitoring and verification conducted by the service companies to assure that the fracturing job was accomplished effectively and safely. EPA understands that thousands of fracturing events take place annually, for both conventional oil and gas operations and for coalbed methane production, and that three events represent an extremely small fraction of that total.

h. Finally, please explain why the Material Safety Data Sheets for the fluids identified as potentially being used in hydraulic fracturing list component chemicals that the EPA does not believe are present.

In Table 4-1 of the final study, EPA identified the range of fluids and fluid additives commonly used in hydraulic fracturing. Some of the fluids and fluid additives may contain constituents of potential concern, however, it is important to note that the information presented in the MSDS is for the pure product. Each of the products listed in Table 4–1 is significantly diluted prior to injection. The MSDS information we obtained is not site specific. We reviewed a number of data sheets and we noted that many of them are different, contain different lists of fluids and additives, and thus we concluded in the final report that we cannot say whether one specific chemical, or chemicals, is/are present at every hydraulic fracturing operation.

3. a. How does the Agency plan to enforce the provisions in the MOU and ensure that its terms are met?

There is no mechanism to "enforce" a voluntary agreement such as the MOA signed by EPA and the three major service companies. The MOA was signed in good faith by senior managers from the three service companies and the Assistant Administrator for Water, and EPA expects it will be carried out. EPA has written all signers of the MOA and asked if they have implemented the agreement and how will they ensure that diesel fuel is not being used in USDWs. All three have written back to EPA, stating that they have removed diesel from their CBM fracturing fluids when a USDW is involved and intend to implement a plan to ensure that such procedures are met. EPA intends to follow up with the service companies on progress in implementing such plans.

b. For example, will the Agency conduct independent monitoring of hydraulic fracturing processes in the field to ensure that diesel fuel is not used?

It is unlikely that EPA will conduct such field monitoring. First, in most oil and gas producing states, and coalbed methane producing states, the State Oil and Gas Agency generally has UIC primary enforcement responsibility, and the state inspectors are the primary field presence of such operations. Second, EPA has a very limited field staff and in most cases they are engaged in carrying out responsibilities related to Class I, III and V wells in states in which they directly implement the UIC program. EPA plans to work with several organizations, including the Ground Water Protection Council and the Independent Petroleum Association of America to determine if there are other smaller companies conducting CBM hydraulic fracturing with diesel fuel as a constituent and will explore the possibility of including them in the MOA.

c. Will the Agency require states to monitor for diesel use as part of their Class II programs?

Given limited funds for basic national and state UIC program requirements, EPA does not have plans to include the states as parties to the MOA or require them to monitor for diesel fuel in hydraulic fracturing fluids. The State of Alabama's EPA-approved UIC program prohibits the hydraulic fracturing of coalbeds in a manner that allows the movement of contaminants into USDWs at levels exceeding the drinking water MCLs or that may adversely affect the health of persons. Current federal UIC regulations do not expressly address or prohibit the use of diesel fuel in fracturing fluids, but the SDWA and UIC regulations allow States to be more stringent than the federal UIC program.

4. a. Should the Agency become aware of an unreported return to the use of diesel fuel in hydraulic fracturing by one of the parties to the MOU, what recourse is available to EPA under the terms of the MOU?

There are no terms in the MOA that would provide EPA a mechanism to take any enforcement action should the Agency become aware of an unreported return to the use of diesel fuel in hydraulic fracturing by one of the parties to the MOA. However, EPA would work closely with the companies to determine why such action occurred and discuss possible termination procedures. The agreement defines how either party can terminate the agreement. EPA would make every effort to work with such a company to maintain their participation in the agreement. EPA entered the agreement with an assumption that the companies would honor the commitments they have made about diesel use in hydraulic fracturing fluids.

b. What action does the Agency plan to take should such action occur?

If such a situation does happen, and EPA learns that diesel fuel used in hydraulic fracturing fluid may enter a USDW and may present an imminent and substantial threat to public health, EPA may issue orders or initiate litigation as necessary pursuant to SDWA section 1431 to protect public health. Otherwise, EPA would take the actions described under the previous question.

c. Why did EPA choose to use an MOU as opposed to a regulatory approach to achieve the goal of eliminating diesel fuel in hydraulic fracturing?

While the report's findings did not point to a significant threat from diesel fuel in hydraulic fracturing fluids, the Agency believed that a precautionary approach was appropriate. EPA chose to work collaboratively with the oil service companies because we thought that such an approach would work quicker and be more effective than other approaches the Agency might employ (i.e. rulemaking, enforcement orders, etc.). We believed that once the service companies became familiar with the issue, they would willingly address EPA's concerns. After several months of meetings and negotiations between representatives of the service companies and high level management in EPA's Office of Water, a Memorandum of Agreement (MOA) was drafted and signed by all parties effective December 24, 2003.

We believe that the MOA mechanism accomplished the intended goal of removing diesel from hydraulic fracturing fluids in a matter of months, whereas proposing a rule to require removal would have taken at least a year or more.

d. What revisions were made to the June 2004 EPA study between the December 2003 adoption of the MOU and the 2004 release of the study? Which of those changes dealt specifically with the use and effects of diesel fuel in hydraulic fracturing?

During the specified time-frame, EPA focused on making editorial changes to the report and clarifying information relative to its qualitative discussion of the mitigating effects of dilution, dispersion, adsorption, and biodegradation of residual fluids. With respect to the use and effects of diesel fuel, changes in the study primarily focused on including language in the text of the report which acknowledged that we had successfully negotiated an MOA with the service companies. Specifically, EPA referenced this agreement in the text of the report in the Executive Summary at page ES–2 and on page ES–17, and further discussed the MOA in Chapter 7 in the Conclusions Section of the study.

e. The Agency also states that it expects that even if diesel were used, a number of factors would decrease the concentration and availability of BTEX. Please elaborate on the data EPA collected and the observations the Agency made in the field that would support the conclusion that 39 percent of fluids remaining in the ground (1991 Palmer), should they contain BTEX compounds, would not be present in sufficient concentrations to adversely affect underground sources of drinking water.

EPA reiterates that the 39 percent figure from the 1991 Palmer paper is only one instance where it has been documented what quantity of the hydraulic fracturing fluids injected into wells will remain behind. Dr. Palmer, who conducted the original research, estimated that coalbed methane production wells flow back a greater percentage of fracturing fluids injected during the process. Where formations are dewatered or produced for a substantial period of time, greater quantities of formation and fracturing fluids would presumably be removed. We used 39 percent remaining fluids as a "worst case" scenario while doing our qualitative assessment, since it was the only figure we had from research conducted on coalbed methane wells.

With respect to the BTEX compounds, we no longer believe that they are a concern owing to the MOA negotiated between EPA and the three major service companies.

5. Do you plan to conduct a national survey or review to determine whether state Class II programs adequately regulate hydraulic fracturing?

At this time, EPA has no plans to conduct such a survey or review regarding the adequacy of Class II programs in regularing hydraulic fracturing. In its final study design, EPA indicated that it would not begin to evaluate existing state regulations concerning hydraulic fracturing until it decided to do a Phase III investigation. The Agency, however, reserves the right to change its position on this if new information warrants such a change.

6. In light of the Court decision and the Agency's July 2004 response to the Court remand, did the Agency consider establishing national regulations or standards for hydraulic fracturing or minimum requirements for hydraulic fracturing regulations under Class II programs?

When State UIC programs were approved by the Agency—primarily during the early 1980s—there was no Eleventh Circuit Court decision indicating that hydraulic fracturing was within the definition of "underground injection." Prior to LEAF v. EPA, EPA had never interpreted the SDWA to cover production practices, such as hydraulic fracturing. After the Court decision in 1997, the Agency began discussions with the State of Alabama on revising their UIC program to include hydraulic fracturing. The net result of that process was the EPA approval of Alabama's revised section 1425 SDWA UIC program to include specific regulations addressing CBM hydraulic fracturing. This approval was signed by the Administrator in December 1999, and published in the Federal Register in January 2000.

In light or the Phase I HF study and our conclusion that hydraulic fracturing did not present a significant public health risk, we see no reason at this time to pursue a national hydraulic fracturing regulation to protect USDWs or the public health. It is also relevant at the three major service companies have entered into an agreement with EPA to voluntarily remove diesel fuel from their fracturing fluids.

7. a. If so, please provide a detailed description of your consideration of establishing these regulations or standards and the rationale for not pursuing them.

b. Do you plan to establish such regulations or standards in the future?

c. If not, what standards will be used as the standard of measurement for compliance for hydraulic fracturing under state Class II programs?

EPA has not explored in any detailed fashion minimum national or state requirements for hydraulic fracturing of CBM wells, except when it evaluated the revised UIC program in Alabama.

Considering and developing national regulations for hydraulic fracturing would involve discussions with numerous stakeholders, the states, and the public and it would require an intensive effort to arrive at regulatory language that could be applied nation-wide. As EPA's study indicates, coalbeds are located in very distinct geologic settings and the manner in which they are produced for methane gas may be very different in each locale. The proximity of USDW to the coal formations, and the regional geology and hydrology all play roles in how hydraulic fracturing operations are conducted.

If EPA receives information of drinking water contamination incidents and follow-up investigations point to a problem, EPA would then re-evaluate its decision to not continue with additional study relating to CBM hydraulic fracturing.

Should additional states submit revised UIC programs for EPA's review and approval which include hydraulic fracturing regulations, we would evaluate these programs under the "effectiveness," standards of the SDWA section 1425 as we did or the State of Alabama.

OIL AND GAS ACCOUNTABILITY PROJECT
Durango, CO, June 14, 2005.
Hon. JAMES M. JEFFORDS,
U.S. Senate,
Washington, DC.

DEAR SENATOR JEFFORDS: Please accept this letter of endorsement for S. 1080, the Hydraulic Fracturing Safey Act of 2005.

Hydraulic fracturing is the industry practice of injecting fluids and other substances underground in order to increase production of oil and gas. While the industry refuses to fully list the chemicals it injects underground, the EPA has found that many of these chemicals are known to be toxic to humans and some are actually considered hazardous under federal law. Yet, the EPA and all states except Alabama have refused to regulate the toxics that are used during hydraulic fracturing operations. What this, means, in practice, is that is it legal for hydraulic fracturing companies to inject toxic chemicals into or close to drinking water aquifers. The EPA has even admitted that a number of toxic hydraulic fracturing chemicals can be injected into drinking water sources at concentrations that pose a threat to human health.

With thousands of new oil and gas wells being drilled each year, the impacts of hydraulic fracturing are beginning to show up. In western Colorado, hydraulic fracturing literally blew up one homeowner's water well and contaminated it with methane. In Alabama, hydraulic fracturing turned water wells black, and citizens have experienced health problems following contact with the affected water. The true scope of the problem, is not known, however, because state agencies do not monitor groundwater for chemicals used in hydraulic fracturing operations.

Despite the fact that unregulated hydraulic fracturing may be poisoning our drinking water, Senator Inhofe has introduced a bill, S.837, on behalf of the oil and gas industry, that would completely exempt hydraulic fracturing from EPA regulation under the Safe Drinking Water Act.

Thank you and Senators Lautenberg, Boxer and Lieberman for introducing the Hydraulic Fracturing Safety Act of 2005 (S. 1080), requiring the use of nontoxic products in hydraulic fracturing operations during oil and gas production. This important bill will help to protect our precious underground drinking water sources.

Sincerely,

GWEN LACHELT,
Director.

NATIONAL WILDLIFE FEDERATION,
Washington, DC, May 25, 2005.
Hon. JAMES M. JEFFORDS,
Ranking Member, Senate Environment and Public Works Committee, U.S. Senate, Washington, DC.

DEAR RANKING MEMBER JEFFORDS: On behalf of the National Wildlife Federation, and the millions of hunters, anglers and outdoor enthusiasts we represent, I am writing to thank you for introducing the Hydraulic Fracturing Safety Act of 2005.

I am pleased that your legislation would ban the use of diesel or other priority pollutants listed under the Federal Water Pollution Control Act in hydraulic fracturing for oil or natural gas exploration and production and also require the EPA to regulate hydraulic fracturing.

EPA does not currently regulate hydraulic fracturing, a common technique used to stimulate oil and gas production that can potentially compromise groundwater resources and reserves. An EPA whistle-blower and other experts agree that hydraulic fracturing is a serious threat to drinking water. Hydraulic fracturing has already impacted residential drinking water supplies in at least three states (Colorado, Virginia and Alabama) and incidents have been recorded in other states (New Mexico, West Virginia and Wyoming) where residents have recorded changes in water quality or quantity following hydraulic fracturing operations near their homes.

I am disappointed that the U.S. House of Representatives passed an energy bill that exempts the oil and gas industry from being regulated under the Safe Drinking Water Act for hydraulic fracturing. The House passed bill would also exempt all oil and gas construction activities from the Clean Water Act; cut the heart out of environmental reviews by allowing for numerous National Environmental Policy Act exemptions; and require the BLM to rush to judgment on complex energy permitting decisions. These provisions would harm America's wildlife and Americans' water resources and recreational opportunities. I urge you to remain steadfast and oppose any amendments on the Senate floor that would provide egregious exemptions to the laws that protect water resources, wildlife and their habitat.

NWF and the millions of hunters, anglers and outdoor enthusiasts we represent commend you for your leadership on safeguarding our water resources and wildlife habitat. If you have further questions, please do not hesitate to contact me.

Sincerely,

JIM LYON,
Senior Vice President, Conservation.

Mr. JEFFORDS. Mr. President. I thank Senator GRASSLEY, Senator BAUCUS and the other members of the Senate Finance Committee for agreeing to my recycling amendment, which I call the Recycling Investment Saves Energy. RISE, provisions. These provisions were added to the tax title of the energy bill last week and have now been incorporated into the Energy bill as section 1545 of H.R. 6.

The current Senate Energy bill contains important provisions to promote the use of energy savings in vehicles, appliances, new homes, and commercial buildings. As we move forward with fostering energy efficiency, we must not neglect recycling. Recycling should be an integral component of our nation's energy efficiency strategy.

The RISE provisions will create jobs, increase productivity, and conserve energy by establishing a tax credit to preserve and expand America's recycling infrastructure. Specifically, the provisions establish a 15 percent tax credit for the purchase of qualified recycling equipment used to sort or process packaging and printed materials, such as beverage containers, cardboard boxes, glass jars, steel cans and newspapers.

The tax credit could be claimed by material recovery facilities, manufacturers or other persons that purchase recycling equipment that sorts or processes residential or commercial recyclable materials, even if such equipment also is used to handle material from industrial facilities.

This national investment in our recycling infrastructure is necessary to reverse the declining recycling rate of many consumer commodities, including aluminum, glass and plastic, which are near historic lows. For example, 55 billion aluminum cans were wasted by not being recycled in 2004, which represents approximately $1 billion of aluminum lost to industry. The recycling rate of paper is estimated to be roughly 50 percent, glass containers 35 percent, and PET plastic bottles less than 20 percent.

The energy savings from greater recycling are significant. Increasing the recycling of containers, packaging and paper could save the equivalent energy output of 15 medium-sized power plants on an annual basis. Recycling aluminum cans, for example, saves 95 percent of the energy required to make the same amount of aluminum for its virgin source. Increasing the U.S. recycling rate to 35 percent would result in annual energy savings of 903 trillion BTUs, enough to meet the annual energy needs of 8.9 million homes.

Due to the diminishing quantity and quality of available recyclable materials, many companies are not able to obtain the volume of quality recycled feedstock needed to meet demand. This new economic challenge makes it even harder for recycled products to compete in the marketplace. For example, two Michigan plastic recycling facilities recently closed, affecting 100 jobs, as a result of inconsistent supply of recycled plastic. Similarly 17 percent of the recycling capacity at U.S. paper mills has been shut down, in part due to insufficient quality recyclable materials. One leading glass manufacturer also reports that they are able to obtain only a small fraction of the volume of recycled glass that their facilities can use.

In some cases, recyclers have been forced to shut down their operations in the United States and relocate to other countries due in part to insufficient or poor quality recycled feedstocks. This is particularly unfortunate as, on a per-ton basis, sorting and processing recyclables are estimated to sustain 10 times more jobs than landfilling or incineration.

The RISE provisions aim to reverse the declining recycling rate and resulting energy loss by incentivizing greater collection of quality recyclable materials. The bill would expand collection efforts by making innovative technology more affordable, such as reversible vending machines that collect and process empty containers. It could also be used to finance equipment at recycling collection centers.

This targeted tax credit would address quality concerns by reducing the barriers hindering investment in optical sorting and other state of the art equipment needed at material recovery facilities. By reducing material loss and improving quality, RISE will increase both the quantity and quality of recycled feedstock available to manufacturers.

Reducing the barriers to recycling also serves a number of environmental goals, including lessening the need for new landfills, preventing emissions of many air and water pollutants, reducing greenhouse gas emissions, and stimulating the development of green technology. But most importantly, recycling helps preserve resources of our children's future. For these reasons, I urge my colleagues to support these provisions.

Mr. President, last night the Senate narrowly defeated the Kerry amendment No. 844, sense-of- the-Senate resolution on climate change. I was unable to be present for the vote, but I strongly supported this sense of the Senate. The United States has consistently failed to constructively engage in international discussions in a manner consistent with our obligations under the United Nations Framework Convention on Climate Change or even under a basic good neighbor policy. The Bush administration policy on global warming is ineffective, unproductive, and irresponsible.

The administration's voluntary approach and efforts to address global warming have been underfunded and will not produce real emissions reductions in the timeframe necessary. Fortunately, many of the States have taken up the mantle of leadership, since there is a tremendous vacuum in the White House. By reversing his pledge to control carbon dioxide from powerplants, walking away from the Kyoto Protocol, and now snubbing British Prime Minister Tony Blair's request for assistance from the United States on this critical climate change problem, the President is reneging on this Nation's responsibility and opportunity to be a world leader.

Carbon dioxide levels have never been higher and the United States disproportionately contributes to the global warming problem. We need to reengage with the world in producing a binding global plan that reduces greenhouse gases below levels that would cause dangerous interference with the Earth's climate.

The administration and the world should pay close attention to the passage of the Bingaman-Specter resolution that committed the Senate to adopting legislation containing mandatory controls on carbon dioxide. This is an important resolution and it should serve as a wakeup call to the administration and those among the carbon-intensive industries. We must shoulder our moral responsibility to reduce the risks of global warming.

Mr. President, I thank the bill managers, Senator DOMENICI and Senator BINGAMAN, for agreeing to accept my amendment in the managers' package that was agreed to last night by unanimous consent. My amendment directs the Architect of the Capitol to study the feasibility of installing energy and water conservation measures on the rooftop of the Dirksen building, specifically the roof area above the cafeteria in the center of the building.

Today, all that exists is open space in the center of the building. My amendment will assist the Architect in obtaining information that will allow this space to be used in a more efficient manner and save taxpayer dollars.

During debate on the energy bill, the Senate has heard numerous arguments on the importance of conserving energy. In August of 2003, nearly 50 million people in the Northeast and Midwest were affected by a massive power outage. This event emphasized the vulnerability of the U.S. electricity grid to human error, mechanical failure, and weather-related outages. Failure to maintain a reliable grid had a huge impact on our Nation's economy, businesses, and individuals' everyday lives.

It is vital, then, that we here in the Senate do our part and put measures in place to make the Nation's Capitol a more secure and sustainable user of electricity. The Capitol Complex is largely dependent upon the electrical grid for power. Our daily operations should not be compromised by grid failure.

My amendment moves us forward in the right direction. Technology already exists to ensure that our operating systems can continue to operate despite loss of a main power supply. By creating onsite generating capacity through the installation of cogeneration equipment at the power plant and using solar powered equipment, like photovoltaic panels, we could produce energy to operate essential systems during a blackout or significant loss of power. We can start slowly by powering emergency lighting and notification systems in hallways so the occupants know how to exit the building safely or upgrade the electrical generating capacity of the complex. Technology is only getting better. My amendment asks the Architect of the Capitol to explore the use of this new technology to ensure that the Nation's Capitol always has reliable power.

In addition, this new technology also has the potential to provide significant savings in the Capitol's operating budget. We are all looking for ways to save the taxpayers money and reduce the Nation's deficit. We have the opportunity today to set an example and practice what we preach. As Members of Congress, we can educate ourselves and our staff on the benefits of energy efficiency, and see first hand the savings it can generate. The Nation's Capitol can join those already utilizing this technology and help encourage others to adopt it as well.

My amendment requires a feasibility study be conducted to look at the Dirksen building rooftop, including the open space in the center of the building directly above the cafeteria. The study will focus on more efficient use of the space while providing energy and water savings to the Capitol Complex.

I envision a wonderful park and garden area that Members and staff can actually use. These gardens would not only provide a beautiful environment by utilizing native plants, but they would also reduce energy use, and provide insulation for the building to reduce heat and energy loss.

These gardens would also provide a collection system for rainwater to limit the amount of stormwater runoff in the area. This collected water could be utilized for basic plumbing, watering the vegetation, or even the fire sprinkler systems; thereby reducing the use of water in the Capitol Complex.

Installation of technology, like photovoltaic panels, could collect the rays of the sun and provide energy to the building. These can be installed on the rooftops of our buildings in many different areas. These panels are now made to blend into any environment

There is even technology that exists to funnel natural daylight into the cafeteria in the basement. Imagine enjoying natural daylight as you consume your lunch or hold that quick meeting. Preliminary studies show that exposure to daylight improves worker productivity and results in less absenteeism due to illness.

The Architect of the Capitol is currently updating the master plan for the Capitol Complex. This small project fits into that plan. The Architect is making great strides to update our operating systems with newer and efficient technology with sustainable features. I appreciate his efforts and encourage him to continue doing so.

Before I conclude, I would like to thank a former staffer who helped me develop this great idea, Mary Katherine Ishee. Mary Katherine was creative enough to look beyond the barren view from the committee offices on the fourth floor of the Dirksen building and realize the opportunity it presented.

It is about time we bring our home, the Capitol Complex, up to date with the rest of the world. This language is a step in that direction. We have the potential to use the latest technology to save energy, address security concerns, conserve our resources, and make more efficient use of this space.

We will all benefit from a wonderful, efficient, and useful park in the middle of the Dirksen building, and the taxpayers will benefit from our reduced energy and water use in the form of lower utility bills. I am very pleased that this measure has been added and I hope it will be retained by the conferees.

Mr. President, I want to thank Senators DOMENICI and BINGAMAN for adopting my amendment No. 774, as part of the Senate Energy bill. The amendment authorizes up to $20 million a year for 7 years for the establishment of a new Department of Energy grant program to aid local governments, municipal utilities, rural electric cooperatives, and not-for-profit agencies. The cost of repairing transmission lines is proving particularly difficult for small communities in Vermont and across America.

I became interested in creating such a program due to the challenges that communities in my State are facing with respect to the upgrading and siting of transmission and distribution lines. For example, residents in Lamoille County, VT, have been struggling to find ways to expand the transmission system to accommodate the demands of a growing tourism industry without overly burdening local residents with the cost of such an upgrade. Currently, the transmission system that delivers electricity to this area of my State is at peak capacity, leaving the local community in jeopardy should a single event like a fallen power line or damage to a key piece of equipment occur.

Not only must communities afford the costs of the infrastructure itself, but also the costs of integrating these new technologies into the rural landscape in a way that does not destroy their scenic quality and protects their lifestyle.

These grants will help rural communities meet these needs. They can be used for increasing energy efficiency, siting or upgrading transmission lines, or providing modernizing electric generating facilities to serve rural areas. Under the generation grants portion of the program, preference will be given to renewable facilities such as wind, ocean waves, biomass, landfill gas, incremental hydropower, livestock methane, or geothermal energy.

By adopting my legislation as part of this Energy bill, small electric cooperatives and local governments in Lamoille County, VT, will be eligible to apply for Federal grants to construct new facilities and transmission upgrades. This is a good amendment and it should be retained by the conferees.

Mr. President, last night the Senate defeated amendment No. 961 that would have banned the siting of windmills in many areas in the lower 48 States and made them ineligible to receive Federal tax subsidies. Had I been present to vote, I would have opposed this amendment. In my 30 years in Congress, I have been a strong proponent of renewable energy sources including wind power. I am very optimistic about the role wind energy can play in satisfying a growing proportion of this Nation's energy needs.

If the objective of this amendment was to protect scenic qualities of America's lands and shorelines, it did not achieve that goal. The amendment only targeted the siting of windmills within 20 miles of Federal public lands, but did not address the siting of coal-fired powerplants and other energy sources that have far greater impacts to our public lands. Just look at the impacts that air pollution blowing in from coal-fired Midwest powerplants is currently having on the Great Smoky Mountain National Park, Shenandoah National Park, and the protected areas in the beautiful green mountains of Vermont.

This amendment also failed to treat all public lands and wildlife refuges equally. As ranking member of the Environment and Public Works Committee, the committee with jurisdiction over our Nation's wildlife refuges, I was concerned that, had this amendment been approved, no wind turbine situated anywhere near Federal lands in the lower 48 States would have been eligible to receive Federal tax subsidies, thereby severely limiting the expansion of wind power in the United States. Oddly, this amendment specifically exempted some other federally protected areas such as coastal wildlife refuges in Louisiana and Alaska. By defeating this amendment by a wide margin, the Senate sends a strong message that wind power has a role to play in satisfying this Nation's energy needs.

Mr. PRYOR. Mr. President, families in Arkansas want and deserve a national energy policy that truly moves us towards energy independence. We must look beyond oil, gas, and coal and develop cleaner alternatives and new sources of energy, especially renewable fuels.

This bill offers a good starting point in achieving this goal, and I am pleased the Senate has agreed to adopt my amendment that embraces the potential of biodiesel and hythane as part of this effort.

My amendment requires that the Department of Energy, in conjunction with universities throughout the country, prepare two reports. These reports would evaluate the potential markets, infrastructure development needs and possible impediments to commercialization for two alternative fuels: biodiesel and hythane.

Biodiesel can substitute directly for petroleum-based diesel fuel, usually with no engine modifications, and offers a number of health and environmental benefits. It produces less carbon monoxide, less sulfur oxides emissions, and less particulate or soot emissions from some engines. It allows for safer handling. It is an agricultural-based feedstock may be produced anew every year, unlike fossil fuels which have declining reserves. And in Arkansas and other agricultural states, the robust commercializing of biodiesel would mean an economic boon to our farmers.

The promise of biodiesel as a fuel source is just beginning to show. Biodiesel only currently accounts for less than 0.1 percent of diesel fuel consumption in the U.S. But total U.S. diesel fuel use was estimated at 39.5 billion gallons in 2001, including 33.2 billion of on-road highway use.

The enhanced commercialization of biodiesel can help reverse this trend, but only if we enable this industry to get off the ground on a solid footing. We have seen an enormous amount of federal assistance help support and catapult the ethanol industry. Our soybean farmers and our Nation could benefit from similar treatment.

My amendment also requires a study on the feasibility of hythane deployment, which is a blend of hydrogen and methane. Hythane is considered a stepping stone or bridge to the hydrogen economy because it represents an initial commercial application of hydrogen as a legitimate fuel option. It reduces nitrogen oxide, NO_x, emissions by 95 percent relative to diesel, and makes significant reductions in carbon dioxide.

China is now leading the way in developing hythane-powered vehicles. In preparation for the 2008 Olympics, Beijing, is in the process of replacing 10,000 diesel buses with hythane buses.

Additionally, hythane offers a solution to improve waste management in our communities. According to the Environmental Protection Agency, municipal solid waste landfills are the largest source of human-related methane emissions in the United States, accounting for about 34 percent of these emissions. Landfill gas is created as solid waste decomposes in a landfill and consists of about 50 percent methane.

Instead of allowing this gas to escape into the air, it can be captured, converted, and used to make hythane. As of December 2004, there are approximately 380 operational Landfill Gas energy projects in the United States and more than 600 landfills that are good candidates for projects. Companies ranging from Ford to Honeywell to Nestle are converting landfill gas into energy.

There is similar potential for chemical plants who also release methane into the atmosphere, contributing to local smog and global climate change. If they sequestered methane to sell to a hythane manufacturer, I believe they would take advantage of the profits it would yield.

My State of Arkansas, for example, has significant methane seams, including the Fayetteville shale bed methane seam, which Southwest Energy and CDX Gas are already using to their advantage. These resources could contribute to hythane fuel production as well.

Our Nation's energy problems cannot be solved overnight; however, we would be remiss if we did not at least further explore innovative and practical solutions, such as biodiesel and hythane. This amendment is a win-win situation for our energy dependence, health, economy and environment. I thank my colleagues for their support.

Mr. FEINGOLD. Mr. President, I regret that I was unable to take part in yesterday's cloture vote because I was testifying before the BRAC Commission in St. Louis, MO, along with the senior Senator from Wisconsin, in an effort to save the Milwaukee-based 440th Airlift Wing from closing. The fate of the 440th is very important to me and my constituents, and, while I have only missed a handful of votes in my 12 years in the Senate, it is clear to me that testifying in St. Louis was the right decision.

If I had been present I would have again voted against the cloture motion on the nomination of John Bolton. Since the motion required 60 votes to pass, my absence did not affect, and could not have affected, the outcome of the vote.

Mr. BYRD. Mr. President, for too long, we as a body, and we as a Nation, have fallen short in our efforts to address some of the most profound and far reaching challenges of our time—global climate change and energy security. For too long, we have skirted the issues and have shirked our responsibilities. We have convinced ourselves that we are doing something but, in reality, we continue to take no real action. Rather than lead, we have stood by, paralyzed, undermining any efforts to forge an effective response.

It is time to pull ourselves out of that quicksand and confront the tasks at hand. First, we must establish practical and comprehensive steps to reduce U.S. emissions of greenhouse gases and to reduce our dependence on foreign energy sources. Second, we must work in a partnership with developing nations to deploy clean energy technologies that can meet their urgent development needs while reducing their own contribution to global climate change and their growing energy dependency. Third, we must commit ourselves to the fundamental task of forging an effective and sound international agreement to guide a truly global effort to confront this most daunting problem, global climate change.

In 1997, during the 105th Congress, the Senate passed S. Res. 98, by a vote of 95 to 0. As the primary author, along with Senator HAGEL, of S. Res. 98, I sought at that time to express the sense of the Senate regarding the provisions of any future binding, international agreement that would be acceptable to the Senate.

However, almost from the day of that vote, those on both sides of the issue have misrepresented and misconstrued its intent. What was meant as a guide for action has instead been invoked, time and again, as an excuse for inaction. Yet no one has misrepresented and misconstrued S. Res. 98 more so than this present administration. Rather than employing it as a tool to positively influence the international negotiations, the administration used it as cover to simply walk away from the negotiating table.

For the U.S., the issue should no longer be about the Kyoto Protocol. Certainly, everyone in this Chamber knows that the United States will not join the Kyoto Protocol. The rest of the world has come to accept that fact as well. So let us exorcize the specter of the Kyoto Protocol from this debate. The real question is what comes next. How do we arrive at a credible, workable strategy, one compatible with the best interests of the United States and of the other major emitting industrial and developing countries? That must be the question now before us.

We must send a clear signal that we recognize our responsibilities, and we must be prepared to work toward a fair and effective framework for action. We must be bold leaders. We owe this to ourselves; we owe it to the other nations of the world; and we owe it most of all to our children and to future generations.

Technology is a critical component to resolving the climate change challenges in the U.S. and around the world. But let me be clear. Even as the administration has touted technology as the solution, it continues to woefully underfund these very programs. Technology policies by themselves cannot be the silver bullet. Technology policies must be paired with commonsense, market-based solutions to create incentives for innovation and adoption of new and improved technologies that will provide a signal to reduce emissions.

There must be a broader approach. I want to commend Senators McCAIN and LIEBERMAN for their diligence and hard work to find a middle ground. I want to commend Senator BINGAMAN on his efforts as well. Like them, I believe that we face a problem, and it requires that we craft an economically and environmentally sound solution.

The McCain-Lieberman amendment did not pass in its current form. While I did not vote for their amendment, I want to make it very clear to the administration and to others who just want to say "no" that I will work with Senator McCAIN, Senator LIEBERMAN, and Senator BINGAMAN, and other Republican and Democratic Senators who want to craft a constructive solution.

I have long said that global warming and our energy security are major challenges in the U.S. and around the world. Troubling things are happening in our atmosphere, and we should wake up. I am not alone in this belief. The U.S. cannot bury its head in the sand and hope that these problems will simply go away.

I have insisted on a rational and cost-effective approach for dealing with climate change, both domestically and internationally. I have no doubt that the far right and the far left will oppose any moderate approach on this issue, but it is time to get the right architecture and solid funding in place to make a first step a reality. I am concerned that the McCain-Lieberman approach, in its present form, will negatively impact my State, but that does not mean that we will not be able to find some common ground in the future. I hope that my friends in the energy industry will decide to work with them as well.

Mr. President, we cannot just stand still. I know Senator McCAIN. He is tenacious, and Senators LIEBERMAN and BINGAMAN are equally tenacious. If 14 Senators in the middle can come together to diffuse the Nuclear Option, then I am certain that a solid center of Senators can find a new path forward to address global climate change and our Nation's energy security needs. I would certainly not support actions that would harm the economy or the people of my State of West Virginia or the United States in general. Yet, I repeat, I believe that there is a middle path forward, and I stand ready to work with those who share that view.

Mr. REID. Mr. President, I rise to speak to a particular section of H.R. 6, the Energy bill that would lead to Nevada and Washington ratepayers being relieved of $480 million in fees under fraudulent contracts entered into with Enron, the defunct energy company.

The largest utility in my State, Nevada Power, had a $326 million contract with Enron for power. The contract was terminated once it became impossible for Enron to hide its financial frauds any longer and instead was forced to declare bankruptcy. Nonetheless, Enron has asserted before the bankruptcy court the right to collect all of the profits it would have made under the contract through so-called "termination payments." Enron has made this claim even though Enron never delivered the power under the contract, even though Enron had obtained its authority to sell power fraudulently, and even thought Enron was in gross violation of its legal authority to sell power at the very time the contract was entered into.

The energy bill ensures that the proper government agency will determine whether Enron is entitle to more money from Nevada. That agency is the Federal Energy Regulatory Commission, FERC. When FERC was established by Congress, its fundamental mission was, and remains, to protect ratepayers. FERC has specialized expertise required to resolve the issues surrounding some of the contracts that Enron entered into and eventually terminated. The provision is an outgrowth of the Enron criminal conspiracy to rip off ratepayers throughout the West.

Enron is still seeking to extract an additional $326 million in profits from my State's utilities for power that was never delivered. Enron, after all of its market manipulation and financial fraud, is still trying to profit from its wrong-doing at the expense of every Nevadan.

Starting in December 2000, Nevada utilities entered into long-term contracts with Enron to meet a significant portion of their long-term needs. No one was aware of Enron's fraudulent activities to manipulate electricity markets. The prices that Nevada Power agreed to pay were three times as high as the threshold that FERC had established as a ceiling price. In November 2001, Nevada Power asked FERC to review the rate to determine whether those contracts were just and reasonable. Two days after the complaint was filed against Enron, Enron filed for bankruptcy. There is an issue in the bankruptcy case as to whether Enron can enforce contracts that it terminated. The bankruptcy court is responsible for enhancing the bankruptcy estate for the benefit of creditors. FERC, on the other hand, sees a more complete picture which includes protecting the interests of the general public.

This issue is of paramount concern to my constituents. It will decide whether they will be on the hook for more than a hundred million dollars, an amount that when spread out over a relatively small number of ratepayers, would translate into rate increases. It is critical that this issue be decided by the forum with the specialized expertise in matters relating to the sale of electricity with a stated mission of protecting ratepayers, and that is the Federal Energy Regulatory Commission.

I would like to especially thank Senators BINGAMAN, CANTWELL, DOMENICI, and ENSIGN for their assistance on this provision. I thank my colleagues on both sides of the aisle for their support up until this point, and for their continuing support in making sure that this critical measure is included in the legislation that emerges from the conference committee.

I yield the floor.

Mr. CRAIG. Mr. President, I am not aware of any further amendments. Therefore, I ask for a third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. CRAIG. I ask unanimous consent that the vote on passage of the bill occur at 9:45 a.m. on Tuesday, June 28, with paragraph 4 of rule XII waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, before I yield the floor, let me extend a very special thanks to all who have participated in the crafting and the final work product that we now have before us, a national energy policy for our country. A good many have contributed and most assuredly the chairman of the committee, PETE DOMENICI, and the ranking member, Senator BINGAMAN, have done an excellent job, in a very bipartisan way, to bring us to where we are at this moment.

Let me also extend a special thanks to the staff of the committee who have expended extraordinary time and hours to get us to this point. I thank my personal staff for a near 5-year effort, as we have worked over a long period of time to winnow out, shape, and bring before us what I think I can say is a very fine work product.

I am anxious to see its final passage, which will occur on Tuesday, and a conference with the House. I hope we can have this bill on the President's desk sooner, rather than later. The American people deserve a national energy policy that allows this country to get back into the production of energy of all of the types that have been addressed in this legislation.

I thank all of my colleagues for their work effort, and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

KARL ROVE

Mr. REED. Mr. President, I rise to join many of my colleagues to express my dismay concerning the deplorable comments by Karl Rove that suggest that—indeed states that Democrats did not respond to the attack on this country on 9/11, that they did not join in with other Americans who not only recognized the consequences but came together to work together to attack those who attacked us and to bring to justice those who had callously attacked and killed thousands of Americans. Such a statement is beyond the pale.

Mr. President, 9/11 is a moment in which the Nation was attacked, and we all came together, not as Democrats or Republicans, liberals or conservatives, but as Americans. We all came together.

The record itself clearly undercuts this contention of Mr. Rove. Within days of the attack of 9/11, we passed in this Senate an authorization for the use of military force. The vote was 98 to nothing. Every Republican and every Democratic Senator voting cast his or her vote to give the President of the United States the authority and the power to go forward, seek our enemies, and destroy them.

I can recall going up to Providence, RI, my State capital, that afternoon, and standing with every one of the elected officials in the State, Republican and Democrat, before a crowd of 25,000 people. My message was very simple. The Senate unanimously has authorized the President to seek out and destroy those who attacked us. That is what happened on 9/11. It was not as Mr. Rove tries to distort, to spin some situation in which we did not recognize the consequences or respond to the responsibilities of that dreadful moment.

Mr. Rove suggests that our response was simply to suggest therapy, to understand our attackers. That is a misstatement of the fact. In fact, following that authorization of the use of force, we succeeded in this Senate, acting with virtual unanimity on measure after measure, to give the President and this Nation what we all needed to defend ourselves and to inflict upon our adversaries the justice which they so richly deserved.

We passed the Aviation Transportation Security Act. We passed the fiscal year Intelligence Authorization Act—unanimously, the fiscal year Defense Authorization Act, the fiscal year Defense Appropriations Act, on and on and on, with virtual unanimity.

We did this because we recognized that we are Americans. Today, Mr. Rove seeks to distort this historic record, to suggest we did not come together as Americans, but that there were those who knew the way and took it and those who tried to ignore the reality. That is a gross misstatement of history, of the facts, and he should apologize for it. It is inappropriate that an individual who works in the White House should make such callous and clearly erroneous statements for political effect.

Mr. Rove suggests, in the article I have seen in the newspaper describing his speech, that our response was one of moderation and restraint. Nothing could be further from the truth. Our response was one voice authorizing the President to attack, giving him the tools to carry out the attack. Mr. Rove suggested that conservatives saw 9/11 and said we will defeat our enemies. That is exactly what all Americans said or did. He goes on to suggest that what liberals saw prompted liberals to say: We must understand our enemies.

Again, that is not the reality. I hope Mr. Rove is not suggesting unwittingly that we should go about without respecting and understanding our enemies. He should look back at Sun Tzu, the Chinese philosopher whose "Art of War" speaks to us today as it did centuries ago. As Sun Tzu said:

> If you know the enemy and know yourself, you need not fear the results of 100 battles.

In fact, some might suggest we are learning about our enemy too late in Iraq today.

The point I make is this type of attack has no place, it does not conform to history, it undercuts the spirit of that moment, a moment in which every American came together as one people, indeed, as the world responded to us. That unanimity may have lessened over the last several months, but it was there. To view September 11 any other way is a gross distortion. Mr. Rove should apologize for it.

He went on to attack my colleague, the Senator from Illinois, Mr. DURBIN. Senator DURBIN has apologized for his comments, and that apology is appropriate. But to continue to attack this individual does nothing to advance any of the ideals or aspirations or policies that we must be engaged with. What it does is distort a person, someone I have come to know, respect, and admire. Someone who is caring and concerned for people, whose thoughtfulness, whose intense commitment to doing what is appropriate for all Americans, and who is particularly sensitive to the needs of our military forces has impressed me.

Like anyone who has had the privilege of serving and understanding in the U.S. Army or any uniformed service, I had the privilege of commanding paratroopers of the 82nd Airborne Division. We understand the extraordinary courage and bravery and valor of those individuals.

I have been impressed many times with Senator DURBIN's commitment to help those individuals in meaningful ways by providing the equipment they need, by ensuring that our veterans who have served with distinction are not ignored. The attacks on him are without correlation to the person and to the service of this individual.

I hope Mr. Rove would apologize for these remarks and would refrain in the future from distorting the historial record. I don't think that is too much to ask of someone who is in such a position of power in the White House.

At this point, it is sufficient to conclude by saying I hope, indeed, that we can avoid this kind of personalized attack, this gross distortion, which is untrue, misleading, and divides a nation and does not unite it. I hope we move on to substantive policy as we face real problems that face this Nation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

FIRST LIEUTENANT NOAH HARRIS

Mr. ISAKSON. Mr. President, I rise today to read from an e-mail sent to me in May of this year:

> Our presence here is not just about Iraq. It is sending a message to the oppressed peoples of the world that freedom can be a reality. Freedom is the greatest gift that we, the U.S., have been granted, and as such, it is our responsibility to spread it. For it to become a permanent fixture in our future and our children's future, we must give it to all those that desire it.

Mr. President, that is an e-mail to me from 1LT Noah Harris, of Ellijay, GA, from Baghdad, Iraq.

On Saturday of this past week, First Lieutenant Harris died in the service of his country. His e-mail to me expressed democracy and freedom far better than I am capable of doing.

Noah Harris served as an intern in Congressman DEAL's office 2 years ago, which is where I had the occasion to meet him.

When I received his e-mail, I sat down at my desk in my office and wrote him a note thanking him for his service to his country and his fellow man.

This morning, I rise to pay tribute to the life that has been given on behalf of the greater good. Noah Harris was the type of young man who serves without desire for credit or acclaim in Iraq today but on behalf of his country and everything we stand for.

At the age of 23, he embodied the hope of the future. His sacrifice, in fact, ensures that the future for others will be brighter.

He captained his high school football team, was never beaten in the State in wrestling, went to the University of Georgia and captained the cheerleaders at that institution.

He came to Washington to serve as an intern. Shortly after September 11, 2001—struck, as all of us were, by the tragedy of that day—Noah Harris volunteered to serve in the U.S. military and, to the greater good, the people of the world.

On Saturday, at noon of this week, in Ellijay, GA, I and hundreds of other Georgians will pause in the northwest Georgia mountains to pay tribute to the life of Noah Harris.

I am privileged and pleased to stand on the floor of the Senate today in advance of that to acknowledge our thanks, on behalf of this Senate, and all who serve in this Congress, and our President, for the life, the times, the service, and the gift of 1LT Noah Harris.

Mr. CHAMBLISS. Mr. President, I stand before this body tonight with a heavy heart. One of Georgia's best and brightest young soldiers has paid the ultimate sacrifice in the service of his country in the War on Terror. Tonight the people of Ellijay, GA are grieving the loss of one of their bravest sons on the battlefield of freedom.

In our Nation's noble struggle to spread democracy, First Lieutenant Noah Harris gave his life in Baqubah, Iraq.

Noah, a member of the 2nd Battalion, 69th Armor Regiment, 3rd Infantry Division, died of wounds suffered as a result of an explosion near his armored vehicle around midnight, June 17, 2005.

Noah's death came one week before his birthday. Most young men his age would be making plans for a celebration; however, this young hero choose the battlefield instead.

Nearly 24 years old, this brave patriot was eager to serve his country and to spread our message of freedom and democracy to oppressed nations. His tragic and untimely death is a testimony of his passion and dedication to freedom's call.

The only child of Rick and Lucy Harris, Noah was a state champion wrestler and the captain of his high school football team. A natural leader and athlete, Noah took these skills to the University of Georgia where he was the captain of the cheerleading squad.

As a 1999 graduate of Gilmer High School, Noah's gifts were not merely athletic. He was honored as a scholar athlete during the Peach Bowl. These are but a few of the admirable accomplishments and achievements that endeared Noah to all of those with whom he came in contact.

While a student at UGA, Noah was motivated by the attack on our country on September 11th. Noah walked in to the ROTC office immediately after 9/11 asking to serve. Told he was too far along in his studies, Noah persisted until he was allowed to join the ROTC. You see, Noah believed passionately that there were no exemptions from serving in the cost of freedom.

A personal longing to promote liberty and help the Iraqi people who had long suffered under Saddam Hussein were a constant theme in Noah's letters home to his family and friends, but ever humble, Noah shrugged off the gravity of his commitment adopting the simple mantra "I do what I can" in response to being called a hero.

Noah believed that a greater good was worth fighting for and recognized the power of leading by example which exemplifies the qualities in each one of our Nation's treasured soldiers.

Noah's vision and passion to achieve a greater good for the people of Iraq is an excellent model for those who come after him to continue the fight against freedom's foes.

Noah aspired to serve in public office, and he was also interested in real estate as a personal career. A passionate advocate for the mission in Iraq, Noah expressed the urgency of the cause when he was home visiting friends and family during his leave in May.

It is clear that Noah had a caring heart, as his friends recount that he was known to give Beanie Babies to the children in Iraq.

In tribute to Noah, members of the Gilmer County community will assemble at Gilmer High School Friday June 24 at 2 p.m. to distribute yellow ribbons across Gilmer County in preparation for the celebration of Noah's life on Saturday June 25, what would be his 24th birthday.

The ribbons will line highway 52 East in Ellijay to Highway 515, which stretches from the county line to the Ellijay First United Methodist Church, the site of the memorial service.

Another soldier in the vehicle was killed, and the driver was injured severely in the explosion. Noah and his fellow soldiers were transporting two captured insurgents during night operations in the Baquba neighborhood of Buhritz.

Noah's fellow soldier, Corporal William A. Long of Lilburn, GA, also died from injuries sustained in the blast. Three years ago, after talking with his stepfather and stepbrother, who are former members of the military, William joined the Army.

After his enlistment expired, he was very aware that his unit would be deployed to Iraq. His desire to serve our country and free the Iraqi people, however, led him to re-enlist.

A resident of Atlanta for most of his life and a Berkmar High School alumnus, William was well-mannered and well-liked by all. His family describes him as a "perfectionist" and "basketball-lover."

Ironically, before going to Iraq, William participated in more than 700 funerals as a member of the prestigious "Old Guard." Many of those funerals were held at Arlington National Cemetery, the cemetery where William will be buried.

President Ronald Reagan once said:

> Putting people first has always been America's secret weapon.

That secret weapon drives the American spirit to dream and dare, and take great risks for a greater good. Noah and William represented the true heart of servant leadership. Their desire was to first, serve others, not themselves.

My wife Julianne and I wish to extend our sympathies and our prayers to both Noah's and William's family, friends, and fellow soldiers. Their sacrifice will not be lost or forgotten. May God bless Noah Harris and William Long.

IRAQ

Mr. KENNEDY. Mr. President, this morning in the Armed Services Committee, Secretary Rumsfeld and Generals Myers, Casey, and Abizaid briefed us on the status of the war effort.

Secretary Rumsfeld said, once again, that it is a tough road ahead but that we must persevere and he sees reasons to be hopeful. Secretary Rumsfeld was describing a different war than most persons are concerned about. The war in Iraq they see is one of mistake after mistake after mistake. Whatever our position on the Iraq war, we should all be concerned that the administration has not handled it competently.

Secretary Rumsfeld needs to see what the American people see very clearly: The President does not have a winning strategy in Iraq. Our troops have been asked to do more with less. Our current strategy isn't working and the Congress and the American people know it.

Secretary Rumsfeld insists today that it is false to say the administration is painting a rosy picture. But that is exactly what he continues to do. It is time for Secretary Rumsfeld to take off his rose-colored glasses and admit to the American people and to our men and women in uniform who are paying the price with their lives for its failures that he had no realistic strategy for success.

It is time to level with the American people instead of continuing to paint an optimistic picture that has no basis in reality because of his failed strategy. And it is time for Secretary Rumsfeld to resign.

Despite the elections last January and the formation of a new transitional Iraqi government, many are increasingly concerned that the administration has no effective or realistic plan to stabilize Iraq. It continues to underestimate the strength and the deadly resilience of the Iraqi insurgency and it has failed shamefully to adequately protect our troops. More than 1,700 American service men and women have been killed in Iraq so far and over 13,000 more have been wounded. The families of these courageous soldiers know all too well that the insurgents are not desperate or dead-enders or in their last throes, as administration officials have repeatedly claimed.

Instead, General Casey indicated that the insurgency is around 26,000 strong, an increase over the 5,000 the Pentagon believed were part of the insurgency 1 year ago.

As General Myers said in April, the capacity of the insurgents "is where they were almost a year ago." General Abizaid told the committee today that the overall strength of the insurgency is "about the same as it was" 6 months ago. Looking ahead, as General Vines said this week, "I'm assuming that the insurgency will remain at about its current level."

In the last 2 months, America has lost an average of three soldiers a day in Iraq, and no end is in sight. As General Myers said on May 12.

> I wouldn't look for results tomorrow . . . One thing we know about insurgencies is that they last from . . . three, four years to nine years.

Because of the war, our military has been stretched to the breaking point.

The Department of Defense has had to activate a stop-loss policy, to prevent service members from leaving the military as soon as they fulfill their commitment.

Nearly 50 percent of the persons serving in the regular Armed Forces have been deployed to Iraq or Afghanistan since December 2001, and nearly 15 percent of them have been deployed more than once.

Thirty six percent of all those serving in the Armed Forces, including in the National Guard and the Reserves, have been deployed to Iraq or Afghanistan of since December of 2001.

The alarm bell about the excessive strain on our forces has been ringing for at least a year and a half. In January 2004, LTG John Riggs said it bluntly:

> I have been in the Army 39 years, and I've never seen the Army as stretched in that 39 years as I have today.

As LTG James Helmley, head of the Army Reserve, warned at the end of 2004, the Army Reserve "is rapidly degenerating into a 'broken' force" and is "in grave danger of being unable to meet other operational requirements."

These continuing deployments are taking their toll not only on our forces in the field but also on their families here at home. The divorce rate in the active-duty military has increased 40 percent since 2000.

The war in Iraq and the casualties and the strain on families have seriously undermined the Pentagon's ability to attract new recruits and retain members already serving. Both the Regular and Reserve components of the Armed Forces are increasingly unable to meet recruitment goals. MG Michael Rochelle, head of the Army Recruiting Command, stated the problem succinctly in May when he said that this year is "the toughest recruiting climate ever faced by the all-volunteer Army."

In March, the Pentagon announced it was raising the maximum age for Army National Guard recruits from 34 to 39, and was also offering generous new health benefits for Guard and Reserve members activated after the September 11 terrorist attacks.

Despite these facts, Secretary Rumsfeld insisted today that we will not have a broken Army as a result of the war.

The severe strain the war is placing on our Armed Forces and on our ability to protect our national security interests in other parts of the world concerns us all.

The Army has been forced to go to all-time new lengths to fill its ranks. In May, it began offering a 15-month active duty enlistment, the shortest enlistment tour in the history of the Army.

To recruit and retain more soldiers, the National Guard has increased its retention bonus from $5,000 to $15,000. The first-time signing bonus has gone up from $6,000 to $10,000. GEN Steven Blum, Chief of the Army National Guard, said:

> Otherwise, the Guard will be broken and not ready the next time it's needed, either here at home or for war.

We all know that these problems of recruiting and retention cannot be fixed through enlistment bonuses, health benefits, and raising the age of service. These are short-term Band-Aids on the much larger problem of the war. Only progress in bringing the war to an honorable conclusion will lead to a long-term solution to the problem which is clearly undermining our ability to respond to crises elsewhere in the world.

Despite claims by the administration of progress, Iraq is far from stable and secure. We have made very little progress on security since sovereignty was transferred to the interim Iraqi Government 1 year ago.

Today, Secretary Rumsfeld insisted we are not stuck in a quagmire in Iraq. He insisted that "the idea that what's happening over there is a quagmire is so fundamentally inconsistent with the facts." What planet is he on? Perhaps he is still living in the "Mission Accomplished" world.

By last June, 852 American service members had been killed in action. Today, the number has doubled to more than 1,700.

By last June, 5,000 American service members had been wounded in action. Today, the number has more than doubled, to over 13,000.

DIA Director Admiral Jacoby told the Armed Services Committee in March that:

> the insurgency in Iraq has grown in size and complexity over the past year. Attacks numbered approximately 25 per day one year ago.

Just last week, General Pace said:

> the numbers of attacks country-wide in Iraq each day is about 50 or 60.

A year ago, the United States had 34 coalition partners in Iraq. Nine of those partners have pulled out in the past year. Today, we have just 25. By the end of the year, another five countries that are among the largest contributors of troops are scheduled to pull out.

One year ago, 140,000 American troops were serving in Iraq. Today, we have the same number of troops.

The training of the Iraqi security forces continues to falter. The administration still has not given the American people a straight answer about how many Iraqi security forces are adequately trained and equipped. They continue to overestimate the number of Iraqis actually able to fight. In the words of the General Accounting Office:

> U.S. government agencies do not report reliable data on the extent to which Iraqi security forces are trained and equipped.

In February last year, Secretary Rumsfeld preposterously said:

> We accelerated the training of Iraqi security forces, now more than 200,000 strong.

In fact, the numbers of Iraqis who are adequately trained is far, far lower. As General Meyers conceded a year later, only about 40,000 Iraqi security forces "can go anywhere and do anything."

It is still far from clear how many Iraqi forces are actually capable of fighting without American help and assistance.

Our reconstruction effort has faltered as well over the last year—and faltered badly. The misery index in Iraq continues to rise. As of June 15, only $6 billion—one third—of the $18 billion provided by Congress last summer for Iraq reconstruction had been spent.

The Iraqi people desperately need jobs. But we are unable to spend funds quickly, because the security situation is so dire. Of the amount we do spend, it is far from clear how much is actually creating jobs and improving the quality of life. We need greater focus on small projects to create jobs for Iraqis, not huge grants to multinational corporations that create more profits for corporate executives than stability in Iraq.

By the State Department's own accounting, up to 15 percent of reconstruction funding is being used to provide security for the reconstruction. That estimate itself may be too low. A Department of Energy analysis this month says that perhaps 40 percent or more is actually being spent on security, as opposed to actual reconstruction.

These costs have increased—not decreased—over the past year as insurgent attacks have continued to escalate. We are spending ever-increasing amounts of assistance on security to guard against an insurgency that the Vice President insists is in its last throes.

A joint survey by the United Nations Development Program and the Iraqi Government released last month shows Iraq is suffering from high unemployment, widespread poverty, deteriorating infrastructure, and unreliable water, sewage, sanitation, and electricity services—despite its immense oil wealth and access to water.

Estimates of the number of unemployed range between 20 and 50 percent of the population. Every unemployed person is ripe for recruiting by the insurgents, who offer as little as $50 a person for those willing to plant explosives on a highway or shoot a policeman.

Iraq still suffers heavily from severe electricity shortages. According to the Department of Energy assessment, the causes are numerous, "including sabotage, looting, lack of security for workers, disruptions in fuel supplies . . ."

A year ago, Iraqis had an average of 12 hours of electricity per day. Today, they have just over 10 hours a day.

Almost all of Baghdad's households suffer from an unstable supply. In parts of the city, electricity is turned on for 3 hours and then turned off for 3 hours. As a result, 29 percent rely on private generators for electricity. In areas with high incidences of poverty, many families have no alternative supply to turn to.

Water and sanitation are enormous problems as well. Just this week, water was unavailable in many parts of Baghdad because insurgents blew up the water pipes.

According to the United Nations Development Program, only 54 percent of families in Iraq have safe drinking water, and 80 percent of families in rural areas use unsafe drinking water.

What happened to all of the oil that was supposed to pay for the costs of reconstruction and drive the recovery of Iraq's economy? Last year, the Iraqi Oil Minister said that 642 attacks on the oil system had cost the economy $10 billion. In 2005, pipelines are still under attack, and analysts believe it will be 2 to 3 years before Iraq is able to increase its oil production.

The administration has been consistently wrong about Iraq. They wrongly insisted there was no guerilla war. They repeatedly—and wrongly—called the insurgents dead-enders who are in their last throes. They repeatedly—and wrongly—sent our service men and women on patrol without proper armor, a shortage that continues with the marines even today. When Secretary Rumsfeld was challenged about it by a soldier, to huge applause from the troops, on the Secretary's visit to Iraq last December, he responded:

> You go to war with the army you have. They're not the army you might want or wish to have at a later time.

That response from the troops says it all. Surely, no Secretary of War or Secretary of Defense in our history has ever been so humiliated by his troops or received such a resounding vote of no confidence.

The Secretary's failed strategy has created an impossible situation for our forces. The administration has undermined our national security and undermined our ability to protect our national security interests elsewhere in the world.

Our colleague, Senator HAGEL, summed it up brilliantly when he told U.S. News and World Report last week:

> Things aren't getting better; they're getting worse. The White House is completely disconnected from reality . . . It's like they're just making it up as they go along. The reality is that we're losing in Iraq.

Mr. President, next Tuesday marks the 1-year anniversary of the transfer of sovereignty in Iraq, and to mark the occasion, President Bush will address the Nation.

When he does, all of us hope that he will state a new, more realistic and more effective strategy for the United States to succeed in Iraq.

The war has clearly made America less safe in the world. It has strengthened support for al-Qaida and made it harder to win the real war against terrorism—the war against al-Qaida.

The President needs an effective strategy to accelerate the training of a capable Iraqi security force.

The President needs an effective strategy to rescue the faltering reconstruction effort and create jobs and hope for the Iraqi people, and neutralize the temptation to join the insurgents.

The President needs an effective strategy for serious diplomacy to bring the international community into Iraq, to support the adoption of a constitution that protects all the people of Iraq.

He needs an effective strategy to repair the damage the war has caused to our reputation in the world and to our military. Our men and women in uniform deserve no less.

We are muddling through day by day, hoping for the best, and fearing the worst. Our men and women in uniform deserve better—and so do the American people.

ASBESTOS

Mr. SPECTER. Mr. President, I have sought recognition to talk briefly about the contents of S. 852 to provide for asbestos reform. This is a subject which has been before the Senate in one way or another for the better part of two decades. I recall my first contact with the issue when then-Senator Gary Hart of Colorado was soliciting members of the Judiciary Committee because of the deep problems of Johns-Mansville.

The Supreme Court of the United States, on a number of occasions, has importuned the Congress to take over the subject because the asbestos cases are flooding the courts and because class actions are inappropriate to address the issue.

The result of the avalanche of asbestos litigation has seen some 77 companies in the United States go into bankruptcy and thousands of people suffering from asbestos-related injuries—mesothelioma, deadly diseases—and unable to collect any compensation because of the fact their employers or those who would be liable for their injuries are in a state of bankruptcy.

Senator HATCH took the lead as chairman of the Judiciary Committee in the 108th Congress in structuring a bill which created a trust fund which has been established at $140 billion to pay asbestos victims. This is a sum of money which has been agreed to by the insurance companies and by the manufacturers and had the imprimatur of the leadership of the Senate.

In the fall of last year, 2004, Senator FRIST and Senator Daschle came to terms as that being a figure which would take care of the needs. The victims have never been totally satisfied with that figure, but it represents a very substantial sum, obviously, and according to the filings of the Goldman Sachs analysis, should be adequate to compensate the victims.

They made a detailed analysis and came to the conclusion that $125 billion was the figure necessary. Then when we removed the smokers, a figure of $7 billion, it came to a net of $118 billion, leaving a substantial cushion between $118 billion on the projection and $140 billion.

When the bill was passed out of the Judiciary Committee in late July of 2003, largely along party lines, the aid of a senior Federal judge was enlisted to serve as a mediator. Chief Judge Edward R. Becker had taken senior status the preceding May and was willing to convene the parties, the so-called stakeholders, in his chambers in Philadelphia in August of 2003. He brought together the insurers, the trial lawyers, the AFL–CIO representing claimants, and the manufacturers, a group of four interest groups who are very powerful in our community.

From those two meetings, there have been a series of approximately 40 conferences in my offices where we have worked through a vast number of problems where I think we have accommodated many of the interests.

In May, the Judiciary Committee voted the bill out of committee on a 13-to-5 vote, with bipartisan support, and during the course of the markup some 70 amendments were agreed to. There are still some outstanding issues, but we have been soliciting cosponsors and have found very substantial interest in the Senate on trying to move through legislation on this important issue. There is no denial that this is a very major national problem. There is no denial that there are many victims of asbestos who are now destitute because the people who were responsible for their damages have gone into bankruptcy. There is no denial that there has been a tremendous drain on the U.S. economy and that if we could solve this issue it would be a bigger boost to the economy than a gigantic tax break or most any other remedy which might be found to stimulate our economy.

There are, obviously, risks in any bill. We have worked through the complexities of a startup procedure where the people who have exigent claims—that is, where they may die within a year—we have an elaborate system of offers and inducements to try to settle those cases within a brief period of time, some 9 months. Obviously, we cannot have a stay of judicial proceedings forever, so there has to be some resort to the courts if we are unable to get the program set up.

Without going into greater detail, we have worked assiduously to try to resolve this issue. We either have it solved or are very close to a solution. We have worked through complex questions on subrogation, complex questions on the Federal Employers Liability Act, and there are still ongoing decisions with a controversy as to how the $90 billion will be divided up among the manufacturers. That essentially is the question that only the manufacturers themselves can guarantee.

Similarly, there are issues as to how the $46 billion will be divided up among the insurers. Candidly, the insurance industry is split on the issue, but we are still working, and I have meetings in the course of the next week to 10 days with people who have outstanding concerns to try to resolve those issues.

When the vote came out of committee, some of those who voted in favor of the bill did so with reservations. We have worked through this, and I think those issues are either resolved or resolvable.

Senator LEAHY and I have worked very closely. It is a bipartisan bill which had the 10 members of the Judiciary Committee on the Republican side voting in favor—to repeat again, subject to some reservations—and three Democrats voting in favor of the bill. Senator LEAHY and I are determined to retain our core provisions, but we are open to suggestions.

It is my hope that this bill will come to the Senate right after the Fourth of July recess. That, of course, is a decision which the majority leader has to make in setting the calendar. There is a momentum in hand where it would be very much in the national interest, for the reasons I stated, to move ahead.

I ask unanimous consent that the text of the Dear Colleague letter sent by Senator LEAHY and myself to Members of the Senate be printed in the RECORD at the conclusion of my presentation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 22, 2005.

DEAR COLLEAGUE: We write to detail the problem our nation now faces with the asbestos crisis and to inform you on the substance of Senate Bill 852, the Fairness in Asbestos Injury Resolution Act of 2005, which was voted out of committee on May 26 with a bipartisan 13–5 majority. We urge you to support this bill, and reiterate our interest in working with you to improve this legislation while preserving its core provisions. This is more detailed than the customary "Dear Colleague" letter, but we felt this extensive discussion was necessary because of the complexities of the issues and proposed legislation.

INTRODUCTION

The asbestos issue has been before the Senate Judiciary Committee for more than twenty years, since Senator Gary Hart of Colorado sought the assistance of Judiciary Committee members in enacting federal legislation to address Johns-Manville's asbestos claims.

Since that time: asbestos litigation has overwhelmed both federal and state court systems; 77 companies have gone into bankruptcy, with more on the brink, due to the rising tide of asbestos claims; and thousands of impaired asbestos victims have received pennies on the dollar since many of the companies liable for their exposure have gone into bankruptcy.

Since the 1980's, the number of asbestos defendants has risen from about 300 to more than 8,400, spanning approximately 85 percent of the U.S. economy. As a result, some 60,000 workers lost their jobs. Employees' retirement funds have shrunk by an estimated 25 percent. This is a problem that extends beyond the victims of asbestos disease alone. It has a growing impact on the average American and little question remains that it is a crisis of serious proportions.

THE COURTS ENLIST THE HELP OF CONGRESS

In 1997, the Supreme Court commented for the first time on the growing asbestos problem by stating (in the context of holding that asbestos litigation was not susceptible to class action treatment):

> The most objectionable aspects of this asbestos litigation can be briefly summarized: dockets in both federal and state courts continue to grow; long delays are routine; trials are too long; the same issues are litigated over and over; transaction costs exceed the victims' recovery by nearly two to one; exhaustion of assets threatens and distorts the process; and future claimants may lose altogether. . . .

Given the escalating problem, the Supreme Court has repeatedly called upon Congress to act through national legislation: "[T]he elephantine mass of asbestos cases . . . defies customary judicial administration and calls for national legislation." The current asbestos crisis "cries out for a legislative solution." "Members of this Court have indicated that Congress should enact legislation to help resolve the asbestos problem. Congress has not responded." As recently as 2003, the high court observed that "this Court has recognized the danger that no compensation will be available for those with severe injuries caused by asbestos . . . It is only a matter of time before inability to pay for real illness comes to pass."

THE 2005 RAND REPORT

On May 10, 2005, the Rand Corporation issued a report highlighting the problems that many asbestos victims face in today's tort system. In addition to discussing the number of corporate bankruptcies, and other alarming economic consequences of asbestos liability, the report summarized the average disbursements on asbestos payments to claimants for the year 2002, the most recent year available: Asbestos victims filing claims receive an average of forty-two (42) cents for every dollar spent on asbestos litigation: Thirty-one (31¢) cents of every dollar have gone to defense costs; and Twenty-seven (27¢) cents have gone to plaintiffs attorneys and related court cost.

LEGISLATIVE HISTORY LEADING TO S. 852

The current bipartisan bill is the product of years of negotiations, discussion, and compromise. On May 22, 2003, then-Chairman Hatch introduced S. 1125, the Fairness in Asbestos Injury Resolution Act of 2003. He deserves great credit for establishing in that bill a national trust fund with a schedule of payments, analogous to workers' compensation. We have built on that aspect of S. 1125, ever mindful that the primary objective of legislation must be to ensure fair and timely compensation to victims of asbestos disease.

In July 2003, the Judiciary Committee voted out S. 1125, largely along party lines, in an effort to move the legislation forward. However, the bill foundered on unresolved issues. In August, Judge Edward R. Becker, who had recently taken senior status after being Chief Judge of the Third Circuit, and having authored the opinion in the asbestos class action suit which was affirmed by the U.S. Supreme Court, convened a two-day conference in Philadelphia—with manufacturers, labor (AFL-CIO), insurers, and trial lawyers to determine if some common ground could be found. Subsequently, from September 2003 through January 2005, we held 36 stakeholder meetings here, with Judge Becker as a pro bono mediator. These meetings were usually attended by at least 25 stakeholder representatives with as many as 75 representatives attending on some occasions. These stakeholder sessions have included many Senators, as well the staffs of Senators Feinstein, Carper, Cornyn, DeWine, Ben Nelson, Baucus, Biden, Chambliss, Craig, Dodd, Durbin, Feingold, Graham, Grassley, Kennedy, Kohl, Kyl, Landrieu, Levin, Lincoln, Murray, Pryor, Schumer, Sessions, Snowe, Stabenow, and Voinovich.

Over the last few months, in anticipation of bill introduction and during Committee markup, we convened 26 meetings with our Judiciary Committee colleagues to address their concerns with the bill. During these deliberative sessions, we addressed issues including disease categories, award amounts, Fund sunset, and judgments and verdicts pending at the time of enactment.

After hundreds of hours of extensive analysis and deliberation, we found we could accommodate many, if not most, of the myriad issues raised by stakeholders and Senators before formal introduction of S. 852. After introduction, the Judiciary Committee held six markups lasting over a month. During this bipartisan process, and through continuing meetings, we were able to further resolve a number of complex issues, including medical criteria, Fund start-up, insurer allocation, the Equitas hardship issue, and Fund contribution transparency. Indeed, the markup process resulted in the Committee's acceptance of over 70 amendments from Republican and Democratic members. After extensive deliberation, the Committee discharged S. 852 on a solid bipartisan vote of 13-5.

S. 852

We have sought an equitable bill which takes into account, to the maximum extent possible, the concerns of stakeholders and Senators. The bill establishes a privately-funded $140 billion trust fund that compensates asbestos victims through a no-fault system administered by the Department of Labor. S. 852 in no way holds the taxpayer responsible for contributing to the Fund. In fact, during markup, the Committee accepted an amendment that explicitly absolves the federal government from any funding obligations or liabilities with respect to the Fund.

Once established and capitalized through the private contributions from defendant and insurer participants, asbestos victims will simply submit their claims to the fund through an administrative process designed to compensate them quickly. Claimants would be fairly compensated if they meet medical criteria for certain illnesses and if they show past asbestos exposure.

The major features of this bill reflect consensus on core principles, but all are directed to ensuring fair and adequate compensation to the victims of asbestos exposure:

Funding: The size of the fund was a principal issue of contention during the 108th Congress. Last October, Majority Leader Frist and then-Democratic Leader Daschle agreed that the Fund should be set at $140 billion, which has been generally accepted as sufficient to ensure adequate payment to victims and is now embodied in S. 852. The manufacturers and insurers have agreed to pay that sum—a guaranteed amount—into the trust fund.

Removal of the Old Level VII's: Some members raised concerns about compensating the so-called "exposure only" Level VII lung cancers, fearing that this disease category would create a "smokers" compensation fund. Without sufficient markers to show a stronger causal connection between, asbestos exposure and lung cancer, this disease category could have required $7 billion from the Fund. After serious consideration, we removed this disease category from the bill.

No Subrogation: A key issue for to determine compensation for asbestos victims has been workers' compensation subrogation. Allowing for subrogation would permit insurers to impose a lien on Fund awards recovered by claimants. The value of an award to the claimant depends on whether the claimant may have to pay a substantial amount of it to others. To be fair to victims, claimants should be allowed to retain and receive the full value of both their Fund awards and workers' compensation payments.

More Effective Start-Up: Perhaps one of the most difficult issues was how pending claims in the tort system will be treated upon S. 852's enactment. With general agreement that if the fund was not up and running within a reasonable amount of time, some or all pending claims could return to the tort system. The bill as introduced provides for a 9 month stay of claims for exigent cases and a 24 month stay for nonexigent cases. Furthermore, the legislation creates a procedure enabling exigent claimants to receive prompt payment even during the initial startup period authored by Senator Feinstein. Taking into consideration concerns raised by victims, insurers, and defendant participants, Senators Kyl and Feinstein worked through compromise language during the markup process that greatly improves the start-up process.

Sunset: The stakeholders generally agree that if the Fund cannot pay all valid claims, a claimant's right to a jury trial cannot be barred. But such a sunset should not occur before there is an extensive and rigorous "program review." During markup, Senators Kyl and Leahy worked towards refining the sunset procedures by enabling the Administrator to submit recommendations to Congress regarding possible changes to the medical criteria or the funding formula. In the event of a sunset, the bill now allows claimants to bring their lawsuits only in federal court or in a state court in the state in which the plaintiff resides or where the exposure took place.

Attorneys' Fees: Before S. 852 was introduced, and after extensive deliberation with Judiciary Committee members, agreement was reached on a 5% attorneys' fee cap for all monetary awards received by asbestos victims within the Fund. The nature of the claims process justifies this cap, for once the fund is established, recovery is fairly straightforward and there will no longer be a need for substantial and time-consuming attorney involvement. Moreover, fee caps in federal compensation programs are fairly common. We are working on further refinements in the bill to assist claimants in processing their claims through a paralegal program that the Administrator will be authorized to implement.

Level VI Claimants: Members raised concerns about the strength of the causal connection between asbestos exposure and the development of cancer in areas other than the lungs (e.g., colon, stomach, esophageal and laryngeal cancers). To assuage these concerns, the bill commissions an Institute of Medicine study to assess this causal connection, which will come out no later than April 2006. The findings of the study will become binding on the Administrator when compensating asbestos victims for each cancer in this disease category.

Silica Claims: We heard concerns that many asbestos claims might be "repackaged" as silica claims in the tort system. We also, however, heard concerns that liability for non-asbestos diseases not be abrogated simply because S. 852 becomes law. The stakeholders agree that this is an asbestos bill, designed to dispose of all asbestos claims, but that workers with genuine silica exposure disease should be able to pursue their claims in the tort system. A hearing was held on this issue on February 2, 2005, which established that exposure to asbestos and silica are easily distinguishable on x-rays and that markings from asbestos and silica disease are rarely found in the same patient. Consequently, the bill requires claimants, prior to pursuing a silica claim in the tort system, to provide rigorous medical evidence establishing that their injury was caused by exposure to silica, and that asbestos exposure was not a significant contributing factor to their injuries.

Medical Screening: Some Committee members were concerned about a medical screening program within the Fund. Although earlier versions of the asbestos bill excluded such a program, we concluded that one was necessary as an offset to the reduced role of a claimant's attorney. It is reasonable to have routine examinations for a discrete population of high-risk workers as a matter of basic fairness. By establishing a program with rigorous standards (such as a provision offered by Senator Coburn requiring service providers to be paid at Medicare rates), as has been done in this bill, unmeritorious claims can be avoided with the fair determination of those entitled to compensation under the statutory standard. This program is vastly different from any screening in the current tort system.

Pending Claims and Settlements: Prior to bill introduction, and as a result of the numerous stakeholder meetings, agreement was reached on how the bill affects pending claims and settlements in the tort system. The bill preserves: (1) cases with a verdict or final order or final judgment entered by a trial court; (2) any civil claim that, on the date of enactment, is in trial before a jury or judge at the presentation of evidence phase; and (3) written settlement agreements, executed prior to date of enactment, between a defendant and a specific named plaintiff, so long as the agreement expressly obligates the defendant to make a future monetary payment to the plaintiff and plaintiff fulfills all conditions of the settlement agreement within 30 days.

CT Scans: Unlike prior iterations of the asbestos bill, S. 852 permits greater use of CT scans. During markup, the Committee accepted an amendment that commissions a study by the Institute of Medicine to evaluate whether CT scans are well accepted and reasonably reliable to diagnose certain lung cancer claims. In addition, after extensive discussions between Senators Leahy and Coburn, the Committee accepted an amendment that calls on the American College of Radiologists to establish guidelines for comparing claimants' CT scans.

Transparency: Several members raised concern over the specific sources of defendant funding. After numerous briefing sessions from claims analysts and financial projection experts, the Committee accepted an amendment which provides that within 60 days after the date of enactment the contributors to the Fund must submit to the Administrator information sufficient to determine their contribution levels. The Administrator must publish this funding allocation information in the Federal Register within 60 days of receipt and before the Fund can be deemed operational.

Asbestos Ban: Despite the known danger involved with asbestos, a number of products and processes still use asbestos today. As Congress considers creating an alternative compensation program to address past exposures to asbestos, it is only sensible that we also prevent future asbestos-related illnesses from occurring by banning asbestos use. Therefore, this bipartisan bill contains a ban on the commercial manufacture, use and distribution of asbestos and asbestos-containing products, originally authored by Senator Murray. This provision was unanimously modified in Committee last month by the adoption of Senator Kyl's amendment to provide narrow exceptions to the ban for national security purposes.

S. 852 has benefited from a thorough process during this Congress. This legislation is complicated, but it is both integrated and comprehensive and reflects a remarkable and widespread will to enact legislation to finally resolve the asbestos crisis. On the state of a 20 year record, the choice we are presented with is not between this bipartisan bill and one that takes a dramatically different approach. The choice is between this bipartisan bill and the continuation of the present chaotic system which leaves thousands of victims suffering from deadly diseases without compensation and scores of companies threatened with bankruptcy.

Sincerely,

ARLEN SPECTER.
PATRICK LEAHY.

STRAW PURCHASES AND THE ILLEGAL GUN MARKET

Mr. LEVIN. Mr. President, a report published last week in the Buffalo News further exposes how reckless gun dealers and the use of "straw purchasers" contribute to gun violence in our country. It is important that we recognize their role in adding to our Nation's gun violence problem and work to enact commonsense legislation to keep dangerous firearms out of the hands of violent criminals.

Under current law, when an individual buys a handgun from a licensed dealer, there are Federal requirements for a background check to insure that the purchaser is not an individual who is prohibited by law from purchasing or possessing a firearm. "Straw purchasers" serve as middlemen by purchasing firearms with the intent of transferring or selling them to other individuals who may be prohibited by law from purchasing firearms themselves or who may wish to hide the total number of firearms in their possession from Federal authorities. These "straw purchasers" help to supply the illegal gun market by allowing the true purchaser to obtain firearms, oftentimes in large quantities, without having to pass a background check. This practice is a felony under Federal law.

As the Buffalo News report points out, individuals using "straw purchasers" are often aided by gun dealers who turn a blind eye to the practice. One of the gun show dealers mentioned in the report has been linked to more than 600 guns recovered by New York City police, a semi-automatic rifle used in the 1999 shootings at Columbine High School, and is now prohibited from selling guns in the State of California as a result of a lawsuit brought by several communities there. In addition, reportedly nearly 200 handguns that were illegally resold in Buffalo, NY, were originally sold by the same dealer. Investigations revealed that the handguns were obtained over a 6-month period by a man and several accomplices who made "straw purchases" on his behalf. Since records of multiple gun sales must be filed with the Government, the "straw purchases" were apparently made to avoid alerting Federal authorities to the illegal reselling of the guns in Buffalo. According to the Buffalo News, the "straw purchasers" in this case said that their role was limited to signing and paying for the handguns that the true buyer selected.

Occurrences like those detailed by the Buffalo News are apparently not uncommon and continue to help fuel the illegal gun market in our country. Reckless dealers and "straw purchasers" indirectly threaten the security of our communities by facilitating the transfer of dangerous firearms to potential criminals who may use them in violent crimes. Unfortunately, instead of strengthening our gun safety laws as they apply to reckless dealers and "straw purchasers," some of my colleagues are seeking to provide irresponsible gun manufacturers and dealers with immunity from liability, even when their actions contribute to the growth of the illegal gun market. I urge my colleagues to support efforts to help stop guns from falling into the hands of violent criminals.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each day I have come to the floor to highlight a separate hate crime that has occurred in our country.

In Chicago, a bisexual Latina student was threatened by a white male at a local university because of her sexual orientation. Sometime after the incident, the victim was walking outside of her dorm when the same male student followed her into an alley and assaulted her. She was punched and kicked repeatedly in the stomach.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

SUPPORT SPLITTING THE NINTH CIRCUIT COURT OF APPEALS

Mr. CRAIG. Mr. President, I rise today to support legislation splitting the Ninth Circuit Court of Appeals. It is high time Congress took this action. For far too long, the Ninth Circuit has been bogged down by an immense caseload, slowing the wheels of justice. Now we have the opportunity to correct a problem that has been in sore need of a solution for decades. The people of the State of Idaho have long requested this action, but it is not only good for Idaho; it is good for the States of the West represented in the Ninth Circuit, and for the Nation as a whole.

Calls for a split in the Ninth Circuit began as early as the 1930s. Support dwindled when the court expanded into Seattle and Portland to alleviate travel concerns and caseload burdens. In 1973, the Hruska Commission expressed concerns with the size of two circuit courts: the Ninth and the Fifth. Congress compromised in 1978 by expanding the number of judges in both circuits. However, in 1981 the sheer size forced Congress to split the Fifth Circuit in two, forming the Eleventh Circuit and the Fifth Circuit in its current configuration. Interestingly, a 2003 report shows that the Ninth Circuit is, today, almost the same size as the Fifth and Eleventh if they were recombined.

Legislation was introduced in 1989 to split the Ninth into two circuits, creating a new Twelfth Circuit Court of Appeals. A 1990 report advised against the split without first attempting management changes to ease the caseload burden. Again in 1995, the Senate attempted to split the Ninth, and again in 1997.

In 1997 the Commission on Structural Alternatives for the Federal Courts of Appeals, commonly referred to as the White Commission, was formed to determine, among other things, whether there was a need to split the Ninth Circuit Court of Appeals. After hearing testimony, taking written statements, and gathering statistical data, the Commission published its final report in December 1998.

The White Commission report based its decision to oppose a split on the fear that population growth would put other circuits in a position similar to the Ninth, and that continuing to split circuits would eventually lead to an unwieldy kaleidoscope of law. The Commission instead proposed a restructuring within the circuit.

Today, we can see the result of the repeated failure to address Federal circuit court growth. In 1997 there were nearly 52,000 appeals filed in Federal circuit courts. In 2003, there were approximately 60,500. Of that 8,500 increase, 4,000 are in the Ninth Circuit but contrary to the White Commission's fear, the remaining 4,500 case increase is spread over the other 10 circuit courts. With this key Commission conclusion challenged, it is neither prudent nor fair to force Idahoans and other citizens of the West to wait an average of 4.5 months longer than citizens of other districts for their cases to be decided.

Although the 4.5 month wait is a critically important number, there are additional numbers that this Senate should take into consideration when evaluating this issue. For example, the Ninth Circuit has 50 authorized judges, while the average for all other circuits is 20. There are more than 57 million people living within the Ninth Circuit, while the other Circuits average a population of just over 21 million. And probably the most telling statistic: the Ninth Circuit has nearly triple the average number of appeals filed by all other circuits. No wonder it takes the Ninth 4.5 months longer to resolve an appeal.

It is worth noting that over the years, the Ninth Circuit has adopted a variety of management reforms aimed at coping with the circuit's unwieldy size. However, I submit that we have long since reached the point beyond which this crisis can be "managed" away. It is a gross disservice to the talented jurists and staff of the Ninth Circuit, and an injustice to the citizens of the States it represents, for this Congress to stand idly by while caseloads and waiting periods only increase, and increase, and increase.

Two versions of corrective legislation are being introduced by Senators MURKOWSKI and ENSIGN, and it is my intention to cosponsor both of these proposals. I pledge to do everything within my power to help enact a workable plan for splitting the Ninth Circuit, and I urge all of our colleagues in the strongest possible terms to support us in this effort.

ADDITIONAL STATEMENTS

HONORING BURLEY TOBACCO GROWERS COOPERATIVE

• Mr. BUNNING. Mr. President, I proudly rise today to recognize the Burley Tobacco Growers Cooperative for their extremely generous contribution of $10 million to Phase II payments for Kentucky tobacco farmers. The people of Kentucky are extremely appreciative of this generous gift.

As you may know, Phase II is the second set of payments from the Master Settlement Agreement. This settlement was made between the major tobacco companies and the elected officials of the tobacco growing States. Phase II money requires $5.15 billion to be contributed by the four companies over a 12 year period. The Phase II money was meant to alleviate some of the financial stress to farmers as quotas were cut.

The Phase II compensations due for 2004, however, were not paid because the tobacco companies requested a refund due to the passage of the tobacco buyout. For Kentucky farmers, this would have been devastating. Fortunately for Kentucky, the Burley Tobacco Growers Cooperative has donated $10 million to be combined with the $114 million raised by the Commonwealth to equal $124 million for payments. This means that 164,000 Kentucky farmers will have Phase II payment checks in their hands by the end of June.

Mr. President, I find the charitable spirit that was so kindly displayed by the Burley Tobacco Growers Cooperative to be exceptional in every way. Kentucky is the only State that has stepped forward to produce Phase II payments, and this is due, in large part, to the generosity of Burley Tobacco Growers Cooperative. I would like to thank President Henry West and all those involved in the cooperative, including the members, for making such a positive impact on Kentucky's tobacco growers. This extraordinary association has helped ensure that the true spirit of the Phase II agreement is upheld.•

MAJOR GENERAL JANET E.A. HICKS

• Mr. CHAMBLISS. Mr. President, I rise today to recognize and commend an outstanding patriot and American, Major General Janet Hicks, the Commanding General of the United States Army Signal Center at Fort Gordon, GA, the first female Chief of the Signal Corps in the history of the Army and the first female Commanding General of the U.S. Army Signal Center at Fort Gordon, GA. General Hicks will be retiring from the Army on July 15, 2005, after a 30 year distinguished military career.

Originally from Iowa, General Hicks was commissioned into the Army's Signal Corps on March 17, 1975, after receiving her bachelor of arts degree in French language and literature from Simpson College in Central Iowa. Her first assignments took her to Korea, then to Hawaii with the 25th "Tropical Lightning" Infantry Division, where she served as a platoon leader, division radio signal officer and company commander. Following her attendance at the Advanced Signal Officers Course at Fort Gordon, she joined the faculty and staff there where she taught basic and advanced officer courses. General Hicks was then reassigned to Alaska with the Information Systems Command and the 6th Infantry Division in key leadership positions before joining the staff of the U.S. Central Command at McDill Air Force Base in Tampa, FL.

Recognizing her outstanding leadership qualities, General Hicks was designated for Battalion Command and assigned to command the 125th Signal Battalion, 25th Infantry Division at Schofield Barracks, HI, in June 1992. Following her command there, she was selected to attend the Army's War College before being posted as the Chief of the Army's Signal Branch at Personnel Command in Alexandria, VA. In June 1997 she was promoted to Colonel and assumed command of the 516th Signal Brigade in Hawaii, with concurrent duties as the Deputy Chief of Staff for Information Management, US Army Pacific. In June 2000, she was promoted to Brigadier General and became the Director of Command, Control, Communications and Computer Systems, the J–6 for the United States Pacific Command, covering the joint communications for all of the Pacific Theatre. Major General Hicks assumed command of the United States Army Signal Center and School and Fort Gordon on August 7, 2002.

Throughout her career General Hicks has been decorated with many military and civilian awards and citations. But, completing her military career as the Army's Chief of Signal is truly an awesome responsibility and honor. Since assuming command General Hicks has improved the training of soldiers, campaigned for better equipment and upgraded the facilities and quality of life for soldiers and their families on Fort Gordon. She also claims that besides her demanding military life, she credits her successes to two wonderful people in her life—her husband Ron and her daughter Jennifer.

Throughout her military career General Hicks has always taken the initiative, faced the challenges and resolved problems. Her leadership style has always impressed her superiors. She has always dealt with people—young soldiers, senior military leaders and civilians with equity, candidness and resolve. She is highly respected by the soldiers of her command, people of the Central Savannah Regional Area and the citizens of Georgia.

I feel that it is most appropriate to recognize this outstanding American for her 30 years of dedicated and honorable service to this Nation as a military leader. I ask that all of my colleagues join me in thanking and commending Major General Hicks, her husband Ron and their daughter Jennifer on the completion of a distinguished military career. We also wish her and her family the best in their well deserved retirement and a happy and prosperous future.•

HONORING HAZEL HANON

• Mr. JOHNSON. Mr. President, it is with great pleasure that I rise today to honor Mrs. Hazel Hanon and the incredible work that she has done over these past 60 years with the Marshall Post No. 3507 Ladies Auxiliary of Britton, SD.

Hazel gained membership to the auxiliary sponsorship of both her husband, Leon, who served in the U.S. Navy during WWII, and her brother, Dempsy, also a WWII veteran and member of the U.S. Air Force. As one of the auxiliary's charter members, save for a short hiatus in her membership, Hazel as been with Marshall Post No. 3507 since is founding in 1945. Despite the auxiliary's declining membership over the past few years, it is clear the organization and Hazel are still wholeheartedly committed to supporting America's brave war heroes.

Over the years the auxiliary has hosted Post Suppers, served banquets, sold poppies, organized bake sales, compiled and sold cookbooks, and even run an annual Turkey Raffle during Thanksgiving, all to raise money for our Nation's veterans. Proceeds from these events are then donated to VA Hospitals or used to buy supplies so the women can bake cookies and cakes and then personally deliver the goodies to veterans in hospitals throughout South Dakota.

Since the post's founding, Hazel has been extremely giving of her time, and her generosity will forever be appreciated. I am pleased that her dedication and patriotism are being publicly recognized, and I am certain that Hazel's achievements and commitment to the auxiliary will serve as inspiration to future generations of passionate and patriotic South Dakotans.

Mr. President, Hazel Hanon is a remarkable person who richly deserves this distinguished recognition. I strongly commend her years of work and dedication, and it is with great honor that I share her impressive accomplishments with my colleagues.•

HONORING GRACE SIERS

• Mr. JOHNSON. Mr. President, it is with great honor that I rise today to publicly commend Grace Siers, charter member of Marshall Post No. 3507 Ladies Auxiliary in Britton, SD, for her many years of devoted service to our Nation's veterans.

Sixty years ago, in 1945, Grace joined the VFW Ladies Auxiliary, and has been an irreplaceable asset to the organization ever since. Grace is part of a long line of military patriots, as she joined the auxiliary under the sponsorship of her husband, William Siers, who served in WWI, as well as her three brothers, Vance, John, and Clarence Hunscher, all veterans of WWII. Not surprisingly, the tradition of serving our country continues with Grace's five sons, Le Roy, Donald, Virgil, Gary, and Robert, and even her grandson and granddaughter, all of whom served in the military. Regrettably, her son, Robert, died while fighting in Vietnam.

Although decades have passed and auxiliary members are no longer as active as they once were, Grace's hard work and dedication over the years enabled the auxiliary to raise thousands of dollars, bring smiles to the faces of countless injured and recovering veterans, and educate innumerable South Dakotans about the importance of supporting America's brave veterans.

In early years, Grace recalls hosting Post Suppers, serving banquets, selling poppies, organizing bake sales, compiling and selling cookbooks, and even manning the post during the annual Turkey Raffle on Thanksgiving, all to raise money for the auxiliary. In turn, the funds were donated to VA hospitals and used to buy supplies so the women could bake cookies and cakes and then personally deliver the goodies to veterans in hospitals throughout South Dakota.

Grace's tremendous contributions to the Britton community set her apart from other outstanding citizens. Her extraordinary service and commitment to Marshall Post No. 3507 Ladies Auxiliary is to be commended. Through Grace's remarkable community involvement and dedication to America's veterans, the lives of countless South Dakotans have been enormously enhanced. Her wonderful example serves as a model for other hardworking and dedicated individuals throughout South Dakota to emulate.

Grace Siers is an extraordinary woman who richly deserves this distinguished recognition. I strongly commend her years of hard work and dedication, and I am very pleased that her substantial efforts are being publicly honored and celebrated. It is with great pleasure that I share her impressive accomplishments with my colleagues.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

LEGISLATION AND SUPPORTING DOCUMENTS TO IMPLEMENT THE UNITED STATES-DOMINICAN REPUBLIC-CENTRAL AMERICAN FREE TRADE AGREEMENT—PM 14

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the Dominican Republic-Central America-United States Free Trade Agreement (the "Agreement"). The Agreement represents an historic development in our relations with Central America and the Dominican Republic and reflects the commitment of the United States to supporting democracy, regional integration, and economic growth and opportunity in a region that has transitioned to peaceful, democratic societies.

In negotiating this Agreement, my Administration was guided by the objectives set out in the Trade Act of 2002. Central America and the Dominican Republic constitute our second largest export market in Latin America and our tenth largest export market in the world. The Agreement will create significant new opportunities for American workers, farmers, ranchers, and businesses by opening new markets and eliminating barriers. United States agricultural exports will obtain better access to the millions of consumers in Central America and the Dominican Republic.

Under the Agreement, tariffs on approximately 80 percent of U.S. exports will be eliminated immediately. The Agreement will help to level the playing field because about 80 percent of Central America's imports already enjoy duty-free access to our market. By providing for the effective enforcement of labor and environmental laws, combined with strong remedies for noncompliance, the Agreement will contribute to improved worker rights and high levels of environmental protection in Central America and the Dominican Republic.

By supporting this Agreement, the United States can stand with those in the region who stand for democracy and freedom, who are fighting corruption and crime, and who support the rule of law. A stable, democratic, and growing Central America and Dominican Republic strengthens the United States economically and provides greater security for our citizens.

The Agreement is in our national interest, and I urge the Congress to approve it expeditiously.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 23, 2005.*

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE EXTREMIST VIOLENCE IN MACEDONIA AND THE WESTERN BALKANS REGION—PM 15

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Western Balkans emergency is to continue in effect beyond June 26, 2005. The most recent notice continuing this emergency was published in the *Federal Register* on June 25, 2004, 69 FR 36005.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, has not been resolved. Subsequent to the declaration of the national emergency, I amended Executive Order 13219 in Executive Order 13304 of May 28, 2003, to address acts obstructing implementation of the Ohrid Framework Agreement of 2001 in the Republic of Macedonia, which have also become a concern. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 23, 2005.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2706. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Letter Report: Sole Source Agreements Issued by the Executive Office of the Mayor and Office of the City Administrator Failed to Comply with Procurement Law and Regulations"; to the Committee on Homeland Security and Governmental Affairs.

EC–2707. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the Administration's calendar year 2004 report on category rating; to the Committee on Homeland Security and Governmental Affairs.

EC–2708. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Inspector General's Semi-Annual Report and the Corporation's Report on Final Action; to the Committee on Homeland Security and Governmental Affairs.

EC–2709. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, the Administration's Semiannual Report of the Inspector General; to the Committee on Homeland Security and Governmental Affairs.

EC–2710. A communication from the Attorney General of the United States, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period of October 1, 2004 through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2711. A communication from the Chairman and the General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Board's Semiannual Report of the Inspector General for the period of October 1, 2004 through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2712. A communication from the Acting Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Retirement Coverage of Air Traffic Controllers" (RIN3206–AK73) received on June 16, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2713. A communication from the Acting Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Long-Term Care Insurance Regulations" (RIN3206–AJ71) received on June 16, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2714. A communication from the Acting Director, Employee and Family Support Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Health Benefits Program Revision of Contract Cost Principles and Procedures, and Miscellaneous Changes" (RIN3206–AJ10) received on June 16, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2715. A communication from the Acting Director, Employee and Family Support Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Health Benefits Acquisition Regulation: Large Provider Agreements, Subcontracts, and Miscellaneous Changes" (RIN3206–AJ20) received on June 16, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2716. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to a Presidential appointment reduction plan; to the Committee on Homeland Security and Governmental Affairs.

EC–2717. A communication from the Senior Procurement Executive, Office of the Chief Acquisition Officers, National Aeronautics and Space Administration, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Circular 2005–04" (FAC 2005–04), Interim Rule (Item IV–FAR Case 2004–35), and nine Federal Acquisition Regulations: ((RIN9000–AK04, RIN9000–AK03, RIN9000–AJ97, RIN9000–AK17, RIN9000–AK02, RIN9000–AJ79, RIN9000–AJ67, RIN9000–AJ93)(48 CFR Chapter 1)) received on June 16, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–2718. A communication from the Secretary of Labor, transmitting, the report of a draft bill entitled "Unemployment Compensation Program Integrity Act of 2005" received on June 14, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–2719. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department of Labor's annual report on the fiscal year 2002 operations of the Office of Workers' Compensation Programs; to the Committee on Health, Education, Labor, and Pensions.

EC–2720. A communication from the Railroad Retirement Board, transmitting, pursuant to law, a report on the actuarial status of the railroad retirement system, including any recommendations for financing changes; to the Committee on Health, Education, Labor, and Pensions.

EC–2721. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Board's 2005 annual report on the financial status of the railroad unemployment insurance system; to the Committee on Health, Education, Labor, and Pensions.

EC–2722. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of Presidential Determination 2005–24 relative to the suspension of limitations under the Jerusalem Embassy Act; to the Committee on Foreign Relations.

EC–2723. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract in the amount of $1,000,000 or more with Ghana; to the Committee on Foreign Relations.

EC–2724. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualification of Certain Arrangements as Insurance" (Notice 2005–49) received on June 21, 2005; to the Committee on Finance.

EC–2725. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Allocation of Environmental Remediation Costs" (Rev. Rul. 2005–42) received on June 21, 2005; to the Committee on Finance.

EC–2726. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—July 2005" (Rev. Rul. 2005–38) received on June 21, 2005; to the Committee on Finance.

EC–2727. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interaction between 280G and 83(b)" (Rev. Rul. 2005–39) received on June 21, 2005; to the Committee on Finance.

EC–2728. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "One Insured—Disregarded Entities" (Rev. Rul. 2005–40) received on June 21, 2005; to the Committee on Finance.

EC–2729. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Sections 142(a); 142(l)—Brownfields Demonstration Program for Qualified Green Building and Sustainable Design Projects" (Notice 2005–48) received on June 21, 2005; to the Committee on Finance.

EC–2730. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Rebuilding Plan" (RIN0648–AP02) received on June 16, 2005 to the Committee on Commerce, Science, and Transportation.

EC–2731. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Framework Adjustment 40B" (RIN0648–AS33) received on June 16, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2732. A communication from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Requirements for Digital Television Receiving Capability" (ET Docket No. 05–24) received on June 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2733. A communication from the Assistant Bureau Chief for Management, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Regulation of International Accounting Rates" (IB Docket No. 04–226, FCC 05–91) received on June 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2734. A communication from the Acting Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of IP-Enabled Services, WC Docket No. 04–36, E911 Requirements for IP-Enabled Service Providers, WC Docket No. 05–196" (FCC 05–116) received on June 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2735. A communication from the Deputy Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Rules and Regulations Implementing the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003; Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, CG Docket Nos. 04–53 and 02–278" (DA 05–692) received on June 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2736. A communication from the Deputy Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Rules and Regulations Implementing the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003; Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, CG Docket Nos. 04–53 and 02–278" (FCC 04–194) received on June 17, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 335. A bill to reauthorize the Congressional Award Act (Rept. No. 109–87).

By Mr. SHELBY, from the Committee on Appropriations, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 2862. A bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. No. 109–88).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. STEVENS for the Committee on Commerce, Science, and Transportation. Edmund S. Hawley, of California, to be an Assistant Secretary of Homeland Security.

*David A. Sampson, of Texas, to be Deputy Secretary of Commerce.

*John J. Sullivan, of Maryland, to be General Counsel of the Department of Commerce.

*William Alan Jeffrey, of Virginia, to be Director of the National Institute of Standards and Technology.

*Ashok G. Kaveeshwar, of Maryland, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation.

*Israel Hernandez, of Texas, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

*Coast Guard nomination of Radm Sally Brice-O'Hara to be Rear Admiral.

Mr. STEVENS. Mr. President, for the Committee on Commerce, Science, and

Transportation I report favorably the following nomination list which was printed in the Record on the date indicated. and ask unanimous consent. to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

National Oceanic and Atmospheric Administration nominations beginning with Paul L. Schattgen and ending with David J. Zezula. which nominations were received by the Senate and appeared in the Congressional Record on June 16. 2005.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY:

S. 1290. A bill to appropriate $1,975,183,000 for medical care for veterans; to the Committee on Appropriations.

By Mr. McCAIN:

S. 1291. A bill to provide for the acquisition of subsurface mineral interests in land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe; to the Committee on Indian Affairs.

By Mr. SANTORUM:

S. 1292. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses incurred in teleworking; to the Committee on Finance.

By Mr. BUNNING (for himself, Mr. Conrad, Mr. Lott, Mr. Smith, and Mrs. Lincoln):

S. 1293. A bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. McCain):

S. 1294. A bill to amend the Telecommunications Act of 1996 to preserve and protect the ability of local governments to provide broadband capability and services; to the Committee on Commerce, Science, and Transportation.

By Mr. McCAIN:

S. 1295. A bill to amend the Indian Gaming Regulatory Act to provide for accountability and funding of the National Indian Gaming Commission; to the Committee on Indian Affairs.

By Ms. MURKOWSKI (for herself, Mr. Stevens, Mr. Burns, Mr. Craig, Mr. Crapo, Mr. Kyl, and Mr. Smith):

S. 1296. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. CORZINE (for himself, Mr. Bingaman, and Ms. Landrieu):

S. 1297. A bill to amend title XVIII of the Social Security Act to reduce the work hours and increase the supervision of resident physicians to ensure the safety of patients and resident-physicians themselves; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Mr. Bingaman, and Mr. Pryor):

S. 1298. A bill to amend titles XIX and XXI of the Social Security Act to permit States to cover low-income youth up to age 23; to the Committee on Finance.

By Ms. CANTWELL:

S. 1299. A bill to encourage partnerships between community colleges and 4-year institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM (for himself and Mr. Cornyn):

S. 1300. A bill to amend the Agricultural Marketing Act of 1946 to establish a voluntary program for the provision of country of origin information with respect to certain agricultural products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ENSIGN (for himself, Mr. Craig, Mr. Crapo, Mr. Cornyn, Mr. Coburn, and Mr. Inhofe):

S. 1301. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 3 circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. DEMINT (for himself, Mr. Santorum, Mr. Graham, Mr. Crapo, Mr. Coburn, Mr. Sununu, Mr. Isakson, Mr. Enzi, Mr. Cornyn, Mr. Lott, Mr. Brownback, and Mr. Craig):

S. 1302. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to stop the Congress from spending Social Security surpluses on other Government programs by dedicating those surpluses to personal accounts that can only be used to pay Social Security benefits; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. Reed, Mr. Lautenberg, Mr. Corzine, Mr. Sarbanes, and Mr. Kerry):

S. 1303. A bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2006; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. Kennedy, Mr. Durbin, Mr. Feingold, Mrs. Boxer, and Mr. Dayton):

S. 1304. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code of 1986; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK:

S. 1305. A bill to amend the Internal Revenue Code of 1986 to increase tax benefits for parents with children, and for other purposes; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 1306. A bill to provide for the recognition of certain Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. Frist, and Mr. Reid) (by request):

S. 1307. A bill to implement the Dominican Republic-Central America-United States Free Trade Agreement; to the Committee on Finance pursuant to section 2103(b)(3) of Public Law 107–210.

By Mr. BAUCUS:

S. 1308. A bill to establish an Office of Trade Adjustment Assistance, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. Coleman, and Mr. Wyden):

S. 1309. A bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself and Mrs. Clinton):

S. Res. 180. A resolution supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself, Mr. Salazar, Mr. Craig, Mr. Crapo, Mr. Burns, and Mr. Feingold):

S. Res. 181. A resolution recognizing July 1, 2005, as the 100th Anniversary of the Forest Service; considered and agreed to.

ADDITIONAL COSPONSORS

S. 258

At the request of Mr. DeWine, the name of the Senator from Kentucky (Mr. Bunning) was added as a cosponsor of S. 258, a bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes.

S. 331

At the request of Mr. Johnson, the name of the Senator from Delaware (Mr. Biden) was added as a cosponsor of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 333

At the request of Mr. Santorum, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 350

At the request of Mr. Lugar, the name of the Senator from Nebraska (Mr. Hagel) was added as a cosponsor of S. 350, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

S. 392

At the request of Mr. Levin, the name of the Senator from Nebraska

(Mr. NELSON) was added as a cosponsor of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 721

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 721, a bill to authorize the Secretary of the Army to carry out a program for ecosystem restoration for the Louisiana Coastal Area, Louisiana.

S. 733

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 733, a bill to amend the Outer Continental Shelf Lands Act to provide a domestic offshore energy reinvestment program, and for other purposes.

S. 734

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 734, a bill to provide for agreements between Federal agencies to partner or transfer funds to accomplish erosion goals relating to the coastal area of Louisiana, and for other purposes.

S. 735

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 735, a bill to amend the Submerged Lands Act to make the seaward boundaries of the States of Louisiana, Alabama, and Mississippi equivalent to the seaward boundaries of the State of Texas and the Gulf Coast of Florida.

S. 736

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 736, a bill to amend the Outer Continental Shelf Lands Act to promote uses on the Outer Continental Shelf.

S. 769

At the request of Ms. SNOWE, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Montana (Mr. BURNS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 769, a bill to enhance compliance assistance for small businesses.

S. 842

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 842, a bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

S. 852

At the request of Mr. SPECTER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 852, a bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

S. 900

At the request of Mr. MCCAIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 900, a bill to reinstate the Federal Communications Commission's rules for the description of video programming.

S. 935

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 935, a bill to regulate .50 caliber sniper weapons designed for the taking of human life and the destruction of materiel, including armored vehicles and components of the Nation's critical infrastructure.

S. 954

At the request of Mr. DEWINE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 954, a bill to amend title 18, United States Code, to prohibit the sale of a firearm to a person who has been convicted of a felony in a foreign court, and for other purposes.

S. 962

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 962, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes.

S. 974

At the request of Mr. ALLARD, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 974, a bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

S. 986

At the request of Mr. NELSON of Nebraska, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 986, a bill to authorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes.

S. 1022

At the request of Mr. SMITH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow for an energy efficient appliance credit.

S. 1047

At the request of Mr. SUNUNU, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Mississippi (Mr. LOTT), the Senator from Illinois (Mr. OBAMA) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1047, a bill to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

S. 1088

At the request of Mr. KYL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1088, a bill to establish streamlined procedures for collateral review of mixed petitions, amendments, and defaulted claims, and for other purposes.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1129

At the request of Mr. LUGAR, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1129, a bill to provide authorizations of appropriations for certain development banks, and for other purposes.

S. 1132

At the request of Mr. COLEMAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1132, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1145

At the request of Mr. SMITH, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1145, a bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes.

S. 1171

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1171, a bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents, and for other purposes.

S. 1214

At the request of Ms. SNOWE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1214, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1227

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1227, a bill to improve quality in health care by providing incentives for adoption of modern information technology.

S.J. RES. 12

At the request of Mr. HATCH, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S.J. Res. 12, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 39

At the request of Mr. KYL, his name was added as a cosponsor of S. Res. 39, a resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

S. RES. 134

At the request of Mr. SMITH, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. Res. 134, a resolution expressing the sense of the Senate regarding the massacre at Srebrenica in July 1995.

AMENDMENT NO. 810

At the request of Mr. SCHUMER, the names of the Senator from Arizona (Mr. KYL) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 810 proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 813

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 813 intended to be proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 825

At the request of Mr. KERRY, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Iowa (Mr. HARKIN), the Senator from New York (Mr. SCHUMER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 825 proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 840

At the request of Mr. SMITH, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 840 intended to be proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 851

At the request of Mr. OBAMA, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 851 proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 857

At the request of Mr. BURR, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of amendment No. 857 intended to be proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 865

At the request of Mr. FEINGOLD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 865 intended to be proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 885

At the request of Ms. CANTWELL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of amendment No. 885 intended to be proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 891

At the request of Mr. SHELBY, his name was added as a cosponsor of amendment No. 891 proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

At the request of Mr. CORNYN, his name was added as a cosponsor of amendment No. 891 proposed to H.R. 6, supra.

AMENDMENT NO. 901

At the request of Ms. SNOWE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 901 intended to be proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 902

At the request of Mr. DURBIN, the names of the Senator from Connecticut (Mr. DODD), the Senator from Washington (Ms. CANTWELL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. REED), the Senator from California (Mrs. BOXER) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 902 proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 925

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 925 proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

At the request of Mr. BOND, the name of the Senator from Missouri (Mr. TALENT) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of amendment No. 925 proposed to H.R. 6, supra.

AMENDMENT NO. 977

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 977 intended to be proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. MCCAIN:

S. 1291. A bill to provide for the acquisition of subsurface mineral interests in land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, I am pleased to introduce the Pascua Yaqui Mineral Rights Act of 2005 to provide for acquisition of subsurface mineral interests in land owned by the Pascua Yaqui tribe and land held in trust for the Tribe.

The Pascua Yaqui tribe has purchased in fee four parcels of land, totaling approximately 436 acres, from the State of Arizona. These parcels are adjacent to the Tribe's reservation near Tucson, AZ. The Tribe subsequently applied to have these lands taken into trust pursuant to the 25 CFR Part 151 process. The Bureau of Indian Affairs approved the trust application. However, the State of Arizona objected because it still owns the subsurface mineral rights when it conveys its Trust lands. Based on the State of Arizona's objection, the Tribe's trust application was stayed pending resolution of the mineral rights title issue. Arizona law prevents the State from selling these mineral interests and I understand that the only way they can be acquired is through an act of condemnation brought by the United States pursuant to 40 U.S.C. §3113. The State of Arizona has conditionally consented to a condemnation action.

It has since been discovered that an additional 140 acres of the reservation was also former State of Arizona trust land that was purchased in fee by the Tribe and taken into trust without obtaining the mineral estate. The State of Arizona has also conditionally consented to a condemnation action with regard to these additional 140 acres.

In additional to the mineral interests condemnation, this legislation covers another subject. Under 360 acres of the reservation, the United States owns the mineral interests for itself, rather than in trust for the tribe. Although that acreage was originally purchased in fee, it was previously patented by the U.S. and the U.S. retained the mineral interests to that property for its own benefit, currently administered by the Bureau of Land Management. This legislation would authorize the Bureau of Land Management to transfer those mineral interests to the U.S., to be held in trust for the Pascua Yaqui tribe.

The result of the legislation I introduce today would be to allow the United States to obtain and/or consolidate ownership of the mineral interest only, in its name, in trust for the Pascua Yaqui tribe. These mineral interests are under the surface of land already either owned by the Pascua

Yaqui tribe, or held in trust for the Tribe by the United States.

Finally, under the terms of its current gaming compact with the State of Arizona, the Tribe has already constructed the maximum number of casinos it can operate on its reservation at this time. This bill will not authorize additional reservation casinos.

I look forward to working with my colleagues to enact this legislation.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pascua Yaqui Mineral Rights Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) Secretary.—The term "Secretary" means the Secretary of the Interior.

(2) State.—The term "State" means the State of Arizona.

(3) Tribe.—The term "Tribe" means the Pascua Yaqui Tribe.

SEC. 3. ACQUISITION OF SUBSURFACE MINERAL INTERESTS.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary, in coordination with the Attorney General of the United States and with the consent of the State, shall acquire through eminent domain the following:

(1) All subsurface rights, title, and interests (including subsurface mineral interests) held by the State in the following tribally-owned parcels:

(A) Lot 2, sec. 13, T. 15 S., R. 12 E., Gila and Salt River Meridian, Pima County Arizona.

(B) Lot 4, W½SE¼, sec. 13, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(C) NW¼NW¼, N½NE¼NW¼, SW¼NE¼NW¼, sec. 24, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County Arizona.

(D) Lot 2 and Lots 45 through 76, sec. 19, T. 15 S., R. 13 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(2) All subsurface rights, title, and interests (including subsurface mineral interests) held by the State in the following parcels held in trust for the benefit of Tribe:

(A) Lots 1 through 8, sec. 14, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(B) NE¼SE¼, E½NW¼SE¼, SW¼NW¼SE¼, N½SE¼SE¼, SE¼SE¼SE¼, sec. 14, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(b) Consideration.—Subject to subsection (c), as consideration for the acquisition of subsurface mineral interests under subsection (a), the Secretary shall pay to the State an amount equal to the market value of the subsurface mineral interests acquired, as determined by—

(1) a mineral assessment that is—

(A) completed by a team of mineral specialists agreed to by the State and the Tribe; and

(B) reviewed and accepted as complete and accurate by a certified review mineral examiner of the Bureau of Land Management;

(2) a negotiation between the State and the Tribe to mutually agree on the price of the subsurface mineral interests; or

(3) if the State and the Tribe cannot mutually agree on a price under paragraph (2), an appraisal report that is—

(A)(i) completed by the State in accordance with subsection (d); and

(ii) reviewed by the Tribe; and

(B) on a request of the Tribe to the Bureau of Indian Affairs, reviewed and accepted as complete and accurate by the Office of the Special Trustee for American Indians of the Department of the Interior.

(c) Conditions of Acquisition.—The Secretary shall acquire subsurface mineral interests under subsection (a) only if—

(1) the payment to the State required under subsection (b) is accepted by the State in full consideration for the subsurface mineral interests acquired;

(2) the acquisition terminates all right, title, and interest of any party other than the United States in and to the acquired subsurface mineral interests; and

(3) the Tribe agrees to fully reimburse the Secretary for costs incurred by the Secretary relating to the acquisition, including payment to the State for the acquisition.

(d) Determination of Market Value.—Notwithstanding any other provision of law, unless the State and the Tribe otherwise agree to the market value of the subsurface mineral interests acquired by the Secretary under this section, the market value of those subsurface mineral interests shall be determined in accordance with the Uniform Appraisal Standards for Federal Land Acquisition, as published by the Appraisal Institute in 2000, in cooperation with the Department of Justice and the Office of Special Trustee for American Indians of the Department of Interior.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions with respect to the acquisition of subsurface mineral interests under this section as the Secretary considers to be appropriate to protect the interests of the United States and any valid existing right.

SEC. 4. INTERESTS TAKEN INTO TRUST.

(a) Land Transferred.—Subject to subsections (b) and (c), notwithstanding any other provision of law, not later than 180 days after the date on which the Tribe makes the payment described in subsection (c), the Secretary shall take into trust for the benefit of the Tribe the subsurface rights, title, and interests, formerly reserved to the United States, to the following parcels:

(1) E½NE¼, SW¼NE¼, sec. 14, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(2) W½SE¼, SW¼, sec. 24, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(b) Exceptions.—The parcels taken into trust under subsection (a) shall not include—

(1) NE¼SW¼, sec. 24, except the southerly 4.19 feet thereof;

(2) NW¼SE¼, sec. 24, except the southerly 3.52 feet thereof; or

(3) S½SE¼, sec. 23, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(c) Consideration and Costs.—The Tribe shall pay to the Secretary only the transaction costs relating to the assessment, review, and transfer of the subsurface rights, title, and interests taken into trust under subsection (a).

By Mr. SANTORUM:

S. 1292. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses incurred in tele-working; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise to introduce legislation that would help people who "telework" or work from home, to receive a tax credit. Teleworkers are people who work online from home—whether a few days a week or their entire work schedule—using computers and other information technology tools. Nearly 40 million Americans telework today, and according to experts, 40 percent of the nation's jobs are compatible with telework.

I am introducing the Telework Tax Incentive Act to provide a $500 tax credit for telework. The legislation provides an incentive to encourage more employers to consider telework for their employees. Telework should be a regular part of the 21st century workplace.

The best part of telework is that it improves the quality of life for everyone—both the employee, the employer and the community. Telework reduces traffic congestion and air pollution. It reduces gas consumption and our dependency on foreign oil. Encouraging telework is good for families—giving working parents the flexibility to meet everyday demands. Telework provides people with disabilities greater job opportunities. It can also be a good option for retirees and others who choose to work part-time.

A task force on telework initiated by former Virginia Governor James Gilmore recommended the establishment of a tax credit toward the purchase and installation of electronic and computer equipment that allow an employee to telework. For example, the cost of a computer, fax machine, modem, phone, printer, software, copier, and other expenses necessary to enable telework could count toward a tax credit, provided the person worked at home a minimum number of days per year.

My legislation would provide a $500 tax credit "for expenses paid or incurred under a teleworking arrangement for furnishings and electronic information equipment which are used to enable an individual to telework." An employee must telework a minimum of 75 days per year to qualify for the tax credit. Both the employer and employee are eligible for the tax credit, but the tax credit goes to whomever absorbs the expense for setting up the at-home worksite.

On October 9, 1999, President Clinton signed into law legislation that I introduced in coordination with Representative Frank Wolf from Virginia as part of the annual Department of Transportation appropriations bill for Fiscal

Year 2000. S. 1521, the National Telecommuting and Air Quality Act, created a pilot program to study the feasibility of providing incentives for companies to allow their employees to telework in five major metropolitan areas including Philadelphia, Washington, D.C., Los Angeles, Houston and Denver.

President Bush signed legislation on July 14, 2000, that included an additional $2 million to continue telework efforts in the 5 pilot cities, including Philadelphia, to market, implement, and evaluate strategies for awarding telecommuting, emissions reduction, and pollution credits established through the National Telecommuting and Air Quality Act. I am excited that Philadelphia continues to use this opportunity to help to get the word out about the benefits of telecommuting for many employees and employers.

Telecommuting improves air quality by reducing pollutants, provides employees and families flexibility, reduces traffic congestion, and increases productivity and retention rates for businesses while reducing their overhead costs. It's a growing opportunity and option which we should all include in our effort to maintain and improve quality of life issues in Pennsylvania and around the Nation. According to statistics available from 1996, the Greater Philadelphia area ranked number 10 in the country for annual person-hours of delay due to traffic congestion. Because of this reality, all options including telecommuting should be pursued to address this challenge.

The 1999 Telework America National Telework Survey, conducted by Joan H. Pratt Associates, found that today's 19.6 million teleworkers typically work 9 days per month at home with an average of 3 hours per week during normal business hours. Teleworkers seek a blend of job-related and personal benefits to enable them to better handle their work and life responsibilities; however these research findings demonstrate the impact on the bottom line for employers as well. Employers may save more than $10,000 per telework employee simply from reduced absenteeism and increased employee retention. Thus an organization with 100 employees, 20 of whom telework, could potentially realize a savings of $200,000 annually, or more, when productivity gains are added.

When I introduced this legislation in the 107th Congress, it was endorsed by a number of groups including including the International Telework Association and Council (ITAC), Covad Communications, National Town Builders Association, Litton Industries, Orbital Sciences Corporation, Consumer Electronic Association, Capnet, BTG Corporation, Electonic Industries Alliance, Telecommunications Industry Association, American Automobile Association Mid-Atlantic, Dimensions International Inc., Capunet, TManage, Science Applications International Corporation, AT&T, Northern Virginia Technology Council, Computer Associates Incorporated, and Dyn Corp.

Work is something you do, not someplace you go. There is nothing magical about strapping ourselves into a car and driving sometimes up to an hour and a half, arriving at a workplace and sitting before a computer, when we can access the same information from a computer in our homes. Wouldn't it be great if we could replace the evening rush hour commute with time spent with the family, coaching little league or volunteering at a local charity?

I urge my colleagues to consider cosponsoring this legislation that promotes telework and helps encourage additional employee choices for the workplace.

By Mr. BUNNING (for himself, Mr. CONRAD, Mr. LOTT, Mr. SMITH, and Mrs. LINCOLN):

S. 1293. A bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to introduce legislation to allow affiliated life and non-life insurance companies to file consolidated tax returns. The current outdated rules do not allow such consolidation.

Consolidated return provisions under current law were enacted so that the members of an affiliated group of corporations could file a single tax return. The right to file a "consolidated" return is generally available to businesses of all natures conducted by the affiliated corporations. The purpose behind consolidated returns is simply to tax a complete business as a whole rather than its component parts individually. Whether an enterprise's businesses are operated as divisions within one corporation or as subsidiary corporations with a common parent company, a business entity should generally be taxed as a single entity and be allowed to file its return accordingly.

Corporate groups which include life insurance companies are denied the ability to file a single consolidated return until they have been affiliated for at least 5 years. Even after this 5-year period, they are subject to two additional limitations that are not applicable to any other type of group. First, non-life insurance companies must be members of the affiliated group for five years before their losses may be used to offset life insurance company income. Second, non-life insurance affiliate losses, including current year losses and any carryover losses, that may offset life insurance company taxable income are limited to the lesser of 35 percent of life insurance company's taxable income or 35 percent of the non-life insurance company's losses.

There are no clear reasons why affiliated groups that include life insurance companies are denied the same unrestricted ability to file consolidated returns that is available to other financial intermediaries, and corporations in general. Allowing members of an affiliated group of corporations to file a consolidated return prevents the business enterprise's structure from obscuring the fact that the true gain or loss of the business enterprise is the conglomeration of each of the members of the affiliated group. The limitations contained in current law are clearly without policy justification and should be repealed.

Our legislation will repeal the two 5-year limitations for taxable years beginning after this year, and it will phase out the 35 percent limitation over 7 years. The staff of the Joint Committee on Taxation has recommended repeal of two of the three limitations addressed by my bill on the grounds of needless complexity. The third limitation is, in effect, merely a minimum tax on life insurance company income. That limitation should have been repealed when the alternative minimum tax was enacted, and certainly has no place in the current tax laws. I should also note that Congress included in the tax cut vetoed by then-President Clinton in 1999 much of what is contained in this legislation.

I thank Senators CONRAD, LOTT, SMITH and LINCOLN for joining me in sponsoring this legislation. We hope you will join us as cosponsors of this bipartisan, much-needed legislation.

By Mr. LAUTENBERG (for himself and Mr. MCCAIN):

S. 1294. A bill to amend the Telecommunications Act of 1996 to preserve and protect the ability of local governments to provide broadband capability and services; to the Committee on Commerce, Science, and Transportation.

Mr. LAUTENBERG. Mr. President, I rise to introduce the "Community Broadband Act of 2005." I am pleased to be joined in this effort by Senator MCCAIN of Arizona.

This legislation will promote economic development, enhance public safety, increase educational opportunities, and improve the lives of citizens in areas of the country that either do not have access to broadband or live in a location where the cost for broadband is simply not affordable.

A recent study by the Organization for Economic Cooperation and Development shows that the United States has dropped to 12th place worldwide in the percentage of people with broadband connections. Many of the countries ahead of the United States have successfully combined public and private efforts to deploy municipal networks that connect their citizens and businesses with high-speed Internet services.

It is in this context that President Bush has called for universal and affordable broadband in the United States by the year 2007. If we are going to meet President Bush's goals, we must not enact barriers to broadband development and access. Unfortunately, fourteen States have passed legislation to prohibit or significantly restrict the ability of local municipalities and communities to offer high-speed Internet to their citizens. More States are considering such legislation. The "Community Broadband Act" is in response to those efforts by States to tell local communities that they cannot establish networks for their citizens even in communities that either have no access to broadband or where access is prohibitively expensive.

The "Community Broadband Act" is a simple bill. It says that no State can prohibit a municipality from offering high-speed Internet to its citizens; and when a municipality is a provider, it cannot abuse its governmental authority as regulator to discriminate against private competitors. Furthermore, a municipality must comply with Federal and state telecommunications laws.

Mr. President, this bill will allow communities to make broadband decisions that could: Improve their economy and create jobs by serving as a medium for development, particularly in rural and underserved urban areas; aid public safety and first responders by ensuring access to network services while on the road and in the community; strengthen our country's international competitiveness by giving businesses the means to compete more effectively locally, nationally, and internationally; encourage long-distance education through video conferencing and other means of sharing knowledge and enhancing learning via the Internet; and create incentives for public-private partnerships.

A century ago, there were efforts to prevent local governments from offering electricity. Opponents argued that local governments didn't have the expertise to offer something as complex as electricity. They also argued that businesses would suffer if they faced competition from cities and towns. But local community leaders recognized that their economic survival depended on electrifying their communities. They knew that it would take both private investment and public investment to bring electricity to all Americans.

We face a similar situation today. Municipal networks can play an essential role in making broadband access universal and affordable. We must not put up barriers to this possibility of municipal involvement in broadband deployment.

Some local governments will decide to do this; others will not. Let me be clear this is not going to be the right decision for every municipality. But there are clearly examples of municipalities that need to provide broadband, and those municipalities should have the power to do so.

Today's Wall Street Journal notes the small town of Granbury, TX, population 6,400, that initiated a wireless network after waiting years for private industry to take an interest. In Scottsburg, IN, a city and its 6000 residents north of Louisville, KY, could not get broadband from an incumbent telephone company. When two important businesses threatened to leave unless they could obtain broadband connectivity, municipal officials stepped forward to provide wireless broadband throughout the town. The town retained the two businesses and gained much more. There are many Granburys and Scottsburgs across the country.

There are also underserved urban areas, where private providers may exist, but many in the community simply cannot afford the high prices. Dianah Neff, Philadelphia's chief information officer, knows this all too well. "The digital divide is local," Neff has said, commenting that while 90 percent Philadelphia's affluent neighborhoods have broadband, just 25 percent in low-income areas have broadband. When the city of Philadelphia announced plans for wireless access, it immediately faced opposition and the Pennsylvania legislature passed legislation to counter this municipal power.

Community broadband networks have the potential to create jobs, spur economic development, and bring a 21st century utility to everyone. I hope my colleagues will join Senator MCCAIN and me in our effort to enact the Community Broadband Act of 2005.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Broadband Act of 2005".

SEC. 2. COMMUNITY BROADBAND CAPABILITY AND SERVICES.

Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 note) is amended—

(1) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

"(c) LOCAL GOVERNMENT PROVISION OF ADVANCED TELECOMMUNICATIONS CAPABILITY AND SERVICES.—

"(1) IN GENERAL.—No State statute, regulation, or other State legal requirement may prohibit or have the effect of prohibiting any public provider from providing, to any person or any public or private entity, advanced telecommunications capability or any service that utilizes the advanced telecommunications capability provided by such provider.

"(2) ANTIDISCRIMINATION SAFEGUARDS.—To the extent any public provider regulates competing private providers of advanced telecommunications capability or services, it shall apply its ordinances and rules without discrimination in favor of itself or any advanced telecommunications services provider that it owns.

"(3) SAVINGS CLAUSE.—Nothing in this section shall exempt a public provider from any Federal or State telecommunications law or regulation that applies to all providers of advanced telecommunications capability or services using such advanced telecommunications capability."; and

(2) by adding at the end of subsection (d), as redesignated, the following:

"(3) PUBLIC PROVIDER.—The term 'public provider' means a State or political subdivision thereof, any agency, authority, or instrumentality of a State or political subdivision thereof, or an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), that provides advanced telecommunications capability, or any service that utilizes such advanced telecommunications capability, to any person or public or private entity.".

Mr. MCCAIN. Mr. President, I am pleased to join in sponsoring the Community Broadband Act of 2005. In the simplest of terms, this bill would ensure that any town, city, or county that wishes to offer high-speed Internet services to its citizens can do so. The bill also would ensure fairness by requiring municipalities that offer high-speed Internet services do so in compliance with all Federal and State telecommunications laws and in a non-discriminatory manner.

This bill is needed if we are to meet President Bush's call for "universal, affordable access for broadband technology by the year 2007." When President Bush announced this nationwide goal in 2004, the country was ranked 10th in the world for high-speed Internet penetration. Today, the country is ranked 16th. This is unacceptable for a country that should lead the world in technical innovation, economic development, and international competitiveness.

Many of the countries outpacing the United States in the deployment of high-speed Internet services, including Canada, Japan, and South Korea, have successfully combined municipal systems with privately deployed networks to wire their countries. As a country, we cannot afford to cut off any successful strategy if we want to remain internationally competitive.

I recognize that our Nation has a long and successful history of private investment in critical communications infrastructure. That history must be respected, protected, and continued. However, when private industry does not answer the call because of market failures or other obstacles, it is appropriate and even commendable, for the people acting through their local governments to improve their lives by investing in their own future. In many rural towns, the local government's high-speed Internet offering may be its citizens only option to access the World Wide Web.

Despite this situation, a few incumbent providers of traditional telecommunications services have attempted to stop local government deployment of community high speed Internet services. The bill would do nothing to limit their ability to compete. In fact, the bill would provide them an incentive to enter more rural areas and deploy services in partnership with local governments. This partnership will not only reduce the costs to private firms, but also ensure wider deployment of rural services. Additionally, the bill would aid private providers by prohibiting a municipality when acting as both "regulator" and "competitor" from discriminating against competitors in favor of itself.

Several newspapers have endorsed the concept of allowing municipalities to choose whether to offer high speed Internet services. USA Today rightfully questioned in an editorial, "Why shouldn't citizens be able to use their own resources to help themselves?" The Washington Post editorialized that the offering of high speed Internet services by localities is, ". . . the sort of municipal experiment we hope will spread." The San Jose Mercury News stated that a ban on localities ability to offer such services is "bad for consumers, bad for technology and bad for America's hopes of catching up to other countries in broadband deployment." Finally, the Tampa Tribune lectured Federal and State legislators, "don't prohibit local elected officials from providing a service their communities need."

My home State of Arizona boasts the largest approved municipal broadband system in the United States, for example. The city of Tempe's wireless system will serve all of the city's 40 square miles and a population of 159,000, including the campus of Arizona State University. Citizens will have Internet access from anywhere at any time, and police, fire, water and traffic services personnel will use the system to enhance their efficiency.

In addition to Tempe, several Native American tribal governments offer high-speed Internet access services to their citizens. This bill would ensure that such offerings could continue to assist Indian country and their ability to connect to the Internet.

Our country faces some real challenges. We need to find ways to use technology to help our citizens better compete. We need to help our businesses capitalize on their ingenuity so that they can become more internationally competitive. That is why we need to do all we can to eliminate barriers to competition and create incentives for the delivery of high-speed Internet services for public suppliers of broadband services, private suppliers of broadband services, and public-private partnerships as well.

I hope my colleagues will join us in sponsoring the Community Broadband Act of 2005.

By Mr. McCAIN:

S. 1295. A bill to amend the Indian Gaming Regulatory Act to provide for accountability and funding of the National Indian Gaming Commission; to the Committee on Indian Affairs.

Mr. McCAIN. Mr. President, I am pleased to introduce the National Indian Gaming Commission Accountability Act of 2005 to amend provisions of the Indian Gaming Regulatory Act regarding NIGC funding and accountability.

The Indian gaming industry has undergone tremendous growth since the enactment of the Indian Gaming Regulatory Act in 1988. The regulatory responsibilities of the NIGC, the Federal agency responsible for oversight of the industry, has likewise grown. In recent years the NIGC's budgeting needs have consistently exceeded the $8 million statutory cap, necessitating short-term authorizations to exceed the cap to enable it to adequately enforce the Act.

Rather than merely raising the cap on funding, this legislation amends IGRA's equation for funding the NIGC by allowing the funding to adjust in direct proportion to the revenues of the Indian gaming industry, with funding expanding or contracting as the Indian gaming industry grows or recedes. Under that equation—which provides that fees cannot exceed .08 percent of gross gaming revenues—the NIGC's budget for fiscal 2007 would be capped at approximately $14.5 million.

As the agency's needs have grown, so has the scrutiny of the regulated community and affected parties. It is therefore appropriate that the agency's budgetary choices and program plans be subject to transparency. Therefore, this legislation increases not only the agency's funding, but also its accountability by directing that the NIGC be subject to the Government Performance and Results Act (GPRA). As a result, the agency would be required to develop a Strategic Plan, and annual performance plans and performance reports, all of which will provide critical information to the regulated stakeholders.

I look forward to working with my colleagues on both sides of the aisle to enact this timely and balanced legislation. I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Indian Gaming Commission Accountability Act of 2005".

SEC. 2. COMMISSION ACCOUNTABILITY AND FUNDING.

(a) POWERS OF THE COMMISSION.—Section 7 of the Indian Gaming Regulatory Act (25 U.S.C. 2706) is amended by adding at the end the following:

"(d) APPLICATION OF GOVERNMENT PERFORMANCE AND RESULTS ACT.—

"(1) IN GENERAL.—In carrying out any action under this Act, the Commission shall be subject to the Government Performance and Results Act of 1993 (Public Law 1030962; 107 Stat. 285).

"(2) PLANS.—In addition to any plan required under the Government Performance and Results Act of 1993 (Public Law 1030962; 107 Stat. 285), the Commission shall submit a plan to provide technical assistance to tribal gaming operations in accordance with that Act.".

(b) COMMISSION FUNDING.—Section 18(a)(2) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)(2)) is amended by striking subparagraph (B) and inserting the following:

"(B) The total amount of all fees imposed during any fiscal year under the schedule established under paragraph (1) shall not exceed 0.080 percent of the gross gaming revenues of all gaming operations subject to regulation under this Act.".

By Ms. MURKOWSKI (for herself, Mr. STEVENS, Mr. BURNS, Mr. CRAIG, Mr. CRAPO, Mr. KYL, and Mr. SMITH):

S. 1296. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that my bill, the Ninth Circuit Judgeship and Reorganization Act of 2005, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ninth Circuit Judgeship and Reorganization Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) FORMER NINTH CIRCUIT.—The term "former ninth circuit" means the ninth judicial circuit of the United States as in existence on the day before the effective date of this Act.

(2) NEW NINTH CIRCUIT.—The term "new ninth circuit" means the ninth judicial circuit of the United States established by the amendment made by section 3(2)(A).

(3) TWELFTH CIRCUIT.—The term "twelfth circuit" means the twelfth judicial circuit of the United States established by the amendment made by section 3(2)(B).

SEC. 3. NUMBER AND COMPOSITION OF CIRCUITS.

Section 41 of title 28, United States Code, is amended—

(1) in the matter preceding the table, by striking "thirteen" and inserting "fourteen"; and

(2) in the table—

(A) by striking the item relating to the ninth circuit and inserting the following:

"Ninth .... California, Guam, Hawaii, Northern Marianas Islands.";

and

(B) by inserting after the item relating to the eleventh circuit the following:

"Twelfth .... Alaska, Arizona, Idaho, Montana, Nevada, Oregon, Washington.".

SEC. 4. JUDGESHIPS.

(a) NEW JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate, 5 additional circuit judges for the new ninth circuit court of appeals, whose official duty station shall be in California. The judges authorized by this paragraph shall not be appointed before January 21, 2006.

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENT OF JUDGES.—The President shall appoint, by and with the advice and consent of the Senate, 2 additional circuit judges for the former ninth circuit court of appeals, whose official duty stations shall be in California.

(2) EFFECT OF VACANCIES.—The first 2 vacancies occurring on the new ninth circuit court of appeals 10 years or more after judges are first confirmed to fill both temporary circuit judgeships created by this subsection shall not be filled.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 5. NUMBER OF CIRCUIT JUDGES.

The table contained in section 44(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

"Ninth .... 19";

and

(2) by inserting after the item relating to the eleventh circuit the following:

"Twelfth .... 14".

SEC. 6. PLACES OF CIRCUIT COURT.

The table contained in section 48(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

"Ninth .... Honolulu, San Francisco.";

and

(2) by inserting after the item relating to the eleventh circuit the following:

"Twelfth .... Phoenix, Portland, Missoula."

SEC. 7. LOCATION OF TWELFTH CIRCUIT HEADQUARTERS.

The offices of the Circuit Executive of the Twelfth Circuit and the Clerk of the Court of the Twelfth Circuit shall be located in Phoenix, Arizona.

SEC. 8. ASSIGNMENT OF CIRCUIT JUDGES.

Each circuit judge of the former ninth circuit who is in regular active service and whose official duty station on the day before the effective date of this Act—

(1) is in California, Guam, Hawaii, or the Northern Marianas Islands shall be a circuit judge of the new ninth circuit as of such effective date; and

(2) is in Alaska, Arizona, Idaho, Montana, Nevada, Oregon, or Washington shall be a circuit judge of the twelfth circuit as of such effective date.

SEC. 9. ELECTION OF ASSIGNMENT BY SENIOR JUDGES.

Each judge who is a senior circuit judge of the former ninth circuit on the day before the effective date of this Act may elect to be assigned to the new ninth circuit or the twelfth circuit as of such effective date and shall notify the Director of the Administrative Office of the United States Courts of such election.

SEC. 10. SENIORITY OF JUDGES.

The seniority of each judge—

(1) who is assigned under section 8, or

(2) who elects to be assigned under section 9,

shall run from the date of commission of such judge as a judge of the former ninth circuit.

SEC. 11. APPLICATION TO CASES.

The following apply to any case in which, on the day before the effective date of this Act, an appeal or other proceeding has been filed with the former ninth circuit:

(1) Except as provided in paragraph (3), if the matter has been submitted for decision, further proceedings with respect to the matter shall be had in the same manner and with the same effect as if this Act had not been enacted.

(2) If the matter has not been submitted for decision, the appeal or proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders, be transferred to the court to which the matter would have been submitted had this Act been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings with respect to the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in such court.

(3) If a petition for rehearing en banc is pending on or after the effective date of this Act, the petition shall be considered by the court of appeals to which it would have been submitted had this Act been in full force and effect at the time that the appeal or other proceeding was filed with the court of appeals.

SEC. 12. TEMPORARY ASSIGNMENT OF CIRCUIT JUDGES AMONG CIRCUITS.

Section 291 of title 28, United States Code, is amended by adding at the end the following:

"(c) The chief judge of the Ninth Circuit may, in the public interest and upon request by the chief judge of the Twelfth Circuit, designate and assign temporarily any circuit judge of the Ninth Circuit to act as circuit judge in the Twelfth Circuit.

"(d) The chief judge of the Twelfth Circuit may, in the public interest and upon request by the chief judge of the Ninth Circuit, designate and assign temporarily any circuit judge of the Twelfth Circuit to act as circuit judge in the Ninth Circuit.".

SEC. 13. TEMPORARY ASSIGNMENT OF DISTRICT JUDGES AMONG CIRCUITS.

Section 292 of title 28, United States Code, is amended by adding at the end the following:

"(f) The chief judge of the United States Court of Appeals for the Ninth Circuit may in the public interest—

"(1) upon request by the chief judge of the Twelfth Circuit, designate and assign 1 or more district judges within the Ninth Circuit to sit upon the Court of Appeals of the Twelfth Circuit, or a division thereof, whenever the business of that court so requires; and

"(2) designate and assign temporarily any district judge within the Ninth Circuit to hold a district court in any district within the Twelfth Circuit.

"(g) The chief judge of the United States Court of Appeals for the Twelfth Circuit may in the public interest—

"(1) upon request by the chief judge of the Ninth Circuit, designate and assign 1 or more district judges within the Twelfth Circuit to sit upon the Court of Appeals of the Ninth Circuit, or a division thereof, whenever the business of that court so requires; and

"(2) designate and assign temporarily any district judge within the Twelfth Circuit to hold a district court in any district within the Ninth Circuit.

"(h) Any designations or assignments under subsection (f) or (g) shall be in conformity with the rules or orders of the court of appeals of, or the district within, as applicable, the circuit to which the judge is designated or assigned.".

SEC. 14. ADMINISTRATION.

The court of appeals for the ninth circuit as constituted on the day before the effective date of this Act may take such administrative action as may be required to carry out this Act and the amendments made by this Act. Such court shall cease to exist for administrative purposes 2 years after the date of enactment of this Act.

SEC. 15. EFFECTIVE DATE.

Except as provided in section 4(c), this Act and the amendments made by this Act shall take effect 12 months after the date of enactment of this Act.

By Mr. CORZINE (for himself, Mr. BINGAMAN, and Ms. LANDRIEU):

S. 1297. A bill to amend title XVIII of the Social Security Act to reduce the work hours and increase the supervision of resident physicians to ensure the safety of patients and resident-physicians themselves; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today to reintroduce my legislation, the Patient and Physician Safety and Protection Act of 2005, to limit medical resident work hours to 80 hours a week and to provide real protections for patients and resident physicians who are negatively affected by excessive work hours. I feel strongly that as Congress begins to consider proposals to reduce medical malpractice premiums and improve quality of care, we must consider the role that excessive work hours play in exacerbating medical liability problems and reducing quality of care.

It is very troubling that hospitals across the Nation are requiring young doctors to work 36 hour shifts and as many as 120 hours a week in order to complete their residency programs. These long hours lead to a deterioration of cognitive function similar to the effects of blood alcohol levels of 0.1 percent. This is a level of cognitive impairment that would make these doctors unsafe to drive—yet these physicians are not only allowed but in fact are required to care for patients and perform procedures on patients under these conditions. In fact, a study by Harvard Medical School researchers published in the October 28, 2004 issue of the New England Journal of Medicine found that medical residents made 35.9 percent more serious medical errors when they worked extended shifts of more than 24 hours.

The Patient and Physician Safety and Protection Act of 2005 will limit medical resident work hours to 80 hours a week. Not 40 hours or 60 hours—80 hours a week. It is hard to argue that this standard is excessively strict. In fact, it is unconscionable that we now have resident physicians, or any physicians for that matter, caring for very sick patients 120 hours a week and 36 hours straight with fewer than 10 hours between shifts. This is an outrageous violation of a patient's right to quality care.

In addition to limiting work hours to 80 hours week, my bill limits the length of any one shift to 24 consecutive hours, while allowing for up to three hours of patient transition time, and limits the length of an emergency room shift to 12 hours. The bill also ensures that residents have at least one out of seven days off and 'on-call' shifts no more often than every third night.

Since I first introduced the Patient and Physician Safety and Protection Act in the 107th Congress, the medical community and the Accreditation Council for Graduate Medical Education, ACGME, specifically have taken critical steps to address the problem of excessive work hours. On July 1, 2003, the ACGME issued resident work-hour guidelines aimed at addressing this important issue. While I commend ACGME leadership for taking the initiative, I remain very concerned that the ACGME's policy lacks the enforcement mechanisms that are essential to ensure compliance with the new work hour rules. The ACGME's only sanction against hospitals that overwork residents or provide inadequate supervision is the threat of lost accreditation of residency programs. Medical residents who have already "matched" into a program and invested years there are understandably reluctant to report violations that might result in the closure of their residency. Furthermore, the ACGME usually gives hospital administrators 90–100 days notice before inspecting a residency program. While the ACGME policy establishes more stringent work hours regulations, it fails to create effective enforcement and oversight tools. These rules are meaningless without enforcement mechanisms.

That is why Federal legislation is necessary. The Patient and Physician Safety and Protection Act of 2005 not only recognizes the problem of excessive work hours, but also creates strong enforcement mechanisms. The bill also provides funding support to teaching hospitals to implement new work hour standards. Without enforcement and financial support, efforts to reduce work hours are not likely to be successful.

Finally, my legislation provides meaningful enforcement mechanisms that will protect the identity of resident physicians who file complaints about work hour violations. The ACGME's guidelines do not contain any whistleblower protections for residents that seek to report program violations. Without this important protection, residents will be reluctant to report these violations, which in turn will weaken enforcement.

My legislation also makes compliance with these work hour requirements a condition of Medicare participation. Each year, Congress provides $8 billion to teaching hospitals to train new physicians. While Congress must continue to vigorously support adequate funding so that teaching hospitals are able to carryout this important public service, these hospitals must also make a commitment to ensuring safe work conditions for these physicians and providing the highest quality of care to the patients they treat.

In closing I would like to read a quote from an Orthopedic Surgery Resident from Northern California, which I think illustrates why we need this legislation.

I quote, "I was operating post-call after being up for over 36 hours and was holding retractors. I literally fell asleep standing up and nearly face-planted into the wound. My upper arm hit the side of the gurney, and I caught myself before I fell to the floor. I nearly put my face in the open wound, which would have contaminated the entire field and could have resulted in an infection for the patient."

This is a very serious problem that must be addressed before medical errors like this occur. I hope every member of the Senate will consider this legislation and the potential it has to reduce medical errors, improve patient care, and create a safer working environment for the backbone of our Nation's healthcare system.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patient and Physician Safety and Protection Act of 2005".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Federal Government, through the medicare program, pays approximately $8,000,000,000 per year solely to train resident-physicians in the United States, and as a result, has an interest in assuring the safety of patients treated by resident-physicians and the safety of resident-physicians themselves.

(2) Resident-physicians spend as much as 30 to 40 percent of their time performing activities not related to the educational mission of training competent physicians.

(3) The excessive numbers of hours worked by resident-physicians is inherently dangerous for patient care and for the lives of resident-physicians.

(4) The scientific literature has consistently demonstrated that the sleep deprivation of the magnitude seen in residency training programs leads to cognitive impairment.

(5) A substantial body of research indicates that excessive hours worked by resident-physicians lead to higher rates of medical error, motor vehicle accidents, depression, and pregnancy complications.

(6) The medical community has not adequately addressed the issue of excessive resident-physician work hours.

(7) The Federal Government has regulated the work hours of other industries when the safety of employees or the public is at risk.

(8) The Institute of Medicine has found that as many as 98,000 deaths occur annually due to medical errors and has suggested that 1 necessary approach to reducing errors in hospitals is reducing the fatigue of resident-physicians.

SEC. 3. REVISION OF MEDICARE HOSPITAL CONDITIONS OF PARTICIPATION REGARDING WORKING HOURS OF MEDICAL RESIDENTS, INTERNS, AND FELLOWS.

(a) IN GENERAL.—Section 1866 of the Social Security Act (42 U.S.C. 1395cc) is amended—

(1) in subsection (a)(1)—

(A) by striking "and" at the end of subparagraph (U);

(B) by striking the period at the end of subparagraph (V) and inserting ", and"; and

(C) by inserting after subparagraph (V) the following new subparagraph:

"(W) in the case of a hospital that uses the services of postgraduate trainees (as defined in subsection (k)(4)), to meet the requirements of subsection (k)."; and

(2) by adding at the end the following new subsection:

"(k)(1)(A) In order that the working conditions and working hours of postgraduate trainees promote the provision of quality medical care in hospitals, as a condition of participation under this title, each hospital shall establish the following limits on working hours for postgraduate trainees:

"(i) Subject to subparagraphs (B) and (C), postgraduate trainees may work no more than a total of 24 hours per shift.

"(ii) Subject to subparagraph (C), postgraduate trainees may work no more than a total of 80 hours per week.

"(iii) Subject to subparagraph (C), postgraduate trainees—

"(I) shall have at least 10 hours between scheduled shifts;

"(II) shall have at least 1 full day out of every 7 days off and 1 full weekend off per month;

"(III) subject to subparagraph (B), who are assigned to patient care responsibilities in an emergency department shall work no more than 12 continuous hours in that department;

"(IV) shall not be scheduled to be on call in the hospital more often than every third night; and

"(V) shall not engage in work outside of the educational program that interferes with the ability of the postgraduate trainee to achieve the goals and objectives of the program or that, in combination with the program working hours, exceeds 80 hours per week.

"(B)(i) Subject to clause (ii), the Secretary shall promulgate such regulations as may be necessary to ensure quality of care is maintained during the transfer of direct patient care from 1 postgraduate trainee to another at the end of each shift.

"(ii) Such regulations shall ensure that, except in the case of individual patient emergencies, the period in which a postgraduate trainee is providing for the transfer of direct patient care (as referred to in clause (i)) does not extend such trainee's shift by more than 3 hours beyond the 24-hour period referred to in subparagraph (A)(i) or the 12-hour period referred to in subparagraph (A)(iii)(III), as the case may be.

"(C) The work hour limitations under subparagraph (A) and requirements of subparagraph (B) shall not apply to a hospital during a state of emergency declared by the Secretary that applies with respect to that hospital.

"(2) The Secretary shall promulgate such regulations as may be necessary to monitor and supervise postgraduate trainees assigned patient care responsibilities as part of an approved medical training program, as well as to assure quality patient care.

"(3) Each hospital shall inform postgraduate trainees of—

"(A) their rights under this subsection, including methods to enforce such rights (including so-called whistle-blower protections); and

"(B) the effects of their acute and chronic sleep deprivation both on themselves and on their patients.

"(4) For purposes of this subsection, the term 'postgraduate trainee' means a postgraduate medical resident, intern, or fellow.".

(b) DESIGNATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall designate an individual within the Department of Health and Human Services to handle all complaints of violations that arise from a postgraduate trainee (as defined in paragraph (4) of section 1886(k) of the Social Security Act, as added by subsection (a), who reports that the hospital operating the medical residency training program for which the trainee is enrolled is in violation of the requirements of such section.

(2) GRIEVANCE RIGHTS.—A postgraduate trainee may file a complaint with the Secretary concerning a violation of the requirements under such section 1886(k). Such a complaint may be filed anonymously. The Secretary may conduct an investigation and take corrective action with respect to such a violation.

(3) ENFORCEMENT.—

(A) CIVIL MONEY PENALTY ENFORCEMENT.—Subject to subparagraph (B), any hospital that violates the requirements under such section 1886(k) is subject to a civil money penalty not to exceed $100,000 for each medical residency training program operated by the hospital in any 6-month period. The provisions of section 1128A of the Social Security Act (other than subsections (a) and (b)) shall apply to civil money penalties under this paragraph in the same manner as they apply to a penalty or proceeding under section 1128A(a) of such Act.

(B) CORRECTIVE ACTION PLAN.—The Secretary shall establish procedures for providing a hospital that is subject to a civil monetary penalty under subparagraph (A) with an opportunity to avoid such penalty by submitting an appropriate corrective action plan to the Secretary.

(4) DISCLOSURE OF VIOLATIONS AND ANNUAL REPORTS.—The individual designated under paragraph (1) shall—

(A) provide for annual anonymous surveys of postgraduate trainees to determine compliance with the requirements under such section 1886(k) and for the disclosure of the results of such surveys to the public on a medical residency training program specific basis;

(B) based on such surveys, conduct appropriate on-site investigations;

(C) provide for disclosure to the public of violations of and compliance with, on a hospital and medical residency training program specific basis, such requirements; and

(D) make an annual report to Congress on the compliance of hospitals with such requirements, including providing a list of hospitals found to be in violation of such requirements.

(c) WHISTLEBLOWER PROTECTIONS.—

(1) IN GENERAL.—A hospital covered by the requirements of section 1866(k) of the Social Security Act, as added by subsection (a), shall not penalize, discriminate, or retaliate in any manner against an employee with respect to compensation, terms, conditions, or privileges of employment, who in good faith (as defined in paragraph (2)), individually or in conjunction with another person or persons—

(A) reports a violation or suspected violation of such requirements to a public regulatory agency, a private accreditation body, or management personnel of the hospital;

(B) initiates, cooperates, or otherwise participates in an investigation or proceeding brought by a regulatory agency or private accreditation body concerning matters covered by such requirements;

(C) informs or discusses with other employees, with a representative of the employees, with patients or patient representatives, or with the public, violations or suspected violations of such requirements; or

(D) otherwise avails himself or herself of the rights set forth in such section or this subsection.

(2) GOOD FAITH DEFINED.—For purposes of this subsection, an employee is deemed to act "in good faith" if the employee reasonably believes—

(A) that the information reported or disclosed is true; and

(B) that a violation has occurred or may occur.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first July 1 that begins at least 1 year after the date of enactment of this Act.

SEC. 4. ADDITIONAL FUNDING FOR HOSPITAL COSTS.

There are hereby appropriated to the Secretary of Health and Human Services such amounts as may be required to provide for additional payments to hospitals for their reasonable additional, incremental costs incurred in order to comply with the requirements imposed by this Act (and the amendments made by this Act).

Mr. ENSIGN. Mr. President, I come before the Senate today about a very serious issue that is threatening the disbursal of justice in the western United States.

My home State of Nevada, along with eight other States, has been part of an unbelievable population boom over the last several decades. As a result, we face the frustrating challenges of increased traffic congestion, crowded schools, and a shortage of many services. However, there is one consequence of that growth that has reached a critical level because it is delaying and denying justice for too many Americans.

That is the situation with the Court of Appeals for the Ninth Circuit. The largest circuit in the country, it encompasses 20 percent of the entire Nation's population. The Ninth Circuit has the highest cases per jurist ratio. And the trend is not changing. The Circuit is just too large. Each of the States covered by the Ninth Circuit saw population growths over the last decade, and three of the States—Nevada, Idaho, and Arizona—are in the top five in the country for population growth. Something must be done, or the Ninth Circuit will continue to bust at the seams.

That is why I am introducing legislation today that would divide the current Ninth Circuit into 3 new circuits. The new Ninth Circuit would include California, Hawaii, Guam, and the Northern Marianas Islands. The new Twelfth Circuit would be comprised of Arizona, Nevada, Idaho, and Montana. And the new Thirteenth Circuit would contain Oregon, Washington, and Alaska.

This splitting of the Ninth Circuit is absolutely necessary if the residents of Nevada and the other western states are to have equal access to justice. Right now, citizens living under the Ninth Circuit face incomparable delays and judicial inconsistencies. Recently, the Ninth Circuit had more cases pending for more than one year than all other circuits combined.

And because of the sheer magnitude of the number of judges in the Ninth Circuit, it has become increasingly difficult for judges to track the opinions of the other judges in the circuit. In fact, it happened that on the same day, 2 different 3-judge panels in the Ninth Circuit issued different legal standards to resolve the same issue. Can you imagine the headache this causes for district judges who are supposed to follow the standard set by the Ninth Circuit? It compromises the system of justice that is the cornerstone of our democracy.

As a Nevadan, I am also angered by some of the decisions made by the Ninth Circuit Court. I know how Nevadans feel about issues such as the Pledge of Allegiance. Like me, they were outraged that the phrase "under God" was ruled unconstitutional by the Ninth Circuit. This wasn't the only case of the Ninth Circuit misinterpreting the Constitution and our laws. In 1997 alone, the United States Supreme Court overruled 27 out of 28 Ninth Circuit decisions. I wish I could say that was just an "off" year for the court, but their track record wasn't much better in the 6 years before that.

Rather than continue down this path of judicial destruction, it is time to use a forward looking approach to the access of justice in the western United States. I urge my colleagues to join me in our Constitutional duty to establish courts for the sake of justice in this country. Failure to act will cost the citizens of my state, and many other western states, dearly.

By Mr. DEMINT (for himself, Mr. SANTORUM, Mr. GRAHAM, Mr. CRAPO, Mr. Coburn, Mr. SUNUNU, Mr. ISAKSON, Mr. ENZI, Mr. CORNYN, Mr. LOTT, Mr. BROWNBACK, and Mr. CRAIG).

S. 1302. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to stop the Congress from spending Social Security surpluses on other Government programs by dedicating those surpluses to personal accounts that can only be used to pay Social Security benefits; to the Committee on Finance.

Mr. DEMINT. Mr. President, it's time to stop the raid on Social Security. For over twenty years, Congress has maintained the misguided practice of overcollecting Social Security taxes and spending them on other government programs. Congress has used the Social Security Trust Fund to promote the false notion that Social Security actually saves the money workers pay in, and it is time to end this abusive practice. It is time we start saving these resources in personal accounts that politicians cannot spend.

Money cannot have 2 masters—it either belongs to the government or to individual Americans. The only way to prevent Congress from spending Social Security surpluses is to rebate these funds back to a worker in a personal account with their name on it. The only true lock-box is a personal account.

President Bush has done a good job helping Americans understand the problem. Now it is up to Congress to build consensus around some solutions. Every American and nearly everyone in Congress agree on at least one core principle: Social Security money should only be spent on Social Security. Before we can have an honest debate on long-term solutions, we must restore trust with Americans.

Stopping the raid will strengthen Social Security and is the first step toward long-term reform.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Stop the Raid on Social Security Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS PROGRAM

Sec. 101. Establishment of the Social Security Personal Retirement Accounts Program.

"PART B—SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS PROGRAM

"Sec. 251. Definitions.
"Sec. 252. Establishment of Program.
"Sec. 253. Participation in Program.
"Sec. 254. Social security personal retirement accounts .
"Sec. 255. Investment of accounts.
"Sec. 256. Distributions of account balance at retirement.
"Sec. 257. Additional rules relating to disposition of account assets.
"Sec. 258. Administration of the program.
Sec. 102. Annual account statements.

TITLE II—TAX TREATMENT

Sec. 201. Tax treatment of social security personal retirement accounts.
Sec. 202. Benefits taxable as Social Security benefits.
"Sec. 2059. Social security personal retirement accounts.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) President Franklin Roosevelt's January 17, 1935, message on Social Security declared that, "First, the system adopted, except for the money necessary to initiate it, should be self-sustaining in the sense that funds for the payment of insurance benefits should not come from the proceeds of general taxation.".

(2) Social Security's financial integrity is maintained by requiring that benefit payments do not exceed the program's dedicated tax revenues and the interest earned on the balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund over the long term.

(3) The separation of Social Security from other budget accounts also serves to protect Social Security benefits from competing against other Federal programs for its funding resources.

(4) Comprehensive reforms should be enacted to—

(A) fix Social Security permanently;

(B) ensure that any use of general revenues for the program is temporary; and

(C) provide for the eventual repayment of any revenue transfers from the general fund to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

TITLE I—SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS PROGRAM

SEC. 101. ESTABLISHMENT OF THE SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS PROGRAM.

(a) IN GENERAL.—Title II of the Social Security Act is amended—

(1) by inserting before section 201 the following:

"PART A—INSURANCE BENEFITS";

and

(2) by adding at the end of such title the following new part:

"PART B—SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS PROGRAM

"DEFINITIONS

"SEC. 251. For purposes of this part—

"(1) PARTICIPATING INDIVIDUAL.—The term 'participating individual' has the meaning provided in section 253(a).

"(2) ACCOUNT ASSETS.—The term 'account assets' means, with respect to a social security personal retirement account, the total amount transferred to such account, increased by earnings credited under this part and reduced by losses and administrative expenses under this part.

"(3) CERTIFIED ACCOUNT MANAGER.—The term 'certified account manager' means a person who is certified under section 258(b).

"(4) BOARD.—The term 'Board' means the Social Security Personal Savings Board established under section 258(a).

"(5) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

"(6) PROGRAM.—The term 'Program' means the Social Security Personal Retirement Accounts Program established under this part.

"ESTABLISHMENT OF PROGRAM

"SEC. 252. There is hereby established a Social Security Personal Retirement Accounts Program. The Program shall be governed by regulations which shall be prescribed by the Social Security Personal Savings Board. The Board, the Executive Director appointed by the Board, the Commissioner, and the Secretary of the Treasury shall consult with each other in issuing regulations relating to their respective duties under this part. Such regulations shall provide for appropriate exchange of information to assist them in performing their duties under this part.

"PARTICIPATION IN PROGRAM

"SEC. 253. (a) PARTICIPATING INDIVIDUAL.—For purposes of this part, the term 'participating individual' means any individual—

"(1) who is credited under part A with wages paid after December 31, 2005, or self-employment income derived in any taxable year ending after such date,

"(2) who is born on or after January 1, 1950, and

"(3) who has not filed an election to renounce such individual's status as a participating individual under subsection (b).

"(b) RENUNCIATION OF PARTICIPATION.—

"(1) IN GENERAL.—An individual—

"(A) who has not attained retirement age (as defined in section 216(l)(1)), and

"(B) with respect to whom no distribution has been made from amounts credited to the individual's social security personal retirement account,

may elect, in such form and manner as shall be prescribed in regulations of the Board, to renounce such individual's status as a 'participating individual' for purposes of this part. Upon completion of the procedures provided for under paragraph (2), any such individual who has made such an election shall not be treated as a participating individual under this part, effective as if such individual had never been a participating individual. The Board shall provide for immediate notification of such election to the Commissioner of Social Security, the Secretary of the Treasury, and the Executive Director.

"(2) PROCEDURE.—The Board shall prescribe by regulation procedures governing the termination of an individual's status as 'participating individual' pursuant to an election under this subsection. Such procedures shall include—

"(A) prompt closing of the individual's social security personal retirement account established under section 254, and

"(B) prompt transfer to the Federal Old-Age and Survivors Insurance Trust Fund as general receipts of any amount held for investment in such individual's social security personal retirement account.

"(3) IRREVOCABILITY.—An election under this subsection shall be irrevocable.

"SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS

"SEC. 254. (a) ESTABLISHMENT OF ACCOUNTS.—Under regulations which shall be prescribed by the Board in consultation with the Secretary of the Treasury—

"(1) the Board shall establish a social security personal retirement account for each participating individual (for whom a social security personal retirement account has not otherwise been established under this part) upon initial receipt of a transfer under subsection (b) with respect to such participating individual, and

“(2) in any case described in paragraph (2) of section 257(b), the Board shall establish a social security personal retirement account for the divorced spouse referred to in such paragraph (2).

“(b) Transfers to Social Security Personal Retirement Accounts.—

“(1) In general.—Under regulations which shall be prescribed by the Secretary of the Treasury in consultation with the Board, as soon as practicable during the 1-year period after each calendar year, the Secretary of the Treasury shall transfer to each participating individual's social security personal retirement account, from amounts held in the Federal Old-Age and Survivors Insurance Trust Fund, amounts equivalent to the personal retirement account deposit with respect to such participating individual for such calendar year.

“(2) Personal retirement account deposit.—

“(A) In general.—For purposes of paragraph (1), the personal retirement account deposit for a calendar year with respect to a participating individual is the product derived by multiplying—

“(i) the sum of—

“(I) the total amount of wages paid to the participating individual during such calendar year on which there was imposed a tax under section 3101(a) of the Internal Revenue Code of 1986, and

“(II) the total amount of self-employment income derived by the participating individual during the taxable year ending during such calendar year on which there was imposed a tax under section 1401(a) of the Internal Revenue Code of 1986, by

“(ii) the surplus percentage for such calendar year determined under subparagraph (B),

increased by deemed interest on each amount transferred for such calendar year for the period commencing with July 1 of such calendar year and the ending on the date on which such amount is transferred, computed at an annual rate equal to the average annual rate of return on investments of amounts in the Government Securities Investment Fund for such calendar year and the preceding 2 calendar years (except that, for purposes of the first 3 calendar years for which deemed interest is computed, this sentence shall be applied by substituting ‘Federal Old-Age and Survivors Insurance Trust Fund’ for ‘Government Securities Investment Fund’) and decreased by the administrative offset amount determined under subparagraph (D).

“(B) Surplus percentage.—For purposes of subparagraph (A)(ii), the surplus percentage for a calendar year is the ratio (expressed as a percentage) of—

“(i) the net surplus in the Federal Old-Age and Survivors Insurance Trust Fund for such year, to

“(ii) the sum of—

“(I) the total amount of wages paid to participating individuals during such calendar year under section 3101(a) of the Internal Revenue Code of 1986, and

“(II) the total amount of self-employment income derived during taxable years ending during such calendar year by participating individuals under section 1401(a) of such Code.

“(C) Net trust fund surplus.—For purposes of subparagraph (B), the term ‘net surplus’ in connection with the Federal Old-Age and Survivors Insurance Trust Fund for a calendar year means the excess, if any, of—

“(i) the sum of—

“(I) the total amounts which are appropriated to such Trust Fund under clauses (3) and (4) of section 201(a) and attributable to such calendar year, and

“(II) the total amounts which are appropriated to such Trust Fund under section 121 of the Social Security Amendments of 1983 and attributable to such calendar year, over

“(ii) the amount estimated by the Commissioner of Social Security to be the total amount to be paid from such Trust Fund during such calendar year for all purposes authorized by section 201 (other than payments of interest on, and repayments of, loans from the Federal Hospital Insurance Trust Fund under section 201(l)(1), but reducing the amount of any transfer to the Railroad Retirement Account by the amount of any transfers into such Trust Fund from such Account).

“(D) Administrative offset amount.—For purposes of subparagraph (A), the administrative offset amount determined with respect to a personal retirement account deposit for a calendar year is the amount equal to the product of—

“(i) the amount of such deposit determined for that year without regard to a reduction under this subparagraph; and

“(ii) the administrative cost percentage attributable to the Program determined by the Board for that year (including reasonable administration fees charged by certified account managers under the Program), but in no event to exceed 30 basis points per year of the assets under management).

“(3) Transition rule.—Notwithstanding paragraph (1), amounts payable to social security personal retirement accounts under paragraph (1) with respect to the first calendar year described in paragraph (1) ending after the date of the enactment of the Stop the Raid on Social Security Act of 2005 shall be paid by the Secretary of the Treasury as soon as practicable after such Secretary determines that the administrative mechanisms necessary to provide for accurate and efficient payment of such amounts have been established.

“(4) Transfer of general revenues to ensure continued solvency of Federal Old-Age and Survivors Insurance Trust Fund.—Whenever the Secretary of the Treasury makes a transfer under paragraph (1), the Secretary of the Treasury also shall transfer, to the extent necessary, from amounts otherwise available in the general fund of the Treasury, such amounts as are necessary to maintain a 100 percent ratio of assets of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund to the annual amount required to pay the full amount of benefits payable under part A for each year occurring during the period that begins with the year in which such transfer is made and ends with 2041.

“(c) Requirements for Accounts.—The following requirements shall be met with respect to each social security personal retirement account:

“(1) Amounts transferred to the account consist solely of amounts transferred pursuant to this part.

“(2) In accordance with section 255, the account assets are held for purposes of investment under the Program by a certified account manager designated by (or on behalf of) the participating individual for whom such account is established under the Program.

“(3) Disposition of the account assets is made solely in accordance with sections 256 and 257.

“(d) Accounting of Receipts and Disbursements Under the Program.—The Board shall provide by regulation for an accounting system for purposes of this part—

“(1) which shall be maintained by or under the Executive Director,

“(2) which shall provide for crediting of earnings from, and debiting of losses and administrative expenses from, amounts held in social security personal retirement accounts, and

“(3) under which receipts and disbursements under the Program which are attributable to each account are separately accounted for with respect to such account.

“(e) Correction of Erroneous Transfers.—The Board, in consultation with the Commissioner, shall provide by regulation rules similar to paragraphs (4) through (7) and (9) of section 205(c) and section 205(g) with respect to the correction of erroneous or omitted transfers of amounts to social security personal retirement accounts.

“INVESTMENT OF ACCOUNTS

“Sec. 255. (a) Designation of Certified Account Managers.—Under the Program, a certified account manager shall be designated by or on behalf of each participating individual to hold for investment under this section such individual's social security personal retirement account assets.

“(b) Procedure for Designation.—Any designation made under subsection (a) shall be made in such form and manner as shall be prescribed in regulations prescribed by the Board. Such regulations shall provide for annual selection periods during which participating individuals may make designations pursuant to subsection (a). Designations made pursuant to subsection (a) during any such period shall be irrevocable for the one-year period following such period, except that such regulations shall provide for such interim designations as may be necessitated by the decertification of a certified account manager. Such regulations shall provide for such designations made by the Board on behalf of a participating individual in any case in which a timely designation is not made by the participating individual.

“(c) Investment.—Any balance held in a participating individual's social security personal retirement account under this part which is not necessary for immediate withdrawal shall be invested on behalf of such participating individual by the certified account manager as follows:

“(1) Investment in marketable government securities.—In a representative mix of fixed marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable earlier than 4 years after the date of investment.

“(2) Additional and alternative investments.—Beginning with 2008, in such additional and alternative investment options in broad-based index funds that are similar to the index fund investment options available within the Thrift Savings Fund established under section 8437 of title 5, United States Code, as the Board determines would be prudent sources of retirement income that could yield greater amounts of income than the investment described in paragraph (1) and a participating individual may elect.

"DISTRIBUTIONS OF ACCOUNT BALANCE AT RETIREMENT

"Sec. 256. (a) Part A and Social Security Personal Retirement Account Benefits Combined.—Upon the date on which a participating individual becomes entitled to old-age insurance benefits under section 202(a), the Executive Director shall determine the total amount which would (but for this section) be payable as benefits under subsection (a), (b), (c), or (h) of section 202, subsection (e) or (f) of section 202 other than on the basis of disability, or any combination thereof, to any individual who is a participant on the basis of the wages and self-employment income of such individual or any other individual under part A for any month and provide for the following distributions from the individual's social security personal retirement account (in accordance with regulations which shall be prescribed by the Board):

"(1) Part A benefit provides at least a poverty-level annual benefit.—If such total amount would be sufficient to purchase a minimum annuity, the participating individual shall elect to have the Executive Director provide for the distribution of the balance in the participating individual's social security personal retirement account in the form of—

"(A) a lump-sum payment; or

"(B) an annuity which meets the requirements of subsection (b) (other than the requirement that the annuity provides for payments which, on an annual basis, are equal to at least the minimum annuity amount), the terms of which provide for a monthly payment equal to the maximum amount that such account can fund.

"(2) Part A benefit combined with account balance provides at least a poverty-level benefit.—

"(A) In general.—If such total amount when combined with all or a portion of the balance in the participating individual's social security personal retirement account would be sufficient to purchase a minimum annuity, the Executive Director shall, subject to subparagraph (B)—

"(i) use such amount of the balance in a participating individual's social security personal retirement account as is necessary to purchase an annuity which meets the requirements of subsection (b) (other than the requirement that the annuity provides for payments which, on an annual basis, are equal to at least the minimum annuity amount), the terms of which provide for an annual payment that, when combined with the total amount of annual old-age insurance benefits payable to the participating individual, is equal to the annual amount that a minimum annuity would pay to the individual; and

"(ii) provide for the distribution of any remaining balance in the participating individual's social security personal retirement account in the form of a lump-sum payment.

"(B) Option for increased annuity.—A participating individual may elect to have the Executive Director use the balance of the individual's social security personal retirement account to purchase an annuity which meets the requirements of subsection (b), the terms of which provide for the maximum monthly payment that such account can fund, in lieu of using only a portion of such balance to purchase an annuity which provides a monthly payment equal to the amount described in subparagraph (A)(i).

"(3) Distribution in event of failure to obtain at least a poverty-level benefit.—If such total amount when combined with all of the balance in the participating individual's social security personal retirement account would not be sufficient to purchase a minimum annuity, the participating individual may elect to have the Executive Director—

"(A) distribute the balance in the participating individual's social security personal retirement account in the form of a lump-sum payment; or

"(B) if such balance is sufficient to purchase an annuity which meets the requirements of subsection (b) (other than the requirement that the annuity provides for payments which, on an annual basis, are equal to at least the minimum annuity amount), purchase such an annuity on behalf of the individual.

"(b) Minimum Annuity Defined.—For purposes of this subsection, the term 'minimum annuity' means an annuity that meets the following requirements:

"(1) The annuity starting date (as defined in section 72(c)(4) of the Internal Revenue Code of 1986) commences on the first day of the month beginning after the date of the purchase of the annuity.

"(2) The terms of the annuity provide for a series of substantially equal annual payments, subject to adjustment as provided in subsection (d), payable monthly to the participating individual during the life of the participating individual which are, on an annual basis, equal to at least the minimum annuity amount.

"(c) Minimum Annuity Amount.—For purposes of this subsection, the term 'minimum annuity amount' means an amount equal to 100 percent of the poverty line for an individual (determined under the poverty guidelines of the Department of Health and Human Services issued under sections 652 and 673(2) of the Omnibus Budget Reconciliation Act of 1981).

"(d) Cost of Living Adjustment.—The terms of any annuity described in subsection (b) shall include provision for increases in the monthly annuity amounts thereunder determined in the same manner and at the same rate as primary insurance amounts are increased under section 215(i).

"(e) Assumptions.—The assumptions under subsection (b) include the probability of survival for persons born in the same year as the participating individual (and the spouse, in the case of a joint annuity), future projection of investment earnings based on investment of the account assets, and expected price inflation. Determinations under this subsection shall be made in accordance with regulations which shall be prescribed by the Board, otherwise using generally accepted actuarial assumptions, except that no differentiation shall be made in such assumptions on the basis of sex, race, health status, or other characteristics other than age. Such assumptions may include, for determinations made prior to 2009, an assumed interest rate reflecting investment earnings of the Federal Old-Age and Survivors Insurance Trust Fund.

"(f) Offset of Part A Benefits.—Notwithstanding any other provision of this title, in the case of a participating individual to which subsection (a)(1) applies, the total amount of monthly old-age insurance benefits payable as benefits under subsection (a), (b), (c), or (h) of section 202, subsection (e) or (f) of section 202 other than on the basis of disability, or any combination thereof, to such individual determined under subsection (a) shall be reduced so that the amount of such monthly old-age insurance benefits payable to the individual does not exceed the amount equal to the difference between—

"(i) such monthly old-age insurance benefits (determined without regard to a reduction under this subsection); and

"(ii) the ratio of—

"(I) what would have been the monthly annuity payment payable to the individual from an annuity if the individual's personal retirement account balance had earned the rate of return specified in section 254(b)(2)(A); to

"(II) the expected present value of all future potential benefits payable under section 202 on the basis of the wages or self-employment income of the participating individual (determined as of the date the participating individual becomes entitled to old-age benefits under section 202(a)).

"ADDITIONAL RULES RELATING DISPOSITION OF ACCOUNT ASSETS

"Sec. 257. (a) Splitting of Account Assets Upon Divorce After 1 Year of Marriage.—

"(1) In general.—Upon the divorce of a participating individual for whom a social security personal retirement account has been established under this part, from a spouse to whom the participating individual had been married for at least 1 year, the Board shall direct the appropriate certified account manager to transfer—

"(A) from the social security personal retirement account of the participating individual,

"(B) to the social security personal retirement account of the divorced spouse,

an amount equal to one-half of the amount of net accruals (including earnings) during the time of the marriage in the social security personal retirement account of the participating individual.

"(2) Treatment of divorced spouse who is not a participating individual.—In the case of a divorced spouse referred to in paragraph (1) who, as of the time of the divorce, is not a participating individual and for whom a social security personal retirement account has not been established—

"(A) the divorced spouse shall be deemed a participating individual for purposes of this part, and

"(B) the Board shall establish a social security personal retirement account for the divorced spouse and shall direct the appropriate certified account manager to perform the such transfer.

"(3) Preemption.—The provisions of this subsection shall supersede any provision of law of any State or political subdivision thereof which is inconsistent with the requirements of this subsection.

"(b) Closing of Account Upon the Death of the Participating Individual.—

"(1) In general.—Upon the death of a participating individual, the Executive Director shall close out any remaining balance in the participating individual's social security personal retirement account. In closing out the account, the Executive Director shall certify to the certified account manager the amount of the account assets, and, upon receipt of such certification, the certified account manager shall transfer from such account an amount equal to such certified amount to the Secretary of the Treasury for subsequent transfer to—

"(A) the social security personal retirement account of the surviving spouse of such participating individual,

"(B) if there is no such surviving spouse, to such other person as may be designated by the participating individual in accordance with regulations which shall be prescribed by the Board, or

"(C) if there is no such designated person, to the estate of such participating individual.

"(2) TREATMENT OF SURVIVING SPOUSE WHO IS NOT A PARTICIPATING INDIVIDUAL.—In the case of a surviving spouse referred to in paragraph (1) who, as of the time of the death of the participating individual, is not a participating individual and for whom a social security personal retirement account has not been established—

"(A) the surviving spouse shall be deemed a participating individual for purposes of this part, and

"(B) the Board shall establish a social security personal retirement account for the surviving spouse and shall direct the appropriate certified account manager to perform the such transfer.

"(c) CLOSING OF ACCOUNT OF PARTICIPATING INDIVIDUALS WHO ARE INELIGIBLE FOR BENEFITS UPON ATTAINING RETIREMENT AGE.—In any case in which, as of the date on which a participating individual attains retirement age (as defined in section 216(l)), such individual is not eligible for an old-age insurance benefit under section 202(a), the Commissioner shall so certify to the Executive Director and, upon receipt of such certification, the Executive Director shall close out the participating individual's social security personal retirement account. In closing out the account, the Executive Director shall certify to the certified account manager the amount of the account assets, and upon receipt of such certification from the Executive Director, the account manager shall transfer from such account an amount equal to such certified amount to the Secretary of the Treasury for subsequent transfer to the participating individual.

"(d) ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—Under regulations which shall be prescribed by the Board, account assets are available in accordance with section 254(b)(2)(D)(ii) for payment of the reasonable administrative costs of the Program (including reasonable administration fees charged by certified account managers under the Program), but in no event to exceed 30 basis points per year of the assets under management.

"(2) TEMPORARY AUTHORIZATION OF APPROPRIATIONS FOR STARTUP ADMINISTRATIVE COSTS.—For any such administrative costs that remain after applying paragraph (1) for each of the first five fiscal years that end after the date of the enactment of this part, there are authorized to be appropriated such sums as may be necessary for each of such fiscal years.

"ADMINISTRATION OF THE PROGRAM

"SEC. 258. (a) GENERAL PROVISIONS.—

"(1) ESTABLISHMENT AND DUTIES OF THE SOCIAL SECURITY PERSONAL SAVINGS BOARD.—

"(A) ESTABLISHMENT.—There is established within the Social Security Administration a Social Security Personal Savings Board.

"(B) NUMBER AND APPOINTMENT.—The Board shall be composed of 6 members as follows:

"(i) two members appointed by the President who may not be of the same political party;

"(ii) one member appointed by the Speaker of the House of Representatives, in consultation with the Chairman of the Committee on Ways and Means of the House of Representatives;

"(iii) one member appointed by the minority leader of the House of Representatives, in consultation with the ranking member of the Committee on Ways and Means of the House of Representatives;

"(iv) one member appointed by the majority leader of the Senate, in consultation with the Chairman of the Committee on Finance of the Senate; and

"(v) one member appointed by the minority leader of the Senate, in consultation with the ranking member of the Committee on Finance of the Senate.

"(C) ADVICE AND CONSENT.—Appointments under this paragraph shall be made by and with the advice and consent of the Senate.

"(D) MEMBERSHIP REQUIREMENTS.—Members of the Board shall have substantial experience, training, and expertise in the management of financial investments and pension benefit plans.

"(E) TERMS.—

"(i) IN GENERAL.—Each member shall be appointed for a term of 4 years, except as provided in clauses (ii) and (iii). The initial members shall be appointed not later than 90 days after the date of the enactment of this section.

"(ii) TERMS OF INITIAL APPOINTEES.—Of the members first appointed under each clause of subparagraph (B), one of the members appointed under subparagraph (B)(i) (as designated by the President at the time of appointment) and the members appointed under clauses (iii) and (v) of subparagraph (B) shall be appointed for a term of 2 years, and the remaining members shall be appointed for a term of 4 years.

"(iii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

"(F) POWERS AND DUTIES OF THE BOARD.—

"(i) IN GENERAL.—The Board shall have powers and duties solely as provided in this part. The Board shall prescribe by regulation the terms of the Social Security Personal Retirement Accounts Program established under this part, including policies for investment under the Program of account assets, and policies for the certification and decertification of account managers under the Program, which shall include consideration of the appropriateness of the marketing materials and plans of such person.

"(ii) BUDGETARY REQUIREMENTS.—The Board shall prepare and submit to the President and to the appropriate committees of Congress an annual budget of the expenses and other items relating to the Board which shall be included as a separate item in the budget required to be transmitted to the Congress under section 1105 of title 31, United States Code. The Board shall provide for low administrative costs such that, to the extent practicable, overall administrative costs of the Program do not exceed 30 basis points in relation to assets under management under the Program.

"(iii) ADDITIONAL AUTHORITIES OF THE BOARD.—The Board may—

"(I) adopt, alter, and use a seal;

"(II) establish policies with which the Commissioner shall comply under this part;

"(III) appoint and remove the Executive Director, as provided in paragraph (2); and

"(IV) beginning with 2008, provide for such additional and alternative investment options for participating individuals as the Board determines would be prudent sources of retirement income that would yield greater amounts of retirement income than the investment described in section 255(c)(1).

"(iv) INDEPENDENCE OF CERTIFIED ACCOUNT MANAGERS.—The policies of the Board may not require a certified account manager to invest or to cause to be invested any account assets in a specific asset or to dispose of or cause to be disposed of any specific asset so held.

"(v) MEETINGS OF THE BOARD.—The Board shall meet at the call of the Chairman or upon the request of a quorum of the Board. The Board shall perform the functions and exercise the powers of the Board on a majority vote of a quorum of the Board. Four members of the Board shall constitute a quorum for the transaction of business.

"(vi) COMPENSATION OF BOARD MEMBERS.—

"(I) IN GENERAL.—Each member of the Board who is not an officer or employee of the Federal Government shall be compensated at the daily rate of basic pay for level IV of the Executive Schedule for each day during which such member is engaged in performing a function of the Board. Any member who is such an officer or employee shall not suffer any loss of pay or deduction from annual leave on the basis of any time used by such member in performing such a function.

"(II) TRAVEL, PER DIEM, AND EXPENSES.—A member of the Board shall be paid travel, per diem, and other necessary expenses under subchapter I of chapter 57 of title 5, United States Code, while traveling away from such member's home or regular place of business in the performance of the duties of the Board.

"(vii) STANDARD FOR BOARD'S DISCHARGE OF RESPONSIBILITIES.—The members of the Board shall discharge their responsibilities solely in the interest of participating individuals and the Program.

"(viii) ANNUAL REPORT.—The Board shall submit an annual report to the President, to each House of the Congress, and to the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund regarding the financial and operating condition of the Program.

"(ix) PUBLIC ACCOUNTANT.—

"(I) DEFINITION.—For purposes of this subparagraph, the term 'qualified public accountant' shall have the same meaning as provided in section 103(a)(3)(D) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023(a)(3)(D)).

"(II) ENGAGEMENT.—The Executive Director, in consultation with the Board, shall annually engage, on behalf of all individuals for whom a social security personal retirement account is established under this part, an independent qualified public accountant, who shall conduct an examination of all records maintained in the administration of this part that the public accountant considers necessary.

"(III) DUTIES.—The public accountant conducting an examination under clause (ii) shall determine whether the records referred to in such clause have been maintained in conformity with generally accepted accounting principles. The public accountant shall transmit to the Board a report on his examination.

"(IV) RELIANCE ON CERTIFIED ACTUARIAL MATTERS.—In making a determination under clause (iii), a public accountant may rely on the correctness of any actuarial matter certified by an enrolled actuary if the public accountant states his reliance in the report transmitted to the Board under such clause.

"(2) EXECUTIVE DIRECTOR.—

"(A) APPOINTMENT AND REMOVAL.—The Board shall appoint, without regard to the provisions of law governing appointments in the competitive service, an Executive Director by action agreed to by a majority of the members of the Board. The Executive Director shall have substantial experience, training, and expertise in the management of financial investments and pension benefit plans. The Board may, with the concurrence of 4 members of the Board, remove the Executive Director from office for good cause shown.

"(B) POWERS AND DUTIES OF EXECUTIVE DIRECTOR.—The Executive Director shall—

"(i) carry out the policies established by the Board,

"(ii) administer the provisions of this part in accordance with the policies of the Board,

"(iii) in consultation with the Board, prescribe such regulations (other than regulations relating to fiduciary responsibilities) as may be necessary for the administration of this part, and

"(iv) meet from time to time with the Board upon request of the Board.

"(C) ADMINISTRATIVE AUTHORITIES OF EXECUTIVE DIRECTOR.—The Executive Director may—

"(i) appoint such personnel as may be necessary to carry out the provisions of this part,

"(ii) subject to approval by the Board, procure the services of experts and consultants under section 3109 of title 5, United States Code,

"(iii) secure directly from any agency or instrumentality of the Federal Government any information which, in the judgment of the Executive Director, is necessary to carry out the provisions of this part and the policies of the Board, and which shall be provided by such agency or instrumentality upon the request of the Executive Director,

"(iv) pay the compensation, per diem, and travel expenses of individuals appointed under clauses (i), (ii), and (v) of this subparagraph, subject to such limits as may be established by the Board,

"(v) accept and use the services of individuals employed intermittently in the Government service and reimburse such individuals for travel expenses, as authorized by section 5703 of title 5, United States Code, including per diem as authorized by section 5702 of such title, and

"(vi) except as otherwise expressly prohibited by law or the policies of the Board, delegate any of the Executive Director's functions to such employees under the Board as the Executive Director may designate and authorize such successive redelegations of such functions to such employees under the Board as the Executive Director may consider to be necessary or appropriate.

"(3) ROLE OF THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner shall—

"(A) prescribe such regulations (supplementary to and consistent with the regulations prescribed by the Board and the Executive Director) as may be necessary for carrying out the duties of the Commissioner under this part,

"(B) meet from time to time with, and provide information to, the Board upon request of the Board regarding matters relating to the Social Security Personal Retirement Accounts Program, and

"(C) in consultation with the Board and utilizing available Federal agencies and resources, develop a campaign to educate workers about the Program.

"(b) CERTIFICATION AND OVERSIGHT OF ACCOUNT MANAGERS.—

"(1) CERTIFICATION BY THE BOARD.—

"(A) IN GENERAL.—Any person that is a qualified professional asset manager (as defined in section 8438(a)(8) of title 5, United States Code) may apply to the Board (in such form and manner as shall be provided by the Board by regulation) for certification under this subsection as a certified account manager. In making certification decisions, the Board shall consider the applicant's general character and fitness, financial history and future earnings prospects, and ability to serve participating individuals under the Program, and such other criteria as the Board deems necessary to carry out this part. Certification of any person under this subsection shall be contingent upon entry into a contractual arrangement between the Board and such person.

"(B) NONDELEGATION REQUIREMENT.—The authority of the Board to make any determination to deny any application under this subsection may not be delegated by the Board.

"(2) OVERSIGHT OF CERTIFIED ACCOUNT MANAGERS.—

"(A) ROLE OF REGULATORY AGENCIES.—The Board may enter into cooperative arrangements with Federal and State regulatory agencies identified by the Board as having jurisdiction over persons eligible for certification under this subsection so as to ensure that the provisions of this part are enforced with respect to certified account managers in a manner consistent with and supportive of the requirements of other provisions of Federal law applicable to them. Such Federal regulatory agencies shall cooperate with the Board to the extent that the Board determines that such cooperation is necessary and appropriate to ensure that the provisions of this part are effectively implemented.

"(B) ACCESS TO RECORDS.—The Board may from time to time require any certified account manager to file such reports as the Board may specify by regulation as necessary for the administration of this part. In prescribing such regulations, the Board shall minimize the regulatory burden imposed upon certified account managers while taking into account the benefit of the information to the Board in carrying out its functions under this part.

"(3) REVOCATION OF CERTIFICATION.—The Board shall provide, in the contractual arrangements entered into under this subsection with each certified account manager, for revocation of such person's status as a certified account manager upon determination by the Board of such person's failure to comply with the requirements of such contractual arrangements. Such arrangements shall include provision for notice and opportunity for review of any such revocation.

"(c) FIDUCIARY RESPONSIBILITIES.—

"(1) IN GENERAL.—Rules similar to the provisions of section 8477 of title 5, United States Code (relating to fiduciary responsibilities; liability and penalties) shall apply in connection with account assets, in accordance with regulations which shall be issued by the Board. The Board shall issue regulations with respect to the investigative authority of appropriate Federal agencies in cases involving account assets.

"(2) EXCULPATORY PROVISIONS VOIDED.—Any provision in an agreement or instrument which purports to relieve a fiduciary from responsibility or liability for any responsibility, obligation, or duty under this part shall be void.

"(d) CIVIL ACTIONS BY BOARD.—If any person fails to meet any requirement of this part or of any contract entered into under this part, the Board may bring a civil action in any district court of the United States within the jurisdiction of which such person's assets are located or in which such person resides or is found, without regard to the amount in controversy, for appropriate relief to redress the violation or enforce the provisions of this part, and process in such an action may be served in any district.

"(e) PREEMPTION OF INCONSISTENT STATE LAW.—A provision of this part shall not be construed to preempt any provision of the law of any State or political subdivision thereof, or prevent a State or political subdivision thereof from enacting any provision of law with respect to the subject matter of this part, except to the extent that such provision of State law is inconsistent with this part, and then only to the extent of the inconsistency.".

(b) CONFORMING AMENDMENT TO PART A.—Section 202 of such Act (42 U.S.C. 402) is amended by adding at the end the following new subsection:

"Adjustments Under Part B

"(z) The amount of benefits under subsection (a), (b), (c), or (h), subsection (e) or (f) other than on the basis of disability, or any combination thereof which are otherwise payable under this part shall be subject to adjustment as provided under section 256(f).".

(c) ADDITIONAL CONFORMING AMENDMENTS.—(1) Section 701(b) of the Social Security Act (42 U.S.C. 901(b)) is amended by striking "title II" and inserting "part A of title II, the Social Security Personal Retirement Accounts Program under part B of title II,".

(2) Section 702(a)(4) of the Social Security Act (42 U.S.C. 902(a)(4)) is amended by inserting "other than those of the Social Security Personal Savings Board" after "Administration", and by striking "thereof" and inserting "of the Administration in connection with the exercise of such powers and the discharge of such duties".

SEC. 102. ANNUAL ACCOUNT STATEMENTS.

Section 1143 of the Social Security Act (42 U.S.C. 1320b0913) is amended by adding at the end the following new subsection:

"Performance of Social Security Personal Retirement Accounts

"(d) Beginning not later than 1 year after the date of the first deposit is made to an eligible individual's Social Security personal retirement account, each statement provided to such eligible individual under this section shall include information determined by the Social Security Personal Savings Board as sufficient to fully inform such eligible individual annually of the balance, investment performance, and administrative expenses of such account.".

TITLE II—TAX TREATMENT

SEC. 201. TAX TREATMENT OF SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS.

Section 7701 of the Internal Revenue Code of 1986 (relating to definitions) is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

"(o) TAX TREATMENT OF SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS.—All social security personal retirement accounts established under part B of title II of the Social Security Act shall be exempt from taxation under this title.".

SEC. 202. BENEFITS TAXABLE AS SOCIAL SECURITY BENEFITS.

(a) SPECIAL RULES RELATING TO DISTRIBUTION OF CLOSED ACCOUNT UNDER SECTION 257(D) OF SOCIAL SECURITY ACT.—Section

86(a) of such Code (as amended by paragraph (2)) is amended by adding at the end the following new paragraph:

"(4) Extension of paragraph (2)(b) to distributions of closed account under section 257(d) of social security act.—Notwithstanding any other provision of this subsection, in the case of any amount received pursuant to the closing of an account under section 257(d) of the Social Security Act, paragraph (2)(B) shall apply to such amounts, and for such purposes the amount allocated to the investment in the contract shall be zero.".

(b) Effective Date.—The amendments made by this subsection shall apply to taxable years beginning after the end of the calendar year in which this Act is enacted.

(c) Estate Tax Not to Apply to Assets of Social Security Personal Retirement Accounts.—

(1) In general.—Part IV of subchapter A of chapter 11 of such Code (relating to taxable estate) is amended by adding at the end the following new section:

"SEC. 2059. SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS.

"For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate an amount equal to the value of the assets of a social security personal retirement account transferred from such account by the Secretary under section 257 of the Social Security Act.".

(2) Clerical amendment.—The table of sections for part IV of subchapter A of chapter 11 of such Code is amended by adding at the end the following new item:

"Sec. 2059. Social security personal retirement accounts".

(3) Effective date.—The amendments made by this subsection shall apply to decedents dying in or after the calendar year in which this Act is enacted.

By Mr. ROCKEFELLER (for himself, Mr. REED, Mr. LAUTENBERG, Mr. CORZINE, Mr. SARBANES, and Mr. KERRY):

S. 1303. A bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2006; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today with my friends and colleagues—Senators REED, LAUTENBERG, CORZINE, SARBANES, and KERRY—to introduce an important piece of legislation, the MediKids Health Insurance Act of 2005. This legislation will provide health insurance for every child in the United States by 2012, regardless of family income. My long-time friend from California, Congressman STARK, is introducing a companion bill in the House. He has worked tirelessly to improve access to health care for all Americans, and I am pleased to be joining him once again to advocate on behalf of America's children.

We have introduced this legislation in each of the last three Congresses because we know how vital health insurance is to a child. Children with untreated illnesses are less likely to learn and therefore less likely to move out of poverty. Such children have an inherent disadvantage when it comes to being productive members of society. We can have a positive impact on our children's lives today as well as tomorrow by guaranteeing health insurance coverage for all. Children are inexpensive to insure, but the rewards for providing them with health care during their early education and development years are enormous.

Despite the well-documented benefits of providing health insurance coverage for children, there are still over 8 million uninsured children in America. We can and must do better. Our children are our future. No child in this country should ever be without access to health care. This is why I am proud to reintroduce the MediKids Health Insurance Act of 2005.

This legislation is a clear investment in our future—our children. Every child would be automatically enrolled at birth into a new, comprehensive Federal safety net health insurance program beginning in 2007. The benefits would be tailored to meet the needs of children and would be similar to those currently available to children through the Medicaid Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program. Families below 150 percent of poverty would have no premiums or co-payments, and there would be no cost sharing for preventive or well-child visits for any child.

MediKids children would remain enrolled in the program throughout childhood. When families move to another state, Medikids would be available until parents can enroll their children in a new insurance program. Between jobs or during family crises, Medikids would offer extra security and ensure continuous health coverage to our Nation's children. During that critical period when a family is just climbing out of poverty and out of the eligibility range for means-tested assistance programs, MediKids would fill in the gaps until the parents can move into jobs that provide reliable health insurance coverage. The key to our program is that whenever other sources of health insurance fail, MediKids would stand ready to cover the health needs of our next generation. Ultimately, every child in America would be able to grow up with consistent, continuous health insurance coverage.

Like Medicare, MediKids would be independently financed, would cover benefits tailored to the needs of its target population, and would have the goal of achieving nearly 100 percent health insurance coverage for the children of this country—just as Medicare has done for our Nation's seniors and disabled population over its 40-year history. At the time we created Medicare, seniors were more likely to be living in poverty than any other age group. Most were unable to afford needed medical services and unable to find health insurance in the market even if they could afford it. Today, it is our Nation's children who shoulder the burden of poverty. Children in America are nearly twice as vulnerable to poverty as adults. It's time we make a significant investment in the future of America by guaranteeing all children the health coverage they need to make a healthy start in life.

Congress cannot rest on the success we achieved by expanding Medicaid and passing the State Children's Health Insurance Program (CHIP). Although each was a remarkable step toward reducing the ranks of the uninsured, particularly uninsured children, we still have a long way to go. Even with perfect enrollment in CHIP and Medicaid, there would still be a great number of children without health insurance. What's more troubling is the fact that both Medicaid and CHIP are in serious jeopardy because of the budget cuts being proposed by the current Administration.

It's long past time to rekindle the discussion about how we are going to provide health insurance for all Americans. The bill we are introducing today—the MediKids Health Insurance Act of 2005—is a step toward eliminating the irrational and tragic lack of health insurance for so many children and adults in our country. I urge my colleagues to move beyond partisan politics and to support this critical step toward universal coverage.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; FINDINGS.

(a) Short Title.—This Act may be cited as the "MediKids Health Insurance Act of 2005".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; findings
Sec. 2. Benefits for all children born after 2006

"TITLE XXII—MEDIKIDS PROGRAM

"Sec. 2201. Eligibility
"Sec. 2202. Benefits
"Sec. 2203. Premiums
"Sec. 2204. MediKids Trust Fund
"Sec. 2205. Oversight and accountability
"Sec. 2206. Inclusion of care coordination services
"Sec. 2207. Administration and miscellaneous
Sec. 3. MediKids premium
Sec. 4. Refundable credit for cost-sharing expenses under MediKids program
Sec. 5. Report on long-term revenues

(c) Findings.—Congress finds the following:

(1) More than 9 million American children are uninsured.

(2) Children who are uninsured receive less medical care and less preventive care and

have a poorer level of health, which result in lifetime costs to themselves and to the entire American economy.

(3) Although SCHIP and Medicaid are successfully extending a health coverage safety net to a growing portion of the vulnerable low-income population of uninsured children, they alone cannot achieve 100 percent health insurance coverage for our nation's children due to inevitable gaps during outreach and enrollment, fluctuations in eligibility, variations in access to private insurance at all income levels, and variations in States' ability to provide required matching funds.

(4) As all segments of society continue to become more transient, with many changes in employment over the working lifetime of parents, the need for a reliable safety net of health insurance which follows children across State lines, already a major problem for the children of migrant and seasonal farmworkers, will become a major concern for all families in the United States.

(5) The medicare program has successfully evolved over the years to provide a stable, universal source of health insurance for the nation's disabled and those over age 65, and provides a tested model for designing a program to reach out to America's children.

(6) The problem of insuring 100 percent of all American children could be gradually solved by automatically enrolling all children born after December 31, 2006, in a program modeled after Medicare (and to be known as "MediKids"), and allowing those children to be transferred into other equivalent or better insurance programs, including either private insurance, SCHIP, or Medicaid, if they are eligible to do so, but maintaining the child's default enrollment in MediKids for any times when the child's access to other sources of insurance is lost.

(7) A family's freedom of choice to use other insurers to cover children would not be interfered with in any way, and children eligible for SCHIP and Medicaid would continue to be enrolled in those programs, but the underlying safety net of MediKids would always be available to cover any gaps in insurance due to changes in medical condition, employment, income, or marital status, or other changes affecting a child's access to alternate forms of insurance.

(8) The MediKids program can be administered without impacting the finances or status of the existing Medicare program.

(9) The MediKids benefit package can be tailored to the special needs of children and updated over time.

(10) The financing of the program can be administered without difficulty by a yearly payment of affordable premiums through a family's tax filing (or adjustment of a family's earned income tax credit).

(11) The cost of the program will gradually rise as the number of children using MediKids as the insurer of last resort increases, and a future Congress always can accelerate or slow down the enrollment process as desired, while the societal costs for emergency room usage, lost productivity and work days, and poor health status for the next generation of Americans will decline.

(12) Over time 100 percent of American children will always have basic health insurance, and we can therefore expect a healthier, more equitable, and more productive society.

SEC. 2. BENEFITS FOR ALL CHILDREN BORN AFTER 2006.

(a) In General.—The Social Security Act is amended by adding at the end the following new title:

“TITLE XXII—MEDIKIDS PROGRAM

“SEC. 2201. ELIGIBILITY.

“(a) Eligibility of Individuals Born After December 31, 2006; All Children Under 23 Years of Age in Fifth Year.—An individual who meets the following requirements with respect to a month is eligible to enroll under this title with respect to such month:

“(1) Age.—

“(A) First year.—As of the first day of the first year in which this title is effective, the individual has not attained 6 years of age.

“(B) Second year.—As of the first day of the second year in which this title is effective, the individual has not attained 11 years of age.

“(C) Third year.—As of the first day of the third year in which this title is effective, the individual has not attained 16 years of age.

“(D) Fourth year.—As of the first day of the fourth year in which this title is effective, the individual has not attained 21 years of age.

“(E) Fifth and subsequent years.—As of the first day of the fifth year in which this title is effective and each subsequent year, the individual has not attained 23 years of age.

“(2) Citizenship.—The individual is a citizen or national of the United States or is permanently residing in the United States under color of law.

“(b) Enrollment Process.—An individual may enroll in the program established under this title only in such manner and form as may be prescribed by regulations, and only during an enrollment period prescribed by the Secretary consistent with the provisions of this section. Such regulations shall provide a process under which—

“(1) individuals who are born in the United States after December 31, 2006, are deemed to be enrolled at the time of birth and a parent or guardian of such an individual is permitted to pre-enroll in the month prior to the expected month of birth;

“(2) individuals who are born outside the United States after such date and who become eligible to enroll by virtue of immigration into (or an adjustment of immigration status in) the United States are deemed enrolled at the time of entry or adjustment of status;

“(3) eligible individuals may otherwise be enrolled at such other times and manner as the Secretary shall specify, including the use of outstationed eligibility sites as described in section 1902(a)(55)(A) and the use of presumptive eligibility provisions like those described in section 1920A; and

“(4) at the time of automatic enrollment of a child, the Secretary provides for issuance to a parent or custodian of the individual a card evidencing coverage under this title and for a description of such coverage.

The provisions of section 1837(h) apply with respect to enrollment under this title in the same manner as they apply to enrollment under part B of title XVIII. An individual who is enrolled under this title is not eligible to be enrolled under an MA or MA-PD plan under part C of title XVIII.

“(c) Date Coverage Begins.—

“(1) In general.—The period during which an individual is entitled to benefits under this title shall begin as follows, but in no case earlier than January 1, 2007:

“(A) In the case of an individual who is enrolled under paragraph (1) or (2) of subsection (b), the date of birth or date of obtaining appropriate citizenship or immigration status, as the case may be.

“(B) In the case of another individual who enrolls (including pre-enrolls) before the month in which the individual satisfies eligibility for enrollment under subsection (a), the first day of such month of eligibility.

“(C) In the case of another individual who enrolls during or after the month in which the individual first satisfies eligibility for enrollment under such subsection, the first day of the following month.

“(2) Authority to provide for partial months of coverage.—Under regulations, the Secretary may, in the Secretary's discretion, provide for coverage periods that include portions of a month in order to avoid lapses of coverage.

“(3) Limitation on payments.—No payments may be made under this title with respect to the expenses of an individual enrolled under this title unless such expenses were incurred by such individual during a period which, with respect to the individual, is a coverage period under this section.

“(d) Expiration of Eligibility.—An individual's coverage period under this section shall continue until the individual's enrollment has been terminated because the individual no longer meets the requirements of subsection (a) (whether because of age or change in immigration status).

“(e) Entitlement to MediKids Benefits for Enrolled Individuals.—An individual enrolled under this title is entitled to the benefits described in section 2202.

“(f) Low-income Information.—

“(1) Inquiry of income.—At the time of enrollment of a child under this title, the Secretary shall make an inquiry as to whether the family income (as determined for purposes of section 1905(p)) of the family that includes the child is within any of the following income ranges:

“(A) Up to 150 percent of poverty.—The income of the family does not exceed 150 percent of the poverty line for a family of the size involved.

“(B) Between 150 and 200 percent of poverty.—The income of the family exceeds 150 percent, but does not exceed 200 percent, of such poverty line.

“(C) Between 200 and 300 percent of poverty.—The income of the family exceeds 200 percent, but does not exceed 300 percent, of such poverty line.

“(2) Coding.—If the family income is within a range described in paragraph (1), the Secretary shall encode in the identification card issued in connection with eligibility under this title a code indicating the range applicable to the family of the child involved.

“(3) Provider verification through electronic system.—The Secretary also shall provide for an electronic system through which providers may verify which income range described in paragraph (1), if any, is applicable to the family of the child involved.

“(g) Construction.—Nothing in this title shall be construed as requiring (or preventing) an individual who is enrolled under this title from seeking medical assistance under a State medicaid plan under title XIX or child health assistance under a State child health plan under title XXI.

“SEC. 2202. BENEFITS.

“(a) Secretarial Specification of Benefit Package.—

“(1) In general.—The Secretary shall specify the benefits to be made available under this title consistent with the provisions of this section and in a manner designed to meet the health needs of enrollees.

“(2) Updating.—The Secretary shall update the specification of benefits over time to ensure the inclusion of age-appropriate benefits to reflect the enrollee population.

"(3) ANNUAL UPDATING.—The Secretary shall establish procedures for the annual review and updating of such benefits to account for changes in medical practice, new information from medical research, and other relevant developments in health science.

"(4) INPUT.—The Secretary shall seek the input of the pediatric community in specifying and updating such benefits.

"(5) LIMITATION ON UPDATING.—In no case shall updating of benefits under this subsection result in a failure to provide benefits required under subsection (b).

"(b) INCLUSION OF CERTAIN BENEFITS.—

"(1) MEDICARE CORE BENEFITS.—Such benefits shall include (to the extent consistent with other provisions of this section) at least the same benefits (including coverage, access, availability, duration, and beneficiary rights) that are available under parts A and B of title XVIII.

"(2) ALL REQUIRED MEDICAID BENEFITS.—Such benefits shall also include all items and services for which medical assistance is required to be provided under section 1902(a)(10)(A) to individuals described in such section, including early and periodic screening, diagnostic services, and treatment services.

"(3) INCLUSION OF PRESCRIPTION DRUGS.—Such benefits also shall include (as specified by the Secretary) benefits for prescription drugs and biologicals which are not less than the benefits for such drugs and biologicals under the standard option for the service benefit plan described in section 8903(1) of title 5, United States Code, offered during 2005.

"(4) COST-SHARING.—

"(A) IN GENERAL.—Subject to subparagraph (B), such benefits also shall include the cost-sharing (in the form of deductibles, coinsurance, and copayments) which is substantially similar to such cost-sharing under the health benefits coverage in any of the four largest health benefits plans (determined by enrollment) offered under chapter 89 of title 5, United States Code, and including an out-of-pocket limit for catastrophic expenditures for covered benefits, except that no cost-sharing shall be imposed with respect to early and periodic screening and diagnostic services included under paragraph (2).

"(B) REDUCED COST-SHARING FOR LOW INCOME CHILDREN.—Such benefits shall provide that—

"(i) there shall be no cost-sharing for children in families the income of which is within the range described in section 2201(f)(1)(A);

"(ii) the cost-sharing otherwise applicable shall be reduced by 75 percent for children in families the income of which is within the range described in section 2201(f)(1)(B); or

"(iii) the cost-sharing otherwise applicable shall be reduced by 50 percent for children in families the income of which is within the range described in section 2201(f)(1)(C).

"(C) CATASTROPHIC LIMIT ON COST-SHARING.—For a refundable credit for cost-sharing in the case of cost-sharing in excess of a percentage of the individual's adjusted gross income, see section 36 of the Internal Revenue Code of 1986.

"(c) PAYMENT SCHEDULE.—The Secretary, with the assistance of the Medicare Payment Advisory Commission, shall develop and implement a payment schedule for benefits covered under this title. To the extent feasible, such payment schedule shall be consistent with comparable payment schedules and reimbursement methodologies applied under parts A and B of title XVIII.

"(d) INPUT.—The Secretary shall specify such benefits and payment schedules only after obtaining input from appropriate child health providers and experts.

"(e) ENROLLMENT IN HEALTH PLANS.—The Secretary shall provide for the offering of benefits under this title through enrollment in a health benefit plan that meets the same (or similar) requirements as the requirements that apply to Medicare Advantage plans under part C of title XVIII (other than any such requirements that relate to part D of such title). In the case of individuals enrolled under this title in such a plan, the payment rate shall be based on payment rates provided for under section 1853(c) in effect before the date of the enactment of the Medicare Prescription Drug, Modernization, and Improvement Act of 2003 (Public Law 108-173), except that such payment rates shall be adjusted in an appropriate manner to reflect differences between the population served under this title and the population under title XVIII.

"SEC. 2203. PREMIUMS.

"(a) AMOUNT OF MONTHLY PREMIUMS.—

"(1) IN GENERAL.—The Secretary shall, during September of each year (beginning with 2006), establish a monthly MediKids premium for the following year. Subject to paragraph (2), the monthly MediKids premium for a year is equal to 1/12 of the annual premium rate computed under subsection (b).

"(2) ELIMINATION OF MONTHLY PREMIUM FOR DEMONSTRATION OF EQUIVALENT COVERAGE (INCLUDING COVERAGE UNDER LOW-INCOME PROGRAMS).—The amount of the monthly premium imposed under this section for an individual for a month shall be zero in the case of an individual who demonstrates to the satisfaction of the Secretary that the individual has basic health insurance coverage for that month. For purposes of the previous sentence enrollment in a medicaid plan under title XIX, a State child health insurance plan under title XXI, or under the medicare program under title XVIII is deemed to constitute basic health insurance coverage described in such sentence.

"(b) ANNUAL PREMIUM.—

"(1) NATIONAL PER CAPITA AVERAGE.—The Secretary shall estimate the average, annual per capita amount that would be payable under this title with respect to individuals residing in the United States who meet the requirement of section 2201(a)(1) as if all such individuals were eligible for (and enrolled) under this title during the entire year (and assuming that section 1862(b)(2)(A)(i) did not apply).

"(2) ANNUAL PREMIUM.—Subject to subsection (d), the annual premium under this subsection for months in a year is equal to 25 percent of the average, annual per capita amount estimated under paragraph (1) for the year.

"(c) PAYMENT OF MONTHLY PREMIUM.—

"(1) PERIOD OF PAYMENT.—In the case of an individual who participates in the program established by this title, subject to subsection (d), the monthly premium shall be payable for the period commencing with the first month of the individual's coverage period and ending with the month in which the individual's coverage under this title terminates.

"(2) COLLECTION THROUGH TAX RETURN.—For provisions providing for the payment of monthly premiums under this subsection, see section 59B of the Internal Revenue Code of 1986.

"(3) PROTECTIONS AGAINST FRAUD AND ABUSE.—The Secretary shall develop, in coordination with States and other health insurance issuers, administrative systems to ensure that claims which are submitted to more than one payor are coordinated and duplicate payments are not made.

"(d) REDUCTION IN PREMIUM FOR CERTAIN LOW-INCOME FAMILIES.—For provisions reducing the premium under this section for certain low-income families, see section 59B(d) of the Internal Revenue Code of 1986.

"SEC. 2204. MEDIKIDS TRUST FUND.

"(a) ESTABLISHMENT OF TRUST FUND.—

"(1) IN GENERAL.—There is hereby created on the books of the Treasury of the United States a trust fund to be known as the 'MediKids Trust Fund' (in this section referred to as the 'Trust Fund'). The Trust Fund shall consist of such gifts and bequests as may be made as provided in section 201(i)(1) and such amounts as may be deposited in, or appropriated to, such fund as provided in this title.

"(2) PREMIUMS.—Premiums collected under section 59B of the Internal Revenue Code of 1986 shall be periodically transferred to the Trust Fund.

"(3) TRANSITIONAL FUNDING BEFORE RECEIPT OF PREMIUMS.—In order to provide for funds in the Trust Fund to cover expenditures from the fund in advance of receipt of premiums under section 2203, there are transferred to the Trust Fund from the general fund of the United States Treasury such amounts as may be necessary.

"(b) INCORPORATION OF PROVISIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), subsection (b) (other than the last sentence) and subsections (c) through (i) of section 1841 shall apply with respect to the Trust Fund and this title in the same manner as they apply with respect to the Federal Supplementary Medical Insurance Trust Fund and part B, respectively.

"(2) MISCELLANEOUS REFERENCES.—In applying provisions of section 1841 under paragraph (1)—

"(A) any reference in such section to 'this part' is construed to refer to title XXII;

"(B) any reference in section 1841(h) to section 1840(d) and in section 1841(i) to sections 1840(b)(1) and 1842(g) are deemed references to comparable authority exercised under this title;

"(C) payments may be made under section 1841(g) to the Trust Funds under sections 1817 and 1841 as reimbursement to such funds for payments they made for benefits provided under this title; and

"(D) the Board of Trustees of the MediKids Trust Fund shall be the same as the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund.

"SEC. 2205. OVERSIGHT AND ACCOUNTABILITY.

"(a) PERIODIC GAO REPORTS.—The Comptroller General of the United States shall periodically submit to Congress reports on the operation of the program under this title, including on the financing of coverage provided under this title.

"(b) PERIODIC MEDPAC REPORTS.—The Medicare Payment Advisory Commission shall periodically report to Congress concerning the program under this title.

"SEC. 2206. INCLUSION OF CARE COORDINATION SERVICES.

"(a) IN GENERAL.—

"(1) PROGRAM AUTHORITY.—The Secretary, beginning in 2007, may implement a care coordination services program in accordance with the provisions of this section under which, in appropriate circumstances, eligible individuals under section 2201 may elect to have health care services covered under this title managed and coordinated by a designated care coordinator.

"(2) ADMINISTRATION BY CONTRACT.—The Secretary may administer the program under this section through a contract with an appropriate program administrator.

"(3) COVERAGE.—Care coordination services furnished in accordance with this section shall be treated under this title as if they were included in the definition of medical and other health services under section 1861(s) and benefits shall be available under this title with respect to such services without the application of any deductible or coinsurance.

"(b) ELIGIBILITY CRITERIA; IDENTIFICATION AND NOTIFICATION OF ELIGIBLE INDIVIDUALS.—

"(1) INDIVIDUAL ELIGIBILITY CRITERIA.—The Secretary shall specify criteria to be used in making a determination as to whether an individual may appropriately be enrolled in the care coordination services program under this section, which shall include at least a finding by the Secretary that for cohorts of individuals with characteristics identified by the Secretary, professional management and coordination of care can reasonably be expected to improve processes or outcomes of health care and to reduce aggregate costs to the programs under this title.

"(2) PROCEDURES TO FACILITATE ENROLLMENT.—The Secretary shall develop and implement procedures designed to facilitate enrollment of eligible individuals in the program under this section.

"(c) ENROLLMENT OF INDIVIDUALS.—

"(1) SECRETARY'S DETERMINATION OF ELIGIBILITY.—The Secretary shall determine the eligibility for services under this section of individuals who are enrolled in the program under this section and who make application for such services in such form and manner as the Secretary may prescribe.

"(2) ENROLLMENT PERIOD.—

"(A) EFFECTIVE DATE AND DURATION.—Enrollment of an individual in the program under this section shall be effective as of the first day of the month following the month in which the Secretary approves the individual's application under paragraph (1), shall remain in effect for one month (or such longer period as the Secretary may specify), and shall be automatically renewed for additional periods, unless terminated in accordance with such procedures as the Secretary shall establish by regulation. Such procedures shall permit an individual to disenroll for cause at any time and without cause at re-enrollment intervals.

"(B) LIMITATION ON REENROLLMENT.—The Secretary may establish limits on an individual's eligibility to reenroll in the program under this section if the individual has disenrolled from the program more than once during a specified time period.

"(d) PROGRAM.—The care coordination services program under this section shall include the following elements:

"(1) BASIC CARE COORDINATION SERVICES.—

"(A) IN GENERAL.—Subject to the cost-effectiveness criteria specified in subsection (b)(1), except as otherwise provided in this section, enrolled individuals shall receive services described in section 1905(t)(1) and may receive additional items and services as described in subparagraph (B).

"(B) ADDITIONAL BENEFITS.—The Secretary may specify additional benefits for which payment would not otherwise be made under this title that may be available to individuals enrolled in the program under this section (subject to an assessment by the care coordinator of an individual's circumstance and need for such benefits) in order to encourage enrollment in, or to improve the effectiveness of, such program.

"(2) CARE COORDINATION REQUIREMENT.—Notwithstanding any other provision of this title, the Secretary may provide that an individual enrolled in the program under this section may be entitled to payment under this title for any specified health care items or services only if the items or services have been furnished by the care coordinator, or coordinated through the care coordination services program. Under such provision, the Secretary shall prescribe exceptions for emergency medical services as described in section 1852(d)(3), and other exceptions determined by the Secretary for the delivery of timely and needed care.

"(e) CARE COORDINATORS.—

"(1) CONDITIONS OF PARTICIPATION.—In order to be qualified to furnish care coordination services under this section, an individual or entity shall—

"(A) be a health care professional or entity (which may include physicians, physician group practices, or other health care professionals or entities the Secretary may find appropriate) meeting such conditions as the Secretary may specify;

"(B) have entered into a care coordination agreement; and

"(C) meet such criteria as the Secretary may establish (which may include experience in the provision of care coordination or primary care physician's services).

"(2) AGREEMENT TERM; PAYMENT.—

"(A) DURATION AND RENEWAL.—A care coordination agreement under this subsection shall be for one year and may be renewed if the Secretary is satisfied that the care coordinator continues to meet the conditions of participation specified in paragraph (1).

"(B) PAYMENT FOR SERVICES.—The Secretary may negotiate or otherwise establish payment terms and rates for services described in subsection (d)(1).

"(C) LIABILITY.—Care coordinators shall be subject to liability for actual health damages which may be suffered by recipients as a result of the care coordinator's decisions, failure or delay in making decisions, or other actions as a care coordinator.

"(D) TERMS.—In addition to such other terms as the Secretary may require, an agreement under this section shall include the terms specified in subparagraphs (A) through (C) of section 1905(t)(3).

"SEC. 2207. ADMINISTRATION AND MISCELLANEOUS.

"(a) IN GENERAL.—Except as otherwise provided in this title—

"(1) the Secretary shall enter into appropriate contracts with providers of services, other health care providers, carriers, and fiscal intermediaries, taking into account the types of contracts used under title XVIII with respect to such entities, to administer the program under this title;

"(2) beneficiary protections for individuals enrolled under this title shall not be less than the beneficiary protections (including limits on balance billing) provided medicare beneficiaries under title XVIII;

"(3) benefits described in section 2202 that are payable under this title to such individuals shall be paid in a manner specified by the Secretary (taking into account, and based to the greatest extent practicable upon, the manner in which they are provided under title XVIII); and

"(4) provider participation agreements under title XVIII shall apply to enrollees and benefits under this title in the same manner as they apply to enrollees and benefits under title XVIII.

"(b) COORDINATION WITH MEDICAID AND SCHIP.—Notwithstanding any other provision of law, individuals entitled to benefits for items and services under this title who also qualify for benefits under title XIX or XXI or any other Federally funded health care program that provides basic health insurance coverage described in section 2203(a)(2) may continue to qualify and obtain benefits under such other title or program, and in such case such an individual shall elect either—

"(1) such other title or program to be primary payor to benefits under this title, in which case no benefits shall be payable under this title and the monthly premium under section 2203 shall be zero; or

"(2) benefits under this title shall be primary payor to benefits provided under such title or program, in which case the Secretary shall enter into agreements with States as may be appropriate to provide that, in the case of such individuals, the benefits under titles XIX and XXI or such other program (including reduction of cost-sharing) are provided on a 'wrap-around' basis to the benefits under this title.".

(b) CONFORMING AMENDMENTS TO SOCIAL SECURITY ACT PROVISIONS.—

(1) Section 201(i)(1) of the Social Security Act (42 U.S.C. 401(i)(1)) is amended by striking "or the Federal Supplementary Medical Insurance Trust Fund" and inserting "the Federal Supplementary Medical Insurance Trust Fund, and the MediKids Trust Fund".

(2) Section 201(g)(1)(A) of such Act (42 U.S.C. 401(g)(1)(A)) is amended by striking "and the Federal Supplementary Medical Insurance Trust Fund established by title XVIII" and inserting ", the Federal Supplementary Medical Insurance Trust Fund, and the MediKids Trust Fund established by title XVIII".

(c) MAINTENANCE OF MEDICAID ELIGIBILITY AND BENEFITS FOR CHILDREN.—

(1) IN GENERAL.—In order for a State to continue to be eligible for payments under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a))—

(A) the State may not reduce standards of eligibility, or benefits, provided under its State medicaid plan under title XIX of the Social Security Act or under its State child health plan under title XXI of such Act for individuals under 23 years of age below such standards of eligibility, and benefits, in effect on the date of the enactment of this Act; and

(B) the State shall demonstrate to the satisfaction of the Secretary of Health and Human Services that any savings in State expenditures under title XIX or XXI of the Social Security Act that results from children enrolling under title XXII of such Act shall be used in a manner that improves services to beneficiaries under title XIX of such Act, such as through expansion of eligibility, improved nurse and nurse aide staffing and improved inspections of nursing facilities, and coverage of additional services.

(2) MEDIKIDS AS PRIMARY PAYOR.—In applying title XIX of the Social Security Act, the MediKids program under title XXII of such Act shall be treated as a primary payor in cases in which the election described in section 2207(b)(2) of such Act, as added by subsection (a), has been made.

(d) EXPANSION OF MEDPAC MEMBERSHIP TO 19.—

(1) IN GENERAL.—Section 1805(c) of the Social Security Act (42 U.S.C. 1395b–6(c)) is amended—

(A) in paragraph (1), by striking "17" and inserting "19"; and

(B) in paragraph (2)(B), by inserting "experts in children's health," after "other health professionals,".

(2) INITIAL TERMS OF ADDITIONAL MEMBERS.—

(A) IN GENERAL.—For purposes of staggering the initial terms of members of the Medicare Payment Advisory Commission under section 1805(c)(3) of the Social Security Act (42 U.S.C. 1395b-6(c)(3)), the initial terms of the 2 additional members of the Commission provided for by the amendment under subsection (a)(1) are as follows:

(i) One member shall be appointed for 1 year.

(ii) One member shall be appointed for 2 years.

(B) COMMENCEMENT OF TERMS.—Such terms shall begin on January 1, 2006.

(3) DUTIES.—Section 1805(b)(1)(A) of such Act (42 U.S.C. 1395b-6(b)(1)(A)) is amended by inserting before the semicolon at the end the following: "and payment policies under title XXII".

SEC. 3. MEDIKIDS PREMIUM.

(a) GENERAL RULE.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to determination of tax liability) is amended by adding at the end the following new part:

"PART VIII—MEDIKIDS PREMIUM

"Sec. 59B. MediKids premium

"SEC. 59B. MEDIKIDS PREMIUM.

"(a) IMPOSITION OF TAX.—In the case of a taxpayer to whom this section applies, there is hereby imposed (in addition to any other tax imposed by this subtitle) a MediKids premium for the taxable year.

"(b) INDIVIDUALS SUBJECT TO PREMIUM.—

"(1) IN GENERAL.—This section shall apply to a taxpayer if a MediKid is a dependent of the taxpayer for the taxable year.

"(2) MEDIKID.—For purposes of this section, the term 'MediKid' means any individual enrolled in the MediKids program under title XXII of the Social Security Act.

"(c) AMOUNT OF PREMIUM.—For purposes of this section, the MediKids premium for a taxable year is the sum of the monthly premiums (for months in the taxable year) determined under section 2203 of the Social Security Act with respect to each MediKid who is a dependent of the taxpayer for the taxable year.

"(d) EXCEPTIONS BASED ON ADJUSTED GROSS INCOME.—

"(1) EXEMPTION FOR VERY LOW-INCOME TAXPAYERS.—

"(A) IN GENERAL.—No premium shall be imposed by this section on any taxpayer having an adjusted gross income not in excess of the exemption amount.

"(B) EXEMPTION AMOUNT.—For purposes of this paragraph, the exemption amount is—

"(i) $19,245 in the case of a taxpayer having 1 MediKid,

"(ii) $24,135 in the case of a taxpayer having 2 MediKids,

"(iii) $29,025 in the case of a taxpayer having 3 MediKids, and

"(iv) $33,915 in the case of a taxpayer having 4 or more MediKids.

"(C) PHASEOUT OF EXEMPTION.—In the case of a taxpayer having an adjusted gross income which exceeds the exemption amount but does not exceed twice the exemption amount, the premium shall be the amount which bears the same ratio to the premium which would (but for this subparagraph) apply to the taxpayer as such excess bears to the exemption amount.

"(D) INFLATION ADJUSTMENT OF EXEMPTION AMOUNTS.—In the case of any taxable year beginning in a calendar year after 2005, each dollar amount contained in subparagraph (C) shall be increased by an amount equal to the product of—

"(i) such dollar amount, and

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2004' for 'calendar year 1992' in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of $50, such increase shall be rounded to the nearest multiple of $50.

"(2) PREMIUM LIMITED TO 5 PERCENT OF ADJUSTED GROSS INCOME.—In no event shall any taxpayer be required to pay a premium under this section in excess of an amount equal to 5 percent of the taxpayer's adjusted gross income.

"(e) COORDINATION WITH OTHER PROVISIONS.—

"(1) NOT TREATED AS MEDICAL EXPENSE.—For purposes of this chapter, any premium paid under this section shall not be treated as expense for medical care.

"(2) NOT TREATED AS TAX FOR CERTAIN PURPOSES.—The premium paid under this section shall not be treated as a tax imposed by this chapter for purposes of determining—

"(A) the amount of any credit allowable under this chapter, or

"(B) the amount of the minimum tax imposed by section 55.

"(3) TREATMENT UNDER SUBTITLE F.—For purposes of subtitle F, the premium paid under this section shall be treated as if it were a tax imposed by section 1.".

(b) TECHNICAL AMENDMENTS.—

(1) Subsection (a) of section 6012 of such Code is amended by inserting after paragraph (9) the following new paragraph:

"(10) Every individual liable for a premium under section 59B.".

(2) The table of parts for subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

"PART VIII. MEDIKIDS PREMIUM".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 2006, in taxable years ending after such date.

SEC. 4. REFUNDABLE CREDIT FOR CERTAIN COST-SHARING EXPENSES UNDER MEDIKIDS PROGRAM.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

"SEC. 36. CATASTROPHIC LIMIT ON COST-SHARING EXPENSES UNDER MEDIKIDS PROGRAM.

"(a) IN GENERAL.—

"In the case of a taxpayer who has a MediKid (as defined in section 59B) at any time during the taxable year, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to the excess of—

"(1) the amount paid by the taxpayer during the taxable year as cost-sharing under section 2202(b)(4) of the Social Security Act, over

"(2) 5 percent of the taxpayer's adjusted gross income for the taxable year.".

(b) COORDINATION WITH OTHER PROVISIONS.—The excess described in subsection (a) shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 162(l) or 213(a).

(c) TECHNICAL AMENDMENTS.—

(1) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by redesignating the item relating to section 36 as an item relating to section 37 and by inserting before such item the following new item:

"Sec. 36. Catastrophic limit on cost-sharing expenses under MediKids program".

(2) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting "or 36" after "section 35".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 5. REPORT ON LONG-TERM REVENUES.

Within one year after the date of the enactment of this Act, the Secretary of the Treasury shall propose a gradual schedule of progressive tax changes to fund the program under title XXII of the Social Security Act, as the number of enrollees grows in the outyears.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. FEINGOLD, Mrs. BOXER, and Mr. DAYTON):

S. 1304. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code of 1986; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I rise today to introduce a piece of legislation to fix a huge oversight in pension policy.

In the early 1990s, a large number of U.S. companies began a process of switching their traditional defined benefit pension plans to what's referred to as "cash balance" pension plans. A cash balance pension is insured, like a traditional plan, through the PBGC. However, it looks more like a defined contribution plan to participants because the benefit is expressed as some percent of play plus some guaranteed interest rate. This isn't necessarily a bad idea, in and of itself. However, in practice, many of the employees working for these companies were not told what these changes would mean for them. Some companies had their employees work for years without earning any more benefits. Many of those employees didn't figure that out for a very long time. Unfortunately, their lack of understanding in this situation was a key benefit to management. However, once they figured out what was happening, the retirees were furious.

As two consultants who helped put these plans together said at an Actuaries conference in 1998:

> "I've been involved in cash balance plans five or six years down the road and what I have found is that while employees understand it, it is not until they are actually ready to retire that they understand how little they are actually getting."
>
> "Right, but they're happy while they're employed."

One of the most abusive practices in cash balance conversions is known as "wear away." The company freezes the value of the benefits employees already earned, which by law cannot be taken away once given. However, the employer opens a cash balance account for that worker at a much lower dollar level. So they end up working for years contributing to this lower cash balance account, not realizing that contribution is meaningless because their old benefits were higher. At the same time, younger workers do get money added to their account every day. This is clearly age discrimination, and bad pension policy.

In 1999, I introduced a bill to make it illegal for corporations to wear away the benefits of older workers during conversions to cash balance plans. I offered my bill as an amendment. Forty-eight Senators, including 3 Republicans, voted to waive the budget point of order so we could consider this amendment. We did not have enough votes then, but I believe the tide is turning.

After that vote, more and more stories came out about how many workers were losing their pensions. In September of 1999, the Secretary of the Treasury put a moratorium on conversions from defined benefit plans to cash balance plans. That moratorium has been in effect now for over three years. In April of 2000, I offered a Sense-of-the-Senate resolution to stop this practice, and it passed the Senate unanimously.

There are hundreds of age discrimination complaints currently pending before the EEOC based on some of these abusive cash balance conversions. Clearly, something must be done to address this issue that's been floating around now unresolved for over five years.

Before, I said that wear-away is the least fair practice during conversion. And I have to say that now, public sentiment is really coming around to acknowledge that unfairness. However, aside from wear-away, there's another problem in shifting from a traditional pension to cash balance. In a traditional plan, you accrue most of the benefits toward the end of your career, because there's usually some kind of formula that multiplies top pay times years of service. People tend to earn more salary toward the end of their careers, and if that is multiplied times more years served, the pension grows quickly in later years. But in a cash balance plan, younger workers do better because they are given a flat percent of pay plus some guaranteed interest credit. Interest is good for young people, they have many years to accrue and compound it. So if you get caught in mid-life, mid-career in one of these transitions, you get the downside of both plans.

Before I go any further, I want to be clear on one point—cash balance pensions can be a great deal for workers. Some. And they may help fill a needed niche in the pension world to cover the half of the workforce that currently has no pension. But I will continue my long battle to oppose the unilateral decision of a company to cut off a promise for an older worker, give that money to a younger worker, and not view it as age discrimination.

That is what this issue is all about. It is fairness. It is equity. I know discussion of pension law can become very convoluted. But this can be boiled down pretty simply. It is about what we think a promise from an employer ought to mean.

There is one thing that has distinguished the American workplace from others around the world. We have valued loyalty. At least we used to. That is one of the reasons pension plans exist—the longer you work somewhere, the more you earn in your pension program. Obviously, the longer you work someplace, the better you do your job, the more you learn about it, the more productive you are. We should value that loyalty.

But here, companies are able to take away the benefits of the longest serving workers. What kind of a signal does that send to the workers? It tells workers they are fools if they are loyal because if you put in 20 or 25 years, the boss can just change the rules of the game, and break their promise. It tells younger workers that it would be crazy to work for a company for a long time, that it's best to hedge your bets and move on as soon as it is convenient. It's crazy to trade current pay for the promise of future benefits. So why even take into account the fact that you're being offered a pension plan? This is a very dangerous road to go down.

This destroys the kind of work ethic we have come to value and that we know built this country. But some of these cash balance conversions counter all of that. Here is an analogy. Imagine I hire someone for 5 years with a promise of a $50,000 bonus at the end of 5 years of service. At the end of 3 years, however, I renege on the $50,000 bonus. But the employee has 3 years invested. Had they known that the deal was going to be off, perhaps they would not have gone to work for me. They could have gone to work someplace else for a total higher compensation package. Now imagine that they hire a new guy to join the team, and they give him part of that $50,000 bonus they promised me. Is that the way we want to treat workers in this country, where the employer has all the cards and employees have none, and employers can make whatever deal they want, but can change the rules at any time?

That is why I am introducing this legislation. It is simple. It says that you have to give older, longer serving employees a choice, at retirement, when their pension plan is converted to a cash balance plan to get the benefits earned in the old plan instead. It also says that employers must start counting the new cash balance benefits where the old defined benefit plan left off, instead of starting the cash balance plan at a lower level than an employee had already earned.

This isn't a radical idea. I was very pleased that in February of 2004, the Administration came out with a cash balance proposal that recognized that these transitions are hard on workers. It not only prohibits wear-away but provides for 5 year transition credits for workers caught in the middle of a conversion. Treasury reaffirmed its commitment to this approach in this year's budget request.

I was excited when Treasury first came to the table with a proposal to do more to protect workers here. I was so encouraged by this that I convened a series of meetings over the course of last summer to get all interested parties to the table—everyone from participant rights advocates to industry groups to consultants. I heard some really great ideas, and some that I didn't agree with. But I think there is still room to find answers to this problem. So I'm putting my plan back on the table today. And I really hope that we can continue a meaningful dialog on this issue.

If we do that, this year, we can enact meaningful participant protections moving forward so that there is another pension option out there to cover the roughly half of Americans with no pension at all. But I also want to make it clear that this Senator will never sit idly by as older workers get the rug pulled out from under them just as they thought they were on solid ground for their retirement. I won't stand idly by and watch their money redistributed in an age-discriminatory way. We can have this dialog and we can find a way to fix what's broken here, but not by blessing some of these blatant abuses.

By Mr. BROWNBACK:

S. 1305. A bill to amend the Internal Revenue Code of 1986 to increase tax benefits for parents with children, and for other purposes; to the Committee on Finance.

Mr. BROWNBACK. Mr. President, I rise today to introduce the Parents Tax Relief Act.

The Parents Tax Relief Act would help restore to families the pride-of-place, which they enjoyed during the early days of the income tax.

This important legislation would relieve the growing tax burden on families with children; provide a realistic option for one parent to stay at home and care for the children; and acknowledge the indispensable social value of the time and effort that parents put into rearing and forming their children.

Letting parents keep more of their hard-earned money for family-related expenses leaves the childcare decision to parents. Given this opportunity to make their own decision about childcare, many will choose to stay at home and care for their children themselves.

This legislation is necessary because parents have been hit especially hard by increasing taxes over the past half-century. In 1948, the average family with children paid 3 percent of its income in Federal taxes; today, that same average family with children pays almost 25 percent of its income in Federal taxes.

It is time for the Federal Government to step back and recognize the contributions of the American family. As a matter of policy, I believe we should work to further reduce taxes on families with children in order to make it easier for parents to be parents and care for their own children at home. Outside of abusive situations, nothing is better for our children than spending time with their parents.

The Parents Tax Relief Act takes a modest step towards empowering and strengthening the family. It builds on Marriage Penalty Tax Relief and the Child Tax Credit, making both permanent. While the Child Tax Credit was significant in leveling a three-decade trend of an increasing percentage of married mothers with preschool children who work outside the home full-time, more needs to be done to give parents the chance to decrease this percentage.

To accomplish this end, the Parents Tax Relief Act would increase deductions for young and elderly dependents. It would equalize existing Federal preferences between parents who choose to stay at home with their children and parents Who choose to work outside of the home and place their children in paid daycare.

The bill would make it easier for a parent to spend more time with their children through provisions that encourage telecommuting and home businesses. And it recognizes the societal contributions of parents by granting 10 years worth of Social Security credits to a spouse who leaves the workforce during their prime-earning years to care for a young child.

The Parents Tax Relief Act is about investing in human capital. The hard-working American family, instilling traditional values to children, has been the bedrock of American society. As the family goes, so goes the Nation.

In recent years, the Federal Government has engaged in a massive experiment with paid, out-of-home daycare. As a national policy, through Federal subsidies, we have encouraged parents to place their children in daycare, and further, we have increasingly become a Nation where it is necessary for both husband and wife to be in the workforce just to cover a family's basic needs. The end result is that children are getting less of their parents' time when they need their parents the most.

Make no mistake, both men and women have made valuable contributions to our national workforce. Our Nation's productivity is strong, and we have enjoyed a great period of national prosperity. But how long will it last when our children are spending less time with mom and dad? Sociological data confirms time and again that children do best when raised by a mother and a father, where one spouse works and the other spouse stays at home with the children.

Unfortunately—and I believe that most mothers, especially, would tend to agree—we have reached a point where a family has to make a truly great sacrifice for one parent to stay at home to raise the children. I have heard so many stories of mothers wanting to stay home with their children, but between paying a mortgage and taxes, they feel helpless. They feel that they must work in order that their family can enjoy and maintain a middle-class lifestyle.

It is time for us to acknowledge, through Federal policy, the sacrifices that parents make to invest in the upbringing of their children when they stay at home. That is goal of the Parents Tax Relief Act, and it is the reason why I am introducing this important measure.

It costs a great sum to raise children these days, and it is essential to our Nation's social and economic welfare that we ensure Federal tax policy does not infringe on a parent's ability to afford that great sum.

The Parents Tax Relief Act would establish a new national tax policy that would allow parents to invest more time and effort in the formation of their children. In the end, this type of investment in human capital may be the most effective way for the Federal Government to ensure our future economic growth and competitiveness.

The legislative road to this new policy begins today, and I look forward to working with my colleagues on both sides of the aisle to make it a reality.

By Ms. MURKOWSKI:

S. 1306. A bill to provide for the recognition of certain Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, at the very beginning of the Alaska Native Claims Settlement Act of 1971 there are a series of findings and declarations of Congressional policy which explain the underpinnings of this landmark legislation.

The first clause reads, "There is an immediate need for a fair and just settlement of all claims by Natives and Native groups of Alaska, based on aboriginal land claims." The second clause states, "The settlement should be accomplished rapidly, with certainty, in conformity with the real economic and social needs of Natives."

Thirty three years have passed since the Alaska Native Claims Settlement Act became law and still the Native peoples of five communities in Southeast Alaska—Haines, Ketchikan, Petersburg, Tenakee and Wrangell—the five "landless communities" are still waiting for their fair and just settlement.

The Alaska Native Claims Settlement Act awarded approximately $1 billion and 44 million acres of land to Alaska Natives and provided for the establishment of Native Corporations to receive and manage such funds and lands. The beneficiaries of the settlement were issued stock in one of 13 regional Alaska Native Corporations. Most beneficiaries also had the option to enroll and receive stock in a village, group or urban corporation.

For reasons that still defy explanation the Native peoples of the "landless communities," were not permitted by the Alaska Native Claims Settlement Act to form village or urban corporations. These communities were excluded from this benefit even though they did not differ significantly from other communities in Southeast Alaska that were permitted to form village or urban corporations under the Alaska Native Claims Settlement Act. This finding was confirmed in a February 1994 report submitted by the Secretary of the Interior at the direction of the Congress. That study was conducted by the Institute of Social and Economic Research at the University of Alaska.

The Native people of Southeast Alaska have recognized the injustice of this oversight for more than 33 years. An independent study issued more than 11 years ago confirms that the grievance of the landless communities is legitimate. Legislation has been introduced in the past sessions of Congress to remedy this injustice. Hearings have been held and reports written. Yet legislation to right the wrong has inevitably stalled out. This December marks the 34th anniversary of Congress' promise to the Native peoples of Alaska—the promise of a rapid and certain settlement. And still the landless communities of Southeast Alaska are landless.

I am convinced that this cause is just, it is right, and it is about time that the Native peoples of the five landless communities receive what has been denied them for more than 30 years.

The legislation that I am introducing today would enable the Native peoples of the five "landless communities" to organize five "urban corporations," one for each unrecognized community. These newly formed corporations would be offered and could accept the surface estate to approximately 23,000 acres of land. Sealaska Corporation, the regional Alaska Native Corporation for Southeast Alaska would receive title to the subsurface estate to the designated lands. The urban corporations would each receive a lump sum payment to be used as start-up funds for the newly established corporation. The Secretary of the Interior would determine other appropriate compensation to redress the inequities faced by the unrecognized communities.

It is long past time that we return to the Native peoples of Southeast Alaska a small slice of the aboriginal lands that were once theirs alone. It is time that we open our minds and open our hearts to correcting this injustice which has gone on far too long and finally give the Native peoples of Southeast Alaska the rapid and certain settlement for which they have been waiting.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) In 1971, Congress enacted the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) (referred to in this section as the "Act") to recognize and settle the aboriginal claims of Alaska Natives to the lands Alaska Natives had used for traditional purposes.

(2) The Act awarded approximately $1,000,000,000 and 44,000,000 acres of land to Alaska Natives and provided for the establishment of Native Corporations to receive and manage such funds and lands.

(3) Pursuant to the Act, Alaska Natives have been enrolled in one of 13 Regional Corporations.

(4) Most Alaska Natives reside in communities that are eligible under the Act to form a Village or Urban Corporation within the geographical area of a Regional Corporation.

(5) Village or Urban Corporations established under the Act received cash and surface rights to the settlement land described in paragraph (2) and the corresponding Regional Corporation received cash and land which includes the subsurface rights to the land of the Village or Urban Corporation.

(6) The southeastern Alaska communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell are not listed under the Act as communities eligible to form Village or Urban Corporations, even though the population of such villages comprises greater than 20 percent of the shareholders of the Regional Corporation for Southeast Alaska and display historic, cultural, and traditional qualities of Alaska Natives.

(7) The communities described in paragraph (6) have sought full eligibility for lands and benefits under the Act for more than three decades.

(8) In 1993, Congress directed the Secretary of the Interior to prepare a report examining the reasons why the communities listed in paragraph (6) had been denied eligibility to form Village or Urban Corporations and receive land and benefits pursuant to the Act.

(9) The report described in paragraph (8), published in February, 1994, indicates that—

(A) the communities listed in paragraph (6) do not differ significantly from the southeast Alaska communities that were permitted to form Village or Urban Corporations under the Act;

(B) such communities are similar to other communities that are eligible to form Village or Urban Corporations under the Act and receive lands and benefits under the Act—

(i) in actual number and percentage of Native Alaskan population; and

(ii) with respect to the historic use and occupation of land;

(C) each such community was involved in advocating the settlement of the aboriginal claims of the community; and

(D) some of the communities appeared on early versions of lists of Native Villages prepared before the date of the enactment of the Act, but were not included as Native Villages in the Act.

(10) The omissions described in paragraph (9) are not clearly explained in any provision of the Act or the legislative history of the Act.

(11) On the basis of the findings described in paragraphs (1) through (10), Alaska Natives who were enrolled in the five unlisted communities and their heirs have been inadvertently and wrongly denied the cultural and financial benefits of enrollment in Village or Urban Corporations established pursuant to the Act.

(b) PURPOSE.—The purpose of this Act is to redress the omission of the communities described in subsection (a)(6) from eligibility by authorizing the Native people enrolled in the communities—

(1) to form Urban Corporations for the communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell under the Act; and

(2) to receive certain settlement lands and other compensation pursuant to the Act.

SEC. 3. ESTABLISHMENT OF ADDITIONAL NATIVE CORPORATIONS.

Section 16 of the Alaska Native Claims Settlement Act (43 U.S.C. 1615) is amended by adding at the end thereof the following new subsection:

"(e)(1) The Native residents of each of the Native Villages of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, Alaska, may organize as Urban Corporations.

"(2) Nothing in this subsection shall affect any entitlement to land of any Native Corporation previously established pursuant to this Act or any other provision of law.".

SEC. 4. SHAREHOLDER ELIGIBILITY.

Section 8 of the Alaska Native Claims Settlement Act (43 U.S.C. 1607) is amended by adding at the end thereof the following new subsection:

"(d)(1) The Secretary of the Interior shall enroll to each of the Urban Corporations for Haines, Ketchikan, Petersburg, Tenakee, or Wrangell those individual Natives who enrolled under this Act to the Native Villages of Haines, Ketchikan, Petersburg, Tenakee, or Wrangell, respectively.

"(2) Those Natives who are enrolled to an Urban Corporation for Haines, Ketchikan, Petersburg, Tenakee, or Wrangell pursuant to paragraph (1) and who were enrolled as shareholders of the Regional Corporation for Southeast Alaska on or before March 30, 1973, shall receive 100 shares of Settlement Common Stock in such Urban Corporation.

"(3) A Native who has received shares of stock in the Regional Corporation for Southeast Alaska through inheritance from a decedent Native who originally enrolled to the Native Villages of Haines, Ketchikan, Petersburg, Tenakee, or Wrangell, which decedent Native was not a shareholder in a Village or Urban Corporation, shall receive the identical number of shares of Settlement Common Stock in the Urban Corporation for Haines, Ketchikan, Petersburg, Tenakee, or Wrangell as the number of shares inherited by that Native from the decedent Native who would have been eligible to be enrolled to such Urban Corporation.

"(4) Nothing in this subsection shall affect entitlement to land of any Regional Corporation pursuant to section 12(b) or section 14(h)(8).".

SEC. 5. DISTRIBUTION RIGHTS.

Section 7 of the Alaska Native Claims Settlement Act (43 U.S.C. 1606) is amended—

(1) in subsection (j), by adding at the end thereof the following new sentence: "Native members of the Native Villages of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell who become shareholders in an Urban Corporation for such a community shall continue to be eligible to receive distributions under this subsection as at-large shareholders of the Regional Corporation for Southeast Alaska."; and

(2) by adding at the end thereof the following new subsection:

"(s) No provision of or amendment made by the Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act shall affect the ratio for determination of revenue distribution among Native Corporations under this section and the '1982 Section 7(i) Settlement Agreement' among the Regional Corporations or among Village Corporations under subsection (j).".

SEC. 6. COMPENSATION.

The Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is amended by adding at the end thereof the following new section:

"URBAN CORPORATIONS FOR HAINES, KETCHIKAN, PETERSBURG, TENAKEE, AND WRANGELL

"SEC. 43. (a) Upon incorporation of the Urban Corporations for Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, the Secretary, in consultation and coordination with the Secretary of Commerce, and in consultation with representatives of each such Urban Corporation and the Regional Corporation for Southeast Alaska, shall offer as compensation, pursuant to this Act, one township of land (23,040 acres) to each of the Urban Corporations for Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, and other appropriate compensation, including the following:

"(1) Local areas of historical, cultural, traditional, and economic importance to Alaska Natives from the Villages of Haines, Ketchikan, Petersburg, Tenakee, or Wrangell. In selecting the lands to be withdrawn and conveyed pursuant to this section, the Secretary shall give preference to lands with commercial purposes and may include subsistence and cultural sites, aquaculture sites, hydroelectric sites, tidelands, surplus Federal property and eco-tourism sites. The lands selected pursuant to this section shall be contiguous and reasonably compact tracts wherever possible. The lands selected pursuant to this section shall be subject to all valid existing rights and all other provisions of section 14(g), including any lease, contract, permit, right-of-way, or easement (including a lease issued under section 6(g) of the Alaska Statehood Act).

"(2) $650,000 for capital expenses associated with corporate organization and development, including—

"(A) the identification of forest and land parcels for selection and withdrawal;

"(B) making conveyance requests, receiving title, preparing resource inventories, land and resource use, and development planning;

"(C) land and property valuations;

"(D) corporation incorporation and startup;

"(E) advising and enrolling shareholders;

"(F) issuing stock; and

"(G) seed capital for resource development.

"(3) Such additional forms of compensation as the Secretary deems appropriate, including grants and loan guarantees to be used for planning, development and other purposes for which Native Corporations are organized under the Act, and any additional financial compensation, which shall be allocated among the five Urban Corporations on a pro rata basis based on the number of shareholders in each Urban Corporation.

"(b) The Urban Corporations for Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, shall have one year from the date of the offer of compensation from the Secretary to each such Urban Corporation provided for in this section within which to accept or reject the offer. In order to accept or reject the offer, each such Urban Corporation shall provide to the Secretary a properly executed and certified corporate resolution that states that the offer proposed by the Secretary was voted on, and either approved or rejected, by a majority of the shareholders of the Urban Corporation. In the event that the offer is rejected, the Secretary, in consultation with representatives of the Urban Corporation that rejected the offer and the Regional Corporation for Southeast Alaska, shall revise the offer and the Urban Corporation shall have an additional six months within which to accept or reject the revised offer.

"(c) Not later than 180 days after receipt of a corporate resolution approving an offer of the Secretary as required in subsection (b), the Secretary shall withdraw the lands and convey to the Urban Corporation title to the surface estate of the lands and convey to the Regional Corporation for Southeast Alaska title to the subsurface estate as appropriate for such lands.

"(d) The Secretary shall, without consideration of compensation, convey to the Urban Corporations of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, by quitclaim deed or patent, all right, title, and interest of the United States in all roads, trails, log transfer facilities, leases, and appurtenances on or related to the land conveyed to the corporations pursuant to subsection (c).

"(e)(1) The Urban Corporations of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell may establish a settlement trust in accordance with the provisions of section 39 for the purposes of promoting the health, education, and welfare of the trust beneficiaries and preserving the Native heritage and culture of the communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, respectively.

"(2) The proceeds and income from the principal of a trust established under paragraph (1) shall first be applied to the support of those enrollees and their descendants who are elders or minor children and then to the support of all other enrollees.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as shall be necessary to carry out this Act and the amendments made by this Act.

By Mr. BAUCUS:

S. 1308. A bill to establish an Office of Trade Adjustment Assistance, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I introduce the Trade Adjustment Assistance for Firms Reorganization Act.

The Trade Adjustment Assistance for Firms program assists hundreds of mostly small and medium-sized manufacturing and agricultural companies in Montana and nationwide when they face layoffs and lost sales due to import competition. Qualifying companies develop adjustment plans and receive technical assistance to become more competitive, so that they can retain and expand employment.

The program is very cost effective. It requires the firms being helped to match the Federal assistance with their own funds, and it pays the government back in Federal and State tax revenues when the firms succeed.

For example, TAA for Firms is helping Montola Growers from Culbertson, Montana, to develop cosmetic applications for its safflower oil. And it is helping Porterbilt Company of Hamilton to expand its product line.

Currently, TAA for Firms clients receive assistance preparing petitions and adjustment plans from twelve Trade Adjustment Assistance Centers, which are Commerce Department contractors. Program and policy decisions are made by a small headquarters staff in the Commerce Department's Economic Development Administration.

In the Trade Act of 2002, Congress voted to reauthorize this important program for seven years and to increase its authorized funding level. The program seemed headed toward some years of smooth sailing. But it turns out that is not the case.

For reasons unrelated to TAA for Firms, EDA began more than a year ago to move all its headquarters programs to its six regional offices. For TAA for Firms, that means clients will still get the same local services from the TAACs, but decisions will be made in six regional offices plus a national policy office. The likely result is more personnel needed to run the program, more layers of government, less centralized and consistent decision making, and less accountability—all without any likely improvement in customer service.

In preparation for this reorganization, EDA transferred or otherwise eliminated most of its experienced TAA staff in the Washington office. But to date it has not completed the transfer and hired or trained the necessary regional staff. So the program is in limbo.

Meanwhile, the President recently announced a multi-agency consolidation of economic development programs that will eliminate EDA and its regional offices. Not surprisingly, the latest word from EDA is that plans to complete the move of TAA for Firms to the regional offices are now on indefinite hold. The President's fiscal year 2006 budget zeroes out TAA for Firms, even though Congress has authorized the program through fiscal year 2007. With funding in doubt and the Washington-based management structure for TAA for Firms already largely dismantled, this program is on the verge of a crisis.

TAA for Firms was not broken until someone decided to fix it. Now it is doomed to stay in limbo unless Congress acts to clean up the mess.

The bill I am introducing today solves these problems by moving administration of the TAA for Firms program from EDA into a different part of the Commerce Department—the International Trade Administration. I introduced this same bill last year with 15 co-sponsors.

Relocating the program to ITA makes sense. ITA has experience running this program, which was located there prior to 1990. Relocating TAA for Firms to ITA will result in fewer lays of government and more centralized and accountable program management than running it through EDA's regional offices or some new economic development agency.

Relocating the program also creates synergies by allowing better coordination of the TAA for Firms program with other trade and trade remedy programs administered by ITA. And it enhances the ability of the Finance Committee to carry out its oversight responsibilities for this program and for trade policy in general.

I do not want to see this important TAA program die of neglect. This legislation is a simple matter of good, sensible government. I encourage my colleagues to lend it their support.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trade Adjustment Assistance for Firms Reorganization Act".

SEC. 2. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is amended by inserting after section 255 the following new section:

"SEC. 255A. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

"(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Trade Adjustment Assistance for Firms Reorganization Act, there shall be established in the International Trade Administration of the Department of Commerce an Office of Trade Adjustment Assistance.

"(b) PERSONNEL.—The Office shall be headed by a Director, and shall have such staff as may be necessary to carry out the responsibilities of the Secretary of Commerce described in this chapter.

"(c) FUNCTIONS.—The Office shall assist the Secretary of Commerce in carrying out the Secretary's responsibilities under this chapter.".

(b) CONFORMING AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 255, the following new item:

"Sec. 255A. Office of Trade Adjustment Assistance".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking "2007" and inserting "2012".

By Mr. BAUCUS (for himself, Mr. COLEMAN, and Mr. WYDEN):

S. 1309. A bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I introduce the Trade Adjustment Assistance Equity for Service Workers Act.

Frankly, I am disappointed to be here introducing this bill yet again.

Just last week, the substance of the bill was adopted by a majority of members of the Finance Committee as an amendment to the implementing legislation for the United States-Central America-Dominican Republic Free Trade Agreement. But today, the administration sent us the final implementing bill with the amendment stripped out.

President Bush likes to say that trade is for everyone. That we all share the benefits, including workers. And he claims to care a lot about having a skilled workforce that can keep American businesses competitive in global markets.

This amendment presented the President with the perfect opportunity to put his money where his mouth is.

He could have said to the American people—as President Clinton did when Congress considered the NAFTA—that just as all Americans share in the benefits of trade, we all bear a responsibility for its costs. Trade liberalization and trade adjustment go hand in hand. And then he could have provided America's service sector workers with access to the one program designed to make that happen—Trade Adjustment Assistance.

But by submitting the CAFTA implementing bill stripped of the Trade Adjustment Assistance amendment passed by the Finance Committee, he chose not to.

Since 1962, Trade Adjustment Assistance—what we call "TAA"—has provided retraining, income support, and other benefits so that workers who lose their jobs due to trade can make a new start.

The rationale for TAA is simple. When our government pursues trade liberalization, we create benefits for the economy as a whole. But there is always some dislocation from trade.

When he created the TAA program, President Kennedy explained that the Federal Government has an obligation "to render assistance to those who suffer as a result of national trade policy."

For more than 40 years, we have met that obligation through TAA, which is principally a retraining program designed to update worker skills.

The TAA program has not been static over time. Congress periodically revises the program to meet new economic realities. Most recently, in the Trade Act of 2002, Congress completed the most comprehensive overhaul and expansion of the TAA program since its inception.

I am proud to have played a leading role in passing this landmark legislation. But I am also the first to admit that our work is not done. Economic realities continue to change, and TAA must continue to change with them.

One fundamental aspect of TAA that has remained unchanged since 1962 is its focus on manufacturing. We only give TAA benefits to workers who make "articles."

Excluding service workers from TAA may have made sense in 1962, when most non-farm jobs were in manufacturing and most services were not traded across national borders.

But today, most American jobs are in the service sector. And the market for many services is becoming just as global as the market for manufactured goods.

In 2002, the service sector accounted for three quarters of U.S. private sector gross domestic product and nearly 80 percent of non-farm private employment.

Trade in services is a net plus for the U.S. economy. Although trade in goods continues to dominate, services accounted for 29 percent of the value of total U.S. exports in 2002 and the service sector generated a trade surplus of $74 billion.

Just as we have seen with trade in manufactured goods, however, there are winners and losers from trade. Trade in services will inevitably cost some workers their jobs.

Indeed, there have been some well-publicized examples in the papers. Software sign. Technical support. Accounting and tax preparation services. Not long ago, a group of call center workers in Kalispell, MT saw their jobs move to Canada and India.

Examples abound of service sector jobs—even high tech jobs—relocating overseas. A series of studies estimate that between a half million and over 3 million U.S. service sector jobs would be moved offshore in the next 5 to 10 years.

That doesn't mean the total number of jobs in the U.S. economy is shrinking. But the fact that jobs may be available in a different field is cold comfort to a worker whose own skills are no longer in demand.

That is why this legislation is so important. It is a simple matter of equity.

When a factory relocates to another country, those workers are eligible for TAA. But when a call center moves to another country, those workers are not eligible for TAA. They should be.

The benefits service workers will receive under this legislation would be exactly the same as those that trade-impacted manufacturing workers now receive. They include retraining, income support, job search and relocation allowance, and a health coverage tax credit.

Hard working American service workers deserve this safety net. These benefits will always be second best to a job. But they can really make a difference in helping workers make a new start.

Truthfully, I am mystified by why the President so cavalierly dropped the TAA for Services amendment and let this opportunity pass him by. His actions are entirely inconsistent with his stated desire to make trade benefit all Americans. But, sadly, this has become a pattern.

Despite the obvious benefits of the TAA program, the Bush Administration fought tooth and nail against every penny, and against every provision in what became the Trade Adjustment Assistance Reform Act of 2002. Extending TAA to service workers was one of many needed improvements that was struck in the final version of the bill.

Again in the last Congress, the extension of TAA to service workers was offered as an amendment to the JOBS Act and opposed by the Administration. It garnered 54 votes from both sides ofthe aisle—failing only on a technicality.

The world is changing and TAA must keep up with the times. Last year's Senate vote and this year's Finance Committee vote make clear that there is wide support for extending TAA to service workers. I truly believe this bill's time has come. I will work hard to move this legislation this year.

I want to thank Senators COLEMAN and WYDEN for co-sponsoring this legislation. They have been stalwart supporters in the fight to bring equity to service workers. I look forward to working with them to make TAA for service workers a reality.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trade Adjustment Assistance Equity for Service Workers Act of 2005".

SEC. 2. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE TO SERVICES SECTOR.

(a) Adjustment Assistance for Workers.—Section 221(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2271(a)(1)(A)) is amended by striking "firm)" and inserting "firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)".

(b) Group Eligibility Requirements.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "agricultural firm)" and inserting "agricultural firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)";

(B) in paragraph (1), by inserting "or public agency" after "of the firm"; and

(C) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking "like or directly competitive with articles produced" and inserting "or services like or directly competitive with articles produced or services provided";

(ii) by striking subparagraph (B) and inserting the following:

"(B)(i) there has been a shift, by such workers' firm, subdivision, or public agency to a foreign country, of production of articles, or in provision of services, like or directly competitive with articles which are produced, or services which are provided, by such firm, subdivision, or public agency; or

"(ii) such workers' firm, subdivision, or public agency has obtained or is likely to obtain such services from a foreign country.";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "agricultural firm)" and inserting "agricultural firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)";

(B) in paragraph (2), by inserting "or service" after "related to the article"; and

(C) in paragraph (3)(A), by inserting "or services" after "component parts";

(3) in subsection (c)—

(A) in paragraph (3)—

(i) by inserting "or services" after "value-added production processes";

(ii) by striking "or finishing" and inserting ", finishing, or testing";

(iii) by inserting "or services" after "for articles"; and

(iv) by inserting "(or subdivision)" after "such other firm"; and

(B) in paragraph (4)—

(i) by striking "for articles" and inserting ", or services, used in the production of articles or in the provision of services"; and

(ii) by inserting "(or subdivision)" after "such other firm"; and

(4) by adding at the end the following new subsection:

"(d) Basis for Secretary's Determinations.—

"(1) Increased imports.—For purposes of subsection (a)(2)(A)(ii), the Secretary may determine that increased imports of like or directly competitive articles or services exist if the workers' firm or subdivision or customers of the workers' firm or subdivision accounting for not less than 20 percent of the sales of the workers' firm or subdivision certify to the Secretary that they are obtaining such articles or services from a foreign country.

"(2) Obtaining services abroad.—For purposes of subsection (a)(2)(B)(ii), the Secretary may determine that the workers' firm, subdivision, or public agency has obtained or is likely to obtain like or directly competitive services from a foreign country based on a certification thereof from the workers' firm, subdivision, or public agency.

"(3) Authority of the secretary.—The Secretary may obtain the certifications under paragraphs (1) and (2) through questionnaires or in such other manner as the Secretary determines is appropriate.".

(c) Training.—Section 236(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)) is amended by striking "$220,000,000" and inserting "$440,000,000".

(d) Definitions.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (1)—

(A) by inserting "or public agency" after "of a firm"; and

(B) by inserting "or public agency" after "or subdivision";

(2) in paragraph (2)(B), by inserting "or public agency" after "the firm";

(3) by redesignating paragraphs (8) through (17) as paragraphs (9) through (18), respectively; and

(4) by inserting after paragraph (6) the following:

"(7) The term 'public agency' means a department or agency of a State or local government or of the Federal Government.

"(8) The term 'service sector firm' means an entity engaged in the business of providing services.".

(e) Technical Amendment.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking ", other than subchapter D".

SEC. 3. TRADE ADJUSTMENT ASSISTANCE FOR FIRMS AND INDUSTRIES.

(a) Firms.—

(1) Assistance.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended—

(A) in subsection (a), by inserting "or service sector firm" after "(including any agricultural firm";

(B) in subsection (c)(1)—

(i) in the matter preceding subparagraph (A), by inserting "or service sector firm" after "any agricultural firm";

(ii) in subparagraph (B)(ii), by inserting "or service" after "of an article"; and

(iii) in subparagraph (C), by striking "articles like or directly competitive with articles which are produced" and inserting "articles or services like or directly competitive with articles or services which are produced or provided"; and

(C) by adding at the end the following:

"(e) Basis for Secretary Determination.—

"(1) Increased imports.—For purposes of subsection (c)(1)(C), the Secretary may determine that increases of imports of like or directly competitive articles or services exist if customers accounting for not less than 20 percent of the sales of the workers' firm certify to the Secretary that they are obtaining such articles or services from a foreign country.

"(2) Authority of the secretary.—The Secretary may obtain the certifications under paragraph (1) through questionnaires or in such other manner as the Secretary determines is appropriate. The Secretary may exercise the authority under section 249 in carrying out this subsection.".

(2) Authorization of appropriations.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking "$16,000,000" and inserting "$32,000,000".

(3) Definition.—Section 261 of the Trade Act of 1974 (19 U.S.C. 2351) is amended—

(A) by striking "For purposes of" and inserting "(a) **FIRM**.—For purposes of"; and

(B) by adding at the end the following:

"(b) Service Sector Firm.—For purposes of this chapter, the term 'service sector firm' means a firm engaged in the business of providing services.".

(b) Industries.—Section 265(a) of the Trade Act of 1974 (19 U.S.C. 2355(a)) is amended by inserting "or service" after "new product".

(c) Technical Amendments.—

(1) In general.—Section 249 of the Trade Act of 1974 (19 U.S.C. 2321) is amended by striking "subpena" and inserting "subpoena" each place it appears in the heading and the text.

(2) Table of contents.—The table of contents for the Trade Act of 1974 is amended by striking "Subpena" in the item relating to section 249 and inserting "Subpoena".

SEC. 4. MONITORING AND REPORTING.

Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended—

(1) in the first sentence—

(A) by striking "The Secretary" and inserting "(a) **MONITORING PROGRAMS**.—The Secretary";

(B) by inserting "and services" after "imports of articles";

(C) by inserting "and domestic provision of services" after "domestic production";

(D) by inserting "or providing services" after "producing articles"; and

(E) by inserting ", or provision of services," after "changes in production"; and

(2) by adding at the end the following:

"(b) Collection of Data and Reports on Services Sector.—

"(1) Secretary of labor.—Not later than 3 months after the date of the enactment of the Trade Adjustment Assistance Equity for Service Workers Act of 2005, the Secretary of Labor shall implement a system to collect data on adversely affected service workers that includes the number of workers by State, industry, and cause of dislocation of each worker.

"(2) Secretary of commerce.—Not later than 6 months after such date of enactment, the Secretary of Commerce shall, in consultation with the Secretary of Labor, conduct a study and report to the Congress on ways to improve the timeliness and coverage of data on trade in services, including methods to identify increased imports due to the relocation of United States firms to foreign countries, and increased imports due to United States firms obtaining services from firms in foreign countries.".

SEC. 5. EFFECTIVE DATE.

(a) In General.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date that is 60 days after the date of the enactment of this Act.

(b) Special Rule for Certain Service Workers.—A group of workers in a service sector firm, or subdivision of a service sector firm, or public agency (as defined in section 247 (7) and (8) of the Trade Act of 1974, as added by section 2(d) of this Act) who—

(1) would have been certified eligible to apply for adjustment assistance under chapter 2 of title II of the Trade Act of 1974 if the amendments made by this Act had been in effect on November 4, 2002, and

(2) file a petition pursuant to section 221 of such Act within 6 months after the date of the enactment of this Act, shall be eligible

for certification under section 223 of the Trade Act of 1974 if the workers' last total or partial separation from the firm or subdivision of the firm or public agency occurred on or after November 4, 2002 and before the date that is 60 days after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 180—SUPPORTING THE GOALS AND IDEALS OF A NATIONAL EPIDERMOLYSIS BULLOSA AWARENESS WEEK TO RAISE PUBLIC AWARENESS AND UNDERSTANDING OF THE DISEASE AND TO FOSTER UNDERSTANDING OF THE IMPACT OF THE DISEASE ON PATIENTS AND THEIR FAMILIES

Mr. SCHUMER (for himself and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 180

Whereas epidermolysis bullosa is a rare disease characterized by the presence of extremely fragile skin that results in the development of recurrent, painful blisters, open sores, and in some forms of the disease, in disfiguring scars, disabling musculoskeletal deformities, and internal blistering;

Whereas approximately 12,500 individuals in the United States are affected by the disease;

Whereas data from the National Epidermolysis Bullosa Registry indicates that of every 1,000,000 live births, 20 infants are born with the disease;

Whereas there currently is no cure for the disease;

Whereas children with the disease require almost around-the-clock care;

Whereas approximately 90 percent of individuals with epidermolysis bullosa report experiencing pain on an average day;

Whereas the skin is so fragile for individuals with the disease that even minor rubbing and day-to-day activity may cause blistering, including from activities such as writing, eating, walking, and from the seams on their clothes;

Whereas most individuals with the disease have inherited the disease through genes they receive from one or both parents;

Whereas epidermolysis bullosa is so rare that many health care practitioners have never heard of it or seen a patient with it;

Whereas individuals with epidermolysis bullosa often feel isolated because of the lack of knowledge in the Nation about the disease and the impact that it has on the body;

Whereas more funds should be dedicated toward research to develop treatments and eventually a cure for the disease; and

Whereas the last week of October would be an appropriate time to recognize National Epidermolysis Bullosa Week in order to raise public awareness about the prevalence of epidermolysis bullosa, the impact it has on families, and the need for additional research into a cure for the disease: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of epidermolysis bullosa;

(2) recognizes the need for a cure for the disease; and

(3) encourages the people of the United States and interested groups to support the week through appropriate ceremonies and activities to promote public awareness of epidermolysis bullosa and to foster understanding of the impact of the disease on patients and their families.

SENATE RESOLUTION 181—RECOGNIZING JULY 1, 2005, AS THE 100TH ANNIVERSARY OF THE FOREST SERVICE

Mr. SMITH (for himself, Mr. SALAZAR, Mr. CRAIG, Mr. CRAPO, Mr. BURNS, and Mr. FEINGOLD) submitted the following resolution; which was considered and agreed to:

S. RES. 181

Whereas Congress established the Forest Service in 1905 to provide quality water and timber for the benefit of the United States;

Whereas the mission of the Forest Service has expanded to include management of national forests for multiple uses and benefits, including the sustained yield of renewable resources such as water, forage, wildlife, wood, and recreation;

Whereas the National Forest System encompasses 192,000,000 acres in 44 States, Puerto Rico, and the Virgin Islands, including 155 national forests and 20 national grasslands;

Whereas the Forest Service significantly contributes to the scientific and technical knowledge necessary to protect and sustain natural resources on all land in the United States;

Whereas the Forest Service cooperates with State, Tribal, and local governments, forest industries, other private landowners, and forest users in the management, protection, and development of forest land the Federal Government does not own;

Whereas the Forest Service participates in work, training, and education programs such as AmeriCorps, Job Corps, and the Senior Community Service Employment Program;

Whereas the Forest Service plays a key role internationally in developing sustainable forest management and biodiversity conservation for the protection and sound management of the forest resources of the world;

Whereas, from rangers to researchers and from foresters to fire crews, the Forest Service has maintained a dedicated professional workforce that began in 1905 with 500 employees and in 2005 includes more than 30,000; and

Whereas Gifford Pinchot, the first Chief of the Forest Service, fostered the idea of managing for the greatest good of the greatest number: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes July 1, 2005 as the 100th Anniversary of the Forest Service;

(2) commends the Forest Service of the Department of Agriculture for 100 years of dedicated service managing the forests of the United States;

(3) acknowledges the promise of the Forest Service to continue to preserve the natural legacy of the United States for an additional 100 years and beyond; and

(4) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 990. Mr. KYL (for himself, Mr. LUGAR, Mr. LOTT, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 6, To ensure jobs for our future with secure, affordable, and reliable energy.

SA 991. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 992. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 993. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 994. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 995. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 996. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 997. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 998. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 999. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1000. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1001. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1002. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1003. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1004. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1005. Mr. CRAIG (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill H.R. 6, To ensure jobs for our future with secure, affordable, and reliable energy.

SA 1006. Mr. CRAIG (for Mr. VITTER) proposed an amendment to the bill H.R. 6, supra.

SA 1007. Mr. CRAIG (for Mr. BYRD) proposed an amendment to the bill H.R. 6, supra.

SA 1008. Mr. CRAIG (for Ms. CANTWELL) proposed an amendment to the bill H.R. 6, supra.

SA 1009. Mr. CRAIG (for Mr. GRASSLEY (for himself and Mr. BAUCUS)) proposed an amendment to the bill H.R. 6, supra.

TEXT OF AMENDMENTS

SA 990. Mr. KYL (for himself, Mr. LUGAR, Mr. LOTT, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 621. MEDICAL ISOTOPE PRODUCTION: NONPROLIFERATION, ANTITERRORISM, AND RESOURCE REVIEW.

(a) DEFINITIONS.—In this section:

(b) HIGHLY ENRICHED URANIUM FOR MEDICAL ISOTOPE PRODUCTIONS.—The term "highly enriched uranium for medical isotope production" means highly enriched uranium contained in, or for use in, targets to be irradiated for the sole purpose of producting medical isotopes.

(2) MEDICAL ISOTOPES.—The term "medical isotopes" means radioactive isotopes, including molybdenum-99, that are used to produce radiopharmaceuticals for diagnostic or therapeutic procedures on patients.

(b) STUDY.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Academy of Sciences for the conduct of a study of issues associated with section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d), including issues associated with the implementation of that section.

(2) CONTENTS.—The study shall include an analysis of—

(A) the effectiveness to date of section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) in facilitating the conversion of foreign reactor fuel and targets to low-enriched uranium, which reduces the risk that highly enriched uranium will be diverted and stolen;

(B) the degree to which isotope producers that rely on United States highly enriched uranium are complying with the intent of section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) to expeditiously convert targets to low-enriched uranium;

(C) the adequacy of physical protection and material control and accounting measures at foreign facilities that receive United States highly enriched uranium for medical isotope production, in comparison to Nuclear Regulatory Commission regulations and Department administrative requirements;

(D) the likely consequences of an exemption of highly enriched uranium exports for medical isotope production from section 134(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2160d(a)) for—

(i) United States efforts to eliminate highly enriched uranium commerce worldwide through the support of the Reduced Enrichment in Research and Test Reactors program; and

(ii) other United States nonproliferation and antiterrorism initiatives;

(E) incentives that could supplement the incentives of section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) to further encourage foreign medical isotope producers to convert from highly enriched uranium to low-enriched uranium;

(F) whether implementation of section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) has ever caused, or is likely to cause, an interruption in the production and supply of medical isotopes in needed quantities;

(G) whether the United States supply of isotopes is sufficiently diversified to withstand an interruption of production from any 1 supplier, and, if not, what steps should be taken to diversify United States supply; and

(H) any other aspects of implementation of section 134 of of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) that have a bearing on Federal nonproliferation and antiterrorism laws (including regulations) and policies.

(3) TIMING: CONSULTATION.—The National Academy of Sciences study shall be—

(A) conducted in full consultation with the Secretary of State, the staff of the Reduced Enrichment in Research and Test Reactors program at Argonne National Laboratory, and other interested organizations and individuals with expertise in nuclear nonproliferation; and

(B) submitted to Congress not later than 18 months after the date of enactment of this Act.

SA 991. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table: as follows:

SEC. 13 . STUDY OF FEASIBILITY AND EFFECTS OF NATURAL GAS-ONLY LEASING.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior shall initiate a study of the feasibility and effects of offering a natural gas-only option as part of lease sales held in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(b) SUBJECTS OF THE STUDY.—The study under this section shall include—

(1) an examination of what constitutes gas, condensate, and oil;

(2) an examination of what constitutes the rights and obligations of a lessee regarding condensate produced in association with a natural gas-only lease; and

(3) an analysis of the potential effects of offering a natural gas-only option as part of a lease sale on—

(A) natural gas supplies;

(B) total hydrocarbon production; and

(C) industry interest.

(c) REPORT.—Not later than 1 year after the date of initiation of the study under this section, the Secretary shall submit to Congress a report on the findings, conclusion, and recommendations of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 992. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 6 and all that follows through page 2, line 3, and insert the following:

Power Act (16 U.S.C. 824k(j)) is amended by striking "October 1, 1991" and inserting "April 1, 2005".

SA 993. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

1. On page 3, Line 18-20, strike "the consent of the Governor of the State adjacent to the lease area, as determined under section 18(i)(2)(B)(i)," and replace with "the consent of the Governors and State Legislatures of all other States in the Union"

2. On page 4, after "and" insert "the Governors of all other States in the Union"

3. On page 5, line 17, after "any" insert "time and with the consent of all other States in the Union"

4. On page 10, Line 18, strike "20 miles" and replace with "4,000" miles"

5. On page 10, Line 25, strike "20 miles" and replace with "4,000" miles"

6. On page 11, strike lies 3-20

7. On page 11, Line 9, strike "25 percent" and replace with "0.1 percent"

8. On page 11, Line 14, strike "25 percent" and replace with "0.1 percent"

19. On page 12, Line 2, strike "12.5 percent" and replace with "0.1 percent"

10. On page 12, Line 4, strike "$1,250,000,000" and replace with "$500,000"

SA 994. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, To ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 3, strike Line 18, and insert "the consent of the Governor and State Legislatures of all other states in the Union"

SA 995. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

1. On page 3, Line 18–20, strike "the consent of the Governor of the State adjacent to the lease area, as determined under section 18(i)(2)(B)(i)," and replace with "the consent of the Governors and State Legislatures of all other States in the Union"

2. On page 4, after "and" insert" the "the Governors of all other States in the Union"

3. On page 5, line 17, after "any" insert "time and with the consent of all other States in the Union"

4. On page 7, Line 14, strike "may" and replace with "may, with the consent of all other States in the Union,"

5. On page 7, Line 18, replace "State," with "State."

6. On page 7, Lines 18–20, strike "in accordance with the lateral boundaries delineated under paragraph (2)(B)(i)

7. On page 9, Line 13, strike "without" and replace with "with"

8. On page 9, Line 14, strike "with any State" and replace with "with every State in the Union"

9. On page 10, Line 16, strike "20 miles" and replace with "4,000" miles"

10. On page 10, Line 17, strike "(or the boundaries of the State as delineated under paragraph (2)(B)),"

11. On page 10, Line 25, strike "20 miles" and replace with "4,000 miles"

12. On page 11, strike lines 3–20

13. On page 12, Line 2, strike "12.5 percent" and replace with "0.1 percent"

14. On page 12, Line 4, strike "$1,250,000,000" and replace with "$500,000"

SA 996. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

1. On page 3, Line 18–20, strike "the consent of the Governor of the State adjacent to the lease area, as determined under section 18(i)(2)(B)(i)," and replace with "the consent of the Governors and State Legislatures of all other States in the Union"

2. On page 4, after "and" insert" the "the Governors of all other States in the Union"

3. On page 5, line 17, after "any" insert "time and with the consent of all other States in the Union"

4. On page 7, Line 14, strike "may" and replace with "may, with the consent of all other States in the Union,"

5. On page 7, Line 18, replace "State," with "State."

6. On page 7, Lines 18–20, strike "in accordance with the lateral boundaries delineated under paragraph (2)(B)(i)

7. On page 9, Line 13, strike "without" and replace with "with"

8. On page 9, Line 14, strike "with any State" and replace with "with every State in the Union"

9. On page 10, Line 16, strike "20 miles" and replace with "4,000" miles"

10. On page 10, Line 17, strike "(or the boundaries of the State as delineated under paragraph (2)(B)),"

11. On page 10, Line 25, strike "20 miles" and replace with "4,000 miles"

12. On page 11, Line 9, strike "25 percent" and replace with "0.1 percent"

13. On page 11, Line 14, strike "25 percent" and replace with "0.1 percent"

14. On page 12, Line 2, strike "12.5 percent" and replace with "0.1 percent"

15. On page 12, Line 4, strike "$1,250,000,000" and replace with "$500,000"

SA 997. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

1. On page 3, line 18–20, strike "the consent of the Governor of the State adjacent to the lease area, as determined under section 18(i)(2)(B)(i)," and replace with "the consent of the Governors and State Legislatures of all other States in the Union with a coast".

2. On page 4, after "and" insert "the Governors of all other States in the Union with a coast".

3. On page 5, line 17, after "any" insert "time and with the consent of all other States in the Union with a coast".

4. On page 7, line 14, strike "may" and replace with "may, with the consent of all other States in the Union with a coast".

5. On page 7, line 18, replace "State," with "State."

6. On page 7, lines 18–20, strike "in accordance with the lateral boundaries delineated under paragraph (2)(B)(i).

7. On page 9, line 13, strike "without" and replace with "with".

8. On page 9, line 14, strike "with any State" and replace with "with every State in the Union with a coast".

9. On page 10, line 16, strike "20 miles" and replace with "4,000" miles".

10. On page 10, line 17, strike "(or the boundaries of the State as delineated under paragraph (2)(B)),".

11. On page 10, line 25, strike "20 miles" and replace with "4,000 miles".

12. On page 11, line 9, strike "25 percent" and replace with "0.1 percent".

13. On page 11, line 14, strike "25 percent" and replace with "0.1 percent".

14. On page 12, line 2, strike "12.5 percent" and replace with "0.1 percent".

15. On page 12, line 4, strike "$1,250,000,000" and replace with "$500,000".

SA 998. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

1. On page 3, line 18–20, strike "the consent of the Governor of the State adjacent to the lease area, as determined under section 18(i)(2)(B)(i)," and replace with "the consent of the Governors and State Legislatures of all other States in the Union with a coast".

2. On page 4, after "and" insert "the Governors of all other States in the Union with a coast".

3. On page 5, line 17, after "any" insert "time and with the consent of all other States in the Union with a coast".

4. On page 7, line 14, strike "may" and replace with "may, with the consent of all other States in the Union with a coast".

5. On page 7, line 18, replace "State," with "State."

6. On page 7, lines 18-20, strike "in accordance with the lateral boundaries delineated under paragraph (2)(B)(i).

7. On page 9, line 13, strike "without" and replace with "with".

8. On page 9, line 14, strike "with any State" and replace with "with every State with a coast".

9. On page 10, line 16, strike "20 miles" and replace with "4,000" miles".

10. On page 10, line 17, strike "(or the boundaries of the State as delineated under paragraph (2)(B))".

11. On page 10, line 25, strike "20 miles" and replace with "4,000 miles".

12. On page 11, line 9, strike "25 percent" and replace with "0.1 percent".

13. On page 11, line 14, strike "25 percent" and replace with "0.1 percent".

14. On page 12, line 2, strike "12.5 percent" and replace with "0.1 percent".

15. On page 12, line 4, strike "$1,250,000,000" and replace with "$500,000".

SA 999. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 7: "April 1, 2005", and insert "October 1, 1991."

SA 1000. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 12, strike line 16 and insert the following:

"(5) MORATORIA OPT OUT REQUIREMENTS.—Any State with a legislative outer Continental Shelf moratorium on leasing, preleasing, and related activities protecting Federal waters adjoining the coastline of the State through the congressional appropriations process as of January 1, 2002, may opt out of the moratorium after the date of enactment of the Energy Policy Act of 2005 with respect to any portion of the coastal waters of the State only with—

"(A) the explicit concurrence of the Governor of the State and the State legislature and the Governors and State legislatures of the 2 coastal States adjoining the State; and

"(B) the concurrence of the Regional Fishery Management Council with jurisdiction over the living marine resources in Federal waters adjacent to the affected State.

"(6) USE OF FUNDS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, any amount derived from lease bonuses or royalty payments under this subsection conveyed to States and political subdivisions of any producing State or any other State, shall only be used for mitigation measures and environmental restoration projects that—

"(i) have been subject to comprehensive review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) ; and

"(ii) specifically repair and restore the adverse physical and pollution impacts of onshore and offshore oil and gas facilities, transportation facilities, and related operations associated with Federal offshore oil and gas leasing, exploration, and development activities.

"(B) LIMITATION.—No funds made available to States or political subdivisions under this or any related revenue-sharing subsection may be used for—

"(i) the construction, design, or permitting ofindustrial infrastructure projects; or

"(ii) projects that further harm the coastal zone of the affected State or any adjoining State or adjacent offshore waters.

"(7) LIABILITY.—

"(A) IN GENERAL.—The State subject to an approved petition under this subsection shall be liable for any damages to coastal natural resources and ecosystems of adjoining or nearby States resulting from offshore oil and gas leasing, exploration, development, or transportation activities conducted in any Federal or State portion of the area of the outer Continental Shelf made available for leasing under this subsection.

"(B) INDEMNIFICATION.—The United States may not indemnify a State from liability under this subsection.

"(8) APPLICATION.—This subsection shall not

SA 1001. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 159, after line 23, add the following:

SEC. 211. WASTE-DERIVED ETHANOL AND BIODIESEL.

Section 312(f)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)(1)) is amended—

(1) by striking "'biodiesel' means" and inserting the following: "'biodiesel'—

"(A) means"; and

(2) in subparagraph (A) (as designated by paragraph (1)) by striking "and" at the end and inserting the following:

"(B) includes ethanol and biodiesel derived from—

"(i) animal wastes, including poultry fats and poultry wastes, and other waste materials; or

"(ii) municipal solid waste and sludges and oils derived from wastewater and the treatment of wastewater; and".

SA 1002. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of this Act, each amount provided by this Act is reduced by 1.7 percent.

SA 1003. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . Any limitation, directive, or earmarking contained in either the House or Senate report must also be included in the conference report in order to be considered as having been approved by both Houses of Congress.

SA 1004. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 233, line 9, strike "126,264,000" and insert "121,264,000".

On page 130, line 24, strike "766,564,000" and insert "771,564,000".

SA 1005. Mr. CRAIG (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

At the end of subtitle H of title II, add the following:

SEC. 2 . ENERGY POLICY AND CONSERVATION TECHNICAL CORRECTION.

Section 609(c)(4) of the Public Utility Regulatory Policies Act of 1978 (as added by section 291) is amended by striking "of 1954 (42 U.S.C. 6303)" and inserting "(42 U.S.C. 6303(d))".

SA 1006. Mr. CRAIG (for Mr. VITTER) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

On page 755, after line 25, insert the following:

SEC. 13___. SCIENCE STUDY ON CUMULATIVE IMPACTS OF MULTIPLE OFFSHORE LIQUEFIED NATURAL GAS FACILITIES.

(a) IN GENERAL.—The Secretary (in consultation with the National Oceanic Atmospheric Administration, the Commandant of the Coast Guard, affected recreational and commercial fishing industries and affected energy and transportation stakeholders) shall carry out a study and compile existing science (including studies and data) to determine the risks or benefits presented by cumulative impacts of multiple offshore liquefied natural gas facilities reasonably assumed to be constructed in an area of the Gulf of Mexico using the open-rack vaporization system.

(b) ACCURACY.—In carrying out subsection (a), the Secretary shall verify the accuracy of available science and develop a science-based evaluation of significant short-term and long-term cumulative impacts, both adverse and beneficial, of multiple offshore liquefied natural gas facilities reasonably assumed to be constructed in an area of the Gulf of Mexico using or proposing the open-rack vaporization system on the fisheries and marine populations in the vicinity of the facility.

SA 1007. Mr. CRAIG (for Mr. BYRD) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

Beginning on page 328, strike line 13 and all that follows through page 337, line 6, and insert the following:

Subtitle A—Clean Coal Power Initiative

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

(a) CLEAN COAL POWER INITIATIVE.—There is authorized to be appropriated to the Secretary to carry out the activities authorized by this subtitle $200,000,000 for each of fiscal years 2006 through 2012, to remain available until expended.

(b) REPORT.—Not later than March 31, 2006, the Secretary shall submit to Congress a report that includes a 10-year plan containing—

(1) a detailed assessment of whether the aggregate assistance levels provided under subsection (a) are the appropriate assistance levels for the clean coal power initiative;

(2) a detailed description of how proposals for assistance under the clean coal power initiative will be solicited and evaluated, including a list of all activities expected to be undertaken;

(3) a detailed list of technical milestones for each coal and related technology that will be pursued under the clean coal power initiative; and

(4) a detailed description of how the clean coal power initiative will avoid problems enumerated in Government Accountability Office reports on the Clean Coal Technology Program of the Department, including problems that have resulted in unspent funds and projects that failed either financially or scientifically.

SEC. 402. PROJECT CRITERIA.

(a) IN GENERAL.—To be eligible to receive assistance under this subtitle, a project shall advance efficiency, environmental performance, and cost competitiveness well beyond the level of technologies that are in commercial service or have been demonstrated on a scale that the Secretary determines is sufficient to demonstrate that commercial service is viable as of the date of enactment of this Act.

(b) TECHNICAL CRITERIA FOR CLEAN COAL POWER INITIATIVE.—

(1) GASIFICATION PROJECTS.—

(A) IN GENERAL.—In allocating the funds made available under section 401(a), the Secretary shall ensure that at least 80 percent of the funds are used only to fund projects on coal-based gasification technologies, including—

(i) gasification combined cycle;

(ii) gasification fuel cells and turbine combined cycle;

(iii) gasification coproduction; and

(iv) hybrid gasification and combustion.

(B) TECHNICAL MILESTONES.—

(i) PERIODIC DETERMINATION.—

(I) IN GENERAL.—The Secretary shall periodically set technical milestones specifying the emission and thermal efficiency levels that coal gasification projects under this subtitle shall be designed, and reasonably expected, to achieve.

(II) PRESCRIPTIVE MILESTONES.—The technical milestones shall become more prescriptive during the period of the clean coal power initiative.

(ii) 2020 GOALS.—The Secretary shall establish the periodic milestones so as to achieve by the year 2020 coal gasification projects able—

(I) to remove at least 99 percent of sulfur dioxide;

(II) to emit not more than .05 lbs of NO_x per million Btu;

(III) to achieve at least 95 percent reductions in mercury emissions; and

(IV) to achieve a thermal efficiency of at least—

(aa) 50 percent for coal of more than 9,000 Btu;

(bb) 48 percent for coal of 7,000 to 9,000 Btu; and

(cc) 46 percent for coal of less than 7,000 Btu.

(2) OTHER PROJECTS.—

(A) ALLOCATION OF FUNDS.—The Secretary shall ensure that up to 20 percent of the funds made available under section 401(a) are used to fund projects other than those described in paragraph (1).

(B) TECHNICAL MILESTONES.—

(i) PERIODIC DETERMINATION.—

(I) IN GENERAL.—The Secretary shall periodically establish technical milestones specifying the emission and thermal efficiency levels that projects funded under this paragraph shall be designed, and reasonably expected, to achieve.

(II) PRESCRIPTIVE MILESTONES.—The technical milestones shall become more prescriptive during the period of the clean coal power initiative.

(ii) 2020 GOALS.—The Secretary shall set the periodic milestones so as to achieve by the year 2020 projects able—

(I) to remove at least 97 percent of sulfur dioxide;

(II) to emit no more than .08 lbs of NO_x per million Btu;

(III) to achieve at least 90 percent reductions in mercury emissions; and

(IV) to achieve a thermal efficiency of at least—

(aa) 43 percent for coal of more than 9,000 Btu;

(bb) 41 percent for coal of 7,000 to 9,000 Btu; and

(cc) 39 percent for coal of less than 7,000 Btu.

(3) CONSULTATION.—Before setting the technical milestones under paragraphs (1)(B) and (2)(B), the Secretary shall consult with—

(A) the Administrator of the Environmental Protection Agency; and

(B) interested entities, including—

(i) coal producers;

(ii) industries using coal;

(iii) organizations that promote coal or advanced coal technologies;

(iv) environmental organizations;

(v) organizations representing workers; and

(vi) organizations representing consumers.

(4) EXISTING UNITS.—In the case of projects at units in existence on the date of enactment of this Act, in lieu of the thermal efficiency requirements described in paragraphs (1)(B)(ii)(IV) and (2)(B)(ii)(IV), the milestones shall be designed to achieve an overall

thermal design efficiency improvement, compared to the efficiency of the unit as operated, of not less than—

(A) 7 percent for coal of more than 9,000 Btu;

(B) 6 percent for coal of 7,000 to 9,000 Btu; or

(C) 4 percent for coal of less than 7,000 Btu.

(5) ADMINISTRATION.—

(A) ELEVATION OF SITE.—In evaluating project proposals to achieve thermal efficiency levels established under paragraphs (1)(B)(i) and (2)(B)(i) and in determining progress towards thermal efficiency milestones under paragraphs (1)(B)(ii)(IV), (2)(B)(ii)(IV), and (4), the Secretary shall take into account and make adjustments for the elevation of the site at which a project is proposed to be constructed.

(B) APPLICABILITY OF MILESTONES.—The thermal efficiency milestones under paragraphs (1)(B)(ii)(IV), (2)(B)(ii)(IV), and (4) shall not apply to projects that separate and capture at least 50 percent of the potential emissions of carbon dioxide by a facility.

(C) PERMITTED USES.—In carrying out this section, the Secretary shall give high priority to projects that include, as part of the project—

(i) the separation or capture of carbon dioxide; or

(ii) the reduction of the demand for natural gas if deployed.

(c) FINANCIAL CRITERIA.—The Secretary shall not provide financial assistance under this subtitle for a project unless the recipient documents to the satisfaction of the Secretary that—

(1) the recipient is financially responsible;

(2) the recipient will provide sufficient information to the Secretary to enable the Secretary to ensure that the funds are spent efficiently and effectively; and

(3) a market exists for the technology being demonstrated or applied, as evidenced by statements of interest in writing from potential purchasers of the technology.

(d) FINANCIAL ASSISTANCE.—The Secretary shall provide financial assistance to projects that, as determined by the Secretary—

(1) meet the requirements of subsections (a), (b), and (c); and

(2) are likely—

(A) to achieve overall cost reductions in the use of coal to generate useful forms of energy or chemical feedstocks;

(B) to improve the competitiveness of coal among various forms of energy in order to maintain a diversity of fuel choices in the United States to meet electricity generation requirements; and

(C) to demonstrate methods and equipment that are applicable to 25 percent of the electricity generating facilities, using various types of coal, that use coal as the primary feedstock as of the date of enactment of this Act.

(e) COST-SHARING.—In carrying out this subtitle, the Secretary shall require cost sharing in accordance with section 1002.

(f) SCHEDULED COMPLETION OF SELECTED PROJECTS.—

(1) IN GENERAL.—In selecting a project for financial assistance under this section, the Secretary shall establish a reasonable period of time during which the owner or operator of the project shall complete the construction or demonstration phase of the project, as the Secretary determines to be appropriate.

(2) CONDITION OF FINANCIAL ASSISTANCE.—The Secretary shall require as a condition of receipt of any financial assistance under this subtitle that the recipient of the assistance enter into an agreement with the Secretary not to request an extension of the time period established for the project by the Secretary under paragraph (1).

(3) EXTENSION OF TIME PERIOD.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may extend the time period established under paragraph (1) if the Secretary determines, in the sole discretion of the Secretary, that the owner or operator of the project cannot complete the construction or demonstration phase of the project within the time period due to circumstances beyond the control of the owner or operator.

(B) LIMITATION.—The Secretary shall not extend a time period under subparagraph (A) by more than 4 years.

(g) FEE TITLE.—The Secretary may vest fee title or other property interests acquired under cost-share clean coal power initiative agreements under this subtitle in any entity, including the United States.

(h) DATA PROTECTION.—For a period not exceeding 5 years after completion of the operations phase of a cooperative agreement, the Secretary may provide appropriate protections (including exemptions from subchapter II of chapter 5 of title 5, United States Code) against the dissemination of information that—

(1) results from demonstration activities carried out under the clean coal power initiative program; and

(2) would be a trade secret or commercial or financial information that is privileged or confidential if the information had been obtained from and first produced by a non-Federal party participating in a clean coal power initiative project.

(i) APPLICABILITY.—No technology, or level of emission reduction, solely by reason of the use of the technology, or the achievement of the emission reduction, by 1 or more facilities receiving assistance under this Act, shall be considered to be—

(1) adequately demonstrated for purposes of section 111 of the Clean Air Act (42 U.S.C. 7411);

(2) achievable for purposes of section 169 of that Act (42 U.S.C. 7479); or

(3) achievable in practice for purposes of section 171 of that Act (42 U.S.C. 7501).

SA 1008. Mr. CRAIG (for Ms. CANTWELL) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

On page 696, lines 24 and 25, strike "unlawful on the grounds that it is unjust and unreasonable" and insert "not permitted under a rate schedule (or contract under such a schedule) or is otherwise unlawful on the grounds that the contract is unjust and unreasonable or contrary to the public interest".

SA 1009. Mr. CRAIG (for Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

On page 12 (of title XV as agreed to), after line 23, add the following:

SEC. ___. APPLICATION OF SECTION 45 CREDIT TO AGRICULTURAL COOPERATIVES.

(a) IN GENERAL.—Section 45(e) (relating to definitions and special rules), as amended by this Act, is amended by adding at the end the following:

"(11) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—

"(A) ELECTION TO ALLOCATE.—

"(i) IN GENERAL.—In the case of an eligible cooperative organization, any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned among patrons of the organization on the basis of the amount of business done by the patrons during the taxable year.

"(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year.

"(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to any patrons under subparagraph (A)—

"(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year, and

"(ii) shall be included in the amount determined under subsection (a) for the taxable year of the patrons with or within which the taxable year of the organization ends.

"(C) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

"(i) such reduction, over

"(ii) the amount not apportioned to such patrons under subparagraph (A) for the taxable year, shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this subpart or subpart A, B, E, or G.

"(D) ELIGIBLE COOPERATIVE DEFINED.—For purposes of this section the term 'eligible cooperative' means a cooperative organization described in section 1381(a) which is owned more than 50 percent by agricultural producers or by entities owned by agricultural producers. For this purpose an entity owned by an agricultural producer is one that is more than 50 percent owned by agricultural producers.

"(E) WRITTEN NOTICE TO PATRONS.—If any portion of the credit available under subsection (a) is allocated to patrons under subparagraph (A), the eligible cooperative shall provide any patron receiving an allocation written notice of the amount of the allocation. Such notice shall be provided before the date on which the return described in subparagraph (B)(ii) is due.".

SEC. . EXPANSION OF RESOURCES TO WAVE, CURRENT, TIDAL, AND OCEAN THERMAL ENERGY.

(a) IN GENERAL.—Section 45(c)(1) (defining qualified energy resources), as amended by this Act, is amended by striking "and" at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting ", and", and by adding at the end the following new subparagraph:

"(J) wave, current, tidal, and ocean thermal energy."

(b) DEFINITION OF RESOURCES.—Section 45(c), as amended by this Act, is amended by adding at the end the following new paragraph:

"(9) WAVE, CURRENT, TIDAL, AND OCEAN THERMAL ENERGY.—The term 'wave, current, tidal, and ocean thermal energy' means electricity produced from any of the following:

"(A) Free flowing ocean water derived from tidal currents, ocean currents, waves, or estuary currents.

"(B) Ocean thermal energy.

"(C) Free flowing water in rivers, lakes, man made channels, or streams."

(c) FACILITIES.—Section 45(d), as amended by this Act, is amended by adding at the end the following new paragraph:

"(11) WAVE, CURRENT, TIDAL, AND OCEAN THERMAL FACILITY.—In the case of a facility using resources described in subparagraph (A), (B), or (C) of subsection (c)(9) to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after the date of the enactment of this paragraph and before January 1, 2009, but such term shall not include a facility which includes impoundment structures or a small irrigation power facility."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

On page 35 (of title XV as agreed to), strike lines 10 through 16, and insert the following:

"(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1).

"(B) REQUIREMENTS FOR APPLICATIONS FOR CERTIFICATION.—An application under subparagraph (A) shall contain such information as the Secretary may require in order to make a determination to accept or reject an application for certification as meeting the requirements under subsection (e)(1). Any information contained in the application shall be protected as provided in section 552(b)(4) of title 5, United States Code.

"(C) TIME TO ACT UPON APPLICATIONS FOR CERTIFICATION.—The Secretary shall issue a determination as to whether an applicant has met the requirements under subsection (e)(1) within 60 days following the date of submittal of the application for certification.

"(D) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification shall have 2 years from the date of acceptance by the Secretary of the application during which to provide to the Secretary evidence that the criteria set forth in subsection (e)(2) have been met.

"(E) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 5 years from the date of issuance of the certification in order to place the project in service and if such project is not placed in service by that time period then the certification shall no longer be valid.".

On page 36 (of title XV as agreed to), strike lines 14 through 23.

On page 36 (of title XV as agreed to), line 24, strike "(6)" and insert "(5)".

On page 37 (of title XV as agreed to), line 16, strike "commitment".

On page 37 (of title XV as agreed to), line 17, strike "(e)(4)(B)" and insert "paragraph (2)".

On page 37 (of title XV as agreed to), line 19, strike "(f)(2)(B)(ii)" and insert "paragraph (2)(D)".

On page 37 (of title XV as agreed to), line 20, strike "commitment".

On page 37 (of title XV as agreed to), between lines 22 and 23, insert the following:

"(C) REALLOCATION.—If the Secretary determines that megawatts under clause (i) or (ii) of paragraph (3)(B) are available for reallocation pursuant to the requirements set forth in paragraph (2), the Secretary is authorized to conduct an additional program for applications for certification.".

On page 38 (of title XV as agreed to), line 7, strike "or polygeneration".

On page 38 (of title XV as agreed to), beginning with line 13 strike all through page 39, line 25, and insert the following:

"(C) the project, consisting of one or more electric generation units at one site, will have a total nameplate generating capacity of at least 400 megawatts;

"(D) the applicant demonstrates that there is a letter of intent signed by an officer of an entity willing to purchase the majority of the output of the project or signed by an officer of a utility indicating that the electricity capacity addition is consistent with that utility's integrated resource plan as approved by the regulatory or governing body that oversees electricity capacity allocations of the utility;

"(E) there is evidence of ownership or control of a site of sufficient size to allow the proposed project to be constructed and to operate on a long-term basis; and

"(F) the project will be located in the United States.

"(2) REQUIREMENTS FOR CERTIFICATION.—For the purpose of subsection (d)(2)(D), a project shall be eligible for certification only if the Secretary determines that—

"(A) the applicant for certification has received all Federal and State environmental authorizations or reviews necessary to commence construction of the project; and

"(B) the applicant for certification, except in the case of a retrofit or repower of an existing electric generation unit, has purchased or entered into a binding contract for the purchase of the main steam turbine or turbines for the project, except that such contract may be contingent upon receipt of a certification under subsection (d)(2).".

On page 40 (of title XV as agreed to), strike "(2)" and insert "(3)".

On page 40 (of title XV as agreed to), line 4, strike "subsection (d)(3)(B)(i)" and insert "subsection (d)(2)".

On page 40 (of title XV as agreed to), line 5, strike "certify capacity" and insert "certify capacity, in accordance with the procedures set forth in subsection (d), in relatively equal amounts".

On page 40 (of title XV as agreed to), beginning with line 19, strike all through page 42, line 6.

On page 42 (of title XV as agreed to), line 18, strike "the vendor warrants that".

On page 44 (of title XV as agreed to), after line 25, insert the following:

"(h) APPLICABILITY.—No use of technology (or level of emission reduction solely by reason of the use of the technology), and no achievement of any emission reduction by the demonstration of any technology or performance level, by or at one or more facilities with respect to which a credit is allowed under this section, shall be considered to indicate that the technology or performance level is—

"(1) adequately demonstrated for purposes of section 111 of the Clean Air Act (42 U.S. C. 7411);

"(2) achievable for purposes of section 169 of that Act (42 U.S. C. 7479); or

"(3) achievable in practice for purposes of section 171 of such Act (42 U.S.C. 7501).

On page 155 (of title XV as agreed to), line 13, strike "2010" and insert "2012".

On page 186 (of title XV as agreed to), line 2, insert "or any mixture of biodiesel (as defined in section 40A(d)(1)) and diesel fuel (as defined in section 4083(a)(3)), determined without regard to any use of kerosene and containing at least 20 percent biodiesel" after "hydrogen".

Beginning on page 211 (of title XV as agreed to), line 16, strike all through page 212, line 17, and insert the following:

"(b) LIMITATION.—The amount allowable as a credit under subsection (a) with respect to any qualified recycling equipment shall not exceed—

"(1) in the case of such equipment described in subsection (c)(1)(A)(i), 15 percent of the cost of such equipment, and

"(2) in the case of such equipment described in subsection (c)(1)(A)(ii), 15 percent of so much of the cost of each piece of equipment as exceeds $400,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED RECYCLING EQUIPMENT.—

"(A) IN GENERAL.—The term 'qualified recycling equipment' means equipment, including connecting piping—

"(i) employed in sorting or processing residential and commercial qualified recyclable materials described in paragraph (2)(A) for the purpose of converting such materials for use in manufacturing tangible consumer products, including packaging, or

"(ii) the primary purpose of which is the shredding and processing of qualified recyclable materials described in paragraph (2)(B).

"(B) EQUIPMENT AT COMMERCIAL OR PUBLIC VENUES INCLUDED.—For purposes of subparagraph (A)(i), such term includes equipment which is utilized at commercial or public venues, including recycling collection centers, where the equipment is utilized to sort or process qualified recyclable materials for such purpose.

"(C) EXCLUSION.—Such term does not include rolling stock or other equipment used to transport recyclable materials.

"(2) QUALIFIED RECYCLABLE MATERIALS.—The term 'qualified recyclable materials' means—

"(A) any packaging or printed material which is glass, paper, plastic, steel, or aluminum, and

"(B) any electronic waste (including any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or a central processing unit),

generated by an individual or business and which has been separated from solid waste for the purposes of collection and recycling.

On page 215 (of title XV as agreed to), line 23, strike "for any" and insert "during any".

On page 230 (of title XV as agreed to), between lines 2 and 3, insert the following:

SEC. . THREE-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED ENERGY MANAGEMENT DEVICES.

(a) IN GENERAL.—Section 168(e)(3)(A) (defining 3-year property) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) any qualified energy management device.".

(b) DEFINITION OF QUALIFIED ENERGY MANAGEMENT DEVICE.—Section 168(i) (relating to definitions and special rules), as amended by this Act, is amended by inserting at the end the following new paragraph:

"(18) QUALIFIED ENERGY MANAGEMENT DEVICE.—

"(A) IN GENERAL.—The term 'qualified energy management device' means any energy management device—

"(1) which is placed in service before January 1, 2008, by a taxpayer who is a supplier of electric energy or a provider of electric energy services,

"(2) the original use of which commences with the taxpayer, and

"(3) the purchase of which is subject to a binding contract entered into after June 23, 2005, but only if there was no written binding contract entered into on or before such date.

"(B) ENERGY MANAGEMENT DEVICE.—For purposes of subparagraph (A), the term 'energy management device' means any meter or metering device which is used by the taxpayer—

"(i) to measure and record electricity usage data on a time-differentiated basis in at least 4 separate time segments per day, and

"(ii) to provide such data on at least a monthly basis to both consumers and the taxpayer.".

(c) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (A)(iii) the following:

"(A)(iv) .... 20".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

SEC. . EXCEPTION FROM VOLUME CAP FOR CERTAIN COOLING FACILITIES.

(a) IN GENERAL.—Section 146 (relating to volume cap) is amended by redesignating subsections (i) through (n) as subsections (j) through (o), respectively, and by inserting after subsection (h) the following:

"(i) EXCEPTION FOR FACILITIES USED TO COOL STRUCTURES WITH OCEAN WATER, ETC..—

"(1) IN GENERAL.—Only for purposes of this section, the term 'private activity bond' shall not include any exempt facility bond described in section 142(a)(9) which is issued as part of an issue to finance any project which is designed to access deep water renewable thermal energy for district cooling to provide building air conditioning (including any distribution piping, pumping, and chiller facilities).

"(2) LIMITATION.—Paragraph (1) shall apply only to bonds issued as part of an issue the aggregate authorized face amount of which is not more than $75,000,000 with respect to any project described in such paragraph.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to projects placed in service after the date of enactment of this Act and before July 1, 2008.

On page 6 (of Senate amendment number 933 as modified and agreed to), line 12, strike "(i)" and insert "(iii)".

On page 6 (of Senate amendment number 933 as modified and agreed to), line 18, strike the last period and insert ", and".

On page 232 (of title XV as agreed to), line 22, strike "(iii)" and insert "(iv)".

On page 255 (of title XV as agreed to), line 6, strike "2007" and insert "2006".

On page 256 (of title XV as agreed to), strike lines 3 through 15, and insert the following:

(b) NO EXEMPTIONS FROM TAX EXCEPT FOR EXPORTS.—

(1) IN GENERAL.—Section 4082(a) (relating to exemptions for diesel fuel and kerosene) is amended by inserting "(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate imposed in all cases other than for export)" after "section 4081".

(2) AMENDMENTS RELATING TO SECTION 4041.—

(A) Subsections (a)(1)(B), (a)(2)(A), and (c)(2) of section 4041 are each amended by inserting "(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate)" after "section 4081".

(B) Section 4041(b)(1)(A) is amended by striking "or (d)(1))".

(C) Section 4041(d) is amended by adding at the end the following new paragraph:

"(5) NONAPPLICATION OF EXEMPTIONS OTHER THAN FOR EXPORTS.—For purposes of this section, the tax imposed under this subsection shall be determined without regard to subsections (f), (g) (other than with respect to any sale for export under paragraph (3) thereof), (h), and (l).".

(3) NO REFUND.—

(A) IN GENERAL.—Subchapter B of chapter 65 is amended by adding at the end the following new section:

"SEC. 6430. TREATMENT OF TAX IMPOSED AT LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.

"No refunds, credits, or payments shall be made under this subchapter for any tax imposed at the Leaking Underground Storage Tank Trust Fund financing rate, except in the case of fuels destined for export.".

(B) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by adding at the end the following new item:

"Sec. 6430. Treatment of tax imposed at Leaking Underground Storage Tank Trust Fund financing rate.

On page 257 (of title XV as agreed to), strike lines 7 through 10, and insert the following:

(2) NO EXEMPTION.—The amendments made by subsection (b) shall apply to fuel entered, removed, or sold after September 30, 2005.

On page 257 (of title XV as agreed to), after line 11, add the following:

SEC. 1573. TIRE EXCISE TAX MODIFICATION.

(a) IN GENERAL.—Section 4071(a) (relating to imposition and rate of tax) is amended by inserting "8.0 cents in the case of a" before "super single tire".

(b) DEFINITION OF SUPER SINGLE TIRE.—Section 4072(e) (defining super single tire) is amended by striking "13 inches" and inserting "17.5 inches".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after September 30, 2005.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on June 23, 2005, at 9:30 a.m., to receive testimony on U.S. military strategy and operations in Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, June 23, 2005, on pending Committee business at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, June 23, 2005, at 10 a.m., to hear testimony on U.S.-China Economic Relations.'

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 23, 2005, at 10 a.m. to hold a hearing on HIV/AIDS.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, June 23, 2005, at 9:30 a.m. in SH–216.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 23, 2005, at 9:30 a.m. in Senate Dirksen Office Building Room 226.

Agenda

I. Nominations: James B. Letten to be U.S. Attorney for the Eastern District of Louisiana; and Rod J. Rosenstein to be U.S. Attorney for the District of Maryland.

II. Bills: S. 1088, Streamlined Procedures Act of 2005—KYL, CORNYN; S. 155, Gang Prevention and Effective Deterrence Act of 2005—FEINSTEIN, HATCH, GRASSLEY, CORNYN, KYL, SPECTER; and S. 751, Notification of Risk to Personal Data Act—FEINSTEIN.

III. Matters: Senate Judiciary Committee Rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, June 23, 2005, for a committee hearing to receive testimony on various benefits-related bills pending before the Committee. The hearing will take place in Room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 23, 2005 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS AND PROPERTY RIGHTS

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet to conduct a hearing on "The Consequences of Roe v. Wade and Doe v. Bolton" on Thursday, June 23, 2005, at 2 p.m. in SD226.

Witness List

Panel I: Sandra Cano, Atlanta, GA; Norma McCorvey, Dallas, TX; and Ken Edelin, M.D., Boston, MA.

Panel II: Teresa Collett, Esq., Professor of Law, University of St. Thomas Law School, Minneapolis, MN; M. Edward Whelan, Esq., President, Ethics and Public Policy Center, Washington, DC; R. Alta Charo, Esq., Professor of Law and Bioethics, Associate Dean for Research and Faculty Development, University of Wisconsin Law School, Madison, WI; and Karen O'Conner, Professor of Government, American University, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, June 23, 2005, at 2:30 p.m. for a hearing regarding "Addressing Disparities in Federal HIV/AIDS CARE Program".

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT—H.R. 2361

Mr. FRIST. I ask unanimous consent on Friday June 24th, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to consideration of Calendar No. 125, H.R. 2361, the Interior appropriations bill; I further ask consent that when the Senate begins the bill, the committee substitute be agreed to and considered as original text for the purpose of further amendments, with no points of order waived; provided further that all first-degree amendments be offered on Friday, June 24th, and Monday, June 27th.

The PRESIDING OFFICER. Without objection, it is so ordered.

100TH ANNIVERSARY OF THE FOREST SERVICE

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 181, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A bill (S. Res. 181) recognizing July 1, 2005, as the 100th anniversary of the Forest Service.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider by laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 181) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 181

Whereas Congress established the Forest Service in 1905 to provide quality water and timber for the benefit of the United States;

Whereas the mission of the Forest Service has expanded to include management of national forests for multiple uses and benefits, including the sustained yield of renewable resources such as water, forage, wildlife, wood, and recreation;

Whereas the National Forest System encompasses 192,000,000 acres in 44 States, Puerto Rico, and the Virgin Islands, including 155 national forests and 20 national grasslands;

Whereas the Forest Service significantly contributes to the scientific and technical knowledge necessary to protect and sustain natural resources on all land in the United States;

Whereas the Forest Service cooperates with State, Tribal, and local governments, forest industries, other private landowners, and forest users in the management, protection, and development of forest land the Federal Government does not own;

Whereas the Forest Service participates in work, training, and education programs such as AmeriCorps, Job Corps, and the Senior Community Service Employment Program;

Whereas the Forest Service plays a key role internationally in developing sustainable forest management and biodiversity conservation for the protection and sound management of the forest resources of the world;

Whereas, from rangers to researchers and from foresters to fire crews, the Forest Service has maintained a dedicated professional workforce that began in 1905 with 500 employees and in 2005 includes more than 30,000; and

Whereas Gifford Pinchot, the first Chief of the Forest Service, fostered the idea of managing for the greatest good of the greatest number: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes July 1, 2005 as the 100th Anniversary of the Forest Service;

(2) commends the Forest Service of the Department of Agriculture for 100 years of dedicated service managing the forests of the United States;

(3) acknowledges the promise of the Forest Service to continue to preserve the natural legacy of the United States for an additional 100 years and beyond; and

(4) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

OVERSIGHT OVER THE CAPITOL VISITORS CENTER

Mr. FRIST. I ask unanimous consent the Rules Committee be discharged from further consideration of S. Res. 179 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 179) to provide for oversight over the Capitol Visitors Center by the Architect of the Capitol.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statement be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 179) was agreed to, as follows:

S. RES. 179

Resolved,

SECTION 1. CAPITOL VISITOR CENTER.

(a) IN GENERAL.—The Architect of the Capitol shall have the responsibility for the facilities management and operations of the Capitol Visitor Center.

(b) EXECUTIVE DIRECTOR.—The Architect of the Capitol may appoint an Executive Director of the Capitol Visitor Center whose annual rate of pay shall be determined by the Architect of the Capitol and shall not exceed $1,500 less than the annual rate of pay for the Architect of the Capitol.

(c) CONGRESSIONAL OVERSIGHT.—The responsibilities of the Architect of the Capitol under this section shall be subject to congressional oversight by the Committee on Rules and Administration of the Senate and as determined separately by the House of Representatives.

(d) CAPITOL PRESERVATION COMMISSION JURISDICTION.—Nothing in this section shall be construed to remove the jurisdiction of the Capitol Preservation Commission.

ORDERS FOR FRIDAY, JUNE 24, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, June 24. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to the consideration of H.R. 2361, the Interior appropriations bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow, the Senate will begin consideration of the Interior appropriations bill. Under a previous agreement, we will consider amendments to the bill tomorrow and Monday, and we will begin votes in relation to amendments to the bill on Tuesday of next week. Therefore, there will be no rollcall votes during tomorrow's session. Senators who have amendments to the Interior appropriations bill, however, should make themselves available to come to the floor tomorrow and Monday to offer their first-degree amendments.

Mr. President, we had a great success today in the completion of the Energy bill, although we will not have the final vote on that bill until Tuesday morning. I congratulate the chairman and ranking member of the Energy Committee for their tremendous work—tremendous work—in getting the Energy bill to the finish line. Through their hard work and with the cooperation and hard work of our colleagues, we were able to dispose of all amendments and take the bill to third reading in 2 weeks, just as we had planned. We had said that was our goal about a month ago. And, indeed, that goal has been accomplished.

We will have the vote on passage on Tuesday morning of next week. The vote on passage will occur between 9:45 a.m. and 10 a.m. on Tuesday, and that will be our next vote. Both the chairman and ranking member of the Energy Committee will be there for that vote on Tuesday morning.

Tomorrow, Mr. President, I will update everyone with respect to next week's schedule. It will be the last week of our session prior to the Fourth of July holiday, and thus we can expect a very busy week.

At the beginning of this 4-week block, we said we would spend the last week on appropriations bills. And, indeed, with the completion of the Energy bill, we will do just that—in fact, starting a day early by beginning the Interior appropriations bill tomorrow. Also during the week, we will have other legislative or executive matters we will deal with once they have been cleared.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:03 p.m., adjourned until Friday, June 24, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 23, 2005:

ENVIRONMENTAL PROTECTION AGENCY

GRANTA Y. NAKAYAMA, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JOHN PETER SUAREZ, RESIGNED.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

KENT R. HILL, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE E. ANNE PETERSON, RESIGNED.

FEDERAL LABOR RELATIONS AUTHORITY

COLLEEN DUFFY KIKO, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS, VICE PETER EIDE.

MERIT SYSTEMS PROTECTION BOARD

MARY M. ROSE, OF NORTH CAROLINA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2011, VICE SUSANNE T. MARSHALL, TERM EXPIRED.

DEPARTMENT OF EDUCATION

STEPHANIE JOHNSON MONROE, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION, VICE GERALD REYNOLDS.

DEPARTMENT OF JUSTICE

STEVEN G. BRADBURY, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JACK LANDMAN GOLDSMITH III, RESIGNED.

PETER MANSON SWAIM, OF INDIANA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS, VICE JAMES LORNE KENNEDY, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KENNETH D. ORTEGA, 0479

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CHARLES H. EDWARDS, 3733

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SLOBODAN JAZAREVIC, 1601

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DAVID M. BARTOSZEK, 8841

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RONALD D. TOMLIN, 9456

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

RONNIE E. ARGILLANDER, 6837
ROBERT B. BAILEY, 9041
JOHN C. BLACKBURN, 1134
GREGORY D. BLYDEN, 5955
KURT P. BOENISCH, 0929
PATRICK B. CLARK, 1801
DIEGO E. CODOSEA, 8755
JAMES E. DOLING, 2791
RYAN J. GREEN, 3823
JEREMY J. HAWKS, 6591
DAVID KAISER, 5935
PAUL LEE, 8930
KARRICK MCDERMOTT, 7030
DANIEL F. MCKIM, 1411
JUAN PAGAN, 3819
BRIAN REINHART, 9080
MICHAEL P. RILEY, 2932
HENRY ROENKE, 2150
ERIC SAGER, 5882
NATHAN SHIFLETT, 5757
PHILIP G. URSO, 0079
BRYAN D. WHITE, 4422
WILLIAM J. WILBURN, 9627

EXTENSIONS OF REMARKS

REMEMBERING ANTHONY "TONY" HOSEY

HON. TIMOTHY V. JOHNSON

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 22, 2005

Mr. JOHNSON of Illinois. Mr. Speaker, on April 25, 2005, the Illinois State University (ISU) Police lost one of its finest when Anthony "Tony" Hosey tragically died at the young age of 37. Yet in those 37 years Tony accomplished a great number of deeds significantly benefiting the safety and the welfare of his community.

Tony Hosey twice received his department's highest honor, the "Chief's Award of Merit-Meritorious Service Medal." In 2003, Tony played a strong role in "Operation Shakespeare," which led to the seizure of over 2,000 tablets of Ecstasy, 121 grams of Ketamine, and 931 grams of GHB. The individuals arrested were responsible for the distribution of over 9,000 tablets of "Ecstasy" on the Illinois State University Campus.

In 2004, he received the award for arresting 5 individuals responsible for the selling of 500 tablets of Ecstasy on the ISU campus: At the time of the arrest, they possessed 200 tablets of the drug. His work has allowed for a safer University and community, and has saved many individuals from falling victim to the devastating effects of drugs.

While Tony's record speaks for itself, his numerous contributions to the community have impacted not only his fellow citizens, but also his peers. Illinois State Police Special Agent and friend Earl Chandler put it best when he said, "I've never met or known anybody that was more of the epitome of what a good police officer should be." Yet beyond the job, Tony was a caring husband and father of four. He was a bodybuilder and motorcycle rider, but was described as being a "gentle giant." His memorial website has been flooded with hundreds of reflections and it is with a thankful heart that I rise to pay tribute to Tony. His impact and sacrifice for his neighbors, friends, family, and community will never be forgotten.

HONORING KEISHA CASON OF BROOKSVILLE, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 22, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Keisha Cason of Brooksville, Florida.

Keisha Cason is a high school senior, who was recently recognized by the National Federation of Independent Business (NFIB) as a 2005 NFIB Free Enterprise Scholars Award Program.

Created in 2002, the award identifies high school seniors from all around the country who demonstrate scholarship and entrepreneurial achievement. From the 2,100 applicants nominated by NFIB members, an independent selection committee selected 378 rising scholars to each receive a $1,000 scholarship.

Keisha Cason represents the future voice of small business in America. As one of these gifted youth, she has displayed a sense of scholarship and understanding of free enterprise far beyond her years. As she makes the transition to college, she will continue to perform at the highest standards.

Mr. Speaker, ambitious young men and women like Keisha Cole should be congratulated for their accomplishments. It is truly a privilege to honor Keisha Cason for her achievement as a National Federation of Independent Business Free Enterprise Scholar.

A TRIBUTE TO WILLIAM R. RUTTER

HON. MARILYN N. MUSGRAVE

OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 22, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor a true hero, William R. Rutter. Mr. Rutter is a proud American who served our country in two major wars. After serving in World War II, Bill Rutter entered the U.S. Army Reserves, however, when the Korean conflict began he immediately volunteered again for active duty. After the Korean War he returned to the Reserves, serving a total of 37 years.

On December 15, 1950 in Korea when Bill Rutter was a Sergeant First Class with Fox Company, 7th Infantry, 3rd Regiment I.D., he volunteered to take a combat patrol out to probe and locate the enemy position and strength. Easy Company, 7th Infantry Regiment was pinned down. When they reached a position approximately opposite Easy Company they drew extremely heavy fire from the enemy force. There appeared to be two reinforced rifle companies with attached units. All of this patrol, with the exception of Sergeant Rutter, sustained wounds. He located a position that was protected where they couldn't be hit. He instructed his men to start walking back down the hill slowly one at a time while he and one of his men who was unable to walk provided cover fire. When they were all down the hill, Mr. Rutter strapped the wounded young Private on his back with his rifle belt and ran down the hill under extremely heavy fire. Sergeant Rutter was able to get all his men out alive that day.

Following his heroic service Bill Rutter served as a Deputy Federal Marshall and spent time working with the Federal Bureau of Prisons in several locations, including Alcatraz in California. He concluded his service in Colorado working for the Youth Conservation Core under the Bureau of Land Management. He retired in 1981 and lives the small Eastern Colorado community of Fleming.

Mr. Speaker, we are so fortunate to live in this great country where freedom is something that we rarely have to think about and often take for granted. It is simply a way of life for us, and we are truly blessed to live in a country with citizens who willingly volunteer to put themselves in harm's way to defend and protect our great Nation.

I am proud to honor Bill for his courage and sacrifice on behalf of all Americans. I applaud Bill for his courage and selfless dedication to duty. He has helped protect our democracy and kept our homeland safe by placing his life on the line. Bill truly is the embodiment of all the values that have molded America into the great Nation it is today.

We can maintain the blessings of our freedoms only because we have citizens like Bill Rutter.

EXCESSIVE EXECUTIVE COMPENSATION

HON. TERRY EVERETT

OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 22, 2005

Mr. EVERETT. Mr. Speaker, with the passage of the Sarbanes-Oxley Act, it is worth noting that this country has seen an increase in consumer and investor confidence, and a significant market recovery. Corporate scandals and plunging stock prices forced Congress to pass the most sweeping regulation of corporate activity since the 1930s, when the SEC was created.

Many positive developments have resulted from the passage of Sarbanes-Oxley, however more can be done. I fear that we have not seen the last of the corporate abuse exhibited by the Enrons and Worldcoms of the world, especially with regard to the raiding of pension funds.

I am concerned about a growing number of corporate executives in America who are less than fully accountable to their shareholders or employees. Some continue to demand and receive outrageous salaries and perks while their companies flounder. In some cases, these executives face civil and criminal investigations for fraud and corruption.

The current environment under which Corporate America pays its executives allows for minimal, if any, input by the shareholders. Oftentimes their will is suppressed, as was the case with Alcoa Inc. in 2003, when the board of directors rejected a proposal approved by the majority of shareholders that urged the board of directors to seek shareholder approval for future severance agreements with

---

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

senior executives. Boards of directors continue to reward their executives with outrageous retirement packages regardless of the company's performance. Not only is the discrepancy between pay and performance a problem, but the fact that the disclosure to shareholders comes months after the payments are made is troubling.

One of the most disturbing facts of these misguided or criminal actions by corporate leaders is that their employees see their hard-earned profit sharing plans disappear. Yet, these corporate "rock stars" ride off with their guaranteed benefits package intact, while the workers and shareholders take it on the chin. Their investments and savings, tied to corporate growth and built up over the years, have vanished. Plans of retirement are halted, either permanently or indefinitely; and many workers find themselves forced to work in their golden years.

Today, I have introduced legislation to require an advance disclosure to a company's shareholders upon the creation of or substantial increase in special retirement plans for executives. This will bring desperately needed transparency to the boardroom. Under current law, benefits payable under these plans are not considered reportable compensation, which is why this disclosure is necessary. This would allow shareholders to be proactive in determining whether or not their CEO deserves the millions he or she is getting paid.

I understand that this is a departure from the typical form of disclosure, however I believe the current environment under which Corporate America operates needs to change. We must improve investor confidence, and the advance disclosure of excessive corporate compensation will move us in that direction.

A HEALTHY DEMOCRACY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. RANGEL. Mr. Speaker, I rise today to recognize the basic fact that, in our hearts, the American people truly love democracy. We love the ability of the people to influence the actions of decision-makers, of lawmakers and presidents to be removed from or elevated to office by the will of voters, and of the community to connect amongst diverse populations through the ballot box. We have passed legislation, protested on streets and waged wars to guarantee that every American has our most basic right, the right to vote, and our defining moments have been about the protection of this individual right.

Despite the struggles and challenges of the past and our passion for voting rights, we still routinely deny the right to vote to millions of ex-offenders, who have paid back their debt to society. In many states, there is no judicial determination of this high penalty. There is no connection to the crime committed and the punishment imposed. The denial of the right to vote is automatic based simply on a conviction, regardless of the nature of the crime or the individual involved. Reversing that decision and retaining one's right to vote in many states is nearly impossible and requires action by the Governor. As a Nation, we have long fought for the right of every citizen to vote; it should not be so easy to take that right away.

This denial erases the very core of our citizenship. It places the released ex-offenders on the outskirts of society and outside the decision making process. Their voice is silenced on the important issues of their community and this great Nation. Their unalienable right is taken away by legislative fiat in the interest of being "tough on crime." They are ostracized from their community and effectively denied the right to choose representatives and voice their opinion in public policy. They are relegated to the status of second-class citizens in terms of politicians, community leaders, and unfortunately themselves.

On the outskirts, many ex-offenders are frustrated and discouraged in their efforts to become contributing members of society. Denied the right to vote and to choose leaders and policymakers, ex-offenders often feel that they are not a part of this democratic system and this society. Their alienation, compounded by the stigma of their criminal record, limits their ability to be fully reintegrated into society.

If we believe in our current penal process, then the penalties imposed by judges and juries should be the only sanctions for one's crime, not the invisible sanctions of the legislature. If we do not believe in that process, then we should work to effectively reform the system and allow it to serve its true criminal, rather than civil, purpose. Regardless of our belief in the criminal justice system, disenfranchisement of ex-offenders is abhorrent to our beliefs. They are citizens. They have paid for their violations of our laws and they must be effectively reintegrated into our communities.

I submit for the RECORD an editorial from today's edition of the New York Times. Congress should heed the advice of the New York Times on this issue and once again protect the right to vote for all Americans. Too many have fought and died for this right to be lost.

[From the New York Times, June 22, 2005]

EXTENDING DEMOCRACY TO EX-OFFENDERS

JUNE 22.—The laws that strip ex-offenders of the right to vote across the United States are the shame of the democratic world. Of an estimated five million Americans who were barred from voting in the last presidential election, a majority would have been able to vote if they had been citizens of countries like Britain, France, Germany, or Australia. Many nations take the franchise so seriously that they arrange for people to cast ballots while being held in prison. In the United States, by contrast, inmates can vote only in two states, Maine and Vermont.

This distinctly American bias—which extends to jobs, housing, and education—keeps even law-abiding ex-offenders confined to the margins of society, where they have a notoriously difficult time building successful lives. A few states, at least, are beginning to grasp this point. Some are reconsidering postprison sanctions, including laws that bar ex-offenders from the polls.

The Nebraska Legislature, for example, recently replaced a lifetime voting van for convicted felons with a system in which ex-offenders would have their rights automatically returned after a two-year waiting period. Iowa, which also bars former prisoners from voting for life, took a similar step forward last week when Gov. Tom Vilsack announced his intention to sign an executive order that would restore voting rights to felons after they complete their sentence.

Governor Vilsack's decision is particularly important, given that Iowa has some of the most severe postprison sanctions in the country. Governor Vilsack's decision is particularly important, given that Iowa has some of the most severe postprison sanctions in the country. The other four states with similar laws are in the South, where disenfranchisement was created about a century ago, partly to keep black Americans from exercising their right to vote.

The Iowa and Nebraska cases reflect a growing awareness in some of the states that these laws offend the basic principles of democracy. They also stigmatize millions of Americans, many of whom have paid their debts to society and want nothing more than to rejoin the mainstream. The more the United States embraces this view, the healthier we will be as a nation.

RECOGNIZING THE 100TH ANNIVERSARY OF ST. THOMAS THE APOSTLE CATHOLIC CHURCH LONG BEACH, MISSISSIPPI

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise today to recognize the 100th anniversary of St. Thomas the Apostle Catholic Church located in Long Beach, Mississippi.

In early 1905, Bishop Thomas Heslin of the Natchez Diocese directed the order of St. Vincent de Paul, known as Vincentians, to build a church and religious retreat to fill the needs of the parishioners of Long Beach, Mississippi City, Perkinston and Wiggins. Forty acres of land were acquired on the Mississippi Gulf Coast, and the church was consecrated as St. Thomas the Apostle Catholic Church on July 15, 1905.

As the City of Long Beach grew, so did the mission of the church. In 1915, St. Thomas was designated a parish church by Bishop John Gunn with Father Joseph Hagar serving as the new parish's first pastor. September 3, 1922 marked the first day of school for students of St. Thomas Elementary School, staffed by the Daughters of Charity.

August 17, 1969 marked a tragic day for all of South Mississippi when the Gulf Coast was struck by Hurricane Camille, a category 5 storm and the strongest hurricane to strike the United States in the 20th century. Camille destroyed the original 1905 St. Thomas Church and most other church associated buildings. As the region slowly recovered the church was rebuilt. Bishop Joseph Brunini dedicated the new St. Thomas Church on August 20, 1972.

The Vincentians ceded the parish to the Diocese of Biloxi in the summer of 1993, and Father Louis Lohan was named pastor of the congregation. The church's most recent major addition was the Parish Life Center, which was dedicated in November 2002.

So it is my great honor to congratulate the people of St. Thomas the Apostle Catholic Church on their 100th anniversary.

TRIBUTE TO VERNON PARKER

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. FRANKS of Arizona. Mr. Speaker, it is my great privilege to rise today in support of a statement entered into the RECORD June twenty-first by my friend and colleague, Mrs. MUSGRAVE of Colorado, to pay tribute to an extraordinary man, Vernon Parker, who is the kind of man that represents the backbone of the American way of life.

Vernon is first and foremost a husband to Sylvia, a father to Jim and Joe and a grandfather to Jennifer and Nicholas. He has been a teacher, an elementary and junior high school principal and an outstanding civic leader. But it was as the school superintendent in Briggsdale, Colorado, that our life paths intersected. There were eleven children in my third grade class. The entire school system, kindergarten through twelfth grade, had only one hundred and two students. In that idyllic setting, Vernon Parker made the third grade a special place of learning for me. As I look back upon those years, it is easy to recognize that Vernon Parker planted more than just a garden we could always find him tending. He planted hopes and dreams into the minds and hearts of the children of Briggsdale, Colorado.

As I reflect on the impact that educators have on the lives of their students, I think not only of scholastic standards but of their ability to instill the invaluable desire to learn—to reach for something greater than ourselves. For many years, as a teacher, a principal and school superintendent, Vernon Parker touched literally all of the lives of the children in the small town of Briggsdale. That is quite an honorable legacy in itself.

Yet we also as Americans owe a debt of gratitude to this man for his service to our country in the Korean War where his efforts as a member of the "Wolfpack," a special unit which aided friendly North Koreans, helped save American lives. He served from 1949 until 1953. He was awarded the Silver Star for gallantry in action, and during one battle he used a bazooka to destroy a Communist North Korean tank. Also in that battle, he was wounded by a mortar shell and was awarded the Purple Heart.

When Vernon retired from teaching and then oversight of the school system, he opened and ran a small business. He was a member of the Lions Club and the V.F.W., a Boy Scout leader and a volunteer fireman.

Vernon Parker has dedicated his life to public service and most importantly to children. I am greatly privileged to count myself among those children whose lives he touched and encouraged, motivated and disciplined on my childhood journey to that better day in life.

May God Bless our educators, may God bless our veterans, may God bless America and may God bless Vernon Parker!

RESOLUTION IN MEMORY OF JOHN C. "JAY" MAGIN

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Ms. WATSON. Mr. Speaker,

Whereas John C. "Jay" Magin was born March 20, 1937, in Port Jefferson, New York, who as a toddler traveled with his family as his father, a radio engineer for the Civil Aeronautics Administration, worked to establish landing control towers at airports during World War II.;

Whereas the Magin family settled in Kansas City, Missouri in 1942, and moved to Lynbrook, New York in 1947;

Whereas Jay Magin graduated in 1955 from Bishop Laughlin Memorial High School in Brooklyn, New York, where he had been active in the Army's JROTC program;

Whereas Jay Magin attended Rensselaer Polytechnic Institute in Troy, New York, went to work for Grumman Corporation in the late 1950s, and spent a long career working in avionics support before retiring in 1989 and then moving to Hawaii;

Whereas Jay Magin was a member of the Kailua Elks Lodge 2230, an instructor in Lessons in Firearms Education (L.I.F.E.), a member of the Hawaii Rifle Association, a member of the Battleship Missouri Amateur Radio Club, and a longtime active member of the MG Car Club of Long Island;

Whereas Jay Magin was also active in the American Red Cross' Human Animal Bond program at Tripler Army Medical Center and a member of Calvary By the Sea Lutheran Church in Aina Haina;

Whereas Jay Magin and his wife Judy, longtime residents of Huntington, New York, were married for 43 years and had two children: Janis, an editor with The Associated Press in Honolulu, and John, a Mac Genius with Apple Computer in New York City;

Whereas Jay Magin is survived by his wife, Judy; daughter Janis of Honolulu, Hawaii; son John and daughter-in-law Marianne of Huntington Station, New York; a brother, James O. Magin of Freeport, New York; a sister, Mary Ann Potito of Selden, New York; several nieces and nephews; and his beloved pets Willem and Ekhai: Now therefore be it

Resolved, in the U.S. House of Representatives, that Congresswoman DIANE E. WATSON,

(1) Mourns the passing of Jay Magin;

(2) Recognizes Jay Magin's legacy of charitable service, professional work ethic, bountiful kindness, and soft spoken manner; and

(3) Fondly remembers Jay Magin's easy laughter, charm, and the fact that he never uttered a harsh word about others.

HONORING DR. ROBERT H. BARTLETT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. KILDEE. Mr. Speaker, today I rise to honor the accomplishments of Dr. Robert H. Bartlett of the University of Michigan Medical Center. On Thursday, June 23, family and friends, including many of Dr. Bartlett's former patients, will gather to recognize his life and legacy.

Renowned and respected for his roles as Professor of General and Thoracic Surgery at U–M Medical Center, Dr. Robert Bartlett is celebrated around the world for his pioneering work in the development of extra corporeal membrane oxygenation, or ECMO. ECMO, a technique that has paved new roads in the treatment of infant pulmonary distress, has saved the lives of more than 5,000 infants in the past two decades, and has been successfully applied to children and adults with reversible heart or lung failure.

After completing his residency in Boston and serving as an instructor at Harvard Medical School, Dr. Bartlett became Assistant Professor of Surgery at the University of California-Irvine. His first groundbreaking use of ECMO on an infant came in 1975, with dozens more successful cases spanning the next 5 years. From there, Dr. Bartlett moved the ECMO program to Ann Arbor, MI, the city of his birth. Within the first 5 years at U–M Medical Center, ECMO evolved from an experimental procedure to the standard practice of 18 medical facilities nationwide.

In addition to his work with ECMO, Dr. Bartlett has conducted research designed to advance lung transplantation, and is one of the State's leading authorities on the Koch Pouch procedure for ostomy patients. His peers have recognized him on many occasions, including the 1989 Galens Medical Society Silver Shovel Award for Outstanding Clinical Teacher. When not teaching, researching, or lecturing, Dr. Bartlett can be found as a member of the Life Science Orchestra and the Ann Arbor Civic Orchestra.

Mr. Speaker, for decades, Dr. Robert Bartlett has selflessly worked to enhance and improve the quality of life for not only his patients, but for all those he has come across. I ask my colleagues to please join me in congratulating him on his career, and wishing him the very best in all his future endeavors.

PERSONAL EXPLANATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. BLUMENAUER. Mr. Speaker, on Thursday, June 16 and Friday, June 17, 2004, I was not present for votes because I was testifying before a Base Closure and Realignment Commission hearing in Portland. Had I been present for the following votes, I would have voted as follows:

Rollcall Vote 270: I would have voted "aye" on the King (NY) Amendment to deny immunity to any U.N. Official who is under investigation or charged with a criminal offense because a person should not avoid investigation for a serious criminal offense because they are a United Nations employee.

Rollcall Vote 271: I would have voted "aye" on the Poe Amendment requiring OMB to submit a report on U.S. contributions to the U.N.

because it would improve the ability of Congress to carry out its oversight responsibility.

Rollcall Vote 272: I would have voted "aye" on the Cantor Amendment to deny Iran nuclear materials and assistance because I am greatly concerned about Iran's efforts to develop nuclear weapons and support international efforts to prevent that.

Rollcall Vote 273: I would have voted "no" on tabling the Nadler Resolution because I believe Congress needs to provide stronger oversight in a bipartisan fashion and take a serious look at the PATRIOT Act.

Rollcall Vote 274: I would have voted "aye" on the Royce Amendment prohibiting the elimination of single-country human rights resolutions because, while I oppose mandatory withholding of dues, the U.N. needs to be a credible voice for human rights and I believe that this requirement is achievable.

Rollcall Vote 275: I would have voted "no" on the Fortenberry Amendment to ensure the formal adoption and implementation of mechanisms to: (1) Suspend the membership of a Member State if it is engaged or complicit in acts of genocide, war crimes, or crimes against humanity; (2) impose an arms and trade embargo, travel restrictions and asset freeze upon groups or individuals responsible for such acts; (3) deploy a U.N. peacekeeping operation from an international or regional organization; (4) deploy monitors from the U.N. High Commissioner for Refugees to the area where such acts are occurring; and (5) authorize the establishment of an international commission of inquiry into such acts as part of the certification and withholding process because, while I support the goals of the amendment, implementing these reforms would require a consensus of all U.N. member states, thus giving North Korea or Iran the ability to determine whether the U.S. withholds dues and cripples the U.N.

Rollcall Vote 276: I would have voted "no" on the Flake Amendment requiring the U.N. to release documents related to the Oil-for-Food Program and waive immunity for U.N. officials in connection with the program, as part of the certification and withholding process since it is not a compelling enough reason to add to the certification and withholding process, which I oppose.

Rollcall Vote 277: I would have voted "aye" on the Chabot/Lantos Amendment opposing anti-Semitism at the U.N. because I share this concern and, while I oppose mandatory withholding of dues, this amendment places requirements on the President, not the United Nations.

Rollcall Vote 278: I would have voted "no" on the Pence Amendment to try and deny the veto to any U.N. Security Council permanent member who pays less than ⅕ the level of U.S. dues because it would weaken the veto which, while often abused, is the best guarantor that the U.N. will act in the United States' interests.

Rollcall Vote 279: I would have voted "no" on the Gohmert Amendment to prohibit assistance to any country who votes with the U.S. at the U.N. less than 50% of the time because many of our closest allies and countries most in need of assistance often oppose the United States' position at the U.N., at times with serious justification.

Rollcall Vote 280: I would have voted "no" on the Stearns Amendment to increase withholding from 50 percent to 75 percent because I believe that, if any withholding of dues is counterproductive to U.N. reform, more withholding of dues is more counterproductive.

Rollcall Vote 281: I would have voted "aye" on the bipartisan Lantos-Shays Amendment in the nature of a substitute which authorizes, but does not mandate, withholding of dues because it provides flexibility to the Secretary of State in promoting an agenda of U.N. reform.

Rollcall Vote 282: I would have voted "no" on final passage of H.R. 2745 because I oppose mandatory withholding of U.N. dues. I believe we should have come up with a bipartisan bill that reflects the conclusions of the Gingrich-Mitchell Task Force, that supports efforts underway at the United Nations to reform, and pushes those reforms to be real and prompt, instead of taking this highly partisan bill, which the Bush Administration and U.N. experts from all political beliefs say will alienate our pro-reform allies and make reform less likely, not more.

THE SENATE APOLOGY FOR LYNCHING: A FIRST STEP IN RACIAL RECONCILIATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. RANGEL. Mr. Speaker, I rise today to remind Members of the House of Representatives and the Senate that the problems of racial reconciliation will not be addressed or solved with a simple act of Congress or an apology.

Last week, after the Senate officially apologized for its failure to pass anti-lynching legislation, I came before this body to recognize the important first step of the other chamber on race relations. Today, I want to remind this chamber as well that the problems of race relations and racism did not evaporate with the end of lynchings in the 1940s, nor the end of segregation, nor the end of the Civil Rights Movement, nor the end of the 20th century. The problems and challenges are still alive and well today.

The lynchings of the early 1900s were a form of torture and control used to constrain the aspirations of African Americans and others in their fight for freedom and justice. The fear and intimidation used then curtailed the ambitions of generations of African-Americans and stifled their educational and social progress in this country for generations to come. The apology of the Senate is much appreciated, but, as I said last week, more needs to be done to undo the harmful effect of lynching and Congress's failure to act.

A champion of anti-lynching legislation in the 1940s is still an important voice of civil rights in 2005. The National Association for the Advancement of Colored People (NAACP). will soon be celebrating its centennial year of service to race relations and reconciliation. In the early 1900s, it fought for legal remedies to escalating violence and torture against African Americans. It stood up proudly and strongly for the rights of minorities in the country as they faced a system of discrimination and harassment designed to subdue the rights of an entire group of Americans.

Today, following the apology of the Senate, the NAACP is still a voice for the disenfranchised and the powerless. Its opinions on the next steps in racial reconciliation are important and should be heeded by this body. NAACP Interim President and CEO Dennis Courtland Hayes also recognized the actions of the Senate last week as an important first step. He recommends that the U.S. Congress pursue strategies and dialogue focused on alleviating the disparities and inequalities between whites and blacks that are the consequence of the systematic oppression of blacks by whites throughout the history of the United States.

I submit for the RECORD the following press release from the NAACP concerning the Senate apology. I would hope that my colleagues would take a moment to listen to this sage advice. I would like to thank Mr. Hayes for his leadership on the issue and his efforts to move the nation towards a full accounting of the consequences and an acknowledgment of the debt incurred.

NAACP SAYS LYNCHING RESOLUTION LONG OVERDUE

JUNE 15.—NAACP Interim President and CEO Dennis Courtland Hayes said the U.S. Senate vote to apologize for the lynchings of thousands of people, mostly African Americans, is long overdue, but is a good first step toward reconciliation and the official acknowledgement of a dark period in U.S. history.

"The NAACP was formed in 1909 in reaction to the lynchings of African Americans during the 19th and 20th centuries," said Hayes. "Coming 96 years after the NAACP was founded by black and white Americans for the purpose of halting horrific acts such as lynchings, the Senate vote is both a validation of the NAACP's need to exist as it approaches its centennial and a reason to hope that one day all forms of racial lynchings within the United States will cease. The vote offers a ray of hope that America will persevere to see an end to racial disparities in incarceration rates, health care, wealth, housing and employment."

Washington Bureau Chief Hilary Shelton said, "Our hope is that as we move toward reconciliation, the Congress will establish a federal commission to investigate all of the lynchings to determine the extent of the damage done and what it will take for final healing."

The resolution, sponsored by Sens. George Allen, R–Va., and Mary Landrieu, D–La., was approved by 80 of the Senate's 100 members. Notably absent among the endorsers were two senators from Mississippi, Sens. Thad Cochran and Trent Lott. From 1882 to 1968, there were 4,742 lynchings nationally. During that period, Mississippi had the highest number of lynchings, 581, according to the Tuskegee Institute records. According to the resolution, 99 percent of the lynching perpetrators escaped punishment.

The Senate failed to act on federal anti-lynching legislation that passed the House of Representatives three times between 1920 and 1940. The lynchings were often part of a campaign of intimidation against African Americans who sought to vote, own a business, buy land or campaign for equal rights.

Founded in 1909, the NAACP is the nation's oldest and largest civil rights organization.

Its half-million adult and youth members throughout the United States and the world are the premier advocates for civil rights in their communities, conducting voter mobilization and monitoring equal opportunity in the public and private sectors.

TRIBUTE TO LIEUTENANT COLONEL JOSEPH W. CORRIGAN

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise today to pay tribute and to recognize the outstanding service of Lieutenant Colonel Joseph W. Corrigan, who retires this July after twenty-three years of selfless and dedicated service while working for the United States Army, the Army Corps of Engineers, and Army Legislative Liaison. Lieutenant Colonel Corrigan is a decorated Iraqi Freedom combat veteran who has not only demonstrated his courage in a hostile fire zone but his fervent compassion for people suppressed by years of tyranny and his untiring love of Country as he dedicated over twenty years of voluntary service to our Nation.

Lieutenant Colonel Corrigan began his career as a United States Military Academy graduate, Class of 1982, and was immediately selected to lead our Nation's Sons and Daughters, an honor he accepted with great pride. During his superb career he has met the call of our Nation in both positions of leadership and staff while both he and his family endured the hardships of deployments and separation. As a testament to his professionalism, in 2002 he was awarded the Pace Award as the Department of the Army Staff Officer of the Year.

Recently, Lieutenant Colonel Corrigan proudly served the citizens of our great State of Mississippi in his capacity as the Deputy Director, U.S. Army Corps of Engineers—Mobile Engineer District where he managed all the Corps of Engineer programs for five Southeastern States as well as Central and South America. Lieutenant Colonel Corrigan has spent a major portion of his career with Army Legislative Liaison providing both the Army and Congress with valuable professional insights and advice that have had a direct and positive impact on transforming the Army to meet the current and future requirements of a Nation at War.

Mr. Speaker, as Lieutenant Colonel Joseph Corrigan leaves twenty-three years of Military Service to our Country, I offer not only congratulations on his accomplishments but heartfelt thanks for his selfless service to our great Nation and a wish for his continued success.

HONORING MR. MERLE SAUNDERS

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. WALDEN of Oregon. Mr. Speaker, colleagues, I rise today in honor of a dedicated public servant and inspirational teacher, Mr. Merle Saunders, on his induction into The National Teachers Hall of Fame. Mr. Saunders teaches Automotive Technology at Vale High School in Vale, Oregon, a rural town of approximately 1,000 located in eastern Oregon. This tremendous honor is well-deserved and I am proud to recognize him for this achievement.

One of only five individuals nationwide to be inducted into the Hall of Fame this year, Mr. Saunders has been recognized for his 25 years educating students in Vale. During his career, he has received numerous awards, including six teacher-of-the year awards, from organizations such as AAA, the Environmental Protection Agency, the Vale Chamber of Commerce and the prestigious Milken Family Foundation.

His excellence in instruction extends beyond the walls of Vale High School's classrooms. The school's automotive troubleshooting team, which Mr. Saunders advises, has won 14 State championships and has received several national trophies.

Mr. Speaker, great teachers possess a valuable combination of intelligence, talent, patience and a genuine compassion for their students. The mission of The National Teachers Hall of Fame is to "recognize and honor exceptional teachers." They have accomplished this with the induction of Mr. Saunders.

I would like to formally thank him for his service, commitment and dedication to young people at Vale High School and congratulate him on the receipt of this prestigious honor. He is an inspiration to his students, his colleagues and to us all.

INTRODUCTION OF THE GUANTANAMO DETAINEES PROCEDURES ACT OF 2005

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. SCHIFF. Mr. Speaker, I rise today to introduce the Guantanamo Detainees Procedures Act of 2005. As the war on terrorism continues and more suspected terrorists are likely to be arrested, Congress must ensure that justice is delivered swiftly and responsibly in order to punish terrorists, prevent future attacks, and ensure swift and just processing of those detained.

Over 500 detainees are currently being held in Guantanamo Bay, most of them captured in Afghanistan after the U.S.-led invasion in 2001. Some detainees have been there for more than three years without being charged. These individuals should be tried or released.

Congress must provide for the swift and deliberate processing and prosecution of detainees in a manner that appropriately balances the country's national security needs with the country's due process interests. The Guantanamo Detainees Procedures Act of 2005 is drafted with this goal in mind.

Specifically, the legislation does the following: Provides that the executive branch has the authority to detain foreign nationals as unlawful combatants; provides a timely hearing before an independent military officer to challenge their designation as an unlawful combatant; requires release/repatriation or initiation of formal charges within two years; provides a limited extension if the Secretary of State certifies that the individual remains a national security threat and is likely to undertake terrorist acts against the U.S. and that repatriation of the detainee or the commencement of formal charges will compromise the national security of the U.S. by curtailing intelligence gathering, jeopardize intelligence sources necessary to prosecute the detainee, or other extraordinary circumstances justify the delay; requires the establishment of tribunals with clear standards and procedures designed to ensure a full and fair hearing for the detainee when formal charges are initiated; requires annual reports to Congress on the status of all detainees.

Mr. Speaker, in sum, the Guantanamo Detainees Procedures Act of 2005 will provide an expeditious procedure for processing and prosecuting terrorists and will also ensure that the hallmark of our democracy—justice for all—is not compromised.

CODIFICATION OF TITLE 51, OF THE UNITED STATES CODE—NATIONAL AND COMMERCIAL SPACE PROGRAMS

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. SENSENBRENNER. Mr. Speaker, today I am introducing a bill to codify and enact certain existing laws related to National and Commercial Space Programs as Title 51 of the United States Code. The bill was prepared by the Office of the Law Revision Counsel as part of that office's ongoing responsibility to prepare, and submit to the Committee on the Judiciary one Title at a time, a complete compilation, restatement, and revision of the general and permanent laws of the United States.

All changes in existing law made by this bill are purely technical in nature. The bill was prepared in accordance with the statutory standard for codification legislation, which is that the restatement of existing law shall conform to the understood policy, intent, and purpose of the Congress in the original enactments, with such amendments and corrections as will remove ambiguities, contradictions, and other imperfections.

The bill, along with a detailed section-by-section explanation of the bill, can be accessed on the Internet site of the Office of the Law Revision Counsel (http://uscode.house.gov/). Persons interested in obtaining a printed copy of the bill and explanation, and persons interested in submitting comments on the bill, should contact Rob Sukol, Assistant Counsel, Office of the Law Revision Counsel, U.S. House of Representatives, H2–304 Ford House Office Building, Washington, DC, 20515. The telephone number is 202–226–9060. Comments on the bill should be submitted to the Office of the Law Revision Counsel no later than 60 days after date of introduction.

TRIBUTE TO SECURITIES AND EXCHANGE COMMISSION CHAIRMAN WILLIAM H. DONALDSON

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. TAYLOR of North Carolina. Mr. Speaker, today I rise to honor the accomplishments of outgoing Securities and Exchange Commission Chairman William H. Donaldson. Chairman Donaldson has announced his retirement, but he leaves behind a legacy of hard work, integrity, and achievement.

Mr. Donaldson was certainly well prepared to lead the SEC. He is a veteran of the Marine Corps and a graduate of Yale University. The Chairman has more than 45 years of high-level business and government experience. He is the founder and former CEO of the investment banking firm Donaldson, Lufkin and Jenrette and is the former Chairman and CEO of the New York Stock Exchange. Chairman Donaldson has over five decades of government experience, including service as Under Secretary of State to Henry Kissinger.

When Mr. Donaldson took the helm of the SEC on February 18, 2003, our faith in corporations and financial markets was severely strained. The Chairman immediately set out to remedy these ills by advocating internal reform of the Commission and external reform of securities markets. Chairman Donaldson has accomplished his primary goals of improving disclosure and transparency, protecting investors by helping to eliminate conflicts of interest and self-dealing by brokers, detecting and punishing securities fraud, and making the SEC more effective, efficient and cooperative. In addition, Chairman Donaldson has taken the agency from a re-active to pro-active posture. Donaldson once said "look over hills and around corners" and introduced a risk-based approach to actions.

Through the principle and diligence of William Donaldson, the agency completed the Sarbanes-Oxley rulemaking process, strengthened mutual fund oversight to alleviate potential fraud and abuse in the future, and reinforced the SEC's enforcement and examination programs. During his tenure the SEC hired 1,200 new employees and also promoted teleworking and a virtual workforce. Perhaps most impressively, under Mr. Donaldson's leadership the agency prosecuted more than 1,700 enforcement actions, the two highest annual totals in the SEC's history. During this time the SEC authorized more than $7 billion in penalties to companies which have not played by the rules.

Mr. Speaker, our Nation's financial institutions are stronger and more secure because of the due diligence of William H. Donaldson. I know that my colleagues in the House of Representatives wish him well in his future endeavors. But at this moment and at this time in our country's history he and his staff have made a great contribution.

TO WELCOME HIS EXCELLENCY PHAN VAN KHAI, PRIME MINISTER OF VIETNAM

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. SIMMONS. Mr. Speaker, as the Republican Chairman of the U.S.-Vietnam Caucus here in the House, I rise today to welcome His Excellency Phan Van Khai, Prime Minister of Vietnam.

I am delighted to be here to celebrate this historic occasion—the first official visit of the Prime Minister of Vietnam to the United States Capitol here in Washington, DC.

Thirty five years ago I served in Vietnam as a soldier. Two years ago I returned to that country searching for the remains of a fellow soldier from my district, Captain Arnold Holm, who was shot down in Thua Thien Province in 1972. Although we never found his crash site or his remains, the Vietnamese Government and people were extraordinarily generous and helpful as we searched.

And while we did not find the crash site of Captain Holm, we did find something else of great value. We found Americans and Vietnamese of courage, good will and generous spirit who believed the time had come to heal the wounds of war. As Senator JOHN MCCAIN said last night, we found people who were willing to forget the pain of the past and move forward as friends to build a better future for all our people.

When I returned from my visit to Vietnam I joined my friend and colleague LANE EVANS to create the U.S.-Vietnam Caucus. The purpose of this caucus is to build constructive relationships between our two countries; to search for and recover the remains of soldiers of both countries; to develop tourism and trade; to promote educational exchanges; and to build better relations between our people.

Sir Winston Churchill once remarked, "The pessimist sees difficulty in every opportunity. The optimist sees opportunity in every difficulty." I am an optimist. While there is much work left to do, today is a day of optimism—a day to celebrate the progress we have made so far and a day to let that progress encourage us as we walk together towards an even better future.

NATIONAL ENDOWMENT FOR THE ARTS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Ms. MCCOLLUM of Minnesota. Mr. Speaker, as a member of the Congressional Arts Caucus, I rise today in support of the amendment to increase funds by $10 million to the National Endowment for the Arts and $5 million to the National Endowment for the Humanities.

The value of Federal arts programs lies in their ability to nurture the growth and artistic excellence of thousands of arts organizations and millions of artists throughout the Nation, making a variety of arts—performance, graphic, literature, and media—available to millions of Americans.

The NEA is the Nation's largest annual funder of the arts, bringing great art—both new and established—to all 50 States, including rural communities, inner-city neighborhoods, schools, and military bases.

Support for the arts is a critical investment in the economic growth of every community in this country. The nonprofit arts industry generates $134 billion annually in economic activity, supports 4.85 million jobs, and returns $10.5 billion to the Federal government in income taxes.

Minnesota's 4th Congressional District alone is home to over 1,200 arts-related businesses that employ nearly 9,000 people. These businesses range from theaters, arts schools, museums, architecture firms, and advertising agencies. In addition, unnumbered individual and freelance artists call my district their home. I am proud to represent these artists and their families.

I appreciate how the arts deeply enrich Minnesota. The educational, cultural, and economic impact of the arts is very measurable. Not only do 95% of Minnesotans believe that the arts are an important or essential part of the education of Minnesota children, but 67% of Minnesotans have attended an arts activity themselves within the past year. In addition, the arts in Minnesota have over a $1 billion economic impact annually.

Arts education has also been proven to help students increase cognitive development, inspire creativity, and enhance problem-solving skills. At a time when students are expected to take more high stakes tests, we must support the activities, such as the arts, that encourage their success.

It is with a commitment to the economic, social, and cultural well-being of my district, and of the Nation, that I rise today in support of the National Endowment for the Arts.

RECOGNIZING FIRST BAPTIST CHURCH YOUTH CHOIR—SULPHUR SPRINGS, TX

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. HALL. Mr. Speaker, today I am honored to pay tribute to the First Baptist Church Youth Choir in Sulphur Springs, Texas. The choir is made up of 84 high school students. They have traveled to New York City, San Diego, San Francisco, Washington DC, Canada, the Bahamas, Disney World, Puerto Rico, Hawaii, Mexico, and this year will be traveling to Ireland. On these trips, the choir performs concerts in areas approved by the city, usually outdoors where anyone who is walking by can stop and listen. While the students are performing, the adult sponsors talk to those who are listening and distribute free Bibles to anyone who asks for one. These high school students have been able to reach the hearts of thousands of people in a variety of places.

The youth choir began in 1981 under the leadership of the Minister of Music of First

Baptist Church, Fred Randles, and his wife, Jane. The students meet every Sunday evening for rehearsal. Throughout the year, they perform at church services and at Holiday in the Park at Six Flags over Texas to help them prepare for their summer trip. During the spring, they begin to learn choreography for the songs they sing.

The choir has received certificates of appreciation from four different Presidents, the U.S. Congress, and Disney World Entertainment Industry. They have also been recognized by the Governor of Cozumel, Mexico, and the Bahamas tourist board, and they have had appearances on Good Morning America and The Early Show on CBS.

In addition to performing, the students also participate in a number of ministry activities. In Hawaii, for example, they conducted Vacation Bible School and Sports Camp, worked with people who needed help around their house, helped at homeless missions, and shared the gospel with people who live on the beach.

The First Baptist Church Youth Choir of Sulphur Springs, TX has not only been blessed by the opportunities they have had, but also by the people whom they have met and associated with in their travels, and in turn the choir has been a blessing to their church and to multitudes of people around the world. As they travel to Ireland in July, I ask my colleagues to join me in recognizing these outstanding young people and commending them for the great work they are doing.

PIERCE COUNTY COURTHOUSE CENTENNIAL

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. KIND. Mr. Speaker, I rise today to pay tribute to a historic building in my home district in Wisconsin. Listed on the National Register of Historic Places, the Pierce County Courthouse has served as a grand symbol of law and order to the people of western Wisconsin since 1905. I am pleased to honor the 100th anniversary of this unique building.

As early French pioneers made their way westward, they met the pristine beauty and abundant natural resources of the Mississippi River and its surrounding lands. Where the Mississippi meets the St. Croix River, they also encountered one of the most dense concentrations of native American villages in the upper Mississippi River Valley. It was here where many decided to settle, including those who began the first permanent settlement of Pierce County at Prescott in 1827.

By 1853, the population had grown and pierce became its own county, separating from St. Croix County. Prescott served as the first county seat, but in 1861 the people of the county voted to change the seat to Ellsworth. A brick courthouse then was constructed on the site of the current building.

The present courthouse was erected in 1905 in Ellsworth, and its evolution mirrors that of the city and of the county as a whole. The first courthouse in Ellsworth was made of logs. The next was a wooden frame building. Finally, in 1869, the brick courthouse was constructed, which included a jail. By the turn of the century, however, even this building was deemed inappropriate to the image and need of the growing county, and the current courthouse was erected as a true testament of the supremacy of law and a match to the beauty of the surrounding area.

Designed out of the neoclassical and Beaux arts architectural traditions, it is constructed from several types of native stone and accentuated by Tennessee marble. Inside, vaulted ceilings depict the beauty of western Wisconsin, rising to a baroque dome covering the five-story hexagonal rotunda. Mr. Speaker, this building truly brings well-deserved pride to the people of Pierce County.

On March 3, 1982, the Pierce County Courthouse was recognized by the National Register of Historic Places, honoring the courthouse as a historic place with great importance to the Pierce County community and the State of Wisconsin, as well as notable architectural significance. The residents of Pierce County also demonstrated their own appreciation for this unique courthouse when they chose to repair the beautiful building rather than allow the decapitation of its dome, a fate that often befalls historic buildings.

A centennial celebration will be held at the courthouse on June 26, 2005. I commend the people and the local public officials of Pierce County for having the vision to erect such a monument to justice, law, and beauty, and the foresight to maintain this local treasure. This building truly has been a source of pride to Pierce County for 100 years, and it will continue to do so for generations to come. Mr. Speaker, I thank you for the opportunity to honor this milestone before you today.

MELANIE SABELHAUS: A STRONG VOICE FOR SMALL BUSINESS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. MANZULLO. Mr. Speaker, today, I wish to recognize the outstanding dedication and leadership of Melanie Sabelhaus for her efforts and accomplishments in supporting small business nationwide. Melanie became the Deputy Administrator of the Small Business Administration in April of 2002, and has since helped to lead the agency to greater efficiency and effectiveness while drawing attention to women-owned businesses. She is leaving her position this month to pursue opportunities in the private sector.

After 15 years at IBM, Melanie Sabelhaus learned firsthand some of the challenges that face entrepreneurs when she started a property rental and management company in 1986. Melanie's entrepreneurial drive and business savvy grew her small business into a $10 million dollar a year enterprise. This woman is a success story.

When Melanie arrived at the SBA, she pledged to help create more opportunities for small business owners and entrepreneurs using her extensive business knowledge. She fulfilled her promise to an extent I could not have imagined. She, along with Administrator Hector Barreto and the rest of the agency, followed the President's Management agenda. SBA has made solid progress on most areas of the President's Management agenda.

Melanie was responsible for the successful implementation of the Execution Scorecard, which introduced ways to measure and rank district offices and SBA programs. The SBA also introduced the Business Matchmaking program while Melanie was in office, which has already resulted in 25,000 one-on-one meetings between small business owners and Federal agencies or large companies in the private sector.

As a woman entrepreneur herself, Melanie has given particular attention and support to women in small businesses. When she arrived at the agency in 2002, there were only 11,285 7(a) and 504 loans granted to women entrepreneurs for the entire year. In the past year, the number of loans to women has increased to over 18,000 for the two main loan programs at the agency. She is the leading advocate for women in business in this country, and has been a tremendous role model for women everywhere.

Melanie Sabelhaus has been the recipient of numerous philanthropy, business and government leadership awards, including 2002 Outstanding Volunteer Fundraiser of the Year Award for Maryland, awarded by the Association of Fundraising Professionals; the Artemis Award from the European-American Women's Conference; the Distinguished Women's Award from the Girl Scouts of Central Maryland; the Superstar Award from the Alzheimer's Association of Central Maryland, Maryland's Top 100 Women from The Daily Record; and the Outstanding Business Achievement Award from Ohio University.

I am sure that wherever Melanie Sabelhaus goes after her departure this month, she will make a similarly lasting mark there as she has at the SBA. Although I am sorry to see her go, my wife, Freda, and I wish her the best of luck in all of her future endeavors.

PERSONAL EXPLANATION

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I was unable to vote on four amendments to H.R. 2863, Defense Appropriations for FY 2006, on Monday, June 20 due to a travel delay.

I would like the RECORD to reflect that I would have voted "aye" on agreeing to the Velázquez amendment; "aye" on agreeing to the DeFazio amendment; "aye" on agreeing to the Doggett amendment; and "aye" on agreeing to the Obey amendment.

SENATE—*Friday, June 24, 2005*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Majestic and Holy God, we give You honor and praise. Your power and beauty fill the Earth. You command the oceans to roar and the fields to rejoice. Thank You for the treasure of Your love that provides us with strength for today and hope for tomorrow. When we fall, You help us up.

Today, bless our Senators. Remind them that wisdom brings understanding and knowledge gives power. Use them as instruments of Your will. Make them Your faithful stewards, and may they find joy in Your service. Give them the humility to trust You and obey Your teachings. Bless also those who support our lawmakers in their work.

Lord, we close this prayer by asking You to protect our military men and women in harm's way. We pray this in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will begin consideration of the appropriations process by turning to the Interior appropriations bill. Senator BURNS and Senator DORGAN are our two managers, and we expect to begin consideration of amendments.

Last night, following completion of the Energy bill, we reached an agreement on the Interior bill that first-degree amendments are to be offered today and Monday. We have commitments from several colleagues that they will be available today to offer amendments, and therefore we will make progress on the bill over the course of the day.

I announced last night that no votes would occur today as well as Monday. However, we will be in session both days working through the Interior bill so that we can finish that bill very early next week. We will start voting on amendments to this appropriations bill on Tuesday.

As a reminder, we have scheduled a vote on passage of the Energy bill at 9:45 a.m. on Tuesday.

Next week, in addition to completing the Interior appropriations measure, we will also complete work on the Homeland Security appropriations bill. It may be possible to consider other appropriations matters as we move through the week. As always, we will be turning to additional legislative and executive items that can be cleared for action during next week.

Again, I thank everybody for their cooperation on the Energy bill. It is a tremendous success for this body. Members on both sides of the aisle came together in order to finish that bill, as we had planned, within 2 weeks.

I will be returning to the floor of the Senate later today with several statements, including one on the Interior appropriations bill.

I yield the floor.

DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 2361, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 2361) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with an amendment in the nature of a substitute.

[Strike the part shown in black brackets and insert the part shown in italic.]

H.R. 2361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

[TITLE I—DEPARTMENT OF THE INTERIOR

[BUREAU OF LAND MANAGEMENT

[MANAGEMENT OF LANDS AND RESOURCES

[For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $845,783,000, to remain available until expended, of which $1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which $3,000,000 shall be available in fiscal year 2006 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

[In addition, $32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $845,783,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

[WILDLAND FIRE MANAGEMENT

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $761,564,000, to remain available until expended, of which not to exceed $7,849,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-

Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $9,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

[CONSTRUCTION

[For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $11,476,000, to remain available until expended.

[LAND ACQUISITION

[For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94-579, including administrative expenses and acquisition of lands or waters, or interests therein, $3,817,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

[OREGON AND CALIFORNIA GRANT LANDS

[For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $110,070,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

[FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

[(REVOLVING FUND, SPECIAL ACCOUNT)

[In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

[RANGE IMPROVEMENTS

[For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

[SERVICE CHARGES, DEPOSITS, AND FORFEITURES

[For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

[MISCELLANEOUS TRUST FUNDS

[In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

[ADMINISTRATIVE PROVISIONS

[Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

[UNITED STATES FISH AND WILDLIFE SERVICE

[RESOURCE MANAGEMENT

[For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $1,005,225,000, to remain available until September 30, 2007, except as otherwise provided herein: *Provided*, That $2,000,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: *Provided further*, That not to exceed $18,130,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $12,852,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2005: *Provided further*, That of the amount available for law enforcement, up to $400,000, to remain available until expended, may, at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: *Provided further*, That of the amount provided for environmental contaminants, up to

$1,000,000 may remain available until expended for contaminant sample analyses.

[CONSTRUCTION

[For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $41,206,000, to remain available until expended.

[LAND ACQUISITION

[For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $14,937,000 to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided*, That land and non-water interests acquired from willing sellers incidental to water rights acquired for the transfer and use at Lower Klamath and Tule Lake National Wildlife Refuges under this heading shall be resold and the revenues therefrom shall be credited to this account and shall be available without further appropriation for the acquisition of water rights, including acquisition of interests in lands incidental to such water rights, for the two refuges: Provided further, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

[LANDOWNER INCENTIVE PROGRAM

[For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $23,700,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, federally recognized Indian tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate, or other at-risk species on private lands.

[PRIVATE STEWARDSHIP GRANTS

[For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $7,386,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That the amount provided herein is for the Private Stewardship Grants Program established by the Secretary to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, candidate, or other at-risk species.

[COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

[For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, $84,400,000, of which $20,161,000 is to be derived from the Cooperative Endangered Species Conservation Fund and $64,239,000 is to be derived from the Land and Water Conservation Fund and to remain available until expended.

[NATIONAL WILDLIFE REFUGE FUND

[For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

[NORTH AMERICAN WETLANDS CONSERVATION FUND

[For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101-233, as amended, $40,000,000 to remain available until expended.

[NEOTROPICAL MIGRATORY BIRD CONSERVATION

[For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106-247 (16 U.S.C. 6101-6109), $4,000,000, to remain available until expended.

[MULTINATIONAL SPECIES CONSERVATION FUND

[For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4213, 4221-4225, 4241-4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105-96; 16 U.S.C. 4261-4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301-5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), and, the Marine Turtle Conservation Act of 2004 (Public Law 108-266; 16 U.S.C. 6601), $5,900,000, to remain available until expended.

[STATE AND TRIBAL WILDLIFE GRANTS

[For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $65,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That of the amount provided herein, $6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting said $6,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant if its comprehensive wildlife conservation plan is disapproved and such funds that would have been distributed to such State, territory, or other jurisdiction shall be distributed equitably to States, territories, and other jurisdictions with approved plans: *Provided further*, That any amount apportioned in 2006 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2007, shall be reapportioned, together with funds appropriated in 2008, in the manner provided herein: *Provided further*, That balances from amounts previously appropriated under the heading "State Wildlife Grants" shall be transferred to and merged with this appropriation and shall remain available until expended.

[ADMINISTRATIVE PROVISIONS

[Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of passenger motor vehicles; repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That, notwithstanding any other provision of law, the Service may use up to $2,000,000 from funds provided for contracts for employment-related legal services: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That, notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the

House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 108-330.

[NATIONAL PARK SERVICE

[OPERATION OF THE NATIONAL PARK SYSTEM

[For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,754,199,000, of which $30,000,000 is provided above the budget request to be distributed to all park areas on a pro-rate basis and to remain in the park base; of which $9,892,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $97,600,000, to remain available until September 30, 2007, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; of which $1,937,000 is for the Youth Conservation Corps for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

[UNITED STATES PARK POLICE

[For expenses necessary to carry out the programs of the United States Park Police, $82,411,000.

[NATIONAL RECREATION AND PRESERVATION

[For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, and grant administration, not otherwise provided for, $48,997,000: *Provided*, That none of the funds in this Act for the River, Trails and Conservation Assistance program may be used for cash agreements, or for cooperative agreements that are inconsistent with the program's final strategic plan.

[HISTORIC PRESERVATION FUND

[For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $72,705,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2007, of which $30,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts: *Provided*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant: *Provided further*, That all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations and the President's Committee on the Arts and Humanities prior to the commitment of Save America's Treasures grant funds: *Provided further*, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies: *Provided further*, That hereinafter and notwithstanding 20 U.S.C. 951 et seq. the National Endowment for the Arts may award Save America's Treasures grants based upon the recommendations of the Save America's Treasures grant selection panel convened by the President's Committee on the Arts and the Humanities and the National Park Service.

[CONSTRUCTION

[For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $308,230,000, to remain available until expended, of which $17,000,000 for modified water deliveries to Everglades National Park shall be derived by transfer from unobligated balances in the "Land Acquisition and State Assistance" account for Everglades National Park land acquisitions: *Provided*, That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of $5,000,000, without advance approval of the House and Senate Committees on Appropriations: *Provided further*, That, notwithstanding any other provision of law, the National Park Service .may not accept donations or services associated with the planning, design, or construction of such new facilities without advance approval of the House and Senate Committees on Appropriations: *Provided further*, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108–108: *Provided further*, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations.

[LAND AND WATER CONSERVATION FUND

[(RESCISSION)

[The contract authority provided for fiscal year 2006 by 16 U.S.C. 4601–10a is rescinded.

[LAND ACQUISITION AND STATE ASSISTANCE

[For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $9,421,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $1,587,000 is for the administration of the State assistance program.

[ADMINISTRATIVE PROVISIONS

[Appropriations for the National Park Service shall be available for the purchase of not to exceed 245 passenger motor vehicles, of which 199 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That in fiscal year 2006 and thereafter, appropriations available to the National Park Service may be used to maintain the following areas in Washington, District of Columbia: Jackson Place, Madison Place, and Pennsylvania Avenue between 15th and 17th Streets, Northwest.

[None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

[The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

[If the Secretary of the Interior considers the decision of any value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, to misinterpret or misapply relevant contractual requirements or their underlying legal authority, the Secretary may seek, within 180 days of any such decision, the de novo review of the value determination by the United States Court of Federal Claims, and that court may make an order affirming, vacating, modifying or correcting the determination.

[In addition to other uses set forth in section 407(d) of Public Law 105-391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

[UNITED STATES GEOLOGICAL SURVEY

[SURVEYS, INVESTIGATIONS, AND RESEARCH

[For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $974,586,000, of which $63,770,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $8,000,000 shall remain available until expended for satellite operations; of which $23,320,000 shall be available until September 30, 2007, for the operation and maintenance of facilities and deferred maintenance; of which $1,600,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost; and of which $174,765,000 shall be available until September 30, 2007, for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

[ADMINISTRATIVE PROVISIONS

[The amount appropriated for the United States Geological Survey shall be available for the purchase and replacement of passenger motor vehicles; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

[MINERALS MANAGEMENT SERVICE

[ROYALTY AND OFFSHORE MINERALS MANAGEMENT

[For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $152,676,000, of which $77,529,000 shall be available for royalty management activities; and an amount not to exceed $122,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That to the extent $122,730,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $122,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That $3,000,000 for computer acquisitions shall remain available until September 30, 2007: *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That in fiscal year 2006 and thereafter, the MMS may under the royalty-in-kind program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to the royalty-in-kind program: *Provided further*, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

[OIL SPILL RESEARCH

[For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $7,006,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

[OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

[REGULATION AND TECHNOLOGY

[For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $110,435,000: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2006 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

[ABANDONED MINE RECLAMATION FUND

[For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $188,014,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 2006: *Provided further*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That amounts allocated under section 402(g)(2) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)(2)) as of September 30, 2005, but not appropriated as of that date, are reallocated to the allocation established in section 402(g)(3) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)(3)): *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

[ADMINISTRATIVE PROVISIONS

[With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and Tribal regulatory and reclamation programs.

[BUREAU OF INDIAN AFFAIRS

[OPERATION OF INDIAN PROGRAMS

[For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,992,737,000, to remain available until September 30, 2007 except as otherwise provided herein, of which not to exceed $86,462,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $134,609,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2006, as authorized by such Act, of which $129,609,000 shall be available for indirect contract support costs and $5,000,000 shall be available for direct contract support costs, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $478,085,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2006, and shall remain available until September 30, 2007; and of which not to exceed $61,267,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $44,718,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2005 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2005, of Bureau-operated schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2007, may be transferred during fiscal year 2008 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2008.

[CONSTRUCTION

[For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $284,137,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2006, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): *Provided further*, That in order to ensure timely completion of replacement school construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any tribe or tribal organization receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction of the replacement school: *Provided further*, That this Appropriation may be reimbursed from the Office of the Special Trustee for American Indians Appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

[INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

[For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $34,754,000, to remain available until expended, for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 106–554, 107–331, and 108–34, and for implementation of other land and water rights settlements, of which $10,000,000 shall be available for payment to the Quinault Indian Nation pursuant to the terms of the North Boundary Settlement Agreement dated July 14, 2000, providing for the acquisition of perpetual conservation easements from the Nation.

[INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

[For the cost of guaranteed and insured loans, $6,348,000, of which $701,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $118,884,000.

[ADMINISTRATIVE PROVISIONS

[The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

[Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

[Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase and replacement of passenger motor vehicles.

[Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

[In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

[Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

[Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

[Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if a tribe or tribal organization in fiscal year 2003 or 2004 received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such tribe or tribal organization using the section 5(f) distribution formula.

[DEPARTMENTAL OFFICES

[INSULAR AFFAIRS

[ASSISTANCE TO TERRITORIES

[For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $76,563,000, of which: (1) $69,182,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in

American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $7,381,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

[COMPACT OF FREE ASSOCIATION

[For grants and necessary expenses, $5,362,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands, and the Government of the United States and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188.

[DEPARTMENTAL MANAGEMENT

[SALARIES AND EXPENSES

[For necessary expenses for management of the Department of the Interior, $118,755,000 (reduced by $8,000,000) (reduced by $13,000,000) of which not to exceed $8,500 may be for official reception and representation expenses; and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: *Provided*, That none of the funds in this or previous appropriations Acts may be used to establish any additional reserves in the Working Capital Fund account other than the two authorized reserves without prior approval of the House and Senate Committees on Appropriations.

[PAYMENTS IN LIEU OF TAXES

[For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $230,000,000 (increased by $12,000,000), of which not to exceed $400,000 shall be available for administrative expenses: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

[CENTRAL HAZARDOUS MATERIALS FUND

[For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,855,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

[OFFICE OF THE SOLICITOR

[SALARIES AND EXPENSES

[For necessary expenses of the Office of the Solicitor, $55,340,000.

[OFFICE OF INSPECTOR GENERAL

[SALARIES AND EXPENSES

[For necessary expenses of the Office of Inspector General, $39,566,000.

[OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

[FEDERAL TRUST PROGRAMS

[For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $191,593,000, to remain available until expended, of which not to exceed $58,000,000 from this or any other Act, shall be available for historical accounting: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Departmental Management, "Salaries and Expenses" account: *Provided further*, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2006, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

[INDIAN LAND CONSOLIDATION

[For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $34,514,000, to remain available until expended, and which may be transferred to the Bureau of Indian Affairs and Departmental Management accounts: *Provided*, That funds provided under this heading may be expended pursuant to the authorities contained in the provisos under the heading "Office of Special Trustee for American Indians, Indian Land Consolidation" of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291).

[NATURAL RESOURCES DAMAGE ASSESSMENT AND RESTORATION

[NATURAL RESOURCE DAMAGE ASSESSMENT FUND

[To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $6,106,000, to remain available until expended.

[ADMINISTRATIVE PROVISIONS

[There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund: *Provided further*, That the annual budget justification for Departmental Management shall describe estimated Working Capital Fund charges to bureaus and offices, including the methodology on which charges are based: *Provided further*, That departures from the Working Capital Fund estimates contained in the Departmental Management budget justification shall be presented to the Committees on Appropriations for approval: *Provided further*, That the Secretary shall provide a semi-annual report to the Committees on Appropriations on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department, including the amounts billed pursuant to such agreements.

[General Provisions, Department of The Interior

[Sec. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

[Sec. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

[Sec. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

[Sec. 104. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

[Sec. 105. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

[Sec. 106. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

[Sec. 107. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

[Sec. 108. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, except that total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

[Sec. 109. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

[Sec. 110. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2006. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

[Sec. 111. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2006 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

[Sec. 112. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

[Sec. 113. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

[Sec. 114. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

[Sec. 115. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

[Sec. 116. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

[Sec. 117. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

[Sec. 118. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

[SEC. 119. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

[SEC. 120. Such sums as may be necessary from "Departmental Management, Salaries and Expenses", may be transferred to "United States Fish and Wildlife Service, Resource Management" for operational needs at the Midway Atoll National Wildlife Refuge airport.

[SEC. 121. (a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001).

[(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

[SEC. 122. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

[SEC. 123. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2007 shall not exceed $12,000,000.

[SEC. 124. Notwithstanding any implementation of the Department of the Interior's trust reorganization or reengineering plans, or the implementation of the "To Be" Model, funds appropriated for fiscal year 2006 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima-Maricopa Indian Community, the Confederated Salish and Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation through the same methodology as funds were distributed in fiscal year 2004. This Demonstration Project shall continue to operate separate and apart from the Department of the Interior's trust reform and reorganization and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. 458aa–458hh: *Provided*, That the California Trust Reform Consortium and any other participating tribe agree to carry out their responsibilities under the same written and implemented fiduciary standards as those being carried by the Secretary of the Interior: *Provided further*, That they demonstrate to the satisfaction of the Secretary that they have the capability to do so: *Provided further*, That the Department shall provide funds to the tribes in an amount equal to that required by 25 U.S.C. 458cc(g)(3), including funds specifically or functionally related to the provision of trust services to the tribes or their members.

[SEC. 125. Notwithstanding any provision of law, including 42 U.S.C. 4321 et. seq., nonrenewable grazing permits authorized in the Jarbidge Field Office, Bureau of Land Management within the past 9 years, shall be renewed. The Animal Unit Months contained in the most recently expired nonrenewable grazing permit, authorized between March 1, 1997, and February 28, 2003, shall continue in effect under the renewed permit. Nothing in this section shall be deemed to extend the nonrenewable permits beyond the standard 1-year term.

[SEC. 126. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

[SEC. 127. Upon the request of the permittee for the Clark Mountain Allotment lands adjacent to the Mojave National Preserve, the Secretary shall also issue a special use permit for that portion of the grazing allotment located within the Preserve. The special use permit shall be issued with the same terms and conditions as the most recently-issued permit for that allotment and the Secretary shall consider the permit to be one transferred in accordance with section 325 of Public Law 108–108.

[SEC. 128. Notwithstanding any other provision of law, the National Park Service final winter use rules published in part VII of the Federal Register for November 10, 2004, 69 Fed. Reg. 65348 et seq., shall be in force and effect for the winter use season of 2005–2006 that commences on or about December 15, 2005.

[SEC. 129. None of the funds in this Act may be used to compensate more than 34 full time equivalent employees in the Department's Office of Law Enforcement and Security. The total number of staff detailed from other offices and reimbursable staff may not exceed 8 at any given time.

[TITLE II—ENVIRONMENTAL PROTECTION AGENCY

[SCIENCE AND TECHNOLOGY

[For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $765,340,000 which shall remain available until September 30, 2007.

[ENVIRONMENTAL PROGRAMS AND MANAGEMENT

[For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project; and not to exceed $9,000 for official reception and representation expenses, $2,389,491,000 (increased by $1,903,000) (reduced by $1,903,000), which shall remain available until September 30, 2007, including administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002.

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $37,955,000 to remain available until September 30, 2007.

[BUILDINGS AND FACILITIES

[For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $40,218,000 to remain available until expended.

[HAZARDOUS SUBSTANCE SUPERFUND

[(INCLUDING TRANSFERS OF FUNDS)

[For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project; $1,258,333,000, to remain available until expended, consisting of such sums as are available in the Trust Fund upon the date of enactment of this Act as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,258,333,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, $13,536,000 shall be transferred to the "Office of Inspector General" appropriation to remain available until September 30, 2007, and $30,606,000 shall be transferred to the "Science and technology" appropriation to remain available until September 30, 2007.

[LEAKING UNDERGROUND STORAGE TANK PROGRAM

[For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $73,027,000, to remain available until expended.

[OIL SPILL RESPONSE

[For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,863,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

[STATE AND TRIBAL ASSISTANCE GRANTS

[(INCLUDING RESCISSIONS OF FUNDS)

[For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,127,800,000, to remain available until expended, of which $750,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the "Act"), of which up to $50,000,000 shall be available for loans, including interest free loans as authorized by 33 U.S.C. 1383(d)(1)(A), to municipal, intermunicipal, interstate, or State agencies or nonprofit entities for projects that provide treatment for or that minimize sewage or stormwater discharges using one or more approaches which include, but are not limited to, decentralized or distributed stormwater controls, decentralized wastewater treatment, low-impact development practices, conservation easements, stream buffers, or wetlands restoration; $850,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended; $50,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $15,000,000 shall be for grants to the State of Alaska to address drinking water and waste infrastructure needs of rural and Alaska Native Villages; $200,000,000 shall be for making grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection ("special project grants") in accordance with the terms and conditions specified for such grants in the joint explanatory statement of the managers accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; $95,500,000 (increased by $2,000,000) shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; $4,000,000 shall be for a grant to Puerto Rico for drinking water infrastructure improvements to the Metropolitano community water system in San Juan; $10,000,000 for cost-shared grants for school bus retrofit and replacement projects that reduce diesel emissions: *Provided*, That $1,153,300,000 (reduced by $2,000,000) shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities of which and subject to terms and conditions specified by the Administrator, of which $52,000,000 (reduced by $2,000,000) shall be for carrying out section 128 of CERCLA, as amended, and $20,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, and $15,000,000 shall be for making competitive targeted watershed grants: *Provided further*, That notwithstanding section 603(d)(7) of the Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2006 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further*, That for fiscal year 2006, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act: *Provided further*, That for fiscal year 2006, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of that Act: *Provided further*, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: *Provided further*, That, notwithstanding any other provision of law, such funds that were appropriated under this heading for special project grants in fiscal year 2000 or before and for which the Agency has not received an application and issued a grant by September 30, 2006, shall be made available to the Clean Water or Drinking Water Revolving Fund, as appropriate, for the State in which the special project grant recipient is located: *Provided further*, That excess funds remaining after completion of a special project grant shall be made available to the Clean Water or Drinking Water Revolving Fund, as appropriate, for the State in which the special project grant recipient is located: *Provided further*, That in the event that a special project is determined by the Agency to be ineligible for a grant, the funds for that project shall be made available to the Clean Water or Drinking Water Revolving Fund, as appropriate, for the State in which the special project grant recipient is located: *Provided further*, That notwithstanding this or previous appropriations Acts, after consultation with the House and Senate Committees on Appropriations and for the purposes of making technical corrections, the Administrator is authorized to award grants to entities under this heading for purposes other than those listed in the joint explanatory statements of the managers accompanying the Agency's appropriations Acts for the construction of drinking water, waste water and storm water infrastructure, and for water quality protection.

[For an additional amount for the Clean Water State Revolving Fund, $100,000,000 shall be made available from the rescissions of multi-year and no-year funding, previously appropriated to the Environmental Protection Agency, the availability of which under the original appropriation accounts has not expired, and $100,000,000 in such funding is hereby rescinded: *Provided*, That such rescissions shall be taken solely from amounts associated with grants, contracts, and interagency agreements whose availability under the original period for obligation for such grant, contract, or interagency agreement has expired based on the April 2005 review by the Government Accountability Office.

[ADMINISTRATIVE PROVISIONS

[For fiscal year 2006, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

[The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (as added by subsection (f)(2) of the Pesticide Registration Improvement Act of 2003), as amended.

[Notwithstanding CERCLA 104(k)(4)(B)(i)(IV), appropriated funds for fiscal year 2006 may be used to award grants or loans under section 104(k) of CERCLA to eligible entities that satisfy all of the elements set forth in CERCLA section 101(40) to qualify as a bona fide prospective purchaser except that the date of acquisition of the property was prior to the date of enactment of the Small Business Liability Relief and Brownfield Revitalization Act of 2001.

[For fiscal years 2006 through 2011, the Administrator may, after consultation with the Office of Personnel Management, make not to exceed five appointments in any fiscal year under the authority provided in 42 U.S.C. 209 for the Office of Research and Development.

[TITLE III—RELATED AGENCIES

[DEPARTMENT OF AGRICULTURE

[FOREST SERVICE

[FOREST AND RANGELAND RESEARCH

[For necessary expenses of forest and rangeland research as authorized by law, $285,000,000, to remain available until expended: *Provided*, That of the funds provided, $62,100,000 is for the forest inventory and analysis program.

[STATE AND PRIVATE FORESTRY

[For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $254,875,000, to remain available until expended, as authorized by law of which $25,000,000 is to be derived from the Land and Water Conservation Fund: *Provided*, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific contractual and grant details including the non-Federal cost share: *Provided further*, That of the funds provided herein, $1,000,000 shall be provided to Custer County, Idaho, for economic development in accordance with the Central Idaho Economic Development and Recreation Act, subject to authorization.

[NATIONAL FOREST SYSTEM

[For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,423,920,000 (reduced by $7,000,000) (increased by $1,000,000), to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): *Provided*, That unobligated balances under this heading available at the start of fiscal year 2006 shall be displayed by budget line item in the fiscal year 2007 budget justification.

[WILDLAND FIRE MANAGEMENT

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,790,506,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2005 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): *Provided further*, That, notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, $286,000,000 is for hazardous fuels reduction activities, $9,281,000 is for rehabilitation and restoration, $21,719,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $41,000,000 is for State fire assistance, $8,000,000 is for volunteer fire assistance, $15,000,000 is for forest health activities on Federal lands and $10,000,000 is for forest health activities on State and private lands: *Provided further*, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further*, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in the report accompanying this Act: *Provided further*, That funds provided under this heading for hazardous fuels treatments may be transferred to and made a part of the "National Forest System" account at the sole discretion of the Chief of the Forest Service thirty days after notifying the House and the Senate Committees on Appropriations: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $9,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That funds designated for wildfire suppression, shall be assessed for indirect costs, in a manner consistent with such assessments against other agency programs.

[CAPITAL IMPROVEMENT AND MAINTENANCE

[For necessary expenses of the Forest Service, not otherwise provided for, $468,260,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project.

[LAND ACQUISITION

[For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $15,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

[ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

[For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

[ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

[For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

[RANGE BETTERMENT FUND

[For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

[GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

[For expenses authorized by 16 U.S.C. 1643(b), $64,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

[MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

[For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,467,000, to remain available until expended.

[ADMINISTRATIVE PROVISIONS, FOREST SERVICE

[Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

[None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

[Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the House and Senate Committees on Appropriations and if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned and all wildfire suppression funds under the heading "Wildland Fire Management" are obligated.

[The first transfer of funds into the Wildland Fire Management account shall include unobligated funds, if available, from the Land Acquisition account and the Forest Legacy program within the State and Private Forestry account.

[Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

[None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b, however in fiscal year 2006 the Forest Service may transfer funds to the "National Forest System" account from other agency accounts to enable the agency's law enforcement program to pay full operating costs including overhead.

[None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the report accompanying this Act.

[Not more than $72,646,000 of the funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture.

[Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

[Of the funds available to the Forest Service, $4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

[Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $250,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

[Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That such funds shall be matched on at least a one-for-one basis by the Foundation or its subrecipients.

[Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

[Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed $500,000.

[An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

[Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

[For each fiscal year through 2009, funds available to the Forest Service in this Act may be used for the purpose of expenses associated with primary and secondary schooling for dependents of agency personnel stationed in Puerto Rico prior to the date of enactment of this Act, who are subject to transfer and reassignment to other locations in the United States, at a cost not in excess of those authorized for the Department of Defense for the same area, when it is determined by the Chief of the Forest Service that public schools available in the locality are unable to provide adequately for the education of such dependents.

[DEPARTMENT OF HEALTH AND HUMAN SERVICES

[INDIAN HEALTH SERVICE

[INDIAN HEALTH SERVICES

[For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,732,298,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That up to $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That $507,021,000 for contract medical care shall remain available for obligation until September 30, 2007: *Provided further*, That of the funds provided, up to $27,000,000, to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $268,683,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2006, of which not to exceed $5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further*, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: *Provided further*, That of the amounts provided to the Indian Health Service, $15,000,000 is provided for alcohol control, enforcement, prevention, treatment, sobriety and wellness, and education in Alaska: *Provided further*, That none of the funds may be used for tribal courts or tribal ordinance programs or any program that is not directly related to alcohol control, enforcement, prevention, treatment, or sobriety: *Provided further*, That no more than 15 percent may be used by any entity receiving funding for administrative overhead including indirect costs: *Provided further*, That the Bureau of Indian Affairs shall collect from the Indian Health Service and tribes and tribal organizations operating health facilities pursuant to Public Law 93–638 such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals With Disability Education Act, 20 U.S.C. 1400, et seq.

[INDIAN HEALTH FACILITIES

[For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $370,774,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed $1,000,000 from this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That notwithstanding any other provision of law, funds appropriated for the planning, design, and construction of the replacement health care facility in Barrow, Alaska, may be used to purchase land up to approximately 8 hectares for a site upon which to construct the new health care facility: *Provided further*, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

[ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

[Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

[In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

[Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

[None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process. Personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full time equivalent level of the Indian Health Service below the level in fiscal year 2002 adjusted upward for the staffing of new and expanded facilities, funding provided for staffing at the Lawton, Oklahoma hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

[Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

[None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

[With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

[Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

[The appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

[NATIONAL INSTITUTES OF HEALTH

[NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

[For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $80,289,000.

[AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

[TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

[For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $76,024,000, of which up to $1,500,000, to remain available until expended, is for Individual Learning Accounts for full-time equivalent employees of the Agency for Toxic Substances and Disease Registry: *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2006, and existing profiles may be updated as necessary.

[OTHER RELATED AGENCIES

[EXECUTIVE OFFICE OF THE PRESIDENT

[COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

[For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and

Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $2,717,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

[CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

[SALARIES AND EXPENSES

[For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $9,200,000: *Provided*, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: *Provided further*, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

[OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

[SALARIES AND EXPENSES

[For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $8,601,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

[INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

[PAYMENT TO THE INSTITUTE

[For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $6,300,000.

[SMITHSONIAN INSTITUTION

[SALARIES AND EXPENSES

[For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $524,381,000, of which not to exceed $10,992,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and of which $9,086,000 for the reopening of the Patent Office Building and for fellowships and scholarly awards shall remain available until September 30, 2007; and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: *Provided further*, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: *Provided further*, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

[FACILITIES CAPITAL

[For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $90,900,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109: *Provided*, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

[ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

[None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without the advance approval of the House and Senate Committees on Appropriations.

[None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

[None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

[None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

[None of the funds in this or any other Act may be used to purchase any additional buildings without prior consultation with the House and Senate Committees on Appropriations.

[NATIONAL GALLERY OF ART

[SALARIES AND EXPENSES

[For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $97,100,000, of which not to exceed $3,157,000 for the special exhibition program shall remain available until expended.

[REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

[For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $16,200,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further*, That, notwithstanding any other provision of law, a single procurement for the Master Facilities Plan renovation project at the National Gallery of Art may be issued which includes the full scope of the Work Area #3 project: *Provided further*, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18.

[John F. Kennedy Center for the Performing Arts

[OPERATIONS AND MAINTENANCE

[For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $17,800,000.

[CONSTRUCTION

[For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $10,000,000, to remain available until expended.

[Woodrow Wilson International Center for Scholars

[SALARIES AND EXPENSES

[For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $9,085,000.

[National Foundation on the Arts and the Humanities

[National Endowment for the Arts

[GRANTS AND ADMINISTRATION

[For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $121,264,000 (increased by $10,000,000) shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $14,922,000 (increased by $10,000,000) for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account and "Challenge America" account may be transferred to and merged with this account.

[National Endowment for the Humanities

[GRANTS AND ADMINISTRATION

[For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $122,605,000 (increased by $5,000,000), shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

[MATCHING GRANTS

[To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $15,449,000, to remain available until expended, of which $10,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

[Administrative Provisions

[None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

[Commission of Fine Arts

[SALARIES AND EXPENSES

[For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,893,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

[NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

[For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000: *Provided*, That no one organization shall receive a grant in excess of $400,000 in a single year..

[Advisory Council on Historic Preservation

[SALARIES AND EXPENSES

[For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $4,860,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

[National Capital Planning Commission

[SALARIES AND EXPENSES

[For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $8,177,000: *Provided*, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses to host international visitors engaged in the planning and physical development of world capitals.

[United States Holocaust Memorial Museum

[HOLOCAUST MEMORIAL MUSEUM

[For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $41,880,000, of which $1,874,000 for the museum's repair and rehabilitation program and $1,246,000 for the museum's exhibitions program shall remain available until expended.

[Presidio Trust

[PRESIDIO TRUST FUND

[For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $20,000,000 shall be available to the Presidio Trust, to remain available until expended.

[White House Commission on the National Moment of Remembrance

[For necessary expenses of the White House Commission on the National Moment of Remembrance, $250,000.

[TITLE IV—GENERAL PROVISIONS

[SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

[SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete.

[SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

[SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

[SEC. 405. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

[SEC. 406. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2004.

[SEC. 407. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

[(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

[(c) REPORT.—On September 30, 2006, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

[(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

[SEC. 408. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, 108–7, 108–108, and 108–447 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2005 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

[SEC. 409. Of the funds provided to the National Endowment for the Arts:

[(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

[(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

[(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

[SEC. 410. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

[SEC. 411. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

[(b) In this section:

[(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

[(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

[(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

[(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

[(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

[(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

[(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

[(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

[SEC. 412. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

[SEC. 413. Amounts deposited during fiscal year 2005 in the roads and trails fund provided for in the 14th paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

[SEC. 414. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

[SEC. 415. Prior to October 1, 2006, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

[SEC. 416. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

[SEC. 417. EXTENSION OF FOREST SERVICE CONVEYANCES PILOT PROGRAM.—Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107–63) is amended—

[(1) in subsection (b), by striking "40" and inserting "60";

[(2) in subsection (c) by striking "13" and inserting "25"; and

[(3) in subsection (d), by striking "2008" and inserting "2009".

[SEC. 418. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

[SEC. 419. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

[SEC. 420. In awarding a Federal contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged business or micro-business: *Provided further*, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101–624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

[SEC. 421. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

[SEC. 422. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES.—

[(1) Of the funds made available by this or any other Act to the Department of the Interior for fiscal year 2006, not more than $3,450,000 may be used by the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2006 for programs, projects, and activities for which funds are appropriated by this Act and such funds shall not be available until the Secretary submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the reprogramming guidelines in House Report 108–330.

[(2) Of the funds appropriated by this Act, not more than $2,500,000 may be used in fiscal year 2006 for competitive sourcing studies and related activities by the Forest Service.

[(b) COMPETITIVE SOURCING STUDY DEFINED.—In this section, the term "competitive sourcing study" means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

[(c) COMPETITIVE SOURCING EXEMPTION FOR FOREST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2006.—The Forest Service is hereby exempted from implementing the Letter of Obligation and post-competition accountability guidelines where a competitive sourcing study involved 65 or fewer full-time equivalents, the performance decision was made in favor of the agency provider; no net savings was achieved by conducting the study, and the study was completed prior to the date of this Act.

[SEC. 423. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects and activities to support governmentwide, departmental, agency or bureau administrative functions or headquarters, regional or central office operations shall be presented in annual budget justifications. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

[SEC. 424. None of the funds in this Act or prior Acts making appropriations for the Department of the Interior and Related Agencies may be provided to the managing partners or their agents for the SAFECOM or Disaster Management projects.

[SEC. 425. (a) IN GENERAL.—An entity that enters into a contract with the United States to operate the National Recreation Reservation Service (as solicited by the solicitation numbered WO–04–06vm) shall not carry out any duties under the contract using:

[(1) a contact center located outside the United States; or

[(2) a reservation agent who does not live in the United States.

[(b) NO WAIVER.—The Secretary of Agriculture may not waive the requirements of subsection (a).

[(c) TELECOMMUTING.—A reservation agent who is carrying out duties under the contract described in subsection (a) may not telecommute from a location outside the United States.

[(d) LIMITATIONS.—Nothing in this Act shall be construed to apply to any employee of the entity who is not a reservation agent carrying out the duties under the contract described in subsection (a) or who provides managerial or support services.

[SEC. 426. Section 331, of Public Law 106–113, is amended—

[(1) in part (a) by striking "2005" and inserting "2009"; and

[(2) in part (b) by striking "2005" and inserting "2009".

[SEC. 427. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291; 114 Stat. 996; 43 U.S.C. 1701 note), is amended—

[(1) in the first sentence, by striking "2005" and inserting "2008";

[(2) in the third sentence, by inserting ", National Park Service, Fish and Wildlife Service," after "Bureau of Land Management"; and

[(3) by adding at the end the following new sentence: "To facilitate the sharing of resources under the Service First initiative, the Secretaries of the Interior and Agriculture may make transfers of funds and reimbursement of funds on an annual basis among the land management agencies referred to in this section, except that this authority may not be used to circumvent requirements and limitations imposed on the use of funds.".

[SEC. 428. The Secretary of Agriculture may acquire, by exchange or otherwise, a parcel of real property, including improvements thereon, of the Inland Valley Development Agency of San Bernardino, California, or its successors and assigns, generally comprising Building No. 3 and Building No. 4 of the former Defense Finance and Accounting Services complex located at the southwest corner of Tippecanoe Avenue and Mill Street in San Bernardino, California, adjacent to the former Norton Air Force Base. As full consideration for the property to be acquired, the Secretary of Agriculture may terminate the leasehold rights of the United States received pursuant to section 8121(a)(2) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 999). The acquisition of the property shall be on such terms and conditions as the Secretary of Agriculture considers appropriate and may be carried out without appraisals, environmental or administrative surveys, consultations, analyses, or other considerations of the condition of the property.

[SEC. 429. The Secretary of the Interior shall submit to the House Committee on Appropriations a report detailing the Federal expenditures pursuant to the Southern Nevada Public Lands Management Act (section 4(e)(3) of Public Law 105–263) for fiscal years 2003 and 2004.

[SEC. 430. None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2006.

[SEC. 431. None of the funds made available in this Act for the Department of the Interior may be used to implement the first proviso under the heading "UNITED STATES FISH AND WILDLIFE SERVICE-LAND ACQUISITION".

[SEC. 432. None of the funds made available in this Act may be used in contravention of Executive Order No. 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) or to delay the implementation of that order.

[SEC. 433. None of the funds made available in this Act may be used to finalize, issue, implement, or enforce the proposed policy of the Environmental Protection Agency entitled "National Pollutant Discharge Elimination System (NPDES) Permit Requirements for Municipal Wastewater Treatment During Wet Weather Conditions", dated November 3, 2003 (68 Fed. Reg. 63042).

[SEC. 434. None of the funds made available in this Act may be used by the Administrator of the Environmental Protection Agency—

[(1) to accept, consider, or rely on third-party intentional dosing human +studies for pesticides; or

[(2) to conduct intentional dosing human studies for pesticides.

[SEC. 435. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 Federal employees at any single conference occurring outside the United States.

[SEC. 436. None of the funds made available in this Act for the Department of the Interior may be used to enter into or renew any concession contract except a concession contract that includes a provision that requires that merchandise for sale at units of the National Park System be made in any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, or the Commonwealth of the Northern Mariana Islands.

[SEC. 437. LIMITATION ON USE OF FUNDS FOR SALE OR SLAUGHTER OF FREE-ROAMING HORSES AND BURROS.

[None of the funds made available by this Act may be used for the sale or slaughter of wild free-roaming horses and burros (as defined in Public Law 92–195).

[This Act may be cited as the "Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006".]

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $867,045,000, to remain available until expended, of which $1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which $3,000,000 shall be available in fiscal year 2006 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

In addition, $32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $867,045,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $766,564,000, to remain available until expended, of which not to exceed $7,849,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $9,976,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $12,250,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $110,070,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, *for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.*

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $993,485,000, to remain available until September 30, 2007, except as otherwise provided herein: Provided, That $2,000,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: Provided further, That not to exceed $18,130,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $12,852,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2005: Provided further, That of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $31,811,000, to remain available until expended: Provided, That funds made available under the 2005 Consolidated Appropriations Act (Public Law 108–447) for the Chase Lake and Arrowwood National Wildlife Refuges, North Dakota, shall be transferred to North Dakota State University to complete planning and design for a Joint Interpretive Center.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $40,827,000 to be derived from the Land and Water Conservation Fund and to remain available until expended.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $25,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, federally recognized Indian tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate, or other at-risk species on private lands.

PRIVATE STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $7,500,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That the amount provided herein is for the Private Stewardship Grants Program established by the Secretary to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, candidate, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, $80,000,000, of which $34,347,000 is to be derived from the Cooperative Endangered Species Conservation Fund and $45,653,000 is to be derived from the Land and Water Conservation Fund and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $39,500,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $4,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), and the Marine Turtle Conservation Act of 2004 (Public Law 108–266; 16 U.S.C. 6601), $6,500,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $72,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That of the amount provided herein, $6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting said $6,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant unless it has developed a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: Provided further, That any amount apportioned in 2006 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2007, shall be reapportioned, together with funds appropriated in 2008, in the manner provided herein: Provided further, That balances from amounts previously appropriated under the heading "State Wildlife Grants" shall be transferred to and merged with this appropriation and shall remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 61 passenger motor vehicles, of which 61 are for replacement only (including 22 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, *and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That, notwithstanding any other provision of law, the Service may use up to $2,000,000 from funds provided for contracts for employment-related legal services: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That, notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 108–330.*

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,748,486,000, of which $9,892,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $98,100,000, to remain available until September 30, 2007, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $1,937,000 is for the Youth Conservation Corps for high priority projects: Provided, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $80,411,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $56,729,000: Provided, That none of the funds in this Act for the River, Trails and Conservation Assistance program may be used for cash agreements, or for cooperative agreements that are inconsistent with the program's final strategic plan.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $72,500,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2007, of which $30,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts: Provided, That not to exceed $7,500,000 of the amount provided for Save America's Treasures may be for Preserve America grants to States, Tribes, and local communities for projects that preserve important historic resources through the promotion of heritage tourism: Provided further, That any individual Save America's Treasures or Preserve America grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant: Provided further, That all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations, and in consultation with the President's Committee on the Arts and Humanities prior to the commitment of Save America's Treasures grant funds and with the Advisory Council on Historic Preservation prior to the commitment of Preserve America grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $316,201,000, to remain available until expended, of which $17,000,000 for modified water deliveries to Everglades National Park shall be derived by transfer from unobligated balances in the "Land Acquisition and State Assistance" account for Everglades National Park land acquisitions, and of which $500,000 for the Mark Twain Boyhood Home National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided, That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of $5,000,000, without advance approval of the House and Senate Committees on Appropriations: Provided further, That notwithstanding any other provision of law, the National Park Service may not accept donations or services associated with the planning, design, or construction of such new facilities without advance approval of the House and Senate Committees on Appropriations: Provided further, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108–108: Provided further, That hereinafter notwithstanding any other provision of law, procurements for the Mount Rainier National Park Jackson Visitor Center replacement and the rehabilitation of Paradise Inn and Annex may be issued which include the full scope of the facility: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18: Provided further, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2006 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $86,005,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $30,000,000 is for the State assistance program including $1,587,000 for program administration: Provided, That none of the funds provided for the State assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 245 passenger motor vehicles, of which 199 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: Provided further, That in fiscal year 2006 and thereafter, appropriations available to the National Park Service may be used to maintain the following areas in Washington, District of Columbia: Jackson Place, Madison Place, and Pennsylvania Avenue between 15th and 17th Streets, Northwest.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

If the Secretary of the Interior considers the decision of any value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, to misinterpret or misapply relevant contractual requirements or their underlying legal authority, the Secretary may seek, within 180 days of any such decision, the de novo review of the value determination by the United States Court of Federal Claims, and that court may make an order affirming, vacating, modifying or correcting the determination.

In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term *of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.*

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $963,057,000, of which $63,770,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $7,791,000 shall remain available until expended for satellite operations; of which $21,720,000 shall be available until September 30, 2007, for the operation and maintenance of facilities and deferred maintenance; of which $1,600,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost; and of which $174,280,000 shall be available until September 30, 2007, for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for the purchase and replacement of passenger motor vehicles; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $152,516,000, of which $78,529,000 shall be available for royalty management activities; and an amount not to exceed $122,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $122,730,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $122,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That $3,000,000 for computer acquisitions shall remain available until September 30, 2007: Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That in fiscal year 2006 and thereafter, MMS may under the royalty-in-kind program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to the royalty-in-kind program: Provided further, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $7,006,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $110,435,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2006 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $188,014,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 2006: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and Tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25

U.S.C. 2501 et seq.), as amended, $1,971,132,000, to remain available until September 30, 2007 except as otherwise provided herein, of which not to exceed $86,462,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $134,609,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2006, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $454,725,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2006, and shall remain available until September 30, 2007; and of which not to exceed $61,667,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $44,718,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2005 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2005, of Bureau-operated schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2007, may be transferred during fiscal year 2008 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2008.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $267,137,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2006, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): Provided further, That in order to ensure timely completion of replacement school construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any tribe or tribal organization receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction of the replacement school: Provided further, That this Appropriation may be reimbursed from the Office of the Special Trustee for American Indians Appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $24,754,000, to remain available until expended, for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 106–554, 107–331, and 108–34, and for implementation of other land and water rights settlements.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $6,348,000, of which $701,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $118,884,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if a tribe or tribal organization in fiscal year 2003 or 2004 received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such tribe or tribal organization using the section 5(f) distribution formula.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $76,683,000, of which: (1) $69,802,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2)

$6,881,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $4,862,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $94,627,000; of which $7,441,000 is to be derived from the Land and Water Conservation Fund and shall remain available until expended; of which not to exceed $8,500 may be for official reception and representation expenses; and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: Provided, That none of the funds in this Act or previous appropriations Acts may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House and Senate Committees on Appropriations: Provided further, That amounts otherwise appropriated by this Act for administrative expenses in operating accounts for bureaus and offices of the Department of the Interior are reduced by $10,000,000 and, not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing by account of the pro rata reduction in such accounts made pursuant to this provision.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system, $22,555,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $235,000,000, of which not to exceed $400,000 shall be available for administrative expenses: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,855,000, to remain available until expended: Provided, That hereafter, notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: Provided further, That hereafter such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $55,652,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $39,116,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $191,593,000, to remain available until expended, of which not to exceed $58,000,000 shall be available for historical accounting: Provided, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Departmental Management, "Salaries and Expenses" account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2006, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That, not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $34,514,000, to remain available until expended, and which may be transferred to the Bureau of Indian Affairs and Departmental Management accounts: Provided, That funds provided under this heading may be expended pursuant to the authorities contained in the provisos under the heading "Office of Special Trustee for American Indians, Indian Land Consolidation" of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291).

NATURAL RESOURCES DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $6,106,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund: Provided further, That the annual budget justification for Departmental Management shall describe estimated Working Capital Fund charges to bureaus and offices, including the methodology on which charges are based: Provided further, That departures from the Working Capital Fund estimates contained in the Departmental Management budget justification shall be presented to the Committees on Appropriations for approval: Provided further, That the Secretary shall provide a semi-annual report to the Committees on Appropriations on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department, including the amounts billed pursuant to such agreements.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, *or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), and must be replenished by a supplemental appropriation which must be requested as promptly as possible.*

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section are hereby designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 104. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 105. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 106. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 107. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, except that total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 108. Notwithstanding any other provision of law, in fiscal years 2006 through 2010, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 109. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2006. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 110. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2006 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 111. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 112. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 113. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 114. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 115. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 116. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 117. (a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

SEC. 118. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 119. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2007 shall not exceed $12,000,000.

SEC. 120. Notwithstanding any implementation of the Department of the Interior's trust reorganization or reengineering plans, or the implementation of the "To Be" Model, funds appropriated for fiscal year 2006 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima-

Maricopa Indian Community, the Confederated Salish and Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation through the same methodology as funds were distributed in fiscal year 2003. This Demonstration Project shall continue to operate separate and apart from the Department of the Interior's trust reform and reorganization and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. 458aa–458hh: Provided, That the California Trust Reform Consortium and any other participating tribe agree to carry out their responsibilities under the same written and implemented fiduciary standards as those being carried by the Secretary of the Interior: Provided further, That they demonstrate to the satisfaction of the Secretary that they have the capability to do so: Provided further, That the Department shall provide funds to the tribes in an amount equal to that required by 25 U.S.C. 458cc(g)(3), including funds specifically or functionally related to the provision of trust services to the tribes or their members.

SEC. 121. Notwithstanding any provision of law, including 42 U.S.C. 4321 et. seq., nonrenewable grazing permits authorized in the Jarbidge Field Office, Bureau of Land Management within the past 9 years, shall be renewed. The Animal Unit Months contained in the most recently expired nonrenewable grazing permit, authorized between March 1, 1997, and February 28, 2003, shall continue in effect under the renewed permit. Nothing in this section shall be deemed to extend the nonrenewable permits beyond the standard 1-year term.

SEC. 122. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

SEC. 123. Notwithstanding any other provision of law, the National Park Service final winter use rules published in Part VII of the Federal Register for November 10, 2004, 69 Fed. Reg. 65348 et seq., shall be in force and effect for the winter use season of 2005–2006 that commences on or about December 15, 2005.

SEC. 124. Section 1121(d) of the Education Amendments of 1978 (25 U.S.C. 2001(d)) is amended by striking paragraph (7) and inserting the following:

"(7) APPROVAL OF INDIAN TRIBES.—The Secretary shall not terminate, close, consolidate, contract, transfer to another authority, or take any other action relating to an elementary school or secondary school (or any program of such a school) of an Indian tribe without the approval of the governing body of any Indian tribe that would be affected by such an action.".

SEC. 125. (a) U.S.S. ARIZONA MEMORIAL PARKING FEE.—Notwithstanding any other provision of law, the Secretary of the Interior is authorized to charge a fee for visitor parking at the U.S.S. Arizona Memorial and to retain and expend the revenues, without further appropriation, for the lease of administrative facilities within or near the area at the memorial administered by the National Park Service.

(b) AUTHORITY FOR AGREEMENTS.—The Secretary of the Interior is further authorized to enter into agreements with public and private entities for the purpose of streamlining visitor services by providing visitor information and admission tickets for National Park Service-administered sites and other attractions in the vicinity, including but not limited to the U.S.S. Missouri, the Pacific Air Museum of Pearl Harbor, and the U.S.S. Bowfin submarine museum.

SEC. 126. Section 108(e) of the Act entitled "An Act to establish the Kalaupapa National Historical Park in the State of Hawaii, and for other purposes" (16 U.S.C. 410jj–7) is amended by striking "twenty-five years from" and inserting "on the date that is 45 years after".

SEC. 127. Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking "September 30, 2005," and inserting "June 30, 2006,".

TITLE II—ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $730,795,000, to remain available until September 30, 2007.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project; and not to exceed $9,000 for official reception and representation expenses, $2,333,416,000, to remain available until September 30, 2007, including administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $36,955,000, to remain available until September 30, 2007.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $40,218,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project; $1,256,165,000, to remain available until expended, consisting of such sums as are available in the Trust Fund upon the date of enactment of this Act as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,256,165,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $13,536,000 shall be transferred to the "Office of Inspector General" appropriation to remain available until September 30, 2007, and $30,606,000 shall be transferred to the "Science and Technology" appropriation to remain available until September 30, 2007.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $73,027,000, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,863,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

(INCLUDING RESCISSION OF FUNDS)

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,453,550,000, to remain available until expended, of which $1,100,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the "Act"); $850,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $50,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $40,000,000 shall be for grants to the State of Alaska to address drinking water and waste infrastructure needs of rural and Alaska Native Villages: Provided, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) not later than October 1, *2005 the State of Alaska shall make awards consistent with the State-wide priority list established in 2004 for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; $200,000,000 shall be for making grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the joint explanatory statement of the managers accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; $90,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; $1,000,000 for cost-shared grants for school bus retrofit and replacement projects that reduce diesel emissions; and $1,122,550,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $50,000,000 shall be for carrying out section 128 of CERCLA, as amended, $19,344,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, and $16,856,000 shall be for making competitive targeted watershed grants: Provided further, That for fiscal year 2006, State authority under section 302(a) of Public Law 104–182 shall remain in effect: Provided further, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2005 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2006, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2006, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of that Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: Provided further, That, notwithstanding any other provision of law, heretofore and hereafter, after consultation with the House and Senate Committees on Appropriations and for the purpose of making technical corrections, the Administrator is authorized to award grants under this heading to entities and for purposes other than those listed in the joint explanatory statements of the managers accompanying the Agency's appropriations Acts for the construction of drinking water, wastewater and stormwater infrastructure and for water quality protection: Provided further, That from unobligated prior year funds in appropriation accounts available to the Environmental Protection Agency, $58,000,000 is hereby rescinded: Provided further, That such rescissions shall be taken solely from amounts associated with grants, contracts, and interagency agreements whose availability under the original period for obligation for such grant, contract, or interagency agreement has expired.*

ADMINISTRATIVE PROVISIONS

For fiscal year 2006, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (as added by subsection (f)(2) of the Pesticide Registration Improvement Act of 2003), as amended.

Notwithstanding CERCLA 104(k)(4)(B)(i)(IV), appropriated funds for fiscal year 2006 may be used to award grants or loans under section 104(k) of CERCLA to eligible entities that satisfy all of the elements set forth in CERCLA section 101(40) to qualify as a bona fide prospective purchaser except that the date of acquisition of the property was prior to the date of enactment of the Small Business Liability Relief and Brownfield Revitalization Act of 2001.

For fiscal years 2006 through 2011, the Administrator may, after consultation with the Office of Personnel Management, make not to exceed five appointments in any fiscal year under the authority provided in 42 U.S.C. 209 for the Office of Research and Development.

Beginning in fiscal year 2006 and thereafter, and notwithstanding section 306 of the Toxic Substances Control Act, the Federal share of the cost of radon program activities implemented with Federal assistance under section 306 shall not exceed 60 percent in the third and subsequent grant years.

None of the funds provided in this Act or any other Act may be used by the Environmental Protection Agency (EPA) to publish proposed or final regulations pursuant to the requirements of section 428(b) of Division G of Public Law 108–199 until the Administrator of the Environmental Protection Agency, in coordination with other appropriate Federal agencies, has completed and published a technical study to look at safety issues, including the risk of fire and burn to consumers in use, associated with compliance with the regulations. Not later than six months after the date of enactment of this Act, the Administrator shall complete and publish the technical study.

TITLE III—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $280,892,000, to remain available until expended: Provided, That of the funds provided, $58,434,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $254,615,000, to remain available until expended, as authorized by law of which $62,632,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL FOREST SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,377,656,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That unobligated balances under this heading available at the start of fiscal year 2006 shall be displayed by budget line item in the fiscal year 2007 budget justification: Provided further, That of the funds provided under this heading for Forest Products, $5,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: Provided further, That within funds available for the purpose of implementing the Valles Caldera Preservation Act, notwithstanding the limitations of section 107(e)(2) of the Valles Caldera Preservation Act (Public Law 106–248), for fiscal year 2006, the Chair of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that the Chair is engaged in the performance of the functions of the Board, except that compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES–1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by the Chair in the performance of the Chair's duties.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,745,531,000, to remain available until expended: Provided, That such funds including unobligated balances under this heading, are available for repayment of advances from other *appropriations accounts previously transferred for such purposes: Provided further, That any unobligated balances remaining may be transferred to the "National Forest System" account and available without further appropriation to fund vegetative treatments that improve condition class: Provided further, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2005 shall be transferred to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.) if necessary to reimburse the fund for unpaid past advances: Provided further, That, notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, $281,000,000 is for hazardous fuels reduction activities, $2,000,000 is for rehabilitation and restoration, $18,385,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $40,179,000 is for State fire assistance, $7,889,000 is for volunteer fire assistance, $6,974,000 is for forest health activities on Federal lands and $4,598,000 is for forest health activities on State and private lands: Provided further, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in the report accompanying this Act: Provided further, That funds provided under this heading for hazardous fuels treatments may be transferred to and made a part of the "National Forest System" account at the sole discretion of the Chief of the Forest Service thirty days after notifying the House and the Senate Committees on Appropriations: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That of the funds provided for hazardous fuels reduction, not to exceed $5,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands.*

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $409,751,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That of funds provided, $3,000,000 is provided for needed rehabilitation and restoration work at Jarbidge Canyon, Nevada: Provided further, That the Secretary of Agriculture may authorize the transfer of up to $1,350,000 as necessary to the Department of the Interior, Bureau of Land Management and Fish and Wildlife Service when such transfers would facilitate and expedite needed rehabilitation work on Bureau of Land Management lands, and for the Fish and Wildlife Service to implement terms and conditions identified in the Biological Opinion.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $44,925,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $64,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,067,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 119 passenger motor vehicles of which 14 will be used primarily for law enforcement purposes and of which 119 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the House and Senate Committees on Appropriations and if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned and all wildfire suppression funds under the heading "Wildland Fire Management" are obligated.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the

Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b, except that in fiscal year 2006 the Forest Service may transfer funds to the "National Forest System" account from other agency accounts to enable the agency's law enforcement program to pay full operating costs including overhead.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the report accompanying this Act.

Not more than $72,646,000 of funds available to the Forest Service may be transferred to the Working Capital Fund of the Department of Agriculture. Nothing in this section shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,300,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $350,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum to aid conservation partnership projects in support of the Forest Service mission, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: Provided, That such amounts shall not exceed $1,000,000.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service in this Act may be used for the purpose of expenses associated with primary and secondary schooling for dependents of agency personnel stationed in Puerto Rico prior to the date of enactment of this Act, who are subject to transfer and reassignment to other locations in the United States, at a cost not in excess of those authorized for the Department of Defense for the same area, when it is determined by the Chief of the Forest Service that public schools available in the locality are unable to provide adequately for the education of such dependents.

In support of management of the National Wildlife Refuge System, Lot 6C of United States Survey 2538–A, containing 2.39 acres and the residential triplex situated thereon, located in Kodiak, Alaska, is hereby transferred from the USDA Forest Service to the U.S. Fish and Wildlife Service.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,732,323,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That up to $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $507,021,000 for contract medical care shall remain available for obligation until September 30, 2007: Provided further, That of the funds provided, up to $27,000,000, to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $268,683,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2006, of which not to exceed $5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: Provided further, That the Bureau of Indian Affairs may collect from the Indian Health Service and tribes and tribal organizations operating health facilities pursuant to Public Law 93–638 such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disability Education Act, 20 U.S.C. 1400, et seq.: Provided further, That of the amounts provided to the Indian Health Service, $15,000,000 is provided for alcohol control, enforcement, prevention, treatment, sobriety and wellness, and education in Alaska, to be distributed in accordance with the instruction provided in the committee report accompanying this Act: Provided further, That none of the funds may be used for tribal courts or tribal ordinance programs or any program that is not directly related to alcohol control, enforcement, prevention, treatment, or sobriety: Provided further, That no more than 15 percent may be used by any entity receiving funding for administrative overhead including indirect costs.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination

Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $335,643,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed $1,000,000 from this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That notwithstanding any other provision of law, the Indian Health Service is authorized to construct a replacement health care facility in Nome, Alaska, on land owned by the Norton Sound Health Corporation: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act) and Public Law 93-638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process. Personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full time equivalent level of the Indian Health Service below the level in fiscal year 2002 adjusted upward for the staffing of new and expanded facilities, funding provided for staffing at the Lawton, Oklahoma hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $80,289,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $76,024,000, of which up to $1,500,000, to remain available until expended, is for Individual Learning Accounts for full-time equivalent employees of the Agency for Toxic Substances and Disease Registry: Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2006, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $2,717,000: Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $9,200,000: Provided, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: Provided further, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by

Public Law 93–531, $8,601,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $6,300,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $524,135,000, of which not to exceed $10,992,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and of which $9,086,000 for the reopening of the Patent Office Building and for fellowships and scholarly awards shall remain available until September 30, 2007; and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $100,000,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109: Provided, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $96,600,000, of which not to exceed $3,157,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $15,000,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: Provided further, That, notwithstanding any other provision of law, a single procurement for the Master Facilities Plan renovation project at the National Gallery of Art may be issued which includes the full scope of the Work Area #3 project: Provided further, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $17,800,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $15,200,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $9,201,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $126,264,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $14,922,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account and "Challenge America" account may be transferred to and merged with this account: Provided further, That funds appropriated herein shall be expended in accordance with sections 309 and 311 of Public Law 108-108.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $127,605,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $15,449,000, to remain available until expended, of which $10,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,893,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), as amended, $7,492,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), $4,943,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $8,244,000: Provided, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $43,233,000, of which $1,874,000 for the museum's repair and rehabilitation program and $1,246,000 for the museum's exhibition design and production program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $19,722,000 shall be available to the Presidio Trust, to remain available until expended.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

OPERATIONS

For necessary expenses of the White House Commission on the National Moment of Remembrance, $250,000.

TITLE IV—GENERAL PROVISIONS

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 405. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer provided in, this Act or any other Act.

SEC. 407. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2005.

SEC. 408. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2006, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 409. The National Endowment for the Arts and the National Endowment for the Humanities are hereinafter authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 410. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 411. Section 3(a) of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b), is amended—

(1) by striking "or" following "stand of timber," in (3); and

(2) by striking the period following "wildlife habitat management" in (4), and inserting ", or (5) watershed restoration, wildlife habitat improvement, control of insects, disease and noxious weeds, community protection activities, and the maintenance of forest roads, within the Forest Service region in which the timber sale occurred: Provided, That such activities may be performed through the use of contracts, forest product sales, and cooperative agreements.".

SEC. 412. Amounts deposited during fiscal year 2005 in the roads and trails fund provided for in the 14th paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 413. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 414. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in the current fiscal year, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in the current fiscal year, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the *contiguous 48 United States shall be that volume: (1) which is surplus to the needs of domestic processors in Alaska; and (2) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.*

Sec. 415. Prior to October 1, 2006, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

Sec. 416. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

Sec. 417. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: Provided, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: Provided further, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: Provided further, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

Sec. 418. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2006, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

Sec. 419. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101–624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

Sec. 420. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

Sec. 421. (a) Limitation on Competitive Sourcing Studies.—

(1) Of the funds made available by this or any other Act to the Department of the Interior for fiscal year 2006, not more than $3,450,000 may be used by the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2006 for programs, projects, and activities for which funds are appropriated by this Act until such time as the Secretary concerned submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the reprogramming guidelines included in the report accompanying this Act.

(2) Of the funds appropriated by this Act, not more than $3,000,000 may be used in fiscal year 2006 for competitive sourcing studies and related activities by the Forest Service.

(b) Competitive Sourcing Study Defined.—In this section, the term "competitive sourcing study" means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

(c) Competitive Sourcing Exemption for Forest Service Studies Conducted Prior to Fiscal Year 2006.—The Forest Service is hereby exempted from implementing the Letter of Obligation and post-competition accountability guidelines where a competitive sourcing study involved 65 or fewer full-time equivalents, the performance decision was made in favor of the agency provider; no net savings was achieved by conducting the study, and the study was completed prior to the date of this Act.

(d) In preparing any reports to the Committees on Appropriations on competitive sourcing activities, agencies funded in this Act shall include the incremental cost directly attributable to conducting the competitive sourcing competitions, including costs attributable to paying outside consultants and contractors and, in accordance with full cost accounting principles, all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing, including personnel, consultant, travel, and training costs associated with program management.

Sec. 422. None of the funds in this Act or prior Acts making appropriations for the Department of the Interior and Related Agencies may be provided to the managing partners or their agents for the SAFECOM or Disaster Management projects.

Sec. 423. (a) In General.—An entity that enters into a contract with the United States to operate the National Recreation Reservation Service (as solicited by the solicitation numbered WO-04-06vm) shall not carry out any duties under the contract using:

(1) a contact center located outside the United States; or

(2) a reservation agent who does not live in the United States.

(b) No Waiver.—The Secretary of Agriculture may not waive the requirements of subsection (a).

(c) Telecommuting.—A reservation agent who is carrying out duties under the contract described in subsection (a) may not telecommute from a location outside the United States.

(d) Limitations.—Nothing in this Act shall be construed to apply to any employee of the entity who is not a reservation agent carrying out the duties under the contract described in subsection (a) or who provides managerial or support services.

Sec. 424. Section 331, of Public Law 106–113, is amended—

(1) in part (a) by striking "2004" and inserting "2006"; and

(2) in part (b) by striking "2004" and inserting "2006".

Sec. 425. Section 321 of the Consolidated Appropriations Act, 2003, as included in Public Law 108–7, is amended by striking "September 30, 2005" and inserting "September 30, 2007".

Sec. 426. Section 5 of the Arts and Artifacts Indemnity Act (20 U.S.C. 974) is amended—

(1) in subsection (b), by striking "$8,000,000,000" and inserting "$10,000,000,000"; and

(2) in subsection (c), by striking "$600,000,000" and inserting "$1,200,000,000".

Sec. 427. (a) In General.—

(1) Beginning in fiscal year 2006 and thereafter, the Secretary of Agriculture and the Secretary of the Interior are authorized to make

grants to the Eastern Nevada Landscape Coalition for the study and restoration of rangeland and other lands in Nevada's Great Basin in order to help assure the reduction of hazardous fuels and for related purposes.

(2) Beginning in fiscal year 2006 and thereafter, notwithstanding 31 U.S.C. secs. 6301–6308, the Director of the Bureau of Land Management may enter into a cooperative agreement with the Eastern Nevada Landscape Coalition for the Great Basin Restoration Project, including hazardous fuels and mechanical treatments and related work.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 428. (a) Section 108(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v–6(g)) is amended—

(1) in the first sentence, by striking "The Secretary" and inserting the following:

"(1) LAW ENFORCEMENT.—

"(A) IN GENERAL.—The Secretary";

(2) in the second sentence, by striking "The Trust" and inserting the following:

"(B) FEDERAL AGENCY.—The Trust"; and

(3) by striking "At the request of the Trust" and all that follows through the end of the paragraph and inserting the following:

"(2) FIRE MANAGEMENT.—

"(A) NON-REIMBURSABLE SERVICES.—

"(i) DEVELOPMENT OF PLAN.—Subject to the availability of appropriations under section 111(a), the Secretary shall, in consultation with the Trust, develop a plan to carry out fire preparedness, suppression, and emergency rehabilitation services on the Preserve.

"(ii) CONSISTENCY WITH MANAGEMENT PROGRAM.—The plan shall be consistent with the management program developed pursuant to subsection (d).

"(iii) COOPERATIVE AGREEMENT.—To the extent generally authorized at other units of the National Forest System, the Secretary shall provide the services to be carried out pursuant to the plan under a cooperative agreement entered into between the Secretary and the Trust.

"(B) REIMBURSABLE SERVICES.—To the extent generally authorized at other units of the National Forest System and subject to the availability of appropriations under section 111(a), the Secretary shall provide presuppression and nonemergency rehabilitation and restoration services for the Trust at any time on a reimbursable basis."

(b) The amendments made by subsection (a) take effect on January 1, 2005.

TITLE V—FACILITY REALIGNMENT AND ENHANCEMENT ACT OF 2005

SECTION 501. SHORT TITLE.

This title may be cited as the "Forest Service Land Disposition and Facility Realignment and Enhancement Act of 2005".

SEC. 502. DEFINITIONS.

In this title:

(1) ADMINISTRATIVE SITE.—

(A) IN GENERAL.—The term "administrative site" means Federal land (including improvements to the Federal land) and any associated facility and curtilage that was acquired or is used specifically for Forest Service purposes.

(B) INCLUSIONS.—The term "administrative site" includes—

(i) a forest headquarters;
(ii) a ranger station;
(iii) a research station or laboratory;
(iv) a dwelling;
(v) a warehouse;
(vi) a scaling station;
(vii) a fire-retardant mixing station;
(viii) a lookout;
(ix) a visitor center;
(x) a guard station;
(xi) a storage facility;
(xii) a telecommunication facility;
(xiii) the Washington Office Headquarters;
(xiv) a regional office or associated site; and
(xv) other installations for conducting Forest Service activities.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(3) FEDERAL APPRAISAL STANDARDS.—The term "Federal appraisal standards" means the standards included in the Uniform Appraisal Standards for Federal Land Acquisitions (Interagency Land Acquisition Conference, 2000).

(4) MARKET ANALYSIS.—The term "market analysis" means the identification and study of the real estate market for a particular economic good or service.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 503. AUTHORIZATION OF CONVEYANCES.

(a) IN GENERAL.—The Secretary may convey, by sale, lease, exchange, a combination of sales and exchanges, or by other means any administrative site or interest in an administrative site that is under the jurisdiction of the Secretary.

(b) LEAD-BASED PAINT AND ASBESTOS ABATEMENT.—

(1) IN GENERAL.—Notwithstanding any other provisions of law, in any conveyance under subsection (a), the Secretary shall not be required to mitigate or abate lead-based paint or asbestos-containing building materials with respect to the administrative site conveyed.

(2) NOTICE.—Notwithstanding paragraph (1), if the administrative site being conveyed has lead-based paint or asbestos-containing building materials, the Secretary shall—

(A) provide to the person acquiring the administrative site notice of the presence of lead-based paint or asbestos-containing material; and

(B) obtain from the person acquiring the administrative site a written assurance that the person will comply with applicable Federal, State, and local laws relating to the management of the lead-based paint or asbestos-containing materials.

(c) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES.—A conveyance under this section shall not be subject to subchapter I of chapter 5, title 40, United States Code.

(d) NOTICE TO CONGRESS.—At least once a year, the Secretary shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate notice of any conveyances under this section.

(e) ENVIRONMENTAL REVIEW.—In any environmental review or analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the disposal of an administrative site under this section, the Secretary shall consider or analyze the uses of the administrative site after the conveyance of the administrative site only to the extent that the Secretary determines to be necessary—

(1) to determine any right, title, or interest in the administrative site that may be reserved by the Secretary under subsection (g)(3); or

(2) for market analyses purposes.

(f) CONFIGURATION OF LAND.—

(1) IN GENERAL.—To facilitate a conveyance under this section, the Secretary may configure the land to be conveyed to—

(A) maximize the marketability of the land; and

(B) achieve management objectives.

(2) IMPROVEMENTS.—Improvements to the land to be conveyed may be severed from the land and disposed of in separate conveyances.

(3) RESERVATION.—In any disposition of land under this section, the Secretary may reserve any right, title, and interest in and to the land that the Secretary determines to be necessary, including—

(A) a reservations of water rights;

(B) a right-of-way; and

(C) a utility easement.

(g) CONSIDERATION.—

(1) AMOUNT.—In consideration for a conveyance authorized under subsection (a), the purchaser shall pay to the Secretary the amount that is equal to the fair market value of the administrative site conveyed, as provided in paragraph (3).

(2) APPRAISAL.—The Secretary shall determine fair market value by—

(A) conducting an appraisal that is performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal practice;

(B) competitive sale; or

(C) other acceptable and commonly recognized methods of determining value as determined by the authorized agency appraiser.

(3) FORM.—

(A) SALE.—Consideration for a sale under this section shall be paid in cash on conveyance of the administrative site.

(B) EXCHANGE.—

(i) EQUAL IN VALUE.—Consideration for an exchange of land or an improvement to land under this section shall be in the form of a conveyance of land or improvement that is equal in value to the land or improvement conveyed.

(ii) NOT EQUAL IN VALUE.—If the values of land or improvements to be exchanged under this Act and described in clause (i) are not equal, the values may be equalized by—

(I) the Secretary making a cash payment to the purchaser;

(II) the purchaser making a cash equalization payment to the Secretary; or

(III) reducing the acreage of the Federal land or the non-Federal land, as appropriate.

(h) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not—

(1) adequate to provide market value under subsection (g)(1); or

(2) in the public interest.

(i) BROKERAGE SERVICES.—The Secretary may use the proceeds of sales or exchanges under this section to pay reasonable commissions or fees for brokerage services if the Secretary determines that the services are in the public interest.

(j) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—After deducting any costs of the Secretary relating to a conveyance, the Secretary shall deposit the proceeds from the conveyance in the fund established under Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(2) USE.—Amounts deposited under paragraph (1) shall remain available to the Secretary until expended, without further appropriation, to pay any necessary and incidental costs of the Secretary for the acquisition, improvement, deferred maintenance, construction of new facilities; and disposition of administrative sites and capital improvements on National Forest System land.

(k) CONSULTATION WITH ADMINISTRATOR.—As appropriate, the Secretary is encouraged to work with the Administrator with respect to the conveyance of administrative sites.

SEC. 504. WORKING CAPITAL FUND.

(a) IN GENERAL.—Section 13 of the Department of Agriculture Organic Act of 1956 (16 U.S.C. 579b) is amended to read as follows:

"SEC. 13. WORKING CAPITAL FUND.

"(a) ESTABLISHMENT.—There is established a working capital fund (referred to in this section as the 'Fund'), which shall be available without fiscal year limitation.

"(b) USE.—Amounts in the Fund shall be used to pay the costs of purchasing, constructing, performing capital repairs on, renovating, rehabilitating, disposing, or replacing buildings and *to carry out deferred maintenance and improvements to land for programs of the Forest Service, subject to any limitations in appropriations for the Forest Service.*

"(c) TRANSFER AND CAPITALIZATION.—The Secretary of Agriculture (referred to in this section as the 'Secretary') may—

"(1) transfer to the Fund, without reimbursement, and capitalize in the Fund at fair and reasonable values, any receivables, inventories, equipment, buildings, improvements, and other assets as the Secretary determines to be appropriate; and

"(2) assume the liabilities associated with the assets transferred under paragraph (1).

"(d) ADVANCE PAYMENTS.—The fund shall be credited with advance payments in connection with firm orders and reimbursements from appropriations and funds of the Forest Service, other departmental and Federal agencies, and from other sources, as authorized by law, at rates approximately equal to the cost of furnishing the facilities and service.".

(b) SAVINGS CLAUSE.—The amendment made by subsection (a) shall not affect the status of funds and assets in the working capital fund established by section 13 of the Department of Agriculture Organic Act of 1956 (16 U.S.C. 579b) as in effect on the date of enactment of this section.

This Act may be cited as the "Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006".

The PRESIDENT pro tempore. Under the previous order, the committee substitute is agreed to and considered original text for the purpose of further amendments.

Mr. BURNS. Mr. President, my good friend from North Dakota is running a little late. I will make my opening statement this morning, we will get his remarks, and then we will start moving. We are sort of conflicted this morning, as the Chair understands, but we will work our way through in accepting for consideration the amendments that will be offered to this appropriations bill.

Today we begin consideration of the Interior, Environment and Related Agencies Appropriations Act, which was reported unanimously by the Appropriations Committee on June 9. I appreciate the efforts of the two leaders to get this bill to the floor before the recess, in the hope that we can get a few appropriations bills to the President's desk before the August recess.

The bill before the Senate combines funding for the traditional Interior bill agencies with funding for the Environmental Protection Agency and other related agencies that were previously funded in the VA-HUD bill. Having these new agencies under our jurisdiction has been a real learning experience for me, and a real challenge in some areas.

The EPA is an agency with a very broad reach. It administers, in cooperation with states and tribes, a long list of environmental statutes including the Clean Air Act, the Clean Water Act, Superfund, the Safe Drinking Water Act, and FIFRA, the Federal Insecticide, Fungicide and Rodenticide Act. As such, the agency has a tremendous impact on all sectors of the economy, on our public health and, of course, on the environment.

I have been approached by many different members and outside groups about attaching legislative provisions that would address EPA rules and regulations of one sort or another. On a number of these issues, I am sympathetic. But with the exception of language relating to regulation of small engines, which I think we resolved in the full committee markup, this bill is very clean with regard to legislative provisions. I hope we can keep it that way. Otherwise the number of potential amendments would be limitless, and we jeopardize our chances of enacting this important bill in a timely manner.

The bill reported by the committee recommends a grand total of $26.3 billion in new budget authority. It also matches the subcommittee's discretionary allocation of $26.207 billion. As always, any amendments that add funding for particular programs must be fully offset.

The subcommittee's allocation represents a cut of $534 million below the fiscal year 2005 level for the agencies funded in this bill. That is a 2 percent cut. In an appropriations bill that is fairly personnel-intensive, a 2 percent cut is not insignificant. Simply keeping pace with pay costs and health benefits for park and forest rangers, Indian health care professionals, and other critical personnel requires a significant increase in funding over last year. Those increases, combined with the overall reduction in the size of the bill, mean that the grant programs and construction accounts in this bill are squeezed substantially.

One area where this bill does not include a reduction is in the Clean Water State Revolving Fund. This program helps finance wastewater treatments systems throughout the country and serves to protect both the health of the American public and the environment.

The President's budget proposed cutting the Revolving Fund from $1.1 billion to $730 million. Given the tremendous need in this country for effective wastewater treatment, I could not recommend that cut to the Senate. This bill restores every penny of the proposed reduction.

So if any of my colleagues are wondering what happened to a particular EPA earmark that they may have requested and trust me, I have heard from many of them, the basic answer is that it is in the Revolving Fund. EPA earmarks in this bill are greatly reduced from last year's levels. The same goes for many of the programmatic increases that were proposed in the EPA budget. This bill provides few of those increases. These are simply the tradeoffs we had to make.

For the land management agencies funded in this bill, we have focused on maintaining their core operating budgets while restoring a portion of the proposed reductions to capital accounts.

We have increased funding for park operations by $65 million over last year, and included $20 million over the budget request for basic park operations. I continue to hear from my colleagues and from folks back in Montana that they are concerned about park operating budgets. I am pleased that we have been able to sustain the large increase for park operations provided in last year's bill and have been able to build on that. Preserving such unique American treasures as Yellowstone and Glacier National Park will remain a priority as long as I am chairman of this subcommittee.

In the Bureau of Land Management, increases have been provided for law enforcement, weed control and minerals management. While these jobs may not be as glamorous or well known as park rangers or smokejumpers, they are no less important. BLM has an enormous responsibility in terms of the sheer acreage it manages, and in meeting the multiple use mandate with which it is charged.

In the Fish and Wildlife Service and the Forest Service, this bill restores a portion of the proposed $166 million cut in the two agencies' construction accounts. But we are still left with significant reductions from last year's funding levels.

As outlined in the budget request, language has been included in the bill to facilitate the consolidation and sale of Forest Service administrative sites. In the short term, revenues from these sales will help fill the hole in the construction and maintenance account. But by no means does this address the long term capital needs of the Forest Service. I am concerned about the reductions we are making in this account if funds are not restored in future years.

This bill also supports programs that form the backbone of our trust relationship with American Indians and Alaska Natives. In both the Bureau of Indian Affairs and the Indian Health Service, we have provided increases for the core operating accounts.

The bill adds $48 million to the budget request for the operation of Indian Programs account, with increases for tribally controlled schools, welfare programs and Johnson-O'Malley education grants. Both Senator DORGAN and I have long believed that tribal community colleges are one of the most effective tools we have to educate our young people and further economic development in Indian country. That belief is reflected in the funding provided in this bill.

This bill also provides the full $146 million increase proposed in the budget request for Indian health services, which is a healthy 5 percent over last year. That amount includes an allowance for medical inflation and population growth for the first time in my memory. There is little question that the total need for health care services is greater than the funds we can provide, but within the context of the overall budget this moves us in the right direction.

For the BIA and IHS capital accounts, we have added $55 million to the amount proposed in the budget request. This leaves us below last year's levels, but will enable those agencies to make continued progress on the projects included in their facilities priority lists.

I should also mention briefly the issue of Indian trust reform. This is an issue on which this subcommittee and the Department of the Interior have spent a great deal of time and money. I wholeheartedly share the belief that we owe it to Native Americans to responsibly and accurately manage the lands and funds that the Federal Government holds in trust for various tribes and individual Indians. There is little question this hasn't always been the case. But there certainly is a case—several, in fact—about the degree to which the trust has been mismanaged, and what amounts the government may owe as a result. The Indian Affairs Committee has been working hard on this issue, and I hope that they can find a reasonable way out of this intractable mess.

It is pretty clear to me, however, that it makes no sense to spend many billions of dollars on a historical accounting like the court is trying to mandate. It defies logic to think that's what Congress intended in passing that American Indian Trust Fund Management Reform Act. Instead, this bill provides roughly level funding for the Department to continue a reasonable level of accounting work, and uses the proposed accounting increase to instead shore up various BIA and IHS programs that actually benefit Indian people. That is where our priorities should be.

About wildland fire management, some areas are experiencing a fire season, but we are getting a little moisture in Montana. We hope to avoid that this year. Another subject that has long troubled this subcommittee is funding for wildland firefighting. Obviously we have no way of knowing how much money will be required for firefighting in any given year, so we budget based on the 10-year average of suppression costs. In particularly bad fire years, that amount leaves us well short of the total need, and forces the Forest Service and the Department of the Interior to raid other accounts until supplemental funding can be appropriated.

On a small scale, that system works. But in very bad fire years the massive borrowing has been highly disruptive to other important programs. Two years ago I worked with the Budget Committee and others to provide a pot of supplemental funding that could only be used for extraordinary firefighting needs. That mechanism has been highly successful thus far, and I hope that we can continue to work with the Budget Committee as we go forward to ensure that we are managing the fire program in the most cost-effective and efficient way possible.

The bill before the Senate provides a total of $2.513 billion for wildland fire management activities, including $767 million for the Bureau of Land Management and $1.746 billion for the Forest Service. The total includes $492 million for hazardous fuels reduction, which is an increase of $28 million over the FY 2005 level. We have also provided funds to restore proposed cuts in Rural Fire Assistance and State Fire Assistance. State and local governments are a vital part of the effort whenever fire breaks out.

In the Land and Water Conservation Fund, the bill provides $404 million for Land and Water Conservation Fund programs, including Federal land acquisition, Forest Legacy, and the Stateside program. This is somewhat below last year's levels for the same group of programs, but is above the budget request and well above the House level of $214 million. The fund total includes $30 million for the Stateside program, which provides grants to states and local governments for recreation development and land acquisition. The budget and the House have proposed to terminate this program. A large number of my colleagues have expressed their concern about that proposal, so I'm pleased we've been able to keep the program going.

Let me close by expressing my appreciation once again to the ranking member of the subcommittee, Senator DORGAN. He and his staff have been a pleasure to work with, and have helped shape this bill so that it reflects the priorities of members on both sides of the aisle.

I wish we could have done more in some instances, but in the context of a difficult budget I have no reservations about recommending this bill to my colleagues. For those of you who may have amendments, I urge you to get them to me and to Senator DORGAN—or our staffs—as quickly as possible so that we can complete work on this bill, and move on to other appropriations bills before the July 4 recess.

Again, I thank my good friend from North Dakota. We share a common border, but we also give thanks that there is the little Missouri River. So I welcome him this morning and look forward to his remarks.

Mr. President, I would add, I may go over to that listening session on Commerce. I would assume that Senator DORGAN is going to be around and you can consult with my staff and kind of manage things. Don't get too frisky and we will get this bill out of here by Tuesday noon.

I thank my ranking member.

Mr. DORGAN. Mr. President, if my colleague from Montana is going to be leaving the floor for a period, as I understand, to go to a listening session in the Commerce Committee—if he is going to be gone for some while, I may get a lot of legislating done on the floor of the Senate. But we will see. Actually, I will consult closely with Senator BURNS's staff. We have worked well together and we put together a piece of legislation that was hard to do.

I want to just tell those who think there are no spending cuts, this bill that is brought to the floor of the Senate spends $544 million less than is spent in the current fiscal year. That means we are a half billion dollars less in spending for the next fiscal year than is now being spent. Putting together an appropriations bill that cuts a half billion dollars is not a small task. It is hard. There are some areas in this legislation that I think we have not done what we should have done. We did the best we could, having to cut a half billion dollars.

My colleague from Montana and his staff have been good to work with. It is the case that in the Appropriations Committee, on the subcommittees, there truly is bipartisanship. We work together to try to resolve issues in a way that provides a product that all of us can support. That is the case here today.

I will in the course of time offer an amendment that will restore some funds to Indian health. We have desperate conditions on Indian reservations with respect to Indian health, and I am going to talk a little about that today. For example, we restored some funds to the tribal colleges. The President was intending to cut that substantially in his budget, which really makes no sense to me. We have not only restored those cuts but actually increased it a couple of million dollars.

So there are many things we have done that my colleague from Montana has described in his opening statement. I think it would not be useful for me to once again review his comments with respect to funding for the Forest Service and the EPA and all of the various accounts in this bill. There are many of them. It is a fairly substantial bill. I think my colleague aptly described what we tried to do, things that we have succeeded in doing.

He described we have fully funded the EPA clean water State revolving fund $1.1 billion. The President proposed a dramatic cut there. We restored that. That is a $370 million increase over the President's substantial cut.

There are a number of things. I will not go through all the details only to repeat what my colleague has said. I want to focus for a moment on something that I think needs more focus in the Senate, and that is Indian health.

The reason I do that is I come from a State, as do a number of my colleagues, where we have Indian reservations. We have four Indian reservations. We have a genuine bona fide crisis in health care, housing, and education on our reservations. It is easy for people to put it out of sight and out of mind and not think too much about it.

I have been working with my colleague, Senator BURNS, for the last 3 years to increase funding for tribal colleges. I want to read a letter that I read previously to my colleagues because it is such a wonderful description of the value of tribal colleges. This letter is from a young woman who wrote to me. This is a woman I happen to know, who has quite a remarkable career at this point. But here is the letter she wrote to me:

> I grew up poor and considered backward by non-Indians. My home was a two-room log house in a place called the "bush" on North Dakota's Turtle Mountain Indian Reservation. I stuttered. I was painfully shy. My clothes were hand-me-downs. I was like thousands of other Indian kids growing up on reservations across America.
>
> When I went to elementary school I felt so alone and different. I couldn't speak up for myself. My teachers had no appreciation for Indian culture. I'll never forget that it was the lighter-skinned children who were treated better. They wore usually from families that were better off than mine. My teachers called me savage. Even as a young child I wondered . . . What does it take to be noticed and looked upon the way these other children are?
>
> By the time I reached 7th grade I realized that if my life was going to change for the better, I was going to have to do it. Nobody else could do it for me. That's when the dream began. I thought of ways to change things for the better—not only for myself but for my people. I dreamed of growing up to be a teacher in a school where every child was treated as sacred and viewed positively, even if they were poor and dirty. I didn't want any child to be made to feel like I did. But I didn't know how hard it would be to reach the realization of my dream. I almost didn't make it.
>
> By the time I was 17 I had dropped out of school, moved to California, and had a child. I thought my life was over. But when I moved back to the reservation I made a discovery that literally put my life back together. My sisters were attending Turtle Mountain College, which had just been started on my reservation. I thought that was something I would do too, so I enrolled. In those days, we didn't even have a campus. There was no building. Some classes met at a local alcohol rehabilitation center in an old hospital building that had been condemned. But to me, it didn't matter. I was just amazed I could go to college. It was life-changing.
>
> My college friends and professors were like family. For the first time in my life I learned about the language, history and culture of my people in a formal education setting. I felt honor and pride begin to well up inside me. This was so unlike my prior school experience where I was told my language and culture were shameful and that Indians weren't equal to others. Attending a tribal college caused me to reach into my inner self to become what I was meant to be—to fight for my rights and not remain a victim of circumstance or of anybody. In fact, I loved college so much that I couldn't stop! I had a dream to fulfill . . .

This young woman is now a doctor, a Ph.D. She continued in her letter telling me what she was doing. She said:

> I have worked in education ever since, from Head Start to teacher's aide to college professor. Now I'm realizing my dream of helping Indian children succeed. I am a . . . Program Superintendent working with nine schools, three reservations, and I oversee two educational contracts with two tribal colleges.

Think of this. This young girl grew up feeling hopeless and helpless, stuttering, being called a "savage" in a school. She, now, is a Ph.D., helping other children succeed, helping create and nurture an education system that gives others a feeling of hope.

The reason I wanted to read that story is this is all about a tribal college. It is all about giving a young woman an opportunity through a tribal college. I can't tell you how many tribal colleges I have visited, but I know that they enrich the lives of those who attend them because it is an opportunity to step up and out of poverty and hopelessness.

I recall one day I was asked to speak at a commencement at a tribal college. I asked the graduates there: Who is the oldest graduate? They pointed to a woman. They said: She is the oldest graduate.

I went over. She was in her mid-forties and she was, on this day, graduating from college. I asked her about herself and I found out a bit about her. She was a single mother. I believe her husband had left her. I believe she had four children and she was the janitor at the college, cleaning the hallways and the toilets. She decided that she really wanted to do more than clean the hallways and the toilets in that college, she wanted to attend that college, and she did.

She found a way as a single mother to attend that college. The day I showed up she wasn't cleaning anything, she was wearing a cap and a gown and a smile. And that smile was a recognition of what she had invested in herself. But she couldn't have done that had there not been a tribal college, not been Pell grants, not been an opportunity for this country to say to her, through the funding of tribal colleges, through Pell grants, and through other approaches, that: We want to help you. We want to offer a helping hand.

So there is so much to be done. I am speaking now about education and tribal colleges. That is just one piece of it. I am proud to say that Senator BURNS and I have very substantially changed the recommendations of the President. He proposes cutting funding for tribal colleges. We propose increasing funding. Why? Because it is the right thing to do. It is investing in people's lives in the right way.

The other thing I want to talk about for a moment is Indian health care. I mentioned there is a bona fide crisis in health care, housing, and education for American Indians. I have spoken previously on the floor about this.

I have talked about a woman who died, froze to death in her bed, a grandmother. She froze to death in her bed on a reservation in South Dakota when it was 35 below zero, in a home with plastic over the hole where windows should have been. There were six people living in a very small space without sufficient beds and a grandmother goes to bed and freezes to death. Most would think from reading that, it is from a Third World country. It wasn't. It was from our country. We have serious problems on Indian reservations in health care, housing, and education.

I mentioned education with respect to tribal colleges. Let me mention health care for a moment because I will offer an amendment dealing with health care.

There simply is not enough money to provide the kind of health care Americans would expect to provide to every child in this country. I have been to reservations to see a dentist working out of a small trailer home, serving 5,000 people. That dentistry is not so much about doing bridgework or fixing a tooth. It is about someone coming in with an ache and deciding the tooth has to be pulled because you cannot do fancy work in a trailer house when you serve 5,000 people. That is just life on the reservation with respect to the underfunding of Indian health care.

I have held two hearings recently on the subject of teen suicide on Indian reservations. I know it is sensitive. These are hearings you would prefer not to be having, to talk about a subject you would prefer not to talk about. But the fact is, we have young people—particularly in the Northern Great Plains—across this country, young teenagers on Indian reservations who are taking their own lives at the rate of two and a half to three times the national average and in the Northern Great Plains 10 times the national average. This is not about statistics. It is about a young person who decides to commit suicide.

I have spoken in the Senate previously, with the concurrence of the relatives of this young woman, about Avis Littlewind, the 14-year-old. About 9 months or a year ago, Avis Littlewind committed suicide. She had missed 90 days of school. She was lying in her bed, missing school, in a fetal position, with serious problems. Her sister committed suicide 2 years before. Her dad had taken his life 6 years before. Then Avis Littlewind got out of bed one day and went to the closet and they found her there. She had committed suicide. Most are doing it by hanging.

We have had a cluster of suicides on the Standing Rock Reservation in the last 5 months. I have spoken to the relatives of these young kids who have decided to take their lives. One of the things we discover when we talk to the psychologists. I went to the reservation where Avis Littlewind committed suicide. I talked to the school administrators, those involved in mental health, tribal officials, relatives, to try to understand how this happens, how does it happen that no one sends up a big warning flag to say, here is a kid in trouble, let's intervene somehow. What I learned there I have known previously, because I had a hearing one day on these issues some years ago and the young woman who was in charge of these children's issues testified. She had only worked there about 2 months at this reservation. She said, I have a stack of papers on my office floor of allegations of child abuse that have not even been investigated. A stack of papers, alleging child abuse in each of the folders, with no investigation. Then she said, I cannot even get a kid to a clinic someplace because I don't have a vehicle so I have to beg for somebody to give a ride to a kid to take them to a clinic, perhaps to see a mental health professional. As she began to describe the need to beg for a ride for a kid who is in trouble, she began to sob and she broke down and cried. She could not continue at this hearing. She quit a month later because she said it was hopeless.

My point is we know this is happening right now. Yes, in teen suicide; that is, mental health issues. It is the whole range of health care issues, including substance abuse, devastating substance abuse issues with very few in residential treatment beds to deal with it.

I will offer an amendment that says it is time for this country to address these issues. We have trust responsibility for the health care for Indians. We have a responsibility for health care for people in Federal prisons. We spend twice as much per person on health care for Federal prisoners as we do to provide health care to American Indians—twice. Ask yourself, for a kid who felt hopeless and helpless, who decided to take her own life, shouldn't we face that and decide we have a commitment as a country to meet our trust obligations to provide adequate health care? I will offer an amendment regarding that. I probably will do it on Monday. My past experience is the Senate will turn it down because tax cuts for wealthy individuals are much more important than adequate health care funding for Indian children, for example.

You say, that is unfair. No, it is not unfair to say that. There is plenty of money around here to say those who get money from investments, ratchet their tax rates down, down, down, so we can remove the burden from people who make millions every year, and say, by the way, we don't have enough money left to address the issues of these kids.

I started this discussion by reading a letter from Loretta De Long, who is now a Ph.D., but who started in school being called a savage, who stuttered, who got into trouble, had a child at 17, moved to California and thought her life was hopeless, as well. Now she is a Ph.D. She is involved in Indian education. But her letter that I read describes hope. It describes hope and opportunity and what gave her hope and opportunity. Yes, that was tribal colleges and the family encouragement to be able to go to a tribal college.

My point is simple: We have a big bill here. We have done a lot of good work. In some cases we have come short of what I would like to do. In one area, especially, I am talking about the area in which we have a responsibility to deal with Indian health care, we are desperately short, have always been short. The administration never asks for enough—not just this administration, previous administrations, as well—and the Congress is never willing to give enough to provide adequate health care to Indians.

I hope, perhaps, we can have a broader debate as soon as we are into this bill and perhaps Monday morning I will be able to offer that amendment.

There is much to say about this legislation. My colleague described the EPA, the Forest Service, the Fish and Wildlife Service, so many areas that are important. We have attempted to do the very best we can to provide adequate funding.

We are going to be asking for amendments to be offered today and on Monday with the understanding that all amendments will be offered by the end of the day Monday, after which we will dispose of those amendments and then hopefully complete this bill. When we do that, we can go to conference. This is part of that process, this march we should be making to complete our appropriations bills on time, have a conference with the House, reach an agreement, and get this funding for the next fiscal year done this way rather than present some big omnibus bill that in most cases is exactly the wrong way to legislate, where a few people go into a room and close the door and come out and announce to us, we have 800 pages and, by the way, we will vote in 15 minutes, and you do not have time to read it nor should you care what is in it.

That is the wrong way to legislate. Senator COCHRAN says he wants to do it the right way, one step at a time. This is one step. It is an important step because the agencies are important. I hope we can do it with the cooperation of all of our colleagues.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAVEL TO CUBA

Mr. DORGAN. Mr. President, I have here a photograph of a soldier. He joined the Army National Guard as a combat medic and went to Iraq. His name is Carlos Lazo.

Carlos came to my office the other day. That is a picture of him in my office. Carlos is a wonderful soldier. In fact, let me put up another chart that shows you that Carlos won the Bronze Star in Iraq. In the description of the Bronze Star won by this remarkable soldier, it says:

> SPC Lazo's courage, initiative, along with his calm, cool composure was instrumental in saving numerous lives on the battlefield and at the BAS all thru this operation.

They were talking about some very heavy fighting and mortar rounds and bombs exploding very close to where Sergeant Lazo was busy saving lives. They described the work Mr. Lazo did, this courageous soldier. It was quite extraordinary.

Mr. President, I ask unanimous consent to have the Bronze Star citation printed in the RECORD.

I show you the Bronze Star citation, which was from last November, just in order to tell you that this is an extraordinary person.

So Carlos Lazo came to see me on Wednesday of this week. Do you know why he came to my office? Because he wants to see his kids, and our Government will not let him see his kids. No, this is not about a child custody fight. His kids are in Cuba. And one of them has been in the hospital with a high fever.

We have decided in this country to punish Fidel Castro by slapping around the American people and injuring their rights to travel. This President has said that people like Carlos Lazo cannot go to Cuba to see his kids. He cannot visit his kids. It is unbelievable to me.

I have been on this floor before talking about the restriction of travel to Cuba. We have people in the Treasury Department who are investigating Americans because they are under suspicion of taking a vacation to Cuba. It is unbelievable.

I have brought a picture to the floor of the Senate of Joni Scott. Do you know what Joni Scott did? She went to Cuba to pass out free Bibles. Well, guess what her Government did. Guess what the U.S. Government did. They tracked her down and slapped her with a big fine because she was passing out free Bibles in Cuba. A wonderful young woman, filled with spirit and faith, wanting to provide free Bibles on the streets of Cuba, and this Government tracks her down to fine her.

I have shown a picture of Joan Slote, a 75-year-old grandmother who is a cyclist who joined a Canadian cycling group to ride bicycles in Cuba. And guess what they did. While her son was dying of brain cancer, they tracked Joan Slote down, and they threatened to attach her Social Security payments because they were trying to slap a big fine on her because she rode a bicycle in Cuba. She did not know you had to have a license to go to Cuba. She just joined a Canadian group. But, boy, did they track her down. They tracked down Joni Scott and tried to slap a fine on her for distributing free Bibles.

They tracked down a guy in Seattle whose dad died. His dad's last wish was that his ashes should be distributed on the grounds of the church he served as a pastor in Cuba. So he takes his dad's ashes in a can to Cuba, and they track him down and slap a fine on him. It is unbelievable.

Now, this young solder, Carlos Lazo, who earned a Bronze Star in November for bravery on the battlefield. He came from Cuba, by the way. He escaped Cuba. He fled in 1992. He was part of a group that fled Cuba. Regrettably, the rest of his family was not able to get out. So he has two sons left behind. He has been in contact with his children. He has been able to go back from time to time and visit them a number of times under the rules that allowed that kind of family visit.

Then, last year, the President decided we are going to tighten all that up. We are shutting all that down. So now Mr. Lazo, someone who has performed heroic service for this country in America's uniform, is now told: Yes, your son has been in a hospital. Yes, he has a high fever. But he is in Cuba, so you cannot travel to see him.

This Government will not allow this soldier to see his children. Why? Is it about him? No, it is not about him.

Fidel Castro has poked his finger in this country's eye for a long time, so our country, this Government, this President, wants to injure the rights of the American people to travel in a way to punish Fidel Castro.

It does not punish Fidel Castro. He has been in office through 10 Presidencies. All that does is punish the American people: Joni Scott; Joan Slote; and, yes, now Carlos Lazo. Carlos has asked me, "Is there any way you could help me?" because he has heard me on the floor of the Senate talking time and time again about the absurdity of this policy.

Let me just say, I don't have any desire to see Fidel Castro remain in power. The quicker he is gone, the better. But that will happen, in my judgment, through engagement through trade and travel, just as we preach that it will in China and Vietnam—both Communist countries. We have, instead, given Castro his best excuse. He says to the Cuban people, with a sense of nationalism: Of course our economy is in deep trouble because that 500-pound gorilla up north has its fist around our neck.

It seems to me, after 40 years, when a policy does not work, you change the policy. Yet in this case, after 40 years, when a policy does not work, we have decided to further injure the rights of the American people. I hear all this talk about freedom and liberty. Where is the freedom for this young soldier, who has earned a Bronze Star just months ago? Where is the freedom of this young soldier to see his son, to get on a plane and travel to Cuba?

I am asking the State Department and the President to make the right decision here. What on Earth can they be thinking of, deciding Sergeant Lazo should not see his sick child? When America called, he went to the battlefield. He risked his life. He did his work among bombs and grenades and mortars that were falling all around him—sufficient so he received the Bronze Star—and now he is told he cannot see his kids?

He asks me, What on Earth is happening? Where is the freedom here?

Now, I know speaking on the floor about this upsets the people in the State Department, who have to follow the dictions of the White House. It upsets the people in Treasury, OFAC, the Office of Foreign Assets Control. Incidentally, my colleagues should know there are far more people in the Office of Foreign Assets Control—which is an organization designed to track the money to shut down the funding for Osama bin Laden and terrorists—there are far more people in OFAC right now working on tracking down Americans suspected of taking a vacation in Cuba than there are tracking the money for Osama bin Laden. That is shameful, but it is the truth. It has been put in the CONGRESSIONAL RECORD.

My colleague, Senator BAUCUS, got that information, and so did I. I have asked the Treasury Secretary—I asked the former Treasury Secretary, Secretary O'Neill. I said at a hearing: Look, wouldn't you sooner use that money to track terrorists as opposed to trying to track people who are vacationing in Cuba? He did not want to answer. I asked him several times. Finally, he said: Mr. Senator, of course I would sooner do that. The White House had a press release out instantly vilifying the Treasury Secretary for doing that.

This is an obsession with this administration. This has nothing to do with good policy. I am not talking this morning about selling wheat to Cuba. An odd couple—myself and then-Senator John Ashcroft—which is really an odd couple because we are philosophically very different—we are the ones who offered the amendment on the floor of the Senate that finally—finally—after 40 years, opened, just a crack, the ability to sell food into Cuba.

We should never have used food as a weapon. Food and medicine was used as a weapon, which I think is fundamentally immoral. Telling our farmers, "You can't sell food to Cuba" meant nothing to Fidel Castro. He never missed a meal. Do you think he missed breakfast, dinner, or lunch in 40 years?

Of course he didn't. It just hurt American farmers and hurt sick, poor, and hungry Cubans.

So for the first time in 42 years, one day not long ago 22 train carloads full of dried peas left an elevator in North Dakota and ended up in Cuba, paid for by cash. The administration opposed that as well.

Now they have taken further action. Nearly $1 billion has been sold in agricultural commodities by our farmers to the Cubans, and now this administration has decided to tighten that down to try to shut it down.

I have more to say about that, and I will speak more about it at another time. It is about farming and it is about agriculture and using food as a weapon, which is fundamentally immoral. This country is above that.

But today, this is about this man. It is not about a big policy. It is about this man. Can this man see his kids? Can Carlos Lazo—who fought for this country in Iraq, who risked his life in Iraq, who earned a Bronze Star and was celebrated and honored by his country—will he be allowed by his country to go see his kids?

It is unbelievable. Every time I hear another chapter of this book of absurdity coming from this administration with respect to their obsession about Cuba, I wonder, Where does it stop? The reason I have taken the floor this morning is because this young soldier came to see me the other day and said: Can you help? If logic does not help maybe—maybe—embarrassment will.

Perhaps the administration will be sufficiently embarrassed. They were not embarrassed enough to stop trying to find a young woman who was distributing free Bibles in Cuba. Perhaps they will be embarrassed by trying to prevent this young man from seeing his children—a young man this administration certainly would honor as someone who has done heroic things for his country.

I am going to call the State Department today. I am going to call the White House today. I am going to call the Treasury Department today. They will all have the letter I sent. My hope is, they will finally find a way to say yes, it is the right decision, it is the right thing for this country to do.

I am here talking about Carlos Lazo, but ultimately this issue is not just about Carlos. I hope I can solve this for

Carlos. But it is about the broader issue of the administration deciding we are going to injure Fidel Castro by restricting the right of the American people to travel.

It makes no sense at all. My hope is there may be a few other Members of the Senate who would be willing to speak out about this absurdity. I hope there are a few who are as offended as I am and will decide to again do the right thing.

I will report to my colleagues later today about the response of the State Department, the White House, and the Treasury Department to see whether they will honor this young soldier, not just by his Bronze medal for heroism on the battlefield but by allowing him to exercise the freedom any American ought to have to see his child.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, the Senate is embarking on the appropriations process for the year 2006. I think it is important that we start this process by looking at where we are. What concerns me greatly is the fact that we are less than honest with the American people about where we really are today. In fact, if you talk to the General Accounting Office, if you talk to economists worldwide, if you talk to economists here, we are on an unsustainable course in terms of our fiscal discipline.

This chart shows the real numbers for the next few years in terms of what the deficit is. Washington is notorious about fudging the numbers in terms of our obligations. The deficits that are listed coming forward through the next 5 years include the off-budget deficit but also the money we are stealing from Social Security, as well as the money we are stealing from other trust funds, which brings us to a true deficit this year that is going to be about $541 billion. If we divide that $541 billion in deficit by 300 million Americans, and we have less than that, it comes very close to $2,000 per man, woman, and child that we are spending for money we don't have.

The appropriation process, as well as the budget process, becomes important. In 2004, there were 131,000 taxpayers. Our population by next year is supposed to be somewhere around 300 million. The publicly held debt, not privately held, was almost $5 trillion. Based on individuals, the publicly held debt per man, woman, and child, is around $16,000. As we can see the course, by the year 2035, if we don't massively change the way this country operates, the individual publicly held debt will be in excess of $220,000 per man, woman, and child. If you divide that by taxpayers, the people who are paying taxes, it comes up to $470,000 per taxpayer.

This year, as a percent of all the Government is going to spend, 7.5 percent is for interest alone on the national debt. If we look at that portion of the debt that we have some control over, outside of Medicare and Social Security, that percentage of spending is 18.5 percent. In other words, $1 out of every $5 that the Government spends today is to be spent on interest, paying for things that we have spent before that we didn't have the money to pay for. So we are digging a hole deeper than we can imagine.

The first principle has to be honesty about where we are. Honestly, this year we are at $2,000 per man, woman, and child in spending money that we don't have, which means we are going to borrow it, which means we are going to pay interest on that. Then, next year, we are going to have $500 billion and then, sooner, the trend line is down, but it is not down fast enough for us to get out of the hole.

The reason I bring this up is the appropriations process is where we have a chance to do a small amount of good to bring this down faster. This first bill on Interior is a good bill in terms of what it spends compared to last year. But it is important that we bring up some provisions that are in the bill that if, in fact, we are in debt, if you personally find yourself in this kind of debt, 25 percent of the money you are going to spend you don't have and you are going to borrow it, would you be spending money on buying more land, building new reception centers, adding things that are not necessary for us to function?

I praise the authors of the bill in terms of keeping within the budget caps. They have done a good job of that. But I have some questions. For example, we are going to spend $162 million that we don't have to buy land—that is for the cost of the land—another $25 or $30 million to get that done, then another $25 or $30 million on that land every year hence forward to take care of it, let alone the fact that we are taking that land off the public tax rolls. We are diminishing the taxes that will go to the States from that land, and we are absorbing them. If we personalized this, would we be doing these types of things in a budget and financial situation in which we find ourselves borrowing 25 percent of our budget?

More importantly, what is the consequence if we continue to do so? The consequence is that our children and grandchildren end up with a standard of living far below ours. The heritage of our great country has been sacrifice by the generations before to create opportunities and prosperity for the generations that are coming. We are about to become the first generation of Americans to not leave that promise for the next generation.

David Walker, Comptroller General of the United States, has written a book everybody ought to read. It is called "Saving our Nation's Future." He outlines the unsustainable course this Nation is on in terms of our spending. Quite frankly, we don't seem to have the discipline, No. 1, to recognize the gravity of the situation in which we find ourselves, the fact that we are going to lay on our children a debt from which they cannot get out.

This is what we can control. This doesn't talk about the unfunded liabilities associated with Social Security, which are rising $700 billion a year, and yet we are not doing anything to fix; the unfunded liability of over $35 trillion with Medicare which we are doing nothing to fix, the $8 to $10 trillion cost of Medicare D, a brand new benefit that we don't have any resources to pay for except by stealing it from the future of our children. We fail to grasp the gravity of the situation and the long-term consequences of our inaction today.

I will be offering several amendments over the next 2 days that the Senate is in session, not from a critical point of view but from a commonsense point of view. We have $92 million sitting in accounts now to buy land. We are going to make a decision to add another $160 million, while we borrow $541 billion and charge to it our children? We are worse than any credit card addict ever was. There are no consequences for us. We pay no consequences. But the children and the grandchildren are going to pay a severe price for our lack of fiscal discipline, our lack of long-term vision about what our actions are today.

If we had to, there is no question, across every appropriations bill we have, we could find 10 or 12 or 15 percent that is not absolutely necessary to be spent. The contrast isn't about whether or not we spend the money. It is about where the money comes from and who is paying for it.

Of all the issues the Senate will discuss—we will talk about all sorts of social issues, and we will talk about the ethics of it and the morals of it—none of them compares to the immorality of putting our children and grandchildren in debtor's prison. That is what we are doing. We need to be talking individually about things that don't have to get done today, that can be deferred for the future, and saving that money today so that we don't compound the debt for our children.

Mr. DORGAN. I wonder if the Senator will yield for a question.

Mr. COBURN. I am happy to yield.

Mr. DORGAN. First of all, the chart the Senator uses about deficits and accumulated debt, he describes something that is very real, that is a threat to this country's long-term economic future. There is no question about that. I have spoken about it with respect to both the fiscal policy of this country and our trade policy. Our trade policy has created the largest debt in the history of the country by far. I wanted to mention that the House of Representatives approved legislation for another $45 billion in an emergency supplemental. That comes on the heels of the $81 billion we approved. The Senate is going to approve the requested emergency supplemental because we are going to restore the funds that the Pentagon says they need to prosecute the war in Iraq.

But it is interesting, for the $81 billion that we just passed, $45 billion which now comes on the heels of that, not a penny of it is paid for. The administration keeps saying—and these are big numbers—we have to pay for that which we are doing, and we need to restore these accounts to the U.S. Army. All of us say, yes, we not going to send soldiers to do a job and not provide the funds necessary. But I ask the Senator: Does he agree with me that it is bizarre, to say the least, to send the soldiers to Iraq and then say: By the way, when we pay for all this, let's not ask anybody to pay taxes to do it. Let's just have these soldiers pay the debt when they come back.

It is unbelievable. There are spending cuts the Senator likely will propose that are meritorious. I think he has pointed out at the start of his presentation correctly, this appropriations bill cuts one-half of a billion dollars below the previous year's expenditure. But the big issue around here is the massive amount of money being requested on an emergency basis so that it doesn't have to be paid for and it adds to the Federal debt. And then the soldiers can come home and help pay that. I believe that is unfair. I ask the Senator from Oklahoma to respond, from his perspective, about that.

Mr. COBURN. First of all, the $81-billion supplemental that this body passed, I had an amendment to cut $19 billion out of that because it is not going to be spent for the next 3 years. So there is no way you can call that an emergency. One amendment on limiting the expenditures on the embassy, we got 44 votes. Fifty-five people thought it was OK. The fact is, we are at war. We seem to forget that. In every war this country has ever had, the Congress trimmed discretionary spending massively to fund the war. We have decided we will not do that. We have decided we can continue. There is no question good work was done to cut a half-billion dollars out of this bill. The question the American people ought to be asking is, is everything that is in this bill necessary now in light of the fact that any money we spend we are going to charge to our grandchildren?

We are going to charge the unpaid interest over the next 30 years because we have no history of paying back our debts. So by the time you compound the interest costs of this $540 billion, now with some $40 billion on top of it $588 billion is the number it will become—what is the real cost?

The real cost is no college education for the generation 2 years from now, no homeownership 2 years from now, decreased investment in capital goods for productivity and scientific advancement, decreased investment in education and competition in the world. That is the cost. That is what will be the cost of our inaction to protect the future for our children by not trimming every absolute penny we need to spend from this bill.

The question should be: Can we cut more? Is it wrong for us not to cut more, in light of the fact that we are having to borrow? Whether we borrow it for this or for the war or we borrow it for interest, the fact is, we are borrowing it.

And 18 cents out of every dollar we are going to spend this year in discretionary is going to pay interest on our lack of fiscal discipline from the past. We ought to be about raising the level—we ought to be honest with the American people. They have no idea. They hear $350 billion, but it is not $350 billion; it is almost double that. Let's be honest about the real cost. Let's be honest about what the real problems are that will come, and they are going to come to our children and our grandchildren.

This body has a history, since it was first formed, of thinking in the long term, thinking about the next generation. Unfortunately, Congress as a whole has changed its direction of thinking too often to think about the next election, rather than the next generation. In every appropriations bill that comes before this body, I am going to be down here talking about the lack of our foresight in thinking about our children and our grandchildren.

Mr. DORGAN. Will the Senator yield?

Mr. COBURN. Yes.

Mr. DORGAN. First, I appreciate his generosity in yielding. It would be interesting for us to have a discussion at some point about the economy and fiscal policy. I think we are wildly off track. Maybe the Senator from Oklahoma and I agree on that point. I will make a couple of observations, if I might. No. 1, the Senator suggested that we have never paid down the debt. In the late 1990s, we had a fiscal policy that generated revenue by which we began to reduce the debt.

Mr. COBURN. Mr. President, we did pay off some Treasury bills. But the way you know when we pay down our debt is to look at our total debt and whether it declined at the time we did that. It did not. The total debt of the country rose every year we were paying that off. We still had a deficit. We were stealing from trust funds such as the inland waterway trust funds—that is publicly held debt. We transferred that.

So the true debt of the country has not declined since 1972. Even though we were in a period of great times, we spent it all; we didn't pay it down. We actually spent it, and the actual debt of the country rose during the time when everybody in Washington said we were in surplus.

Mr. DORGAN. If the Senator will yield further.

Mr. COBURN. Yes.

Mr. DORGAN. Of course, the issue of whether our fiscal policy is different now than then is not at odds or not in question. At that point, I know the Federal Reserve Board and others, including the President, all talked about debt held by the public versus total debt. In fact, our fiscal policy at that point was dramatically different than it is now. We were headed in the right direction.

Let me make this point. It is, in my judgment, a service to the Congress for someone to look at every appropriations bill and say, where can we trim? Where can we get into a position of not spending money we should not be spending? That is a service to the Congress. I think it is important to understand that we cannot look at the mouse in the corner when a lion is at the door. We cut a half billion dollars out of this subcommittee from last year's spending. So those are real cuts. We could do that for 90 years, every single year, and at that point we will just meet the $45 billion that is coming our way in an emergency supplemental, none of which is paid for.

Do you understand what I am saying? This would be over $200 billion now sent to us by the administration, saying we have to increase these expenditures and we ask you to do it, Congress, but we are not going to pay for it. We will add it to the debt.

In addition to that, the highest priority, of course, is to eliminate a tax that doesn't exist—the death tax, the tax on inherited wealth, making the tax cuts permanent, which would benefit upper-income folks. Let's trim everything, but let's especially—and I will work with the Senator from Oklahoma on this—worry about the big ones. The big one that is coming—and I voted with the Senator on the embassy amendment—is the $45 billion. It is headed our way; it is a big deal. Should we be paying for that? Should the President suggest—as most have whenever we have been at war—that perhaps all of America, not just the soldiers, has some responsibility to contribute? But not under this circumstance. This President says no, no, give me an emergency designation so we can spend it and it doesn't count. It counts on the chart of the Senator from Oklahoma. It counts in terms of lost opportunity for our children and grandchildren.

This burden doesn't belong just to one political party. I agree. I am saying that, in my judgment, we are off track. This fiscal policy doesn't add up.

And what is being requested of us by the President is to have all our soldiers sacrifice but none of us sacrifice.

Mr. COBURN. Mr. President, reclaiming my time——

The PRESIDING OFFICER. The Chair feels compelled to state that yielding is for the purpose of a question, if the Senators would remember that.

Mr. COBURN. The important thing to remember—and there is some merit in the words of the Senator from North Dakota—is from 2000 to 2004, this body increased discretionary spending by 39 percent. We were not in a war as we did that. We increased discretionary spending across all accounts, in every appropriations bill in that period of time. We entered a recession. Did the spending decrease? No, it continued.

The tax cuts were meant to stimulate the economy. The fact is, there is no discipline. There will not be any great argument on the tax side with me. But there is no discipline within the body of Congress to trim spending. What was the Interior Appropriations bill in the year 2000? It was 35 percent less than it is today. Yet, we are proud that we take 1.7 percent away? It is a good accomplishment. It is almost unheard of in the last 15 years in Congress. But the fact is, it already grew almost 40 percent. So what we are doing is taking away from a much larger pie.

My point is that we do a disservice to this country if we fail to recognize we have an obligation to think long term, and a half billion dollar cut is a great start, but it is not near enough, as the Senator said. We need to cut across the board. Do you think we cannot find 10-percent savings in the Pentagon? We are holding oversight hearings. They spent a billion dollars on a travel system that should have cost $20 million.

There is no oversight with which to go after the waste, fraud, and abuse within the Federal Government. We are more interested in passing the next bill than doing the hard work of oversight to see where the waste, fraud, and abuse is. We are going to do that. We have a Federal financial management committee. We have an ATP program. It is nothing but corporate welfare. We are going to spend $120 million on that and we are going to give $120 million to GE, IBM, and Chrysler to do research they are going to do otherwise. Yet we cannot get anybody to help us cut that out. The House cuts it out, but this body won't cut it out.

The point is, there is a large need for the constituencies in this country to start holding us accountable for the spending increases. If the American public would go through this report language, they would be appalled that in a time of war we think it is fine to build new visitor centers all across this country. Remember, we are going to ask our grandchildren to pay for it—about four times what it actually costs. There has to be the start of some fiscal discipline that says we cannot afford to do that now, period. It is a good idea, but we cannot steal from our children anymore. And throughout this bill are multiple instances like that, which we could wait on. But we don't wait because the next election is more important than the next generation.

With that, I say to the American public we are going to be offering several amendments. I doubt they will pass. But their intent is to start making a beginning in trimming and getting us into line, where we need to be—not for us, not for our political future, but for the future of our children and grandchildren.

I admit to my friend from North Dakota that part of that—the tax policy—is important. But you cannot just look at one side of it. The stimulative policy of tax cuts was important to get this country out of recession. But while we were doing that, this body and the other body increased the discretionary spending in this country by 40 percent. And we cannot afford that. We cannot be proud, even though it is a good start. We should not be proud we cut a half billion dollars from this, when this whole thing was less than $20 billion in 2000. We could go through, if we wanted to care about our children and grandchildren, and cut 10 percent out of every agency. We don't have anybody here with courage who is willing to make the hard decisions to do that, because in the short run it hurts; in the long run, it is healthy.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I was thinking of asking unanimous consent so that each time I take the floor it would be assumed that I frame my comments preceded by "don't you agree" to satisfy the quaint rules of the Senate with respect to asking a question. I will refrain from that and when asking my colleague to yield the next time, I will say "don't you agree" before I give my speech.

My colleague does a service. I don't disagree with him. I think we ought to be tightfisted; we spend money on things we should not spend money on. We are getting huge blocks of funding requests coming in our direction by the administration calling it "emergency funding." We have had almost $200 billion worth, and another $45 billion is coming now. They say, don't pay for it, don't worry about it. We will declare it an emergency and we won't count it.

Mr. COBURN. Mr. President, the question I have for the Senator is, does that request not come from the Appropriations Committee?

Mr. DORGAN. Yes.

Mr. COBURN. Therefore, it comes to the floor, does it not, with the recommendation of the Appropriations Committee? So we are equal partners in asking for that money. It is not just the administration.

Mr. DORGAN. Absolutely. No question about that. And the control of Congress is of the same political party as the White House, and there is no interest in having a discussion about whether we should pay for that which we are spending in Iraq. The administration decided we are going to simply declare it an emergency, add it to the national debt, and let somebody else pay for it.

That doesn't happen in most wars. Usually, the leadership says here is why we have to spend this, and it is a national purpose. But we are going to ask the soldiers to represent the country and let's find a way to do it.

I will make this point. The Senator says we have some mutual responses. No question. On one of the early tranches of appropriations to replenish these accounts, there was a vote on the floor of the Senate to pay for some of it. But the Congress, as he knows, is not of a mind to do that, when the President says he doesn't want to. You can dramatically cut spending or increase some revenue. It would be interesting to see if the administration would be interested in sitting down with the Congress to talk about whether we even should pay for it because the administration thinks we should. It would be interesting if we had a sit-down discussion about how to pay for it.

I happen to think that would be useful for the country. I would like us to do that. I think this country has a fiscal policy that is dramatically off track. I don't diminish the tax side as much as my friend does. About two-thirds of the current deficit comes from reduced revenue. We are at a lower revenue of GDP than we have been for a long time. Most of that came from the tax cut, and most of it didn't benefit people that I represent, by the way. Making the rich richer doesn't benefit everybody. The President says extend all of the tax cuts, which is a substantial amount of money and lost resources, and let's repeal the death tax, which doesn't exist.

We should have a long discussion. I think our country deserves a fiscal policy grounded in fact and good thought about the future. My colleague from Oklahoma does a service by coming to the floor to talk about those red lines on that chart. I feel strongly about them, not just in fiscal policy but also trade policy. I hope at some point all of us could decide this is a crisis. There is an urgency here and we should work together on that basis.

If my colleague wishes me to yield further, I am happy to do that.

Mr. COBURN. Yes. If you took the whole cost of the war today, it is less than half of this. The whole cost of the war is less than half of this, thus far. The fact is, tax policy aside, we could even agree on it—there is no question that $1 out of every $3 is either wasted, inefficient, or defrauded in the Federal Government. That has been said by the Grace Commission and the Comptroller General of the country, in terms of us failing to do the oversight. So we can raise taxes, I believe, as a consequence of that. Would the Senator agree that if in fact we held the spending level—no increase in spending—and worked toward efficiency in the Federal agencies, could we not accomplish a great deal and still stimulate the economy?

Mr. DORGAN. The Grace Commission has long since been discredited. I will not go into the recommendations, some of which were adopted but many of which were absurd. That is a 20-year-old debate. Let's assume for the moment there was no increase in spending of any type. That would represent a huge problem for the poorest of the poor who get medical care from Medicaid.

As you know, health care costs are rising dramatically, not having to do with much that is happening in this Chamber. Nonetheless, there is substantial increase in health care costs every year. If you said to the poorest of the poor, everybody else is going to get health care, but we are going to freeze health care funding for you, I am sorry, they would be in big trouble.

We also have more people every month becoming eligible for Medicare. The fact is, we have a rising Medicare population. Every single month more and more people hit the Medicare rolls. With increased medical costs and more people being eligible, does Medicare cost more? Of course, it does. People are living longer, better lives.

I have spoken at great length on the floor of the Senate about my Uncle Harold. My Uncle Harold is 84 years old now, and he is a runner. He has 43 Gold Medals. He is a 400-meter specialist in the Senior Olympics. My aunt thinks he is half goofy. He is always off running road races. He runs the 400-meter and runs faster than anybody his age.

It used to be when you reached 80, you found a Lazy Boy and you just sat in the house until you died. You were old and you had a right to act old. Now people are living longer, active lives.

That puts a strain on Medicare. More people are living longer, so they hit the Medicare rolls. Health care costs are up very substantially, double digits in many cases. So we bear the burden of that on the spending side.

If we were to decide tomorrow we are not going to spend a penny above last year, all you say to poor people on Medicaid is: Sorry, you are out of luck. You are going to have less health care.

My colleague from Colorado is a very interesting Senator. We do not know each other very well. He just arrived in the Senate in January. I am looking forward to getting to know him. I am sure I will.

I hope we can have further discussions about the economy. I do not dismiss quite as quickly, as I think my colleague was trying to do, the fact that when you decide to have large tax cuts mostly to benefit the wealthiest of the wealthy in this country that you have an enormous consequence on the revenue side that therefore causes a substantial amount of that red bar on that chart, and one-half to two-thirds, at the moment, of the current deficit is because of less revenue because of the tax cuts. I know the minute I started talking about maybe we should pay for the cost of the war, my colleague segued immediately into we want to raise taxes.

I am looking to see a fiscal policy that meets the needs of this country. That is a combination of things that are thoughtful and interesting that puts us right on track so we can have a future that expands opportunity for our children rather than contracts opportunity for our children.

I will be happy to yield one more time. I see my colleague would like for me to yield.

Mr. COBURN. Mr. President, I am trying to think of how to phrase this as a question. First, I think my statement was on discretionary spending, not mandatory spending in terms of my relationship to an increase in spending. I would think the Senator would agree that if, in fact, we froze discretionary spending, we would drive efficiency, innovation, and productivity among all those agencies. I hope that he would agree with that.

Mr. DORGAN. Mr. President, let me make a final comment. I know we have a couple colleagues who want to speak. Frankly, we Senators are not much of an audience. We much prefer listening to ourselves than others, and we are probably boring them to tears.

Discretionary spending is very interesting. As the Senator knows, what comes from the Appropriations Committee to the floor of the Senate is the discretionary spending side. Much of the spending is mandatory. The Senator from Oklahoma is correct that health care is mandatory spending. We could virtually eliminate the entire discretionary spending side and probably still not put this back on track.

The Senator made a point that I want to emphasize. It is a point on which we agree. All these people walk around saying this is what the deficit is. That is not what the deficit is. My colleague, Fritz Hollings, who used to sit right behind me, talked about this forever. For him it was a religion. The number they publish as to the Federal budget deficit is total nonsense. That is not what the deficit is. It is much higher than that because they are raiding all the trust funds to get to that point.

We will have a longer discussion. I enjoyed this one. This is an important issue. There are some issues that are small and unimportant, some big, and often the Senate treats the serious issues too lightly and the light issues too seriously. In this case, this is a big issue and will affect this country for decades to come. We ought to have more discussions, both on and off the floor, about how we put America back on track.

Mr. President, I wish to make one final point. This morning's New York Times said IBM is cutting their hiring here to hire over there. Get rid of American workers, hire workers in India. The first step—not the second, third, or fourth step—the first step toward sanity would be for everyone in this Chamber to vote the next time I have an amendment on the floor—I have done it twice and lost twice—that says the first step we ought to do is to decide to stop having tax breaks for those who move their American jobs overseas. Stop the American public from having to pay for this nonsense.

We are providing tax cuts to companies that fire their American workers and move them to Bangladesh, Sri Lanka, China, or, in this case, India. That is absurd.

I am going to offer that amendment again for a third time, and perhaps I will have enough support so we can take the first baby step toward sanity in dealing with job loss in this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL COMPROMISE

Mr. PRYOR. Mr. President, I would like to change gears for a few moments and talk about something that is also important to this body, and that is the judicial compromise that 14 Senators, including myself, reached on May 23.

This agreement, or memorandum of understanding, was signed by seven Democrats and seven Republicans. I hope it has helped bring this august body back from the brink of what we have called nuclear catastrophe.

The agreement or compromise on judicial nominees helped prevent the so-called nuclear option from occurring. This agreement allowed an up-or-down vote on several of President Bush's most controversial judicial nominations while protecting minority rights in the Senate, as well as the checks and balances on which our Government was founded.

It has been about a month since the agreement was entered into. I have had a little bit of time to reflect on some of the things that happened leading up to and during that time and since that time. So if I may, I would like to take just a few moments to share some thoughts.

The first thought I wish to share is that I felt it very important to avoid the nuclear option. The reason I say that is because one of the great things about this body throughout its history is this body's emphasis on protecting the rights of the minority, the rights of those who maybe in other places might not have a chance to be heard. But in the Senate, given our sense of checks and balances and given our history and the way the Founding Fathers established the Senate, the voice of the minority can be heard.

I also think in order to avoid the nuclear winter, if you want to continue with the analogy of the nuclear option, after the nuclear trigger had been pulled would have been devastating for this body. It would have set a terrible precedent and probably what would have happened—I could be wrong about this; maybe we will never know—probably what would have happened is that we would not have gotten anything passed in the Senate, with the exception of our appropriations bills and a few pieces of emergency legislation. It would have just been awful.

Quite frankly, I know when the people in Arkansas elected me to the Senate, they did not elect me to come up here to twiddle my thumbs and get into partisan brouhahas. They elected me to get things done for the State, the Nation, and the world. In fact, in the last few weeks we have been able to work through many issues on the Energy bill—we anticipate it will pass next week—and the Transportation bill. There are a lot of issues involved. Both those bills still have to go to conference and have final passage. Regardless, I wonder if those would have been possible had the nuclear option trigger been pulled.

I also must say that I have been a little disappointed with some of the rabid rhetoric by special interests around the country and by commentators, maybe statements I have heard on various radio and television talk shows. Quite frankly, I think the rhetoric is not helpful. I think it is unfair, it is untrue, and I think a lot of it is just plain wrong.

I have heard some people say that the Senators who entered into this agreement are sellouts or traitors or they call for retribution. If I may say about my 13 colleagues, it took great courage for them to enter into this agreement because they knew the political risk they were taking, but they also knew they were standing up to try to do the right thing.

One observation I have made about a lot of the people who are critical about this agreement is that they do not necessarily want to see the Senate get things done, that their agenda is not for productivity. Their agenda may be limited to a few narrow issues, and they just want those issues emphasized, talked about, with a sort of "win at all costs" mentality.

One of the great things about the Senate is that it is a place where people can come together and find common ground. That has been the history of the Senate. We learned from this compromise that good things happen when Senators talk to each other.

One of the lessons I have learned in Washington—I have been here about 2½ years now—is, quite frankly, we spend a lot more time talking about each other than we do talking to each other. Hopefully, this compromise is an example of when we talk with each other, good things can happen and positive things can flow from that.

In fact, I know a lot of people around the country—I have a few in my State of Arkansas—who think that compromise is a dirty word. I just cannot disagree more strongly. If we look at the Constitution, the fact that we have a bicameral legislature, the fact that we have a Senate and a House of Representatives, and the different structure of those two, that has always been called the Great Compromise in the Constitutional Convention. The fact the Senate even exists today is a result of a compromise. The fact that our Government is located in Washington, DC, we all know now from history, is the result of a compromise. In fact, you can go throughout American history and see compromise after compromise where people find common ground and put the common good above their private interests or their narrow set of interests.

We have seen that just as recently as this week on the Energy bill. I think if you ask all 100 people, they would say this bill is not perfect, but it is a compromise, trying to find common ground, trying to set national energy policy for the Nation. Compromise can be very good.

I think in this particular compromise, both parties won. It was good for the Democrats, and it was good for the Republicans. Both sides had to give up something in order to get there. The Senate won, but most important of all the American people won because the fact the Senate is back in business and we have moved through a number of nominations and we already moved through major pieces of legislation and we are starting another piece of legislation today is a win-win for the American people.

I have no doubt at all—and this is another observation—that this agreement will be tested. I have no doubt people will shake it to see how strong it is. It will be scrutinized, and it has been scrutinized. There has been a lot of ink spilled over this agreement as to what certain phrases mean or how it will be applied, how it will be interpreted.

One thing I found a little humorous, if I may say, during the course of the last 30 days, is I have heard a lot of so-called experts talk or write, and they try to apply their own definitions to this agreement. It seems particularly true for those who disagree with the agreement most. They try to define it and refine it and shape it in a way that meets with their approval.

I will run through a couple of items in the agreement. I will try to do this very quickly because I know there are other colleagues who are very patiently waiting to speak. Sections A and B in the agreement, part A states:

> Future Nominations. Signatories will exercise their responsibilities under the Advice and Consent Clause of the United States Constitution in good faith. Nominees should only be filibustered under extraordinary circumstances, and each signatory must use his or her own discretion and judgment in determining whether such circumstances exist.

Part B states:

> Rule Changes. In light of the spirit and continuing commitments made in this agreement, we commit to oppose the rules changes in the 109th Congress, which we understand to be any amendment to or interpretation of the Rules of the Senate that would force a vote on a judicial nomination by means other than unanimous consent or Rule XXII.

I will run through a few issues in those phrases, if I may. There are two basic questions I get continuously. In fact, I was talking to some of the Capitol Hill interns yesterday and the first question out of the box, they asked: What are extraordinary circumstances? That is a fair question. I get that everywhere I go now.

The other question I get is: Is the nuclear option off the table for the 109th Congress?

As to the question about extraordinary circumstances, I would say this: The 14 Senators sat down in many of our offices for days on end, hours and hours of meetings and discussions and one might say negotiations. We would look each other in the eye. We understand how important this is and we have a strong sense of where our other 13 colleagues are coming from. Extraordinary circumstances will not be defined by outside groups. With all due respect to the leaders and even the other Senators who are not part of this, it will not be defined by our leaders or by our colleagues.

Extraordinary circumstances means exactly what it says in the agreement. We will use our discretion and our judgment in making that determination. In fact, I would say all 100 Senators, when they were sent to Congress by their 50 States, the voters in those States expect their Senators to use their discretion and judgment in everything we do. This is no different. All 14 of us are very committed to doing that and using our discretion and judgment.

I think I can speak for the group that we all hope we do not have to deal with extraordinary circumstances, but in the event we do, we trust each other. I think that is the bottom line on this agreement. This agreement is one that is based on trust.

So when we are asked about extraordinary circumstances or when we are asked about is the nuclear option off the table, the bottom line we will keep coming back to is trust. We trust each other. The 14 of us have built that level of trust through this process and we are committed to doing our dead level best to try and make this agreement work.

The answer to the second question, is the nuclear option off the table for the 109th Congress, I would say, yes, it is because it is based on trust. During the negotiations and ever since the negotiations have concluded and to this very point today, we have proceeded in good faith. The Democrats have had to make some hard votes on some of these judges who had not received up-or-down votes before and we have done that. I think some of the Republican signatories will acknowledge that it was very hard for some of the Democrats to do what we have done on some of these judicial nominations.

At the same time, we trust our Republican colleagues, our Republican signatories to this agreement, to act in good faith in the future. This is based on trust. I am proud of my colleagues. I am proud I was able to be part of this agreement.

Let me talk about one more section. I know I have colleagues waiting to speak so I will try to be very brief. But after part II, sections A and B, there is another section that deals with advice and consent. As everyone now knows, this language was agreed to, but it was really hammered out by Senator ROBERT BYRD and Senator JOHN WARNER, two great statesmen we have in the Senate.

The language states:

> We believe that, under Article II, Section 2, of the United States Constitution, the word "Advice" speaks to consultation between the Senate and the President with regard to the use of the President's power to make nominations. We encourage the executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration.

Such a return to the early practices of our government may serve to reduce the rancor that unfortunately accompanies the advice and consent process in the Senate. Again, Senator BYRD and Senator WARNER deserve a lot of credit for the phrasing of this language. I think this language is exactly right. I think when the Constitution says advice and consent, the Founding Fathers meant what they said, advice and consent.

Oftentimes we talk about consent, but the word "advice" gets overlooked. I would hope that every President would seek the Senate's advice on nominations. I think not only is it required in the Constitution, but it is smart and it shows good judgment by the President.

I also think if Presidents would do this, a lot of this rancor would go away and a lot of the nomination process for these folks would get much smoother. I have not been around the Senate very long, about 2½ years, but I did in some ways grow up around the Senate. One of the things I have seen over the years that has changed is there used to be much more bipartisan cooperation.

In fact, I think the people in my State—I cannot speak for people all over the country, but I have a clear sense from people in my State that they are sick and tired of the partisan bickering in Washington. They want us to work together. They elect us to work together. They expect us to do that. That is their hope, because we all know, they all know, that for us to get things done in Washington we have to work together.

I am hoping this agreement is an important step in doing that. That is not just true within this body—and, by the way, if I can editorialize for one moment, I would say we need to be very clear. Both parties are to blame for the partisan rancor. It is not limited to one side or the other. When it comes to judicial nominations, the Senate shares some responsibility and the President shares responsibility, not just this President but previous Presidents and previous administrations, Democrats and Republicans. We all share some of the blame, we should all own up to that responsibility, and we should all do our best to make it better.

Maybe back in the old days the President might call a few Senators over to the White House and say, hey, let's have a drink and let's talk about this. I am not going to make a recommendation on the having a drink part, but I do want to strongly encourage the President to invite Members of the Senate over to talk about upcoming judicial nominations. I hope he will not just talk to one or two. I hope he does not just talk to members of his party. I hope he will talk to a number of Senators about nominations. I think it is very important.

The last thing I wanted to say is I cannot speak for my 13 colleagues, but I think if one asks all 14 of us, we would want to be very clear on one point, and that is when we entered into the agreement, we in no way, shape, or form wanted to become a rump Judiciary Committee. We do not want to do that. We do not want that role. I am speaking for myself here, but I think one could ask my 13 colleagues. We do not see ourselves as having any veto power or any unique role now in judicial nominations. I would hope very strongly that the Senate Judiciary Committee would continue to be the place in the normal process these nominations go through. I have a ton of respect for Senators ARLEN SPECTER and Senator PATRICK LEAHY. They are great leaders. They are great Americans. They do yeoman's work in the Senate Judiciary Committee. I would hope those two would be the first two the President would consult.

Quite frankly, I wish they would consult with JOHN WARNER and ROBERT BYRD because I think those two add a lot. Certainly I would hope the White House would talk to all members of the Judiciary Committee and the home State Senators before these nominations are made. I think that, again, is a way for us to tone down the rhetoric and to provide a smoother course for these nominations to get through.

I cannot predict the future, but I do know what it has been like around here in the past. I think things have gotten a little bit better in the last 30 days since we entered into this agreement. I am so proud of my colleagues that sensible voices have come to the floor. We have found common ground on judicial nominations. I am not sure there has been a more contentious issue since I have been in the Senate. If we can work that out, we hope that is a good sign for the American people that we can work out a lot of things.

Our compromise shows there is still a spirit of trust and bipartisanship in this body, and I hope we can foster that and move it forward.

I thank my 13 colleagues who entered into this agreement. I know many of them showed great courage when they did it. Many of them have been heavily criticized for doing it, but I am convinced it is the right thing to do. I am proud we did it and I hope it provides us a model for how we can move forward and try to find common ground in the future on a whole variety of issues. I am not saying the 14 should get back together on every single issue, but I hope it shows that Members of the Senate will continue to reach across the aisle, find that common ground. Just as we heard a few moments ago with the Senator from Oklahoma and the Senator from North Dakota, they may come out in the process at different places, but it is great to hear that dialogue where they can hash out ideas and try to get things done and try to do the right thing for this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I will get back on the subject of the Interior appropriations bill, if I might. I start out my comments by thanking Senator BURNS, my good friend and colleague from Montana, chairman of the Interior Appropriations Subcommittee, and the ranking member, Senator DORGAN, and their staffs for the hard work that went into this bill. We all knew this was not going to be an easy process this year because it is a tough budget year and difficult adjustments had to be made.

I respect the President and his effort to try and hold down Federal spending. Senator BURNS and I, who both serve on the Budget Committee, understand the importance of trying to bring some fiscal sanity to the process. I do respect many of the comments my colleague from Oklahoma made on the floor. The only comment I have is that the time to have made many of those points is when the budget itself was before us. When the budget was before us, we had an opportunity to hold down spending. Many of us were disappointed at the level of spending that ended up being reflected out of the budget proposal, but I do want to commend Senator BURNS and his staff for staying within the 302(b) allocation, or the amount of money that was allocated through the budget to the Appropriations Committee, that eventually was reflected in the total amount of spending in this bill. So from my point of view, I found the chairman of the Interior Appropriations Subcommittee to be very responsible and diligent in his duties. I, for one, am very appreciative of that.

As I mentioned earlier, I respect what the President was trying to do to hold down spending. Some of the cuts he put forward, I strongly support. Some of them I have a disagreement with, and some of those disagreements are reflected in this particular legislation.

To give a little historical background, when the State of Colorado joined the Union in 1876, we were known as the Centennial State because we came in 100 years after our independence in 1776. Our first Senator, Senator Teller, was one of two Senators who assumed his duties and then, after his second term, became Secretary of the Interior. He became known eventually as the representative of the entire West because a lot of States were still territories. The jurisdiction of the territories fell under the Department of the Interior. So, historically, the programs in the Interior Department have been very important to States in the West. Colorado is no exception to that.

If we look at today's figures, the Federal Government owns approximately 24 million acres in Colorado. That is 34 percent of the total State lands. All told, about 60 percent of all the lands in the State of Colorado are owned by public entities—whether it is the Federal Government with its 34-percent share, or State and local lands which are owned by school districts in the State, as well as State parks and local parks and that type of thing. So, like other Western States, the Interior appropriations bill becomes very important.

If we contrast that with the State of Indiana, which is made up of less than 23 million acres, then the Members of Congress begin to appreciate the real significance of Federal lands in States such as Colorado. Only eight States, all in the West, have a higher percentage of Federal land ownership than the State of Colorado. This is important when we get to programs like the PILT Program, which means Payments In Lieu of Taxes. This is a program very important to the State of Colorado, as it is to many Western States. Payments In Lieu of Taxes is designed to help prevent property tax imbalance.

The Federal Government does not pay property taxes. So we have come up with this program called PILT, or Payments In Lieu of Taxes. The program helps those local governments whose property tax bases have been impacted because of Federal agencies, and helps to fund the services that they provide to their communities. This is an area where the President had suggested a reduction in funding.

I support the committee action in this bill to restore those dollars. The PILT funding in this bill is $235 million, $35 million above the amount of the President's budget request and $8.2 million more than last year's level. But the chairman was able to do this and stay within the budget numbers that were allocated to this committee.

Let me say a little bit more about the PILT Programs. These dollars go to the States, but what they help pay for primarily is education because in the Western States so much of the property tax goes to education. For example, in the State of Colorado a good share of educational effort is paid by the local property taxes. There are some Federal dollars and some State dollars that go in and match in with the local dollars, but basically education is a local program. So if you want to have a strong educational program, particularly in the rural areas of Colorado, this is an important program.

Why shouldn't the Federal Government do its fair share? If they are using the resources of the communities in the States in which the Federal Government is doing business and costing those taxpayers money because of their presence, I think they owe those States, and those counties and local governments, their fair share of the property tax burden.

Another important program funded through the Interior appropriations bill is the Bureau of Land Management Oil and Gas Management Office. This is the office that is responsible for the leasing and permitting of onshore oil and gas wells. Throughout the West, there are very long delays in processing these permits, solely because the Bureau of Land Management lacks the staff to do it.

I have been told that each month of delay getting these wells on the line means that 28 million cubic feet of gas is not reaching the market. I believe that is critical. It is important to the Western States, but it is critical to the overall good of this country. Again, I commend the chairman for seeing the need and addressing the issue in this particular bill. But it concerns me when one considers the constrained supply and high prices all of our constituents are facing. So I am hopeful that down the line, we will be able to find some additional funding for these activities.

A program that is new to the Interior appropriations bill this year is the State and Tribal Assistance Grant Program, often called STAG. Just over $2.5 million in STAG funds will be going to Colorado. The nice thing about this program is that it is based on grants, so for those communities that have true needs, that money is going to be available to them.

This program helps communities around the country fund upgrades to their drinking water treatment systems. It is especially important to small communities that have severely aging infrastructure and are disproportionately impacted by increases in requirements and water standards. We have gone through a recent change in water standards that is having a disproportionate impact on some of the smaller communities that I represent in the State of Colorado.

I would also mention a number of projects that are funded throughout this bill that are important to me and to the State of Colorado. These projects are not locale-designated projects. In other words, not one community or one county necessarily benefits, but they do tend to benefit a larger geographical area. As I go through these, I think you will begin to understand what I am trying to accomplish.

We get a lot of requests as Members of the Senate from specific cities and specific counties wanting projects designated specifically for their area. But I have tried to keep these generally spread out because then the entire State of Colorado benefits. There are a lot of needs out there.

We set aside some money for the High Elk Corridor. It is a migration route for elk, and it is important in central Colorado, so we have set some money aside for that. The Platte River fish recovery project—this is for the entire drainage system of the south Platte and also the north Platte. It affects, actually, more States than just Colorado. It is an attempt to restore endangered species within the drainage system so the Endangered Species Act doesn't come into play in a way that impacts property rights, which is a very important issue as far as Western States are concerned.

I also have some money here for the Upper Colorado Fish Recovery Program. This is the Colorado River drainage system. Not only does it help the State of Colorado, but other States that are on the Colorado River, because we are trying to sustain an endangered fish population in that river system so that our water users do not get disproportionately impacted.

We have some money in there to complete a conservation easement on the Banded Peaks Ranch, and funds for the Colorado Canyons conservation area. We want to help sustain the conservation efforts there.

It is projects such as these that benefit the public as a whole, and I am pleased we were able to secure funding for them.

Finally, before closing, I again thank the full committee chairman and ranking member, Senators COCHRAN and BYRD, and the majority and minority leader for bringing this bill to the floor so quickly. Again, I also recognize the diligent effort by Senator BURNS and his ranking member, Senator DORGAN. This is the first appropriations bill we have up on the Senate floor this year. It reflects their hard work and commitment to getting us through this session in a timely way.

I believe it is very important that Congress meet its responsibilities to pass funding bills before the end of the fiscal year. I think that continuing resolutions and omnibus bills tend to be messy, and an inappropriate way to go about fulfilling our responsibilities to fund the Federal Government. I am pleased we seem to be on track to pass the appropriations bills on time this year.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 1010

Mr. BURNS. Mr. President, on behalf of Senator VOINOVICH, I call up amendment No. 1010, which relates to Indian gaming.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. VOINOVICH, proposes an amendment numbered 1010.

Mr. BURNS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds to take certain land into trust without the consent of the Governor of the State in which the land is located)

On page 254, after line 25, add the following:

SEC. 4 . None of the funds made available by this Act may be used to take land into trust on behalf of an Indian tribe for the specific purpose of gaming without the consent of the Governor of the State in which the land is located.

Mr. BURNS. Mr. President, I think that is about the only amendment that we have to be offered in today's business. We have kind of run our trap lines. Senator DORGAN?

Mr. DORGAN. I don't know of any amendment also intended to be offered today. I do know we have had some colleagues talking to us about amendments they wish to offer on Monday, but at least on this side, I know of no amendments to be offered for the remainder of the day. My understanding about the amendment the Senator has just laid down on behalf of Senator VOINOVICH is we are not going to dispose of that amendment at this point. We have some issues we need to discuss. We will begin to think about action on that on Monday; is that right?

Mr. BURNS. That is correct. We will huddle on that, on this amendment and others that will be coming to the floor later on.

Mr. DORGAN. I ask unanimous consent to speak for as long as I continue.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DORGAN. I will not speak for a lengthy time, but I wanted to thank my colleague from Montana as he leaves. He will be back on Monday as we take up this bill again, and I look forward continuing to work with him. We put together a pretty decent bill.

As I indicated previously, this bill actually cuts by $½ billion, slightly more, spending over the previous year. So it has been a chore to get this done because of the substantial cuts. But the Senator from Montana has been good to work with.

MORNING BUSINESS

Mr. BURNS. I ask unanimous consent that we now have a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CUBA POLICY

Mr. DORGAN. Mr. President, I do wish to mention two issues before we complete today. I talked a few moments ago about a soldier who is trying to see his sick children in Cuba. I put in a call to Secretary Snow to see if we can't make that happen. I will not go through all of that again. But, again, it is unbelievable to me that we are penalizing this soldier, who has earned a Bronze Star and is an American citizen who wants to see his sick child in Cuba, and penalizing him because we are upset with Fidel Castro.

PUBLIC BROADCASTING

Mr. DORGAN. Mr. President, I want to make a comment today about actions taken yesterday by the Corporation for Public Broadcasting. I have spoken about this on the floor of the Senate previously. Let me describe just a bit of the history here.

I read some while ago that Mr. Kenneth Tomlinson, who is the Chairman of the Board of the Corporation for Public Broadcasting—again, Chairman of the Board of the Corporation for Public Broadcasting, was making the case publicly that public broadcasting has a liberal bias. He was relentlessly making the case that public broadcasting has a liberal bias—public television, public radio, and so on. Maybe he thinks Big Bird is a Republican—or a Democrat. Maybe he thinks the Cookie Monster goes to precinct meetings someplace for some political party or other. I have no idea what he thinks. Frankly, he was concerned about Bill Moyers, who was doing a program called "NOW." He was sufficiently concerned about that, having made allegations that there is a liberal bias in the public television, that he hired a consultant to do an evaluation of the program that Bill Moyers does.

This consultant was paid for with public funds. So I wrote Mr. Tomlinson and I said: You believe there is a liberal bias here with public broadcasting. You have paid taxpayers' monies to have a consultant—who himself, by the way, is a partisan—a consultant to evaluate a specific set of programming. I would like the results of that.

So he sent me the raw data, which is about I think maybe 70 pages. It is a rather large stack of raw data—no summary. So I called him back and said: I really want the summary. There wasn't a summary, he said. He said he is making a summary, preparing a summary. He said he would have it to me, I think, a week ago now. And I have not yet received the summary, but the raw data was interesting. At least in portions, this program was evaluated, by a particular consultant who himself was a partisan, as is Mr. Tomlinson, the raw data was evaluating segments in public television, particularly in the NOW program, on whether they were anti-Bush or pro-Bush. Anti-Bush, anti-Bush, anti-Bush. Apparently the lens or prism through which they are evaluating public broadcasting was: Do they support the President or not?

One was interesting. For example, in one case, it was labeled "antidefense" because it was a program about waste in the Pentagon. My colleague from Oklahoma talked about waste a little earlier. He said there is a lot of waste in the Pentagon. If you talk about waste in the Pentagon, you, apparently, are "antidefense." Unbelievable.

I mentioned previously, my colleague, Senator CHUCK HAGEL from Nebraska, a red-blooded American patriot who served this country, a Republican conservative, by all accounts, who serves in the Senate, someone with whom I am proud to serve, was on one of the programs. He apparently said something that was at odds with the President's policy, so he was labeled a "liberal." Yes, my friend, CHUCK HAGEL, conservative Republican Senator from Nebraska, is labeled liberal because he was on public broadcasting and said something at odds with the policy of the Bush administration. Unbelievable.

Anti-Bush, anti-Bush, liberal, antidefense. What an unbelievable thing to have done to hire a partisan consultant to evaluate for a liberal bias in public broadcasting.

Is Big Bird a Democrat? What a weighted question.

So Mr. Tomlinson, Chairman of the Board of the Corporation for Public Broadcasting, was not only embarking on this effort to prove an allegation he had been making—that is, there is a liberal bias in public broadcasting—but also working to put in a new president of the Corporation for Public Broadcasting.

So who does Mr. Tomlinson want as the head of the Corporation for Public Broadcasting? The former Co-Chair of the Republican National Committee. Yes, that is right.

You say, well, that cannot be.

Of course, that is exactly right. In fact, that person was just hired in a split vote by the Board of Directors of the Corporation for Public Broadcasting. It is unbelievable.

The Chairman spends his time alleging the organization he heads has a liberal bias, hires a partisan to try to prove it, to put together work papers that come from evaluating programming, and then embarks on an effort to decide there should be a former Co-Chair of the Republican National Committee to run the Corporation for Public Broadcasting.

I don't know, maybe it is hard to take a level look when you are a partisan. But public television has a program that deals with the Wall Street Journal editorial board. No one would suggest the Wall Street Journal editorial pages are anything other than solid, hard-rock Republican. No question about that. They don't pretend. There is no veil over their secrecy about their politics. That is what they are.

They have a program on public broadcasting with Tucker Carlson. I don't know Tucker Carlson. I don't know Tucker Carlson from a block of wood. He wears a bow tie. He is a conservative Republican, and so they hire him to do a program. I think he has just left. It is not as if public broadcasting has not had conservative voices. They are just upset with the "NOW" program by Bill Moyers. Why are they upset with Bill Moyers? Let me give one example.

Public broadcasting tackles subjects others will not tackle. One subject is the concentration of media ownership in this country. What has happened with the radio and television industry is it has been gobbled up into huge packages. One company owns 1,200 radio stations. The Federal Communications Commission, under pressure from the broadcast industry, was going to change the rules on ownership, and they did. Pressure from the publishers, pressure from the television, pressure from the radio industry. The Federal Communications Commission did the most complete cave-in to corporate interests I have ever seen in my life. They have new ownership rules that say, totus porcus, you can own everything. Here is what they said in the rules: In the largest city in this country, or in the largest cities, it is okay for one company to own eight radio stations, three television stations, the dominant newspaper, and the cable company. That is all fine. That is nirvana.

That is absolutely nuts. Yet that was the rule the FCC came up with. Majority party, representing the interests of the President, says this is what we are doing. We will allow more concentration in broadcasting so that four, five, or six people will largely control what the American people see, hear, and read.

Guess what. A Federal appeals court decided they were going to stay those rules. Three-quarters of a million people wrote to the FCC saying, do not do this. It was the largest outpouring of letters I can recall. The FCC did it anyway, caved in to the corporate interests, and the Federal court stayed the rules, it went up to the Supreme Court, the stay was not lifted and it is back to the FCC to do over. We will see whether they cave in, once again, or whether the public interest might prevail.

My point of telling that story is this: Bill Moyers did stories on this issue about the concentration in the broadcasting industry. Do you think anybody else was interested in doing big stories about this? Do you think CBS would do a story about that? Or FOX? Or ABC? Or NBC? Not on your life, because they are the beneficiaries of those policies. They want to be bigger. They want more. They think it is fine if you live in one city, that one company will call the tune on information. One company will own eight radio stations, three television stations, the newspaper, and the cable company. They think that is fine.

You are not going to see stories as you peruse the television dial about this subject from the major companies. They will not do it. Guess who did it. Bill Moyers, on a program called "NOW." Did that upset some people? I suppose, sure. They do not like that. But the fact is, public broadcasting has been independent. It was created as the independent source of news, oblivious and impervious to the pressures and partisan wins.

So the "NOW" program does a couple of programs on concentration of broadcasting and they collect a firestorm of protests by the big economic interests and by those who support the President's policies on this.

Let them all merge. They say, well, all these mergers do not matter. You have all these television channels these days, you have more opportunities. What you have are more voices coming from one ventriloquist. Add up where all the channels are owned and where they come from. It is exactly the same concentration.

There are investigations going on at the Corporation for Public Broadcasting. Mr. Tomlinson was named Chairman by the President, September 2003. He spends his time telling us there is a liberal bias in public broadcasting so he hired a consultant to track the political leanings of certain programming. He hired a conservative partisan to do that. Paid for it with taxpayers' money. That is now being evaluated by the Inspector General. He did not tell the Board of Directors about this expenditure. He, in a letter to me, said, maybe I didn't tell the Board of Directors but that is because the President of CPB signed the contract.

That is not accurate. He signed the contract several months before the President that he alleged signed it had actually become President at the Corporation for Public Broadcasting.

Now they have appointed a new President at the urging of Mr. Tomlinson, a partisan former Co-Chair of the Republican National Committee. Some of the members of the Board of Directors of the Corporation for Public Broadcasting have alleged to me personally that the process by which that was done was a stilted process, not a fair and open process. I am going to ask the Inspector General to include that in his investigation as well.

I did not join all those in the Senate last week who signed a letter to suggest Mr. Tomlinson should resign. I was not one of those who signed it. But I now think he should. I think orchestrating the hiring of a partisan former Co-Chair of the Republican National Committee to run the Corporation for Public Broadcasting after he has made a mini-career here out of alleging there is a liberal bias, to suggest he should be the point of the spear to move it in a direction that clearly is partisan is unfortunate, in my judgment, and will do dramatic injury to public broadcasting.

My hope is public broadcasting will recover from these missteps. Public broadcasting has done a wonderful service in our country. I kidded about Big Bird. Big Bird is not a partisan. When American children watch "Sesame Street" and see wonderful programming—which, by the way, they took care of that program and it does not exist on commercial television—most Americans in the polls I have seen believe public broadcasting does a real service.

I don't think there is a better newscast than PBS, Jim Lehrer. I think he is incredibly good. You get it straight. You do not get it in 8-second sound bites as is the case with the network news. You get a discussion by both sides, in depth, about issues that matter to this country. Those who are deciding to take it upon themselves to try to do injury to public broadcasting did no service to this country.

I know there is a network of radio and broadcast opportunities out there for largely one voice, the conservative voice, that is relentless, every day, all over the dial. The fairness doctrine is gone so they can do that. There does not have to be balance on commercial stations. There used to be. It does not have to be anymore because under President Reagan the fairness doctrine was obliterated.

I know they do not like this message about the push-back on public broadcasting. In my judgment, when I see someone doing injury to public broadcasting, I think it is important to speak out. I think Mr. Tomlinson is doing injury to something that is very important to our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the Senator from North Dakota was an important part of the work on clean energy that we finished work on last night and will vote on next Tuesday. I will make some remarks about that in a few minutes, but I acknowledge his contribution and that of the ranking Democrat, JEFF BINGAMAN, who worked with our chairman, PETE DOMENICI, and the Presiding Officer, who has experience in the House of Representatives on the Energy Committee.

These last 2 weeks have been extraordinarily good for the Senate. I think we got a good result.

ENERGY POLICY ACT

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, I support what Senator DURBIN is trying to achieve with this amendment regarding CAFE standards. Over the past few years, I have looked closely at this issue and believe strongly that we need a consensus path forward. I do not believe, however, that Senator DURBIN's amendment or Senator BOND's amendment will achieve that goal. I have followed closely the information available from the National Academy of Sciences and have spoken with labor groups, automobile manufacturers, and environmental groups. We can, and must, significantly increase the efficiency of our automobile fleet, but we cannot do it without creating new incentives for automobile manufacturers to retool plants to produce advanced technology, more efficient vehicles, and lead the way toward an energy-independent America.•

Ms. STABENOW. Mr. President, I want to thank the bill managers, Senator BINGAMAN and Senator DOMENICI, for accepting my amendment calling for an investigation by the Federal Trade Commission into gasoline price manipulation and anticompetitive practices by oil companies and refineries. I also want to thank Senator DORGAN and Senator BOXER for their hard work on this issue.

We are living in a time when the average American family has no assurance from week to week that they will be able to afford to fill their vehicle with gas.

Over the past year, gasoline prices have increased by 23 percent. And since December the average price for oil has climbed 40 cents per gallon. To make matters even worse, prices fluctuate wildly from week to week and month to month, making it impossible for families to budget for the cost of gasoline. In fact, I heard from a constituent in Lansing on Monday that gasoline was $2.10 a gallon at 7:30 in the morning and by 9:30 it had jumped over 12 percent to $2.35 a gallon. Gas prices in the Upper Peninsula range from $2.19 to $2.24 a gallon. People in Detroit are paying the highest prices in the State at $2.40 a gallon.

Furthermore, the Energy Information Administration estimates that pump prices for the summer will average about $2.17 per gallon, which is 26 cents per gallon above the price from last year. So what does this mean for the average American family? Using the AAA Trip Calculator I discovered that a family driving their Ford station wagon from Grand Rapids, MI to Washington, DC, would spend $89.82 on gas. These high prices may mean the difference between a family trip to visit grandparents and extended family and staying home. So you see we are talking about real impacts to working families.

At the same time that our families are struggling to find room for the cost of gasoline in their household budgets and canceling their summer vacations, oil companies are chalking up record-breaking profits for the first quarter of this year.

Families are worried about whether or not they can afford the gas to get to work, while oil companies are raking in billions of dollars.

I think my colleagues must agree with me that there is something seriously wrong when American families are struggling to make ends meet and the world's top five petroleum companies are reporting more than $230 billion in profits since 2001.

Furthermore, when we consider that the cost of crude oil makes up less than 50 percent of the total cost of gasoline, there can be no doubt that oil companies and refineries are making their profits off the backs of hardworking Americans.

In a recent CNN/USA Today/Gallup poll, 78 percent of people surveyed said that gasoline prices are not fair.

I agree with them.

There are two ways we can start to lower gasoline prices. One way is to release oil from our National Strategic Petroleum Reserves, which will lower prices by increasing supply while sending a clear signal to OPEC that we are not going to sit back and take whatever they decide to deal. The second is to make sure that no anticompetitive practices are taking place among the big oil companies and oil refineries here in our own country.

My amendment gets to this second point. I have called for an investigation by the Federal Trade Commission into gasoline price manipulation. We need to make sure that American families are not being unfairly taken advantage of by oil companies and refineries.

Should the FTC's investigation find that illegal practices are taking place, they have a couple of options. First, the FTC can pursue a civil action and fine companies breaking the law. Or, if they find evidence of criminal behavior, the FTC can then notify the Department of Justice, which would then pursue criminal action.

We have seen the devastating effects that market manipulation can have when energy companies withheld power from California's power grid in 2000 and 2001 in order to drive up the price of electricity. The result was 38 days of blackouts, rolling brownouts, service interruptions, and ultimately over $11 billion from the California State Treasury. A later report by the California Public Utilities Commission stated that the vast majority of the power failures could have been prevented.

We need to make sure the same kind of intentional market manipulation and preventable economic losses do not happen to American consumers when they buy gasoline.

Mr. DORGAN. Mr. President, I was necessarily absent for part of this week and want to indicate how I would have voted if I had been present.

If present, I would have voted in the following ways: "no" on the Nelson (FL) amendment, rollcall vote No. 143; "yes" on the Hagel amendment, roll call vote No. 144; "yes" on the Voinovich amendment, rollcall vote No. 145; "no" on the McCain-Lieberman amendment, rollcall vote No. 148; "yes" on the motion to table the Bingaman amendment, rollcall No. 149; "no" on the Alexander amendment, rollcall vote No. 150; "yes" on the Kerry amendment, rollcall vote No. 151; "yes" to invoke cloture on the energy bill; rollcall vote No. 152; and "yes" to waive the budget point of order on the Domenici-Landrieu amendment, rollcall No. 153.

ADDITIONAL STATEMENTS

HONORING JEAN O'LEARY

• Mrs. FEINSTEIN. Mr. President, I rise today to honor an outstanding

American whose tireless work helped bring to national attention the matter of gay civil rights. Jean O'Leary represented the ideals of a truly integrated society, a Nation that saw equality for gay, lesbian, bisexual, and transgender people of this world. On June 4, 2005, my dear friend, Jean O'Leary died at the age of 57, in her home in San Clemente, CA. Her passing is a great loss to her family and she will be missed by all who knew her. I offer my deepest condolences to her family and am joined by the thousands of Californians, as well as those throughout the country, who have benefited from her work to end the injustices that segregate this great Nation. Jean O'Leary's was a light, a remarkable voice in an area that needed a champion. Her legacy will live on through the passion and energy she gave to the gay rights movement.

Jean Marie O'Leary lived a life of extraordinary accomplishments. Born in Kingston, NY, but raised mostly in Ohio, Ms. O'Leary attended parochial schools from third grade through high school and in 1966 joined the Sisters of the Holy Humility of Mary to become a nun. Many were surprised by her decision which contradicted her independent and rebellious nature. Years later she revealed that she wanted to become a nun because she "wanted to do something special, to have an impact on the world."

Jean O'Leary left the covenant in 1971, returning to New York where she immersed herself in the gay rights movement. She was a member of the Gay Activists Alliance, founder of the Lesbian Feminist Liberation, co-executive director of the National Gay Task Force, and head of the National Gay Rights Advocates where she helped bring visibility to the movement.

In 1977, Ms. O'Leary through her close friendship with Midge Costanza, an advisor to President Jimmy Carter, organized the first-ever meeting of gay rights advocates in the White House. This historic gathering of gay and lesbian leaders spurred a national discussion to review and begin to correct the antigay policies by Federal Government agencies. President Carter later appointed her to the National Commission on the Observance of International Women's Year where she negotiated the inclusion of gay and lesbian rights on the commission's conference held in Houston. In her work as a Democratic Party activist, O'Leary was a pillar of strength and support that helped advance the rights of gay men and lesbians, women and people living with HIV and AIDS.

Truly, she lived up to her dreams to shape the world. In a career that spanned 35 years, I remember Ms. O'Leary as an exception activist, a woman with a soft-spoken, charming, and compassionate nature that shown through in her tremendous ability to pioneer an issue that involves millions worldwide.

Jean O'Leary was an exemplary American who worked to improve the life of all persons in the Nation. She was an outstanding individual, a close and trusted friend, and an inspiration to this Nation. We will all miss her spirit and passion, and our thoughts go out to her family and friends.●

MESSAGE FROM THE HOUSE

At 11:27 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2985. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2985. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ALLARD, from the Committee on Appropriations, with amendments:

H.R. 2985. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes (Rept. No. 109-89).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 1310. A bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself, Mr. BINGAMAN, Mr. SALAZAR, and Mr. KERRY):

S. 1311. A bill to provide grants for use by rural local educational agencies in purchasing new school buses; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 277

At the request of Mr. JOHNSON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 277, a bill to amend title XVIII of the Social Security Act to provide for direct access to audiologists for Medicare beneficiaries, and for other purposes.

S. 392

At the request of Mr. LEVIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 555

At the request of Mr. DEWINE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 555, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1139

At the request of Mr. SANTORUM, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1139, a bill to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry.

S. 1197

At the request of Mr. BIDEN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1246

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1246, a bill to require the Secretary of Education to revise regulations regarding student loan payment deferment with respect to borrowers who are in postgraduate medical or dental internship, residency, or fellowship programs.

S. 1290

At the request of Mrs. MURRAY, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from Illinois (Mr. OBAMA), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1290, a bill to appropriate $1,975,183,000 for medical care for veterans.

S. 1300

At the request of Mr. SANTORUM, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1300, a bill to amend the Agricultural Marketing Act of 1946 to establish a voluntary program for the provision of country of origin information with respect to certain agricultural products, and for other purposes.

S. RES. 154

At the request of Mr. BIDEN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Res. 154, a resolution designating October 21, 2005 as "National Mammography Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. BINGAMAN, Mr. SALAZAR, and Mr. KERRY):

S. 1311. A bill to provide grants for use by rural local educational agencies in purchasing new school buses; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, many years ago, when I attended school in Searchlight, I walked to school. And when it was time for high school, I hitched a ride into a town forty miles away and had to stay with family during the week. There weren't many options back then. That was the transportation system in rural America: walk or hitchhike.

Now, of course, we have school buses to get children to school.

Unfortunately, rural school districts across America are strapped. They can't afford to buy newer, safer buses. And skyrocketing gas prices have only made the problem worse. As a result, many rural areas have no choice but to operate outdated, unsafe school buses for as long as they can pass inspection.

Last year, I met with the school superintendents in my State. While each district identified their own, unique challenge, they all had an urgent need for school buses. I was astonished to learn that the school buses in some rural Nevada counties travel a combined million miles in a single school year.

The superintendents asked for my help, and I want to help. And based on conversations with some of my colleagues on both sides of the aisle, I am pretty confident the need for newer and safer school buses is not unique to Nevada's rural school districts.

I am introducing legislation today that will help rural districts transport children to school in a way that is safe, affordable, and environmentally sound.

The "Bus Utility and Safety in School Transportation Opportunity and Purchasing Act of 2005"—or BUS STOP—authorizes the Federal Government to provide $50,000,000 in grants on a competitive basis to rural local education agencies seeking Federal share assistance to purchase school buses. The Federal share will be 75 percent.

Some may wonder why we need such a program when the Environmental Protection Agency already has a cost-share grant program to help school districts purchase new buses powered by natural gas or other alternative fuels.

Unfortunately, most of the rural districts in my State, and, I would imagine, across the country cannot apply for these grants because they don't have the infrastructure in place to support this technology.

However, working in the spirit of clean air and healthy children, my bill will help rural school districts buy newer buses that are better for our air, and safer for our children.

There are many small, rural towns in America, like Searchlight, where the kids need our help. They deserve no less than safe, clean, economical buses to get them to school.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bus Utility and Safety in School Transportation Opportunity and Purchasing Act of 2005".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) school transportation issues remain a concern for parents, local educational agencies, lawmakers, the National Highway Traffic Safety Administration, the National Transportation Safety Board, and the Environmental Protection Agency;

(2) millions of children face potential future health problems because of exposure to noxious fumes emitted from older school buses;

(3) many rural local educational agencies are operating outdated, unsafe school buses that are failing inspection, resulting in a depletion of the school bus fleets of the local educational agencies; and

(4) many rural local educational agencies are unable to afford newer and safer buses.

(b) PURPOSE.—The purpose of this Act is to establish within the Department of Education a Federal cost-sharing program to assist rural local educational agencies with older, unsafe school bus fleets in purchasing newer, safer school buses.

SEC. 3. DEFINITIONS.

In this Act:

(1) RURAL LOCAL EDUCATIONAL AGENCY.—The term "rural local educational agency" means a local educational agency, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), with respect to which—

(A) each county in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile;

(B) all schools served by the local educational agency are designated with a school locale code of 7 or 8, as determined by the Secretary of Education; or

(C) all schools served by the local educational agency have been designated, by official action taken by the legislature of the State in which the local educational agency is located, as rural schools for purposes relating to the provision of educational services to students in the State.

(2) SCHOOL BUS.—The term "school bus" means a vehicle the primary purpose of which is to transport students to and from school or school activities.

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. 4. GRANT PROGRAM.

(a) IN GENERAL.—From amounts made available under subsection (e) for a fiscal year, the Secretary shall provide grants, on a competitive basis, to rural local educational agencies to pay the Federal share of the cost of purchasing new school buses.

(b) APPLICATION.—

(1) IN GENERAL.—Each rural local educational agency that seeks to receive a grant under this Act shall submit to the Secretary for approval an application at such time, in such manner, and accompanied by such information (in addition to information required under paragraph (2)) as the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

(A) documentation that, of the total number of school buses operated by the rural local educational agency, not less than 50 percent of the school buses are in need of repair or replacement;

(B) documentation of the number of miles that each school bus operated by the rural local educational agency traveled in the most recent 9-month academic year;

(C) documentation that the rural local educational agency is operating with a reduced fleet of school buses;

(D) a certification from the rural local educational agency that—

(i) authorizes the application of the rural local educational agency for a grant under this Act; and

(ii) describes the dedication of the rural local educational agency to school bus replacement programs and school transportation needs (including the number of new school buses needed by the rural local educational agency); and

(E) an assurance that the rural local educational agency will pay the non-Federal share of the cost of the purchase of new school buses under this Act from non-Federal sources.

(c) PRIORITY.—

(1) IN GENERAL.—In providing grants under this Act, the Secretary shall give priority to rural local educational agencies that, as determined by the Secretary—

(A) are transporting students in a bus manufactured before 1977;

(B) have a grossly depleted fleet of school buses; or

(C) serve a school that is required, under section 1116(b)(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(9)), to provide transportation to students to enable the students to transfer to another public school served by the rural local educational agency.

(d) PAYMENTS; FEDERAL SHARE.—

(1) PAYMENTS.—The Secretary shall pay to each rural local educational agency having an application approved under this section the Federal share described in paragraph (2) of the cost of purchasing such number of new school buses as is specified in the approved application.

(2) FEDERAL SHARE.—The Federal share of the cost of purchasing a new school bus under this Act shall be 75 percent.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act—

(1) $50,000,000 for fiscal year 2006; and

(2) such sums as are necessary for each of fiscal years 2007 through 2011.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1010. Mr. BURNS (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

SA 1011. Mrs. BOXER (for Mr. ALEXANDER (for himself and Mr. SMITH)) proposed an amendment to the bill S. 714, to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

SA 1012. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1013. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1014. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1015. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1016. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1017. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1018. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1019. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1010. Mr. BURNS (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 4_____. None of the funds made available by this Act may be used to take land into trust on behalf of an Indian tribe for the specific purpose of gaming without the consent of the Governor of the State in which the land is located.

SA 1011. Mrs. BOXER (for Mr. ALEXANDER (for himself and Mr. SMITH)) proposed an amendment to the bill S. 714, to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions; as follows:

On page 2, line 15, strike "and".

On page 2, between lines 15 and 16, insert the following:

"(ii) the sender obtained the number of the telephone facsimile machine through—

"(I) the voluntary communication of such number, within the context of such established business relationship, from the recipient of the unsolicited advertisement, or

"(II) a directory, advertisement, or site on the Internet to which the recipient voluntarily agreed to make available its facsimile number for public distribution,

except that this clause shall not apply in the case of an unsolicited advertisement that is sent based on an established business relationship with the recipient that was in existence before the date of enactment of the Junk Fax Prevention Act of 2005 if the sender possessed the facsimile machine number of the recipient before such date of enactment; and"

On page 2, strike lines 16 through 26 and insert the following:

"(iii) the unsolicited advertisement contains a notice meeting the requirements under paragraph (2)(D),

except that the exception under clauses (i) and (ii) shall not apply with respect to an unsolicited advertisement sent to a telephone facsimile machine by a sender to whom a request has been made not to send future unsolicited advertisements to such telephone facsimile machine that complies with the requirements under paragraph (2)(E); or".

On page 7, line 17, strike "(1)(C)(ii)," and insert "(1)(C)(iii),".

On page 7, line 25, strike "(1)(C)(ii)" and insert "(1)(C)(iii)".

SA 1012. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 254, after line 25, add the following:

SEC. 4 . (a) In this section:

(1) The term "Federal land" means the approximately 115 acres of Bureau of Land Management land identified on the map as "Lands identified for Las Vegas Speedway Parking Lot Expansion".

(2) The term "map" means the map entitled "Las Vegas Motor Speedway Improvement Act", dated February 4, 2005, and on file in the Office of the Director of the Bureau of Land Management.

(3) The term "Secretary" means the Secretary of the Interior.

(b)(1) If, not later than 30 days after the date of completion of the appraisal required under paragraph (2), Nevada Speedway, LLC, submits to the Secretary an offer to acquire the Federal land for the appraised value, notwithstanding the land use planning requirements of section 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall, not later than 30 days after the date of the offer, convey to Nevada Speedway, LLC, the Federal land, subject to valid existing rights.

(2)(A) Not later than 90 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal land.

(B) The appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(C) All costs associated with the appraisal required under subparagraph (A) shall be paid by Nevada Speedway, LLC.

(c) Not later than 30 days after the date on which the Federal land is conveyed under subsection (b)(1), as a condition of the conveyance, Nevada Speedway, LLC, shall pay to the Secretary an amount equal to the appraised value of the Federal land, as determined under subsection (b)(2).

(d) As a condition of the conveyance, any costs of the conveyance under subsection (b)(1) shall be paid by Nevada Speedway, LLC.

(e) If Nevada Speedway, LLC, or any subsequent owner of the Federal land conveyed under subsection (b)(1), uses the Federal land for purposes other than a parking lot for the Nevada Speedway, all right, title, and interest in and to the land (and any improvements to the land) shall revert to the United States at the discretion of the Secretary.

(f) The Secretary shall deposit the proceeds from the conveyance of Federal land under subsection (b)(1) in accordance with section 4(e)(1) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

(g)(1) Except as provided in subsection (b)(1) and subject to valid existing rights, the Federal land is withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) The withdrawal of the Federal land under paragraph (1) shall be in effect for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) the date that is 2 years after the date of enactment of this Act; or

(B) the date of the completion of the conveyance of Federal land under subsection (b)(1).

SA 1013. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 254, after line 25, add the following:

SEC. 4_____. None of the funds made available to the Forest Service under this Act shall be expended or obligated for any activity relating to the demolition of buildings at the Zephyr Shoals property, Lake Tahoe, Nevada.

SA 1014. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 234, line 5, strike "127,605,000" and insert "122,156,000"

On page 130, line 24, strike "766,564,000" and insert "772,013,000".

SA 1015. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 233, line 9, strike "126,264,000" and insert "121,264,000".

On page 234, line 5, strike “127,605,000” and insert “122,156,000”

On page 130, line 24, strike “766,564,000” and insert “777,013,000”.

SA 1016. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the tale: as follows:

On page 133, strike lines 16 through 22.

On page 139, strike lines 18 through 26.

On page 150, line 22, strike “86,005,000” and insert “30,000,000”.

On page 207, strike lines 4 through 12.

SA 1017. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 133, strike lines 16 through 22.

On page 139, strike lines 18 through 26.

On page 150, line 22, strike “86,005,000” and insert “30,000,000”.

On page 207, strike lines 4 through 12.

On page 216, strike “2,732,323,000” and insert “2,886,330,000”.

At the appropriate place, insert the following:

Provided further, That of the funds provided to the Indian Health Service, no less than $227,000,000 shall be made available for the Special Diabetes Program for Indians, and no less than $216,080,000 shall be made available for the Alcohol and Substance Abuse Program.

SA 1018. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Provided further, That none of the funds in this or any other Act may be used for the acquisition of land for inclusion in the Deep Fork National Wildlife Refuge.

SA 1019. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 133, strike lines 16 through 22.

On page 139, line 24, strike “40,827,000” and insert “8,827,000”.

On page 150, line 22, strike “86,005,000” and insert “54,005,000”.

On page 207, strike lines 4 through 12.

On page 216, strike “2,732,323,000” and insert “2,853,498,000”.

At the appropriate place, insert the following:

Provided further, That of the funds provided to the Indian Health Service, no less than $210,000,000 shall be made available for the Special Diabetes Program for Indians, and no less than $200,248,000 shall be made available for the Alcohol and Substance Abuse Program.

PRIVILEGE OF THE FLOOR

Mr. BURNS. Mr. President, I ask unanimous consent that privilege of the floor be granted to George Matejko, a detailee on my personal staff, and Michele Gordon and Rachael Taylor of the Appropriations Committee staff during consideration of H.R. 2361, the fiscal year 2006 Interior and related agencies appropriations bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

JUNK FAX PREVENTION ACT OF 2005

Mr. ALEXANDER. Mr. President, on behalf of the leader, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar 120, S. 714, the junk fax bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 714) to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science and Transportation, with amendments.

[Strike the part shown in black brackets and insert the part shown in italic.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Junk Fax Prevention Act of 2005”.

SEC. 2. PROHIBITION ON FAX TRANSMISSIONS CONTAINING UNSOLICITED ADVERTISEMENTS.

(a) PROHIBITION.—Section 227(b)(1)(C) of the Communications Act of 1934 (47 U.S.C. 227(b)(1)(C)) is amended to read as follows:

“(C) to use any telephone facsimile machine, computer, or other device to send, to a telephone facsimile machine, an unsolicited advertisement, unless—

“(i) the unsolicited advertisement is from a sender with an established business relationship with the recipient; and

“(ii) the unsolicited advertisement contains a notice meeting the requirements under paragraph (2)(D), except that the exception under clauses (i) and (ii) shall not apply with respect to an unsolicited advertisement sent to a telephone facsimile machine by a sender to whom a request has been made not to send future unsolicited advertisements to such telephone facsimile machine that complies with the requirements under paragraph (2)(E); or”.

(b) DEFINITION OF ESTABLISHED BUSINESS RELATIONSHIP.—Section 227(a) of the Communications Act of 1934 (47 U.S.C. 227(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) The term ‘established business relationship’, for purposes only of subsection (b)(1)(C)(i), shall have the meaning given the term in section 64.1200 of title 47, Code of Federal Regulations, as in effect on January 1, 2003, except that—

“(A) such term shall include a relationship between a person or entity and a business subscriber subject to the same terms applicable under such section to a relationship between a person or entity and a residential subscriber; and

“(B) an established business relationship shall be subject to any time limitation established pursuant to paragraph (2)(G)).”.

(c) REQUIRED NOTICE OF OPT-OUT OPPORTUNITY.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)) is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(D) shall provide that a notice contained in an unsolicited advertisement complies with the requirements under this subparagraph only if—

“(i) the notice is clear and conspicuous and on the first page of the unsolicited advertisement;

“(ii) the notice states that the recipient may make a request to the sender of the unsolicited advertisement not to send any future unsolicited advertisements to a telephone facsimile machine or machines and that failure to comply, within the shortest reasonable time, as determined by the Commission, with such a request meeting the requirements under subparagraph (E) is unlawful;

“(iii) the notice sets forth the requirements for a request under subparagraph (E);

“(iv) the notice includes—

“(I) a domestic contact telephone and facsimile machine number for the recipient to transmit such a request to the sender; and

“(II) a cost-free mechanism for a recipient to transmit a request pursuant to such notice to the sender of the unsolicited advertisement; the Commission shall by rule require the sender to provide such a mechanism and may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, exempt certain classes of small business senders, but only if the Commission determines that the costs to such class are unduly burdensome given the revenues generated by such small businesses;

“(v) the telephone and facsimile machine numbers and the cost-free mechanism set forth pursuant to clause (iv) permit an individual or business to make such a request [during regular business hours;] *at any time on any day of the week;* and

“(vi) the notice complies with the requirements of subsection (d);”.

(d) REQUEST TO OPT-OUT OF FUTURE UNSOLICITED ADVERTISEMENTS.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsection (c), is further amended by adding at the end the following:

"(E) shall provide, by rule, that a request not to send future unsolicited advertisements to a telephone facsimile machine complies with the requirements under this subparagraph only if—

"(i) the request identifies the telephone number or numbers of the telephone facsimile machine or machines to which the request relates;

"(ii) the request is made to the telephone or facsimile number of the sender of such an unsolicited advertisement provided pursuant to subparagraph (D)(iv) or by any other method of communication as determined by the Commission; and

"(iii) the person making the request has not, subsequent to such request, provided express invitation or permission to the sender, in writing or otherwise, to send such advertisements to such person at such telephone facsimile machine;".

(e) AUTHORITY TO ESTABLISH NONPROFIT EXCEPTION.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsections (c) and (d), is further amended by adding at the end the following:

"(F) may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, allow professional or trade associations that are tax-exempt nonprofit organizations to send unsolicited advertisements to their members in furtherance of the association's tax-exempt purpose that do not contain the notice required by paragraph (1)(C)(ii), except that the Commission may take action under this subparagraph only—

"(i) by regulation issued after public notice and opportunity for public comment; and

"(ii) if the Commission determines that such notice required by paragraph (1)(C)(ii) is not necessary to protect the ability of the members of such associations to stop such associations from sending any future unsolicited advertisements; and".

(f) AUTHORITY TO ESTABLISH TIME LIMIT ON ESTABLISHED BUSINESS RELATIONSHIP EXCEPTION.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsections (c), (d), and (e) of this section, is further amended by adding at the end the following:

"(G)(i) may, consistent with clause (ii), limit the duration of the existence of an established business relationship, however, before establishing any such limits, the Commission shall—

"(I) determine whether the existence of the exception under paragraph (1)(C) relating to an established business relationship has resulted in a significant number of complaints to the Commission regarding the sending of unsolicited advertisements to telephone facsimile machines;

"(II) determine whether a significant number of any such complaints involve unsolicited advertisements that were sent on the basis of an established business relationship that was longer in duration than the Commission believes is consistent with the reasonable expectations of consumers;

"(III) evaluate the costs to senders of demonstrating the existence of an established business relationship within a specified period of time and the benefits to recipients of establishing a limitation on such established business relationship; and

"(IV) determine whether with respect to small businesses, the costs would not be unduly burdensome; and

"(ii) may not commence a proceeding to determine whether to limit the duration of the existence of an established business relationship before the expiration of the [18-month period] *3-month period* that begins on the date of the enactment of the Junk Fax Prevention Act of 2005.".

(g) UNSOLICITED ADVERTISEMENT.—Section 227(a)(5) of the Communications Act of 1934, as so redesignated by subsection (b)(1), is amended by inserting ", in writing or otherwise" before the period at the end.

(h) REGULATIONS.—Except as provided in section 227(b)(2)(G)(ii) of the Communications Act of 1934 (as added by subsection (f)), not later than 270 days after the date of enactment of this Act, the Federal Communications Commission shall issue regulations to implement the amendments made by this section.

SEC. 3. FCC ANNUAL REPORT REGARDING JUNK FAX ENFORCEMENT.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended by adding at the end the following:

"(g) JUNK FAX ENFORCEMENT REPORT.—The Commission shall submit an annual report to Congress regarding the enforcement during the past year of the provisions of this section relating to sending of unsolicited advertisements to telephone facsimile machines, which report shall include—

"(1) the number of complaints received by the Commission during such year alleging that a consumer received an unsolicited advertisement via telephone facsimile machine in violation of the Commission's rules;

"(2) the number of citations issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

"(3) the number of notices of apparent liability issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

"(4) for each notice referred to in paragraph (3)—

"(A) the amount of the proposed forfeiture penalty involved;

"(B) the person to whom the notice was issued;

"(C) the length of time between the date on which the complaint was filed and the date on which the notice was issued; and

"(D) the status of the proceeding;

"(5) the number of final orders imposing forfeiture penalties issued pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

"(6) for each forfeiture order referred to in paragraph (5)—

"(A) the amount of the penalty imposed by the order;

"(B) the person to whom the order was issued;

"(C) whether the forfeiture penalty has been paid; and

"(D) the amount paid;

"(7) for each case in which a person has failed to pay a forfeiture penalty imposed by such a final order, whether the Commission referred such matter for recovery of the penalty; and

"(8) for each case in which the Commission referred such an order for recovery—

"(A) the number of days from the date the Commission issued such order to the date of such referral;

"(B) whether an action has been commenced to recover the penalty, and if so, the number of days from the date the Commission referred such order for recovery to the date of such commencement; and

"(C) whether the recovery action resulted in collection of any amount, and if so, the amount collected.".

SEC. 4. GAO STUDY OF JUNK FAX ENFORCEMENT.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding complaints received by the Federal Communications Commission concerning unsolicited advertisements sent to telephone facsimile machines, which study shall determine—

(1) the mechanisms established by the Commission to receive, investigate, and respond to such complaints;

(2) the level of enforcement success achieved by the Commission regarding such complaints;

(3) whether complainants to the Commission are adequately informed by the Commission of the responses to their complaints; and

(4) whether additional enforcement measures are necessary to protect consumers, including recommendations regarding such additional enforcement measures.

(b) ADDITIONAL ENFORCEMENT REMEDIES.—In conducting the analysis and making the recommendations required under subsection (a)(4), the Comptroller General shall specifically examine—

(1) the adequacy of existing statutory enforcement actions available to the Commission;

(2) the adequacy of existing statutory enforcement actions and remedies available to consumers;

(3) the impact of existing statutory enforcement remedies on senders of facsimiles;

(4) whether increasing the amount of financial penalties is warranted to achieve greater deterrent effect; and

(5) whether establishing penalties and enforcement actions for repeat violators or abusive violations similar to those established under section 1037 of title 18, United States Code, would have a greater deterrent effect.

(c) REPORT.—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

Mr. ALEXANDER. Mr. President, I ask unanimous consent the committee-reported amendments, as amended, be agreed to, the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table en bloc, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 1011) was agreed to, as follows:

(Purpose: To require post-date-of-enactment authorization for an established business relationship to a telephone facsimile machine)

On page 2, line 15, strike "and".

On page 2, between lines 15 and 16, insert the following:

"(ii) the sender obtained the number of the telephone facsimile machine through—

"(I) the voluntary communication of such number, within the context of such established business relationship, from the recipient of the unsolicited advertisement, or

"(II) a directory, advertisement, or site on the Internet to which the recipient voluntarily agreed to make available its facsimile number for public distribution,

except that this clause shall not apply in the case of an unsolicited advertisement that is sent based on an established business relationship with the recipient that was in existence before the date of enactment of the Junk Fax Prevention Act of 2005 if the sender possessed the facsimile machine number of the recipient before such date of enactment; and"

On page 2, strike lines 16 through 26 and insert the following:

"(iii) the unsolicited advertisement contains a notice meeting the requirements under paragraph (2)(D),

except that the exception under clauses (i) and (ii) shall not apply with respect to an unsolicited advertisement sent to a telephone facsimile machine by a sender to whom a request has been made not to send future unsolicited advertisements to such telephone facsimile machine that complies with the requirements under paragraph (2)(E); or".

On page 7, line 17, strike "(1)(C)(ii)," and insert "(1)(C)(iii),".

On page 7, line 25, strike "(1)(C)(ii)" and insert "(1)(C)(iii)".

The bill (S. 714), as amended, was read the third time and passed, as follows:

S. 714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Junk Fax Prevention Act of 2005".

SEC. 2. PROHIBITION ON FAX TRANSMISSIONS CONTAINING UNSOLICITED ADVERTISEMENTS.

(a) PROHIBITION.—Section 227(b)(1)(C) of the Communications Act of 1934 (47 U.S.C. 227(b)(1)(C)) is amended to read as follows:

"(C) to use any telephone facsimile machine, computer, or other device to send, to a telephone facsimile machine, an unsolicited advertisement, unless—

"(i) the unsolicited advertisement is from a sender with an established business relationship with the recipient;

"(ii) the sender obtained the number of the telephone facsimile machine through—

"(I) the voluntary communication of such number, within the context of such established business relationship, from the recipient of the unsolicited advertisement, or

"(II) a directory, advertisement, or site on the Internet to which the recipient voluntarily agreed to make available its facsimile number for public distribution,

except that this clause shall not apply in the case of an unsolicited advertisement that is sent based on an established business relationship with the recipient that was in existence before the date of enactment of the Junk Fax Prevention Act of 2005 if the sender possessed the facsimile machine number of the recipient before such date of enactment; and

"(iii) the unsolicited advertisement contains a notice meeting the requirements under paragraph (2)(D),

except that the exception under clauses (i) and (ii) shall not apply with respect to an unsolicited advertisement sent to a telephone facsimile machine by a sender to whom a request has been made not to send future unsolicited advertisements to such telephone facsimile machine that complies with the requirements under paragraph (2)(E); or".

(b) DEFINITION OF ESTABLISHED BUSINESS RELATIONSHIP.—Section 227(a) of the Communications Act of 1934 (47 U.S.C. 227(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) The term 'established business relationship', for purposes only of subsection (b)(1)(C)(i), shall have the meaning given the term in section 64.1200 of title 47, Code of Federal Regulations, as in effect on January 1, 2003, except that—

"(A) such term shall include a relationship between a person or entity and a business subscriber subject to the same terms applicable under such section to a relationship between a person or entity and a residential subscriber; and

"(B) an established business relationship shall be subject to any time limitation established pursuant to paragraph (2)(G)).".

(c) REQUIRED NOTICE OF OPT-OUT OPPORTUNITY.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(D) shall provide that a notice contained in an unsolicited advertisement complies with the requirements under this subparagraph only if—

"(i) the notice is clear and conspicuous and on the first page of the unsolicited advertisement;

"(ii) the notice states that the recipient may make a request to the sender of the unsolicited advertisement not to send any future unsolicited advertisements to a telephone facsimile machine or machines and that failure to comply, within the shortest reasonable time, as determined by the Commission, with such a request meeting the requirements under subparagraph (E) is unlawful;

"(iii) the notice sets forth the requirements for a request under subparagraph (E);

"(iv) the notice includes—

"(I) a domestic contact telephone and facsimile machine number for the recipient to transmit such a request to the sender; and

"(II) a cost-free mechanism for a recipient to transmit a request pursuant to such notice to the sender of the unsolicited advertisement; the Commission shall by rule require the sender to provide such a mechanism and may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, exempt certain classes of small business senders, but only if the Commission determines that the costs to such class are unduly burdensome given the revenues generated by such small businesses;

"(v) the telephone and facsimile machine numbers and the cost-free mechanism set forth pursuant to clause (iv) permit an individual or business to make such a request at any time on any day of the week; and

"(vi) the notice complies with the requirements of subsection (d);".

(d) REQUEST TO OPT-OUT OF FUTURE UNSOLICITED ADVERTISEMENTS.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsection (c), is further amended by adding at the end the following:

"(E) shall provide, by rule, that a request not to send future unsolicited advertisements to a telephone facsimile machine complies with the requirements under this subparagraph only if—

"(i) the request identifies the telephone number or numbers of the telephone facsimile machine or machines to which the request relates;

"(ii) the request is made to the telephone or facsimile number of the sender of such an unsolicited advertisement provided pursuant to subparagraph (D)(iv) or by any other method of communication as determined by the Commission; and

"(iii) the person making the request has not, subsequent to such request, provided express invitation or permission to the sender, in writing or otherwise, to send such advertisements to such person at such telephone facsimile machine;".

(e) AUTHORITY TO ESTABLISH NONPROFIT EXCEPTION.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsections (c) and (d), is further amended by adding at the end the following:

"(F) may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, allow professional or trade associations that are tax-exempt nonprofit organizations to send unsolicited advertisements to their members in furtherance of the association's tax-exempt purpose that do not contain the notice required by paragraph (1)(C)(iii), except that the Commission may take action under this subparagraph only—

"(i) by regulation issued after public notice and opportunity for public comment; and

"(ii) if the Commission determines that such notice required by paragraph (1)(C)(iii) is not necessary to protect the ability of the members of such associations to stop such associations from sending any future unsolicited advertisements; and".

(f) AUTHORITY TO ESTABLISH TIME LIMIT ON ESTABLISHED BUSINESS RELATIONSHIP EXCEPTION.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsections (c), (d), and (e) of this section, is further amended by adding at the end the following:

"(G)(i) may, consistent with clause (ii), limit the duration of the existence of an established business relationship, however, before establishing any such limits, the Commission shall—

"(I) determine whether the existence of the exception under paragraph (1)(C) relating to an established business relationship has resulted in a significant number of complaints to the Commission regarding the sending of unsolicited advertisements to telephone facsimile machines;

"(II) determine whether a significant number of any such complaints involve unsolicited advertisements that were sent on the basis of an established business relationship that was longer in duration than the Commission believes is consistent with the reasonable expectations of consumers;

"(III) evaluate the costs to senders of demonstrating the existence of an established business relationship within a specified period of time and the benefits to recipients of establishing a limitation on such established business relationship; and

"(IV) determine whether with respect to small businesses, the costs would not be unduly burdensome; and "(ii) may not commence a proceeding to determine whether to limit the duration of the existence of an established business relationship before the expiration of the 3-month period that begins on the date of the enactment of the Junk Fax Prevention Act of 2005.".

(g) Unsolicited Advertisement.—Section 227(a)(5) of the Communications Act of 1934, as so redesignated by subsection (b)(1), is amended by inserting ", in writing or otherwise" before the period at the end.

(h) Regulations.—Except as provided in section 227(b)(2)(G)(ii) of the Communications Act of 1934 (as added by subsection (f)), not later than 270 days after the date of enactment of this Act, the Federal Communications Commission shall issue regulations to implement the amendments made by this section.

SEC. 3. FCC ANNUAL REPORT REGARDING JUNK FAX ENFORCEMENT.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended by adding at the end the following:

"(g) Junk Fax Enforcement Report.—The Commission shall submit an annual report to Congress regarding the enforcement during the past year of the provisions of this section relating to sending of unsolicited advertisements to telephone facsimile machines, which report shall include—

"(1) the number of complaints received by the Commission during such year alleging that a consumer received an unsolicited advertisement via telephone facsimile machine in violation of the Commission's rules;

"(2) the number of citations issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

"(3) the number of notices of apparent liability issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

"(4) for each notice referred to in paragraph (3)—

"(A) the amount of the proposed forfeiture penalty involved;

"(B) the person to whom the notice was issued;

"(C) the length of time between the date on which the complaint was filed and the date on which the notice was issued; and

"(D) the status of the proceeding;

"(5) the number of final orders imposing forfeiture penalties issued pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

"(6) for each forfeiture order referred to in paragraph (5)—

"(A) the amount of the penalty imposed by the order;

"(B) the person to whom the order was issued;

"(C) whether the forfeiture penalty has been paid; and

"(D) the amount paid;

"(7) for each case in which a person has failed to pay a forfeiture penalty imposed by such a final order, whether the Commission referred such matter for recovery of the penalty; and

"(8) for each case in which the Commission referred such an order for recovery—

"(A) the number of days from the date the Commission issued such order to the date of such referral;

"(B) whether an action has been commenced to recover the penalty, and if so, the number of days from the date the Commission referred such order for recovery to the date of such commencement; and

"(C) whether the recovery action resulted in collection of any amount, and if so, the amount collected.".

SEC. 4. GAO STUDY OF JUNK FAX ENFORCEMENT.

(a) In General.—The Comptroller General of the United States shall conduct a study regarding complaints received by the Federal Communications Commission concerning unsolicited advertisements sent to telephone facsimile machines, which study shall determine—

(1) the mechanisms established by the Commission to receive, investigate, and respond to such complaints;

(2) the level of enforcement success achieved by the Commission regarding such complaints;

(3) whether complainants to the Commission are adequately informed by the Commission of the responses to their complaints; and

(4) whether additional enforcement measures are necessary to protect consumers, including recommendations regarding such additional enforcement measures.

(b) Additional Enforcement Remedies.—In conducting the analysis and making the recommendations required under subsection (a)(4), the Comptroller General shall specifically examine—

(1) the adequacy of existing statutory enforcement actions available to the Commission;

(2) the adequacy of existing statutory enforcement actions and remedies available to consumers;

(3) the impact of existing statutory enforcement remedies on senders of facsimiles;

(4) whether increasing the amount of financial penalties is warranted to achieve greater deterrent effect; and

(5) whether establishing penalties and enforcement actions for repeat violators or abusive violations similar to those established under section 1037 of title 18, United States Code, would have a greater deterrent effect.

(c) Report.—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

FREEDOM OF INFORMATION ACT EXEMPTIONS

Mr. ALEXANDER. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar 126, S. 1181.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1181) to ensure an open and deliberate process in Congress by providing that any future legislation to establish a new exemption to section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) be stated explicitly within the text of the bill.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr President. Earlier this month, Senator Cornyn and I introduced a simple and straightforward bill to strengthen open Government and the Freedom of Information Act, or FOIA. It was the third commonsense proposal on Government openness we have offered to the Senate this year. The Senator from Texas has a long record of promoting open government, most significantly during his tenure as attorney general of Texas. He and I have forged a productive partnership in this Congress to support and strengthen FOIA. We introduced two bills earlier this year and held a hearing on our bill, S. 394, the Open Government Act, during Sunshine Week in March.

The bill we pass today simply requires that when Congress sees fit to provide a statutory exemption to FOIA, it must state its intention to do so explicitly. The language of this bill was previously introduced as section 8 of the Open Government Act.

No one argues with the notion that some Government information is appropriately kept from public view. FOIA contains a number of exemptions for national security, law enforcement, confidential business information, personal privacy, and other matters. One provision of FOIA, commonly known as the (b)(3) exemption, states that records that are specifically exempted by statute may be withheld from disclosure. Many bills that are introduced contain statutory exemptions or contain language that is ambiguous and might be interpreted as such by the courts. In recent years, we have seen more and more such exemptions offered in legislation. A 2003 Justice Department report stated that Congress has been "increasingly active in enacting such statutory provisions." A June 3, 2005, article by the Cox News Service titled, "Congress Cloaks More Information in Secrecy," pointed to 140 instances "where congressional lawmakers have inserted such exemptions" into proposed legislation.

Our shared principles of open government lead us to believe that individual statutory exemptions should be vigorously debated before lawmakers vote in favor of them. Sometimes such proposed exemptions are clearly delineated in proposed legislation, but other times they amount to a few lines within a highly complex and lengthy bill. These are difficult to locate and analyze in a timely manner, even for those of us who stand watch. As a result, such exemptions are often enacted with little scrutiny, and as soon as one is granted, others are requested.

The private sector has sought many exemptions in exchange for agreeing to share information with the Government. One example of great concern to me is the statutory exemption for critical infrastructure information that was enacted as part of the Homeland Security Act of 2002, the law that created the Department of Homeland Security. In this case, a reasonable compromise—approved by the White

House—to balance the protection of sensitive information with the public's right to know was pulled out of the bill in conference. It was then replaced with text providing an overly broad statutory exemption that undermines Federal and State sunshine laws. I have introduced separate legislation, called the Restoration of Freedom of Information Act, to revert to that reasonable compromise language.

Not every statutory exemption is inappropriate, but every proposal deserves scrutiny. Congress must be diligent in reviewing new exemptions to prevent possible abuses. Focusing more sunshine on this process is an antidote to exemption creep. The American people deserve our ongoing diligence in limiting undue exemptions that only serve to clog the plumbing and limit the public's right to know.

When we introduced the Open Government Act in February, we addressed this matter with a provision that would require Congress to identify proposed statutory exemptions in newly introduced legislation in a uniform manner. Today, we pass that single section as a new bill. I urge the House to take action quickly and the President to sign this bill into law.

I want to thank the Senator from Texas for his personal dedication to these issues, and I thank all Senators for their support of this bill.

Mr. CORNYN. Mr. President, I rise to express strong support for S. 1181, concerning the Federal Freedom of Information Act—or FOIA. The bill is cosponsored by Senator LEAHY—with whom I am pleased to be working on a number of FOIA issues—as well as by Senators ALEXANDER, FEINGOLD, ISAKSON, and SPECTER. I am pleased that S. 1181 enjoys strong bipartisan support and the support of numerous organizations across the ideological spectrum. I can't imagine a more commonsense, good government bill. It should not be controversial. I am aware of any opposition to it. I am informed that the administration has no concerns about it. The Senate Judiciary Committee approved the measure by voice vote on June 9, and I am hopeful that the Senate will take up this matter shortly.

On February 16, shortly before the President's Day recess, the Senator from Vermont and I introduced the OPEN Government Act of 2005, S. 394—bipartisan legislation to promote accountability, accessibility, and openness in government, principally by strengthening and enhancing the Federal law commonly known as the Freedom of Information Act. On March 15, the Terrorism subcommittee convened a hearing on that legislation. Like S. 1181, the OPEN Government Act is a good bill to strengthen and enhance FOIA. But I recognize that the OPEN Government Act will take some time to work through.

When I served as attorney general of Texas, it was my responsibility to enforce Texas's open government laws. I am pleased to report that Texas is known for having one of the strongest set of open government laws in our Nation. And since that experience, I have long believed that our Federal Government could use "a little Texas sunshine." I am thus especially enthusiastic about the OPEN Government Act because that bill attempts to incorporate some of the most important principles and elements of Texas law into the Federal Freedom of Information Act. And I am gratified that Senators ALEXANDER, FEINGOLD, ISAKSON, and NELSON of Nebraska are cosponsors of this bipartisan Cornyn-Leahy legislation.

The OPEN Government Act is the culmination of months of extensive discussions between the offices of Senators CORNYN and LEAHY and members of the requestor community. It is supported by Texas Attorney General Greg Abbott and a broad coalition of organizations across the ideological spectrum, including:

> American Association of Law Libraries; American Civil Liberties Union; American Library Association: American Society of Newspaper Editors; Associated Press Managing Editors; Association of Alternative Newsweeklies; Association of Health Care Journalists; Center for Democracy & Technology; Coalition of Journalists for Open Government; Committee of Concerned Journalists; Common Cause; Defenders of Property Rights; Education Writers Association; Electronic Privacy Information Center; Federation of American Scientists/Project on Government Secrecy; Free Congress Foundation/Center for Privacy & Technology Policy; Freedom of Information Center, Univ. of Mo.; The Freedom of Information Foundation of TX; The Heritage Foundation/Center for Media and Public Policy; Information Trust; League of Women Voters of the United States; Liberty Legal Institute; Magazine Publishers of America; National Conference of Editorial Writers; National Freedom of Information Coalition; National Newspaper Association; National Press Club; National Security Archive/Geo. Wash. Univ.; Newspaper Association of America; OMB Watch; One Nation Indivisible; OpenTheGovernment.org; People for the American Way; Project on Government Oversight; Radio-Television News Directors Association; Reporters Committee for Freedom of the Press; Society of Environmental Journalists.

I am particularly pleased to report the recent endorsements of three conservative public interest groups—one devoted to the defense of property rights—Defenders of Property Rights, led by Nancie G. Marzulla—one devoted to the issue of racial preferences in affirmative action programs—One Nation Indivisible, led by Linda Chavez—and one devoted to the protection of religious liberty—Liberty Legal Institute, led by Kelly Shackelford.

This broad and diverse support across political parties and across the ideological spectrum is important because it demonstrates that the cause of open government is neither a Republican nor a Democrat issue—neither a conservative nor a liberal issue. Rather, it is an American issue. Accordingly, I look forward to future Senate action on the OPEN Government Act.

In the meantime, S. 1181 should be very easy for the Senate to approve today. It simply implements section 8 of the OPEN Government Act. It would simply help to ensure an open and deliberate process in Congress by providing that any future legislation to establish a new exemption to the Federal Freedom of Information Act must be stated explicitly within the text of the bill. Specifically, any future attempt to create a new so-called "(b)(3) exemption" to the Federal FOIA law must specifically cite section (b)(3) of FOIA if it is to take effect.

The justification for this provision is simple: Congress should not establish new secrecy provisions through secret means. If Congress is to establish a new exemption to FOIA, it should do so in the open and in the light of day. FOIA establishes a presumption of disclosure. But if documents are to be kept secret pursuant to a future act of Congress, as is sometimes appropriate and necessary, we should at least make sure that that act of Congress itself not be undertaken in secret.

I want to be clear: This bill does not affect current law in any way, and it does not affect the executive branch in any direct way. It only applies to the process through which Congress must enact any FOIA exemption in the future. For those who are interested in the technical aspects of this bill, I will point out that this provision is modeled after other Federal laws—such as the War Powers Resolution—50 U.S.C. §1547(a)—and the Federal Vacancies Reform Act—5 U.S.C. §3347—which also require Congress to act in an explicit fashion in order to carry out particular objectives. Think of it as a direction to the courts—a canon of interpretation, advising on how to construe future acts of Congress.

Senator LEAHY and I firmly believe that all of the provisions of the OPEN Government Act are important—and that, as a recent Cox News Service report demonstrates, section 8 in particular is a worthy provision that can and should be quickly enacted into law.

July 4 is the anniversary of the 1966 enactment of the original Federal Freedom of Information Act. Accordingly, we have devoted our efforts this month to getting section 8 approved by Congress and submitted to the President for his signature by that anniversary date. Toward that end, we ask our Senate colleagues to support this measure. And we look forward to working with our colleagues in the House—including Representatives LAMAR SMITH and BRAD SHERMAN, the lead sponsors of the OPEN Government Act in the House, H.R. 867; Chairman TOM DAVIS, who leads the House Committee on Government Reform; Chairman TODD PLATTS, who leads the House Government Reform Subcommittee that recently held a hearing to review the Federal FOIA law; and Representatives HENRY WAXMAN and EDOLPHUS TOWNS, the ranking members of the committee and subcommittee.

S. 1181 is a commonsense, uncontroversial provision that deserves the support of every Member of Congress. I hope that it can be enacted into law quickly, and that Congress will then move to consider the other important provisions of the OPEN Government Act.

I ask unanimous consent that a copy of the news report I previously mentioned be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Cox News Service, Jun. 3, 2005]

CONGRESS CLOAKS MORE INFORMATION IN SECRECY

(By Rebecca Carr)

WASHINGTON.—Few would argue with the need for a national livestock identification system to help the federal government handle a disease outbreak such as mad cow.

But pending legislation calling for the nation's first electronic livestock tracking system would prohibit the public from finding out anything about animals in the system, including the history of a cow sick with bovine spongiform encephalopathy.

The only way the public can find out such details is if the secretary of agriculture makes the information public.

That's because the legislation, sponsored by Rep. Collin C. Peterson, D-Minn., includes a provision that exempts information about the system from being released under the Freedom of Information Act.

Formally called the "third exemption," it is one of nine exemptions the government can use to deny the release of information requested under the FOI Act.

Open government advocates say it is the most troubling of the nine exemptions because it allows Congress to cloak vital information in secrecy through legislation, often without a public hearing or debate. They say Congress frequently invokes the exemption to appease private sector businesses, which argue it is necessary to protect proprietary information.

"It is an easy way to slap a secrecy stamp on the information," said Rick Blum, director of openthegovernment.org, a coalition of more than 30 groups concerned about government secrecy.

The legislative intent of Congress is far more difficult to challenge than a federal agency's denial for the release of information, said Kevin M. Goldberg, general counsel to the American Society of Newspaper Editors.

"This secrecy is often perpetuated in secret as most of the (third exemption) provisions consist of one or two paragraphs tucked into a much larger bill with no notice that the Freedom of Information Act will be affected at all," Goldberg said.

There are at least 140 cases where congressional lawmakers have inserted such exemptions, according to a 2003 Justice Department report.

The report notes that Congress has been "increasingly active in enacting such statutory provisions."

The exemptions have become so popular that finding them in proposed legislation is "like playing a game of Wackamole," one staffer to Sen. Patrick Leahy, D-Vt., joked. "As soon as you handle one, another one pops up."

Congress used the exemption in its massive Homeland Security Act three years ago, granting businesses protection from information disclosure if they agreed to share information about the vulnerabilities of their facilities.

And in another twist on the exemption, Congress inserted a provision into the Consolidated Appropriations Act of 2004 that states that "no funds appropriated under this or any other act may be used to disclose" records about firearms tracking to the public.

Government agencies have also sought protection from information disclosure.

For example, Congress passed an amendment to the National Security Act in 1984 that exempted the CIA from having to comply with the search and review requirements of the FOI Act for its "operational files."

Most of the information in those files, which included records about foreign and counterintelligence operations, was already protected from disclosure under the other exemptions in the FOI Act.

But before Congress granted the exemption, the agency had to search and review each document to justify withholding the information, which cost time and money.

Open government advocates say many of the exemptions inserted into legislation are not justified.

"This is back door secrecy," said Thomas Blanton, executive director of the National Security Archive at George Washington University, a nonprofit research institute based in Washington.

When an industry wants to keep information secret, it seeks the so-called third exemption, he said.

"It all takes place behind the sausage grinder," Blanton said. "You don't know what gristle is going through the spout, you just have to eat it."

But Daniel J. Metcalfe, co-director of the Justice Department's Office of Information and Privacy, said the exemption is crucial to the FOI Act's structure.

In the case of the animal identification bill, the exemption is critical to winning support from the cattle industry and on Capitol Hill.

"If we are going to develop an animal ID system that's effective and meaningful, we have to respect participants' private information," said Peterson, the Minnesota lawmaker who proposed the identification system. "The goal of a national animal I.D. system is to protect livestock owners as well as the public."

As the livestock industry sees it, it is providing information that will help protect the public health. In exchange for proprietary information about their herds, they believe they should receive confidence that their business records will not be shared with the public.

"The producers would be reluctant to support the bill without the protection," said Bryan Dierlam, executive director of government affairs at the National Cattleman's Beef Association.

The animal identification bill provides the government with the information it needs to protect the public in the event of a disease outbreak, Dierlam said. "But it would protect the producers from John Q. Public trying to willy-nilly access their information."

Food safety experts agree there is a clear need for an animal identification system to protect the public, but they are not certain that the exemption to the FOI Act is necessary.

"It's sad that Congress feels they have to give away something to the cattle industry to achieve it," said Caroline Smith DeWaal, director of the food safety program at the Center for Science in the Public Interest, a nonprofit organization based in Washington.

Slipping the exemption into legislation without notice is another problem cited by open government advocates.

It has become such a problem that the Senate's strongest FOI Act supporters, Sen. John Cornyn, R-Texas, and Sen. Patrick Leahy, D-Vt., proposed that lawmakers be required to uniformly identify the exemption in all future bills.

"If Congress wants to create new exemptions, it must do so in the light of day," Cornyn said. "And it must do so in a way that provides an opportunity to argue for or against the new exemption—rather than have new exemptions creep into the law unnoticed."

Leahy agreed, saying that Congress must be diligent in reviewing new exemptions to prevent possible abuses.

"In Washington, loopholes tend to beget more loopholes, and it's the same with FOI Act exemptions," Leahy said. "Focusing more sunshine on this process is an antidote to exemption creep."

Mr. ALEXANDER. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1181) was read the third time and passed, as follows:

S. 1181

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIFIC CITATIONS IN EXEMPTIONS.

Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute—

"(A) if enacted after July 1, 2005, specifically cites to this section; and

"(B)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

"(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;".

Mr. ALEXANDER. Are we in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. ALEXANDER. I ask unanimous consent to speak for as much time as I may require on energy.

The PRESIDING OFFICER. The Senator is recognized.

ENERGY POLICY ACT OF 2005

Mr. ALEXANDER. Mr. President, late last night the Senate finished work on what I call the Clean Energy Act of 2005. For Americans who watch the legislative process, this is not likely to have been the front-page news, but it is by far one of most important things we have done in this Senate because it affects millions of Americans. Our final vote is on Tuesday. I anticipate it will be a strong, bipartisan vote in support, just as the work that was done here was strong and bipartisan.

The first thing the bill will do, and most important, in my opinion, is to stabilize and lower natural gas prices. We hear a lot of talk about $60 a barrel oil. No one likes to pay high prices for gasoline at the pump. The bigger problem is the price of natural gas. In North Carolina and Tennessee, all across this country, there are millions of blue-collar workers who work in plants where the cost of natural gas is driving their jobs overseas. Natural gas used to be in this country the lowest price in the industrial world at a unit price of $2 or $3. Our economy was geared to it. Today it is at $7, and headed up.

If you are working at the Eastman plant in Tennessee, where 10,000 or 11,000 people work, and 40 percent of the cost of your product is natural gas—because they make chemicals there; and you can buy natural gas at $7 here, and you can buy it at $5, $4 overseas—those jobs are going to be headed overseas if that keeps up for very long.

If you are a farmer in North Carolina or Tennessee, the cost of fertilizer has gone up $200 to $500 per unit. That is a big pay cut for you if you are a farmer.

If you are a homeowner across this country and you rely on natural gas to heat and cool your home—and natural gas heats and cools more homes than any other kind of fuel—you might find your bill going up 50 percent recently.

So for blue-collar workers, for farmers, and for homeowners, this legislation we will be voting on Tuesday stabilizes and potentially lowers the price of natural gas. That is one of the single most important things we can do for our country.

The second thing, in my view, the bill does that is important is it recognizes that global warming is a problem. There is not a complete consensus about that in the Senate, but the bill has a different kind of consensus that makes more difference, in my opinion, than the mandates that we did not adopt because the bill changes the way we produce electricity toward ways that are low carbon and no carbon. If you produce less carbon, then you have less global warming, if you believe carbon makes a difference in global warming.

So there is a big difference in the conversation and debate in the Senate this year over last year, in my judgment. While the McCain-Lieberman amendment was rejected—I voted against it myself—there was adopted the Hagel amendment, which has significant new incentives for producers of carbon across this country to reduce the amount of carbon they emit.

We did pass the Bingaman sense-of-the-Senate resolution, which I voted for, which says we expect one day to have mandatory controls that lead us toward a lower carbon production economy. But I, for one, am not yet ready to impose mandatory controls on this big, complicated economy because I do not think we know enough about what it would do to the economy, and I do not think it is wise.

Senator DOMENICI and Senator BINGAMAN have said they will begin, in July, to hold hearings about this complicated process and to assess how the incentives we may enact—or likely will enact—in this bill operate. Over the next year or two or three or four years, we may learn more.

We may learn enough where a majority of us are willing to have some system of mandatory caps, just as we have in other areas of clean air and acid rain, for example. But in my opinion, we are not there yet.

But the second most important thing in this legislation, in my view, is a shift in attitude toward global warming, a recognition by a majority of the Senators that it is a real problem and taking significant steps to change the way we make electricity so that we make it in a low-carbon or no-carbon way.

The third big change, I believe, is the technologies we use to meet those objectives of lowering natural gas prices and of producing low-carbon or no-carbon electricity. I would call it a new realism about energy in this country. This is a big country. We produce 33 percent of all the money. We use 25 percent of all the energy in the world. We are not some desert island. We use a lot of electricity for our computers and our jobs and our homes. If we have any disruption in that—whether it is a blackout or it is a price that is too high or a lack of supply—it has devastating consequences for us.

So there is a new realism, I would say, about exactly what is available to help us get where we want to go. First is aggressive conservation. That is new about this bill. It is twice the amount of conservation that was in the bill that we passed a year ago which never became law. By conservation, I mean new efficiency standards for appliances. The estimate of our committee is that these new efficiency standards for appliances will avoid the building of as many as 45 large gas electricity plants. That is significant conservation.

There is a provision in the bill that would give 300,000 Americans a $2,000 deduction to buy a hybrid or an advanced-diesel car. That reduces the use of oil. That is aggressive conservation.

There is an amendment in the bill that would have the President mandate a million-barrels-a-day reduction in the use of oil. That is aggressive conservation because that amount of oil equals about the entire production onshore of the State of Texas or the entire projected production from ANWR in Alaska. So we have aggressive conservation. We start there because that is the first thing we can do to save oil, increase supply, and reduce prices.

The second thing this bill does is recognize we need new supplies. We have taken steps to make it easier to bring liquefied natural gas into this country. Some may say: Oh, we don't want to go down that road. We are already bringing in too much oil.

We all agree with that. But if we do not bring the natural gas in, we are going to be sending the jobs out. And for the foreseeable future, for the short term, if we want to reduce the cost of natural gas, we need to bring a lot of it in from overseas. And having a few more terminals, as provided in the streamlined provisions in this bill—which still give States and communities input into where it goes—is a very important provision.

This legislation basically relaunches the American interest in nuclear power. That is realistic, too. There is a growing interest in global warming. That is caused, many say, by carbon in the air. So we need energy that has less carbon. Seventy percent of the carbon-free electricity we produce in the United States today comes from nuclear power. So if we care about global warming, we better care about nuclear power. There is no other way around it.

There are incentives for advanced nuclear power, the kind of reactors that do not cost as much to build. We know how to operate them. Twenty percent of our electricity is already from that. We invented the technology. Dozens of our Navy vessels operate with nuclear reactors. They have, without incident, since the 1950s. France is now 80 percent nuclear power. They are the European country most likely to meet the Kyoto standards because they have adopted the technology that is likely to produce the largest amount of carbon-free electricity—nuclear power.

We also have come to a consensus within the last year—I think I am accurate on this—that waiting in the wings behind nuclear power is coal gasification and carbon sequestration. Long words, but it simply means we take this several-hundred-year supply of coal that we have and we find a clean way to burn it. The way we are encouraging that in this legislation is to turn the coal into gas and then burn the gas. That gets rid of the nitrogen and the mercury and the sulfur, but it leaves the carbon.

There are also provisions, incentives in this bill, and loan guarantees and authorization, then, to have large demonstrations of carbon sequestration, taking the remaining carbon dioxide—the major residue or pollutant from coal gasification—and putting it in the ground.

Now, this is the strategy that is preferred by several important environmental groups. That sounds like a surprise. They would prefer coal? Here is the reason. They have some concerns about nuclear—the proliferation problems, the storage of waste—but if coal can be burned in a clean way and the carbon can be recaptured and put in the ground, that is a solution to global warming without mandates.

That is a solution, and not just in the United States but around the world. Because we might clean up our air, but if China and India and the rest of the world build hundreds of coal plants that are dirty, it will not matter what we do because the air just goes around the world, and we will be breathing it, too. So a very important way for us to help the world have clean air and an adequate supply of electricity is coal gasification.

So I call that the new realism: conservation; increased natural gas supplies, including from overseas; relaunching nuclear; and coal gasification and carbon sequestration. If we do that over the next 10 years, we will have an adequate supply of American-produced, reliable, low-carbon electricity. And the debate about global warming will be off our desks because we will not be producing enough carbon to affect global warming, and we can argue about something else.

Now, there is also generous support in this legislation for renewable energy. I am especially pleased that for the first time, we have support for solar energy in a useful way. Up to this time, we have had a renewable tax credit that solar could not take advantage of. But the Finance Committee changed that. Solar shows some promise, as does biomass, as does some geothermal, as does wind. I think my colleagues know I think wind is heavily oversubsidized and overestimated, but it is supported in here.

But there is a realism about that. We are not going to run the American economy on windmills and solar panels. They will provide a few percent of what we need by the year 2025. If we want carbon-free adequate supplies of American-produced energy, we are going to have to conserve, launch nuclear again, do coal gasification, and bring in supplies of natural gas. Renewables are fine, but they are a very small part of the answer. While we do not all agree on that here in the Senate, there is still a consensus.

There is also generous support for longer term technologies. I think we are realistic about that as well. There is a great deal of excitement about the hydrogen-fuel-cell vehicle.

When I was in Yokohama a year ago, I visited a hydrogen-fuel-cell vehicle filling station. There were seven SUVs parked, all of them from different manufacturers in the world, many of them American. I filled up the Nissan hydrogen-fuel-cell vehicle. Carlos Ghosn is the chief executive of Nissan. He drives that vehicle around Tokyo every weekend. He is spending $700 million of Nissan money every year on hydrogen-fuel-cell research. And Toyota is doing the same. Others—Ford, General Motors—are all interested.

But the potential of hydrogen is down the road. It's several years away. We are going to be talking about it, working on it—and hopefully it will come to fruition. But it is several years down the road. When we produce enough hydrogen to run our automobiles, we will have to use nuclear power or natural gas or coal gasification to produce that hydrogen.

So I would say of special note—to reemphasize some of the points I made—is the serious interest in conservation. This is a bipartisan bill. You do not hear the word "conservation" come out of the mouths of every Senator first. You might not think Republican Senators would start out talking, first, about conservation. But we know if we want to reduce the cost of natural gas, if we want to reduce our reliance on oil, that the quickest and easiest way to do that is aggressive conservation.

Nuclear power—Senator DOMENICI, our chairman, mentioned to me we had something like 167 amendments offered to this bill at one time, and so far as we could tell, not a single amendment was antinuclear, not a single amendment was antinuclear. There is a growing awareness that if we want carbon-free electricity, we are going to have to have some nuclear powerplants to do that. That is a big change even just from last year.

Another big change, as I mentioned, is the emergence of coal gasification and carbon sequestration and support and research for that in a very serious way, both in industrial sites and in freestanding plants, and sequestration demonstrations. None of that was being discussed broadly by the Energy Committee last year. A few Senators understood that, but most of us, I think it is fair to say, did not really see the significance of this technology. Now we do, and we have strong support for it.

The importance of liquefied natural gas and the streamlining of siting—that may be the most important provision in the bill in terms of an immediate impact because there are large amounts of natural gas that can be brought in.

Another important development is the serious discussion of new supplies of natural gas here at home. Now, this is a very controversial subject. But last year we could not even get an inventory of what supplies of natural gas we have offshore. We have plenty of natural gas; we just have rules that say you cannot drill for it. There was no serious discussion of giving States the opportunity—other States, such as Virginia—the option of drilling in Federal waters offshore for natural gas, as Texas, Alabama, Mississippi, and Louisiana now do.

We couldn't get a vote on that because of the controversy, but I believe there were 51 votes in the Senate for giving States the option of deciding for themselves whether they wanted to allow natural gas drilling offshore, take a share of the money for the State, put a share of the money in a national fund for wildlife preservation, put the rest in the Federal Treasury, and put the gas into our system so we could lower the cost of natural gas. There is a lot of progress there.

Finally, I pay tribute to two parts of the Senate. One is to the Finance Committee for what it did with the tax title. The total amount of money of incentives is $14 to $16 billion. But rather than the amount of money, it is what it is for because it is completely consistent with clean energy objectives for low-carbon and no-carbon, new technologies. There is money for clean energy bonds for certified coal products, consumer incentives for hybrid and diesel vehicles, incentives for energy-efficient appliances and buildings, incentives for coal gasification powerplants, incentives for solar energy development in an important way for the first time in a long time, incentives for the deployment of advanced nuclear power, incentives for cogeneration projects. All of these will change the way we produce electricity.

I compliment Chairman GRASSLEY and his staff for this. I hope very much that the Senate version of how we spend our tax dollars in support of research and development for clean energy is dominant in the conference rather than another version. That will be something we will have to work out with our friends in the House of Representatives.

I think a great deal of credit needs to go to Chairman DOMENICI and to Senator BINGAMAN, ranking Democrat on the committee. This bill came out 21 to 1 in favor from our committee. For those who are not in the Senate, this may sound like inside housekeeping. This body operates only by consensus. Nothing happens here—because of the unique nature of this body, where every Senator is an equal, every single one of us can stop anything at least for a while, unless there is a consensus. The consensus came because of the kind of leadership, beginning with Chairman DOMENICI, who personally visited all the members of the committee, including the Democratic members, in their offices, took their advice, incorporated their ideas, and we came to a consensus.

Senator BINGAMAN pointed out in our hearing that we had many votes, but he didn't remember a single party-line vote. We had close votes, but we voted our convictions and our regions of the country and our backgrounds and attitudes. We didn't line up and say: This is a Republican view and a Democratic view.

I am glad we have waited until next Tuesday morning to vote on the Clean Energy Act of 2005, until Chairman DOMENICI and Senator BINGAMAN can be here. They had to be in New Mexico yesterday for a BRAC hearing. They deserve to be here. I want the full Senate and our country to see the result that they have led. I believe their being here and the big vote we have will get us off to a big start.

I feel very good about what the Senate has done. I hope there is a big vote on Tuesday. For the American people, the result will be stabilized and lower natural gas prices for homeowners, for blue-collar workers, and for farmers; No. 2, a recognition that global warming is a problem, and the beginning of aggressive conservation and a variety of technologies to deal with that by producing low-carbon and no-carbon electricity; and, finally, a realism about the base load that we need to encourage in this country to produce that kind of electricity, aggressive conservation, new supplies of natural gas, relaunching nuclear power, coal gasification, and carbon sequestration.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

GENERAL LOUIS H. WILSON, JR.

Mr. COCHRAN. Mr. President, this morning the Washington Post carries an article about the death of GEN Louis Wilson who was a former Commandant of the U.S. Marine Corps. He died on June 21 at his home in Birmingham, AL. He was a native of my State of Mississippi and was a personal friend and a great soldier and a wonderful Commandant of the U.S. Marine Corps. He and his wife Jane lived here in Washington in the Marine barracks, the Commandant's residence, and befriended my wife Rose and me when I was a young Member of Congress before I was elected to the Senate. He was serving as Commandant of the Marine Corps.

We enjoyed many opportunities to visit with them when they were resident in Washington. He was a very distinguished officer in the Marine Corps during World War II. He was given the congressional Medal of Honor for gallantry during his service in the battle in Guam on Fonte Hill. The description of his exploits and gallantry are contained in the citation that was issued when he was awarded the Congressional Medal of Honor.

The article talks about his career in glowing terms, a well-earned tribute for a courageous and brave soldier, and the first Marine Corps Commandant to serve as a member of the Joint Chiefs of Staff. He established a tradition when he was selected to serve on the Joint Chiefs of Staff which is carried on today. It was because of his strong leadership and his example that there is no question that a good decision was made to include in the Joint Chiefs of Staff the Commandant of the Marine Corps.

We mourn his passing, but we rejoice in the great life he lived and the inspiration that his career provided to marines in all of the succeeding generations of service in the U.S. Marine Corps.

I ask unanimous consent that the article in today's Washington Post and a copy of the citation for Louis Hugh Wilson, Jr., upon his being awarded the Congressional Medal of Honor be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jun. 24, 2005]

GEN. LOUIS WILSON DIES; AWARDED MEDAL OF HONOR

(By Adam Bernstein)

Gen. Louis H. Wilson Jr., 85, who received the Medal of Honor for taking and holding a key position on Guam during World War II and later served as commandant of the Marine Corps, died June 21 at his home in Birmingham. He had a degenerative nerve disorder.

On July 1, 1975, Gen. Wilson became the 26th commandant of the Marine Corps. He was the first commandant to serve full time on the Joint Chiefs of Staff, providing the corps with a greater say on defense matters.

During his four-year tenure, he was credited with shaping a post-Vietnam corps of strong expeditionary units ready for "high mobility and high-intensity combat." He made personnel changes to raise morale and address disciplinary problems.

He increased academic enlistment standards (he wanted 75 percent of recruits to have high school diplomas); ordered the discharge of thousands of Marines with discipline problems; and offered tougher directives on weight requirements. "Obesity must vanish," he said and set for himself a daily jogging regimen.

As commandant, he had a reputation for being blunt, thoughtful and refreshing. He publicly acknowledged the brutal treatment of recruits by some drill instructors and tried to change the policies that granted drill instructors "too much autonomy."

In 1975, he told an interviewer that the Vietnam War had been fought in vain from a military view-point.

He also castigated draft laws that "had been gerrymandered so that only the poor, the blacks and disadvantaged were really drafted. A great many fine young men came in. But many draftees, thrown in with them, were the dregs of society [and] many with continuing dissatisfaction with the war."

"It's not like the old days," he added, "when you could leave your wallet on your sack."

The Mississippi native was an effective witness on Capitol Hill, prepared and authoritative in his bearing. Earlier, he had been a corps liaison to Congress. He was a favorite of Sen. John C. Stennis (D-Miss.), head of the Senate Armed Services Committee, who became his advocate for full membership on the Joint Chiefs of Staff in October 1978.

Previously, Marine Corp commandants attended meetings of the Joint Chiefs only when there was business of pressing concern to the corps.

Louis Hugh Wilson Jr. was born Feb. 11, 1920, in Brandon, Miss. His father was a farmer who died when Louis was 5. He was raised by his mother, and her large, extended family helped them through the Depression.

As a young man, he sold vegetables from a goat cart. He later studied economics at Millsaps College in Jackson, Miss., where he played football and was on the track team. A Marine Corps recruiter who came to campus persuaded him to enter the service after his graduation in 1941.

He landed at Guadalcanal, Efate and Bougainville and received the Medal of Honor, the military's highest award for valor, while fighting Japanese forces at Fonte Hill, Guam, on July 25 and 26, 1944. At the time, he was a captain and the commanding officer; of a rifle company.

Launching a daylight attack against massive machine gun resistance, he pushed his men 300 yards across open terrain and captured a portion of a hill that contained the enemy command post. That night, he took command of other disorganized units and motorized equipment and fortified defenses while risking exposure to enemy fire.

Wounded three times within five hours, he briefly sought treatment before volunteering to return to duty to defend against counterattacks that lasted through the night.

At one point, he dashed 50 yards through flying shrapnel and bullets to rescue a wounded Marine beyond the front lines. That was followed by hand-to-hand fighting over a 10-hour span, repelling Japanese troops that sought to overrun the Allied lines through 11 full-fledged attacks.

His Medal of Honor citation continued: "Then organizing a 17-man patrol, he immediately advanced upon a strategic slope essential to the security of his position and, boldly defying intense mortar, machinegun, and rifle fire which struck down 13 of his men, drove relentlessly forward with the remnants of his patrol to seize the vital ground."

He was credited with a pivotal role in the victory, which included the deaths of 350 Japanese troops. President Harry S. Truman presented him with the Medal of Honor on Oct. 5, 1945.

After the war, he held recruiting and command assignments, graduated from the National War College and served as assistant chief of staff to the 1st Marine Division in Vietnam during the war there.

He was promoted to brigadier general in 1966 and, after being appointed lieutenant general in 1972, assumed command of the Marine force in the Pacific. His decorations included three awards of the Legion of Merit.

After retiring from the military in 1979, he served on the corporate boards of such businesses as Merrill Lynch, the financial services company, and Fluor Corp., an engineering and construction company.

Survivors include his wife of 61 years, Jane Clark Wilson, and a daughter, Janet Taylor, both of Birmingham; and two grandsons.

WILSON, LOUIS HUGH, JR.

Rank and organization: Captain, U.S. Marine Corps, Commanding Rifle Company, 2d Battalion, 9th Marines, 3d Marine Division. Place and date: Fonte Hill, Guam, 25–26 July 1944. Entered service at: Mississippi. Born: 11

February 1920, Brandon, Miss. Citation: For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as commanding officer of a rifle company attached to the 2d Battalion, 9th Marines, 3d Marine Division, in action against enemy Japanese forces at Fonte Hill, Guam, 25–26 July 1944. Ordered to take that portion of the hill within his zone of action, Capt. Wilson initiated his attack in mid-afternoon, pushed up the rugged, open terrain against terrific machinegun and rifle fire for 300 yards and successfully captured the objective. Promptly assuming command of other disorganized units and motorized equipment in addition to his own company and reinforcing platoon, he organized his night defenses in the face of continuous hostile fire and, although wounded 3 times during this 5-hour period, completed his disposition of men and guns before retiring to the company command post for medical attention. Shortly thereafter, when the enemy launched the first of a series of savage counterattacks lasting all night, he voluntarily rejoined his besieged units and repeatedly exposed himself to the merciless hail of shrapnel and bullets, dashing 50 yards into the open on 1 occasion to rescue a wounded marine lying helpless beyond the frontlines. Fighting fiercely in hand-to-hand encounters, he led his men in furiously waged battle for approximately 10 hours, tenaciously holding his line and repelling the fanatically renewed counterthrusts until he succeeded in crushing the last efforts of the hard-pressed Japanese early the following morning. Then organizing a 17-man patrol, he immediately advanced upon a strategic slope essential to the security of his position and, boldly defying intense mortar, machinegun, and rifle fire which struck down 13 of his men, drove relentlessly forward with the remnants of his patrol to seize the vital ground. By his indomitable leadership, daring combat tactics, and valor in the face of overwhelming odds, Capt. Wilson succeeded in capturing and holding the strategic high ground in his regimental sector, thereby contributing essentially to the success of his regimental mission and to the annihilation of 350 Japanese troops. His inspiring conduct throughout the critical periods of this decisive action sustains and enhances the highest traditions of the U.S. Naval Service.

Mr. COCHRAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPROPRIATIONS

Mr. FRIST. Mr. President, as we bring this week to a close and look back, I am pleased with the progress that has been made on the Energy bill which we have completed, in essence, except for final passage which we will do Tuesday. Then we are ahead of what I initially anticipated, having proceeded to our first appropriations bill, the Interior appropriations.

The bill, as has been mentioned, is an excellent bill. I congratulate both the leaders on that bill, the chairman and the ranking member on the Interior Subcommittee, for their superb shepherding of this bill through their subcommittee, and now bringing it to the floor. I also thank the committee for reporting a bill that keeps to the spending allocation under this year's budget resolution.

As we travel back home, and as we will see when we go back during the Fourth of July recess, the American people expect us to adhere to that budget, a very strict spending budget, a budget on which Chairman GREGG led, and we passed, the fastest budget we have ever passed but, more important than that, a budget that shows fiscal discipline. Indeed, the ranking member and chairman of the subcommittee adhered to that allocation throughout. Senators BURNS and DORGAN have worked hard to be responsible stewards of American taxpayer dollars. At the same time it is reflected in the bill the importance of being stewards of the natural wonders and the heritage and the beauty of our great country. I thank Senator BURNS and Senator DORGAN for their hard work.

It is our first bill as we approach the appropriations process. It is the first of 12 newly constituted appropriations bills that we will consider. It is my hope to see all 12 of these bills passed. We need to do our very best to avoid the scenario that has unfolded all too often in recent years. Come November or December, we should not have to resort to an omnibus bill that lumps all of these individual bills that we wouldn't have been able to pass into a single bill. We are going to do everything possible to systematically address each one of these bills as they come along, and then be able to pass them to avoid coming to what has almost become customary, and that is an omnibus process.

It has been a decade, 10 years, not since 1995, since all appropriations bills were wrapped up before beginning the fiscal year. Over that last decade, the average was sending only 2.1 appropriations bills to the President for his signature before the beginning of the fiscal year, only 2. Actually it was 2.1, as I mentioned, appropriations bills.

We need to do better. We can do better, and we will do better. We need to get the job done—get every bill done right and done on time. I am very optimistic we can do that. This year, we passed the budget, as I mentioned, in the fastest time in history. That budget establishes an overall 2006 spending ceiling for all appropriations bills. And because of that ceiling, because of all of us working together, and by working together, I am hopeful that the process will proceed smoothly. We have initiated that process today with the Interior Appropriations bill. As we considered the bill before us today, I want to leave with a special place I think of when I contemplate what my vote on this bill means for America.

On a second issue, as we look to the appropriations bill that is likely and almost certain to follow the Interior Appropriations bill, I want to comment very briefly and introduce what we will see at the end of next week, and that is a comment on homeland security.

As September 11 so tragically demonstrated, protecting our borders—whether by air, by sea, or by land—has taken on a level of urgency and importance as never before. When you are talking to people at home, it arises again and again—it is almost the first, second, or third question at every town meeting we hold—border security.

Border security is no longer just an immigration issue or a customs issue. Border security must be a unified and coordinated strategy to thwart terrorism, which is something we didn't think about prior to September 11 nearly as much as we do today—thwarting terrorism and enforcing the laws.

Next week, we will debate the Homeland Security Appropriations bill, and we must include the necessary resources to meet these challenges.

This bill will address concerns regarding insecurity of our borders, which we know in fact does threaten national security. It is time to address that issue. We will again do that next week.

As we all know, each year thousands of people cross our borders illegally. The vast majority seek little more than better lives for their families, which we understand. But some do bring drugs. Some do traffic in human beings. Some may even have ties to terrorist groups. We don't know exactly how many come or will come. We don't know exactly what their backgrounds are. We don't know who might harm us. In today's time, that is wrong.

We know one thing: If drug dealers and human traffickers can operate on our borders, terrorists can as well. Our national security requires a safer and more secure border, and it is up to us to deliver that.

We face a crisis. Over 7,000 miles of land stretch across our borders. If you look at our ports, they handle as many as 16 million cargo containers; and 330 million noncitizens—students, visitors, and workers—cross our borders each year; 330 million noncitizens go back and forth across the borders. An unprecedented flow of illegal immigrants, criminals, terrorists, and unsecured cargo crosses our borders.

As representatives of the people, we need to focus on the rule of law. We will be focusing on that rule of law. This Nation is founded on the concept that all men are created equal and all have the inalienable right to be free. But those freedoms are protected by our institutions and these institutions require respect for the rule of law.

Those illegal immigrants who may wish us no harm have still violated our rule of law. We must remember this as this debate unfolds on border security next week.

Finally, America has always opened our doors to immigrants. We must continue to do so and we will continue to do so. People come to America looking for a better life, and we live better lives because of them. They contribute to our economy. They help weave that rich cultural fabric that makes up our society. But we must ensure that immigrants who come to America come here legally.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for such time as I may consume.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

MONTANA'S ROCKY MOUNTAIN FRONT

Mr. BAUCUS. Mr. President, I rise to address an amendment that is very important to me and my State relating to Montana's magnificent Rocky Mountain front. I filed the amendment to the Energy bill and, even though we are not on the bill at the moment, I will talk about the amendment. I will speak about what it would have accomplished because I will not press for action on this amendment. Rather, I will offer it at a later time.

So what is the front? The front, as we call it back home, is one of the largest and most intact wild places left in the lower 48 States. We call it a front because that is what it is. It is a front.

Anybody driving across the State of Montana westward, coming in from the east, first encounters open plains and prairies; they are vast. And then, suddenly, out in the distance the Rocky Mountains, the Continental Divide, jumps out of the plains. That is what we call the eastern front.

It is amazing and it astounds me every time I drive across the State and see it from a distance. It is special to Montanans and it is sacred to the Blackfeet Indian tribe. It is home to the Nation's largest population of big horn sheep, and the second largest population of elk, as well as deer, grizzly bear, and countless other species of fish and wildlife. In fact, the front is the only place in the lower 48 where grizzly bears still roam the plains, just as they did when Lewis and Clark passed through the area 200 years ago.

Because of this exceptional wild space, which includes Glacier National Park, millions of acres of wilderness and the Blackfeet Indian Reservation, the front offers unsurpassed hunting, fishing, and recreational opportunities.

Sportsmen, local landowners, local elected officials, hikers, Tribal leaders, local communities, and many other Montanans have worked for decades to protect and preserve the front for future generations. I have hiked in the front many times, including to the top of Ear Mountain. It's special to me personally.

Most Montanans believe very strongly, frankly, that oil and gas development and the front just don't mix.

The front is too wild and too precious to subject it to roads, pipelines, noise and other such development activities. In addition, surveys of the area indicate that there just isn't that much oil and gas in the front, certainly not enough to justify disturbing this pristine area.

That is why it has been well over a decade since any development activity occurred there at all, and why this administration last year halted an environmental impact study in the Blackleaf Area of the Front. The administration conceded that the time and expense associated with evaluating drilling options in the front was not the best use of taxpayer dollars.

They conceded that this area might indeed be one of those special places where the benefits of oil and gas development do not outweigh its costs. Even the administration understands that it's highly unlikely that any leaseholder will ever be able to drill in the front.

I couldn't agree more.

That's why I filed an amendment to the energy bill that offers a permanent solution to the century-long conflict over development on the front.

My amendment would establish a voluntary program allowing leaseholders in the Badger-Two Medicine or Blackleaf Areas of the front to cancel their leases. In exchange, leaseholders could receive rights to drill elsewhere in Montana, or bidding, rental or royalty credits for existing leases in Montana, or a tax credit.

Any canceled lease would be permanently withdrawn from future leasing and oil and gas development activity. This withdrawal provision would also apply to a lease canceled for any other reason, including as the result of a private buy-out.

To encourage leaseholders to take advantage of the program, it would expire at the end of 2009. Finally, it would provide economic development grants to Teton County, Montana, to compensate the county for the loss of any potential revenue from these leases.

This is a win-win proposal that provides leaseholders value for their investment, while providing permanent protections for the front. Because it's a purely voluntary program, leaseholders don't have to participate, but there will be a strong incentive for them to do so—they know that their leases will probably never be developed, given the intense local opposition and the expense and time involved with trying to drill in the front.

Unfortunately, Mr. President, the time was not right for me to call for a vote on ame mendment, but I thought it was very important to share it with my colleagues. I will work hard in the coming months to build support for my proposal, which I think is critical to ending the conflict over the front and preserving its beauty and wildlife for future generations.

AMERICA'S PLACE IN THE WORLD

Mr. BAUCUS. Mr. President, a little less than 2500 years ago, in Athens, Pericles the king looked out from the Acropolis. In the bay beyond the port city, he saw some of Athens's 200 ships, which brought peace, commerce, and Athenian pottery to a free-trade area of more than 100 Greek city-states. Pericles boasted: "The wares of the whole world find their way to us."

Pericles stood astride one the wealthiest, most culturally-advanced states of his time. Greeks had vanquished the evil empire of Persia to the east. Pericles had transformed the Delian League, a defensive alliance formed to contain Persia, into an Athenian empire. And Pericles advanced the world of ideas, advocating the new idea of democracy.

Said Pericles: "Athens alone, of the states we know, comes to her testing time in a greatness that surpasses what was imagined of her. . . . Future ages will wonder at us, as the present age does now."

Pericles had every reason to believe that Divine Providence had smiled on him and on his city.

A little less than 500 years ago, in Aachen, Charles V looked up to receive the crown of Germany. Charles had become the most powerful ruler in Christendom: Holy Roman Emperor and sovereign over what is now Spain, Central Europe, southern Italy, and Spain's new overseas colonies. Sir Walter Scott said: "The sun never sets on the immense empire of Charles V." Charles sought to unite his empire into a universal, multinational, Christian empire. His motto was: "Even further."

Charles had every reason to believe that divine providence had smiled on him and on his empire.

A little more that 150 years ago, in London, Queen Victoria, adorned in pink, silver, and diamonds, escorted by a troop of the Household Cavalry, road in a closed carriage from Buckingham Palace to Hyde Park to see the Great Exhibition at The Crystal Palace. Trumpets flourished, and a thousand voices greeted her, singing Handel's Hallelujah Chorus.

She walked through the Exhibition, a world's fair, and saw exhibits displaying the riches of Britain's far-flung colonies: carved ivory furniture from India, furs from Canada, hats made by convicts from Australia. The theme of the Exhibition was one word: "Progress."

Victoria saw exhibits representing an England that was industrially supreme. England controlled one-third of the world's international trade. The English merchant navy handled three-fifths of the world's oceangoing tonnage. Senator Daniel Webster called the English empire: "A power which has dotted over the surface of the whole globe with her possessions and military posts, whose morning drumbeat, following the sun, and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England."

Victoria had every reason to believe that Divine Providence had smiled on her and on her empire.

The citizens of Periclean Athens, Habsburg Spain, and Victorian England each could feel that their nation had reached the zenith of human endeavor. From where they stood, Pericles, Charles, and Victoria were the most powerful leaders of their time. Their centuries belonged to them.

Pericles looked to "future ages." Charles envisioned going "even further." And Victoria saw ever more "progress."

But within a century, each nation had been eclipsed.

Periclean Athens fell victim to war. Not long after Pericles's death, the devastating Peloponnesian War with Sparta weakened Athens. Within a hundred years, the great city was dominated by a little known northern country called Macedonia.

Charles V, seeking to harness a new technology of shipbuilding and royal navies, incurred spiraling defense costs. Charles's wars caused him to pledge his revenues to bankers for years into the future. By 1543, two-thirds of his ordinary revenue went to pay interest on past debts alone. Not long after Charles' death, dynastic division rent his empire apart. And within a hundred years, Europe had become a continent of many roughly-equal powers.

Not long after Victoria's death, England found itself surpassed by American economic growth and mired in World War. And within a hundred years, Britain's once-great empire had spun off into a splintered commonwealth.

And so began what Henry Luce called "the American Century." At the beginning of the 20th century, America's economy was already 40 percent larger than China's and more than twice as big as Britain's.

And in the wake of World War II, America was the only major power whose homeland had not suffered massive devastation. America's economy dominated the world. At mid-century, America's gross domestic product was 5 times Britain's, 5½ times China's.

Look out today at the ships docked in the port of Seattle. Count the containers that bring grain and beef from Montana to the world. Count the containers that bring "the wares of the whole world . . . to us."

On behalf of a great and powerful nation, on February 2, President Bush could look out over lawmakers assembled in the House of Representatives and say: "[W]e've declared our own intention: America will stand with the allies of freedom to support democratic movements in the Middle East and beyond, with the ultimate goal of ending tyranny in our world."

America's is a great promise. Ours is the leading nation. We live in the pre-eminent country on earth.

Americans have every reason to believe that Divine Providence has smiled on us and on our Nation.

Today, Americans account for fewer than 1 in 20 of the world's people. But Americans produce more than a fifth of the world's economic output.

Today, America has a $12 trillion economy, three times the size of Japan's, fives times the size of Germany's.

But China's economy, when measured on a purchasing power parity basis, is now $7.3 trillion. And it is growing fast.

Like Athens or Spain or England in their day, America is the greatest power of our time. But our lease on greatness is no more certain than those of the great powers of the past. We, no more than they, cannot maintain our leadership of the world without effort.

The next two decades will challenge America. We face competition from rising economic powers, powers with vast populations with nowhere to go but up. And foremost among those competitors will be China.

We cannot blithely sit back and rest on our laurels. We must energize ourselves anew to maintain America's place in the world.

Over the last two decades, China's economy has grown an average of 9.5 percent, roughly three times as fast as America's. And although America is a populous country of almost 300 million people, China is home to 1.3 billion people. India is not far behind, with just over a billion people.

Starting in the late 1970s, China and India began to reform their economies. And in the late 1980s, Communism collapsed in Eastern Europe. In the last two decades, these transformations have led to nearly half the world's population—about 2.6 billion people—entering the global workforce. The world has only just begun to feel the effects of this awakening.

Visit export-zone China, and you will see that corporate America and corporate—Japan are already well in evidence. The international corporations already understand that China will fuel this century's economy.

Much of America, however, still has a shock ahead of it. Before 2020, China may surpass America as the world's largest economy. Superpower America has competition, after all. And we had better hustle, too, or the Chinese will eat our lunch.

Well-educated young people in China, India, and Eastern Europe increasingly have the skills to compete with Americans for high-value-added jobs. Companies are moving jobs offshore to workers in these countries not only because they work for less, but also because they are well educated in math and science.

An old Chinese proverb says: "What you cannot avoid, welcome." Dramatic Chinese growth appears unavoidable.

China has drunk the Kool-Aid of capitalism and it is not looking back. Big city China hustles, bargains, and works hard for a better life. Skylines soar in Shanghai and Beijing.

Big city Chinese public street signs come in Chinese and English. Western and Japanese companies' neon signs dominate the skyline. Western commerce is well represented, half a world from the West. China is no longer as foreign as you might expect.

You can see one district of Beijing that still sports Cyrillic billboards and shop signs. But this Russian enclave sells furs, not ideas. You can see which economic system won the cold war.

They call it "market socialism." And the European economic tradition is full of the melding of the two systems, so we cannot necessarily say that the term is a contradiction. But plainly the Maoist state-controlled economy is on the descent, and free-enterprise, self-interested capitalism is on the rise. Chinese government officials smile as they explain, quote, "Communism."

The bargaining economy now permeates China. Chinese merchants love to haggle over sales great and small.

The change began with Deng Xiaoping, who ruled from 1978 to 1997. But the change has now firmly taken root. Some will explain, in muffled tones, that in the wake of the 1989 Tiananmen massacre, the government made a concerted effort to demonstrate that China was "open for business."

China, India, and Eastern Europe are now actively seeking to move underemployed populations into more productive occupations—occupations that America and other developed countries once dominated. Millions of jobs in high-tech manufacturing, software development, and services are moving to these growing labor markets.

More than 700 million workers live in China. Half of them still work in agriculture and forestry. More than three out of every five Chinese still live in the countryside. As many as 200 million underemployed Chinese workers in rural areas could move into the cities and industrial jobs.

This huge pool of surplus labor presents China with a vast opportunity to modernize its economy, continue rapid growth, and move its people up the value-added ladder into more productive employment.

Tour an American or Japanese company plant in Shanghai. You will see rows of diligent, uniformed workers filling rows of clean, well-lit work stations. The plant manager will tell you how he pays these workers $1 an hour—+about $2,000 a year—plus food and housing benefits. That is a good wage in a country with an average income of $1,100 a year. Compare that to America's average income of $37,600. Plants like this boast of a 90-percent retention of employees.

The plant manager will complain, however, that for the less-sophisticated operations, still-lower-cost centers are already nipping at their heels. Even within China, competitive businesses need to profit from innovation and new ideas, or fall victim to even-lower-cost competition.

In the long-term, Chinese labor rights must advance to help lift Chinese wages. But with 200 million job seekers at the door, substantial wage increases still appear a ways off. For the near future, China appears to own the role of the world's low-cost manufacturer.

And China's workers are not all unskilled laborers. China has focused on its education system. It is quite good for a country its size. The literacy rate tops 86 percent.

Visit a primary school in a middle-sized Chinese city. Bright, enthusiastic, charming children will greet you and win your heart. Happy first graders will greet you in English. Chinese schools are preparing students to compete in an intertwined, multinational, multilingual world economy.

Are American schoolchildren learning Mandarin? Are they even learning Spanish? The coming generation of Chinese businesspeople will do business around the world. Americans need to broaden our linguistic abilities, or Chinese businesspeople will cut the deals before us.

China's growing population of college graduates also fuels its increasing strength in high tech. Last year, nearly 3 million Chinese entered the workforce from colleges and graduate programs. That was one-third more than the year before and double the year before that. Last year, China produced 220,000 new engineers. America educated only 60,000.

China now has an unusually open economy. Foreign investment in China is more than a third of its economy, compared with only 2 percent in Japan. In 2004, the sum of exports and imports is likely to reach three-quarters of China's GDP, far more than in other large economies. In American, Japan, India, and Brazil, the figure is 30 percent or less. China has allowed foreigners to participate in its growth and development.

China has stoked the engines of its economic development through means both fair and foul. China promotes its domestic high-tech industry at the expense of foreign firms. World Trade Organization commitments prohibit discriminatory taxation of foreign products. But China applied a 17 percent value added tax on all semiconductor sales, and then rebated 11 percent of this for semiconductors produced in China and 14 percent for semiconductors designed and produced in China. The United States had to bring a WTO case to challenge the policy. China agreed to drop the policy last year.

And China does an abysmal job of protecting patents and intellectual property. Walk into an open-air market in Shanghai, and you can buy ties that bear less than credible labels: well-known brand names, "Made in Italy."

And it is not just ties that Chinese businesses knock off. A red sign festooned a Shanghai market: Respect "trademark law," it cajoled. But as you walk under the sign, literally dozens of men hawk DVDs and watches of plainly dubious vintage.

And China also uses its currency exchange rate to distort the market. China has set, or pegged, its currency to the dollar, with an exchange rate of 8.28 renminbi to the dollar. Critics argue that as China's economy has grown, its currency should have appreciated against the dollar, making Chinese goods more expensive relative to American goods. The renminbi has not appreciated—and Chinese goods have not gotten more expensive—because of the peg. Many argue that China keeps the peg in place to support its manufacturing sector.

The reality may be more complex. But there is no denying that China does not have a free-floating currency. And there is no denying that a free-floating currency would be better for China and its trading partners, over the longer term. How to get there, especially with China's badly insolvent banking system, is what the debate is about.

China's economy could easily stumble, as America's did during the booms and busts of the 19th century. But barring any truly devastating crisis, China's economy will likely continue its upward trajectory. China will become the world's largest economy. The only question is when.

Faster growth in China should mean faster growth elsewhere. If China's real income grows by 8 percent per year—and it is—income distribution remains unchanged, then by 2020, China's top 100 million households will have an average income equal to the current average in Western Europe. That is a giant new market for consumer goods.

China's boost to global growth could exceed even those that the world economy has recently enjoyed from the spread of computers. Like that IT revolution, China's growth may lead to the loss of some jobs in the United States. But it will also likely lead to the creation of different jobs in greater numbers.

Notwithstanding the pervasive influence of American and Western culture even in once-isolated China, one senses a love-hate relationship with America. Chinese officials will note how our two nations had once been sworn enemies in a war that Americans, with our short memories, forgot long ago. On Chinese streets, men will walk up to you, asked you if you are American, and debate you about American foreign policy.

The Chinese Government maintains power through two tools: One, an improving standard of living, and two, nationalistic sentiment. In furthering the latter, China often paints America as the enemy keeping China from reuniting with Taiwan. The U.S. is thus second only to the Japanese in unpopularity in China. It need not be so.

Together, America and China accounted for half the world's economic growth in recent years. We are economic partners. We share interests in a non-nuclear Korean peninsula. And we share a common concern with radical terrorists. But many Chinese appear put off by the swagger of current U.S. foreign policy. We still have work to do to thaw U.S.-Chinese relations.

No American Government can prevent the challenges to the American economy posed by the increasing sophistication of labor markets in China, India, and Eastern Europe. We must accept the reality of these challenges.

The ancient Persians looked with disdain at the Athenian marketplace, the Agora. It was a proverb among the Persians that there: "Greeks meet to cheat one another." But we can no more prevent the spread of the world's commerce than Persia could stop the spread of Hellenism.

Some may seek to avoid the unavoidable future. But we would do better to learn how to embrace it. We must adjust our policies to meet the challenge.

The American Government cannot stop international companies from hiring overseas workers instead of American workers, without inflicting great harm on the American economy. American companies compete in a global environment. If an American company cannot hire those hard-working but low-wage Shanghai workers, a foreign company will. That other company will sell the products of that factory at lower cost. Consumers worldwide will buy them. And the American company will lose the business and jobs.

Neither can we erect tariff barriers that wall off foreign competition. Higher tariffs are taxes that harm both the foreign sellers trying to sell into America and the American buyers who seek to buy foreign products. Tariffs impose a dead-weight loss on both sides. And protectionist measures invite retaliation. Protectionism thus ultimately harms a country's economy. Protectionism puts at even greater risk the jobs the politicians seek to protect.

Rather, to help prepare America to meet the challenges of the next 2 decades, we need to ensure that Americans develop the skills needed to continue to compete in higher-value-added fields. We need to continue our tradition of rewarding innovation and risk-taking. We need to fight to open new markets around the world. And we need to remove burdens that hinder our international competitiveness, like the high cost of health care in America.

Engineers play a critical role in the development of new jobs and new industries. In 1975, the United States ranked third in the world in the percentage of 24-year olds who held a science or engineering degree. By 2000, we had slipped to fifteenth. By 2004, we were seventeenth. At the same time, the Department of Labor projects that new jobs requiring science, engineering, and technical training will increase four times faster than the average national job growth rate.

Only a little more than 1 in 20 high school seniors who took the 2002 college entrance exam planned to pursue an engineering degree. The United States trains only half as many engineers as Japan and Europe, and less than a third as many as China. We should increase scholarships and loan forgiveness for engineering students to entice more young Americans to study engineering.

We should support community colleges, and strengthen the link between them and the workforce. Schools can then develop training programs relevant to jobs that actually exist in any given community.

We should make it easier, consistent with the requirements of national security, for foreign students to study in America. America has benefited from our ability to attract and to retain the best and brightest students from countries all over the world. Yet, since 9/11, many students are having a difficult time getting visas to study in America. Foreign applications to American graduate schools fell 28 percent in 2004. And enrollments of foreign students at all levels of college declined for the first time in 30 years.

Foreign students are increasingly studying in Europe and elsewhere. We are losing a generation of foreign minds, minds that in another time would have come to our shores. These declines are due in large part to the difficulties foreign students now face in getting a visa to study in America.

We must not compromise our security needs to host foreign businesspeople or students. But there must be ways to streamline visa procedures and otherwise lighten the burden to make it easier for foreigners to study and conduct business here.

American universities and research institutes do much of the most innovative research in the world. But over the last 20 years, Federal research funding in the physical sciences and engineering has actually declined by nearly one-third as a share of the economy.

Money invested in Federal research programs pays dividends many times the investment. For example, National Science Foundation funding of research in the basic sciences and engineering has helped discover new technologies that have led to multi-billion dollar industries and created countless new jobs. These include jobs in fiber optics, radar, wireless communication, nanotechnology, plant genomics, magnetic resonance imaging, ultrasound, and the Internet.

We should invest in our future by fully funding research support organizations such as the National Science Foundation, National Institutes of Health, and the Office of Science at the Department of Energy.

Without Government support, private investment in research and development would be less than it should be. The society as a whole needs to foster the research that will build a better nation in the future. The R&D tax credit has helped. But we can improve the R&D tax credit by simplifying it and making it permanent.

The Government has expended a tremendous amount of time, money, and manpower negotiating trade agreements with countries like Bahrain, Morocco, and Colombia. None of these small economies offers much to American exporters.

By contrast, last year, American companies lost more than $3.8 billion to business software piracy in China alone. Putting more resources toward defending American intellectual property rights would have a real effect on the bottom line for many American companies.

American companies sold $626.6 billion in copyrighted products in 2002, 6 percent of American GDP, and employed 5.5 million workers, or 4 percent of the American workforce. Their foreign sales and exports amount to $89 billion, more than most other export sectors. Our intellectual property is among our most valuable assets. Some would say it is now the American comparative advantage. We must do a better job protecting it.

The political bargain that has kept a consensus in support of liberalized trade has long been that in exchange for labor market flexibility, those hurt by trade would have help finding new jobs. That bargain has eroded.

America spends less on labor-adjustment assistance than any major industrialized country. Japan spends nearly twice the share of GDP, Canada nearly three times, and Germany more than eight times as much.

Trade adjustment assistance provides retraining, income support, a health insurance tax credit, and other benefits to workers who lose their jobs due to trade. TAA is not a handout for idle workers, but a means to retrain them for competitive employment and help them through the transition.

We should expand trade adjustment assistance to service workers and emphasize, and possibly expand, the wage insurance program.

And we need to do more to keep jobs in America. For most American companies, health care costs are the single biggest disincentive to hiring new workers. The costs are enormous, increasing at a double-digit pace, far outstripping health care costs in other countries.

America spends more on health care than any other country in the world. Per capita spending on health care in America is nearly 2½ times the average in the industrialized world.

Employers in America also bear much of the cost of the rising number of uninsured Americans through cost-shifting by hospitals and other health care providers. Last year, employers paid an average of nearly $2,900 for single employee coverage and more than $6,500 for family coverage.

By contrast, most employers in other industrialized countries do not pay anything for their employees' health care. A Government-sponsored universal health program bears those costs. The difference is hurting America's competitiveness.

We can take several small, practical steps to help lessen health care's burden on American companies. We could provide tax credits to small employers, fund employer-based group-purchasing pools, increase funding for high-risk pools, expand Medicaid and the State Children's Health Insurance Program, and permit a Medicare buy-in for the near-elderly.

But we cannot keep kidding ourselves. We need real change to address the problem of American health care costs. We need to do so, to meet the challenge to America's place in the world.

In reality, the economic reforms in China, India, and Eastern Europe that cause the challenge to American leadership are a good thing. We should want China, India, and Eastern Europe to educate their people, open their markets, and trade with us.

Since World War II, there has been no greater advocate for free markets around the world than America. America has much to gain in a world of free markets. When foreign workers move into more productive work, their incomes will rise. As foreign workers become more prosperous, they will become better able to buy American goods and services. And by keeping our markets open to foreign products, consumer prices fall on everything from footwear to electronics, making the American consumer's dollar go further. Everyone can be better off.

Trade is not a zero sum game. Increasing competition from China, India, and Eastern Europe does not mean that America will suffer.

Remember, after World War II, America prospered as it helped to rebuild a shattered Europe. Competition from recovering European economies did not hurt America. Rather, as Europe emerged from the devastation of war, the American economy grew along with Europe's. With the right policies, much the same can happen perhaps with much larger positive effects with the growth in China, India, and Eastern Europe.

Remember, in 1957, when the Soviet Union launched Sputnik, the first man-made satellite to orbit the Earth. The challenge of Sputnik gave America the political will to devote the resources needed to become the world's premier space power.

In the same vein, the economic challenge of the next 2 decades presents its own opportunities. The challenge posed by economic development in China, India, and Eastern Europe could help create a political consensus in favor of change and growth.

The former Librarian of Congress Daniel Boorstein wrote: "The most important lesson of American history is the promise of the unexpected. None of our ancestors would have imagined settling way over here on this unknown continent. So we must continue to have a society that is hospitable to the unexpected, which allows possibilities to develop beyond our own imaginings."

We cannot rest on our laurels. But if we remain open to the unexpected, if we allow the possibilities to develop, we can maintain America's leadership in the world.

It will take work. But if we redouble our education, if we open more markets, if we better manage our healthcare, then we can face the challenges of the decades to come.

We must get to work. But if we do, we can make an America that, in Pericles's words, "comes to her testing time in a greatness that surpasses what was imagined of her."

If we do, America can continue to "stand with the allies of freedom" throughout the world.

And if we do, "Future ages will wonder at us, as the present age does now."

The PRESIDING OFFICER (Mr. WARNER). The Senator from Utah.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BENNETT. I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, and 184.

I further ask unanimous consent that all of the mentioned nominations be confirmed en bloc, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

A. Noel Anketell Kramer, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Laura A. Cordero, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

EXECUTIVE OFFICE OF THE PRESIDENT

Linda Morrison Combs, of North Carolina, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

OFFICE OF PERSONNEL MANAGEMENT

Linda M. Springer, of Pennsylvania, to be Director of the Office of Personnel Management for a term of four years.

DEPARTMENT OF STATE

Emil A. Skodon, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brunei Darussalam.

Joseph A. Mussomeli, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Cambodia.

Larry Miles Dinger, of Iowa, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Fiji Islands, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru, the Kingdom of Tonga, Tuvalu, and the Republic of Kiribati.

Ronald E. Neumann, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Afghanistan.

Gregory L. Schulte, of Virginia, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador.

INTERNATIONAL ATOMIC ENERGY AGENCY

Gregory L. Schulte, of Virginia, to be Representative of the United States of America to the International Atomic Energy Agency, Vienna Office of the United Nations, with the rank of Ambassador.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Michael E. Hess, of New York, to be an Assistant Administrator of the United States Agency for International Development, vice Roger P. Winter, resigned.

DEPARTMENT OF STATE

Dina Habib Powell, of Texas, to be an Assistant Secretary of State (Educational and Cultural Affairs), vice Patricia de Stacy Harrison.

NOMINATION OF LINDA SPRINGER

Mr. VOINOVICH. Mr. President, I would like to thank the Senate for its expeditious consideration of Ms. Linda Springer of Pennsylvania to be the Director of the Office of Personnel Management.

On Wednesday, June 15, I chaired a hearing of the Committee on Homeland Security and Governmental Affairs to consider the nomination of Ms. Springer. One week later, the committee unanimously approved her nomination. As my colleagues in the Senate know, I am committed to finding solutions to the human capital challenges of the Federal Government. Clearly, there is no more important partner in the executive branch of Government than the Director of the Office of Personnel Management in addressing these issues.

The Federal civil service now is undergoing the most dramatic changes in more than a quarter century. For example, agencies are implementing new performance management and a related pay for performance systems for the senior executive service. The Department of Homeland Security and the Department of Defense are designing new, modern, and flexible personnel systems to meet their national security missions. As these and other reforms continue, leadership from the Office of Personnel Management is imperative to guarantee that the merit principles that are the core of our Federal civil service are upheld and that the new personnel systems are fair and equitable for employees.

During the committee's hearing, I found Ms. Springer to be focused, dedicated, and more than capable of taking on this important job. Prior to the hearing, I met with Ms. Springer in my office and was impressed with her candor and recognition of the challenges confronting the workforce.

Ms. Springer's experience in the private sector and as Controller of the Office of Management and Budget has prepared her to lead this Federal agency. Mr. President, I urge my colleagues to support this nomination. Thank you.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 108–136, appoints the following individual to serve as a member on the Veterans'

Disability Benefits Commission: Mr. Ken Jordan of California vice Mr. Mike O'Callaghan of Nevada.

ORDERS FOR MONDAY, JUNE 27, 2005

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. on Monday, June 27. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business until 3 p.m., with the majority leader or his designee in control of the first half of the time, and the Democratic leader or his designee in control of the second half of the time; provided that at 3 p.m. the Senate resume consideration of H.R. 2361, the Interior appropriations bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. Mr. President, on Monday, following morning business, the Senate will resume consideration of the Interior appropriations bill. Under a previous agreement, all amendments to the bill must be offered during Monday's session. There will be no rollcall votes on Monday, but Senators who have amendments to the bill should make themselves available to offer and debate their amendments. We will begin voting with respect to amendments to the Interior appropriations bill on Tuesday.

I also inform our colleagues the next vote will occur on Tuesday morning shortly before 10 a.m. That vote will be on passage of H.R. 6, the Energy bill.

Finally, on behalf of the majority leader, I would like to remind all Senators that next week will be the final week prior to the Fourth of July recess, so Senators should expect a busy week with rollcall votes throughout.

ADJOURNMENT UNTIL 1 P.M. MONDAY, JUNE 27, 2005

Mr. BENNETT. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:18 p.m., adjourned until Monday, June 27, 2005, at 1 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, June 24, 2005:

EXECUTIVE OFFICE OF THE PRESIDENT

LINDA MORRISON COMBS, OF NORTH CAROLINA, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET.

OFFICE OF PERSONNEL MANAGEMENT

LINDA M. SPRINGER, OF PENNSYLVANIA, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT FOR A TERM OF FOUR YEARS.

DEPARTMENT OF STATE

EMIL A. SKODON, OF ILLINOIS, TO BE AMBASSADOR TO BRUNEI DARUSSALAM.

JOSEPH A. MUSSOMELI, OF VIRGINIA, TO BE AMBASSADOR TO THE KINGDOM OF CAMBODIA.

LARRY MILES DINGER, OF IOWA, TO BE AMBASSADOR TO THE REPUBLIC OF THE FIJI ISLANDS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR TO THE REPUBLIC OF NAURU, THE KINGDOM OF TONGA, TUVALU, AND THE REPUBLIC OF KIRIBATI.

RONALD E. NEUMANN, OF VIRGINIA, TO BE AMBASSADOR TO THE ISLAMIC REPUBLIC OF AFGHANISTAN.

GREGORY L. SCHULTE, OF VIRGINIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE VIENNA OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

INTERNATIONAL ATOMIC ENERGY AGENCY

GREGORY L. SCHULTE, OF VIRGINIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY, WITH THE RANK OF AMBASSADOR.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

MICHAEL E. HESS, OF NEW YORK, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF STATE

DINA HABIB POWELL, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS).

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

A. NOEL ANKETELL KRAMER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS.

LAURA A. CORDERO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

HOUSE OF REPRESENTATIVES—*Friday, June 24, 2005*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. BOUSTANY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 24, 2005.

I hereby appoint the Honorable CHARLES W. BOUSTANY, Jr. to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of the heavens, without our realizing it, we are swirling around the sun on this revolving planet. We tend to think we are standing still and the sun is moving over us. The summer sun lengthens our days and, like an explosion, new life bursts around us.

Knowing how important summertime is to children, we ask You to protect them and help them to discover Your gracious presence in the midst of their fun. As Americans, we bless You for this time of year and thank You for family picnics, barbecues and baseball games.

Guide the Members of the U.S. House of Representatives in their work today. Grant them and their staffs a beautiful weekend filled with summer blessings, good times shared with family and friends.

In their recreation, their plentitude and their free time, renew them in Spirit and give them grateful and generous hearts. Ever mindful of Your constant love, may they offer You thanks now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1812. An act to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes.

The message also announced that the Senate has agreed to without amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 163. Concurrent resolution honoring the Sigma Chi Fraternity on the occasion of its 150th Anniversary.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will receive five 1-minute requests on each side.

NEW PLAN ON SOCIAL SECURITY

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today to discuss the need to strengthen Social Security.

As a former president of a community college, and as a mother and grandmother, I have an obligation to ensure that our children and grandchildren are not putting their hard-earned money into a system that is going broke.

Social Security is sound for today's seniors and for those nearing retirement, but it needs to be improved for younger generations.

This week, my colleagues on the House Ways and Means Committee, the gentleman from Florida (Mr. SHAW), the gentleman from Texas (Mr. SAM JOHNSON), and the gentleman from Wisconsin (Mr. RYAN), laid out a good first step to help ensure that Social Security will be there for our children and grandchildren.

The GROW accounts which they described would be owned by individuals. Each worker would have an account with his or her name on it, and the accounts would be assets they can leave to their loved ones as part of their estate.

And for those of us who believe that Americans can spend their money better than the government can, this plan is welcome news, because when money is placed in one's own account, that money cannot be spent on other government programs.

My colleagues took a great first step. I am hopeful that the Democratic leadership will soon decide their obligations to the American public go far beyond these partisan halls.

UNWORTHY OF OUR DISCOURSE

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, on Wednesday the President's top political adviser stated, and I quote, "Liberals saw the savagery of the 9/11 attacks and wanted to prepare indictments and offer therapy and understanding for our attackers."

This statement is offensive, divisive, and patently false.

Three days after those barbaric attacks, this House voted 420 to 1 to use all necessary and appropriate force against those responsible.

The Senate passed the same measure 98 to 0.

I do not know whether Mr. Rove's statement was calculated to exploit collective national pain for partisan political gain, although his slash-and-burn track record speaks for itself.

But Mr. Rove should apologize and retract it. And the President of the United States, who represents not Republicans, not Democrats, but all Americans, should repudiate it today.

The President came to office stating he wanted to change the tone in Washington. Today, today he can demonstrate that he meant it.

FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, I thought I would read part of the United States Constitution. Maybe the folks down the street at the Supreme Court will hear part of it.

No person shall be deprived of life, liberty or property without due process of law, nor shall private property be

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

taken for public use without just compensation. This is the fifth amendment of the Constitution, Mr. Speaker.

This simple amendment does not permit government to take our homes and give it to some private entity, some private developer to build a parking lot. But yet the Supreme Court yesterday misinterpreted this simple provision in our Constitution; and now a private corporation, with the aid of government, can take our homes without our consent and build some shopping mall.

This amendment was to protect our homes from others who want to take our land. The purpose of this amendment was for public use, like a school. The Supreme Court once again has got it wrong and allows this modern-day land grabbing by government for big developers without our consent. The Supreme Court, once again, has lost its way.

COMMENTS OF KARL ROVE

(Mr. ISRAEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISRAEL. Mr. Speaker, Republicans began this week when one Member accused the gentleman from Wisconsin (Mr. OBEY), me, and Democrats in general of being anti-Christian. The gentleman retracted his comments.

They are ending this week with Karl Rove characterizing Democrats as weak in responding to 9/11 and endangering our troops. He needs to retract his remarks.

My district is 40 miles from Ground Zero. Democrats and Republicans died in that rubble. Democrats and Republicans are fighting and dying in Iraq and Afghanistan. Mr. Rove dishonors them by politicizing 9/11. He dishonors our troops by dividing them at a time of war.

Mr. Speaker, 2 weeks ago or 3 weeks ago we had the Armed Services markup on the defense authorization. Democrats offered amendment after amendment to strengthen our troops, better force protection, deeper investments, better quality of life for their families. Republicans opposed those amendments because we could not afford it. They said that the tax cuts that Mr. Rove engineered were more important.

Mr. Speaker, Mr. Rove must repudiate his comments. The President must ask Mr. Rove to repudiate his comments. This is the first administration that I know of that is every day seeking to divide the American people during a time of war.

WORKING TOGETHER TO STRENGTHEN SOCIAL SECURITY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, President Bush and Republicans are working hard to protect Social Security for today's retirees and strengthen the program for future generations. This week Republicans offered several positive proposals that will help solve the problems plaguing Social Security.

However, to ensure that we find a lasting solution, Democrats should join us at the negotiating table. On Wednesday, The Washington Post editorial page questioned: "Democrats need to ask themselves, now what? Is it enough to keep sticking their fingers in their ears while saying no? Failing to act now will make the problem harder to fix down the road. Cuts or tax increases will have to be steeper the longer the problem goes unaddressed."

President Bush has invited Democrats to share their ideas on Social Security, but unfortunately his request has been met with silence or obstruction. While inaction may be politically safe, it does not help the millions of Americans who rely on Social Security.

In conclusion, God bless our troops, and we will never forget September 11.

H.R. 3010, LABOR-HHS-EDUCATION APPROPRIATIONS FOR FISCAL YEAR 2006

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Mr. Speaker, the Labor-HHS appropriations bill we will continue debating later today is a stunning example of the impact that this Congress's misplaced priorities can have on what most consider to be a basic human right, access to a quality education.

With this bill we have made a conscious choice. While we give away tax cuts worth $140,000 dollars a year to millionaires, families earning $30,000 a year will not be able to afford sending their children to college. It is an unconscionable choice that defies our values.

The bill turns its back on priorities like No Child Left Behind and IDEA, which have been cut by $40 billion and $4 billion respectively, as well as College Work Study and Supplemental Educational Opportunity Grants, which are frozen for the second year in a row.

Before I was elected to Congress, I spent 30 years as a college administrator. I came to understand just how difficult it is for students and their families to afford college.

Every day I worked with them to scrape up the money, grants, scholarships, whatever we could find to help them realize part of the American Dream, the opportunity to earn a college education.

Mr. Speaker, with this bill we have made a conscious choice to provide more comfort for the comfortable at the expense of those who are trying to make a better life for themselves. Our students deserve better.

NEW CITY OF SANDY SPRINGS, GEORGIA

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, I rise to congratulate the new city of Sandy Springs. A celebration that has been 30 years in the making took place in Fulton County, Georgia, on Tuesday night as 94 percent of voters chose to incorporate into what will be Metropolitan Atlanta's second largest city.

Countless people worked long and hard to make this city a possibility. All those folks who put in the time and effort into making the city of Sandy Springs a reality are to be raised up as an example of the positive outcome from fervent belief and diligent commitment.

I have always believed that the government closest to the people is the most responsive. And it is only fair for these citizens to have their local tax dollars to better their own community and have their own city council, one much more attuned to their needs and concerns.

Mr. Speaker, take note: the birth of this new city is a landmark day for my district. I am confident that great things will come from their residents and their leaders. What a privilege it is for me to represent a constituency so involved and passionate about their destiny and that of our State and great Nation. Freedom rings in Sandy Springs.

COMMENTS OF KARL ROVE

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, in light of Karl Rove's savage attack on the patriotism of liberals in this country, I have a couple of questions. Two days after 9/11, the gentleman from Florida (Mr. YOUNG) and I, on a bipartisan basis, pushed a $20 billion package through this House in response to the attack. We had to sit in the Speaker's office and defend the President's request against people like Phil Graham and Don Nichols of the President's own party. Are those the liberals that Karl Rove was talking about?

One month after 9/11, the gentleman from Florida (Mr. YOUNG) and I went to the White House and urged the President to support a greatly increased homeland security budget. The President, without even looking at what we were proposing, said, "If you add one dime to our budget for homeland security, I will veto the bill." Mr. Rove was sitting over his shoulder when President Bush made that remark. Is President Bush one of those out-of-line liberals that Mr. Rove is talking about?

I come from the State of Wisconsin. I know a third-rate Joe McCarthy when I see one, and I saw one in Mr. Rove's comments yesterday.

CENTERS FOR DISEASE CONTROL AND PREVENTION

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, this week I organized a subcommittee visit to the Centers for Disease Control and Prevention to help our Members learn about efforts to support the DHS mission to prevent bioattacks. We were briefed on aerosolized anthrax and botulinum toxin, among other things, and also the horrible things that terrorists could do with these deadly pathogens.

While the CDC is focusing on how our enemies could attack us, our military is focused on who may attack us. Among those who would attack are those held at Guantanamo Bay. These detainees are a far cry from the innocent millions who lost their lives at the hands of Stalin, Hitler, and the Khmer Rouge. These are terrorists who would put the botulinum toxin I saw on Monday in the food our families eat. If we had specific information this bioweapon was about to be used in one of our towns or cities, we would not hesitate to question and detain those we believed had information on such a plot. And that is exactly how we must always act because we are certain there are enemies out there that mean us grave harm. The American people expect us to be uncompromising in our mission to ensure the security of our citizens.

PRIVATIZING SOCIAL SECURITY

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, I do not know what it is about the Republicans, but despite overwhelming opposition by the American people across the board against the privatization of Social Security, they bring out yet another plan to privatize Social Security. They bring out another plan to privatize Social Security, to raid the Social Security trust fund, and to undermine the solvency of Social Security.

Three points to their plan. Undermine the solvency of Social Security; raid what is left of the Social Security trust fund; and to privatize Social Security, all of which the American public overwhelmingly disagrees with and has disagreed with whether it is presented by the President or by the Republicans in Congress.

A Republican got up here a few minutes ago and said we want to do this because these people can spend their money better than the government. I would remind that young woman that she is the government. The Republicans control the White House, the House and the Senate. And since they have controlled those three bodies, they have taken $700 billion out of the Social Security trust fund: $700 billion they have raided to date, and now they want to close the deal and take the rest of the money out of the Social Security trust fund.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 3010, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 337 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3010.

□ 0918

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, with Mr. PUTNAM in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, June 23, 2005, the amendment by the gentleman from New Hampshire (Mr. BRADLEY) had been disposed of and the bill had been read through page 69, line 19.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the chairman of the subcommittee for yielding.

Mr. Chairman, I have been concerned about a program known as Youth Build, which I know many Members are familiar with, which is a very good program which gets young people in urban areas and elsewhere to learn how to build houses. And the results are some very nice houses for deserving people, and an improvement of a neighborhood, and most importantly, skills for these young people.

Now, we ran into a little difficulty. It is not one of the more expensive of our programs although it has been, at $60 million, not nothing. The President in his budget proposed I think $50 million for it, but proposed that instead of being funded out of the HUD budget it be transferred to the Labor Department's budget. That led to, I guess, it falling between the cracks of the two appropriate subcommittees; so that while I understand there is support for the program and the gentleman from New York (Mr. WALSH), a former chairman of the HUD subcommittee, tells me that he strongly supports it, and I understand there was a very close vote in the Appropriations Committee on an amendment to put it back into the bill, both bills now come to the floor without that appropriation for Youth Build. And I think this is a case of something not being rejected on the merits, or not being something we cannot afford, but something that has sort of fallen through the cracks because of this proposed change in where it goes.

So I would ask the chairman of the subcommittee, given the, I believe, support, it was in the President's budget, there was virtually a tie vote in the Appropriations Committee, could the gentleman tell me, is there some hope that we can give to these young people that this important program will survive?

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me thank the gentleman from Ohio for striking the last word so you could raise this.

Let me simply say to the gentleman from Massachusetts (Mr. FRANK). I fully agree with him about the value of the program. The President's budget wanted to transfer it to this bill. The subcommittee did not pick up the money in this bill. In my view, it should have. But I would say that because it has not, there will be another opportunity next week to try to deal with this when the Teasury-Transportation bill comes to the floor.

It would be disgraceful if the Congress allowed this program to fall through the cracks because neither committee included the funding for it and if Congress simply played Alfonse and Gaston on us between the two subcommittees.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield.

Mr. REGULA. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman from Wisconsin.

I wonder if the gentleman from Ohio could give us some guidance on what the chances are for the ultimate survival of this very important program which the President supports, and I believe is supported on the merits. Could we get it in the bill next week? Or what is the prospects of this Youth Build program not dying because of kind of a shuffle here.

Mr. REGULA. Mr. Chairman, reclaiming my time, let me say that I agree with the gentleman. It is a great program. I am very familiar with it. Unfortunately, it is in no man's land. The way the OMB budget came up, the President's budget, it put it in Labor, which is this bill. But there is no authorization, which means it is still in the Transportation Treasury, and there is no money either place. But I hope we can resolve this because it is just what it says, it builds youth. And we have had real success in my district with it, and I think it is something we would want to retain as a national program.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman would yield further, does that mean, and maybe we can discuss this again in the Transportation HUD bill, but that, since it is not a large sum of money, the President supports it, it has a lot of support here, that we can expect at some point in the process before we finish the appropriations, this program could be funded?

Mr. REGULA. Well, I certainly hope so. And we will make every effort to find some way to fit it. It just happens that I am on both of the committees and will work with the Treasury, or Transportation Treasury. It is a worthwhile program. It ought to be funded and kept in place. I think the authorizers need to deal with it, too, to change the authorization to make it appropriate for Labor.

Mr. FRANK of Massachusetts. I thank the gentleman.

AMENDMENT NO. 5 OFFERED BY MR. KIRK

Mr. KIRK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. KIRK:

In title III in the item relating to "SCHOOL IMPROVEMENT PROGRAMS" insert before the period at the end the following: ": *Provided further*, That, of the funds made available under this heading, $11,100,000 is for carrying out subpart 6 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7253 et seq.) (relating to gifted and talented students)".

Mr. ABERCROMBIE. Mr. Chairman——

The CHAIRMAN. The gentleman will suspend. Is there objection to returning to that point in the reading to consider the amendment?

Mr. ABERCROMBIE. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. KIRK. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. KIRK. Mr. Chairman, is it my understanding that the agreement worked between majority and minority to have the Kirk and Nadler amendments brought up is now being broken?

The CHAIRMAN. The order of the House did not address the reading of the bill.

Mr. KIRK. Thank you, Mr. Chairman.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, because of the rapid reading of the bill, the gentleman from New York (Mr. NADLER) and I were both unable to offer our amendments and worked out an agreement to offer it at this time. The amendment that I would have offered would have helped restore funding for the gifted education program under the Javitz program that funds programs in over 20 States and universities. It is this program that has helped out programs like the Bronx Project for creating urban excellence, serving 32,000 poor and minority students.

Not only did this program help the gifted students, for example, in that school district, but it improved math and science scores, a 20 percent improvement for the entire school, not just gifted students. The Javitz program has supported programs in 125 State and local education districts since 1989, reaching two million students nationwide. A complete list of the program is available from the Department of Education.

I am very concerned that this program was zeroed out. In my attempt to earmark the program, other programs under this title would have been seen as a potential cut, and my colleagues from Hawaii were very concerned about one program there. My concern now is that the program moves forward with zero for gifted education. And the attempted amendment was to correct that, because I do not think for the future of our country, for the future of science and math education that we should move forward with a zero appropriation for gifted education. But I yield to my chairman on this point.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

AMENDMENT NO. 24 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. NADLER:

In title III in the item relating to "SCHOOL IMPROVEMENT PROGRAMS", after the aggregate dollar amount, insert "(increased by $35,600,000)".

In title III in the item relating to "DEPARTMENTAL MANAGEMENT—PROGRAM ADMINISTRATION", after the aggregate dollar amount, insert "(reduced by $35,600,000)".

The CHAIRMAN. Is there objection to considering the amendment at this point?

Mr. KIRK. Mr. Chairman, reserving the right to object, I understand that we are breaking this agreement then?

I yield to the distinguished ranking minority member.

Mr. OBEY. Mr. Chairman, I would not describe it as breaking the agreement. If the gentleman would be kind enough to let me explain what I think has happened here. The gentleman from Illinois (Mr. KIRK) and the gentleman from New York (Mr. NADLER) both missed their opportunity to offer their amendments in regular order because the reading went fast and neither of them was on the floor. We had a unanimous consent agreement which was about to be propounded by the gentleman from Ohio.

When the gentleman from Illinois and the gentleman from New York discovered that they had missed their opportunity, the gentleman from Illinois asked for an opportunity to go back. At that point, I suggested that the unanimous consent agreement be rewritten to include your amendment and the gentleman's from New York. The committee majority preferred, and I can understand why, because it was time consuming, the committee preferred to simply rely on our ability to get unanimous consent to go back to consider yours and the gentleman from New York's amendment.

However, the gentleman from Hawaii (Mr. ABERCROMBIE) was not part of the arrangement. And since your amendment takes money out of a program in his State, he felt required to object. So I do not think that anyone is "breaking an agreement."

This is what happens, number one, when Members are not on the floor when they need to be. Secondly, it is what happens when we do not include matters like that in the UC agreement. We were relying on an assumption that proved to be erroneous, and I am certain the gentleman from Ohio feels as badly about it as I do. But in my view, no one on the floor is breaking his word. This is just an unfortunate set of circumstances, and a Member has the right to protect his own State's interest if the opportunity presents itself.

Mr. KIRK. Mr. Chairman, given the fact that we are breaking this agreement, and given the fact that I am not able to offer my amendment, my normal course of action would be to object, but I hold the gentleman from New York in high regard, as the gentleman from Iowa, and so I am not going to be partisan and I am not going to do tit for tat, and I am not going to object, even though objection has been heard from the other side. So I withdraw my point of order.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to returning in the reading to consider the amendment?

There was no objection.

□ 0930

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin by expressing my appreciation to the gentleman from Illinois for his magnanimity and largeness of thought in this matter.

Mr. Chairman, I rise in support of this amendment to restore the funding for Arts in Education programs to $35.6 million. Unfortunately, the underlying Labor-HHS appropriations bill zeros out this program, effectively eliminating it.

This year, 106 of our colleagues from both sides of the aisle, include my friends, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Iowa (Mr. LEACH), joined me in writing to the committee asking for $53 million in Arts in Education funding. Given the funding constraints in the bill, the amendment instead asked that we simply level fund the program, the number passed after conference last year.

This program provides funds to establish model programs at the Department of Education that brings arts education to schools across the country as well as funds to support the professional development of arts educators. The program also supports the ongoing national arts education initiatives of the John F. Kennedy Center for the Performing Arts and VSA arts which ensure that people with disabilities can learn through, participate in and enjoy the arts.

Time and again, parents, educators and community leaders tell us that arts education is critical for preparing our Nation's children to succeed in school, work and life. Years of research demonstrate that a real significant link exists between arts education and students' academic performance and social development.

Arts funding and education funding is not controversial and is nonpartisan. Some of the most vocal proponents of Arts in Education include Republican Governor Mike Huckabee and former Education Secretary Rod Paige. I know the gentleman from Ohio (Chairman REGULA) also is supportive of Arts in Education programs.

I would like to thank the gentleman for working with the Senate each year to increase funding in conference, and thank the gentleman from Wisconsin (Mr. OBEY) for his leadership on this issue. I understand that this is a tight bill in a tight funding year generally, but it is important that the House voice its support for this program.

So I ask the distinguished chairman and the ranking member to work with me and the gentleman from New York (Mr. BOEHLERT) and the gentleman from Iowa (Mr. LEACH) to assure that funds for these beneficial, well-liked programs are maintained, if not increased, in conference this year.

Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Chairman, I am honored to offer this amendment with the gentleman from New York (Mr. NADLER) and the gentleman from New York (Mr. BOEHLERT). I would only stress of all the learning disciplines, the arts tap and expand the human imagination the most, and in a world of exploding options for individuals and families, it is imperative when there is no experience to serve as a guide, that the imagination be stimulated and perspectives be applied and that values be brought to bear.

It appears that the children of 20th century America lost something when they became captives to passive education offered by advances in media, particularly television. If we can learn from our mistakes, an emphasis on hands-on efforts, particularly in the creative arts, should become a focal point of 21st century education.

For most Americans, the arts are an optional endeavor. But for some, art is a principal means of self-expression and communication. For example, last month 17-year-old Patrick Henry Hughes won the VSA arts 2005 soloist award for his piano and vocal abilities. In an interview, he said, "I am blind and I can't walk, but I don't let it stop me. I actually love the life I am living. If I have a sad moment, I go to the piano and get happy again."

We must ensure that every young person with a disability has access to arts learning experiences. VSA arts, which are part of the Arts in Education programming eliminated in this bill, provides opportunities for children and adults with disabilities and stimulates millions of people, like Patrick Hughes, helping to transform their otherwise frustrating world into one that is more beautiful and purposeful.

Mr. Chairman, the arts are not a luxury, they are the soul of society.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, the arts motivate and inspire people of all ages to engage in learning, and that is what this is all about. Students who take regular arts courses are proven to score on average 90 to 100 points better on their SATs than students that do not take arts classes. Students that attend arts courses are shown to have better attendance, lower dropout rates, participate in more community service and have a higher self-esteem. That sounds to me like a pretty darn good investment in the youth of America.

Mr. Chairman, I urge support of this amendment.

Mr. NADLER. Mr. Chairman, I yield myself the balance of my time.

Mr. Speaker, I am not clear that I am going to ask for a vote on this amendment. If we get an appropriate assurance that we will work in conference from the chairman, we may not have to do that. I will ask the chairman to express himself on that subject.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding.

This, like many programs, is a great idea, a great help, with over 100 grants last year, but we do have a really tight budget. I know when we get to conference with the other body, that this probably will be one that has support, but it all depends on what is available in funding. I am sympathetic to it, but I cannot guarantee anything. I think we would have to consider it.

It has a trade-off, that is the problem at this juncture in your amendment, and that is it would cause the layoff of many employees.

The CHAIRMAN. The time of the gentleman from New York (Mr. NADLER) has expired.

Mr. REGULA. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am responding to the question from the gentleman from New York, and that is, yes, we will certainly take this under consideration in the conference.

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I appreciate the comments of the distinguished chairman from Ohio as to the fact that there will be efforts made in conference to try to retain this program. I think that is probably the best we can do, and I appreciate his statement. I will at this point not ask for a vote on this amendment.

Mr. Chairman, I rise today to note that during the debate on the Nadler amendment to H.R. 3010, which would have restored funding to Arts in Education programs, a procedural error occurred.

The RECORD will reflect that at the end of the debate, as a result of the agreement by Chairman REGULA to work to maintain funds for Arts in Education programs in conference, I stated that I would not seek a vote on my amendment. Immediately following the debate, however, in his haste to keep the proceedings moving, the Chair called a vote, contradicting my intention to withdraw my amendment. With nobody apparently listening, or realizing there was a vote in progress—no "aye" or "nay" vote was heard—the Chair declared the voice vote in the negative.

I would like the RECORD to reflect that it was my intention to withdraw my amendment, because of Chairman REGULA's commitment to the Arts in Education program. I trust that commitment will not be affected by the procedural error.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PRICE of Georgia:

Page 69, line 1, after the first dollar amount insert the following: "(increased by $70,000,000)".

Page 69, line 3, after the dollar amount insert the following: "(increased by $70,000,000)".

Page 69, line 4, after the dollar amount insert the following: "(increased by $70,000,000)".

Page 82, line 10, after the dollar amount insert the following: "(reduced by $70,000,000)".

Page 82, line 12, after the dollar amount insert the following: "(reduced by $70,000,000)".

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would rise to commend the Chair and the committee for their work. I understand the difficult times that we are in and the decisions that are difficult that we need to make.

As a budget is a demonstration of our priorities, I offer a positive amendment in an effort to further highlight those priorities. Currently in the bill the Teacher Incentive Fund earmark has $100 million and the AmeriCorps earmark has $270 million. My amendment increases the funding for the Teacher Incentive Fund by $70 million and reduces that funding for AmeriCorps by the same amount.

President Bush asked in his budget for $500 million for the Teacher Incentive Fund in the FY 2006 budget. The Committee on Appropriations was only able to provide $100 million for this program. The Teacher Incentive Fund is a new teacher merit pay pilot initiative. Teachers and officials who improve student achievement of are provided with financial incentives, rewarding achievement. This is a good idea.

The Teacher Incentive Fund will carry out two goals: One, rewarding effective teachers teaching in schools most in need; and, two, rewarding effective teachers in schools that are top performers in closing the achievement gap and meeting the annual targets in No Child Left Behind.

Ask yourself, who made a real difference in your education? Most of us will remember one or two teachers who affected us in a very remarkable way. For me it was one of my high school teachers, Dr. Welch, and I will never, never forget how he challenged me to excel.

Teacher quality is the most important school-related factor influencing student achievement. One of the tenants of no child left behind is putting a qualified teacher in every single classroom. It is estimated that more than 2 million teachers will need to be hired over the next decade and the Teacher Incentive Fund will encourage more talented individuals into the field of teaching.

The AmeriCorps program is a program that was conceived under then-president Clinton, and, in short, the Federal Government is paying participants, paying participants, to participate in a volunteer capacity, sometimes up to $21,000 year. It is the antithesis of limited government. When the Federal Government assumes the job of private organizations, it encourages citizens to abandon their civic responsibilities.

According to GAO studies, the results of the AmeriCorps program are difficult to measure. Furthermore there are more than 83 million Americans who volunteer, meaning that the overall impact of AmeriCorps is minimal, especially given the level of funding provided.

This is a common sense amendment. It is consistent with our mission of improving education and limiting the spread of government. I urge my colleagues to support this amendment to improve education and our competitiveness in the world.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I rise in opposition to this amendment.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not think the gentleman is a big fan of AmeriCorps, and the attempt really here is to reduce AmeriCorps more than to enhance the other program, because we have already added $100 million in new money in the teacher innovation program. It is a great program, and I am a great believer that teachers are the key to a good education, so I do not quarrel with the idea. I wish we had more money to do that.

But, on the other hand, AmeriCorps is a very important program, because it is made up of volunteers, a lot of times young people. They get a little stipend to help with their education, but they do not get paid. You have volunteers who are working in a community, on education, public safety, probably doing mentoring for students, which is extremely important.

I think that perhaps the goal that the gentleman is trying to achieve is desirable, but the target the gentleman has, which is AmeriCorps, would be a mistake given the fact that AmeriCorps has a very important role to play.

I like volunteers. The President is a big booster of volunteers. He has a goal of getting 75,000 AmeriCorps members as volunteers, and this would in part stifle the President's goal of getting these people.

So I would hope the gentleman would withdraw his amendment, or at least not go to a vote on it, because I think the innovative program is good, but AmeriCorps is good, and in limited budgets we need to keep that program going.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, however well intended this amendment may be, it goes to the heart of what is very important in this country, and that is getting our young people to want to participate and be part of our society, and it employs a lot of young people from our urban areas. But, more important than that, is they work at minimum wage, but then they get a stipend to help pay for their education.

Why do we give away college grants, when young people are willing to work to get them? For me, this is so central to what we believe as Republicans: Do not give them a grant, have them earn it. They earn these grants, they do incredible service throughout the country, and it replaces having young people do a job just to do a job. They do meaningful, meaningful work.

Mr. REGULA. Mr. Chairman, reclaiming my time, I would just point out that the AmeriCorps members that would be reduced and perhaps eliminated serve 2 million children and youth in education-related programs, as I mentioned earlier, as mentors. They tutor children of prisoners and they train over 600,000 community volunteers. So it has a very powerful ripple effect throughout the community to have these AmeriCorps, most like young people, volunteers, seeking other people and training them to engage in service as mentors and so on.

Here you have two good programs, but, on balance, we have to at this juncture and with the limited resources we have, go with the AmeriCorps as opposed to adding more, in addition to the $100 million we already put in the program, for innovative education programs.

Mr. Chairman, I urge Members to oppose this amendment if it were to come to a vote.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the comments of the chairman and of the other Members who have spoken. I understand that, again, our budget is a budget of priorities. The President had requested $500 million for the Teacher Incentive Fund, and I believe that moving toward a budget that greater aligns our priorities in the area of education is important.

$200 million would be left in AmeriCorps; $200 million. That is not a paltry sum. In addition, the CBO has stated that this $70 million shift would in fact save $33 million. I do not know how they come up with those numbers, but that is how they score this. So we are spending $70 million and saving another $33 million.

I believe moving toward the Teacher Incentive Fund, which would, again, provide incentives for high quality teachers in our schools that would ultimately result in changing lives in a very positive way, is a positive amendment and a positive thing to do.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume just to close this out.

Mr. Chairman, I think, again, these are both good programs. We had to make choices. In balancing the equities between the two, inasmuch as we put the $100 million in the innovative program and that is yet to be developed as to how it will be accomplished. But, we know with AmeriCorps that they work in the communities, do a lot of great work in getting people involved in mentoring and all kinds of other activities, and on balance I think we have to make a choice here. So, I would urge Members to stay with the numbers that are in the bill, to stay with what we put in for AmeriCorps and not approve this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again, I appreciate those comments. I think this is a positive move to realign our budget priorities in a more positive way for education, and I urge my colleagues to support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I could have the attention of the gentleman from Ohio, I simply rise neither to speak for nor against this amendment, but simply to make an observation about it.

The situation that the gentleman from Ohio finds himself in on this issue is a very difficult one, because he is trying to balance between two legitimate claims on the Federal Treasury. We have seen, as was observed in the Washington Post article this morning, a parade of Members come down to the floor yesterday and today trying to wiggle out from the consequences of the budget resolution which was imposed on the entire House by the passage of that resolution.

Now, I do not like to be in that position. I have a little less sympathy for the gentleman from Ohio than I do for myself on this issue, because he voted for the budget resolution and I did not. But that being said, there is no right position on an amendment like this.

This issue simply demonstrates that when the money that you provide for education is inadequate, when it is inadequate to the needs of the Nation, then we are going to be eating each other's favorite programs, then you are going to have all kinds of interest groups in this country chewing on each other and each trying to get out from under at the expense of everybody else.

So I can actually understand why the gentleman opposes this amendment, because he needs some flexibility in conference to deal with some of the legitimate concerns that Members have. I love the program the gentleman from Georgia is trying to add money to. I had a son in the gifted and talented program. He was a National Merit scholar. Yet I would have a great deal of difficulty voting to add money for that program at the expense of programs that went to help less gifted and less advantaged children in this society.

So the amendment is half right and half wrong, and I hope, therefore, that the Members on the majority side and the minority side will understand why the gentleman from Ohio is so reluctantly against this amendment.

Mr. PRICE of Georgia. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, just by way of clarification, I appreciate the gentleman's comments, and budgets are difficult, there is no doubt about it, and they say where we are in the priorities.

Just by way of clarification, this fund is not for the talented and gifted program. This fund is to find high quality teachers and reward high quality teachers who increase achievement in schools and increase achievement in closing that gap.

Mr. OBEY. Mr. Chairman, reclaiming my time, I thank the gentleman for correcting me, I misheard. I happen to think that that is a tremendous program too. But the problem is all of these amendments, taken together, will limit the chairman's ability to provide any flexibility at all in conference to fix these problems. So I urge the gentleman to think about it. He might be surprised at which programs are going to be bitten if the gentleman does not have the flexibility that he needs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia (Mr. PRICE) will be postponed.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, as the gentleman knows, he and I have discussed on several occasions now my interest in funding the NCI, National Cancer Institute, for more money to expedite finding a cure for cancer or finding that cancer becomes a manageable disease. Twenty-five percent of the deaths in this country are caused by cancer. One out of every two men will get cancer. One out of every three women will be stricken with cancer.

Research is going forward at such a fast pace. I wanted to put together an amendment that would add $50 million for additional research centers designated by NCI.

I realize, picking up on what the gentleman from Wisconsin (Mr. OBEY) has just said, that this is a very tightly crafted bill; but I would ask the gentleman as chairman, and this is coming from one who has suffered from lung cancer, that the gentleman find that money, or look for the money in the conference, so that we can increase the funding for NCI so that we can expand those centers.

Mr. REGULA. Mr. Chairman, reclaiming my time, I thank the gentleman. We are very aware of the gentleman's concerns. We have added a modest amount for the cancer institute. I have had many discussions with the director, Dr. von Eschenbach; and what we are trying to do, and he is doing, the gentleman would be interested in, he is trying to coordinate the various research centers.

There are many good institutions throughout the United States doing cancer research; and because of the importance and the cost, we want to avoid duplication among these various institutions. So I think this program of trying to coordinate to ensure that they are not reinventing the wheel at each one of these places, because it is expensive, hopefully out of that effort there will be a more coordinated effort to target a cure for cancer because this would certainly be a great breakthrough.

Mr. SHAW. Mr. Chairman, if the gentleman will yield further. I very much appreciate that and sincerely hope the gentleman will be able to accomplish this. This is a tremendously important project. Dr. von Eschenbach is doing a huge job. By 2015, we could be looking at cancer through the rear-view mirror instead of every day worrying about some loved one or yourself as a sufferer of cancer.

Mr. REGULA. Mr. Chairman, reclaiming my time, I thank the gentleman for his interest.

Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 98, line 18, be considered as read, printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

The CHAIRMAN. There was no objection.

The text of the remainder of the bill through page 98, line 18, is as follows:

Safe Schools and Citizenship Education

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3, and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), $763,870,000, of which $400,000,000, shall become available on July 1, 2006, and remain available through September 30, 2007: *Provided*, That $400,000,000 shall be available for subpart 1 of part A of title IV and $152,537,000 shall be available for subpart 2 of part A of title IV: *Provided further*, That $132,621,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That of the funds available to carry out subpart 3 of part C of title II, up to $12,193,000 may be used to carry out section 2345 and $3,035,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

English Language Acquisition

For carrying out part A of title III of the ESEA, $675,765,000, which shall become available on July 1, 2006, and shall remain available through September 30, 2007, except that 6.5 percent of such amount shall be available on October 1, 2005, and shall remain available through September 30, 2007, to carry out activities under section 3111(c)(1)(C).

Special Education

For carrying out the Individuals with Disabilities Education Act, $11,813,783,000, of which $6,202,804,000 shall become available for obligation on July 1, 2006, and shall remain available through September 30, 2007, and of which $5,413,000,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006–2007: *Provided*, That $11,400,000 shall be for Recording for the Blind and Dyslexic, Inc., to support the development, production, and circulation of recorded educational materials: *Provided further*, That the amount for section 611(b)(2) of the Act shall be equal to the amount available for that activity during fiscal year 2005, increased by the amount of inflation as specified in section 619(d)(2)(B) of the Act.

Rehabilitation Services and Disability Research

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 ("the AT Act"), and the Helen Keller National Center Act, $3,128,638,000: *Provided*, That $29,760,000 shall be used for carrying out the AT Act, including $4,385,000 for State grants for protection and advocacy under section 5 of the AT Act and $5,086,000 shall be for alternative financing programs under section 4(b)(2)(D) of the AT Act: *Provided further*, That the Federal share of grants for alternative financing programs shall not exceed 75 percent, and the requirements in section 301(c)(2) and section 302 of the AT Act (as in effect on the day before the date of enactment of the Assistive Technology Act of 2004) shall not apply to such grants.

Special Institutions for Persons With Disabilities

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $17,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $56,137,000, of which $800,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $107,657,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

Vocational and Adult Education

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Adult Education and Family Literacy Act, and subparts 4 and 11 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), $1,991,782,000, of which $1,196,058,000 shall become available on July 1, 2006, and shall remain available through September 30, 2007, and of which $791,000,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007: *Provided*, That of the amount provided for Adult Education State Grants, $68,581,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, $9,096,000 shall be for national leadership activities under section 243 and $6,638,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That $94,476,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965, of which up to 5 percent shall become available October 1, 2005, and shall remain available through September 30, 2007, for evaluation, technical assistance, school networking, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2006, and remain available through September 30, 2007, for grants to local educational agencies: *Provided further*, That funds made available to local education agencies under this subpart shall be used only for activities related to establishing smaller learning communities in high schools.

Student Financial Assistance

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $15,283,752,000, which shall remain available through September 30, 2007.

The maximum Pell Grant for which a student shall be eligible during award year 2006–2007 shall be $4,100.

Student Aid Administration

For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, as amended, $124,084,000.

Higher Education

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), as amended, section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Vocational and Technical Education Act, $1,936,936,000: *Provided*, That $9,797,000, to remain available through September 30, 2007, shall be available to fund fellowships for academic year 2007–2008 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further*, That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998: *Provided further*, That $980,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and

Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act.

Howard University

For partial support of Howard University (20 U.S.C. 121 et seq.), $240,790,000, of which not less than $3,524,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

College Housing and Academic Facilities Loans Program

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, as amended $573,000.

Historically Black College and University Capital Financing Program Account

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965, shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $210,000.

Institute of Education Sciences

For carrying out activities authorized by the Education Sciences Reform Act of 2002, as amended, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $522,696,000, of which $271,560,000 shall be available until September 30, 2007.

Departmental Management

Program Administration

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $418,992,000.

Office for Civil Rights

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $91,526,000.

Office of the Inspector General

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $49,000,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. In addition, for carrying out subpart 1 of part A of title IV of the Higher Education Act of 1965, $4,300,000,000 for the purpose of eliminating the estimated accumulated shortfall of budget authority for such subpart for awards made through the award year 2005–2006, pursuant to section 303 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

This title may be cited as the "Department of Education Appropriations Act, 2006".

TITLE IV—RELATED AGENCIES

Committee for Purchase From People Who Are Blind or Severely Disabled

SALARIES AND EXPENSES

For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,669,000.

Corporation for National and Community Service

Domestic Volunteer Service Programs, Operating Expenses

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $357,962,000: *Provided*, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level: *Provided further*, That notwithstanding section 122(c) of the Act, the Corporation shall make available up to $2,000,000 under part C of title I of the Act in a grant to support Teach for America's efforts to address educational inequity in low-income rural and urban communities.

National and Community Service Programs, Operating Expenses

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the "Act") (42 U.S.C. 12501 et seq.), $523,087,000, to remain available until September 30, 2007: *Provided*, That not more than $270,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust Program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities of the AmeriCorps program), including grants to organizations operating projects under the AmeriCorps Education Awards Program (without regard to the requirements of sections 121 (d) and (e), section 131(e), section 132, and sections 140 (a), (d), and (e) of the Act): *Provided further*, That not less than $146,000,000 of the amount provided under this heading, to remain available without fiscal year limitation, shall be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), of which up to $4,000,000 shall be available to support national service scholarships for high school students performing community service, and of which $10,000,000 shall be held in reserve as defined in Public Law 108–45: *Provided further*, That in addition to amounts otherwise provided to the National Service Trust under the second proviso, the Corporation may transfer funds from the amount provided under the first proviso, to the National Service Trust authorized under subtitle D of title I of the Act (42 U.S.C. 12601) upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to Congress: *Provided further*, That of the amount provided under this heading for grants under the National Service Trust program authorized under subtitle C of title I of the Act, not more than $55,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): *Provided further*, That not more than $9,945,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.), of which $4,000,000 shall be available for challenge grants to non-profit organizations: *Provided further*, That notwithstanding subtitle H of title I of the Act (42 U.S.C. 12853), none of the funds provided under the previous proviso shall be used to support salaries and related expenses (including travel) attributable to Corporation employees: *Provided further*, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided further*, That $25,500,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further*, That $40,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): *Provided further*, That $4,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639):

Provided further, That $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than $2,500,000 may be used to support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: *Provided further*, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): *Provided further*, That $5,000,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc.: *Provided further*, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs: *Provided further*, That notwithstanding section 501(a)(4) of the Act, of the funds provided under this heading, not more than $12,642,000 shall be made available to provide assistance to state commissions on national and community service under section 126(a) of the Act: *Provided further*, That the Corporation may use up to one percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviewers.

NATIONAL AND COMMUNITY SERVICE PROGRAMS

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $27,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $6,000,000, to remain available until September 30, 2007.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs, including any grantee that has been determined to have violated the prohibition of using Federal funds to lobby the Congress: *Provided*, That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs.

For fiscal year 2006, the Corporation shall make any significant changes to program requirements or policy only through public notice and comment rulemaking. For fiscal year 2006, during any grant selection process, no officer or employee of the Corporation shall knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

Corporation for Public Broadcasting

(INCLUDING RESCISSION)

Of the amounts made available to the Corporation for Public Broadcasting for fiscal year 2006 by Public Law 108–199, $100,000,000 is rescinded; up to $30,000,000 is available for grants associated with the transition of public television to digital broadcasting including costs related to transmission equipment and program production, development, and distribution, to be awarded as determined by the Corporation in consultation with public television licensees or permittees, or their designated representatives, and up to $52,000,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934, as amended, for replacement and upgrade of the public television interconnection system: *Provided*, That section 396(k)(3) shall apply only to amounts remaining after the allocations made herein.

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for fiscal year 2008, $400,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

Federal Mediation and Conciliation Service

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $42,331,000: *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

Federal Mine Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $7,809,000.

Institute of Museum and Library Services

Office of Museum and Library Services: Grants and Administration

For carrying out the Museum and Library Services Act of 1996, $249,640,000, to remain available until expended.

Medicare Payment Advisory Commission

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $10,168,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

National Commission on Libraries and Information Science

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $993,000.

National Council on Disability

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,800,000.

National Labor Relations Board

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $252,268,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

National Mediation Board

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $11,628,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $10,510,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $97,000,000, which shall include amounts becoming available in fiscal year 2006 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $97,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2007, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $102,543,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $7,196,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,470,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $29,533,174,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2007, $11,110,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $9,159,700,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than $2,000,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2006 not needed for fiscal year 2006 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, $119,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2006 exceed $119,000,000, the amounts shall be available in fiscal year 2007 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act (Public Law 108–203), which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $26,000,000, together with not to exceed $66,805,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that

will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

POINT OF ORDER

Mr. SHAYS. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SHAYS. Mr. Chairman, I make a point of order against section 511. This section violates clause 2(b) of House rule XXI. It proposes to change existing law and, therefore, constitutes legislation on an appropriation bill in violation of House rules.

I do this on behalf of the gentleman from Virginia (Chairman TOM DAVIS) of the Committee on Government Reform.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. REGULA. Mr. Chairman, we are not going to object, because I understand the correctness of this. I just would point out this has been carried in this particular bill since 1997 without being objected to. But, technically, the gentleman is correct; and, therefore, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained. The section is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 512. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d-2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as amended by the Children's Internet Protections Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protections Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 516. None of the funds appropriated in this Act may be used to enter into an arrangement under section 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(4)) with a nongovernmental financial institution to serve as disbursing agent for benefits payable under the Railroad Retirement Act of 1974.

SEC. 517. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

SEC. 518. Section 1015(b) of Public Law 108-173 is amended by striking "2005" and inserting "2006".

SEC. 519. (a) None of the funds made available in this Act may be used for the payment or reimbursement, including payment or reimbursement under the programs described in subsection (b), of a drug that is prescribed to an individual described in subsection (c) for the treatment of sexual or erectile dysfunction.

(b) The programs described in this subsection are the medicaid program, the medicare program, and health related programs funded under the Public Health Service Act.

(c) An individual described in this subsection is an individual who has a conviction for sexual abuse, sexual assault, or any other sexual offense, and includes any individual who is registered (or who is a person required to register) under section 170101 or 170102 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071, 14072).

□ 1000

AMENDMENT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GEORGE MILLER of California:

At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds appropriated by this Act may be used by the Pension Benefit Guaranty Corporation to enforce or implement the "Settlement Agreement By and Among UAL Corporation and all Direct and Indirect Subsidiaries and Pension Benefit Guaranty Corporation", dated April 22, 2005.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Ohio (Mr. REGULA) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I join the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from New York (Mr. CROWLEY) to offer an amendment which will be the first time that will allow Congress, and perhaps the last time, to save the hard-earned retirement benefits of 120,000 workers and retirees at United Airlines.

Unfortunately, United Airlines has become a poster child for what is wrong with the private pension in this country. United filed for bankruptcy over 2 years ago and forced one wage concession after another from its workers, and then it unilaterally decided that it would stop making the legally required pension contributions to its plans. It dragged on the negotiations with its employees and then, in the middle of the night, got up from those negotiations and dumped those retirement plans into the PBGC, causing those employees to lose somewhere from 30 to 60 percent of their retirement nest egg, of their retirement assets, of their future standard of living. That is what these people lost because United decided it would no longer negotiate to try to find a solution to this problem.

We see Delta Airlines that has frozen its pension plan, has asked to stretch out its payments so that it can protect the assets of its employees. United chose another idea: It would simply dump these liabilities onto the taxpayers of the United States of America. What United was not telling anybody was the truth. They were not telling them about their funding of their pension plans, about their liabilities of their pension plans. They simply decided they would terminate these plans in the PBGC.

So this is our chance. This is our chance to try to save the retirement nest eggs of the flight attendants, of the ramp workers, of the pilots, of all of the people that have given so much to have this airline continue to fly. We held an E-hearing. Over 2,000 people participated and told us what the real impact of these cuts would be on their families, on their children, on spouses with illnesses, on their parents. People who had worked 30, 35, 40 years for this company now find out that they have been terminated with no chance to go back.

This amendment says United Airlines has got to go back to the bargaining table and work out a provision to take care of this.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment, and I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I thank the chairman for yielding me this time.

I rise in opposition to this amendment because it seeks to overturn two court decisions and what Judge Wedoff said was "The least of the bad" alternative "choices here has got to be the one that keeps the airline functioning, that keeps employees being paid." We have to look out for the interests of all people, especially the 62,000 employees of United Airlines right now, just crawling out of bankruptcy, on whom the future of the entire western Chicagoland region, O'Hare Airport, and many of the related businesses depend. If we push United into bankruptcy, and especially if we push her further into liquidation, we will not only have an employee pension problem, but we will have a massive unemployment problem. We will also jeopardize the crown jewel of the economic development programs for Illinois, which is the modernization of O'Hare airport. O'Hare airport and its modernization depends on a functioning United Airlines. And for us to interfere with the two court decisions and the already declared decisions of four unions with United is a great mistake.

I think we should make sure that this process moves forward, we should make sure that this airline continues to function, and we should make sure that the 62,000 current employees of United are allowed to find their way back into profitability so they can put food on their table, especially in my district and other Illinois districts.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY), cosponsor of the amendment.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today, with the gentleman from California (Mr. GEORGE MILLER) and the gentleman from New York (Mr. CROWLEY), to offer an amendment that would protect the retirement security of dedicated United Airlines employees and retirees who support, and I want to underscore that, who support our amendment.

Our amendment would stop the Pension Benefit Guaranty Corporation from taking over United's four pension plans in one fell swoop. Our amendment would give Congress a chance to work out a better solution than pension termination.

I urge my colleagues to support this amendment because the threat to United's employees is real. This is not a straight hand-off from United to the PBGC. Although United's pension liability is $9.8 billion, the PBGC is only assuming $6.6 billion of the debt to United workers. The takeover of the plans will result in pension benefit cuts averaging 25 to 50 percent, a loss of $3.2 billion, for men and women who have worked for years with the promise of a secure pension. And it is on top of the $3 billion in concessions United employees already made.

We are on the cusp of a pension crisis in this country. The PBGC, without United, has a $23 billion deficit, and other companies are waiting in line to dump their pension benefits.

I urge my colleagues to support this measure.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I rise in strongest opposition to the Miller amendment. Five unions have been involved in the negotiation process here to ensure that over 60,000 people are able to keep their jobs and a very, very important company continues to remain alive.

There is one union that has chosen not to be supportive of this. The fact that one union is not supportive of this agreement working between United Airlines and the Pension Benefit Guaranty Corporation has now created a scenario where we want to take the entire package down, and I believe that it would undermine a very important part of the commerce of the United States of America. We all know how important the airline is to the very vibrant economy that we have today.

So I urge my colleagues to oppose the Miller amendment and let us proceed to ensure that we do not see 62,000 people lose their jobs.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY), a cosponsor of the amendment.

Mr. CROWLEY. Mr. Chairman, I thank my friend and colleague from California for yielding me this time.

Mr. Chairman, I rise in strong support of the Miller-Schakowsky-Crowley amendment and urge all our Members here in the House to support it.

Is this amendment a cure to our Nation's employee pension problems? No. The problem is PBGC jumped too easily at a deal to put taxpayers on the hook for pensions, while allowing United to walk away from its responsibilities to its employees.

Representing the district that houses LaGuardia Airport and serving many Delta employees, I have real concerns about the bad precedent set by PBGC and worry that other airlines, and soon other industries, will follow United's lead.

As we know, Delta recently stated that it must pay $2.6 billion over the next 3 years to meet the obligations of its defined benefit pension plan. The carrier has warned in the past that its growing obligation poses a threat to restructure and avoid a bankruptcy filing. At the same time, UAL Chief Executive Gerald Grinstein has said that United would gain a competitive advantage on rivals by dumping its employee pension obligation.

This is bad precedent. Real pension reform is needed, and this amendment is to serve as a wake-up call to that fact.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

I would just point out to the Members that this is a very delicately balanced arrangement and I think the risk to all of this is that if we were to adopt this amendment, the benefits that now are available to retirees under PBGC could even be lost, plus a lot of jobs could be lost. And we are inserting ourselves or would be inserting ourselves into something that has been worked out among all the parties in a way that is in the best interest of both active employees and retirees, and this is not the appropriate forum to deal with this subject.

We have legislation moving through the Committee on Education and the Workforce dealing with pensions, and this would set a precedent, I think, for our body, the U.S. House, to interject itself in something that should be handled by the parties, and I think what they are trying to do is to work it out in a way that is in the best interest of both the active employees and retirees.

For this reason we object to the amendment, and this is not the proper forum to bring this kind of an amendment or to make a decision with the consequences that this would have.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Miller amendment.

Mr. Chairman, employees and retirees at United Airlines played by the rules and deserve what they expected—a solid pension payment to support their retirement years. But instead of the promised income they were counting on to help cover their kid's college tuition; their own health care; or, the mortgage payments on their houses, they were left with a court ruling dumping their dreams into the pension guaranty benefit corporation (PBGC), which is significantly less than what they were counting on. And, guess who fools the bill?—the tax payers!

Over 2,000 email statements from United Workers were recently submitted into an e-hearing conducted by Representatives GEORGE MILLER and JAN SCHAKOWSKY.

One of my constituents, Ms. Elenor Barcsak wrote: "I worked for United Airlines as a flight attendant for 37 years . . . when I turned 60 years old I was told that it would be totally safe to retire as my pension, that I had paid into as a union member for all those years, was TOTALLY protected.

She continued—I am a homeowner in Marin County since 1972 but I still have mortgage payments. I am assisting my family financially as my mother is in a nursing home [in Canada] and my younger sister has been on welfare. The impact of my pension check being reduced by as much as half will be devastating." Mr. Chairman, I urge my colleagues to support the Miller amendment to prevent United Airlines from dumping its pension into the PBGC and reducing the benefits promised to these loyal workers.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 10 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I support this amendment not just for the compelling reasons of the gentleman from California (Mr. GEORGE MILLER), but because if it is allowed to stand as a precedent, it will cost the American taxpayer tens of billions of dollars in additional pension costs.

Support the American taxpayer and support the Miller amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself the balance of my time.

Just 18 days before United dumped its pension plans into the PBGC, the PBGC wrote and said that it would be in the best interest of the participants and the pension plan insurance program would be best served by the continuance of the flight attendants pension plan. United got up in the middle of the night, unilaterally threw this in.

What we are trying to tell United is go to the marketplace, go look for private solutions to this debt, get this debt covered, people do it all the time. Companies do it all the time, countries do it all the time, before they come to the taxpayer.

The gentleman from Virginia (Mr. MORAN) is right. We may very well be looking at the opening night act of a new savings and loan scandal because we let these people come in, because they unilaterally decided termination was their first choice, going to the taxpayer was their first choice. It should be their last choice.

This amendment simply says go back to the bargaining table and exhaust all of their remedies before they come to the taxpayer.

Vote for the Miller-Schakowsky-Crowley amendment and take care of people who play by the rules.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of this amendment. We have heard a number of Members on the majority side of the aisle say we should not overturn a court decision.

Where were you on the Schiavo case when you brought the Congress back in order to stick your nose into the very painful end-of-life decisions that were made by a family in agony? You did not hesitate to try to overturn a court decision then. Get straight, fellows, come on.

This amendment is absolutely necessary if we are going to stop the dumping of pension obligations on the taxpayers of the United States. The taxpayers have enough trouble now getting their representatives to do real things to fix Social Security and now they are going to dump the responsibility for private pensions on the taxpayer as well. That is goofy and it is gutless. It is stupid. It is negligent. Outside of that, it is a terrific idea.

What I would say is this, and I hope the House remembers this when the Treasury bill is on the floor next week because I got added to that bill a requirement that the General Accounting Office do a study to determine whether or not we need to re-regulate the airlines and treat them as a necessary public utility providing service to every community in this country in order to save our pension system for airline employees. If we do not do that, if we do not do that, we can bet there will not be a single airline that has a private pension system by the end of the decade. There will be a race to the bottom in terms of costs, and the first people who are going to get run over in that race are going to be the workers who thought they had a private pension system.

This Congress needs to start talking about matters that affect the people back home rather than continuing to focus on matters that deal with the welfare of people inside the system and inside the Beltway in Washington. It is about time Congress quit paying attention to little details that have nothing to do with people's lives and start focusing on big problems like preservation of their private pensions. This is the only way that we can fire a shot across the do-nothing leadership of this Congress' bow and get some movement on this crucial pension issue.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding to me.

I would just like to make the point this does not turn over any court decisions. United has yet to file a business plan with the creditors committee. The fact of the matter is this is the only opportunity we are going to have to have them go back and negotiate and try to use private systems to solve this problem before they come to the taxpayers.

□ 1015

So this does not tamper with any court decisions or with the ability of United to go forward.

Mr. OBEY. Mr. Chairman, reclaiming my time, without this amendment, Uncle Sam is being Uncle Sucker.

Mr. REGULA. Mr. Chairman, I yield myself the remaining time.

I say this to my colleagues who are watching us on C–SPAN: I think the debate illustrates the complexity of this issue. This is not the proper forum to adjudicate the problem of United or any other airline's pension plan or the problems that confront PBGC. I would hope that the Committee on Education and the Workforce that is dealing with the pension problems would address situations similar to this.

This amendment has far-reaching consequences. That is illustrated by the fact that we heard a number of extraneous matters injected into this, including the Schiavo case. I would urge Members to vote against this because it is simply not the right forum to try to deal with a very difficult problem, and it will not be the last problem. Other airlines are going to be faced with this; and I think the gentleman from Wisconsin (Mr. OBEY) is right, we need to take a look at this in the long term, but this is not the place to do it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

PARLIAMENTARY INQUIRY

Mr. GEORGE MILLER of California. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GEORGE MILLER of California. Mr. Chairman, I believe, under the traditions of the House, the Chair is the Speaker of the Whole House, and the Chair has an obligation to call the vote in the manner in which the vote was arrived at under the voice vote. It is not a question of whether the ayes or the noes will prevail on a recorded vote. The question is what happened on the floor at that particular time. In this instance, the yeas prevailed, and the Chair said the noes prevailed.

A number of years ago, we had very heated debates on this floor from the Republican side, from Mr. Walker, because they felt that they were insulted, especially when cameras came into this Chamber, that the Chair would call votes against their interests when they clearly prevailed on the voice. The Chair was admonished by the Speaker of the House, and we went back to what was the traditionally fair point of view.

So I would ask the Chair in the future, and future Chairs, to recognize that the Chair is calling the event that takes place in front of the Chair on the floor, not what the Chair perceives to be, and may be correctly so, the outcome of the vote later on in the day when the recorded vote is taken.

Mr. Chairman, I demand a recorded vote on the Chair's ruling.

The CHAIRMAN. The gentleman will restate his request.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote on my amendment.

The CHAIRMAN. Is there objection to considering the request for a recorded vote as timely?

Hearing none, a recorded vote is ordered.

Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) will be postponed.

Mr. REGULA. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, unfortunately, in the UC agreement that we have before us, the wrong amendment is listed. It actually amends title I; so, therefore, it should be out of order. It was supposed to be on the Reading is Fundamental program, which is much more appropriate to this title, and I have asked the chairman if he would engage in a colloquy.

My amendment, which could not be introduced because of the error, specified that $25,296,000 in the School Improvements program be dedicated specifically to the Reading is Fundamental program. I seek assurances from the chairman that this program will receive adequate funding when the final numbers are decided in the conference with the Senate.

It is very well documented, Mr. Chairman, that a great number of children and adults struggle with reading. Thirty-seven percent of American fourth graders read below the basic level on the National Assessment of Education Progress Reading Test. Additionally, 55 percent of all fourth graders eligible for free or reduced lunch score below what is called the "Basic." This sad state of affairs is perpetuated as 40 million adults in the U.S. cannot even read a simple child's story.

The Reading is Fundamental program is a time-tested program that has combated illiteracy since 1966. Reading is Fundamental is a family literacy organization that helps children discover the joy of reading. It provides new books to children in many communities; and last year alone, Reading is Fundamental provided 17 million new, free books to close to 5 million kids across the country. It engages children and their parents to utilize all aspects of a child's environment: the school, the home, the community, all to reinforce literacy.

I would like to learn more from the chairman about his views on this program and if he will assist in making sure that funding is appropriated.

Mr. REGULA. Mr. Chairman, reclaiming my time, I thank the gentlewoman for bringing this program to the attention of the House.

One of my goals as chairman of the subcommittee is to help ensure that all children can read by the end of the third grade. I might add at this point that I think one of the reasons for the excessive amount of dropouts in high school is because there is a lack of ability to read. It is a disgrace in the United States that 32 percent on average nationwide do not finish high school.

Providing books for children to read in their own homes is obviously an integral part of this effort. That is what the Reading is Fundamental program does. Although the program does not receive a separate line item in our report, we have assumed funding for it within the totals already provided and will work with the other body in conference to ensure that it receives sufficient resources.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I thank the gentleman for his support.

AMENDMENT OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. BROWN of Ohio:
>
> At the end of the bill (before the short title), insert the following:
>
> SEC. ____. None of the funds made available in this Act may be used for funding the operations of the Medicaid Commission (established on May 19, 2005, and chartered under section 222 of the Public Health Service Act and the Federal Advisory Committee Act).

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Ohio (Mr. BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

This amendment does not require much explanation. The Bush administration created a Medicaid Commission and invited Members of Congress to participate. Then they informed us that Members of Congress would not get a vote. It is not the Bush administration's responsibility to reform Medicaid. That is our job. Yet, the Bush administration did not give Members of Congress a vote.

What does this administration have to do before we draw the line, take over the appropriations process, sign bills before we pass them? It is our job, Mr. Chairman, to refine government programs under our jurisdiction. It is the administration's job to provide input. Theirs is a nonvoting position. The onus of responsibility is on us. We should not shirk it.

Vote for this amendment because you are not paid as Members of Congress to blame Medicaid for health care costs it does not generate. Medicaid is the insurer, not the patient. Vote for this amendment because you are not paid to blame impoverished children, the disabled, and the elderly for needing care or your constituents for feeling compassion towards them. Vote for this amendment because you know you cannot bring health care costs down by making it more difficult for poor people to receive it through normal channels. If a poor mother's child has an alarmingly high fever and she has no access to a primary care doc, she will take her to the emergency room. Who can blame her for that?

If you want to do something about the increase in Medicaid spending, do something about rising health care costs, do something about inflated prescription drug costs, do something about health care infomercials and glossy drug advertising, do something about medical errors, come up with a responsible medical malpractice reform plan. Do something that responds to the actual issue, not a symptom of it.

If a commission would be useful, let us make it a health care commission, and let us ask its members to recommend measures to stabilize health care spending, and let us give the Bush administration a vote on that commission. But do not allow the Bush White House to put Medicaid on trial as if it is some two-bit criminal when Medicaid is actually a lower-cost health insurer than any private insurer out there. Medicaid is a lower-cost health insurer than any private insurer out there. Do not let the Bush administration take health care away from the poor so it can give tax cuts to the rich.

Our government has three branches. Let us make sure the executive branch does not do our jobs for us. It may be more difficult to confront health care costs directly than to make a scapegoat of the Medicaid program, but we are not in office to take the easy path. We are in office to take the right path.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I rise in opposition to this amendment, and I yield myself such time as I may consume.

Mr. Chairman, this amendment would prohibit funds in this bill from being used to operate the Medicaid Commission. I think we want to know what the facts are, because it is pretty much a consensus of opinion in this country that Medicaid and Medicare are going to be even greater costs than Social Security down the road. Therefore, this commission is tasked with producing recommendations to have a $10 billion saving in Medicaid.

We all say we want to keep the Federal budget under control. Well, one of the things you do is get information, and that is what this commission is all about. I do not think we want to doom it to failure before it even begins its work.

I would point out that our authorizing committees are struggling to develop reconciliation savings that include Medicaid, and they need the input of the commission. What we need to do is to look at it and see where we can save money, and I think it would be a poor management decision to preclude their ability, the ability of Health and Human Services and Secretary Leavitt, to address a very serious problem that affects all Americans significantly.

Mr. Chairman, I would urge my colleagues to vote against this amendment if it comes to a vote.

Mr. Chairman, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Chairman, I yield the remainder of my time to the gentlewoman from California (Mrs. CAPPS), a registered nurse and one of this body's best advocates for public health.

Mrs. CAPPS. Mr. Chairman, I rise in strong support of the Brown amendment. Over the objections of many of us, the budget resolution arbitrarily cut $10 billion out of Medicaid. According to CBO, Medicaid provides health care for 28 million poor children, 16 million working parents, 6 million elderly people, and 9 million disabled people.

Mr. Chairman, these cuts are not illusory. They are not tiny amounts of money. They are billions of dollars that go to our hospitals, our doctors, our nursing homes, and our home health providers. They are the indispensable link in ensuring that these 55 million people Medicaid serves get the health care they need. The cuts will mean one of three things. States will make up the difference. Unlikely, since they are making do with less already. Or providers will take less for the services they provide, and they are already losing money, so scratch that idea. Or the third scenario, poor people will get less health care, and that is, unfortunately, what will happen.

I oppose these cuts. I did not support the creation of the Medicaid Commission. The challenges we face in Medicaid are not caused by Medicaid. They are caused by a failing health care system.

□ 1030

Using a commission to arbitrarily cut Medicaid funds by $10 billion will not solve anything. It will just pass the buck to those around us, those in society who have the least and who are the neediest.

This is an immoral action which does not reflect the values of our country. I urge my colleagues to support the Brown amendment.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just reiterate that I think it is vitally important that we have a commission to look at the whole Medicaid program, because it is getting extremely expensive. And we want to have the best possible information and ideas as the Congress prospectively tries to address the burgeoning costs of Medicaid, and, of course, as a corollary to that Medicare.

They are tasked with producing recommendations to achieve $10 billion in Medicaid savings. And I cannot believe the body would not want to at least have a commission to look at the problem that is obviously looming on the horizon.

Mr. Chairman, therefore, I would urge my colleagues to vote against this if it were to come to a vote. We are going to be confronted with some very difficult choices in the future, as we found out on the Social Security issue.

And I think the Medicaid-Medicare issue will be even more challenging in the years ahead. And so now is the time to get as much information, as many ideas as we possibly can, to address a very difficult problem.

Mr. Chairman, I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have, as he certainly knows, great respect for my colleague, the gentleman from Ohio (Mr. REGULA), whose district and mine touch each other, are contiguous.

And I just would reiterate though on this amendment that this is a Medicaid commission that the White House is not even giving Members of Congress a vote on reforming the whole system. So they are going to come here with the commission recommendation from the White House to Congress about cutting $10 billion, but are not even going to give any real congressional input because we will not even be able to vote on these recommendations.

So in that vein, I ask Members of this body to support the Brown amendment on Medicaid.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. BROWN).

The question was taken; and the Chairman announced that the noes appeared to have it.

POINT OF ORDER

Mr. BROWN of Ohio. Mr. Chairman, I watched this, and I understand how the roll call vote is going to come out. But I watched this with the gentleman from California (Mr. GEORGE MILLER's) amendment. It was the same issue.

Mr. Chairman, there were 10 or 12 of us over here saying yes, and 3 or 4 or 5 over there saying no.

The CHAIRMAN. If the gentleman intends to ask for a recorded vote he should do so now.

Mr. BROWN of OHIO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. BROWN) will be postponed.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Florida (Mr. KELLER) for a colloquy.

Mr. KELLER. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, I initially planned to offer an amendment today to increase the maximum Pell grant award to $4,150. By increasing Pell grant funding by $211 million, that would be funding through an offset by cutting administrative expenses under this bill by 4.86 percent.

Mr. Chairman, I would like to engage in a colloquy with Chairman REGULA and Chairman BOEHNER regarding this amendment; and I would consider not offering this amendment if I can hear their comments regarding the possibility of ultimately seeking a maximum higher Pell grant award through good-faith negotiations with the Senate during the conference process.

Mr. REGULA. Mr. Chairman, I am pleased to engage in a colloquy with the gentlemen from Florida (Mr. KELLER) and the gentleman from Ohio (Mr. BOEHNER).

Mr. KELLER. Mr. Chairman, let me begin by just putting this issue in a bit of a historical perspective. Looking at this chart, it reflects the Pell grant maximum awards over the past 10 years. And you can see, 10 years ago, in 1986 the maximum Pell award was $2,100. This year it is $4,100.

The yellow reflects the period of time that the Democrats were in control of Congress, the red reflects the time when Republicans took over Congress. And you can see the relative spikes in the Pell grant funding. It was essentially flatlined for about 10 years before Republicans took over.

Now, when I got here to Congress, elected in 2000, we were spending $7.6 billion a year in Pell grants. The maximum award was $3,300. This year we are spending $13.4 billion a year on Pell grants, and the maximum award is up to $4,100. That is an increase of 76 percent in overall total Pell grant funding.

In addition to the $13.4 billion we have in the bill this year for Pell grants, the bill also lists a very important addition of $4.3 billion to retire the Pell grant shortfall that has accumulated in the program over the past several years because of higher-than-expected student participation.

That is a grand total of $17.7 billion for Pell grants, the largest investment in Pell grants in the history of the United States. I want to commend and thank both the gentleman from Ohio (Chairman REGULA) and the gentleman from Ohio (Chairman BOEHNER) for their strong leadership in increasing Pell grants, which has resulted in an additional $1.5 million young people being able to go to college since the year 2000.

Mr. Chairman, let me tell you why I drafted this amendment today, though. On January 14, 2005, President Bush gave a speech in Florida where he said, "We want to increase the Pell grants by $100 per year over the next 5 years. Pell grants are important. That is why we want to expand them."

I agree with President Bush about the importance of increasing Pell grants. Pell grants are truly the passport out of poverty for so many deserving young people. I myself would not have been able to go to college without Pell grants. And I have the honor and privilege of serving as Chairman of the Congressional Pell Grant Caucus.

On February 7, 2005, President Bush followed up his Florida speech on Pell grants by submitting a budget which also called for increasing the Pell grant maximum award of $4,050 by an additional $100 this year. On May 26, 2005, I sent the gentleman from Ohio (Chairman REGULA) a letter signed by 46 Members of Congress, which encouraged the Appropriations Committee to fully fund the $4,150 request by President Bush.

This bill does, in fact, increase the overall award, but only by $50, not the $100 requested by President Bush. And so the purpose of my amendment was to fully fund the President's request.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Ohio (Mr. REGULA) at this time to see if he would be willing to work with the Senate during the conference to see if it is possible to increase the Pell grant funding to an amount sufficient to fully fund this $4,150 request by President Bush.

Mr. Chairman, I would also like to hear the comments of the gentleman from Ohio (Chairman BOEHNER's) comments on the issue as well.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I agree with the gentleman from Florida (Mr. KELLER) that the Pell grant program plays an essential role in helping disadvantaged students pursue a college education.

And for more than 30 years, the Pell grant program has served as the foundation of Federal need-based student aid.

I further applaud my colleague and a member of our committee from Florida (Mr. KELLER) for his strong leadership in supporting the Pell grant program, and as Chairman of the Pell Grant Caucus, and for his sharing with us his personal experiences as a former Pell grant recipient.

The gentleman is correct to point out that the Republican Congress has provided unprecedented support for Pell grants. Funding for Pell grants doubled in the last 10 years, and today we are proposing to add more than $1 billion in additional funding. The number of students receiving Pell grants has risen significantly, and today about 5.3 million students are attending college with the help of a Pell grant.

So I want to thank my colleague from Ohio (Mr. REGULA), the dean of our delegation, for his leadership as chairman of the Labor-HHS Appropriations Subcommittee. He has been a strong advocate on behalf of education programs, and it has been a privilege to work with him in support of our priorities.

Given the constraints that the gentleman from Ohio (Mr. REGULA) is working with, I fully understand. I agree with my colleague from Florida (Mr. KELLER) that we should do all we can to increase the maximum award.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Florida (Mr. KELLER), both of the Education and the Workforce Committee. I, too, agree that Pell grants are a fundamental part of our efforts to ensure low- and middle-income students have the opportunity to pursue postsecondary education.

As the gentlemen have pointed out, Republicans have a proud history of providing funding for the Pell grant program. I am particularly pleased that in this bill, we will erase the $4.3 billion shortfall that had existed within the program, and put the program on a solid financial footing.

We are also increasing the Pell grant maximum award to $4.100, the highest level in the history of the program, and it is very evident from the chart there. And I would point out that if you take a look at that chart, where we became the majority party in 1994, and you can see the rapid ascendency of the Pell grant program.

As the gentleman from Florida (Mr. KELLER) is aware, increasing the Pell grant maximum award, even incrementally, is costly. Each $100 we add is estimated to cost $420 million. As the number of low-income students pursuing college continues to increase, the demand for Pell grants will grow as well.

Mr. Chairman, I am pleased to have worked closely with the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Florida (Mr. KELLER) to provide the resources necessary to help low- and middle-income students gain access to college through Pell grants.

As for the conference negotiations, obviously I cannot guarantee any particular outcome. However, I will make a good-faith effort to increase the maximum Pell grant award, provided resources are available to do so.

I thank the gentleman for engaging in this colloquy, and I look forward to working with him in the future to continue to support this important program.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Florida.

Mr. KELLER. Mr. Chairman, in light of the comments by the gentleman from Ohio (Mr. REGULA) and the comments of the gentleman from Ohio (Mr. BOEHNER) to at least make a good-faith effort to try to increase the maximum Pell grant award during the conference process, I will not offer my amendment at this time.

AMENDMENT OFFERED BY MR. HONDA

Mr. HONDA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HONDA:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to require a local educational agency to provide student information to military recruiters pursuant to section 503(c) or title 10, United States Code, or section 9528(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7908(a)) without parental consent.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from California (Mr. HONDA) and a Member opposed each will control 5 minutes.

Mr. REGULA. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. A point of order is reserved. The gentleman from California is recognized.

Mr. HONDA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of parents and students within my own Silicon district, and from parents and students across this country.

The privacy of high school students across this Nation is compromised by a provision of the Elementary and Secondary Education Act, also known as No Child Left Behind, which requires school districts to provide the personal, private information of students to military recruiters at the risk of losing scarce Federal dollars.

Parents in my district complain to me that their children were being persistently contacted at home by military recruiters. These parents wanted to know how the military recruiters got their children's personal, confidential information, including home phone numbers and addresses.

My amendment would prohibit the Department of Education from withholding education dollars from school districts that decline to provide private student information to military recruiters. The decision to join the military is a solemn one. Ideally this decision should be made in consultation with people who love and care for the child, not with a government official, however well intentioned, whose very job is to recruit for the military.

As a policymaker and former high school teacher and principal, I am concerned with the increasing pressure faced by schools and school districts due to cuts in the Federal dollars of education. I support the military's right to recruit on every high school campus, but I do not believe the current provision advances our national security or reflects our Nation's respect for individual privacy rights.

Indeed, other Federal privacy statutes explicitly recognize individual privacy rights, particularly those of minors. The Children's On-Line Privacy Act prohibits commercial Web sites or on-line services from releasing personally identifiable information of minors.

Federal agencies are prohibited from divulging personal information without written consent. Blockbuster is prohibited from releasing lists of videos that their customers rent, yet for some reason it is acceptable to force schools to provide military recruiters with personal information of their students.

This violates the trust between schools and students and their parents. Schools should not be in a position to choose between students and Federal funding. More importantly, there is no reason for the Federal Government to interfere with the values and choices made by local school districts and boards.

□ 1045

This amendment closely mirrors legislation I have introduced, bipartisan legislation, cosponsored by 46 of my esteemed colleagues.

This legislation is supported by the National Parents and Teachers Association, the PTA. This legislation has also received 24,537 citizen cosponsors who have signed a petition to indicate their support of my legislation. This includes 13,000 parents and 5,000 teachers from all 50 States who have lined up behind our efforts to secure privacy for our Nation's students.

Opponents of this amendment will tell you that this amendment will hurt military recruiting at a time of dwindling enlistees. What they will not tell you is that in the past 2 years before the passage of this provision, the military exceeded recruiting goals. Clearly, the drop has no relationship with information provided by schools.

Our Nation has the best trained and most powerful Armed Forces in the world, and maintaining our military superiority depends upon effective recruiting. This country also has a proud history of personal rights and privacy protection. I believe we can sustain one while preserving the other.

We must protect the children and the students who represent the future of our country. This includes protecting their privacy.

Just today, The Washington Post ran a story detailing Department of Defense intentions to create a student data base which would include personal information including Social Security numbers, ethnicity, and grade point averages. This is but another egregious attack on the privacy rights of our students. Students have neither the ability to confirm nor correct information in its data base.

Finally, this information is gathered from commercial data brokers and State registries by a third party. I urge my colleagues to send a strong message to the country that the Congress supports privacy rights of our Nation's students and vote for the Honda-Stark amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, maintaining my reservation of a point of order, I rise in opposition to the amendment, and I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER).

The CHAIRMAN. The gentleman will suspend.

The gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I ask to reclaim the balance of my time.

The CHAIRMAN. The gentleman's time has expired.

Mr. HONDA. May I reserve the remainder?

The CHAIRMAN. The gentleman's time has expired.

Mr. HONDA. All of it?

Mr. KIND. Mr. Chairman, I ask unanimous consent that the balance of the gentleman's time be reserved.

The CHAIRMAN. The gentleman's time has expired.

Mr. HONDA. All 5 minutes have expired?

The CHAIRMAN. All 5 minutes of the gentleman's time have expired.

Mr. KIND. Mr. Chairman, I would ask unanimous consent for 2 additional minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) controls 7 minutes.

Mr. REGULA. Reserving my point of order, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I rise in opposition to the gentleman from California's (Mr. HONDA) amendment.

The gentleman talks about two distinct and particular points in his amendment. First, schools routinely share students' information with various vendors. And whether they sell that information or share it, there are a lot of different forums. And during the consideration of No Child Left Behind, the gentleman from California (Mr. GEORGE MILLER) and I worked closely to try to protect students' privacy. And what we developed at the end of the bill was an opportunity for parents to have their children's names opted out of the information that would be sold or shared with outside vendors, thereby giving parents the right to protect their children's privacy.

But a second point, a more important point, is that some schools were sharing this information with private vendors, but would not share it with the U.S. military. And the agreement that we came to on the floor of this House in a very broad bipartisan way was that to the extent that a school sells or shares student data, they must treat military recruiters in a nondiscriminatory way, or, in other words, treat all people who would want access to this data to have access to it in the same way.

Now, if schools do not want to share the data with military recruiters, that is fine. They cannot share the data then with anyone. But to the extent that they want to sell that data to publishers and others who would seek that, they must give the military the right to that information as well.

I think students across America ought to have access to information to the United States military. It has been a wonderful career for tens of millions of Americans, and the fact is that the practice is going on in far too many schools discriminates against the needs of our military.

So I would ask my colleagues to reject the gentleman's amendment. We have dealt with this issue in a comprehensive way in No Child Left Behind, and we did it in a broad bipartisan way.

Ms. WOOLSEY. Mr. Chairman, I respect those who choose to serve our country in the military. I also understand that successful recruiting is critical to the military's ability to protect our country.

But we also must protect the privacy of our children.

On top of Mr. HONDA's discussion, Mr. Chairman, according to the Washington Post, the Pentagon is now developing a comprehensive invasive recruiting database on high-school and college students who are age 16 or older.

The database will include personal information about these young women and men, including their birth dates, social security numbers, e-mail addresses, grade-point averages, ethnicity and what subjects they are studying.

And, apparently, the Pentagon will be able, without notifying citizens, to share this data for non-military purposes, including with law enforcement agencies and state tax authorities.

More than ever, this highlights the Administration's gall in believing they have the right to personal information about student rights above parents.

If their war was justified, if the American people were not fed up with it, young people would volunteer—but they aren't, and, they won't, and, that is the very reason this invasive program has come up.

For these reasons, I encourage my colleagues to join me in supporting parents and children and their privacy. Vote for the Honda amendment.

Mr. KLINE. Mr. Chairman, while the men and women of our armed forces serve bravely throughout the world, the ability of our U.S. military to recruit highly qualified candidates is being put in jeopardy. Former Commandant of the Marine Corps General Charles Krulak once remarked that our all-volunteer military is an all-recruited force. The amendment offered today by my colleague from California is a clear threat to the continued success of that force.

This amendment would prohibit the Department of Education from withholding Title I dollars from school districts that do not provide private student information to military recruiters. Under the guise of "privacy rights," our military recruiters would be denied the same access to our nation's best young minds that is regularly provided to recruiters for colleges or businesses.

Mr. Chairman, military service can be a noble and fulfilling choice for our young men and women—including my son, a career Army officer. Planning for the future can be an overwhelming experience. As they consider their postsecondary options, our nation's students deserve to be fully equipped with the information they need to make good decisions.

While only a select few individuals choose to devote themselves to a career in military service, the defense of America is not their exclusive responsibility. Each one of us is charged with protecting our nation by doing our part. The least we can do is to ensure those who are interested are not prevented from learning about the opportunity to pursue military service. School principals and administrators ought to be introducing military recruiters to their students—not blocking them.

Mr. Chairman, the people of the United States benefit from the protection of the most highly qualified and well-trained military. I am hopeful our actions today will ensure our U.S. military maintains the ability to continue to serve its citizens most effectively.

POINT OF ORDER

Mr. REGULA. Mr. Chairman, I think the gentleman makes the point that this is legislation; and, therefore, Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill. Therefore, it violates clause 2 of rule XXI. The rule states in pertinent part: "An amendment to a general appropriations bill shall not be in order if it changes existing law."

Ms. WOOLSEY. Mr. Chairman, would the gentleman yield?

Mr. REGULA. We have a point of order pending, Mr. Chairman.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Does the gentleman from Ohio (Mr. REGULA) wish to be heard further?

Mr. REGULA. No, Mr. Chairman.

The CHAIRMAN. The Chair will rule.

The Chair finds that this amendment includes language requiring a new determination. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT NO. 10 OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment as a designee of the gentleman from Arizona (Mr. FLAKE).

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. KOLBE:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to enforce Determination ED-OIG/A05-D0008 of the Department of Education.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Arizona (Mr. KOLBE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the amendment which is offered by the entire Arizona delegation. I will consume very little time on this because others have greater knowledge about it.

This amendment will ensure that all certified charter schools will continue to be eligible to receive special education and low-income funding.

This year, the Department of Education made a sudden determination that charter schools operated by for-profit organizations are not public schools and are, therefore, ineligible for Federal special education funding under the Individuals With Disabilities Education Act and title I low-income students.

Charter schools across the U.S. are U.S. public schools. They operate with taxpayer dollars and abide by the same laws as traditional schools. Federal laws let States decide the qualifications for public schools.

The Kolbe-Flake-Shadegg-Hayworth amendment would set aside the Education Department's determination and allow appropriated funds to continue to serve low-income students and special-needs students who are schooled at charter schools. This has special significance for Arizona.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH), a cosponsor of this amendment.

Mr. HAYWORTH. Mr. Chairman, I thank my colleague from Arizona for yielding me time.

Mr. Chairman, I rise in support of this bipartisan amendment because it is important not only to the State of Arizona but to the entire Nation. As of last year, Mr. Chairman, 40 of our 50 States as well as the District of Columbia and Puerto Rico have passed charter school laws. My good friend, a member of the Committee on Appropriations, pointed out that charter schools are public schools, that charter schools in fact offer services to children with special needs. And we cannot stand by and allow the Department of Education by bureaucratic fiat to decide to cut off these funds to deserving children in what are public schools as set forth by State standards.

Education is a national priority and ultimately a local concern. And just as Arizona has taken the lead in terms of formation and the flourishing of charter schools, we want to see the funds there for the children who deserve them.

Mr. KOLBE. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I rise to claim the time in opposition of the amendment.

Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I claim the time in opposition, not because I am necessarily opposed, but because I might be if I understood this correctly. This is not something that we have had a lot of notice to discuss, and I must confess considerable disquiet at the idea that we should overturn a report of the Department of Education Inspector General with respect to the use of taxpayers' money.

As I understand it, the IG, and what I understand is on the basis of a 2-minute briefing, what I understand is that the Inspector General ruled that a number of these schools were, in fact, private and not public and also questioned the way that at least two of the schools had spent taxpayers' money.

Will the gentleman enlighten me with respect to the latter concern?

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Arizona.

Mr. KOLBE. It is my understanding that this provision, the reason that the gentleman has not had a lot of time to receive this information is that it is a very new ruling from the Department of Education that these charter schools heretofore have been given funding because they are serving low-income students, special-needs students, and suddenly they have decided that they are not eligible for that funding.

All we do is suspend that funding until there is an attempt to deal with this in the legislation.

Mr. OBEY. Reclaiming my time, let me simply say, I would be willing to let this amendment go by and have it temporarily accepted by the House, provided that there is an understanding that the committee reserves the right to change its mind during the conference process if we learn that the public interest requires us to oppose it.

I do not want acceptance to be interpreted as the committee's willingness without examining this further to allow this to continue until the authorization bill is passed. That might be a good idea, but I think we ought to keep that as an open possibility rather than make it as a commitment.

□ 1100

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I appreciate what the gentleman has said, and obviously the committee always reserves the right in conference to make a change to something as this; and if, indeed, information came out that demonstrated that it should be changed, I would certainly concur with that.

So I do appreciate what the gentleman has just said.

Mr. OBEY. Mr. Chairman, in that case, I somewhat dubiously will withdraw any objection to this amendment for the moment and hope that we can clarify it further as we go to conference.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I appreciate what the gentleman said. Perhaps the comments that will follow will clarify that.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding me time.

This ruling did just come out, and in Arizona we have I think the largest number of charter schools in the Nation. Most of them serve low-income, special-needs kids. In this case, that is who they are serving, and the ruling simply came out and said IF they are structured as a for-profit; they cannot receive funds anymore.

Keep in mind, these are Title I funds. These are special education funds. And for a school to be told, all right, you are not going to receive them anymore, these are disadvantaged kids in most respects that are going to be held at a loss.

What we are saying is simply if the Department of Education needs clarification, we can do that with reauthorization, but do not in the middle of a process say to these schools, we are going to treat you differently just because of how you are structured; although, we did not think it before, now we think it is different.

So I think that the gentleman is wise to go ahead and accept the amendment, and as more information comes out, I am confident that everyone will feel comfortable with this decision.

Mr. KOLBE. Mr. Chairman, I yield the balance of my time to the gentleman from Arizona (Mr. SHADEGG)

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me time, and I rise in strong support of the amendment.

I think the point that needs to be made here is what the gentleman from Arizona (Mr. KOLBE), my colleague, has already made, and that is, this was indeed a rather sudden ruling, and it does change what is happening.

These schools have, in fact, been funded for years, and the only point that has not been made on this floor yet today, I do not believe, is that if the ruling is allowed to stand, funding will be cut off in less than 30 days. It will be cut off in about 12 days, on July 1.

My colleagues can say what they will about the impact upon the school. I think we ought to focus upon the impact on students.

In Arizona, schools begin the school year as early as August 1. My wife who is a teacher will be going back to school on August 1. Parents need to plan where their children are going to go to school this fall, and were this ruling to be allowed to stand, it would mean children would have less than a month to try to find a new school. To do that to low-income and special-needs children, to deprive those schools of the funding they need to provide that type of education, and to do it on that short of notice is inappropriate.

This is a ruling that directly affects Arizona today and about five other States immediately, but it holds the potential of affecting all 50 States. The ruling I think ought to be discussed on the merits, and I think the Congress should do that, but we appreciate the opportunity to at least temporarily suspend its impact for the sake of the children in Arizona who want to continue to be educated at these schools, many of which are in low-income areas, and these moneys, in particular, go to low-income needs.

So I thank the gentleman for his position.

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 2 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would also say that I note in the letter in the final audit report that there is a sentence which says: Additionally, two of the charter schools that we audited did not expend Title I funds entirely in accordance with applicable law and regulations.

I do not know what the facts are with respect to that sentence, but I would simply say that I would not, in any way, want the acceptance of this amendment to be an indication that the Congress is carte blanche accepting the fact that funds ought to continue for those two schools, because it seems to me we have an obligation to make certain that, even if we are trying to deal with the temporary problem, we do not want an improper expenditure of taxpayers' money.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. KOLBE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KIND

Mr. KIND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KIND:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used to enforce the portion of the proposed rule (published in the Federal Register on May 4, 2005, at page 23466) insofar as proposed section 485.610(d)(1) of title 42, Code of Federal Regulations, requires, for new construction of a critical access hospital (CAH) to be considered a replacement facility, that "the construction is undertaken within 250 yards of the current building or contiguous to the current CAH on land owned by the CAH prior to December 8, 2003".

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Wisconsin (Mr. KIND) and an opponent each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KIND) for 5 minutes.

Mr. KIND. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, my amendment is very simple. It is a prohibited use of funds amendment to prevent a new rule from being implemented by CMS that would adversely affect and penalize hospitals that have critical access designation throughout the country, of which there is approximately 1,119 serving predominantly rural communities throughout our Nation.

What the new rule that is moving forward would do is, in essence, to strip these hospitals from critical access designation, along with the funding that follows, if they decide to modernize and relocate their facilities further than 250 yards away from their present location.

Obviously many of us in the Rural Health Coalition in this Congress feel is a very restrictive rule, a draconian attempt to try to accomplish something that is laudable, trying to keep these facilities servicing these high-need areas and the people that they are currently servicing, but a 250-yard rule seems overly restrictive to accomplish that purpose.

This would affect the modernization of new facilities that may occur across the street or down the road or a few blocks away or perhaps in a different location in the community in which they are servicing or perhaps even affecting a hospital that was recently impacted by the earthquakes in California and are now forced to have to locate in a different place because of the damage that has been done.

There is another rule that is moving forward by CMS that makes a lot more sense. It would require that if a critical access hospital does move, that they still have to serve at least 75 percent of the current population, the patients and staff that they are already serving. That makes more sense.

So we are hoping today to be able to raise attention to this very important issue. We still have a little bit of time to work this out with CMS. I have recently had conversations with the chair of the Committee on Ways and Means and the chairwoman of the subcommittee of the Committee on Ways and Means who are interested in working with many of us to try to resolve this issue with CMS.

Based on their assurances in those conversations, we feel very confident that we should be able to work this out with CMS so that we do not go forward on this very restrictive and narrow rule.

I do want to thank, however, the gentleman from Michigan (Mr. STUPAK), the gentleman from Kansas (Mr. MORAN) and also the gentleman from Nebraska (Mr. TERRY) for their assistance with this amendment and helping to elevate the education in this House in regards to what is taking place.

Hopefully through the conference process, hopefully through the cooperation we expect to receive through CMS, further legislation on this matter will not be necessary.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, it is my understanding the gentleman is going to withdraw this amendment; is that correct?

Mr. KIND. Mr. Chairman, that is correct.

Mr. REGULA. Mr. Chairman, in light of that, I do not oppose it.

Mr. KIND. Mr. Chairman, I yield myself the remainder of the time. And let me just conclude, that based on assurances that we received from the appropriate people on the Committee on Ways and Means, the chair, the subcommittee chairwoman, and also the fact that we still have time in which to cut this rule off before it is fully implemented, it is my intent today to ask unanimous consent to withdraw the amendment and hope that we can get this resolved without further legislative action being taken.

Mr. KIND. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENT NO. 2 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. TANCREDO:

At the end of the bill (before the short title), insert the following:

SEC.___. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public law 108–173.)

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from Arizona (Mr. KOLBE) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

We have had a number of debates already on this issue, on the issue of how much money is in this bill and whether it is enough money to fund all of the worthy programs that are out there. I suggest to my colleagues there is a place we can easily go and get at least $1 billion out of this bill and use it for the other programs that have been so eloquently advocated on this floor.

My amendment is simple and straightforward. It essentially prevents the implementation of section 1011 of the prescription drug bill passed by the Congress last year. As my colleagues may recall, this is the controversial provision of the law that provided $1 billion to cover the health care costs of illegal aliens.

It is also important to note that many of these States that are incurring these heavy costs and hospitals inside these States that are incurring these costs for treating illegal aliens, some of these States and some of these localities have helped create their own problems. In many cases, they have taken steps to make themselves magnets for illegal immigration. These health care costs are now burdened by permitting them to obtain driver's license, enroll in institutions, and luckily we stopped the driver's license part, enroll in institutions of higher education at in-State rates, and obtain public services through the use of consular ID cards. So a lot of the burden, as I say, they have brought upon themselves.

But nonetheless, we have gone the next step, then, and we have written regulations. We promulgated regulations and rules designed to implement section 1011, and they certainly fall short of establishing any meaningful accountability for the money, and more importantly, they do not require information sharing with homeland security.

As a matter of fact, on the final page of the payment determination form, it says patients should be aware that the Department of Homeland Security will not access or use information related to medical care to initiate enforcement of United States immigration laws unrelated to an ongoing terrorism or criminal investigation.

There is another part of these regulations that, frankly, I do not recall us debating it when the original amendment was proposed to the Medicare and prescription drug bill. That is one that now allows for not only people who are here illegally to be given services under this act, but people who are here with the 72-hour border crossing card.

In 2002, as I recall, as I have been told, there were already 5 million of these border crossing cards that had been issued. Five million people, mostly, in fact I think entirely, Mexican nationals, are now also eligible for reimbursement under this act, under this section, if they come across the border and choose to access the hospitals in those border States. Again, I do not recall that was part of the original debate, but that is part of the regulations that have been promulgated.

It is a sad irony that many of the Americans who are being asked to cough up to this $1 billion to fund health care costs for illegal aliens and for nationals of another country do not oftentimes have enough money to buy health insurance themselves.

This is a bad giveaway for taxpayers. It sends the wrong message to illegal aliens and Americans alike. It comes at far too high a price. It was wrong when it was passed. It is wrong today.

I hope my colleagues will support the amendment and help save the American taxpayers $1 billion.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do rise in the strongest possible opposition to this amendment. It is anti-public health. It undermines current law, and it deserves to be defeated, just as it was defeated last year.

Hospitals and trauma care facilities are required by Federal law to treat anyone who comes into an emergency room, including undocumented immigrants. If hospitals are not reimbursed for this treatment, their very existence is in danger. That threatens the health of everyone. Yet that is exactly what this amendment would do.

It would deny reimbursement to hospitals for care that the government requires them to provide. This is especially dangerous for Americans who live along the border. Let me provide an example.

The Tucson Medical Center in my home State of Arizona, a crucial level 1 trauma facility, shut its doors on its trauma facility because of uncompensated care. Now there is only one trauma center serving all of Tucson, with a population of nearly 1 million people.

I understand that the sponsor of this amendment does not live close to the border, and it may be hard for him to sympathize with those who do. So let me be clear.

This amendment is an attack on our communities. It will shut down hospitals simply because of the Federal Government's inability to secure our border. It will punish Americans by denying them access to care.

Again, the Federal Government mandates that hospitals treat anyone in need of emergency care. If the sponsors of this amendment oppose this, then they should try to change EMTALA, the emergency medical treatment law, that requires that hospitals provide this treatment, change it so they are not required to treat undocumented aliens.

□ 1115

Until then, the Federal Government is responsible for funding its mandates.

So let there be no mistake about this amendment: it will close hospitals, it will close health clinics for Americans who live along the border, and it will result in an unfunded mandate. I am appalled by this proposal. I urge my colleagues to vote against this amendment and vote for hospitals that care for Americans living along our border.

Mr. Chairman, I reserve the balance of my time.

Mr. TANCREDO. Mr. Chairman, I yield myself the balance of my time.

To the best of my knowledge, there is nothing in the EMTALA Act that requires States and localities to actually pass laws and regulations creating sanctuary States, creating sanctuary cities, becoming magnets for illegal aliens themselves. There is nothing that requires them to do that; yet they do that. Then they come here and say, We are having a problem. It is undeniably true that the problem exists. It is undeniably true that they are being overwhelmed by illegal immigration. It is also undeniably true that much of this is the fault of the Federal Government. I do not deny that for a moment. Nor do I deny that there may be some responsibility here for us to help pay for it.

But what I am saying is you pass a law like this and then you pass regulations that make it completely and totally irrelevant in a way to determine. They say, We don't want to ask. We cannot ask. We will not even ask you if you are here illegally. By the way, even if you aren't here illegally, if you are one of the 5 million people who live in Mexico, Mexican nationals who have a border crossing card, we'll treat you also.

Does that not encourage even more people to come to the United States and obtain these services, putting even more of a burden on these hospitals? Of course it does. These regulations are the problem. They are a significant problem that only exacerbates the underlying problem of massive costs being incurred by these hospitals in these States.

My hope is that if in fact we have to put money into a program like this, we do so only after we have passed meaningful and purposeful regulations, regulations that at least make these hospitals accountable.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment is misdirected, misguided, and stupid. If you are out in the woods with a rifle and you are hunting and you shoot at something, it would be nice if you are shooting at the right target.

This amendment does not do anything about illegal immigration. This amendment simply shoots the victim of illegal immigration by damaging the local hospitals. If we have illegal immigrants in this country, it is because of a failure of the Federal Government to effectively enforce its immigration laws. That is the problem.

The problem with the gentleman's amendment is that because he does not like the fact that the Federal Government has been ineffective with respect to immigration, he wants to take it out on the local hospitals. The local hospitals when someone shows up on their door, they have an obligation under the law to treat that patient. If the Federal Government does not pay for the treatment of that patient, then local taxpayers and local hospitals get stuck with the bill.

I have a similar situation in my district. I have a huge percentage of Hmong who have come to this country since the end of the Vietnam War. They came because of a decision of the Federal Government. Yet after they come to my district, after a very few months of Federal support, the financial cost for maintaining them, for educating them and for dealing with their medical needs winds up being assumed by the local government. That is not fair. Local governments do not make the foreign policy decisions that determine who our refugees are, and local governments do not have anything to do with what policies the Federal Government follows with respect to immigration.

I would suggest to the gentleman if you do not like Federal immigration policy, shoot the right messenger. This one shoots the wrong messenger. This amendment deserves to be roundly defeated, unless you believe that somebody should pay for somebody else's mistakes.

Mr. Chairman, I yield to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. I thank the gentleman for yielding.

Mr. Chairman, envision this: an undocumented immigrant suffers from severe chest pains and a nagging cough. Too frightened to seek out medical attention in the beginning, he lets this condition persist. He finds himself in the emergency room of the local hospital. The first order of business for the emergency physician or nurse is not to ask them where it hurts and do a physical exam to see if their life is in imminent danger, but to ask their immigration status and get a sworn statement to that effect.

And if that patient cannot prove their legal status because they do not happen to have the documentation on them, that same doctor must make the choice not to provide care to this person or at least they must report them to immigration officials before providing lifesaving treatment. I ask you, in this universe, what kind of choice is that?

There is no choice in asking a person to choose life or death. This amendment unfairly and wrongly punishes health care professionals for doing what they are ethically and legally obligated to do. Our doctors and nurses do everything they can to help these individuals, regardless of their status, in order to save lives and to nurse them back to health. Today's hospitals are already underfunded, understaffed, and under tremendous pressure to meet the new demands of homeland security preparedness.

I think we can all agree that our Nation's immigration system is broken. It does not meet our security needs, our economic needs, nor does it reflect the American values of strong families and respect for work. However, we will never fix our country's immigration ills by punishing our local hospitals for treating the ill.

I urge my colleagues to vote "no" on the Tancredo amendment.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank my friend for yielding me this time, and I thank both the gentleman from Wisconsin (Mr. OBEY) for his comments and the gentlewoman from California (Ms. LINDA T. SÁNCHEZ). I think that this amendment is wrongheaded. I do not believe it will have the effect that the sponsor wants to have, and that is that all undocumented illegal aliens will just ship up and move back home. It plays well on some radio and television stations, but in reality it will have no effect. In the State of New York, our constitution requires that every child be afforded an education, whether that child is a legal citizen and resident or an undocumented alien or their parents are.

TB does not have the ability to discern as to whether someone is documented or undocumented. When that child's mother or father contracts that disease, they give it to their child and their child goes to school. Our children are the ones who are exposed to those diseases. Our children then become the victims of what this amendment would do if it were to pass. This amendment will not have that effect. It will just be a chilling effect on all people who question their status in this country, and they will then not go and get the care that they need to protect the rest of our children.

Mr. KOLBE. Mr. Chairman, I yield the balance of my time to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding time.

Mr. Chairman, I think the salient points have been made here. Our Federal Government says to hospitals, you have to treat whoever comes in your door. It is not the hospital's choice. I have toured the border hospitals. It is not just the border hospitals in Arizona. It is hospitals 100 miles from the border. It is hospitals in Tucson. It is hospitals in Phoenix. It is others. They do not have the luxury of deciding who they are going to treat. Yet this amendment would say, sorry, you have to treat them, and because of our failure to impose control at the border, you are just stuck with the bill. That is simply not right.

Nobody is more convinced than the gentleman from Arizona (Mr. KOLBE) and me of the need for immigration reform. That is why we have proffered legislation to do that. I would challenge those who have offered this amendment, please join us or offer your own legislation. We cannot continue with the status quo. It is just eating us alive in Arizona, not just health care costs but education costs, criminal justice costs, across the board.

But let us find a solution. Let us not simply pretend that it does not exist, pretend that those who are here just do not exist. They do. We have got to do something about it. Let us work together and do it, not just say, hey, unfunded mandate, sorry, got to deal with it. And to say that, Well, let's not entice them further, let's not provide any of the funding until we get immigration reform, tell that to the hospitals who could not survive. They will be closed. They simply are doing what the Federal Government tells them to do in terms of admitting patients and under this they would simply say, Sorry, we can't fund it. We're going to have to close our doors.

I commend the gentleman for opposing the amendment. I join with him, and I encourage all of my colleagues to say, Let's find a solution. Let's have meaningful, comprehensive immigration reform that will deal with issues like this. But let us not bury our heads in the sand.

Mr. HINOJOSA. Mr. Chairman, I rise in opposition to this amendment because if passed, this measure will place extreme financial and legal hardships on border and urban hospitals. Because this measure addresses emergency medical care, our hospitals and our doctors are bound by law and their medical oath to treat individuals who are in desperate need of medical attention.

This measure cuts critical funding for our hospitals to cover emergency room care. Due to the high degree of cost associated with this type of care, this amendment will leave hospitals with a choice of two evils, bankruptcy or closing their doors to these communities.

Either way, this measure results in a dramatic cut in access to health care facilities for all residents.

This measure is irresponsible, impractical, and will destroy healthcare in American communities, especially in border states. Therefore, I respectfully ask my colleagues to vote no on this amendment and yes to safeguarding access to health care in all cities.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The amendment was rejected.

AMENDMENT NO. 8 OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. FILNER:

At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available in this Act may be used to place social security account numbers on identification cards issued to beneficiaries under the medicare program under title XVIII of the Social Security Act.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from California (Mr. FILNER) and the gentleman from Ohio (Mr. REGULA) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, everyone in this House and everyone in this country knows that identity theft is one of the fastest growing crimes of our decade and creates a nightmare for those who become victims. Identity thieves make off with millions of dollars each day, and each day more than a thousand people are being defrauded. We just saw millions of credit card numbers stolen from the Visa and the MasterCard distribution centers. The Federal Trade Commission has said that identity theft is the top consumer complaint. We all know how credit can be destroyed, earned income can be taken, and a rejection for everything from a college loan to a mortgage can be done. And law enforcement will generally not pursue these identity theft cases.

Part of that peril is, in fact, contributed to by the Federal Government. By including Social Security numbers on Medicare cards, the Department of Health and Human Services places millions of Medicare beneficiaries at risk of becoming victims of identity theft.

I have a simple amendment, Mr. Chairman. It prohibits the Department of Health and Human Services from including Social Security numbers on Medicare cards. Many commercial health insurance companies and States have already taken such steps. Some States prohibit companies from displaying Social Security numbers internally and assign consumers unique numbers that would appear on Medicare cards. It is time for the Federal Government to catch up and help protect an individual's personal privacy. Even the GAO has published a number of reports and has concluded that there is no reason why the Social Security number cannot be removed from the Medicare card.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

This would prohibit CMS from spending any funds related to using Social Security numbers on a Medicare identification card. It would really interfere with the operation of the current system. This is a long-time use of Social Security numbers. It is an outgrowth of the claims process. I think it is important from the standpoint of avoiding fraud. The cost of converting the system for 43 million Medicare beneficiaries would be substantial, both in beneficiary education, system reprogramming and related costs. While CMS may well convert to some type of an electronic identification system over time, and I think that will happen, in the meantime to try to make a change at this point would be wrong.

This amendment would limit their ability to effectively deal with it. And, of course, they have got the new drug benefit to implement. I think it is just the wrong time to start tampering with a system that has been in place for a long time.

□ 1130

I would urge Members to vote against that if this amendment comes to a vote.

Mr. Chairman, I reserve the balance of my time.

Mr. FILNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Chairman, I thank the gentleman from California (Mr. FILNER) for bringing this very critical issue to the ears and eyes of the Congress as well as the ears and eyes of America.

In Indianapolis, Indiana, we have over 100,000 Medicare recipients, and in Indiana we have over 877,000. And as all of the Members know, the criminals devise ways at all times to break laws and to steal people's identity. People in nursing homes die unexpectedly, and workers, not all of them of course, steal Social Security numbers and abuse them before the Social Security Administration has an opportunity to close down that particular number.

So I appreciate very much this effort. I think it is very vital. And as I read the amendment, it is on new Medicare cards and not ones that exist at the present time. So it would not require an entire overhauling of the Medicare card system to implement this particular amendment.

And I would again commend the gentleman from California (Mr. FILNER) for his insight and foresight in bringing this very vital issue to the Congress.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong opposition to this amendment, although I appreciate the concern of the gentleman from California (Mr. FILNER).

First of all, we all know how important Medicare is to our seniors. Two hundred thousand new beneficiaries sign up every month, and anything that would disrupt their entry up into the system would be a terrible hardship to impose on our seniors. This amendment would actually interfere with the operation of the current system before a new system could be put in place, causing serious disruption in the Medicare program in the enrollment process for new beneficiaries.

That much said, CMS does share the gentleman's concern and is in the process of examining this issue. That project is currently in the information-gathering phase, focusing on identifying all of the systems and entities and understanding the nature of the transactions that rely on a beneficiary identifier. There are many parties involved, with a variety of information claims processing and data exchange systems, and once they get this base research done, they can move forward on reforming the use of the Social Security system. I would tell the Members that in the new drug plan they do not use the Social Security identifier.

So I would urge the gentleman to maintain his interest in this subject to work with the committee as we oversee CMS's gathering of this material and evaluation of this problem; and the fact that they have managed to develop the drug plan without using a Social Security identifier indicates to us that they will take the time and invest the resources to change the base underlying system. But any radical change to that system will deny current beneficiaries coming into the system, month by month, their benefits.

Mr. FILNER. Mr. Chairman, I yield myself the balance of my time.

I find it strange that the distinguished chairman and the distinguished chairwoman, both of whom are well known for their support of Medicare, Social Security, and seniors in this Nation would object to what is really just a bureaucratic change, a change that can be done through computers in a very quick fashion.

The Department of Health and Human Services has said that the health insurance claim number that they use is merely a variation of the recipient's Social Security number, not the actual number, and has noted that the number may be based on the Social Security number of a spouse or parent. However, more often than not, the number the agency uses is the person's Social Security, preceded or followed by a single letter of the alphabet. The agency has said it has no immediate plans to stop this practice. What more can the Department of Health and Human Services do to the theft of our identity? Give thieves and unscrupulous people mothers' maiden names?

Not so long ago, I would tell the chairman, we experienced the same problem with the mailing labels sent to us from the IRS. I was told there was no way the IRS would change its practice and any disruption would disrupt the whole tax collection system of the Nation. I found that incomprehensible, simply a defense of bureaucratic inertia, and said that they can change a computer system very quickly so booklets that would be mailed out to millions of Americans would not have the Social Security number. I introduced a similar bill to stop the IRS from putting Social Security numbers on its mailings, and the IRS found a way in short time to stop the practice that could lead to identity theft.

There is simply no excuse, Mr. Chairman, for leaving Medicare beneficiaries vulnerable to identity theft with a thinly disguised Social Security number on Medicare-related mailings. This is merely bureaucratic inertia. It only requires a computer software change. No benefits to Medicare or Social Security will be held up. It is about time this Congress said to a bureaucracy, cut the fooling around, break through the red tape, and protect our seniors and all our families in America from identity theft.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I simply want to say that I rise in support of the gentleman's amendment. I would fully grant that I think there is a problem with the timetable associated with the amendment because of its immediacy, but the fact is that under the rules of the House, the gentleman had no choice but to draw the amendment that way in order for it to be eligible to be offered as an amendment.

The committee, if it so chooses, can easily fix this problem in conference. It can easily delay the effective date of the gentleman's amendment, and I think that is what we ought to do. I think the Social Security Administration, I think the Federal Government, I think the Pentagon, I think our banks and other financial institutions, have been incredibly reckless in protecting the privacy of American citizens. And we are increasingly going to see this as a huge problem, and we are also going to see identity theft mount exponentially.

I congratulate the gentleman for trying to do something about it. That is more than one can say for most of this Congress. And if there are technical problems, this committee, if it is worth its salt, can easily have them fixed before the bill is reported back in conference.

I urge support for the amendment.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

I understand what the gentleman from Wisconsin (Mr. OBEY) is saying, and the gentleman from Wisconsin (Mr. OBEY) will be a conferee, and it is something we probably need to discuss there. But in the meantime, there are 43 million people who are on Medicare. We add 200,000 every month, and I would like to get more information from CMS as to just what impact this would have in terms of cost and their ability to manage the system.

The key to this is that we want the system managed as effectively as possible, and all of us as Members hear from time to time from people who are not getting their Medicare claims taken care of or they are having problems with Medicare. So some system of keeping track of these and to identify them, we can imagine with 43 million people, it is not easy.

So I would hope the gentleman would withdraw his amendment and I would work with the gentleman from Wisconsin (Mr. OBEY) in conference to see if there is some way we can refine this language, and I would like to discuss it with the Medicare people, with CMS, to see what the impact would be or whether a workable system that would ensure privacy could be put in place.

For that reason I would oppose the amendment if there is a vote on it.

Mr. STEARNS. Mr. Speaker, I rise today to support the gentleman from California's amendment.

The public, whether shoppers, investors, or Medicare beneficiaries, should be confident that their personal information is secure, and it is obvious from recently revealed breaches that more must be done to protect consumer data. As Chairman of the Commerce, Trade & Consumer Protection Subcommittee, I have held many hearings on data breaches and consumer data security and showed broad support for a comprehensive federal notification requirement to consumers for these security breaches. According to the Federal Trade Commission, 27.3 million Americans have been victims of identity theft in the last five years, and the Social Security Number is one of the primary tools.

Private health insurers do not rely on the SS No., and neither should our Nation's health provider for seniors and the disabled. A non-identifying, random, set of characters can be generated that would be less meaningful to an individual's entire financial . . . The GAO is well-published on the risk of using SS Nos., and the facility with which the Centers for Medicare and Medicaid Services (CMS) could assign an alternate number.

I support the gentleman's amendment and urge my colleagues to do so.

The Acting CHAIRMAN (Mr. FOSSELLA). The question is on the amendment offered by the gentleman from California (Mr. FILNER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FILNER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. FILNER) will be postponed.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KING of Iowa:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to reimburse, or provide reimbursement, for Viagra, Levitra, or Cialis.

The Acting CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I would like to state my appreciation for the work done by the gentleman from Ohio (Mr. REGULA), committee chairman, on this overall bill and his work and cooperation at all levels and the flexibility that he has demonstrated in the interests across this broad country.

I bring before this Congress an amendment that addresses an issue that Americans understand, and it is an issue that I think Congress needs to understand maybe more thoroughly than they do at this point. And that is that government has a role in promoting the general welfare in the United States, but we have gone past that role; and now with our Medicaid and Medicare funding, we are opposed to be purchasing sexual impotence drugs with taxpayers' dollars all across this country. We have been doing so since 1998 with regard to Medicaid, and now CMS is poised to do so also with Medicare. That will be implemented in January, simply 6 months from now, and if we are not able to put a stop to this bureaucratic decision, then we will be down the slippery slope of millions of people who believe the entitlement is taxpayer-funded recreational sex drugs.

So my amendment simply prohibits any use of any of the resources or funds provided in this act from being used for the administration or funding of Viagra, Levitra and Cialis. It is that simple. It is something that I think we have a consensus on.

Mr. Chairman, I reserve the balance my time.

Mr. REGULA. Mr. Chairman, I ask unanimous consent to claim the time.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Acting CHAIRMAN. The gentleman from Ohio (Mr. REGULA) is recognized for 5 minutes.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

I just want to discuss it. I do not think anyone has asked to claim time in opposition at this juncture.

As the Members know, the bill already has a provision restricting health programs from paying for impotence drugs for sex offenders. This amendment simply takes the provision a step further by prohibiting the payment for all beneficiaries.

The authorizing committee has been discussing it with the Member, and apparently there has been no resolution. So perhaps this is one that Members ought to make a judgment on. I think the issue is fairly clear as it has been framed by the sponsor. And if he were to ask for a vote, that would be an appropriate thing to do at this juncture.

Mr. Chairman, I yield 4 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I do rise in strong opposition to this amendment. I certainly support denying impotence drugs to sex offenders, but to arbitrarily eliminate any class of drugs from a formulary, first of all, sets a terrible precedent and has the same potential for mischief as State mandates on health plans have demonstrated is possible. So the precedent being set here is one I object to.

□ 1145

But much more important, these drugs are often medically necessary. ED drugs help men who have lost sexual function caused by prostate cancer, diabetes, multiple sclerosis, nerve damage, or cardiac conditions. It is important that these drugs are available when they are medically appropriate and there is no evidence of abuse for medically appropriate situations. They are not sold over the counter, they are prescription, must be prescribed by a physician, and they are so important in the cases where they are medically needed, that it would be, in my mind, a gross disservice to our seniors to automatically deny them access under our prescription drug program to these drugs.

First of all, where does this approval end? We do not say to seniors, we will not prescribe cholesterol medications for you or drugs for high blood pressure until you have changed your diet and exercised. Yet diet and exercise could eliminate the need for taxpayer-funded drugs in many categories, but we do not require that.

Secondly, we are very interested in, and increasingly interested in, early identification and prevention of serious illness, and sexual dysfunction is often an early sign of other very serious conditions. Those diseases may go untreated and undetected if there is no need to go to the doctor to talk about impotence, to evaluate the causes of impotence and, therefore, be entitled to the prescription. So it interferes with early diagnosis and prevention in certain diseases.

It is also extremely important to consider this issue in the context of mental health and the costs of mental health in our elderly population. Certainly, in a long-term marriage, a healthy sexual relationship is important to the strength of that relationship and important to the mental health of the people involved. Would we rather pay for depression treatment, or would we rather have that couple eligible for the kind of medications that the gentleman wishes to ban from the Medicare program?

So if we take a holistic approach to health and remember that mental health is important to reducing the cost of physical disease and that early identification and prevention of serious health problems is extremely important to lowering the long-term costs of Medicare and giving the program sustainability that is crucial to the well-being of our seniors, then my colleagues will vote against this amendment, even though I appreciate that, superficially and politically, voting for it would be a desirable vote.

I would urge my colleagues to oppose the availability of these drugs for sex offenders. I would urge my colleagues to oppose eliminating them from the Medicare formulas, because they are often medically appropriate and they are important to the long-term health and well-being and early identification of disease in our seniors.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think the gentlewoman from Connecticut has indicated correctly that there are a number of technical problems with this amendment; yet I think I know that if there is a roll call, it will be passed overwhelmingly.

So what I would suggest in the interest of time, unless we want to stay here until midnight, is to simply accept a number of these amendments which we know have significant technical flaws, but which can be corrected in conference. Otherwise, we are going to have a lot of meaningless debates, and they will simply consume a lot of time, and we will wind up in the same place.

So what I would simply urge is that the committee accept the amendment, recognizing that it needs to be fixed substantially in conference, and deal with some of the very practical problems just laid out by the gentlewoman.

Mr. KING of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the gentleman for yielding me this time.

I support this amendment, even though I can fully understand where the gentlewoman from Connecticut and the gentleman from Wisconsin are coming from. But part of the problem we are trying to address here goes back to the Medicare prescription drug legislation which requires that the Federal Government pay the full retail cost of these drugs.

A substantial part of the cost of these ED drugs is attributable to TV advertising. They are spending approximately a half a billion dollars a year on television advertising, saturating the airwaves during family viewing hours when they know the parents and the kids are sitting in front of the television; and now the taxpayer is going to be paying for this cost of advertising. That is the difficulty.

While I understand that we do not want to go down a slippery slope, bear in mind that when we start including these lifestyle drugs in Medicare, that is money that could be spent against cancer and heart disease and Alzheimer's and all the higher priorities that we ought to be using Medicare trust funds for.

So I support the gentleman. I do not think that ED is a health care priority. But the larger issue is should the taxpayers be required to pay for TV advertising, much of which is inappropriate in its message. I did not have any problem, I have to say, when Bob Dole was the pitch man; nobody would, except maybe Elizabeth for sharing more than the world necessarily needed to know about their personal lives.

But the point is, these ads on TV today are offensive, and we are spending half a billion dollars on them. The American public does not want them saturating the airwaves, and they certainly do not want to be paying for them; and unless this amendment passes, they will be paying for them.

Mr. REGULA. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. BARTON), the chairman of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Chairman, I speak in rabid opposition to this amendment, not because I oppose the total intent of it, but because it is legislating on an appropriations bill. If it were to pass and remain in the bill, it would make the Committee on Energy and Commerce much more difficult on reconciliation.

Mr. REGULA. Mr. Chairman, I yield 30 seconds to the gentleman from the State of Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, those who believe in privacy and not being dictated to by the U.S. Congress in their most private, intimate decisions should vote against this amendment.

Two friends of mine my age recently went in for prostate treatment. When you go in for prostate cancer, they tell you you have a choice of various alternatives. Some may give you a higher chance of survival, but also a higher chance of impotency.

A University of Chicago study showed that if you tell men that they have a chance of impotency that cannot be cured because you do not have access to these ED drugs, they will, 68 percent of the time, take surgery that could lessen their chances of survival. This is not recreation. These are helping men make decisions that are going to help prolong their lives. We should reject this amendment.

Mr. KING of Iowa. Mr. Chairman, I yield myself the remaining time.

To bring this towards a close, as I listen to this debate, I think it is clear to us that this is an inappropriate investment on the part of taxpayers' dollars for us to compel the taxpayers to pay for sexual impotency drugs. I take issue with some of the statements made, for example, no evidence of abuse for medically appropriate situations exist. Certainly it does.

I recognize that the amendment of the gentleman from California (Mr. DOOLITTLE) in the bill addresses some of the abuse, and that is the abuse of these prescriptions going into the hands of sexual predators, rapists, and child molesters. Now, this amendment would not be necessary to do that, but there is other abuse that goes beyond that. There is record of abuse that existed.

No one paid any attention, until I raised this issue last November and December, and the traction has not been there for a policy change. That is why I need to bring this amendment here in the only fashion that I can with the leverage I have in this Congress.

We will spend, over the next 10 years, over $2 billion, our CBO score runs it up over $2 billion, and $105 million in this next year.

This is, as the gentleman from Virginia said, the only opportunity that we have to stop this funding under Medicare and also to stop the balance of this funding under Medicaid before such time as it becomes a huge entitlement.

There are only two reasons for sex, there has only been, and one of them is for procreation. We do not subsidize any kind of fertility drugs under any kind of Medicare or Medicaid, because we decided that that is inappropriate. So we do not either subsidize procreational sex. Recreation is another thing. We do not subsidize the recreation of others either. So under either one of those categories, this is wrong.

I urge the adoption of this amendment against Federal funding for Viagra, Cialis, and Levitra.

PARLIAMENTARY INQUIRY

Mr. SNYDER. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN (Mr. FOSSELLA). The gentleman will state his parliamentary inquiry.

Mr. SNYDER. Mr. Chairman, I rushed over here in a big rush hoping to get some time to speak against what I think is a very, very bad amendment and bad public policy. It is my understanding that there is no time left to speak in opposition to this amendment.

The Acting CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa (Mr. KING) will be postponed.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do so so that I can facilitate a colloquy between the gentleman from Ohio (Mr. KUCINICH) and the gentleman from Ohio (Mr. REGULA), and I yield to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I wish to enter into a colloquy with the gentleman from Ohio (Mr. REGULA).

As the gentleman knows, HHS at one time conducted a program on Gulf War illnesses research. And the gentleman also knows that, according to the congressionally chartered Research Advisory Committee on Gulf War Veterans' Illnesses, there has never been a better time to invest in this research. The potential causes have been narrowed, more diseases are being discovered, parallel benefits to national security are more urgently needed, and there is still no treatment for our ill veterans.

Would the gentleman agree to work with the agency and me to encourage NIH to establish its research portfolio in this area?

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I appreciate the gentleman calling to our attention the recent report of the Department of Veterans Affairs about the research opportunities in Gulf War illness research. NIH has conducted research in this area in the past, largely through the National Institute of Environmental Health Sciences. The gentleman describes opportunities in neuroscience research that might most appropriately reside in the National Institute for Neurological Disorders and Stroke.

We would be pleased to ask the director of NIH to report to us what research NIH currently plans to conduct during the fiscal year 2006 that addresses the priority areas the DVA report identifies. In our hearings next year, we will conduct a line of questioning to learn more about NIH's commitment to this area of research.

Mr. KUCINICH. Mr. Chairman, I want to thank my colleague, the gentleman from Ohio, and also express my appreciation to the gentleman from Wisconsin for yielding.

Mr. OBEY. Mr. Chairman, I thank the gentleman for raising this issue.

AMENDMENT NO. 16 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

SEC. ___. Appropriations made in this Act are hereby reduced in the amount of $1,425,140,000.

The Acting CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

I do not want to take a lot of time for this because I think we all know the scenario that is the result of this, but I do want to make the point again.

What I am rising to do is to cut the level of funding in this appropriation bill by 1 percent. This amount equals $1.425 billion, which represents only one penny off of every dollar.

This is not an across-the-board cut. The way it is structured, it lets the Department decide where this money should come from.

As most Members are aware, I have offered a series of these amendments over many appropriation bills. We need to draw the line; and the budget we have for the next year is too large, and we can do something about the deficit right now. By voting for my amendment, you are stating to the American taxpayers that they should not have to pay higher taxes in the future, because we can control our spending today. As hard as the chairman and ranking member have worked on this bill, there are still many wonderful things in the bill, very meritorious things in the bill, but things that do not have to be done, some of them.

☐ 1200

This fiscal year's 2006 Labor-HHS appropriations bill provides over $142.5 billion in total discretionary resources. And we have seen discretionary spending increase in this bill by an average of more than 5 percent a year over the last 5 years, even though it is less this year than it was last year. I commend the committee and the chairman on that.

This bill spends $924 million over the President's request. Our budget should be no different than our individual budgets at home. When we have less money, we spend less money. I would encourage support of the Hefley amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I claim the time in opposition to the amendment.

Mr. Chairman, I yield myself as much time as I may consume.

Mr Chairman, I will not take much time. I think all of the Members are familiar with this. It has been on the docket before. And the problem with this type of an amendment, it goes across the board, as the gentleman from Colorado (Mr. HEFLEY) said.

There are many great programs in this bill. And the way this amendment is crafted, it hits the good with the indifferent and with those that are maybe not so desirable. So I would oppose the amendment. I would hope my colleagues would agree in voting against this if it were brought up on a roll call vote.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. FOSSELLA). The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HINCHEY:

At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available in this Act may be used—

(1) by any department, agency, officer, or employee (as defined by section 5701 of title 5, United States Code) of the United States to exercise any direction, supervision, or control over the content or distribution of public telecommunications programs and services in violation of section 398(c) of the Communications Act of 1934 (47 U.S.C. 398(c)); or

(2) in violation of section 396(a) of such Act (47 U.S.C. 396(a)).

The Acting CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Congress created the Corporation for Public Broadcasting in 1967 to encourage the development of a public broadcasting system, and just as importantly, to shield public broadcasting from any political interference.

Despite this clear directive, Kenneth Tomlinson, the chairman of the corporation, has engaged in a deliberate campaign to politicize public broadcasting and interfere with the content of public television and radio stations across the country.

Mr. Tomlinson is essentially warning public broadcasters, conform to his ideology or he will cut off their funding. This is political intimidation in the truest and worst sense of the term, and we must stamp it out today with this amendment.

This amendment would prohibit Mr. Tomlinson, who is considered a part-time government employee because of his position as chairman of the board of broadcasting governors, from exercising direction, supervision, or control over the content or distribution of public telecommunications programs and services.

It also prohibits the CPB from violating the policies set forth by Congress, which include a prohibition on outside interference. The United States of America is already suffering from a shortage of independent voices in the media.

Public broadcasting remains one of the outlets available that offer high-quality, unbiased, independent reporting, which is why we must ensure its independence from political tampering. It is a shame that this even has to come up. But the actions of Kenneth Tomlinson demand that this amendment be brought before the House.

At the rate Tomlinson is going, it is only a matter of time before he changes PBS' name to FOX-2, and starts forcing Big Bird and Elmo to talk about the merits of the war in Iraq or the value of privatizing Social Security.

We must have independent public broadcasting that reports the facts and holds both Democrats and Republicans accountable for their actions. Mr. Chairman, I urge the adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I rise in as strong as possible opposition to the Hinchey amendment. We have public television today, and I am very proud that we do. Public television used to say that they had a reason to exist, because if they did not exist, who would provide the public aspect of some of our television programming?

That was an effective argument 30 years ago, and to some extent it is still effective today. But whereas yesterday the PBS station in the local market was maybe the third or fourth station, today it may be one of dozens of stations, and if you count cable, it may be one of hundreds. So the argument for continuing to spend taxpayer money for public television is not quite as strong as it used to be.

Having said that, I think there is a role for public television in the marketplace. We are now led to believe, though, that for some reason, the current head of public television is trying to move public television, you know, to the right. I disagree with that.

In last year's Presidential debates, I am told that many, many viewers who watched not the debates but the campaigns, seemed to think that NPR was simply for the Bush-haters. In fact, I had a constituent come up to me and say, well, we have now heard from the Bush-haters after listening to an NPR news commentary.

Rightly or wrongly, a lot of people where I come from think that NPR represents the left. I know that is exactly the opposite of what my friend, the gentleman from New York (Mr. HINCHEY) thinks.

The Corporation for Public Broadcasting allocates Federal funds for public radio and television. It is about 4 percent of the total funding that they receive, if my numbers are correct. I do not have a problem with this. I do not have a problem with Mr. OBEY's amendment yesterday that restored funding to PBS.

Having said that, I think the gentleman from Ohio (Mr. REGULA) and the full committee were right to reduce funding, because their committee's budget was short billions of dollars and they simply subjected the Corporation for Public Broadcasting to the same scrutiny that they subjected all of the other programs under their subcommittee's jurisdiction.

I commend the gentleman from Ohio (Mr. REGULA) for doing that. What we really have here, in my opinion, is to some extent perhaps a personal vendetta against the current head of CPB, a gentleman named Mr. Tomlinson. He apparently has riled some feathers.

He apparently, in trying to be balanced, is, to some of my friends on the other side of the aisle, indicating that he is maybe going too far. I disagree with that. I think he is an honorable man. I think he is trying to do the right thing.

I think the gentleman from New York (Mr. HINCHEY's) amendment is well intentioned, as it appears to be, could be perceived by some, as just trying to stop somebody from doing their job to provide a fair, balanced approach for our funds that are spent by the CPB.

Mr. Chairman, I hope that we would adhere to the committee position and oppose the Hinchey amendment.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman said, for some reason we think that Mr. Tomlinson is being political. I wonder why? Mr. Tomlinson is the follow who said that public radio stations should get in line with the Republican election victory.

Mr. Tomlinson is the person who appointed a consultant in order to try to measure the number of instances when people on PBS programs were, quote, anti-Bush or, quote, anti-DELAY.

Mr. Tomlinson is the person who recommended the appointment to head the Corporation of a former cochairman of the Republican National Committee. If Bill Clinton had appointed the former Democratic National Chairman to the public broadcasting board, the other side would be having a conniption fit. The other side would be screaming in outrage and passing out motions of impeachment; they have had a lot of practice at that.

It is also Mr. Tomlinson who was reported to have worked to raise money in order to put the Wall Street Journal editorial board on public broadcasting. Now, there is an objective operation for you.

I would also suggest that what is at work here is something broader than Mr. Tomlinson. What I think is happening is this, Mr. Chairman. I think we have a "thought police" brigade loose around the country. And we have seen evidence of it in a number of places.

We saw it in the Schiavo case, where the Republican majority tried to tell every American family how they had to handle an end-of-life decision. Then we saw it in the efforts of the majority leader, the gentleman from Texas (Mr. DELAY), who fired a shot at every judge in the country who had the temerity to think for themselves, warning them if they did not toe the line, he would go after their jurisdiction.

And then you have this effort to appoint the chairman of the Republican National Committee as head of public broadcasting. And then I wonder why the American people get a little nervous about the thought police at work.

The fact is that every public opinion poll shows that the American people have more confidence in the objectivity of public television and public radio than they do any other news outlet, and certainly more confidence in their objectivity than they have in us as a body.

We have hit a new low recently in terms of public approval of the way this Congress is operating. I would say with good reason, because this Congress spends so much time worrying about things that affect itself rather than worry about things that affect the American people.

So I think there is a very good reason for the gentleman's amendment. I regret that there is a necessity to bring it up. But I do think that Mr. Tomlinson is primarily responsible for politicizing this entire issue.

Mr. Chairman, I do not mind seeing Republicans on public broadcasting. I do not think there was a better show on television than Bill Buckleys's program through the years. Bill Buckley had a huge intellect, and I think the country was served by the programs that he had on that program for many years.

I do not think the country is served well when Mr. Tomlinson takes upon himself the duty of being the thought policeman for the entire country on public television. That crosses the line. He ought to go. He ought to resign. This Congress ought to demand that he do so.

Mr. Chairman, I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, I think Mr. BARTON made the case in opposition to this. And for that reason, I would urge my colleagues to vote against this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. HINCHEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Chairman, Mr. Tomlinson ought to go. Mr. Tomlinson had people do some polls. What they found on these polls is 80 percent of Americans say PBS is fair and balanced; 90 percent said they had high-quality programming, more than any channel, as the gentleman from Wisconsin (Mr. OBEY) has pointed out.

But Mr. Tomlinson did not reveal those results to anybody. He kept it all to himself. You bet there is bias at CPB. It is embodied in this chairman, who must cease and desist his politicization of the agency, which is why I urge you to vote for this amendment. How the House can best aid public broadcasting would be to vote this amendment and for the President of CPB to submit his resignation.

Yesterday, this body voted by a substantial margin to restore funding for public broadcasting. We did so after an unprecedented outpouring of public sentiment. Over 1 million people signed petitions. within one week's time—proving Americans demand their public broadcasting continue. But we did so mainly because it was the right thing to do.

For almost 40 years, only one television channel among the 500 operating today has consistently been regarded by the public as the gold standard of broadcasting.

Chairman Tomlinson discovered that for himself when he hired the right-leaning Tarrance group to investigate claims of bias. After conducting two "National Public Opinions," his handpicked pollsters found that 80 percent of Americans saw PBS as "fair and balanced," while 90 percent believed that PBS "provides high quality programming." Further, a majority of respondents called PBS "more trustworthy than CNN, Fox News Channel and other mainstream news outlets."

Does it surprise anyone to hear that Chairman Tomlinson did not reveal the results in his annual report to Congress—or even to PBS and NPR? Yes, there is bias in action at CPB. It's embodied in its chairman, who must cease and desist his politicization of the agency, which is why I urge you to vote for this amendment. That's how the House can best aid public broadcasting. What the chairman could do for CPB is to submit his resignation.

□ 1215

Mr. HINCHEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I agree with my colleagues that Mr. Tomlinson needs to go, because yesterday Patricia Harrison, who was the former cochairman of the National Republican Committee, was selected as the next president. He has secretly coordinated with a White House official to formulate guiding principles for the appointment of two partisan ombudsmen to monitor and critique all public broadcasting content.

Our first amendment rights are being eroded away and we can see through that. There needs to be transparency.

Mr. Chairman, once again our public broadcasting system is under attack by reactionary forces inside the beltway. This time, it is suffering a two-pronged assault; one on content, one on funding, and both politically motivated.

Congressman HINCHEY and I are offering an amendment to reinforce existing law and buffer PBS from the kind of political attacks that Corporation of Public Broadcasting (CPB) Chairman, Kenneth Tomlinson, has brought upon Big Bird and Elmo. Mr. Tomlinson has revealed his personal crusade to discredit and destroy public broadcasting by unjustly accusing PBS and NPR of liberal bias, and working behind the scenes to stack the CPB's board and executive offices with operatives who share his ideological views.

Yesterday, Patricia Harrison, the former cochairwoman of the Republican National Committee, was elected as CPB's next president. Mr. Tomlinson also secretly coordinated with a White House official to formulate "guiding principles" for the appointment of two partisan ombudsmen to monitor and critique all public broadcasting content. Tomlinson suppressed a public poll showing that 80 percent of Americans judge PBS to be "fair and balanced", compared to network and cable television. Tomlinson, also diverted taxpayers' money to hire a partisan researcher for a stealth study to track so called "anti-Bush" and "anti-Tom DeLay" comments (by the guests) of "NOW with Bill Moyers"—a move that currently is being investigated by the Inspector Generai.

Mr. Chairman, the law is clear on this. The Public Broadcasting Act of 1967 clearly forbids "any direction, supervision, or control over the content or distribution of public telecommunications programs and services." Congress established the Corporation for Public Broadcasting to "encourage the development of public radio and television broadcasting" and to "afford (public broadcasting) maximum protection from extraneous interference and control." Under the direction of Tomlinson, however, the CPB has engaged in a deliberate campaign to inject politics into public broadcasting.

The taxpayer-funded CPB is supposed to serve as a firewall between Washington DC politics and public broadcasting. Mr. Chairman, we must take the politics out of public broadcasting—and put the public back in. Our amendment will prohibit the CPB President from exercising any direction, supervision, or control over the content or distribution of public broadcasting. It would also reaffirm the long-standing policy that public broadcasting must be free from outside interference. This is about the future of a vital public trust, a resource that is owned and enjoyed by everyone, and not allowing it to be hijacked by the nefarious agenda of a few political operatives. It is a shame that it has even come to arguing for safeguards we used to take for granted, but the actions of Mr. Tomlinson demand it. I urge my colleagues to support our amendment.

Mr. HINCHEY. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, the gentleman from New York's (Mr. HINCHEY) amendment just restates existing law. What Ken Tomlinson wants to do is turn NPR into the NRC, the National Republican Committee, rather than National Public Radio. That is what it is all about.

CPB used to stand for Corporation for Public Broadcasting. Now it will stand for Corporation for Political Boondoggles, as this Republican administration seeks to politicize something that in all national polling is the most respected news outlet in the United States of America.

This is wrong. Support the Hinchey amendment.

Mr. REGULA. Mr. Chairman, I move to strike the last words.

Mr. Chairman, we oppose this amendment. There is already language in the Public Broadcasting Act of 1967 that prevents the Corporation for Public Broadcasting from controlling the content of public broadcasting services.

I do not see why this language is necessary today. The law is already there. You have different points of view as to what is the characteristics of public broadcasting, and that is conservative, liberal or whatever. I think this amendment is unnecessary in light of current law. Let CPB do its job and stop trying to politicize it.

I will point out one further thing. This amendment would negatively impact on CPB's ability to assist in the production of quality educational programming. For example, if this amendment were to be law, if Ken Burns, whom we all are familiar with, were to serve as a consultant to the National Park Service on battlefield conservation, he then would be prohibited from producing any documentaries for PBS or local public TV stations. The amendment would alter public broadcasting's authorization that is presently in the law, and I think it would cripple the abilities of CPB to do what our colleagues on the other side of the aisle want it to do, and that is to be an objective medium, to present all sides of every issue, and not attempt to politicize the message.

With the present law, it seems to me that there is no need for this amendment. I urge my colleagues to vote against it if we do have a roll call vote.

Mr. HINCHEY. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN (Mr. FOSSELLA). The gentleman from New York (Mr. HINCHEY) has 30 seconds remaining.

Mr. HINCHEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, my favorite quote from Abraham Lincoln is this: You can fool some of the people all of the time and all of the people some of the time, but you cannot fool all of the people all of the time.

I think that this House ought to understand that because that is what is trying to be done here. They are trying to fool all of the people all of the time. They have done it with Iraq, they are trying to do it with Social Security, and now they are trying to do it by controlling the airwaves, controlling the information that people get, and most recently by politicizing public broadcasting.

The law that my good, dear friend, the gentleman from Ohio (Mr. REGULA), just mentioned is not being enforced. That is the problem. That is why we have this amendment. That is why we need its passage.

Public broadcasting should not be political. It needs to be objective and reliable. Pass this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

amendment by the gentleman from Georgia (Mr. PRICE); amendment by the gentleman from California (Mr. GEORGE MILLER); amendment by the gentleman from Ohio (Mr. BROWN); amendment No. 8 by the gentleman from California (Mr. FILNER); amendment by the gentleman from Iowa (Mr. KING); amendment No. 16 by the gentleman from Colorado (Mr. HEFLEY); amendment by the gentleman from New York (Mr. HINCHEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 102, noes 298, not voting 33, as follows:

[Roll No. 308]

AYES—102

Akin
Barrett (SC)
Beauprez
Bilirakis
Blackburn
Brady (TX)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Cannon
Carter
Chocola
Coble
Cox
Cuellar
Culberson
Davis (KY)
Davis, Jo Ann
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Emerson
English (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Hayes
Hayworth
Herger
Hostettler
Hulshof
Inglis (SC)
Istook
Jindal
Johnson (CT)
Keller
Kelly
Kennedy (MN)
King (IA)
Kline
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Murphy
Musgrave
Neugebauer
Ney
Norwood
Otter
Paul
Pearce
Pence
Petri
Pitts
Pombo
Price (GA)
Radanovich
Ramstad
Renzi
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—298

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bass
Bean
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Camp
Cantor
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Harris
Hart
Hastings (FL)
Hastings (WA)
Hefley
Hensarling
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas

Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rangel
Regula
Rehberg
Reichert
Reynolds
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—33

Andrews
Bartlett (MD)
Becerra
Boozman
Boyd
Capito
Chabot
Davis, Tom
Delahunt
Evans
Fattah
Gohmert
Gutierrez
Harman
Honda
Jones (NC)
Kingston
Lewis (GA)
Meeks (NY)
Mollohan
Rahall
Reyes
Rogers (AL)
Simmons
Taylor (MS)
Taylor (NC)
Towns
Udall (NM)
Wexler
Whitfield
Wicker
Wilson (NM)
Young (FL)

□ 1243

Ms. MOORE of Wisconsin, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. DRAKE, Ms. KAPTUR, and Messrs. POE, GORDON and MELANCON changed their vote from "aye" to "no."

Messrs. SULLIVAN, CARTER, CALVERT, CHOCOLA, CUELLAR, FOLEY, KING of Iowa, SMITH of Texas, HALL, HERGER, MARCHANT, TANCREDO, Mrs. EMERSON, Ms. GINNY BROWN-WAITE of Florida, and Mrs. BLACKBURN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 219, noes 185, not voting 29, as follows:

[Roll No. 309]

AYES—219

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Feeney
Filner
Fitzpatrick (PA)
Ford
Fossella
Frank (MA)
Gerlach
Gibbons
Gonzalez
Goode
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Poe
Pomeroy
Price (NC)
Rangel
Reichert
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Shimkus
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu
Wynn

NOES—185

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Ferguson
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Pence
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Sullivan
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (SC)
Young (AK)

NOT VOTING—29

Andrews
Bartlett (MD)
Becerra
Boozman
Boyd
Capito
Cox
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Jones (NC)
Kingston
Lewis (GA)
Meeks (NY)
Mollohan
Pickering
Rahall
Reyes
Rogers (AL)
Simmons
Taylor (MS)
Towns
Udall (NM)
Whitfield
Wilson (NM)
Young (FL)

□ 1252

Mr. SCHWARZ of Michigan changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BROWN OF OHIO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. BROWN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 170. noes 237, not voting 26, as follows:

[Roll No. 310]

AYES—170

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Barrow
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—237

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn
Young (AK)

NOT VOTING—26

Andrews
Bartlett (MD)
Becerra
Boozman
Boyd
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Jones (NC)
Lewis (GA)
Marchant
Meeks (NY)
Mollohan
Rahall
Reyes
Rogers (AL)
Simmons
Taylor (MS)
Towns
Udall (NM)
Wilson (NM)
Young (FL)

□ 1300

Mr. TANNER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. FILNER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. FILNER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 314. noes 94. not voting 25, as follows:

[Roll No. 311]

AYES—314

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Beauprez
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Boren
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Camp
Cannon
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
DeLauro
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Hall
Harris
Hastings (FL)
Hayworth
Hefley
Hensarling
Herseth
Higgins
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Otter

Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Pomeroy
Price (GA)
Price (NC)
Putnam
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Shimkus
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Woolsey
Wu
Wynn
Young (AK)

NOES—94

Aderholt
Akin
Alexander
Bachus
Baker
Bass
Biggert
Bilirakis
Bonilla
Bono
Boustany
Brady (TX)
Brown (SC)
Burton (IN)
Calvert
Cantor
Chocola
Coble
Crenshaw
Davis (KY)
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Ehlers
Everett
Franks (AZ)
Gilchrest
Gutknecht
Hart
Hastings (WA)
Hayes
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jindal
Johnson (CT)
Kanjorski
Keller
King (IA)
Kingston
Kline
Knollenberg
Kolbe
LaTourette
Lewis (CA)
Manzullo
McCrery
McHenry
McKeon
Mica
Miller, Gary
Myrick
Norwood
Nunes
Osborne
Oxley
Pearce
Pitts
Porter
Pryce (OH)
Radanovich
Regula
Rohrabacher
Ros-Lehtinen
Royce
Sabo
Saxton
Shaw
Shays
Sherwood
Shuster
Smith (TX)
Sodrel
Souder
Sullivan
Sweeney
Taylor (NC)
Thomas
Tiahrt
Tiberi
Walden (OR)
Weller
Westmoreland
Whitfield
Wilson (SC)
Wolf

NOT VOTING—25

Andrews
Bartlett (MD)
Becerra
Boozman
Boyd
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Jones (NC)
Lewis (GA)
Meeks (NY)
Mollohan
Rahall
Reyes
Rogers (AL)
Simmons
Taylor (MS)
Towns
Udall (NM)
Wilson (NM)
Young (FL)

□ 1309

Mr. KING of New York and Mr. PUTNAM changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY KING OF IOWA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 285, noes 121, not voting 27, as follows:

[Roll No. 312]

AYES—285

Aderholt
Akin
Alexander
Allen
Baca
Baker
Baldwin
Barrett (SC)
Barrow
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Calvert
Camp
Cannon
Cantor
Cardin
Cardoza
Carson
Carter
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
DeFazio
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Feeney
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Lantos
Larsen (WA)
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McGovern
McHenry
McIntyre
McKeon
McKinney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Otter
Oxley
Pascrell
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Saxton
Schiff
Schwartz (PA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Wamp
Waters
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (SC)
Wolf
Wu

NOES—121

Abercrombie
Ackerman
Bachus
Baird
Barton (TX)
Bean
Berkley
Berman
Blumenauer
Boehlert
Bono
Brown (OH)
Burgess
Butterfield
Buyer
Capps
Capuano
Carnahan
Case
Clay
Costa
Cubin
Cunningham
Davis (CA)
Davis (IL)
Deal (GA)
DeGette
Dicks
Ehlers
Engel
Evans
Farr
Ferguson
Filner
Fossella
Gilchrest
Gonzalez
Grijalva
Harris
Hastings (FL)
Hinchey
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Langevin
Larson (CT)
Latham
Lee
Levin
Lowey
Lynch
Mack
Maloney
Markey
Marshall
McCollum (MN)
McCrery
McDermott
McHugh
McMorris
McNulty
Meehan
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore (WI)
Nadler
Napolitano
Neal (MA)
Norwood
Ortiz
Osborne
Owens
Pallone
Pastor
Payne
Price (GA)
Price (NC)
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sanchez, Loretta
Sanders
Schakowsky
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sherman
Snyder
Stark
Sweeney
Tauscher
Thomas
Velázquez
Walden (OR)
Walsh
Wasserman Schultz
Watson
Watt
Waxman
Wexler
Whitfield
Woolsey
Wynn
Young (AK)

NOT VOTING—27

Andrews
Bartlett (MD)
Becerra
Bonilla
Boozman
Boyd
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Mollohan
Rahall
Reyes
Rogers (AL)
Simmons
Taylor (MS)
Towns
Udall (NM)
Wilson (NM)
Young (FL)

□ 1318

Mr. FRELINGHUYSEN changed his vote from "no" to "aye."

Mr. GEORGE MILLER of California and Ms. LEE changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above reported.

AMENDMENT NO. 16 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 84, noes 323, not voting 26, as follows:

[Roll No. 313]

AYES—84

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Bishop (UT)
Blackburn
Brady (TX)
Burton (IN)
Buyer
Cannon
Chabot
Chocola
Coble
Cox
Cubin
Davis, Jo Ann
Deal (GA)
Diaz-Balart, M.
Duncan
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Goodlatte
Graves
Gutknecht
Harris
Hart
Hayworth
Hefley
Hensarling
Herger
Hostettler
Inglis (SC)
Issa
Jenkins
Jindal
Keller
King (IA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
McCotter
McHenry
Mica
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Stearns
Sullivan
Tancredo
Tanner
Terry
Thornberry
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—323

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Baird
Baker
Baldwin
Barrow
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Camp
Cantor
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Gordon
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Hall
Hastings (FL)
Hastings (WA)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—26

Andrews
Becerra
Boozman
Boyd
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Mollohan
Nunes
Rahall
Reyes
Rogers (AL)
Simmons
Taylor (MS)
Towns
Udall (NM)
Wilson (NM)
Young (FL)

□ 1326

Mr. SULLIVAN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HINCHEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 218, not voting 28, as follows:

[Roll No. 314]

AYES—187

Abercrombie
Ackerman
Allen
Baca
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Serrano
Shays
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—218

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)

Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—28

Andrews
Becerra
Boozman
Boyd
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Jones (NC)
Kaptur
LaTourette
Lewis (GA)
Meeks (NY)
Mollohan
Nunes
Rahall
Reyes
Rogers (AL)
Scott (VA)
Simmons
Taylor (MS)
Towns
Udall (NM)
Wilson (NM)
Young (FL)

□ 1333

Mr. HALL changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RAHALL. Mr. Chairman, I was unavoidable detained on official business this morning. I was in West Virginia with Chairman Anthony Princippi, and our West Virginia delegation to discuss BRAC recommendations. I missed rollcall vote 308 through 314. Had I been present, I would have voted in the following manner: rollcall vote 308: "nay"; rollcall vote 309: "yea"; rollcall vote 310: "yea"; rollcall vote 311: "yea"; rollcall vote 312: "yea"; rollcall vote 313: "nay"; and rollcall vote 314: "yea".

PERSONAL EXPLANATION

Mr. SIMMONS. Mr. Chairman, I was regrettably delayed in my return to Washington, DC from an official visit to Norfolk Naval Station, Virginia and was unable to be on the House floor for rollcall votes 308 to 314. Had I been present, I would have voted "nay" on rollcall 308, an amendment offered by Representative PRICE (GA); "yea" on rollcall 309, an amendment offered by Representative MILLER (CA); "nay" on rollcall 310, an amendment offered by Representative BROWN (OH); "yea" on rollcall 311, an amendment offered by Representative FILNER; "nay" on rollcall 312, an amendment offered by Representative KING (IA); "nay" on rollcall 313, an amendment offered by Representative HEFLEY; and, "nay" on rollcall 314, an amendment offered by Representative HINCHEY.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, many of my colleagues have asked about time, and it is pretty difficult to just quantify exactly where we will be. We have six or seven amendments yet to go and possibly a motion to recommit. The gentleman from Wisconsin (Mr. OBEY) is indicating there will be, so we can draw our own conclusions as to what kind of a time number we are looking at, with that many amendments and with a motion to recommit.

While we are trying to get some of the mechanics here of the en bloc amendment worked out, I would just like to comment that this bill does some really good things in education, and I think this is something that we are all interested in.

I do not know if any of my colleagues have read Tom Friedman's book in which he points out the flat Earth, how important education is to the Nation's future. I mentioned yesterday Dave Broder's column in which they polled Americans who said that they thought that the most significant thing in the success of the United States was our educational system.

So it was a great thing, and I believe Thomas Jefferson was the person who, and I am not sure of that, who developed the idea of a free public education, which was pioneering at the time because there was not anything like it in the rest of the world. Many others have duplicated it or some copy thereof. But I do think that what we have tried to do with this bill is to emphasize good teachers, good principals, good schools.

I have said many times that I have three goals on the committee. One was to get a good teacher in every classroom and with that, a good principal in every building and a good superintendent. Secondly was to lower the dropout rate. I think it is tragic that 32 percent of our students nationwide do not finish high school. Thirdly is to ensure that every child learns to read. I believe that the dropout rate is a result, in part, of the fact that people do not learn to read early in their educational experience.

AMENDMENTS EN BLOC OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. REGULA:

Page 2, line 12, after the dollar amount, insert the following: "(increased by $58,000,000)".

Page 22, line 2, after the dollar amount, insert the following: "(increased by $5,000,000)".

Page 22, line 8, after the dollar amount, insert the following: "(increased by $500,000)".

Page 22, line 12, after the first dollar amount, insert the following: "(increased by $3,000,000)".

Page 45, line 10, after the dollar amount, insert the following: "(increased by $22,000,000)".

Page 54, line 1, after the dollar amount, insert the following: "(reduced by $12,000,000)".

Page 54, line 2, after the dollar amount, insert the following: "(increased by $12,000,000)".

Page 75, line 21, after the dollar amount, insert the following: "(increased by $27,000,000)".

Page 82, line 10, after the dollar amount, insert the following: "(reduced by $5,000,000)".

Page 82, line 12, after the dollar amount, insert the following: "(reduced by $2,500,000)".

Page 84, line 13, after the dollar amount, insert the following: "reduced by $2,500,000)".

Page 99, line 5, insert: "directly or indirectly, including by private contractor," after "shall be used,".

At the end of the bill (before the short title), insert the following:

"SEC. . None of the funds made available under this Act to the Department of Education may be expended in contravention of section 505 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1623).".

"SEC. 5 . None of the funds made available in this Act may be used by the National Institute of Mental Health for any of the following grants:

(1) Grant number MH060105 (Perceived Regard and Relationship Resilience in Newlyweds).

(2) Grant number MH047313 (Perceptual Bases of Visual Concepts in Pigeons).

"SEC. . None of the funds made available in this Act may be used to implement any strategic plan under section 3 of Executive Order 13335 (regarding interoperable health information technology) that does not require the Department of Health and Human Services to give notice to any patient whose information maintained by the Department under the strategic plan is lost, stolen, or used for a purpose other than the purpose for which the information was collected."

"SEC. 5___. None of the funds made available in this Act may be used by the Department of Health and Human Services to appoint an individual to a Federal advisory committee on the basis of political affiliation, unless required by Federal statute."

Pursuant to the order of the House of June 23, 2005, the gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, these have all been agreed upon as part of the en bloc. and I would urge the Members to vote for it.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply say that while I am dubious about the content of several of these amendments, in the interest of moving the bill forward, I would also urge that we accept the en bloc amendments and move on to the others.

Mr. REGULA. Mr. Chairman, I thank the gentleman for helping us to work it out.

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, I would only say to my distinguished chairman, I realize how difficult these circumstances are. There is one amendment in that en bloc circumstance, the Neugebauer amendment, that I think the House should be alerted to. It could put us down a slippery slope of reviewing peer review scientific approaches; and since it is targeted at a program in a university in my district. I am particularly sensitive to it.

But unrelated to the fact that it is in my district, this subject is something that I hope in the conference will get the attention of Members in terms of the overriding principle of whether we ought to be political seers overriding scientific peers.

Secondly, in the statement I will submit for the RECORD, I have outlined a reason for this particular grant that is, in my view, again very compelling, which makes a political attack on it quite, again in my view, uncompelling.

So at this time, I simply ask respectfully that the chairman and the ranking member give this perspective serious consideration as you move to conference.

Mr. Chairman, I recognize that sometimes committees decide to accept a series of amendments to bills "en bloc" on the House floor and then review them further in conference. In this circumstances, I rise to express a great disappointment that the committee has agreed to accept for the time being the Neugebauer amendment which represents a philosophical assault on the peer review process that serves as a hallowed barrier to scientific censorship.

Mr. Chairman, the Neugebauer amendment is about exasperation with NIH research on non-humans—i.e., animals and birds—and targets a grant given a respected research institution in my District—the University of Iowa.

First, let me stress that 60% of all human diseases are zoonotic—that is, derived or related to animals and birds. It is no accident that the remarkable results that have been obtained in developing miracle drugs and intervention approaches in so many diseases begins with research on animals and birds.

Secondly, let me stress that NIH and NIMH operate in a more non-politicized manner than other governmental entities. All their research approaches are peer-reviewed by scientists across the country. We in Congress authorize the appropriations for NIH and NIMH, but scientists rather than politicians determine which research applications should be funded. Science, in this sense, by Congressional directive, has largely been de-politicized.

As for this specific grant, the pigeon has been selected to study because it has a remarkably well developed visual system with such high acuity that it can make extraordinary decisions without the mediation of language.

The research, which focuses on how the pigeon discriminates between visual stimuli, could be singularly important to our understanding of how brains and mental processes operate. The knowledge garnered is designed to be of particular use in the treatment of mental illnesses and disorders like autism and schizophrenia.

Knowledge of the operation of advanced cognitive processes in the absence of language can also provide important clues to possible remedial methods that could be effective with language impaired human patients. New thinking and teaching methods which may develop from research on pigeons and other life forms could better enable impaired individuals to interact with a world of complex patterns and categories, thus allowing them to be productive decision-makers, less likely to need institutionalization.

Mr. Chairman, let me reiterate that research with birds and animals is critical for human health. The pigeon may seem an obscure subject, but the application of research on this bird, which is so talented it can find its way home even if transported and released thousands of miles away, could be quite meaningful.

There is no certainty any research approach will be productive, but there is certainty that politicizing science will shackle its potential for lengthening and ennobling life.

Accordingly, I urge the committee as it reviews this "en bloc" amendment in conference to give particular attention to whether it wants to establish a precedent of political "seers" overriding scientific peers. This is a slippery slope that I hope conferees will not slide down.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I am pleased that the chairman accepted an amendment that would strengthen the privacy safeguards within the Office of Information Technology to which our committee appropriated over $75 million for safeguarding information.

Medical information is so critically important as we start to put together a national infrastructure of information technology that is interoperable and that is transparent and that will allow providers to adequately provide the care that they need to, with all of the knowledge of the patient's background that they need to have, in order to make the right decisions at the point of care.

I thank the chairman for yielding to me and for supporting this amendment.

Mr. BUYER. Mr. Chairman, I rise to express my strong support for the Chairman REGULA's, amendment and urge my colleagues to vote in favor of increased funding for programs aimed at getting veterans into jobs.

Mr. Chairman, the National Veterans Employment and Training Institute is run by the University of Colorado under contract to the Department of Labor. Their mission is to train Disabled Veteran Outreach Program Specialists and Local Veterans Employment Representatives (DVOPS and LVERs) how to place veterans who are seeking employment in good-paying jobs.

I want to emphasize that DVOPS and LVERs are state employees who usually work for the state employment service. The extra 500 thousand dollars will allow NVTI to increase its training load for the next year by nearly 20 percent. That means that more DVOPS and LVERs will get basic and advanced training in such skills as case management, compliance investigation, job coaching, promoting partnerships, presentation skills, and Transition Assistance for those being discharged.

The Homeless Veterans Reintegration Act, or HVRP, is designed to get homeless veterans off the streets and back into the labor market. The typical grantee provides the safe living quarters and supportive services to men and women who have hit bottom and are seeking a way out of what may have been decades of homelessness. Recent data indicates this is a highly cost effective program. For a program cost of a little over $2,200 per job placement averaging about $9.25 per hour, an HVRP client potentially returns about $2,800 in taxes per year to the federal government. I call that a good investment in human capital.

The Chairman's amendment will add three million dollars to the $22 million proposed by the President. I salute the Chairman for his efforts on behalf of homeless veterans. This additional funding will provide opportunities for hundreds more homeless veterans. According to the Veterans Employment and Training staff, three million dollars will fund nine to 12 new grantees and service over 1,000 more homeless veterans. Surely, this is a worthy cause.

Mr. Chairman, this is a good amendment that every Member can take pride in and I urge my colleagues to vote yes.

Mr. WAXMAN. Mr. Chairman, I rise to offer an amendment to prohibit the Department of Health and Human Services from using political litmus tests in making appointments to scientific advisory committees.

Advisory committees play a crucial role in the development of policy. That role is to offer policymakers the best available expertise on scientific matters. Science is not liberal or conservative. It is not Democratic or Republican. In order to develop the best policy, our government needs to hear the facts from the most qualified experts, regardless of their political affiliation.

This common sense principle is widely accepted in the scientific community. It has been endorsed by the National Academy of Sciences, the American Academy for the Advancement of Science, and numerous other scientific organizations.

This amendment simply adopts this principle into policy. It would prohibit funding for any committee where members are chosen on the basis of political affiliation, unless required by law.

Unfortunately, the current Administration has a terrible track record on this issue. It has repeatedly applied political litmus tests in making appointments to advisory committees.

A nationally recognized expert on substance abuse was asked if he had voted for President Bush. After he answered honestly, he was not appointed.

An expert in marine ecology was asked if she supported the President's economic and foreign policy agenda. After she told the truth, she was immediately dropped from consideration.

A Nobel Prize winner was nominated for an important NIH panel on international health. According to a senior NIH official, he was not picked because he had "signed too many full page letters in the Times."

The Administration's use of political litmus tests has generated outrage in the scientific community.

The editor of the journal Science has stated, "I don't think any administration has penetrated so deeply into the advisory committee structure as this one, and I think it matters. . . . If you start picking people by their ideology instead of their scientific credentials, you are inevitably reducing the quality of the advisory group."

These actions are unacceptable. Expert advisory panels should be filled with scientific experts, not party loyalists. This is the only way our government will have the information it needs to make the best policies on behalf of the American people.

Our country's premier scientific organizations have affirmed the core principle that scientific advice should be provided by the best scientists. I urge my colleagues to endorse this principle and support this amendment.

Mr. EMANUEL. Mr. Chairman, I rise today in support of the Markey-Emanuel amendment which is part of the en bloc amendment proposed by Chairman REGULA. Our amendment is simple and straightforward. It requires patients to be notified if their medical records contained in the new national health information network are lost, stolen or used for unauthorized purposes.

While a national health information network could provide significant benefits for the entire medical community, that network must come with guaranteed privacy protections. As the revelations by MasterCard and Visa that the personal information of as many as 40 million customers was compromised demonstrates, identity theft has become an epidemic.

A national health information network without strong privacy protections would undermine all of its other benefits. Without privacy protections, patients won't have confidence that their medical records will be kept confidential, which is essential to quality health care.

In the 108th Congress, I introduced legislation to protect credit consumers' sensitive medical information. That bipartisan legislation was signed into law last year. By "blacking out" health information, we created a zone of privacy and gave consumers the confidence that their medical records are being protected. We should do the same thing here.

Mr. Chairman, major data security breaches are occurring on a daily basis and identity theft is the fastest-growing white collar crime in the country. It's essential that we get this right at the beginning by making strong privacy protections a part of this health information network.

Mr. MARKEY. Mr. Chairman, I rise in support of the Manager's amendment.

The Manager's amendment includes an amendment that I filed to offer to the bill yesterday, which would address an important privacy protection issue.

Mr. Chairman, the recent wave of massive data thefts has swept up the precious, private information of millions and millions of Americans.

Everyday seems to bring new examples of gaping holes in databases being exploited by criminals: ChoicePoint, Lexis-Nexis, and CardSystems Solutions.

These are just 3 recent examples of huge heists of personal information.

And when Americans' financial records are drained from databases, does Federal law require the victims to be notified? No!

When Americans' Social Security numbers are siphoned from databases by criminals, does Federal law require that the victims are at least notified? No!

And, most importantly, when Americans' most private health information is plundered from databases, does Federal law require the victims to be notified? Shockingly, Unbelievably—No!

Mr. Chairman, the bill before us today provides $75 million to support the creation of a new network of databases containing the health records of millions of Americans across the country. This new health information network will be, in effect, the "Mother of All Databases." This network, when it is completed, will provide unprecedented access to the most private, personal health records of tens of millions of Americans.

The nationwide network holds tremendous promise. But it also holds enormous peril for the privacy of Americans' medical records. That's because we know that databases currently maintained by the Federal government are vulnerable to infiltration by the data thieves.

How do we know this?

In February 2005, President Bush's Information Technology Advisory Committee reported that:

> The information technology infrastructure of the United States . . . is highly vulnerable to terrorist and criminal attacks and [T]he Federal Government needs to fundamentally improve its approach to cyber security.

In May 2005, GAO reported that:

> [T]he Federal Government is limited in its ability to identify and respond to emerging cybersecurity threats, including sophisticated and coordinated attacks that target multiple federal entities.

Even with the most sophisticated and modern cybersecurity, we have learned that reels of data can be lost off the back of a truck.

While there is much we must and should do to minimize that loss of data, it is simply unforgivable to hide a known breach from the individuals whose personal data has fallen into unauthorized hands.

An individual can sometimes take action to protect herself while authorities try to puzzle out what happened to cause a breach. At least they should know when they are at risk.

A national health information network could provide significant benefits for patients, physicians, hospitals, and other health providers. But to realize these benefits, this new network must have strong privacy safeguards.

My amendment, which is now part of the Manager's amendment, would simply require that patients whose health information is maintained by the Department of Health and Human Services as part of this new health records database must be notified if their records are lost, stolen or used for an unauthorized purpose.

Our amendment would apply to the tens of millions of Medicare and Medicaid beneficiaries whose personally identifiable health information is maintained by the Federal Government.

As the Department begins to develop the standards for this enormous database, privacy of patients must be a priority.

As many of us know, people can be more concerned about their medical information being public than their financial information.

There are things in medical records that people don't even tell members of their own families.

We are at the dawn of the development of this new database. Now is the time to ensure that privacy is paramount.

Our amendment will ensure that patients victimized when their health information in the database is stolen or misused are simply notified so they can take the necessary steps to protect themselves.

In fact, the following 13 states already have enacted similar notification requirements for patients whose personal information has been stolen from electronic databases: Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Maine, Minnesota, Montana, Nevada, North Dakota, Texas and Washington.

This is a vital, common-sense amendment, and I am pleased that it has been incorporated into the Manager's amendment. I urge its adoption.

Mr. WAXMAN. Mr. Chairman, I rise in support of the scientific peer review process at the National Institutes of Health and in opposition to the Neugebauer Amendment.

For the third year in a row, the House is considering an attempt to score cheap political points at the expense of NIH research. This year's targets are two grants from the National Institutes of Mental Health.

Both of these grants passed NIH's rigorous peer review process. This process involves two stages of review. In the first, scientists from leading institutions around the country make independent evaluations of each proposal. In the second stage, advisory councils with broad representation set priorities and approve the studies.

Our system of peer review is the envy of the world, and for good reason: It is based on science, and it is immune from political interference.

Congress should be proud of the NIH and what it has accomplished. Instead, this amendment strikes at the heart of scientific integrity at the agency.

Supporters will say that the amendment is just about two grants. In their view, apparently, NIH should not be funding research in animal models that can expand our understanding of brain disorders . . . or research on psychological distress and marriage that can reduce domestic violence.

Just looking at the two grants, I am far from persuaded. Marriage is a key institution in our society, and we should use science to understand how it can be strengthened. Research in animal models has provided important insights into brain disorders. I fail to see any justification in eliminating the funding these grants.

More fundamentally, it is inappropriate for us to be debating the merit of these grants in the U.S. House of Representatives. This is not a grant review panel. We are not scientific experts. Our country has succeeded by leaving scientific judgments to scientists, and we should continue to do so.

Our Nation's research community is watching this House today. Universities and researchers want to know if they can do their jobs without wondering whether Congress will step in at the last moment to slander their research and sabotage their careers.

The Administration is also opposed to this amendment. The Director of the National Institutes of Health Dr. Elias Zerhouni stated yesterday:

> Defunding meritorious grants on the floor of Congress is unjustified scientific censorship. It undermines the historical strength of American science, which is based on our world renowned, apolitical, and transparent peer review process.

I hope these words give this House pause. Let us not vote for scientific censorship. Let us not undermine the historical strength of American science.

To paraphrase the editors of the New England Journal of Medicine, let us not rub the gem of worldwide biomedical research in political dirt.

I urge you to join me in rejecting this ill-advised amendment.

Mr. NEUGEBAUER. Mr. Chairman, my amendment will prohibit the National Institute of Mental Health from further funding two grants whose research falls outside the mission set by NIMH. The amendment would not reduce overall research funding. Rather, it would focus the funding toward serious mental health issues.

According to NIMH, its goal is to "reduce the burden of mental illness and behavioral disorders" and prevent "disabling conditions that affect millions of Americans."

This is a noble goal. Serious mental health diseases such as autism and Alzheimers do affect the lives of many Americans. And finding cures and treatments for these debilitating diseases is something we all hope for.

This is why I was curious when I saw that two NIMH grants have been going on for years that do not focus on our most pressing mental health issues.

For nearly 15 years, more than $1.5 million has been awarded to study "Perceptual Bases of Visual Concepts." According to NIMH, this study trains pigeons to distinguish between natural and man made objects.

Now on its fifth year, a second study has spent hundreds of thousands of taxpayer dollars to determine how the self-esteem of newlyweds affects their marriage. Now, I am a fan of marriage. In fact, I have actively participated in one for 35 years. But what does this research contribute to the effort to find better treatment, or even a cure, for Alzheimers or autism or Schizophrenia? Whatever scientific merits these research projects may have, they are not directed at serious mental health disorders.

Sending millions of dollars to research that falls outside the mission of NIMH is problematic enough. However, this problem is compounded when you look at the list of grants that have been rejected over the same time period. If you look at the list, you will find grant after grant which specifically targets serious mental health diseases, such as schizophrenia and bipolar disorder.

According to a 2003 study done by a group of mental health professionals and entitled, "A Federal Failure in Psychiatric Research," only 1 out of every 17, 2002 research grants is reasonably likely to improve the treatment and quality of life for individuals presently affected by serious mental health illness.

Some here today may feel hesitant about ending these grants. But, ladies and gentleman, as members of Congress, we must become better stewards of taxpayer dollars.

I urge my colleagues to support research on serious mental health issues by supporting the Neugebauer amendment.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Ohio (Mr. REGULA).

The amendments en bloc were agreed to.

AMENDMENT NO. 14 OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 14 offered by Mr. HAYWORTH:
>
> At the end of the bill (before the short title) insert the following:
>
> SEC. ____. None of the funds made available in this Act may be used by the National Labor Relations Board to exert jurisdiction over any organization or enterprise pursuant to the standard adopted by the National Labor Relations Board in San Manuel Indian Bingo and Casino and Hotel Employees & Restaurant Employees International Union, AFL-CIO, CLC and Communication Workers of America, AFL-CIO, CLC, Party in Interest, and State of Connecticut, Intervenor, 341 NLRB No. 138 (May 28, 2004).

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Arizona (Mr. HAYWORTH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, in May 2004, the National Labor Relations Board overturned 30 years of its own precedent and ruled that it has jurisdiction over tribal government enterprises located on tribes' own sovereign lands. Where tribal law has governed relations between tribes and their employees, the NLRB seeks to replace that law with its authority in this area. This decision is a frontal assault on tribal sovereign rights.

The National Labor Relations Act expressly exempts States, cities, and local governments from its coverage; and the NLRB has ruled that territorial governments, such as Puerto Rico and Guam, are also exempt from NLRB jurisdiction. But the NLRB incorrectly decided that it should exercise its jurisdiction over tribal governments on their own lands. If this unfair decision stands, the only governments that will be subject to NLRB jurisdiction will be tribal governments.

The NLRB misunderstands that tribal governments, like State governments, rely upon government-owned enterprises to generate revenues to support governmental purposes such as reservation, law enforcement and fire services, and programs for the health, education, and welfare benefit of tribal members. Consistent with the policy behind the NLRB exemptions for governments, private parties such as labor unions should not be able to hold government-owned enterprises hostage when disagreements arise.

Ironically, the NLRB specifically ruled against the San Manuel Band of Mission Indians, a tribe based in Southern California that has enacted into its tribal law a tribal labor relations ordinance with greater labor union rights than the National Labor Relations Act.

☐ 1345

In fact, the tribe has a collective bargaining agreement with the Communication Workers of America. The heavy-handed activist NLRB overlaid an incompatible legal regime where a tribal one, agreed to on a government-to-government basis with the State of California, was in place and was working.

Now, San Manuel and other tribes have conflicting laws and great uncertainty about which one applies.

Mr. Chairman, my colleagues, make no mistake, sovereignty cannot be situational. To reverse 30 years of policy by bureaucratic fiat is wrong. Adopt the amendment.

Mr. Chairman, I reserve balance of my time.

Mr. KILDEE. Mr. Chairman, I claim time in opposition.

Mr. Chairman, I yield myself such time as I might consume. Mr. Chairman, I rise in opposition to this amendment. Last year, Members from both sides of the aisle voted down a similar amendment. I had hoped that in a year's time the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from Ohio (Mr. BOEHNER) would work together to address this issue in the committee of jurisdiction. But that did not occur.

The gentleman from Ohio (Mr. BOEHNER) and I have had discussions on scheduling hearings in the committee of jurisdiction, the Committee on Education and the Workforce. During my 40 years of public service, I have established a strong record for defending the sovereign rights of Indian tribes. I have often led the fight to defeat legislative riders on appropriation bills because of my confidence in the regular procedures guiding us through the legislative process.

I am committed to finding a permanent solution to this issue, but the appropriations process is not the way to solve this issue. I urge my colleagues to vote no on the Hayworth amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HAYWORTH. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, the bottom line here is not process or legislative jurisdiction. Until Congress can consider a permanent solution to this problem, this amendment simply calls for a temporary time-out to allow us to work together for a more substantive solution, to avoid additional confusion among the tribes.

Mr. Chairman, I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, in politics there are show horses and there are work horses. This process, instead of seeking a solution, only sought headlines. We had an opportunity to make real progress and address the concerns of these tribes.

Instead of addressing this issue in a substantive manner in committee, we are once again addressing it in a political way on the floor of the House simply for political gain.

Mr. HAYWORTH. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, quoting the words of my friend, the gentleman from Rhode Island (Mr. KENNEDY) to Indian Country Today Newspaper, he said he would push for a compromise bill through Congress that would support on-reservation tribal sovereignty against the jurisdiction of the National Labor Relations Board, while accepting the board's role as arbiter of labor-employee disputes and union organizing on off-reservation tribally owned business.

The only workable bill is an authorizing bill, H.R. 16. As I have pointed out, we come here with this recourse because of uncertainty and because of bureaucratic fiat. Adopt this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I rise in strong opposition to the Hayworth amendment. Tribal Nations have established commercial gaming enterprises because of the economic boom it brings to their community. My hometown of Las Vegas looked to gaming many years ago, and now it has the one of the most vibrant economies in the country.

One of the keys to Las Vegas' success has been a strong relationship between labor and management. Because of this relationship, workers have good-paying jobs and benefits and safe working conditions, and can take care of their families. We should give the workers at the tribal gaming facilities the same chance.

Last year the National Labor Relations Board correctly ruled that it had jurisdiction over on-reservation commercial tribal enterprises such as casinos.

Make no mistake about it, Indian gaming is a big business. And the people working in Indian gaming on the reservations have the right and are entitled to the protections of the NLRB. I encourage the Indian tribes and the tribal workers and the labor unions to work together to protect workers like they have done in Las Vegas. I urge my colleagues to vote against this ridiculous amendment.

Mr. HAYWORTH. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, my colleagues, we would do well to heed the marketing advice, What happens in Vegas stays in Vegas. What happens on tribal lands with their sovereignty should likewise be governed by the sovereign governments there. Sovereignty is not situational.

Mr. Chairman, I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER) the ranking member of the Education and Workforce Committee.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me time. And first and foremost, we must understand that this amendment that is being offered has no impact on this process. These tribes will not know whether or not they are violating the law or not violating the law. This amendment does nothing for that.

The law as is currently interpreted continues to go forward. What this amendment does is suggest that somehow that those workers on a reservation, working in a casino, who are not enrolled members of that tribe have no rights; have no rights. In California they do, under a compromise that was worked out.

Last year we were working out a compromise for the first time ever. We had labor and the union and tribes sit down together. They left the room because this amendment was offered last year, and nobody has come back because this amendment continues to be dangled as somehow it is the answer to the concerns that they have.

This amendment does not answer a single concern. It just kicks the can down the road, and people are still in limbo if they are seeking to work out an arrangement for those tribal lands and for labor relations on those tribal lands. That has not happened.

We were engaged in those historic conversations when the gentleman offered this amendment last year. And nobody has come back to the table since then.

Mr. HAYWORTH. Mr. Chairman, I yield myself 30 seconds.

My friend from California proves my point. He admits that in a government-to-government relationship, as the San Manuel Band has done already, they actually put together an agreement with greater union rights than the NLRA. That is precisely the point. Tribes should have the sovereign ability to decide that if they want to bring in those expansion of rights, yes. But it should be their decision.

Sovereignty is not situational, and any attempt to paint this otherwise is wrong. That is why the amendment should be passed.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to explain to the House why it is that I vigorously oppose this amendment. I am the only Member of the Chamber who was exposed to a recall effort because of my support for tribal sovereignty. Even though the Constitution of the United States does not provide for such a recall, our State constitution thought it did. And so I had to endure an effort in recall because of my fierce support for tribal sovereignty.

But having said that, I want to say that the gentleman's amendment goes far too far in that regard. Now I will tell you why.

In my State, we had an experience in which one of the tribes contracted out to a private party to run their casino. That private party took advantage of the fact that the compact that the Governor set up with the tribe was defective. And under that defect, they made quite clear to female employees of the casino that it was their obligation, in blunt language, to either put out or get out.

Now, we all know what that means. And what the gentleman's amendment means under those circumstances is that when you remove the protection of the National Labor Relations Act, you subject individuals with no power at all to that kind of treatment by shysters and bums.

Now, as far as I am concerned, I heard a whole lot about family values from that side of the aisle. You think this amendment represents family values in that situation? Give me a break. It does not.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, the gentleman has exactly made the point. These casinos now hire thousands of workers who are nonresidents of the reservation, who are not enrolled members of the tribe. If the tribe chooses not to grant them any rights, then they have no rights.

We lecture countries all over the world that you cannot do this to workers, that you have to have minimum standards. But right here in the middle of the United States, under this amendment, a tribe can grant to their workers no rights. That is just untenable.

And we understand how strongly held sovereignty is. It is fundamental and basic to these tribes. We also understand how fundamental and basic the right to organize and the freedom of association is to the workers. We have been trying to work that out. This amendment is not helpful in working that out.

But the gentleman is exactly right. You can end up with thousands of American workers having no rights. This is like the situation you had in the northern Mariana Islands, where you had people who could not get a minimum wage, who could not get protection of immigration laws. This is recreating this on these lands.

Mr. OBEY. Mr. Chairman, reclaiming my time, I simply want to say institutions, no matter what they are, whether they are tribe or any other institution, they have a capacity to violate human rights. And with the gentleman's amendment, you will be opening a loophole in the law as big as a 65-foot truck. This amendment is a terrible amendment. It ought to be buried in a box and we ought to pretend it never was presented.

Mr. Chairman, I yield back the balance of my time.

Mr. HAYWORTH. Mr. Chairman, I yield myself 45 seconds.

Mr. Chairman, after the rhetorical display, I know my friends did not mean to insinuate that tribes are composed of bums and scoundrels. Yet, what we are hearing here is that somehow the very worst in human nature would come out.

Mr. OBEY. But the contractors are bums.

Mr. HAYWORTH. Mr. Chairman, this is my time, is it not?

The CHAIRMAN. The gentleman from Wisconsin will suspend. The gentleman from Arizona controls the time.

Mr. HAYWORTH. I thank the chairman. We are making the point that we are dealing with sovereignty. Yes, this is an imperfect world. But I scarcely imagine that a gross violation of human rights will transpire when we live up to Article I, Section 8 of the Constitution, which says: The Congress shall have the power to regulate commerce with foreign nations, and among the several States, States, and with the Indian tribes.

Tribes have sovereign immunity. They have sovereignty. It is not situational, no matter what some leaders in the AFL–CIO may say.

Mr. KILDEE. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman from Ohio (Mr. KILDEE) a well-known champion for Native American rights. We all have Native Americans in our States, and we have gaming.

But, Mr. Chairman, sovereignty is not inconsistent with decency and humanity and human rights. Sovereignty is not inconsistent with protecting underage workers and juveniles who are working. Sovereignty is not inconsistent with making sure that workers have a quality of life. And sovereignty is not inconsistent with international treaties which ensure that that happens in nations around the world.

This is a bad promise on a bad premise. And what we need to do is to work with the committees of jurisdiction and solve the problem, not eliminate the rights. I would hope that my colleague would join me on finding an amendment to stop the abuse of lobbyists who take money from Native Americans and Indian tribes and reservations and not do a darn thing with it.

I am offended by that. I will join the gentleman from Arizona (Mr. HAYWORTH) anytime he wants to come to the floor to get rid of lobbyists who take money from unsuspecting Native Americans and their businesses. That should be a question of criminal violation, but this one is one that can be solved with good law and good negotiations. I ask my colleagues to vote "no."

□ 1400

PARLIAMENTARY INQUIRY

Mr. HAYWORTH. Mr. Chairman, I have a parliamentary inquiry. During the course of my previous presentation, was the extra-curricular activity outburst included in my time when others sought control of the microphone?

The CHAIRMAN. No, it was not.

Mr. HAYWORTH. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Arizona (Mr. HAYWORTH) has 45 seconds remaining. The gentleman from Michigan (Mr. KILDEE) has 30 seconds remaining.

Mr. HAYWORTH. Mr. Chairman, do I have the right to close?

The CHAIRMAN. The gentleman from Arizona (Mr. HAYWORTH) has the right to close.

Mr. HAYWORTH. Mr. Chairman, I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I have been involved in defending Indian sovereignty for 40 years when I began my tenure in the Michigan legislature. And I will never abdicate my responsibility on that.

I think it is extremely important that this Congress on an issue so delicate and so important to two groups for whom we have great affection, be done in the appropriate committee, the committee of jurisdiction. The gentleman from Ohio (Mr. BOEHNER) and I have discussed having hearings in that committee.

Mr. Chairman, I yield back the balance of my time.

Mr. HAYWORTH. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the choice is simple, either you support the premises of sovereignty as reflected in article I, section 8 of the Constitution or you equivocate or you try to give the National Labor Relations Board preeminence over the Constitution of the United States. I do not believe that sovereignty is situational. This is a mechanism where we can actually correct the wrong and put in place what had stood 30 years previously respecting sovereignty.

Vote for the amendment.

Mr. CONYERS. Mr. Chairman, I am a strong supporter of tribal sovereignty but rise in reluctant opposition to this amendment because it has not been subject to full debate in committee or the House.

I would like to articulate the importance of tribal sovereignty. Because Indian tribes are sovereign governments, the U.S. Government has long read the Commerce Clause and the 11th Amendment as upholding the sovereign immunity of tribes. Congress's intent in preserving sovereignty has been recognized even recently; in 1991, in Oklahoma Tax Common v. Potawatomi Tribe, the Supreme Court reaffirmed the long-standing existence and importance of tribal sovereignty:

> In light of this Court's reaffirmation, in a number of cases, of its longstanding doctrine

of tribal sovereign immunity, and Congress' consistent reiteration of its approval of the doctrine in order to promote Indian self-government, self-sufficiency, and economic development, the Court is not disposed to modify or abandon the doctrine [of sovereign immunity].

Tribal sovereignty is and should remain one of the fundamental principles of the United States, and we should not define its parameters in a ten minute debate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HAYWORTH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) will be postponed.

AMENDMENT OFFERED BY MR. VAN HOLLEN

Mr. VAN HOLLEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VAN HOLLEN:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to administer or pay any special allowance under section 438(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087-1(b)(2)(B)) with respect to—

(1) any loan made or purchased after the date of enactment of this Act;

(2) any loan that had not qualified before such date of enactment for receipt of a special allowance payment determined under section 438(b)(2)(B) of the Higher Education Act of 1965; or

(3) any loan made or purchased before such date of enactment with funds described in the first or second sentence of section 438(b)(2)(B)(i) of such Act if—

(A) the obligation described in the first such sentence has, after such date of enactment, matured, or been retired or defeased; or

(B) the maturity date or the date of retirement of the obligation described in the first such sentence has, after such date of enactment, been extended.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Maryland (Mr. VAN HOLLEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is designed to stop what is an ongoing scam in the college student loan program whereby a small handful of lenders are receiving a guaranteed 9.5 government-paid return on certain student loans. As a result of this 9.5 percent loan scheme, the Government Accountability Office has found that certain lenders are pocketing billions of dollars in taxpayer money that would otherwise go to students.

The gentleman from Michigan (Mr. KILDEE), the gentleman from California (Mr. GEORGE MILLER), and I have offered legislation to address this issue, but we should address this issue right here on the floor and right now.

We have heard a lot of people coming to the floor saying that we need more funds for higher education; we need more money for Pell grants; we need to provide more opportunities for students to make sure college is affordable. That is what this is about.

If we adopt this amendment, we will close the loophole and we will free up billions of dollars that can go to the purposes we all want them to go to, which is to provide greater opportunities for students to go to college.

The Department of Education has estimated that closing the loophole will save over $7 billion. Other estimates take the number even higher. So I urge this House to adopt this amendment and provide greater opportunities for our students to go to college.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, last year Congress took action to shut down these excess subsidies that are paid to lenders through the 9.5 percent floor loans. That led to the Taxpayer-Teacher Protection Act, which was crafted to immediately halt the practice while ensuring that this issue would ultimately and permanently be addressed in the Higher Education Reauthorization Act.

Now that bill, the reauthorization of the Higher Education Act, is to be before the Committee on Education and the Workforce immediately upon the return of Congress from the July 4 district work period. And we do expect that we will look at this in a comprehensive way.

And while I share some of the concerns of my colleague from Maryland (Mr. VAN HOLLEN), we have got to be very careful as to how we proceed in this area. There are a lot of nonprofit lenders across the country who were the recipients of these 9.5 percent loans; and if we were to adopt the gentleman's amendment, we could cause many of these nonprofit students lenders to be put out of business. And I think the gentleman realizes that we have been going through a very methodical process of trying to make some determination about how to shut these loans down permanently and how to deal with the issue of recycling. I wish it was as clean and easy as saying, we are just not going to do it any more.

But as I have looked at this and I think others have looked at it, it is just not that easy. But as the committee deals with the Higher Education Reauthorization next month in both the subcommittee and full subcommittee, there is no question that this issue will be dealt with in its entirety.

With that, I would ask my colleagues to oppose the gentleman's amendment. I would really like to ask him to withdraw the amendment and allow the regular process, the regular order, to occur in the committee.

Mr. Chairman, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank my colleague, the chairman of the Committee Education and the Workforce, for those remarks; but the action the Congress took last year was too limited. First of all, it only lasted a year so we could come back this year to fix the problem; but the other part of the problem was it left a big part of the loophole still in place, what is called "recycling," so that the lenders can continue to receive this windfall of 9.5 percent guarantee on those loans.

This amendment is prospective only. It does not look back; it only looks to the future. Nobody who has been promised certain returns on their loans will lose the promises they have been made. But what it prevents from happening is future recycling, future abuse in this program. So I urge adoption of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I am prepared to close.

Mr. VAN HOLLEN. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Maryland (Mr. VAN HOLLEN) has 3 minutes remaining. The gentleman from Ohio (Mr. BOEHNER) has 3 minutes remaining.

Mr. VAN HOLLEN. Does the chairman of the committee have the right to close?

The CHAIRMAN. The gentleman from Maryland (Mr. VAN HOLLEN), the amendment's sponsor, has the right to close.

Mr. BOEHNER. Mr. Chairman, I yield myself the balance of my time.

The gentleman from Maryland (Mr. VAN HOLLEN) seeks to, as he says, prospectively end the practice of recycling new loans through these 9.5 percent bonds that are out there. But here is the problem: some of these nonprofits student loan lenders around the country have these bonds in place for the next 5, 10, some even 15, years. And if we were to end the practice of recycling new loans through there, we would put those nonprofit lenders literally out of business because those bonds were sold to the public under this 9.5 percent scheme.

Now, I am as disgusted by this scheme as the gentleman from Maryland is, I can tell you; and why this practice went on for as long as it has is really very troubling to me. But having said that, for nonprofit lenders who had gone out and secured bonds with the backing of these 9.5 percent interest rate loans, I think that with the adoption of this amendment we could cause great problems with many of the lenders that are all across the country that help fund student loans for many needy students.

So I would ask my colleagues to oppose this amendment. This is a very dangerous step that could affect the ability of millions of American students to get a student loan to allow them to go to a post-secondary institution. And, secondly, the committee is in fact going to deal with this. The gentleman from Maryland is well aware that the committee is going to deal with this as we reauthorize the Higher Education Act.

Again, I would urge my colleagues to vote "no" on the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I have a very different view of this amendment and what it will do, obviously, than the chairman of the Committee on Education and the Workforce.

In fact, what this will do is free up additional funds that can be used to make sure more students have the opportunity to go to college, because what is happening right now through this recycling scheme is that the lenders, the makers of the loan, are getting a 9.5 percent essentially guaranteed payment when we could in fact be using those monies instead to provide lower-cost loans to more students and to provide Pell grants.

This will give the Subcommittee on Education of the Committee on Education and the Workforce the opportunity to provide more funds to do what they have been saying all afternoon that they want to do.

The fact of the matter is this applies prospectively. This is not going to have a negative impact on these non-profit lenders. If you already have one of those loans out there, if you are already getting the sweetheart deal of 9.5 percent, you are still going to get that return. But what this would prohibit you from doing is that when you get that income from the students and the government, all those additional revenues, you cannot go out and do it again. You cannot keep this perpetual-motion machine going.

According to some estimates, if we do not plug this hole, we will cost the taxpayers $13 billion, if we let it go on indefinitely. Monies that could be spent, again, could make sure that more students have the opportunity to go to college.

I know that we will be dealing with it in the Committee on Education and the Workforce; but in the budget that passed this House, we did not deal with this issue. The budget does not envision closing the recycling loophole. The President 2 years ago submitted a budget that did envision closing the recycling loophole, but a bunch of lenders with interest in this, a lot of lenders who are making a ton of money obviously built up the pressure and it was heard. As a result, the budget does not close the loophole fully. Let us close the loophole fully.

Let me say in closing, Mr. Chairman, the issue of the 9.5 percent loans is costing the American taxpayer and the American students billions of dollars a year. The General Accountability Office has looked into this issue. They have done an investigation. They have determined the Department of Education had the authority to shut this down. The Department of Education has not used that authority. Congress must use its authority, and it should do it now.

I cannot think of any better place to deal with this issue than in the bill that provides funding for higher education. Because if we adopt this amendment, if the Congress adopts this amendment, it will immediately free up additional resources that we can spend as a Nation on providing students with more loans and providing more grants. So as a result of this amendment, more students will have the opportunity to go to college. I urge its adoption.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. VAN HOLLEN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN) will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 15 offered by Mr. HAYWORTH:
>
> At the end of the bill, before the short title, insert the following new section:
>
> SEC. _____. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments under a totalization agreement with Mexico which would not otherwise be payable but for such agreement.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Arizona (Mr. HAYWORTH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

PARLIAMENTARY INQUIRY

Mr. HAYWORTH. Mr. Chairman, parliamentary inquiry. We have been working to introduce new language that I believe both sides have agreed to on this particular amendment, and my inquiry is, do I have to offer an amendment to the amendment?

I do not. I stand corrected. So we do have the new language.

The CHAIRMAN. Does the gentleman seek to modify his amendment by unanimous consent?

Mr. HAYWORTH. Yes, I do, Mr. Chairman.

MODIFICATION TO AMENDMENT NO. 15 OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Mr. Chairman, I ask unanimous consent that the amendment be modified.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

> Modification to amendment offered by Mr. HAYWORTH:
>
> Line 6, strike "would not otherwise be payable but for such agreement" and insert "are inconsistent with Federal law."

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Arizona (Mr. HAYWORTH)?

There was no objection.

The text of the amendment, as modified, is as follows:

> At the end of the bill, before the short title, insert the following new section:
>
> SEC. _____. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments under a totalization agreement with Mexico which are inconsistent with federal law.

Mr. REGULA. Mr. Chairman, we are prepared to accept the amendment, as modified.

The CHAIRMAN. The gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will not take the full 5 minutes. I will simply say to both the majority and minority staff of the Committee on Appropriations and to Members on this side, the gentleman from Georgia (Mr. GINGREY), the gentleman from Virginia (Mr. GOODE), the gentleman from Texas (Mr. CULBERSON), the gentleman from California (Mr. ROHRABACHER), the gentleman from Oklahoma (Mr. SULLIVAN), who were all prepared to speak on this amendment, we thank them for their involvement.

This revised amendment ensures that a proposed Social Security totalization amendment or agreement with Mexico now fully subscribes to what has been signed into law, H.R. 743, the Social Security Protection Act. And this ensures that any proposed totalization agreement would not have funds going to anyone from our neighbor to the south employed here illegally.

□ 1415

I thank both sides for their cooperation on this, and though we may have sincere differences in the challenges of the day, I do appreciate everyone's constructive attitude on this amendment. It shows the American people that, yes, we can get things done.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for yielding. I hope we can find an opportunity to find common agreement.

Let me just say that my colleagues need to understand that the administration believes in this structured agreement, a totalization agreement, because they understand that when Americans are overseas working and getting benefits, that they would like those Americans to ensure that their benefits go with them. That is the same relationship we should have with Mexico, that when workers are here, their benefits gained here should follow them to Mexico.

I would oppose any language that would deny that right. I think the question of whether or not they are documented or undocumented, the administration needs to make that determination. I do not know if my colleagues are going to thwart the administration's desire to find some common ground on immigration.

If this language says that it is consistent with Federal law, then I hope that this Congress will work with the administration so that we will not be embarrassed internationally by denying nationals of another country their well-gained rights or benefits that they have gained working. We would not want that to happen to us.

I will listen further to the debate. I raise a concern that they are denying those who are working their well-earned benefits. One thing we can stand for is you deserve your pension rights, you deserve your Social Security rights, you deserve your uninsurance rights, your health care rights, and it should not be taken away from you.

Nevertheless, I hope my friends on the other side do not do that. If the language does not do that, I would say to my colleagues that if this is a good resolution, we certainly will join in with it.

Mr. OBEY. Mr. Chairman, reclaiming my time, let me simply say that, like the gentleman from Ohio, I see no problem with accepting the amendment on this side because, as I read it, it does not do nothing to nobody for anybody or about anybody. And so with that, I am happy to accept the amendment.

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume.

Again, I thank the gentleman. I may have a little different interpretation and assessment of what the amendment does, but I am pleased to see we could work this out, and we will enforce existing law.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak against this amendment which seeks to restrict illegal aliens access to the U.S. Mexican Social Security Totalization agreement. I cannot support this agreement, not for its intent, but because of the consequences of enforcing it. I agree with Mr. HAYWORTH that immigration is an issue that must be addressed. However, the remedy that this amendment creates would lead to more harm then good and violates a fundamental aspect of American ideals.

This amendment seeks to ensure that benefits can't be paid under the U.S. Mexico Totalization agreement for work inconsistent with federal law. Undocumented aliens working within the United States would meet the criteria of work inconsistent with federal law and therefore would be denied benefits. This method of dealing with our nation's immigration problem is not the answer. Social Security is a contract: you put money in, you get money out. Denying undocumented aliens the money that they put into social security is to violate what is at the very center of Americn ideals. Weare a country that values hard work. You get what you give. Refusing to grant Social Security benefits to undocumented aliens who have spent their entire lives working and contributing to the system is a blatant violation of contract law.

Our nation faces many challenges on the issue of immigration. Our Immigration system is far from perfect. We have Filipinos waiting 18 years just to have a person look over their application. We have families who are forced to wait years upon years to be reunited with their brethren. We need comprehensive reform. This amendment would denigrate the hard work of thousands of workers who have spent their lives working hard in this great nation. If an undocumented alien puts a dollar into the social security system this amendment would rob him of that dollar.

Is this the GOP's plan to solve the social security conundrum; to rob undocumented aliens of their social security benefits. To refuse to put more boarder guards on our frontiers, only to rob those who are attempting to create a better life for themselves. This is not immigration reform.

Our immigration situation is a problem that needs to be solved. I will be the first to admit that. But reforms such as this amendment are not the correct method to achieve that goal. We need comprehensive immigration reform.

I can not support this amendment because I feel it unduly robs undocumented aliens of their hard earned wages. This amendment will not solve our nation's immigration problems. It only serves to violate simple contract theory. I believe in an American in which you get what you put in. This amendment contradicts that belief and therefore I must oppose it.

Mr. HAYWORTH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member seek the time in opposition?

The question is on the amendment, as modified, offered by the gentleman from Arizona (Mr. HAYWORTH).

The amendment, as modified, was agreed to.

Mr. OBEY. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding me this important time, and we have all observed with awe the marvelous photos of construction workers sitting on I-beams swinging high above New York City as we admire their bravery, their daring and their skill. These tradespeople built America, and I cannot think of a citizen in our country that does not respect their prowess.

Well, the worst construction accident in Federal transportation history in the city of Toledo took place on February 16 last year, effecting serious loss of life and injuries among these modern soldiers of the sky.

Crushed to death on the job were Mike Phillips, age 42; Arden Clark, age 47; Mike Moreau, age 30; and Robert Lipinski, Junior, age 44. There were injuries sustained by many other workers.

Joe Blaze, the president of the Local Ironworkers observed: "What happened will affect us for generations." The local paper reported, the Toledo Blade, "Workers told investigators the crane's rear legs were held up with 14 inches of shims and no anchors, while each front leg had shims and only one of two anchors." These workers were crushed to death by a several-million-ton crane falling on them.

I tried at the full committee level to place simple report language in this bill, merely asking the Department of Labor's Occupational Health and Safety Administration to gather all records relating to inspections, or the lack thereof, on this job and to also provide any communications that have occurred with the U.S. Justice Department related to this accident. This was denied to me by the Republican majority.

I, along with the gentleman from New York (Mr. OWENS), the ranking member of the Subcommittee on Workforce Protections, were prepared to offer an amendment right here today to ask the Department of Labor to assist our county prosecutor in the investigation of this tragedy. This amendment is also being denied to me on a technicality rather than being discussed on its merits.

OSHA's Midwest office had ruled there was willful negligence on this job, and for reasons not completely understood, they have changed that ruling to unclassified. So as the individual court cases move forth locally, somehow civil litigation will be affected by that change in words.

Now, guess how much OSHA is able to fine the company and others responsible for this serious loss of life? $280,000. That is $70,000 for each lost life, and this money goes to the U.S. Treasury, not even to the victims' families.

Well, there should be more than civil damages and OSHA's fines paid to these families. Our chief of police has bluntly stated these men were murdered. There is criminal wrongdoing here.

My question is: Where was OSHA? Where was the State of Ohio on this, the largest Federal transportation project in Ohio history? Why is this Congress now denying me the ability to get a vote on this amendment which merely asks the Department of Labor to engage with our county prosecutor to investigate the real causes of those deaths?

We have been now told OSHA has not developed a standard or promulgated a rule stating that foreign manufactured cranes, like this one, must equal or exceed U.S. safety standards. Recommendations for such a standard were made nearly a year ago, but it has not been acted upon. Why not? Why has this Congress not demanded and implemented as soon as possible these regs, or made meeting U.S. standards a condition of eligibility for Federal funding? There is a serious abdication of responsibility by the U.S. Department of Labor because this Congress has not held them to a higher standard.

These men died, in my view, because of the apparent willful negligence of the U.S. Department of Labor and OSHA and their allies here in the Congress who have been cutting back on worker safety laws and who have abdicated their responsibility to conduct aggressive oversight.

Today, it is likely that my amendment would have been ruled out of order, as my simple effort to get on the record information from the Department of Labor was denied to me as a Member of Congress, because the full committee would not even allow report language, a most unusual practice.

Instead, today, I am left with a personal appeal to the Secretary of Labor to use her existing authority to provide assistance to the Lucas County prosecutor for the full prosecution of this case, wherever it may lead, and I ask that we all push for the swift implementation of construction crane safety standards so that no other family or community need endure the great tragedy that has befallen us in northwest Ohio on the largest Federal transportation project in our State's history.

I want to thank the ranking member for yielding me this time and to state also I will place in the RECORD at this point as part of my remarks today a letter we are sending to U.S. Secretary of Labor Elaine Chao.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 24, 2005.

Hon. ELAINE L. CHAO,
Secretary, Department of Labor,
Washington, DC.

DEAR SECRETARY CHAO: The City of Toledo's police department and the Lucas County (Ohio) Prosecutor's office are attempting to carry out an exhaustive investigation into whether criminal charges should be filed regarding safety violations resulting in the deaths of four ironworkers on construction of the I-280 Maumee River Crossing in Toledo, Ohio. Madame Secretary, I ask that you use the authority you have to assist the Lucas County Prosecutor's office in their investigation. You have been provided the general authority to use the services of any State or political subdivision with reimbursement under section 7 (c) of the OSH Act.

On February 16, 2004 our community was shocked by tragedy, when a two million-pound construction crane collapsed at the I-280 Maumee River Crossing construction site in Toledo, Ohio. The collapse resulted in the deaths of four Ironworkers. It is with great sadness and a deep sense of responsibility that I bring to your attention further details surrounding this accident and possible criminal wrongdoing by the firm responsible for the bridge's construction.

The Occupational Safety and Health Administration (OSHA) has fined the project's general contractor, Fru-Con, $280,000 for the incident. OSHA has said that Fru-Con committed "willful" safety violations prior to the crane's collapse. OSHA has said that Fru-Con committed "willful" safety violations only to reclassify them as "unclassified," and the agency has also pulled out of a special safety "partnership" with Fru-Con, saying the firm didn't live up to the deal.

An investigation of criminal wrongdoing on a project of this magnitude is an enormous task for any local agency. I believe that the Department of Labor can be of immeasurable assistance to the local entities in this pursuit. I look forward to your involvement and counsel.

Sincerely,

MARCY KAPTUR,
U.S. Representative.

AMENDMENT NO. 11 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. PAUL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to create or implement any universal mental health screening program.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Texas (Mr. PAUL) and the gentleman from Ohio (Mr. REGULA) each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, my amendment is straightforward: "None of the funds made available in this a may be used to create or implement any universal mental health screening program."

This does not deny any funds for any testing of those individuals who may show signs of mental illness. It only denies funding for any universal, read by many as mandatory, which is a bit of overkill as far as I am concerned. There is $26 million in this bill for these programs. Eight States have already been involved, and three more have applied for grants.

The main reason why I oppose this is I think there is a lot of overtreatment of young people with psychotropic drugs. This has been going on for a lot of years, and there are a lot of bad results, and once we talk about universal testing of everybody, and there is no age limit, matter of fact, in the recommendation by the New Freedom Commission, there is a tendency for overdiagnosis and overuse of medication. There are as many complications from overuse of medication as there is with prophylactic treatment.

There is no evidence now on the books to show that the use of this medication actually in children reduces suicide. Matter of fact, there are studies that do suggest exactly the opposite. Children on psychotropic drugs may well be even more likely to commit suicide. It does not mean that no child ever qualifies for this, but to assume there is this epidemic out here that we have to test everybody is rather frightening to me.

Matter of fact, when the State gets control of children, they tend to overuse medications like this. Take, for instance, in Texas, 60 percent of the foster children are on medication. In Massachusetts, it is close to 65 percent. In Florida, 55 percent of the children in foster home care are receiving these kinds of medication.

Once again, I want to make the point that this does not deny funding for individual children who show signs that they may need or they have a problem and need to be tested. It is just to make sure that this is not universal and not be mandatory and that parental rights are guarded against and that the parent is very much involved.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment, and I would point out to my colleagues, we had the identical amendment last year and it failed by a vote of 315 to 95. So, many of my colleagues have already voted against this amendment.

Let me point out, there is no universal mental health screening funded in the underlying bill. This is an inflammatory amendment. It is not necessary.

During our hearings, Secretary Leavitt from Health and Human Services told the committee that the administration does not support and has no plans to implement universal mental health screening, and then they made it very clear that in all programming involving kids there is a requirement that parents participate and give their informed consent, and that would be in a different program.

We have never proposed in appropriations any program of universal mental screening, and all it does really, this amendment, is to stigmatize the issue of mental health.

The sponsor mentions $26 million, and let me point out that the funds provided in this bill that respond to recommendations put forward in the final report of the President's New Freedom Commission on Mental Health, "Achieving the Promise: Transforming Mental Health Care in America," go toward State incentive grants for transformation to support the development of comprehensive State mental health plans, and has absolutely no funding included for universal mental health screening.

So the $26 million has nothing to do with this amendment as far as universal mental health screening.

□ 1430

As a matter of fact, the President's Commission did not recommend either universal or mandatory mental health screening. So I think it is clear that the President's Commission did not feel this was in any way necessary, and for this reason I oppose the amendment. I think that is why the great majority of Members voted against it last year, and I would urge Members to vote the same way this year on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the gentleman from Ohio (Mr. REGULA) said, there are no plans for anyone in the Federal Government to conduct universal screening, and there are no funds in this bill for any such purpose. Having said that, let me simply say I do not think our problem in this country is that we do too much screening for mental health problems with young people.

We are all familiar with the problem of youth depression. There are a very significant number of teenagers who are afflicted with that problem. We are, I think, all familiar with the sad situation with regard to teenage suicide. Two friends of each of my sons committed suicide. So I do not think the problem in this country is that we know too much about mental health problems for young people. The problem is just the opposite; we know too little. So I agree with the concerns expressed by the gentleman from Ohio (Mr. REGULA).

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, the danger in our society now is basing policy on old stereotypes that somehow mental health and mental science is not real science.

I have here a board that shows that there is a different metabolizing in people's brains for those who have mental illness versus those who do not. We have the tools today with PET scans and MRIs to be able to diagnose brain disorders and mental illnesses, and these things are backed up by science.

The notion in this amendment that somehow mental illness is not a real illness, that mental health is not real health, and that is why in this country we continue to discriminate against these illnesses by having them pay higher copays, higher premiums, and higher deductibles than other health care costs.

What is the difference between treating an organ in the brain and diabetes and kidneys? What is the difference between treating an organ in the brain or the lungs or the heart? Nothing is different.

The fact of the matter is in our schools we ought to be looking at this. We have more people committing suicide, 10 young people a day. More youth die from suicide each year than from cancer, heart disease, AIDS, birth defects, stroke, pneumonia, influenza, and chronic lung disease combined. All of them combined do not rank as high as the cost of suicide to our young people.

Mr. Chairman, in the next year we are going to lose 1,400 young people in our colleges and universities because of suicide. We have twice the rate of homicide as our suicide rate. For every homicide in this country, there are two suicides.

The problem here is not overtreatment, it is undertreatment. That is why I think the Paul amendment, unfortunately, continues to ascribe to the stereotypes of the past that mental illnesses are not real illnesses and therefore they should not be treated and taken care of. That is why I would ask my colleagues to please vote against the discrimination, the intolerance, the stigma of the Paul amendment.

Mrs. NAPOLITANO. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from California.

Mrs. NAPOLITANO. Mr. Chairman, I rise also in opposition to the Paul amendment that is not cognizant of the fact that suicide is the third leading cause of death amongst youngsters. It would affect current funds used by States for mental health services and future planning to address this issue. It is a major medical concern, and this amendment does not provide for a solution.

This amendment must not pass because it is harmful not only to our youth but to our families, to our Nation, and would risk increasing the current statistics.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Chairman, speaking as a psychologist and one who has spent a career working with children, let me say that this amendment is misguided, misinformed, wrong for America, and wrong for medicine.

First of all, this bill does not fund universal screening. HHS Secretary Michael Leavitt and SAMHSA Director Charlie Curie have both testified that mandatory screening of all children for mental illness has never been, nor will it ever be, a part of the Federal plan to respond to the Nation's mental health crisis.

The President's New Freedom Commission on mental health clearly stated that schools should work collaboratively with families on mental health services and support to children.

This amendment is another witch hunt against mental illness and its passage will only serve to further stigmatize mental illness. If our concern is about overmedicating children, let us deal with that. You do not deal with it by attacking screening.

Just as pediatricians routinely screen newborns for heart and liver diseases and sickle cell anemia, appropriate mental health screening done by qualified professionals is vital to identifying mental health and the potential substance abuse problems of our youth. Screening does not cause diabetes, screening does not cause metabolic disorders, screening does not cause cancer, and screening does not cause hyperactivity. With over 75 percent of all prescriptions for antidepressants prescribed by non-psychiatrists, including pediatricians, OB-GYNs, and primary care practitioners, with little or no training in psychiatry, the answer is to do screening the right way with parental consent and by qualified mental health professionals, not to take away the ability to do it at all.

I urge my colleagues to vote "no" on the Paul amendment to do what is right for medicine, what is right for mental health, and what is compassionate for those with mental illnesses.

Mr. PAUL. Mr. Chairman, I yield myself 1½ minutes.

Let me assure Members that you are misconstruing the amendment. It is as if we are banning screening. That is not the case. I am just saying screening everybody is what I am trying to prevent. If there is one person out of 100,000 that commits suicide, why are Members compelled to have a program that may test 99,999 people?

This does nothing to the individual that shows the problem. You can still test them, preferably with parental consent.

Let me add that the gentleman from Ohio stated that the vote went against this amendment last year. This came up at the last minute. Let me tell Members, people in this country have been well informed about this, and they do not like this program.

I also would like to quote from the New Freedom Commission because it is true the New Freedom Commission, which is the guideline the gentleman from Ohio brought up; he brings it up, he cites what it says, so they have some value. They never say "mandatory," but they never say "voluntary." What they say is "universal."

How can you have something universal if you are not going to be testing everybody? Also from the Freedom Commission, it should be for consumers of all ages, screen for mental disorders in primary health care across the life span. These are the guidelines of the New Freedom Commission, as well as saying the schools must be partners in the mental health care of our children. Why do they not say the parents should be partners in the health care of our children?

Mr. REGULA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we are in opposition to the amendment. There is no universal mental health screening in this bill. Secretary Leavitt has made it clear there is nothing like this under consideration. It is an amendment that is not needed because it addresses a problem that does not exist.

Mr. Chairman, I yield back the balance of my time.

Mr. PAUL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as a physician, having practiced medicine for well over 30 years, let me tell Members, there is a crisis in this country. There is a crisis with illegal drugs, but there is a crisis in this country with an overuse of all drugs, especially in the area of psychiatry.

Psychiatrists, if they are honest with you, will tell you that diagnoses are very subjective. It is not like diagnosing appendicitis. It is very, very subjective. If you push on this type of testing, the more testing you have, let me guarantee it, the more drugs you will have. Sure, there are mental diseases. I am not excluding any of this when a person has true mental illness, but I am talking about the overuse of Ritalin and Prozac and many of these drugs that are pushed on these kids.

Let me tell Members, there have been some real problems with families who will not let their kids go on drugs because the schools pressure them to. They have been charged with child abuse, and threatened with taking their children away because they will not be put on these drugs. That is the kind of abuse I am calling to Members' attention, and that is why you need to vote for this amendment. It does not change anything. It does not deny anybody testing and treatment. All it does is say universal testing of everybody of all ages in this country is not the direction that we want to go. Please vote for my amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong opposition to Mr. PAUL's amendment that would bar Federal funds from being used for mental health screening programs. This amendment misunderstands the recommendations offered by President Bush's New Freedom Commission on Mental Health, minimizes the importance of mental health to the well-being of Americans, and threatens vital efforts to promote access to mental health services.

Mental health is one of the greatest problems facing our Nation. During any one-year period, up to 50 million Americans—more than 22 percent—suffer from a clearly diagnosable mental disorder involving a degree of incapacity that interferes with employment, attendance at school or daily life. Among other things, mental health affects whether one gets involved in substance abuse, commits violence, follows through on medical advice, cares for a child, performs his work, and engages in healthy behaviors. In short, one's mental health affects almost every aspect of life.

I believe strongly in the need to support children's physical and mental health, while respecting parental rights. Recognizing that early childhood is a critical period for the onset of emotional and behavioral problems, the President's Commission encouraged organizations that work with children to improve early identification of children with mental health needs. Research shows that early detection, assessment, and connection to treatment and support helps prevent mental health problems from worsening. Because more than 52 million students attend schools in the U.S., the Commission recognized that schools are in a key position to identify mental health problems early and help link children to appropriate services. The Commission in no way recommends mandatory legislation or any effort to circumvent parental consent to screening. Quite the opposite, in fact. It repeatedly recommends that child-serving organizations work with parents to support identification and treatment efforts.

Like so many disorders, mental illness does not discriminate and effects every age, ethnic, and socioeconomic group. Given its widespread effect on individuals and society, we need to put more emphasis on mental health, not less. I urge my colleagues to vote against the Paul amendment.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. DELAURO:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available under this Act may be used to enforce or carry out item 6B of the settlement agreement between the Wage and Hour Division of the Department of Labor and Wal-Mart Stores, Incorporated, signed January 11, 2005, whereby the Wage and Hour Division agrees to provide Wal-Mart Stores, Incorporated, with 15 days prior notice of any audit or investigation to be conducted by such Division.

Ms. DELAURO. Mr. Chairman, pursuant to the order of the House of June 23, 2005, the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Ohio (Mr. REGULA) each will control 5 minutes.

The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, my amendment would prohibit the Department of Labor from using Federal funds to enforce or carry out item 6B of the settlement agreement between the wage and hour division of the Department and Wal-Mart Stores, the provision providing Wal-Mart with 15 days of advance notice prior to any audit or investigation.

This amendment is important to ensuring the safety of our children. On January 6, the Department of Labor entered into an agreement with Wal-Mart to settle violations of child labor laws in 3 States: Connecticut, New Hampshire, and Arkansas. It found that Wal-Mart employed 85 minors, ages 16 and 17, who performed prohibited activities, including operating cardboard balers and chain saws, which are considered particularly hazardous jobs, jobs Wal-Mart and other employers cannot legally permit anyone under the age of 18 to perform.

☐ 1445

For these violations, the Labor Department fined Wal-Mart, a company with $285 billion of revenues last year, a total of $135,540.

Perhaps the most egregious part of the agreement is the provision, 6B, that grants Wal-Mart 15 days' advance notice before the government investigates any wage-and-hour law complaints, notice that applies not just to child labor complaints in the three cited States but all Wal-Mart stores nationwide.

Wal-Mart has a history of prior child labor violations. In 2000, Wal-Mart was found to have 1,436 violations in 20 Maine stores. Last year, Wal-Mart's own internal audit found 1,371 violations of child labor laws between 1997 and 1999. Granting 2 weeks' advance notice is essentially daring repeated child labor law violators like Wal-Mart to conceal any further violations.

And if we need any proof of that, I would point my colleagues to the weekend papers in Connecticut which cite a State investigation that found 11 more violations of child labor laws at three of our Wal-Mart stores. Three violations involved the store not even bothering to check the age of their workers.

It is clear the settlement is not stopping Wal-Mart from violating child labor laws. In fact, the Governor of Connecticut has ordered periodic, unannounced visits by State inspectors at Wal-Mart stores to ensure that any future violations are promptly revealed and addressed.

Why can the Federal Government not do the same? If a State government can get tough on a child labor violator, one that happens to be our Nation's largest private employer, there is no reason the Federal Government should not be able to do so as well.

Congress needs to send Wal-Mart a message that companies who violate child labor laws will not be tolerated. Our society long ago stopped tolerating the kind of sweatshop conditions that my mother worked in when I was growing up. It is time that this administration did so as well.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the DeLauro amendment raises serious constitutional concerns under the due process clause because it effectively repudiates the government's contract with Wal-Mart. The DeLauro amendment would cause the government to breach its contractual agreement with Wal-Mart. As a result of the government's breach, Wal-Mart would be released from obligations under the agreement, including its obligation to implement numerous measures that go beyond what the law requires to prevent future child labor violations.

For example, Wal-Mart would no longer be required to provide additional training to Wal-Mart managers regarding the requirements of the child labor laws, would no longer be able to discipline managers who fail to comply with the child labor laws, would no longer be required to post warning stickers on all equipment the Secretary has designated as hazardous for the operation by minors, would no longer be able to perform quarterly self-audits of all of its stores for the duration of the agreement, and it would not stop Wal-Mart from receiving advance notice of most investigations.

The 15 days is a common practice in this type of thing. I think whether you disagree or agree with the settlement that was made between the Department of Labor and Wal-Mart, let us not get into the business of second-guessing it and, in the process, create a lot of additional problems and, in fact, it would be detrimental to the employees in terms of what has been agreed to in the settlement of this issue.

For this reason, I would oppose the amendment, and I hope my colleagues would do likewise if we do have a vote on this.

Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I want to thank the gentlewoman from Connecticut for offering this amendment. This is an outrageous practice that the government entered into in secret with Wal-Mart so that those employees who were concerned and want to file a labor grievance or a child labor protection law grievance with Wal-Mart who thought they were talking to the Department of Labor now find that they are talking directly to the Wal-Mart corporation.

So where do they get the protection in filing these complaints? You say, Well, they don't need it because Wal-Mart is a good employer and Wal-Mart is going to take care of them. Wal-Mart is a repeat serial offender and has been found guilty of violating wage-and-hour laws, immigration laws, child labor laws, discrimination laws, pay-equity laws and worker-safety laws. And this is the corporation that you give 15 days' notice to, that you give this kind of special privilege to?

As the gentlewoman from Connecticut pointed out, the violations of child labor are ongoing. All Wal-Mart does is get a heads-up and finds out who is complaining against them who is employed by them. How are these employees supposed to register their complaints with this corporation under this agreement? It is an outrageous violation of these workers' rights.

Ms. DELAURO. Mr. Chairman, I yield myself the balance of my time.

Let me correct an error that was made. The very fact is that the amendment would only restrict funds for the provision that gives Wal-Mart the 15 days' advance notice before the Department investigates any wage-and-hour law complaints. It does not abrogate the entire settlement. That is what Wal-Mart would like to have everyone believe. It is just the 15-day notice.

The fact is that this is not a typical agreement. None of the agreements that the Department of Labor made with Genesis Health Ventures, Footlocker, and Sears provided a blanket promise of advance notice nationwide to all their stores. This one does. It is a sweetheart deal with Wal-Mart. Nor did they provide for a 10-day window for the company to come into compliance in the event of child labor violations. These companies were expected to fix the problem immediately or to face serious penalties.

This is hardly standard procedure. That is why the Labor Department's own Inspector General has been investigating how this settlement was negotiated. We are talking about the safety of our children. That is why the amendment is necessary, and that is why I ask my colleagues to vote for this amendment.

Mr. REGULA. Mr. Chairman, I yield myself the balance of my time.

There are dozens of these settlements made every month. If we get into the role of trying to second-guess and to pass judgment on them, there is no end to it. I think what we know of the merits of this is something that the Department of Labor worked out with Wal-Mart. This is not an uncommon thing to give 15-day notice. In fact, it is almost a standard procedure.

I say to my colleagues, we do not belong in involving ourselves, or this body, in trying to second-guess the judgment that has been made by the Department of Labor. I am sure they acted in good faith to protect the rights of children, to protect the rights of people that work at not only Wal-Mart but other similar types of employment. Therefore, I would urge my colleagues to reject this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) will be postponed.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, all through last year on this side of the aisle, we continually insisted that we needed more money for veterans health care and were consistently told by the administration and the other side that we did not. As recently as April 5, Mr. Nicholson, the head of the VA, told the Senate in an effort to defeat a Democratic amendment, "I can assure you that the VA does not need emergency supplemental funding in fiscal 2005 to continue to provide timely, quality service that is always our goal." We were again told this year when we tried to add money to the VA for veterans health care that it was not needed, that we were simply pandering to veterans.

Well, now the facts are out. Today's Washington Post: "Funds for Health Care of Veterans Short $1 Billion." What we find out is that now the Bush administration is belatedly admitting to the Congress what we have been trying to tell people for months, namely, that the VA budget is inadequate and their accountants indicate that they are going to need more than $1 billion.

The gentleman from Texas (Mr. EDWARDS) is going to shortly be asking unanimous consent to consider an amendment which would, on an emergency basis, add the $1 billion which the administration is saying is necessary to pay the bills at the VA. I would hope that the Congress could find a way to accomplish this. At a time when we are having trouble with recruiting, it makes no sense to be sending messages to our veterans that, Okay, you can go over and fight in Iraq, but we are not so sure about what services you are going to get when you get home.

Mr. Chairman, I yield to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, the fact that there is a funding crisis in VA hospitals this year to the tune of $1 billion should be a surprise to no one. On March 23, 2004, the legislative directors of the Disabled American Veterans, the Paralyzed Veterans of America, and the Veterans of Foreign Wars said that passage of the budget resolution as presented would be a disservice to those men and women who serve this country and who are currently serving in Iraq, Afghanistan, and around the world in the fight against terrorism.

The bottom line is, this House on a partisan basis, through the budget resolution, has underfunded VA medical care. Veterans groups knew it, Democrats in this body knew it, Democrats in the other body knew it. In fact, I made a specific effort in the emergency appropriation bill for Iraq to get additional funding for VA hospitals this year, but was rebuffed by the House leadership that said that money was not necessary.

As the gentleman from Wisconsin has pointed out, that money is necessary. We have a crisis. It is inexcusable for the leadership of the Veterans Administration to testify just a few months ago, 2 months ago, that they did not need any extra money to provide adequate health care for veterans. Now, just 60 days later, they admit there is a $1 billion crisis in funding. We need to find out why the VA misled the Congress; and, most importantly, we need to address this problem. I would welcome a bipartisan effort in trying to address the funding needs for veterans.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. WALSH. I thank the gentleman for yielding. I thank both the gentlemen for raising this issue.

Mr. Chairman, this is a serious problem. There is a great deal of alarm about the uncovering of this information. It is a great disappointment. I thank the two gentlemen for bringing this up, even though it is not germane to this bill. The gentleman from Texas (Mr. EDWARDS) and I have discussed this. We will be holding an oversight hearing on Tuesday at 9 a.m. at which time members of the Veterans Administration, I believe we will also have people from defense health and possibly the Office of Management and Budget, will come up and give us the straight scoop on what actually happened and who knew what and when.

Mr. OBEY. Mr. Chairman, I insert at this point in the RECORD the text of the amendment that the gentleman from Texas would like to offer to correct this egregious situation.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following new title:

TITLE

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount in fiscal year 2005 for necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and including medical supplies and equipment and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $1,000,000,000: *Provided*, That the amount provided under this heading is designated as an emergency pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for the fiscal year 2006.

REQUEST FOR RECOGNITION TO OFFER AMENDMENT

Mr. EDWARDS. Mr. Chairman, I would like to ask the Chair to recognize me at this point so that we could call up the amendment which I have at the desk that would provide $1 billion of emergency funding to the VA health care system this year to meet the funding shortfall that the VA leadership has just admitted to as of yesterday.

The CHAIRMAN. Is the gentleman offering an amendment covered by the order of the House of June 23, 2005?

Mr. EDWARDS. Mr. Chairman, this emergency funding for veterans health care, the need for it, was just admitted yesterday by the administration leadership. For that reason, this amendment was not in the unanimous consent order.

The CHAIRMAN. Therefore, the Chair is constrained not to recognize the gentleman.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. I thank the distinguished gentleman from Ohio for yielding.

Mr. Chairman, I wanted to just briefly thank him for making part of his en bloc amendment and also the gentleman from Wisconsin (Mr. OBEY) for his consideration providing $2 million to the Homeless Veterans Reintegration Program, the HVRP, and $500,000 to the National Veterans Employment and Training Services Institute. These particular moneys that he has made part of his en bloc amendment are very much appreciated. This was part of my amendment that I had which, unfortunately, I did not get to the House floor; but through both the gentleman from Wisconsin and the gentleman from Ohio, they have made this part of the en bloc amendment and I want to thank them very much for it. se 000

Mr. Chairman, my amendment I intended to offer yesterday would reduce $10 million of proposed funding from Corporation For National And Community Service's (CNCS) AmeriCorps grants, and increase two worthwhile, veterans programs in the Department of Labor.

First, my amendment would transfer $9,000,000 to the Homeless Veterans' Reintegration Program (HVRP). This well-regarded program assists finding homeless veterans a meaningful place in the workforce. HVRP funds are awarded competitively to grant-seekers ranging from State and local agencies, commercial entities, and non-profits including community-and faith-based organizations.

Uniquely, since its inception, HVRP has featured an outreach effort using veterans who themselves have experienced homelessness. Formerly homeless veterans engage in counseling, peer coaching, and follow-up services. The program coordinates with various veterans' services programs and organizations, such as the Disabled Veterans' Outreach Program and Local Veterans' Employment Representatives stationed in the local employment service offices of the State Workforce Agencies. Many veterans groups also are eligible, such as the American Legion, Disabled American Veterans, and Veterans of Foreign Wars.

Next my amendment would transfer $1,000,000 to the National Veterans' Employment and Training Services Institute (NVTI). NVTI provides training to the employees who ultimately work with veterans seeking employment and training. Like the Homeless Veterans Reintegration Program, most of these Training Institute dollars (about 70 percent) flow directly to States. Impressively, while the Appropriators have funded the program at the President's request and FY05 amount ($1.9 million), the NVTI does such an efficient job that they forecast with the nearly 50 percent increase my amendment would deliver, they could increase their throughput nearly ⅔, processing many more veterans through (again, mostly via employees in your State). Since 1986, NVTI has developed and enhanced the professional skills of veterans' employment and training service providers nationwide. It is administered by the University of Colorado at Denver with training conducted in Denver, Colorado and at selected regional sites in the U.S. To date 50,000+ veterans' employment and training professionals have attended NVTI training. In addition to the basic employment and training professional-skills course, training is offered in veterans' benefits, transition assistance, case management, marketing and accessing the media, and management of veterans' services. NVTI also offers courses in veterans' reemployment rights case investigation and grants management, to address the training needs of the U.S. Department of Labor Veterans' Employment and Training Service (VETS) staff.

As an unexpected benefit, CBO has scored my amendment to be Budget Authority-neutral, but to save $1,000,000 in FY06 outlays.

Now, 1 million dollars sounds like chump change up here to us, but to Americans voting back home, and to the veterans who are on the streets and in despair, it would pay for quite a lot. And AmeriCorps, I point out, is receiving over a quarter of a billion dollars, so I think the program could spare a mere $10 million.

Mr. Chairman, this is an amendment about priorities. AmeriCorps pays people handsomely for pseudo-volunteerism: $4,725 for a year of full-time service; "a modest living allowance", "limited health benefits, may qualify for child care assistance, and may get your relocation expenses covered". This is not community service, this is a job.

Further, AmeriCorps has a history of accountability problems. Just two years ago, they had severe overcommitments of their funding, which Congress admonished. And this year, the Committee's report has language "directing the Inspector General to levy sanctions in accordance with standard Inspector General audit resolution procedures, which include, but are not limited to, debarment of any grantee found to be in violation of AmeriCorps' program requirements, including using grant or program funds to lobby the Congress". I can assure you they most certainly do lobby the Congress, because my amendment has been on the (negative) receiving end of this.

One other point that the Chairman of the Veterans Affairs Committee has shared: AmeriCorps competes with Armed Services recruiting. It shouldn't, the program on which it was modeled didn't: according to AmeriCorps' website, it is based upon "Franklin D. Roosevelt's vision of the Civilian Conservation Corps (CCC) in 1933—a program created by President Roosevelt to provide relief for the unemployed during the Great Depression and to implement conservation projects. Over 3 million young men served until the program disbanded eight years later, when the United States entered World War II."

Sir, America has relied on the contributions of selfless volunteers for centuries, and the generosity of Americans will endure without a Federal program.

In contrast, veterans are our Federal responsibility, and these two worthwhile programs provide needed help.

ADMINISTRATIVE PROVISIONS

The Committee recommendation includes a number of administrative provisions carried previous years: (1) Language regarding qualified student loans eligible for education awards; (2) language regarding the availability of funds for the placement of volunteers with disabilities; (3) language directing the Inspector General to levy sanctions in accordance with standard Inspector General audit resolution procedures, which include, but are not limited to, debarment of any grantee found to be in violation of AmeriCorps' program requirements, including using grant or program funds to lobby the Congress; (4) language which requires the Corporation to ensure that significant changes to program requirements or policy are made only through public notice and comment rulemaking; and

□ 1500

Mr. REGULA. Mr. Chairman, I now yield to the gentleman from Illinois (Mr. KIRK) for the purposes of a colloquy.

Mr. KIRK. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise today urging the conference, when it meets, to restore funding to the Javits gifted and talented program, which was unfortunately zeroed out in this bill. Javits reaches a critical group of diverse gifted children who are not high income. In fact, they are low income, but have extraordinary abilities.

In my home State of Illinois, education for gifted kids has been cut completely out of the State's budget. In response I developed my own Tenth District laureates program as a way to challenge gifted students in my own district. The program has become a huge success, providing these students with behind-the-scenes access to top academic and cultural institutions in Chicago and surrounding suburbs. And these gifted children were motivated by this unique opportunity.

I think we must fund gifted education on a national level to allow millions of children across the country to have the same types of challenges our Tenth District laureates enjoy. As the only federally funded national gifted program, grants provided through Javits have provided 125 State and local education districts since its inception in 1989, reaching 2 million gifted students nationwide. Last year the program was funded at $11.1 million. It is a program particularly needed, given the low scores of Americans on standard international math and science tests.

Positions in the field of science and engineering are growing at a rapid rate, yet the United States is facing a critical shortage in these areas. Just one demonstration program funded by this grant, the project creating urban excellence in the Bronx, resulted in a 20 percent improvement in math and science scores for all students of the entire school.

I think we must invest in the future of our children, and I urge the conferees to restore funding for the Javits gifted and talented program.

Mr. REGULA. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments. And I do agree that funding gifted and talented education in this country is an important mission. We must continue to provide support for our brightest students to succeed, especially in the areas of math and science.

I hope the gentleman understands that with such a tough budget allocation, we did not have the resources to support everything we would have liked to have done, including some important and successful programs like the Javits program for gifted and talented students.

I will work with the gentleman from Illinois to address this issue in conference.

Mr. KIRK. Mr. Chairman, if the gentleman will yield, I want to thank my chairman.

AMENDMENT NO. 1 OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HINCHEY:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used to carry out section 1860D-1(b)(4) of the Social Security Act.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from New York (Mr. HINCHEY) and the gentleman from Ohio (Mr. REGULA) each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Congress has been moving for the last few years to protect the identities, personal information, and privacy of Americans. Almost 2 years ago, the House pushed for a creation of the Federal Do Not Call Registry. Months later, however, Congress passed legislation that will put millions of people's personal information and privacy in jeopardy.

The Medicare Modernization Act allows and encourages the Secretary of Health and Human Services to distribute the personal information of millions of Medicare and Medicaid beneficiaries to private companies for marketing purposes. In light of the number of significant breaches of personal information recently and the widespread reports of identity theft, this amendment would prevent the government from distributing the personal information of millions of Americans to the many companies that may be providing prescription drug plans when the so-called Medicaid Modernization Act goes into effect. If personal Medicare information is given to these providers, our constituents will be subjected to calls from any of the prescription drug plan providers. If we have learned anything from telemarketers, it is that our senior citizens will be harassed at home by plan providers calling and sending direct mail.

Personal privacy is a nonpartisan issue. During the 108th Congress, over 400 Members voted in favor of creating the Do Not Call Registry. Millions of Americans have had their identity stolen, no matter their political affiliation. We can stop the spread of this personal information being carelessly distributed.

I urge support of the gentleman from Oregon's (Mr. DEFAZIO) amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Obviously this is a Committee on Ways and Means and Committee on Energy and Commerce issue. But let me point out that this amendment will prevent seniors from getting essential coverage information, and that is important. They want to know what their coverage is. They want to know what the coverage will be under the new medical services. This enrollment starts in less than 5 months, and I think this would be a poor time to take away the ability to give seniors information about the new drug benefit. We have a lot of, a considerable amount of money in this bill to provide the necessary employees to disseminate information, take phone calls from seniors who want to find out about the Medicare Modernization Act, and to deprive the CMS of the ability to meet this need would be a serious problem for seniors.

Let us give them every chance to call and to find out about the new Medicare Modernization Act. Let us not in any way limit the availability of information and the access that seniors should have to information about this possible benefit.

Mr. Chairman, I reserve the balance of my time.

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the sentiments expressed by the gentleman from Ohio, my good friend, and I understand that he is interested in the best interests of the people in this country, particularly the Medicare and Medicaid beneficiaries.

But the fact of the matter is we have experience in this regard. We have the Federal Employees Health Benefits plan. None of the information about who they are, where they are located, what their telephone numbers may be, is distributed to anyone so that they may be contacted under the provisions of the Federal Employees Health Benefits plan. So why, under this new so-called Medicare Modernization Act, are we communicating that kind of information indiscriminately to a whole host of companies that are now going to besiege senior citizens with phone calls that they are not going to welcome?

We have ways to communicate whatever information we want to to the people who may be the beneficiaries under this program, and they can do that through the existing Medicare and Medicaid programs very simply. There is no reason whatsoever to give this information out indiscriminately so that these people can be harassed.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

I just want to point out to my colleagues that are listening to this debate that the senior organizations want beneficiaries to have access to the new drug benefit. This is why the AARP, the Seniors Coalition, the National Coalition for Women with Heart Disease, the National Kidney Cancer Association, the National Association of Manufacturers, the National Chamber of Commerce, and many others oppose this amendment. I would think that Members would take that into consideration because these cover a broad spectrum of opinions on this and they universally agree that this is a bad amendment.

For this reason I urge Members to vote against it when we have the opportunity to do so.

Mr. Chairman, I reserve the balance of my time.

Mr. HINCHEY. Mr. Chairman, I yield the balance of my time to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me this time.

I have been in the highway conference, and I am sorry I was not here earlier, but I understand the chairman may have represented that AARP is opposed. They had bad information yesterday, provided perhaps by majority staff. They are now neutral on this amendment. I have had a conversation with them today. They now understand the amendment goes to the issues of privacy. It does not undermine the outreach program. All it says is we will not give out personal private information. We will not waive the "Do Not Call" list for America's seniors and have them solicited by telemarketers at dinner after they have indicated they do not want any telemarketers calling them. That is all we are talking about here. We are saying one small section buried in this huge bill, that no Member here wants to take credit for, that says we are taking away the privacy of seniors to profit private insurance companies and make it easier for them.

Private insurance companies have vast resources. They can find these seniors in other ways. The outreach can be done without violating their privacy. That is what we are talking about here, plain and simple: the privacy of America's most vulnerable. Many seniors are aged. They are not well. They are at risk in this whole process, and they do not want those telemarketing phone calls.

So if we continue with this program, the administration is going to waive those rights, those protections for our seniors, plain and simple. This amendment only restricts the waivers of privacy and an incredible extension of waiving all privacy laws relating to people on Medicare or Medicaid and giving discretion to the Secretary of Health and Human Services to turn over that data as he sees fit, no matter what the will of the seniors is.

Let the seniors make the choice, not the Secretary of Health and Human Services, not the private insurance companies. They should not be telemarketed. This is plain and simple, something that I do not believe a majority of this House knew was in that bill when it was passed.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there is no privacy concern because no health information is shared. No personal health information can be disclosed to plan sponsors, period, and all plans are covered under the Federal privacy rule, HIPAA, that restricts the use and disclosure of personal health information. Furthermore, plans are only allowed to use the contact information for marketing Medicare prescription drug plans and facilitating beneficiary enrollment. They cannot use the contact information for any other purpose.

For all these reasons, I urge my colleagues to vote against this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. REGULA. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ENGEL:

Page 108, after line 21, insert the following section:

SEC. 5 . With respect to amounts appropriated for any of the fiscal years 2000 through 2005 for carrying out part A or B of title XXVI of the Public Health Service Act, amounts that have been provided as grants under such parts and that lapse at the end of fiscal year 2005 if unexpended by the grantees are hereby made available through the end of fiscal year 2006.

Mr. REGULA. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from New York (Mr. ENGEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I yield myself such time as I may consume.

I am offering this amendment and I will withdraw it because of a scoring problem, but I did want to bring this to the committee's attention. Today over 1 million individuals in the United States are infected with HIV, including about 406,000 with AIDS. New York City is one of the national epicenters of the HIV/AIDS epidemic, with over 110,000 people infected with HIV. Over 30 percent of those infected in New York City are women, and 75 percent are from minority groups. These devastating numbers are ones that my constituents are all too familiar with.

Like many of our colleagues, I was deeply disappointed that the critical AIDS drug assistance programs, known as ADAPs, only received a $10 million increase in this year's Labor-HHS appropriations bill. There is no question of the need for ADAPs. They have become a cornerstone of the Ryan White CARE Act since advances in drug treatments like antiretroviral therapies have had a profound effect on extending the quality and length of life of those infected with HIV/AIDS.

□ 1515

Appropriate and consistent treatment results in near complete suppression of HIV as well as preventing the emergence of drug resistance. Yes, it is expensive, but every life saved is worth it.

The President last year authorized a $20 million one-time emergency supplement to the ADAP program that will expire this September. Even with this emergency measure, as of May 12 of this year, almost 1,900 individuals were on ADAP waiting lists in 10 States. Nearly every ADAP State has already had to make incredibly tough choices on cost containment measures, such as closed enrollment, reduced formularities, per capita expenditure limits, lowered income eligibility, waiting lists, and increased client cost-sharing. Nine States even require individuals applying for ADAP to demonstrate HIV/AIDS advanced disease progression, at which point drug assistance has only a limited benefit.

Now, Mr. Chairman, it has come to my attention that many States have Ryan White CARE Act funds appropriated to them in previous legislative years that are at risk for expiration. My amendment simply grants a 1-year extension to States to use expiring, unexpended CARE Act funds, rather than allowing the funds to return to the Treasury. I do not understand why this was scored the way it was, and I intend to fight for a change.

The unspent funds typically result in delays in notice of grant awards from the Federal Government, timing issues relating to subcontracting of services, payroll savings due to State hiring delays or freezes, expenditure of other grant funds for similar services, or other unanticipated fluctuations in spending at the State level.

This Congress, we will reauthorize and continue to improve the Ryan White CARE Act, which will likely address some of these financing issues.

In the meantime, it is unfortunate that CBO scored my amendment as a new appropriation, as preserving these expiring, previously appropriated funds would have given States a new window of opportunity to help more people.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek time in opposition?

POINT OF ORDER

Mr. REGULA. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of Rule XXI, which states in part: "An amendment to a general appropriation bill shall not be in order if changing existing law."

This amendment addresses funds in other acts.

The CHAIRMAN. Does any Member wish to speak on the point of order?

Mr. ENGEL. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from New York. It is my understanding the gentleman is going to withdraw the amendment.

Mr. ENGEL. Yes.

The CHAIRMAN. The gentleman from Ohio may not yield on a point of order.

The Chair will recognize the gentleman from New York on the point of order. Does the gentleman seek to speak on the point of order?

Mr. REGULA. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. The point of order is again reserved.

The gentleman from New York (Mr. ENGEL) has 2 minutes remaining on his amendment.

Mr. ENGEL. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for yielding me this time. I would like to compliment him on a very thoughtful amendment.

I would hope, as this idea makes its way through conference, we can be constructive as the reutilization of unexpended Ryan White CARE Act funds will be a very great need to our various States.

In 1988, 1989 when the Ryan White CARE Act was initially authorized, Texas was number 13 on the list of HIV-infected persons. We are still facing the devastation of HIV/AIDS, and we realize that the number one killer of African American women from 25 to 44 is HIV. In addition, we have seen it increasing in other populations, Hispanics and Asians.

So for the sake of States that have not yet expended these dollars, this is a very important amendment. In particular, in my community, the Donald Watkins Foundation, Brentwood, St. John's, Montrose Clinic, Montrose Counseling, and the St. Thomas Clinic would benefit from these dollars. But I hope we will find a way to work through with the gentleman, and I thank him very much for a very thoughtful amendment. We need these unexpended funds, and we need them now.

Mr. ENGEL. Mr. Chairman, for the balance of my time I would like my friend, the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee, to engage me in a brief colloquy.

Mr. Chairman, as I mentioned before, I intend to withdraw this amendment, but I hope this is an issue with which we can work as this bill moves through the process. Ryan White funds and the AIDS Drug Assistance Programs provide critical assistance to our communities and our States, and they need further flexibility to expend expiring Ryan White CARE Act funds. I would ask the chairman if he would work with me in this regard.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, in response to the gentleman's comments, I would point out that we do have a modest increase in this program, and we will be sensitive to the gentleman's concerns in conference as we try to balance out all of the challenges that we have in this bill in terms of the resources available.

Mr. ENGEL. Mr. Chairman, I thank the chairman for his attention.

Ms. JACKSON-LEE of Texas. Mr. Speaker I rise today to speak in support of Mr. ENGEL's amendment to the H.R. 3010, the Labor HHS Appropriations bill. Mr. ENGEL's amendment would grant states an extension to use their expiring, unexpended Ryan White CARE Act funds, appropriated in previous years, through fiscal year 2006. The amendment would therefore prohibit expiring funds from being returned to the Treasury before the end of FY06. Reports indicate that State AIDS directors unanimously agree that expiring unexpended funds must be put back into the CARE Act, rather than being returned to the Treasury as is currently the case.

While administering Ryan White Care Act funds, States and Eligible Metropolitan Areas periodically finish fiscal years with small amounts of unspent funds. These amounts, typically ranging from five or ten percent of overall awards, may be requested in the subsequent fiscal year to provide services during that fiscal year. The unspent funds typically result from delays in notice of grant awards from the Federal government, timing issues related to subcontracting of services, payroll savings due to State hiring delays or freezes, expenditure of other grant funds for similar services, or other unanticipated fluctuations in spending at the State level. Occasionally, the amount of unexpended funds reaches beyond ten percent of a grantee's overall award for reasons specific to the individual jurisdiction.

Currently, the FY06 Appropriations bill provides $2.1 billion for Ryan White AIDS programs, which is $10 million (2 percent) more than the current level but equal to the administration's request. This total includes $610 million for the emergency assistance program—which provides grants to metropolitan areas with very high numbers of AIDS cases—$1.1 billion for comprehensive-care programs, $196 million for the early-intervention program, and $73 million for the Pediatric HIV/AIDS program.

In closing, it is important for me to say a few words about Ryan White. As many of you know, as a result of his infection, Ryan White was expelled from his school, on the account of being a 'health risk' to other students. This shameful behaviour on behalf of the school board, as well as multiple death threats to him and his family, required the White family to move to Cicero, Indiana. Having found relative peace in Cicero, Ryan White began a nationwide campign to help educate communities about HIV/AIDS. His inscesant work landed him in Washington, DC to testify before the President's Commission on AIDS. His words, works, and wills, were enshrined in The Ryan White CARE (Comprehensive AIDS Resource Emergency) Act, signed 4 months after his death (April 8, 1990).

This is a very important issue, and I urge my colleagues to support the Engel amendment.

Mr. ENGEL. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time at the end of the bill to explain why I am going to vote against the bill. I am speaking as one Member of the House: I am not speaking as ranking Democrat on the subcommittee or committee. I simply wanted people to know why I am going to oppose this bill; and I want to, at the same time, explain my motion to recommit.

The good thing about this bill is that we repaired most of the damage to the Corporation for Public Broadcasting. Most, but not all. But let us understand, this bill, in my view, is still an assault on the country's future. This bill is just the start of cuts planned over a 5-year period to implement the Republican budget resolution that is placing the importance of $140,000 tax cuts for those making $1 million a year ahead of our long-term investments in education of our children, the health care of our people, and the security of American workers.

This is the most important bill that we will consider this year in terms of meeting the needs of the average American family and in building the long-term strength of our society. More than any other, it is the bill where we care for our neighbors. It is the bill that determines how well we meet our obligations to those in society who have not been among the most fortunate. This bill fails to meet those tests in some dramatic ways, and I would like to point out just a few of them.

Because of the fact that this House is deciding that large tax cuts for very well-off people are more important than anything else, this bill, on the worker protection front, guts the program that we rely on to try to protect our workers from having to compete against child and slave labor. It cuts that program by 87 percent, this at a time when the administration is asking that we pass new trade legislation with CAFTA.

Seven and a half million Americans are out of work, but this bill cuts the employment service by $116 million. Forty-five million Americans are without health insurance, but this eliminates community access programs that help people get that health care. This bill cuts by 84 percent the funding for training grants for health care professionals. It cuts rural health programs by 41 percent.

The number of grants at NIH for research in all kinds of diseases will be cut by 500 from just 2 years ago. The community services block grant, the program where the poorest people in this country turn when they have nowhere else to go, is cut by half in this bill, and the No Child Left Behind bill is cut by some $800 million below last year. Mr. Chairman, 1.7 million fewer disadvantaged children will receive care under after-school programs, and 56,000 fewer teachers will get high-quality training. This bill provides only half of the increase promised by the Republican majority for the maximum Pell grant.

So for all of those reasons, I am going to offer a straight motion to recommit so that this bill can go back to committee, so that these items can be corrected, with one addition. As we said earlier, we found out today that our efforts to try to increase funding for veterans health care for the last 6 months were absolutely necessary, even though we had been told by the VA that they had more than enough money for veterans health care.

We want this bill to go back to the committee so that the committee can also do what it should have done in the first place, which is to add $1 billion on an emergency basis to take care of the shortfall in VA health care that the White House and OMB have been hiding from the American people and hiding from veterans for months.

So I will personally urge a vote for my motion to recommit; and when the vote on final passage comes, I will vote against it, because this bill just does not measure up to our national obligations.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 14 offered by Mr. HAYWORTH of Arizona; amendment offered by Mr. VAN HOLLEN of Maryland; amendment No. 11 offered by Mr. PAUL of Texas; amendment offered by Ms. DELAURO of Connecticut; and amendment No. 1 offered by Mr. HINCHEY of New York.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 14 OFFERED BY MR. HAYWORTH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 146, noes 256, not voting 31, as follows:

[Roll No. 315]

AYES—146

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Blackburn
Boehner
Bonner
Bono
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
English (PA)
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Jindal
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
Kolbe
Latham
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
McCotter

McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Musgrave
Neugebauer
Ney
Northup
Norwood
Otter
Paul
Pearce
Pence
Peterson (MN)
Pickering
Pitts
Pomeroy
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sessions
Shadegg
Shaw
Shuster
Simpson
Smith (TX)
Sodrel
Sullivan
Tancredo
Taylor (NC)
Thornberry
Tiberi
Walden (OR)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)

NOES—256

Abercrombie
Ackerman
Alexander
Allen
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Bonilla
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Calvert
Cannon
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Fitzpatrick (PA)
Ford
Fossella
Frank (MA)
Gerlach
Gibbons
Gillmor
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (CA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Petri
Platts
Poe
Pombo
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reynolds
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Sherwood
Shimkus
Simmons
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—31

Andrews
Baca
Becerra
Bilirakis
Blunt
Boozman
Boyd
Camp
Capito
Clay
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Harris
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Nunes
Reyes
Rogers (AL)
Ros-Lehtinen
Ryan (OH)
Slaughter
Taylor (MS)
Udall (NM)
Watson
Wilson (NM)

☐ 1549

Ms. GRANGER, Ms. KILPATRICK of Michigan, Ms. CORRINE BROWN of Florida, and Messrs. MARSHALL, GONZALEZ, BOEHLERT and GRAVES changed their vote from "aye" to "no."

Messrs. EVERETT, BONNER, GILCHREST, MARCHANT, RYAN of Wisconsin and Mrs. NORTHUP changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT OF INTENTION TO PERMIT 5-MINUTE VOTING ON MOTION TO RECOMMIT

(Mr. DELAY asked and was given permission to speak out of order.)

Mr. DELAY. Mr. Chairman, I simply want to put all Members on notice that as soon as the Committee rises, I will seek an order of the House to permit 5-minute voting on any motion to recommit.

I mention this now so that Members can have as much notice as possible.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Without objection, 5-minute voting in the Committee of the Whole will resume.

There was no objection.

AMENDMENT OFFERED BY MR. VAN HOLLEN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 178, not voting 31, as follows:

[Roll No. 316]

AYES—224

Abercrombie
Ackerman
Allen
Baird
Baldwin
Barrow
Bass
Bean
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chabot
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Foley
Ford
Frank (MA)
Gingrey
Gonzalez
Goode
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shadegg
Shays
Sherman
Shimkus
Simmons
Simpson
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weller
Wexler
Woolsey
Wu
Wynn

NOES—178

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann

Deal (GA)
DeLay
Dent
Diaz-Balart. L.
Diaz-Balart. M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Goodlatte
Granger
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren. Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller. Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nussle
Osborne
Oxley
Paul
Pearce
Pence
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shaw
Sherwood
Shuster
Smith (TX)
Sodrel
Souder
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—31

Andrews
Baca
Becerra
Bilirakis
Boozman
Boyd
Camp
Capito
Clay
Davis. Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Harris
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Nunes
Reyes
Rogers (AL)
Ryan (OH)
Skelton
Slaughter
Taylor (MS)
Thomas
Udall (NM)
Watson
Wilson (NM)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in the vote.

□ 1557

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device. and there were—ayes 97. noes 304, not voting 32, as follows:

[Roll No. 317]

AYES—97

Aderholt
Akin
Barrett (SC)
Bartlett (MD)
Biggert
Blackburn
Brady (TX)
Brown-Waite, Ginny
Burton (IN)
Cannon
Chabot
Chocola
Cole (OK)
Cox
Cubin
Culberson
Davis (KY)
Davis. Jo Ann
Deal (GA)
DeLay
Drake
Duncan
Everett
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hart
Hayes
Hefley
Hensarling
Herger
Hinchey
Hoekstra
Hostettler
Istook
Jenkins
Jindal
Johnson (IL)
Kennedy (MN)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
Mack
Manzullo
Marchant
McCotter
McHenry
McKinney
McMorris
Miller (FL)
Miller. Gary
Moore (WI)
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Sodrel
Souder
Stearns
Tancredo
Terry
Thornberry
Upton
Weldon (FL)
Weller
Westmoreland
Wexler

NOES—304

Abercrombie
Ackerman
Alexander
Allen
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown. Corrine
Burgess
Butterfield
Buyer
Calvert
Cantor
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart. L.
Diaz-Balart. M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Green. Al
Green, Gene
Grijalva
Hall
Hastings (FL)
Hastings (WA)
Hayworth
Herseth
Higgins
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson. E. B.
Johnson. Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lipinski
LoBiondo
Lofgren. Zoe
Lowey
Lucas
Lungren. Daniel E.
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller. George
Mollohan
Moore (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez. Linda T.
Sanchez. Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (PA)
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—32

Andrews
Baca
Becerra
Bilirakis
Boozman
Boyd
Camp
Capito
Clay
Davis. Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Harris
Jones (NC)
LaTourette
Lewis (GA)
Meek (FL)
Meeks (NY)
Nunes
Peterson (PA)
Reyes
Rogers (AL)
Ryan (OH)
Skelton
Slaughter
Taylor (MS)
Udall (NM)
Watson
Wilson (NM)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1604

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. DELAURO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 234, not voting 34, as follows:

[Roll No. 318]

AYES—165

Abercrombie
Ackerman
Allen
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Cleaver
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Frank (MA)
Gordon
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Tierney
Udall (CO)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—234

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—34

Andrews
Baca
Becerra
Bilirakis
Blunt
Boozman
Boyd
Camp
Capito
Clay
Costa
Davis, Tom
Delahunt
Fattah
Gohmert
Goode
Gutierrez
Harman
Harris
Jefferson
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Nunes
Reyes
Rogers (AL)
Skelton
Slaughter
Taylor (MS)
Taylor (NC)
Udall (NM)
Watson
Wilson (NM)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1610

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. HINCHEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 192, noes 210, not voting 31, as follows:

[Roll No. 319]

AYES—192

Abercrombie
Ackerman
Allen
Baird
Baldwin
Barrow
Bean
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chabot
Chandler
Clay
Cleaver
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—210

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cox

Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—31

Andrews
Baca
Becerra
Berman
Bilirakis
Boozman
Boyd
Camp
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Goode
Gutierrez
Harman
Harris
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Nunes
Reyes
Rogers (AL)
Skelton
Slaughter
Taylor (MS)
Taylor (NC)
Udall (NM)
Watson
Wilson (NM)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1618

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BILIRAKIS. Mr. Chairman, due to a previous and unavoidable appointment, I was unable to vote on several amendments to H.R. 3010, the FY 2006 Labor, Health and Human Services, Education Appropriations Act. Had I been present, I would have voted "aye" on rollcall votes numbered 315, 316 and 317, and "no" on rollcall votes numbered 318 and 319.

The CHAIRMAN. The Clerk will read the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006".

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the proposals that seek to prohibit the use of funds in the bill to distribute the personal information of Medicare and Medicaid beneficiaries to private companies for marketing purposes. The Americans who receive Medicare and Medicaid benefits already suffer from ailments that debilitate and weaken them from a health standpoint. This legislation should not be permitted to debilitate them from a fiscal standpoint either.

According to data, more people were covered by Medicare and Medicaid in 2003 than in 2002, while the percentage and number of people covered by their employers fell from 61.3 percent—175.3 million people—to 60.4 percent—174 million people. Mr. Chairman, this is a lot of people whose personal information could be jeopardized by the haphazard distribution to the marketing community.

The situation with Choicepoint and others should provide more than adequate proof that information can be used to harm people and that it can be done rapidly. Allowing funds to facilitate the free dissemination of personal information by the Federal Government only exacerbates the vulnerable nature of personal information databases. The Medicaid and Medicare databases were not created for the purpose of business development; therefore, the information contained in these databases should be protected unless consent is obtained from the person described therein.

For these reasons, Mr. Chairman, I support the gentleman's amendment.

Mrs. WILSON of New Mexico. Mr. Chairman, the bill would decrease funding for disadvantaged children in low income schools by $115.2 million from FY 2005 levels. The bill also included $258.5 million less for the Bureau of Health Professions in the Health Resources and Services Administration that administers important health professions training, scholarship, and loan repayment programs, including programs encouraging diversity in the health workforce. The legislation included $84.6 million less for rural health programs than was provided in FY 2005. Because I believe this bill would have inadequately funded important education and health programs, I would have voted against the legislation.

Mr. MOORE of Kansas. Mr. Chairman, I rise today in opposition to the funding levels in H.R. 3010, the FY 2006 Labor-HHS-Education Appropriations Act, for the No Child Left Behind (NCLB) Act, the Individuals with Disabilities Education Act (IDEA), and Title VII Health Professionals programs.

I voted for NCLB because I believe in increased accountability for our nation's public schools to ensure that the promise of a high-quality public education can be realized for each student in our nation. Before the vote on NCLB, I heard reservations from local educators and my constituents that NCLB not become another unfunded mandate like IDEA for special education. When Congress approved and the President signed NCLB, however, I believed that the federal government would provide the promised funding to enact these reforms.

Since 2002, Congress and the Administration have not fully funded NCLB. In H.R. 3010, Congress and the Administration cut NCLB overall funding by $806 million (3.3 percent) below the current level. Under this bill, the NCLB funding shortfall will be $13.2 billion for FY 2006 and over $40 billion since the law's enactment.

In addition, H.R. 3010 cuts the $603 million increase the Administration proposed for Title I to help low-income children improve their reading and math skills to only an $100 million increase. The Administration's request was already inadequate, but these additional cuts put Title I funding $9.9 billion under what is promised under NCLB for FY 2006.

Congress and the Administration have not fully funded IDEA, a program that helps local schools and school districts pay for the costs of providing educational services to special needs children that are mandated by federal law. The federal government has never provided 40 percent of the costs it initially promised when it enacted this important law. H.R. 3010 provides $3.9 billion less than Congress promised in the IDEA Improvement Act of 2004. In addition, this bill even cuts the $508 million increase proposed by the Administration to only $150 million. Under this bill, the federal share of special education costs will actually drop from 18.6 percent to 18.1 percent next year.

In the 2004–2005 school year, 10 states and 7,194 school districts saw cuts in Title I funding, including my state of Kansas. For the 2005–2006 school year, Kansas along with nine other states will again receive less Title I funding. For my home state of Kansas, the combined funding shortfall for NCLB and IDEA for FY 2006 is $240 million, which is shifting the burden of meeting these new requirements back to Kansas taxpayers. With the deadline of expanding assessment to grades 3 through 8 scheduled for the 2005–2006 school year and more districts being identified under Adequate Yearly Progress (AYP), Congress and the Administration are not keeping pace with increasing demands at the local level.

The federal government must provide our school with the resources and tools necessary to help them meet the new standards imposed by NCLB. It is simply a matter of fairness and common sense. This is why I have introduced H.R. 2694, the Keeping our Promises to America's Children (KPAC) Act of 2005. This legislation would suspend implementation of NCLB until the law is fully funded.

I would also like to express my concerns about the cuts to Title VII Health Professions programs included in H.R. 3010. The elimination of the programs will have an immediate impact on the training and recruitment of health professions students and the educational opportunities developed and supported by Title VII.

Title VII programs are unique in that they are the only federal investment in interdisciplinary training, which is vitally important, as care is often provided in several different settings.

The programs are also designed to enhance minority representation in the health care workforce and reduce shortages of health professionals in underserved areas, such as inner cities and the many rural regions throughout the country. Community Health Centers and the National Health Service Corps, for example, rely on graduates of Title VII programs to fill their ranks.

Congress talks a lot about values. I think a true measure of values is not what people say, but where Congress decides to spend our money or make budget cuts. Funding for these important programs must be restored in the final FY 2006 Labor-HHS bill. These cuts account for almost $6 million in Kansas and $5 million for the K.U. Medical Center.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, today we will vote on H.R. 3010, the Labor, Health and Human Services, and Education bill for fiscal year 2006. On behalf of the educators, administrators and students in Dallas, Texas, I would like to express my strong opposition to the education appropriations outlined in this measure. The inadequate overall funding in H.R. 3010 completely undermines the public prioritization of education as a paramount concern.

Make no mistake—these education cuts come as no surprise. Beginning with the passage of the House budget resolution for FY 2006, my Republican colleagues have shown their true intentions with regard to education funding. As passed, the budget resolution provides $56 billion in discretionary funding for the Department of Education. This is a $530 million, or 0.9 percent decrease over the current fiscal year (FY 2005). This is the first time in over a decade that total education funding has been cut.

Although our children have no legislative voice, they represent our Nation's future and deserve our investment in their education today. As it stands, H.R. 3010 would cut funding for reading tours, teacher quality initiatives, bilingual instruction, class size reduction, school modernization, violence prevention initiatives, afterschool services and many other vital programs.

Specifically, the House Labor-HHS-Education Appropriations bill would cut. No Child Left Behind by $806 million (3.3 percent) below the current level. Under this bill, the NCLB funding shortfall will be $13.2 billion next year and over $40 billion since enactment. The bill also cuts the $603 million increase the Administration proposed for Title I to help low-income children improve their reading and math skills to only $100 million. The Administration's request was already inadequate. However, under this bill, Title I funding will be $9.9 billion below NCLB's funding promise for FY 2006.

The bill freezes After School Centers, virtually for the fourth year in a row at $991 million even though only 38 percent of all after school applications nationwide could be funded last year. We are turning away children even though more than 14 million kids are unsupervised after school each day.

It slashes Education Technology by $196 million (39.5 percent) on top of a $196 million cut last year. One in four states have no other dedicated technology funds to track NCLB student achievement data, improve teachers' use of technology, and close the achievement gap through online learning.

It eliminates Comprehensive School Reform grants to 1,000 high-poverty schools by eliminating the program. Rigorous independent evaluations have shown that comprehensive school reform models such as Success for All, America's Choice, High Schools That Work, First Things First, and Talent Development are making a significant difference in helping schools implement integrated, schoolwide reform strategies. This bill turns its back on these schools.

The bill cuts investments in teachers. It freezes the main NCLB program to put a qualified teacher in every classroom—Teacher Quality State Grants—at $2.9 billion for the 3rd consecutive year of a freeze or cut. The bill denies 80 percent of the Administration's $500 million request to provide an incentive for the best teachers to teach in the most challenging high-poverty schools. It cuts funds requested for math and science teachers by $79 million (29 percent). It even cuts teacher training in American history by $69 million (58 percent).

It freezes Impact Aid payments to 1,300 school districts for over 1 million military and other Federally-connected children, funding Impact Aid at approximately 35 percent below the maximum payments authorized for FY 2006. The bill also freezes flexible innovative education grants, English language training, civic education, State assessments, and rural education. Some of these programs have been frozen for four years in a row.

Although the Republican Majority promised low-income students a $100 increase in the maximum Pell Grant in the 2006 Budget Resolution, this bill provides only half that. The $50 increase would offset only 2 percent of the additional $2,300 in four-year public college costs since 2001.

If enacted, H.R. 3010 would be a grave disservice to our children and the future of our Nation. For these reasons and more, I oppose the unsatisfactory education funding levels in this appropriations bill.

Unfortunately, underfunded education initiatives is not the only problem with this bill. The bill disinvests in job training and help for the unemployed—cutting these programs by $346 million below the current level while 7.6 million Americans remain out of work.

Finally, this legislation lacks appropriate funding levels for in the human services area, the Committee cuts in half the Community Services Block Grant, a program aimed at helping the poorest people in our communities who often have no other place to turn. This is an improvement over the President's plan to abolish the program entirely, but it still leaves more than 1,000 local community services agencies seriously short of resources to assist low-income people. The purpose of this block grant is to provide flexible funds to meet whatever a local community considers their most important needs, whether it be for job training, emergency food aid, programs for low-income seniors, or home weatherization.

The bill also cuts the Low-Income Home Energy Assistance Program (LIHEAP) by almost $200 million—even though there's no reason to expect that we won't have another winter of sky-high heating oil and natural gas prices. Over the past four years, the average cost of heating a home with oil has almost doubled, and the share of that cost covered by the average LIHEAP grant has fallen by half, from 49 percent to 25 percent.

Clearly, I cannot support this bill as written. In its current form, this legislation is nothing less than an insult to the American people. It inadequately and irresponsibly allocates money to Labor, Health and Human Services, and Education. However, should this bill return from the Senate with the appropriate funding levels, I will gladly support it. I sincerely hope we can work out the problems and pass a responsible bill that responds to the needs of our children, workers, and elderly citizens.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in reluctant opposition to the Labor-HHS-Education Appropriations bill. I say reluctant because as a member of the Labor-HHS-Education Appropriations Subcommittee I have worked closely with the other members of the subcommittee during our budget oversight hearings and especially with our chairman, RALPH REGULA, to highlight programs of importance to my constituents. Chairman REGULA and the staff of the subcommittee have been extremely patient with my many requests, and Chairman REGULA has been extremely generous, within his tight budget allocation, in trying to make progress on several important priorities of mine.

The first of those priorities is the national media campaign to fight underage drinking, which is currently underway by the Ad Council. Although the subcommittee has provided project funds for this important effort in the past, for the first time, the chairman has included this funding as a programmatic priority in the office of the Secretary of Health and Human Services. Representative FRANK WOLF and I were joined by 44 of our colleagues in requesting the funds to carry out a multimedia campaign directed at parents, and I am grateful to Chairman REGULA, who understands the terrible impact of underage drinking on our youth and the importance of an effective national media campaign to address it.

In addition, Chairman REGULA has provided increases in two areas to help infants and their families. First, CDC—the Centers for Disease Control and Prevention—conducts a national program for education and prevention of birth defects by encouraging women of childbearing age to take the recommended amount of folic acid daily. Based on this effort, as well as the fortification of U.S. grain products with folic acid, the rate of neural tube defects has decreased by 26 percent over 7 years, and the committee has continued to provide incremental increases to this important CDC program. Second, the committee has increased funds for the Health Resources and Services Administration's newborn screening program for early identification of infants affected by certain genetic, metabolic, hormonal and or functional conditions for which there are effective treatment or intervention. In the report, HRSA is encouraged to use these new funds for the development of parental and provider education material and programs to promote the importance of newborn screening.

I appreciate Chairman REGULA's generosity in providing funds for these priorities. He truly understands that the Labor-HHS-Education

Appropriations bill is the people's bill. It makes it doubly difficult for me to cast a vote in opposition to the bill because I know he has worked hard to distribute the limited resources he has been given in a fair and conscientious way. My "no" vote on this bill should therefore in no way be seen as a lack of respect or lack of appreciation for RALPH REGULA and his efforts on behalf of those who depend on the resources provided in this bill.

However, this bill, more than any other appropriations bill we act on, by providing the funds for health and education programs of importance to our constituents, I goes to the heart of what we Democrats in the House stand for and for what I stand for as a Member of Congress representing the people and communities of the 34th District of California. These programs are just too important, and the cuts and terminations in this bill are just too severe, for me to vote for this bill at this time.

I will continue to work with Chairman REGULA, Ranking Member DAVID OBEY, and the other members of our subcommittee as we conference the bill with the Senate, with the hope that we can identify additional funds and make the improvements to this bill that will make it one of which we can all be proud and which we can all support.

Ms. DEGETTE. Mr. Chairman, I rise to express my concern that funding for Title VII programs have been cut in this bill. VII programs provide direct financial support for healthcare workforce development and education. It is imperative to provide adequate funding so that well-trained health care providers can continue to meet the needs of the American people.

The house showed great leadership last year by providing $300 million in funding, and I believe that any decrease could hamper the programs' ability to train health professionals to care for the neediest populations.

The President's budget proposes, for the fifth year in a row, to eliminate many of the programs that educate and train a variety of health care providers, such as pharmacists, dentists and pediatricians.

For a number of years now, I have organized Members to express support for this important program, and urged the Appropriators to fully fund it in the Labor-Health and Human Services-Education bill. For the first time this year, the House has failed to restore this funding.

These massive cuts will eliminate key programs that make it possible for our health professions schools to develop training infrastructures and high quality education.

The Title VII Health Professions programs are also the only federal programs designed to train providers in interdisciplinary settings to respond to the needs of special and underserved populations.

The programs have shown to increase minority representation in the health care workforce, which I believe is absolutely essential for our health system.

At a time when the American people have come to rely on their health care providers more than ever, eliminating this resource would be devastating to the country's neediest communities.

Mr. KING of Iowa. Mr. Chairman, I offer an amendment to prohibit any funds from being spent by the Department of Education in violation of current federal law.

According to existing federal law, any state providing illegal aliens in-state tuition discounts must provide these discounts to all students, regardless of state of residence. Section 505 of the Illegal Immigration Reform and Responsibility Act of 1996 clearly states that:

"Notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident."

My amendment simply seeks to enforce existing law.

Not only is providing in-state tuition to illegal aliens against the law, it would also place a huge financial burden on our society. The costs to states of providing in-state tuition to illegal aliens throughout the U.S. help illustrate the high cost of these measures. Approximately 126,000 illegal aliens under 21 were enrolled in college in the year 2000. At nonresident tuition rates, they would pay between $503 million and $655 million annually. If they were made eligible for in-state tuition discounts, they would pay only $155 million to $201 million—leaving taxpayers to make up the difference of $349 million to $454 million. Given the fiscal constraints our nation is currently under, no good reason exists to spend additional money to give tuition discounts to illegal aliens.

As public universities across the country increasingly limit enrollment increasing the intake of illegal aliens into these schools will mean fewer opportunities and less aid for United States citizens and legal immigrants. This will also result in greater expense to the state taxpayers. Out-of-state tuition is typically two to three-and-a-half times higher than in-state tuition. The revenue lost as a result of providing in-state tuition to illegal aliens would have to be paid for by someone.

Finally, giving special treatment to illegal aliens is fundamentally unjust to legal immigrants who have invested a great deal to comply with our immigration laws or obtain legal citizenship. We should not reward those who have broken our immigration laws with the same benefits as those who have made an effort to respect the law. This measure is a fundamentally unjust and expensive attempt to integrate illegal aliens into our state and federally funded higher education systems.

Please join me in supporting this amendment to enforce existing law and avoid rewarding law-breakers.

Mr. BLUMENAUER. Mr. Chairman, the fiscal year 2006 Labor, Health and Human Services, Education, and Related Agencies appropriations bill is one of the most important bills for shaping our domestic priorities. Unfortunately the bill before this Congress imposes draconian cuts to the essential services that Americans rely on everyday.

The $1.2 billion cuts spread throughout these agencies will be devastating to the future of our Nation. I am astonished to see that the Department of Education will see its smallest increase in a decade, which comes at a time when school districts across the Nation are struggling to come up with adequate funding to address the unfunded mandates of President Bush's No Child Left Behind. This is the wrong kind of message to be sending to our children and teachers.

The one positive point during this debate was the passage of the amendment to restore the $100 million cut to the Corporation for Public Broadcasting (CPB). This vote signaled the bipartisan support that can be rallied to overrule the ideologically driven agenda of some in Congress. Millions of people across the country contacted Congress this week in support of CPB and the overwhelming vote in favor of the amendment to restore funding (284–140, 87 Republican and every Democrat in support) is an indication of the more reasonable approach the country expects from Congress.

Unfortunately, this bill eliminates 48 programs and slashes funding for critical programs across the country. I will not support a bill that falls so short in meeting America's needs, in fact, creates more disparities. We must do better to address the obligations we have to the people of this country.

Mr. KUCINICH. Mr.Chairman, I rise today to join my colleagues in urging full funding of the National Children's Study.

Two of the most important health studies ever conducted were large, ambitious epidemiological studies. The Framingham Study followed the health and risk factors of thousands of men and women for fifty years. The result has been a major change in the way we view, treat and prevent heart diseases. The Nurse's Study has monitored the health of over one hundred thousand women for decades. It, too, has resulted in unprecedented leaps forward in public health.

Now, we must turn our attention to one of the biggest sources of public health threats of our time: our own environment. The National Children's study will follow 100,000 children from before birth until age 21. Similar to the Framingham study and the Nurse's study, it could yield giant steps forward in our efforts to solve some of the most complex and pervasive health problems of our time: obesity, asthma, and autism are just a few. And we could start to see results within a few years of data collection.

Yet the study has been left in a holding pattern. In order to begin recruiting participants in the study, 69 million dollars is required for this year. Only 12 million dollars is provided in the FY 06 Labor HHS bill.

I hope that the conference committee allocates 69 million dollars in the conference report for the FY 06 Labor HHS Appropriations bill to the National Children's Study. We are not doing our future children any favors by postponing this study until it is financially convenient. The need is here. The possibilities are here.

Mr. BISHOP of New York. Mr. Chairman, today I rise to express my deep concerns about how this bill falls $1.6 billion short in funding our Nation's most critically important domestic priorities—particularly education. This bill is a stunning example of the impact that this Congress's misplaced priorities can have on what most consider to be a basic human right—access to a quality education.

We have made a conscious choice: While we give away tax cuts worth $140,000 to millionaires, families earning $25,000 to $30,000 a year won't be able to afford sending their children to college this year. It's an unconscionable choice that defies our priorities and our values of standing up for middle class Americans.

Before I was elected to Congress, I spent 30 years as a college administrator. In that time, I came to fully understand how difficult it is for students and their families to afford college. Every day, I worked with parents and their children—scraping up money, grants, scholarships, whatever we could find—to help them realize part of the American dream—the opportunity to earn a college education.

But for the fourth straight year, Congress has short-changed students by cutting billions of dollars from the authorized level under law—$13.2 billion short of what is authorized for FY 06 and over $40 billion short since its enactment in 2001.

Another public law we have abandoned is the IDEA Improvement Act, which has been underfunded by nearly $4 billion since its enactment. For our Nation's 7 million disabled children, IDEA Part B grants alone fall short of the President's budget request by over $500 million.

At a time when some of the Nation's poorest school districts are fighting to stay open, this bill cuts Title I funding for the neediest of our elementary and secondary schools by $500 million below the President's request.

While in the past year alone, tuition has increased an average of 10.5 percent at 4-year public universities, this bill provides only a modest $50 increase in the maximum Pell grant—a full $1,000 short of what the President promised in 2001.

And, ironically, at a time when this Administration and Republican Congress talk about morality and family values in public affairs, this bill cuts local public TV and radio funds for childrens' shows like Sesame Street and Reading Rainbow.

My specific concerns about the higher education shortfalls stem from my belief that a quality education is integral to the success of Americans and the nation as a whole. As an increasing number of students graduate from high school and pursue postsecondary education and training, we must make the necessary investment to deliver accessible, affordable and excellent education to all Americans.

Each year, millions of hardworking American students and their families struggle to cover the cost of attending college, even after exhausting all of the options available to them such as scholarships, student loans, Pell grants, and college work-study.

The typical low-income student falls $3,800 short of college costs even after their family contribution, student loans, grants, and work have been accounted for.

Today, an affluent student in the bottom percentile of their class is more likely to go to college than an economically disadvantaged student at the top of their class.

With college enrollment expected to expand by 14 percent, to more than 15 million students over the next decade, now is the time that Congress must invest its resources towards helping students gain access to college.

But under this bill, the percentage of college costs covered by the Pell Grant would drop to a new low of 32 percent. This is compared to thirty years ago when the Pell Grants paid for 72 percent of the cost for a 4-year public college.

The lack of a significant increase in the Pell Grant comes at a time when changes to the tax allowance formula used to calculate the Department of Education's "Expected Family Contribution" eliminated Pell Grant awards for over 90,000 students, and reduced scholarships for an additional 1.3 million students.

For the second year in a row, this bill also freezes funding for Supplemental Education Opportunity Grants (SEOG) and College Work Study. This is the second year in a row that SEOG and Work-Study have received flat funding.

With this bill, we have made a conscious choice—to provide more comfort for the comfortable at the expense of those who are trying to make a better life for themselves.

Mr. ETHERIDGE. Mr. Chairman, I rise in opposition to H.R. 3010, the Departments of Labor, Health and Human Services and Education Fiscal Year 2006 Appropriations Act. H.R. 3010 severely under funds education, health care, and job training efforts that are crucial to North Carolina and to the country.

As the only former state schools chief serving in Congress, I know. firsthand the devastating effects that these education cuts will have. At a time when we are asking our schools to do more than ever, these education cuts will destroy the morale of our teachers, parents and students. Not only does this appropriations bill continue to under fund No Child Left Behind, but it also shortchanges special education for 6.9 million children, fails to raise the maximum Pell Grant and eliminates successful education initiatives like drop out prevention. These education cuts will make it impossible for our schools to meet high standards of accountability.

Unfortunately, H.R. 3010 also fails to provide adequate funds for key health care programs. In rural communities it is often hard to find a doctor, and emergency rooms can be dangerously far away. This appropriations bill slashes funding for rural and preventative health. Activities that would be terminated include initiatives designed to encourage new medical and dental school graduates to choose primary care specialties and to practice in rural and urban under-served areas. I am also concerned about the inadequate funding for Preventative Health Block Grants and Community Health Centers, both of which provide much needed services to the people of North Carolina's 2nd District.

Mr. Chairman, I urge my colleagues to vote against this bad bill.

Mr. UDALL of Colorado. Mr. Speaker, I rise in opposition to H.R. 3010, which provides federal funding for health, education and worker programs. This bill contains $1.6 billion less than the current year and fails miserably to make important basic investments in education, healthcare, job training and job protection programs.

On healthcare, the bill takes a huge step backward in efforts to maintain basic health care services for the people in this country who are uninsured or underinsured. It eliminates the Healthy Communities Access Program, which helps health centers and public hospitals provide care for the uninsured. The bill cuts rural health care program funding almost in half, and it wipes out almost all of the Title VII health profession training programs that institutions like the CU Health Sciences Center need in order to provide critical training and education for medical students and residents who aim to practice in rural, low-income, and under-served areas.

And while the bill eliminates or cuts funding for several programs, it also fails to adequately fund others. The bill is $200 million short for community health centers to cover rising health care costs at existing centers or to expand care for the uninsured. The National Institutes of Health, which works to find cures for many diseases, gets a paltry .5 percent increase in funding, the smallest percentage increase in 36 years which is not even enough to keep up with inflation in research costs. State and local health departments will be hobbled in protecting the public against infectious and other diseases because the bill cuts the Preventive Health Block Grant by 24 percent. Further, grants that help health departments improve their preparedness against bioterrorism and other public health emergencies are cut by $75 million. And the Ryan White AIDS programs funding is frozen, even though the number of people living with HIV/AIDS has been rising by more than six percent each year.

On the education front, the Republican Majority has imposed the first freeze on education funding in a decade while requiring local school districts to implement federal mandates under the No Child Left Behind Act. Though I am pleased to see some of the programs that were cut in the President's budget were restored in this bill such as vocational programs, I am concerned by the low levels of funding for several education programs.

Our nation has seen a decreased number of students studying the science, technology, engineering and mathematics (STEM) disciplines, and in turn fewer Americans are seeking careers in STEM fields. The Math and Science Partnership provides grants to recruit STEM majors into teaching, and links current teachers with state agencies or universities to improve teaching skills. This program, coupled with its counterpart at the National Science Foundation, works to improve the quality of teaching in math and sciences that will excite students to study these disciplines. This bill cuts this program by $11 million from the current budget and $79 million below the President's request. Unless we invest in these programs we will continue to see the decline in the number of STEM majors and those seeking these careers.

I am also concerned by the funding levels provided for Part B state grants under IDEA. Last Congress we passed an authorization for IDEA that sought to reach full funding of the program by 2011. This budget is $3.9 billion below the FY2006 level authorized in the IDEA Improvement Act. Though I am pleased to see this program received an increase of $140 million over the FY05 level, I do not think we are doing enough to help states provide adequate education for disabled students.

I am pleased that the House approved the Obey amendment to restore $100 million for public broadcasting. The Corporation for Public Broadcasting provides an important service to Americans that could not be possible without federal funding. In an effort to maintain independence the Corporation for Public Broadcasting receives funding two years in advance. I believe it is important to maintain the independence of public broadcasting and we should not be taking from already appropriated funds. I am proud that the House acted to protect this excellent programming and reject the cuts originally included in this bill.

Overall, this bill makes drastic cuts to critically important health care, education and job training programs, and it fails to adequately fund other programs and that is why I cannot support it.

Mr. KELLER. Mr. Chairman, I am pleased that both Republican and Democrats have accepted my amendment and that it has passed today as part of the unanimous consent agreement.

Mr. Chairman, I believe it was a colossal waste of taxpayer dollars by the U.S. Department of Education to pay $240,000 to columnist Armstrong Williams to promote The No Child Left Behind Act.

This amendment ensures that it will never happen again by providing that no taxpayer funds shall be used, either directly or indirectly, by private contractors, which include public relations firms, journalists, and media commentators, to support or defeat legislation pending before this Congress.

The policy behind my amendment is straightforward. Using taxpayer dollars to bribe journalists to bias their news coverage in favor of legislation is a waste of taxpayer money, it is a black eye on the independence of our free press, and it undermines the integrity of our democracy.

Mr. Chairman, let me give you some background as to why this amendment is necessary. In January of this year, media reports revealed that the U.S. Department of Education entered into a $1 million contract with a private contractor, known as the Ketchum Public Relations firm. This PR firm then turned around and paid $240,000 in a sub-contract to newspaper columnist and TV commentator Armstrong Williams to promote The No Child Left Behind Act.

Specifically, under the contract, Armstrong Williams was paid to "regularly comment on NCLB during the course of his broadcasts," to "encourage the producers" of a cable TV program to "periodically address" the NCLB law, and it specified that the Secretary of Education and other education officials would have the right to appear from "time to time" as guests on Williams' TV programs.

Shortly after learning about this situation, President Bush criticized the Education Departments $240,000 payout to Armstrong Williams and ordered his cabinet secretaries not to hire columnists or commentators to promote administration policies.

Specifically, President Bush stated: "All our cabinet secretaries must realize that we will not be paying commentators to advance our agenda. Our agenda ought to be able to stand on its own two feet. We need to make sure this kind of thing doesn't happen again."

I agree with President Bush.

This is not a Republican or Democrat issue. It's a common sense issue. For example, while the Armstrong Williams matter happened during the Bush administration's watch, similar problems happened during the Clinton administration.

For example, the GAO noted that the Clinton administration's Health and Human Services department used actors in October of 1999 to portray reporters in fake news segments that were distributed to TV stations, without disclosing that the government had actually funded and produced the supposed news segments.

Mr. Chairman, it is dead wrong to use taxpayer dollars to pay private contractors, such as public relations firms, journalists and media commentators, to promote legislation pending before this Congress, and for that reason, I wholeheartedly thank my colleagues on both sides of the aisle for voting "yes" on my amendment.

Mr. STARK. Mr. Chairman, I rise in strong opposition to the Labor-HHS-Education appropriations bill today. This bill grossly underfunds key domestic priorities in education, health, human services, job training, public broadcasting, and the list goes on and on.

Appropriations bills typically include at least a slight increase in spending from the following year to make up for inflation, if nothing else. Instead, this bill actually cuts spending below last year's level by $1.6 billion. The cuts are so plentiful that it is hard to put together a concise statement highlighting my rationale for voting no.

President Bush and the Republicans in Congress proudly proclaimed their support for improving our Nation's education system when they passed the bipartisan No Child Left Behind law. Ever since that time, they've been avoiding putting the dollars behind that commitment. Today's bill is another example of this retreat.

The bill before us underfunds No Child Left Behind by $13.2 billion. It also goes on to freeze funding for after-school programs even though only 38 percent of eligible programs can obtain funding at these levels. It also shortchanges special education for 6.9 million children by failing to meet our government's commitment to IDEA. Head Start, a program well-documented in its effectiveness, fails to obtain the resources necessary for it to give a step up for millions of eligible children.

The bill is no better when it comes to important health care priorities. President Bush has gone out of his way to emphasize his commitment to ending AIDS around the globe. But, when it comes time to turn that sound bite into reality, he and his party turn their backs. This bill eliminates funding to the Global Fund to Fight HIV/AIDS and freezes almost all funds in the Ryan White AIDS programs which provide services to people suffering from HIV and AIDS here at home. At the same time the bill wastes $115 million on unproven abstinence only education programs.

This bill eliminates funding for HHS health professions training programs, slashes funding for public health efforts to increase preventive care, eliminates the Healthy Families Communities Access Program aimed at helping local advocates and governments develop solutions to cover the uninsured, and provides the smallest increase in 36 years for the NIH.

On the human services front, this bill fails to provide needed funds for child care. For the 4th year in a row, it freezes federal funding for the Child Care Block Grant even though millions of low-income families cannot afford adequate, safe child care for their children. It also cuts vital funding for low-income home energy assistance. And, it slashes funding for the Community Services Block Grant which provides funds to local communities to help them provide basic services to low-income families.

The provision in this bill that has received the most public attention is the provision to gut $100 million in funding for public education. I'm pleased that we passed an amendment on the House floor to eliminate that cut. So, we've protected PBS, NPR and other public broadcasting initiatives for now. But, make no mistake about it, the Republicans want to go much further than reducing funding. Much like they're working to privatize Medicare and Social Security, they would happily turn our airwaves—which are public space—over to the private sector as well.

These are a sampling of the many reasons I oppose the bill before us today. I urge my colleagues to join with me in voting "no" on the wrongheaded priorities of the Republican majority. Health, education and human services are core responsibilities of our Federal Government. This bill fails on all fronts.

Ms. KILPATRICK of Michigan. Mr. Chairman, I rise in opposition to this bill.

Let me begin by thanking Chairman REGULA, Ranking Member OBEY and their staff for their hard work in bringing this bill to the House floor.

Although the Committee has done its best, it is shameful the Committee had a limited amount of money to fund America's highest domestic priorities. This Republican led Congress and the Administration has put the $140,000 tax cuts for people who make $1 million or more a year; and spending $250 billion fighting the war in Iraq and Afghanistan ahead of the need to invest in our children, our education system, our health care system, and job training programs that will help American families.

This bill does fund many of the programs that the Administration wanted to cut or eliminate programs such as TRIO, GEAR UP, Vocational Education State Grants and Adult Education programs.

However, the bill before us today sorely underfunds or eliminates too many programs. The bill zeroes out 48 programs. The list is enclosed. Also, the bill provides the smallest increase for the National Institutes of Health in 36 years.

This bill cuts $806 million from No Child Left Behind.

This bill provides only a $50 increase in Pell grants, despite hundreds of dollars of increases in college tuitions and costs.

This bill cuts the Employment Service program by $116 million. The Employment Service program helps the unemployed with finding jobs and with 7.6 million Americans out of work this program is critical.

Quality pre-natal care and health services for low-income mothers and infants should be a priority but this bill cuts the Maternal and Child Health Block Grant program by $24 million and the Healthy Start program targeted to communities with high infant mortality by $5 million.

The Low-Income Energy Assistance Program that helps families pay heating bills is cut by $198 million at a time when gas prices are at their highest.

The Safe and Drug Free Schools program to keep school aged children off drugs and alcohol is cut by $37 million, which will devastate many families and communities.

Preventative Health Block Grants to state health departments are cut by $31 million.

The bill slashes the Education Technology Program by $196 million.

The Community College Initiative is cut in half by $125 million.

It freezes after-school centers for the fourth year in a row.

Mr. Chairman, this bill eliminates 48 programs, including the elimination of $100 million Department of Health and Human Services' contribution to the Global Fund to Fight HIV/AIDS, Malaria and Tuberculosis.

It eliminates comprehensive school grants for 1,000 high-poverty school districts by eliminating the program.

This bill eliminates 10 out of the 12 Title VII health profession training programs. These programs help ease the shortage of doctors, dentists, and other health professionals in underserved areas.

This bill eliminates the Health Communities Access Program that helps health centers and public hospitals better serve the uninsured.

Mr. Chairman, HR 3010 does not invest in our future, our families, or our country. The needs and values of Americans are not addressed. This bill shortchanges the American people. The Appropriations Committee had to make tough choices because of the strict budget allocations brought on by the misguided and irresponsible tax cuts for the richest of Americans and the cost of the war, but programs that help millions of Americans should not be on the chopping block.

Congress is walking away from our commitment to equal opportunity and a better quality of life for all Americans. Greater access to job training, better jobs, affordable healthcare, quality education, and closing the disparity gap should be our goal.

The Labor, Health & Human Services, and Education bill falls far short of achieving these goals and strengthening American families.

FY 2006 LABOR-HHS-EDUCATION APPROPRIATIONS BILL PROGRAM TERMINATIONS

	FY 2005 Comparable	FY 2006 Committee
Department of Labor		
Responsible Reintegration of Youth	49,600,000	0
Denali Commission	6,944,000	0
Subtotal, Department of Labor	56,544,000	0
Department of Health and Human Services		
Healthy Communities Access Program (HCAP)	82,993,000	0
Health Professions Diversity: Faculty Loan Repayments & Fellowships	1,302,000	0
Health Careers Opportunity Program (HCOP)	35,647,000	0
Training in Primary Care Medicine and Dentistry	88,816,000	0
Area Health Education Centers	28,971,000	0
Health Education and Training Centers	3,819,000	0
Geriatric Health Professions Training Programs	31,548,000	0
Quentin N. Burdick Program for Rural Interdisciplinary Training	6,076,000	0
Allied Health and Other Disciplines Training	11,753,000	0
Public Health, Preventive Medicine and Dental Public Health Training	9,097,000	0
Health Administration Training Programs	1,070,000	0
Health Professions Workforce Information & Analysis	716,000	0
Sickle Cell Demonstration Program	198,000	0
Rural Health Research & Policy Development	8,825,000	0
Rural Emergency Medical Services Training	496,000	0
State Planning Grants for Health Care Access	10,910,000	0
Trauma Care/Emergency Medical Services	3,419,000	0
Denali Commission	39,680,000	0
NIH Extramural Research Facilities Grants	29,760,000	0
Community Food and Nutrition	7,180,000	0
National Youth Sports Program	17,856,000	0
Early Learning Opportunities Program	35,712,000	0
Subtotal, Department of Health and Human Services	455,844,000	0
Department of Education		
Comprehensive school reform*	205,344,000	0
Parental information and resource centers	41,886,000	0
Byrd scholarships	40,672,000	0
Arts in education	35,633,000	0
Alcohol abuse reduction	32,736,000	0
Ready to Learn	23,312,000	0
State grants for incarcerated youth offenders	21,824,000	0
Star schools	20,832,000	0
Foreign language assistance	17,856,000	0
Ready to teach	14,291,000	0
Javits gifted and talented education	11,022,000	0
Occupational and employment information	9,307,000	0
Exchanges with historic whaling and trading partners	8,630,000	0
Demonstration projects for students with disabilities	6,944,000	0
Community technology centers	4,960,000	0
Literacy programs for prisoners	4,960,000	0
Mental health integration in schools	4,960,000	0
Dropout prevention program	4,930,000	0
Tech-prep demonstration	4,900,000	0
Thurgood Marshall legal opportunity program	2,976,000	0
Women's educational equity	2,956,000	0
Underground railroad program	2,204,000	0
Excellence in economic education	1,488,000	0
Interest subsidy grants	1,488,000	0
Subtotal, Department of Education	526,111,000	0
Total—48 Programs	1,038,499,000	0

*The Committee bill includes $10 million to close out national activities and evaluations.

Mr. MARKEY. Mr. Chairman, I rise today to oppose the massive cuts to the Title VII health professions training programs which play a critical role in addressing the shortage of doctors, nurses, dentists and other health professionals in underserved areas and have proven to increase the diversity of the health care workforce.

The Republicans' fiscal year 2006 budget gives away $106 billion in tax cuts to the wealthiest in our society. Now, in order to pay for those cuts, they are making huge cuts to critical programs for the poor and the most vulnerable in our country. The Title VII health professions training programs are some of the many casualties of these tax giveaways.

In order to pay for tax cuts to the wealthy, this bill slashes funding for the Title VII programs by 84 percent, cutting the programs from $300 million to $47 million. These Title VII programs promote access to quality health care to for our nation's neediest citizens and they are only federal programs designed help prepare health professionals to respond to the needs of these special and underserved populations.

These programs are a vital component of the health education system in our country and are necessary to maintain the high quality health care that we expect. These cuts will have a dramatic impact on the system at a time when essential health care services are already facing funding cuts and program eliminations.

I urge you to oppose these cuts and I am hopeful that the Committee will work to increase funding for these programs in Conference.

Mr. BROWN of Ohio. Mr. Chairman, many Americans seeking disability benefits under the Social Security Disability Insurance program, more commonly know as SSDI, face intolerable delays in the processing of their claims.

SSDI is a true insurance program. All American workers pay into the program, and any working American who becomes disabled is eligible for assistance.

The Social Security disability system has a backlog of more than a half-million cases on appeal. Social Security Commissioner Jo Anne Barnhart testified last year that, on average, it took more than 3 years to complete processing of a disability claim on appeal, from the day it's filed to the day it's finally adjudicated.

These delays come with a high cost for the men and women forced to wait. For some, it means exhausting their life savings. Others lose their health insurance coverage, the family car, and even their homes. And as once-proud workers unable to pay their bills are reduced to borrowing from friends and family, some Americans lose even their dignity.

These delays have hit home in my Ohio district. One constituent, Bobbi from Sheffield, Ohio—a single mom injured in an auto accident in 2001—exhausted her life savings and was forced onto welfare while she waited. She finally received the support she had earned just last month, after waiting 4 years.

Another constituent, Ronald from Elyria, Ohio has a heart condition that left him disabled in 2001, but he had to wait 3 years for benefits.

The appropriations bill before us today offers a chance to improve the system, for these Ohioans and every American. This bill provides a badly-needed increase in administrative funding for the Social Security Administration.

A lot of these resources will go to funding administration of the new Medicare prescription drug benefit. But significant funding will be used to help SSA improve disability processing and reduce the claims backlog—with new technology and staffing.

I support the SSA administrative funding provision in this bill. But we can do better. The bill falls more than $100 million short of President Bush's request for Social Security administrative funding. Advocates for disabled Americans agree with the President that SSA needs every dollar of the President's request to attack the disability backlog.

I urge my colleagues to join me in supporting the SSA administrative funding level in this bill.

But I urge you then to work with me as this bill advances, to seek full funding of President Bush's SSA administrative budget request.

There has been a lot of talk lately about the future of Social Security. But our first obligation should be to make Social Security work as well as it can right now.

Mr. NUSSLE. Mr. Chairman, today we are considering the largest—and arguably most complex—of the domestic appropriations bills—the measure for Labor, Health and Human Services, and Education, H.R. 3010. I am pleased to say, as it addresses many of Congress's most sensitive domestic priorities, it also meets our fiscal responsibilities: it complies with the Budget Act, with our agreed spending levels, and with specific provisions of the budget resolution for fiscal year 2006.

THE BUDGET RESOLUTION

H.R. 3010 provides $142.5 billion in discretionary budget authority and $143.7 billion in new outlays for programs within the Departments of Labor, Health and Human Services, Education, and related agencies. This level represents a slight reduction from 2005: $329 million in budget authority. This reflects the need to restrain the rate of increase for nondefense, non-homeland security domestic discretionary programs, which provided the overall policy framework for this year's budget resolution. The $329-million reduction from 2005—which is just two-tenths of 1 percent—may feel more like $1 billion to the agencies funded by the bill. That is because the Appropriations Committee, in response to a White House request, included about $890 million for the 2003 Medicare prescription drug law's startup costs. Other programs in this bill had to make up the difference.

But such trade-offs are intrinsic to budgeting. As a result, as noted, the bill complies with the FY 2006 Budget Resolution. Its spending levels are within the subcommittee's 302(b) suballocation of new budget authority. To meet the cap, the bill includes a few rescissions. The bill does not contain emergency funds. It complies with the budget resolution provisions on advance appropriations.

Regarding this last point, the FY 2006 Budget Resolution places a total limit for advance appropriations in FY 2006 at $23.158 billion. The bill before us today will consume most of those funds, by providing $18.885 billion in advance appropriations for FY 2007. All of the accounts for which advances are made in the bill are listed as eligible within the budget resolution. Because no advance appropriations have yet been enacted this year, the bill does not cause a breach of this limit. Still, the House should be aware only $4.273 billion will remain available for advance appropriations.

PROGRAMMATIC PROVISIONS

Under this bill, Education would enjoy a slight ($120 million) increase, to $56.7 billion—which is $478 million over the President's request. In addition to that figure, the bill includes $4.3 billion to make up the Pell Grant backlog. This amount does no count against budget limits because it is scored as mandatory.

Additionally, the bill continues the commitment the House has made to the National Institutes of Health, providing $230 million more than last year. This brings total NIH funding to $28.5 billion. Worker retraining and dislocated worker assistance programs are also restored and augmented, which should help us continue to expand employment and ensure that Americans who want to work will be able to find good jobs. Dislocated Worker Assistance is funded at $1.4 billion, $62 million above the request.

CONCLUSION

I commend the Committee on Appropriations for bringing us a bill that funds many priority programs Members care about while living within our means in an era requiring tougher fiscal discipline. This is a responsible bill that fulfills our commitments to the public while living within the constraints of difficult fiscal times.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in opposition to the proposed cuts of more than $100 million to the Corporation for Public Broadcasting. This organization funds over 1,000 public television and radio stations nationwide, and the funding from Congress is essential to its functioning. CPB also funds producers, educators and technology specialists for the development of new public television and radio programming and new media. The CPB supports educational programs, as well as, provides education resources for parents and teachers.

I support the mission of the Corporation for Public Broadcasting in its goal of providing the public with education and informative media sources. In a time when much furor exists over the decency of much of what is broadcast on our televisions and radios, it is only logical that Congress support an organization that has held traditional values to a high standard which is reflected in its programming. Children's programs such as Sesame Street and Arthur, programs which undoubtedly educate our children and instill them with positive values, will lose the necessary funding that keeps them on television. This is simply unacceptable.

When CPB comes to the Hill, it is clear that children of lawmakers from both sides of the aisle watch public television. Children from both parties laugh at Elmo and get their picture taken with Cookie Monster. Like my colleagues, my office has also received hundreds of phone calls urging Congress to restore funds for public broadcasting. Our constituents do not support these cuts which represent 25 percent of CPB's overall funding. I urge my fellow members to oppose the proposed cuts to the Corporation for Public Broadcasting.

Mr. ENGEL. Mr. Chairman, I rise today to urge that full funding for Title VII health professions programs be restored in the FY 2006 Labor-HHS Bill. The elimination of funding for valuable programs such as the Area Health Education Center (AHEC) and the Health Education and Training Center (HETC) would have an immediate, damaging impact on medical education, care, and research, especially in the State of New York.

Title VII authorizes grants for important programs designed to address problems such as recruitment and retention of providers for health centers, shortages in nursing and allied health, and the under-representation of minorities in the health care professions. These healthcare training programs are the only federal programs designed to increase the supply of primary medical care providers and public health professionals in underserved areas, such as inner cities and rural regions throughout the country. In addition, these programs seek to train more health professionals in fields experiencing shortages, improve the geographic distribution of health care personnel, and enhance minority representation in the pool of practicing health professionals.

New York has benefited greatly from Title VII health professions programs. In FY 2005, New York institutions received over $20 million in Title VII programs. However, continual annual budget cuts pose a great risk to health care in the state of New York. Without federal funding, the AHEC system will be greatly hindered in its ability to address the problems of access to health care, diversity of the health care workforce, and recruitment and retention of health care professionals in medically underserved areas. For these reasons I support the restoration of funding for Title VII health professions programs through the FY 2006 Labor-HHS Appropriations bill.

Mr. TAYLOR of Mississippi. Mr. Chairman, due to a family medical emergency, I am departing Washington, DC, at 10:30 a.m. on Friday, June 24th.

As a result, I will miss votes on the amendments to and final passage on H.R. 3010, the Departments of Labor, Health and Human Services, Education and Related Agencies Appropriations Act for Fiscal Year 2006. Upon my return to Washington, I will submit a statement indicating how I would have voted had I been present.

Ms. HOOLEY. Mr. Chairman, I am pleased that elements of the amendment I had intended to offer were incorporated into the en bloc amendment offered by Chairman REGULA.

As our troops return home from active duty service, a growing number of them are unable to return to the jobs they left behind. In the transition back to civilian life, they are encountering problems ranging from difficulties finding employment to being passed over for promotions to getting laid off under suspicious circumstances.

The Veterans Employment and Training Service (VETS) provides these veterans with the resources and services they need to make the transition from military to civilian life. VETS provides veterans with valuable training and job placement services as well as protecting the employment and reemployment rights of veterans, Reservists and National Guard Members.

With the influx of returning soldiers, the Veterans Employment and Training Service needs additional resources to meet the growing demands of our veterans. More and more veterans will be looking for employment, which means increased demands for both job training and placement services as well as assistance with any discrimination claims.

This amendment will address these issues by providing $5 million to the Veterans Employment and Training Service so they have the money they need to meet the needs of our returning troops.

Of this funding, $3 million will go to the Veterans Workforce Investment Program which provides employment services to recently separated and service-connected disabled veterans. This program is currently funded at $7.5 million, a $1 million cut from last year. At a time when more and more soldiers are returning home and looking for jobs, we need to be providing more funding for this vital initiative, not less.

It also includes $500,000 for the National Veterans Training Institute, which conducts specialized training for veterans' employment and training service providers.

The remaining $1.5 million would be used to educate both service members and employers about the employment rights of veterans, including their rights and responsibilities under the Uniformed Services Employment and Reemployment Rights Act (USERRA), which prohibits workforce discrimination based on military service.

America has a responsibility to those who risked their lives to secure our freedom. Particularly today, as more soldiers come home from the battlefields of Iraq and Afghanistan, we must make every effort to help veterans reintegrate into civilian life, and that means helping America's veterans get back to work.

Mr. DENT. Mr. Chairman, I would like to express my support for the Community Services Block Grants, and take a moment to highlight the effect these grants have on my District. CSBG funds are used to support the Community Action Committee of the Lehigh Valley (CACLV). I have a long history of working with the CACLV on a wide range of antipoverty initiatives which include housing, hunger, and community development, and I have seen the positive contributions that CACLV has made as a result of CSBG funding.

CSBG grants are uniquely effective because they are locally-controlled and respond to the particular need of each individual community. The grants produce a return on investments and have a sophisticated outcome-based accountability system. In my district, the CACLV generates over $8 for each CSBG dollar; half of that leveraged money comes from private sources which include utilities, banks, churches, foundations, and individuals.

CACLV runs two homeless shelters in my district—Safe Harbor in Easton and the 6th Street Shelter in Allentown. These shelters serve individuals and families with issues ranging from drug and alcohol dependence to mental health. The CACLV also operates Second Harvest Food Bank, distributing about 5 million pounds of donated and government food to over 170 agencies each year.

CACLV operates three community development subsidiaries that are conducting entrepreneurial training and offer micro loans to help create dozens of micro enterprises each year. These CDC's operate two inner-city farmers' markets, offer cash assistance to struggling neighborhood-based businesses, provide residential and commercial facade improvement grants, and youth recreation programs.

Finally, CACLV operates a comprehensive financial services program that teaches dozens of low income families to save money and buy homes. Additionally, the CACLV offers free tax preparation services to over 600 taxpaying households.

Beyond these impressive efforts, the CACLV has a record of building partnerships. It conceived and led a campaign that resulted in two open space referenda. This project is set to generate $70 million to create and enhance parks, protect natural areas and preserve farms. The CACLV's housing initiatives have led campaigns to create housing trust funds in two counties in my district, and funded programs that have dramatically expanded homeowners hip throughout the Lehigh Valley.

The funding reductions included in this bill will greatly impact CACLV and Community Action Agencies across the country. The Executive Director of CACLV expects that a cut in excess of 50 percent will result in the closing of one of its homeless shelters and all of its small business development work and perhaps even more.

Mr. Speaker, it is clear that my district and the nation need the services that Community Action agencies provide. Although I understand the tight budget constraints we face, these programs will stimulate the economy and improve the quality of life for the residents of my district. As the appropriations process advances, I would like to express my support for funding levels equal to the final FY 2005 appropriations for CSBG.

Ms. MCCOLLUM of Minnesota. Mr. Chairman, I rise today to express the overwhelming support that hundreds of my constituents have demonstrated for the Corporation for Public Broadcasting. I share their concern about the partisan attacks to eliminate funding and undermine the Corporation's commitment to providing objective and educational programming.

As a member of the Congressional Public Broadcasting Caucus, I have learned how critical Federal funding is for CPB in order to ensure the continued availability of educational, innovative, objective, and locally-relevant programming provided by public radio and television stations across the country. This Republican appropriations bill proposes to strip 51 percent of CPB's total Federal funding—a cut so drastic it will negatively impact every public television and radio station's ability to provide the free and unbiased programs that millions of Americans count on every day. Currently, Federal funding for CPB totals just $1.50 per American per year. In addition, this Federal funding successfully leverages more than five additional dollars from private sources. For these reasons, I am pleased to support Mr. OBEY's amendment to restore $100 million to CPB.

Public broadcasting is an essential source of information for millions of Americans. America's educators depend on public broadcasting—it's their top choice for classroom video, and a leading source of online lesson plans. Nationwide surveys find that public broadcasting is the single most trusted national institution. And, public broadcasting is exceptional because it's local. Unlike the large media conglomerates that dominate commercial TV, the 348 PBS stations across the country are locally owned and operated—accountable to the local communities they serve.

In my home State of Minnesota, we are proud of the high quality public broadcasting our State has known for years. Minnesota Public Radio and Twin Cities Public Television are treasures that provide balanced news, insightful information, and exceptional entertainment over the public airwaves. They deserve our support and the support of the Federal Government. Nearly 900 constituents have e-mailed, phoned, and written to my office regarding their support for public broadcasting.

It is with a commitment to ensuring that my constituents continue to have access to high quality, unbiased information, as well as thoughtful and educational programming, that I rise today in support of the Corporation for Public Broadcasting.

Mr. AL GREEN of Texas. Mr. Chairman, nearly 70 years ago, Franklin Delano Roosevelt stated in his second inaugural address that "the test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little." The FY06 Labor, Health and Human Services Appropriation bill has failed that test.

Although I commend Chairman REGULA and Mr. OBEY, our ranking member, for their tireless efforts to provide deserving citizens with necessary programs, this bill is a product of having too little to fund valuable initiatives. The tax cuts enjoyed by the wealthiest 1 percent of our population have left this Congress unable to continue funding essential programs that directly impact the least, the last, and the lost. The cuts in education, energy assistance, and healthcare services are signs of what I believe are an unraveling of our economic tapestry.

Our youngest and most vulnerable citizens will be disproportionately affected by Federal fiscal budget constraints in this Labor, Health and Human Services bill. Even at birth, this bill is putting some at a disadvantage. The Maternal and Child Health Block grant program has been cut even though scientific evidence proves the importance of prenatal care. Despite the fact that we recognize the need to provide access to care for young people whose families are unable to provide other sources of treatment, this valuable program has suffered a $24 million cut.

Beyond health care, our most vulnerable citizens will continue to bear the brunt of enormous tax cuts in education. Title I funding, aimed at helping low-income children in failing schools improve their reading and math skills, will be $9.9 billion below the No Child Left Behind funding promise. And to make matters worse, the same children who will be unable to benefit from enrichment programs due to a lack of funds will go home in the winter months to cold and uncomfortable temperatures because the Low-Income Home Energy Assistance Program has been cut by almost $200 million.

It is time to take a step back to re-evaluate the path we have chosen for the people of this Nation. I will continue to work tirelessly with my colleagues, community partners, and concerned citizens to ensure that all people are able to receive excellent care at an affordable rate—because one must not place a price tag on the health and well-being of our nation's most vulnerable citizens, our children. I would like to leave you all with some other valuable words that Mr. Roosevelt imparted to us: "It is common sense to take a method and try it. If it fails, admit it frankly and try another. But above all try something." I urge all of my colleagues to try another method.

Mr. LANGEVIN. Mr. Chairman, I rise today in opposition to the Labor, Health & Human Services and Education Appropriations bill before us. This bill fails to address the priorities of the American people.

The bill shortchanges critical health care programs, offers the smallest increase to the National Institutes of Health (NIH) in 36 years, and fails to fulfill promises this Congress made to disadvantaged children. With 45 million uninsured Americans, we cannot afford to eliminate programs targeted at meeting the needs of the uninsured or remove the support systems that exist for those doctors and nurses who are serving in areas where there is a shortage of professional health services.

Furthermore, in a time when scientists are just beginning to make meaningful progress on the projects they began between 1998 and 2003, it is irresponsible to fund NIH at a level 2.6 percent short of what they need to keep up with inflation in research costs. Under this legislation, NIH will be able to support about 505 fewer research grants than just two years earlier.

Finally, with a record 55 million children in public schools and state budgets stretched thin, this bill proposes to cut No Child Left Behind funding by $806 million, leaving 3.1 million low-income children behind. This brings the total NCLB funding shortfall to $40 billion, since its enactment in 2002.

The Appropriations Committee did take care to address some critical issues, such as restoring funding for the Elementary and Secondary School Counseling Program and the Assistive Technology Act, and I appreciate the support for these important programs. Unfortunately, the budget resolution for FY2006 prevented appropriators from being able to put forth a bill that truly reflected the needs of the American people. When Congress passed H. Con. Res. 95, the Budget Conference Report, the Republican leadership set the stage for these devastating cuts. This legislation makes it clear that tax cuts for the wealthy will continue to be paid for by slashing programs that Rhode Islanders depend on.

I urge my colleagues to reject H.R. 3010.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I come to the floor today to highlight my disappointment with the lack of an adequate response from the the National Institutes of Health concerning the conduct of basic behavioral research and training by the National Institute of General Medical Sciences. NIGMS is the institute dedicated to basic science that serves as the building blocks for applied research at multiple disease-specific institutes. For many years, Congress has directed NIGMS to fulfill its statutory mandate to include basic behavioral research and training as a component of its mission.

Two years ago, in August 2003, I met with the Deputy Director of NIH, and urged that he help ensure that this basic function at NIGMS receive funding. This meeting led to the formation of an advisory committee to the NIH Director. That Special Task Force reported to the NIH Director in December and recommended that basic behavior research and training authority be funded at NIGMS. The National Academy of Sciences, in May of this year, also urged implementation and funding of this authority, particularly in research training, as such researchers will support the important advances in understanding the wide ranging of fundamental behavioral topics relevant to a variety of diseases and health conditions.

Basic behavioral science is critical to a comprehensive research agenda at NIH, and as several expert panels have concluded, NIGMS is the logical place to house such research and training. I intend to work with my fellow appropriators in the other body and with the Chairman and Ranking Member to see that our final bill makes sure this priority is realized.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today to state for the record, that although I will not be able to vote on final passage of H.R. 3010, I oppose this bill. As many of you are well aware because of actions recommended in your own districts, the BRAC Commission is in the process of holding regional hearings throughout the country. They are holding a hearing on closure of Cannon Air Force Base, located in my district, tomorrow, Friday June 24th, and I will be in attendance with the entire New Mexico delegation to show our support for keeping Cannon open.

With that said Mr. Chairman, I do appreciate the difficult constraints under which Mr. REGULA and Mr. OBEY had to work in crafting this important spending bill, and I certainly commend them for the work. Unfortunately, because this appropriations bill implements the budget resolution that I opposed, but that Congress passed, it does not give enough funding for many important services of the Federal Government. Services that have real implications for real people throughout New Mexico and the Nation.

As Mr. OBEY pointed out in his opening remarks, last year's Labor/H bill funded the programs at $3.5 billion above the previous year. This year, however, on a program-to-program basis, the bill cuts $1.6 billion. Programs such as the Community Access Program, which received $83 million last year, are devastated in this year's bill. The Community Access Program has been utilized by several organizations in New Mexico to provide better integrated systems of care for uninsured and underinsured, but receives no funding under H.R. 3010.

Also, H.R. 3010 cuts funding for rural health care and emergency medical services by $44 million, or 41 percent. That does not take into account the cuts to the Health Professions Training Program, which is also an important program for rural and underserved areas in New Mexico. The Health Professions program encourages new medical and dental school graduates to choose primary care specialties and to practice in rural and urban underserved areas. H.R. 3010 cuts funding for this program by $252 million, or by 84 percent.

Another program that I believe is of great importance is the Preventive Health and Health Services Block Grant. Earlier this year I sent a letter, joined by 70 of my colleagues from both sides of the aisle, urging the appropriations committee to provide funding for this program. The President unfortunately requested zero funding for it in his budget request, so I am pleased that the Chairman and Ranking Member included $100 million in H.R. 3010. I do hope, however, that the Senate will provide a greater level of funding that will be ultimately retained in the conference report.

I also would like to highlight, as many others have done today, the $100 million cut to the Corporation for Public Broadcasting. This figure represents a 25 percent cut over FY05 levels for CPB, and I hope that Mr. OBEY's amendment to restore this funding passes.

Again, though I will not be able to vote on this amendment, I strongly support its passage.

I also support the amendment that will be offered by Mr. MILLER to deny funds in H.R. 3010 for the Pension Benefit Guaranty Corporation (PBGC). The PBGC just today published official notice in the Washington Post that it would be terminating the pension plan of United Airlines Flight Attendants next week. This termination—and the terminations of the rest of the United Airlines pension plans for pilots, flight attendants, mechanics, public contact employees and others—is unfair. It is the result of a backroom deal struck between the PBGC and United Airlines to terminate the company's pension plans and dump the liabilities onto the PBGC. The PBGC should not be allowed to go forward with this plan, and the Miller amendment will ensure that it does not.

Mr. Chairman, I have just highlighted a few of the issues important to my constituents and me. I did not touch on the key education programs that are shortchanged under H.R. 3010, nor did I address the worker training, labor, and human services programs that are shortchanged under this legislation. The list is too lengthy for me to do so. What it does all add up to, however, is a bill that does not represent the values of me, or my constituents. And for that reason, were I to be here tomorrow, I would vote "no" on final passage of H.R. 3010.

Mr. POMEROY. Mr. Chairman, I rise today to say that I will be voting for H.R. 3010, the fiscal year 2006 Labor, Health and Human Services, Education Appropriations bill with the hope that funding levels in the bill will be increased during conference negotiations with the Senate. While I support many of the funding provisions in this legislation, I also believe that this bill shortchanges important needs in education and health care.

I am deeply alarmed that this funding plan not only continues to break the funding promise of the No Child Left Behind Act, NCLB, but it actually takes a step backwards. Under this bill, NCLB funding would fall $13.2 billion short of what was promised when the law was passed, translating to a 3.3 percent decrease from 2005. I am convinced that this law's success will depend in part on the investment made in this effort.

Not only does this bill fall short on critical funding for education, it also makes damaging cuts to rural health assistance. As co-chair of the Rural Health Care Coalition, I am disturbed by two damaging cuts that would compromise access to quality care in rural areas. The legislation eliminates funding for Rural Health Research Center grant programs that analyze how federal policies impact rural providers. In addition, the measure cuts funding for Rural Health Outreach grants by over 70 percent. Outreach grants are used to develop innovative approaches to health problems that are specific to rural communities. If these cuts are retained in conference, 146 rural communities will be forced to abandon their current outreach projects. I urge the Senate to provide full funding to these critical rural programs, and I intend to actively support the restoration of these funds in conference.

This bill does include many provisions that I applaud. I was pleased that the Rural Education Achievement Program once again received funding to help rural districts manage the No Child Left Behind Act's new accountability requirements, but I strongly believe this program merits an increase in funding. I was also pleased that this bill maintains funding for rural hospital flexibility grants and small hospital improvement grants.

Ultimately, I cast my vote in favor of this legislation in order to ensure that the appropriations process could move forward. I remain hopeful that the Senate will include higher funding levels for these programs and that we can work on a bipartisan basis to develop a fiscally responsible funding plan that provides adequate resources to strengthen our schools, address our public health needs, and support our Nation's workers.

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. PUTNAM, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 337, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the minimum time for electronic voting on any motion to recommit may be 5 minutes, notwithstanding that it would be the first vote in a series.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. OBEY. Mr. Speaker, reserving the right to object, we cannot hear.

Mr. Speaker, I withdraw my objection, and I support the gentleman's motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. I most certainly am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY of Wisconsin moves to recommit the bill, H.R. 3010, to the Committee on Appropriations.

Mr. OBEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the motion be debatable and that debate be limited to 2 minutes, equally divided between the proponent and an opponent.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY) for 1 minute on the motion to recommit.

Mr. OBEY. Mr. Speaker, this is a simple, straight motion to recommit so that the committee can repair the shortcomings in the education, health care and worker protection programs in the bill, and so that the committee can respond to the announcement of the Veterans Administration yesterday by adding a billion dollars to veterans health care programs.

I urge an "aye" vote on the motion to recommit. I will be voting against final passage, and I would hope a good many others will, too.

Mr. REGULA. Mr. Speaker, I claim the time in opposition to the motion to recommit.

Mr. Speaker, I urge a "nay" vote on the motion to recommit. I think this bill is fair, balanced, and good given the amount of money that is available. We do a lot of important things in education, health research, and in the Department of Labor. I urge all my colleagues to vote for the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of the motion to recommit offered by Ranking Member OBEY to increase funding for priority education, health care, human services and job training programs by $11.8 billion. In terms of education programs, the bill eliminates 24 education programs funded at $526 million in 2005. The largest of the terminated programs is Comprehensive School Reform. The bill also eliminates drop out prevention activities, parent assistance centers, arts education, K–12 foreign language instruction, Ready to Learn, Ready to Teach, and community technology centers.

In addition, the bill cuts No Child Left Behind below the current level. Specifically, H.R. 3010 cuts the program by $806 million (3.3 percent). Next year, school districts must achieve increasingly rigorous NCLB academic standards, administer annual reading and math tests to 3rd through 8th graders, and meet new standards for highly-qualified teachers. Despite these facts, funding for the program will fall $13.2 billion below its FY06 authorization and cumulative shortfall since enactment of the program will exceed $40 billion under the bill.

As it relates to health care issue, the bill continues to make cuts across the board which either eliminates important programs or at least cuts there funding in half. For example, the bill cuts rural health outreach grants from $39 million in FY05 to $11 million in FY06. These grants support rural hospitals, clinics, health departments and other providers to help improve primary health cares services in rural areas (including dental care, mental health treatment, and hospice care).

H.R. 3010 also supports fewer healthy start grants. Specifically, the bill produces a $5 million (5 percent) cut in the Healthy Start initiative, which makes targeted grants to improve prenatal and infant care in areas with high infant mortality rates. This funding level will allow renewal or replacement of only about half the 12 Healthy Start grants up for re-competition in FY06.

I would also like to take a moment to express my concerns with some of the many funding cuts for Title VII programs in this year's appropriations bill. While I am pleased to see that funding was provided for Minority Centers of Excellence ($12 million) and Scholarships for Disadvantage Students ($35 million), I am disappointed that Area Health Education Centers, Health Education and Training Centers, and Health Professions Training Programs were all zeroed out. These programs have been addressing the needs of medically underserved communities in Texas since 1991 by playing a key role in providing health services and health care professionals for our most vulnerable populations.

In regards to job training, H.R. 3010 makes cuts to training, employment and unemployment services. Although the economy has not fully recovered from the last recession, and 7.6 million Americans unemployed in May 2005, the bill cuts $346 million (3.6 percent) from critical services to unemployed, displaced and incumbent workers.

In light of the above stated cuts, I strongly support the amendment by Mr. OBEY. Again, his amendment would increase funding for priority education, health care, human services and job training programs by $11.8 billion. These are very important programs and we must provide funding for them. I encourage my colleagues to support the Chairman's amendment.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the order of the House today, this will be a 5-minute vote, and pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for the electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 185, noes 216, not voting 32, as follows:

[Roll No. 320]

AYES—185

Abercrombie
Ackerman
Allen
Baird
Baldwin
Barrow
Bean
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—216

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—32

Andrews
Baca
Becerra
Berman
Boozman
Boyd
Camp
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Goode
Gutierrez
Harman
Harris
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Moran (KS)
Nunes
Reyes
Rogers (AL)
Skelton
Slaughter
Tanner
Taylor (MS)
Taylor (NC)
Udall (NM)
Watson
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded that 2 minutes remain in this vote.

☐ 1629

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 250, nays 151, not voting 32, as follows:

[Roll No. 321]

YEAS—250

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costello
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emerson
Engel
English (PA)
Evans
Everett
Farr
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matsui
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Oxley
Pascrell
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Sullivan
Sweeney
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—151

Ackerman
Allen
Baird
Baldwin
Barrow
Berkley
Berry
Bishop (NY)
Blumenauer
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Edwards
Emanuel
Eshoo
Etheridge
Filner
Flake
Ford
Frank (MA)
Franks (AZ)
Gibbons
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Hefley
Herseth
Hinchey
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Price (NC)
Ramstad
Rangel
Ross
Roybal-Allard
Ryan (OH)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Sherman
Simmons
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tancredo
Tauscher
Tierney
Udall (CO)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—32

Andrews
Baca
Becerra
Berman
Boozman
Boyd
Camp
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Goode
Gutierrez
Harman
Harris
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Moran (KS)
Nunes
Reyes
Rogers (AL)
Skelton
Slaughter
Tanner
Taylor (MS)
Taylor (NC)
Udall (NM)
Watson
Wilson (NM)

□ 1637

Mr. McINTYRE changed his vote from "yea" to "nay."

Mr. MEEHAN and Mr. WYNN changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. WILSON of New Mexico. Mr. Speaker, because I attended a BRAC Commission hearing in New Mexico, I missed the vote on final passage of the Departments of Labor, Health and Human Services, and Education Appropriations Act for Fiscal Year 2006, H.R. 3010 (rollcall vote No. 321). If I had been there, I would have voted no on final passage.

Additionally, if I had been in attendance, I would have voted in favor of the Obey Amendment to restore funding for the Corporation for Public Broadcasting (rollcall vote No. 305).

MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monohan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 714. An act to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

S. 1181. An act to ensure an open and deliberate process in Congress by providing that any future legislation to establish a new exemption to section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) be stated explicitly within the text of the bill.

The message also announced that pursuant to Public Law 108–136, the Chair, on behalf of the Democratic Leader, appoints the following individual to serve as a member of the Veterans' Disability Benefits Commission.

Mr. Ken Jordan, of California, vice Mr. Mike O'Callaghan of Nevada.

REPORT ON H.R. 3057, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

Mr. KOLBE, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109–152) on the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REPORT ON H.R. 3058, DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, DISTRICT OF COLUMBIA, INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

Mr. KNOLLENBERG, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109–153) on the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REPUBLICANS DEFEAT DEMOCRATS IN ANNUAL CONGRESSIONAL BASEBALL GAME

Mr. OXLEY. Mr. Speaker, I ask unanimous consent to address the House for

1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. HOYER. Mr. Speaker, reserving the right to object, I so want to object to what happened last night and he is going to talk about it, but I know that comity demands that I do not object.

I yield to my friend from Ohio.

Mr. OXLEY. I thank the gentleman for yielding. What gave it away?

Mr. HOYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection, the gentleman from Ohio (Mr. OXLEY) is recognized for 1 minute.

There was no objection.

Mr. OXLEY. Mr. Speaker, this is, of course, what they call the bragging rights, the day after the annual congressional baseball game.

Mr. Speaker, last evening at historic Robert F. Kennedy Stadium, the Republican baseball team defeated the Democrats by a score of 19–10. We most appreciate everybody's participation. Mr. Speaker, this was the largest crowd in the history of this vaunted contest that goes back, in the modern era, some 45 years. We had almost 6,000 spectators. The winners in this contest were not the Republicans, really, but the charities that were involved that will benefit greatly. We raised about $125,000 for the Boys and Girls Club of Washington and the Adult Literacy Council.

I want to thank all of the players who participated, particularly KEVIN BRADY, the second baseman for the Republican squad, who was voted our MVP. KEVIN has had a checkered career recently. The last two seasons before this, he did not last through the first inning because of injuries. This year he played the entire game and had a couple of hits and played well in the field and was voted our MVP.

Our congratulations also go to JAY INSLEE from the Evergreen State who played magnificently at third base for the Democrats and was awarded the MVP award by the manager of the Democratic team, my good friend, MARTIN SABO, a great sportsman and a real leader.

We enjoyed the game immensely. I want to publicly thank the gentleman from Maryland for hosting us for so many years up in Bowie; but we had an opportunity, as he knows, to move to the major league ballpark, and to play in a major league ballpark. I think I speak for all of our players, was like getting our youth back, at least for 2 or 3 hours out there in that contest.

I want to thank all of the sponsors and all of the people who purchased tickets for this event. It was truly a great historic event on the Hill and one that we look forward to participating in next year.

I will be glad to yield to my friend from Maryland.

Mr. HOYER. I thank my friend for yielding.

On behalf of our side, we want to congratulate the Republicans on their victory. I was sorely tempted to object to this whole colloquy.

Mr. OXLEY. I would have found a way somehow to get this in.

Mr. HOYER. It is always a terrific evening where everybody enjoys themselves. There is good comradeship on the field, across the party lines. It is good fun. The Republicans had a great game, particularly early on. They got way ahead of us. We tried to catch up and could not do it, but it was a fun evening.

Mr. Speaker, the Bowie Bay Sox, a Double A team in the Baltimore Oriole organization, and the Bay Sox Stadium located in Bowie, Maryland, in my district, has been the host of this ball game over the last 6 or 7 years. It is a great little stadium, one of the best minor league stadiums, I think, in the country. It is a fun place to play, but it is approximately 25, 30 minutes from here and, with traffic, a longer period of time.

As the gentleman from Ohio (Mr. OXLEY), the manager of the Republican team, has pointed out, we had double the crowd, maybe even more than double the crowd, the largest crowd in our history, and the beneficiaries, of course, are the children and the families and the institutions that benefited from the contributions made by the people who attended and by those sponsors who generously provided resources to support this game.

I want to congratulate the gentleman from Ohio (Mr. OXLEY). I know on behalf of the gentleman from Minnesota (Mr. SABO), the Democratic manager for many, many years who is not on the floor. I want to congratulate him and all of our players as well. It is a fun evening. It is a good evening. We congratulate the winners.

We are out recruiting very heavily. We used to recruit people who we thought would be good Members of Congress. We have slightly changed our focus. We are trying to get some good ball players. But we will work at it.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring who is going to do the schedule today.

Mr. MCHENRY. I shall, Mr. Speaker. I am Congressman PATRICK MCHENRY, a new Member from North Carolina.

Mr. HOYER. Mr. Speaker, I yield back the balance of my time.

☐ 1645

LEGISLATIVE PROGRAM

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Mr. Speaker, based on the kindness of the majority leader allowing for new Members to be involved in this process, the majority party's governance of the House, I would seek to outline for fellow Members what the majority intends to do next week in terms of the agenda. Normally this is what the minority whip would ask at this point; however, I certainly see him leaving the floor.

Mr. Speaker, the House will convene on Monday at 12:30 p.m. for morning hour debates. At 2 p.m. we will move to legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of the day. Any votes called on these measures will be rolled until 6:30 p.m.

On Tuesday and the balance of the week, the House will consider several measures under the rule: The Foreign Operations Appropriations Act for Fiscal Year 2006; the Transportation, Treasury, Housing and Urban Development Appropriations Act for Fiscal Year 2006; and H.R. 2864, the Water Resources Development Act of 2005.

At this point, Mr. Speaker, I certainly want to thank the majority leader for his hard work on keeping our agenda on track here in the House. I certainly thank him for his leadership, and I want to thank the majority leader also for providing more opportunities for new Members of the House. Unfortunately, it seems that the minority whip did not see that as a good opportunity to broaden the base and allow others to have a role in this House.

ADJOURNMENT TO MONDAY, JUNE 27, 2005

Mr. MCHENRY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. MCHENRY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

HEALTH CARE FOR VETERANS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, we have been speaking about the tragedy in Iraq, the need for a plan, and we have formulated the Out of Iraq Caucus that really responds to the American people who have lost confidence in the reason why we went to war, some 50 to 60 percent. And even though we have heard from Secretary Rumsfeld on defending the status quo that the insurgent battle has been won, we know that the commanding general has said it is ongoing.

But to add consternation to that, I share with my colleagues that funds for health care for veterans is $1 billion. We see here in the Washington Post the outrage of Senate Republicans, and I thank the gentleman from Texas (Mr. EDWARDS) for bringing it to our attention.

We should not leave this place until we respond to the needs of returning veterans who now come home after fighting in Iraq and Afghanistan where we are $1 billion short for their care. What are we saying to those who are willing to sacrifice their lives on the front lines of Iraq and Afghanistan? When they come home with liver disease, when they come home with trauma, mental illness, we have no place for them to go.

CONGRATULATING FIFTH GRADE STUDENTS OF HILLANDER ELEMENTARY SCHOOL

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Mr. Speaker, I would like to congratulate the fifth grade students of Hillander Elementary School in Midland, Texas for raising $4,200 on Saturday, April 30, 2005, for the honorable men and women of the Midland-based Texas National Guard Company C, 2nd Battalion, 142nd Infantry, who have been deployed in the Middle East for some 5 months now.

Mary Clare Holmes, a student at Hillander, devised plans for a fundraiser after hearing stories of children who raised money for the victims of last year's tsunamis. With these fellow youngsters in mind, she enlisted her classmates to raise money through a bake sale for their hometown troops.

They devoted their time to helping our men and women fighting for freedom abroad by making items such as salsa, bundt cake, and cookies for the sale. They set a positive example not only for our Nation's youth but showed the American spirit of giving that should be an example to everyone. The noble efforts of these students were well received in the community and the items for sale were quickly purchased.

With the resounding success of the bake sale, the students wanted to make sure the proceeds were used in a way that would most benefit the soldiers and their families. With the advice of local army officials, the students decided that the money they raised would be best used to purchase phone cards. The efforts of the fifth graders at Hillander will allow the brave men and women defending freedom abroad to spend more time in touch with their loved ones. The students at Hillander set a wonderful example of how a small unselfish effort can greatly benefit our military personnel.

I am proud to have compassionate and caring youngsters in my district, and I know our soldiers abroad will greatly appreciate their efforts.

ANNOUNCEMENT OF OFFICIAL OBJECTORS FOR PRIVATE CALENDAR FOR 109TH CONGRESS

The SPEAKER pro tempore. On behalf of the majority and minority leaderships, the Chair announces that the official objectors for the Private Calendar for the 109th Congress are as follows:

For the majority:
Mr. COBLE of North Carolina;
Mr. CHABOT of Ohio; and
Mr. FEENEY of Florida.
For the minority:
Mr. BOUCHER of Virginia;
Mr. SCHIFF of California; and
Mr. GRIJALVA of Arizona.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent to take the Special Order time of the gentleman from Minnesota (Mr. GUTKNECHT).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

U.S. SUPREME COURT DECISION STRIKES SERIOUS BLOW TO CONCEPT OF PRIVATE PROPERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, the U.S. Supreme Court yesterday handed down a decision that will ultimately be very harmful to our freedom and our prosperity. In a 5-to-4 decision, the Court decided that a city government could take a private home by eminent domain for the benefit of another private party.

This decision was in the case of Kelo v. City of New London, Connecticut, and it strikes a serious blow right at the heart of or the concept of private property, which our Founding Fathers believed in so strongly. If anyone does not realize how important private ownership of property is to both our freedom and our prosperity, they should do a more detailed study of economics and world history. The most prosperous countries in the world, without exception, have been those that gave the greatest protection to private property. Not only is it important to individuals, it is important to government as well.

It sounds great for a politician to create a park; however, now that we have so many Federal, State, and local parks, we cannot take care of them properly. Also, most of them are vastly underused. But more importantly, when property goes from private to public ownership, it goes off the tax rolls. This means that taxes have to continually go up on the property that remains in private hands for the always increasing costs of schools and other public functions.

We can never satisfy government's appetite for money or land, Mr. Speaker. I will repeat that. We can never satisfy government's appetite for money or land. They always want more. The Federal Government already owns over 30 percent of the land in this Nation. Another 20 percent is held by State or local governments or quasi-governmental agencies. So today about half the land is in some type of public ownership. But government always wants more and is continuously taking more. In addition, there are more and more restrictions being placed on the land that remains in private ownership, so developers are having to crowd more and more people into apartments, townhouses, or homes on postage-stamp lots, all at a rapidly escalating prices.

Some have said we do not need to worry about this decision because this new power will be used sparingly by local governments. Those who say that either do not really believe very strongly in the right of private property or they do not realize how government at all levels can rationalize or justify almost anything, especially almost any taking of property.

Justice Sandra Day O'Connor in her dissent against the Court's decision said: "The Court today significantly expands the meaning of public use. It holds that the sovereign may take private property currently put to ordinary private use and give it over for new, ordinary private use so long as the new use is predicted to generate some secondary benefit for the public, such as increased tax revenue . . . But nearly any lawful use of real private property can be said to generate some incidental benefit to the public. Thus," she said, "there really is now no realistic constraint on the taking of private property."

Justice O'Connor went on to say, "For who among us can say she already makes the most productive or attractive possible use of her property? The specter of condemnation hangs over all property. Nothing is to prevent the State from replacing any Motel 6 with a Ritz Carlton, any home with a shopping mall, or any farm with a factory."

She later added, "Any property may now be taken for the benefit of another private party, but the fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process . . . As for the victims, the government now has license to transfer property from those with fewer resources to those with more. The Founders cannot have intended this perverse result."

In my home region of East Tennessee, government has taken huge amounts of land. Almost all has been taken from poor or lower-income families who would be wealthy today if they still had their beautiful land. Justice Clarence Thomas said in his dissent, "Something has gone seriously awry with this Court's interpretation of the Constitution. Though citizens are safe from the government in their homes, the homes themselves are not." Justice Thomas went on to say, "The consequences of today's decision are not difficult to predict, and promise to be harmful . . . Extending the concept of public purpose to encompass any economically beneficial goal guarantees that these losses will fall disproportionately on the poor."

Mr. Speaker, this decision by the U.S. Supreme Court is a very dangerous one and will end up being especially harmful to the poor and lower-income and working people of this country.

Thomas Jefferson once said, "A government big enough to give you everything you want is a government big enough to take away everything you have."

TRIBUTE TO MAYOR JERALD AUGUST GLAUBITZ

The SPEAKER pro tempore (Mr. CONAWAY.) Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, the men and women of America's greatest generation, the generation that saved freedom and defeated tyranny, pass quietly from this life each day. Too quietly, I believe. For this generation of Americans must never forget that we are the beneficiaries of their selfless acts and their sacrifice. They made America what it is today: free, strong, and vibrant.

Today, Mr. Speaker, I want to recognize and salute the many contributions of one member of that great generation, Jerald August Glaubitz, who passed away on April 26 at the age of 84.

□ 1700

Jerry Glaubitz was a constituent of mine. He was a friend of mine. In some respects, he was a mentor of mine. I have known him for almost 40 years. More importantly, he was a trusted public servant, a patriot, and a good personal friend.

A native of Murdock, Nebraska, Jerry was just 18 years old when he joined the United States Navy in 1938. He was stationed on the U.S.S. *San Francisco* and was present at Pearl Harbor on that day of infamy in December 1941 when 2,300 sailors and civilians lost their lives.

Jerry Glaubitz survived the treacherous Japanese attack at Pearl Harbor and remained determined to honor the memory of those service men and women who were not as fortunate. Jerry served as the president of the Pearl Harbor Survivors Association, and he played a key role during the observation of the 50th anniversary of that attack.

After the war in which Jerry served, he returned home, more than determined than ever to live a life defined by the love of his wife and family, a life marked by his commitment to community and to his Nation. For 43 years, from 1961 to 2004, Jerry Glaubitz served as the mayor of Morningside, Maryland, a town of approximately 1,000 citizens, a small town, a vibrant town, a town where every neighbor knew one another and every neighbor was concerned about one another.

At his retirement, he was the longest-serving mayor in our State, and one of the longest serving mayors in the Nation. Morningside Councilman Jim Ealey said recently, "Jerry took over the town when it was a one-horse town and nourished it and contributed everything he had to that town."

Jerry also was a mainstay on the Morningside Volunteer Fire Department, joining the department in 1947 and serving as president, chief, and chaplain over the next 5 decades. He was a past president of the Maryland State Fire Association and the Prince George's County Volunteer Firemen's Association.

I had the great privilege as chairman of the caucus and as a member of the State Senate of Maryland of working closely with Jerry, both in his capacity as the mayor of Morningside, the president of the state fire association, and the county fire association. I can think of few people, Mr. Speaker, who cared more about their family, their community, and their country than did Jerry Glaubitz.

I want to extend my heartfelt sympathy to his beloved wife of 62 years, Jean; his daughter, Carol; his son, Larry, and all of his family and friends. And I hope, Mr. Speaker, that they find comfort in the fact that his was a life well-lived, a life that enriched countless others. A God that is merciful has taken Jerry to be home. He took him from a country that is grateful for his service and a community that is better for his life.

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

SMART SECURITY AND DECEPTIONS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the common theme to the war in Iraq has been the Bush administration's ability and willingness to mislead the American people. First, they misled about the weapons of mass destruction. Then, nearly 2 years ago, they falsely declared the end of major combat operations. Now, they are openly declaring the success of the mission, and President Bush regularly speaks of an increasingly democratic Iraq.

This assessment suggests the degree to which the President fails to comprehend the disastrous lack of security that has plagued Iraq over the last 2 years. Personally, I am frightened that our own President has such a failed understanding about the reality of the war that he started.

Just as disturbing were recent comments by Vice President DICK CHENEY. In an interview, he said that the Iraqi insurgency was in its "last throes." I am not sure which press reports the Vice President has been reading but, somehow, I do not think his optimistic assessment of Iraq's insurgency is grounded in real fact.

Unfortunately, misleading assessments of the war like these do not magically secure Iraq from the true threats that it faces. And the true threats are an increasingly strengthened Iraq insurgency, bolstered by the continued United States military occupation of Iraq.

On the ground, a violent wave of car bombings and other attacks killed 80 U.S. soldiers and more than 700 Iraqis in the month of May alone. Vice President CHENEY calls this the "last throes"? And by mid-June, almost one-third more troops were killed than during all of the month of May.

At some point, the Bush administration needs to admit what the rest of the American people know, that its current strategy for Iraq is failing.

Recent polls show that 63 percent of Americans want our troops to come home. Now it is time for the President to start listening to the American people, the people he works for.

Members of Congress from both sides of the aisle understand that our Iraq policy is a disaster. When the House recently debated the Defense Authorization Act for fiscal year 2006, 122 Democrats, five Republicans, and one Independent voted in favor of my amendment simply expressing the sense of the Congress that the President should establish a plan for the withdrawal of troops from Iraq and bring his plan to the Congress.

Mr. Speaker, Americans are less secure, not more secure, as a result of the war in Iraq. This war has created a whole new generation of terrorists whose common bond is their hatred for the United States and our aggressive militarism. We have asked the President to address Iraq's lack of security. We have asked him to come up with a plan for ending the war. He has not, so we will. And when we put our plan in place and when the troops come home, we can begin to plan for the future.

Fortunately, there is a plan that would secure America for the future. That plan is the SMART Security resolution which I recently reintroduced with the support of 50 of my House colleagues. SMART is a Sensible Multilateral American Response To Terrorism for the 21st Century, and it will help us address the threats we face as a Nation.

SMART will prevent acts of terrorism in countries lick Iraq by addressing the very conditions which allow terrorism to take root: poverty, despair, resource scarcity, and lack of educational opportunities. Instead of rushing off to war under false pretenses, SMART Security encourages the United States to work with other nations to address the most pressing global issues. That way we will be able to deal with global crises diplomatically instead of resorting to armed conflict.

Instead of maintaining a long-term military occupation of Iraq, our future efforts to help the Iraqi people must follow the SMART approach: humanitarian assistance, coordinated with our international allies, to rebuild Iraq's war-torn physical and economic infrastructure.

Mr. Speaker, the Bush administration needs to take a long, hard, and honest look at the effects of our policies in Iraq. Once they do, they will understand that the United States is less safe than we were before we got ourselves into this preemptive war and that we must end this long and destructive war.

PAYING TRIBUTE TO AMERICA'S HEROES, U.S. ENERGY POLICY, AND FOCUSING ON PREVENTIVE HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Tennessee (Mr. WAMP) is recognized for 60 minutes as the designee of the majority leader.

Mr. WAMP. Mr. Speaker, over the next several minutes, we here in the majority are going to talk about two issues that are incredibly important to the future of our country: our energy policy and then preventive health care and personal responsibility in trying to get our arms around the rising costs of health care.

But before I begin our discussion on energy, and especially in light of the commentary that we just heard on the House floor and the very patriotic tribute by the gentleman from Maryland to the Greatest Generation, I thought I would pause and pay a tribute to a person who I may have met, I am not sure, but I heard this week about his life, and he died a week ago in Iraq, a young patriot named Noah Harris, Second Lieutenant, United States Army, a platoon leader from Ellijay, Georgia.

Mr. Speaker, three summers ago he was interning here in Washington in the office of the gentleman from Georgia (Mr. DEAL), and he felt a passion to volunteer to serve our country at this time of war in response to the terrorist threat, and he signed up, and he went.

I happened to be taking a tour group through the Senate this week, just yesterday, and I sat in the Senate gallery and I heard the distinguished Senator from Georgia, Senator ISAKSON, pay tribute to Noah Harris's life, because in May of this year, Lieutenant Harris sent Senator ISAKSON this note from Iraq to Senator ISAKSON. He said, "Now I am serving my country as an infantry officer in Iraq. I am proud to say that the situation is improving here. The media often misses the big picture. Our presence here is not just about Iraq, it is sending a message to the oppressed peoples of the world that freedom can be a reality. Freedom is the greatest gift that we, the United States, has been granted and, as such, it is our responsibility to spread it. For it to become a permanent fixture in our future and our children's future, we must give it to all those that desire it."

Mr. Speaker, he said that last month; and then, last week, he gave that full, that last full measure of devotion to our country. I pay tribute to this great American hero. Tomorrow, they will gather in the mountains of north Georgia, down below my district in Tennessee, to pay their last respects to him.

But he represents so many of our brave and proud citizens who are willing to volunteer to lay their life on the line and stand between a threat to our civilian population and advance the cause of freedom around the world. I think we have to hold them up as the greatest of our citizens and, frankly, stand behind the mission that they believe in.

He sent the word back that he believed in what he was doing and it was making a huge difference in the world. That is why it is important for us to come to the floor; and I pulled these words out of my pocket as I heard the testimony on the floor, because I think we need to honor the life of Noah Harris and every other one like him.

Now, our national security does hang in the balance as it relates to our energy security. The case is very clear, I believe, that we need a national energy policy, the first one in a generation. And for three consecutive Congresses, we have gotten close to having an agreement between the House and the Senate for a national energy policy, but we have not yet sent a bill to the President of the United States.

We stand on the threshold of doing that today, because the House has passed a bill and the Senate is very, very close. I think they have had a cloture vote and they expect to pass the bill this coming Tuesday in the United States Senate so that we can go to conference and work out the differences and, ultimately, send a national energy policy to the President of the United States, hopefully in July, so that we can then send word to our private sector and anyone in the energy industry what the national policy is so those investments will follow.

Now, here in the House, we have had some reorganization around this issue of energy. I serve on the House Policy Committee under the very able leadership of the gentleman from Arizona (Chairman SHADEGG), and he recently reorganized the policy committee in the House to name a new Subcommittee on Energy and Technology and asked me to chair that subcommittee. I come to the floor tonight in that regard, and I want to discuss this issue of advancing tax policies and incentives to encourage energy independence, to make sure we have the energy resources for us to maintain our productivity as a Nation. I believe it is a win-win-win opportunity for the United States of America, and I will tell my colleagues why.

I believe the 3 years that we balanced the budget here in the late 1990s were a direct result of increased revenues to the Federal Treasury. Now, we did show some spending restraint for the first time in a generation by holding the growth of government spending below inflation and allowing revenues to exceed expenses, but it really was a revenue-generated effort to balance the budget. The revenues were generated largely because, for a sustained number of years, we led the world in the information explosion.

□ 1715

You think of Microsoft and you think of software and you think of the whole advancement of information technology this country led, in a major way, this breakthrough in the economy, and, as a result, record revenues with a sound robust economy were generated and we balanced the budget.

I would also tell you that given the challenges we face in the wake of September 11, the likelihood that we balance the budget again is very low unless we have another sector of our economy that explodes with export-driven manufacturing technology that will cause revenues to dramatically climb. And I say that as a member of the Appropriations Committee, because if you eliminate all of the nondefense, nonhomeland security discretionary spending of the government, you would still be at a break-even. If you eliminated all of the nondefense, nonhomeland security, discretionary spending you would still either be at a budget deficit or very close.

So it is very difficult to balance the budget unless you have increasing revenues. This whole sector called entech, energy technologies, presents that kind of an opportunity for this country to grow the U.S. economy, export energy solutions to the world, solve many of our own energy and homeland security problems, and serve the world right. It would actually cause such global leadership from the United States, that we would solve a whole lot of our problems all at once.

A very prominent person in the energy sector that I know personally named Riley Bechtel, the chairman and CEO of one of the largest family-held companies in this country, I think a fourth- or fifth-generation energy company called Bechtel National, he told me right after September 11 that we needed to understand that energy security is homeland security. Energy security is national security. And I think that is the approach that the Congress has taken today.

And I will also tell you that a very prominent editorialist with the New York Times, Thomas Friedman, who sometimes I agree with and sometimes I do not, but he is a very bright man and he understands the world as well as anyone, he basically has said over and over again in the wake of September 11 that if our country will demonstrate global leadership on energy and the environment, we will help ourselves with the nations of the world that have had either envy or distaste for our country in the past, and in terms of foreign policy we will improve our position in the world.

Before I go into the details of the comprehensive solution of this, I want to yield to one of the most prominent Members of the House, a person I came in with 11 years ago, a senior member of the Energy and Commerce Committee, from the State of New Hampshire, a person who has been a real leader on renewable energy.

I assume he could be a conferee. I do not think they have been named yet, but he should be a conferee yet. That is up to the gentleman from Texas (Chairman BARTON) the distinguished gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Speaker, in the 11 years that I have been in Congress I have been in Washington at 5:20 in the afternoon on Friday exactly twice. The first was when the Federal Government was shut down in 1995, and the second was last year in early October when we passed our omnibus bill on a Saturday morning and everybody stayed here Friday night.

I go home on weekends. I am here today because my friend, the gentleman from Tennessee (Mr. WAMP), reserved this time to talk about one of my highest priorities, which is the development of alternative energy resources.

Now, he is right. I serve on the Energy and Commerce Committee, and, as such, we have jurisdiction over energy matters, shared with the Science Committee, a little bit with the Ways and Means Committee. And it is a high priority.

I voted against the energy bill last year when it came to Congress. I voted against it in the committee. And I did so because I felt that it really did not reflect a balanced approach to the development of our Nation's energy resources and energy priorities.

You know, energy is not about Republicans or Democrats, about conservatives or liberals or moderates, or whatever. It is not about philosophy. It is really about region. But what binds all of the regions of this country together is our understanding that we have to have a cohesive and balanced energy program that gives every region of the country an opportunity to participate in what becomes a national role, where we are less dependent on foreign oil, where we are economically competitive, both nationally and internationally, and every region of the country has the opportunity to develop its own resources and do so on a level playing field with every other region of the country.

Now, you say to yourself, well, why did not a single Senator from northeast of Pennsylvania vote for the energy bill last year? The answer is that the energy bill did not really address what was important for northeastern States. I am pleased to say that the energy bill that we sent to the Senate and that is currently under consideration in the Senate in a somewhat different form, but the differences will be worked out in conference, is much more balanced and I will tell you why.

For one thing, it has a significant section added to the bill that would provide for rebates for the installation, purchase and installation of solar, wind, and biomass, heat and electricity generation systems, on a residential and light commercial basis, and authorizes for appropriation $1 billion for that purpose.

Now, in the Northeast we do not have oil wells and gas wells. We do not have significant hydro, although we do have some. We did not have the kinds of energy resources that other parts of the country have, but we do have solar, we do have wind, and we have enormous biomass.

In the 1970s when we had the great oil embargo and the gas lines, there was a big push for renewable energy. The Energy Research and Development Administration, ERDA for short, became the Department of Energy, and we had a national energy policy at the time.

And there was a big push to develop biomass. But what it turned into essentially was the marketing of solar equipment that did not work particularly well, even though you got tax credits for it of biomass boilers that basically ran on logs that you shoveled in, two or three times a day. It was unreliable. It was dirty. And after a few years most of these systems were discontinued.

The 21st century is different. I come here today as a convert, because I myself a year and a half ago converted my house from oil to wood pellets. My house, which is not small, used to burn about 3,000 gallons of heating oil a year. Over the last 14 months, I have burned 165 gallons of oil. I have burned approximately 15 tons of wood pellets.

I have a boiler that, unfortunately, I had to buy; it was imported from Denmark, had to be shipped across the Atlantic Ocean. It was not cheap. But what it demonstrated was that for a Btu cost of about 90 cents per gallon, I can heat my house with a system that is so sophisticated that nobody in the house knows that I am heating with wood.

Everything is computer-controlled. Everything is automatically fed. It is clean. It is carbon neutral. And it is a resource that comes from essentially my own backyard. It can work in every household in America where you have access to these resources.

The problem is we do not have any manufacturing capability in this country, because there is no demand. We are a country that has based our energy policy on nothing but oil, gas, and coal and the development of it.

Little wonder that my region of the country is 85 or 90 percent dependent on number 2 heating oil in the winter time. We do not have those options available to us. But what this energy bill does is create the opportunity to develop demand for biomass, demand for wood energy.

Also in New Hampshire, an old coal-fired plant over on the Piscataqua

River, the Shiller plant, is in the process of converting from coal to wood chips. I believe it is on the order of 200 megawatts. It is a very large facility. We are on the way to changing some of our energy resources in the Northeast, which will change the mix of the dynamic and end our dependence not only on foreign oil, but from oil everywhere else in the United States.

I believe that we can, if we pass this energy bill, have a meaningful plan to develop the kinds of energy resources that we need in this country: wind, solar. Solar is no longer a bad roofing job, it is a technology that can really provide heat and electricity for houses all over the place, even in the North, where the sun is low in the winter months; that we can develop low-head hydro in an ecologically acceptable fashion so that we can have microenergy development.

I have a constituent who is developing a very efficient sterling engine that could be utilized for water distillation, for electricity production, running on anything that produces heat. This is the kind of technology that we need to promote in America, that we need to promote through legislation, that we need to promote in order to lessen our dependence on traditional energy sources and imported energy resources.

Mr. Speaker, I want to thank my friend from Tennessee (Mr. WAMP) for giving me the opportunity to bring to the Congress my commitment to this important priority.

If we as a Congress can do what is right with the energy bill, Americans will be better off for many years to come.

Mr. WAMP. I thank the gentleman from New Hampshire (Mr. BASS) for his leadership at home and here in Washington and I wish him Godspeed as he travels back to New Hampshire this weekend.

As the cochairman here in the House of the Energy Efficiency and Renewable Energy Caucus, which is about half of the House, not quite equally divided but close to equally divided between Democrats and Republicans, I particularly appreciate his leadership in the area of renewable energy.

You know, that caucus has been around here for a number of years. And I have had the privilege for the last 5 years to chair it with the gentleman from Colorado (Mr. UDALL). And the Renewable Energy and Energy Efficiency Caucus here in the Congress held an expo this week here in Washington with Energy Secretary, Samuel Bodman, participating.

And we had a big gathering here midweek. As we kicked off this focus this week here in Washington on energy efficiency and renewable energy technologies, and the solutions to our energy problems in this country, I said that we coordinated the activities of the conference; but one thing we did not coordinate is that very morning it was announced that we had a record high price for crude oil at $60 a barrel on Wednesday of this week, and it was also announced that we had a record high for natural gas prices, two of the major energy sources that we consume in this very productive country of ours, oil and natural gas, and we began our conference this year on the alternatives and the energy efficiency program on that very day.

So we did not coordinate it, it is unfortunate, but we need to do something about it. That is what brings us to the floor and brings us to this agenda and this important issue.

Last year I had the privilege of traveling to Colorado with the gentleman from Colorado (Mr. UDALL) and touring NREL, the National Renewable Energy Laboratory right outside of Denver. Unbelievable research done there, particularly in the areas of renewables, things like hydrogen fuel cell technologies as well.

They have energy efficient programs, and they are really our country's lab, though, on renewable energy sources, from solar to hydro, wind, different sources that we have available to us that are alternatives to those major areas of energy consumption like coal and petroleum and natural gas.

Now, I also represent the Oak Ridge National Laboratory in Oak Ridge, Tennessee, which is probably the premier laboratory in our country for energy efficiency and building programs, ways to make our construction industry and our residential home building industry more efficient.

And we have just recently brought a bill up that will be introduced in the coming days, authored principally by me, but by the gentleman from Texas (Mr. HALL) and the gentleman from Colorado (Mr. UDALL) have joined. We have a bipartisan bill that will raise the standards for energy efficiency in building materials across the country, which is certainly one way that we can save energy.

And part of our goal here is not just to increase supplies, but to reduce the demand by energy efficiency, energy conservation and savings. We must do both in order to maintain our level of productivity. But we need to recognize when we are talking about oil, that 42 percent of all oil in this country is used by personal vehicles in the transportation sector; cars. Forty-two percent of the oil. We have a very, very small percentage, like 2 percent or less of the world's oil reserves in this country, yet we use approximately one-third of all of the oil in the world, and 42 percent of it goes to our own automobiles.

□ 1730

That is why it is so important that we begin to transition as quickly as possible into the alternative transportation systems of the future. I am encouraged by the interest in hybrid electric vehicles. Many of us see that as a bridge to the future, not totally the future because the technology is developing. But hybrids are now very much in demand, and most of your auto producers both now domestic and foreign that make hybrid vehicles have a huge backlog, and more and more of these companies are moving to that.

As a matter of fact, I spoke this week to a major Toyota and Lexus dealer from my district named Bob McKamey who has been a national leader with both of those organizations. And he told me that in 5 years the trend in this industry is that many of the cars, maybe even most of the cars produced in the world 5 years from now, will have some technology of a hybrid electric option because the technology is getting so much better; the battery acceleration is so much better, the technology is advancing. And most of the new production facilities are going to have a place there. They will adapt the current manufacturing to make room for the hybrid production so that every consumer will have the option of going hybrid and doubling their gas mileage.

As technology develops, then we will actually have a very good product in the marketplace. And the private sector is driving this, but the government needs to not only know what is going on but be partners with the private sector because, ultimately, I believe through the hybrid bridge and transition we will get to a hydrogen fuel cell, advancing the President's Freedom Car Initiative to where 15 years from now you can drive the hydrogen fuel cell vehicles in this country that are available in Washington, D.C. today or in New York City where Shell Oil and GM have these partnerships with the permanent hydrogen filling station in Washington, one in New York City, and some 40 automobiles and vans on the road that are completely hydrogen fuel cell driven.

I have driven one, and you cannot tell the difference between driving it and driving a normal car. The problem is they cost about $400,000 each today because the technology is not developed, the mass production is not developed to make them affordable for average citizens, but that is going to happen. And everyone in the industry says that is going to happen, that 400,000 will come down to 50,000. And then you will actually have something that a lot of families will drive that will be oil free and we would be petroleum free for those vehicles, securing our own energy future.

I think we are going to have both for a good long time, but I think this is an important goal of energy independence so we are not as reliant on oil in this country as we are today.

Now, back where I live in the Tennessee Valley, between our assets in

Huntsville and Oak Ridge and the technology drivers in our valley, we have clearly positioned ourselves to make these next-generation vehicles. Because of the leadership of our former Governor, now a United States Senator, Lamar Alexander, the State of Tennessee is third in the Nation in automobile manufacturing. We were not even in this game when I was born a few years ago, but today we are third. We now have assets. Like in the heart of the Tennessee Valley where I live in the Enterprise South Industrial Park, one of the top megasites for industrial investment in the southeast, right on a major interstate, Interstate 75, which virtually everyone uses that is west of 95 going north and south, right there is this major economic part ready for, with all the assets and infrastructure necessary, a major auto plant investment in next-generation vehicles. And I am excited about this.

We also have research institutions like the Advanced Transportation Technology Initiative, ATTI, in our city advancing through test tracks, these next-generation vehicles and exactly how the technology should go to make that the most efficient.

I believe, too, we need an intermodal transportation system. In the wake of September 11 when we had an attack on our aviation industry, many people asked where are we in this country on high-speed rail. Because in terms of mass transit, aviation is the primary way to move people rapidly from one place to another in this country. And a true intermodal system would say that we have a mass transit system by rail as well, with at least three major corridors in this country. We believe one of those should come through our region, as well, because of the incredible growth of the Atlanta airport 100 miles south of where I live.

In this transportation bill that is now pending before the House and the Senate, it has already been through both bodies, the conference report is pending, there is a beginning for high-speed rail. The first connection, I believe, that is under study and some engineering in this bill is between Las Vegas and Los Angeles. The distinguished transportation chairman in the House, the gentleman from Alaska (Mr. YOUNG), should be commended for advancing high-speed rail as a clean alternative to the traditional energy source utilization to rapidly move people around.

Go to Europe, you will see high-speed rail. Here the automotive industry drove a lot of investments for a hundred years; and as a result, we do not have the kind of rail links that we need, I believe. At least three major arteries are needed to make our mass transit system and quick mobilization of people more intermodal, where you need to have multiple systems, particularly in this day of terrorist threats, because if they attack one mode and you have another, people will shift to that.

As a matter of fact, for days people could not get out of New York City after September 11. Many people ended up hiring taxi drivers to drive them from places like New York City to Atlanta, Georgia. I know one particularly.

So we have another sector that really needs attention and that is the whole electricity sector. We have had brownouts, blackouts, energy shortages, problems in California, problems in the Northeast. We are using a whole lot of natural gas now for electricity. And that is going to be very difficult in the future because we have the highest natural gas prices in our country. My home is heated with natural gas, many of my neighbors' homes are, and the price is now very hard to afford. And I think we must advance a national prototype-design nuclear reactor program to advance nuclear in this country for electricity. It is a clean, safe alternative.

We now have Yucca Mountain fully developing, fully supported by our country, by the Congress, by the President. At least we have passed the legislation, and the President supports in his budget request and leadership from our Subcommittee on Energy and Water which I serve on, extraordinary leadership from the gentleman from Ohio (Chairman HOBSON), to advance the Yucca Mountain proposals so that we take care of the waste stream at the end of the nuclear production cycle so that when a reactor produces electricity, really, the only liability associated with that is the waste stream. But if Yucca Mountain is ready for that waste to be shipped to and stored safely, then we can continue to develop nuclear reactors in this country.

This program was almost at a standstill for many years; but within the TVA system where I live, we actually will have a new nuclear reactor come online next year, the first in a number of years. And I believe with DOE's partnership with TVA, you will see even another nuclear reactor come online in the next 5 years. And as we have an advanced prototype national design, we can efficiently, effectively, safely bring on this alternative because nuclear power in terms of air quality is as clean as you get, and we need to advance that. But I do believe because coal is such an abundant resource in this country, we must advance all the clean coal technologies that we can as well.

In closing, I just want to say a clean energy policy which focuses on securing our independence from foreign sources of energy will create a robust economy as we advance technologies, use American know-how and ingenuity to try to create these solutions for the whole world and make them and ship them to the world.

I think it is such a win-win-win that when you think of green you do not just think of the environment; you think of money and the resources that can be generated by advancing the energy solutions for tomorrow. I cannot think of an issue that is more important to permanently securing our independence and liberty than the energy utilization. It is an area that, frankly, some of our enemies almost hold us hostage to, and that is over energy sources: and we need to move as rapidly as we possibly can without making big mistakes to secure our energy independence.

With that, Mr. Speaker, I want to transition quickly over to another major issue that I do not think we talk enough about.

We have the most wonderful health care system in the world, and we have had such for a long, long time. And the professionals, the providers, the people in our health care industry should be commended. But just in the last 10 years since I got to Congress, it is outrageous what kind of stress our health care system is under.

The providers are underpaid. Many of them are so overlitigated that they just give up the ghost. They leave the profession. And I am very, very concerned about our health care industry.

The problem really is two-fold. One is that our private fee-for-service health care system is at risk of collapse. And I know that sounds really, really bold to say that; but I really believe if we are going to be honest about our health care system, we need to talk about the stress points in our health care system and the problems it faces.

I do not think enough is yet done around here on this particular issue. I think there are even some people that would like to see the government take it over. So maybe some of them are not doing enough to help us in this cause. But the fact is we need to save our fee-for-service private health care delivery system in this country.

Then the second part of this problem is that the government is so into health care with Medicaid and Medicare that we are not going to be able to afford these two major government programs given the current health care trends of Americans today. We will not be able to afford Medicaid and Medicare if Americans continue to live the way they live today.

The biggest problems are with obesity, which now rivals tobacco as the largest health care challenge in this country; and type II diabetes, which is connected to obesity, is a huge problem, and I am the most concerned about it among young people because once a young child is sentenced to type II diabetes or chronic obesity in their adolescence, they may never get well. It is effectively a death sentence. And many of them do not know by the time they are in the fourth grade exactly what they need to be doing. So a lot of this is education.

Personal responsibility is at the heart of some of the solutions. Some of it is genetic. I am not a health care expert, but my view is about half of what we are we are born with and the other half we acquire. Sometimes we acquire habits that lead to poor health. Sometimes people are born with it. I recognize that. So we have to balance this out and be fair and reasonable, but I want to give you some facts from the Centers for Disease Control and the American Heart and Stroke Society.

Fact: obesity and physical inactivity are risk factors for heart disease and stroke. About 28 percent of Americans age 18 or older reported no leisure time physical activity in the last 30 days. Less active, less fit persons have a 30 to 50 percent greater risk of developing high blood pressure, which is a risk factor for heart disease and stroke. Physical inactivity is more prevalent among women than men, among African American and Hispanics than whites, among older than younger adults, and among the less affluent than the more affluent; 107 million American adults are overweight. In addition, an estimated 5 million children, ages 6 to 17, are considered overweight.

The Centers for Disease Control estimates that more than 300,000 people die each year due to diseases associated with physical inactivity.

They give a lot of recommendations on what to do about this. One thing I want to tell you is that here in the Congress we have decided to step up and lead by example, and we have formed an organization to do just that. We believe that fitness, nutrition, and preventative health care measures are all components to this personal responsibility and this corporate responsibility to try to solve our health care crisis and lower the cost of health care, and in doing so expand the availability of quality health care to everyone in this country.

The Surgeon General has made his recommendations. They are in writing here, and I will be adding those to go with my testimony today, recommendations that the Surgeon General has made for children and adults.

But 2½ years ago, because I believe that we will not be able to sustain these government programs of Medicare and Medicaid unless we become more fit and more active, I founded the Congressional Fitness Caucus. I cochair it also with the gentleman from Colorado (Mr. UDALL). And our goal here with about 100 Members of Congress over the last 2½ years is to educate, to advocates, and to legislate.

In the area of education, we encourage our Members, and they do regularly go out into the schools and give speeches and maybe put on some gym clothes and do events with children, geared at the elementary age so that by the fourth grade young people either at home or at school, and we cannot get into their homes so we can go to their schools, we can say to them that the human body is made to move. The human body is made, I believe by God, to be active and to burn calories. And you sleep better, you are more productive, you have a much higher quality of life if you get a certain amount of physical activity.

Now when I grew up, when kids had extra time, you might catch them on the playground or out running around or playing a pick-up football game or climbing a tree or building a tree house.

□ 1745

Today, you might find them more often inside on a computer. This is great in a way, as long as it is just part of their life and not all of their life, but a lot of kids spend so much time in front of a television screen or a computer screen, and then they go to the closet and they get food that might not be as balanced as it needs to be, and they do not get that physical activity.

The human body is made such that you can eat a whole lot as long as you burn it up and you are fine, but there is a balance here. It is called calories intake versus calories burned, and the balance has got to stay close to the same, and many, many young people do not understand this. There is not the physical activity necessary for them to be healthy.

There are big bodies, small bodies. Everybody's made different. Our DNA is different. Our makeup is different. Our genetics are different. Our moms and dads are different. I am not talking about that. I am talking about a balance of activity in your life to where you are burning the calories that you are taking in your body so that young people, when they get to the fourth grade, understand some of the ill effects of sedentary living, couch potatoes. We cannot afford the trends that are happening in our society.

So part of it is an education process. I tell young people when I go into these schools, do not ever use the F word, fat. Do not ever use that word and do not ever criticize somebody else for how they look but encourage them to go outside and play games with you. If there is a kid on the sidelines that needs to be in, kicking the ball and running the bases, put them in, encourage them, take them out to walk. If you are a mom or dad, set up some activity for your children to be active in the evening. So there are a lot of things we can do.

We educate. We advocate. We hosted events on the Mall. We brought professional sports figures in. We used the media to get the word out about the effects of inactivity and sedentary living because this is a major health care problem in our country, this Type II diabetes and obesity, and we can do something about it.

These are called preventable illnesses. Preventable illnesses, meaning we can do something about it, and I believe leadership is called to this issue, and then we need to legislate from time to time.

It is hard to regulate people into better behavior, but you can pass bills that may incentivize them to better behavior, use our tax code to create incentives, and I will get on to those in a minute.

We do have a national program that the Bush administration embraced early on called America On the Move. In Tennessee, we have a part of that program called Tennessee On the Move, and most of our States now have On the Move programs, grassroots statewide organizations designed throughout the year to promote activities and events and communication and education, newsletters across the State encouraging restaurants to have printed on their menu ways to take 100 calories off of your diet.

Let me tell you that the rule of holes is when you are in a hole the first thing you should do is quit digging. So, in the obesity hole, we have got to figure out what can we do to not become more obese and then what we can do to turn around and go the other way.

It is this simple. If an average American burned 100 calories more per day and consumed 100 calories less, this country would not become any more obese. As a matter of fact, we would start going the other way. A hundred calories more burned may be taking the steps through the Capitol each day instead of the elevator. It may be parking the furtherest distance at the supermarket instead of the closest distance. It is little things that can burn an extra 100 calories.

Intaking 100 calories fewer may be as simple as going from a Coke to a Diet Coke and taking 100 calories more out of your diet, because we will, as a Nation, not become any more obese if we will consume 100 fewer calories a day on the average and burn 100 more.

Those are simple approaches, first steps. Walk at night after dinner as a family. Husband and wife, encourage each other 3 or 4 days a week to get just a basic amount of physical activity. You do not have to be a marathon runner. You do not have to be a superduper athlete. You have just got to develop one way to do it. If you have got a problem with your leg, go slow, but be walking. The human body was made to move. America On the Move is a great program Tennessee On the Move is a great program.

I want to also talk about other programs that are very, very helpful. Recently, two pretty important athletes, Peyton and Archie Manning, came around the Hill lobbying for Physical

Education for Progress, the PEP funding, and I am on the Committee on Appropriations. We all weighed in, and the gentleman from Ohio (Chairman REGULA) responded, and this bill that just passed the House today included $73,408,000 for this national program to promote physical education through our schools because physical education in our schools, frankly, has not been focused on enough.

I remember when I was young, we wanted one of those T-shirts. We wanted to go out and do the President's physical fitness contest. We wanted to do push-ups and sit-ups, and today, I do not think there is enough physical education in our schools. I have asked the President to consider amendments. I have asked the gentleman from Ohio (Chairman BOEHNER) here in the House, our chairman of the Committee on Education and the Workforce, to consider amendments to No Child Left Behind that would encourage physical fitness in our schools.

Today, because of the testing of the other subject matter, there are schools that report to me that they are actually having to squeeze out physical education because they have limited resources and they have to put those where they know they are going to be tested so that their school system or their school is not out of compliance under the standards of No Child Left Behind. I support those standards. I think it is a good approach, but let us not leave out physical education.

Let me tell you. Thomas Jefferson said 200 years ago that a child who is not physically well cannot learn and I agree. That is so true today. A child who is not physically sound cannot learn. If they do not get enough sleep, they cannot learn. If they are not physically well, their attention span is not there, and today, we would have a better bottom line if children in every educational setting were required to do a certain amount of physical activity.

I offered a bill earlier this year called the Workforce Health Improvement Program. We have now got 32 cosponsors signed up here at the desk. This gives tax incentives to companies and institutions for providing fitness facilities to their employees. Again, use our tax code to incentivize better behavior. How many people in this country would invest in something like that if they knew they had a tax break to stay more physically active and to have some regimen of physical activity in their life?

I want to advocate for community health centers. Preventative health care is not just fitness and exercise. It is mammograms. It is making sure that you have your blood pressure taken. It is making sure a health professional sees you on a regular basis. That is preventative health care so you do not wait till you are sick to walk in the door of the emergency room and run up the cost of health care. Preventative health care says you take better care of yourself physically, even mentally. It is all connected. The holistic approach says physical, mental and spiritual health will lead to a productive life with a high quality of life, and we all know, I believe, the benefits, but the community health center approach in the community, to get your preventative health care and your maintenance of your health care, is also very important, and in this bill, we just funded $1.8 billion for community health centers in this Labor-Ed bill that passed today.

I also want to advocate another program called the Healthy Communities Access Program, HCAP. HCAP was funded last year at $83 million across the country, and this year, unfortunately, in this bill, we were not able to find any money for it, but I am hopeful when we go to the Senate that we will find that money because this is a real market-driven solution.

These are the networks at the local level designed to fit the needs of that community. We have got one in Chattanooga, Tennessee, that is very successful where all of the providers banded together, and they say how can we refer people that do not have health insurance, there are 43 million of them in this country today, to good preventative health care, treatment, checkups and even access points because a lot of our providers are willing to give away their care if they know it solves this problem and maintains our fee-for-services health care system.

Back in the day, doctors used to give away a lot of their time. Today, because the government's so involved in health care, many of them cannot even give away their time. You cannot give away your time for Medicare delivery, by the way. I think it is against the law.

So doctors are disincentivized to actually help people who need health care the most, and many times this is just good, common, routine, preventative health care. The Healthy Communities Access Program has got this high cost benefit ratio. For every dollar the government invests, it saves $6 in the health care delivery system of that community. Again, Medicaid and Medicare cannot sustain these kind of costs.

Guess what happens if one of the 43 million uninsured people gets really sick? Oftentimes, they will walk into one of the safety net hospitals that have to cover them by Federal law. They walk into Erlanger Medical Center in my hometown of Chattanooga, and when they walk in, it is too late in terms of preventing the calamity and their costs. Maybe it is too late to even save their life. It is certainly too late to save money because their chronic health care needs got out of hand.

This network keeps that from happening, and that is why it is one of the solutions. It is preventative health care. That is where we need to invest our dollars.

Let me just say in closing, because my hour is almost up, we need to learn sometimes from other countries. I was in Japan a few years ago, and I was very impressed that early in the morning, sun had just come up, these people are outside. You just kind of look and watch, and the senior citizens are out exercising. They are in a group, grandmas, granddads, and then the children are watching, and they are out doing their morning exercise. Now, these people are healthy, and in many cases they are healthier than we are.

We actually may have more technological superiority to them. We have got the great pharmaceutical industry that has found all these new inventions, but they have got it right in terms of the physical benefits of exercise, and they know that the human body is made to move, to move, not to sit still. We have too many people gaining unnecessary weight in this country. It is a fact, and there is something we can do about it. They call them preventable health care challenges, and preventative health care is the solution.

We cannot buy our way out of this problem. We cannot even invent our way out of this problem. This problem can be addressed with simple solutions, develop these small first steps towards better health care, and I think the element here is personal responsibility. Something that I believe the Republican party stands for in this country still is personal responsibility. We are responsible for ourselves and then our family and then our community. The government should be last, not first.

So let us take better care of ourselves, and let us make sure that the children of America know that if they want to live a productive life, one of the basic things they need to do is personal hygiene, good sleep habits, good nutrition habits and make sure that when it is time to play, they do not do it on a video screen as much as they go outside and sweat a little. That would be good for this next generation. I think they could work a little more, sweat a little more, and we would all be the better for it.

With that, Mr. Speaker, I appreciate the Chair's indulgence, and the material I referred to previously, I will insert into the RECORD at this point.

THE SURGEON GENERAL'S CALL TO ACTION TO PREVENT AND DECREASE OVERWEIGHT AND OBESITY

THE PROBLEM OF OVERWEIGHT IN CHILDREN AND ADOLESCENTS

In 1999, 13 percent of children aged 6 to 11 years and 14 percent of adolescents aged 12 to 19 years in the United States were overweight. This prevalence has nearly tripled for adolescents in the past 2 decades.

Risk factors for heart disease, such as high cholesterol and high blood pressure, occur with increased frequency in overweight children and adolescents compared to children with a healthy weight.

Type 2 diabetes, previously considered an adult disease, has increased dramatically in children and adolescents. Overweight and obesity are closely linked to type 2 diabetes.

Overweight adolescents have a 70 percent chance of becoming overweight or obese adults. This increases to 80 percent if one or more parent is overweight or obese. Overweight or obese adults are at risk for a number of health problems including heart disease, type 2 diabetes, high blood pressure, and some forms of cancer.

The most immediate consequence of overweight as perceived by the children themselves is social discrimination. This is associated with poor self-esteem and depression.

THE CAUSES OF OVERWEIGHT

Overweight in children and adolescents is generally caused by lack of physical activity, unhealthy eating patterns, or a combination of the two, with genetics and lifestyle both playing important roles in determining a child's weight.

Our society has become very sedentary. Television, computer and video games contribute to children's inactive lifestyles.

43 percent of adolescents watch more than 2 hours of television each day.

Children, especially girls, become less active as they move through adolescence.

DETERMINATION OF OVERWEIGHT IN CHILDREN AND ADOLESCENTS

Doctors and other health care professionals are the best people to determine whether your child or adolescent's weight is healthy, and they can help rule out rare medical problems as the cause of unhealthy weight.

A Body Mass Index (BMI) can be calculated from measurements of height and weight. Health professionals often use a BMI "growth chart" to help them assess whether a child or adolescent is overweight.

A physician will also consider your child or adolescent's age and growth patterns to determine whether his or her weight is healthy.

GENERAL SUGGESTIONS

Let your child know he or she is loved and appreciated whatever his or her weight. An overweight child probably knows better than anyone else that he or she has a weight problem. Overweight children need support, acceptance, and encouragement from their parents.

Focus on your child's health and positive qualities, not your child's weight.

Try not to make your child feel different if he or she is overweight but focus on gradually changing your family's physical activity and eating habits.

Be a good role model for your child. If your child sees you enjoying healthy foods and physical activity, he or she is more likely to do the same now and for the rest of his or her life.

Realize that an appropriate goal for many overweight children is to maintain their current weight while growing normally in height.

PHYSICAL ACTIVITY SUGGESTIONS

Be physically active. It is recommended that Americans accumulate at least 30 minutes (adults) or 60 minutes (children) of moderate physical activity most days of the week. Even greater amounts of physical activity may be necessary for the prevention of weight gain, for weight loss, or for sustaining weight loss.

Plan family activities that provide everyone with exercise and enjoyment.

Provide a safe environment for your children and their friends to play actively; encourage swimming; biking, skating, ball sports, and fun activities.

Reduce the time of time you and your family spend in sedentary activities, such as watching TV or playing video games. Limit TV time to less than 2 hours a day.

HEALTHY EATING SUGGESTIONS

Follow the Dietary Guidelines for healthy eating (www.health.gov/dietaryguidelines).

Guide your family's choices rather than dictate foods.

Encourage your child to eat when hungry and to eat slowly.

Eat meals together as a family as often as possible.

Carefully cut down on the amount of fat and calories in your family's diet.

Don't place your child on a restrictive diet.

Avoid the use of food as a reward.

Avoid withholding food as punishment.

Children should be encouraged to drink water and to limit intake of beverages with added sugars, such as soft drinks, fruit juice drinks, and sports drinks.

Plan for healthy snacks.

Stock the refrigerator with fat-free or low-fat milk, fresh fruit, and vegetables instead of soft drinks or snacks that are high in fat, calories, or added sugars and low in essential nutrients.

Aim to eat at least 5 servings of fruits and vegetables each day.

Discourage eating meals or snacks while watching TV.

Eating a healthy breakfast is a good way to start the day and may be important in achieving and maintaining a healthy weight.

IF YOUR CHILD IS OVERWEIGHT

Many overweight children who are still growing will not need to lose weight, but can reduce their rate of weight gain so that they can "grow into" their weight.

Your child's diet should be safe and nutritious. It should include all of the Recommended Dietary Allowances (RDAs) for vitamins, minerals, and protein and contain the foods from the major Food Guide Pyramid groups. Any weight-loss diet should be low in calories (energy) only, not in essential nutrients.

Even with extremely overweight children, weight loss should be gradual.

Crash diets and diet pills can compromise growth and are not recommended by many health care professionals.

Weight lost during a diet is frequency regained unless children are motivated to change their eating habits and activity levels for a lifetime.

Weight control must be considered a lifelong effort.

Any weight management program for children should be supervised by a physician.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today.

Mr. FATTAH (at the request of Ms. PELOSI) for today on account of personal business.

Mr. GUTIERREZ (at the request of Ms. PELOSI) for today.

Mr. TAYLOR of Mississippi (at the request of Ms. PELOSI) for today on account of a family emergency.

Mr. BACA (at the request of Ms. PELOSI) for today after 3:00 p.m. on account of a medical emergency.

Mr. BILIRAKIS (at the request of Mr. DELAY) for today after 2:00 p.m. on account of personal reasons.

Mr. BOOZMAN (at the request of Mr. DELAY) for today on account of a death in the family.

Mr. YOUNG of Florida (at the request of Mr. DELAY) for today to attend send-off ceremonies at Camp Shelby, Alabama, for Task Force Phoenix IV. the 53rd Brigade Team, headquartered in Pinellas Park, Florida, which includes 1,200 Florida National Guard soldiers. These soldiers are being deployed to Afghanistan in support of Operation Enduring Freedom.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. SWEENEY, for 5 minutes, July 1.

Mr. POE, for 5 minutes, June 27.

Mr. DUNCAN, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, June 27 and 28.

Mr. OSBORNE, for 5 minutes, June 27.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1812. An act to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1181. An act to ensure an open and deliberate process in Congress by providing that any future legislation to establish a new exemption to section 552 of title 5, United States Code (commonly referred to as the

Freedom of Information Act) be stated explicitly within the text of the bill; to the Committee on Government Reform.

ADJOURNMENT

Mr. WAMP. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until Monday, June 27, 2005, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2456. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Captain Charles J. Leidig, United States Navy, to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

2457. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John D. Hopper, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

2458. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

2459. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 05-05 which informs of an intent to sign a Project Arrangement between the United States and Australia concerning Tactical Missiles; to the Committee on Armed Services.

2460. A letter from the Assistant Chief, Regulations and Procedures Division, Department of the Treasury, transmitting the Department's final rule — Establishment of the Ribbon Ridge Viticultural Area (2002R-215P) [T.D.TTB-27; Notice No. 21] (RIN: 1513-AA58) received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2461. A letter from the Secretary, Department of Labor, transmitting a draft bill entitled the "Unemployment Compensation Program Integrity Act of 2005"; to the Committee on Ways and Means.

2462. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Limitations on dividends received deduction and other guidance [Notice 2005-38] received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2463. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 1446 Regulations; withholding on effectively connected taxable income allocable to foreign partners [TD 9200] (RIN: 1545-AY28) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2464. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability. (Rev. Proc. 2005-31) received June 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2465. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Supplemental Information for Notice 2003-47 and Announcement 2005-19, Executive Stock Option Transaction and Settlement Initiative (Announcement 2005-39) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KOLBE: Committee on Appropriations. H.R. 3057. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–152). Referred to the Committee of the Whole House on the State of the Union.

Mr. KNOLLENBERG: Committee on Appropriations. H.R. 3058. A bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–153). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2864. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; with an amendment (Rept. 109–154). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS (for himself and Mr. Kind):

H.R. 3056. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the establishment in the Department of Labor of a Small Employer Health Benefits Program; to the Committee on Education and the Workforce.

By Ms. CARSON (for herself and Mr. Shimkus):

H.R. 3059. A bill to provide for Flexible Fuel Vehicle (FFV) refueling capability at new and existing refueling station facilities to promote energy security; to the Committee on Ways and Means.

By Mr. CARTER (for himself and Mr. Green of Wisconsin):

H.R. 3060. A bill to provide the death penalty for certain terrorism related crimes and make other modifications of law relating to the penalty of death; to the Committee on the Judiciary.

By Mr. CHOCOLA (for himself and Mr. Matheson):

H.R. 3061. A bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts; to the Committee on Ways and Means.

By Mr. GILLMOR (for himself and Mr. Fossella):

H.R. 3062. A bill to reduce the instances of releases from underground storage tanks by strengthening tank inspections, operator training, program enforcement, oxygenated fuel cleanup, and providing States greater Federal resources from the Leaking Underground Storage Tank Trust Fund; to the Committee on Energy and Commerce.

By Mr. KILDEE:

H.R. 3063. A bill to authorize the Secretary of Health and Human Services to provide grants to States to conduct demonstration projects that are designed to enable Medicaid-eligible individuals to receive support for appropriate and necessary long-term services in the settings of their choice; to the Committee on Energy and Commerce.

By Ms. LEE (for herself, Mr. Rangel, and Mr. McDermott):

H.R. 3064. A bill to prohibit the use of funds to implement certain regulations that restrict travel to Cuba for educational activities; to the Committee on International Relations.

By Mr. MENENDEZ (for himself and Mr. Duncan):

H.R. 3065. A bill to extend the aviation war risk insurance program for 3 years; to the Committee on Transportation and Infrastructure.

By Mr. NUSSLE:

H.R. 3066. A bill to amend the Harmonized Tariff Schedule of the United States to provide separate tariff categories for certain tractor body parts; to the Committee on Ways and Means.

By Mr. NUSSLE:

H.R. 3067. A bill to amend the Harmonized Tariff Schedule of the United States to provide a new subheading for certain log forwarders used as motor vehicles for the transport of goods for duty-free treatment consistent with other agricultural use log handling equipment; to the Committee on Ways and Means.

By Mr. ROHRABACHER (for himself, Mr. Murtha, and Mrs. McCarthy):

H.R. 3068. A bill to amend the Servicemembers Civil Relief Act to provide relief with respect to rent and mortgage payments for members of the reserve components who are called to active duty and to amend the Internal Revenue Code of 1986 to allow a refundable credit to lessors for payments foregone by reason of such relief; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS:

H.R. 3069. A bill to provide for each American the opportunity to provide for his or her retirement through a S.A.F.E. account, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE (for himself and Mr. Lantos):

H. Con. Res. 191. Concurrent resolution commemorating the 60th anniversary of the conclusion of the war in the Pacific and honoring veterans of both the Pacific and Atlantic theaters of the Second World War; to the Committee on International Relations.

By Mrs. MALONEY (for herself, Mr. SHAYS, Mr. BERMAN, Mr. BLUMENAUER, Ms. MCCOLLUM of Minnesota, Mr. HONDA, Mr. MCDERMOTT, Mr. CONYERS, Mr. EMANUEL, Mr. FARR, Ms. BALDWIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GRIJALVA, Mr. MCNULTY, and Ms. BORDALLO):

H. Con. Res. 192. Concurrent resolution recognizing the 60th anniversary of the United Nations; to the Committee on International Relations.

By Mr. SMITH of Texas (for himself, Mr. BONILLA, Mr. GONZALEZ, Mr. CUELLAR, and Mrs. CHRISTENSEN):

H. Res. 339. A resolution congratulating the San Antonio Spurs for winning the 2005 National Basketball Association Championship; to the Committee on Government Reform.

By Mr. GINGREY (for himself, Mr. WILSON of South Carolina, Ms. HARRIS, Mr. OTTER, Mr. HAYWORTH, Mrs. DRAKE, Mr. DOOLITTLE, Mr. SMITH of Texas, Mr. ISTOOK, Mr. WESTMORELAND, Mr. TIAHRT, Mr. MILLER of Florida, Mr. FOLEY, Mr. POE, and Mr. BLUNT):

H. Res. 340. A resolution expressing the grave disapproval of the House of Representatives regarding the majority opinion of the Supreme Court in the case of Kelo et al. v. City of New London et al. that nullifies the protections afforded private property owners in the Takings Clause of the Fifth Amendment; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. WAXMAN.

H.R. 23: Mr. WYNN and Mr. RAHALL.

H.R. 47: Mr. PENCE, Mr. NORWOOD, and Mr. WESTMORELAND.

H.R. 63: Mr. WU.

H.R. 97: Mr. COLE of Oklahoma.

H.R. 98: Ms. WATERS.

H.R. 151: Mr. JEFFERSON.

H.R. 156: Mr. PAYNE, Mr. SIMMONS, and Ms. WATSON.

H.R. 202: Mr. GRIJALVA and Mr. BAIRD.

H.R. 282: Mr. GOODE.

H.R. 314: Mr. ROSS and Mr. WAMP.

H.R. 376: Mr. MCGOVERN.

H.R. 510: Mr. BISHOP of Georgia.

H.R. 535: Mr. EMANUEL, Mr. MCGOVERN, Mr. PASTOR, and Mr. CUELLAR.

H.R. 550: Ms. SCHWARTZ of Pennsylvania, Mr. FITZPATRICK of Pennsylvania, Mr. SALAZAR, Mr. GENE GREEN of Texas, Mr. KUHL of New York, and Mr. CARDOZA.

H. R. 581: Mr. DAVIS of Tennessee.

H. R. 615: Mr. FRANK of Massachusetts.

H. R. 653: Ms. WOOLSEY, Mr. GENE GREEN of Texas, Mr. CLAY, Ms. KILPATRICK of Michigan, Mr. HONDA, Mr. HINCHEY, Mr. KENNEDY of Rhode Island, Mr. MILLER of North Carolina, and Mr. EVANS.

H. R. 698: Mr. WILSON of South Carolina.

H. R. 699: Mr. DOYLE, Mr. BROWN of Ohio, and Mr. AL GREEN of Texas.

H. R. 765: Mr. SHADEGG.

H. R. 772: Mr. GONZALEZ.

H. R. 809: Ms. HARRIS and Mr. DAVIS of Kentucky.

H. R. 813: Mr. CUMMINGS and Mr. BERMAN.

H. R. 819: Mr. KING of New York.

H. R. 867: Mr. SOUDER.

H. R. 893: Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, and Mr. BACA.

H. R. 896: Mr. MURTHA, Mr. DREIER, Mr. DICKS, Ms. ZOE LOFGREN of California, Mr. MOORE of Kansas, and Ms. PRYCE of Ohio.

H. R. 923: Mr. AL GREEN of Texas and Ms. BORDALLO.

H. R. 939: Mr. KUCINICH.

H. R. 968: Mr. PRICE of North Carolina.

H. R. 985: Ms. MCCOLLUM of Minnesota.

H. R. 1002: Mr. BARROW.

H.R. 1083: Mr. WAMP.

H.R. 1108: Mr. LAHOOD, Mr. GONZALEZ, and Mr. ALLEN.

H.R. 1120: Mr. PUTNAM.

H.R. 1126: Mr. CARDIN.

H.R. 1153: Mr. DAVIS of Alabama, Ms. WASSERMAN Schultz, Ms. ZOE LOFGREN of California, and Mr. POMEROY.

H.R. 1204: Ms. SCHWARTZ of Pennsylvania and Mr. DINGELL.

H.R. 1246: Mr. DAVIS of Alabama, Ms. ZOE LOFGREN of California, Mr. RAMSTAD, Mr. MENENDEZ, and Mr. CANNON.

H.R. 1282: Mr. BRADY of Pennsylvania, Mr. MURTHA, Mr. HASTINGS of Florida, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. WATSON.

H.R. 1288: Mr. GILLMOR and Mr. FORTENBERRY.

H.R. 1323: Mr. PALLONE and Mr. PETERSON of Minnesota.

H.R. 1352: Mr. MURPHY.

H.R. 1409: Mr. MORAN of Virginia, Ms. NORTON, Mr. MCGOVERN, Mr. CROWLEY, Mr. MCNULTY, Mr. WYNN, Mr. MEEKS of New York, Mr. HONDA, and Mr. BLUMENAUER.

H.R. 1502: Ms. JACKSON-LEE of Texas.

H.R. 1505: Mr. LAHOOD.

H.R. 1526: Mr. HOLT.

H.R. 1545: Mr. SESSIONS.

H.R. 1578: Mr. HULSHOF and Mr. ROGERS of Kentucky.

H.R. 1592: Mr. CARDIN.

H.R. 1602: Mr. WILSON of South Carolina.

H.R. 1607: Mrs. JOHNSON of Connecticut and Mr. CHABOT.

H.R. 1634: Mr. INSLEE.

H.R. 1668: Mr. STUPAK and Ms. DEGETTE.

H.R. 1678: Mr. BURTON of Indiana and Mr. NORWOOD.

H.R. 1696: Ms. JACKSON-LEE of Texas.

H.R. 1736: Mr. GILLMOR and Mr. CALVERT.

H.R. 1749: Mr. HAYES, Mr. RADANOVICH, Mr. POE, and Mr. MCINTYRE.

H.R. 1861: Mr. MURTHA, Mr. CARDOZA, Mr. ISRAEL, Mr. PASCRELL, Mr. WU, Mr. BROWN of Ohio, Ms. KAPTUR, Mr. NADLER, Mr. HINCHEY, Ms. LINDA T. SÁNCHEZ of California, Mr. FILNER, Ms. WOOLSEY, Mr. POMEROY, and Mr. CLEAVER.

H.R. 1898: Mr. RYAN of Wisconsin and Mrs. MYRICK.

H.R. 1946: Mr. PRICE of Georgia.

H.R. 1957: Mr. BARRETT of South Carolina.

H.R. 2012: Mrs. BIGGERT, Mr. BROWN of South Carolina, Mr. PENCE, and Mr. BRADLEY of New Hampshire.

H.R. 2037: Mr. PALLONE, Mr. OWENS, Mr. MCCOTTER, Mr. DOYLE, MR. STRICKLAND, Mr. GOODE, and Mr. BROWN of South Carolina.

H.R. 2048: Ms. DEGETTE, Mr. CLYBURN, Mr. FORTUÑO, Ms. HERSETH, Mr. SANDERS, and Mr. GERLACH.

H.R. 2061: Mrs. JO ANN DAVIS of Virginia, Mr. CARDOZA, Mr. SHIMKUS, Mr. PEARCE, and Mr. GORDON.

H.R. 2072: Ms. SLAUGHTER.

H.R. 2076: Mr. GORDON, and Mr. DEFAZIO.

H.R. 2131: Mr. WU and Mr. AL GREEN of Texas.

H.R. 2177: Mr. MEEK of Florida, Mr. ETHERIDGE, and Mr. CLEAVER.

H.R. 2178: Mr. AL GREEN of Texas.

H.R. 2209: Mr. LEWIS of Kentucky.

H.R. 2257: Ms. JACKSON-LEE of Texas.

H.R. 2290: Mr. PAUL, Mr. BAKER, Mr. SENSENBRENNER, Mr. CULBERSON, Mr. KINGSTON, Mr. PUTNAM, Mr. SULLIVAN, Mr. CALVERT, Mrs. JO ANN DAVIS of Virginia, Mr. MANZULLO, and Mr. SMITH of Texas.

H.R. 2317: Ms. MOORE of Wisconsin, Ms. BERKLEY, and Mr. DAVIS of Illinois.

H.R. 2327: Mr. DELAHUNT and Mr. JACKSON of Illinois.

H.R. 2330: Mr. REGULA and Ms. HARMAN.

H.R. 2349: Mr. WYNN.

H.R. 2355: Mr. UPTON and Mr. MCCAUL of Texas.

H.R. 2358: Mr. OWENS, Mr. BROWN of Ohio, and Mr. MCDERMOTT.

H.R. 2387: Mr. SHERMAN.

H.R. 2474: Mr. LEWIS of Kentucky.

H.R. 2491: Mr. EHLERS.

H.R. 2498: Mr. FOLEY, Mr. SOUDER, Mr. CARNAHAN, Mr. KILDEE, Mr. CASE, and Mr. MENENDEZ.

H.R. 2508: Mr. FILNER.

H.R. 2636: Mr. KILDEE, Ms. JACKSON-LEE of Texas, and Mr. LEWIS of Georgia.

H.R. 2648: Mr. POE.

H.R. 2662: Mr. DOGGETT, Mr. LARSEN of Washington, and Mr. TOWNS.

H.R. 2669: Mr. SABO.

H.R. 2684: Mr. CLAY.

H.R. 2695: Mr. WYNN, Mrs. CAPPS, and Ms. ZOE LOFGREN of California.

H.R. 2794: Mr. BOUCHER, Mr. TOWNS, and Mr. FORD.

H.R. 2807: Mr. MELANCON, Mr. SALAZAR, Mr. PETERSON of Minnesota, and Mr. CASE.

H.R. 2815: Mr. OWENS, Mr. GENE GREEN of Texas, Mr. ORTIZ, Mr. GONZALEZ, Mr. RUPPERSBERGER, and Mr. LYNCH.

H.R. 2834: Mr. CLAY.

H.R. 2859: Mr. RUPPERSBERGER and Ms. GINNY BROWN-WAITE of Florida.

H.R. 2861: Ms. SLAUGHTER.

H.R. 2876: Mr. CONAWAY, Mr. BACA, Mr. SMITH of New Jersey, Mr. MCDERMOTT, and Mr. LAHOOD.

H.R. 2899: Mr. CALVERT.

H.R. 2928: Mrs. JONES of Ohio, Mr. BACA, and Mr. AL GREEN of Texas.

H.R. 2933: Ms. WATERS.

H.R. 2989: Mr. SHIMKUS.

H.R. 3019: Mr. TANNER and Mr. LARSON of Connecticut.

H.R. 3037: Mr. GEORGE MILLER of California.

H.R. 3051: Mr. GRIJALVA.

H. R. 3055: Mr. CLAY.

H. J. Res. 36: Mr. DOGGETT.

H. Con. Res. 90: Mr. AL GREEN of Texas.

H. Con. Res. 162: Mr. MCCAUL of Texas.

H. Con. Res. 172: Mr. LEWIS of Georgia, Mr. BUTTERFIELD, Mr. BISHOP of Georgia, and Mr. ALLEN.

H. Con. Res. 187: Mr. SHIMKUS, Mr. MEEKS of New York, Mr. MCCOTTER, Mr. MCNULTY, Mr. BERMAN, Mr. PENCE, and Mr. FALEOMAVAEGA.

H. Con. Res. 188: Mr. MARIO DIAZ-BALART of Florida.

H. Res. 17: Mr. GIBBONS.

H. Res. 220: Mr. SHIMKUS, Ms. MOORE of Wisconsin, Mr. WICKER, Mrs. CHRISTENSEN, Mr. NUNES, and Mr. MANZULLO.

H. Res. 286: Mrs. CHRISTENSEN and Mr. KILDEE.

H. Res. 312: Ms. ZOE LOFGREN of California and Mr. SHERMAN.

H. Res. 323: Mr. TOM DAVIS of Virginia, Mr. SCHIFF, and Ms. SCHAKOWSKY.

H. Res. 325: Ms. NORTON.

H. Res. 326: Mr. ADERHOLT, Mr. POE, Mr. CARDIN, and Mr. BERMAN.

H. Res. 327: Ms. WOOLSEY.

H. Res. 332: Mr. CALVERT, Ms. BORDALLO, Mr. ABERCROMBIE, Mr. BROWN of South Carolina, Ms. HARRIS, Mr. CASE, Mr. SMITH of New Jersey, Mr. FOSSELLA, Mr. MACK, and Mr. MILLER of Florida.

EXTENSIONS OF REMARKS

TRIBUTE TO CAROLYN ALFORD

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to Carolyn Alford, an outstanding citizen and educator in Southwest Michigan. A dedicated and committed individual, Carolyn first arrived in Southwest Michigan in 1969 as a recent high school graduate from Montgomery, Alabama. She came to visit her sister for a couple of weeks and, 36 years later, she has yet to leave! Carolyn is retiring from a long, industrious term of almost 16 years with the Kalamazoo Public Schools Board of Education.

Throughout Carolyn's tenure with the Board she wore many "hats," including President, Vice President, Secretary and Treasurer, among others. In her leadership roles, Carolyn continually went above and beyond the call of duty and could always be found outside of the office talking to parents and students regarding their concerns, attending open houses, or representing the board at graduation ceremonies, retirement dinners, awards presentations and, especially, sporting events.

However, Carolyn's community work didn't stop with the Kalamazoo Public Schools. As someone who always felt a "calling to be in public service," she is very active in her church, has served in numerous leadership positions with the NAACP, and tirelessly participates in the Northside Association for Community Development, YWCA Domestic Assault Program, the Douglas Community Association, Kalamazoo Northside Non-Profit Housing Corporation and many other organizations throughout Kalamazoo and Southwest Michigan. All this while working full time as an administrator at Kalamazoo Valley Community College.

We in Southwest Michigan are forever indebted to Carolyn Alford for the good she has done in our community. Her lifelong contributions to students and families throughout the Kalamazoo area have had great impact and will never be forgotten. I wish Carolyn and her family all the best in retirement, and I sincerely hope she enjoys the extra time with her grandchildren.

TRIBUTE TO JOAN AND WILLIAM F. INMAN

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. HUNTER. Mr. Speaker, I rise today to honor and pay tribute to Joan and William F. Inman of El Cajon, California. On June 25, 2005, Joan and William will celebrate their fiftieth wedding anniversary.

Bill and Joan met in 1952, married on June 25, 1955, and their first daughter JoAnn was born the following year. As Bill went on to graduate from Pennsylvania State University in 1958, the couple decided to pursue the promise of employment and a chance for a new life together in San Diego, California. Over the next few years, Bill and Joan were blessed with a son, William F. Jr. and two more daughters, JoRae and Jodi.

While raising his family and beginning a career as a materials engineer at Rohr Industries, Bill continued his education at San Diego State College. During this time, Joan continued her service as a full time mother and worked as an emergency room and maternity ward nurse at Grossmont Hospital. Both Bill and Joan retired with more than 75 years of service to their community and nation.

Bill and Joan now fill their time with friends and family, enjoying golf and being a vital part of the lives of their four grandsons, Jeb, Jayme, Jonathan and Willie. Throughout their lives, Joan and Bill have faced life's challenges with a positive attitude and determined spirits, and have raised their children to do likewise. I wish Joan and Bill many more years of happiness together and in anticipation of their fiftieth anniversary, I ask that my colleagues join me in paying tribute to this milestone.

CONGRATULATING MARGERY A. UFBERG ON THE OCCASION OF BEING THE RECIPIENT OF THE UNITED HEBREW INSTITUTE'S ANNUAL SHOFAR AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Margery A. Ufberg, of Kingston, Pennsylvania, on the occasion of her being named recipient of the United Hebrew Institute's Annual Shofar Award.

Just as the Shofar has been used for millennia to sound the arrival of Rosh Hashanah, the Jewish New Year, the Shofar Award symbolizes the calling together of the community to recognize and praise the good works and accomplishments of an individual.

It is particularly fitting that Margery Ufberg is the recipient of the Shofar Award this year. She is well known throughout the community as a tireless advocate for the United Hebrew Institute and for the Wyoming Valley community in general.

Mrs. Ufberg's contributions toward refurbishing the UHI library and its kitchen and classrooms have been invaluable.

A teacher by profession, Mrs. Ufberg also serves on the board of directors and the Executive Board of the United Hebrew Institute. She also serves on the board of directors and the board of trustees at the Jewish Community Center.

She is a past board member at Ecumenical Enterprises, the Jewish Federation of Greater Wilkes-Barre, the Friends of Hospice St. John and Peoples National Bank.

Mrs. Ufberg remains active with Hadassah, Wyoming Seminary Preparatory School, United Jewish Campaign, Osterhout Library, Junior League of Wilkes-Barre and B'nai B'rith Women Green Circle Ethnic Diversity Program.

She has also given freely of her time to support the Camp Committee, Teen Committee, Soccer Committee, Basketball Committee and the Purim Carnival Committee for the benefit of children and teens at the Jewish Community Center

Mr. Speaker, please join me in congratulating Margery A. Ufberg on this notable occasion. Mrs. Ufberg's contributions have succeeded in raising the quality of life in the Greater Wyoming Valley and her dedication is an inspiration to all of us.

RECOGNIZING PAUL BERLANT OF WINDSOR, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Paul Berlant who is retiring after seven years as Town Manager of Windsor, California.

During his tenure, the Town of Windsor experienced a renaissance. The Town's old downtown area was redesigned as a vibrant and thriving mixed use neighborhood. The Town Green was central to this redevelopment and became the focal point for a farmers market, Movies on the Green, holiday tree lighting, summer concerts, 4th of July celebration and other seasonal festivals.

This was consistent with Mr. Berlant's vision for orderly development throughout the town. The single-family homes in the Vintage Green subdivision use recycled water for irrigation. Keiser Park was expanded by leveraging federal, state and local grants.

Mr. Berlant also oversaw the development of the Shiloh Commercial Center, the town's new corporation yard, various housing projects and the opening of the Arcata Lane/Highway 101 interchange.

He will be remembered as a skilled negotiator who treated everyone fairly and with respect and as someone who was able to interpret the Town Council's vision that, as the local newspaper said, "turned a vast vacant lot into a thriving urban center."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, Paul Berlant has spent 33 years working for cities throughout California. He and his wife, Carol Ann, plan to spend time with their new grandchild and traveling. It is appropriate that we honor him today for his public service and to wish him well on his retirement.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. CARTER. Mr. Speaker, on June 22, 2005, I was unavoidably detained on official business in my Congressional District.

On rollcall vote No. 293, if present, I would have voted "nay."

On rollcall vote No. 294, if present, I would have voted "aye."

On rollcall vote No. 295, if present, I would have voted "aye."

On rollcall votes Nos. 296 and 297, if present, I would have voted "yea."

On rollcall vote No. 298, if present, I would have voted "aye."

On rollcall votes Nos. 299, 300, 301, and 302, if present, I would have voted "nay."

On rollcall vote No. 303, if present, I would have voted "yea."

TRIBUTE TO U.S. ARMY 1LT AARON SEESAN

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. REGULA. Mr. Speaker, I rise today to pay tribute to U.S. Army 1LT Aaron Seesan, a constituent from my district who died on May 23rd from injuries he received in support of Operation Iraqi Freedom. Aaron was a graduate of Washington High School in Massillon, Ohio and of the Merchant Marine Academy at Kings Point, NY.

It takes an exceptional young person to be nominated for military academies. Aaron had an outstanding record in high school and in the Merchant Marine Academy and continued to make a difference as he continued his service to his country and fellow man.

After graduation he chose to join the Army. During his service in Iraq his vehicle came upon an incendiary explosive device. In this distressful time while he suffered from injuries, he directed help to others showing his sense of responsibility and duty.

The community fondly remembers Aaron as a young man who always strove to make those activities he was involved in the finest they could be. Aaron made a difference to others his age both in the military and in the community. He was a true role model and hero.

His memory will live on through the Aaron Seesan Memorial Garden at Lincoln Park in Massillon Ohio. In addition, the Aaron Seesan Memorial Scholarship Fund through the Stark County Community Foundation will serve as a tribute to his service and dedication.

IN HONOR OF CHARLES C. BARR

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. FARR. Mr. Speaker, I rise today to honor the life of Charles C. Barr, former president of the Santa Cruz County Farm Bureau. On June 17, 2005, Charles Barr died of cancer at Dominican Hospital in Santa Cruz at the age of 81. Mr. Barr is survived by his wife Patricia; daughters Candy, Katherine, and Patricia; and his sons Chuck, Peter, Jeffrey, and Jonathan.

Charles C. Barr was born in Natick, MA on January 23, 1924. He was a third generation carnation grower, and pioneered the commercialization of miniature carnations in the United States. He joined the Navy and served our country in the capacity of a pilot on an aircraft carrier during WWII. In 1963 he moved his wife and seven children to Watsonville, CA and became a valuable member of the community.

Mr. Barr served as the President of the Santa Cruz County Farm Bureau from 1968–69 as well as the president of the American Carnation Society. Mr. Barr also resided on the Pajaro Dunes Homeowners Association Board of Directors, and was the president of the Watsonville Rotary Club as well as the vice-president of the Watsonville Bank of America.

Mr. Speaker, I am joined by Mr. Barr's family and friends to honor his life and contributions to the community. His leadership and love of the community serve as a model for all citizens.

TRIBUTE TO THE JIMMY CARTER WORK PROJECT

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. UPTON. Mr. Speaker, I rise today to recognize and pay tribute to the Jimmy Carter Work Project and the thousands of volunteers who joined together this week to help build Habitat for Humanity houses for the city of Benton Harbor, Michigan.

Across the State of Michigan, over 4,000 volunteers are building a total of 200 houses in local communities. In Benton Harbor alone, 1,700 volunteers from around the world have built 20 new houses, bringing not only large smiles on the faces of 20 families, but the reward of success after hours of hard work. The hands-on approach that the Jimmy Carter Work Project takes towards homeownership is both invaluable and inspiring. Homeowners must donate about 300 hours of their own time toward building their own homes. This partnership of volunteers working side by side with those in need is truly encouraging to all of us who want to bring the opportunity of homeownership to every family.

Homeownership is fundamental to improving and preserving the quality of life for the folks of southwest Michigan and beyond, and is truly the cornerstone of the American Dream. Taking pride in our neighborhoods and homes is a necessity to building successful communities and the work that Habitat for Humanity has done for countless individuals is truly inspiring.

This year's Project in Michigan is the second largest in Jimmy Carter Work Project's 22 year history and the first time that Habitat has organized to build homes throughout an entire state. Over the past several years Benton Harbor has been through many challenges and obstacles, but the coming together of folks throughout our community to work to bring the American Dream to our neighbors is what makes both the Jimmy Carter Work Project and southwest Michigan extraordinary.

I look forward to any opportunity to continue this partnership with Habitat for Humanity in its efforts to build more decent, affordable housing for all.

I want to once again commend everyone who has worked and continues to work to make homeownership a reality for people in need. This is a great day for our communities in Michigan and I want to once again commend both Jimmy Carter and Habitat for Humanity for turning dreams into reality.

TRIBUTE TO WALLY A. "PREACHER" HEBERT

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. HUNTER. Mr. Speaker, I rise today to honor and pay tribute to the life and career of Wally A. "Preacher" Hebert. Wally is holder of 4 pitching records for the San Diego Padres and on June 25, 2005, he will be inducted into the Pacific Coast League San Diego Padres Hall of Fame.

Born in Lake George, Louisiana in 1907, Wally's talents and interests were evident at a very early age. Aside from gardening, hunting, and fishing as a child, he became an expert golfer, playing close to par with a 2 iron and a putter. He enjoyed athletics and when it came to football and baseball, Wally excelled over his peers.

At Lake Charles High School, Wally was an all-state football star and had been offered a scholarship at Louisiana State University when he caught the eye of a major league baseball scout. In his first professional game in Springfield, Missouri, he got off the train from Louisiana, went to the ballpark, and pitched a 22 inning complete game victory.

In 1931, Preacher, as he was also known, was called up to spring training for the St. Louis Browns and remained with the team throughout the rest of that season. As a lefthander, he began to attract attention with a variety of curve balls at various speeds and arm motions. His first major league appearance came that year against the New York Yankees where he faced Babe Ruth with the bases loaded and one out. The Babe hit into an inning-ending double play.

That season, Preacher won six games and was the only pitcher in the major leagues to beat the New York Yankees and the world champion Philadelphia Athletics twice in one season. His finest game that year included 8 shut out innings against the Yankees—striking out Lou Gehrig and Ruth three times. Unfortunately, St. Louis lost the game by one run after Preacher exited the game.

Over the next two seasons in St. Louis, Preacher pitched in relief, battling a shoulder injury. He was then sold to the Hollywood Stars which after one season, moved to San Diego and began playing at Lane Field. During seven seasons with the San Diego Padres, Preacher delighted fans with a dominating presence and pinpoint control.

While with the Padres, Wally and his bride Bobbie moved out to California where they had their first two children, Hillene and Linda. Of all their children, Hillene had the ability to do what the opposition could rarely accomplish; knocking her father out of a game. Preacher was pitching when Hillene's birth was announced, at which point he collapsed on the mound.

His finest season as a Padre came in 1942 when he established records for most complete games pitched, batters faced, and innings pitched. During this season, Preacher finished every game he started.

In 1943, Preacher was traded to the Pittsburgh Pirates and at the end of the season, he faced a turning point in his career. While his arm was as strong as ever, his oldest daughter was beginning first grade and America's involvement in World War II made domestic travel difficult. When Bobbie indicated that the family would not be traveling to Pittsburgh that season, Wally chose his family and his beloved Louisiana over baseball. He turned down a contract worth $10,000 to earn 35 cents per hour in a wartime synthetic rubber factory.

After settling in Westlake, Louisiana, Wally and Bobbie had three sons and he resumed his life of hunting, fishing, and gardening while working in a nearby Firestone factory. He devoted himself to his family after his retirement from Firestone in 1965 and remained active as an outdoorsman until his death in 1999.

Today, Wally is survived by his beloved Bobbie, five children, numerous grandchildren. The legacy of Wally "Preacher" Hebert will long be remembered throughout the San Diego community and I ask that my colleagues join me in paying tribute to his life and long list of accomplishments.

CONGRATULATING THE POLISH NATIONAL ALLIANCE OF THE UNITED STATES OF NORTH AMERICA ON THE OCCASION OF ITS 125TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the Polish National Alliance which is celebrating its 125th anniversary this year.

Founded in 1880 in Philadelphia to unite the needs of the people of Poland who had emigrated to the United States, the Alliance has remained faithful to that mission.

The PNA was founded to provide financial, social and leadership opportunities for a new group of Americans.

Since its founding, the PNA has contributed countless volunteer hours and raised significant charitable donations for community service projects and to encourage patriotism.

The PNA continues to support ethnic heritage programs that benefit its members and the community at large.

The PNA is one of 75 fraternal benefit societies that belong to the National Fraternal Congress of America.

The influence of Polish immigrants is a prominent part of the heritage of our community.

Let us remember their contributions and let us honor the women of the PNA who, for generations, have maintained the traditions and customs of their ancestors and who have given much service to the communities in which they lived.

Mr. Speaker, please join me in congratulating the Polish National Alliance now celebrating 125 years of service. This great nation is far better due to the contributions made by their members over the past century and a quarter.

RECOGNIZING JOHN GURNEY OF SONOMA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize John P. Gurney who is retiring this month after 12 years as the Chief of Police for the City of Sonoma, California.

How a police department in a small town interfaces with the community has always been central to Chief Gurney's policing philosophy. During his tenure in Sonoma, Chief Gurney successfully integrated the concept of community policing into the department by redirecting resources from administration to patrol officers. He established the Sonoma Police Department Community Advisory Council to provide public, input and feedback on department policies, programs and training. He then facilitated a department-wide workshop identifying community expectations and developed a strategic plan to meet those expectations. A departmental mission and value statement was developed to incorporate the community's vision.

He also established the Sonoma Valley Interagency Council for Youth and Family. This organization consists of government and non-profit youth and family service organization and is charged with reducing the risk factors to our youth and their families. In acknowledgment of his work with young people, he received the 2001 Sonoma County Office of Education's Youth Award.

On a countywide basis, Chief Gurney also participated in the development, acquisition and implementation of a $12 million Computer Aided Dispatch, Records Management and Mobile Computing/Field Reporting system and chaired the Oversight Committee for this project.

Professionally, he has served as President of the Sonoma County Law Enforcement Chiefs Association, Chair of the Santa Rosa Training Center Advisory Committee, member of the California Peace Officer's Association, law enforcement representative to the California Judicial Council Collaborative Justice Courts Advisory Committee, member of the California Police Chief's Association, the California Police Chief's Association representative to both the Community Colleges Chancellor's Office Statewide Public Safety Advisory Committee and the Commission on Peace Officer and Standards and Training Advisory Committee.

As a member of his community, Chief Gurney served on the Board of Directors of the Valley of the Moon Boys and Girls Club, and was in the inaugural class of Leadership Sonoma Valley.

Mr. Speaker, Chief Gurney and his wife Phyllis own a small vineyard in Sonoma and they intend to enjoy the good life upon retirement. It is appropriate that we commend him for his many years of public service and wish him well on his retirement.

RECOGNIZING THE ACCOMPLISHMENTS OF DR. EDWIN AND MRS. MARY ELLEN HENDERSON

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today to recognize a family from Virginia's Eighth Congressional District whose recognition is long overdue. For every person of national recognition there is a local leader that accomplishes much under the shadow of their more recognized peers. Two of these people are Dr. Edwin and Mrs. Mary Ellen Henderson, civil rights pioneers from Northern Virginia who have worked for social justice for nearly 50 years. The couple, who were married for 65 years, worked tirelessly for the education of African American children. They also chronicled the early civil rights struggles in letters to the editor published around the country and energized their community in Northern Virginia to join the Nation's civil rights movement.

The Hendersons viewed education as one of the primary sources of human progress, and they both served their communities as teachers. Mary Ellen filled the difficult position of teaching the fourth, fifth, sixth and sevenths grades in the local segregated schoolhouse. The two-room facility overflowed with children, and it was heated by a potbelly stove and that lacked running water. Despite these difficult conditions of segregation, Mary Ellen taught with vitality and enthusiasm. Not satisfied with her inequitable surroundings, Mary Ellen worked to improve the conditions around her. By her own measure, she launched a study into the disparity between white and black schoolhouses, focusing on the learning environment and resources. Mary Ellen's work led to the formation of an interracial committee in Fairfax County, and ultimately the decision of the school administration to build the first new school for African American children in the area.

Dr. Edwin Henderson also dedicated his life to education. He focused his efforts on the promotion of interscholastic athletics and was certified as the first African American man to teach Physical Education in public schools. An avid basketball player himself, Edwin is credited with introducing the sport to the Washington, D.C. area as well as promoting athletics within the surrounding African American community. He organized the Interscholastic Athletic Association for black schools, the Public School Athletic League, and the Eastern Board of Officials for African American athletes. In addition, Edwin authored several books that spread awareness about the emergence of black sports. His groundbreaking works included "The Official Spaulding Handbook," "The Negro in Sports," and also "The Black Athlete: Emergence and Arrival." Edwin was a powerful force behind the positive recognition accorded to these athletes. As a result of his efforts, Edwin was admitted as a charter member to the Black Athletes Hall of Fame.

The Hendersons also endeavored to improve the rights of African Americans in their community. In 1915, their hometown of Falls Church, Virginia, proposed to segregate all African Americans to a designated living area. The couple vehemently challenged the law by uniting people under the Colored Citizens' Protective League (CCPL). The CCPL succeeded not only in defeating the segregation ordinance, but also in advancing numerous civil rights endeavors. The organization later became the first rural branch of the National Association for the Advancement of Colored People, in which the couple was highly active.

The Henderson's contributions were extensive and continued to be felt throughout Northern Virginia. Although they coveted no recognition for themselves, these extraordinary individuals not only affected their community, but also helped shape the Nation. Mr. Speaker, I am proud to honor these great Americans today.

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. OXLEY. Mr. Speaker, I was in my congressional district yesterday participating in events in support of the 179th Airlift Wing of the Ohio Air National Guard, which has been slated for closure by the Department of Defense. As a result, I was absent from the floor during yesterday's rollcall votes.

Had I been present, I would have voted against the Watt amendment to H.J. Res. 10, in favor of tabling each of the two appeals of the ruling of the chair on the motion to recommit H.J. Res. 10, in favor of final passage of H.J. Res. 10, in favor of ordering the previous question on H. Res. 334, in favor of H. Res. 334, against the Baird amendment to H.R. 2985, against the Jo Ann Davis amendment to H.R. 2985, against the Hefley amendment to H.R. 2985, against the motion to recommit H.R. 2985, and in favor of final passage of H.R. 2985.

RETIREMENT OF LIEUTENANT GENERAL RICHARD V. REYNOLDS

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to United States Air Force Lieutenant General Richard V. Reynolds for his 34 years of distinguished and honorable service in the U.S. Air Force and to our country.

On August 1, 2005, General Reynolds will be retiring from his current position as Vice Commander of the Air Force Materiel Command at Wright-Patterson Air Force, Ohio. The command conducts research, development, test and evaluation, and provides acquisition management and logistics support necessary to keep Air Force weapon systems ready for war.

This high level of research and development is critical to our Nation's defense, and requires effective leadership and experience. It is those qualities that General Reynolds has demonstrated during his service at Wright-Patterson AFB, and throughout his military career.

General Reynolds received his commission as a Second Lieutenant at the U.S. Air Force Academy in 1971. During his career, he has served as a pilot training instructor, a combat-ready bomber air crew commander, and as an experimental test pilot. He has also commanded the 4952nd Test Squadron and has served as a program director for several strategic and tactical aircraft acquisition programs, including the B–2 Spirit.

In addition, General Reynolds was the Air Force Program Executive Officer for Airlift and Trainers at the Pentagon, commanded the Air Force Flight Test Center at Edwards AFB California, and, prior to his current position, was Commander of the Aeronautical Systems Center located at Wright-Patterson AFB. He is also a commanded pilot with more than 4,000 flying hours in 60 types of aircraft.

Throughout his distinguished career, General Reynolds has received military awards for his service, including: the Distinguished Service Medal, the Legion of Merit with Oak Leaf Cluster, the Meritorious Service Medal with two Oak Leaf Clusters, and the Air Force Commendation Medal with two Oak Leaf Clusters.

In closing, I commend General Reynolds for his honorable and distinguished service to our country over the years, and I send my best regards to him and his family as he embarks on this new chapter in his life.

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. CONAWAY. Mr. Speaker, I was detained and unable to cast a vote on H.R. 2985, the Legislative Appropriations Act for FY06, on June 22, 2005. I was in Brownwood, Texas attending the funeral of Lance Corporal Mario Castillo, a Marine from the 11th District of Texas. Please let the RECORD reflect that had I been here, I would have voted "yes."

HONORING THE WORK OF THE SENTINELS OF FREEDOM

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. POMBO. Mr. Speaker, I rise today to commend the Sentinels of Freedom for the work they do in support of out troops.

This group of business and community leaders in the San Ramon Valley have worked together to help a wounded soldier returning from Iraq. This group, led by Mike Conklin of San Ramon, California has created a scholarship that will provide housing, a handicapped-equipped van, education, and job training and placement for a soldier who lost both his legs in Iraq. For the next four years, a team of mentors will help with his transition from the military back into civilian life.

I am deeply supportive of the tireless work Mr. Conklin has done in support of the brave men and women of our Armed Services. Along with the Blue Star Moms, SBC Communications, Shapell Industries of Northern California, the community of San Ramon, California, the United States Army and Walter Reed Army Hospital, the Sentinels of Freedom have developed a great program to support our troops. This group is a tremendous inspiration and an example of the best spirit and values the American people have to offer.

Please join me in thanking the Sentinels of Freedom and encouraging communities and businesses around the country to follow their lead. The brave men and women returning from Iraq and Afghanistan give so much for our Nation and deserve nothing less then our complete support as they transition back to civilian life.

PERSONAL EXPLANATION

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. NEY. Mr. Speaker, on June 22, 2005, due to a death in the family, I was unable to be present for rollcall vote No. 293, on agreeing to the Watt amendment to H.J. Res. 10; for rollcall vote No. 294, on moving to table the appeal of the ruling of the Chair; for rollcall vote No. 295, on moving to table the appeal of the ruling of the Chair; for rollcall vote No. 296, on final passage of H.J. Res. 10; for rollcall vote No. 297, on ordering the previous question to H. Res. 334; for rollcall vote No. 298, on agreeing to H. Res. 334; for rollcall vote No. 299, on agreeing to the Baird amendment to H.R. 2985; for rollcall vote No. 300, on agreeing to Represenatative JO ANN DAVIS's amendment to H.R. 2985; for rollcall vote No. 301, on agreeing to the Hefley amendment to H.R. 2985; for rollcall vote No. 302, on agreeing to the motion to recommit H.R. 2985; and for rollcall vote No. 303, on final passage of H.R. 2985.

Had I been present, I would have voted "no" on rollcall vote No. 293, "yes" on rollcall vote No. 294, "yes" on rollcall vote No. 295, "yes" on rollcall vote No. 296, "yes" on rollcall vote No. 297, "yes" on rollcall vote No. 298, "no" on rollcall vote No. 299, "yes" on rollcall vote No. 300, "no" on rollcall vote No. 301, "no" on rollcall vote No. 302, and "yes" on rollcall vote No. 303.

COMMENDING THE FEDERAL TRIO PROGRAMS

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. SIMPSON. Mr. Speaker, I rise today to pay tribute to an important group of Federal Education Programs known as the TRIO programs. In short, TRIO programs help to support and prepare low income students for post high school education.

TRIO is funded through the Labor, Health and Human Services Appropriations Bill that this body passed earlier today. I was proud to vote for this bill that included full funding for all TRIO programs. Two of the TRIO programs, Upward Bound and Talent Search had been slated for elimination in the Administration's Fiscal Year 2006 budget request. As the co-chairman of the Congressional TRIO Caucus and a member of the Appropriations Committee, I worked with my colleagues on that Committee to make sure that these programs were restored to Fiscal Year 2005 funding levels.

I have received countless emails, letters and faxes from constituents in my district and other districts around the country urging me to spare Upward Bound and Talent Search. It is easy to understand why so many were concerned about the potential end of these two valuable TRIO programs that help over 3,500 low income Idaho students prepare for college. Parental income is one of the top predictors of whether or not a child will succeed in college or even go to college in the first place. Upward Bound and Talent Search help students exceed societal expectations and predictions by providing tutoring in college preparatory classes and help in navigating through the sometimes daunting maze of required forms and tests known as the college admission process.

Like so many other members of this House who joined me in the effort to save TRIO, several of whom are TRIO graduates themselves, I fully understand the worth and importance of these programs, and I will do everything I can to ensure that these programs continue to receive funding for many years to come. While the cost of Upward Bound and Talent Search may seem an unnecessary expense to some, I would ask them to consider the long term savings in public assistance generated by graduates of TRIO who go on to earn college degrees and become productive, self sustaining citizens.

Mr. Speaker, on behalf of the over 900,000 students currently enrolled in TRIO programs nationwide, I would like to thank and commend all those involved in the TRIO programs for a job well done. You are truly changing lives and making the impossible a reality for many of our Nation's students.

PERSONAL EXPLANATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. BRADY of Texas. Mr. Speaker, on Wednesday, June 22, 2005, I missed rollcall vote 296 regarding a proposed amendment to the Constitution authorizing Congress to prohibit the physical desecration of the flag of the United States. I fully regret not being able to participate in the vote. As a cosponsor of this legislation, I would have voted "yea."

TRIBUTE TO THE JAVITS-WAGNER-O'DAY PROGRAM

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to a small Federal program that is often overlooked as a way to provide employment opportunities for people with disabilities. The Javits-Wagner-O'Day Program, often referred to as JWOD, provides more than 40,000 Americans who are blind or who have other severe disabilities with the job skills and training necessary to receive good wages and benefits and gain greater independence and quality of life. The JWOD Program empowers people with disabilities who traditionally face an unemployment rate of 70 percent and rely heavily on social programs such as welfare and SSI.

National Industries for the Blind (NIB) and NISH daily are creating new employment opportunities for people with severe disabilities, along with local nonprofit organizations in the State of Michigan. Demonstrating an excellent Federal-private sector partnership, NISH, National Industries for the Blind, and local nonprofits such as Goodwill Industries of Southwestern Michigan, Inc. enhance opportunities for economic and personal independence of people who are blind or who have other severe disabilities, primarily through creating, sustaining, and improving employment.

On behalf of people with disabilities, I rise to salute the important contributions of JWOD and Goodwill Industries of Southwestern Michigan, Inc. to the city of Kalamazoo and the community as a whole; and hereby commend all persons who are committed to and work towards enhancing employment opportunities for people with visual and other severe disabilities.

TRIBUTE TO CYRIL WRABEC

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. SKELTON. Mr. Speaker, let me take this means to recognize the fine accomplishments of a fellow Missourian and Sigma Chi brother, Mr. Cyril Wrabec.

Mr. Wrabec will be graduating in May 2005 from the University of North Dakota's School of Aerospace Sciences with a Bachelor of Science Degree, Summa Cum Laude, in Commercial Aviation. He has been an exemplary student and has been named to the President's Honor Roll five times. While at the University of North Dakota, he spearheaded the re-establishment of the UND Flying Club.

Mr. Wrabec is a brother of the Beta Zeta chapter of the Sigma Chi fraternity at the University of North Dakota. During his time as a brother, he has served two terms as president of the fraternity.

Community work has been an important part of Mr. Wrabec's life. In his home state of Missouri, he provided an aviation course for school children and has been an active volunteer at his church. Also, he is a Certified Homeland Security Volunteer Pilot.

Mr. Speaker, Mr. Wrabec is a fine, young man, and I know my fellow Members of the House will wish him all the best in the years to come.

RECOGNIZING MR. CARL "BRONKO" STANKOVIC

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. VISCLOSKY. Mr. Speaker, it is with great pride that I recognize Mr. Carl "Bronko" Stankovic, a proud World War II veteran, and the men of the Eighth Armored Division Association. Bronko is also a dear friend of mine.

Bronko has recently brought to my attention an inspirational poem written by A. Lawerence Vaincourt, a newspaper columnist and Canadian World War II veteran himself, in 1987. This poem speaks powerfully about the aging of our heroes. The emotions it represents rings true with Bronko and many other veterans that this poem has touched in its years of existence.

It is with great pride that I submit an excerpt of the poem, Just a Common Soldier, as a tribute to the memory of all our World War II veterans:

JUST A COMMON SOLDIER

(A SOLDIER DIED TODAY)

(By A. Lawrence Vaincourt)

He was getting old and paunchy and his hair was falling fast,

And he sat around the Legion, telling stories of the past.
Of a war that he had fought in and the deeds that he had done,
In his exploits with his buddies; they were heroes, every one.
And tho' sometimes, to his neighbors, his tales became a joke,
All his Legion buddies listened, for they knew whereof he spoke.
But we'll hear his tales no longer for old Bill has passed away,
And the world's a little poorer, for a soldier died today.
He was just a common soldier and his ranks are growing thin,
But his presence should remind us we may need his like again.
For when countries are in conflict, then we find the soldier's part
Is to clean up all the troubles that others often start.
If we cannot do him honor while he's here to hear the praise,
Then at least let's give him homage at the ending of his days.
Perhaps just a simple headline in a paper that would say,
Our Country is in mourning, for a soldier died today.

Mr. Speaker, I hope this poem inspires my distinguished colleagues as it has inspired me. The Greatest Generation has given so much to younger generations that I am happy to give something back by submitting this poem to the House of Representatives. I would ask my colleagues to join me in honoring World War II veterans with a moment of silence.

IN RECOGNITION AND REMEMBRANCE OF THE LIFE OF U.S. ARMY CHIEF WARRANT OFFICER MATTHEW LOUREY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Ms. McCOLLUM of Minnesota. Mr. Speaker, I thank you for the opportunity to recognize and honor the life of U.S. Army Chief Warrant Officer Matthew Scott Lourey.

Matt Lourey, son of Minnesota State Senator Becky Lourey, was an Army helicopter pilot under the command of the Tikrit-based 42nd Infantry Division. He died May 26, 2005, from injuries received when the Kiowa Warrior helicopter he was piloting was shot down in Baqouba, Iraq, while he was serving his second combat tour in Operation Iraqi Freedom.

Matt was born July 28, 1964, in Laurel, Maryland, grew up in Kerrick, Minnesota, and graduated from Askov High School in 1982. He had always wanted be in the military as a child, and after graduating from high school, joined the U.S. Marine Corps. When he was not able to fly for the Marines, he left the military, trained as a private pilot in northern Minnesota, and joined the Army as an officer. Matt Lourey flew Kiowa reconnaissance missions in Bosnia and elsewhere prior to going to Iraq. Matt was preceded in death by his brothers, Jay and Fernando.

Matt Lourey grew up in a large, loving family, with 11 brothers and sisters, many of whom were adopted, in northern Minnesota. Matt was Sen. Becky and father Eugene Lourey's second son.

Three years ago, Matt Lourey married a fellow soldier, Army Capt. Lisa Lourey. They lived in Lorton, Virginia.

There have been 22 members of the military from Minnesota who have died in Iraq since 2003. I honor Matthew Lourey for his courageous service to this country, and his commitment to protecting our freedom.

TRIBUTE TO FRANKIE AVALON

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to musician, vocalist, actor, community advocate and friend Frankie Avalon.

Frankie Avalon is a show business icon. In some ways he is also a show business anomaly. Frankie Avalon has been the loving husband of 43 years to Kathryn, and the devoted father to his eight children, four boys and four girls. He is also a firm believer in giving back to his community. A resident of the city of Thousand Oaks in my district, he will exhibit that quality once again when he appears as Master of Ceremonies at the Awards Dinner following Monday's 2nd Annual Michael DiRaimondo Foundation Golf Tournament and Silent Auction.

U.S. Army medic Michael DiRaimondo died when his medical helicopter crashed in Iraq after being hit by a rocket-propelled grenade in January 2004. His parents, Tony and Carol, launched the foundation to provide scholarships to those who wish to become paramedics, a dream of their son. Frankie Avalon's participation in the event has raised its profile and has helped ensure the event was sold out.

Frankie Avalon began his show business career as a child growing up in Philadelphia, where his father inspired in him a love of playing the trumpet. By the time he was 12, Frankie Avalon was performing on national television. He also formed a dance band with another young musician, drummer Bobby Rydell. His first hit, "De De Dinah," which he performed on Dick Clark's "American Bandstand," sold a million copies just as he was turning 18. More million-record hits followed.

In 1960, Frankie Avalon began his movie career when he co-starred with Alan Ladd in "Guns of the Timberland." In 1963 he and Annette Funicello began their series of surfing movies, "Beach Party," "Muscle Beach," "Beach Blanket Bingo," and several others.

Frankie Avalon continued to record during his movie-making years and in the summer of 1985 teamed up with Bobby Rydell and Fabian on a successful 50-city tour as the "The Golden Boys of Bandstand." In 1987 he reunited with Annette Funicello to parody their earlier beach movies with "Back to the Beach."

Frankie Avalon continues to perform in nightclubs and concerts, often with two of his sons, one who plays guitar and one who plays drums.

Frankie Avalon's music and movies has always presented him as a clean-cut, all-American boy. In his case, however, it is not a Hollywood facade. Frankie Avalon's success in the entertainment industry is equaled by his success as a husband and father and his success in giving back to his community.

Mr. Speaker, I know my colleagues will join me in thanking Frankie Avalon for decades of entertainment and in paying tribute to him for retaining and promoting the American values we all hold dear.

TRIBUTE TO CAPTAIN RONALD DAVIS, U.S.C.G.

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mrs. BLACKBURN. Mr. Speaker, for more than 20 years Ronald Davis has served Tennessee and the Nation as a member of our Armed Forces and a dedicated District Attorney General for the 21st Judicial District.

And today, looking back on those years of faithful service, it's fair to say that we in Tennessee have been truly fortunate to count Ron as a friend and neighbor.

It is with pride and thanks that we recognize Captain Ronald Davis as he retires from the United States Coast Guard. Ron's service history is truly inspiring. He served in Vietnam, Operation Desert Storm, Operation Allied Force, Operation Enduring Freedom, and Operation Iraqi Freedom. The commendations and medals awarded to Captain Davis are simply too many to mention here, but among those he's received is the prestigious Defense Superior Service Medal.

Williamson County and middle Tennessee are thankful Ron will continue his work as District Attorney General, and we look forward to many more years of his leadership in our civic and community organizations.

Mr. Speaker, it is because of men and women like Ron that America remains strong and free. God bless Ron and his family.

APPLAUDING ASSISTANCE TO MILITARY FAMILIES

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. BILIRAKIS. Mr. Speaker, earlier this week, "Operation Helping Hand," a program of the Tampa Chapter of the Military Officers Association of America (MOAA), was recognized for its efforts to assist the families of service members wounded in Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF).

The James A. Haley VA Medical Center is one of four designated polytrauma centers within the Department of Veterans Affairs. Since the start of OIF/OEF, these trauma centers have served as regional referral centers for individuals who have sustained serious disabling conditions due to combat. Patients treated at these facilities may have a serious Traumatic Brain Injury (TBI) alone or in combination with amputation, blindness, or other visual impairment, complex orthopedic injuries, auditory and vestibular disorders, and mental health concerns. Because TBI influences all other areas of rehabilitation, it is critical that individuals receive care for their TBI prior to, or in conjunction with, rehabilitation for their additional injuries.

"Operation Helping Hand" provides assistance to the families of the very seriously wounded and injured service members who were deployed in either Iraq or Afghanistan and are now receiving treatment at the James A. Haley VA Medical Center. The average hospital stay for the injured is approximately 45 days. The families of these injured service members travel from all over the country to be with their loved ones at this critical time.

"Operation Helping Hand" assistance ranges from providing rental or leased cars, bus or taxi fares, cell phones or phone cards to the families of wounded service members. The program also provides tickets to local amusement parks, movie theaters and restaurants to make these families more comfortable while they are in Tampa waiting for their loved ones to recuperate. The assistance provided allows families to focus on their loved ones' recovery.

This year marks the sixth year that Newman's Own Inc., Fisher House Foundation Inc., and the Military Times Media Group have joined forces to present the "Newman's Own Awards" which seek to reward ingenuity and innovation for volunteer organizations working to improve the quality of life for military personnel and their families. These organizations issued a challenge to all private organizations serving our military communities: "present an innovative plan to improve the quality of life for your military community and receive funding to carry out that plan."

This year, 177 organizations submitted nominations for the award. I am pleased that "Operation Helping Hand" received the top prize of $10,000. Ten other organizations shared $40,000 in grants.

I want to congratulate the Tampa Chapter of the MOAA and all the individuals involved in "Operation Helping Hand" for winning the Newman's Own Award. I also want to commend them and all the other award winners for their outstanding work in support of our military personnel and their families.

PERSONAL EXPLANATION

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. TIBERI. Mr. Speaker, on Wednesday, June 22, 2005, I was not present for rollcall votes 299, 300, 301, 302, and 303.

Had I been present I would have voted "nay" on rollcall votes 299, 300, 301, and 302, and "yea" on rollcall vote 303.

TRIBUTE TO THE HONORABLE CATHLEEN "CATHY" ANDERSON, HOLLYWOOD CITY COMMISSIONER

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to a trailblazer and community icon in South Florida politics, Hollywood, Florida City Commissioner Cathleen "Cathy" Anderson. Commissioner Anderson is celebrating her 30th year of uninterrupted service as a member of the City Commission, making her the longest serving member in the history of that body.

The first woman to serve on the Hollywood City Commission, she was originally appointed in June of 1975 to fill the unexpired term of Thomas Wohl. A Broward County native, Anderson justifiably takes great pride in a family history that is intertwined with the history of our state—all the way back to 1896, when her great grandfather and great uncle traveled on the first Flagler train to Broward County. That pioneering spirit has since been a family tradition and a trademark of Anderson's career in Public Service.

She was an early leader in the Broward County Environmental Movement which brought one-half of Hollywood's Barrier Island into public ownership. She was a founding Director of the Broward Chapter of the National Conference of Christians and Jews in 1979 (now the National Conference for Community and Justice); served for more than 20 years as a trustee of the Broward County Historical Commission; and served seven years as chairperson of the Broward County Historical Preservation Board. She is currently a longtime Board Member of the Broward County Tourist Development Council; and Honorary Board Member of the Hollywood Police Athletic League.

Since early childhood, Commissioner Anderson has been an animal rights activist, with a deep and enduring love of animals. In 1970, she founded Animal Birth Control, a non-profit organization established for the benefit and welfare of cats and dogs. Today, the organization continues to successfully operate with Commissioner Anderson as President.

Commissioner Anderson's innovative spirit and dedicated approach to public service has benefited and touched people in all walks of life and has resulted in her being recognized and honored by countless organizations, including NCCJ, American Jewish Congress, Humane Society of Broward County. Additionally, Commissioner Anderson was inducted in March of 1999 into the Broward County Women's Hall of Fame.

A resident of Hollywood said of Commissioner Anderson in a recent Miami Herald article, "No one owns Cathy; no one from old Florida, new Florida, no developer. Cathy is just Cathy." She has made and continues to make an indelible mark on the development of South Florida, and she is due a tremendous debt of gratitude for her foresight, courage and leadership over the past 30 years.

MOUNTING EVIDENCE OF WESTERN HEMISPHERE TRAVEL INITIATIVE'S NEGATIVE IMPACT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. RANGEL. Mr. Speaker, at a recent Senate hearing on the Western Hemisphere Travel Initiative, Senator NORM COLEMAN wisely asserted that "if you studied the Constitution, you will not find a section entitled, 'The Law of Unintended Consequences.' But it might as well be there."

Indeed, in the course of policymaking, unintended consequences can arise. It is thus the responsibility of lawmakers and policy practitioners to account for and mitigate these unforeseen effects. This seems to be the case as it relates to the Bush Administration's proposed Western Hemisphere Travel Initiative.

The Initiative will require all travelers to and from the Americas, the Caribbean, and Bermuda to have a passport to enter or re-enter the United States in order to strengthen border security. However, the Initiative is to be implemented in region specific phases, with travel to the Caribbean being affected by the end of 2005. Travel to Canada and Mexico will not be affected until the end of 2007—two full years later. It is expected that the early requirements will be a significant disincentive to U.S. travelers planning trips to the Caribbean, as this group is currently not required to utilize a passport.

A recent article in the New York publication CaribNews points to growing evidence of the Initiative's substantial negative impact. The article cited forecasts released by the World Travel Tourism Council (WTTC) which revealed that as much as $2.6 billion of travel related export earnings, and 188,000 travel and tourism jobs could be lost in the Caribbean due to the Initiative.

These are sobering statistics, especially considering what the Caribbean has been through in the last year. As most of us know, the Caribbean was devastated by destructive hurricanes and extreme flooding in late 2004. The region incurred billions of dollars in damage, and is only now starting to recover. In particular, the vital tourism sector is just starting to get back on its feet. If true, the forecasts by the WTTC spell further hard times ahead for our neighbors.

The American Society of Travel Agents (ASTA) also cited statistics from the WTTC during the recent Senate hearing, where it stated that several Caribbean nations will be "seriously impacted" by the Initiative. The ASTA provided statistics that show nearly 80 percent of U.S. visitors to some islands, such as Jamaica, do not currently utilize passports. With passport processing times of up to 2 months, and processing fees which can exceed $100.00, scores of U.S. tourists may choose vacation options that entail less hassle. The group further added that imposing the new requirements on the Caribbean earlier than other regions would likely cause a "diplomatic controversy."

ASTA also asserted that the early requirements will have negative implications for components of the U.S. travel industry, such as cruise ships, airlines, and travel agents, due to the forecasted reduction in U.S. travelers to the region. ASTA highlighted the particular case of the cruise industry, where unlike land based travel, substantial advance booking is commonplace.

With many cruise packages to the Caribbean selling for as little as $400.00, the $100.00+ passport processing fees that WHTI would necessitate, would represent an additional 25 percent in the original vacation price. With such a large and unexpected increase, many U.S. travelers may cancel their existing reservations. With over 3,578 cruises ships visiting the region in 2004, representing 6,380,021 in total passenger potential, this is no small consequence.

Also of note, the Advanced Notice for Proposed Rulemaking (ANPRM) process for the WHTI—where the public and industry are provided the opportunity to give their input and concerns on the proposal—has yet to be initiated by the appropriate government authorities. This is the case despite the fact that the new travel requirements for the Caribbean are set to go into effect in little more than 6 months. Even if the process does proceed, most entities in the U.S. travel industry will not have the time, or budget, to adequately inform the public by the Dec. 31, 2005 deadline. As such, the travel industry is urging the Administration to push back the timetable for the WHTI, especially as it relates to the Caribbean.

Mr. Speaker, all these facts, statistics, and opinions suggest that with the proposed Western Hemisphere Travel Initiative we are getting a lot more than we bargained for. Fortunately, we have an opportunity to make the appropriate modifications to ensure that this policy not only strengthens the security of the American people, but also protects the interests of the American traveler, and the economic interests of the United States and our regional neighbors. More than an opportunity, it is an obligation.

PERSONAL EXPLANATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. BONNER. Mr. Speaker, on Wednesday, June 22, 2005, I was absent for votes due to important official business in my district. I missed rollcall votes Nos. 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303. Had I been present for votes, I would have voted "yea" on Nos. 294, 295, 296, 297, 298, 303 and "nay" on Nos. 293, 299, 300, 301, 302.

TRIBUTE TO THE SPORTS FOUNDATION, INC.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the Sports Foundation, Inc. (SFI), a non-profit organization in the Bronx that will hold its 16th Annual "Claude Buddy Young Dinner" in acknowledgement of community leadership, on June 30th, 2005.

Using sports, education, health and the athletic arena as a model, Sports Foundation, Inc. is dedicated to making a difference in the lives of young people by developing innovative programs that foster development of the skills and qualities necessary to produce socially responsible citizens and community leaders. Since 1969, SFI has provided a full spectrum of youth development services and events to urban and at-risk youth, including sports and recreation, counseling and mentoring, educational and career development, and drug prevention and health awareness services free of charge. Through these services SFI has been able to impact over 100,000 young people.

The success that this organization has enjoyed over the past 36 years is due in large part to the great people who make up SFI. If it were not for their tireless efforts to empower the next generation of leaders, SFI would be nothing more than a great idea. I am proud to represent individuals who have the courage and conviction to take action when they see the need for improvement within the community.

Mr. Speaker, on June 30th, SFI will hold its annual dinner in which they pay tribute to individuals within the community who have complemented their efforts in the South Bronx. This year's honorees includes a wide array of influential leaders, including the late Yolanda Garcia, whose good works helped to provide adequate housing and cleaner air for Bronx residents. It is my hope that SFI and all of this year's honorees will continue to serve as a bridge between despair and hope for young people living in the South Bronx.

Mr. Speaker, as they celebrate their 16th Annual "Claude Buddy Young Dinner", I ask that my colleagues join me in paying tribute to the Sports Foundation Inc. for more than thirty-six years of service to the youth of the South Bronx.

FREEDOM FOR ALEXIS RODRÍGUEZ FERNÁNDEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Alexis Rodríguez Fernández, a political prisoner in totalitarian Cuba.

Mr. Rodríguez Fernández is a member of both the Christian Liberation Movement and the Movement of Cuban Young People for Democracy. Mr. Rodríguez Fernández believes in bringing freedom to an island enslaved by the nightmare that is the Castro regime. Unfortunately, Mr. Rodriguez Fernández has been a constant target of the dictatorship.

According to Amnesty International, in January 2002, Mr. Rodríguez Fernández was attacked and threatened by plain clothes state security agents and later abandoned in a remote area. In March 2003, as part of Castro's heinous crackdown on peaceful pro-democracy activists, Mr. Rodríguez Fernández was arrested. Subsequently, in a sham trial, he was sentenced to 15 years in the totalitarian gulag.

Mr. Rodríguez Fernández is currently languishing in an infernal cell in the totalitarian gulag. These depraved conditions are truly appalling. The State Department describes the conditions in the gulag as, "harsh and life threatening." The State Department also reports that police and prison officials beat, neglect, isolate, and deny medical treatment to detainees and prisoners. It is a crime of the highest order that people who work for freedom are imprisoned in these nightmarish conditions.

Let me be very clear. Mr. Rodriguez Fernández is languishing in these depraved conditions because he believes in freedom. He believes in freedom of religion and human rights for every Cuban citizen. It is intolerable that freedom fighters like Mr. Rodríguez Fernández are locked in gulags 90 miles from our shore because they believe in fundamental human rights.

Mr. Rodríguez Fernández is one of the many heroes of the peaceful Cuban democratic movement who are locked in the dungeons of the dictatorship for their beliefs. They are symbols of freedom and democracy who will always be remembered when freedom reigns again in Cuba.

Mr. Speaker, it is condemnable and unconscionable that any person can be sentenced to 15 years in the grotesquely inhuman quarters of Castro's gulag for a belief in democracy. My Colleagues, we must demand the immediate and unconditional release of Alexis Rodríguez Fernández and every prisoner of conscience in totalitarian Cuba.

2005 ELLIS ISLAND MEDALS OF HONOR AWARDS CEREMONY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. BURTON of Indiana. Mr. Speaker, I rise today to congratulate and honor the 2005 Ellis Island Medal of Honor recipients. Presented annually by the National Ethnic Coalition of Organizations (NECO)—an umbrella group of more than 250 organizations that spans the spectrum of ethnic heritages, cultures and religions—the Ellis Island Medal of Honor commemorates and recognizes Americans of all ethnic backgrounds who have made significant contributions to our society. These medals have been aptly named for Ellis Island, as in so many ways Ellis Island is an enduring symbol of the immigrant roots and diversity that characterize our great Nation.

America has always been a haven for legal immigrants from all over the world who come to our shores with one simple dream; forging a new life in a land of opportunity, liberty, and freedom—freedom from religious, economic, political or ethnic persecution. When the immigrant station at Ellis Island, New York, opened on January 1, 1892, it admitted 700 immigrants into the United States on just its first day of operation. By the time the center closed in 1954, 17–million immigrants had passed through its doors. The Ellis Island administration and staff, on average, processed up to 5,009 people per day. Many of these newcomers spoke little English, hardly had any money, and arrived with only the clothes on their backs. Despite those challenges, all were willing to risk their lives in exchange for the opportunity to build a better life for themselves and their families.

The Ellis Island Medal of Honor was created in 1986 to honor those individuals who—through their own perseverance, sacrifice and success—continue to help keep America at the forefront of science, business, sports, entertainment, health care research, and myriad of other important issues. Representing a rainbow of ethnic backgrounds the 2005 recipients received their awards on May 14, 2005, in the shadow of the historic Great Hall, where the first footsteps towards a new life were taken by the millions of immigrants who entered the U.S. in the latter part of the nineteenth century.

NECO Co-chairman Lee Iacocca, paying tribute to NECO's Founder and Chairman, William Denis Fugazy, said: "Bill's most enduring legacy is the National Ethnic Coalition of Organizations and the Ellis Island Medals of Honor. He has been the driving force behind NECO since its inception. Under the NECO banner he has led the fight against intolerance and hate, and brought together disparate groups to work together and to celebrate the gifts that each ethnic group brings to keep America the land of freedom and opportunity for all. His life is testament to what one person with a big heart and boundless energy can accomplish."

Nasser J. Kazeminy, Chairman of NECO's Executive Committee, said that the 2005 Ellis Island Medal of Honor recipients have enriched this country and have become role models for future generations. He noted that a posthumous Medal was given to Sergeant Christian P. Engeldrum, U.S. Army National Guard, who was killed in Iraq last November. Engeldrum, he said, was a heroic New York City firefighter, and also served in the Middle East during Operation Desert Storm. He was the first New York City employee to be killed in Iraq. His third child, a daughter, was born in June 2005.

Since 1986, approximately 1,700 American citizens have received Ellis Island Medals of Honor, which continue to pay tribute to the ancestry groups that comprise America's unique cultural mosaic. In addition, NECO awards one International Ellis Island Medal of Honor each year. This year's international honoree was Richard Platt, Chairman of Visy Industries, Australia.

Mr. Speaker, the 2005 Ellis Island recipients are without doubt a remarkable collection of individuals who have distinguished themselves as outstanding human beings and citizens of the United States. By honoring these outstanding individuals, we honor all who share their origins and we acknowledge the contributions they and other groups have made to America.

I once again commend NECO and its Chairman, my good friend William Denis Fugazy, for honoring the accomplishments of these outstanding individuals and their tireless efforts to foster dialogue, build bridges between different ethnic groups, and promote unity and a sense of common purpose in our Nation. I respectfully ask my colleagues to join me in recognizing the good works of NECO, and congratulating all the 2005 Ellis Island Medal of Honor recipients, and I would ask that the names of all of this year's recipients be placed into the CONGRESSIONAL RECORD following my statement.

2005 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS

Abu S. Alam M.D. P.A., Bangladesh; George Atanasoski, Vice President, Microflex, Inc., Macedonian; Nishan Atinizian, President, Fresh Pond Mall Ltd Partnership, Armenian; Ambassador Elizabeth Frawley Bagley, Counsel & Sr. Advisor Global Strategies, Manatt, Phelps & Phillips, Irish; Avi Barbasch M.D., New York Oncology, Czech/Polish/Israeli; Joseph L. Basralian Esq., Managing Partner, Winne, Banta, Hetherington, Basralian & Kahn P.C, Armenian; Paul P. Bernstein, Board Member, Seeds of Peace, Russian; Nicholas A. Buoniconti, Founder, The Miami Project to Cure Paralysis, Italian; Terry Burman, Chairman & CEO, Sterling Jewelers, Inc., Russian/Polish; Hon. Elaine L. Chao, Secretary of Labor, U.S. Dept. of Labor, Chinese; Dr. James S.C. Chao, Chairman, Foremost Group, Chinese; Yeoung Bae Choi, Chairman, The Korean American Association of Flushing, Korean; Dr. Parveen Chopra, Chairperson, Comm. Of Human Rights—Nassau County NY, Asian Indian; Joseph A. Cimino M.D., Professor & Chairman, Community & Preventive Medicine, Italian; Vahakn N. Dadrian, Director of Research, Zoryan Institute, Armenian; Thomas E. Dreesen, Comedian, Italian/Irish; Victor J. Dzau, MD, Chancellor for Health Affairs, Duke University Medical Center, Chinese/Canadian; I. Steven Edelson, Managing Member, Mercantile, Russian/Polish; Christian Engeldrum (Posthumously), Sgt US Army, NYC Firefighter/Ladder 61; Andrew Evangelatos, Attorney at Law, Hellenic; Dr. Haifa Fakhouri, President & CEO, Arab American & Chaldean Council, Jordanian; Stefan J. Fedor, Service Delivery Executive, Cisco Systems, Inc., Czech/Hungarian; Anthony C. Ferreri, President & CEO, Staten Island University Hospital, Italian; Dr. Homayoun Firouztash, Partner, Centurion Holdings, LLC, Iranian; John W. Galanis, Esq., Chairman, Galanis, Pollack, Jacobs & Johnson, Hellenic; Judge John Gale, State of Florida, Italian; Robert C. Gallo, M.D., Director, Institute of Human Virology, Italian; Rickey M. Gelb, President, Gelb Enterprises, Austrian/Russian; Lola Nashashibi Grace, Philanthropist, Lebanese/Palestinian; Edgar Hagopian, Chairman, Hagopian Family of Companies, Armenian; Alexander W. Harris, CTC, Chairman, General Tours, Inc., Polish; Jay Hershenson, Vice Chancellor, CUNY, Polish; Wilhelmina Holliday, Commissioner (Ret), NYPD–MVPD, African American; Soung Eun Hong, President/CEO, Rainer Group of Atlantic, USA, Korean; Richard C. Iannuzzi, Vice President, NYSUT, Italian; Muta M. Issa, MD, MBA, Assoc. Prof./Chief of Urology, Emory Univ School of Med/Atlanta; VA Med Ctr, Iraqi; BG Jimmie C. Jackson, Jr., Cmdr 305th Air Mobility Wing, McGuire Air Force Base, Irish/Mexican; Eppaminondas G. Johnson, Founder, Eppie's Race, Director Univ of Nevada-Reno Foundation, Hellenic; Ranya Caren Kelly, Founder/Exec. Director, The Redistribution Center Inc., English/German; Cecile Keshishian, President (Ret), NH Medical Society Auxiliary, Lebanese; Won Ho Kim, President, Warner, Inc., So. Korean; Yohyun Kim, President, Ace Printing & Publishing, Korean; Theodore A. Laliotis, President, Laliotis & Associates, Hellenic; Dr. Henry C. Lee, Chief Emeritus, CT Forensic Science Laboratory, Chinese; Susan Levit M.D., F.A.C.P., President & Medical Director, Levit Medical Arts Pavilion, Russian/Israeli; Boris Lipkin, President & CEO, Therma-Wave, Ukrainian; Joseph Macnow, Executive VP & CFO, Vornado Realty Trust, Russian/Polish; LTG Robert Magnus, Deputy Commandant, US Marine Corps, English/Polish; Ranjan Manoranjan, Chairman & CFO, 3SG Corporation, Sri Lanka; Aris Mardirossian, President, Technology Patents LLC, Armenian; Penny Marshall, Director & Producer, Italian/German/Welsh; Bonnie McElveen-Hunter, Former Ambassador, Chairman, Board of Gov. / American Red Cross, President, Pace Communications, Scottish/Irish; Aaron David Miller, President, Seeds of Peace, Russian/Polish; Benjamin E. Montoya, CEO, Smart Systems Technologies, Inc., Mexican; Edward D. Mullins, President, NYPD Sergeants Benevelent Association, Irish/Spanish; John V. Murphy, Chairman President & CEO, Oppenheimer Funds Inc., Irish; Francesco Musorrafiti, Chairman & CEO, Engineering & Professional Serv. Inc, Italian; Firouz M. Naderi, Associate Director, Programs, Project Formulation & Strategy, Jet Propulsion Laboratory, Iranian; John S. Najarian, MD, Professor of Surgery, University of Minnesota, Armenian; John M. Nasseff, Community Leader & Philanthropist, Lebanese; Maria Neira, Vice President, NYSUT, Puerto Rican; Peter Nikiteas, Community Leader, Hellenic; James J. O'Connor, Chairman & CEO (Ret), UNICOM Corp & Commonwealth Edison, Irish; Michael D. O'Halleran, Chairman & CEO, Aon Corporation, Irish; Harris J. Pappas, President, Pappas Restaurant, Inc., Hellenic; Sudhir Parikh M.D., Center for Asthma and Allergies, Asian Indian; Peter P. Parthenis, CEO, Grecian Delight Foods, Inc., Hellenic; Martin R. Pollner, Senior Partner, Loeb & Loeb LLP, Polish/Hungarian; Rev. Peter A. Popaj, Our Lady of Shkodra RC Church, Albanian; Richard Pratt, AC, International Recipient, President, Visey Communications, Polish; Kassandra L. Romas, Managing Director, Bouras Properties, LLC, Hellenic; Joseph R. Rosetti, President, Safir Rosetti, Italian; BG Curtis M. Scaparrotti, Commandant, US Military Academy at West Point, Italian; Stephen M. Schuck, Chairman, The Schuck Corp., Russian/German; H.R. Shah, Chairman & CEO, TV Asia & Krauszer's, Asian Indian; M. Morris Shirazipour, CEO, Aero Toy Store, Israeli/Iranian/Canadian; Barbara Simmons, Department of Veterans Affairs, African American; Barry Ivan Slotnick, Attorney at Law, Buchanan Ingersoll PC, Polish; Edward M. Snider, Chairman, Comcast-Spectacar, Russian/Polish; Mona So, Chairperson, Chinese Import Association of America, Chinese; Mercedes H. Spotts, Esq., Polish; Thomas Stankovich, Senior VP & CFO, MP Biomedicals, Yugoslavian; John L. Starks, Founder & President, The John Starks Foundation, American Indian; Gwynn T. Swinson, Secretary of Administration, NC Dept. of Administration, African/Caribbean/European; Abdul Jamil Tajik, M.D., Cardiovascular Diseases & Internal Medicine—Mayo Clinic, Pakistani; Meilin Tan, Founder & President, Small Business Owners of Greater New York, Chinese; James Thomas, President & CPA, Thomas Auto Motor Group, Hellenic; George

Tomov, President, Folk Dance Foundation, Macedonian Arts Council, Macedonian; Angelo Vivolo, Community Leader, Italian; Dionysios Vlachos, President, Allboro Waterproofing Corp., Hellenic; Frank Volpicella, Vice President, United Federation of Teachers, Italian; Robert Weisberg, Deputy Chief of Mission, American Embassy Helsinki, Russian/Rumanian/ Austrian; Thomas V. Whelan, Chairman &CEO, Concepts International, Irish; Capt. Glenn A. Wiltshire, Cmdr. of Coast Guard Activities NY, United States Coast Guard, English/Polish; James B. Zafiros, Vice President (Ret), NBC Televsion, Hellenic/Turkish; Larry A. Zavadil, President & CEO, American Solutions For Business, Czech/German.

HONORING REPRESENTATIVE J.J. PICKLE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. RANGEL. Mr. Speaker, I rise today to honor a great man whose presence in this chamber raised the level of civility and decency and lifted the hearts of each and every one of us. Yesterday, with a number of my colleagues, I attended the funeral services of Representative J.J "Jake" Pickle of Texas. This was a man whose gregarious spirit and good humor over 31 years was a welcomed addition to the proceedings of the chamber, and whose passion and determination to achieve a better life for all Americans were evident in his every day good will and efforts.

Jake was a natural politician because he loved to serve the people and realized that serving the people meant knowing them. He went out of his way to greet and meet individuals who were constituents, who were Americans, and who were simply human. In formal meetings or walks to this chamber or sitting around the office, Jake always had a welcoming and calming smile accompanied by a hearty greeting and oftentimes an affectionate bear hug. He was a lightening rod of energy and enthusiasm and infused that passion and concern into everyone he came in contact with.

That passion and dedication to the public carried over into his work in this chamber. I had the honor to work with Jake on the Ways and Means Committee and I know he was committed to helping the public in every way possible. He was not blinded by partisanship but believed in the right ideals and direction for this country. In the 1980s, as chair of the Social Security Subcommittee, he worked across party lines to achieve reforms in the system that would guarantee the program for future generations. He built alliances with members of different ideologies on issues of importance to him, Austin, Texas, and the American public.

His bonds and connection to public service were rooted in principle and a desire to do what was right. He often stated to me his worry in 1964 over the Civil Rights Act. He knew that legislation to secure rights that had been long denied to African Americans was overdue and right; yet he also knew of the strong opposition to civil rights legislation in his congressional district and Texas. He took the unprecedented and dangerous (for a Texan) step of supporting that legislation, which has moved the country so far in terms of race relations. He knew the importance of addressing the issue of race in America and ensuring that all Americans were treated equally in this country. While he received President Lyndon Johnson's personal appreciation for that action, he was concerned that he would not be returned to office. Fortunately, the people of Austin saw the greatness of this man and reelected him fifteen times.

There was clearly something superb about the Gentleman from Texas. He was willing to work for and do the work of the people. His smiling face, his generous handshakes, and his willingness to put his neck on the line for the right cause were a welcomed part of his role in the House of Representatives. I miss working with Gentleman Jake as he would readily discuss and debate the issue of the day with anyone and with a hearty smile on his face.

There were several well-written obituaries earlier this week after Jake Pickle's death which captured much of the spirit and essence of this fine public servant. The one I found most meaningful is the one I submit for the RECORD today to share with my colleagues. It is an editorial from Jake's home town newspaper, the Austin American Statesman, paying him as high a compliment as any elected official can achieve, asserting that it was "A Privilege to be Served by Pickle."

A PRIVILEGE TO BE SERVED BY PICKLE

JUNE 19, 2005—Elected officeholders rightly talk about the privilege of serving the people. Occasionally, though, an officeholder comes along so complete in dedication, energy and humanity that the community is privileged to have his service. And having Jake Pickle for a congressman for 31 years proved just such a privilege for Central Texas.

Jake—anyone could call him Jake; that was fine by him—always enjoyed being the center of attention. He was a terrific storyteller, in part because he so obviously loved telling a story. Audiences, in turn, couldn't help but enjoy and start laughing at his stories, and soon he was laughing at himself and their reaction, too.

Another reason people liked him was that he so obviously relished being with people. He was a born politician, someone who really did get a charge out of meeting, being with and helping people. And he found in public office a perfect way to live out an honorable and useful life: Help others, and bask in the thanks.

But Pickle was far more than the gladhanding, back-slapping pal, as good as he was at that. He deeply believed that government could do things to help and protect ordinary people, and that's how he used his office in Congress. As he rose in seniority in Congress and the influential House Ways and Means Committee, he became chairman of its Social Security subcommittee, which in the early 1980s faced the same kind of fiscal problems it does today.

Here's an excerpt from the 1992 edition of the American Almanac of American Politics describing Pickle:

"While other Democrats went out and demagogued the Social Security issue on the campaign trail, Pickle pointed out its problems and worked hard as the architect of the Social Security rescue of 1983, when benefits were in effect cut by raising the normal retirement age over the years to 67 in the next century. He was a serious player on tax reform and on trade; he has come forward with well thought out amendments to help rural hospitals, to strengthen the Caribbean Basin Initiative and to tax foreign subsidiaries. Recently he has been looking closely, and to their discomfort, at government sponsored enterprises like Fannie Mae and Freddie Mac, not because they seem to be in trouble now, but because he wants to avoid huge unanticipated obligations of the sort generated by federal deposit insurance of savings and loans."

If only he were in Congress today!

Pickle worked hard for Central Texas, not just in committee meetings and on the floor of the House of Representatives, but by coming home and asking us, repeatedly, what we wanted him to do. He kept doing it so well that we kept sending him back, until he decided it was time for someone younger to fight the good fights.

It was a privilege to have him represent us, and we're sorry he won't be telling us any more good stories.

PERSONAL EXPLANATION

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. McCAUL of Texas. Mr. Speaker, yesterday, I attended the funeral of Congressman J.J. "Jake" Pickle—a former Member of the House who represented the 10th District of Texas for 31 years. As the current representative of the 10th District of Texas, it was my duty to pay homage to Congressman Pickle who gave so much to Texas and his constituents.

If I were able to vote on yesterday's considered measures, I would have voted in favor of an amendment that I offered to the Legislative Branch Appropriations Bill. This fiscally conservative, commonsense amendment would have addressed the excess printing and paper that is generated by the GPO, and directed those funds to a far more worthy recipient—the Capitol Police. I thank Congressman PATRICK MCHENRY for his support of my amendment, and for acting as my designee during the debate.

I also would have voted "yes" on a Constitutional Amendment banning the desecration of the American Flag—legislation of which I am an original cosponsor.

For the Legislative Branch Appropriations bill, I would have voted: "no" on the Baird amendment, "no" on the Davis amendment, "no" on the Hefley amendment, "no" on the motion to recommit, and "yes" on passage.

PERSONAL EXPLANATION

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. LEWIS of Kentucky. Mr. Speaker, I was absent from the House on Monday, June 20, 2005 so that I could testify before the BRAC Commission regional hearing in St. Louis, MO, on behalf of Ft. Knox, an Army instillation in my district designated for significant realignment. Had I been present, I would have voted the following way:

House amendment 328, claiming religious proselytizing at the Air Force Academy, "no."

House amendment 330, prohibiting funds for activities in Uzbekistan, "no."

House amendment 331, prohibiting military action against Syria, Iran, N. Korea without Congress authority, "no."

House amendment 333, prohibiting funds for carrying out sections of the Small Business Competitiveness Demonstration Program Act, "no."

H.R. 2863, on final passage of the Department of Defense Appropriations Act of 2006, "yea."

A TRIBUTE TO THE LATE HONORABLE JAMES JARRELL PICKLE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to pay tribute to my good friend, J.J. Pickle. Those of us who have the tremendous honor of serving in this great institution sometimes fail to see the giants that serve among us. Certainly J.J. Pickle was one of those giants.

He was born in Big Spring, Texas on October 11, 1913 and was educated in the public schools. He was a man who was clearly a leader, not only of the people of the State of Texas, of the district that he represented in the central part of Texas, but of this entire Nation.

He was a man who gave his heart, literally, to this country. He poured hours after hours into trying to grapple with the important issues we faced as a Nation, and he did it because he loved this country. He was truly a public servant who cared about the people in the State of Texas, and cared about the people in this great country.

It is rare that we see people in this institution who worked as hard as J.J. Pickle. However, in doing so, he was always able to retain his touch of the common man. As much as he accomplished academically and through the higher ranks of government in this country, he never lost the ability to relate to people on a day-to-day level. To me he will always be Jake, the fellow who would put his arm around you, smile and joke, and ask how things were going. He was a man who cared about you as an individual and cared about people.

He loved high-powered debates with intellectuals, but he never put on airs. He was one of only seven southern representatives to vote for the 1964 Civil Rights Act legislation. He believed that his most significant accomplishment as a lawmaker was the 1983 Social Security reform bill, which he helped pass as chairman of the Social Security subcommittee. That legislation eased Social Security's financial problems by raising the age for full benefits from 65 to 67 in the year 2000. He could talk to farmers and mechanics as easily as Presidents such as from his mentor, President Johnson and other leaders. It is no wonder the voters of Central Texas kept Jake in Congress for 31 years. They knew a good man when they saw him. They, and all Americans, have lost someone very special.

HONORING CW4 THOMAS W. GERRISH

HON. JEB BRADLEY

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to honor CW4 Thomas Gerrish for his 27 years of service in the U.S. Army Reserves.

CW4 Gerrish was born and raised in a family with a long history of military service. His father and grandfather served in the Navy for 20 and 30 years, respectively, and his two sons are both currently serving in the U.S. Army, with one presently on the ground in Iraq. It is evident that this strong commitment to serving one's country has made a profound impact on CW4 Gerrish's life and career path, and his own impressive record of military service reflects just that.

CW4 Gerrish enlisted in the U.S. Army Reserves in 1977. CW4 Gerrish decided to enroll in flight school, where he received his aeronautical rating as a U.S. Army Aviator and promotion to Warrant Officer in 1982. He was deployed to Southeast Asia to participate in Operations Desert Shield and Desert Storm in 1989, and in 1992, he attended and graduated from the CH–47 Maintenance Manager's/Maintenance Test Pilot's Course. As an Aircraft Component Repair Platoon Leader, CW4 Gerrish was responsible for overseeing 23 soldiers, six allied shops and equipment valued at over $10 million. Later, he served as Maintenance Platoon Leader and his hard work was largely the motivating factor behind his company earning the best OR rating in the Battalion.

Before retiring from military service, CW4 Gerrish coordinated aircraft maintenance prior to deployment for Operations Enduring and Iraqi Freedom. His last assignment was to serve as the Senior Warrant Officer to the Cargo Helicopter Project Manager's Office. During this assignment, CW4 Gerrish was responsible for fleet management and customer support for all CH–47 units and 461 H–47 helicopters. His leadership and technical abilities were instrumental in maintaining aircraft at the highest state of readiness and motivating and inspiring the soldiers under his command.

During the course of his service, CW4 Gerrish has been awarded 24 medals and honors, including the Bronze Star and the Legion of Merit. His long and varied career exemplifies his broad experience and growth. CW4 Gerrish has proven that hard work, dedication and a strong work ethic will achieve great things in one's career, and his impeccable record classifies him as a truly outstanding soldier. He has served his state and country valiantly and I know he will continue to do great things in his retirement. It is truly an honor to recognize his accomplishments today, and I thank him for his service.

HONORING PRESIDENT GORDON B. HINCKLEY

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. MATHESON. Mr. Chairman, this week marks the 95th birthday of Gordon Bitner Hinckley, the 15th President of the Church of Jesus Christ of Latter-day Saints.

Gordon B. Hinckley was born on June 23, 1910 to Bryant and Ada Hinckley in Salt Lake City, Utah. The day Hinckley was born, a can of Campbell's soup cost 10 cents, a man's shirt was less than $1 and beef sold for 30 cents a pound in Salt Lake City.

Growing up in Salt Lake City, young Gordon spent summers on the family fruit farm in the rural Salt Lake Valley. He and his brother Sherman often slept out under the stars in the box of an old farm wagon where they lay on their backs, picking out familiar stars. They also weeded and irrigated the family garden, looked after livestock, and dug fence post holes. In 1923, when President Warren G. Harding visited SLC, Gordon and his siblings helped line the streets to wave flags as the President's motorcade came into town.

In 1928, just a year before the onset of the Depression, Gordon Hinckley enrolled at the University of Utah thinking he might become an architect. But he loved English literature, particularly Shakespeare, and he decided to go into journalism instead.

From 1933 to the summer of 1935, he served as a missionary for the Church of Jesus Christ of Latter-day Saints in the British Isles. In addition to the hard work of proselytizing, he led efforts there to improve relations with the press, published articles, and wrote eloquent letters home.

Upon returning to Utah, he accepted a job as executive secretary of the newly formed Church Radio, Publicity and Mission Literature Committee. In this capacity he led the public relations and media efforts of the Church, grasping and utilizing new electronic media to modernize the delivery of the Church of Jesus Christ's message.

He married the late Majorie Pay on April 29, 1937 and together they had 5 children and 25 grandchildren.

By the time he became President of the Church on March 13, 1995, he had labored nearly 60 years at Church headquarters—38 years of service as a General Authority and 15 of those in the First Presidency.

During the last 10 years, President Hinckley has traveled extensively throughout the world meeting with dignitaries and members of the Church. Through these meetings, he has reinforced his statement that, "Good homes produce good people. Good homes become the foundation for the strength of any nation." In writing and speaking, he has encouraged church membership and others to strengthen their homes and families and cultivate virtues such as love, honesty, civility, mercy, industry, and gratitude.

As the leader of the ninth largest religion in the United States, he has overseen significant international building efforts, worldwide expansion of church membership, and has been noted for his openness to the press. He has endeared himself to Church members and others he meets with attributes developed in his earlier years: hard work, an ease with language, a dry wit, and a genuine love for people.

In addition to Church service, President Hinckley has been active in community affairs, receiving numerous honors, including the Presidential Medal of Freedom in 2004.

He wrote, "My plea is that we stop seeking out the storms and enjoy more fully the sunlight. I am suggesting that as we go through life, we 'accentuate the positive.' I am asking that we look a little deeper for the good." President Hinckley has embodied this positive attitude throughout his 95 years and shared it vigorously during his last 10.

I hope that my colleagues will join me in wishing a very happy 95th birthday to this great man and leader.

HONORING REVEREND JOHN F. EDWARDS

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to recognize the lifelong dedication of Reverend John F. Edwards, who will retire this month after 50 years of active ministry.

As the Pastor of The Church of the Incarnation, in Wethersfield, Connecticut in my district, Father Edwards was an inspiration and source of strength for those he met during his service to the priesthood. Father Edwards experienced a religious calling and entered the St. Thomas Seminary in Bloomfield, Connecticut, where he remained from 1947–1949. On January 6, 1955, Reverend Edwards was ordained as a priest at St. Brendan's Church in New Haven, Connecticut by The Most Reverend Henry J. O'Brien. Shortly thereafter, Father Edwards received temporary assignments in Washington Depot, Connecticut and as Chaplin at St. Mary's Hospital in Waterbury. In April—August 1955, he received a permanent assignment as a Chaplin at St. Francis Hospital in Hartford, Connecticut.

In August of 1955, Father Edwards returned to St. Thomas Seminary, where his vocation developed and strengthened, and served as a teacher and administrator from 1955–1981. During his 26 year tenure, Father Edwards taught history and mathematics and became Principal of the high school at St. Thomas Seminary. In his final 6 years at St. Thomas Seminary, Father Edwards served as Director of The Permanent Diaconate Program of the Archdiocese of Hartford, which was a program that proved to be instrumental in fulfilling the needs of the Archdiocese. He also served as a weekend assistant at St. Helena Church in West Hartford, Connecticut from 1967–1980. Father Edwards was an inspiration in the classroom and in his community.

Father Edwards arrived at St. Joseph Church in Meriden, Connecticut in 1981, where he continued his service for 11 years as part of a Team Ministry with Father Mark Jette. In 1992, Father Edwards was appointed Pastor of The Church of the Incarnation where he continued to be a dedicated pastor, devoted spiritual leader, and friend. For the past 4 years, he has been the Dean of the Suburban Hartford Deanery where he fostered fellowship within the Greater Hartford Area.

Mr. Speaker, I ask that my colleagues join me today in thanking and honoring Reverend John F. Edwards for his 5 decades of service to the people of Connecticut. The parishioners of the Church of the Incarnation will miss his dedication and quiet thoughtfulness. Please join me in congratulating Father Edwards on his retirement and wishing him many enjoyable rounds of golf.

EXPLORING THE CARIBBEAN: THE INSTITUTE OF CARIBBEAN STUDIES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. RANGEL. Mr. Speaker, I rise today to bring to the attention of my colleagues the significant work of the Institute of Caribbean Studies (ICS), a magnificent organization that highlights and explores the linkages between the Caribbean and the United States. Today, Representative BARBARA LEE, Representative DONNA CHRISTENSEN, and I hosted a meeting of the Institute of Caribbean Studies in the Rayburn Building. I thank these wonderful congresswomen for joining me in our effort to raise the awareness and provide an opportunity for this Congress to explore the dynamics of the Caribbean economy, culture, and global appeal.

The Institute of Caribbean Studies works to find common links between the American public and the people of the Caribbean. It explores different avenues of change and development that are common to our two regions and seeks opportunities to nurture those developments to our collective best interests. This group is working to build a stronger economic, social, and cultural bond between two important regions of the world.

At their legislative forum today, the panels addressed the growing importance of the border security, economic development, disaster assistance, and human security. Panelists such as Foreign Minister of the Bahamas Fred Mitchell, the Jamaican Ambassador Gordon Shirley, the St. Lucian Ambassador Sonia Johnny, and the Grenadian Ambassador Denis Antonie examined various causes, effects, and responses to the challenges of linking the Caribbean and the United States. Their discussion and assessments provided important insight into the solutions and opportunities for advancement in the region.

I thank the panelists and participants for their thoughts, opinions, and wisdom on developing and encouraging a stronger linkage between our two parts of the world. I particularly would like to thank Dr. Claire Nelson, the President and Founder of the Institute, for her leadership and direction in the activities of the Institute of Caribbean Studies. I am sure that under her continued helm the organization will become a valuable resource for Congress and its deliberations on improved international relations.

I submit for the RECORD a copy of the mission statement and goals of the organization. I hope my colleagues will put this organization to use in developing responsible policies toward the Caribbean.

The Institute of Caribbean Studies (ICS) is a non-partisan, non-profit 501(c)(3) organization established in 1993 and dedicated to research, policy analysis, and education with a focus on issues that impact the Caribbean and Caribbean Diaspora. The purpose of the Institute is to provide a forum for scholars, the private sector, the non-government organization community and others interested in promoting a dialogue on Caribbean issues. The Institute seeks to address economic development problems facing Caribbean society, and to adopt a thorough, systematic and coordinated long-term perspective towards their resolution.

Since its inception, ICS has been on the forefront of the challenge to bring attention to the issues of critical importance to the Caribbean American community, which numbers over 3 million. ICS represents an important role in history as the first Caribbean-American community organization in the Washington, DC area devoted to the successful inclusion of Caribbean-Americans in U.S. policy making, and the economic development of the Caribbean region. ICS has built up a unique network of knowledgeable and committed individuals with expertise in a variety of sectors.

ICS's location in Washington, DC makes it an ideal interlocutor, advocate and intermediary between the U.S. government, multilateral agencies, the private sector, Caribbean-American communities, and Caribbean governments, communities, and organizations in the region. ICS enjoys the respect of a significant proportion of the Caribbean-American community, as well as the Caribbean diplomatic corps. ICS has established and will continue to develop partnerships and collaborative relationships with local and national organizations in the United States and the Caribbean, such as the Caribbean American Chamber of Commerce and Industry, Global Rights Law Group, National Minority Suppliers Development Council, World Bank/IMF Caribbean Staff Association, Caribbean Research Center, and the Caribbean Policy Development Center to meet its objectives, particularly those in the area of economic development and policy making.

ICS is dedicated to building bridges between Caribbean Americans and the U.S. population at large and advocating for the economic welfare of the Caribbean American community. Together with partner organizations with industry, government and civil society, we have built the foundation to make the Institute of Caribbean Studies, the leading Caribbean American organization in Washington, DC. Our mission is to provide our partners with solutions to the challenges they face, that will enable their survival, growth, and prosperity in the ever changing global marketplace, by providing world class research and action that supports their missions.

The organizational structure of the ICS provides an established framework within which 'Caribbeanists' can be mobilized to address issues of concern and implement research and/or program initiatives. This includes a Private Sector Council and a Research Council.

ICS program areas are designed to:

To promote the increased participation of Caribbean Americans in the U.S. economic and policy agenda.

To facilitate increased educational exchanges between Caribbean and American peoples.

To foster increased cooperation between the Caribbean and other developing country regions, such as Latin America and Africa, as well as the developed countries of Canada and Europe.

To facilitate the participation of, and discussion with, the Caribbean Diaspora around the world on issues pertaining to Caribbean development.

In keeping with its holistic philosophy of development, the Institute develops and supports programs which serve a multiplicity of interests—the community leader, the business person, the policy-maker, and the scholar, across various sectors. The program areas include: Economic Development, Science & Technology, Education & Health, and Sociology & Culture.

Our goal for economic development is to increase the participation of Caribbean Americans in the U.S. business sector, to promote increased trade and investment between the U.S. and the Caribbean, and to support entrepreneurial development and micro-enterprise development in the Caribbean. Our work includes creating linkages between U.S. small and disadvantaged businesses and Caribbean businesses, entrepreneurial development and skills training for youth with particular reference to, and acting as an interlocutor and facilitator for creating partnerships between U.S. transnational corporations and the Caribbean American community.

Our goal in the area of science and technology is improve the level and quality of technical assistance provided to the Caribbean region, to support improvements in the access, development and use of science and technology across all sectors, and the increased access of disadvantaged communities in the Caribbean to information technology. Our current agenda is the support of Computer centers in disadvantaged centers in the Caribbean and the development of exchange and linkages programs to support science education in the Caribbean such as support for the establishment of children's science centers.

Our goals in education and health include increasing transfer of technology to the Caribbean region; ensuring Caribbean Americans equity in health care; and supporting the provision of increased educational opportunities to disadvantaged populations in the Caribbean. This includes assisting in the establishment of linkage programs between historically Black colleges and universities.

Our goal in sociology and culture include: assisting the Caribbean-American community to participate in U.S. democratic processes; promoting the conservation and development of Caribbean arts and culture, and promoting an understanding of Caribbean culture in the U.S. Our current focus in this area is the establishment of June as Caribbean Heritage Month in the Washington, DC metropolitan region and the production of the DC Caribbean Film Festival.

THE CONVICTION OF EDGAR RAY KILLEN ON JUNE 21, 2005, IN NESHOBA COUNTY, MISSISSIPPI

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. LEWIS of Georgia. Mr. Speaker, it is so strange. It is so ironic. It is almost eerie that Edgar Ray Killen was convicted today exactly 41 years to the day that James Chaney, Mickey Schwerner, and Andy Goodman were found missing in Philadelphia, Mississippi. I knew these three young men, these brave and courageous fighters for freedom. They did not die in Vietnam. They did not die in the Middle East. They did not die in Eastern Europe. They did not die in Africa or South America; they died right here in the United States. And they were killed simply for helping Americans exercise their constitutional right to vote.

They were killed, not just by vicious members of the Ku Klux Klan, but they were also killed by an evil system of tradition and government that perpetuated segregation, racial discrimination, and deliberately and methodically denied African Americans the right to vote. Their murder was a sad and dark hour for the whole Civil Rights Movement, and especially for those of us who participated in the Mississippi Summer project. When we realized that these three young men were missing, it broke our hearts, but it did not destroy our determination to continue the struggle to gain the right to vote.

For more than a thousand young people who risked their lives in Mississippi that summer, and for the mothers and the families of James Chaney, Mickey Schwerner, and Andy Goodman, maybe, just maybe, what happened today will offer some degree of closure. It took a long time to bring some resolution to this case, but justice is never too late. I hope that this conviction will have a cleansing effect on our nation's dark racial past.

I also hope that the state of Mississippi and the American people will do more. I hope that we will seek and find appropriate ways to honor the sacrifices of these three young men. I hope that as a nation and as a people we will always remember that the struggle for civil rights in America is littered by the battered and broken bodies of countless men and women who paid the ultimate price for a precious right—the right to vote. We must not take that right for granted. We have a mandate from these three young men who gave their lives for our freedom in the red clay of Mississippi. We must continue the struggle for justice in America and around the world.

INTRODUCTION OF THE MEDIKIDS HEALTH INSURANCE ACT OF 2005

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. STARK. Mr. Speaker, it is with great pride that I join my colleagues in the House today to introduce the MediKids Health Insurance Act of 2005. This bill is also being introduced in the Senate by my good friend, Jay Rockefeller.

Mr. Speaker, this year we are honoring the 40th anniversary of Medicare, our nation's health insurance program for the elderly and people with disabilities. At the time we created Medicare, our nation's seniors were more likely to be living in poverty than any other age group. Most were unable to afford needed medical services and unable to find health insurance in the market even if they could afford it. Today, as a result of Medicare's success, seniors are much less likely to be shackled by the bonds of poverty.

Now it is our nation's children who are most likely to be poor. Kids in America are nearly twice as vulnerable to poverty as adults. This travesty is not only morally reprehensible, it also denotes grave consequences for the future of our country. Poor children are often malnourished and have difficulty succeeding in school. Untreated illnesses only worsen the chance for success. The future of our country rests in our ability to provide our children with the basic conditions to thrive and become healthy, educated, and productive adults. Guaranteeing continuous health coverage is a critical component of realizing this potential.

The MediKids Health Insurance Act of 2005 assures that every child in the United States has health insurance by 2012. Modeled after Medicare—with benefits appropriate to children, simplified cost sharing, and comprehensive prescription drug coverage—MediKids covers America's kids from birth until age 23.

MediKids assures that families will always have access to affordable health insurance for their children. Parents retain the choice to enroll their kids in private plans or government programs such as Medicaid or S–CHIP. However, if a lapse in other insurance coverage occurs, MediKids automatically fills in the gap. MediKids is the ultimate safety net, available nationwide, with maximum simplicity, stability, and flexibility.

Many children's advocates and health care professionals who care for children are united in their support for MediKids, including: the American Academy of Pediatrics, the Children's Defense Fund, the American Academy of Family Physicians, the American Academy of Child and Adolescent Psychiatry, the American Nurses Association, Consumers' Union, FamiliesUSA, the March of Dimes, the National Association of Children's Hospitals, the National Association of Community Health Centers, National Association of Public Hospitals and Health Systems, and the National Health Law Program. I am submitting a sampling of letters from these groups along with my statement.

I can think of no better use of Congress' time than to provide health insurance to every child. While some are fixated on flag burning, Terri Schiavo and banning gay marriages, my colleagues and I are offering solutions to real problems facing American families. Providing a simple, stable, and flexible health insurance option will afford millions of parents the peace of mind of knowing that their children will be cared for when they are sick. Our nation's priorities should be centered on creating a bright future for our children, and MediKids helps to achieve this goal.

I look forward to working with my colleagues and the many endorsing organizations to enact the MediKids Health Insurance Act of 2005.

MEDIKIDS HEALTH INSURANCE ACT OF 2005—BILL SUMMARY

The MediKids Health Insurance Act provides health insurance for all children in the United States regardless of family income level by 2012. The program is modeled after Medicare, but the benefits are improved and targeted toward children.

MediKids is the ultimate safety net, with maximum simplicity, stability, and flexibility for families. Parents may choose to enroll their children in private plans or government programs such as Medicaid or S-CHIP. However, if a lapse in other insurance coverage occurs, MediKids automatically picks up the children's health insurance. MediKids follows children across state lines when families move, and fills the gaps when families climbing out of poverty become ineligible for means-tested programs.

ENROLLMENT AND ELIGIBILITY

Every child born after 2007 is automatically enrolled in MediKids. Older children are enrolled over a 5-year phase-in as described below. Children who immigrate to the U.S. are enrolled when they receive their immigration cards. Materials describing the program's benefits, along with a MediKids insurance care, are issued to the parent(s) or legal guardian(s) of each child. Once enrolled, children remain enrolled in MediKids until they reach the age of 23. There are no re-determination hoops to jump through because MediKids is not means tested.

PHASE-IN

Year 1 = the child has not attained age 6;
Year 2 = the child has not attained age 11;
Year 3 = the child has not attained age 16;
Year 4 = the child has not attained age 21;
Year 5 = the child has not attained age 23.

BENEFITS

The benefit package is based on the Medicare and the Medicaid Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefits for children, with simplified cost sharing mechanisms and comprehensive prescription drug coverage. The benefits will be reviewed annually and updated by the Secretary of Health and Human Services to reflect age-appropriate benefits as needed with input from the pediatric community.

PREMIUMS, DEDUCTIBLES, AND COPAYS

MediKids assures that families will always have access to affordable health insurance for their children. Families below 150 percent of poverty pay no premiums or cost sharing. Families between 150 percent and 300 percent of poverty pay reduced premiums and cost sharing. Parents above 300 percent of poverty are responsible for a small premium equal to one fourth of the average annual cost per child. Premiums are collected at the time of income tax filing. Premiums are not assessed during periods of equivalent alternative coverage. Families will never pay more than 5% of their adjusted gross income (AGI) for premiums.

Cost sharing is similar to the largest plans available to Members of Congress. There is no cost sharing for preventive and well childcare for any children. A refundable tax credit is provided for cost sharing above 5% of AGI.

FINANCING

Initial funding to be determined by Congress. In future years, the Secretary of Treasury would develop a package of progressive, gradual tax changes to fund the program, as the numbers of enrollees grows.

STATES

Medicaid and S-CHIP are not altered by MediKids. States can choose to maintain these programs. To the extent that the states save money from the enrollment of children into MediKids, states are required to maintain current funding levels in other programs and services directed toward the Medicaid population. This can include expanding eligibility or offering additional services. For example, states could expand eligibility for parents and single individuals, increase payment rates to providers, or enhance quality initiatives in nursing homes.

SUPPORTING ORGANIZATIONS

American Academy of Child and Adolescent Psychiatry (AACAP); American Academy of Family Physicians; American Academy of Pediatrics; Children's Defense Fund; Consumers' Union; Families USA; March of Dimes; National Association of Children's Hospitals; National Association of Community Health Centers; National Association of Public Hospitals and Health Systems; National Health Law Program.

Contact Deborah Veres at 225-4021 or deb.veres@mail.house.gov if you have any questions.

HONORING THE TEN TOWNS GREAT SWAMP WATERSHED MANAGEMENT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2005

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Ten Towns Great Swamp Watershed Management Committee of Morris County, New Jersey, a vibrant organization I am proud to represent! On June 24, 2005 the Trustees and Friends of the Committee are celebrating its Tenth Anniversary.

The Great Swamp Watershed is a 55 square mile region in Morris and Somerset Counties and includes portions of Bernardsville Borough, Bernards Township, Chatham Township, Harding Township, Long Hill Township, Borough of Madison, Mendham Borough, Mendham Township, the Town of Morristown, and Morris Township.

The Ten Towns Great Swamp Watershed Management Committee was formed in 1995 through an Inter-municipal Cooperative Agreement among the ten municipalities that have lands within the Great Swamp Watershed. Developed under the auspices of the Morris County leadership group, Morris 2000 (now Morris Tomorrow), the Ten Towns Committee was formed for the specific purpose of developing and implementing a watershed management plan for the watershed in the Upper Passaic River basin of northern New Jersey.

Since its formation, the Ten Towns Committee has developed a full range of programs to protect water quality and water resources in the Great Swamp, including: a water quality monitoring program, development of environmental ordinances, and construction of "Best Management Practices" improvements to correct existing non-point source pollution conditions.

The Ten Towns Committee has been recognized as a model in the State of New Jersey and has received awards for its work from the U.S. Environmental Protection Agency and from the New Jersey Department of Environmental Protection.

Mr. Speaker, I urge you and my Colleagues to join me in congratulating the members of the Ten Towns Great Swamp Watershed Management Committee on the celebration of the Committee's ten years of service to the Great Swamp Watershed area. Special praise is due to their dedicated staff and active volunteers who work tirelessly to protect and enhance the Great Swamp National Wildlife Refuge and Wilderness Area.

INTRODUCTION OF THE "SOUTHERN NEW JERSEY VETERANS COMPREHENSIVE HEALTH CARE ACT"

HON. FRANK A. LoBIONDO

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2005

Mr. LoBIONDO. Mr. Speaker, I rise today to introduce the "Southern New Jersey Veterans Comprehensive Health Care Act". I am proud to have Representatives JIM SAXTON, CHRIS SMITH, and ROB ANDREWS join me as original cosponsors of this legislation. My colleagues and I all share a serious concern that South Jersey veterans are not currently having their health care needs adequately served by the Veterans' Administration. In order to increase health care accessibility in our area, this bill directs the Secretary of the Department of Veterans' Affairs to expand the capability of the VA to provide for the medical care needs of vets in Southern New Jersey.

The issue of improved access to health services from the Department of Veterans' Affairs, is especially important with the growing number of veterans in Southern New Jersey. Many of our older veterans from World War II and other conflicts are in need of more frequent health care services and inpatient care. As a result of the continued fight in the Global War on Terror, there will be many new veterans in our area who need care in the coming years, as over 62 percent of the New Jersey National Guard is currently deployed, deploying, or has been deployed in support of the Global War on Terror. This percentage of Reserve Component forces from our State who will be eligible for veterans' status is growing rapidly.

As it relates to Southern New Jersey, I have serious reservations about the VA's access model for health care access, which currently says that adequate access is being provided if a veteran lives within 60 to 90 mile radius of a VA Medical Center. Today, despite falling within the VA's access model, veterans residing in Southern New Jersey must often travel several hours away, either to the neighboring states of Pennsylvania or Delaware, or to Northern New Jersey, in order to receive inpatient medical care and some outpatient services.

Although transportation is provided to the Wilmington, DE facility via a new handicapped-accessible van, these veterans often face a ten-hour round trip. Veterans riding a van from Southern New Jersey must board the van early in the morning, making several stops before reaching the VA facility, stay all day until each veteran has completed their appointment and then return home. This means that a veteran with a 4 p.m. appointment boards the bus at 8 a.m. and waits at the facility until 4 or 5 p.m. And, the veteran whose appointment is at 9 a.m. must wait to return home until the last appointment is completed, resulting in a 10 hour day of travel.

Of equal concern is that veterans have told me they simply do not use the services at these three facilities because of the transportation hardship. Southern New Jersey is a prime example of suppressed demand for VA health care.

The Southern New Jersey Veterans Comprehensive Health Care Act gives an overview of the VA health care access situation veterans are facing Southern New Jersey and proposes a choice of two workable solutions to this growing problem. The bill cites that the current and future health care needs of South Jersey veterans are not being met by the VA, travel times to existing VA facilities in Philadelphia and Wilmington may fall within VA's access parameters, but that these parameters fail to take into account that the area is rural, and that routes to the two VAMCs are congested, leading to a "suppressed demand" for care. It also outlines that the number of vets in the area is increasing as more retire in the area and new vets come back from being deployed in support of the War on Terrorism. States that 62 percent of the NJ Guard will have been deployed on active duty by the end of 2004.

This bill defines "Southern New Jersey" as the counties of: Atlantic, Cape May, Cumberland, Salem, Gloucester, Camden, Burlington, and Ocean and requires the VA Secretary to determine and notify Congress no later than March 15, 2006 as to how he will provide for the full service health care needs of South Jersey vets.

The Secretary of the Department of Veterans' Affairs is given two options for providing this improved access to health care for veterans in Southern New Jersey. The Secretary is given the choice of establishing a public-private partnership between the VA and an existing hospital (private-sector entity) in South Jersey—a "VA Wing", or construction of a full-service, 100 bed VA Medical Center (VAMC). If the VAMC option is chosen, the bill authorizes $120 M for the construction of the facility.

I am proud to introduce the Southern New Jersey Comprehensive Health Care Act with my New Jersey colleagues Congressman SAXTON, Congressman ANDREWS, and Congressman SMITH. Our nation's veterans answered the call without question when our country needed them, and it is our duty to provide quality, convenient health care for them when they need it. This issue is a top priority for me and I will continue to fight to ensure that all veterans have adequate access to the health care they have earned and deserve.

HONORING THE NATIVE AMERICAN TRIBES OF THE PACIFIC NORTHWEST AND THE TREATIES OF 1855 BETWEEN THESE TRIBES AND THE UNITED STATES OF AMERICA

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. BLUMENAUER. Mr. Speaker, today, I am introducing a resolution to honor the 150th anniversary of the 1855 treaties signed between the Native American Tribes of the Pacific Northwest and the United States of America.

This weekend marks the 150th anniversary of the treaty with the Tribes of Middle Oregon, one of the many important treaties signed in 1855. The treaty emerged as a solution to tensions growing between the thousands of settlers flooding through the Columbia River region in the mid-19th century and the tribes that had inhabited the area for countless generations. By 1852, more than 12,000 white immigrants were journeying through the territory each year. Although most continued westward, the portion of settlers who chose to remain in the region eventually claimed Indian lands as their own. To settle the dispute, the Department of Indian Affairs for the Oregon Territory began work on the 1855 treaty.

The Treaty with the Tribes of Middle Oregon ceded 10 million acres of Indian land to the United States government, including what have since become Wasco, Sherman, Hood River, Gilliam, Jefferson, Crook, Wheeler, Deshutes, Clackamas, Grant, Marion, and Morrow counties. The Tribes of Middle Oregon Treaties, were signed by the Confederated Tribes of Warm Springs, Confederated Tribes of Umatilla, Deschutes, Walla Walla, Tenino, and Wasco.

These treaties helped guide and shape the management of land, water, wildlife, and fisheries of the Pacific Northwest now and into the future. These treaties were understood by their signers to ensure the unique quality of life of the native people in Middle Oregon. Unfortunately, the United States' history of honoring its commitments to Native Americans leaves much to be desired.

In honor of the anniversary of these treaties, we should reaffirm and support the promises made 150 years ago between the Pacific Northwest tribes and the United States of America. Together we have a rich legacy and a bright future to protect, and I urge my colleagues in joining me in supporting this resolution.

A TRIBUTE TO ELLA ADENE KEMP BAMPFIELD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. TOWNS. Mr. Speaker, I rise to honor Ella Adene Kemp Bampfield.

Mrs. Kemp Bampfield was born on June 29, 1905 in the Blue Ridge Mountains of Waynesville, North Carolina. She is the fourth of nine children born to Elijah and Lelia Kemp. However, she is currently the sole survivor.

Mrs. Kemp Bampfield attended elementary school in Waynesville. Then she enrolled in the high school division of Livingstone College in Salisbury, N.C., and graduated as the valedictorian of her senior class. Following high school, she attended Fayetteville State Normal College, Howard University and Cortez Peters Business College.

Mrs. Kemp Bampfield's first marriage was blessed with one child, Admiral Dewey Dunn. Admiral Dewey Dunn, now deceased, had two sons: Anthony Dewey Dunn and Amiel Dunn. She later married Robert Smalls Bampfield of Beaufort, South Carolina, now deceased.

Mrs. Kemp Bampfield's career included teaching for 7 years in North Carolina. Upon moving to D.C., she was employed with the U.S. Treasury Department Division of the Bureau of Engraving and Printing. She retired on October 31, 1969 after nearly 29 years of service.

Since retirement, Mrs. Kemp Bampfield and her grandson, Anthony, have enjoyed traveling. They have visited most of the contiguous United States, Hawaii, Alaska, Canada, the Caribbean, Thailand, Hong Kong, China, Mexico, Spain, Germany, France, Italy, Jerusalem, and England.

Mrs. Kemp Bampfield has been a faithful member of John Wesley AME Zion Church of Washington, D.C. since 1934. In addition, she and her grandson, Anthony, have resided in Washington, D.C. for the past 55 years. Mr. Speaker, it is my pleasure to recognize Mrs. Kemp Bampfield's lifelong accomplishments and her upcoming milestone 100th birthday.

RECOGNITION OF STEVEN H. STEINGLASS FOR HIS YEARS OF SERVICE AS DEAN OF CLEVELAND MARSHALL COLLEGE OF LAW, CLEVELAND STATE UNIVERSITY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Steven H. Steinglass for his years of service to the students of Cleveland Marshall College of Law at Cleveland State University, to the legal community for his scholarship and service, and to the Greater Cleveland community at large. After 9 years as dean of the law school, Dean Steinglass is stepping down from that position and returning to the law school faculty to continue his illustrious career as professor and legal scholar.

Since joining the faculty at Cleveland Marshall in 1980, Dean Steinglass has made presentations at continuing judicial and legal education programs in more than 20 states for such organizations as the American Bar Association, the Federal Bar Association, the Federal Judicial Center, the National Judicial College, the Ohio Judicial Conference, and the Practicing Law Institute. Dean Steinglass has also twice argued before the United States Supreme Court.

Equally important to the people of Ohio's 10th Congressional District and its surrounding communities is his commitment to the local community. Currently, Dean Steinglass is serving as a Trustee for the Cleveland Bar Association, as a member of the Ohio State Bar Association Council of Delegates, on the Board of the Ohio Legal Assistance Foundation, as a member of the Advisory Board of the Greater Cleveland Drug Court, and on the Program Committee of the City Club, the nation's oldest continuing free speech organization. Dean Steinglass is one of those rare academics who is equally comfortable as a teacher, a scholar, and a practicing attorney. Although he leaves the deanship, I am pleased that he will remain on faculty.

Mr. Speaker and colleagues, please join me in recognizing the invaluable service Dean Steinglass has provided to the Greater Cleveland community as dean, and to wish him the best in his continued service to Cleveland Marshall School of Law and the people of Northeast Ohio.

HONORING THE 2005 GOLDMAN ENVIRONMENTAL PRIZE RECIPIENTS

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. GRIJALVA. Mr. Speaker, I rise today to commend the winners of the 2005 Goldman Environmental Prize, the world's most prestigious prize honoring grassroots environmentalists.

Now in its 16th year, the Goldman Prize is annually awarded to environmental leaders from six geographic regions: Africa, Asia, Europe, Islands & Island Nations, North America, and South & Central America. The recipients are engaged in important efforts to preserve the natural environment, including protecting endangered ecosystems and species, combating destructive development projects, promoting sustainability, influencing environmental policies and striving for environmental justice. Goldman Prize winners often are figurative men and women from isolated villages and inner cities who are willing to endure great personal risks to safeguard the environment.

To be given the award is a great honor. It is a recognition of the outstanding work that the activists do to ensure social and environmental justice in their communities and around the world.

This year the recipient from Mexico is Isidro Baldenegro López. Mr. Baldenegro is a subsistence farmer and community leader of Mexico's indigenous Tarahumara people in the country's Sierra Madre mountain region. He has spent much of his life defending old growth forests from devastating logging in a region torn by violence, corruption and drug-trafficking. Tragically, Baldenegro is acutely aware of the grave risks involved in defending the forest. As a boy, he witnessed firsthand the assassination of his father who was killed for his opposition to logging. In the face of these serious risks and repeated threats against his life, Baldenegro has chosen to remain and defend the forest and ancestral lands his community has inhabited for hundreds of years. In 1993, Baldenegro developed a non-violent grassroots movement to fight the logging industry in the Sierra Madres. He later mobilized a massive human blockade which resulted in a special court order outlawing logging in the area. Following the blockade, Baldenegro was suddenly jailed on what later proved to be false charges of arms and drug possession. After 15 months of imprisonment, he emerged to establish an environmental justice organization, which currently has cases pending in the federal courts in Mexico. He has brought world attention to the beautiful, ecologically crucial old-growth forests of the Sierra Madre as well as the survival of the Tarahumara people.

Father José Andrés Tamayo Cortez, another Goldman Prize recipient, is a Catholic priest leading the struggle for environmental justice in the Olancho region of Honduras. He directs the Environmental Movement of Olancho, MAO, a coalition of subsistence farmers and community and religious leaders who are defending their lands against uncontrolled logging in the region. Logging has already taken more than half of the region's 12 million acres of forest in one of the most biologically diverse forest ecosystems. Father Tamayo has worked to exert pressure on the Honduran government to reform its national forest policy. He has been harassed and violently assaulted, and has had a bounty put on his life for his work in his community. Father Tamayo is selflessly committed to the peaceful protection of the forests and the people of Honduras. He has said, "Natural resources and life itself are human rights; therefore, to destroy God's creation is to attack human life; our last remaining option is to defend life with our own life."

These are just two of the six leaders awarded the Goldman Prize this year, but I would like to commend all the winners for their incredible commitment to a better world for their communities. I urge my colleagues to join me in honoring them today.

THE NEW G.I. BILL: PAYING A DEBT TO TODAY'S VETERANS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. RANGEL. Mr. Speaker, I rise today in support of the G.I. Bill of Rights for the 21st Century.

This week, we commemorate the 61st anniversary of the G.I. Bill. The bill was enacted in 1944 to support our troops returning from World War II with educational benefits, home loans and medical assistance. This legislation greatly impacted my life.

I was a high school dropout when I first enlisted in the U.S. Army in 1948. After serving in Korea, where I was awarded a Purple Heart and a Bronze Star, I came back home in 1952 with no idea of what to do next. I had achieved the rank of Sergeant, but now I found myself frustrated, pushing hand trucks in New York's garment district, just as I had before I was deployed to Korea. Desperate for help, I went to the Veterans Administration where I learned the government would pay for my education under the G.I. Bill. I decided to finish high school and to pursue a higher education and a law degree. The rest is history.

Almost 8 million veterans went to college as a result of the original G.I. Bill and we owe today's veterans that same opportunity tailored to today's needs. Today, there are CHARLIE RANGELS from all over the country who don't know what they will be doing when they return from serving. They enlisted with the hope of a better way of life by getting an education through the G.I. Bill. More than one million men and women have served so far in Iraq and Afghanistan. These troops have put their lives on the line for our country, and we owe them nothing less than a new and improved G.I. Bill.

The new G.I. Bill recently introduced by Democrats in Congress, if passed, would improve benefits for our men and women serving today and meets the needs of veterans and military retirees.

To help our soldiers take part in our economy and help recruit new service members, the new G.I. Bill would provide the full cost for college or job training for those who serve four or more years of active duty. It would also provide $1,000 bonuses to the nearly 1 million troops who have been placed in harm's way in Iraq and Afghanistan. The new G.I. Bill also honors our National Guard and Reserve by expanding military health care to cover all reservists, making sure they do not suffer a pay cut while deployed and improving incentives for recruitment and retention.

For military retirees and the families of those who died in the line of duty, the package would eliminate the Disabled Veterans Tax, allowing disabled veterans to receive disability compensation along with their retirement pension. It would also do away with the Military Families Tax which penalizes survivors, mostly widows, of those killed as a result of combat from injuries sustained in service. These widows lose their survivor benefits if they receive compensation because their spouse has died of a service-connected injury. If passed, the bill would also improve veterans' health care.

Like me, most of today's volunteers are from economically depressed urban and rural areas with high rates of unemployment. Enticed by enlistment bonuses up to $20,000, they look at the military as an economic opportunity. In effect, they are subject to an economic draft. This is why I appealed to President Bush to call on all Americans to share the burden of war.

I oppose the war in Iraq, whose justifications have all been proven false. I strongly support the troops, whose job is not to question the legitimacy of the war, but to follow the orders they are given. We must see to it that we show them how much we appreciate their sacrifice.

PERSONAL EXPLANATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. COLE of Oklahoma. Mr. Chairman, on June 22, 2005 I was unavoidably detained during votes on H.R. 2985. Had I been present, I would have voted in the following manner: on Rollcall vote No. 299, I would have voted "nay"; on Rollcall vote No. 300, I would have voted "nay"; on Rollcall vote No. 301, I would have voted "nay"; on Rollcall vote No. 302, I would have voted "nay"; on Rollcall vote No. 303, I would have voted "aye".

150TH ANNIVERSARY OF THE TREATY SIGNING BETWEEN THE TRIBES OF MIDDLE OREGON AND THE UNITED STATES

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to acknowledge the 150th anniversary of the treaty signing between the Tribes of middle Oregon and the United States on June 25th, 1855. I will have the honor this weekend of celebrating this historic agreement with the Tribes at the Warm Springs Reservation. This historic agreement has been the guiding document between the Tribes of the Warm Springs Reservation and the United States government for 150 years. The Wasco, Taih, Wyam, Tenino, Dock-Spus Bands of the Walla Walla and The Dalles Ki-Gal-Twal-La and the Dog River Bands of Wasco have called the Middle Columbia River home since time immemorial.

As we near the anniversary of this Treaty, I would like to share with my colleagues some of the rich history of the Treaty. On June 25th, 1855 near what is now The Dalles, Oregon, these bands and tribes finalized negotiations with Superintendent for Indian Affairs of Oregon Territory Joel Palmer and agreed to cede over 10 million acres of land that became most of Central Oregon from the east side of the Cascade Mountains up to the middle of the Columbia River and over to the Blue Mountains.

For the past 150 years, the Tribes of Warm Springs have had a strong government that has been successful in preserving their traditional cultural ways and providing for the well being of their members, homelands, and future generations. Today, The Confederated Tribes of Warm Springs have over 4,000 enrolled members and the Tribes operate almost all their own programs and services including their own tribal public safety department which includes tribal police, courts, and justice, as well as medical and fire response, utilities, infrastructure, social services, housing and education among other programs.

In addition, the Tribes lead the way nationally and within Indian Country for managing their vast reservation lands and resources. The Tribes co-operate a large hydroelectric project, manage their large timber resources, operate their own sawmill, and is pursuing innovative endeavors in creating energy from biomass production of wood products. In addition, they help manage their Treaty-entrusted fishing resources.

Mr. Speaker, I am proud to represent The Confederated Tribes of the Warm Springs in the United States Congress and have enjoyed working on many projects important to the Tribes and the people of eastern Oregon. Whether it has been working with the Tribes on legislation authorizing the 408–megawatt Pelton Round Butte hydroelectric project near Madras or partnering with them to help site their future casino in Cascade Locks, I have had the pleasure to work with the honorable people of The Confederated Tribes of the Warm Springs.

As Chairman of the House Resources Subcommittee on Forests and Forest Health, and co-author of the Healthy Forests Restoration Act, I have also had the good fortune to work on issues that will assist the Tribes in managing their own lands. In June of this year I was pleased to announce that Warm Springs Forest Products Industries received a $250,000 grant through the U.S. Forest Service's Woody Biomass Utilization Grant Program which was authorized in the Healthy Forests legislation. This grant program creates markets for small-diameter material and low-value trees removed from hazardous fuel reduction activities and helps organizations and businesses turn hazardous fuel reduction material into marketable forest products and energy resources.

Mr. Speaker, I am proud to share with you and my colleagues the rich history of The Confederated Tribes of the Warm Springs and look forward to continuing our productive working relationship in the years ahead.

TRIBUTE TO COMPUTER CORE OF ALEXANDRIA, VIRGINIA

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. MORAN of Virginia. Mr. Speaker, today, I rise to congratulate the Computer Community Outreach and Education program, or Computer CORE, of Alexandria, Virginia, for celebrating its fifth anniversary. This wonderful non-profit program promotes the realization of better job opportunities through basic computer skills training. It is offered to unemployed and under-employed adults in Northern Virginia, who may have little or no experience with computers, but have something much more important to each of them: an insatiable desire to learn, achieve, and contribute to our society.

These students come from a wide array of families and backgrounds, but all of them leave with the proficiency necessary to enter the workforce and contribute to the economic development of our nation. They leave Computer CORE not only with competence in keyboarding, word processing, and spreadsheets, but also with the ability to identify their own strengths and interests, set goals, develop resumes and cover letters, and pursue their goals and the American dream. In addition, they leave with a free refurbished computer of their own, allowing them to continue to develop their skills at home, as well as teach their families the valuable skills they have learned.

None of this would be possible without the hard work of Debra Roepke, the executive director and founder of the program, as well as the staff of instructors who generously volunteer their time and energy to help these students acquire the skills they need to achieve the American Dream. Through hard work and education, the students of the Computer CORE classes are grasping their future and entering a new stage of life. After graduation, these students will find new job opportunities they never had before. Some will continue at institutions of higher education. Some will teach their families they skills they have learned. But all of them will have truly experienced the American dream.

BRAC REGIONAL FIELD HEARING IN RAPID CITY, SOUTH DAKOTA

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Ms. HERSETH. Mr. Speaker, on June 20–23, 2005, I attended the Base Realignment and Closure (BRAC) Regional Field Hearing in Rapid City, South Dakota in an effort to convince BRAC commissioners to remove Ellsworth Air Force Base—South Dakota's second largest employer—from the Department of Defense's list of military bases recommended for closure. Therefore, I was unavoidably absent from the House of Representatives on these days and was unable to support important legislation brought before the full House.

I would like the record to show that had I been present I would have voted in support of H.R. 2863, the Fiscal Year 2006 Department of Defense Appropriations Act; H.R. 2475, the Fiscal 2006 Intelligence Authorization Act; and H.J. Res. 110, the Flag Desecration Amendment to the United States Constitution.

The Fiscal Year 2006 Defense Appropriations bill funds the activities of the Department of Defense including the funds needed to outfit and train our servicemen and women and important benefits and services for members of our military and their families. The bill also includes funding for three partnership programs between the Department of Defense and the South Dakota School of Mines and Technology. These important programs will help bring together a unique array of capabilities offered by the South Dakota School of Mines and Technology to help our Nation's military meet the challenge of transformation and modernization.

I will continue to work with my colleagues in the House of Representatives to improve our Nation's commitment to the men and women who serve in the military. There is no question that all Americans owe their freedom to those brave enough to serve in our Nation's military.

I also would like to express my support for the Fiscal Year 2006 Intelligence Authorization

Act. This bill provides funding for 15 U.S. intelligence agencies and intelligence-related activities of the U.S. government—including the CIA and the National Security Agency, as well as foreign intelligence activities of the Defense Department, FBI, State Department, Homeland Security Department, and other agencies. I will continue working to ensure our Federal intelligence and security agencies receive the resources and funding needed to protect the United States from external and internal threats.

Finally, I would like to express my support for the flag desecration amendment to the United States Constitution. This resolution authorizes Congress to prohibit the physical desecration of the flag of the United States. Our Nation's flag is a symbol of freedom and a source of pride for all of us fortunate enough to call ourselves Americans. Our Nation has always encouraged free discussion and reasonable disagreement, but the physical desecration of an American flag goes beyond the pale. Such actions are insulting to those who have fought, and died, under the American flag, and I am proud to support efforts to ban flag desecration.

In 1989, the Supreme Court held that no laws could prohibit political protesters from burning the American flag and declared unconstitutional the flag desecration laws of 48 states and of the United States. In that case, Texas v. Johnson, Justice Stevens wrote a powerful dissenting opinion that has guided my reasoning on the Amendment for some time.

Justice Stevens pointed out the importance of distinguishing between disagreeable ideas and disagreeable conduct. In a particularly apt analogy, Justice Stevens noted that if Johnson had spray painted his message on the Lincoln Memorial, the government could prohibit his "expression." I have always found myself in agreement with the idea that there should be a legitimate interest in preserving the quality of an important national asset.

I look forward to continuing to work on these and other important issues in the 109th Congress.

HONORING THE LIFE OF THE HONORABLE JAMES JARRELL PICKLE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. CARDIN. Mr. Speaker, I rise today to pay tribute to the life of a true patriot. Known simply as "Jake," James Jarrell Pickle served in the House of Representatives for 32 years where he became a senior Democrat on the Ways and Means Committee—where I had the pleasure of serving with him.

While in Congress, his dedication to the concerns of his constituents as well as putting their interests first made Jake a well respected figure on Capitol Hill. Publicly listing his home phone number and personally taking calls from his constituents well into the night, Jake embodied accountability in governance. His political drive was so focused that it is said that he lost 25 pounds during his first Congressional campaign.

The strength of Jake's political convictions can best be seen in his vote in favor of the Civil Rights Act of 1964—one year after his first election. Jake was convinced that this vote would guarantee him a ticket out of Washington in his next election. Regardless of this potential outcome, he became one of only seven southern Representatives to vote for this important piece of legislation, and the good voters of Texas' 10th District sent him back to Congress for the next 31 years.

As the Chairman of the Ways and Means Subcommittee on Social Security, Jake played a major role in writing legislation that saved Social Security in 1983, when, much like today, it faced financial challenges. His words then calling for bipartisanship ring true today—Jake said, "We should hold our fire. We can't inflame this subject. If we inflame it too much, nothing will get done, and if nothing gets done, the American people will have the right to throw us all out." One year later, Jake was influential in preserving Social Security benefits for the disabled.

Before he entered Congress, Jake served in World War II as a Gunnery Officer on the USS *St. Louis* and the USS *Miami*. During his three year stint, starting in 1942, Jake survived three torpedo attacks. Clearly he was meant to make it back. When he returned home, he established Austin, Texas's third radio station, KVET.

When I was first elected to the Ways and Means Committee, Jake helped me understand the great tradition of that Committee. Once, our Committee held a retreat in Austin, Texas, and Jake entertained us for hours with Lady Bird Johnson, telling us story after story. Jake served his District and Nation well, and he will be missed by all of us.

IN TRIBUTE TO THE LATE GENERAL LOUIS H. WILSON

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to honor the memory of the late General Louis H. Wilson, a World War II veteran, a recipient of the Medal of Honor, and 26th Commandant of the United States Marine Corps. General Wilson was also a recipient of the Defense Distinguished Service Medal (First Oak Leaf Cluster) for "exceptionally distinguished service" during his four-year tenure as Commandant and his contributions as a member of the Joint Chiefs of Staff. He leaves his wife, the former Jane Clark of Pearson, Mississippi and one daughter, Janet. Our country lost a strong leader, courageous Marine, and dedicated patriot upon the passing of General Wilson.

Born February 11, 1920, in Brandon, Mississippi, General Wilson earned his Bachelor of Arts degree from Millsaps College, Jackson, Mississippi. In May 1941, he embarked upon his path of commendable service in the Marine Corps Reserve, as he enlisted and was commissioned a second lieutenant. As a young Marine, Wilson participated in the ferocious battle to liberate Guam. His actions during fierce combat on Guam, which was heavily occupied by the enemy for 32 months, earned him the Medal of Honor, the Nation's highest award for heroism and leadership. Wilson was promoted to the rank of Captain while serving overseas with the 9th Marines in 1943. His tour in the Pacific Theater took him to Guadalcanal, Efate, and Bougainville. In December 1944, he was transferred to Washington, D.C., where he served as Detachment Commander at the Marine Barracks and was presented the Medal of Honor by President Truman.

The Medal of Honor was but the first accolade bestowed upon General Wilson during his service in the Marine Corps. In March 1970, Wilson was promoted to Major General. General Wilson was also awarded two additional Legion of Merit medals and the Korean Order of National Security Merit, GUK-SEON Medal, 2d Class and the Philippine Legion of Honor (Degree of Commander) for his service in those countries. On July 1, 1975, General Wilson received his final promotion to General when he assumed the office of Commandant of the Marine Corps.

As Commandant, General Wilson advocated modernization of the post-Vietnam Marine Corps for the protection of his corps. His indomitable leadership and relentless dedication enhances the highest traditions of our country. I join the millions of Marines and their families in mourning the passing of this honorable man. General Wilson will always have a special place in the hearts of the people of Guam.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. BASS. Mr. Speaker, on Thursday, June 23, 2005, owing to an important family matter, I regrettably missed recorded vote numbered 306.

Had I been present, I would have voted "no" on this measure.

HONORING SPECIALIST BRANDON SABETTI

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to recognize the heroic action of one of our brave soldiers serving in Operation Iraqi Freedom.

Specialist Brandon Sabetti of Mosier is a member of the National Guard from my home state of Oregon. He was called to active duty with Alpha Company of the Third Battalion of the 116th Cavalry and conducted training exercises at Ft. Polk, Louisiana and Ft. Bliss, Texas before transferring to Iraq at the end of last year. I had the honor of meeting with many of the citizen soldiers who comprise Alpha Company when I visited both forts during their training.

Since that time he conducted regular mobile infantry missions to secure dangerous areas of Iraq and to help Iraqis rebuild their country after decades under Saddam Hussein's ruthless regime. On the morning of June 3rd, he was traveling in a convoy toward Forward Operating Base Warrior near Kirkuk as part of a road-clearing mission when the vehicle in which he was riding was struck by a roadside bomb.

Spc. Sabetti, the gunner and designated combat lifesaver in his vehicle, was sitting in the open turret at the top of the Humvee and was ejected upon impact. He immediately got back on his feet and began triaging his wounded companions—dressing their wounds and administering intravenous fluids. He quickly ran to the second vehicle in the convoy to report the injuries and share the need for a quick medical evacuation.

He jumped into the third Humvee, which was pulling into position to provide security to the injured when a second bomb detonated, destroying that vehicle as well. Undaunted, Sabetti again went to work administering medical care to those wounded in the second attack and assisting in their evacuation after additional support arrived.

Sabetti's heroic courage under fire and willingness to attend to the needs of his comrades despite risk to himself was central to ensuring that none of the ten Oregon Guardsmen injured in the attack lost their lives.

Mr. Speaker, this young man exemplifies the honorable character of the men and women who have answered duty's call throughout our Nation's history. His willingness to serve and sacrifice for our country and his fellow soldiers is a clear demonstration of the courage and professionalism that distinguish our armed forces. This grateful Nation owes Spc. Sabetti and his compatriots in arms serving around the world every day a profound debt of gratitude. I am proud to call him a fellow Oregonian and I thank him deeply for his service.

God bless America.

PERSONAL EXPLANATION

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, due to my questioning of witnesses at a hearing of the Financial Institutions Subcommittee of the House Financial Services Committee yesterday morning, June 23, I just missed the vote on rollcall no. 304. Had I been present, I would have voted "no."

TRIBUTE TO COLONEL RICHARD C. CROTTY, U.S. ARMY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. CALVERT. Mr. Speaker, I rise today to recognize and honor Colonel Richard C. Crotty, United States Army, for his service and leadership while commanding the United States Army's 653rd Area Support Group. On June 25, 2005, Colonel Crotty will relinquish his command of the 653rd and report for assignment to the Joint Chiefs of Staff, J–3 Operations Directorate at the Pentagon.

After graduating from North Georgia College with a Bachelor of Science degree in 1980, Colonel Crotty began his military career at the Infantry Officer Basic Course at Fort Benning, Georgia. As a trained parachutist, he served with a number of airborne units, including the much heralded 82nd Airborne Division at Fort Bragg, North Carolina.

While with the 82nd Airborne Division he fought in Grenada during the 1983 U.S. invasion. Colonel Crotty spent 12 years in the Rangers and Special Forces and was a student at the Army War College in Carlisle, Pennsylvania when receiving orders to take over the 653rd.

On August 9, 2003, Colonel Crotty assumed Command of the 653rd, headquartered at March Air Reserve Base in Riverside, California. This unit is based in my congressional district and a number of the reservists under Colonel Crotty's command are my constituents. I have come to know Colonel Crotty as a dedicated and selfless leader with a "can do" attitude. He has demonstrated his leadership and innovation in developing and coordinating the joint training center at March Air Reserve Base. When complete, this jointly funded and shared training center will be used by 1,800 service-members.

Colonel Crotty has seen the 653rd deploy 1,367 troops in support of Operation Iraqi Freedom and Operation Enduring Freedom. These troops include military police officers, chemical and biological warfare specialists, Humvee mechanics, communications experts and oil-pipeline builders. Knowing the sacrifice and challenges all reservists experience, Colonel Crotty has demonstrated a sincere dedication to preparing these service-members for the serious mission that lies before them. I know his troops share my admiration of his compassion, strength, and service to our country.

He has earned my many thanks. I wish him well in his new assignment at the Pentagon and in all of his future endeavors.

TO HONOR 125 YEARS OF SERVICE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to commend the exemplary service of the Hotel Lenhart of Chautauqua County, town of Bemus Point, upon the occasion of reaching their 125th year of business.

The Hotel Lenhart is dedicated to providing Bemus Point's tourists the get away that is truly a historical education. Originally the hotel was used by Dr. J.J. Lenhart as a way to use the excess goods bartered by his patients in exchange for his medical services.

Today the Hotel Lenhart is managed by Dr. J.J. Lenhart's great grandson, John Lenhart Johnston, sister Bebe and wife Deborah. Their intent is not to change the hotel but to improve it and keep it up without adding any modernizing features.

Guests of The Hotel Lenhart should not expect a hotel room full of modem day amenities. The 53 rooms do not have televisions, telephones, air conditioning or heat. Only 37 of the rooms have private bathrooms. All of this adds to the historical feel of a bygone era.

In an effort to bring guests back to a simpler time, the hotel staff will be adorned in Victorian costumes. The hotel is also offering afternoon teas and guided tours. I am honored Mr. Speaker, to have an opportunity to honor the rich heritage of this lakeside jewel.

IN HONOR AND REMEMBRANCE OF U.S. MARINE CORPORAL BRAD D. SQUIRES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of United States Marine Corporal Brad D. Squires, who bravely and selflessly heeded the call to duty and made the ultimate sacrifice on behalf of our country.

Corporal Squires' life was framed by his family, friends and his community. He gained personal strength and faith from those who knew him best and loved him most, especially from his wife, Julie Squires. A kind and understanding soul, Corporal Squires was always willing to go the extra mile for an individual in need. His commitment to helping others was reflected in his studies to become a firefighter.

Corporal Squires was blessed with physical strength, a high level of intelligence and a courageous heart. His humble nature prevented him from reveling in the many honors and commendations that he received throughout his years in the service.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Corporal Brad D. Squires. I extend my deepest condolences to his wife, Julie; his parents, Donna Squires and Bruce Squires; his brother Chad and sister Jodie; his grandmother, Jackie Squires; his sister-in-law, Sharon Squires; his brothers-in-law, Mike Bogdan and Mike Brandyberry; his mother-in-law and father-in-law, Dorothy and Rev. Simeon Brandyberry; his nephew Chad; his nieces, Cassidy and Alexis; and his extended family and many friends.

The significant sacrifice, service, and bravery that characterized the life of Corporal Brad D. Squires will be a legacy and testament to all that is good in humanity, and his life will be forever honored and remembered by the Cleveland community, and the entire nation.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. BASS. Mr. Speaker, on Thursday, June 23, 2005, owing to an important family matter, I regrettably missed recorded vote numbered 307, on the Bradley amendment to H.R. 3010. This amendment would add critical Federal support for grants to States to carry out the Individuals with Disabilities Education Act.

As a constant and long time supporter of meeting the Federal Government's share of IDEA funding, had I been present, I would have voted "yea" on this measure.

HONORING SERGEANT JOHAN CHRISTIAN BAGGE AND SECOND LIEUTENANT TIMOTHY BOMKE

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. WALDEN of Oregon. Mr. Speaker, I rise today in honor of two patriots who have made tremendous sacrifices as part of Operation Iraqi Freedom to help preserve and expand the liberty that we all hold dear.

Sergeant Johan Christian Bagge of Eugene and Second Lieutenant Timothy Bomke of Portland are members of the National Guard from my home State of Oregon. They were called to active duty with Alpha Company of the Third Battalion of the 116th Cavalry and conducted training exercises at Ft. Polk, Louisiana and Ft. Bliss, Texas before transferring to Iraq at the end of last year. I had the honor of meeting with many of the citizen soldiers who comprise Alpha Company when I visited both forts during their training.

Since that time they conducted regular mobile infantry missions to secure dangerous areas of Iraq and to help Iraqis rebuild their country after decades under Saddam Hussein's ruthless regime. On the morning of June 3rd they were traveling in a convoy toward Forward Operating Base Warrior near Kirkuk as part of a road clearing mission when, without warning, two separate roadside bombs detonated, damaging two of the three vehicles in the convoy and injuring ten of the soldiers.

Both Sgt. Bagge and Lt. Bomke sustained severe wounds in the attack and were transferred back to the United States for further treatment. They were brought to Walter Reed Hospital in Washington, DC briefly to begin their recoveries and have since been relocated to Brooke Army Medical Center and Ft. Lewis. From conversations with family and friends, I understand that these soldiers have maintained extremely positive attitudes throughout their ordeals even as they've undergone a series of significant medical procedures.

Mr. Speaker, these two men exemplify the honorable character of the men and women who have answered duty's call throughout our Nation's history. Their willingness to serve and sacrifice for our country is a clear demonstration of the courage and professionalism that distinguish our armed forces. This grateful Nation owes these men and their compatriots in arms who serve around the world every day a profound debt of gratitude. I am proud to call Sgt. Bagge and Lt. Bomke fellow Oregonians, I thank them for their service and I wish them both a healthy recovery.

God bless America.

PERSONAL EXPLANATION

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, on Monday, June 20, I was unavoidably detained at the Base Realignment and Closure Commission's Regional Hearing in St. Louis, Missouri and therefore absent for votes on rollcall nos. 283, 284, 285, 286, and 287. Had I been present, I would have voted "yes" on rollcall nos. 283, 284, 285, 286, and 287.

TRIBUTE TO DONALD "DALE" HINES II

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. The City of Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Donald "Dale" Hines is one of these individuals. On June 22, 2005, Dale was the proud recipient of the Congressional Award Gold Medal.

The Congressional Award is the U.S. Congress' award for young Americans that demonstrate a commitment to community service and physical fitness. This non-partisan, voluntary, and noncompetitive program is open to all 14- to 23-year olds. The Congressional Award challenges young adults to meet goals in four program areas: Volunteer Public Service, Personal Development, Physical Fitness, and Expedition/Exploration. The Congressional Award Gold Medal is the highest honor.one can achieve through this program.

To meet this challenge, Dale enrolled himself in an emergency medical technician (EMT) training school and subsequently graduated at the top of his class. In order to meet the physical demands of his work as an EMT, Dale began to regularly go to the gym and lift weights. Additionally, Dale found a way to match his work with his physical activities by serving on a bike-medic team that provides emergency medical care at special events in the community.

As an active participant in the Boy Scouts of America, Dale serves as an Assistant Council Commissioner for the California Inland Empire Council. He is a past recipient of the Venturing Silver Award and an Eagle Scout. Furthermore, Dale is dedicated to sharing his passion for community service with others and became active in the Buckskin Junior Leader Training program. While at Buckskin, he served as a Camp EMT and Associate Course Director for Physical Arrangements.

Dale's sincere commitment to community service has contributed immensely to the betterment of our community and I am proud to call him a fellow community member and a great American. I know that many community members are grateful for his service and I salute him as he receives the Congressional Award Gold Medal.

HONORING THE EXEMPLARY EDUCATIONAL ACHIEVEMENT OF CATHERINE E. DIAMOND CREELEY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor the exemplary educational achievement of Catherine E. Diamond Creeley, a former resident of the Chautauqua County town of Jamestown, upon the occasion of her receiving her Doctoral Degree in Behavioral Neuroscience from the University of Missouri, St. Louis.

Catherine Creeley is both a graduate of Jamestown High School and Jamestown Community College. Upon graduation she proceeded to obtain her Bachelor's degree in psychology, with biology minor, from the State University of New York at Cortland.

Mrs. Creeley is an extremely dedicated student, whose goal of her dissertation was to find new treatment options for Alzheimer's disease. Catherine will continue her research on the neurobiology of the brain, as well as teach as an adjunct professor at the University of Missouri, St. Louis.

Mrs. Creeley is the granddaughter of Eugene Diamond and the daughter of Suzanne Diamond, both residents of Jamestown, New York. Catherine lives with her husband Scott, and son, Nicholas in St. Louis, Missouri.

Catherine Creeley also was awarded a Postdoctoral Fellowship at the Washington University School of Medicine.

IN HONOR OF ACCLAIMED FILMMAKER BRENDA BRKUSIC

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of filmmaker Brenda Brkusic. Brenda is a courageous and hard working young woman who has been identified as a visionary in the Croatian community. At the age of twenty-one, Brenda started working on the film Freedom From Despair as her student thesis at Chapman University in Los Angeles, California.

Freedom From Despair explores one man's arduous journey from his homeland of Yugoslavia to the United States, and his fight for human rights and Croatian independence. It also scrutinizes the relationship between ruthless dictators, the slaughter of 250,000 people, and the silence of the mainstream media. It creatively portrays the power of the human spirit and the tenets of democracy, without preaching or the use of propaganda.

Her film has been met with critical acclaim, and has garnered countless awards, including the CINE Golden Eagle award, which has previously been awarded to Steven Spielberg and George Lucas. Her peers have recognized her as an emerging talent in the film industry, and a remarkable human being.

Mr. Speaker and Colleagues, please join me in honor and recognition of Ms. Brenda Brkusic, the writer, producer and editor of Freedom From Despair for her hard work encouraging human rights and personal triumph over evil.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. BASS. Mr. Speaker, on Thursday, June 23, 2005, owing to an important family matter, I regrettably missed recorded vote numbered 305, on the Obey amendment to H.R. 3010. This amendment would restore critical Federal support for the Corporation for Public Broadcasting.

As a constant and long time supporter of public broadcasting, had I been present, I would have voted "yea" on this measure.

INTRODUCTION OF RESOLUTION COMMEMORATING THE 60TH ANNIVERSARY OF THE UNITED NATIONS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mrs. MALONEY. Mr. Speaker, today, Representative SHAYS and I introduce legislation to commemorate the 60th Anniversary of the founding of the United Nations and to commend the organization on its history of diplomatic achievement throughout the world.

Since its founding, the United Nations has made many contributions to the global community in the fields of health, medicine, education, peacekeeping and humanitarian aid. One of the organization's most noteworthy actions is its recent outpouring of aid and support to the people of the nations affected by the devastating earthquake and tsunami in Southeast Asia in December 2004. The United Nations is critical to the balance and well-being of all nations, and makes significant advances in the world every day; however, structural reforms are necessary to ensure that the organization can continue its noble efforts to effect positive change. As the United Nations seeks to reform itself, this resolution sends the message that Members of Congress are willing to work with them to ensure a future humanitarian successes.

I look forward to working with Representative SHAYS and my other colleagues to honor the United Nations for 60 years of good work and to pledge the support of Congress as the organization moves forward.

TRIBUTE TO REAR ADMIRAL JOHN D. BUTLER

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. PAUL. Mr. Speaker, I rise today to recognize and honor Rear Admiral (Lower Half) John D. Butler, a Texas City, Texas, native who retires after 31 years of faithful service from the United States Navy on July 1, 2005.

Many of us have come to know and recognize Rear Admiral Butler over the past two years as he has served as the Program Executive Officer (Submarines) since February 2003. During his tenure as the Navy's top submarine acquisition officer, Rear Admiral Butler delivered USS *Virginia* (SSN 774) and USS *Jimmy Carter* (USS 23). *Virginia*'s commissioning in October 2004 ended the longest drought of submarine commissioning in that service's 105-year history. Whereas *Virginia* is the first of her class, *Jimmy Carter* is the last of the *Sea Wolf* Class. *Jimmy Carter* brings a host of new and revolutionary capabilities to the fleet that will help the United States to win the Global War on Terror.

Under Rear Admiral Butler's watch, the submarine construction industry has been, virtually, reborn. He was a driving force in transitioning the *Virginia* Class' second Block Buy contract into a Multi-Year agreement that will save an estimated $80 million per submarine over the five-hull agreement. Currently, there are six *Virginia* Class submarines under construction and an additional three ships under contract.

Admiral Butler has also made great efforts in converting four *Ohio* Class Trident Ballistic Missile Submarines into the transformation SSGNs. Each of these 560-feet long, 18,000-ton submarines will be able to carry up to 154 precision-guided Tomahawk Land-Attack cruise missiles, 66 Navy S and to support covert Special Operations, each SSGN will be able to carry two Dry-Deck Shelters, two Advanced SEAL Delivery Systems, or one of each top the ships' integrated lock-in/lock-out trunks. With the *Ohio* Class' inherent stealth, these SSGNs, the first of which delivers in November 2005, will be a potent warfighter in the Global War on Terror.

Admiral Butler has also acted as an emissary with allied nation's undersea forces, especially with both the Royal Australian Navy and with Great Britain's Royal Navy. In doing so, he has not only strengthened our bonds with these most trusted allies, but has also enhanced national security.

Admiral Butler joined the Navy via the Nuclear Power Officer Candidate Program in 1975 after graduating from the University of Texas at Austin with a Bachelor's of Science in Chemistry. His sea duty assignments have included: Division Officer on board USS *Will Rogers* (SSBN 659); Navigator/Operations Officer on board USS *James K. Polk* (SSBN 645); Navigator/Operations Officer on board USS *James Madison* (SSBN 627); and Repair Officer on board USS *Proteus* (AS 19).

Admiral Butler's shore assignments have included: Attack Submarine Training Head for the Deputy Chief of Naval Operations (Submarine Warfare); AN/BSY–1 Submarine Combat and Acoustic System (PMS417) Chief Engineer for Program Executive Officer, Submarine Combat and Weapons Systems; *Sea Wolf* Class Submarine (PMS350) Assistant Program Manager (Design and Construction) for Program Executive Officer, Submarines; Strategic and Attack Submarines (PMS392) Major Program Manager for Naval Sea Systems Command; and Executive Assistant and Naval Aide to the Assistant Secretary of the Navy (Research, Development and Acquisition). He has also served in temporary assignments attached to the Applied Physics Laboratory Ice Station, Arctic Ocean; Supervisor of Shipbuilding, Groton, CT, and Newport News, VA; and attached in support of U.S. Embassies at Cairo, Egypt; Moscow, Russia; and Panama City, Panama. Over the course of his career, Admiral Butler has helped to design, build, and deliver a total of 23 submarines—nearly one-third of today's total force.

Admiral Butler's personal awards include the Legion of Merit (3 awards), Meritorious Service Medal (3 awards), Navy Commendation Medal, Navy Achievement Medal, in addition to other service and unit awards.

Mr. Speaker, Admiral Butler has given 30 years of service to the Navy, to Congress, and to the people of the United States of America. He has served our Nation well and has helped to ensure that our undersea fleet remains the best in the world. He has left a large and meaningful legacy and I am honored to rise today to express my appreciation for Admiral Butler and for his wife Eileen who has served her Nation right along side her husband. Being a Navy wife is not an easy task, and she has been nothing less than a model of courage, patience, and devotion.

Mr. Speaker, colleagues, please join me in wishing Admiral and Eileen Butler: "Fair winds and following seas and long may your big jib draw!"

HONORING VEDA GREEN, WINNER OF THE SPIRIT OF JPS VOLUNTEER OF THE YEAR

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. BURGESS. Mr. Speaker, I rise today to honor the service and commitment of Mrs. Veda Green. Mrs. Green was named the Spirit of JPS Volunteer of the Year by JPS Health Network for her years of outstanding and dedicated community service in multiple capacities for the JPS Health Network.

Mrs. Green received the award at the annual JPS Health Network Volunteer Appreciation Luncheon in recognition of the over 4000 hours of community service she has worked during the last 8 years. Veda earned a reputation as someone who truly cares about others through her work as a volunteer at the information desk and in pastoral care.

JPS Health Network is an organization committed to improving the health of families throughout my district. The Network includes John Peter Smith Hospital, the JPS Institute for Health Career Development, and a network of community-based health centers, home care and psychiatric services at Trinity Springs Pavilion. That such a large organization with so many different great people associated with it would choose Mrs. Green speaks quite highly of her.

It is with great honor I stand here today to recognize a woman who has touched so many people on a personal level and asked nothing in return.

TRIBUTE TO HOWARD ELINSON

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. BERMAN. Mr. Speaker. Mr. WAXMAN and I ask our colleagues to join us today in honoring Dr. Howard Elinson, who was born on the 11th of January, 1940 in New York City and who passed away on Friday June 17th, 2005 in Los Angeles at Midway Hospital.

Howard earned his B.A. and his Ph.D. in Sociology at UCLA. He taught for 1 year at Yale and for 7 years at UCLA. He worked as Administrative Assistant and Consultant for 27 years for Congressman HENRY WAXMAN. Six of those years were when WAXMAN was a State Assemblyman.

Howard is survived by his beloved and devoted brother Mark who is an admired and respected high school teacher of Social Studies in the Los Angeles City School system. He also serves as an Adviser to the L.A. Unified School District, instructing Social Studies teachers on the best techniques for teaching Social Studies.

Howard Elinson was and is unforgettable to any or all who knew or met him (no matter how casually or for how short a time). He changed the life of everyone in his personal orbit by his magnetic personality his unique insight into the human condition, his sharp wit his gigantic intellect his mastery of any human behavior subject, and his generosity and kindness.

But, unknown to most Californians and "Angelenos" (and unmentioned in media accounts) Howard Elinson changed the face of California and Los Angeles politics.

It was Howard Elinson who conceived and invented individually targeted computerized mail—the campaign technique that was instrumental in the 1968 primary election victory of HENRY WAXMAN for State Assembly (by, still to this date, the largest margin against an incumbent—this one a 26 year incumbent—of his own party), and the 1972 primary and general election victory of HOWARD BERMAN for State Assembly (the general against, ironically, a 26 year Republican incumbent).

It was Howard Elinson's ideas that were instrumental in electing Congressman HENRY WAXMAN Congressman HOWARD BERMAN, Congressman Mel Levine Congressman Julian Dixon State Senator Herschel Rosenthal, State Assemblyman Burt Margolin, State Assemblyman Terry Friedman and countless others.

And it was Howard Elinson who inspired the strategy and direct mail efforts that led to the election of Mayor Tom Bradley in 1973.

But Howard Elinson's life was much more than about politics. As a devout and Orthodox Jew his faith came first. And imagine this dark suited, yarmulke wearing, fast-talking man writing the "early 60's seminal study" of voting behavior for his Ph.D. thesis. He conducted lengthy and open-ended interviews, drawing out in their homes 50 white working class voters in Bell, California—the then-place-of-entry of the vast immigration from Oklahoma, the mid-west and the South to Southern California.

These Christian and working class people had perhaps never before met a Jew—and certainly not a readily recognizable Orthodox Jew. Yet they opened their hearts to this amazing man. They trusted him—no matter how "New York" he spoke, no matter how foreign he might have looked. That was the uniqueness, the special nature of Howard Elinson.

Perhaps inspired by his faith, or by his innate decency, Howard Elinson affected the lives of everyone who knew him. Many dozens of interns, staff, and budding politicians that came through HENRY WAXMAN'S office sought Howard Elinson's advice and counsel—both personal and career. Hundreds of young people confused by the conflicts between a traditional religious life and modernity sought Howard Elinson's advice on how to cope—"who better to ask?" Children flocked to him—no child was unworthy of his attention, his sense of playfulness, his devotion to the child's value as a human being. No one in need (whether for a religious cause or in personal need) was turned down for a contribution. Howard Elinson's generosity was open ended and well known.

The untimely death of Howard Elinson was not just a loss to his family and friends, but to the people who have had in him a champion of a tolerant, liberal, and more humane America.

IN HONOR OF SOUTH CAROLINA'S DELEGATION TO THE 2005 YMCA YOUTH CONFERENCE ON NATIONAL AFFAIRS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. WILSON of South Carolina. Mr. Speaker, I rise to honor the South Carolina delegation to the 2005 YMCA Youth Conference on National Affairs. The Youth Conference on National Affairs brings together some of the best and brightest students from across the country. YMCA Youth and Government seeks to teach teenagers the process of learning about government through hands-on experiences and in-depth learning at state conferences throughout the country.

The YMCA Youth Conference on National Affairs will be held the first week of July in Black Mountain, NC, and I am proud of each and everyone of the delegates that will be representing the Palmetto State.

Viki Alvarez—Riverside High School, Greer.

Dustin Atkins—Liberty High School, Liberty.

Morgan Bauserman—Riverside High School, Greer.

Martha Bordogna—Spartanburg High School, Spartanburg.

Lucy Bullock—AC Flora High School, Columbia.

Stephanie Dunaway—Riverside High School, Greer.

Jason Hill—Riverside High School, Greer.

Stephanie Hoo—Southside High School, Greenville.

Samantha Jaeger—Riverside High School, Greer.

Quentin James—Mauldin High School, Mauldin.

Hart Moede—Wren High School, Powdersville.

Leah Nakom—Spartanburg Day School, Spartanburg.

Eric Novak—Porter-Gaud School, Charleston.

Megan Novak—Mauldin High School, Mauldin.

Niti Parthasarathy—Governor's School for the Arts, Greenville.

Asha Purohit—Porter-Gaud School, Charleston.

Dave Raheja—Riverside High School, Greer.

Paul Richardson—Spartanburg High School, Spartanburg.

Monica Ryskamp—Riverside High School, Greer.

Rebecca Street—DW Daniel High School, Clemson.

Meg Turlington—Southside High School, Greenville.

Kyle Warren—Greenville High School, Greenville.

Kyle Williams—AC Flora High School, Columbia

I wish the delegates all the best for a great conference, and continue to thank them for their keen interest in improving our government and public service.

HONORING LENORE CROUDY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. KILDEE. Mr. Speaker, I am truly happy to rise before you today to recognize the accomplishments of a woman who has selflessly devoted her life to education and public service. On June 24, civic and community leaders will join the "Lifetime Friends of Lenore Croudy," and honor Ms. Croudy as she celebrates her retirement from Flint Community Schools after 39 years.

It is difficult to imagine what the Flint area would be like had it not been for the influence of Lenore Croudy, an influence which began in August 1960, when she moved here from Atlantic City, NJ. A graduate of West Virginia State College and later Eastern Michigan University, Lenore started her relationship with Flint Community Schools as a teacher, and continued that relationship with roles such as Instructional Specialist, Assistant Principal, Assistant Dean, and Coordinator for Learning Improvement Services, among others.

Lenore's long and distinguished educational career includes the coordination of several local and county-wide multicultural education conferences for middle school and high school students, as well as the first state-wide conference for educators. She has been at the forefront of numerous presentations and conferences on behalf of Flint Schools, the Urban League, the YWCA, the NAACP, Delta Sigma Theta Sorority, and many others. On July 1, Lenore will begin her fourth term as a member of the C.S. Mott Community College Board of Trustees, where she has served as Chair since 1995.

Lenore's dedicated work on behalf of others has been acknowledged on countless occasions. Examples of this include 2005 Administrator of the Year from the United Teachers of Flint, Exemplary Role Model for Youth by the Flint Professional Black Nursing Association, Mother of the Village Award by Alpha Kappa Alpha Sorority, and an Outstanding Citizenship Award given by the Michigan House of Representatives.

Mr. Speaker, I, along with many others in Genesee County and the State of Michigan, have benefited from Lenore Croudy's intelligence, insight, and vision. She has always been more than an advocate for education; she has been a fighter, for she believes that a strong educational background is the basis toward improving the quality of life. As a former teacher, I applaud her efforts, and I am proud to call her my colleague, my constituent, and my friend. I ask the House of Representatives to please join me in congratulating Lenore on her retirement, and wishing her the very best in all her future endeavors.

HONORING THE CHARLIE RANGERS, COMPANY C, 75TH INFANTRY

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. HUNTER. Mr. Speaker, I rise today to honor members of the Charlie Rangers, Company C of the 75th Infantry. The Charlie Rangers are celebrating a reunion in D.C. and will gather later today at the Vietnam Memorial. As a member of the Charlie Rangers 75th Infantry who served with these fine and extraordinary men, and as a guy who did nothing special myself in Vietnam, I can attest that the men of Charlie Rangers are very special Americans.

Company C came into being after the Army realized the need for special capability elite forces. Rather than create an entirely new unit designation, the Department of the Army designated the 75th Infantry as the successor of the legendary 5307 Composite Unit which served with distinction during WWII. The Charlie Rangers built on the formidable legacy of Merrill's Marauders by providing reconnaissance, surveillance, target acquisition and special type combat missions.

True to its motto of Sua Sponte, or Of Their Own Accord, Company C Rangers during their service in the Vietnam War, penetrated behind enemy lines without cover. Acting by themselves, Charlie Rangers slogged through enemy positions gathering critical and valuable information on major infiltration routes.

The Rangers operated in vast, inhospitable terrains throughout Vietnam. Their prowess, coupled with boat patrols, night ambushes, and stay-behind infiltration techniques were instrumental in thwarting members of the Viet Cong and NVA. According to historical accounts, This company, comprised of merely several hundred men, was able to keep vast numbers of North Vietnamese Army troops occupied, thereby potentially saving numerous American troops.

Mr. Speaker, I am proud of this incredible company, the Charlie Rangers, and I am honored to have been able to serve in a small way alongside such professional and selfless soldiers. I know my colleagues join me in applauding them for a job well done and share my wishes for a memorable reunion.

THE SESQUICENTENNIAL OF CLINTON, IOWA

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. NUSSLE. Mr. Speaker, I rise to honor the sesquicentennial celebration of Clinton, Iowa—a community I am very proud to represent in Congress.

One hundred and fifty summers ago, the Iowa Land Company purchased the site of the town and named it in honor of DeWitt Clinton, a former New York governor.

A number of energetic entrepreneurs worked hard to help fuel Clinton's early growth. They rooted the city along the banks of the beautiful Mississippi River; and when a railroad bridge crossing the river was completed a few years after the town was established, the lumber industry boomed.

Logs were floated down the river from Minnesota and Wisconsin to Clinton's sawmills and distributed along the river to other flourishing communities. Clinton was known as the sawmill capital of the country from the late 1850s to around 1900.

The huge log flotillas on the river of Clinton's early days must have been an impressive sight. If you visit Clinton's Eagle Point Park today in the same area, you might see families enjoying a picnic or barges carrying Iowa's bounty down the mighty Mississippi.

Today, Clinton remains full of industrious people determined to make the most of their community's strengths. Clinton's leaders are looking forward to creating even more opportunities for local workers. And every time I meet with a group of Clinton residents, I am always impressed with their incredible enthusiasm and pride in their community.

In another 150 years from now, I am sure Clinton will still be home to the same brand of wonderful people, living in a vibrant, active city by the river.

Happy birthday, Clinton!

DOWNING STREET MEMO HEARING

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. HOLT. Mr. Speaker, last week, House Democrats, led by Judiciary Committee Ranking Member JOHN CONYERS, convened a hearing to investigate the so-called "Downing Street Memo." Because I am disappointed with the continued unwillingness of Congress to exercise an adequate level of oversight over the intelligence operations of the Executive Branch, I was therefore pleased to learn that someone was willing to pose questions that have for too long gone un-asked.

As you may know, Mr. Speaker, I serve on the House Permanent Select Committee on Intelligence. I believe that the Downing Street Memo, which is essentially minutes of a July 2002 meeting of the British Prime Minister and his cabinet, justifies exploring the underlying rationales for the Iraq War. It documents a loyal ally's assertion that the architects of the Iraq war used suspect evidence to support a pre-determined policy. Its authenticity has not been questioned. Such documentation deserves to be probed.

Because of prior commitments, I attended this meeting for about 20 minutes. I later learned through news reports that, after I left, one of the witnesses at the hearing, former Central Intelligence Agency (CIA) Analyst Ray McGovern, offered repugnant personal viewpoints. Alleging that the war was the product of a U.S.-Israeli partnership to "dominate" the Middle East, Mr. McGovern's statements were insulting, unsubstantiated, and defamatory. There is no justification or excuse for implying that the war in Iraq was the result of any action on the part of the state of Israel, its people, or the American Jewish community. The decision to invade Iraq was the decision of President Bush and a majority of Congress. Ascribing such motives to the pro-Israel community is not simply defamatory—it is anti-Semitic. Mr. McGovern should apologize.

Mr. Speaker, I have been one of the more outspoken members of this body regarding the intelligence that this president used to justify using force against Iraq, how the war has been carried out, and the post-war occupation. I reject Mr. McGovern's statements. His remarks only encourage those who seek to blame Israel and Jews in general for all that ails them. His remarks shed no light on the issue. In fact, they undermined the values of community and equality, which all Americans hold dear.

Sixty years after the end of the Second World War, it is a shame that one of its most notorious sentiments—anti-Semitism—has yet to be eradicated. Each of us has a role to play in combating anti-Semitism whenever and wherever we see it. As a member of the Congressional Task Force Against Anti-Semitism, I ask each of my colleagues, Democrats and Republicans, to confront anti-Semitism whenever it arises.

I hope that Mr. McGovern's offensive and misguided rhetoric does not obscure the purpose of the hearing on the Downing Street Memo. Congress should investigate the extent to which the Bush Administration used questionable evidence to justify a predetermined war. Failure to do so would be an abandonment of our oversight responsibility.

THE INTRODUCTION OF A BILL TO EXTEND AIRLINE WAR RISK INSURANCE POLICIES

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. MENENDEZ. Mr. Speaker, today I am pleased to introduce legislation that will extend war-risk insurance coverage for our Nation's airlines for 3 years, through August 31, 2008.

In the aftermath of the September 11th attacks, commercial insurance providers invoked their 7-day cancellation clauses on war-risk insurance policies held by U.S. airlines. With the absence of a commercial war-risk insurance market, the Federal Government was forced to step in. Less than 2 weeks after the attacks, Congress authorized the Federal Aviation Administration to begin offering war-risk insurance to airlines, and that authority has been extended a number of times, but is now set to expire on August 31 of this year.

We need to extend the FAA's ability to issue war-risk insurance policies for the financial sake of the U.S. airline industry, which lost approximately $9 billion in 2004. This program is not a bailout. First of all, it is actually a revenue raiser for the Federal Government. Second, it is considerably more expensive than the war-risk insurance policies held by the airlines prior to September 11th. Four years ago, the airline industry paid a total of approximately $20 million in premiums per year. Last year, they paid over $140 million. However, this is much more reasonable than the over $600 million the Air Transport Association estimates they would have to pay on the open market. This massive jump in premiums could mean the difference between solvency and bankruptcy for many of our struggling airlines. In addition, the commercial insurance policies that exist still contain the 7-day cancellation clause that would allow the insurers to cancel policies in the face of an enhanced threat.

Should the airlines be unable to obtain war-risk insurance policies, they would be forced to stop operating. This would be a crippling blow to not only the aviation industry itself, which employs over 15,000 people in New Jersey alone, but also to the entire United States economy.

Airlines are still a prime target for terrorist attack, which makes war-risk insurance both an absolute necessity and something that can not be offered by the commercial market at a reasonable price. This bill would help our struggling airline industry without costing the Federal Government one cent, and I urge my colleagues to support this small but crucial piece of legislation.

HONORING DR. CLAUDE H. ORGAN, JR.

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life and achievements of Claude H. Organ, Jr., M.D. of Oakland, California. An internationally renowned surgeon and medical educator, Dr. Organ was the second African American to serve as president of the American College of Surgeons. Throughout his career, he was known for his tireless efforts to ensure the inclusion of African Americans, women and other severely underrepresented minorities in the training and practice of surgery. Dr. Organ passed away in Oakland on June 18, 2005 at the age of 78.

A native Texan, Dr. Organ attended public school in Denison, Texas and received his B.S. degree from Xavier University in New Orleans, Louisiana.

Though he was initially accepted at the University of Texas medical school, he did not attend after school officials discovered that he was black and offered to pay his expenses if he enrolled elsewhere. He instead chose to attend Creighton University School of Medicine in Omaha, Nebraska, where he received his M.D. in 1952, and where he later completed his surgical residency.

After serving as a Lieutenant Commander MC in the U.S. Navy Medical Corps from 1957 until 1959, Dr. Organ joined the faculty of the department of surgery at Creighton University in 1960. There, he rose to the rank of professor and chair of the department, and later became a professor of surgery at the University of Oklahoma Health Sciences Center, where he served from 1982 until 1988.

Dr. Organ came to Oakland in 1989 to establish and lead the University of California, Davis/University of California, San Francisco East Bay Surgery Department. In that role, he became known for his work in building the department into a highly respected training program, and made a concerted effort to recruit and support African American students, particularly African American women, who were studying to become surgeons. Throughout his career he oversaw the training of dozens of surgeons, all of whom looked to him for guidance as a teacher and a mentor, and strived to emulate the professional and personal excellence that marked his career and conduct.

While practicing medicine and educating residents, Dr. Organ also served as a member of a number of professional and academic medical associations. He was the editor of the prestigious Journal of American Medical Association's Archives of Surgery for 15 years, and in 1999 was honored by the American College of Surgeons with its highest honor, the Distinguished Service Award. Over the course of his career, he authored or co-authored more than 250 scientific articles and book chapters as well as five books. In addition, Dr. Organ spent many years serving as president of the Society of Black Academic Surgeons, president of the Board of Trustees of Xavier University, and as president of the Urban League of Omaha.

On Wednesday, June 22, 2005, the family and friends of Dr. Claude H. Organ, Jr. will gather to pay tribute to his extraordinary life. In addition to his myriad scientific and academic contributions to the surgical field, Dr. Organ leaves a legacy of excellence in his commitment to ensuring equality of opportunity for all surgical students and residents. Dr. Organ's work as a healer, a teacher and a mentor changed countless lives, and I salute and thank him for all that he has given to people of the 9th Congressional District, the Bay Area and our country.

IN HONOR OF BART AND CHERRY STARR AND THE RAWHIDE BOYS RANCH

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. GREEN of Wisconsin. Mr. Speaker, it is my honor and pleasure to recognize before this House a wonderful program that has helped hundreds of young men across Wisconsin turn their lives around—the Rawhide Boys Ranch.

Forty years ago an idea was born. The idea was to start a program to help troubled boys get a new start on life—a program that would teach them how to become good citizens, husbands and fathers. It was called the Rawhide Boys Ranch, and since opening its doors so many years ago hundreds of boys have successfully passed through the program, becoming positive, productive young men. Today, Rawhide has grown into one of the most successful faith-based programs in Wisconsin, and it has literally paved the way for scores of other organizations dedicated to helping young folks.

In 1965, the year the Green Bay Packers were crowned football world champions, quarterback Bart Starr was one of the most celebrated figures in professional sports. It was then, while his star was shining brightest, that Bart and his wife Cherry were approached by a local businessman and his wife with the dream for Rawhide Boys Ranch. Well, it didn't take John and Jan Gillespie long to sell the Starrs on their dream, and a short while later Rawhide was born. Since then, these remarkable folks have spent countless hours mentoring young men, raising funds, telling others about their amazing program, and serving asshining examples for us all.

Mr. Speaker, when Rawhide Boys Ranch was founded 40 years ago, no one could have predicted it would become such an overwhelming success. It has changed lives, touched hearts, and given families hope that a brighter future lies ahead. And, it is my distinct privilege to recognize John and Jan Gillespie, Bart and Cherry Starr, and the Rawhide Boys Ranch today.

IN HONOR OF THE NBA CHAMPION SAN ANTONIO SPURS

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. SMITH of Texas. Mr. Speaker, it is with great enthusiasm that I rise today to recognize our 2005 National Basketball Association champions, the San Antonio Spurs.

After going head to head for 6 games, the Spurs and the Detroit Pistons met for their final showdown in San Antonio Thursday night. In front of their hometown crowd, the Spurs demonstrated once again why they are the best team in the Nation.

Following a tight and evenly matched first half, the Spurs pulled away from the Pistons in the final quarter to win 81–74 over Detroit, closing out an incredibly hard fought championship series four games to three.

Congratulations are also due to the Detroit Pistons and their coach, Larry Brown, for putting up a battle worthy of a championship series.

With the NBA's number one and number two defensive teams battling against one another for the title, this was an exciting game not only for the Alamo City, but for fans around the Nation and in more than 200 nations around the world where sports fans watched and cheered.

Under the guidance of Coach Gregg Popovich, the Spurs' Tim Duncan, Manu Ginobili, Tony Parker, Robert Horry, Bruce Bowen, Nazr Mohammed, Brent Barry, Beno Udrih, Rasho Nesterovic, Glenn Robinson, Devin Brown, and Tony Massenburg played valiantly to bring the NBA trophy back home to San Antonio. My congratulations go as well to the Spurs' owners, Peter and Julianna Holt, as well as the many other people in the Spurs organization.

Much credit is due to Tim Duncan, who with 25 points and 11 rebounds, was appropriately named the Most Valuable Player of the Finals series. This marks the third time he has won the award for his outstanding athletic skills, leadership and performance on the court.

This is the Spurs' third championship victory in franchise history. They won their first in 1999, followed by their second in 2003. Three titles in 7 years isn't just a magnificent accomplishment—it's a basketball dynasty.

Mr. Speaker, I want to congratulate and thank Coach Popovich and all the Spurs players for an unforgettable season.

HONORING TASK FORCE PHOENIX IV, THE 53RD BRIGADE COMBAT TEAM

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. YOUNG of Florida. Mr. Speaker, this morning I had the great honor to join in ceremonies at Camp Shelby, Mississippi as we sent Task Force IV, The 53rd Brigade Combat Team headquartered in Pinellas Park, Florida to join Operation Enduring Freedom in Afghanistan.

The backbone of this task force operation is a contingent of 1,200 citizen soldiers from Florida National Guard units. They will be led in this operation by Brigadier General John M. "Mitch" Perryman, the first Florida General Officer to deploy and lead a Florida formation in combat overseas since World War II.

These 1,200 patriots from Florida, along with 250 soldiers from units in Tennessee, Kentucky, Iowa, Nebraska, and Vermont, were mobilized in April to begin their training and preparation for this mission to train the Afghan National Army. An advance party from the 53rd Brigade is already in Afghanistan preparing for the arrival of this unit.

The 53rd Infantry Brigade has earned a national reputation for excellence and achievement in service to our Nation and our great State of Florida. It was among the first units in the Nation to be activated following the tragic events of September 11, 2001. Their mission was to guard airports, seaports and nuclear facilities.

Members of the 53rd also proudly served side by side with Special Operations forces, the 3rd Infantry Division, and the Marine Expeditionary Force during Operation Iraqi Freedom. They fought for nearly a year in the streets of Baghdad and Ramadhi.

Many of those soldiers returned in April 2004 and were quickly deployed last summer to assist Floridians throughout our state who were devastated by four hurricane strikes. They served for up to 70 days helping with our state-wide recovery effort.

A large number of the troops my wife Beverly and I met with today at Camp Shelby are eagerly volunteering for a return to Southwest Asia to serve with Task Force Phoenix after having served earlier tours in Afghanistan and Iraq.

The troops that deploy for this mission join 1,976 Florida Army Guard and 200 Florida Air Guard troops who are currently deployed overseas. Since 9/11, 6,980 of the Florida Guard's 12,000 soldiers and airmen have been activated overseas to join in the international war on terrorism.

Mr. Speaker, it was an honor and a privilege to be with these soldiers today to see the spirit of pride and devotion with which they serve. They are America's Team that seeks to root out terrorists to protect our nation and our allies. Their motto is "From the Front!" which is where Florida's Guardsmen have found themselves over the almost 4 years that we have fought this international campaign against terrorists. Under the outstanding leadership of Florida's Adjutant General Douglas Burnett, the 53rd Brigade Combat Team is ready to carry out this latest mission to serve as ambassadors for freedom and peace overseas. They are a credit to our state, our Nation, and the United States Army.

HONORING FRANK PEPE PIZZERIA NAPOLETANA AS THEY CELEBRATE THEIR 80TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Ms. DELAURO. Mr. Speaker, early in the twentieth century, Frank Pepe, an Italian immigrant living in New Haven, created the first American pizza by putting tomatoes on top of old bake-shop bread. The creation was so popular that he opened America's first pizzeria on Wooster Street—and so the local legend of Pepe's pizza is recounted. Today, I am proud to stand and join the thousands of Pepe's fans across the Nation in extending my sincere congratulations to Frank Pepe Pizzeria Napoletana and the Pepe Family as they celebrate their 80th Anniversary—a remarkable milestone for this New Haven institution!

When Frank and Filomena opened their pizzeria in 1925, pizza was not considered a delicacy or a treat that you found on every street corner—in fact, it was a peasant meal. With hard work, countless hours, and dedication the Pepe's created a successful business that carried themselves and their extended family through the Great Depression and allowed them to raise their two children, Elizabeth and Serafina (Betty and Sarah). Throughout the years, Pepe's popularity grew outside the Italian-American community of Wooster Street and for four generations enthusiastic customers have returned with their own families. The excitement and loyalty of their customers has never wavered—a truth that is reflected in the long lines of anxious patrons that are a constant on Wooster Street.

In fact, Pepe's has even inspired other pizza entrepreneurs, the first of which was Frank's nephew Sal Consiglio who opened his own restaurant, Sally's, just steps from his uncle's restaurant. Years later another former employee opened Randy's Wooster Street Pizza Shop.

When Frank Pepe Pizzeria Napoletana first opened in 1925, it was the dream of Frank and his wife Filomena to have a successful neighborhood business where friends and neighbors could gather. Frank and Filomena could have only dreamed of the success their small business has come to be. Four generations later, the business is still run by family and the walls are still adorned with family photos as well as those of Bill Murray, Meryl Streep, and Matthew Broderick—just a few of the stars who have dined at Pepe's in the past. Their pizza is legendary and the ambiance is unforgettable—enjoyed by neighbors and celebrities alike. However, it is not just the pizza that make Pepe's such a special part of our community. It is the history and community spirit of Frank Pepe and his family that has made it a New Haven landmark.

Today, as they mark their 80th anniversary, it is not just a celebration of a successful family business, but of a thriving community treasure. It is with the greatest pleasure that I rise today to join Frank Pepe's children, Elizabeth and Serafina, grandchildren, Anthony, Francis, Lisa, Bernadette, Genevieve, Jennifer, and Gary, as well as their family, friends, and extended family of customers and fans as they celebrate this very special occasion.

RECOGNIZING THE ACHIEVEMENTS OF THE CONGRESSIONAL AWARD COUNCIL

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize several members of my district who have given their time in support of Congressional Award program.

Since 1979, the Congressional Award program has encouraged young people around the Nation to learn about their community, their government and themselves. Taking part in the program, young men and women ages 14 through 23 challenge themselves to accomplish established goals in voluntary public service, personal development, physical fitness and an expedition. Participants earn bronze, silver and gold medals based on their levels of achievement. This is a non-competitive, highly individualized program allowing all young people, whether fit or disabled, affluent or disadvantaged, to get involved.

Within Florida's First District, I have had the unparalleled support of the Congressional Award Council, most recently led by Martha Krehely. This council is one of only four chartered in the nation and has been a backbone in nurturing the program over the last decade. Mrs. Krehely, along with her husband Don, Ann Ball, Jacqualine Young, Margaret Restucher, James Sheffer, Lamar Smith, Thomas Gilliam, Honor Bell, Henry Giles and Jeff Weeks, have selflessly devoted hundreds of hours over the years to young men and women working to achieve their goals. Through their efforts the program has grown so that over 120 young adults are currently participating.

Their tireless commitment led to dozens of participants earning their bronze, silver and gold medals. As several members move on to other challenges, we can all be grateful for the strength and character they helped foster in the lives of our future leaders.

Mr. Speaker, on behalf of the United States Congress, I am proud to recognize the First Congressional District's Congressional Award Council and wish them continued success in all their endeavors.

AIDS DRUG ASSISTANCE PROGRAM (ADAP) FUNDING

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. HINCHEY. Mr. Speaker, I rise today to call attention to the AIDS Drug Assistance Program, ADAP, and the dire need for increased funding to help meet the needs of Americans living with HIV and AIDS. This necessary program provides medication to under and uninsured HIV/AIDS patients. Without ADAP, these people would not be able to obtain the necessary medication to prolong and improve their lives.

Every year since its inception, the number of people helped by ADAP has increased dramatically. While we are all aware of the limited resources this committee has been given to meet its many pressing needs, the ADAP program is simply and urgently a matter of life and death for over 136,000 Americans each year.

ADAP has been given a $10 million increase in this year's appropriations bill over last year, but the reality is that to keep pace with current and anticipated patient needs, ADAP requires a funding increase of $303 million. Without this funding, some 25,000–35,000 HIV+ Americans who may have relied on ADAP will not be able to this year.

In my home state of New York, where more than 22,000 people are enrolled in ADAP each year, I know first-hand the importance of the ADAP program. New York has been particularly hard-hit by the AIDS epidemic, with more than 160,000 residents diagnosed with AIDS, and 150,000 to 200,000 persons currently living with HIV/AIDS. The state government has been extremely supportive of ADAP, appropriating $60 million for 2005 to supplement the federal program.

Despite New York's statewide commitment, there are dozens of states that find themselves unable to keep up with the demand for coverage under ADAP. As documented in the National ADAP Monitoring Report, some states are being forced to take drastic measures to offset the federal funding shortfall, including establishing waiting lists for AIDS medications, reducing drug coverage, and restricting eligibility.

This has contributed to the pool of several hundred thousand HIV+ Americans who are unable to access available appropriate treatment for their HIV disease. This is dangerous to their personal health and quality of life, as well as to the public health. This ensures that more costly hospital interventions will be forthcoming in federal, state, local, and private funding streams, as HIV progresses without proper treatment.

I urge the conference committee to fully fund ADAP at $303 million. All Americans living with HIV/AIDS must get the help they need to purchase their medications and save and improve their lives.

WORLD REFUGEE DAY

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. HONDA. Mr. Speaker, I rise today to commemorate the courage, spirit and resiliency of refugees around the world and the compassion, generosity and valor of those who have helped them rebuild their lives. The amazing stories of these people are an inspiration to us all.

The lives of refugees are driven by fear of persecution based on race, religion or nationality; or even by membership in a particular social group or political opinion. The United States government plays a unique role in protecting the human rights of current refugees, resolving the conflicts and problems that produce refugees and preventing further refugee crises. Our government must remain a world leader in protecting the human rights of all refugees.

According to statistics from the U.S. Committee for Refugees and Immigrants, as of December 31, 2004 there are approximately 11.5 million refugees and asylum seekers worldwide. The United States has the capacity and the potential to receive many more refugees: in fiscal year 2004, the refugee ceiling was set at 70,000, while admissions into the United States totaled only 52,875.

I challenge the United States government to ensure a fair process for determining refugee status and to provide physical protection for those seeking asylum. Moreover, the United States should not unnecessarily detain refugee seekers in an attempt to deter them or others from seeking asylum in the United States; such a process is fundamentally contrary to the hope of freedom and democracy that our country represents.

I applaud the United States government for granting refugees basic human rights such as access to work, the means to earn a livelihood and the freedom of movement.

As a representative from California, a State with one of the highest number of refugee arrivals each year, I know there is much yet to be done to protect the rights of refugees.

Mr. Speaker, honoring the courage of refugees requires more than mere praise; we need concrete actions and durable solutions. In their battle against despair, let us be an ally to refugees; let us provide a glimmer of hope; let us be the beacon that America has always symbolized.

PAUL KRUGMAN'S ESSAY ENTITLED "THE WAR PRESIDENT"

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. CONYERS. Mr. Speaker, I recommend to my colleagues Paul Krugman's essay entitled "The War President" which was published in today's New York Times. How this country gets involved in a war always matters and since Congress has the Constitutional power to declare war, every Member of Congress must know how we got there, what we're doing there now and how the war shall end.

[From the New York Times, Jun. 24, 2005]

THE WAR PRESIDENT

(By Paul Krugman)

In this former imperial capital, every square seems to contain a giant statue of a Habsburg on horseback, posing as a conquering hero.

America's founders knew all too well how war appeals to the vanity of rulers and their thirst for glory. That's why they took care to deny presidents the kingly privilege of making war at their own discretion.

But after 9/11 President Bush, with obvious relish, declared himself a "war president." And he kept the nation focused on martial matters by morphing the pursuit of Al Qaeda into a war against Saddam Hussein.

In November 2002, Helen Thomas, the veteran White House correspondent, told an audience, "I have never covered a president who actually wanted to go to war"—but she made it clear that Mr. Bush was the exception. And she was right.

Leading the nation wrongfully into war strikes at the heart of democracy. It would have been an unprecedented abuse of power even if the war hadn't turned into a military and moral quagmire. And we won't be able to get out of that quagmire until we face up to the reality of how we got in.

Let me talk briefly about what we now know about the decision to invade Iraq, then focus on why it matters.

The administration has prevented any official inquiry into whether it hyped the case for war. But there's plenty of circumstantial evidence that it did.

And then there's the Downing Street Memo—actually the minutes of a prime minister's meeting in July 2002—in which the chief of British overseas intelligence briefed his colleagues about his recent trip to Washington.

"Bush wanted to remove Saddam," says the memo, "through military action, justified by the conjunction of terrorism and W.M.D. But the intelligence and facts were being fixed around the policy." It doesn't get much clearer than that.

The U.S. news media largely ignored the memo for five weeks after it was released in The Times of London. Then some asserted that it was "old news" that Mr. Bush wanted war in the summer of 2002, and that W.M.D. were just an excuse. No, it isn't. Media insiders may have suspected as much, but they didn't inform their readers, viewers and listeners. And they have never held Mr. Bush accountable for his repeated declarations that he viewed war as a last resort.

Still, some of my colleagues insist that we should let bygones be bygones. The question, they say, is what we do now. But they're wrong: it's crucial that those responsible for the war be held to account.

Let me explain. The United States will soon have to start reducing force levels in Iraq, or risk seeing the volunteer Army collapse. Yet the administration and its supporters have effectively prevented any adult discussion of the need to get out.

On one side, the people who sold this war, unable to face up to the fact that their fantasies of a splendid little war have led to disaster, are still peddling illusions: the insurgency is in its "last throes," says Dick Cheney. On the other, they still have moderates and even liberals intimidated: anyone who suggests that the United States will have to settle for something that falls far short of victory is accused of being unpatriotic.

We need to deprive these people of their ability to mislead and intimidate. And the best way to do that is to make it clear that the people who led us to war on false pretenses have no credibility, and no right to lecture the rest of us about patriotism.

The good news is that the public seems ready to hear that message—readier than the media are to deliver it. Major media organizations still act as if only a small, left-wing fringe believes that we were misled into war, but that "fringe" now comprises much if not most of the population.

In a Gallup poll taken in early April—that is, before the release of the Downing Street Memo—50 percent of those polled agreed with the proposition that the administration "deliberately misled the American public" about Iraq's W.M.D. In a new Rasmussen poll, 49 percent said that Mr. Bush was more responsible for the war than Saddam Hussein, versus 44 percent who blamed Saddam.

Once the media catch up with the public, we'll be able to start talking seriously about how to get out of Iraq.

ROSE GARCIA, RECIPIENT OF THE 2005 NATIONAL HOMEOWNERSHIP MONTH HERO AWARD

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. PEARCE. Mr. Speaker, I rise today to acknowledge the accomplishments of one of New Mexico's most devoted citizens, Rose Garcia. This morning at the Anthony Community Center in Anthony, New Mexico, Rose Garcia is receiving New Mexico's 2005 National Homeownership Month Hero Award. For more than 20 years, she has worked to provide housing for residents of rural and urban communities along the U.S.-Mexico border. In her tireless pursuit of creating opportunities for affordable housing, Rose Garcia has made the American dream of homeownership a reality for thousands of New Mexican families.

With this award, the New Mexico Partners in Homeownership are recognizing Rose especially for her work on behalf of very low income, underserved and colonia populations. Colonias are rural border communities and neighborhoods that lack safe and sanitary housing, along with basic conveniences we take for granted, such as sanitary water and sewer systems, street lighting and roads. Tierra del Sol Housing Corporation, of which Rose is Executive Director, not only provides housing but also builds the infrastructure to support these neighborhoods.

There are many obstacles one faces in the quest to own a home. Rose Garcia helps her clients through every step of the process and provides special assistance in one of the most important aspects—education. Tierra del Sol provides homeownership counseling and training, before and after the home purchase. Residents are given the tools to help themselves and begin a new tradition of ownership—and hope. Through her work for the last 23 years, Rose Garcia has helped countless otherwise neglected persons achieve the social and financial benefits of homeownership, despite economic and cultural challenges.

Mr. Speaker, I would be remiss not to mention the only other recipient of this esteemed award—the Honorable Joe Skeen. Congressman Skeen was an ardent supporter of homeownership programs in New Mexico, and Rose Garcia worked with him in that endeavor. She continues this legacy, not only through her commitment to homeownership, but in her dedication, her creativity and her unfaltering spirit.

Mr. Speaker, I am honored to congratulate Rose Garcia on this well-earned distinction and express my gratitude for the dedication and innovation she has demonstrated. I commend Rose for the hard work she continues to perform, and I am proud to recognize her—a true model of commitment to homeownership—today before my colleagues.

"The American Dream of Homeownership." For thousands of New Mexicans, Rose herself is a dream come true.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. BARRETT of South Carolina. Mr. Speaker, it has come to my attention that one of my votes yesterday, Thursday, June 23, 2005, was not recorded by the electronic device.

I ask that the RECORD reflect that I would have voted "yes" on rollcall vote #307 (On Agreeing to the Bradley Amendment to H.R. 3010).

DR–CAFTA

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. HOLT. Mr. Speaker, I rise today to express my opposition to the proposed US-Dominican Republic-Central American Free Trade Agreement (DR–CAFTA).

Former U.S. Trade Representative Robert Zoellick led the team of U.S. negotiators who concluded what they consider to be a good trade agreement in DR–CAFTA, and President Bush signed it the summer of 2004. This agreement will not take effect, however, until it is formally submitted to the Congress for a straight up-or-down vote, pursuant to the fast-track trade negotiating authority that Congress approved in 2002.

Fast-track trade negotiating authority was first approved by Congress when the Trade Act of 1964 was enacted. As a result the Congress cedes much of its power to amend trade agreements negotiated by the President.

I voted against giving the President a 5-year extension of fast-track trade negotiating authority in 2002. Fundamentally, I believe Congress ought not cede such open-ended, blanket trade negotiating authority to any President. Nevertheless, the DR–CAFTA agreement has been negotiated by the President's representatives and will come before Congress.

International trade is not just inevitable, it is a good thing. But lowering the cost of goods and increasing their availabilitly is not the single goal of trade. Trade done right helps lift the global standard of living and works to protect the irreplaceable environment we inherited. Trade is about values. Trade agreements are not just about goods and commodities; they are also about what constitutes acceptable behavior in environmental matters, worker's rights, intellectual property, and so forth. We should make sure we export the goods we produce and not the workers who produce them.

Each new trade agreement entered into by the U.S. should be very closely scrutinized. Each ought to include the strongest enforceable worker rights and environmental safeguards attainable, like those included in the U.S.-Jordan agreement of 2000. Each should also include enforceable rules to protect intellectual property rights and guarantee access for U.S.-based corporations to foreign markets. This can be achieved in trade agreements if we enter negotiations with clear principles.

I voted against the Chile and Singapore trade agreements, for example, because the inadequate labor and environmental provisions included in them, in my estimation, failed to meet the negotiating objectives that Congress carefully spelled out in the 2002 law extending fast-track negotiating authority to the President. They did not provide, for example, that trade dispute settlement mechanisms within those free trade agreements afford equivalent treatment to trade-related labor and environmental protection as intellectual property rights and capital subsidies, and the impending DR–CAFTA fails in this regard, too. The agreement between the US and Jordan, on the other hand, is a fine example that good agreements are achievable.

I am troubled by the DR–CAFTA that the President has signed. The DR–CAFTA does not contain strong, enforceable provisions to protect internationally-recognized worker rights. Nor does it have any provisions for environmental safeguards. Such provisions are critical because they both preserve existing labor laws and environmental standards in the affected countries, and because they ensure that American companies will be competing on a more level playing field with our Central American neighbors. Without such provisions, U.S. companies and employees are forced to compete with countries that have no labor wage, working conditions, or environmental protections. The people of all countries lose in such a "race to the bottom."

Mr. Speaker, I will vote against the DR–CAFTA when it comes to the floor of the House and I urge my colleagues to do the same.

APPLAUDING ASSISTANCE TO MILITARY FAMILIES

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. BILIRAKIS. Mr. Speaker, earlier this week, "Operation Helping Hand," a program of the Tampa Chapter of the Military Officers Association of America (MOAA), was recognized for its efforts to assist the families of service members wounded in Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF).

The James A. Haley VA Medical Center is one of four designated polytrauma centers within the Department of Veterans Affairs. Since the start of OIF/OEF, these trauma centers have served as regional referral centers for individuals who have sustained serious disabling conditions due to combat. Patients treated at these facilities may have a serious Traumatic Brain Injury (TBI) alone or in combination with amputation, blindness, or other visual impairment, complex orthopedic injuries, auditory and vestibular disorders, and mental health concerns. Because TBI influences all other areas of rehabilitation, it is critical that individuals receive care for their TBI prior to, or in conjunction with, rehabilitation for their additional injuries.

"Operation Helping Hand" provides assistance to the families of the very seriously wounded and injured service members who were deployed in either Iraq or Afghanistan and are now receiving treatment at the James A. Haley VA Medical Center. The average hospital stay for the injured is approximately 45 days. The families of these injured service members travel from all over the country to be with their loved ones at this critical time.

"Operation Helping Hand" assistance ranges from providing rental or leased cars, bus or taxi fares, cell phones or phone cards to the families of wounded service members. The program also provides tickets to local amusement parks, movie theaters and restaurants to make these families more comfortable while they are in Tampa waiting for their loved ones to recuperate. The assistance provided allows families to focus on their loved ones' recovery.

This year marks the sixth year that Newman's Own Inc., Fisher House Foundation Inc., and the Military Times Media Group have joined forces to present the "Newman's Own Awards" which seek to reward ingenuity and innovation for volunteer organizations working to improve the quality of life for military personnel and their families. These organizations issued a challenge to all private organizations serving our military communities: "present an innovative plan to improve the quality of life for your military community and receive funding to carry out that plan."

This year, 177 organizations submitted nominations for the award. I am pleased that "Operation Helping Hand" received the top prize of $100,000. Ten other organizations shared $40,000 in grants.

I want to congratulate the Tampa Chapter of the MOAA and all the individuals involved in "Operation Helping Hand" for winning the Newman's Own Award. I also want to commend them and all the other award winners for their outstanding work in support of our military personnel and their families.

STATEMENT CONCERNING THE FUTURE OF U.S. RELATIONS WITH VIETNAM

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. AL GREEN of Texas. Mr. Speaker, some prominent members of the Vietnamese community within my Congressional District have asked that I deliver a message to Congress regarding human rights issues in Vietnam. I take this opportunity to express their sentiments on the heels of Vietnamese Prime Minister Phan Van Khai's visit to the United States. I am convinced that while this is a historic and unprecedented visit, I believe that their concerns are equally important.

Mr. Speaker, I ask that this statement be made a part of the official RECORD.

Vietnam is a nation that has a record of violating human rights and suppressing religious freedom. This has been recorded in the U.S. State Department's 2004 Human Rights report on Vietnam. The report declares that the governing party, the Communist Party of Vietnam, has restricted the freedom of speech, the freedom of press, and the freedom of assembly, freedoms that our nation holds so dear. The Vietnamese government also continues to hold political and religious prisoners. It prohibits human rights organizations and political, labor, and social organizations from forming or operating. The 2004 U.S. State Department report also found that government security forces have been known to beat, shoot, and even bear responsibility for the disappearance of its citizens. These are not the government activities of a free nation.

The United States must not ignore the oppressive practices of governments with which we build economic and military ties, for our relationships with other nations reflect our own national values and beliefs. While it is my sincere hope that relations between the United States and Vietnam will become stronger in the future, we must remember that our Nation prides itself upon protecting democracy and supporting human rights all over the world.

Although Vietnam has made steps toward progress, we have seen that it still partakes in practices meant to oppress its citizens. Therefore, it is my expectation that the United States will work with Vietnam to improve its grave human rights and religious freedom records so that we may continue to take steps to strengthen and broaden our ties with that country.

TRIBUTE TO MILDRED SPITZER, VOLUNTEER

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. CLAY. Mr. Speaker, I rise today to honor the ageless energy, optimism and achievements of Mildred Spitzer, who at 100 years young brings a brightness and light to her community.

Mrs. Spitzer's volunteer service at the University City Children's Center, the Washington University School of Medicine, and Temple Israel are part of her lifelong commitment to serving society. Mrs. Spitzer has spent what should be her retirement years performing office work, working as the secretary of her retiree's group, and caring for infants. Mr. Stephen Zwolak, the executive director of the children's center, says that her work is "wonderful," and provides the "human touch [the babies] need to create attachment," a cornerstone of the center's educational philosophy. By all accounts, she inspires others with her youthful exuberance and enthusiasm.

Mrs. Spitzer was born on April 22, 1905, in Philadelphia, Pennsylvania where she also attended Temple University. While living in Summit, New Jersey, she founded a chapter of a Jewish educational charity. She was married to Harold Spitzer for 47 years and she is the proud matriarch of a family of three daughters, six grandchildren, and now six great grandchildren. Mildred Spitzer has resided in the First District of Missouri for the past 12 years. She is committed to regular exercise and played golf well into her eighties. She now enjoys playing cards and reading and takes pride in doing her own shopping and housework.

For her part, Mrs. Spitzer is humble and eager to thank God for her longevity, health, and happiness. Her philosophy of good—good will and good thoughts—is both pragmatic and profound, as she asks us all simply "What's the use in being cranky?" Her life stands as a testament to her kind spirit, faith and optimistic outlook.

Mr. Speaker, it is my pleasure to recognize Mrs. Mildred Spitzer before the U.S. House of

Representatives for her many lifetime achievements, longevity, and ongoing vigor and energy. She has demonstrated an indefatigable love of life and a commitment to helping others. Mildred Spitzer is a national treasure and a source of national pride.

COMMEMORATING THE 33RD ANNIVERSARY OF TITLE IX

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise to commemorate an extremely important anniversary.

Thirty-three years ago today, Title IX, the landmark legislation banning gender discrimination in federally funded education programs, was enacted into law.

I adamantly oppose restrictions to Title IX. Recent "clarifications" to the law will only lead to allowing schools to avoid providing equal opportunities to female students.

For women, especially young women, Title IX is one of the most important pieces of legislation in the past half century.

Title IX helps those who need help the most, particularly in low-income areas.

Girls who participate in athletics at the high school and college levels are more likely to graduate with higher grades than their peers who do not play sports. The health benefits of exercise are well documented and girls who play sports often take their appreciation of exercise and activity into their adulthood.

Team sports prepare girls for success in the workplace by teaching the benefits of teamwork and tenacity at a young and receptive age. Athletics imbue girls with self-confidence they may not be able to develop elsewhere.

We must not interfere with Title IX's effectiveness. That is why I oppose the recent clarification and advocate for increased equality in sports for female students.

CONGRATULATING MS. BONNY BEACH ON RECEIVING THE ROBERT WOOD JOHNSON COMMUNITY HEALTH LEADERSHIP PROGRAM AWARD

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. PASTOR. Mr. Speaker, I rise today to congratulate Ms. Bonny Beach, Executive and Clinical Director of NDNS4Wellness at the American Indian Prevention Coalition, Inc., in Phoenix, Arizona.

Ms. Beach was recently named one of ten recipients of the Robert Wood Johnson Community Health Leadership Program Award, considered the nation's highest honor for community health leadership. She will receive $120,000 for her work in preventing substance abuse in Native American youth.

Substance abuse and its associated health problems have had a devastating impact on the Native American population. Phoenix has the second largest Native American population in the U.S., with more than twenty-one tribes represented in the city and surrounding areas. Some 75,000 Native Americans reside in Maricopa County, where Ms. Beach's organization is located.

Ms. Beach is a Native American who has seen firsthand the pain and destruction that substance abuse has exacted on her community. Tired of attending funerals resulting from an epidemic of alcoholism and substance abuse among Native Americans, she became determined to have a positive impact on her community. In 1997, she helped to establish the American Indian Prevention Coalition, an intertribal nonprofit organization that works with Native American youth and their families to improve the quality of life for indigenous people.

In 2000, she developed the NDNS4Wellness Behavioral Health Agency. NDNS4Wellness employs more than fifty Native Americans, providing culturally respectful prevention, educational, and counseling services through school-based programs. It also offers substance abuse treatment to some three hundred young people through its residential and outpatient services.

Mr. Speaker and distinguished colleagues, I am honored to recognize Ms. Beach for receiving this prestigious, national award, and to express my gratitude for her determination and leadership. Her deep commitment to preventing substance abuse among Native American youth and families has undoubtedly inspired many others in Phoenix and elsewhere to take action. It is with great pleasure that I congratulate Ms. Beach today for this award, which duly recognizes her important work for the community.

RECOGNIZING MR. MARINUS ALBERT BOSMA'S RECEIPT OF THE YAD VASHEM AWARD

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. BOEHNER. Mr. Speaker, I rise today to extend my deepest respects and congratulations to Mr. Marinus Albert Bosma, his parents Mr. Albert Bosma and Mrs. Helena Bosma-V.D. Pol, and his sister Mrs. Alberta Bosma-Iseli. Mr. Bosma and his family will be receiving the Yad Vashem Righteous Among the Nations Award on June 29, 2005.

The Yad Vashem Award is the Jewish people's memorial to the six million victims of the Holocaust. Its name derives from the Book of Isaiah, "And to them will I give in my house and within my walls a memorial and a name (a "yad vashem") . . . that shall not be cut off (56:5)." In 1963, Yad Vashem embarked upon a worldwide project to grant the title of Righteous Among the Nations to non-Jews who risked their lives to save Jews during the Holocaust.

Mr. Bosma and his family are natives of Arnhem in the Netherlands. During World War II, the Bosma family helped find shelter for thirty Jews and housed twelve Jews within their own home. Between the ages of twelve and nineteen, Mr. Bosma showed great valor through his assistance in the Dutch resistance.

Yad Vashem honors both the heroism and tragedy of the Holocaust for those generations where World War II is a distant history lesson. It gives a memorial and a name to the millions of men, women, and children who lost their lives for their religion and culture. Yad Vashem provides an opportunity to pay tribute to the men and women who represent the best of the human spirit; living by principles and convictions, acting heroically in the face of adversity, and finding value in all human life.

Marinus, I offer you and your family my respect for your actions during World War II. Congratulations on receiving this prestigious award.

CONGRATULATING BOSTON YACHT CLUB

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. TIERNEY. Mr. Speaker, I rise today to honor the Boston Yacht Club (BYC) of Marblehead, Massachusetts, which this year is celebrating the 100th anniversary of the Marblehead-to-Halifax Ocean Race.

The race began in 1905 as an informal competition among sailors from the Boston, Eastern and New York Yacht Clubs. In 1939, the Boston Yacht Club joined with the Royal Nova Scotia Yacht Squadron to formalize this biennial event.

The race is run on alternate years from the Newport Bermuda Race, as one of the preeminent ocean races of the North Atlantic. The course runs 360 nautical miles from Marblehead through the Gulf of Maine, across the Bay of Fundy and up to Halifax, Nova Scotia, Canada.

There are few sailing sights as thrilling as the Marblehead-to-Halifax Ocean Race, which traditionally begins the second week in July. More than 100 spectator boats look on as over 100 racing yachts maneuver for starting position. The race committee is assisted by dozens of official boats and by both the United States and Canadian Coast Guard.

The Boston Yacht Club was founded in 1866, and at one time operated from five different locations in Massachusetts and one in Maine. Today the club operates from a single station in Marblehead, with 400 yachts flying the BYC burgee.

It is appropriate that the House recognize the Boston Yacht Club for continuing the tradition of the Marblehead-to-Halifax Ocean Race, which is part of the rich seafaring history of Marblehead.

In closing, I would like to acknowledge that many Boston Yacht Club members are running the race in memory of their comrade Paul Simon of Marblehead, who had intended to race this year, but was tragically killed with his wife Sanda in an automobile accident last March.

HONORING DONORS TO TSUNAMI RELIEF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. REYES. Mr. Speaker, I rise today to express our Nation's gratitude for the El Paso community, which provided generous donations and assistance to help rebuild the lives of those hurt by the massive tsunami that crashed ashore in South Asia on December 26, 2004.

Just a few weeks after the Asian tsunami, I traveled to South Asia with colleagues from the House Armed Services Committee and the House International Relations Committee. As part of that trip, we traveled to Indonesia to deliver medical supplies to help contribute to the relief effort and assist those touched by the tragedy.

The most crucial component of this mission in Indonesia—providing medical supplies—would not be a reality without the charitable donations of numerous El Paso hospitals, organizations and individuals. Through their contributions—which amounted to nearly one ton of supplies such as gauze, surgical masks, syringes and antibiotics—the El Paso community has made a direct contribution to the relief efforts.

We owe a great debt of gratitude to the following individuals who, when the call for supplies went out, answered positively and enthusiastically and gave generously: Hank Hernandez, CEO of Las Palmas and Del Sol Healthcare; Doug Matney, CEO of Sierra Providence Health Network; Jim Valenti, CEO of Thomason Hospital; Jerry Wilson, District Manager of the Walgreen Company; Gerald Rubin, President and CEO of Helen of Troy; and Scott Wells of Cardinal Health.

Sadly, our world is plagued by terrorism, the war in Iraq, and now the mounting death toll and devastation caused by the tsunami in South Asia. However, the collective outpouring of compassion and quick action from across the globe to aid those in this time of overwhelming need is cause for hope.

El Paso has also shown that it is committed to assisting the tsunami victims and helping them rebuild their lives. Our entire community should be proud of our contributions to this effort.

MUKHTAR MAI

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Ms. JACKSON-LEE of Texas. I rise today to address the safety and well-being of Ms. Mukhtar Mai in the nation of Pakistan. As the Co-Chair of the Congressional Pakistan Caucus I have been monitoring this situation closely. As a long-standing and active member of the Women's Caucus and the Human Rights Caucus I am greatly concerned about the well-being of this woman who has undergone tremendous suffering in her life.

For those who do not know the story of Mukhtar Mai she was gang raped in 2002 by the order of a tribal council, allegedly as punishment for her brother's affair with a woman from a powerful rival clan in the remote town of Meerwala. Thirty-three-year-old Ms. Mai defied threats and local customs to testify against these suspects. In August of 2002 six men were sentenced to death. But this March, another court overturned five of these convictions and reduced the death sentence of the sixth to life in prison. Twelve men were then rearrested on the Prime Minister's orders based on community safety laws but were freed on June 10 since the law only allows them to be held for a limited time under these laws. Since that time it has been alleged that the Pakistani government has confiscated her passport and forbidden her from leaving Pakistan.

It has come to my attention that efforts have been made by the Pakistani Government to insure the safety and well-being of Ms. Mai. I understand that since this horrific incident occurred in 2002 she has been provided with a security detail and legal assistance in accordance with their laws. However, the judiciary in Pakistan, as it is here in the United States, is independent of the executive branch of the government. The decision made by the court seems ill-considered and is not supported by the Executive branch. It seems that the government plans to have these accused rapists arrested and tried again, this time before the High Court of Pakistan in accordance with their laws.

Representatives from the Government of Pakistan say that they have not in fact barred Ms. Mai from traveling where she pleases and that she has access to her passport at any time. State Department spokesman Adam Ereli stated on Wednesday that "senior Pakistani officials, both here and in Islamabad" had been contacted regarding Mukhtar Mai and that the State Department has "been informed by the Government of Pakistan that, consistent with Ms. Mukhtar's wishes and at her request, the Government has her passport and that she is satisfied that she can have access to it whenever she wants." Moreover, they have "received renewed assurances from the Pakistani authorities that she is free to travel whenever she so desires." Mr. Ereli went on to say that they have confirmed this with sources close to Ms. Mai. I have also been told that Ms. Mai has appeared on certain TV and satellite outlets and declared that she in fact has not been barred from leaving the country; however I have not personally seen such footage so I can not confirm its validity.

The current Government of Pakistan has tried to rule by a vision of "enlightened moderation," which is to say that the people of Pakistan must raise themselves up through individual achievement and socioeconomic emancipation. One issue which the present government has worked hard to improve is that of women's rights. Currently, there are 73 female members of the National Assembly which has 60 seats open only for women to ensure that they are represented on their legislative body. Similarly, 17 percent of seats in each of the four provincial assemblies have also been reserved for women. In addition, I spoke to the Pakistani Minister of Education a few months and he told me that the national plan for education on Pakistan places great emphasis on ensuring that their female population gets educated. In fact they are working to provide incentives to poorer families in Pakistan to send their girls to school instead of keeping them at home. These are all steps the Pakistani Government under President Musharraf says they are taking to advance the cause of women in Pakistan.

However, there is much, much more work to be done in this area to ensure women's rights. The truth about Pakistan is that there is a great divide between more urban and more rural communities. Mukhtar Mai comes from a more remote area of Pakistan in which tribal law and customs are often held above the law of Pakistan. These tribal areas unfortunately often hold harsh views towards the rights of women. One of the great heroes of Pakistani independence was Fatima Jinnah who is considered the mother of Pakistan. She was the outspoken and strong-willed sister of Mohammed Ali Jinnah who is considered the founder of Pakistan. In fact, Pakistan had the first woman to head the government of an Islamic State when Benazir Bhutto was sworn in as Prime Minister of Pakistan in December of 1988. The truth remains that Pakistan must ensure the rights and safety of women throughout their nation regardless of tribal law and customs. However, we must also recognize that such large social change takes time and will not be solved easily.

Regardless of the political or international ramifications of this issue let us not forget the pain that Mukhtar Mai has endured. But, while she was brutally victimized she did not allow herself to be a victim. After testifying against her attackers she took the money from that settlement along with many international donations to open a school in her small village. She understands that education is the way to end brutality and ignorance. She even went so far as to enroll the children of her attackers in the school because she will not allow herself to be a hateful person, she wants to bring goodness into the lives of others around her. The verdicts of her attackers being overturned were a great setback for her personally and the entire women's rights movement in Pakistan, but it certainly is not the end. This woman has gone through so much and done such great things that she will not give in. I applaud her, she is the face and voice of a movement that gains strength everyday, one that will not succumb. In tribute to her efforts I will continue to fight for the cause of women's rights and join with Mukhtar Mai and all the women of Pakistan to move forward towards justice and equality.

Furthermore, I have always supported the message of women's rights whether it is here or abroad, whether I have to deliver it to an ally of our nation or one we consider an enemy. Additionally, I join with the women of the United States House of Representatives to unite around protecting women throughout the world and in Pakistan. Today, I believe that the nation of Pakistan must do more to ensure the rights of Pakistani women and I have confidence that they are working towards this end. I pray for Mukhtar Mai and all the women of Pakistan that they will get justice in their lives.

SENATE—*Monday, June 27, 2005*

The Senate met at 1 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our help and shelter, we look to You for defense. Defend us from temptation. Help us to say no to tempting voices and the things that lead to ruin as You teach us to follow Your blueprint for abundant living. Defend us from arrogance as You help us to esteem others as significant because we can see Your image in them. Defend us from ingratitude in the day of prosperity.

Today, defend our lawmakers from discouragement so that they will persevere in well-doing, with the knowledge that the harvest, though delayed, is not denied. Help them to remember that no time exists when You will fail them, and no moment comes when You will forsake them.

Lord, defend each of us from a stubbornness that refuses to be guided by Your light and sustained by Your grace.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 3 p.m., with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Kentucky is recognized.

SCHEDULE

Mr. BUNNING. Mr. President, today the Senate will conduct a period of morning business until 3 p.m., with the first hour under the control of the majority and the second under the control of the Democratic leader or his designee. Following morning business, the Senate will resume consideration of the Interior appropriations bill. Under a previous agreement, all amendments to the bill must be offered during today's session. The majority leader announced on Friday that there will be no rollcall votes today, but Senators who have amendments to the bill should make themselves available to offer and debate their amendments.

I also remind my colleagues that the next vote will occur tomorrow morning, shortly before 10 a.m. That vote will be on the passage of H.R. 6, the Energy bill. Following disposition of the Energy bill, the Senate will resume consideration of the Interior appropriations bill, and we will vote on previously offered amendments to the Interior appropriations bill tomorrow.

In addition to the vote on passage of the Energy bill and completing work on the Interior appropriations bill, the Senate will act on any additional appropriations measures, including the Homeland Security appropriations bill and other legislative or executive items. This is the last week of the session before the July 4 recess and Senators should expect a busy week with votes throughout.

GUANTANAMO BAY

Mr. BUNNING. Mr. President, today I rise to speak about our operation at Guantanamo Bay, in Cuba. There is so much information out there that is untrue, it must be corrected. Yesterday, I went to Guantanamo Bay with my colleagues, Senator CRAPO and Senator ISAKSON. We went to see for ourselves what all the so-called fuss is about down there, and we want to help set the record straight.

While we were there we also saw Senator WYDEN and Senator BEN NELSON. I am sure they will tell you what they saw when they come to speak on the Senate floor.

Our soldiers assigned in Cuba are on an island within an island. The base is isolated from the rest of Cuba, and it is isolated from the rest of our military. Our troops do not just drive off post to go watch a movie or to go to the mall. All they have is on post, from shopping to entertainment to food.

Many serving at Guantanamo leave their families behind. Some are National Guard troops, far away from home. It is a tough life, and they have a job that is mentally and physically challenging.

As we toured the detention camps, our troops patrolled the buildings and open areas in full uniform. In the afternoon, the temperatures reached into the high 80s, and the humidity could not have gotten much worse. But those brave young men and women stood guard over the detainees to keep them in line and protect them from other detainees.

Probably the weather and the Sun are the last things our troops are worried about. The people they are guarding are the terrorists. They are the worst of the worst. They are all dangerous. Many directly fought Americans on the battlefield, killing and wounding our soldiers, yet our young men and women watch over these terrorists and provide for them. They do this despite the terrorists having taken up arms against fellow American servicemembers. The danger the terrorists pose to our military in Guantanamo is real and enduring.

While we were inspecting one of the detention facilities, the halls were filled with sounds of detainees beating on metal doors of their cells and yelling at anyone who could hear. Weapons have been found in the detainees' cells and are often made from ordinary items they are provided.

Our troops on the ground in Guantanamo are putting their lives on the line to protect and provide for terrorists. Yet some of my colleagues and others, commentators, suggest that these brave young men and women are the criminals, and when they make such outrageous statements, there are many in the media willing to repeat the accusation without bothering to check the facts for themselves.

For example, almost any picture seen of detainees at Guantanamo is from Camp X-Ray. Everyone is familiar with those pictures. They are the ones with men in orange suits, living in open-air cells made of chain-link fences.

I went to Camp X-Ray. Do you know what I saw? I saw weeds several feet high and plants growing all over the fencing. Do you know what I did not see? People. Camp X-Ray has been closed since 2002. It is no longer used at all. But those images are the ones that continue to appear in print and on the news. It is no secret that Camp X-Ray is closed, but pictures of the new and improved facilities are never shown.

I wish to talk about these new facilities. They have come a long way from concrete slabs surrounded by chain-link fencing. I cannot say I felt bad for any terrorist who had to spend the night in Camp X-Ray, but the new camps are significantly better. They

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

offer the terrorists more privacy, space, and protection from the weather. They offer the terrorists areas for recreation. Some even have air-conditioning and semiprivate showers.

The newest facility is modeled after the state-of-the-art prisons in the United States and is fully air-conditioned. New furniture is on the way, and an even newer facility is about to be built. But I have not seen any of those camps I just described on the news, and I am hopeful that those in the media will help clear up this issue.

But the real issue that goes to the heart of this debate is, Are we serious about fighting terrorism or not? If we are, then these new detention facilities at Guantanamo will remain open until no more terrorists are plotting to harm innocent Americans. What goes on there is critical to our fight against terrorism and the war on terrorism. First and simplest, if the terrorists are locked up in Cuba, then they cannot kill Americans in Iraq or New York, in Afghanistan or even in Kentucky. Those being held at Guantanamo are the worst of the worst terrorists we have captured. The military has decided that they are so dangerous that they must be moved halfway around the world to keep them away from the battlefield. That is reason enough to keep Guantanamo open.

There are bomb makers who are no longer making bombs because they are in Cuba. Terrorist training camp instructors are no longer teaching classes because they are being held next to a Caribbean beach. Others at Guantanamo were caught with heavy weapons, explosives, or anti-aircraft missiles, but they will not get to use those weapons to kill Americans because we are holding them in the detention facilities. One person being held there very well may be the intended 20th hijacker for September 11, but because he is locked in a cell in Cuba, he will not be able to fly a plane into a building anytime soon.

I could describe many individuals held at Guantanamo and give reasons they need to remain in our custody, but I only will mention a few more—12, to be exact. That is the number of those we know who have been released from Guantanamo and returned to fight against the coalition troops. Some have been killed and some have been recaptured. But we must not miss the lesson that we are dealing with dangerous people who will stop at nothing to kill innocent Americans.

But there is more to Guantanamo than locking up terrorists. As important as keeping the terrorists from carrying out their evil plans, we are gaining valuable information from the detainees. Those terrorists are one of our greatest sources of information into terrorist operations, financing, and personnel. Some of them were very close to Osama bin Laden at one time. Others were active in planning terrorist attacks. Still others worked on finance and personnel recruitment for terrorist groups. Think of the wealth of information they have.

The detainees can identify people involved in terrorist groups. They have helped us better understand the structure of terrorist organizations. They know locations and transportation routes. They can validate information gathered on the battlefield. To this day, they continue to provide us with critical information in our fight against terrorism.

We are not gathering information from them in any inhuman way. I saw several interrogations. None of the terrorists were being beaten. There was no torture, and they were not being starved. Throughout the entire detention camp, terrorists were given clothes and bedding. They are given Muslim prayer rugs and Korans. There are arrows everywhere pointing to Mecca. We even witnessed a prayer call announcing to the terrorists that it was time for them to turn to Mecca and pray.

That, Mr. President, is a far cry from the repressive regimes to which critics of Guantanamo have compared our military. Did the Nazis respect the Jewish faith? Did Stalin and Pol Pot practice religious tolerance? Absolutely not.

The detainees are being fed well. In fact, their meals often cost more than the meals served to our troops because of their cultural dietary restrictions. When Hitler imprisoned Jews, he did not go to lengths to prepare them kosher meals that followed their faith.

The military has constructed a hospital for the detainees. While we were there, we saw a detainee being transported to the hospital for an examination. When needed, the terrorists have access to other doctors and medical facilities. If a specialist is needed, then one is brought in. In other words, we give the terrorists the same medical care our troops get.

Many get dental care and glasses for the first time in their lives. Others have been diagnosed with diseases and other medical issues and have received treatment. We have even given amputees new medical limbs.

Again, I ask my colleagues, did Hitler and Pol Pot provide dental care to their prisoners before they killed them?

And the terrorists are not being held without a review process. Each person brought to Guantanamo is reviewed to make sure they really are an enemy combatant. They are also periodically reviewed to make sure they still need to be held at Guantanamo or if they should be moved elsewhere or even released.

The detainees are given a chance to explain their side of the story. International law does not require these combatants be given a review board. Our military is going out of its way to give these terrorists rights above and beyond the evil regimes the war's critics have cited. After all, there were not review boards in the gulags or the concentration camps. The Nazis did not care if their prisoners had taken up arms against Germany. They locked them up into slavery anyway.

Anyone who compares our operations at Guantanamo to those ruthless killers is lying to the public and insulting our troops. No detainees at Guantanamo have died due to their treatment by our troops—none, zero.

Hitler murdered 6 million Jews and caused the death of tens of millions more on the battlefield. Stalin had tens of millions killed. Pol Pot was responsible for the death of about 1 million in his "killing fields."

Of course, the detainees are not living in luxury. But these are dangerous killers we are talking about. They are terrorists. But we treat them with respect, which is much more than they have ever treated us with.

Conditions improve every day at Guantanamo. But as long as they are dangerous to America, we must continue to hold them and gather information. We have a determined enemy that wants to do nothing but harm us. The only way to beat them is to stand strong, fight longer, and not back down.

What we are doing at Guantanamo is a key part of our fight. These terrorists cannot hurt us as long as they are locked up. They will continue to provide us with valuable intelligence, and we continue to treat them with the dignity they refuse to show us.

Finally, Mr. President, I want to say thank you to all the brave men and women working for our freedom at Guantanamo and throughout the world. I am always impressed with the fine young Americans in our military. And seeing them yesterday was no exception. I had the privilege of meeting a few soldiers from Kentucky while at Guantanamo Bay. I cannot say their names due to the security reasons we have and to ensure their future safety. They, and others, are serving our country with honor. I thank them and their families for their sacrifices.

Mr. President, it was an unbelievable experience yesterday in Cuba at Guantanamo Bay, one I will remember for the rest of my life.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CRAPO. Thank you very much, Mr. President.

Mr. President, I stand and join my colleague, Senator BUNNING from Kentucky. I was one of those who was able to be on this trip to Guantanamo yesterday. Along with Senator ISAKSON from Georgia, we were joined there by two other Senators, Senator WYDEN from Oregon and also Senator NELSON from Nebraska, who came in on a separate trip.

We had an opportunity to view exactly what is happening at Guantanamo. As I said, I am glad to be able to stand with my colleague, Senator BUNNING, and set the record straight about what the United States and the honorable men and women of our armed services are doing to serve the United States, the people of this country, and, frankly, the people of the world as we fight to defeat terrorism.

I want to first thank my colleague, Senator BUNNING, who has given a very thorough and helpful review. I will try not to repeat too many of the things he went through, but he has identified the core points that need to be made as we discuss what is truly happening at Guantanamo.

I want to start out by going into a little bit of detail about who exactly is there. Secondly, I want to talk a little bit about the legal framework because, frankly, a lot of the debate we hear throughout the country and throughout the world today has to do with different points of view about the legal framework within which we are dealing with the circumstances at Guantanamo.

Then I want to talk about the question of transparency; in other words, do we really know what is happening there? I know there are a lot of people who will say: You went there and you visited, but did you really see the truth? I want to talk about that. I also want to talk about what we saw—how are the detainees being treated.

Finally, I want to talk about our own troops. What is their morale? And what is their conduct? And then, actually, the last thing I want to talk about is: Of what benefit to the United States and the world is Guantanamo?

I am going to go back now and talk, first of all, about who is there. I think there has been a bit of a misconception about who it is we are detaining at Guantanamo.

Since the effort began in defeating the Taliban in Afghanistan—and it has expanded to the war in Iraq—the United States has captured more than 70,000 detainees—70,000—in the conduct of the war in Afghanistan and Iraq. Among that number, the vast majority have been handled in other ways. Either they have been released or they have been turned over to other authorities, other nations, or they are being held in facilities in the area of the battle. But we are working with Iraq, Afghanistan, and other governments to make sure they take control of detainees to the maximum extent possible.

But there are some detainees who are so dangerous that we have made the decision we must maintain control over them. They are also controlled because they have information that is critical to us in the battle against terrorism. And after a very thorough vetting process, out of 70,000 who have been captured in these battles and in other efforts to fight against terrorism, approximately 800 have been moved to Guantanamo.

My numbers are going to be kind of rounded here, but of that 800, about 235 have already been released or moved into the custody of other countries. My colleague, Senator BUNNING, indicated that is not always good news. At least 12 of those who have been released have been found again in the battlefield—some of them killed in battle, others captured again, and at least one was found to have ordered some very significant terrorist activities after being released from Guantanamo.

But about 235 of the 800 who we determined were so dangerous they needed to be moved to Guantanamo have been released or put into the custody of other countries. Approximately 520 remain at Guantanamo. Who are these 520? These are terrorist trainers. These are bomb makers. These are recruiters and facilitators for al-Qaida and other terrorist groups. These are terrorist financiers. These are bodyguards of Osama bin Laden. And these are would-be suicide bombers—to name just a few of those who we have identified and the activities we are stopping by keeping them detained.

I am going to come back a little bit later and talk about what we learn from these detainees. But I would like to talk, next, a little bit about some of the details of individuals whom we have identified. An elaborate process has been put into place, as I indicated, to identify whom we will return and take to Guantanamo to assess the threat they pose to the United States and the international community, and then to give regular review to this process to be sure they are still the threat that they were and deserve to be kept at the Guantanamo base.

But as a result of this effort, we have collected the most dangerous, and the ones with the most information who can give us the most assistance, through the interrogation process, to help us pursue the war against terrorism.

These detainees include terrorists who are linked to a major al-Qaida attack, including attacks in east Africa, the U.S. Embassy bombings, and the USS Cole attack; terrorists who taught or received training teams on arms, explosives, surveillance, and interrogation resistance at al-Qaida camps in Afghanistan and elsewhere; terrorists who continue to express their commitment to kill Americans, if released; terrorists who have sworn personal allegiance to Osama bin Laden; terrorists who have been linked to several al-Qaida operational plans, including possible targeting of facilities in the United States; members of al-Qaida's international terrorism support network including the financiers, the couriers, the recruiters, and the operatives and those who participated in attempted hijacking instances.

Let me give a couple specific examples. One al-Qaida explosives trainer is there who has provided information to the United States on the September 2001 assassination of Massoud and on the al-Qaida organization's use of mines; another individual who completed advanced terrorist training at camps in Afghanistan and participated in an attempted hijacking and escaped while in custody that resulted in the deaths of Pakistani guards; another individual who was involved in terrorist financing who provided information on Osama bin Laden's front companies, accounts, and international money movements for financing terror. The list goes on and on. This is who is there at Guantanamo. These are the people whom we seek to detain and about whom the debate in this country revolves. They are dangerous, and they must be kept under control or they will kill more Americans and threaten people throughout the world.

What is the legal framework within which they are being detained? That is the crux, though it is not often stated that way, of the debate. I will get into this in more detail, but Senator BUNNING has already indicated, the treatment that is being provided to the detainees is probably the most humane, high quality treatment any nation that has ever captured detainees at war has ever provided to its prisoners. I suspect no other nation today or throughout history could claim to be treating its detainees better. But still the question arises, how and under what legal framework should they be handled? There is an irony here. These detainees do not serve in a normal army. They do not wear uniforms. They do not serve a nation that is a signer to the Geneva Conventions. They do not honor Geneva Conventions, meaning they do not refrain from attacking civilians and conducting terrorist activities. And because they do not qualify in these categories, they don't qualify under the Geneva Conventions as prisoners of war.

Here is the irony. If they were prisoners of war, they wouldn't be entitled to the legal benefits about which we are now wrangling. They would be entitled to humane treatment, but they would not be entitled to get into the court system of the country that has captured them.

Many throughout this Nation and throughout the world are saying we should provide all of the legal benefits in a criminal law system, such as the criminal justice system in the United States, to these detainees. The United States has declined to do so, stating that these are enemy combatants under the Geneva Conventions. But they are not prisoners of war under the Geneva Conventions. And there is the irony. If we could classify them as prisoners of war under the Geneva Conventions, we could avoid the debate about what their rights are and how they should be treated. Instead, since they are not a group entitled to participate in the United States criminal justice system and are not a group entitled to be considered prisoners of war under the Geneva Conventions, but are instead enemy combatants under the Geneva Conventions in a category for which nations have not yet agreed on how they should be treated, the United States is embroiled in a debate as to how to treat them.

How have we resolved this decision? On January 19, 2002, the Secretary of Defense gave specific guidance that all detainees are to be treated humanely. On January 21, the same year, the chairman of the Joint Chiefs of Staff issued executive orders to commanders that transmitted the Secretary of Defense order that these detainees be treated humanely. On February 7, 2002, President Bush determined that al-Qaida and Taliban detainees should be treated humanely, consistent with the principles of the Geneva Conventions and consistent with military necessity. The detention of enemy combatants in wartime is not an act of punishment. It is a matter of security and military necessity. It prevents enemy combatants from continuing to fight against the United States or its partners in the war on terror. Releasing enemy combatants before the end of hostilities and allowing them to rejoin the fight would only prolong the conflict and endanger our coalition and American forces.

Here is the point of the debate. The United States, though these enemy combatants are in an uncertain category, has provided to them all of the humane treatment required by the Geneva Convention and more legal rights than they would have if they were prisoners of war. Yet the United States continues to be criticized because there are those—and this is what everyone needs to understand—who will not be satisfied until we choose not to treat these enemy combatants in the context of a war but instead choose to treat them as criminals in a criminal justice system and thereby change the legal framework under which they are being handled. The United States correctly and properly refuses to do so. If we were to do so, we would not be able to defend the interests of the country against enemies who are conducting war against us as effectively as we can if we are able to treat them under the Geneva Conventions as enemy combatants. And when you hear the debate about how they are being treated, listen carefully, because most of the debate is not about their physical condition or whether they are being treated humanely. It is about how they are being categorized with regard to these legal battles that those who are engaged in the issue wish to see ensue.

Let's talk about what we saw, and then I will describe how they are actually physically being treated and whether what we saw is true. I have already had those who knew that I went there ask me whether the opportunity we had is one which truly showed us what was happening at Guantanamo. To me this is an issue of transparency. What is happening there, and were we shown what was truly going on?

First, we visited every facility there. Five Senators, with many other individuals with us from other government agencies, went through and visited every facility. My colleague Senator BUNNING indicated that we even went to Camp X-Ray which has not been utilized for 2 or 3 years and which is literally overgrown. I walked into one of the containment facilities there at Camp X-Ray. I had to brush away the weeds in order to move through the door and to go in and see what it looked like. We visited Camps 1, 2, 3, and 4. And they are numbered in terms of the order in which they were built. These are the newer camps that were constructed to provide better facilities for these detainees than were originally there at Camp X-Ray when we first started using the base. We were able to see the medical facilities. We were able to observe literally everything at the base. And I can say that I don't think it would have been possible for them to have hidden from us what was happening.

We were able to observe the interrogations, to interview and discuss with the personnel present what was happening, right down to the troops who were conducting the specific guarding activities inside the cell blocks. If that is not sufficient, the International Committee of the Red Cross has had 24-hour-a-day, 7-day-a-week access to the facility at its discretion. They have had a permanent presence, recently changing that only at their choosing. The media, both national and international, have had 400 visits to Guantanamo, representing over 1,000 members of the media who have been there to also observe. Lawyers for the detainees, who would not even be allowed if we categorized them as prisoners of war, have come and, in many of the habeas corpus cases, to observe and discuss with the detainees. And somewhere in the neighborhood of 15 to 20 Senators and 75 to 100 Representatives, in addition to over 100 congressional staff, have been there to observe.

My point is that in terms of transparency, is the United States letting its own people, its Congress, and the world know what is being done there? I believe the answer is clearly yes.

My colleague Senator BUNNING went through the numbers of deaths in the Nazi concentration camps, in the gulags under Stalin, and the numbers, you will recall, were in the millions. Not one detainee has died at Guantanamo. On the contrary, they have the best medical care that I believe any detainees in history have ever had. So as far as the question goes with regard to whether we are providing a true and accurate picture to the public about what is happening there, the answer is unequivocally yes.

What is happening there? I would like to talk a little bit about what we saw. As I indicated, there are a number of facilities. They are called Camp 1, 2, 3, and 4. They are building Camp 5 and Camp 6. They are different in terms of the levels of security and in terms of the operations. Those who are detained there are able to be in one of the camps versus the other camps depending on how they respond to their detention. If they are the more violent kind who do not follow instructions, then they are often in individual confinement. This individual confinement does not mean solitary confinement. It means they would be in a cell block with 40 or 50 others, and you can see each other through the cell. These are not enclosed. So they have the ability to play chess between cells and so forth. They have running water, sinks, and toilets in each cell.

They have religious paraphernalia so they can practice their religion. They are facilitated in the practice of that religion by being provided with prayer calls and with directions. From wherever in the camp you are, you can see an arrow that points toward Mecca so you know the directions. They are provided recreational opportunities, showers, and three, good, solid meals a day, as well as outstanding medical care. Those are the ones who are in the most closely confined circumstances. Those who are more willing to follow instructions and less willing to attack their guards are allowed to live in more communal circumstances where the rooms, instead of being individual cell units, are in units where ten or more can live together, and then those groups can go out in recreational facilities and have a little bit expanded recreational opportunity and the like.

Then there is the maximum security facilities which would be comparable to the kinds of similar facilities that are there that you could find anywhere in the United States, in prison facilities that are subject to extensive litigation and oversight by attorneys and our own judicial system. Throughout this entire process, whether one is in the most extreme, highest maximum security circumstance or whether one is in some of those areas where the more responsible detainees are able to be, they are always provided with the best possible treatment. I don't believe it would be possible for a valid argument of some type of physical abuse to be made because there is such care there to be certain that even when the detainees are being interrogated—and, by the way, the interrogation is a very humane and, frankly, easygoing process which does not create physical threat to the detainees—there are always more than one or two or three people observing what is happening so there cannot be a circumstance where something goes awry and someone abuses the relationship and the situation.

Let me talk a little bit about the medical care. I said they are getting top-notch medical care. I asked many of those who we were there with what the comparability would be between the medical care provided to these detainees and that provided to detainees by other nations in other wars or in other circumstances. Consistently no one could give me an example of better medical care ever being provided anywhere. I asked if it was equivalent to the kind of medical care that our own troops were being provided. The answer was yes. It is probably better medical care than these detainees have ever had in their lifetime. When they were first brought there, many of them had traumatic injuries from the battles in which they were captured. Those injuries were treated. Now they have reached a point that they have been there several years, some of them, where they are being treated for the kinds of problems you and I and others would want to have medical care for. They are getting annual checkups. They are being treated for diabetes, if they have back ailments or heart problems, whatever it may be, if they have dietary needs, they are being treated for them.

A number of them have lost their limbs, not because they lost them in battle but because they lost them while they were building bombs to blow up Americans. And we have provided treatment for their loss of limbs and actually provided them with prosthetics and helped them with the physical therapy so they can regain the use of their bodies to the maximum extent we can help them. We have facilities there to do major surgery. We have all kinds of other support. If they have medical needs that go beyond what we have there available, they are taken elsewhere to get that medical treatment.

In fact, I would like to move now to the discussion of what the morale of our troops is. I think as we met there with people at all levels, from the guards to those who ran the hospitals to the managers to everyone else, I could honestly say the morale of our troops there is very high. But there is a concern that was consistently expressed to me by them. I had the opportunity to have lunch with some of those who were literally on the front lines having to go into the cell blocks and to provide the guard service around the clock with these detainees.

And they are concerned about what the American people and the international public think about them and about what they are doing because they believe they are treating these detainees with the highest respect and with the most humane treatment possible. They are overseeing it rigorously. If any of them steps out of line, they get handled and they get in trouble. Yet they are subjected constantly to threats and harassment and abuse from the detainees.

It is my perspective that if anyone is being abused at Guantanamo, it is not the detainees, it is the good young men and women guards who are there on the front line, who are themselves physically threatened, verbally threatened, and in other ways abused. It has been reported what kinds of things are thrown at them through the cell blocks as they walk through. When they happen to go through and a detainee throws urine or feces on them, they have to go out, be hosed off, and go back into duty. If anyone is being abused at Guantanamo, it is the treatment that is being afforded to our men and women of the military that is causing the abuse to them, rather than the reverse.

For those here in this body or anywhere else to accuse our men and women of mistreating those at Guantanamo is a great irony because any abuse or mistreatment that is happening is the reverse.

I am proud of our men and women there. They are truly doing a great service for this country and for this world. Let me conclude by talking a little bit about what that is.

By the way, I forgot one piece of information. I have talked about the medical facilities and other kinds of support that have been provided to these detainees to make sure they are being properly cared for. In the newest facilities, the prisoners even get air conditioning, which is not something most of the troops get, at least during their working hours. But what does that cost us? What kind of investment has the United States made? To this point, the United States has spent over $241 million in providing these medical facilities, these containment and detention facilities, and for the care and treatment and feeding of these detainees. The annual cost will go on probably at $100 million a year, until we are able to resolve this conflict. The United States has also spent over $140 million in existing or new detention facilities in Afghanistan and Iraq. So we are putting a tremendous amount in here.

What benefit does it provide to us? As I indicated, the purpose of this detention, to me, is twofold. First of all, it is to stop dangerous terrorists from being put back into the field so they can go back out and continue to kill Americans and others and train and facilitate other terrorists in doing the same thing. The first thing is to stop them from committing terrorist activity. The second purpose is to be able to gain from them information that will help us better pursue or fight against terrorists around the world. The question of Guantanamo detainees, which I will again state is not the kind of interrogation that one thinks of when they think of a gulag, or what you might see on TV as a threatening interrogation. This is entirely nonthreatening interrogation. It has improved the security of our Nation and coalition partners by helping us to expand our understanding of the operations of the terrorists. It has given us an expanded understanding of the organizational structure of al-Qaida and other terrorist groups. It has given us more knowledge of the extent of the terrorist presence in Europe, the United States, and the Middle East. It has given us knowledge of al-Qaida's pursuit of weapons of mass destruction, of methods of recruitment and location of recruitment centers, terrorist skill sets, general and specialized operative training, and of how legitimate financial activities are being used to hide terrorist operations.

The intelligence we are gaining by the interrogations of those who are kept at Guantanamo has prevented terrorist attacks and has saved American lives. Not only has no one died at Guantanamo, not only has the highest health care possible been provided to them, but lives have been saved as a result of our activities there. Detainees have revealed al-Qaida leadership structures and operating funding mechanisms, training and selection programs, travel patterns, support infrastructure, and plans for attacking the United Sates and other countries. Information has been used by our forces on the battlefield to identify significant military and tribal leaders who are engaged in or supporting attacks on coalition forces. Detainees have continuously provided information that confirms other reporting regarding the roles and intentions of al-Qaida and other terrorist operatives.

I could get into details, but I will not do that publicly. The fact is, we are getting extensive, detailed information from the terrorists who are kept at Guantanamo, which is saving American lives and helping us to protect our young men and women in the military and people in other nations.

I want to conclude my remarks by coming back to the beginning. There has been a lot of debate about what is going on at Guantanamo. What is the United States doing? Why is it doing it? Is the United States creating some type of a new detention circumstance in modern warfare, which parallels some of the most terrible examples that our critics have been able to throw up at us? I went down there wanting to know and wanting to see and to be able to report back to the American people about what truly is happening.

What I found was that the U.S. men and women of our Armed Forces are committed, honorable, loyal, duty-bound members of the American military who are following the orders of their Commander in Chief to the letter, following the Geneva Conventions, and providing beyond what the Geneva Conventions even requires in terms of protection to these detainees, in a service to America and to the world. I found a circumstance where I don't believe a valid argument can be made that there is any nonhumane treatment of these detainees. I found a circumstance in which it appears to me that what is being portrayed by some is simply manufactured out of whole cloth in order to perpetuate a broader debate against the United States and our interests.

I also became convinced that, far beyond being simply a detention facility, Guantanamo is one of the key strategic interrogation facilities necessary for the United States in pursuit of the war against terror in this world. As we have said in both of our remarks, Guantanamo is where the worst of the worst are taken. They are taken there to be protected so that we can be protected from them and so that we can gain information from them that will help us better protect ourselves as we continue to fight to defend against the likes of Osama bin Laden.

I also stand here to commend the young men and women of our fighting forces—not just those who at Guantanamo are suffering the abuse of the detainees and the extremes of the weather and the living circumstances there to defend us, but those who serve throughout this world, whether it be in Iraq or Afghanistan or any of the other points of conflict or in any other of the stations around this world, where we have men and women deployed to defend our interests.

The United States is at war against terrorists and we must acknowledge that. The efforts of the men and women in our military should be commended, not discredited. I stand as one Senator to thank the men and women of our Armed Forces for the tremendous job they do. They put their lives on the line daily for us and they should be given our thanks, not our criticism.

With that, I yield back the remainder of my time.

The PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. BUNNING. I thank my colleague from Idaho for his great observation of our trip yesterday. I also know that Senator ISAKSON was unable to be here, but he will make a statement later this evening. I hope Senator BEN NELSON and Senator RON WYDEN will also come forward and report what they saw at Guantanamo.

I am happy to also thank, as Senator CRAPO has, all of our men and women in the military who serve our great country.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

SOCIAL SECURITY PRIVATIZATION

Mr. REID. Mr. President, soon after President Bush won reelection last November, he made it clear that the top priority of his second term would be the privatization of Social Security. This is something the President had thought of long before his second term. In fact, when he ran for Congress in the late seventies from Texas, he talked then about the Social Security plan going broke and that it should be privatized. So this is something he has thought of a long time. But since he was elected the second time, he and other members of his administration have organized a massive campaign, given countless speeches, and crisscrossed the country all in an effort to sell the American people privatization.

It has been a tough sell, though. The polls show that people have accepted this whole Social Security agenda about 25 percent. When he started it was in the 70s. Now it is down to 25 percent. It has been a tough sell because the President's privatization proposal is flawed in many ways. It would require deep benefit cuts, even for workers who don't choose to privatize accounts. It would require massive borrowing from countries such as China, Saudi Arabia, where we borrow about 40 percent of the money we borrow for this year's deficit, which will be in the hundreds of billions of dollars, probably closer to half a trillion than not. It would turn Social Security from a guarantee into a gamble. And his privatized accounts would not strengthen Social Security's finances at all. In fact, it would make the long-term challenge worse, not better. The President has said the privatization plan will not stabilize Social Security.

It is important to remember that even if we do nothing, which no one here is advocating, Social Security will pay 100 percent of promised benefits until about 2055 and about 80 percent thereafter. In fact, President Bush will be about 108 years old at the time Social Security would start paying 80 percent of benefits.

While claims of a crisis are obviously false, it is also true that we face a long-term challenge, and we as Democrats need to address that, as we have said we would.

Unfortunately, the President has other ideas. His goal is not to bolster Social Security. To the contrary, he went all the way to West Virginia, arguing that the trust fund is nothing more than an accounting fiction. And you can't argue for strengthening something if you don't believe it exists.

No, the President's goal isn't to strengthen Social Security. His goal is to privatize it. Privatization, with its deep benefit cuts and massive debt, would undermine Social Security, and as a matter of principle we Democrats will never go along.

Social Security is based on the best of American values. It promises Americans if they work hard, contribute, and play by the rules, they can retire and live in dignity, and their families will be protected if they become disabled or pass away. A third of the benefits paid out by Social Security are not, as my grandmother referred to it, old-age pensions. They are for people who are disabled, widows, orphans. Social Security is not a handout. It promises benefits that people earn through their hard work. That is as it should be, and we need to do everything we can to make good on that promise.

Fortunately, the American people agree with us. Along with several of my Democratic colleagues, I have traveled the country on behalf of Social Security and against privatization. Everywhere we go, whether rural areas, suburban settings, or big cities, the response is the same: Americans don't want Social Security privatized. Middle class workers don't want their benefits cut. They don't want our Nation to get even further in debt to the Chinese and Japanese and Saudis. They don't want to adopt a risky scheme that could undermine the retirement security they have worked so hard to earn.

According to one poll, as I have mentioned, only 25 percent of Americans support the President's handling of Social Security. The opposition to privatization is as broad as it is deep. From those numbers, it is very obvious that it is not only Democrats throughout the country who oppose this, Republicans oppose it, also. Most Americans in rural areas who are especially reliant on Social Security voted for President Bush last year, but they strongly oppose his privatization plan. In fact, among those rural residents who know a great deal about the President's plan, opponents outnumber supporters by almost 40 percent.

That certainly seems to be the prevailing view among my neighbors at home in Searchlight. Whenever I am home, folks tell me the same thing: Protect Social Security and stop privatization. It is a message my colleagues are hearing from their constituents in every part of the country.

Because of this widespread opposition, some here in Washington have apparently concluded they could not pass this proposal on the Senate floor in an open and public debate. Rather than give up on this unpopular proposal, they are, instead, adopting a stealth strategy. It has been widely reported that many in the minority party are now seeking to move a bill through the Senate without the private accounts or painful benefit cuts included in the President's plan, not because the President has abandoned privatization or benefit cuts but, instead, because they recognize this is the only means available to them to get their flawed plan adopted by Congress.

Under this bait-and-switch strategy, what the Senate says or does on private accounts or benefit cuts during its consideration of legislation would be largely irrelevant. The Senate would pass a bill lacking private accounts or significant cuts and send it to conference with the House, which would be controlled by a handful of privatization supporters. These supporters would work behind closed doors to ensure that private accounts emerge in the conference report.

We will not allow that to happen. In recent weeks, we have seen new evidence that this is, in fact, the administration's strategy. Last week, for example, bills were introduced in the Senate and the House that were advertised as establishing private accounts with no pain whatsoever. But these proposals are nothing more than political gimmicks. In truth, they still would threaten benefits, they still would require massive borrowing from foreign countries, and they would still fail, at one day, Social Security's solvency. In fact, like the President's plan, the private accounts they propose would make matters worse.

No one is going to be fooled by this type of gimmickry, and Democrats are not naive or foolish enough to fall for a bait-and-switch strategy that has been widely advertised in advance.

So I call on the President and his supporters to face reality and give up on privatization. Rather than continuing to push for this radical and ideologically driven proposal, which is a buzzword for getting rid of Social Security, I propose they listen to the words of another Republican President from 50 years ago, Dwight D. Eisenhower. This is what General Eisenhower said back then—This is not some Democratic Senator, Democratic Governor, Democratic State legislator, or Democratic Member of the Senate. This is President Eisenhower:

> Should any political party attempt to abolish Social Security, unemployment insurance, and eliminate labor laws and farm programs, you would not hear of that party again in our political history. There is a tiny splinter group, of course, that believes you can do all these things. Among them are H.L. Hunt . . . and a few other Texas oil millionaires, and an occasional politician or businessman from other areas. Their number is negligible and they are stupid.

President Eisenhower.

As I have said, I want to make sure these words are not coming from me. These are President Eisenhower's words. But if President Eisenhower's view is not persuasive to our current President, I would propose he listen to the words of another Republican President, his dad. In 1987, the first President Bush called privatization, "nutty." As he said at the time: "It may be a new idea, but it's a dumb one."

That is what two Republican Presidents said about privatization. They are right.

So I hope we can move beyond privatization, move beyond gimmicks, move beyond the attempt to secure private accounts through a transparent strategy of bait and switch. Instead, let's agree to strengthen Social Security and to do it on a bipartisan basis. That would be the right thing to do for America's workers and our country.

Is it my understanding the distinguished Senator from Texas wants to speak in time that has been reserved to the minority?

Mr. CORNYN. That is correct. I will need about 15 minutes.

Mr. REID. I don't think we have anyone coming, so you are sure welcome to use our time.

Mr. CORNYN. I thank the distinguished Democratic leader.

The PRESIDING OFFICER. Without objection, the Senator from Texas is recognized.

(The remarks of Mr. CORNYN, relating to the introduction of S. 1313, are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.)

Mr. CORNYN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

Mr. BURNS. Parliamentary inquiry. Mr. President, we are now on the Interior appropriations bill; is that correct?

DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2361, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2361) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Burns (for Voinovich) amendment No. 1010, to prohibit the use of funds to take certain land into trust without the consent of the Governor of the State in which the land is located.

AMENDMENT NO. 1022

Mr. BURNS. Mr. President, I send an amendment to the desk. First of all, it is on behalf of the majority leader and minority leader. It relates to congressional security.

This issue relates to a recent DC Board zoning adjustment granting a building height variance for a developer here in the vicinity of the Capitol.

Without going through some sensitive detail, let me simply say our two leaders have offered this amendment to prevent this variance from going into effect until the Capitol Police Board, with the consent of the Senate and House leadership, certifies that such a variance will not impact negatively on congressional security and increase Federal expenditures related to congressional security.

This amendment does not preclude development of the property, but it ensures that existing height regulations are honored and the security of the Capitol and all the people who work here is protected.

So I offer this amendment for the majority leader and minority leader.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

Mr. BURNS. Mr. President, I have a very important little conference to go to at 3:15. I see the ranking member of this committee on the floor. He did a great job on Friday, I am told, flying solo. So I am going to go to that meeting and just kind of turn the reins over to Senator DORGAN, my good friend from North Dakota.

We will start going through some amendments and start working this bill out this afternoon. It is our intention not to keep the Senate open all that long today. We will start working on those amendments as soon as possible.

The PRESIDING OFFICER. The clerk will now report the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] for Mr. FRIST, for himself and Mr. REID, proposes an amendment numbered 1022.

The amendment is as follows:

At the end of title IV, insert the following:

SEC. ___. CONGRESSIONAL SECURITY RELATING TO CERTAIN REAL PROPERTY.

(a) IN GENERAL.—Except as provided under subsection (b)—

(1) the District of Columbia Board of Zoning Adjustments and the District of Columbia Zoning Commission may not take any action to grant any variance relating to the property located at 51 Louisiana Avenue NW, Square 631, Lot 17 in the District of Columbia; and

(2) if any variance described under paragraph (1) is granted before the effective date of this section, such variance shall be set aside and shall have no force or effect.

(b) CONDITIONS FOR VARIANCE.—A variance described under subsection (a) may be granted or shall be given force or effect if—

(1) the Capitol Police Board makes a determination that any such variance shall not—

(A) negatively impact congressional security; and

(B) increase Federal expenditures relating to congressional security;

(2) the Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives approve such determination; and

(3) the Capitol Police Board certifies the determination in writing to the District of Columbia Board of Zoning Adjustments and the District of Columbia Zoning Commission.

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply to the remaining portion of the fiscal year in which enacted and each fiscal year thereafter.

Mr. DORGAN. Mr. President, is there an amendment pending that requires a vote?

Mr. BURNS. We do not know yet.

The PRESIDING OFFICER. The amendment that was offered has been set aside.

Mr. BURNS. It has been set aside.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1023

Mr. DORGAN. Mr. President, I offer an amendment on behalf of Senator BARBARA BOXER, for herself, Senator NELSON of Florida, Senators CLINTON and SCHUMER of New York, and Senator OBAMA of Illinois, and send it to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] for Mrs. BOXER, for herself, Mr. NELSON of Florida, Mrs. CLINTON, Mr. SCHUMER, and Mr. OBAMA, proposes an amendment numbered 1023.

Mr. DORGAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds by the Administrator of the Environmental Protection Agency to accept, consider, or rely on third-party intentional dosing human studies for pesticides or to conduct intentional dosing human studies for pesticides)

At the appropriate place, add the following:

SEC. 4_____. None of the funds made available in this Act may be used by the Administrator of the Environmental Protection Agency—

(1) to accept, consider, or rely on third-party intentional dosing human studies for pesticides; or

(2) to conduct intentional dosing human studies for pesticides.

Mr. DORGAN. Mr. President, I ask unanimous consent that the amendment be set aside so I can offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1024

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of Senator FEINSTEIN.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] for Mrs. FEINSTEIN, proposes an amendment numbered 1024.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the imposition of fees for overnight lodging at certain properties at Fort Baker, California)

On page 254, after line 25, add the following:

SEC. 4 . Section 114 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (16 U.S.C. 460bb–3; Public Law 108–7), is amended—

(1) in the second sentence, by inserting ", including utility expenses of the National Park Service or lessees of the National Park Service" after "Fort Baker properties"; and

(2) by inserting between the first and second sentences the following: "In furtherance of a lease entered into under the first sentence, the Secretary of the Interior or a lessee may impose fees on overnight lodgers at Fort Baker properties.".

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1025

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of myself.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside, and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1025.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require Federal reserve banks to transfer certain surplus funds to the general fund of the Treasury, to be used for the provision of Indian health care services)

At the end of title IV, add the following:

SEC. 429. (a) IN GENERAL.—Section 7 of the Federal Reserve Act (12 U.S.C. 789 et seq.) is amended by adding at the end the following:

"(d) ADDITIONAL TRANSFERS FOR FISCAL YEAR 2006.—

"(1) IN GENERAL.—The Federal reserve banks shall transfer from the surplus funds of such banks to the Board of Governors of the Federal Reserve System for transfer to the Secretary of the Treasury for deposit in the general fund of the Treasury, a total amount of $1,000,000,000 in fiscal year 2006.

"(2) ALLOCATION BY FED.—Of the total amount required to be paid by the Federal reserve banks under paragraph (1) for fiscal year 2006, the Board of Governors of the Federal Reserve System shall determine the amount that each such bank shall pay in such fiscal year.

"(3) REPLENISHMENT OF SURPLUS FUND PROHIBITED.—No Federal reserve bank may replenish the surplus fund of such bank by the amount of any transfer by such bank under paragraph (1) during fiscal year 2006.".

(b) USE OF SURPLUS.—Of amounts transferred to the general fund of the Treasury under section 7(d) of the Federal Reserve Act, as added by this section—

(1) $140,000,000 shall be made available to the Secretary of the Interior for use by the Bureau of Indian Affairs; and

(2) $860,000,000 shall be made available to the Secretary of Health and Human Services for use by the Director of the Indian Health Service in providing Indian health care services and facilities.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1026

Mr. SUNUNU. Mr. President, I send an amendment to the desk for immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU], for himself and Mr. BINGAMAN, Mr. MCCAIN, and Mr. FEINGOLD, proposes an amendment numbered 1026.

The amendment is as follows:

(Purpose: To prohibit the use of funds to plan, design, study, or construct certain forest development roads in the Tongass National Forest)

On page 254, after line 25, add the following:

SEC. 4 . None of the funds made available by this Act may be used to plan, design, study, or construct new forest development roads in the Tongass National Forest for the purpose of harvesting timber by private entities or individuals.

Mr. SUNUNU. Mr. President, I offer this amendment on my behalf, but also on behalf of Senator BINGAMAN, and I ask unanimous consent that Senators MCCAIN and FEINGOLD be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. This amendment is pretty straightforward. It reads very simply: To place a restriction on the use of Federal taxpayer funds to be used to build logging roads in the Tongass National Forest on behalf of private companies. This is a case where we need to be very careful about providing Federal subsidies for private corporations.

This was a topic of discussion during some of the remarks I made on the Energy bill and I have raised this issue many times in the past. We need to be careful about using Federal resources to provide subsidies for private companies because it distorts the marketplace, promotes inefficiencies, and isn't good stewardship of Federal resources.

In 2004, the Federal Government, through the Forest Service, spent between $45 and $50 million building logging roads in this segment of the national forest. They took in roughly $1 million in revenues. I would like to make sure we give the benefit of the doubt any time we are spending money. We understand it can have economic impacts, it can create jobs and the like, but to spend $45 or $50 million on programs that provide $1 million in revenues when there is a timber sale seems like an enormous inequity to me. If you compound these shortfalls over 20 years, the losses amount to between $750 and $850 million. I don't think this is an appropriate use of Federal resources.

I am pleased to offer this amendment with Senator BINGAMAN. I hope it will restore a little bit of fiscal restraint and balance to this Interior appropriations bill. It is important to recognize what this amendment does not do because, as the debate is carried forward, I want to make sure that concerns raised speak to the amendment and not to other issues.

What this amendment does not do is prohibit logging in the Tongass or any other segment of our national forest. It doesn't change policy regarding logging in any substantive way. It doesn't curtail uses in the national forest, again, in the Tongass or anywhere else in the country. I come from a State, New Hampshire, that has a great tradition of multiple use in our national forest system—recreational use, economic operations, timber program, hunting, fishing. It is a true multiuse forest. I believe that general approach to our national forest makes the most sense.

Finally, this amendment does not restrict the use of private funds to build logging roads. I don't think that is inappropriate in any way. If we have a timber sale on any segment of the national forest, that should be conducted in an open, transparent way, but the market should dictate the attractiveness of a particular cut, the sale of that timber, the pricing, and the like.

People who speak to this amendment may well raise concerns about regulation, about legal barriers and legal obstacles, about subsidies that other timber concerns in other countries may enjoy. Those are all valid concerns. I have stepped forward to try to address those concerns to allow timber management, an important segment of our economy, to operate in a fair and reasonable way. But this amendment doesn't address or solve or make worse any of those concerns. Those are issues that we need to continue to address. We should have reasonable regulatory processes that are understandable, that allow appropriate timber sales and logging operations to continue on national forest land. We should do everything in our power to minimize frivolous lawsuits throughout our economy but also those types of frivolous lawsuits that might necessarily hinder and raise the cost of the timber program. And, of course, there are subsidies being provided by other countries. New Hampshire and Canada share a border, and the issue of subsidies in the timber industry—placing operations in the United States at a competitive disadvantage—is something that I have dealt with time and time again.

But all this amendment does is say we will no longer use Federal funds to support the building, construction, and planning and development of roads for private entities in the Tongass. When you have a cost of $45 or $50 million for revenue of just $1 million, you don't have to be an economist to understand why this amendment makes good, common sense for the taxpayer.

I encourage my colleagues to support this legislation. It has been endorsed by a number of groups who are looking at this matter from a purely fiscal perspective and doing what is right for taxpayers. It reflects much more commonsense use of Federal resources.

I yield the floor.

AMENDMENT NO. 1029

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I send to the desk an amendment on behalf of Senator KERRY and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. KERRY, proposes an amendment numbered 1029.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for the Veterans Health Administration)

On page 254, after line 25, add the following:

SEC. 429.(a) From any money in the Treasury not otherwise obligated or appropriated, there are appropriated $600,000,000 for the fiscal year ending September 30, 2005, for the Veterans Health Administration.

(b) The amount appropriated under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

AMENDMENTS NOS. 1030 AND 1031, EN BLOC

Mr. DORGAN. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I send two amendments to the desk and ask unanimous consent that they be considered sequentially, offered by Senator BINGAMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. BINGAMAN, proposes en bloc amendments numbered 1030 and 1031.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1030

(Purpose: To modify a provision relating to funds appropriated for Bureau of Indian Affairs postsecondary schools)

On page 182, strike lines 20 through 25 and insert the following:

SEC. 110.(a)(1) For fiscal year 2006 and each succeeding fiscal year, any funds made available by this Act for the Southwest Indian Polytechnic Institute and Haskell Indian Nations University for postsecondary programs of the Bureau of Indian Affairs in excess of the amount made available for those postsecondary programs for fiscal year 2005 shall be allocated in direct proportion to the need of the schools, as determined in accordance with the postsecondary funding formula adopted by the Office of Indian Education Programs.

(2) For fiscal year 2007 and each succeeding fiscal year, the Bureau of Indian Affairs shall use the postsecondary funding formula adopted by the Office of Indian Education Programs based on the needs of the Southwest Indian Polytechnic Institute and Haskell Indian Nations University to justify the amounts submitted as part of the budget request of the Department of the Interior.

(b) Notwithstanding any other provision of law, $178,730 is authorized to be appropriated for the Southwest Indian Polytechnic Institute.

AMENDMENT NO. 1031

(Purpose: To set aside additional amounts for Youth Conservation Corps projects)

On page 130, line 2, strike "$1,000,000" and insert "$1,250,000".

On page 138, line 7, strike "$2,000,000" and insert "$2,500,000".

On page 146, line 19, strike "$1,937,000" and insert "$2,500,000".

On page 211, line 25, strike "$2,000,000" and insert "$2,500,000".

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CARLOS LAZO

Mr. DORGAN. Mr. President, on Friday I brought to the floor a picture of a wonderful young soldier. This soldier is a man who fled from Cuba on a raft in 1992. His name is Carlos Lazo.

Sergeant Lazo has not been able to bring his family to this country from Cuba. He kept in contact with them, visiting them a number of times under the rules that allow Cuban Americans to visit close relatives in Cuba once a year.

In 1998, Carlos joined the National Guard. They were mobilized in 2003, deployed to Iraq in March of 2004. In June of 2004, Sergeant Lazo came back to the United States from Iraq on a 2-week R&R. He hoped to use that time to make his annual visit to Cuba to see his sons. But just before Sergeant Lazo came home on leave, the President announced new regulations that would limit Cuban-American family visits to once every 3 years. Even though Sergeant Lazo got to the Miami airport a day before the new regulation went into effect, our State Department prohibited him from boarding a charter flight to Cuba to visit his children.

Mr. Lazo, in the country of Iraq wearing America's uniform, won the Bronze Star award. Let me show you the award, the Bronze Star medal given SPC Carlos Lazo, Charlie Company, 181st Support Battalion, for exceptionally meritorious service while serving as a combat medic with Charlie Company. It goes on to talk about his heroism and courage. Here is an American soldier who went to fight in Iraq because his country asked him to fight in Iraq. He was fighting for freedom. This American soldier wins the Bronze Star fighting in Iraq. He comes home to this country and his young child in Cuba has a very high temperature and is in the hospital, quite ill. He wants to go to Cuba to visit his child. After fighting in Iraq, he is told he doesn't have the freedom to travel to Cuba to see his sick child. He came to see me the other day and asked if I could help him because I have been involved in legislation in the Senate dealing with travel to Cuba. I happen to believe that we ought to treat Cuba just as we do China and Vietnam, both Communist countries. Our official policy is that we will advance the interests of each through engagement. Travel and trade will be beneficial to moving China and Vietnam towards greater human rights. But we believe that is not the case with Cuba because we have clamped down on trips to Cuba.

Now a fellow like Carlos, an American soldier who is willing to fight in Iraq and wins a Bronze Star, is told, You can't visit your children in Cuba except for once every 3 years. Even when your child is ill in a hospital, we won't allow you to visit him.

He asked the question last week: What about freedom? I was fighting for freedom. I don't have the freedom to go travel 90 miles off the shores of Florida to the country of Cuba to see a sick child who is in the hospital?

I called the Department of the Treasury, which runs the agency that would provide the licenses, and asked to speak to the Treasury Secretary. He didn't return the call.

I called the State Department, asked for Condoleezza Rice. She didn't return my call. As an aside, I would observe that she was happy to return my call when she was up for confirmation on the floor of the Senate to be the Secretary of State. But she didn't return my call this time. At any rate, her Deputy, Mr. Zoellick, returned the call. I have great admiration for him so I was pleased to talk to him.

I also called the White House and talked to Karl Rove on Friday afternoon. I just got a call back from the White House saying that Mr. Rove will not be contacting me today. In fact, Mr. Zoellick will be handling this. I have not yet heard from Mr. Zoellick, but he indicated he would be getting back to me.

When I talked to the Treasury Department, they said: The regulations that came into effect that President Bush has announced provide no humanitarian relief at all.

It means that you can't travel to Cuba except once every 3 years to see your family.

I said: Surely there must be some humanitarian exceptions to that. This guy wins the Bronze Star fighting for this country, and he doesn't have the freedom to go visit a sick kid?

They said: There are no exceptions. We have people calling us saying: My mother is dying in Cuba. I need to go see her. We tell them no because there are no exceptions.

I said what on Earth are you thinking about? You created the regulation. Don't tell me the regulations prevent you from doing the right thing. You created them; change them. So here it is, on Monday afternoon, this Sergeant Lazo—Carlos Lazo—still asks the question: Why, when I fought in Iraq, demonstrated courage under battlefield conditions, won a Bronze Star, do I come home and find I don't have the freedom to visit my sick child 90 miles away from the shores of America?

That is unbelievable. Not surprising to me, but unbelievable.

I will show you a picture of another young woman who visited my office. This is Joan Scott. Joan went to Cuba, but she didn't get permission. She didn't know she had to get permission. She went to Cuba because she wanted to distribute free Bibles. She took a supply of Bibles and went to Cuba to distribute them. Guess what this Government did. They tracked her down and slapped a $10,000 fine on her. Why? She didn't have a license to go to Cuba.

Fidel Castro has been sticking his finger in our eye for many years. But if we think we are slapping him around by restricting the rights of the American people to travel there, we are seriously mistaken.

The quickest way to get Castro out of office in Cuba—and he has lived through 10 Presidencies—is through trade and travel, just as we do with China and South Vietnam, both of which are also Communist countries. Trade and travel will rapidly advance the day in which Cuba will have a new government. To penalize and punish American citizens—someone who wants to distribute free Bibles in Cuba, or someone who wants to take his father's ashes with his last request to distribute his ashes on the grounds of a church he once ministered in in Cuba, to punish these people—and this Government is doing that—is unbelievable.

In this case, it is Sergeant Lazo who is penalized. So this Monday afternoon he waits and I wait. Will I get a call from the State Department saying, No, our rules in America are that you can fight for America and for freedom, but you don't have the freedom to go see a sick kid? If that is the result, that is unbelievable.

Mr. President, we will see if I get a telephone call this afternoon. If they don't find a humanitarian way to provide exceptions, not just for Sergeant Lazo but for someone whose father or mother is dying and they need to go to Cuba, then we are going to vote on that on this appropriations bill. Yes, it will take a suspension and it will take a two-thirds vote. But we will see who wants to stand up for the interests of a young soldier who was willing to fight and die for this country but doesn't have the freedom to go see his sick son. We will see who is willing to stand up for his interests and the interests of the basic proposition that you ought to be free to travel. We will see at the end of today.

I say, again, I fully intend to offer an amendment to this bill, and it will require suspension of the rules, but I will offer that and ask my colleagues to vote on it.

Mr. President, there is more to say, but I will reserve that until I get a call from the State Department today telling us what they have decided to do.

AMENDMENT NO. 1032

Mr. DORGAN. Mr. President, I ask unanimous consent that the underlying amendment be set aside, and I send to the desk an amendment by Senator DURBIN.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. DURBIN, produces an amendment numbered 1032.

Mr. DORGAN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds in contravention of the Executive order relating to Federal actions to address environmental justice in minority populations and low-income populations)

On page 254, after line 25, add the following:

SEC. 4_____. None of the funds made available by this Act may be used in contravention of, or to delay the implementation of, Executive Order No. 12898 of February 11, 1994 (59 Fed. Reg. 7629; relating to Federal actions to address environmental justice in minority populations and low-income populations).

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that I be able to speak in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WASTE, FRAUD, AND ABUSE

Mr. DORGAN. Mr. President, I have spent the last nearly 2 hours prior to coming to the floor chairing a hearing of the Democratic Policy Committee on waste, fraud, and abuse, dealing with the Halliburton Corporation with respect to contracting in Iraq. I don't—along with my colleagues who joined me—take pleasure at holding hearings to expose waste and abuse and, I think, fraud. We do it because the authorizing committees in this Congress have decided they are not interested in having these kinds of hearings.

Let me just give you some idea of what we have learned at the five hearings that I have held on this subject. Today, at the hearing, an employee of Halliburton who was providing food service in a portion of Iraq to our troops, said something to me that was almost unbelievable. He said they were routinely serving food to American troops that had outdated stamps on it. When you go to the grocery store, you see that food is going to be good through a certain date. They were getting that kind of food that was out of date and serving it to American soldiers.

I understand greed because we see enough of it in some of these circumstances at these hearings. I don't understand the shameful behavior of somebody who is charging this Government for feeding our troops, and then would feed our troops food that is date stamped out of date. The Halliburton Corporation, by the way, said that it was feeding 42,000 troops a day in one contract, and it turns out that only 14,000 were eating. They were charging for 28,000 meals they were not serving. Now we discover, more than that—more than charging for 42,000 meals when only serving 14,000 meals—they were serving food that was out of date to American soldiers. That is unbelievable to me.

We send these soldiers to a war zone and we contracted that company to feed them, and they feed them food that is date stamped out of date. Nobody wants to investigate these things. No hearings. It is eerily quiet here. Normally, when you see fraud, waste, and abuse, we have people who are interested in investigating that and putting a stop to it right now. We have heard so many tales of waste, fraud, and abuse.

Halliburton orders 50,000 pounds of nails that are the wrong size, so they are laying on the sand in Iraq. Just another bit of waste. It is $40 for a case of pop or soda and $7,000 a month to lease SUVs. There are $85,000 trucks that are abandoned on the roads and are torched because they had a flat tire or a plugged fuel pump. These are all stories we have heard at our hearings, which the authorizing committees won't have. They have been asked to have them, but they will not. I have chaired five hearings—because they won't—on these issues. It doesn't serve American troops. It disserves American troops to allow this sort of thing to happen.

When we get involved in circumstances where our country has an obligation to the troops we ask to go into harm's way, we have a responsibility to make sure there is not corruption and looting and thieving going on.

We had a woman testify today, Bunnatine Greenhouse. She was the highest civilian official in the Pentagon dealing with Corps of Engineer projects. She was called in at one point and told: Either you can retire or you are going to be demoted. We are not putting up with your objections anymore.

She was objecting to sole-source contracts being given to Halliburton—no bids. What is the result of that? Headline after headline about waste and fraud. Here is what she said today:

> I can unequivocally state that the abuse related to contracts awarded to KBR [a subsidiary of Halliburton] represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

By the way, she had a meeting last week with the acting general counsel, I believe, of the Corps of Engineers, and she was told that it would not be in her best interest to speak publicly about these things. Surprise, surprise. Don't worry so much about the waste or the fraud or the abuse; worry about the people who are going to speak up, who have the courage to step out and say here is what is going on, and I am willing to risk my career to talk about it.

Good for this woman. It took courage for her to come forward today. She was one of the top senior officials in that whole pyramid. The old boys just worked around her and worked their will so they could give contracts worth billions and billions of dollars to one company—Halliburton—and then later to some others, but basically Halliburton.

Then we hear from a witness named Rory, who worked in the food facilities in Iraq, that Halliburton was routinely serving out-of-date food to American troops. I thought there wasn't much more that could shock me after having my fifth hearing on this, but there is.

I just say this to the authorizing committees: The minute you decide to do the kinds of accountability and oversight hearings Congress is supposed to do, I will not hold any more hearings. It was in 1941 when a Senator on the floor of the Senate, named Harry Truman, with a Democratic President in the White House, initiated a series of hearings that ended up being hundreds of hearings. They documented massive amounts of fraud in defense contracting during a war. It probably wasn't pleasant for a Democratic President to have a Democratic Senator challenging them on what was going on with respect to waste, fraud, and abuse, but Harry Truman did it.

Now we have a Republican President, a Republican-controlled Congress, substantial waste, fraud, and abuse, and nobody wants to hold hearings because they are worried it will embarrass somebody. This isn't about embarrassing anybody; it is about standing up for the interests of the American taxpayer, for the interests of the American troops, and deciding that during war it is unconscionable for people to profiteer, and for companies to cheat and defraud the Federal Government.

Unfortunately, these days, when you read the headlines and the audit reports, you discover that what this is all about is a slap on the wrist, a pat on the back, and then a continuation of the buddy system.

A fellow who testified today with respect to the food service in Iraq said that when Government auditors came, they were told: You are not to be available to speak to Government auditors.

And they were told this: If you are caught speaking to a Government auditor, one of two things will happen. Either, A, you will be fired or, B, you will be sent to a base where there is active fighting. It's your choice.

I could not believe that. He said it again. He said it a second time. When Government auditors came to audit the Halliburton food contracts, they were ordered not to speak to the auditors, ordered not to respond to auditors' questions, ordered not to be available. And if they were caught answering questions of auditors, they would either be sent to a base where there was active fighting, or they would be fired. So that is some of what is going on.

The question is, Does anybody care? Will they, after 2 years of our holding five straight hearings now—when I say "they," I mean the authorizing committees—perhaps begin to hold hearings themselves? Would it be embarrassing to ask that committees to do what they are supposed to do—provide oversight? When you have $10 billion or $12 billion lining the pockets of big contractors whose documented abuse of that money is legend—don't take it from me, take it from the facts that are on the record—will the committees of the Congress do what they have a responsibility to do? We will see.

I wanted to point out that this afternoon was spent by me—at least from 1:30 and for the first 2 hours—listening to things that I find shameful with respect to practices by some companies—notably Halliburton—in the country of Iraq, profiteering during a war.

Mr. President, the last time we held a hearing dealing with Iraq, we had one of the people there hold up a towel, and he said: My job was to buy towels, among other things. I was a procurement agent. I was to buy towels—the hand towels you would use in the bathroom in the morning.

He showed us the hand towel he was going to buy, and then he showed us the one he did buy. The one he did buy had a logo of the company on it—the contracting company. The contracting company wanted him to buy a higher priced towel, a more expensive towel, so they could put their logo on it. Waste of the money? I think so. It is unbelievable when you see all that is going on and nobody is minding the store.

I hope perhaps one day this Congress, in a deep slumber about accountability and oversight responsibilities, will wake up and do what it is required to do. At that point, we will no longer have to do hearings in our policy committee. Until that point, however, we intend to continue such hearings.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORPORATION FOR PUBLIC BROADCASTING

Mr. DORGAN. Mr. President, there has been quite a controversy developing in recent weeks about the Corporation for Public Broadcasting. I have spoken on the Senate floor a couple of times about the subject, and I wish to address it now, particularly because of actions that were taken last week.

The Corporation for Public Broadcasting has a Board of Directors that is headed by a Mr. Kenneth Tomlinson. Mr. Tomlinson decided to take it upon himself to describe public broadcasting as having a liberal bias. Because it has a liberal bias, according to the Chairman of the Board of Directors, appointed by President Bush, he hired a consultant, a fellow who had worked for 20 years at a journalism center founded by the American Conservative Union. He hired a consultant for just over $14,000 without the knowledge of the Board of Directors to evaluate particularly programming by the Bill Moyers show called "Now." The Inspector General at the Corporation for Public Broadcasting is now investigating that expenditure of money.

It is curious to me that the American people, by a wide margin, believe that public television and public radio, National Public Radio, for example, and PBS, is not biased, is good information, provides good programming, balanced programming, and yet the Chairman of the Board, who is partisan, has made it his cause to tell the American people there is a liberal bias in public broadcasting over television and radio on NPR and so on.

Most of us, of course, know public television by Big Bird, Ernie, the Cookie Monster, the Count, Grover. I was thinking, when I have heard the discussions about public broadcasting by the Chairman of the Board, Mr. Tomlinson, I was thinking of Oscar the Grouch, who complains about everything. I would not take the analogy so far because Oscar the Grouch lives in a trash can, but every time he peeks his head out something is wrong. He complains about everything, Oscar the Grouch.

Well, maybe we have an Oscar the Grouch running the Corporation for Public Broadcasting. After all, he is a partisan who has decided to allege that there is a partisan and liberal bias at the Corporation for Public Broadcasting. Then he hires a conservative to do an evaluation of that.

When he did that with public funding, I asked Mr. Tomlinson, by letter, to provide me the information gleaned from this consultant. He then sent me the raw data, which was many pages of raw information. I have described that on the Senate floor. I will not do that again. He told me that it was not a summary but he was completing a summary. I have now been given the summary in the last couple of days—I believe last Friday.

In the intervening period, Chairman Tomlinson also decided that his candidate to become President of the Corporation for Public Broadcasting, a position that was open, should be assumed by a former Co-Chair of the Republican National Committee. Over the objections of some members of the Board of Directors, he made that happen last week. So the former Co-Chair of the Republican National Committee is now going to become the President of the Corporation for Public Broadcasting, an organization that the Chairman of the Board of the Corporation for Public Broadcasting alleges has a liberal bias. He believes that it is political or partisan; therefore, he brings in a partisan.

If a former co-chair of the Democratic National Committee had been hired, I assume there would be a howl that one could hear all the way to West Virginia coming from this Chamber and the Chamber across the hall because they would say: You are politicizing the Corporation for Public Broadcasting. Regrettably, that is exactly what Mr. Tomlinson is doing by hiring a former Co-Chair of the Republican National Committee.

Public broadcasting does a real service in this country. There are some stories no other broadcasters will do. Do my colleagues think that ABC, CBS, NBC, or FOX will ever do a no holds barred, in-depth story about concentration in the media and about the rules that the Federal Communications Commission tried to foist on this country that would allow further concentration until they were stopped by the Federal courts? Do my colleagues think that would ever be dealt with by the major television networks? Not on your life because they are all making money consolidating.

The Federal Communications Commission came up with a goofy rule—one that, in my judgment, subverts the interests of the American people—and said it will be all right if in one major American city one company owns eight radio stations, three television stations, the dominant newspaper, and the cable company. That is just fine, according to the Federal Communications Commission. Well, it is not fine with me. That was the quickest and biggest cave-in to the special interests I have ever seen in my life, and the Federal court has at this point stopped it.

Guess who did the in-depth reporting, the hard-hitting reporting on the concentration of corporate interests in broadcasting. Was it CBS, NBC, ABC, FOX News? No, not on your life. They would not touch it because they make money continuing the concentration. It was public broadcasting. It was Bill Moyers. For that, he pays a price. The price he pays: Mr. Tomlinson and others accuse him of going astray, a liberal bias.

When I looked at the papers I was given that represent the raw data from the consultant, some of the listings evaluated programming on public broadcasting as either anti-Bush or pro-Bush. Is that what we are going to do in this country—run our evaluation of whether something is fair through a prism of whether it supports our President, whoever our President is? Is that the way one would have wanted to evaluate public broadcasting when President Clinton was in office—anti-Clinton, pro-Clinton? I do not think so. That is not the way we have a responsibility to evaluate these things.

This country is still a democracy, a free country. It is not unpatriotic to be critical of our Government. In the case of the FCC rules, that would allow massive concentration of broadcasting properties so that only four or five people will determine what the American people by and large will see, hear, and read. When that happens, when the FCC tries to do that, it is not unpatriotic to raise questions and do in-depth reporting and do tough reporting on it. There is nothing unpatriotic about that.

So the selection of the former Co-Chair of the Republican National Committee to be President of the Corporation for Public Broadcasting is a step that will injure public broadcasting. The board members who objected have told me that they felt the process for the selection of the chairman was not fair, and I intend to ask the Inspector General to include that question in the investigation that is now ongoing about the use of funds for the consultant.

I believe most of us, Republicans, Democrats, and Independents, should care about retaining a strengthened and important public broadcasting system in this country. Big Bird is not a Republican or a Democrat, nor is the Cookie Monster. This is just good programming. It does a disservice to the interests of public broadcasting in this country to begin to undermine it by demanding that there is a liberal bias, by hiring consultants who themselves come from a conservative background with which to make a judgment of whether things are anti- or pro-Bush in public programming, and then to engineer the hiring of the former Co-Chair of the Republican National Committee as President of the Corporation for Public Broadcasting. All of that moves us in the direction that injures something very important to this country. My hope is at some point we will be able to see progress in putting this back together. But there is no question that substantial damage has been done to public broadcasting in recent weeks and that damage is because of leadership insisting that public broadcasting itself is flawed and is at fault.

I disagree with that. I think the problem is not public broadcasting; I think the problem has been the leadership of the Corporation for Public Broadcasting and the engineering of not only a known partisan to become president but also a partisan to do an evaluation that was destined to show what the Chairman of CPB was alleging.

Again I take no pleasure in coming to the floor to be critical of Mr. Tomlinson, but after what I have read from the consulting report that is now being investigated, frankly, I think there is a need to speak up and a need to decide that public broadcasting is important to this country and worth saving and won't be saved by those who want to drag it into the partisan waters.

Mr. President, I yield the floor. I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1035

Mr. DORGAN. On behalf of my colleague Senator WYDEN, I propose an amendment.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. WYDEN, proposes an amendment numbered 1035.

Mr. DORGAN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend the authority for watershed restoration and enhancement agreements)

On page 254, after line 25, add the following:

SEC. 4_____. Section 323(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105–277), is amended by striking "fiscal year 1999" and all that follows through "2005" and inserting "for each of fiscal years 2006 through 2015".

Mr. DORGAN. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1036 AND 1037, EN BLOC

Mr. DORGAN. I send two amendments to the desk on behalf of my colleague from Rhode Island, Senator JACK REED, and ask for their consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. REED, proposes en bloc amendments 1036 and 1037.

Mr. DORGAN. I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1036

(Purpose: To modify certain administrative provisions relating to the brownfield site characterization and assessment program)

On page 198, lines 21 and 22, strike "Notwithstanding CERCLA 104(k)(4)(B)(i)(IV), appropriated funds for fiscal year 2006" and insert the following: "Notwithstanding section 104(k)(4)(B)(i)(IV) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(4)(B)(i)(IV)), beginning in fiscal year 2006 and thereafter, appropriated funds".

AMENDMENT NO. 1037

(Purpose: To authorize recipients of grants provided under the brownfield site characterization and assessment program to use grant funds for reasonable administrative expenses)

On page 200, between lines 2 and 3, insert the following:

Beginning in fiscal year 2006 and thereafter, notwithstanding any other provision of law, recipients of grants provided under section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) may use the grant funds for reasonable administrative expenses, as determined by the Administrator of the Environmental Protection Agency.

Mr. DORGAN. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending question is amendment 1037 to the Interior appropriations bill.

Mr. STEVENS. What amendment is pending?

The PRESIDING OFFICER. Amendment 1037.

AMENDMENT NO. 1026

Mr. STEVENS. What is the number of Senator SUNUNU's amendment?

The PRESIDING OFFICER. Senator SUNUNU's amendment is 1026.

Mr. STEVENS. I thank the Chair.

Mr. President, I have come to the floor to briefly discuss this amendment that has been offered by the Senator from New Hampshire and others and tell the Senate this is opening the door to a whole series of agreements that were made in previous Congresses and approved by the President, and it is a subject I intend to debate at length. I will tell the Senate a little bit of history tonight and take an opportunity to more subsequently discuss this issue.

This amendment that has been offered will prevent the use of Federal funds to plan, design, study, or construct new forest development roads in the Tongass. The Tongass National Forest is our largest national forest. It has a southern division and a northern division. When I came to the Senate, the harvest level was about 1.5 billion board feet a year from the total Tongass. In subsequent years it has been under attack severely, until today I think it is less than 17 percent of the Tongass is available for harvesting timber.

This amendment discriminates against Alaska. There are national forests in many States and the Forest Service spends a lot of money on forest roads, but this would say that only in Alaska can the Forest Service be prohibited from spending money for forest roads.

Let me go back a little bit in the history. I am gathering the information we need to address the matter in depth tomorrow and subsequently. This area is not unique in the sense of timber harvest. The Forest Service follows about the same regulations in Alaska they would in any other national forest. The difference is that we had, in 1980, the Alaskan National Interests Conservation Land Act which withdrew a great portion of this forest from any future harvesting of timber; then after that we had the Tongass Timber Reform Act which further limited the amount that could be harvested from the Tongass; and then we had the enormous dispute over roads in the Tongass. This is another way to limit the development of Alaska's timber because of the policies of our national Government with regard to harvesting the national forests.

The debate over forest roads also has included the question of the provisions in the 1980 act which prohibited any further withdrawal of Alaska's lands without prior approval of the Congress. This is an amendment that looks as if there is an economic concept involved, but really it is one of the goals of those who want to limit further use of the Tongass to produce timber.

Regarding the roadless concept, they tried to apply it to our national forests, the Tongass National Forest. Because of the provisions in the 1980 act which prohibit further withdrawals of Alaska's land without prior approval of the Congress, that concept did not get applied to the Tongass. The last President did issue an Executive order which purported to change that, but that has been rescinded as that was an error on the part of the last administration. We are operating under the basis that there could be roads built in the portions of the Tongass that have not been withdrawn.

The problem is this: The cost of developing roads in Alaska are different from other States. In most States, there is a road infrastructure in the area that surrounds the national forest. As a matter of fact, most national forests have a Federal highway going right through them. Southeast Alaska has no roads. It is an island community. There is no connection between those islands. There is no attempt to build a highway system in southeast Alaska. As a matter of fact, our capital city has no roads that can be used to enter Juneau from another area. I think it is the only capital you can reach only by boat or air. There is no way to drive to our capital because it is on one of the islands I am talking about.

When we look at the situation of southeast Alaska, we have to realize one of the costs of developing a timber industry in southeast Alaska is building roads on islands on which there are no roads. They are temporary roads built under specification of the Forest Service and designed to become wilderness, in effect, once the regrowth is commenced.

What I am saying is, once the timber is harvested, the natural product of what we call the "slash" that comes from developing and cutting the timber is laid across the ground, and within a very few years that area will be totally grown over again. In most instances, we will not find the roads because they have been eliminated by regrowth. I invite everyone to take a look at Admiralty Island, across from Juneau. That at one time was cut for timber and now is regrown to such an extent that it has been named a wilderness area. It is the only area in the country that is a wilderness area despite the fact that its timber was once cut.

As we get the information I am seeking from the Forest Service and from other agencies, I want to demonstrate to the Senate that the only way to be able to harvest the timber we are entitled to harvest is to follow the process the Forest Service itself has selected; that is, that it build the forest roads. As it selects an area for timber harvest, it will build the roads, and the purchaser of the timber will agree to pay the cost of those roads as part of the cost of the contract to harvest the timber.

As time has passed and many of our areas have been selected for harvest in the area set aside for timber production now—I remind the Senate that well over three-fourths of the Tongass has been set aside as national parks, wild and scenic rivers, forest wilderness, and is not available for any kind of timber harvest. In the areas where it was agreed timber harvests would be permitted, the Forest Service builds these roads and uses the funds we appropriate for that purpose, and those funds are repaid by the person who harvests the timber.

As time has passed, the challenges from the environmental organizations of the country, the environmental costs, the environmental impact statements, and often-repeated environmental impact statements, have added up to the fact that some assert that this is not a profitable endeavor, for the Federal Government to allow timber to be harvested in the Tongass. But they forget—and that is why I am here—they forget there was an understanding and a commitment that a portion of this area would be available for timber harvest. That is one of the local products that is a renewable resource. The cutting cycle in our timber area is over 100 years. It means an area harvested this year will not be put up for sale for 100 years. Under the circumstances, to have a provision that says the roads that are to be built would be built by an individual in advance of getting a contract for timber harvesting means that great speculation would enter into this industry.

It would also mean that the decision would be made by nonresidents of the area, speculators. Currently our logging industry is a local industry. They are small logging companies. They log small areas on the islands at a competitive bid to obtain the right to harvest that timber. This is not a case of wasting Federal money.

Those who are approaching it from the point of view, saying the Federal Government should not spend this money, do not realize the best way to develop this timber industry was to have roads built by a Federal agency, designed by a Federal agency, and constructed for the safety not only of the people who are going to be working in the area but also for the protection of other resources such as the fish and wildlife resources of the area.

The problem for a person who wants to harvest this area is overwhelming if they have to make the decision of where the road should go because there is so much inter-Federal-agency consultation going into the harvests, these roads for timber harvest, that it would be almost impossible for a private sector person to be able to get to the point where there would be approval for the location of the road. The design is determined by the Federal Government, the location is determined by the Federal Government, the safety features are determined by the Federal Government, and the purchaser of the timber has agreed to pay the costs.

The way it is done right now is in the best way, in the interests of the environment, and the interest of the people of the area. Once the roads are built, it is possible for the local people to be able to bid to harvest the timber and to make it available to the international community. By Federal law, we do not export this timber. It must be sold in the United States. This is from Federal land, and therefore is subject to the Federal law that prohibits the export of this timber.

It is a forest product that would be worth a great deal more if it could be exported. But it is not. Some of the Native-owned timber is exported, but the timber from the Federal lands is not exported.

The main reason I am here is to ask the Senate to think about this. This is a provision that applies only in the Tongass National Forest of Alaska. Why not the rest of the country? Why not the forests in New Hampshire? There is a forest in New Hampshire. What about the forests of other areas of the country? I am considering offering a second-degree amendment—I understand second-degree amendments will be in order and are in order—to apply it to the whole country.

Above all, what about the commitment made to Alaska when so much of Alaska was withdrawn? In 1980, the law that was passed we called the Alaska National Interests Land Conservation Act which withdrew over 100 million acres. That was a hard-fought battle that lasted 7 years in this Senate. We finally reached a conclusion that many of my constituents disagreed with, that in order to go forward with our economy and in order to go forward with our relationship with the Federal Government, we agreed to that act. It became law despite the fact that so many people disagreed with it because it did have some commitments to Alaska. This is one of the commitments, that the areas that were not set aside would be subject to harvest by the timber industry under the concepts that existed at the time.

Now if we come along and change those concepts and say you cannot use Federal funds in the beginning, it means we will have to go back and fashion a basic Federal law that deals with the investment of private funds in those roads before the decision has been made—it is almost impossible for anyone to conceive building roads in an area before the final decision has been made that the timber can be harvested. The decision used to be made just by the Forest Service, but it is made by the courts now. Every single sale has gone to court repeatedly.

Two years ago, I had an amendment to limit the amount of time that could be taken in those appeals. That is an issue that needs to be examined. But very clearly, the concept of using this approach that none of the funds available in this act may be used for the development of the these roads is another way to make the area wilderness. This is a wilderness bill. This is not an economic amendment. This is an amendment to assure that the commitment was made to us that a portion of the timber in the Tongass could be harvested. This will be reneging on that commitment.

There is no way now for us to proceed with this type of road construction until we identify the purchaser of the timber, and there is no way really to get to the point of purchasing the timber until the roads are created. There are no roads available in the area except the ones to be constructed by the logging company that will cut the timber.

I am sure the sponsors of this amendment do not realize what they are setting in motion. They are setting in motion a total block to development of the Tongass and a total reneging on the commitment that was made to our State that timber in this area would be subject to harvest.

I hope to have an amendment that will make this apply to the whole country.

I also have an amendment that I would want the Senate to consider, and that is that there should be a study made of the developing of these roads in the forest system, and that there be a report on a new process to develop roads in the units of the National Forest System if we are not to use Federal funds to build the roads.

Again I say, from the point of view of safety, from the point of view of consistency as far as environmental protection, having the Forest Service build the roads in the areas that they agree to be available for timber harvesting is the best way we have devised so far. This concept, if it is to be studied, it ought to be studied throughout the whole National Forest Service System, not just my State, not just our State.

I do think there is a great deal more to this debate that needs to be brought up to the Senate. But above all, people have asked: Why don't we just have a vote? The main reason is I think there are Senators here who really do not know the history of the development of this relationship between Alaska and the Federal Government with regard to the resources of our State.

If you look at the 1980 act that withdrew over 100 million acres, you will find that because of those withdrawals you cannot build a north-south road in Alaska. You cannot build an east-west road in Alaska. There is no way to get through the various passes and across the rivers where you should be able to do it because withdrawals were made for national parks, wild and scenic rivers. There are a whole category of withdrawals to prevent that kind of development.

There actually was a Senator on the floor of the Senate at one time who said our whole State should be made a national park and we should not be allowed to develop any portion of it. Our State is one-fifth the size of the United States. It is as big as at least 20 of the 48 States of what we call the South 48.

We are entitled to a lifestyle. We are entitled to be treated as a State. We fought long and hard to become a State. What we are seeing here is this inching away from being treated as a State. This amendment only applies to Alaska. Of all the units of the forest system in the United States, it would only apply to Alaska. I think that type of discrimination should be reason enough for any Senator to vote against this amendment.

But above all, I do hope the Senate will take time with us. My colleague, Senator MURKOWSKI, will be with me tomorrow, and we will discuss this amendment at length.

Right now, I just have to express my deep disappointment in an amendment of this type. I cannot conceive of offering an amendment to discriminate against another State. We sought to become a member of this Union because we thought we would be equal to other States. We have witnessed, time and time again, this attitude of people from other parts of the country that we are not entitled to the same rights as other Americans in terms of our relationship to the Federal Government.

I think this is an area that needs examination. And it needs understanding. I cannot recall since I have been here holding up an appropriations bill. This one I do think is going to be held up. I want the Senate to know that I have a whole series of amendments that will be offered to this amendment. I do not take lightly the attack on our State, a discriminatory attack on Alaska.

There are few Senators who have been privileged to be part of a battle for statehood for their State who end up on the floor of the Senate. I think one of my duties as a Senator for Alaska is to see to it that we are not discriminated against. And this is a discriminatory amendment, one that really disturbs me, as I have indicated, greatly. I do hope those who come from States that have national forests will examine the practices in their States.

One of the strange things about this is we have inquired from the Forest Service about the money they are spending for roads in each of the forests. The way they handle the money, it is not too easy to find out how much money is being spent in each of the forests.

But clearly we know there are forest roads being built in the national forests in other States. I believe the Senate should understand the gravity of this kind of discrimination against my State.

I am not offering these amendments yet because I want to confer with my colleague who went home this past weekend since there are no votes today. I will be here tomorrow to try to explain further our amendments. But I do want to explain to my friends who are the managers of this bill, I hope they will not become overly disturbed with us. But we want to find some way to convince the Senate not to discriminate against our State. If there is some change that should be made to forest roads, it should apply to all forests. And if there is some concept of making a decision with regard to the economics of this aspect of this, let's decide what to do with the Forest Service altogether, not just the Forest Service that applies to Alaska.

I close with what I started. Last year, I think we harvested less than 200 million board feet of timber, less than one-seventh of what was harvested the year I came to the Senate. Successive Congresses have found ways to whittle away, whittle away, whittle away at our ability to use the resources of our State. I think this is a time to ask the Senate to pause and consider that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1038 AND 1039

Mr. SALAZAR. Mr. President, I send two amendments to the desk en bloc and ask unanimous consent for their immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR] proposes en bloc amendments numbered 1038 and 1039.

Mr. SALAZAR. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1038

(Purpose: To provide additional funds for the payment in lieu of taxes program, with an offset)

On page 171, line 13, strike "$94,627,000" and insert "$87,627,000".

On page 172, line 17, strike "$235,000,000" and insert "$242,000,000".

AMENDMENT NO. 1039

(Purpose: To provide that certain user fees collected under the Land and Water Conservation Act of 1965 be paid to the States)

On page 254, after line 25, add the following:

SEC. 4____. (a) Notwithstanding subsection (b)(3) of section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8), any user fees collected under that Act with respect to recreational and related activities in a State shall be paid to the State in which the fees were collected.

(b) Amounts paid to a State under subsection (a) shall be in addition to, and shall not reduce, the apportionment of the collecting State under section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(b)).

Mr. SALAZAR. Mr. President, I want to just spend a few quick minutes speaking about both of these amendments. The first amendment is an amendment relating to the payment in lieu of taxes.

For those of us who come from the West, where so much of our land is owned by the Federal Government, payment in lieu of taxes is essential for our local governments to be able to function. In my great State of Colorado, most of the western half of the State is owned by the Federal Government. There are many counties in my State that rely on payment in lieu of taxes for up to 90, 95 percent of their budgets.

The amendment I have sent forward that deals with payment in lieu of taxes is an amendment that would add an additional $7 million into the payment in lieu of taxes fund. That would bring the amount up to a level of consistency with what has come out of the House of Representatives.

I urge my colleagues in the Senate to support the amendment.

Mr. President, the second amendment deals with the Land and Water Conservation Fund. My proposal, in this amendment, is that the user fees that are collected in, for example, ski areas in places such as Montana or Wyoming or Colorado—that those amounts of money be returned back to the Land and Water Conservation Fund in those States in addition to the amount of money they already receive under the Land and Water Conservation Fund.

It seems to me it would be an appropriate investment of these dollars to be invested through the programs of the Land and Water Conservation Fund.

Again, we may be talking more about this in the days ahead, but the Land and Water Conservation Fund has had an exemplary record in the contributions it has made to preserve our water and our air and our land. I think this amendment will be helpful for us as we work on that agenda at a national level.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 1040

Mr. BURNS. Mr. President, I send to the desk an amendment offered by Senator BOND regarding the U.S. Geological Survey.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. BOND, proposes an amendment numbered 1040.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside funds for the University of Missouri-Columbia to establish a wetland ecology center of excellence)

On page 154, line 12, strike "That" and insert "That from the amount provided for the biological research activity, $200,000 shall be made available to the University of Missouri-Columbia to establish a wetland ecology center of excellence: *Provided further*, That".

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1041

Mr. BURNS. Mr. President, I send to the desk an amendment offered by Senator CRAIG of Idaho regarding mineral rights in the Payette National Forest.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. CRAIG, proposes an amendment numbered 1041.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To withdraw from mineral entry or appropriation under mining lease laws, and from leasing claims under mineral and geothermal leasing laws, certain land in the Payette National Forest)

At the appropriate place, add the following: "*Provided further*, That, subject to valid existing rights, all land and interests in land acquired in the Thunder Mountain area of the Payette National Forest (including patented claims and land that are encumbered by unpatented claims or previously appropriated funds under this section, or otherwise relinquished by a private party) are withdrawn from mineral entry or appropriation under Federal mining laws, and from leasing claims under Federal mineral and geothermal leasing laws.".

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1042

Mr. BURNS. Mr. President, I send to the desk an amendment offered by Senator WARNER of Virginia regarding the National Park Service.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] for Mr. WARNER, proposes an amendment numbered 1042.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside funds for the replacement of the main gate facility at the Wolf Trap National Park for the Performing Arts, Virginia)

On page 149, line 7, after "acquisitions,", insert the following: "of which $4,285,000 shall be made available for the replacement of the main gate facility at the Filene Center, Wolf Trap National Park for the Performing Arts, Virginia,".

AMENDMENT NO. 1028

Mr. BURNS. Mr. President, I call up amendment No. 1028 regarding the Great Smoky Mountains.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. FRIST, for himself, and Mr. ALEXANDER, proposes an amendment numbered 1028.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reinstate a provision relating to National Parks with deed restrictions)

On page 254, after line 25, add the following:

SEC. 4_____. (a) Section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) is amended by striking "and (i)" and inserting "and (i) (except for paragraph (1)(C))".

(b) Section 4(i)(1)(C)(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a(i)(1)(C)(i)) is amended—

(1) by striking "Notwithstanding subparagraph (A)" and all that follows through "or section 107" and inserting "Notwithstanding section 107"; and

(2) by striking "account under subparagraph (A)" and inserting "account under section 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806(a))".

(c) Except as provided in this section, section 4(i)(1)(C) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a(i)(1)(C)) shall be applied and administered as if section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) (and the amendments made by that section) had not been enacted.

(d) This section and the amendments made by this section take effect on December 8, 2004.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1012

Mr. BURNS. Mr. President, I call up amendment No. 1012 offered by Senator ENSIGN regarding the sale of certain lands in Nevada.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. ENSIGN, proposes an amendment numbered 1012.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway)

On page 254, after line 25, add the following:

SEC. 4_____. (a) In this section:

(1) The term "Federal land" means the approximately 115 acres of Bureau of Land Management land identified on the map as "Lands identified for Las Vegas Speedway Parking Lot Expansion".

(2) The term "map" means the map entitled "Las Vegas Motor Speedway Improvement Act", dated February 4, 2005, and on file in the Office of the Director of the Bureau of Land Management.

(3) The term "Secretary" means the Secretary of the Interior.

(b)(1) If, not later than 30 days after the date of completion of the appraisal required under paragraph (2), Nevada Speedway, LLC, submits to the Secretary an offer to acquire the Federal land for the appraised value, notwithstanding the land use planning requirements of section 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall, not later than 30 days after the date of the offer, convey to Nevada Speedway, LLC, the Federal land, subject to valid existing rights.

(2)(A) Not later than 90 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal land.

(B) The appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(C) All costs associated with the appraisal required under subparagraph (A) shall be paid by Nevada Speedway, LLC.

(c) Not later than 30 days after the date on which the Federal land is conveyed under subsection (b)(1), as a condition of the conveyance, Nevada Speedway, LLC, shall pay to the Secretary an amount equal to the appraised value of the Federal land, as determined under subsection (b)(2).

(d) As a condition of the conveyance, any costs of the conveyance under subsection (b)(1) shall be paid by Nevada Speedway, LLC.

(e) If Nevada Speedway, LLC, or any subsequent owner of the Federal land conveyed under subsection (b)(1), uses the Federal land for purposes other than a parking lot for the Nevada Speedway, all right, title, and interest in and to the land (and any improvements to the land) shall revert to the United States at the discretion of the Secretary.

(f) The Secretary shall deposit the proceeds from the conveyance of Federal land under subsection (b)(1) in accordance with section 4(e)(1) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

(g)(1) Except as provided in subsection (b)(1) and subject to valid existing rights, the Federal land is withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) The withdrawal of the Federal land under paragraph (1) shall be in effect for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) the date that is 2 years after the date of enactment of this Act; or

(B) the date of the completion of the conveyance of Federal land under subsection (b)(1).

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1033

Mr. BURNS. Mr. President, I call up amendment No. 1033 offered by Senator ENSIGN regarding structures at Lake Tahoe.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. ENSIGN, proposes an amendment numbered 1033.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds for the demolition of buildings at the Zephyr Shoals property, Lake Tahoe, Nevada)

On page 254, after line 25, add the following:

SEC. 4_____. None of the funds made available to the Forest Service under this Act shall be expended or obligated for the demolition of buildings at the Zephyr Shoals property, Lake Tahoe, Nevada.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1002, 1003, 1015, 1019, AND 1020

Mr. BURNS. Mr. President, I ask unanimous consent, on behalf of Senator COBURN of Oklahoma, to offer en bloc amendments Nos. 1002, 1003, 1015, 1019, and 1020.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. COBURN, proposes en bloc amendments numbered 1002, 1003, 1015, 1019, and 1020.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1002

(Purpose: To reduce total appropriations in the bill by 1.7 percent for the purpose of fully funding the Department of Defense)

At the appropriate place, insert the following:

SEC. ___. Notwithstanding any other provision of this Act, each amount provided by this Act is reduced by 1.7 percent.

AMENDMENT NO. 1003

(Purpose: To require conference report inclusion of limitations, directives, and earmarks)

At the appropriate place, insert the following:

SEC. . Any limitation, directive, or earmarking contained in either the House or Senate report must also be included in the conference report in order to be considered as having been approved by both Houses of Congress.

AMENDMENT NO. 1015

(Purpose: To transfer funding to Wildland Fire Management from the National Endowment for the Arts and the National Endowment for the Humanities)

On page 233, line 9, strike "126,264,000" and insert "121,264,000".

On page 234, line 5, strike "127,605,000" and insert "122,156,000"

On page 130, line 24, strike "766,564,000" and insert "777,013,000".

AMENDMENT NO. 1019

(Purpose: To transfer funding to the Special Diabetes Program for Indians and the Alcohol and Substance Abuse Program within the Indian Health Service from funding for federal land acquisition)

On page 133, strike lines 16 through 22.

On page 139, line 24, strike "40,827,000" and insert "8,827,000" .

On page 150, line 22, strike "86,005,000" and insert "54,005,000".

On page 207, strike lines 4 through 12.

On page 216, strike "2,732,323,000" and insert "2,853,498,000" .

At the appropriate place, insert the following:

Provided further, That of the funds provided to the Indian Health Service, no less than $210,000,000 shall be made available for the Special Diabetes Program for Indians, and no less than $200,248,000 shall be made available for the Alcohol and Substance Abuse Program.

AMENDMENT NO. 1020

(Purpose: To express the Sense of the Senate that any additional emergency supplemental appropriations should be offset with reductions in discretionary spending)

At the appropriate place, insert the following:

SEC. . (a) FINDINGS.—The Senate makes the following findings:

(1) The on-budget deficit for fiscal year 2005 is estimated to be $541 billion according to the Congressional Budget Office.

(2) Total publicly-held federal debt on which the American taxpayer pays interest is expected to reach $6 trillion by 2011 according to the Congressional Budget Office.

(3) The United States and its allies are currently engaged in a global war on terrorism.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) The servicemen and women of the United States Armed Forces deserve the full support of the Senate as they seek to preserve the safety and security of the American people.

(2) Activities relating to the defense of the United States and the global war on terror should be fully funded.

(3) Activities relating to the defense of the United States and the global war on terror should not be underfunded in order to support increased federal spending on non-defense discretionary activities.

(4) Any additional emergency supplemental appropriations should be offset with reductions in discretionary spending.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1043

Mr. DORGAN. Mr. President, I send to the desk, on behalf of Senator FEINGOLD, an amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. FEINGOLD, proposes an amendment numbered 1043.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Government Accountability Office to conduct an audit of the competitive sourcing program of the Forest Service)

On page 249, line 19, before the period, insert the following: "conducted in accordance with generally accepted full cost accounting principles".

On page 250, between lines 23 and 24, insert the following:

(e) AUDIT.—(1) In this subsection:

(A) The term "baseline organization" means the organization performing the work to be studied prior to initiation of a competitive sourcing study under this section.

(B) The term "new organization" means the private contractor, or the most efficient public agency, and associated management and oversight functions used at the conclusion of a competitive sourcing study under this section.

(2) Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct an audit of the competitive sourcing program of the Forest Service.

(3) The audit shall include—

(A) an analysis of the costs and benefits of the competitive sourcing initiative conducted by the Forest Service;

(B) an analysis of existing procedures to track (in accordance with full cost accounting principles) all costs required to calculate accurate savings or losses attributable to a competitive sourcing study, and recommendations on how the existing procedures can be improved, including all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing (including personnel, consultant, travel, and training costs associated with program management), including—

(i) costs incurred by the Forest Service before initiation of the competitive sourcing study in performing the work to be studied with the baseline organization;

(ii) costs of performing the competitive sourcing study, including—

(I) travel and per diem costs;

(II) training and communications costs;

(III) contractor costs; and

(IV) the cost to the Federal Government of Federal employees working on any aspect of the study or performing any work necessitated by the study;

(iii) costs of implementing the competitive sourcing study results, including costs described in clause (ii) and costs associated with buyouts, transfers of station, and reductions in force;

(iv) ongoing operational costs of performing the work with the new organization employed as a result of competitive sourcing study, including any modifications to the contract or letter of obligation necessitated by omissions in the statement of work of the solicitation;

(v) costs associated with oversight and maintenance of the contract or letter of obligation;

(vi) savings realized or costs borne by the Forest Service that are not included under clause (iv), including savings or costs due to—

(I) changes in the timeliness or quality of the work provided by the new organization;

(II) changes in procedures of the Forest Service necessitated by the new organization;

(III) the assignment to employees or contractors outside of the new organization of duties previously performed by the baseline organization; and

(IV) changes in the availability of personnel to perform high priority fire suppression or other emergency response work on a collateral basis; and

(vii) costs of maintaining and operating a competitive sourcing infrastructure, including office, salary, contractor, and travel costs associated with the Forest Service Competitive Sourcing Office and the cost to the Federal Government of Federal employees for the time for which the employees are managing the program;

(C) recommendations on what accounting practices should be adopted by the Forest Service to improve accountability;

(D) an evaluation of the comparative efficiencies of the Forest Service competitive sourcing and business process reengineering procedures; and

(E) an analysis of—

(i) the A-76 study that resulted in the information services organization and the continuing Federal Government activity;

(ii) the A-76 study of Region 5 fleet maintenance work that resulted in the transfer of work to Serco; and

(iii) the financial management improvement project, accomplished by means of business process reengineering.

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1044

Mr. DORGAN. Mr. President, I have an amendment on behalf of Senator BYRD that I send to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. BYRD, proposes an amendment numbered 1044.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside funds for the White Sulphur Springs Fish Hatchery)

On page 139, line 5, before the period insert the following: ": *Provided further*, That of the total amounts made available under this heading, $350,000 shall be made available for the mussel program at the White Sulphur Springs National Fish Hatchery".

AMENDMENT NO. 1045

Mr. DORGAN. I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I send to the desk an amendment by Senator CONRAD and ask for its consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. CONRAD, proposes an amendment numbered 1045.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside funds for a brownfields assessment of the Fortuna Radar Site)

On page 195, line 7, after "costs", insert the following: ", of which $200,000 shall be made available for a brownfields assessment of the Fortuna Radar Site".

AMENDMENT NO. 1046

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of Senator SARBANES and ask for its consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. SARBANES, for himself, Mr. ALLEN, Mr. WARNER, and Ms. MIKULSKI, proposes an amendment numbered 1046.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail)

On page 254, after line 25, add the following:

SEC. 4 . Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

"(43)(A) The Captain John Smith Chesapeake National Historic Watertrail, a series of routes extending approximately 3000 miles along the Chesapeake Bay and the tributaries of the Chesapeake Bay in the States of Virginia, Maryland, Pennsylvania, and Delaware and the District of Columbia that traces Captain John Smith's voyages charting the land and waterways of the Chesapeake Bay and the tributaries of the Chesapeake Bay.

"(B) The study shall be conducted in consultation with Federal, State, regional, and local agencies and representatives of the private sector, including the entities responsible for administering—

"(i) the Chesapeake Bay Gateways and Watertrails Network authorized under the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105–312); and

"(ii) the Chesapeake Bay Program authorized under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267).".

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION

Mr. BAUCUS. Mr. President, in the book of Isaiah, the prophet wrote, "[M]y people have gone into captivity, because they have no knowledge."

Francis Bacon wrote, "Knowledge itself is power."

And when H.G. Wells summed up his history of the world, he concluded: "Human history becomes more and more a race between education and catastrophe."

In the next two decades, America's history will become more and more a race for economic leadership. For more than a century, America's economy has set the pace. We have led all competitors. Year after year, we have become used to winning the race.

But now, over our shoulder, we can hear the footsteps of another runner. That competitor is China. And it is gaining fast.

If we wish not to go into economic subservience, if we wish to maintain our economic power, if we wish to avert economic misfortune, the answer is education.

America's economic leadership has been a remarkable achievement. We Americans are just 4.6 percent of the world's people. More than a fifth of the world's people live in China. There are nearly 4½ times as many Chinese as there are Americans.

Yet America produces 60 percent more goods and services than China.

That is how Americans can enjoy one of the world's foremost standards of living. The average American's share of our economic output is $37,610 a year. The average Chinese's share of theirs is $1,100 a year.

But from a slow start, China has picked up the pace. Starting with Deng Xiaoping in the late 1970s, China began to reform its economy. Deng was eminently practical, when it came to economic philosophy. He said: "It doesn't matter whether the cat is black or white, as long as it catches mice." Today, you can find those capitalist cats everywhere in China.

Over the last two decades, China's economy has been growing at an average of 9.5 percent, nearly three times as fast as America's. And some project that within 20 years, China's could become the world's largest economy, ending more than a century of American leadership.

You can see how they do it at an American or Japanese factory in Shanghai. You see rows and rows of hardworking workers, in colorful uniforms, at well-lit work stations. The company pays them about $2,000 a year, plus food and housing benefits. But that is good money in a country with an average income of $1,100 a year. The workers there want to keep their jobs. And 200 million other workers stand ready to take their jobs if they do not.

The challenge for America in the decades to come will be: How can America compete with that factory in Shanghai? How can we get paid $37,000 a year or more to make goods and perform services, when there are Chinese workers willing to work hard for $2,000 a year?

The answer is not protectionism. We cannot build a wall around America. We cannot lift the drawbridge and flood a moat around our Country.

If American companies do not employ those willing workers at the Shanghai factory, companies from Japan and Italy and China itself will. Then Japanese and Italian and Chinese companies will sell products more cheaply into America. And American consumers will gladly buy those products at lower prices. American consumers will insist on buying those products at lower prices.

If America raises tariffs on goods made in China, then American consumers will pay more for their cost of living than will people in other countries. Americans will have less money to spend on other things that they want, less money to spend on other things in America. The American economy will be smaller, if America raises tariffs.

If America raises tariffs, then American businesses will pay more for their industrial inputs than will businesses in other countries. American businesses will become less competitive, lose sales, and lose jobs. Once again, the American economy will be smaller, if America raises tariffs.

No, the answer to how America can compete with that factory in Shanghai is not protectionism.

The way that we can get paid $37,000 for our work—when Chinese workers are willing to work for $2,000—is for Americans to add more value. Americans earn more because we produce better. Americans produce smarter.

And that means that for us to remain economic leaders of the world, Americans need to stay smarter. We need to educate our children and our workers so that American workers can add more value in an hour of work than workers in any other place in the world.

Knowledge will be economic power.

Ensuring that we continue to have more knowledge than the Chinese will not be easy. China has worked on its education system. Nine out of ten Chinese can read.

It is very Chinese to take the long view. More than 2,600 years ago, the master Kuan Chung said:

> If you plan for a year, plant a seed. If for 10 years, plant a tree. If for a hundred years, teach the people. When you sow a seed once, you will reap a single harvest. When you teach the people, you will reap a hundred harvests.

We need to plant those seeds of education and tend those young saplings, in our public schools. In 1835, the Supreme Court Justice Joseph Story wrote:

> Every successive generation becomes a living memorial of our public schools, and a living example of their excellence.

Ensuring that our schools are a living example of excellence will take more than just money. But ensuring that our schools are a living example of excellence will take money, as well.

We need to ensure that children can come to school ready to learn. We need to ensure that children have modern and well-equipped schools. We need to ensure that children have small classes. And most importantly, we need to ensure that children have good teachers.

In the next decade, America will need to hire 2 million new teachers. One in five new teachers leave teaching within three years. In urban schools, half of teachers leave the profession within 5 years.

Nearly two out of five low-income children are taught by teachers without a college degree in their primary instructional field. Low-income students are taught by more teacher's aides than credentialed classroom teachers. Four out of five aides do not have a 4-year college degree.

Columnist Tom Friedman wrote recently:

> We are heading into an age in which jobs are likely to be invented and made obsolete faster and faster. The chances of today's college kids working in the same jobs for the same companies for their whole careers are about zero. In such an age, the greatest survival skill you can have is the ability to learn how to learn. The best way to learn how to learn is to love to learn, and the best way to love to learn is to have great teachers who inspire. And the best way to ensure that we have teachers who inspire their students is if we recognize and reward those who clearly have done so.

We need to give good teachers the recognition that they deserve. Friedman told how every year, Williams College honors four high school teachers who made a difference. Every year, members of its senior class nominate their best high school teachers. A committee at Williams then goes through the nominations, does its own research, and chooses the four most inspiring teachers.

Williams gives each of the teachers $2,000, plus a $1,000 donation to the teacher's high school. And Williams flies the winners and their families to the college to honor them at graduation.

Williams's president, Morton Schapiro, told Friedman: "We take these teachers, who are not well compensated and often underappreciated, and give them a great weekend."

Said Shapiro: "Every time we do this, one of the teachers says to me, 'This is one of the great weekends of my life.' "

It's a great idea.

Each of us can do our part. I have started a program that will recognize Montana teachers acknowledged for excellence. This is something that all Senators can do in their home States. A little recognition can go a long way.

But if knowledge is power, then we must also devote the resources necessary to maintain that power.

Columnist Matt Miller argues: "The answer is to think bigger." He suggests that we make the best teachers millionaires by the time that they retire.

Miller proposes a "grand bargain" where we raise salaries for teachers in poor schools by 50 percent. And in return, teachers would agree to change their pay scale so that we could raise the top performers and those in math and science another 50 percent.

Miller, who used to work at the Office of Management and Budget, calculates that his plan would cost about $30 billion a year. That would provide a 7 percent increase in the nation's K-through-12 spending.

I ask my colleagues: Why don't we invest $30 billion for top teachers, and pay for it by closing abusive tax shelters?

And we need to help students to learn math and science. Companies are moving jobs offshore to China, India, and Eastern Europe not only because workers there work for less, but also because they are well educated in math and science.

Sadly, American high school students now perform below most of the world on international math and science tests. Most have little interest in pursuing scientific fields. Only 5.5 percent of the high school seniors who took the college entrance exam in 2002 planned to pursue an engineering degree. We have to do more to encourage students to love to learn math and science.

And we need to help students to learn geography and languages. Visit a primary school in a middle-sized Chinese city. Bright, enthusiastic children will greet you in English. Chinese schools are preparing students to compete in a multinational, multilingual world economy. The coming generation of Chinese businesspeople will do business around the world. Americans need to broaden our linguistic and geographic abilities, or Chinese businesspeople will cut the deals before us. As our former Colleague Bill Bradley said in 1988, "If we are going to lead the world, we have to know where it is."

And after school, almost 6 million latch-key children go without access to after-school learning opportunities. More than seven in ten mothers of children under 18 are in the workforce. America can no longer afford a school day based on 1950s family structures. Quality after-school programs can both keep children safe and improve academic achievement. We need to ensure that children have quality after-school programs.

Similarly, we continue to have a school year that reflects the harvest schedule of an agrarian economy that America long ago left behind. Long summer vacations mean reading levels drop and other learning is lost.

Schools like Des Moines's Downtown School point to another way. They have a six-week summer break. And that means less time to forget. Besides six weeks in the summer, students also have week-long breaks in October, February, and May.

Jan Drees, the principal of the Downtown School, says: "The research is becoming more and more clear that students retain more learning and need less review with shorter summer breaks."

The Downtown school is popular, too. More than 800 children are on a waiting list to get into the school.

Iowa law requires schools to provide a minimum of 180 instructional days a year. But the Downtown School teaches students for 192 days a year. They are getting more learning in, every year. For Americans to stay smarter, students should spend more of the school year in school.

China's increasing competitive strength is also fueled by its growing population of college graduates. Last year, nearly 3 million Chinese entered the workforce from 3- and 4-year colleges and graduate programs. This is one-third more than the year before, and double the year before that.

America's college system is the finest in the world. And the work of the 21st century increasing demands good college education. But rising college costs increasingly bar Americans from getting the college education for which they are qualified.

We must make college affordable for all. We need to ensure that young Americans are not discouraged from obtaining post-secondary education because of costs. Tuition costs have risen considerably in recent years. And federal assistance programs have not kept pace.

Pell Grants help to make college education affordable for 5 million students, a third of American undergraduates. But students receive grants averaging just $2,500 a year, while the average annual cost of tuition at a public college in-state averages more than $9,000 a year, and private college averages more than $23,000 a year. The most that a student can get in Pell Grants is $4,050 a year. Expanding Pell Grants would increase the ability of low-income young Americans to prepare for the 21st century.

As well, we should improve, consolidate, and expand the government's education tax incentives to make them more effective. We could expand and extend the deduction for tuition expenses. We could expand the Hope and Lifetime Learning credits. We could craft targeted incentives for students pursuing science and engineering careers. We could do more to make it possible for non-traditional students to obtain an education. There are many good options.

As with elementary school students, we need to help encourage college students to learn the subjects needed in the 21st century.

In 1975, America ranked third in the world in the share of 24-year-olds who held a science or engineering degree. By 2000, we had slipped to 15th. By 2004, we were 17th. And in the future, the Department of Labor projects that new jobs requiring science, engineering, and technical training will increase four times faster than the average national job growth rate.

Last year, China produced 220,000 new engineers, while America educated just 60,000. And America trains only half as many engineers as Japan and Europe.

In a recent report, McKinsey Global Institute found that there are already twice as many young university-trained professionals in low-wage countries as in high-wage countries. China has twice as many young engineers as America.

Engineers play a critical role in the development of new jobs and new industries. We should increase scholarships and loan forgiveness for engineering students to entice more people to love to learn engineering.

At that Shanghai factory, American and Japanese research and development stand behind many of the products being built. But ask the American or Japanese company their plans, and they will tell you that they plan to move R&D work closer to the plant, there in China. And Shanghai's government hopes to lure more R&D to town. Chinese business understands that innovation is the source of American value-added. And they want part of that action, too.

Clive Cookson reported in the Financial Times about a bioscience park outside Beijing. A firm there called CapitalBio is emerging as a world leader in the new technology of biochips. Biochips are cutting-edge devices that combine biotechnology and electronics for biological testing and medical diagnostics. The 4-year-old company is already selling instruments to American drug companies.

Last month, CapitalBio entered into a partnership with Affymetrix in California, the world's largest biochip producer. CapitalBio's chief executive said: "Affymetrix had never imagined that there was such a big research effort in biochips in China, working to such a high standard."

Dozens of similar examples exist. Already, several Asian countries boast of such science and technology centers. They are following in Japan's wake as world-class centers for research and development.

Asia's R&D investment and scientific output have both surged rapidly. Between 1998 and 2003, China's research and development spending roughly tripled.

You can judge a scientific paper's effect by how often other researchers cite it. The number of frequently-cited Chinese research papers has risen from just 21 in 1994 to 223 in 2003. And China's contribution to the world's scientific journals has increased from less than half a percent in 1981 to more than 5 percent in 2003.

And Chinese researchers will do research for less cost. Newly-graduated researchers in China generally earn about a quarter of what Americans do. For more senior staff, salaries are usually at least half American salaries. And in exceptional cases, they can sometimes exceed ours.

Chinese scientists who have returned after studying and working in the west are playing an important role. In Beijing, CapitalBio's CEO said that he "made a special effort at the beginning to attract [Chinese expatriates] from abroad, with salary and stock options. We offered at least to match the salaries that senior scientists were receiving; the highest we offered was $120,000 a year," he said.

So far, Asia has been able to make a global mark only in a few new areas of the life sciences where western expertise is not entrenched. Stem cell technology is an example. South Korea, China, Singapore, and India are racing ahead on stem cell research. Those countries accept human embryo research in a way that the American government has not.

But America still has an advantage in innovation. And America also benefits from a risk-taking entrepreneurial culture. You can see it in the venture capital that funds companies spun out of American research laboratories or universities. America's capital markets remain the envy of the world.

We can help to maintain that edge in innovation by supporting research. American universities and research institutes do much of the most innovative research in the world.

But over the last 20 years, Federal research funding in the physical sciences and engineering has declined by nearly a third as a share of the economy.

We should reverse this trend and increase Federal spending on basic research. The money we spend will come back to us many times over in the creation of new jobs in new industries making products yet to be invented.

We should support the National Science Foundation. The NSF funds research and education in science and engineering through a variety of successful programs. It accounts for a fifth of all Federal support to academic institutions for basic research, a crucial engine of innovation.

NSF funds have helped discover new technologies that have led to multi-billion dollar industries and millions of new jobs. NSF-funded work in the basic sciences and engineering made possible fiber optics, radar, wireless communication, nanotechnology, plant genomics, magnetic resonance imaging, ultrasound, and the Internet.

Each year, the NSF helps fund over 200,000 students, teachers, and researchers. Many of them take their NSF-supported work into industry. They found start-up companies selling new products and new technologies.

In addition, we should make it easier—consistent with the requirements of national security—for foreign students to study in America. America has traditionally poached many of the best and brightest students from around the globe. Well over a third of American science and engineering doctorate holders were born abroad.

Since 9/11, however, many students are having a difficult time getting visas to study in America. In 2004, foreign applications to American graduate schools declined by 28 percent. Enrollments of foreign students at all levels of college declined for the first time in 30 years.

Foreign students are increasingly studying in Europe and elsewhere. That is a terrible loss. It will affect our economic health in the long-term. We need to do a better job balancing security and economic health.

America must not compromise on its security needs in hosting foreign businesspeople or foreign students. But there must be ways to streamline visa procedures and otherwise lighten the burden. We need to make it easier for foreigners to study and conduct business in America.

We should support community colleges, and strengthen the link between them and the workforce. That will allow schools to develop training programs relevant to jobs in the real world. That is a primary goal of the Enzi-Baucus Higher Education Access, Affordability and Opportunity Act.

And when American jobs are lost to trade, we need to retrain people and help them to get back into the workforce. The philosopher and educator John Dewey said, "Education is not preparation for life; education is life itself." We can no longer afford to think of education as something just for the young.

We need to help displaced workers to receive the retraining that they need to succeed in a changing economy. Jobs will change. We should help workers to get the educational tools to change with those jobs.

That is why I joined with Senators WYDEN and COLEMAN to introduce legislation to expand Trade Adjustment Assistance to service workers who lose their jobs because of trade. TAA is a vital means of helping displaced workers get the education to change careers and stay productive.

When Plato envisioned the ideal society in his work The Laws, he wrote of the importance of education, through the course of life. He wrote:

> [N]owhere should education be dishonored, as it is first among the noblest things for the best men. If it ever goes astray, and if it is possible to set it right, everyone ought always to do so as much as he can, throughout the whole of life.

And so, through advancing education, America can compete with that factory in Shanghai. Through advancing education, America can respond to competition, without erecting harmful barriers to trade. And through advancing education, America can respond to a growing China, without forcing confrontation with China.

University of California economist Brad DeLong wrote of the choice that we face in how we address the challenge of China. He wrote:

> A world 60 years from now in which Chinese schoolchildren are taught that the U.S. did what it could to speed their economic growth is a much safer world for my great-grandchildren than a world in which Chinese schoolchildren are taught that the U.S. did all it could to keep China poor.

Through advancing education, America can seek that safer world.

But perhaps most importantly, America should seek to advance education not just to preserve our economy, but also to preserve our freedom.

As Senator Daniel Webster said in a speech in 1837, "On the diffusion of education among the people rest the preservation and perpetuation of our free institutions."

As Thomas Jefferson wrote in 1816, "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be."

And as the Phrygian philosopher Epictetus said, "Only the educated are free."

And so, let us advance education to preserve our economic power.

Let us advance education to win the race for economic leadership.

And most importantly, let us advance education to help preserve our American democracy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate the Senator from Arkansas allowing me to either call up or offer three specific amendments.

AMENDMENT NO. 1048

Mr. KYL. Mr. President, I call up, on behalf of Senator SMITH, amendment No. 1048.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for Mr. SMITH, proposes an amendment numbered 1048.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Agriculture to report to Congress on the rehabilitation of the Biscuit Five area of southern Oregon)

SEC.——. BISCUIT FIRE RECOVERY PROJECT, REPORT.

(a) Within 90 days of enactment of this Act, the Secretary of Agriculture shall submit to Congress a report regarding the rehabilitation of the Biscuit Fire area in southern Oregon, including:

(1) the change in reforestation capabilities and costs between the date of the containment of the Biscuit Fire and the completion of the Biscuit Fire Recovery Project, as detailed in the Record of Decision;

(2) the commercial value lost, as well as recovered, of fire-killed timber within the Biscuit Fire area; and

(3) all actions included in the Record of Decision for the Biscuit Fire Recovery Project, but forgone because of delay or funding shortfall.

AMENDMENT NO. 1049

Mr. KYL. Mr. President, I call up, on my behalf, amendment No. 1049.

The PRESIDING OFFICER. Without objection, the last amendment will be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 1049.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide certain earmarks for State and tribal assistance grant funds)

On page 195, line 9, after the semicolon, insert the following: "$500,000 shall be for debt retirement for the State Water Pollution Control Revolving Fund for the wastewater treatment plant in Safford, Arizona; $3,000,000 shall be for the expansion of the wastewater treatment plant in Lake Havasu City, Arizona; $1,000,000 shall be for the expansion of the wastewater treatment plant in Avondale, Arizona;".

AMENDMENT NO. 1050

Mr. KYL. Mr. President, I ask that the pending amendment be laid aside, and I call up amendment No. 1050.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 1050.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of that amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the formula for the allotment of grants to States for the establishment of State water pollution control revolving funds)

On page 254, after line 25, add the following:

SEC. 4 . Section 604 of the Federal Water Pollution Control Act (33 U.S.C. 1384) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by striking subsection (a) and inserting the following:

"(a) DEFINITIONS.—In this subsection:

"(1) NEEDS SURVEY.—The term 'needs survey' means a need survey under section 516(2).

"(2) NEEDS SURVEY PERCENTAGE.—The term 'needs survey percentage', with respect to a State, means the percentage applicable to the State under a formula for the allotment of funds made available to carry out this section for a fiscal year to States in amounts determined by the Administrator, based on the ratio that—

"(A) the needs of a State described in categories I through VII of the most recent needs survey; bears to

"(B) the needs of all States described in categories I through VII of the most recent needs survey.

"(3) STATE.—The term 'State' means—

"(A) a State;

"(B) the District of Columbia; and

"(C) the Commonwealth of Puerto Rico.

"(b) ALLOCATIONS.—

"(1) IN GENERAL.—Funds made available to carry out this section for a fiscal year shall be allocated by the Administrator in accordance with this subsection.

"(2) INDIAN TRIBES.—Of the total amount of funds available for a fiscal year, the Administrator shall reserve, before making allotments to States under paragraph (4), not less than 1.5 percent of the funds to be allocated to Indian tribes (within the meaning of section 518(c)).

"(3) CERTAIN TERRITORIES AND FREELY ASSOCIATED STATES.—Of the total amount of funds made available for a fiscal year, 0.25 percent shall be allocated to and among, as determined by the Administrator—

"(A) Guam;

"(B) American Samoa;

"(C) the Commonwealth of the Northern Mariana Islands;

"(D) the Federated States of Micronesia;

"(E) the Republic of the Marshall Islands;

"(F) the Republic of Palau; and

"(G) the United States Virgin Islands.

"(4) STATES.—

"(A) TARGET ALLOCATION.—Each State shall have a target allocation for a fiscal year, which—

"(i) in the case of a State for which the needs survey percentage is less than 1.0 percent, shall be 1.0 percent; and

"(ii) in the case of any other State, shall be the most recent needs survey percentage.

"(B) UNALLOCATED BALANCE.—Any unallocated balance of available funds shall be allocated in equal parts to all States that, in the most recent needs survey, report higher total needs both in absolute dollar terms and as a percentage of total United States needs.''.

AMENDMENT NO. 1051

Mr. KYL. Mr. President, on behalf of Senator INHOFE, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for Mr. INHOFE, proposes an amendment numbered 1051.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of that amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To encourage competition in assistance agreements awarded by the Environmental Protection Agency)

On page 200, after line 2, add the following:

SEC. .

None of the funds made available by this Act may be used by the Administrator of the Environmental Protection Agency to award assistance agreements to national organizations that represent the interests of State, tribal, and local governments unless the award is subject to open competition.

Mr. KYL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I rise today to thank the chairman, Senator CONRAD BURNS, and the ranking member, Senator BYRON DORGAN, of the Appropriations Subcommittee on the Interior for their support of a project that is most important to me: the National Park Service's Little Rock Central High School Museum and Visitors Center.

Due to Senator BURNS' and Senator DORGAN's ongoing efforts, the new Little Rock Central High Museum and Visitors Center is back on track to be built for the 50th anniversary of the 1957–1958 Little Rock desegregation crisis. I thank the subcommittee staff, Bruce Evans and Peter Kiefhaber, for their help as well in making this project a reality.

This is important because in September of 2007, it is anticipated that we will have a very large 50th anniversary commemoration and celebration of the Little Rock Central High School desegregation crisis. Hopefully, one of the things that we will have there to showcase is a brand new visitors center that will allow people to learn about not only Little Rock Central High and the role it played in integration, but also learn about the civil rights movement in general.

I remind my colleagues and others listening about the events that took place at Little Rock Central High almost 50 years ago.

Little Rock Central High School was a place in 1957 where nine Black teenagers integrated the all-White Central High in Little Rock, testing the Brown v. Board of Education Supreme Court decision that ultimately ended legal segregation in our schools in this Nation.

To its credit, the Little Rock School Board took Brown v. Board of Education seriously. When the Supreme Court said ''all deliberate speed,'' they took that literally. They looked at their calendars and thought: That decision came out in 1954. They probably thought they could not get it done in 1955, probably not in 1956, but in the fall of 1957, they made the determination that they could have the high school in Little Rock ready to integrate.

As these nine teenagers attempted to enter the doors of Central High School, they were confronted with an angry, rampaging mob. President Eisenhower was forced to order Federal troops to Little Rock to end the brutal intimidation campaign mounted against the Black children and to uphold the Brown decision.

The Little Rock Nine—Ernest Green, Elizabeth Eckford, Gloria Ray Karlmark, Carlotta Walls LaNier, Minnijean Brown Trickey, Terrence Roberts, Jefferson Thomas, Thelma Mothershed Wair, and Melba Pattillo Beals—changed the course of American history by claiming the right to receive an equal education.

I must not let the moment pass without mentioning the amazing courage exhibited by Daisy Bates of Little Rock who was a civil rights leader and, by all accounts, was a key person in making equal education a reality in Arkansas and also in the Nation.

Little Rock Central High School Museum and Visitors Center will provide America with an understanding of the events of 1957 and 1958, the broader civil rights movement, and how the bravery of the Little Rock Nine still influences life in the 21st century. It will teach our youth that nine young high school students proved that all men are created equal and that the rule of law is paramount in the democracy of the United States. It will remind the world that children all over America have the right to learn because of the courage and the sacrifice of the Little Rock Nine.

We have been racing against time to secure the funds to build the center in time for the 50th anniversary of the crisis. On June 9 of this year, I had the privilege of having a conference call with eight of the nine. By the way, all nine are still living. I had the privilege of having a conference call with eight of the nine and reporting news that Senator BURNS and Senator DORGAN had provided the crucial $5.1 million for the Central High center in this year's bill.

The joy expressed by the Little Rock Nine made me once again reflect on their acts of courage and heroism. Their gratitude made me reflect on their continuing self-sacrifice and the importance of our—the Senate's—support to share their story with our current generation and generations to follow.

In the words of Minnijean Brown Trickey, the funds in this bill are ''an affirmation of a very beautiful and tragic story.''

Carlotta Walls LaNier said:

With this museum, visitors will remember the events of 1957, but more importantly understand the difference individuals can make in promoting equal rights and tolerance.

On behalf of Little Rock Nine, the Arkansas delegation, and the Nation, I express my deepest gratitude for the support of Little Rock Central High School Museum and Visitors Center. I thank my colleagues for ensuring that these extraordinary achievements are recorded and shared for a better America.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, while the Senator from Arkansas is on the floor, I want to mention to him how pleased I was to play a very small role in getting funding for this and give him a little background of why I have had a special interest in this.

One of the more inspirational things I ever attended was in the East Room at the White House, perhaps some 5 years ago, an event at which President Clinton had invited the Little Rock Nine. There they sat, these nine people, on a riser in the East Room of the White House as part of a celebration of the 45th anniversary of when those then-nine young children marched into the Little Rock school and integrated the Little Rock school.

That integration was ordered by Judge Ronald Davies of North Dakota. He was a Federal judge who was from the Fargo Federal district in North Dakota who traveled to Little Rock, AR, and issued the landmark ruling that resulted in the integration of that school.

I was privileged to name a courthouse, in legislation, after Judge Ronald Davies about 5 years ago because I wanted North Dakotans to long remember this man. He was a short fellow, 5 foot 2, perhaps. He strutted around with great flair, but was a remarkable Federal judge by all accounts and issued a courageous decision. He was, in fact, required to have security because of threats on his life when he issued the landmark civil rights decision that required the integration of that school.

With respect to the story, I want to read a couple paragraphs from Prairie Public Television in North Dakota. They did an interview with the judge's family. It talked about when Judge Davis and Governor Faubus were deadlocked and the nine students were still not in school. There was an injunction that had been ordered.

> On September 20th, Davies ruled that Faubus used the National Guard to prevent integration, not to prevent violence, and the governor was forced to withdraw the troops. The situation was now in the hands of the Little Rock Police Department.
>
> There was a mob of a thousand people outside Central High School when those young students were ushered in. Everyone will recall the Norman Rockwell portrait of a young Black schoolgirl in pigtails and knee socks holding the hand of a U.S. Marshal walking into the Little Rock public school.

The crowd learned the students were inside, and out of fear for their safety, the police then evacuated them. President Eisenhower issued a special proclamation that evening, calling for opponents of integration to "cease and desist."

> . . . The next morning, Little Rock's mayor sent the president a telegram asking him to send troops to maintain order.

President Eisenhower sent 10,000 Arkansas National Guard and 1,000 members of the 101st Airborne. Those young students the next day, under heavy guard with substantial military around the city, entered Little Rock Central High School.

I tell my colleague that only to say that Judge Ronald Davies, this Federal judge from North Dakota, played a very pivotal role in making that day happen with his ruling and paid quite a price for it at the time, with threats on his life and anger about what he had done.

But 45 years after that Little Rock day, sitting in that room with now middle-aged African Americans, to understand the courage it must have taken not just for them, especially them, but their parents, that they forced this issue, not just on behalf of these students but on behalf of all in this country who were similarly situated and similarly mistreated. I could not feel more strongly and feel more inspired about what this center will mean to those nine, to both Senators from Arkansas, but also to the relatives of Judge Davies and so many others who had a role in making this event happen that has literally changed the lives of a good many Americans.

I heard the Senator speak and wanted to acknowledge his appreciation and say that we are the ones really who appreciate the opportunity to do this.

Mr. PRYOR. I thank the Senator. I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 1052

Mr. BYRD. Mr. President, our country is now involved in two wars—not one, two wars; one in Afghanistan and the other in Iraq. Each day we read in the newspapers about the human toll this nation is paying. As of today, 1,730 troops, men and women, have been killed in Iraq; 194 have been killed in Afghanistan and elsewhere. The toll of these wars is also borne by those men and women who carry the scars of battle.

In Iraq, more than 13,000 troops have been wounded. In Afghanistan, 476 troops have shed their blood in service to our country. The American people thank these servicemembers for their sacrifice. However, late last week, Congress learned that the Department of Veterans Affairs has been shortchanged in its mission to provide medical care to these warriors and all of the other men and women who have served in time of war before them.

Now, this is a shame. This is a sham. If our Nation owes just one thing to all of those men and women who have risked their lives in answer to our country's call, it surely must be, in the words of Abraham Lincoln, "to care for him who shall have borne the battle."

It is a shock that the administration has only now revealed it has not budgeted the funds to fulfill this mission. I offer an amendment this afternoon on behalf of Senator PATTY MURRAY, myself, and Senator FEINSTEIN to provide $1.42 billion in emergency funds to address the shortfall in health care funds for the Department of Veterans Affairs. Of this figure, $600 million would be used to reimburse VA construction accounts that have been raided to pay for health care costs. Another $400 million would be used to reimburse other accounts that have been raided for the same purpose.

Finally, an additional $420 million is included to compensate each Veterans and Integrated Service Network, or VISN, for the additional expenses incurred because of the high caseload of wounded veterans. This $1.42 billion is urgently needed and the Senate must not delay in providing the funds that are required to allow our veterans to see their physicians at the Department of Veterans Affairs.

Earlier this year, the Senate rejected on a nearly party-line vote an amendment to the Iraq supplemental appropriations bill to add funding to VA health care. The administration told Congress additional funds were not needed to care for our Nation's veterans. We now know this claim was wrong. According to the estimate provided to Congress by the Department of Veterans Affairs, VA funding is short $1 billion this year. Congress must act to care for our veterans. When it comes to our veterans health care, half a loaf is not good enough.

Some may argue against this amendment by urging the Senate to wait for the administration's plan. However, according to VA testimony before the House of Representatives last week, the administration intends to respond to the shortfall on the cheap by robbing Peter to pay Paul. We have already waited too long for the administration to recognize the needs of our veterans. The Murray-Byrd-Feinstein amendment is the Senate's opportunity to end this year's shortchanging of veterans.

I ask unanimous consent that the pending amendment be set aside so that I may send to the desk this amendment offered by me on behalf of Mrs. MURRAY, for herself, myself, and Mrs. FEINSTEIN.

The PRESIDING OFFICER. Without objection, the amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

> The Senator from West Virginia [Mr. BYRD] for Mrs. MURRAY, for herself, Mr. BYRD, and Mrs. FEINSTEIN, proposes an amendment numbered 1052.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for the Veterans Health Administration)
>
> On page 254, after line 25, add the following:
>
> SEC. 429.(a) From any money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Department of Veterans Affairs $1,420,000,000 for the fiscal year ending September 30, 2005, for medical services provided by the Veterans Health Administration, of which $420,000,000 shall be divided evenly between the Veterans Integrated Service Networks.
>
> (b) The amount appropriated under subsection (a)—
>
> (1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress); and
>
> (2) shall remain available until expended.
>
> (c) This section shall take effect on the date of enactment of this Act.

AMENDMENT NO. 1053

(Purpose: To provide funds for the memorial to Martin Luther King, Jr.)

Mr. BYRD. Mr. President, the greatness of women and men is often best judged from an historical perspective. History gives us the detached perspective that allows us to better understand and appreciate the person, the cause, and the legacy.

This happens because great individuals often have been leaders who challenged the status quo as they pushed the country into areas where it had feared to go. As a result, such leaders often arouse criticism and opposition.

The Revered Dr. Martin Luther King certainly was a controversial figure in his own time.

Black power advocates attacked him for moving too slowly, while more than one presidential administration attacked him for moving too swiftly.

The NAACP criticized his take-to-the-streets tactics.

Civil rights leaders broke with Dr. King because of his opposition to the Vietnam War.

I certainly had my share of differences with Reverend King—a lot of them. We were both products of our times, and both of us were doing what we believed was right.

But time and the march of history afford a better understanding of Dr. King and his contributions toward making the United States a better, stronger, and greater Nation.

It is for this reason, I am proposing that $10 million in funding be made available for the memorial to Dr. Martin Luther King, Jr. This $10 million, which is available within the subcommittee's allocation, would supplement the approximately $42 million that has already been raised and stands as a solid foundation to help make this memorial a reality.

I have come to appreciate how Martin Luther King, Jr., sought to help our Nation overcome racial barriers, bigotry, hatred, and injustice, and how he helped to inspire and guide a most important, most powerful, and most transforming social movement.

Despite the hatred and the bigotry he encountered in his efforts, Dr. King never allowed his movement to be reduced to a simple racial conflict. He stressed on more than one occasion, that the struggle was not one between people of different colors. Rather, Dr. King believed that his fight was a fight "between justice and injustice, between the forces of light and the forces of darkness."

His vision and his movement included all Americans. I remind my colleagues, and all Americans, that when Martin Luther King stood on the steps of the Lincoln Memorial and proclaimed that he had "a dream," he pointed out that he also looked forward to the time "when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands."

I remind my colleagues that Dr. King's efforts also focused on the economic rights of economically deprived people of all races and creeds, as well as on the civil rights of African Americans. In this quest, he proposed a Bill of Rights for the Disadvantaged. He advocated a guaranteed national income. At the time of his death, Dr. King was organizing a "Poor Peoples March" on Washington, an effort meant to focus national attention on poverty among not only African-Americans, but among the poor whites of Appalachia, as well.

Dr. King's vision was not only about what America could be, but what America should be.

With the passage of time, we have come to learn that his dream was the American dream, and few ever expressed it more eloquently.

Dr. King touched the conscience of a Nation, and forced us, as a country, to confront our contradictions. How could the United States present itself as the leader of the free world, he asked, while denying equality and equal opportunity to a large segment of our own people? In his book, "Where Do We Go from Here," Dr. King asked why 40 million Americans were living in poverty in "a nation overflowing with unbelievable affluence." Writing of the destructive effects of militarism, he asked: "Why [has] our nation placed itself in the position of being God's military agent on earth?" "Why have we substituted the arrogant undertaking of policing the whole world for the high task of putting our own "house in order?"

With his works as well as his words, Dr. King left us a legacy that inspires and guides millions of Americans today. It is a legacy that demonstrates that human problems, no matter how big or complex, can be addressed—a legacy that proves that one determined person can help make a difference.

Amid all his successes and triumphs, and all of his personal accomplishments, including receiving the Noble Peace Prize, Dr. King always kept his perspective. The night before he was assassinated, he explained: "I just want to do God's will." What a powerful statement this was: "I just wanted to do God's will." What an inspiration it should be to all of us: "To do God's will."

Criticized, denounced, and opposed in his own time, Martin Luther King has become not only an American icon, but also an international symbol of social justice, and one of recent history's most beloved champions of freedom.

Mr. President, we have named a National Holiday in his honor. It is just and proper that we now place a memorial on The Mall of the Nation's Capital as a visible and tangible symbol of the thanks of a grateful nation. Martin Luther King taught us tolerance. How we need such teachings today. May his life, his legacy, and someday soon, his memorial ever remind us of his vision.

I am about to offer an amendment, and Senator COCHRAN, the illustrious chairman of the Appropriations Committee in the Senate, is the principal cosponsor of the amendment that I will offer, so it is bipartisan. I thank Senator COCHRAN, and I hope that many other Senators will join us in this effort to honor Dr. King.

Mr. President, I ask unanimous consent that the pending amendment or amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. That I may offer this amendment on behalf of myself and Senator COCHRAN. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. COCHRAN, proposes an amendment numbered 1053:

On page 189, after line 20, add the following:

SEC. 128. (a) For necessary expenses for the Memorial to Martin Luther King, Jr., there is hereby made available to the Secretary of the Interior $10,000,000, to remain available until expended, for activities authorized by section 508 of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 8903 note; Public Law 104–333).

(b) Section 508(c) of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 8903 note; Public Law 104–333) is amended by striking the second sentence.

(c) Notwithstanding any other provision of this Act, the amount reduced in Title I in the second proviso under the heading Departmental Management, Salaries and Expenses, is further reduced by $10,000,000.

Mr. BYRD. Mr. President, I thank the Chair. I thank the clerk, and I thank our distinguished chairman of the Senate Appropriations Committee, Senator COCHRAN.

Now I ask unanimous consent that Senator KERRY be added as a cosponsor on the veterans amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor. I thank all Senators.

AMENDMENTS NOS. 1054, 1055, 1056, 1057, AND 1058, EN BLOC

Mr. DORGAN. Mr. President, let me send the amendments to the desk. I have five amendments that I submit on behalf of Senator BINGAMAN. Let me ask first that the pending amendment be set aside by consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Let me by consent submit five amendments and ask that they be numbered separately and separately considered on behalf of Senator BINGAMAN.

The PRESIDING OFFICER. Without objection, the clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. BINGAMAN, proposes en bloc amendments numbered 1054, 1055, 1056, 1057, and 1058.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1054

(Purpose: To set aside additional amounts for Youth Conservation Corps projects)

On page 130, line 2, strike "$1,000,000" and insert "$1,250,000".

On page 138, line 7, strike "$2,000,000" and insert "$2,500,000".

On page 146, line 19, strike "$1,937,000" and insert "$2,500,000".

On page 211, line 25, strike "$2,000,000" and insert "$2,500,000".

AMENDMENT NO. 1055

(Purpose: To provide for the consideration of the effect of competitive sourcing on wildland fire management activities)

On page 250, between lines 23 and 24, insert the following:

(e) In carrying out any competitive sourcing study involving Forest Service employees, the Secretary of Agriculture shall—

(1) determine whether any of the employees concerned are also qualified to participate in wildland fire management activities; and

(2) take into consideration and document the effect that contracting with a private sector source would have on the ability of the Forest Service to effectively and efficiently fight and manage wildfires.

AMENDMENT NO. 1056

(Purpose: To strike the title providing for the disposition of Forest Service land and the realignment of Forest Service facilities)

Beginning on page 255, strike line 1 and all that follows through page 263, line 22.

AMENDMENT NO. 1057

(Purpose: To extend the Forest Service conveyances pilot program)

Beginning on page 255, strike line 1 and all that follows through page 263, line 22, and insert the following:

SEC. 4____. Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107–63) is amended—

(1) in subsection (b), by striking "40 sites" and inserting "60 sites";

(2) in subsection (c), by striking "13 sites" and inserting "25 sites"; and

(3) in subsection (d), by striking "2008" and inserting "2009".

AMENDMENT NO. 1058

(Purpose: To provide a substitute for title V)

(The amendment is printed in today's RECORD, under "Text of Amendments.")

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1059

Mr. DORGAN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 2361 amendment No. 1059.

Mr. President, I send an amendment to the desk on behalf of myself and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1059.

Mr. DORGAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To facilitate family travel to Cuba in humanitarian circumstances)

SEC. ___. FAMILY TRAVEL TO CUBA IN HUMANITARIAN CIRCUMSTANCES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Treasury shall issue a general license for travel to, from, or within Cuba to any person subject to the jurisdiction of the United States (and any member of the person's immediate family) for the purpose of visiting a member of the person's immediate family for humanitarian reasons.

(b) DEFINITIONS.—In this section:

(1) MEMBER OF THE PERSON'S IMMEDIATE FAMILY.—The term "member of the person's immediate family" means—

(A) the person's spouse, child, grandchild, parent, grandparent, great-grandparent, uncle, aunt, brother, sister, nephew, niece, first cousin, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, or brother-in-law; or

(B) the spouse, widow, or widower of any relative described in subparagraph (A).

(2) HUMANITARIAN REASONS.—The term "humanitarian reasons" means—

(A) to visit or care for a member of the person's immediate family who is seriously ill, injured, or dying;

(B) to make funeral or burial arrangements for a member of the person's immediate family;

(C) to attend religious services related to a funeral or a burial of, a member of the person's immediate family.

Mr. DORGAN. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1060

Mr. DORGAN. I offer an amendment on behalf of Senator LANDRIEU and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Ms. LANDRIEU, proposes an amendment numbered 1060.

Mr. DORGAN. I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 147, line 25 strike $72,500,000 and insert $67,000,000.

Page 148, line 1 after 2007, insert "of which $3,500,000 is for Historically Black Colleges and Universities.

Page 172 line 4 strike $10,000,000 and insert $13,500,000.

Mr. DORGAN. I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1061 AND 1062, EN BLOC

Mr. DORGAN. I send to the desk two amendments I offer on behalf of Senator OBAMA and ask for their consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. OBAMA, proposes amendments numbered 1061 and 1062, en bloc.

Mr. DORGAN. I ask unanimous consent the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1061

At the appropriate place insert:

SEC. ____. None of the funds made available in this Act may be used in contravention of 15 U.S.C. §2682(c)(3) or to delay the implementation of that section.

AMENDMENT NO. 1062

At the appropriate place insert:

Provided, That of the funds made available under the heading "Environmental Programs and Management," not less than $100,000 shall be made available to issue the proposed rule required under 15 U.S.C. §2682(c)(3) by November 1.2005, and promulgate the final rule required under 15 U.S.C. §2682(c)(3) by September 30, 2006.

AMENDMENTS NOS. 1033, 1024, 1028, 1035, 1041, EN BLOC

Mr. BURNS. Mr. President, we have some amendments we can accept. I ask unanimous consent that the amendment offered by Mr. ENSIGN, 1033; Mrs. FEINSTEIN, 1024; the majority leader, Mr. FRIST, 1028; Mr. WYDEN, 1035; and Mr. CRAIG's amendment numbered 1041 be called up, and I ask unanimous consent they be agreed to en bloc.

Mr. DORGAN. The amendments have been cleared on both sides. I support their approval.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1033

(Purpose: To prohibit the use of funds for the demolition of buildings at the Zephyr Shoals property, Lake Tahoe, Nevada)

On page 254, after line 25, add the following:

SEC. 4____. None of the funds made available to the Forest Service under this Act shall be expended or obligated for the demolition of buildings at the Zephyr Shoals property, Lake Tahoe, Nevada.

AMENDMENT NO. 1024

(Purpose: To authorize the imposition of fees for overnight lodging at certain properties at Fort Baker, California)

On page 254, after line 25, add the following:

SEC. 4____. Section 114 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (16 U.S.C. 460bb–3; Public Law 108–7), is amended—

(1) in the second sentence, by inserting ", including utility expenses of the National Park Service or lessees of the National Park Service" after "Fort Baker properties"; and

(2) by inserting between the first and second sentences the following: "In furtherance of a lease entered into under the first sentence, the Secretary of the Interior or a lessee may impose fees on overnight lodgers at Fort Baker properties.".

AMENDMENT NO. 1028

(Purpose: To reinstate a provision relating to National Parks with deed restrictions)

On page 254, after line 25, add the following:

SEC. 4____.(a) Section 813(a) of the Federal Lands Recreation Enhancement Act (16

U.S.C. 6812(a)) is amended by striking "and (i)" and inserting "and (i) (except for paragraph (1)(C))".

(b) Section 4(i)(1)(C)(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*-6a(i)(1)(C)(i)) is amended—

(1) by striking "Notwithstanding subparagraph (A)" and all that follows through "or section 107" and inserting "Notwithstanding section 107"; and

(2) by striking "account under subparagraph (A)" and inserting "account under section 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806(a))".

(c) Except as provided in this section, section 4(i)(1)(C) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a(i)(1)(C)) shall be applied and administered as if section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) (and the amendments made by that section) had not been enacted.

(d) This section and the amendments made by this section take effect on December 8, 2004.

AMENDMENT NO. 1035

(Purpose: To extend the authority for watershed restoration and enhancement agreements)

On page 254, after line 25, add the following:

SEC. 4 . Section 323(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105-277), is amended by striking "fiscal year 1999" and all that follows through "2005" and inserting "for each of fiscal years 2006 through 2015".

AMENDMENT NO. 1041

(Purpose: To withdraw from mineral entry or appropriation under mining lease laws, and from leasing claims under mineral and geothermal leasing laws, certain land in the Payette National Forest)

At the appropriate place, add the following: "*Provided further*, That, subject to valid existing rights, all land and interests in land acquired in the Thunder Mountain area of the Payette National Forest (including patented claims and land that are encumbered by unpatented claims or previously appropriated funds under this section, or otherwise relinquished by a private party) are withdrawn from mineral entry or appropriation under Federal mining laws, and from leasing claims under Federal mineral and geothermal leasing laws.".

Mr. GREGG. Mr. President, the pending Department of Interior and Related Agencies Appropriations Bill fiscal year 2006, H.R. 2361, as reported by the Senate Committee on Appropriations provides $26.261 billion in budget authority and $27.421 billion in outlays in fiscal year 2006 for the Department of Interior and related agencies. Of these totals, $54 million in budget authority and $60 million in outlays are for mandatory programs in fiscal year 2006.

The bill provides total discretionary budget authority in fiscal year 2006 of $26.207 billion. This amount is $532 million more than the President's request, equal to the 302(b) allocations adopted by the Senate, $100 million more than the House-passed bill, and $553 million less than fiscal year 2005 enacted levels.

Mr. President, I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate, and I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HR 2361, 2006 INTERIOR APPROPRIATIONS

SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal Year 2006, $ millions]

	General Purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	26.207	54	26.261
Outlays	27,361	60	27,421
Senate 302(b) allocation:.			
Budget authority	26,207	[54]*	26,261
Outlays	27,373	[60]*	27,433
2005 Enacted:.			
Budget authority	26,760	54	26,814
Outlays	26,788	55	26.843
President's request:			
Budget authority	26.675	54	25.729
Outlays	27,414	60	27,474
House-passed bill:			
Budget authority	26.107	54	26.161
Outlays	27,489	60	27,549
Senate-Reported Bill Compared to:.			
Senate 302(b) allocation:.			
Budget authority	0	0	0
Outlays	−12	0	−12
2005 Enacted:.			
Budget authority	−553	0	−553
Outlays	573	5	578
President's request:.			
Budget authority	532	0	532
Outlays	−53	0	−53
House-passed bill:.			
Budget authority	100	0	100
Outlays	−128	0	−128

* Initial 302(b) allocation report for 2006 omitted subcommittee allocations for mandatory spending. These baseline spending levels for appropriated mandatory accounts reflect anticipated mandatory suballocations in next report.

NOTE: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

TRIBUTE TO U.S. ARMY STAFF SERGEANT HAROLD "GEORGE" BENNETT

Mrs. LINCOLN. Mr. President, I rise today to honor the memory of U.S. Army SSG Harold "George" Bennett. In the jungles of Vietnam, this young Arkansan displayed courage and honor while serving his Nation in uniform. Tragically, almost 40 years to the day, on or about June 26, 1965, he became the first American prisoner of war executed by the Viet Cong.

George Bennett was born on October 16, 1940, in Perryville, AR, a small town that rests just northwest of Little Rock in the foothills of the Ozarks. His father, Gordon, was a veteran of World War I, and he instilled in his sons the values and rewards of service to country. All 4 would follow his footsteps into the U.S. Army.

SGT George Bennett was trained in the Army as an airborne infantryman and served with the famed 82nd and 101st Airborne Divisions, made up of some of the finest soldiers in the world. He earned his Master Parachute Wings and Expert Infantry Badge before volunteering in 1964 for service in what was a relatively unknown area of southeast Asia called Vietnam. While deployed, Sergeant Bennett served as an infantry advisor to the 33rd Ranger Battalion, one of South Vietnam's best trained and toughest units. On December 29, 1964, they were airlifted to the village of Binh Gia after it had been overrun by a division of Viet Cong. Immediately upon landing, Sergeant Bennett's unit was confronted by a well-dug-in regiment of enemy forces and despite fighting furiously and courageously throughout the afternoon, their unit was decimated and overrun. Sergeant Bennett and his radio operator, PFC Charles Crafts, fell into the hands of the Viet Cong.

Before being captured, Sergeant Bennett twice called off American helicopter pilots who were attempting to navigate through the combat zone to rescue him and his radioman. Displaying a remarkably calm demeanor, his focus seemed to be on their safety and not his own. His last words to his would-be rescuers were, "Well, they are here now. My little people," his term for the South Vietnamese soldiers under his command, "are laying down their weapons and they want me to turn off my radio. Thanks a lot for your help and God Bless you."

As a prisoner of war, the only thing more remarkable than the courageous resistance he displayed throughout his captivity was his steadfast devotion to duty, honor, and country. His faith in God and the trust of his fellow prisoners was unshakable. Sadly, the only way his captors could break his spirit of resistance was to execute him and today Sergeant Bennett lies in an unmarked grave known only to God, somewhere in the jungles of Vietnam.

Recent efforts by a group of Vietnam veterans will ensure that Sergeant Bennett's valiant service will not be forgotten. Over the years, they have worked tirelessly on behalf of the Bennett family to secure the valor awards that should have been presented to Sergeant Bennett's mother, Pauline, in 1965. I am proud of all they have accomplished and have pledged my support to this effort. Most recently, their work helped lead to Sergeant Bennett's posthumous induction into the U.S. Army Ranger Hall of Fame at Fort Benning, GA, on July 8, 2004. Sergeant Bennett's brother Dicky, and his sisters, Eloise Wallace, Laura Sue Vaught, and Peggy Williams were in attendance. I hope this long overdue moment of recognition provided some sense of solace for his family. Although he may no longer be with us, the example and selflessness of this brave young Arkansan will forever live on in our hearts.

The 40th anniversary of Sergeant Bennett's execution offers us an opportunity, not to remember the events of his death, but to reflect upon the life he led and the kind of person he was. He was a selfless young man who answered his Nation's call to service and placed duty and honor above all else. While a grateful nation could never adequately express their debt to men such as George Bennett, it should take every opportunity to honor them and their families for the sacrifice they have paid on our behalf.

I would also like to ask for unanimous consent to include in the record the citation from Sergeant Bennett's posthumous induction into the Ranger Hall of Fame and an article titled "Bad Day at Binh Gia," by retired Army COL Douglas E. Moore, that provides us additional insight into the heroic service of SGT George Bennett.

Bad Day at Binh Gia

(By Col. Douglas E. Moore)

When friends or family visit for the first time, we usually take them to Washington to see the Vietnam Veterans Memorial. Although I have been there many times, I am still impressed with the large crowds. Most are tourists with cameras at the ready; others appear to be more somber, perhaps because they served in Vietnam themselves or lost friends or family in the war. It troubles me to see fellow veterans there wearing all sorts of military attire from that era. Many of them have pain written across their faces, which makes me wonder what terrible burdens they carry after all these years.

For me, Vietnam is now a collection of mostly good memories. As a young medevac helicopter pilot, I had the opportunity to sharpen my flying skills to a level that was never matched again. I was blessed to be able to work with some of the finest people I have ever known, and my job was satisfying. During my tours in Vietnam and Japan, I evacuated more than 11,000 casualties in one of the best flying machines ever built, the Huey helicopter. It is gratifying to know that some patients lived because we were able to help.

The bad memories have mostly faded with time. In fact, there is only one event that I still think about, and it occurred more than 34 years ago. In late December 1964, we were rushing to join the crews of two helicopter gunships in an attempt to save an American advisor. Unfortunately, we failed.

Vietnam in 1964 was as different as night and day from the later years. Back then, it was still a Vietnamese war, and there were only about 20,000 Americans assigned to the various headquarters, advisory teams and a handful of aviation units scattered around the countryside.

Ours was strictly an advisory and support role and not one of direct combat. In fact, some of the senior officers still had their families in Saigon, and many Americans lived in hotels and other civilian buildings. The old-timers may recall a memo published by one headquarters stating its concern that some living areas were taking on the appearance of armed camps.

We operated on a shoestring. We did not have U.S. Air Force aircraft or U.S. Army artillery to prestrike the landing zones in support of our operations. The only firepower available was a few lightly armed helicopter gunships flown by a group of extraordinarily brave pilots. Needless to say, we left several of the landing zones littered with downed helicopters.

The communication systems were terrible. Since most medevac requests came by telephone and passed through several Vietnamese headquarters before reaching us, delays were common. On occasion, we would rush to a tiny village located a hundred miles away only to discover the casualties had been picked up a day or so earlier by a resupply aircraft making its weekly rounds.

All new pilots found it disconcerting that they could easily lose radio contact with other Americans during the longer flights. Weather permitting, the only alternative was to gain enough altitude to talk to our old standbys, Paris Control and Paddy Control, operated by the Air Force out of Saigon and Can Tho, respectively. Otherwise, we were completely on our own at times.

The character of the war was different, too. While there were a few major battles between the Viet Cong and South Vietnamese, most of the contact was on a small scale and ended quickly. It does not seem possible now, but the number of Americans killed in the war had not reached 200 until July 1964.

In late October, I was flying past Bien Hoa Air Base when several B-57 Canberra bombers suddenly broke through the clouds ahead of me. Several days later, I learned they had come from Clark Air Force Base in the Philippines to attack Viet Cong strongholds in the jungles north of Saigon.

The crews of the newly arrived Canberras had barely settled in when the Viet Cong struck. I was dozing in our alert shack at Tan Son Nhut Air Base when the radio operator began yelling, "Bien Hoa's been hit!" As we ran to our helicopter for the short flight to Bien Hoa, we could see flashes of rockets and mortars on the horizon.

Burning aircraft and ammunition were exploding everywhere as we landed to evacuate the wounded. To our horror, we watched a Vietnamese A-IE Skyraider crash as the pilot tried to take off during the melee. The plane's huge engine and other burning parts rolled to a stop a few yards behind us. Four Americans were killed, several others were wounded, and 13 U.S. aircraft were destroyed that night in one of the first major attacks that seemed to be specifically targeted against the Americans.

Not long afterwards Bob Hope arrived for his first Christmas tour. While his group was traveling from the airport to downtown Saigon, two Viet Cong saboteurs drove an explosive-laden truck into the parking lot of the Brinks Hotel. Two Americans died in the blast and more than 50 were wounded. I missed Bob's show the next day because I was flying, but I understand that he quipped, "A funny thing happened on the way in last night—a hotel passed us!"

As 1964 was ending, the North Vietnamese apparently concluded that they could not win the war with the hit-and-run tactics they had been using. Instead, a major shift in their strategy occurred when they sent two veteran Viet Cong regiments to an assembly area about 50 miles southeast of Saigon. Coastal freighters brought new rifles, mortars and rocket-propelled grenade launchers. In the jungles of Phuoc Tuy province, the dreaded 9th Viet Cong Division was born, and Binh Gia was chosen to be its first test by fire.

Binh Gia was a peaceful village surrounded by jungle and populated mostly by Catholics who had fled to the South following an earlier partition of their country. In late December, one regiment of the 9th Division attacked the village and quickly overran its lightly armed defenders. Another regiment slipped into ambush positions around a nearby clearing. They knew the American helicopters would be coming soon, loaded with Vietnamese soldiers and their American advisors.

The casualty toll mounted quickly. About midafternoon, I took a load of wounded Vietnamese to Cong Hoa General Military Hospital in Saigon and was diverted from there to pick up an American who had been hit in an ambush about 40 miles to the west, near the Cambodian border. Because there was no tactical operations center or any of the ubiquitous command and control helicopters hovering over the battlefield, as was the case in later years, we had to refuel at Saigon and return to Binh Gia to see if we were still needed.

About 25 miles away from Binh Gia I began trying to contact other aircraft in the area. I switched through several frequencies that we had used earlier in the day before hearing a gunship pilot talking with an American advisor on the ground. It quickly became evident that the advisor was in trouble because the gunship pilot kept telling him he could not identify the disposition of his troops and was concerned about firing on "friendlies."

The advisor said he was sorry but that he had used up all of his smoke grenades and had nothing to mark his positions. At that point, the advisor began identifying objects on the ground in an attempt to guide the gunships. Finally, I heard him say something to the effect of, "Listen, I'm standing on a small mound near a large clump of bushes and waving a white handkerchief. You have clearance to fire anywhere more than a hundred meters from my position."

Shortly thereafter, the gunship pilot reported that he and his wingman had fired all of their rockets and had little machine-gun ammunition remaining. At this point, the gunship pilot told the advisor to begin moving toward the Southwest because he planned to land and pick him up. The advisor's response was quick. "Don't try it! They're all around me down here, and all you'll do is get shot down."

The gunship pilot encouraged him to move, but the advisor was adamant that it was too dangerous for any rescue attempt. After hearing this, I called the gunship pilot and told him we were about 10 or 12 miles out and would pick up the advisor if he could guide us into the area. The advisor answered first: "Negative; Dustoff. You can't make it, so don't even try it!"

I thought we had a chance because I remain convinced to this day that some of the earlier Viet Cong commanders would not have allowed their troops to fire at our medevac helicopters—whether out of respect for the red crosses or because they knew we went to the aid of anyone who needed help, I do not know. Many of the civilian casualties and pregnant women whom we had evacuated from the villages had husbands or relatives serving in the Viet Cong. As a result, I honestly believe they took it easy on us during the early part of the war. When U.S. combat units were introduced the following spring, we became fair game like everyone else.

In any case, my crew and I planned to approach at treetop level and touch down just long enough to haul the advisor aboard. We had already begun descending when we heard him say, "Well, they are here now. My little people [slang for South Vietnamese soldiers] are laying their weapons down, and they want me to turn off my radio. Thanks a lot for your help, and God bless you."

With those words, he was gone. The gunship pilot reported movement around the advisor's position, so we pulled up and began orbiting the area. The gunship pilot then told me that he and his wingman had to depart to refuel and rearm. I called an approaching Army L–19 spotter plane to ask if more gunships were on the way. The Bird Dog pilot said no.

The late afternoon sun began casting long shadows across the jungle clearing below us, and it looked so peaceful from our vantage point. At the same time, it was heartbreaking to know that an American soldier had been captured and we were helpless to do anything except orbit outside of small-arms range.

Several minutes passed before our radio crackled to life again. "Have no fear, blue-eyed VNAF is here!" The call came from a flight of Vietnamese air force AI–E Skyraiders, piloted by U.S. Air Force advisors. They were rushing to help but were simply too late.

I left Vietnam the following summer and spent two years in Japan before I returned to Vietnam. While in Japan, I was in another medevac unit whose mission was to ferry casualties from the air bases at Yokota and Tachikawa to several Army, Navy and Air Force hospitals scattered around Tokyo. After the more seriously wounded were sufficiently stabilized, we returned them to the airheads for the long flight home.

One afternoon, I was reading a copy of The Stars and Stripes while waiting for an inbound flight at Yokota. My attention was drawn to an announcement by the North Vietnamese government that an American POW had been shot in retaliation for the slaying of a Viet Cong terrorist by South Vietnamese forces. The article identified the POW as Army Sgt. Harold G. Bennett, who had been captured at Binh Gia.

It suddenly dawned on me that I had never learned the name of the soldier we were trying to save that afternoon, and I began wondering whether it was Sgt. Bennett.

I am still troubled because our rescue attempt was unsuccessful and I never learned the name of the soldier we were trying to save. I have often wondered whether it would have made a difference if the gunships had had more ammunition or if we had arrived a few minutes earlier. After many years of curiosity, I began trying to reconstruct the events of that fateful day.

First, I contacted the Pentagon's MIA/POW office and was referred to the Library of Congress. After obtaining several microfiche from the library, I discovered that three Americans had been captured at Binh Gia. Two of them were Army enlisted men and the third was a U.S. Marine Corps captain. While I cannot be certain, it appears the person whom we were trying to save was Sgt. Bennett.

The data I have gathered contains little information about Sgt. Bennett's actual capture, but there are several stirring accounts about his later actions as told by other POWs who were held with him in various camps. Their reports indicate that Sgt. Bennett stubbornly resisted his captors at every opportunity and that he participated in frequent hunger strikes. These disruptions may have led to his being shot.

Like most of my compatriots, I have witnessed many heroic acts over the years, but the person we were trying to save that day ranks with the most courageous. I cannot imagine what his thoughts were when things began to collapse around him, and there is no way to fathom the despair he must have felt while he was being led from the battlefield with American helicopters circling a few hundred feet overhead.

I am still amazed that he could remain so calm during his radio transmissions. To the end, his focus seemed to be on our safety and not his. The willingness to sacrifice himself instead of risking others was a remarkable demonstration of valor. If I ever have to face a life-or-death situation again, I hope I can find some of his courage.

STAFF SERGEANT HAROLD G. BENNETT

Staff Sergeant Harold G. Bennett is inducted into the Ranger Hall of Fame for extraordinary courage against numerically superior forces on the battlefields of South Vietnam, and for his conspicuous gallantry while held in captivity by the Viet-Cong. While serving as a Ranger Advisor to the 33rd Vietnamese Ranger Battalion, SSG Bennett volunteered, on Christmas Day, to lead a seven man Ranger combat team on a helicopter (named the "Suicide Chopper") into a one-ship landing zone near the Cambodian border in an effort to free three Americans held captive by communist forces. Ranger Bennett and his snatch team landed and quickly worked their way through the camp. The VC had moved the prisoners prior to their arrival.

While this mission to liberate the captured Americans was not accomplished, in no way did it detract from the heroic efforts of SSG Bennett to free them. Four days later, on December 29th, 1964, SSG Bennett, with his American RTO, accompanied the 2nd Company of the 33rd Ranger Battalion on the first airlift into Operational Area of the Legendary "Battle of Binh Gia." As the rangers were being overrun by elements of the Viet Cong 9th Division, SSG Bennett remained on the radio refusing any attempt to evacuate him and his RTO from the overwhelming enemy forces and their firepower. After SSG Bennett's capture at Binh Gia, he was labeled a troublemaker by his captors because of his constant aggressiveness in the brutal conditions of the jungle pow camps. He verbally berated his guards, daring them to confront him man-to-man. On one of his three unsuccessful escape attempts, a Viet Cong soldier almost bit off SSG Bennett's finger as he punched the guard. Driven by dedication to duty, personal honor, and his religious faith, the enemy could not break him. In June of 1965, the Communist National Liberation Front announced that they had executed SSG Harold G. Bennett, reportedly in reprisal for actions of the South Vietnamese government; he was the "first" American soldier to be executed in Vietnam. Ranger Bennett's exemplary boldness, complete disregard for his own safety, and his deep concern for his fellow fighting men at the risk of his own life, reflects the highest traditions of the United States Army; his actions are the embodiment of the Ranger Spirit.

ADDITIONAL STATEMENTS

RECOGNIZING THE 50TH ANNIVERSARY OF TEMPLE BENJAMIN

• Mr. LEVIN. Mr. President, I would like to take this opportunity to pay tribute to the past and present leaders and congregation of Temple Benjamin as they celebrate 50 years of service, learning, and faith on June 25, 2005. This milestone provides the perfect opportunity to reflect on the rich history of this institution and to remember the many individuals who played an integral part in its success.

In 1955 Rabbi Joseph Kratzenstein, who escaped Nazi persecution and ultimately settled in Bay City, inspired the original idea for Temple Benjamin through his efforts to educate children in the Mount Pleasant community. Upon arriving in Michigan, Rabbi Kratzenstein frequently visited the Mount Pleasant area, drawing attention to the need for religious education for local children. The rabbi's call was answered by Harry Goldberg, Leo Simon, Ben Traines, and Dr. Phil Silvert, who raised the necessary seed money to establish the temple we enjoy today.

Within 2 months of laying the first stone, the temple was completed and families began to use the services it provided. Temple Benjamin is one of the first Jewish community and religious centers to be established in the Central Michigan area and began with 10 families, some of whom would travel more than 50 miles for services. Today, the temple serves more than 50 families and has continued to grow and embrace the surrounding community.

The founding mission of education, originally developed by Gene Traines, has remained a bedrock tenet of Temple Benjamin through the years. Many notable community leaders, including Rose Traines, Mildred Goldberg, and Helen Klein, have helped to shape Temple Benjamin's instructional elements and to promote community outreach.

In addition to its work with children in Michigan, Temple Benjamin has contributed to the overall welfare and safety of our Nation through the dedicated service of many in the congregation. There are many in the congregation who served in our Armed Forces, including Robert Klein, Charles Muskowitz, Arnie Bransdorfer, Joe Simon, and Carvel Wolfson, who served with distinction during WWII.

Through the years, those associated with Temple Benjamin have embodied the values of community spirit, faith, and leadership. I know my Senate colleagues join me in congratulating the members of Temple Benjamin for their service to the community and in wishing them many more years of success in the future.•

SAMUEL NASSIE, 2005 EAGLE SCOUT OF THE YEAR

• Mrs. BOXER. Mr. President, I rise to share with my colleagues the outstanding accomplishment of one of my constituents, Samuel Nassie of Paradise, CA. I am so proud to announce that in May 2005, Samuel was named the American Legion's national "2005 Eagle Scout of the Year."

The title of Eagle Scout represents the highest rank a Boy Scout can achieve. It takes years of hard work, dedication, leadership and community service to earn this honor that only 4 percent of all Boy Scouts achieve. Therefore, to be selected as the American Legion's Eagle Scout of the Year from hundreds other highly qualified Eagle Scouts across the Nation is an extraordinary achievement and I am very proud of Samuel for his accomplishments that led to this meritorious honor.

Samuel's list of awards and accomplishments are too numerous to list today, but I would like to share with you some of his work that proves Samuel's dedication to his community is second to none. He was the first Boy Scout in Northern California to receive the William T. Hornaday Award, the oldest conservation award in the history of this country, with only 1,000 recipients in its 94-year history. Because of his service to the community, Samuel earned the Medal of Merit Award and the Congressional Youth Award in Bronze, Silver, and Gold. At the age of 13, Samuel achieved the rank of Eagle Scout. He was chosen as Eagle Scout of the Year for both California and the United States by the Sons of the American Revolution. The Veterans of Foreign Wars also chose him as Eagle Scout of the Year for California and awarded him second place in the United States. He is a member of the Boy Scout Honor Society, and a life member of the National Eagle Scout Association. Samuel remains active in the Boy Scouts of America by teaching at Boy Scout camps and serving as a Junior Scoutmaster for his local Boy Scout troop.

I would like to highlight two of Samuel's community projects that are particularly noteworthy. In his first community service project, "Veterans Honor," Samuel created a program to locate, identify, plot and record the location of every veteran at his local cemetery. Another community service project, "Buckets Full of Batteries," created an environmental program to recycle household batteries. Four years ago, he implemented this program in two school districts and over 20 businesses in Paradise, and is now working with 4 other cities to expand his program.

Samuel maintains a 4.0 GPA, and plans to attend college and study American History Education and Business. Samuel has selflessly given years of his time and energy to the community.

Samuel Nassie brings a great deal of pride to California. He has accomplished more in his 17 years than most of us will in our entire lives. His community, State, and country are fortunate to have a citizen of his caliber. I have no doubt that his future will be a bright and fulfilling one.•

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 1:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1812. An act to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 3:41 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3010. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3010. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2737. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Crystal Falls, Michigan; Laona, Wisconsin; Blythe, California; Celoron, New York; and Wells, Texas)" (MB Docket Nos. 04–370, 04–371, 04–388, 04–390, and 04–391) received on June 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2738. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ammon and Dubois, Idaho)" (MB Docket No. 04–427) received on June 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2739. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (McCook, Maxwell, and Broken Bow, Nebraska)" (MB Docket No. 04–203) received on

June 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2740. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Jackson and Charlotte, Michigan)” (MB Docket No. 05–35) received on June 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2741. A communication from the Acting General Counsel, Department of Commerce, transmitting, the report of a draft bill entitled “Marine Mammal Protection Act Amendments of 2005” received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2742. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (37); Amdt. No. 3123” ((RIN2120–AA65)(2005–0018)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2743. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revocation of VOR Federal Airway V–623” ((RIN2120–AA66)(2005–0129)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2744. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Area Navigation Routes; FL” ((RIN2120–AA66)(2005–0131)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2745. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft; CORRECTION” ((RIN2120–AH19)(2005–0002)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2746. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Prohibited Area 51; Bangor, WA” ((RIN2120–AA66)(2005–0116)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2747. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Chillicothe, MO” ((RIN2120–AA66)(2005–0117)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2748. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class E Airspace; Harrisburg, PA; CORRECTION” ((RIN2120–AA66)(2005–0126)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2749. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class E Airspace; Newburgh, NY” ((RIN2120–AA66)(2005–0127)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2750. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class E Airspace; Newburgh, NY” ((RIN2120–AA66)(2005–0128)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2751. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class E Airspace; Brunswick, ME” ((RIN2120–AA66)(2005–0118)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2752. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class E Airspace; Brunswick, ME” ((RIN2120–AA66)(2005–0120)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2753. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Nome, AK; CORRECTION” ((RIN2120–AA66)(2005–0125)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2754. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Modification of Class E Airspace; Harper, KS” ((RIN2120–AA66)(2005–0130)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2755. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 747 Series Airplanes” ((RIN2120–AA64)(2005–0267)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2756. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Cessna Model 750 Airplanes” ((RIN2120–AA64)(2005–0266)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2757. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: BAE Systems Limited Model BAe 146 Airplanes” ((RIN2120–AA64)(2005–0281)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2758. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 727–200 Series Airplanes Equipped with a No. 3 Cargo Door” ((RIN2120–AA64)(2005–0280)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2759. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Bombardier Model DHC 8 102, 103, 106, 201, 301, 311, and 315 Airplanes” ((RIN2120–AA64)(2005–0279)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2760. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: GROB-WERKE Model G120A Airplanes” ((RIN2120–AA64)(2005–0278)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2761. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Extra Flugzeugproduktions- und Vertriebs-GmbH Models EA 300, EA 300S, EA–300L, and EA 300/200 Airplanes” ((RIN2120–AA64)(2005–0277)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2762. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Precise Flight, Inc. Models SVS I and SVS IA Standby Vacuum Systems” ((RIN2120–AA64)(2005–0276)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2763. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 767–200, 300, and 300F Series Airplanes” ((RIN2120–AA64)(2005–0275)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2764. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Agusta S.p.A. Model A190E Helicopters” ((RIN2120–AA64)(2005–0274)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2765. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Dassault Model Mystere-Falcon 50 and 900 Series Airplanes, and Model Falcon 2000 and 900EX Series Airplanes” ((RIN2120–AA64)(2005–0273)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2766. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes” ((RIN2120–AA64)(2005–0272)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2767. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Bombardier Model DHC 8 400, 401, and 402 Series Airplanes” ((RIN2120–AA64)(2005–0271)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2768. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9 15F Airplanes Modified in Accordance with Supplemental Type Certificate SA1993SO; and Model DC 9 10, –20, –30, –40, and –50 Series Airplanes in All-Cargo Configuration, Equipped with a Main Deck Cargo Door" ((RIN2120–AA64)(2005–0268)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2769. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2 and B4 Series Airplanes" ((RIN2120–AA64)(2005–0270)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2770. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: CFM International CFM56–5, –5B, and –5C Series Turbofan Engines" ((RIN2120–AA64)(2005–0269)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2771. A communication from the Attorney, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials; Miscellaneous Amendments" (RIN2137–AD87) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2772. A communication from the Attorney, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions" (RIN2137–AD92) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2773. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of VOR Federal Airway V–623" ((RIN2120–AA66)(2005–0115)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2774. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; McGregor, MN" ((RIN2120–AA66)(2005–0124)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2775. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Monett, MO, Correction" ((RIN2120–AA66)(2005–0123)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2776. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Boonville, MO; CONFIRMATION OF EFFECTIVE DATE" ((RIN2120–AA66)(2005–0122)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2777. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Washington, KS; CONFIRMATION OF EFFECTIVE DATE" ((RIN2120–AA66)(2005–0121)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2778. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aero-Space Technologies of Australia Pty Ltd. Models N22B, N22S, and N24A Airplanes" ((RIN2120–AA64)(2005–0265)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2779. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: DG Flugzeugbau GmbH Model DG–500MB Sailplanes and Glaser-Dirks Flugzeugbau GmbH Model DG–800B Sailplanes" ((RIN2120–AA64)(2005–0264)) received on June 18, 2005 to the Committee on Commerce, Science, and Transportation.

EC–2780. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–200C and 747–200F Series Airplanes" ((RIN2120–AA64)(2005–0263)) received on June 18 2005; to the Committee on Commerce, Science, and Transportation.

EC–2781. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Turbomeca S.A. Arrius 1A Turboshaft Engines" ((RIN2120–AA64)(2005–0262)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2782. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model 717–200 Airplanes" ((RIN2120–AA64)(2005–0261)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2783. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767–200, 300, and 300F Series Airplanes" ((RIN2120–AA64)(2005–0260)) received on June 18 2005; to the Committee on Commerce, Science, and Transportation.

EC–2784. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601), and CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604) Airplanes Modified by Supplemental Type Certificate (STC) SA4900SW" ((RIN2120–AA64)(2005–0259)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2785. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes; CORRECTION" ((RIN2120–AA64)(2005–0258)) received on June 18, 2005 to the Committee on Commerce, Science, and Transportation.

EC–2786. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations: Annual Offshore Super Series Boat Race, Fort Myers Beach, FL" (RIN1625–AA08) received on June 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2787. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 2 regulations): [CGD11–05–013], [CGD11–05–009]" (RIN1625–AA08) received on June 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2788. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Tchoutacabouffa River, Cedar Lake, MS" (RIN1625–AA09) received on June 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2789. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 3 regulations): [CGD09–05–019], [CGD01–05–036], [CGD01–05–052]" (RIN1625–AA00) received on June 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2790. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Macy's July 4th Fireworks, East River and Upper New York Bay, NY" (RIN1625–AA00) received on June 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2791. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone: Duluth Harbor, Duluth, Minnesota" (RIN1625–AA87) received on June 22, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with amendments:

S. 1017. A bill to reauthorize grants for the water resources research and technology institutes established under the Water Resources Research Act of 1984 (Rept. No. 109–90).

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 655. A bill to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention (Rept. No. 109–91).

By Mr. BENNETT, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2744. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. No. 109–92).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 268. A bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes (Rept. No. 109–93).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 432. A bill to establish a digital and wireless network technology program, and for other purposes (Rept. No. 109–94).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. McCAIN:

S. 1312. A bill to amend a provision relating to employees of the United States assigned to, or employed by, an Indian tribe, and for other purposes; to the Committee on Indian Affairs.

By Mr. CORNYN:

S. 1313. A bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself and Mr. STEVENS):

S. 1314. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for States water pollution control revolving funds, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LUGAR:

S. 1315. A bill to require a report on progress toward the Millennium Development Goals, and for other purposes; to the Committee on Foreign Relations.

By Ms. SNOWE (for herself, Mr. KERRY, Ms. COLLINS, Mr. CHAFEE, and Mr. KENNEDY):

S. 1316. A bill to authorize the Small Business Administration to provide emergency relief to shellfish growers affected by toxic red tide losses; considered and passed.

By Mr. HATCH (for himself, Mr. DODD, Mr. BURR, Mr. REED, and Mr. ENSIGN):

S. 1317. A bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 21

At the request of Ms. COLLINS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 21, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 211

At the request of Mrs. CLINTON, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 331

At the request of Mr. JOHNSON, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 537

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 537, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 548

At the request of Mr. CONRAD, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 548, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. 604

At the request of Mr. BINGAMAN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 604, a bill to amend title XVIII of the Social Security Act to authorize expansion of medicare coverage of medical nutrition therapy services.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 675

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 675, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 695

At the request of Mr. BYRD, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 695, a bill to suspend temporarily new shipper bonding privileges.

S. 751

At the request of Mrs. FEINSTEIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 751, a bill to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing personal information, to disclose any unauthorized acquisition of such information.

S. 963

At the request of Mr. THUNE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 963, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans' health care, to direct the Secretary of Veterans Affairs to conduct a pilot program to improve access to health care for rural veterans, and for other purposes.

S. 1050

At the request of Mrs. LINCOLN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1050, a bill to amend the Tariff Act of 1930 to provide for an expedited antidumping investigation when imports increase materially from new suppliers after an antidumping order has been issued, and to amend the provision relating to adjustments to export price and constructed export price.

S. 1060

At the request of Mr. COLEMAN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1060, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1064

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1064, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1066

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1066, a bill to authorize the States (and subdivisions thereof), the District of Columbia, territories, and possessions of the United States to provide certain tax incentives to any person for economic development purposes.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1200

At the request of Mr. BUNNING, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1200, a bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for certain roof systems.

S. 1209

At the request of Mr. GREGG, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1209, a bill to establish and strengthen postsecondary programs and courses in the subjects of traditional American history, free institutions, and Western civilization, available to students preparing to teach these subjects, and to other students.

S. 1217

At the request of Mr. BINGAMAN, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1217, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 1290

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 1290, a bill to appropriate $1,975,183,000 for medical care for veterans.

S. 1298

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1298, a bill to amend titles XIX and XXI of the Social Security Act to permit States to cover low-income youth up to age 23.

S. RES. 42

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Res. 42, a resolution expressing the sense of the Senate on promoting initiatives to develop an HIV vaccine.

S. RES. 154

At the request of Mr. BIDEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Res. 154, a resolution designating October 21, 2005 as "National Mammography Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN:

S. 1312. A bill to amend a provision relating to employees of the United States assigned to, or employed by, and Indian tribe, and for other purposes; to the Committee on Indian Affairs.

Mr. McCAIN. Mr. President, today I am introducing legislation to address conflicts of interest and the appearance of conflicts involving former Federal officers and employees who represent Indian tribes.

The legislation amends the Indian Self-Determination and Education Assistance Act (ISDEA), 25 US.C. 450i(j), by limiting the exemption from Federal conflicts of interest laws. Current law exempts from the conflicts laws former Federal officers and employees who "are employed by Indian tribes", thus permitting these former Federal employees immediately to lobby the departments they just left and act as agents and attorneys for the tribes. The legislation limits this exemption only to those former Federal employees who are employees of Indian tribes pursuant to self-determination contracts or self-governance compacts.

The bill clarifies what I believe was the intent of the Congress, as evidenced by House Report No. 93-4600 that accompanies the ISDEA, that Federal employees who work in an area that is contracted or compacted to a tribe be able to continue performing their jobs if they become employees of the Indian tribe for purposes of working in the contracted or compacted area. The exception that was made to the conflict laws appeared to have been made in response to the recognition that when Indian tribes took on the responsibility of operating programs traditionally fulfilled by the Federal Government, they would need experienced individuals to fulfill contracted or compacted functions.

Former Federal employees who leave the Federal Government and go to work as outside lawyers or lobbyists for Indian tribes, however, would, under the legislation I am introducing today, be subject to the same conflicts of interest restraints that apply to other former Federal employees who work for other entities. The bill takes effect one year after enactment to allow time for people to familiarize themselves with the new law and for tribes to seek alternative representation if necessary.

Limiting the waiver of conflicts laws in this manner proposed in this bill will address a problem identified by the Inspector General of the Department of Interior. In a report dated February 2002, entitled "Allegations Involving Irregularities in the Tribal Recognition Process and Concerns Relating to Indian Gaming, the IG laid out a number of contacts by former BIA and DOI officials, who left Federal employment to represent tribes at law firms, to the BIA regarding recognition matters that, but for the exemption from the conflicts rules, they would be barred from making. The IG suggested that these contacts were improper, but not illegal. These contacts were all made by former Federal employees who worked as outside lawyers and lobbyists for tribes. In his testimony before the Senator Committee on Indian Affairs earlier this year, the Inspector General again raised the issue of conflicts of interest and referred to a problem of a "revolving door" involving former Department of Interior officials. This legislation seeks to address that problem. I urge my colleagues to support it. I also ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reducing Conflicts of Interests in the Representation of Indian Tribes Act of 2005".

SEC. 2. ADDITIONAL EMPLOYMENT RIGHTS.

Section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i) is amended by striking subsection (j) and inserting the following:

"(j) ADDITIONAL EMPLOYMENT RIGHTS.—

"(1) IN GENERAL.—Notwithstanding sections 205 and 207 of title 18, United States Code, an officer or employee of the United States assigned to an Indian tribe under section 3372 of title 5, United States Code, or section 2072 of the Revised Statutes (25 U.S.C. 48), or an individual that was formerly an officer or employee of the United States and who is an employee of an Indian tribe employed to perform services pursuant to self-governance contracts or compacts under this Act that the individual formerly performed for the United States, may communicate with and appear before any department, agency, court, or commission on behalf of the Indian tribe with respect to any matter relating to the contract or compact, including any matter in which the United States is a party or has a direct and substantial interest.

"(2) NOTIFICATION OF INVOLVEMENT IN PENDING MATTER.—An officer, employee, or former officer or employee described in paragraph (1) shall submit to the head of each appropriate department, agency, court, or commission, in writing, a notification of any personal and substantial involvement the officer, employee, or former officer or employee had as an officer or employee of the United States with respect to the pending matter.".

SEC. 3. EFFECTIVE DATE.

The effective date of the amendment made by this Act shall be the date that is 1 year after the date of enactment of this Act.

By Mr. CORNYN:

S. 1313. A bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I rise today to introduce new legislation, entitled the Protection of Homes, Small Businesses, and Private Property Act of 2005. I introduce this legislation in response to a controversial ruling of the United States Supreme Court issued just last Thursday.

The protection of homes, small businesses, and other private property rights against government seizure and other unreasonable government interference is a fundamental principle and core commitment of our Nation's Founders. As Thomas Jefferson famously wrote on April 6, 1816, the protection of such rights is:

> the first principle of association, "the guarantee to everyone of a free exercise of his industry, and the fruits acquired by it."

The Fifth Amendment of the United States Constitution specifically provides that "private property" shall not "be taken for public use without just compensation." The Fifth Amendment thus provides an essential guarantee of liberty against the abuse of the power of eminent domain, by permitting government to seize private property only "for public use."

On June 23, 2005, the U.S. Supreme Court issued its controversial 5-4 decision in Kelo v. City of New London. In that ruling, the Court acknowledged that "it has long been accepted that the sovereign may not take the property of A for the sole purpose of transferring it to another private party B," and that under the Fifth Amendment, the power of eminent domain may be used only "for public use."

Yet the Court nevertheless held, by a 5-4 vote, that government may seize the home, small business, or other private property of one owner, and transfer that same property to another private owner, simply by concluding that such a transfer would benefit the community through increased economic development.

This is an alarming decision. As the Houston Chronicle editorialized this past weekend:

> It seems a bizarre anomaly. The government in China or Russia might take private property to hand over to wealthy developers to build shopping malls and office plazas, but it wouldn't happen in the United States. Yet, that is the practice the U.S. Supreme Court narrowly approved this week. Local governments, the court ruled, may seize private homes and businesses so that other private entities can develop the land into enterprises that generate higher taxes.

I ask unanimous consent that a copy of this editorial be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. CORNYN. The Court's decision in Kelo is alarming because, as Justice O'Connor accurately noted in her dissenting opinion, joined by the Chief Justice and Justices Scalia and Thomas, the Court has:

> effectively . . . delete[d] the words "for public use" from the Takings Clause of the Fifth Amendment and thereby "refus[ed] to enforce properly the Federal Constitution."

Under the Court's decision in Kelo, Justice O'Connor warns,

> [t]he specter of condemnation hangs over all property. Nothing is to prevent the State from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory.

She further warns that, under Kelo,

> [a]ny property may now be taken for the benefit of another private party, [and] the fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms. As for the victims, the government now has license to transfer property from those with fewer resources to those with more. The Founders cannot have intended this perverse result.

Indeed, as an amicus brief filed by the National Association for the Advancement of Colored People, AARP, and other organizations noted:

> [a]bsent a true public use requirement, the takings power will be employed more frequently. The takings that result will disproportionately affect and harm the economically disadvantaged and, in particular, racial and ethnic minorities and the elderly.

In a way, the Kelo decision at least vindicates supporters of the nomination of Justice Janice Rogers Brown to the U.S. Court of Appeals for the D.C. Circuit. That nomination attracted substantial controversy in some quarters, because of Justice Brown's personal passion for the protection of private property rights. The Kelo decision announced last Thursday demonstrates that her concerns about excessive government interference with property rights is well-founded and well within the mainstream of American jurisprudence.

The Houston Chronicle has called upon lawmakers to take action, editorializing this past weekend that:

> lawmakers would do well to pass restrictions on this distasteful form of eminent domain.

I firmly agree.

It is appropriate for Congress to take action, consistent with its limited powers under the Constitution, to restore the vital protections of the Fifth Amendment and to protect homes, small businesses, and other private property rights against unreasonable government use of the power of eminent domain.

That is why I am introducing today the Protection of Homes, Small Businesses, and Private Property Act of 2005. The legislation would declare Congress's view that the power of eminent domain should be exercised only "for public use," as guaranteed by the Fifth Amendment, and that this power to seize homes, small businesses, and other private property should be reserved only for true public uses. Most importantly, the power of eminent domain should not be used simply to further private economic development. The act would apply this standard to two areas of government action which are clearly within Congress's authority to regulate: (1) All exercises of eminent domain power by the Federal Government, and (2) all exercises of eminent domain power by State and local government through the use of Federal funds.

It would likewise be appropriate for states to take action to voluntarily limit their own power of eminent domain. As the Court in Kelo noted, "nothing in our opinion precludes any State from placing further restrictions on its exercise of the takings power."

The protection of homes, small businesses, and other private property rights against government seizure and other unreasonable government interference is a fundamental principle and core commitment of our Nation's Founders. The Kelo decision was a disappointment, but I congratulate the attorneys at the Institute for Justice for their exceptional legal work and for their devotion to liberty. We must not give up, and I know that the talented lawyers at the Institute for Justice have no intention of giving up. In the aftermath of Kelo, we must take all necessary action to restore and strengthen the protections of the Fifth Amendment. I ask my colleagues to lend their support to this effort, by supporting the Protection of Homes, Small Businesses, and Private Property Act of 2005.

EXHIBIT 1

STEALING HOME

It seems a bizarre anomaly. The government in China or Russia might take private property to hand over to wealthy developers to build shopping malls and office plazas, but it wouldn't happen in the United States. Yet, that is the practice the U.S. Supreme Court narrowly approved this week. Local governments, the court ruled, may seize private homes and businesses so that other private entities can develop the land into enterprises that generate higher taxes.

The Supreme Court found, 5-4, that local elected officials are not barred by the Constitution from condemning whole neighborhoods and small businesses if, in their view, doing so would lead to redevelopment that increases tax collections.

A majority on the court was convinced that the possibility of improving the tax base for the benefit of the wider community satisfies the Fifth Amendment's requirement that private property can be taken by eminent domain only for a public purpose.

Justice Sandra Day O'Connor, who dissented, pinpointed the problem with the majority's argument. It cedes "disproportionate influence and power" to a community's most powerful and well-connected residents.

Public parks, schools and right of way for thoroughfares traditionally have provided the sort of public purpose to justify government's use of eminent domain. Grand redevelopment schemes, especially when they are cooked up by government officials, often lack a sound economic basis and carry the potential of becoming boondoggles that hurt taxpayers.

Justice John Paul Stevens wrote for the majority that local officials are qualified judges of whether an economic development project will benefit the community. In this case, city officials in New London, Conn., plan to tear down private homes to make way for a riverfront hotel, offices and a fitness club.

"The city has carefully formulated an economic development that it believes will provide appreciable benefits to the community, including—but by no means limited to—new jobs and increased tax revenue," Stevens wrote.

But is that universally true? Municipal and county governing bodies frequently miscalculate or wildly overestimate the benefits of tax abatements and other incentives.

Besides that, individual taxpayers don't necessarily benefit from increased government revenues.

Sometimes the increased revenue proves insufficient to cover the cost of providing services to new development. Sometimes increased revenues are wasted on things other than essential services.

Now that the high court has cleared the way for elected officeholders to trump private property rights, abuse of eminent domain becomes more likely, particularly in neighborhoods populated by the least influential citizens. In Texas, lawmakers would do well to pass restrictions on this distasteful form of eminent domain.

By Mr. LUGAR:

S. 1315. A bill to require a report on progress toward the Millennium Development Goals, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today to introduce a bill that calls on the administration to assess the progress of poverty reduction efforts around the world since September 2000, when the Millennium Declaration was unanimously adopted by more than 180 nations, including the United States. Each of these nations signed an agreement to work toward defined objectives, called the Millennium Development Goals, which include the commitments to: build a global partnership for development: eradicate extreme poverty by halving the number of people living on less than one dollar a day and the number who suffer hunger; achieve universal primary education for boys and girls alike; reduce by two-thirds the under-5 child mortality rate; halt and reverse the spread of AIDS, malaria and other major disease; promote gender equality, reduce maternal mortality by two-thirds; and ensure environmental sustainability.

This bill also highlights the important research and recommendations of the Report of the Commission for Africa that was commissioned by Prime Minister Tony Blair in preparation for the July 2005 G8 Summit in Scotland. The report, entitled "Our Common Interest," is an excellent study of past development efforts and current opportunities to respond to the challenges of extreme poverty in Africa.

Three important international forums will occur this year that will help define the world's response to extreme poverty; the group of Eight highly industrialized countries will meet in July at Gleneagles, Scotland and will address the challenges and opportunities of the African continent; The United Nations Summit to review progress on the Millennium Development Goals will occur in September. It will provide an opportunity to measure global coherence and commitment to specific objectives in eradicating extreme poverty by 2015; and the The Sixth Ministerial Conference of the World Trade Organization will meet in Hong Kong in December. Progress toward a genuinely equitable trade round in Hong Kong could provide a significant boost to global international development.

This bill asks that the Secretary of State produce a report on the commitments made by the United States and the international community to achieve the Millennium Development Goals, including the decisions made in regard to these goals in the three upcoming summits. It asks that the report assess the prospects of achieving these goals by 2015 and to review policies that maintain continued United States leadership in reducing poverty worldwide. The report would be due 60 days after the completion of the WTO summit December 13-18, 2005.

The purpose of this report is to encourage a discussion of the goals themselves and the practical challenges with which each of these goals must contend. This discussion should take place within and among donor and developing governments, on a continuing basis. The upcoming summits are an important opportunity to continue that discussion as well as to make concrete efforts, and if necessary adjustments, to achieving such goals.

Since the Millennium Summit in 2000, the United States has taken steps to invest in development in a more comprehensive manner. President Bush made an historic commitment to address the threat and impact of HIV-AIDS on the countries most affected by this pandemic. The United States also established a bold new development initiative that closely parallels important elements of the MDGs and the recommendations of the Commission for Africa report. The Millennium Challenge Corporation has begun to deliver billions in assistance to developing nations that are committed to investing in their own people, to ruling justly, and to encouraging economic freedom. In addition, the United States removed barriers to trade with eligible African countries through the successful Africa Growth and Opportunity Act.

There are many other significant efforts by the United States to address the challenges to poor countries face, from technical assistance to bilateral and multi-lateral debt relief, from peacekeeper training and equipping to capacity building and emergency assistance. Whether bilaterally or through multilateral institutions, the international community should capitalize on a coordinated strategy that reinforces the prospect of a more peaceful and stable world.

The commitment of the United States to the moral and humanitarian goal of reducing the inequities seen across the developing world is a key factor in achieving greater security at home and abroad. Since September 11, 2001, our nation has been engaged in a debate over how to apply national power and resources most effectively to realize the maximum degree of security. Throughout this process, I have been making the point that we are not placing sufficient weight on the diplomatic and economic tools of national power.

Even as we seek to capture key terrorists and destroy terrorist units, we must be working to perfect a longer term strategy that reshapes the world in ways that are not conducive to terrorist recruitment and influence. To win the war against terrorism, the United States must assign U.S. economic and diplomatic capabilities the same strategic priority that we assign to military capabilities. There are no shortcuts to victory. We must commit ourselves to the painstaking work of foreign policy day by day and year by year. As we undertake this mission, we must be persistent in our advocacy among our fellow nations to encourage a global partnership and commitment to eradicating poverty.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Cooperation to Meet the Millennium Development Goals Act of 2005".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) At the United Nations Millennium Summit in 2000, the United States joined more than 180 other countries in committing to work toward goals to improve life for the world's poorest people by 2015.

(2) Such goals include reducing the proportion of people living on less than $1 per day by ½, reducing child mortality by ⅔, and assuring basic education for all children, while sustaining the environment upon which human life depends.

(3) At the 2002 International Conference on Financing for Development, the United States representative reiterated the support of the United States for the Millennium Development Goals and advocated, along with other international participants, for a stronger focus on measurable outcomes derived from a global partnership between developed and developing countries.

(4) On March 22, 2002, President Bush stated, "We fight against poverty because hope is an answer to terror. We fight against poverty because opportunity is a fundamental right to human dignity. We fight against poverty because faith requires it and conscience demands it. We fight against poverty with a growing conviction that major progress is within our reach.".

(5) The 2002 National Security Strategy of the United States notes that "a world where some live in comfort and plenty, while half of the human race lives on less than $2 per day, is neither just nor stable. Including all of the world's poor in an expanding circle of development and opportunity is a moral imperative and one of the top priorities of U.S. international policy".

(6) The National Commission on Terrorist Attacks Upon the United States concluded that the Government of the United States must offer an example of moral leadership in the world and offer parents and their children a vision of the future that emphasizes individual educational and economic opportunity as essential to the efforts of the United States to defeat global terrorism.

(7) The summit of the Group of Eight scheduled for July 2005, the United Nations

summit scheduled for September 2005, and the Sixth Ministerial Conference of the World Trade Organization scheduled for December 2005 will provide opportunities to measure and continue to pursue progress on the Millennium Development Goals.

(8) The summit of the Group of Eight scheduled for July 6 through July 8, 2005, in Gleneagles, Scotland, will bring together the countries that can make the greatest contribution to alleviating extreme poverty in Africa, the region of the world where extreme poverty is most prevalent.

(9) On June 11, 2005, the United States helped secure the agreement of the Group of Eight Finance Ministers to cancel 100 percent of the debt obligations owed to the World Bank, African Development Bank, and International Monetary Fund by countries that are eligible for debt relief under the Highly Indebted Poor Countries Initiative, the initiative established in 1996 by the World Bank and the International Monetary Fund for the purpose of reducing the debt burdens of the world's poorest countries, or under the Enhanced HIPC Initiative, as defined in section 1625 of the International Financial Institutions Act (22 U.S.C. 262p-8), which are poor countries that are on the path to reform.

(10) The report prepared by the Commission for Africa and issued by Prime Minister Tony Blair on March 11, 2005, entitled "Our Common Interest", called for coherence and coordination in the development of an overarching package of actions to be carried out by the countries of Africa and the international community to address the complex interlocking issues that challenge the continent, many of which have already been addressed individually in previous summits and under the Africa Action Plan enacted by the Group of Eight.

(11) The United States has recognized the need for strengthened economic and trade opportunities, as well as increased financial and technical assistance to Africa and other countries burdened by extreme poverty, through significant initiatives in recent years, including—

(A) the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.) that has opened United States markets to thousands of products from Africa;

(B) the President's Emergency Plan for AIDS Relief developed under section 101 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611), the major focus of which has been on African countries;

(C) the Millennium Challenge Corporation established under section 604 of the Millennium Challenge Act of 2003 (22 U.S.C. 7703) that is in the process of committing new and significant levels of assistance to countries, including countries in Africa, that are poor but show great promise for boosting economic growth and bettering the lives of their people; and

(D) the United States has canceled 100 percent of the bilateral debt owed to the United States by countries eligible for debt relief under the Enhanced HIPC Initiative.

(12) The report prepared by the Commission for Africa entitled "Our Common Interest" includes the following findings:

(A) The people of Africa must demonstrate the leadership necessary to address the governance challenges they face, setting priorities that ensure the development of effective civil and police services, independent judiciaries, and strong parliaments, all of which reinforce a stable and predictable economic environment attractive to investment.

(B) Many leaders in Africa have pursued personal self-interest rather than national goals, a tendency that has been in some instances exacerbated and abetted by the manipulation of foreign governments pursuing their own agenda in the region to the detriment of the people of Africa.

(C) More violent conflict has occurred in Africa during the period between 1965 and 2005 than occurred in any other continent during that period, and the countries of Africa must engage on the individual, national, and regional level to prevent and manage conflict.

(D) The capacity to trade is constrained by a derelict or nonexistent infrastructure in most African countries as well as by the double-edged sword of tariff and nontariff barriers to trade that complicate markets and discourage investment both within and beyond the continent.

(E) The local resources for investment in people and the institutions necessary for good governance have been squandered, misappropriated, and, to an increasingly devastating effect, spent on servicing debt to the developed world. Such resources should be reoriented to serve the needs of the people through the use of debt forgiveness and support for institutional reform and internal capacity building.

(F) Failing to prevent conflict in Africa results in incalculable costs to African development and expense to the international community and the investment in preventing conflict is a fraction of such costs and expenses, in human, security, and financial terms.

(G) Despite difficulties, there is optimism and energy reflected in the scope of activities of individuals such as 2004 Nobel Peace Prize recipient, Wangari Maathai, as well as those of improved regional organizations such as the African Union and the New Partnership for Economic Development's Peer Review Mechanism, and subregional entities such as the Economic Community of West African States, the Inter-Governmental Authority on Development, and the potential of the Southern African Development Community.

(H) Political reform in Africa has produced results. For example, while in 1985 countries of sub-Saharan Africa ruled by dictators were the norm, by 2005 dictatorships are a minority and democracy has new life with governments chosen by the people increasing fourfold since 1991.

(13) The report prepared by the Commission for Africa entitled "Our Common Interest" includes the following recommendations:

(A) At this vital moment when globalization and growth, technology and trade, and mutual security concerns allow, and common humanity demands, a substantial tangible and coherent package of actions should immediately be taken by the international community, led by the most industrialized countries, in partnership with the countries of Africa, to address the poverty and underdevelopment of the African continent.

(B) The people of Africa must take responsibility and show courageous leadership in addressing problems and taking ownership of solutions as the means for ensuring sustainable development, while implementing governance reform as an underlying prerequisite for foreign assistance effectiveness.

(C) Each developed country has unique strengths and capacity to add value to a comprehensive assistance plan and should join their individual efforts to a coherent whole that is more efficient and responsive to Africa and the people of Africa.

(D) The international community must honor existing commitments to strengthen African peacekeeping capacity and go beyond those commitments to invest in more effective prevention and nonmilitary means to resolve conflict through such regional organizations as the African Union and the subregional Economic Community for West African States.

(E) A massive investment in physical infrastructure should be made to support commerce, extend governance, and provide opportunities for education, healthcare, investment and growth.

(F) Donors and the governments of the countries of Africa should devote substantial investment in the men and women of Africa through the education and health sectors, enabling and extending recent gains made to reach far more broadly into remote regions.

(G) The public sector should actively engage the private sector in driving growth through partnerships by reforming the laws, bureaucracy, and infrastructure necessary to maintain a climate that fosters investment by developing public-private centers of excellence to pursue such reforms.

(H) The countries of Africa must maximize the participation of women in both business and government, protect the rights of women, and work to increase the number of women in leadership positions so as to capitalize on the ability of women to deliver scarce resources effectively and fairly.

(I) The international community must work together to dismantle trade barriers, including the immediate elimination of trade-distorting commodity support.

(J) International donors should strengthen multilateral institutions in Africa to respond appropriately to local and regional crises as well as to promote economic development and ensure the people of Africa are granted a stronger voice in international forums.

(K) The international community must join in providing creative incentives for commercial firms to research and develop products that improve water, sanitation, health, and the environment in ways that would dramatically reduce suffering and increase productive life-spans in Africa.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) GROUP OF EIGHT.—The term "Group of Eight" means the forum for addressing international economic, political, and social issues attended by representatives of Canada, France, Germany, Italy, Japan, Russia, the United Kingdom, and the United States.

(3) MILLENNIUM DEVELOPMENT GOALS.—The term "Millennium Development Goals" means the goals set out in United Nations Millennium Declaration, resolution 55/1 adopted by the General Assembly of the United Nations on September 8, 2000.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the President should continue to provide the leadership necessary at the summit of the Group of Eight scheduled for July 2005 at Gleneagles, Scotland, to encourage other countries to develop a true partnership to pursue the Millennium Development Goals;

(2) the President should urge the Group of Eight to consider the findings and recommendations contained in the report prepared by the Commission for Africa entitled

"Our Common Interest", as a fundamental guide on which to base their planning, in partnership with the nations of Africa, for the development of Africa:

(3) the Group of Eight, as well as governments of the countries of Africa and regional organizations of such governments, should reaffirm and honor the commitments made in the Africa Action Plan enacted by the Group of Eight in previous years; and

(4) the international community should pursue further progress toward achieving the Millennium Development Goals at the summit of the Group of Eight scheduled for July 2005, the United Nations summit scheduled for September 2005, and the Sixth Ministerial Conference of the World Trade Organization scheduled for December 2005.

SEC. 5. REPORT.

(a) REQUIREMENT.—Not later than 60 days after the date of the conclusion of the World Trade Organization Ministerial meeting in Hong Kong that is scheduled to be held December 13 through December 18, 2005, the Secretary of State in consultation with other appropriate United States and international agencies shall submit a report to the appropriate congressional committees on the progress the international community is making toward achieving the Millennium Development Goals.

(b) CONTENT.—The report required by subsection (a) shall include the following:

(1) A review of the commitments made by the United States and other members of the international community at the summit of the Group of Eight scheduled for July 2005, the United Nations summit scheduled for September 2005, and the Sixth Ministerial Conference of the World Trade Organization scheduled for December 2005, that pertain to the ability of the developing world to achieve the Millennium Development Goals.

(2) A review of United States policies and progress toward achieving the Millennium Development Goals by 2015, as well as policies to provide continued leadership in achieving such goals by 2015.

(3) An evaluation of the contributions of other national and international actors in achieving the Millennium Development Goals by 2015.

(4) An assessment of the likelihood that the Millennium Development Goals will be achieved.

By Mr. HATCH (for himself, Mr. DODD, Mr. BURR, Mr. REED, and Mr. ENSIGN):

S. 1317. A bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood; to the Committee on Health, Education, Labor, and Pensions.

Mr. HATCH. Mr. President, today, I am pleased to introduce "The Bone Marrow and Cord Blood Therapy and Research Act of 2005." I am grateful that Senators DODD, BURR, REED and ENSIGN have joined me as sponsors of this important, bipartisan bill. All five sponsors of this bill have been working on this legislation for the past few months. We have met with organizations that are deeply interested in participating in this new program and heard their input. We talked to other Senators, including members of the Senate Health, Education, Labor and Pension Committee, who have a deep commitment to getting this legislation signed into law by the President. This bill was a group effort and I commend the sponsors of this bill on a job well done.

I am pleased that this legislation will be considered by the Senate HELP Committee on Wednesday; we are hopeful it will then be passed by the Senate in the near future. HELP Chairman ENZI and Ranking Democrat KENNEDY and their staffs have been very supportive of our efforts in getting this bill through the Senate in a timely manner. I greatly appreciate their willingness to work with all of us on this important issue.

As many of my colleagues know, I introduced a bill earlier this year S. 681, the Cord Blood Stem Cell Act of 2005. I have introduced that legislation during the past three Congresses. The bill I have introduced with my colleagues today is a much improved version of my original cord blood legislation, primarily because it reflects a compromise between the key stakeholder groups that are deeply interested in providing federal funding to establish cord blood banks for public use. This legislation creates an easily accessible network of adult stem cell transplant material for the treatment of patients and supports the research into the uses of such cells.

One of the biggest changes in this bill is the establishment of a three year demonstration project for the collection and storage of cord blood units for a family in which a child has been diagnosed with a condition that will benefit from a cord blood transplant at no cost to the family. When we were meeting with individuals interested in this legislation, we were told by scientific experts that the most successful cord blood transplants come from a sibling's cord blood. Once a cord blood unit is put in a public cord blood bank, there is no guarantee that a family will be able to get that specific cord blood unit back if it is needed. Therefore, we believed that it was necessary to create this demonstration project so that families would have immediate access to its cord blood units. It is important to emphasize that the only families that may participate in this demonstration project are those that have a sick child or parent.

In addition, this legislation includes language calling for single point of access. The purpose of a single point of access is to provide health care providers with the ability to search for bone marrow donors and cord blood units through a single electronic point of access. Today, doctors have to search several places in order to find available cord blood units and bone marrow donors. A single point of access improves this process dramatically for both doctor and patient by making the search process much more efficient.

There is strong, bipartisan interest throughout the Congress for using adult stem cells to treat a wide variety of medical conditions. Our bill not only reauthorizes the National Marrow Donor Program, but it also creates a national network of public cord blood banks. Together, these two programs for umbilical cord blood and adult bone marrow will provide us with a widely-accepted source of hematopoietic stem cells for transplant and research.

For several decades, thousands of Americans have received and been saved by bone marrow transplants. But thousands more die for lack of an appropriate donor. The good news is that research now suggests that the blood and stem cells from human placenta and umbilical cords may in some cases provide an alternative to bone marrow transplantation. For some patients, particularly those for whom a bone marrow match cannot be found, transplantation of these cells may be a life-saving therapy. Cord blood stem cells are readily available, and they require less-stringent matching from donors to recipients, thus decreasing the difficulty of finding a fully matched donor.

Cord blood transplantation has been used successfully to treat leukemia, lymphoma, immunodeficiency diseases, sickle cell anemia, and certain metabolic diseases. However, the number of available cord blood stem cell units in the United States is insufficient to meet the need. The Bone Marrow and Cord Blood Therapy and Research Act of 2005 will establish an inventory of 150,000 new cord blood stem cell units that reflects the diversity of the United States' population. In conjunction with the five million potential bone marrow donors registered through the National Marrow Donor Program, this cord blood network will enable 95 percent of Americans to receive an appropriately matched transplant.

The Bone Marrow and Cord Blood Therapy and Research Act of 2005 also incorporates recommendations from the Institute of Medicine's recent report on cord blood. The Institute provided Congress with guidelines and recommendations to enhance the structure, function, and utility of the program. As a result, I am confident that this Nation's system for obtaining adult stem cells for transplantation purposes will improve dramatically, and that many more of our citizens will have access to the life-saving therapies they offer. Through transplants of this nature, we can finally cure previously incurable diseases such as sickle cell anemia. It is my hope that this legislation will help us ensure that children with this and other illnesses will be able to achieve their full potential, unhindered by poor health.

My goal, which I share with the other sponsors of this bill, is to create the best possible system to provide patients, clinicians, and families with access to these life-saving treatments. I believe the current bill does this by ensuring that the number of bone marrow donors and cord blood units available for transplant and research increases in the coming years.

The integrated system will include not only the international bone marrow donor registry, but also a network of qualified cord blood banks which will collect, test, and preserve cord blood stem cells. In addition, the system will educate and recruit donors, facilitate the rapid matching of donors and recipients, and quickly make such cells available to transplant centers for stem cell transplantation.

The establishment of a national infrastructure for transplant material will help save the lives of thousands of critically ill Americans. We must be sure that our Nation can meet the needs of patients and physicians by ensuring a strong future for bone marrow and cord blood in this country. My primary goal is to ensure that the amount of transplant material available for patient care and research increases in the coming years. The only way that goal may be accomplished is through strong federal support. I look forward to working with my colleagues on doing everything possible to provide transplant patients with the best possible options by ensuring a strong future for bone marrow and cord blood transplantation in this country. This is a good bill and I urge my colleagues to support it.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1317

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bone Marrow and Cord Blood Therapy and Research Act of 2005".

SEC. 2. CORD BLOOD INVENTORY.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into one-time contracts with qualified cord blood banks to assist in the collection and maintenance of 150,000 new units of high-quality cord blood to be made available for transplantation through the Bone Marrow and Cord Blood Cell Transplantation Program and to carry out the requirements of subsection (b).

(b) REQUIREMENTS.—The Secretary shall require each recipient of a contract under this section—

(1) to acquire, tissue-type, test, cryopreserve, and store donated units of cord blood acquired with the informed consent of the donor in a manner that complies with applicable Federal and State regulations;

(2) to encourage donation from a genetically diverse population;

(3) to make cord blood units that are collected pursuant to this section or otherwise and meet all applicable Federal standards available to transplant centers for transplantation;

(4) to make cord blood units that are collected, but not appropriate for clinical use, available for peer-reviewed research;

(5) to make data available, as required by the Secretary and consistent with section 379(c)(3) of the Public Health Service Act (42 U.S.C. 274k(c)(3)), as amended by this Act, in a standardized electronic format, as determined by the Secretary, for the Bone Marrow and Cord Blood Cell Transplantation Program; and

(6) to submit data in a standardized electronic format for inclusion in the stem cell therapeutic outcomes database maintained under section 379A of the Public Health Service Act, as amended by this Act.

(c) RELATED CORD BLOOD DONORS.—

(1) IN GENERAL.—The Secretary shall establish a 3-year demonstration project under which qualified cord blood banks receiving a contract under this section may use a portion of the funding under such contract for the collection and storage of cord blood units for a family where a first-degree relative has been diagnosed with a condition that will benefit from transplantation (including selected blood disorders, malignancies, metabolic storage disorders, hemoglobinopathies, and congenital immunodeficiencies) at no cost to such family. Qualified cord blood banks collecting cord blood units under this paragraph shall comply with the requirements of paragraphs (1), (2), (3), and (5) of subsection (b).

(2) AVAILABILITY.—Qualified cord blood banks that are operating a program under paragraph (1) shall provide assurances that the cord blood units in such banks will be available for directed transplantation until such time that the cord blood unit is released for transplantation or is transferred by the family to the Bone Marrow and Cord Blood Cell Transplantation Program in accordance with guidance or regulations promulgated by the Secretary.

(3) INVENTORY.—Cord blood units collected through the program under this section shall not be counted toward the 150,000 inventory goal under the Bone Marrow and Cord Blood Cell Transplantation Program.

(4) REPORT.—Not later than 90 days after the date on which the project under paragraph (1) is terminated by the Secretary, the Secretary shall submit to Congress a report on the outcomes of the project that shall include the recommendations of the Secretary with respect to the continuation of such project.

(d) APPLICATION.—To seek to enter into a contract under this section, a qualified cord blood bank shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, an application for a contract under this section shall include a requirement that the applicant—

(1) will participate in the Bone Marrow and Cord Blood Cell Transplantation Program for a period of at least 10 years;

(2) will make cord blood units collected pursuant to this section available through the Bone Marrow and Cord Blood Cell Transplantation Program in perpetuity; and

(3) if the Secretary determines through an assessment, or through petition by the applicant, that a cord blood bank is no longer operational or does not meet the requirements of section 379(c)(4) of the Public Health Service Act (as added by this Act) and as a result may not distribute the units, transfer the units collected pursuant to this section to another qualified cord blood bank approved by the Secretary to ensure continued availability of cord blood units.

(e) DURATION OF CONTRACTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the term of each contract entered into by the Secretary under this section shall be for 10 years. The Secretary shall ensure that Federal funds provided under any such contract terminate on the earlier of—

(A) the date that is 3 years after the date on which the contract is entered into; or

(B) September 30, 2010.

(2) EXTENSIONS.—Subject to paragraph (1)(B), the Secretary may extend the period of funding under a contract under this section to exceed a period of 3 years if—

(A) the Secretary finds that 150,000 new units of high-quality cord blood have not yet been collected pursuant to this section; and

(B) the Secretary does not receive an application for a contract under this section from any qualified cord blood bank that has not previously entered into a contract under this section or the Secretary determines that the outstanding inventory need cannot be met by the one or more qualified cord blood banks that have submitted an application for a contract under this section.

(3) PREFERENCE.—In considering contract extensions under paragraph (2), the Secretary shall give preference to qualified cord blood banks that the Secretary determines have demonstrated a superior ability to satisfy the requirements described in subsection (b) and to achieve the overall goals for which the contract was awarded.

(f) REGULATIONS.—The Secretary may promulgate regulations to carry out this section.

(g) DEFINITIONS.—In this section:

(1) The term "Bone Marrow and Cord Blood *Cell Transplantation Program*" means the Bone Marrow and Cord Blood Cell Transplantation Program under section 379 of the Public Health Service Act, as amended by this Act.

(2) The term "cord blood donor" means a mother who has delivered a baby and consents to donate the neonatal blood remaining in the placenta and umbilical cord after separation from the newborn baby.

(3) The term "cord blood unit" means the neonatal blood collected from the placenta and umbilical cord of a single newborn baby.

(4) The term "first-degree relative" means a sibling or parent who is one meiosis away from a particular individual in a family.

(5) The term "qualified cord blood bank" has the meaning given to that term in section 379(c)(4) of the Public Health Service Act, as amended by this Act.

(6) The term "Secretary" means the Secretary of Health and Human Services.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) EXISTING FUNDS.—Any amounts appropriated to the Secretary for fiscal year 2004 or 2005 for the purpose of assisting in the collection or maintenance of cord blood shall remain available to the Secretary until the end of fiscal year 2007.

(2) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated to the Secretary $15,000,000 for each of fiscal years 2007, 2008, 2009, and 2010 to carry out this section.

(3) LIMITATION.—Not to exceed 5 percent of the amount appropriated under this section

in each of fiscal years 2007 through 2009 may be used to carry out the demonstration project under subsection (c).

SEC. 3. BONE MARROW AND CORD BLOOD CELL TRANSPLANTATION PROGRAM.

(a) NATIONAL PROGRAM.—Section 379 of the Public Health Service Act (42 U.S.C. 274k) is amended to read as follows:

"SEC. 379. NATIONAL PROGRAM.

"(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall by one or more contracts establish and maintain a Bone Marrow and Cord Blood Cell Transplantation Program (referred to in this section as the 'Program') that has the purpose of increasing the number of transplants for recipients suitably matched to biologically unrelated donors of bone marrow and cord blood, and that meets the requirements of this section. The Secretary may award a separate contract to perform each of the major functions of the Program described in paragraphs (1) and (2) of subsection (c) if deemed necessary by the Secretary to operate an effective and efficient system that is in the best interest of patients. The Secretary shall conduct a separate competition for the initial establishment of the cord blood functions of the Program. The Program shall be under the general supervision of the Secretary. The Secretary shall establish an Advisory Council to advise, assist, consult with, and make recommendations to the Secretary on matters related to the activities carried out by the Program. The members of the Advisory Council shall be appointed in accordance with the following:

"(1) Each member of the Advisory Council shall serve for a term of 2 years, and each such member may serve as many as 3 consecutive 2-year terms, except that

"(A) such limitations shall not apply to the Chair of the Advisory Council (or the Chair-elect) or to the member of the Advisory Council who most recently served as the Chair; and

"(B) 1 additional consecutive 2-year term may be served by any member of the Advisory Council who has no employment, governance, or financial affiliation with any donor center, recruitment organization, transplant center, or cord blood bank.

"(2) A member of the Advisory Council may continue to serve after the expiration of the term of such member until a successor is appointed.

"(3) In order to ensure the continuity of the Advisory Council, the Advisory Council shall be appointed so that each year the terms of approximately one-third of the members of the Advisory Council expire.

"(4) The membership of the Advisory Council—

"(A) shall include as voting members a balanced number of representatives including representatives of marrow donor centers and marrow transplant centers, representatives of cord blood banks and participating birthing hospitals, recipients of a bone marrow transplant, recipients of a cord blood transplant, persons who require such transplants, family members of such a recipient or family members of a patient who has requested the assistance of the Program in searching for an unrelated donor of bone marrow or cord blood, persons with expertise in bone marrow and cord blood transplantation, persons with expertise in typing, matching, and transplant outcome data analysis, persons with expertise in the social sciences, basic scientists with expertise in the biology of adult stem cells, and members of the general public; and

"(B) shall include as nonvoting members representatives from the Department of Defense Marrow Donor Recruitment and Research Program operated by the Department of the Navy, the Division of Transplantation of the Health Resources and Services Administration, the Food and Drug Administration, and the National Institutes of Health.

"(5) Members of the Advisory Council shall be chosen so as to ensure objectivity and balance and reduce the potential for conflicts of interest. The Secretary shall establish bylaws and procedures—

"(A) to prohibit any member of the Advisory Council who has an employment, governance, or financial affiliation with a donor center, recruitment organization, transplant center, or cord blood bank from participating in any decision that materially affects the center, recruitment organization, transplant center, or cord blood bank; and

"(B) to limit the number of members of the Advisory Council with any such affiliation.

"(6) The Secretary, acting through the Advisory Council, shall submit to the Congress—

"(A) an annual report on the activities carried out under this section; and

"(B) not later than 6 months after the date of the enactment of the Bone Marrow and Cord Blood Therapy and Research Act of 2005, a report of recommendations on the scientific factors necessary to define a cord blood unit as a high-quality unit.

"(b) ACCREDITATION.—The Secretary shall, through a public process, recognize one or more accreditation entities for the accreditation of cord blood banks.

"(c) FUNCTIONS.—

"(1) BONE MARROW FUNCTIONS.—With respect to bone marrow, the Program shall—

"(A) operate a system for listing, searching, and facilitating the distribution of bone marrow that is suitably matched to candidate patients;

"(B) consistent with paragraph (3), permit transplant physicians, other appropriate health care professionals, and patients to search by means of electronic access all available bone marrow donors listed in the Program;

"(C) carry out a program for the recruitment of bone marrow donors in accordance with subsection (d), including with respect to increasing the representation of racial and ethnic minority groups (including persons of mixed ancestry) in the enrollment of the Program;

"(D) maintain and expand medical contingency response capabilities, in coordination with Federal programs, to prepare for and respond effectively to biological, chemical, or radiological attacks, and other public health emergencies that can damage marrow, so that the capability of supporting patients with marrow damage from disease can be used to support casualties with marrow damage;

"(E) carry out informational and educational activities in accordance with subsection (d);

"(F) at least annually update information to account for changes in the status of individuals as potential donors of bone marrow;

"(G) provide for a system of patient advocacy through the office established under subsection (g);

"(H) provide case management services for any potential donor of bone marrow to whom the Program has provided a notice that the potential donor may be suitably matched to a particular patient through the office established under subsection (g);

"(I) with respect to searches for unrelated donors of bone marrow that are conducted through the system under subparagraph (A), collect, analyze, and publish data in a standardized electronic format on the number and percentage of patients at each of the various stages of the search process, including data regarding the furthest stage reached, the number and percentage of patients who are unable to complete the search process, and the reasons underlying such circumstances;

"(J) support studies and demonstration and outreach projects for the purpose of increasing the number of individuals who are willing to be marrow donors to ensure a genetically diverse donor pool; and

"(K) facilitate and support research to improve the availability, efficiency, safety, and cost of transplants from unrelated donors and the effectiveness of Program operations.

"(2) CORD BLOOD FUNCTIONS.—With respect to cord blood, the Program shall—

"(A) operate a system for listing, searching, and facilitating the distribution of donated cord blood units that are suitably matched to candidate patients and meet all applicable Federal and State regulations (including informed consent and Food and Drug Administration regulations) from a qualified cord blood bank;

"(B) consistent with paragraph (3), allow transplant physicians, other appropriate health care professionals, and patients to search by means of electronic access all available cord blood units made available through the Program;

"(C) allow transplant physicians and other appropriate health care professionals to reserve, as defined by the Secretary, a cord blood unit for transplantation;

"(D) support studies and demonstration and outreach projects for the purpose of increasing cord blood donation to ensure a genetically diverse collection of cord blood units;

"(E) provide for a system of patient advocacy through the office established under subsection (g);

"(F) coordinate with the qualified cord blood banks to carry out informational and educational activities in accordance with subsection (f);

"(G) maintain and expand medical contingency response capabilities, in coordination with Federal programs, to prepare for and respond effectively to biological, chemical, or radiological attacks, and other public health emergencies that can damage marrow, so that the capability of supporting patients with marrow damage from disease can be used to support casualties with marrow damage; and

"(H) with respect to the system under subparagraph (A), collect, analyze, and publish data in a standardized electronic format, as required by the Secretary, on the number and percentage of patients at each of the various stages of the search process, including data regarding the furthest stage reached, the number and percentage of patients who are unable to complete the search process, and the reasons underlying such circumstances.

"(3) SINGLE POINT OF ACCESS; SUBMISSION OF DATA.—

"(A) SINGLE POINT OF ACCESS.—The Secretary shall ensure that health care professionals and patients are able to, at a minimum, locate, consistent with the functions described in paragraphs (1)(A) and (2)(A), cells from bone marrow donors and cord blood units through a single electronic point of access.

"(B) STANDARD DATA.—The Secretary shall require all recipients of contracts under this section to make available a standard dataset for purposes of subparagraph (A) in a standardized electronic format the enables transplant physicians to compare among and between bone marrow donors and cord blood units to ensure the best possible match for the patient.

“(4) Definition.—The term ‘qualified cord blood bank’ means a cord blood bank that—

“(A) has obtained all applicable Federal and State licenses, certifications, registrations (including pursuant to the regulations of the Food and Drug Administration), and other authorizations required to operate and maintain a cord blood bank;

“(B) has implemented donor screening, cord blood collection practices, and processing methods intended to protect the health and safety of donors and transplant recipients to improve transplant outcomes, including with respect to the transmission of potentially harmful infections and other diseases;

“(C) is accredited by an accreditation entity recognized by the Secretary under subsection (b);

“(D) has established a system of strict confidentiality to protect the identity and privacy of patients and donors in accordance with existing Federal and State law;

“(E) has established a system for encouraging donation by a genetically diverse group of donors; and

“(F) has established a system to confidentially maintain linkage between a cord blood unit and a maternal donor.

“(d) Bone Marrow Recruitment; Priorities; Information and Education.—

“(1) Recruitment; priorities.—The Program shall carry out activities for the recruitment of bone marrow donors. Such recruitment program shall identify populations that are underrepresented among potential donors enrolled with the Program. In the case of populations that are identified under the preceding sentence:

“(A) The Program shall give priority to carrying out activities under this part to increase representation for such populations in order to enable a member of such a population, to the extent practicable, to have a probability of finding a suitable unrelated donor that is comparable to the probability that an individual who is not a member of an underrepresented population would have.

“(B) The Program shall consider racial and ethnic minority groups (including persons of mixed ancestry) to be populations that have been identified for purposes of this paragraph, and shall carry out subparagraph (A) with respect to such populations.

“(2) Information and education regarding recruitment; testing and enrollment.—

“(A) In general.—The Program shall carry out informational and educational activities, in coordination with organ donation public awareness campaigns operated through the Department of Health and Human Services, for purposes of recruiting individuals to serve as donors of bone marrow, and shall test and enroll with the Program potential bone marrow donors. Such information and educational activities shall include the following:

“(i) Making information available to the general public, including information describing the needs of patients with respect to donors of bone marrow.

“(ii) Educating and providing information to individuals who are willing to serve as potential bone marrow donors.

“(iii) Training individuals in requesting individuals to serve as potential bone marrow donors.

“(B) Priorities.—In carrying out informational and educational activities under subparagraph (A), the Program shall give priority to recruiting individuals to serve as donors of bone marrow for populations that are identified under paragraph (1).

“(3) Transplantation as treatment option.—In addition to activities regarding recruitment, the recruitment program under paragraph (1) shall provide information to physicians, other health care professionals, and the public regarding bone marrow transplants from unrelated donors as a treatment option.

“(4) Implementation of subsection.—The requirements of this subsection shall be carried out by the entity that has been awarded a contract by the Secretary under subsection (a) to carry out the functions described in subsection (c)(1).

“(e) Bone Marrow Criteria, Standards, and Procedures.—The Secretary shall enforce, for participating entities, including the Program, individual marrow donor centers, marrow donor registries, marrow collection centers, and marrow transplant centers—

“(1) quality standards and standards for tissue typing, obtaining the informed consent of donors, and providing patient advocacy;

“(2) donor selection criteria, based on established medical criteria, to protect both the donor and the recipient and to prevent the transmission of potentially harmful infectious diseases such as the viruses that cause hepatitis and the etiologic agent for Acquired Immune Deficiency Syndrome;

“(3) procedures to ensure the proper collection and transportation of the marrow;

“(4) standards for the system for patient advocacy operated under subsection (g), including standards requiring the provision of appropriate information (at the start of the search process and throughout the process) to patients and their families and physicians;

“(5) standards that—

“(A) require the establishment of a system of strict confidentiality of records relating to the identity, address, HLA type, and managing marrow donor center for marrow donors and potential marrow donors; and

“(B) prescribe the purposes for which the records described in subparagraph (A) may be disclosed, and the circumstances and extent of the disclosure; and

“(6) in the case of a marrow donor center or marrow donor registry participating in the program, procedures to ensure the establishment of a method for integrating donor files, searches, and general procedures of the center or registry with the Program.

“(f) Cord Blood Recruitment; Priorities; Information and Education.—

“(1) Recruitment; priorities.—The Program shall support activities, in cooperation with qualified cord blood banks, for the recruitment of cord blood donors. Such recruitment program shall identify populations that are underrepresented among cord blood donors. In the case of populations that are identified under the preceding sentence:

“(A) The Program shall give priority to supporting activities under this part to increase representation for such populations in order to enable a member of such a population, to the extent practicable, to have a probability of finding a suitable cord blood unit that is comparable to the probability that an individual who is not a member of an underrepresented population would have.

“(B) The Program shall consider racial and ethnic minority groups (including persons of mixed ancestry) to be populations that have been identified for purposes of this paragraph, and shall support activities under subparagraph (A) with respect to such populations.

“(2) Information and education regarding recruitment; testing and donation.—

“(A) In general.—In carrying out the recruitment program under paragraph (1), the Program shall support informational and educational activities in coordination with qualified cord blood banks and organ donation public awareness campaigns operated through the Department of Health and Human Services, for purposes of recruiting pregnant women to serve as donors of cord blood. Such information and educational activities shall include the following:

“(i) Making information available to the general public, including information describing the needs of patients with respect to cord blood units.

“(ii) Educating and providing information to pregnant women who are willing to donate cord blood units.

“(iii) Training individuals in requesting pregnant women to serve as cord blood donors.

“(B) Priorities.—In carrying out informational and educational activities under subparagraph (A), the Program shall give priority to supporting the recruitment of pregnant women to serve as donors of cord blood for populations that are identified under paragraph (1).

“(3) Transplantation as treatment option.—In addition to activities regarding recruitment, the recruitment program under paragraph (1) shall provide information to physicians, other health care professionals, and the public regarding cord blood transplants from donors as a treatment option.

“(4) Implementation of subsection.—The requirements of this subsection shall be carried out by the entity that has been awarded a contract by the Secretary under subsection (a) to carry out the functions described in subsection (c)(2).

“(g) Patient Advocacy and Case Management for Bone Marrow and Cord Blood.—

“(1) In general.—The Secretary shall establish and maintain, through a contract or other means determined appropriate by the Secretary, an office of patient advocacy (in this subsection referred to as the ‘Office’).

“(2) General functions.—The Office shall meet the following requirements:

“(A) The Office shall be headed by a director.

“(B) The Office shall be staffed by individuals with expertise in bone marrow and cord blood therapy covered under the Program.

“(C) The Office shall operate a system for patient advocacy, which shall be separate from mechanisms for donor advocacy, and which shall serve patients for whom the Program is conducting, or has been requested to conduct, a search for a bone marrow donor or cord blood unit.

“(D) In the case of such a patient, the Office shall serve as an advocate for the patient by directly providing to the patient (or family members, physicians, or other individuals acting on behalf of the patient) individualized services with respect to efficiently utilizing the system under paragraphs (1) and (2) of subsection (c) to conduct an ongoing search for a bone marrow donor or cord blood unit and assist with information regarding third party payor matters.

“(E) In carrying out subparagraph (D), the Office shall monitor the system under paragraphs (1) and (2) of subsection (c) to determine whether the search needs of the patient involved are being met, including with respect to the following:

"(i) Periodically providing to the patient (or an individual acting on behalf of the patient) information regarding bone marrow donors or cord blood units that are suitably matched to the patient, and other information regarding the progress being made in the search.

"(ii) Informing the patient (or such other individual) if the search has been interrupted or discontinued.

"(iii) Identifying and resolving problems in the search, to the extent practicable.

"(F) The Office shall ensure that the following data are made available to patients:

"(i) The resources available through the Program.

"(ii) A comparison of transplant centers regarding search and other costs that prior to transplantation are charged to patients by transplant centers.

"(iii) The post-transplant outcomes for individual transplant centers.

"(iv) Information concerning issues that patients may face after a transplant.

"(v) Such other information as the Program determines to be appropriate.

"(G) The Office shall conduct surveys of patients (or family members, physicians, or other individuals acting on behalf of patients) to determine the extent of satisfaction with the system for patient advocacy under this subsection, and to identify ways in which the system can be improved to best meet the needs of patients.

"(3) CASE MANAGEMENT.—

"(A) IN GENERAL.—In serving as an advocate for a patient under paragraph (2), the Office shall provide individualized case management services directly to the patient (or family members, physicians, or other individuals acting on behalf of the patient), including—

"(i) individualized case assessment; and

"(ii) the functions described in paragraph (2)(D) (relating to progress in the search process).

"(B) POSTSEARCH FUNCTIONS.—In addition to the case management services described in paragraph (1) for patients, the Office shall, on behalf of patients who have completed the search for a bone marrow donor or cord blood unit, provide information and education on the process of receiving a transplant, including the post-transplant process.

"(h) COMMENT PROCEDURES.—The Secretary shall establish and provide information to the public on procedures under which the Secretary shall receive and consider comments from interested persons relating to the manner in which the Program is carrying out the duties of the Program.

"(i) CONSULTATION.—In developing policies affecting the Program, the Secretary shall consult with the Advisory Council, the Department of Defense Marrow Donor Recruitment and Research Program operated by the Department of the Navy, and the board of directors of each entity awarded a contract under this section.

"(j) CONTRACTS.—

"(1) APPLICATION.—To be eligible to enter into a contract under this section, an entity shall submit to the Secretary and obtain approval of an application at such time, in such manner, and containing such information as the Secretary shall by regulation prescribe.

"(2) CONSIDERATIONS.—In awarding contracts under this section, the Secretary shall give consideration to the continued safety of donors and patients and other factors deemed appropriate by the Secretary.

"(k) ELIGIBILITY.—Entities eligible to receive a contract under this section shall include private nonprofit entities.

"(l) RECORDS.—

"(1) RECORDKEEPING.—Each recipient of a contract or subcontract under subsection (a) shall keep such records as the Secretary shall prescribe, including records that fully disclose the amount and disposition by the recipient of the proceeds of the contract, the total cost of the undertaking in connection with which the contract was made, and the amount of the portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) EXAMINATION OF RECORDS.—The Secretary and the Comptroller General of the United States shall have access to any books, documents, papers, and records of the recipient of a contract or subcontract entered into under this section that are pertinent to the contract, for the purpose of conducting audits and examinations.

"(m) PENALTIES FOR DISCLOSURE.—Any person who discloses the content of any record referred to in subsection (c)(4)(D) or (e)(5)(A) without the prior written consent of the donor or potential donor with respect to whom the record is maintained, or in violation of the standards described in subsection (e)(5)(B), shall be imprisoned for not more than 2 years or fined in accordance with title 18, United States Code, or both.".

(b) STEM CELL THERAPEUTIC OUTCOMES DATABASE.—Section 379A of the Public Health Service Act (42 U.S.C. 274l) is amended to read as follows:

"SEC. 379A. STEM CELL THERAPEUTIC OUTCOMES DATABASE.

"(a) ESTABLISHMENT.—The Secretary shall by contract establish and maintain a scientific database of information relating to patients who have been recipients of a stem cell therapeutics product (including bone marrow, cord blood, or other such product) from a donor.

"(b) INFORMATION.—The outcomes database shall include information in a standardized electronic format with respect to patients described in subsection (a), diagnosis, transplant procedures, results, long-term follow-up, and such other information as the Secretary determines to be appropriate, to conduct an ongoing evaluation of the scientific and clinical status of transplantation involving recipients of a stem cell therapeutics product from a donor.

"(c) ANNUAL REPORT ON PATIENT OUTCOMES.—The Secretary shall require the entity awarded a contract under this section to submit to the Secretary an annual report concerning patient outcomes with respect to each transplant center, based on data collected and maintained by the entity pursuant to this section.

"(d) PUBLICLY AVAILABLE DATA.—The outcomes database shall make relevant scientific information not containing individually identifiable information available to the public in the form of summaries and data sets to encourage medical research and to provide information to transplant programs, physicians, patients, entities awarded a contract under section 379 donor registries, and cord blood banks.".

(c) DEFINITIONS.—Part I of title III of the Public Health Service Act (42 U.S.C. 274k et seq.) is amended by inserting after section 379A the following:

"SEC. 379A-1. DEFINITIONS.

"In this part:

"(1) The term 'Advisory Council' means the advisory council established by the Secretary under section 379(a)(1).

"(2) The term 'bone marrow' means the cells found in adult bone marrow and peripheral blood.

"(3) The term 'outcomes database' means the database established by the Secretary under section 379A.

"(4) The term 'Program' means the Bone Marrow and Cord Blood Cell Transplantation Program established under section 379.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 379B of the Public Health Service Act (42 U.S.C. 274m) is amended to read as follows:

"SEC. 379B. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $34,000,000 for fiscal year 2006 and $38,000,000 for each of fiscal years 2007 through 2010.".

(e) CONFORMING AMENDMENTS.—Part I of title III of the Public Health Service Act (42 U.S.C. 274k et seq.) is amended in the part heading, by striking "**NATIONAL BONE MARROW DONOR REGISTRY**" and inserting " **BONE MARROW AND CORD BLOOD CELL TRANSPLANTATION PROGRAM**".

SEC. 4. REPORT ON LICENSURE OF CORD BLOOD UNITS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Commissioner of Food and Drugs, shall submit to Congress a report concerning the progress made by the Food and Drug Administration in developing requirements for the licensing of cord blood units.

Mr. DODD. Mr. President, I am pleased to join Senator HATCH, Senator BURR, Senator REED, and Senator ENSIGN in introducing legislation that will significantly benefit some of the most gravely ill patients—those in need of a blood stem cell transplant. By reauthorizing the national program for bone marrow, creating a similar program for umbilical cord blood, and expanding the national stockpile of umbilical cord blood units, this legislation will dramatically increase the chances that patients in need of a life-saving transplant will be able to find an appropriate genetic match.

The bill that we are introducing today is similar to legislation that Senator HATCH and I introduced earlier this year to create a national network of cord blood banks and a cord blood registry. However, there are two important differences. First, this legislation is consistent with recommendations made by the Institute of Medicine, IOM, in their recent report, "Cord Blood: Establishing a National Hematopoietic Stem Cell Bank Program," about the structure of a national cord blood program. Second, and more importantly, this bill would also reauthorize the national bone marrow program, and put both bone marrow and cord blood under the auspices of a single national program. This structure reflects the complimentary nature of bone marrow and cord blood, and will ensure that physicians and patients can more easily find the best possible match for transplantation.

The therapeutic benefits of bone marrow are well established. Bone marrow transplants have been used for nearly half a century to treat patients suffering from diseases such as leukemia, Hodgkin's Disease, sickle cell anemia, and others. The use of cord blood as an alternative to bone marrow is a more recent development, but one that is just as promising and exciting.

The bill that we are introducing today will begin a new national commitment to the development of this technology which has the potential to reduce pain and suffering and save the lives of so many Americans afflicted with some of the most debilitating illnesses. Cord blood has already been used successfully in treating a number of diseases, including sickle cell anemia and certain childhood cancers. However, the use of cord blood is still in an early stage relative to the use of bone marrow, and may have even broader application in the II future.

Like many Americans, I had never heard of cord blood before the birth of my first daughter, almost 4 years ago. It is not widely used—at least in this country. Approximately 95 percent of all bone marrow reconstitutions are done using a bone marrow transplant—only 5 percent use cord blood. This figure is surprising when we consider the benefits of cord blood.

First, it can be very difficult to find a suitable bone marrow donor. According to a General Accounting Office, GAO, report, of the 15,231 individuals needing bone marrow transplants between 1997 and 2000 who conducted a preliminary search of the National Bone Marrow Donor Registry, NBMDR, only 4,056 received a transplant—a 27 percent success rate. This number is even lower for minorities. Cord blood would not only produce an additional source of donation; it also does not require as exact a genetic match as bone marrow.

In addition, cord blood is readily available. While it can take months between finding a bone marrow match and actually receiving a transplant, a unit of cord blood can be utilized in a matter of days or weeks. Cord blood also lowers the risk of complications for both the donor and the recipient. The need to extract bone marrow from the donor is eliminated, and the risk of infection or rejection by the recipient is significantly reduced. Finally, research has suggested that cord blood might produce better outcomes than bone morrow in children.

Why then, given all of these benefits, has the use of cord blood not become much more prevalent in the United States? In Japan, where the use of cord blood in clinical settings is more advanced, nearly half of all transplants now use cord blood rather than bone marrow.

The relatively infrequent use of cord blood in our country is at least partly attributable to the lack of a national infrastructure for the matching and distribution of cord blood units. There are a handful of cord blood banks around the country doing excellent work, but there is a much more developed infrastructure for bone marrow. This is thanks to legislation passed by Congress in 1986 that established a national registry for bone marrow, which this bill would reauthorize. Our bill would create a similar infrastructure for cord blood, operating under the auspices of a newly established Bone Marrow and Cord Blood Cell Transplantation Program. In addition to connecting physicians and patients with a suitable bone marrow donor or cord blood unit, the program would be required to educate the general public about cord blood and bone marrow, and encourage an ethnically diverse population of donors.

Our bill would also provide grants to qualified cord blood banks to acquire 150,000 new cord blood units. This number is consistent with recommendations made by the IOM, and should be sufficient to provide a suitable match for 90 percent of the U.S. population.

Finally, the legislation authorizes an appropriation of $15 million for each of fiscal years 2007 through 2010 for the cord blood inventory grants, and $186 million over the next 5 years for the establishment and maintenance of the Bone Marrow and Cord Blood Cell Transplantation Program.

Before finishing today I would like to make it clear that, just as I believe that cord blood should act as a complement to, not a replacement for, bone marrow, I also believe that cord blood does not eliminate the need for research into the potential benefits of embryonic stem cells. Just as cord blood seems to be preferable to bone marrow for treating certain individuals or conditions—and the reverse is certainly true as well—the same may prove to be true for embryonic stem cells. Certainly, we should provide doctors with the best tools to help cure their patients, whether those tools come from bone marrow, cord blood, embryonic stem cells, or another source entirely.

I firmly believe that the strengthening of our national infrastructure for bone marrow and the creation of a similar infrastructure for cord blood will save the lives of thousands of gravely ill Americans. I urge my colleagues to support this legislation.

Mr. REED. Mr. President, I join my colleagues, Senators ENSIGN, DODD, HATCH, and BURR, in introducing the Bone Marrow and Cord Blood Therapy and Research Act of 2005. This bipartisan legislation represents a critical step forward in expanding access to lifesaving therapies to millions of patients with conditions that can be treated and even cured with bone marrow or cord blood.

The bill we are introducing today builds upon the already highly successful National Marrow Donor Program that has been in operation since 1987. In addition to reauthorizing this program, our bill calls for the establishment of a formal registry of cord blood units available for transplantation and expands to cord blood transplant recipients many of the program's existing functions, such as donor recruitment, education, information, and patient advocacy, presently available to only bone marrow recipients. It creates an umbrella program, aptly called the Bone Marrow and Cord Blood Cell Transplantation Program.

Our legislation also captures many of the key recommendations of the Institute of Medicine, IOM, in their April 2004 report entitled, "Cord Blood: Establishing a National Hematopoietip Stem Cell Bank Program." The report called for a stepped up effort to expand the inventory of cord blood units available for transplantation and, when appropriate, for research. Our bill establishes a grant program for qualified cord blood banks to help facilitate building an inventory of 150,000 new cord blood units. At that level, 95 percent of Americans with a condition that can be treated through a cord blood transplant could find a genetically suitable match. Additionally, the bill establishes an advisory council to consult and make recommendations to ensure the efficient and effective operation of the program.

Another important aspect of this bill is the creation of a demonstration project to study cord blood donations within families where a first degree relative has been I diagnosed with a condition that could benefit from a cord blood transplant. The legislation sets aside 5 percent of the cord blood inventory grants for the collection and storage of cord blood units at no cost to such families. This effort will be beneficial for families who find themselves in the tragic situation of having a sick child with another child on the way whose cord blood could provide a cure to the sibling. This demonstration program ensures that families will have this treatment option available to them.

I believe that the Bone Marrow and Cord Blood Transplantation and Research Act of 2005 represents a strong compromise that upholds the principals my colleagues and I held as essential in developing a combined bone marrow and cord blood program. The bill also builds on the many strengths of the National Marrow Donor Program, which has facilitated over 20,000 transplants since its inception and has built a donor registry of over 5.5 million potential donors.

I urge the support of all of my colleagues for this bipartisan legislation so that we can send it quickly to the President for his signature.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1020. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

SA 1021. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1022. Mr. BURNS (for Mr. FRIST (for himself and Mr. REID)) proposed an amendment to the bill H.R. 2361, supra.

SA 1023. Mr. DORGAN (for Mrs. BOXER (for herself, Mr. NELSON of Florida, Mrs. CLINTON, Mr. SCHUMER, Mr. OBAMA, Mr. JEFFORDS, and Mr. KERRY)) proposed an amendment to the bill H.R. 2361, supra.

SA 1024. Mr. DORGAN (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2361, supra.

SA 1025. Mr. DORGAN (for himself and Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, supra.

SA 1026. Mr. SUNUNU (for himself, Mr. BINGAMAN, Mr. MCCAIN, and Mr. FEINGOLD) proposed an amendment to the bill H.R. 2361, supra.

SA 1027. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1028. Mr. FRIST (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra.

SA 1029. Mr. DORGAN (for Mr. KERRY) proposed an amendment to the bill H.R. 2361, supra.

SA 1030. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, supra.

SA 1031. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, supra.

SA 1032. Mr. DORGAN (for Mr. DURBIN) proposed an amendment to the bill H.R. 2361, supra.

SA 1033. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra.

SA 1034. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1035. Mr. DORGAN (for Mr. WYDEN) proposed an amendment to the bill H.R. 2361, supra.

SA 1036. Mr. DORGAN (for Mr. REED) proposed an amendment to the bill H.R. 2361, supra.

SA 1037. Mr. DORGAN (for Mr. REED) proposed an amendment to the bill H.R. 2361, supra.

SA 1038. Mr. SALAZAR proposed an amendment to the bill H.R. 2361, supra.

SA 1039. Mr. SALAZAR proposed an amendment to the bill H.R. 2361, supra.

SA 1040. Mr. BURNS (for Mr. BOND) proposed an amendment to the bill H.R. 2361, supra.

SA 1041. Mr. BURNS (for Mr. CRAIG) proposed an amendment to the bill H.R. 2361, supra.

SA 1042. Mr. WARNER (for Mr. BURNS) proposed an amendment to the bill H.R. 2361, supra.

SA 1043. Mr. DORGAN (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2361, supra.

SA 1044. Mr. DORGAN (for Mr. BYRD) proposed an amendment to the bill H.R. 2361, supra.

SA 1045. Mr. DORGAN (for Mr. CONRAD) proposed an amendment to the bill H.R. 2361, supra.

SA 1046. Mr. DORGAN (for Mr. SARBANES (for himself, Mr. ALLEN, Mr. WARNER, and Ms. MIKULSKI)) proposed an amendment to the bill H.R. 2361, supra.

SA 1047. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1048. Mr. SMITH submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra.

SA 1049. Mr. KYL proposed an amendment to the bill H.R. 2361, supra.

SA 1050. Mr. KYL proposed an amendment to the bill H.R. 2361, supra.

SA 1051. Mr. KYL (for Mr. INHOFE) proposed an amendment to the bill H.R. 2361, supra.

SA 1052. Mr. BYRD (for Mrs. MURRAY (for herself, Mr. BYRD, Mrs. FEINSTEIN, Mr. KERRY, Mr. AKAKA, and Mr. DURBIN)) proposed an amendment to the bill H.R. 2361, supra.

SA 1053. Mr. BYRD (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2361, supra.

SA 1054. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, supra.

SA 1055. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, supra.

SA 1056. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, supra.

SA 1057. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, supra.

SA 1058. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, supra.

SA 1059. Mr. DORGAN proposed an amendment to the bill H.R. 2361, supra.

SA 1060. Mr. DORGAN (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 2361, supra.

SA 1061. Mr. DORGAN (for Mr. OBAMA) proposed an amendment to the bill H.R. 2361, supra.

SA 1062. Mr. DORGAN (for Mr. OBAMA) proposed an amendment to the bill H.R. 2361, supra.

SA 1063. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1064. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1020. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . (a) FINDINGS.—The Senate makes the following findings:

(1) The on-budget deficit for fiscal year 2005 is estimated to be $541 billion according to the Congressional Budget Office.

(2) Total publicly-held federal debt on which the American taxpayer pays interest is expected to reach $6 trillion by 2011 according to the Congressional Budget Office.

(3) The United States and its allies are currently engaged in a global war on terrorism.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) The servicemen and women of the United States Armed Forces deserve the full support of the Senate as they seek to preserve the safety and security of the American people.

(2) Activities relating to the defense of the United States and the global war on terror should be fully funded.

(3) Activities relating to the defense of the United States and the global war on terror should not be underfunded in order to support increased federal spending on non-defense discretionary activities.

(4) Any additional emergency supplemental appropriations should be offset with reductions in discretionary spending.

SA 1021. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 200, after line 2, add the following:

SEC . . None of the funds made available by this Act may be used by the Administrator of the Environmental Protection Agency to award assistance agreements to national organizations that represent the interests of State, tribal, and local governments unless the award is subject to open competition.

SA 1022. Mr. BURNS (for Mr. FRIST (for himself and Mr. REID)) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of title IV, insert the following:

SEC. ___. CONGRESSIONAL SECURITY RELATING TO CERTAIN REAL PROPERTY.

(a) IN GENERAL.—Except as provided under subsection (b)—

(1) the District of Columbia Board of Zoning Adjustments and the District of Columbia Zoning Commission may not take any action to grant any variance relating to the property located at 51 Louisiana Avenue NW, Square 631, Lot 17 in the District of Columbia; and

(2) if any variance described under paragraph (1) is granted before the effective date of this section, such variance shall be set aside and shall have no force or effect.

(b) CONDITIONS FOR VARIANCE.—A variance described under subsection (a) may be granted or shall be given force or effect if—

(1) the Capitol Police Board makes a determination that any such variance shall not—

(A) negatively impact congressional security; and

(B) increase Federal expenditures relating to congressional security;

(2) the Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives approve such determination; and

(3) the Capitol Police Board certifies the determination in writing to the District of Columbia Board of Zoning Adjustments and the District of Columbia Zoning Commission.

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply to the remaining portion of the fiscal year in which enacted and each fiscal year thereafter.

SA 1023. Mr. DORGAN (for Mrs. BOXER (for herself, Mr. NELSON of Florida, Mrs. CLINTON, Mr. SCHUMER, Mr. OBAMA, Mr. JEFFORDS, and Mr. KERRY)) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, add the following:

SEC.   . None of the funds made available in this Act may be used by the Administrator of the Environmental Protection Agency—

(1) to accept, consider, or rely on third-party intentional dosing human studies for pesticides; or

(2) to conduct intentional dosing human studies for pesticides.

SA 1024. Mr. DORGAN (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 4   . Section 114 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (16 U.S.C. 460bb-3; Public Law 108-7), is amended—

(1) in the second sentence, by inserting ", including utility expenses of the National Park Service or lessees of the National Park Service" after "Fort Baker properties"; and

(2) by inserting between the first and second sentences the following: "In furtherance of a lease entered into under the first sentence, the Secretary of the Interior or a lessee may impose fees on overnight lodgers at Fort Baker properties.".

SA 1025. Mr. DORGAN (for himself and Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of title IV, add the following:

SEC. 429. (a) IN GENERAL.—Section 7 of the Federal Reserve Act (12 U.S.C. 789 et seq.) is amended by adding at the end the following:

"(d) ADDITIONAL TRANSFERS FOR FISCAL YEAR 2006.—

"(1) IN GENERAL.—The Federal reserve banks shall transfer from the surplus funds of such banks to the Board of Governors of the Federal Reserve System for transfer to the Secretary of the Treasury for deposit in the general fund of the Treasury, a total amount of $1,000,000,000 in fiscal year 2006.

"(2) ALLOCATION BY FED.—Of the total amount required to be paid by the Federal reserve banks under paragraph (1) for fiscal year 2006, the Board of Governors of the Federal Reserve System shall determine the amount that each such bank shall pay in such fiscal year.

"(3) REPLENISHMENT OF SURPLUS FUND PROHIBITED.—No Federal reserve bank may replenish the surplus fund of such bank by the amount of any transfer by such bank under paragraph (1) during fiscal year 2006.".

(b) USE OF SURPLUS.—Of amounts transferred to the general fund of the Treasury under section 7(d) of the Federal Reserve Act, as added by this section—

(1) $140,000,000 shall be made available to the Secretary of the Interior for use by the Bureau of Indian Affairs; and

(2) $860,000,000 shall be made available to the Secretary of Health and Human Services for use by the Director of the Indian Health Service in providing Indian health care services and facilities.

SA 1026. Mr. SUNUNU (for himself, Mr. BINGAMAN, Mr. MCCAIN, and Mr. FEINGOLD) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 4   . None of the funds made available by this Act may be used to plan, design, study, or construct new forest development roads in the Tongass National Forest for the purpose of harvesting timber by private entities or individuals.

SA 1027. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 254, after line 25, add the following:

SEC. 4   . None of the funds made available by this Act may be used to carry out any study relating to bear DNA, including a bear DNA sampling study.

SA 1028. Mr. FRIST (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 4   . (a) Section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) is amended by striking "and (i)" and inserting "and (i) (except for paragraph (1)(C))".

(b) Section 4(i)(1)(C)(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(i)(1)(C)(i)) is amended—

(1) by striking "Notwithstanding subparagraph (A)" and all that follows through "or section 107" and inserting "Notwithstanding section 107"; and

(2) by striking "account under subparagraph (A)" and inserting "account under section 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806(a))".

(c) Except as provided in this section, section 4(i)(1)(C) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(i)(1)(C)) shall be applied and administered as if section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) (and the amendments made by that section) had not been enacted.

(d) This section and the amendments made by this section take effect on December 8, 2004.

SA 1029. Mr. DORGAN (for Mr. KERRY) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 429. (a) From any money in the Treasury not otherwise obligated or appropriated, there are appropriated $600,000,000 for the fiscal year ending September 30, 2005, for the Veterans Health Administration.

(b) The amount appropriated under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 1030. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 182, strike lines 20 through 25 and insert the following:

SEC. 110.(a)(1) For fiscal year 2006 and each succeeding fiscal year, any funds made available by this Act for the Southwest Indian Polytechnic Institute and Haskell Indian Nations University for postsecondary programs of the Bureau of Indian Affairs in excess of the amount made available for those postsecondary programs for fiscal year 2005 shall be allocated in direct proportion to the need of the schools, as determined in accordance with the postsecondary funding formula adopted by the Office of Indian Education Programs.

(2) For fiscal year 2007 and each succeeding fiscal year, the Bureau of Indian Affairs shall use the postsecondary funding formula adopted by the Office of Indian Education Programs based on the needs of the Southwest Indian Polytechnic Institute and Haskell Indian Nations University to justify the amounts submitted as part of the budget request of the Department of the Interior.

(b) Notwithstanding any other provision of law, $178,730 is authorized to be appropriated for the Southwest Indian Polytechnic Institute.

SA 1031. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 130, line 2, strike "$1,000,000" and insert "$1,250,000".

On page 138, line 7, strike "$2,000,000" and insert "$2,500,000".

On page 146, line 19, strike "$1,937,000" and insert "$2,500,000".

On page 211, line 25, strike "$2,000,000" and insert "$2,500,000".

SA 1032. Mr. DORGAN (for Mr. DURBIN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes: as follows:

On page 254, after line 25, add the following:

SEC. 4_____. None of the funds made available by this Act may be used in contravention of, or to delay the implementation of, Executive Order No. 12898 of February 11, 1994 (59 Fed. Reg. 7629; relating to Federal actions to address environmental justice in minority populations and low-income populations).

SA 1033. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 4_____. None of the funds made available to the Forest Service under this Act shall be expended or obligated for the demolition of buildings at the Zephyr Shoals property, Lake Tahoe, Nevada.

SA 1034. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 263, after line 25, add the following:

TITLE VI—ARABIA MOUNTAIN NATIONAL HERITAGE AREA

SEC. 601. SHORT TITLE.

This title may be cited as the "Arabia Mountain National Heritage Area Act".

SEC. 602. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Arabia Mountain area contains a variety of natural, cultural, historical, scenic, and recreational resources that together represent distinctive aspects of the heritage of the United States that are worthy of recognition, conservation, interpretation, and continuing use.

(2) The best methods for managing the resources of the Arabia Mountain area would be through partnerships between public and private entities that combine diverse resources and active communities.

(3) Davidson-Arabia Mountain Nature Preserve, a 535-acre park in DeKalb County, Georgia—

(A) protects granite outcrop ecosystems, wetland, and pine and oak forests; and

(B) includes federally-protected plant species.

(4) Panola Mountain, a national natural landmark, located in the 860-acre Panola Mountain State Conservation Park, is a rare example of a pristine granite outcrop.

(5) The archaeological site at Miners Creek Preserve along the South River contains documented evidence of early human activity.

(6) The city of Lithonia, Georgia, and related sites of Arabia Mountain and Stone Mountain possess sites that display the history of granite mining as an industry and culture in Georgia, and the impact of that industry on the United States.

(7) The community of Klondike is eligible for designation as a National Historic District.

(8) The city of Lithonia has 2 structures listed on the National Register of Historic Places.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To recognize, preserve, promote, interpret, and make available for the benefit of the public the natural, cultural, historical, scenic, and recreational resources in the area that includes Arabia Mountain, Panola Mountain, Miners Creek, and other significant sites and communities.

(2) To assist the State of Georgia and the counties of DeKalb, Rockdale, and Henry in the State in developing and implementing an integrated cultural, historical, and land resource management program to protect, enhance, and interpret the significant resources within the heritage area.

SEC. 603. DEFINITIONS.

For the purposes of this title, the following definitions apply:

(1) HERITAGE AREA.—The term "heritage area" means the Arabia Mountain National Heritage Area established by section 604.

(2) MANAGEMENT ENTITY.—The term "management entity" means the Arabia Mountain Heritage Area Alliance or a successor of the Arabia Mountain Heritage Area Alliance.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the heritage area developed under section 606.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of Georgia.

SEC. 604. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Arabia Mountain National Heritage Area in the State.

(b) BOUNDARIES.—The heritage area shall consist of certain parcels of land in the counties of DeKalb, Rockdale, and Henry in the State, as generally depicted on the map entitled "Arabia Mountain National Heritage Area", numbered AMNHA-80,000, and dated October 2003.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) MANAGEMENT ENTITY.—The Arabia Mountain Heritage Area Alliance shall be the management entity for the heritage area.

SEC. 605. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) AUTHORITIES.—For purposes of developing and implementing the management plan, the management entity may—

(1) make grants to, and enter into cooperative agreements with, the State, political subdivisions of the State, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—

(1) MANAGEMENT PLAN.—

(A) IN GENERAL.—The management entity shall develop and submit to the Secretary the management plan.

(B) CONSIDERATIONS.—In developing and implementing the management plan, the management entity shall consider the interests of diverse governmental, business, and nonprofit groups within the heritage area.

(2) PRIORITIES.—The management entity shall give priority to implementing actions described in the management plan, including the following:

(A) Assisting units of government and nonprofit organizations in preserving resources within the heritage area.

(B) Encouraging local governments to adopt land use policies consistent with the management of the heritage area and the goals of the management plan.

(3) PUBLIC MEETINGS.—The management entity shall conduct public meetings at least quarterly on the implementation of the management plan.

(4) ANNUAL REPORT.—For any year in which Federal funds have been made available under this title, the management entity shall submit to the Secretary an annual report that describes the following:

(A) The accomplishments of the management entity.

(B) The expenses and income of the management entity.

(5) AUDIT.—The management entity shall—

(A) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(B) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of those funds.

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The management entity shall not use Federal funds made available under this title to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this title precludes the management entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

SEC. 606. MANAGEMENT PLAN.

(a) IN GENERAL.—The management entity shall develop a management plan for the heritage area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, cultural, historical, scenic, and recreational resources of the heritage area.

(b) BASIS.—The management plan shall be based on the preferred concept in the document entitled "Arabia Mountain National Heritage Area Feasibility Study", dated February 28, 2001.

(c) CONSIDERATION OF OTHER PLANS AND ACTIONS.—The management plan shall—

(1) take into consideration State and local plans; and

(2) involve residents, public agencies, and private organizations in the heritage area.

(d) REQUIREMENTS.—The management plan shall include the following:

(1) An inventory of the resources in the heritage area, including—

(A) a list of property in the heritage area that—

(i) relates to the purposes of the heritage area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the heritage area.

(2) Provisions for the protection, interpretation, and enjoyment of the resources of the heritage area consistent with the purposes of this title.

(3) An interpretation plan for the heritage area.

(4) A program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the heritage area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(5) A description and evaluation of the management entity, including the membership and organizational structure of the management entity.

(e) SUBMISSION TO SECRETARY FOR APPROVAL.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this title until such date as a management plan for the heritage area is submitted to the Secretary.

(f) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (e), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) REVISION.—If the Secretary disapproves a management plan submitted under paragraph (1), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the management entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(g) REVISION OF MANAGEMENT PLAN.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any revisions to the management plan that the management entity considers to be appropriate.

(2) EXPENDITURE OF FUNDS.—No funds made available under this title shall be used to implement any revision proposed by the management entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 607. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) IN GENERAL.—At the request of the management entity, the Secretary may provide technical and financial assistance to the heritage area to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, scenic, and recreational resources that support the purposes of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources and associated values of the heritage area.

SEC. 608. EFFECT ON CERTAIN AUTHORITY.

(a) OCCUPATIONAL, SAFETY, CONSERVATION, AND ENVIRONMENTAL REGULATION.—Nothing in this title—

(1) imposes an occupational, safety, conservation, or environmental regulation on the heritage area that is more stringent than the regulations that would be applicable to the land described in section 604(b) but for the establishment of the heritage area by section 604; or

(2) authorizes a Federal agency to promulgate an occupational, safety, conservation, or environmental regulation for the heritage area that is more stringent than the regulations applicable to the land described in section 604(b) as of the date of enactment of this Act, solely as a result of the establishment of the heritage area by section 604.

(b) LAND USE REGULATION.—Nothing in this title—

(1) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act; or

(2) grants powers of zoning or land use to the management entity.

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $10,000,000, to remain available until expended, of which not more than $1,000,000 may be used in any fiscal year.

(b) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using funds made available under this title shall not exceed 50 percent.

SEC. 610. TERMINATION OF AUTHORITY.

The authority of the Secretary to make any grant or provide any assistance under this title shall terminate on September 30, 2016.

SA 1035. Mr. DORGAN (for Mr. WYDEN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 4____. Section 323(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105–277), is amended by striking "fiscal year 1999" and all that follows through "2005" and inserting "for each of fiscal years 2006 through 2015".

SA 1036. Mr. DORGAN (for Mr. REED) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 198, lines 21 and 22, strike "Notwithstanding CERCLA 104(k)(4)(B)(i)(IV), appropriated funds for fiscal year 2006" and insert the following: "Notwithstanding section 104(k)(4)(B)(i)(IV) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(4)(B)(i)(IV)), beginning in fiscal year 2006 and thereafter, appropriated funds ".

SA 1037. Mr. DORGAN (for Mr. REED) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 200, between lines 2 and 3, insert the following:

Beginning in fiscal year 2006 and thereafter, notwithstanding any other provision of law, recipients of grants provided under section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) may use the grant funds for reasonable administrative expenses, as determined by the Administrator of the Environmental Protection Agency.

SA 1038. Mr. SALAZAR proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 171, line 13, strike "$94,627,000" and insert "$87,627,000".

On page 172, line 17, strike "$235,000,000" and insert "$242,000,000".

SA 1039. Mr. SALAZAR proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 4____. (a) Notwithstanding subsection (b)(3) of section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8), any user fees collected under that Act with respect to recreational and related activities in a State shall be paid to the State in which the fees were collected.

(b) Amounts paid to a State under subsection (a) shall be in addition to, and shall not reduce, the apportionment of the collecting State under section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8(b)).

SA 1040. Mr. BURNS (for Mr. BOND) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 154, line 12, strike "That" and insert "That from the amount provided for the biological research activity, $200,000 shall be made available to the University of Missouri-Columbia to establish a wetland ecology center of excellence: *Provided further*, That".

SA 1041. Mr. BURNS (for Mr. CRAIG) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, add the following: "*Provided further*, That, subject to valid existing rights, all land and interests in land acquired in the Thunder Mountain area of the Payette National Forest (including patented claims and land that are encumbered by unpatented claims or previously appropriated funds under this section, or otherwise relinquished by a private party) are withdrawn from mineral entry or appropriation under Federal mining laws, and from leasing claims under Federal mineral and geothermal leasing laws.".

SA 1042. Mr. WARNER (for Mr. BURNS) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 149, line 7, after "acquisitions,", insert the following: "of which $4,285,000 shall be made available for the replacement of the main gate facility at the Filene Center, Wolf Trap National Park for the Performing Arts, Virginia,".

SA 1043. Mr. DORGAN (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 249, line 19, before the period, insert the following: "conducted in accordance with generally accepted full cost accounting principles".

On page 250, between lines 23 and 24, insert the following:

(e) AUDIT.—(1) In this subsection:

(A) The term "baseline organization" means the organization performing the work to be studied prior to initiation of a competitive sourcing study under this section.

(B) The term "new organization" means the private contractor, or the most efficient public agency, and associated management and oversight functions used at the conclusion of a competitive sourcing study under this section.

(2) Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct an audit of the competitive sourcing program of the Forest Service.

(3) The audit shall include—

(A) an analysis of the costs and benefits of the competitive sourcing initiative conducted by the Forest Service;

(B) an analysis of existing procedures to track (in accordance with full cost accounting principles) all costs required to calculate accurate savings or losses attributable to a competitive sourcing study, and recommendations on how the existing procedures can be improved, including all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing (including personnel, consultant, travel, and training costs associated with program management), including—

(i) costs incurred by the Forest Service before initiation of the competitive sourcing study in performing the work to be studied with the baseline organization;

(ii) costs of performing the competitive sourcing study, including—

(I) travel and per diem costs;

(II) training and communications costs;

(III) contractor costs; and

(IV) the cost to the Federal Government of Federal employees working on any aspect of the study or performing any work necessitated by the study;

(iii) costs of implementing the competitive sourcing study results, including costs described in clause (ii) and costs associated with buyouts, transfers of station, and reductions in force;

(iv) ongoing operational costs of performing the work with the new organization employed as a result of competitive sourcing study, including any modifications to the contract or letter of obligation necessitated by omissions in the statement of work of the solicitation;

(v) costs associated with oversight and maintenance of the contract or letter of obligation;

(vi) savings realized or costs borne by the Forest Service that are not included under clause (iv), including savings or costs due to—

(I) changes in the timeliness or quality of the work provided by the new organization;

(II) changes in procedures of the Forest Service necessitated by the new organization;

(III) the assignment to employees or contractors outside of the new organization of duties previously performed by the baseline organization; and

(IV) changes in the availability of personnel to perform high priority fire suppression or other emergency response work on a collateral basis; and

(vii) costs of maintaining and operating a competitive sourcing infrastructure, including office, salary, contractor, and travel costs associated with the Forest Service Competitive Sourcing Office and the cost to the Federal Government of Federal employees for the time for which the employees are managing the program;

(C) recommendations on what accounting practices should be adopted by the Forest Service to improve accountability;

(D) an evaluation of the comparative efficiencies of the Forest Service competitive sourcing and business process reengineering procedures; and

(E) an analysis of—

(i) the A-76 study that resulted in the information services organization and the continuing Federal Government activity;

(ii) the A–76 study of Region 5 fleet maintenance work that resulted in the transfer of work to Serco; and

(iii) the financial management improvement project, accomplished by means of business process reengineering.

SA 1044. Mr. DORGAN (for Mr. BYRD) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 139, line 5, before the period insert the following: ": *Provided further*, That of the total amounts made available under this heading, $350,000 shall be made available for the mussel program at the White Sulphur Springs National Fish Hatchery".

SA 1045. Mr. DORGAN (for Mr. CONRAD) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 195, line 7, after "costs", insert the following: ", of which $200,000 shall be made available for a brownfields assessment of the Fortuna Radar Site".

SA 1046. Mr. DORGAN (for Mr. SARBANES (for himself, Mr. ALLEN, Mr. WARNER, and Ms. MIKULSKI)) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 4_____. Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

"(43)(A) The Captain John Smith Chesapeake National Historic Watertrail, a series of routes extending approximately 3000 miles along the Chesapeake Bay and the tributaries of the Chesapeake Bay in the States of Virginia, Maryland, Pennsylvania, and Delaware and the District of Columbia that traces Captain John Smith's voyages charting the land and waterways of the Chesapeake Bay and the tributaries of the Chesapeake Bay.

"(B) The study shall be conducted in consultation with Federal, State, regional, and local agencies and representatives of the private sector, including the entities responsible for administering—

"(i) the Chesapeake Bay Gateways and Watertrails Network authorized under the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105-312); and

"(ii) the Chesapeake Bay Program authorized under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267).".

SA 1047. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 200, line 23, after "Fund", insert the following: "and of which $32,320,000 shall be made available for the forest stewardship program (of which $5,000,000 shall be made available for the Downeast Lakes Forestry Partnership, Maine, including for the acquisition of land by the Partnership)".

SA 1048. Mr. SMITH submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Departments of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . BISCUIT FIRE RECOVERY PROJECT, REPORT.

(a) Within 90 days of enactment of this Act, the Secretary of Agriculture shall submit to Congress a report regarding the rehabilitation of the Biscuit Fire area in southern Oregon, including:

(1) the change in reforestation capabilities and costs between the date of the containment of the Biscuit Fire and the completion of the Biscuit Fire Recovery Project, as detailed in the Record of Decision;

(2) the commercial value lost, as well as recovered, of fire-killed timber within the Biscuit Fire area; and

(3) all actions included in the Record of Decision for the Biscuit Fire Recovery Project, but forgone because of delay or funding shortfall.

SA 1049. Mr. KYL proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 195, line 9, after the semicolon, insert the following: “$500,000 shall be for debt retirement for the State Water Pollution Control Revolving Fund for the wastewater treatment plant in Safford, Arizona; $3,000,000 shall be for the expansion of the wastewater treatment plant in Lake Havasu City, Arizona; $1,000,000 shall be for the expansion of the wastewater treatment plant in Avondale, Arizona;”.

SA 1050. Mr. KYL proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 4_____. Section 604 of the Federal Water Pollution Control Act (33 U.S.C. 1384) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by striking subsection (a) and inserting the following:

“(a) DEFINITIONS.—In this subsection:

“(1) NEEDS SURVEY.—The term ‘needs survey’ means a need survey under section 516(2).

“(2) NEEDS SURVEY PERCENTAGE.—The term ‘needs survey percentage’, with respect to a State, means the percentage applicable to the State under a formula for the allotment of funds made available to carry out this section for a fiscal year to States in amounts determined by the Administrator, based on the ratio that—

“(A) the needs of a State described in categories I through VII of the most recent needs survey; bears to

“(B) the needs of all States described in categories I through VII of the most recent needs survey.

“(3) STATE.—The term ‘State’ means—

“(A) a State;

“(B) the District of Columbia; and

“(C) the Commonwealth of Puerto Rico.

“(b) ALLOCATIONS.—

“(1) IN GENERAL.—Funds made available to carry out this section for a fiscal year shall be allocated by the Administrator in accordance with this subsection.

“(2) INDIAN TRIBES.—Of the total amount of funds available for a fiscal year, the Administrator shall reserve, before making allotments to States under paragraph (4), not less than 1.5 percent of the funds to be allocated to Indian tribes (within the meaning of section 518(c)).

“(3) CERTAIN TERRITORIES AND FREELY ASSOCIATED STATES.—Of the total amount of funds made available for a fiscal year, 0.25 percent shall be allocated to and among, as determined by the Administrator—

“(A) Guam;

“(B) American Samoa;

“(C) the Commonwealth of the Northern Mariana Islands;

“(D) the Federated States of Micronesia;

“(E) the Republic of the Marshall Islands;

“(F) the Republic of Palau; and

“(G) the United States Virgin Islands.

“(4) STATES.—

“(A) TARGET ALLOCATION.—Each State shall have a target allocation for a fiscal year, which—

“(i) in the case of a State for which the needs survey percentage is less than 1.0 percent, shall be 1.0 percent; and

“(ii) in the case of any other State, shall be the most recent needs survey percentage.

“(B) UNALLOCATED BALANCE.—Any unallocated balance of available funds shall be allocated in equal parts to all States that, in the most recent needs survey, report higher total needs both in absolute dollar terms and as a percentage of total United States needs.”.

SA 1051. Mr. KYL (for Mr. INHOFE) proposed an amendment, to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year end September 30, 2006, and for other purposes; as follows:

On page 200, after line 2, the following:

SEC. .

None of the funds made available by this Act may be used by the Administrator of the Environmental Protection Agency to award assistance agreements to national organizations that represent the interests of State, tribal, and local governments unless the award is subject to open competition.

SA 1052. Mr. BYRD (for Mrs. MURRAY (for herself, Mr. BYRD, Mrs. FEINSTEIN, Mr. KERRY, Mr. AKAKA, and Mr. DURBIN)) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 429.(a) From any money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Department of Veterans Affairs $1,420,000,000 for the fiscal year ending September 30, 2005, for medical services provided by the Veterans Health Administration, of which $420,000,000 shall be divided evenly between the Veterans Integrated Service Networks.

(b) The amount appropriated under subsection (a)—

(1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress); and

(2) shall remain available until expended.

(c) This section shall take effect on the date of enactment of this Act.

SA 1053. Mr. BYRD (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 189, after line 20, add the following:

SEC. 128. (a) For necessary expenses for the Memorial to Martin Luther King, Jr., there is hereby made available to the Secretary of the Interior $10,000,000, to remain available until expended, for activities authorized by section 508 of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 8903 note; Public Law 104-333).

(b) Section 508(c) of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 8903 note; Public Law 104-333) is amended by striking the second sentence.

(c) Notwithstanding any other provision of this Act, the amount reduced in Title I in the second proviso under the heading Departmental Management, Salaries and Expenses, is further reduced by $10,000,000.

SA 1054. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 130, line 2, strike “$1,000,000” and insert “$1,250,000”.

On page 138, line 7, strike “$2,000,000” and insert “$2,500,000”.

On page 146, line 19, strike “$1,937,000” and insert “$2,500,000”.

On page 211, line 25, strike “$2,000,000” and insert “$2,500,000”.

SA 1055. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 250, between lines 23 and 24, insert the following:

(e) In carrying out any competitive sourcing study involving Forest Service employees, the Secretary of Agriculture shall—

(1) determine whether any of the employees concerned are also qualified to participate in wildland fire management activities; and

(2) take into consideration and document the effect that contracting with a private sector source would have on the ability of the Forest Service to effectively and efficiently fight and manage wildfires.

SA 1056. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on page 255, strike line 1 and all that follows through page 263, line 22.

SA 1057. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on page 255, strike line 1 and all that follows through page 263, line 22, and insert the following:

SEC. 4 . Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107-63) is amended—

(1) in subsection (b), by striking “40 sites” and inserting “60 sites”;

(2) in subsection (c), by striking “13 sites” and inserting “25 sites”; and

(3) in subsection (d), by striking “2008” and inserting “2009”.

SA 1058. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on page 255, strike line 1 and all that follows through page 263, line 25, and insert the following:

TITLE V—FACILITY REALIGNMENT AND ENHANCEMENT ACT OF 2005

SEC. 501. SHORT TITLE.

This title may be cited as the "Forest Service Facility Realignment and Enhancement Act of 2005".

SEC. 502. DEFINITIONS.

In this title:

(1) ADMINISTRATIVE SITE.—

(A) IN GENERAL.—The term "administrative site" means—

(i) any facility or improvement, including curtilage that was acquired or is used specifically for purposes of administration of the National Forest System; and

(ii) any associated Federal land necessary to include for efficient administration of the National Forest System that was acquired or is utilized specifically for purposes of administration of Forest Service activities and underlies or abuts an administrative facility, improvement, or curtilage; or

(iii) up to 10 isolated parcels of not more than 80 acres which were acquired for administrative purposes but have not been utilized, such as vacant town lots outside of a National Forest proclaimed boundary.

(B) INCLUSIONS.—The term "administrative site" includes—

(i) a forest headquarters;

(ii) a ranger station;

(iii) a research station or laboratory;

(iv) a dwelling;

(v) a warehouse;

(vi) a scaling station;

(vii) a fire-retardant mixing station;

(viii) a lookout;

(ix) a visitor center;

(x) a guard station;

(xi) a storage facility;

(xii) a telecommunication facility; and

(xiii) other administrative installations for conducting Forest Service activities.

(C) EXCLUSIONS.—Federal land to be conveyed under this Act shall not include—

(i) any area within a unit of the National Forest System specifically designated for resource protection, conservation, or recreational purposes, including land within the National Wilderness Preservation System, the Wild and Scenic River System, and National Monuments; or

(ii) land that is needed for resource management purposes or that would be in the public interest to retain.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the General Services Administration.

(3) MARKET ANALYSIS.—The term "market analysis" means the identification and study of the real estate market for a particular economic good or service.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 503. AUTHORIZATION OF CONVEYANCES.

(a) IN GENERAL.—For fiscal years 2006–2009, the Secretary may convey, by sale, lease, exchange, a combination of sales and exchanges, or by other means, any administrative site or interest in an administrative site that is—

(1) except for those administrative sites described in section 502(1)(A)(iii), less than 40 acres for each administrative site or compound of administrative sites; and

(2) under the jurisdiction of the Secretary.

(b) LEAD-BASED PAINT AND ASBESTOS ABATEMENT.—

(1) IN GENERAL.—Notwithstanding any other provisions of law, in any conveyance under subsection (a), the Secretary shall not be required to mitigate or abate lead-based paint or asbestos-containing building materials with respect to the administrative site conveyed.

(2) NOTICE.—Notwithstanding paragraph (1), if the administrative site being conveyed has lead-based paint or asbestos-containing building materials, the Secretary shall—

(A) provide to the person acquiring the administrative site notice of the presence of lead-based paint or asbestos-containing material; and

(B) obtain from the person acquiring the administrative site a written assurance that the person will comply with applicable Federal, State, and local laws relating to the management of the lead-based paint or asbestos-containing materials.

(c) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES.—A conveyance under this section shall not be subject to subchapter I of chapter 5, title 40, United States Code.

(d) NOTICE TO CONGRESS.—At least once a year, the Secretary shall submit to the Committee on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Appropriations and the Committee on Energy and Natural Resources of the Senate notice of any conveyances under this section.

(e) ENVIRONMENTAL REVIEW.—In any environmental review or analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the disposal of an administrative site under this section, the Secretary shall only consider or analyze the most reasonably foreseeable use of the administrative site as determined through a market analysis and whether to reserve any right, title, or interest in the administrative site under subsection (f)(3).

(f) CONFIGURATION OF LAND.—

(1) IN GENERAL.—To facilitate a conveyance under this section, the Secretary may configure the administrative site to be conveyed to—

(A) maximize the marketability of the administrative site; and

(B) achieve management objectives.

(2) IMPROVEMENTS.—Improvements to the administrative site to be conveyed may be severed from the land and disposed of in separate conveyances.

(3) RESERVATION.—In any disposition of an administrative site under this section, the Secretary may reserve any right, title, and interest in and to the administrative site that the Secretary determines to be necessary, including—

(A) a reservation of water rights;

(B) a right-of-way; and

(C) a utility easement.

(g) CONSIDERATION.—

(1) AMOUNT.—In consideration for a conveyance authorized under subsection (a), the purchaser shall pay to the Secretary the amount that is equal to the fair market value of the administrative site conveyed, as provided in paragraph (3).

(2) APPRAISAL.—The Secretary shall determine fair market value by—

(A) conducting an appraisal that is performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal practice; or

(B) competitive sale.

(3) FORM.—

(A) SALE.—Consideration for a sale under this section shall be paid in cash on conveyance of the administrative site.

(B) EXCHANGE.—

(i) EQUAL IN VALUE.—Consideration for an exchange of land or an improvement to land under this section shall be in the form of a conveyance of land or improvement that is equal in value to the administrative site conveyed.

(ii) NOT EQUAL IN VALUE.—If the values of land or improvements to be exchanged under this Act and described in clause (i) are not equal, the values may be equalized by—

(I) the Secretary making a cash payment to the purchaser;

(II) the purchaser making a cash equalization payment to the Secretary; or

(III) reducing the value of the administrative site or the non-Federal land or improvements, as appropriate.

(h) REJECTION OF OFFERS.—The Secretary shall reject any offer made under this section if the Secretary determines that the offer is not—

(1) adequate to provide market value under subsection (g)(1); or

(2) in the public interest.

(i) BROKERAGE SERVICES.—The Secretary may use the proceeds of sales or exchanges under this section to pay reasonable commissions or fees for brokerage services if the Secretary determines that the services are in the public interest.

(j) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—After deducting any costs of the Secretary relating to a conveyance, the Secretary shall deposit the proceeds from the conveyance in the fund established under Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(2) USE.—Amounts deposited under paragraph (1) shall remain available to the Secretary until expended, without further appropriation, to pay any necessary and incidental costs of the Secretary for the acquisition, improvement, deferred maintenance, construction of new facilities; and disposition of administrative sites and capital improvements on National Forest System land.

(k) CONSULTATION WITH ADMINISTRATOR.—As appropriate, the Secretary is encouraged to work with the Administrator with respect to the conveyance of administrative sites.

SEC. 504. WORKING CAPITAL FUND.

(a) IN GENERAL.—Section 13 of the Department of Agriculture Organic Act of 1956 (16 U.S.C. 579b) is amended to read as follows:

"SEC. 13. WORKING CAPITAL FUND.

"(a) ESTABLISHMENT.—There is established a working capital fund (referred to in this section as the 'Fund'), which shall be available without fiscal year limitation.

"(b) USE.—Amounts in the Fund shall be used to pay the costs of purchasing, constructing, performing capital repairs on, renovating, rehabilitating, disposing, or replacing buildings and to carry out deferred maintenance and improvements to land for programs of the Forest Service, subject to any limitations in appropriations for the Forest Service.

"(c) TRANSFER AND CAPITALIZATION.—The Secretary of Agriculture (referred to in this section as the 'Secretary') may—

"(1) transfer to the Fund, without reimbursement, and capitalize in the Fund at fair and reasonable values, any receivables, inventories, equipment, buildings, improvements, and other assets as the Secretary determines to be appropriate; and

"(2) assume the liabilities associated with the assets transferred under paragraph (1).

"(d) ADVANCE PAYMENTS.—The fund shall be credited with advance payments in connection with firm orders and reimbursements from appropriations and funds of the Forest Service, other departmental and Federal agencies, and from other sources, as authorized by law, at rates approximately equal to the cost of furnishing the facilities and service.".

(b) SAVINGS CLAUSE.—The amendment made by subsection (a) shall not affect the status of funds and assets in the working capital fund established by section 13 of the Department of Agriculture Organic Act of 1956 (16 U.S.C. 579b) as in effect on the date of enactment of this section.

SA 1059. Mr. DORGAN proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

SEC. . FAMILY TRAVEL TO CUBA IN HUMANITARIAN CIRCUMSTANCES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Treasury shall issue a general license for travel to, from, or within Cuba to any person subject to the jurisdiction of the United States (and any member of the person's immediate family) for the purpose of visiting a member of the person's immediate family for humanitarian reasons.

(b) DEFINITIONS.—In this section:

(1) MEMBER OF THE PERSON'S IMMEDIATE FAMILY.—The term "member of the person's immediate family" means—

(A) the person's spouse, child, grandchild, parent, grandparent, great-grandparent, uncle, aunt, brother, sister, nephew, niece, first cousin, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, or brother-in-law; or

(B) the spouse, widow, or widower of any relative described in subparagraph (A).

(2) HUMANITARIAN REASONS.—The term "humanitarian reasons" means—

(A) to visit or care for a member of the person's immediate family who is seriously ill, injured, or dying;

(B) to make funeral or burial arrangements for a member of the person's immediate family;

(C) to attend religious services related to a funeral or a burial of, a member of the person's immediate family.

SA 1060. Mr. DORGAN (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Page 147, line 25 strike "$72,500,000" and insert "$67,000,000".

Page 148, line 1 after 2007, insert "of which $3,500,000 is for Historically Black Colleges and Universities."

Page 172 line 4 strike "$10,000,000" and insert "$13,500,000".

SA 1061. Mr. DORGAN (for Mr. OBAMA) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place insert:

SEC. . None of the funds made available in this Act may be used in contravention of 15 U.S.C. §2682(c)(3) or to delay the implementation of that section.

SA 1062. Mr. DORGAN (for Mr. OBAMA) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place insert:

Provided, That of the funds made available under the heading "Environmental Programs and Management," not less than $100,000 shall be made available to issue the proposed rule required under 15 U.S.C. §2682(c)(3) by November 1, 2005, and promulgate the final rule required under 15 U.S.C. §2682(c)(3) by September 30, 2006.

SA 1063. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 150, line 22, strike "$86,005,000" and insert "$85,655,000".

On page 254, after line 25, add the following:

SEC. 4 . The Secretary shall use $350,000 to fund phase II improvements to the wastewater treatment plant in Moultrie, Georgia.

SA 1064. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 4 . Beginning in fiscal year 2006 and thereafter, the Secretary of Interior or the Secretary of Agriculture shall not use any Federal funds for the purpose of imposing, or considering the imposition of, requirements to restrict or limit the diversion, storage, transportation, or use of water under vested water rights that are—

(1) recognized under Colorado law; and

(2) associated with a facility that is—

(A) in existence on the date of enactment of this Act; and

(B) used for the diversion, storage, transportation, or use of water that is located in whole or in part on Federal land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, June 28, 2005, at 10 a.m., in room 106 of the Dirksen Senate Office Building to conduct an oversight hearing on the Regulation of Indian Gaming. Those wishing additional information may contact the Indian Affairs Committee.

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. PRESIDENT, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 29, 2005, at 9:30 a.m., in room 485 of the Russell Senate Office Building to conduct a business meeting on the following:

(1) S.J. Res. 15, A bill to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

(2) S. 374, A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River.

(3) S. 113, A bill to modify the date as of which certain tribal land of the Lytton Rancheria is deemed to be held in trust.

(4) S. 881. A bill to compensate the Spokane Tribe of Indians for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes.

(5) S. 449, A bill to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and persons born after Dec. 18, 1971, and for other purposes.

(6) H.R. 797/S. 475. A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other acts to improve housing programs for Indians.

(7) S. 623, A bill to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, UT, and for other purposes.

(8) S. 598, A bill to reauthorize provisions in the Native American Housing Assistance and Self-Determination Act of 1996 relating to Native Hawaiian low-income housing and Federal loan guarantees for Native Hawaiian housing.

(9) S. , A bill to condemn certain subsurface rights to land held trust by the State of Arizona, and convey subsurface rights held by BLM, for the Pascua Yaqui Tribe.

(10) S. , A bill to authorize funding for the National Indian Gaming Commission.

(11) S. 1239, A bill to authorize the use of Indian Health Service funds to pay Medicare Part D premiums on behalf of Indians.

(12) S. 1231, A bill to provide initial funding for the National Fund for Excellence in American Indian Education previously established by Congress.

(13) S. , A bill to require former Federal employees who are employed by tribes to adhere to conflict of interest rules.

(14) S. , A bill to amend the Tribally Controlled Community College and Universities Assistance Act.

Those wishing additional information may contact the Indian Affairs Committee.

RED TIDE EMERGENCY RELIEF ACT OF 2005

Mr. McCONNELL. Mr. President. I ask unanimous consent the Senate proceed to the immediate consideration of S. 1316 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1316) to authorize the Small Business Administration to provide emergency relief to shellfish growers affected by toxic red tide losses.

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, today Senator SNOWE and I have introduced a bill to help a group of nearly 300 fishermen, known as aquaculturists, who are falling through the cracks of the Government's disaster assistance programs. Right now these businesses are prohibited from receiving SBA disaster loans, and they are eligible for USDA disaster loans only under limited circumstances.

To our dismay, we have learned that SBA has come across this dilemma many times in the past, most recently last year in Connecticut, and yet no one at that agency has ever tried to coordinate with the Department of Agriculture. To make matters worse, the SBA waited two weeks to let us know that they wouldn't be able to serve all our small businesses. So even in those cases in which these harmed small businesses would be eligible for loans from the USDA, hundreds of small businesses are left waiting for the Secretary of Agriculture to go through the same hoops to certify a disaster and make that agency's disaster loans available. I appreciate all the Farm Service Agency has done to expedite the process, and compliment their staff for being so responsive. However, this isn't right.

Our State has been hit by the worst case of red tide in more than 30 years. These small business owners have seen their income disappear because they can't sell their inventory. With no income they can't pay their bills, invest in seeds to plant future crops, and they can't afford to maintain their current crops. They need access to these low-cost loans to help them makes ends meet until the Government opens the shores and declares shellfish once again safe to eat.

Businesses in trouble can't, and shouldn't have to, wait for this redtape to be resolved. To make sure this doesn't happen in the future, I am joining Senator SNOWE to make it possible for aquaculturists to be eligible for SBA economic injury disaster loans. This will complement what the Department of Agriculture's Farm Services Agency can offer in disaster loans. I want to also assure my colleagues that businesses are only eligible for loans through the SBA or Farm Service Agency but not both. This is already prohibited by law, and the agencies have in place procedures to protect against misuse. I than Senator SNOWE for working with me to help our fishermen hurting from red tide.

I ask unanimous consent that an article on this problem be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SHELLFISH GROWERS FEEL SNUBBED BY "RED TIDE" LOAN PROGRAM

(By Michael Kunzelman)

BOSTON—Shellfish grower Barbara Austin has been out of work, just like hundreds of shellfishermen, ever since a toxic "red tide" closed shellfishing areas across the state earlier this month.

The difference is that she and nearly 300 other aquaculturists aren't eligible for the same low-interest loans to help them weather the financial storm.

Austin, of Wellfleet, pursued a loan from the Small Business Administration before learning they're reserved for the state's roughly 1,500 shellfishermen. The state's 287 licensed aquaculturists, who plant and harvest shellfish, aren't eligible because the SBA considers them farmers, not fishermen.

Austin said the rule was "kind of a slap in the face."

"If they're going to make offers like this, they should have been clear about what they're really offering," she said Tuesday.

In response, members of the state's congressional delegation Tuesday sent a letter to Agriculture Secretary Mike Johanns, urging him to make emergency financial assistance available to aquaculturists and fish farmers in eight Massachusetts counties.

Democratic Sen. Edward M. Kennedy, who also spearheaded a letter to Federal Emergency Management Agency Director Michael Brown asking him to meet with the delegation, said FEMA should coordinate the federal disaster relief for those affected by the red tide.

The shellfishermen, said Sen. John Kerry, D-Mass., "shouldn't be blocked from receiving low interest loans because of bureaucratic red tape."

The SBA's enforcement of an "obscure rule" was a surprise, said Mark Forest, district director for U.S. Rep. William Delahunt, D-Mass.

"Obviously, we are not pleased," Forest said. "We're working to get the problem fixed quickly."

Efforts to reach SBA regional director William Leggerio weren't immediately successful Tuesday.

On June 9, Gov. Mitt Romney declared a state of emergency and asked the SBA for disaster assistance for the shellfishing industry, which is losing an estimated $3 million a week. Less than a week later, the SBA announced that it would offer loans of up to $1.5 million with a 4 percent interest rate.

Other forms of financial assistance could be available soon. The state also is asking for disaster aid from the Federal Emergency Management Agency.

In the meantime, most of the shellfish beds shut down along the coast of Massachusetts will remain closed for at least four to five more weeks, state shellfish biologist Michael Hickey said Tuesday.

Hickey said the size and intensity of the toxic algae bloom is dropping in the waters off the North Shore and Cape Cod, but it could take two more weeks for the bloom to completely disappear. After that, he added, it would take two to three more weeks before shellfish beds can reopen.

"The good news is that areas we do have open are safe. The shellfish on the market is safe. The beaches are safe," Hickey said. "The bad news is, it's not over. (The bloom) is not going to be over for another couple of weeks."

The red tide algae contaminates shellfish such as clams and mussels, making them unsafe for people and animals to eat. The outbreak is the region's worst since 1972.

Mr. McCONNELL. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1316) was read the third time and passed, as follows:

S. 1316

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Red Tide Emergency Relief Act of 2005".

SEC. 2. FINDINGS.

Congress finds that—

(1) shellfish growers, known as "aquaculturists", from the Schoodic Peninsula in Maine to Buzzards Bay in Massachusetts have suffered substantial economic injury due to the worst occurrence of toxic algae bloom, known as "Red Tide", along the New England Coast since 1972;

(2) toxins produced by the Red Tide algae contaminate shellfish like clams and mussels, making them unsafe for people and animals to eat, forcing the extended closure of shellfish beds along contaminated areas.

(3) hundreds of shellfish growers have been affected by the Red Tide, and losses industrywide are estimated at $3 million a week; and

(4) shellfish growers are currently considered to be agricultural enterprises, and are therefore ineligible for economic injury disaster loans available to other small business concerns through the Small Business Administration;

(5) shellfish growers are only eligible for emergency loans through the Farm Service Agency of the Department of Agriculture under limited circumstances;

(6) the Small Business Act should be amended to make shellfish growers eligible for emergency small business assistance, as a complement to assistance otherwise offered through Federal programs.

SEC. 3. AUTHORITY TO PROVIDE DISASTER ASSISTANCE TO AQUACULTURE ENTERPRISES.

Section 18(b)(1) of the Small Business Act (15 U.S.C. 647(b)(1)) is amended—

(1) by striking "aquaculture,"; and

(2) by inserting before the semicolon at the end ", other than aquaculture".

PARTNERS FOR FISH AND WILDLIFE ACT

Mr. McCONNELL. Mr. President. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 134. S. 260.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 260) to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with amendments.

[Strike the parts shown in black brackets and insert the part shown in italic.]

S. 260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Partners for Fish and Wildlife Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) approximately 60 percent of fish and wildlife in the United States are on private land;

(2) it is imperative to facilitate private landowner-centered and results-oriented efforts that promote efficient and innovative ways to protect and enhance natural resources;

(3) there is no readily available source of technical biological information that the public can access to assist with the application of state-of-the-art techniques to restore, enhance, and manage fish and wildlife habitats;

(4) a voluntary cost-effective program that leverages public and private funds to assist private landowners in the conduct of state-of-the-art fish and wildlife habitat restoration, enhancement, and management projects is needed;

(5) durable partnerships working collaboratively with willing private landowners to implement on-the-ground projects has lead to the reduction of endangered species listings;

(6) Executive Order No. 13352 (69 Fed. Reg. 52989) directs the Departments of the Interior, Agriculture, Commerce, and Defense and the Environmental Protection Agency to pursue new cooperative conservation programs involving the collaboration of Federal, State, local, and tribal governments, private for-profit and non-profit institutions, non-governmental entities, and individuals;

(7) since 1987, the Partners for Fish and Wildlife Program has exemplified cooperative conservation as an innovative, voluntary partnership program that helps private landowners restore wetland and other important fish and wildlife habitat; and

(8) through 33,103 agreements with private landowners, the Partners for Fish and Wildlife Program has accomplished the restoration of 677,000 acres of wetland, 1,253,700 acres of prairie and native grasslands, and 5,560 miles of riparian and in-stream habitat since 1987, demonstrating much of that success since only 2001.

(b) PURPOSE.—The purpose of this Act is to provide for the restoration, enhancement, and management of fish and wildlife habitats on private land through the Partners for Fish and Wildlife Program, a program that works with private landowners to conduct cost-effective habitat projects for the benefit of fish and wildlife resources in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL TRUST SPECIES.—The term "Federal trust species" means migratory birds, threatened species, endangered species, interjurisdictional fish, marine mammals, and other species of concern.

(2) HABITAT ENHANCEMENT.—

(A) IN GENERAL.—The term "habitat enhancement" means the manipulation of the physical, chemical, or biological characteristics of a [native] habitat to change a specific function or seral stage of the [native] habitat.

(B) INCLUSIONS.—The term "habitat enhancement" includes—

(i) an activity conducted to increase or decrease a specific function for the purpose of benefitting species, including—

(I) increasing the hydroperiod and water depth of a stream or wetland beyond what would naturally occur;

(II) improving waterfowl habitat conditions;

(III) establishing water level management capabilities for native plant communities;

(IV) creating mud flat conditions important for shorebirds; and

(V) cross fencing or establishing a rotational grazing system on native range to improve grassland nesting bird habitat conditions; and

(ii) an activity conducted to shift a native plant community successional stage, including—

(I) burning an established native grass community to reduce or eliminate invading brush or exotic species;

(II) brush shearing to set back early successional plant communities; and

(III) forest management that promotes a particular seral stage.

(C) EXCLUSIONS.—The term "habitat enhancement" does not include regularly scheduled and routine maintenance and management activities, such as annual mowing or spraying of unwanted vegetation.

(3) HABITAT ESTABLISHMENT.—The term "habitat establishment" means the manipulation of physical, chemical, or biological characteristics of a project site to create and maintain habitat that did not previously exist on the project site, including construction of—

(A) shallow water impoundments on nonhydric soils; and

(B) side channel spawning and rearing habitat.

(4) HABITAT IMPROVEMENT.—The term "habitat improvement" means restoring [or artificially providing], *enhancing, or establishing* physiographic, hydrological, or disturbance conditions necessary to establish or maintain native plant and animal communities, including periodic manipulations to maintain intended habitat conditions on completed project sites.

(5) HABITAT RESTORATION.—

(A) IN GENERAL.—The term "habitat restoration" means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning the majority of natural functions to the lost or degraded native habitat.

(B) INCLUSIONS.—The term "habitat restoration" includes—

(i) an activity conducted to return a project site, to the maximum extent practicable, to the ecological condition that existed prior to the loss or degradation, including—

(I) removing tile drains or plugging drainage ditches in former or degraded wetland;

(II) returning meanders and sustainable profiles to straightened streams;

(III) burning grass communities heavily invaded by exotic species to reestablish native grass and plant communities; and

(IV) planting plant communities that are native to the project site;

(ii) if restoration of a project site to its original ecological condition is not practicable, an activity that repairs 1 or more of the original habitat functions and that involve the use of native vegetation, including—

(I) the installation of a water control structure in a swale on land isolated from overbank flooding by a major levee to simulate natural hydrological processes; and

(II) the placement of streambank or instream habitat diversity structures in streams that cannot be restored to original conditions or profile; and

(iii) removal of a disturbing or degrading element to enable the native habitat to reestablish or become fully functional.

(6) PRIVATE LAND.—

(A) IN GENERAL.—The term "private land" means any land that is not owned by the Federal Government[, a State, or a political subdivision of a State] *or a State.*

(B) INCLUSIONS.—The term "private land" includes tribal land and Hawaiian homeland.

(7) PROJECT.—The term "project" means a project carried out under the Partners for Fish and Wildlife Program established by section 4.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

[SEC. 4. PARTNERS FOR FISH AND WILDLIFE PROGRAM.

[The Secretary shall carry out the Partners for Fish and Wildlife Program within the United States Fish and Wildlife Service to provide technical and financial assistance to private landowners for the conduct of voluntary projects to benefit Federal trust species by promoting habitat improvement, habitat restoration, habitat enhancement, and habitat establishment.]

SEC. 4. PARTNERS FOR FISH AND WILDLIFE PROGRAM.

[The Secretary shall carry out the Partners for Fish and Wildlife Program within the United States Fish and Wildlife Service to provide—

(1) technical and financial assistance to private landowners for the conduct of voluntary projects to benefit Federal trust species by promoting habitat improvement, habitat restoration, habitat enhancement, and habitat establishment; and

(2) technical assistance to other public and private entities regarding fish and wildlife habitat restoration on private land.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act not more than $75,000,000 for each of fiscal years 2006 through 2011.

Mr. McCONNELL. I ask unanimous consent the committee-reported amendments be agreed to, the bill as amended be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 260), as amended, was read the third time and passed, as follows:

S. 260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Partners for Fish and Wildlife Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) approximately 60 percent of fish and wildlife in the United States are on private land;

(2) it is imperative to facilitate private landowner-centered and results-oriented efforts that promote efficient and innovative ways to protect and enhance natural resources;

(3) there is no readily available source of technical biological information that the public can access to assist with the application of state-of-the-art techniques to restore, enhance, and manage fish and wildlife habitats;

(4) a voluntary cost-effective program that leverages public and private funds to assist private landowners in the conduct of state-of-the-art fish and wildlife habitat restoration, enhancement, and management projects is needed;

(5) durable partnerships working collaboratively with willing private landowners to implement on-the-ground projects has lead to the reduction of endangered species listings;

(6) Executive Order No. 13352 (69 Fed. Reg. 52989) directs the Departments of the Interior, Agriculture, Commerce, and Defense and the Environmental Protection Agency to pursue new cooperative conservation programs involving the collaboration of Federal, State, local, and tribal governments, private for-profit and non-profit institutions, non-governmental entities, and individuals;

(7) since 1987, the Partners for Fish and Wildlife Program has exemplified cooperative conservation as an innovative, voluntary partnership program that helps private landowners restore wetland and other important fish and wildlife habitat; and

(8) through 33,103 agreements with private landowners, the Partners for Fish and Wildlife Program has accomplished the restoration of 677,000 acres of wetland, 1,253,700 acres of prairie and native grasslands, and 5,560 miles of riparian and in-stream habitat since 1987, demonstrating much of that success since only 2001.

(b) PURPOSE.—The purpose of this Act is to provide for the restoration, enhancement, and management of fish and wildlife habitats on private land through the Partners for Fish and Wildlife Program, a program that works with private landowners to conduct cost-effective habitat projects for the benefit of fish and wildlife resources in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL TRUST SPECIES.—The term "Federal trust species" means migratory birds, threatened species, endangered species, interjurisdictional fish, marine mammals, and other species of concern.

(2) HABITAT ENHANCEMENT.—

(A) IN GENERAL.—The term "habitat enhancement" means the manipulation of the physical, chemical, or biological characteristics of a habitat to change a specific function or seral stage of the habitat.

(B) INCLUSIONS.—The term "habitat enhancement" includes—

(i) an activity conducted to increase or decrease a specific function for the purpose of benefitting species, including—

(I) increasing the hydroperiod and water depth of a stream or wetland beyond what would naturally occur;

(II) improving waterfowl habitat conditions;

(III) establishing water level management capabilities for native plant communities;

(IV) creating mud flat conditions important for shorebirds; and

(V) cross fencing or establishing a rotational grazing system on native range to improve grassland nesting bird habitat conditions; and

(ii) an activity conducted to shift a native plant community successional stage, including—

(I) burning an established native grass community to reduce or eliminate invading brush or exotic species;

(II) brush shearing to set back early successional plant communities; and

(III) forest management that promotes a particular seral stage.

(C) EXCLUSIONS.—The term "habitat enhancement" does not include regularly scheduled and routine maintenance and management activities, such as annual mowing or spraying of unwanted vegetation.

(3) HABITAT ESTABLISHMENT.—The term "habitat establishment" means the manipulation of physical, chemical, or biological characteristics of a project site to create and maintain habitat that did not previously exist on the project site, including construction of—

(A) shallow water impoundments on non-hydric soils; and

(B) side channel spawning and rearing habitat.

(4) HABITAT IMPROVEMENT.—The term "habitat improvement" means restoring, enhancing, or establishing physiographic, hydrological, or disturbance conditions necessary to establish or maintain native plant and animal communities, including periodic manipulations to maintain intended habitat conditions on completed project sites.

(5) HABITAT RESTORATION.—

(A) IN GENERAL.—The term "habitat restoration" means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning the majority of natural functions to the lost or degraded native habitat.

(B) INCLUSIONS.—The term "habitat restoration" includes—

(i) an activity conducted to return a project site, to the maximum extent practicable, to the ecological condition that existed prior to the loss or degradation, including—

(I) removing tile drains or plugging drainage ditches in former or degraded wetland;

(II) returning meanders and sustainable profiles to straightened streams;

(III) burning grass communities heavily invaded by exotic species to reestablish native grass and plant communities; and

(IV) planting plant communities that are native to the project site;

(ii) if restoration of a project site to its original ecological condition is not practicable, an activity that repairs 1 or more of the original habitat functions and that involve the use of native vegetation, including—

(I) the installation of a water control structure in a swale on land isolated from overbank flooding by a major levee to simulate natural hydrological processes; and

(II) the placement of streambank or instream habitat diversity structures in streams that cannot be restored to original conditions or profile; and

(iii) removal of a disturbing or degrading element to enable the native habitat to reestablish or become fully functional.

(6) PRIVATE LAND.—

(A) IN GENERAL.—The term "private land" means any land that is not owned by the Federal Government or a State.

(B) INCLUSIONS.—The term "private land" includes tribal land and Hawaiian homeland.

(7) PROJECT.—The term "project" means a project carried out under the Partners for Fish and Wildlife Program established by section 4.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. PARTNERS FOR FISH AND WILDLIFE PROGRAM.

The Secretary shall carry out the Partners for Fish and Wildlife Program within the United States Fish and Wildlife Service to provide—

(1) technical and financial assistance to private landowners for the conduct of voluntary projects to benefit Federal trust species by promoting habitat improvement, habitat restoration, habitat enhancement, and habitat establishment; and

(2) technical assistance to other public and private entities regarding fish and wildlife habitat restoration on private land.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act not more than $75,000,000 for each of fiscal years 2006 through 2011.

SPONSORSHIP OF AMENDMENT NO. 978

Mr. McCONNELL. Mr. President, I ask unanimous consent all references to amendment No. 978, which was adopted by the Senate on Wednesday, June 23, reflect that the sponsor is Senator CONRAD, not Senator OBAMA.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 28, 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, June 28. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of H.R. 6, the Energy bill, and immediately proceed to a vote on passage as provided under the previous order.

I further ask consent that the Senate stand in recess from 12:30 to 2:15 to accommodate the weekly party luncheons.

I now ask unanimous consent that second-degree amendments be relevant to the first degree to which they are offered.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, tomorrow the Senate will resume consideration of the Energy bill. Under a previous agreement, we will immediately proceed to a vote on the passage of that bill. Following the disposition of the Energy bill, the Senate will resume consideration of the Interior appropriations bill.

We have had a number of amendments offered to the bill, and we will begin working through those amendments tomorrow morning. Senators should expect votes in relation to amendments throughout the day tomorrow. It is our hope we will be able to move the bill to passage sometime during tomorrow's session. Following passage of the Interior appropriations bill, we expect to begin consideration of the Homeland Security appropriations bill.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. McCONNELL. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:24 p.m., adjourned until Tuesday, June 28, 2005, at 9:45 a.m.

HOUSE OF REPRESENTATIVES—*Monday, June 27, 2005*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. ADERHOLT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 27, 2005.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. FRANK) for 5 minutes.

KARL ROVE

Mr. FRANK of Massachusetts. Mr. Speaker, last week the Deputy Chief of Staff of the President of the United States, Karl Rove, a man who began as a political operator, and was rewarded for his political successes by being named to a very high position in the administration—indeed, he is clearly as influential in shaping the policies of the Bush Administration as anyone other than the President himself—made a speech which was harsh, as is his right, but which was thoroughly dishonest, which again is his right under the first amendment to the Constitution, but ought not to be a right which high officials of the Federal Government avail themselves of so freely.

Mr. Rove lied. The speech consists of a number of conscious, deliberate lies, particular ones and general ones. Here is what he said in his effort to further the deep polarization of this country from which he believes his side will benefit if he is able to shape the way in which it is perceived. "The most important difference between conservatives and liberals can be found in the area of national security. Conservatives saw the savagery of 9/11 in the attacks and prepared for war. Liberals saw the savagery of the 9/11 attacks and wanted to prepare indictments and offer therapy and understanding for our attackers."

Mr. Speaker, that is a lie. It is a lie consisting of a number of lies. I am a liberal, Mr. Speaker. And along with many, many other liberals in this Chamber, my response to the savage murders of Americans on 9/11 has no resemblance to the political dishonesty that Karl Rove put forward.

I voted for war in Afghanistan. No one who serves here votes for war easily. No one who has the responsibility of defending the country can be cavalier about sending the young men and women of our country off to battle, to kill and be killed. But the vote to go to war in Afghanistan, to authorize the President, in effect, to go to war, to take whatever measures were necessary, and we knew when we did that that we were talking about going after the regime in Afghanistan which was sheltering that murderer, Osama bin Laden, that vote was virtually unanimous. There was one "no" vote here. There were no "no" votes in the other body.

There are a lot of liberals here, Mr. Speaker. And virtually unanimously we voted to go to war in Afghanistan. Yet Mr. Rove would lie to the American people and characterize that decision to go to war in defense of the country as indictments and therapy and understanding.

Shortly after that, on the Judiciary Committee on which I then served, we spent a couple of weeks dealing with what should be done to increase the law enforcement powers of this country. And we voted out a bill by a unanimous vote of 36-to-0. There are a number of liberals on that committee: Myself, the gentlewoman from California (Ms. WATERS), the gentleman from Virginia (Mr. SCOTT), the most determined defender of civil liberties I have ever served with, the gentleman from North Carolina (Mr. WATT), the chairman on our side, the ranking member, the gentleman from Michigan (Mr. CONYERS), the gentlemen from New York (Mr. NADLER).

Mr. Speaker, there are a number of Members deeply committed to liberalism. And we voted unanimously for a bill that enhanced law enforcement powers. It was not therapy. It was not understanding. It was enhanced law enforcement powers. Now, it is true that many of us subsequently voted against a very different bill that came to the floor.

But the version we reported out of our committee was the one of which the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), boasted a while ago about his bipartisanship, because it provided significantly enhanced law enforcement powers.

Sadly the Republican leadership then decided to kill that bill, and with no debate, no chance to read it, substitute a very different bill that many of us opposed on procedural as well as substantive grounds.

But the fact is that the liberals on the Judiciary Committee unanimously supported increased law enforcement powers. So the notion that we were offering only therapy, that lie, is of course refuted by the fact that we voted go to war. We voted for enhanced law enforcement powers.

But then comes the biggest lie of all. What Mr. Rove appears to be trying to do is to perpetuate one of the most damaging acts of dishonesty we have seen from a President of the United States, the argument that part of the reason for invading Iraq was to defend ourselves against 9/11. That is, of course, what is implicit in Mr. Rove's speech. He would put together the attack of 9/11, and what we did in Iraq.

But, the fact is now very clear, the Iraqi regime, despicable as it was, was not involved in the murders of 9/11. The war in Iraq was not based on an effort to deal with 9/11. That was the war in Afghanistan, which we supported.

So what you have from Mr. Rove, I would say in conclusion, Mr. Speaker, is a couple of specific lies in pursuit of a very big one, a big one that tries to get America to forget how dishonestly this administration argued for the war in Iraq.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 38 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. RADANOVICH) at 2 p.m.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, the Book of Proverbs tells us of Your care and concern for leaders: "Discretion will watch over you. Understanding will guard you."

Lord, without discretion, power and position may be wasted and personal virtues produce nothing.

As a special aspect of prudence, discretion enlightens a person to one's true motives in acting and inspires multiple means to achieve one's goal.

So fill Members of the House of Representatives with discretion this week.

May they be discreet in what they say and discreet in what they do. Since they have such an impact on so many people, they need to be mindful that indiscreet thoughts boomerang their sting when they come to light in word or deed.

In Your sight, O Lord, discretion is the better part of valor now and always.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Massachusetts (Mr. FRANK) come forward and lead the House in the Pledge of Allegiance.

Mr. FRANK of Massachusetts led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PATRIOTIC SPIRIT

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, it was my great pleasure this weekend to attend a wonderful patriotic program at Calvary Baptist Church in Winston-Salem entitled, "Our Flag Was Still There." Interspersed with music and narration were reminders of times our country has been challenged and brave Americans have risen to the challenge.

As we approach the Fourth of July and all the celebrations attendant to it, it was gratifying to see a major church in our area doing its part to remind us of our heritage and inspire people to pray for our country. I quote Pastor Al Gilbert: "The flag is the symbol that has much standing behind it. Today there are thousands of men and women wearing this flag on their sleeve and standing in harm's way. We must stand behind them as they stand for what is behind the flag. We remember those who made this a great Nation and we invite you to join us in praying for the needs of our country today."

Associate Pastor Larry White: "You are exercising your right to celebrate and worship freely in our great country. In light of the threat to the safety and peace our country has faced in recent years and our current world condition, we especially want to honor the men and women who sacrifice that we may be sustained. We salute you and your commitment to our country."

I am grateful to all of the folks at Calvary, and all the other churches in our country that will have similar programs this weekend, for their patriotic spirit and their prayers.

EXTENDING CONDOLENCES TO THE FAMILY OF OSCAR BROWN, JR.

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I come to the floor today to extend condolences to the family of a dear friend of mine and a friend of all people who love culture, art, music, literature.

Oscar Brown, Jr., died a few days ago, and of course, Oscar was a noted entertainer who always stayed close to his roots. Some of his great pieces were things like Mr. Kicks and, of course, his great song about the snake.

I simply say to his wife Jean Pace, to their children, especially his daughter Maggie who is a great entertainer in her own right, that we appreciated having the opportunity to know and benefit from Oscar's great works and wish you all much happiness as you continue to live out his legacy.

UNOCAL

(Mr. NEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEY. Mr. Speaker, I rise today to request that the Bush administration review, under the Committee on Foreign Investment in the United States, the Chinese National Offshore Oil Corporation's bid to purchase Unocal.

Mr. Speaker, at a time of rising prices on global oil supplies, ready access to energy resources is vital to our economic security. It is imperative that the United States protect its access to these energy resources in order to protect our economy and our national security.

This committee, chaired by Treasury Secretary Snow, may block this foreign acquisition of an American corporation if it finds that there is evidence that the Chinese National Offshore Oil Corporation might take action that threatens our national security.

Such a review is not unprecedented. Mr. Speaker, in 2003, the committee reviewed a bid by Hong Kong-based Hutchinson Whampoa to purchase Global Crossing, and earlier this year the committee reviewed the sale of IBM's personal computer business to the Chinese firm, the Lenovo Group.

Should the committee determine that this acquisition threatens the national security of the United States, it could ultimately issue a suspension or a denial.

Whether the Chinese National Offshore Oil Corporation's actions, through the takeover of Unocal, will threaten our national security is not yet known; however, they justify a thorough review.

CONGRATULATING THE UNIVERSITY OF TEXAS LONGHORNS ON WINNING THE 2005 COLLEGE WORLD SERIES

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, it is a privilege to congratulate the Nation's 2005 College World Series champions, the University of Texas Longhorns.

This is an amazing sixth national title for the Longhorns. It also represents a record 32nd trip to the College World Series.

The Longhorns' win caps off another impressive season of University of Texas baseball. The team had a combined 51–16 record in the regular season and the playoffs, setting up another opportunity to compete for the national championship.

Under the guidance of Coach Augie Garrido, the Longhorns went undefeated in their five games of the series, pulling off a 6–2 victory over the Florida Gators in the final match-up on Sunday.

Credit for this outstanding victory is due to the entire Longhorns' baseball team, coaching staff, and the athletic department at the University of Texas.

Special recognition for the win is also owed to the most outstanding player of the series, third baseman David Maroul. His six hits and six runs were a major factor in the Longhorns' championship win.

Mr. Speaker, congratulations go to Coach Garrido and all the Longhorn players on their great victory.

GUANTANAMO PROTECTS AMERICAN FAMILIES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on Saturday, I was grateful to join a 16-member delegation led by the gentleman from California (Mr. HUNTER), the Committee on Armed Services chairman, to view the detention facilities at Guantanamo Bay, Cuba.

In the extensive briefings by Brigadier General Jay Hood with representatives of JAG, Naval medicine, the FBI, and interrogators, I am convinced we have patriotic professionals conducting a humane mission to protect American families in the war on terrorism. The detainees' meal was as good as any I had in my 31 years of Army Guard service, and I can see why the prisoners this year gained 5 pounds over last year.

I urge all of my colleagues to visit the base to learn firsthand of the hardcore killers who are detained as interrogation proceeds to secure intelligence on terrorist cells. Not a single life has been lost at Guantanamo, but thousands of lives have been saved in the Middle East, Europe and America because of information which enables terrorists to be arrested before they murder at random.

In conclusion, God bless our troops and we will never forget September 11.

GITMO

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I too just returned from a bipartisan delegation to Guantanamo Bay, Cuba in order to review the procedures that are used in handling and questioning the enemy combatants we have detained there.

After hearing months of criticism from the left and hearing our military men and women compared to Nazis and Guantanamo described as a gulag, I was glad for the opportunity to see the facility myself.

Do my colleagues know what I found? I found Guantanamo to be a well-run, secure facility that is essential in our fight in protecting America from terrorism.

For weeks and months, we have been told that the place was violating virtually every standard of decency in the free world. Well, these detainees do get three meals a day. They are allowed to worship. They are receiving health care.

I hope that the Democrats who know that to be true, who were with us, who viewed all the work at Guantanamo, will take a stand and tell the truth about Guantanamo and the wonderful men and women in our military who are serving there, working to keep America safe.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

RECOGNIZING NATIONAL HOMEOWNERSHIP MONTH AND THE IMPORTANCE OF HOMEOWNERSHIP IN THE UNITED STATES

Mr. NEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 312) recognizing National Homeownership Month and the importance of homeownership in the United States.

The Clerk read as follows:

H. RES. 312

Whereas the President of the United States has issued a proclamation designating the month of June 2005 as National Homeownership Month;

Whereas the national homeownership rate in the United States has reached a record high of 69.1 percent and more than half of all minority families are homeowners;

Whereas the people of the United States are one of the best-housed populations in the world;

Whereas owning a home is a fundamental part of the American dream and is the largest personal investment many families will ever make;

Whereas homeownership provides economic security for homeowners by aiding them in building wealth over time and strengthens communities through a greater stake among homeowners in local schools, civic organizations, and churches;

Whereas improving homeownership opportunities requires the commitment and cooperation of the private, public, and nonprofit sectors, including the Federal Government and State and local governments; and

Whereas the current laws of the United States, such as the American Dream Downpayment Act, encourage homeownership and should continue to do so in the future: Now, therefore, be it

Resolved, That the House of Representatives—

(1) fully supports the goals and ideals of National Homeownership Month; and

(2) recognizes the importance of homeownership in building strong communities and families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 312 which recognizes National Homeownership Month and the importance of homeownership in the United States. It is offered by the gentleman from California (Mr. GARY G. MILLER), my colleague and friend, who could not be here this moment to carry it. He has done a lot of great work on it.

It has very good sponsors, also the gentleman from Ohio (Chairman OXLEY); the gentleman from Massachusetts (Mr. FRANK), our ranking member; of course myself and the gentlewoman from California (Ms. WATERS); the gentlewoman from Florida (Ms. HARRIS) and other supporters. This resolution is a testament to the benefits of a strong and robust housing market in this country.

A home is more than just the symbol of the American dream. It is the backbone of our American way of life.

Over the past 3 years, the housing market has driven the national economy as Americans bought and refinanced homes in record numbers. Many regions were spared the worst of the recent recession due to the strength of some local housing markets.

Today, the housing sector directly accounts for about 14 percent of the country's total gross domestic product. Building a home involves multiple segments of our economy, including builders, bankers, mortgage lenders, realtors and numerous other people that are involved in this whole process.

June is National Homeownership Month, and so many of our partners celebrate this because in America, every citizen, regardless of race, creed, color or place of birth, has the opportunity and should have the opportunity to own a home of their own.

Homeownership creates community stakeholders who tend to be active in charities, churches, and neighborhood activities. Homeownership inspires civic responsibility, and homeowners are more likely to vote and get involved with local issues. Families owning a home offer children a stable living environment, and in many cases it influences their personal development in many positive, measurable ways, at home and also at school.

Homeownership's potential to create wealth is impressive, too. For the vast majority of families, the purchase of a home represents the path to prosperity. A home is the largest purchase most Americans will ever make in their lifetime. It is a tangible asset that builds equity, good credit, borrowing power and overall wealth.

Today, nearly 70 percent of American families own their own homes. And minority homeownership rates, although they have reached an all-time high of almost 50 percent, that is not good. We have to work on that and give it special effort to get those homeownership rates higher.

☐ 1415

While many gains have been made, lagging minority homeownership rates are a serious concern to this House. Minority households are expected to account for two-thirds of household growth over the coming decade.

Improving the ability of such households to make the transition to homeownership will be an important test of the Nation's capacity to create economic opportunity for minorities and immigrants and to build strong, stable communities.

Last Congress, the Subcommittee on Housing and Community Opportunity, I am pleased to report, assisted in the successful enactment of 17 housing-related bills. Through bipartisan cooperation with our ranking member, the gentlewoman from California (Ms. WATERS); the gentleman from Ohio (Mr. OXLEY); and the gentleman from Massachusetts (Mr. FRANK), who worked on a good piece of legislation, we were able to enact these pieces of legislation today to make existing housing programs work better.

Our work continues, however, in the 109th Congress. The Subcommittee on Housing and Community Opportunity will hold a hearing this Thursday on the recently introduced Zero Downpayment Pilot Program Act of 2005. This was introduced by the gentleman from Ohio (Mr. TIBERI) and the gentleman from Georgia (Mr. SCOTT). This legislation, which was first introduced last Congress, would provide a program to eliminate the downpayment requirement for certain families and individuals who buy homes with FHA-insured mortgages. Changes have been made from last year's bill that would make it a pilot program and limits the program to 50,000 loans.

It is also my hope to look into the recent legislation introduced by the gentleman from Pennsylvania (Mr. FITZPATRICK), which deals with the issue of reverse mortgages. More specifically, it would remove completely the statutory limitation, or ceiling, and the aggregate number of mortgages that may be insured.

In the area of rural housing, the gentleman from Kentucky (Mr. DAVIS), who will be speaking later on the floor, has taken the lead by looking into creative ways to reform the Rural Housing Service.

On March 1, I introduced, along with the gentleman from Pennsylvania (Mr. KANJORSKI) and many others, the bipartisan Responsible Lending Act, which aims to stop abusive lending practices while allowing the mortgage market to continue to offer affordable credit. I have taken a great deal of time to investigate and find solutions to problems of abusive and predatory lending practices, especially in the subprime market. As the legislative process moves forward, we will continue to work to improve and refine this bill, I would note.

While homeownership is a desired goal for many Americans, I would be remiss if I did not mention that today we know there are people who are not ready to own their own home, and we cannot forget about that. So it is therefore prudent that we continue to pursue alternatives to make sure that affordable rental housing is available. I am working with members of the committee to craft solutions that will address the effectiveness and efficiency of the government's role in the administration of the section 8 program.

We had some roundtables, which the gentleman from Massachusetts (Mr. FRANK), the gentlewoman from California (Ms. WATERS), the gentlewoman from New York (Ms. VELÁZQUEZ), the gentleman from Alabama (Mr. BACHUS) and others participated in; and I think those are good, effective ways to bring people to the table so they can have an energetic give-and-take about section 8 and where we are.

I recognize there are key questions regarding funding of the Housing Choice Voucher Program. It is my hope to focus strictly on proposals to reform the program to make it a viable alternative in the future. The longer we wait to address the increasing costs of the section 8 program, the greater the risk there is to the section 8 program as well as other programs in HUD that will most surely suffer with some additional problems.

I would also note in this process that I think we have to come to an agreement in terms of what we are going to do with section 8; but I believe the whole community in the United States, housing authorities and others, needs to catch their breath. We cannot have one proposal one year that will completely alter it and the next year we see the same thing. So that is why I think the roundtables are productive ways to look at changes we can agree to.

We have much to achieve together for the American people, and our best hope for being successful is to work in close concert with each other, guided by the same high standards and principles and motivated by the same goals.

Those are a few things, Mr. Speaker, that have gone on here in the House as we mention H. Res. 312 for recognizing National Homeownership Month. I appreciate my colleagues who do so much to try to help people in homeownership, and I support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

I am very pleased to join in support of this resolution. Indeed, I was a prime cosponsor. The main sponsor is our colleague, the gentleman from California (Mr. GARY G. MILLER), who comes to Congress with a distinguished record himself in building homes.

This is a very important resolution, particularly at this time, because we have, I think, an excessive degree of concern right now about homeownership and its role in the economy.

Obviously, speculation is never a good thing. But those who argue that housing prices are now at the point of a bubble seem to be missing a very important point. Unlike previous examples, where substantial excessive inflation of prices later caused some problems, we are talking here about an entity, homeownership, homes, where there is not the degree of leverage that we have seen elsewhere.

This is not the dot-com situation. We had problems with people having invested in business plans for which there was no reality and people building fiber-optic cable for which there was no need. Homes that are occupied may see an ebb and flow in the price at a certain percentage level, but you will not see the collapse that you see when people talk about a bubble.

So those of us on our committee in particular will continue to push for homeownership. And I very much agree with the gentleman from Ohio who has chaired the Subcommittee on Housing and Community Opportunity of the Committee on Financial Services about the importance of this and about the various ways in which we do that.

Obviously, the market will take care of a large number of people, but it will not take care of everybody. And if we are going to expand homeownership, there will have to be a sensible set of public policies, such as reducing the downpayment in the FHA, such as protecting people from lending practices that may at first seem to benefit them but then victimize them. And I hope our committee will pass legislation that will protect people against that.

We also have pending now, and it came out of our committee, legislation dealing with those government-sponsored enterprises whose function is to promote homeownership and homes in general, the Federal Home Loan Banks, Freddie Mac and Fannie Mae. And I hope that legislation along the lines that came out of our committee, which enhances the regulatory regime but does not intrude unduly on their ability to function, will be maintained.

I also want to express my appreciation to the gentleman from Ohio for having noted a very important point that sometimes gets overlooked. Homeownership is an important part of our policy, but it is not the entire housing policy of the Federal Government; nor is it the entire housing need of the Nation. Some people will never own. There will be people who choose not to own; there will be people who for their economic circumstances will not be able to own. And there is no conflict between promoting homeownership and recognizing that decent, affordable rental housing will also be very important indefinitely for tens and tens of millions of Americans.

I welcome the initiative that the gentleman from Ohio talked about with regard to improving our public policies so that we are able to expand the stock of affordable rental housing and do it in a way that protects both the renters themselves and the taxpayers.

I just want to add, as I bring these remarks to a close, Mr. Speaker, and I enjoyed working with the gentleman from California (Mr. GARY G. MILLER), that I want to pay tribute to a couple of organizations that have done a good deal to help us with this. I found the National Association of Home Builders has been a very constructive participant in our efforts to promote homeownership. The National Association of Realtors has also played a very useful role in helping us shape public policies that expand homeownership.

There are also a variety of advocacy groups that work with us so that we can make homeownership available to people who might not on their own in a market situation be able to afford it, while those groups, of course, at the same time, work with us on the need for affordable housing.

So as an example of what we are trying to do for an overall comprehensive housing policy, I very much support this. And let us be clear: If a family is inadequately housed, if they either have housing that is not adequate or are paying far too much of their income to get adequate housing, then a degree of social disorganization can result which causes problems elsewhere.

So maintaining a comprehensive set of policies that expand housing opportunities for people at various levels of the income scale is a very important part of our responsibility, and I welcome the chance to support this resolution as an example of one important piece of that.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume in closing to once again thank the gentleman from Massachusetts (Mr. FRANK) and also reiterate that the gentleman from California (Mr. GARY G. MILLER) has been very active and has been a great member on the Subcommittee on Housing and Community Opportunity. Along with a lot of our other colleagues, he has done a wonderful job on the committee, and it has been a pleasure having him on the committee. We also appreciate this resolution.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today to celebrate homeownership in America.

Recently, President Bush designated June as National Homeownership Month as he has done for the past 3 years. To complement this designation, H. Res. 312, provides congressional recognition of National Homeownership Month and the importance of homeownership in the United States.

This resolution expresses the sense of Congress that the House of Representatives: (1) Fully supports the goals and ideals of National Homeownership Month; and (2) recognizes the importance of homeownership in building strong communities and families.

IMPORTANCE OF HOMEOWNERSHIP IN AMERICA

For generations, the goal of owning a home has been the bedrock of our economy and a fundamental part of the American Dream.

Over the last 3 years, as we have faced the challenges of war and economic uncertainty, the housing markets have helped to keep our economy strong. Nationally, housing generates more than 22 percent of the Gross Domestic Product and accounts for nearly 40 cents of every dollar spent.

America's housing markets are the envy of the world. We enjoy the lowest interest rates and the highest homeownership rates of any developed nation. In fact, the national homeownership rate in the United States has reached a record high of 69.1 percent and more than half of all minority families are homeowners. Over 73.4 million Americans are now homeowners, with many more achieving this goal every day.

Homeownership is the single largest creator of wealth for Americans. It is the largest investment most families will ever make and a key to promoting long-term economic stability. For these reasons, we must continue to promote policies that ensure more Americans may achieve the goal of homeownership.

HOMEOWNERSHIP BUILDS STRONGER COMMUNITIES

Aside from helping millions of Americans achieve their dreams, homeownership also helps to build neighborhoods and strengthen communities.

For families across this Nation, a home is not just four walls and a roof. It is a refuge from the perils of the outside world, a break after a hard day's work, and a foundation on which to raise a family. A home is a place for children to learn, play, and grow, as well as a place where the elderly may retire with a lifetime of memories.

Owning a home also provides homeowners a tangible stake in their cities and towns. Families who own homes have a vital stake in their communities, a stronger interest in the safekeeping of their neighborhoods, and a deeper commitment to the quality of their schools and libraries. Each home is a critical piece in a successful neighborhood, allowing families to enjoy community events together and share in the lives of their neighbors and friends.

As millions of American families have demonstrated, increased homeownership helps to build better communities, and better communities help to build a better America.

CONGRESS'S ROLE IN PROMOTING HOMEOWNERSHIP

As responsible legislators, we need to ensure that government helps, rather than impedes, homeownership in America. When I came to Congress, I made it my top priority to highlight Federal policies that have hindered the availability of housing in this country and to find ways for government to positively impact homeownership in America.

While we have done much to help Americans become homeowners, we must do more. We must remove the hurdles and needless regulations that keep homeownership out of the reach of some American families. We must also promote fair lending and fair housing regulations to increase housing opportunities for all Americans. With June designated as National Homeownership Month, there is no better time to address these issues.

Now more than ever, Congress must cultivate an environment in which more Americans may turn the dream of homeownership into reality.

SUPPORT NATIONAL HOMEOWNERSHIP MONTH AND H. RES. 312

I am very pleased to see the President has made it a priority to promote affordable housing and homeownership.

His Administration has taken a leading role in finding new and innovative ways to expand homeownership, particularly among minorities and families in low-income areas. I commend the hard work of Secretary Jackson and his team at HUD for their work in developing programs to increase affordable housing and encourage homeownership.

As a vital part of this goal, National Homeownership Month is a reminder of the importance of housing issues in America. This bipartisan resolution, H. Res. 312, recognizes the need for National Homeownership Month and the overall importance of homeownership in America. I urge my colleagues to join me in supporting H. Res. 312 to reinforce our commitment to housing opportunities and to help guarantee the dream of homeownership for more American families.

Mr. NEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RADANOVICH). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the resolution, H. Res. 312.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation, House Resolution 312, and to insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

LITTLE ROCK CENTRAL HIGH SCHOOL DESEGREGATION 50TH ANNIVERSARY COMMEMORATIVE COIN ACT

Mr. DAVIS of Kentucky. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 358) to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, AR, and for other purposes, as amended.

The Clerk read as follows:

H.R. 358

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Little Rock Central High School Desegregation 50th Anniversary Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) September 2007, marks the 50th anniversary of the desegregation of Little Rock Central High School in Little Rock, Arkansas.

(2) In 1957, Little Rock Central High was the site of the first major national test for the implementation of the historic decision of the United States Supreme Court in *Brown, et al. v. Board of Education of Topeka, et al.*, 347 U.S. 483 (1954).

(3) The courage of the "Little Rock Nine" (Ernest Green, Elizabeth Eckford, Melba Pattillo, Jefferson Thomas, Carlotta Walls, Terrence Roberts, Gloria Ray, Thelma Mothershed, and Minnijean Brown) who stood in the face of violence, was influential to the Civil Rights movement and changed American history by providing an example on which to build greater equality.

(4) The desegregation of Little Rock Central High by the 9 African American students was recognized by Dr. Martin Luther King, Jr. as such a significant event in the struggle for civil rights that in May 1958, he attended the graduation of the first African American from Little Rock Central High School.

(5) A commemorative coin will bring national and international attention to the lasting legacy of this important event.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereinafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 $1 coins each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—The design of the coins minted under this Act shall be emblematic of the desegregation of the Little Rock Central High School and its contribution to civil rights in America.

(b) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year "2007"; and

(3) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee established under section 5135 of title 31, United States Code.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 2007, except that the Secretary may initiate sales of such coins, without issuance, before such date.

(c) TERMINATION OF MINTING AUTHORITY.—No coins shall be minted under this Act after December 31, 2007.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the sum of the face value of the coins, the surcharge required under section 7(a) for the coins, and the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, and marketing).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS AT A DISCOUNT.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) SURCHARGE REQUIRED.—All sales shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Secretary of the Interior for the protection, preservation, and interpretation of resources and stories associated with Little Rock Central High School National Historic Site, including the following:

(1) Site improvements at Little Rock Central High School National Historic Site.

(2) Development of interpretive and education programs and historic preservation projects.

(3) Establishment of cooperative agreements to preserve or restore the historic character of the Park Street and Daisy L. Gatson Bates Drive corridors adjacent to the site.

(c) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. DAVIS) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. DAVIS).

GENERAL LEAVE

Mr. DAVIS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, H.R. 358, and include extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. DAVIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume, and I rise today in support of the Little Rock Central High School Desegregation 50th Anniversary Commemorative Coin Act sponsored by the gentleman from Arkansas (Mr. SNYDER).

Mr. Speaker, it is easy in 2005 to lose sight of how far we have come in fewer than 50 years of desegregation. No one will deny, and most also will admit, that we have much work to do. But as we approach 50 years of separation from the mid- to late 1950s, when the real work of desegregation was done, it is worthwhile to pause and reflect. The bill of the gentleman from Arkansas (Mr. SNYDER) gives us a perfect opportunity to do just that.

A year or so ago, Congress approved awarding a Congressional Gold Medal for the principals of the landmark Brown v. Board of Education lawsuit that heralded the desegregation in the Nation's schools. Today, we will act on legislation to authorize a commemorative coin, noting the first major test of the Supreme Court's ruling in Brown.

The nine African American students who, in the face of violence, were the first to desegregate Little Rock's Central High School, themselves earlier awarded Congressional Gold Medals, took a truly courageous step, later recognized by the Reverend Dr. Martin Luther King, Jr. when he attended the first graduation of African American students from the school a year later.

Mr. Speaker, this legislation authorizes the striking in 2007 of as many as 500,000 silver $1 commemorative coins, at no cost to the taxpayers, with surcharges on the sale of the coins dedicated to site improvements at the Little Rock Central High School National Historic Site, to development of interpretive and educational programs at the site, to historic preservation projects there, and to the establishment of cooperative agreements to preserve or restore the historic character of the Park Street and Daisy L. Gatson Bates Drive corridors adjacent to the site.

Mr. Speaker, this legislation has 321 cosponsors, amply demonstrating its broad bipartisan appeal. I urge immediate adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

I was a high school senior when the extraordinarily brave African American students entered Little Rock High School, and I very vividly remember the combination of emotions I felt: shame, that the Nation of which I was so proud was allowing the mistreatment of these people who simply sought to get an education equal to that of their fellow students; admiration, beyond admiration for their courage; frustration at a Federal Government which was hesitant at first in its response; and anger at those who would betray the spirit of America by racially motivated assaults on these brave young people.

This ended happily, but not nearly soon enough. It was an extraordinarily important event in this country, and it reminds us that you cannot correct evil. And we are talking here, in my judgment, about a great social evil that plagued our country. You cannot confront it halfway. You cannot confront it with the hope that if you just close your eyes and wish, things will get better. You have to deal directly with it.

☐ 1430

We are a better Nation by far for the events of these past years. And those at Little Rock, these young people, and the adults who guided them and protected them in the Little Rock community, deserve the continuing deep gratitude of this country for what they did.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. SNYDER) who represents Little Rock and has been the main advocate for this legislation.

Mr. SNYDER. Mr. Speaker, I thank the gentleman for yielding me this time, and thank the gentleman from Kentucky (Mr. DAVIS) and the gentleman from Ohio (Mr. OXLEY) and the committee staff on both sides of the aisle that worked on this bill.

Last week at American University in Cairo, Egypt, Secretary of State Condoleezza Rice made some remarks. Part of what she said, "When we talk about democracy, though, we are referring to governments that protect certain basic rights for all their citizens. Among these, the right to speak freely, the right to associate, the right to worship as you wish, the freedom to educate your children, boys and girls, and freedom from the midnight knock of the secret police."

Secretary Rice continues, "Securing these rights is the hope of every citizen, and the duty of every government. In my own country, the progress of democracy has been long and difficult. And given our history, the United States has no cause for false pride, and we have every reason for humility. After all, America was founded by individuals who knew that all human beings and the governments they create are inherently imperfect, and the United States was born half free and half slave. It was only in my lifetime that my government guaranteed the right to vote for all its people.

"Nevertheless, the principles enshrined in our Constitution enable citizens of conviction to move America closer every day to the ideal of democracy." That was Secretary of State Condoleezza Rice in Cairo last week.

Mr. Speaker, nowhere was the march toward the ideal of democracy more in evidence than in the fall of 1957 in Little Rock, Arkansas. In 1957, Little Rock Central High School was the site of the first major national test for the implementation of the historic decision of the United States Supreme Court in Brown v. Board of Education of Topeka. President Eisenhower issued an Executive order directing marshals and troops under Federal authority to aid in the compliance of Federal law in Little Rock, Arkansas.

The courage of the "Little Rock Nine," Ernest Green, Elizabeth Eckford, Melba Pattillo, Jefferson Thomas, Carlotta Walls, Terrence Roberts, Gloria Ray, Thelma Mothershed, and Minnijean Brown, who stood in the face of violence, was influential to the civil rights movement and changed American history by providing an example on which to build greater equality.

The desegregation of Little Rock by the nine African American students was recognized by Dr. Martin Luther King as such a significant event in the struggle for civil rights that in May 1958 he attended the graduation of the first African American from Little Rock Central High School, Ernest Green.

The 1957 crisis in Little Rock, brought about by the desegregation of Little Rock Central High School, was a huge part of the march towards freedom and opportunity in America. A 2007 commemorative coin issued by the U.S. Mint to honor the 50th anniversary of this important event will bring national and international attention to its lasting legacy.

As indicated by the gentleman from Kentucky (Mr. DAVIS) the money raised from the sale of these coins pays for the cost, there is no cost to the taxpayers, and any moneys beyond the cost may be used to support the national historic site.

We all are aware of the difficulties that some of our national parks now have in meeting their basic infrastructure needs, and the intent of this legislation is to provide supplementary funds to the care and maintenance of the Central Little Rock National Historic Site.

Mr. Speaker, I recommend an aye vote on the legislation.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. FRANK) for yielding me this time.

I also want to commend the gentleman from Arkansas (Mr. SYNDER) for his introduction of this legislation and the committee for moving it expeditiously to the floor so it, in fact, can be passed.

Mr. Speaker, I rise with great pride to honor the legacy of the courageous Little Rock Nine. Dr. Martin Luther King once said, "The sweltering summer of the Negro's legitimate discontent will not pass until there is an invigorating autumn of freedom and equality."

One September morning in 1957, on the eve of the new school year, the cool winds of change brushed across the city of Little Rock, Arkansas. Nine young men and women decided they would not settle for discontent.

After the landmark case, Brown v. Board of Education, which ruled in favor of integrated schools, these nine young men and women attended Little Rock Central High School. Despite the taunts, violence and venomous hatred endured by these youth during their tenure at Central High, they pressed on and pursued a dream for the millions of African Americans that cheered them on across the country.

It is a very meaningful time for me because I too lived at that time in Arkansas. I was born in a little city in the southeastern part of the State. In 1957, and I guess the gentleman from Massachusetts (Mr. FRANK) and I are kind of in the same age group; I, too, was a college freshman on the campus of the University of Arkansas at Pine Bluff, which was then known as Arkansas A&M College about 45 miles from Little Rock. This was our daily news, our daily activity, our daily occurrences.

I have been fortunate to know many of the individuals who were intimately involved, such as Ernie Green. Minnijean Brown and I spent part of a weekend together down at Southern Illinois University last year. Melba Pattillo's mother was a teacher at the school where I did student teaching, and I have had a chance to know them. Wallie Branton, who was the attorney intimately involved with the NAACP, I knew him and his family; and Daisy Bates, who was the leader of the NAACP in Arkansas at that time, are all people with whom I have had an opportunity to interact and to get to know. They were indeed a part of me and I am indeed a part of them. So I take great personal pride in knowing that there will be recognition of this historic struggle and the tremendous courage displayed.

Again, I want to commend the gentleman from Arkansas (Mr. SYNDER) for his legislation which brings into work this commendation which puts a footnote in another chapter of the historic struggle for equality and justice in America.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

First, I want to thank the gentleman from Illinois (Mr. DAVIS) for those remarks. He noted he was a freshman at college during this time. As a senior in high school, I certainly want to pay deference to my elders and thank the gentleman for his remarks.

I also note for reasons that be of no interest to anybody outside this Chamber, a set of decisions, procedures, and rules that we adopted earlier made it harder to bring this resolution to the floor than Members might have thought. Had we simply been considering the merits of this resolution, the commemoration for one of the great blows for freedom and against bigotry in America, it would have been easy; but there were a lot of complicating factors. Members should know it was the diligence, the persistence, occasionally annoying, of the gentleman from Arkansas (Mr. SYNDER) that got this bill to the floor. I am happy that we are passing this today commemorating this great event, and I am also happy that it is not a subject I will have to discuss with the gentleman from Arkansas for the next few months, it having occupied a great deal of my time previously. He deserves a great deal of credit for his diligence.

I would just add, as the gentleman from Illinois (Mr. DAVIS) and I remember as contemporaries, I want to say a word about social change. The people who integrated Central High School and the people who supported them, the leaders of the NAACP and the black community in Little Rock and in Arkansas, those who pressed a somewhat hesitant administration in Washington, DC to fully support them, they were not the moderates and centrists of their day. Some thought they were pushing too hard for their rights. Some thought they were being too obtrusive. We are very grateful that they were. I hope people will study this event, and the history that will come in part from this bill, that will be financed in part from this bill, and we hope from additional appropriations, will be something people will pay attention to so they will understand both the depths of the problem that America confronted and the kind of moral and mental and physical courage that it took to dismantle it.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I include for the RECORD an exchange of correspondence between the Committee on Financial Services and the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, June 24, 2005.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: I am writing concerning H.R. 358, the "Little Rock Central High School Desegregation 50th Anniversary Commemorative Coin Act," which will be scheduled for floor consideration in the near future.

I acknowledge your committee's jurisdictional interest in this bill and request your cooperation in moving the bill to the House floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include a copy of this letter and your response in the CONGRESSIONAL RECORD when this bill is considered by the House. Thank you again for your assistance.

Yours truly,
MICHAEL G. OXLEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, June 24, 2005.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OXLEY: Thank you for your letter regarding H.R. 358, the "Little Rock Central High School Desegregation 50th Anniversary Commemorative Coin Act," which was reported to the House by the Committee on Financial Services on June 17, 2005.

As you noted, the Committee on Ways and Means maintains jurisdiction over matters that concern raising revenue. H.R. 358 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation.

I appreciate and agree to your offer to include this exchange of letters on this matter in the CONGRESSIONAL RECORD during floor consideration.

Best regards,
BILL THOMAS,
Chairman.

Mr. OXLEY. Mr. Speaker, the events of the last few weeks, culminating in the conviction of an 80-year-old Klansman in the infamous killing of three civil rights workers during 1964's "Freedom Summer," serve as a good reminder that this country has come a long distance in just a few short decades.

It is hard, from today's vantage point, to remember a time—a time when some of today's Members had not yet been born—when schools were segregated, when bathrooms were separate, when "back of the bus" was a place where some had to ride whether they liked it or not.

Of course, tolerance is a job that requires constant attention and improvement, but we should not lose sight of the good progress we have made. And so today, Mr. Speaker, consideration of legislation to commemorate the desegregation of Little Rock Central High School is timely, or perhaps even overdue. Regardless, it is worthwhile for us to think for a minute of the courage of nine African-American youngsters as they stood on the steps of that school. And it is important for us to think of the courage of the idealistic youngsters, white and black, who powered the civil rights movement throughout the 1950s and early 1960s.

The legislation we consider today will go a long way to preserving an historic symbol of that desegregation fight. Surcharges on the sale of as many as half a million commemorative silver dollars will pay for preservation programs, and education programs at the site of the first important test of the Supreme Court's landmark desegregation ruling in Brown v. Board of Education.

Mr. Speaker, as a testament to the importance of this legislation, it is supported broadly and on a bipartisan basis by 321 Members. I urge its immediate passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to be here today to be in support of the Little Rock Central High School Desegregation 50th Anniversary Commemorative Coin Act. I would like to thank my colleague, Congressman VIC SNYDER, for introducing this important piece of legislation.

In 1957, Little Rock Central High School was the site of the first major national test for the implementation of the U.S. Supreme Court's Brown v. Board of Education of Topeka decision and became the international symbol of the end of racially segregated public schools.

The desegregation of Little Rock Central High by nine African American students was influential to the Civil Rights Movement, and recognized by Dr. Martin Luther King, Jr. as such a significant event in the struggle for civil rights that in May 1958, he attended the graduation of the first African American from Little Rock Central High School. Moreover, it changed American history by providing an example on which to build greater equality, and ultimately a better America.

H.R. 358, the Little Rock Central High School Desegregation 50th Anniversary Commemorative Coin Act, will bring national and international attention to the lasting legacy of this important event by creating a commemorative coin for 2007, in recognition of the 50th anniversary of the desegregation of Little Rock Central High School. I am proud to be here today to support this bill and I urge my colleagues to do the same.

Mr. DAVIS of Kentucky. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RADANOVICH). The question is on the motion offered by the gentleman from Kentucky (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 358, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

Mr. DAVIS of Kentucky. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 458) to prevent the sale of abusive insurance and investment products to military personnel, as amended.

The Clerk read as follows:

H.R. 458

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Military Personnel Financial Services Protection Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INSURANCE AND INVESTMENT PRODUCTS

Sec. 101. Congressional findings.
Sec. 102. Prohibition on future sales of periodic payment plans.
Sec. 103. Method of maintaining broker/dealer registration, disciplinary, and other data.
Sec. 104. Filing depositories for investment advisers.
Sec. 105. State insurance and securities jurisdiction on military installations.
Sec. 106. Required development of military personnel protection standards regarding insurance sales.
Sec. 107. Required disclosures regarding life insurance.
Sec. 108. Improving life insurance product standards.
Sec. 109. Required reporting of disciplined insurance producers.
Sec. 110. Reporting barred persons engaging in financial services activities.
Sec. 111. Sense of Congress.
Sec. 112. Definitions.

TITLE II—LENDING TO ARMED FORCES PERSONNEL

Sec. 201. Requirements applicable to certain loans to military servicemembers.

TITLE I—INSURANCE AND INVESTMENT PRODUCTS

SEC. 101. CONGRESSIONAL FINDINGS.

The Congress finds the following:

(1) Our military personnel perform great sacrifices in protecting our Nation in the War on Terror and promoting democracy abroad.

(2) Our brave men and women in uniform deserve to be offered first-rate financial products in order to provide for their families and to save and invest for retirement.

(3) Our military personnel are being offered high-cost securities and life insurance products by some financial services companies engaging in abusive and misleading sales practices.

(4) One securities product being offered to our service members, the contractual plan, has largely disappeared from the civilian market since the 1980s due to its excessive sales charges and the emergence of low-cost products. A 50-percent sales commission is typically assessed against the first year of contributions made under a contractual plan, even though the average commission on other securities products such as mutual funds is less than 6 percent on each sale.

(5) The excessive sales charge of the contractual plan makes it susceptible to abusive and misleading sales practices.

(6) Certain life insurance products being offered to our service members are being improperly marketed as investment products. These products provide very low death benefits for very high premiums that are front-loaded in the first few years, making them completely inappropriate for most military personnel.

(7) Regulation of these securities and life insurance products and their sale on military bases has been clearly inadequate and requires Congressional legislation to address.

SEC. 102. PROHIBITION ON FUTURE SALES OF PERIODIC PAYMENT PLANS.

(a) AMENDMENT.—Section 27 of the Investment Company Act of 1940 (15 U.S.C. 80a-27) is amended by adding at the end the following new subsection:

“(j) TERMINATION OF SALES.—

“(1) TERMINATION.—Effective 30 days after the date of enactment of the Military Personnel Financial Services Protection Act, it shall be unlawful, subject to subsection (i)—

“(A) for any registered investment company to issue any periodic payment plan certificate; or

“(B) for such company, or any depositor of or underwriter for any such company, or any other person, to sell such a certificate.

“(2) NO INVALIDATION OF EXISTING CERTIFICATES.—Paragraph (1) shall not be construed to alter, invalidate, or otherwise affect any rights or obligations, including rights of redemption, under any periodic payment plan certificate issued and sold before 30 days after such date of enactment.”.

(b) TECHNICAL AMENDMENT.—Section 27(i)(2)(B) of such Act is amended by striking “section 26(e)” each place it appears and inserting “section 26(f)”.

(c) REPORT ON REFUNDS, SALES PRACTICES, AND REVENUES FROM PERIODIC PAYMENT PLANS.—Within 6 months after the date of enactment of this Act, the Securities and Exchange Commission shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, a report describing—

(1) any measures taken by a broker or dealer registered with the Securities and Exchange Commission pursuant to section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) to voluntarily refund payments made by military service members on any periodic payment plan certificate, and the amounts of such refunds;

(2) after such consultation with the Secretary of Defense as the Commission considers appropriate, the sales practices of such brokers or dealers on military installations over the past 5 years and any legislative or regulatory recommendations to improve such practices; and

(3) the revenues generated by such brokers or dealers in the sales of periodic payment plan certificates over the past 5 years and what products such brokers or dealers market to replace the revenue generated from the sales of periodic payment plan certificates prohibited under subsection (a) of this section.

SEC. 103. METHOD OF MAINTAINING BROKER/DEALER REGISTRATION, DISCIPLINARY, AND OTHER DATA.

Subsection (i) of section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(i)) is amended to read as follows:

“(i) OBLIGATION TO MAINTAIN REGISTRATION, DISCIPLINARY, AND OTHER DATA.—

“(1) MAINTENANCE OF SYSTEM TO RESPOND TO INQUIRIES.—A registered securities association shall—

“(A) establish and maintain a system for collecting and retaining registration information;

“(B) establish and maintain a toll-free telephone listing, and a readily accessible electronic or other process, to receive and promptly respond to inquiries regarding—

“(i) registration information on its members and their associated persons; and

“(ii) registration information on the members and their associated persons of any registered national securities exchange that uses the system described in subparagraph (A) for the registration of its members and their associated persons; and

“(C) adopt rules governing the process for making inquiries and the type, scope, and presentation of information to be provided in response to such inquiries in consultation with any registered national securities exchange providing information pursuant to subparagraph (B)(ii).

“(2) RECOVERY OF COSTS.—Such an association may charge persons making inquiries, other than individual investors, reasonable fees for responses to such inquiries.

“(3) PROCESS FOR DISPUTED INFORMATION.—Such an association shall adopt rules establishing an administrative process for disputing the accuracy of information provided in response to inquiries under this subsection in consultation with any registered national securities exchange providing information pursuant to paragraph (1)(B)(ii).

“(4) LIMITATION OF LIABILITY.—Such an association, or an exchange reporting information to such an association, shall not have any liability to any person for any actions taken or omitted in good faith under this subsection.

“(5) DEFINITION.—For purposes of this subsection, the term ‘registration information’ means the information reported in connection with the registration or licensing of brokers and dealers and their associated persons, including disciplinary actions, regulatory, judicial, and arbitration proceedings, and other information required by law, or exchange or association rule, and the source and status of such information.”.

SEC. 104. FILING DEPOSITORIES FOR INVESTMENT ADVISERS.

(a) AMENDMENT.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-4) is amended—

(1) by striking “Every investment” and inserting the following:

“(a) IN GENERAL.—Every investment”; and

(2) by adding at the end the following:

“(b) FILING DEPOSITORIES.—The Commission may, by rule, require an investment adviser—

“(1) to file with the Commission any fee, application, report, or notice required to be filed by this title or the rules issued under this title through any entity designated by the Commission for that purpose; and

“(2) to pay the reasonable costs associated with such filing and the establishment and maintenance of the systems required by subsection (c).

“(c) ACCESS TO DISCIPLINARY AND OTHER INFORMATION.—

“(1) MAINTENANCE OF SYSTEM TO RESPOND TO INQUIRIES.—The Commission shall require the entity designated by the Commission under subsection (b)(1) to establish and maintain a toll-free telephone listing, or a readily accessible electronic or other process, to receive and promptly respond to inquiries regarding information (including disciplinary actions, regulatory, judicial, and arbitration proceedings, and other information required by law or rule to be reported) involving investment advisers and persons associated with investment advisers. Such information shall include information on an investment adviser (and the persons associated with that adviser) whether the investment adviser is registered with the Commission under section 203 or regulated solely by a State as described in section 203A.

“(2) RECOVERY OF COSTS.—An entity designated by the Commission under subsection (b)(1) may charge persons making inquiries, other than individual investors, reasonable fees for responses to inquiries made under paragraph (1).

"(3) LIMITATION ON LIABILITY.—An entity designated by the Commission under subsection (b)(1) shall not have any liability to any person for any actions taken or omitted in good faith under this subsection.".

(b) CONFORMING AMENDMENTS.—

(1) Section 203A of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3a) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(2) Section 306 of the National Securities Markets Improvement Act of 1996 (15 U.S.C. 80b–10, note; Public Law 104–290; 110 Stat. 3439) is repealed.

SEC. 105. STATE INSURANCE AND SECURITIES JURISDICTION ON MILITARY INSTALLATIONS.

(a) CLARIFICATION OF JURISDICTION.—Any law, regulation, or order of a State with respect to regulating the business of insurance or the offer or sale (or both) of securities shall apply to such activities conducted on Federal land or facilities in the United States and abroad, including military installations, except to the extent that such law, regulation, or order—

(1) directly conflicts with any applicable Federal law, regulation, or authorized directive; or

(2) would not apply if such activity were conducted on State land.

(b) PRIMARY STATE JURISDICTION.—To the extent that multiple State laws would otherwise apply pursuant to subsection (a) to an insurance or securities activity of an individual or entity on Federal land or facilities, the State having the primary duty to regulate such activity and whose laws shall apply to such activity in the case of a conflict shall be—

(1) the State within which the Federal land or facility is located; or

(2) if the Federal land or facility is located outside of the United States, the State in which—

(A) in the case of an individual engaged in the business of insurance, such individual has been issued a resident license;

(B) in the case of an individual engaged in the offer or sale (or both) of securities, such individual is registered or required to be registered to do business or the person solicited by such individual resides;

(C) in the case of an entity engaged in the business of insurance, such entity is domiciled; or

(D) in the case of an entity engaged in the offer or sale (or both) of securities, such entity is registered or is required to be registered to do business or the person solicited by such entity resides.

SEC. 106. REQUIRED DEVELOPMENT OF MILITARY PERSONNEL PROTECTION STANDARDS REGARDING INSURANCE SALES.

(a) STATE STANDARDS.—The Congress intends that—

(1) the States collectively work with the Secretary of Defense to ensure implementation of appropriate standards to protect members of the Armed Forces from dishonest and predatory insurance sales practices while on a military installation of the United States (including installations located outside of the United States); and

(2) each State identify its role in promoting the standards described in paragraph (1) in a uniform manner within 12 months after the date of the enactment of this Act.

(b) STATE REPORT.—It is the sense of the Congress that the NAIC should, after consultation with the Secretary of Defense and within 12 months after the date of the enactment of this Act, conduct a study to determine the extent to which the States have met the requirement of subsection (a) and report such study to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 107. REQUIRED DISCLOSURES REGARDING LIFE INSURANCE.

(a) REQUIREMENT.—Except as provided in subsection (d), no insurer or producer may sell or solicit, in person, any life insurance product to any member of the Armed Forces on a military installation of the United States unless a disclosure in accordance with this section is provided to such member before the sale of such insurance.

(b) DISCLOSURE.—A disclosure in accordance with this section is a written disclosure that—

(1) states that subsidized life insurance may be available to the member of the Armed Forces from the Federal Government;

(2) states that the United States Government has in no way sanctioned, recommended, or encouraged the sale of the product being offered;

(3) is made in plain and readily understandable language and in a type font at least as large as the font used for the majority of the policy; and

(4) with respect to a sale or solicitation on Federal land or facilities located outside of the United States by an individual or entity engaged in the business of insurance, except to the extent otherwise specifically provided by the laws of such State in reference to this Act, lists the address and phone number where consumer complaints are received by the State insurance commissioner for the State in which the individual has been issued a resident license or the entity is domiciled, as applicable.

(c) ENFORCEMENT.—If it is determined by a State or Federal agency, or in a final court proceeding, that any individual or entity has intentionally failed to provide a disclosure required by this section, such individual or entity shall be prohibited from further engaging in the business of insurance with respect to employees of the Federal Government on Federal land, except—

(1) with respect to existing policies; and

(2) to the extent required by the Federal Government pursuant to previous commitments.

(d) EXCEPTIONS.—

(1) FEDERAL AND STATE INSURANCE ACTIVITY.—This section shall not apply to insurance activities—

(A) specifically contracted by or through the Federal Government or any State government; or

(B) specifically exempted from the applicability of this Act by a Federal or State law, regulation, or order that specifically refers to this paragraph.

(2) UNIFORM STATE STANDARDS.—If a majority of the States have adopted, in materially identical form, a standard setting forth the disclosures required under this section that apply to insurance solicitations and sales to military personnel on military installations of the United States, after the expiration of the 2-year period beginning on such majority adoption, such standard shall apply in lieu of the requirements of this section to all insurance solicitations and sales to military personnel on military installations, with respect to such States, to the extent that such standards do not directly conflict with any applicable authorized Federal regulation or directive.

(3) MATERIALLY IDENTICAL FORM.—For purposes of this subsection, standards adopted by more than one State shall be considered to have materially identical form to the extent that such standards require or prohibit identical conduct with respect to the same activity, notwithstanding that the standards may differ with respect to conduct required or prohibited with respect to other activities.

SEC. 108. IMPROVING LIFE INSURANCE PRODUCT STANDARDS.

(a) IN GENERAL.—It is the sense of the Congress that the NAIC should, after consultation with the Secretary of Defense and within 12 months after the date of the enactment of this Act, conduct a study and submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on ways of improving the quality of and sale of life insurance products sold by insurers and producers on military installations of the United States, which may include limiting sales authority to companies and producers that are certified as meeting appropriate best practices procedures or creating standards for products specifically designed for members of the Armed Forces regardless of the sales location.

(b) CONDITIONAL GAO REPORT.—If the NAIC does not submit the report to the committees as described in subsection (a), the Comptroller General of the United States shall study any proposals that have been made to improve the quality and sale of life insurance products sold by insurers and producers on military installations of the United States and report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on such proposals within 6 months after the expiration of the period referred to in subsection (a).

SEC. 109. REQUIRED REPORTING OF DISCIPLINED INSURANCE PRODUCERS.

(a) REPORTING BY INSURERS.—After the expiration of the 2-year period beginning on the date of the enactment of this Act, no insurer may enter into or renew a contractual relationship with a producer that solicits or sells life insurance on military installations of the United States unless the insurer has implemented a system to report, to the State insurance commissioner of the State of the domicile of the insurer and the State of residence of the insurance producer, disciplinary actions taken against the producer with respect to the producer's sales or solicitation of insurance on a military installation of the United States, as follows:

(1) Any disciplinary action taken by any government entity that the insurer knows has been taken.

(2) Any significant disciplinary action taken by the insurer.

(b) REPORTING BY STATES.—It is the sense of the Congress that within 2 years after the date of the enactment of this Act, the States should collectively implement a system to—

(1) receive reports of disciplinary actions taken against insurance producers by insurers or government entities with respect to the producers' sale or solicitation of insurance on a military installation; and

(2) disseminate such information to all other States and to the Secretary of Defense.

SEC. 110. REPORTING BARRED PERSONS ENGAGING IN FINANCIAL SERVICES ACTIVITIES.

(a) ESTABLISHMENT.—The Secretary of Defense shall maintain a list of the name, address, and other appropriate information of persons engaged in financial services activities that have been barred, banned, or otherwise limited in any manner that is not generally applicable to all such type of persons, from any or all military installations of the United States or from patronage by military members.

(b) NOTICE AND ACCESS.—The Secretary shall ensure that—

(1) the appropriate Federal and State agencies responsible for any financial services regulation are promptly notified upon the inclusion or removal of a person under such agencies' jurisdiction; and

(2) the list is kept current and easily accessible—

(A) for use by such agencies; and

(B) for purposes of enforcing or considering any such bar, ban, or limitation by the appropriate Federal personnel, including commanders of military installations.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall issue regulations in accordance with this subsection to provide for the establishment and maintenance of the list under this section, including appropriate due process considerations.

(2) TIMING.—

(A) PROPOSED REGULATIONS.—Not later than the expiration of the 60-day period beginning on the date of the enactment of this Act, the Secretary shall prepare and submit to the appropriate Committees a copy of the regulations under this subsection that are proposed to be published for comment. The Secretary may not publish such regulations for comment in the Federal Register until the expiration of the 15-day period beginning upon such submission to the appropriate Committees.

(B) FINAL REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate Committees a copy of the regulations under this section to be published as final.

(C) EFFECTIVE DATE.—Such regulations shall become effective upon the expiration of the 30-day period beginning upon such submission to the appropriate Committees.

(3) DEFINITION.—For the purposes of this section, the term "appropriate Committees" means—

(A) the Committee on Financial Services and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Banking, Housing, and Urban Affairs and the Committee on Armed Services of the Senate.

SEC. 111. SENSE OF CONGRESS.

It is the sense of the Congress that the Federal and State agencies responsible for insurance and securities regulation should provide advice to the appropriate Federal entities to consider—

(1) significantly increasing the life insurance coverage made available through the Federal Government to members of the Armed Forces;

(2) implementing appropriate procedures to encourage members of the Armed Forces to improve their financial literacy and obtain objective financial counseling before purchasing additional life insurance coverage or investments beyond those provided by the Federal Government; and

(3) improving the benefits and matching contributions provided under the Thrift Savings Plan to members of the Armed Forces.

SEC. 112. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) ENTITY.—The term "entity" includes insurers.

(2) INDIVIDUAL.—The term "individual" includes insurance agents and producers.

(3) NAIC.—The term "NAIC" means the National Association of Insurance Commissioners.

(4) STATE INSURANCE COMMISSIONER.—The term "State insurance commissioner" means, with respect to a State, the officer, agency, or other entity of the State that has primary regulatory authority over the business of insurance and over any person engaged in the business of insurance, to the extent of such business activities, in such State.

TITLE II—LENDING TO ARMED FORCES PERSONNEL

SEC. 201. REQUIREMENTS APPLICABLE TO CERTAIN LOANS TO MILITARY SERVICEMEMBERS.

(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) MILITARY LENDER.—

(A) IN GENERAL.—The term "military lender" means—

(i) a person engaged in the business of extending consumer credit that—

(I) targets customers who are active duty members of the Armed Forces; or

(II) knows or has reason to know that more than 10 percent of the person's customers for consumer credit products are active duty members of the Armed Forces; and

(ii) any assignee of such person with respect to any credit extended to any such customer.

(B) EXCEPTION.—The term "military lender" does not include any insured depository institution, except as provided in paragraph (3)(B).

(C) TREATMENT OF EACH OFFICE AS LENDER.—In the case of any person engaged in the business of extending consumer credit from more than 1 office or at more than 1 location, each office or location at which credit is offered or extended or a credit transaction is consummated shall be treated as a separate person for purposes of this section.

(2) COVERED LOAN.—The term "covered loan"—

(A) means any extension of credit to an active duty member of the Armed Forces by a military lender that has an annual percentage rate that exceeds by more than 5 percentage points the average annual percentage rate for 24-month personal loans, as published by the Board of Governors of the Federal Reserve System for the most recent calendar quarter preceding the quarter in which such extension of credit is made; and

(B) does not include any extension of credit on margin on securities by a broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 to the extent such extension of credit complies with the rules and regulations of the Board of Governors of the Federal Reserve System, the Securities and Exchange Commission, and any applicable self-regulatory organization relating to credit on margin on securities.

(3) INSURED DEPOSITORY INSTITUTION.—

(A) IN GENERAL.—The term "insured depository institution"—

(i) has the meaning given such term in section 3 of the Federal Deposit Insurance Act; and

(ii) includes any insured credit union (as defined in section 101(7) of the Federal Credit Union Act).

(B) EXCLUSION.—For purposes of this section, the term "insured depository institution" does not include an insured depository institution in any circumstance in which—

(i) such depository institution is extending credit pursuant to a contractual relationship with a third-party agent; and

(ii) such agent would be a military lender, under this section, if the agent made the same loan as a principal.

(4) ACTIVE DUTY MEMBER OF THE ARMED FORCES.—The term "active duty member of the Armed Forces" means any member of the Armed Forces who is on active duty (as defined in section 101(d)(1) of title 10, United States Code) under a call or order that does not specify a period of 30 days or less.

(5) TARGETS CUSTOMERS.—For purposes of paragraph (1)(A)(i)(I), the term "targets customers" means to, directly or indirectly, solicit, or engage in other promotional activities explicitly directed at, members of the Armed Forces for the purpose of securing business from the recipients of such solicitations or promotions.

(6) ANNUAL PERCENTAGE RATE.—The term "annual percentage rate" has the same meaning as in section 107 of the Truth in Lending Act, as implemented by regulations of the Board of Governors of the Federal Reserve System.

(b) PROTECTION OF MILITARY SERVICEMEMBERS.—Any military lender who makes a loan to an active duty member of the Armed Forces (other than a loan described in paragraph (2)(B)) may not, with respect to such loan—

(1) garnish any military salary or wages, or accept any assignment of or institute any allotment of any military salary or wages, to secure payment of the loan, unless any such allotment or assignment is voluntary and may be cancelled at any time by the borrower;

(2) contact, or threaten to contact, the borrower's commanding officer or any other person in the borrower's military chain of command in an effort to collect on such loan;

(3) include any provision in the loan agreement, or in any other instrument or agreement made in connection with such loan, that purports to—

(A) waive any rights of the borrower under any Federal or State law, including this section and the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.); or

(B) provide the consent of the borrower for any action prohibited under paragraph (1);

(4) at any time, use oral or written representations, or use any symbols, that suggest, give the appearance, or provide reasonable cause to believe that any component of the Armed Forces, the Department of Defense, or any federal entity sponsors or endorses the military lender, any agent of the lender, or any good, service, commodity, or credit that is sold, provided, or extended by the military lender (unless expressly authorized in writing by such entity); or

(5) if such loan is a covered loan, enter into the loan without disclosing, prior to consummation of the transaction and in conspicuous form, the following notice:

"NOTICE TO MILITARY SERVICEMEMBERS:

"You are not required to complete this agreement merely because you have received these disclosures or even if you have signed an application for an extension of credit. If you obtain this credit to repay other loans, you may get into serious financial difficulties if you use this credit to pay off old debts and then replace them with other new debts. Before you complete this agreement, you should consider applying for credit through other organizations or entities. Interest-free loans or grants may be available from the

Army, Air Force, or Navy-Marine Corps Relief Society, the United Service Organizations, or another base or military service organization for military personnel seeking short-term credit in response to a family or other emergency.

"This extension of credit is not sponsored or endorsed by any component of the Armed Forces, the Department of Defense, or any Federal entity.

"Your lender may not garnish your salary or wages, or accept any assignment of or institute an allotment of your salary or wages, to secure repayment of the debt, unless any such allotment or assignment is voluntary and may be cancelled by you at any time. Your lender may not contact your commanding officer or anyone in your chain of command in an effort to collect on the loan.

"You and your dependents may have additional rights and protections under Federal and State law with respect to this loan, including the Servicemembers Civil Relief Act, which you cannot waive and which the lender may not ask or require you to waive.".

(c) RULE OF CONSTRUCTION.—No provision of this section shall be construed as—

(1) authorizing any person that is not a military lender to engage in any activity that is prohibited for military lenders under this section;

(2) creating any inference that any activity described in subsection (b) is a lawful activity for any person or would be a lawful activity for a military lender but for this section; or

(3) creating any inference that any right or protection provided for consumers under any Federal or State law can be waived by any consumer.

(d) ENFORCEMENT.—The provisions of this section shall be enforced under section 917 of the Consumer Credit Protection Act, in the manner provided in such section. For the purposes of any enforcement under such section 917, any violation of a provision or requirement of this section shall be treated as a violation of a provision or requirement of title IX of such Act.

(e) CIRCUMVENTION PROHIBITED.—The Federal Trade Commission shall, with respect to entities and activities under its jurisdiction, prescribe regulations to become effective not later than 90 days after the date of the enactment of this Act to prevent a military lender from taking any action in connection with any loan made to an active duty member of the Armed Forces to structure a loan transaction, by structuring any loan as an open-end credit plan (as defined in section 103 of the Truth in Lending Act), dividing any loan into separate transactions, using a lower temporary or introductory rate of interest to lower the overall annual percentage rate applicable for any loan, or any similar action, for the purpose of avoiding designation as a covered loan for purposes of this section or otherwise circumventing or evading any requirement of this title.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. DAVIS) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. DAVIS).

GENERAL LEAVE

Mr. DAVIS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 458.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. DAVIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Today I would like to bring to the attention of my colleagues that there is a long history of certain companies and agents using abusive sales tactics to sell financial products of dubious value to our members of the armed services. Problems have included abusive and coercive sales tactics, outdated and high-cost products, and a lack of uniform regulatory oversight of these practices on our military bases and posts.

The Pentagon has issued directives intended to prevent these abuses. But with the ongoing confusion over regulatory jurisdiction, the lack of communication between government agencies, and lack of sufficient protection standards for certain financial products, it is clear that the abuses will not stop unless Congress enacts the Military Personnel Financial Services Protection Act.

Unfortunately, there are a few bad agents in the securities and insurance industry that have been taking advantage of our military personnel by selling them harmful insurance and investment products.

Mr. Speaker, as a matter of fact, when I myself was a young officer in the Army, a group of salesmen showed up on post and convinced my fellow soldiers and me that I could begin saving for my retirement by buying into an investment plan that included insurance and mutual funds. I was so impressed with their infomercial-like presentation that I invested what was a lot of money to me at the time. It was not until I got out of the Army and into the business world that I discovered how uncompetitive these products were compared with other opportunities.

While serving as an officer in the 82nd Airborne Division, I knew many soldiers who fell victim to such "contractual plans."

In my case, I fell for the sales pitch because those agents selling the programs encouraged one of my fellow soldiers to invite me to a presentation. That program included a respected veteran who could show up on post without the post commander's permission. I did not make the decision because I was a financial expert, because I was not. I made the decision because a retired servicemember, whom I respected, working as a salesman, presented this, and he was using referrals from other servicemembers who he convinced it was a good thing.

Because of these types of selling practices, I am pleased to report that today the House will be voting on this reintroduced, bipartisan legislation, H.R. 458, which will protect those preserving our freedom from some unnecessary, high-cost financial products.

This piece of legislation would clarify that State insurance regulators have jurisdiction over insurance sales on military bases within their States. Also, it would ban the sale of contractual mutual funds and require that our military personnel hear about government life insurance programs before buying private life insurance.

This bill would also allow our military post commanders to ban unscrupulous agents from their bases and posts and forward a list of these banned agents to the Department of Defense, and the DOD would compile lists and send them to State departments of insurance for further investigation.

We cannot allow these abusive practices to continue. We must not ask the men and women of our armed services to make sacrifices for our security without doing all that we can to protect their financial futures. You may be pleased to know that in the 108th Congress, this purpose-driven piece of legislation passed overwhelmingly with a vote of 396–2. During this Congress, the Committee on Financial Services reported this bill to protect our servicemen and -women by unanimous vote. This overwhelmingly bipartisan census is the result of strong leadership by the gentleman from Ohio (Mr. OXLEY) and the ranking member, the gentleman from Massachusetts (Mr. FRANK), and subcommittee chairman on capital markets, the gentleman from Louisiana (Mr. BAKER) and ranking member, the gentleman from Pennsylvania (Mr. KANJORSKI), who led our investigation into abusive practices and bad products.

☐ 1445

The gentleman from Kansas (Mr. RYUN) and the gentleman from New York (Mr. ISRAEL), who worked closely together on the reporting requirements, are to be thanked, as well as the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) for ensuring appropriate SEC oversight of broker-dealer practices on military posts. Also, I would like to thank the gentleman from Illinois (Mr. GUTIERREZ) for working on new requirements for high-cost lending. Their hard work and bipartisan leadership is well reflected in the legislation.

Today, I urge my colleagues in the 109th Congress to support this bipartisan bill and vote "yes" on the Military Personnel Financial Services Protection Act and protect our military from these predatory financial products and sales practices.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Kentucky has quite correctly described both the need for this bill and what it does, and I am very pleased that this is one in a number of genuinely nonpartisan efforts that the Committee on Financial Services has brought forward.

I think there is a consensus in our committee. We have some issues about which we disagree, and we will continue to do so in a good spirit. But we also have a consensus that it is possible to work to make sure that the financial sector, the financial intermediaries in this country, are able to perform their function, which is so important in our capitalist society, but still protect consumers from abusive practices, that is, legitimate protection of consumers need not be seen, should not be seen, as inconsistent with support for the function that the financial intermediaries should perform in our system.

This legislation is a very good example of that. It was introduced previously, as the gentleman from Kentucky mentioned, in a previous Congress. One version of it was also introduced, very similar, by the gentleman from Illinois (Mr. EMANUEL), who is on our committee. Our committee acted; the House acted. We are hopeful that the Senate will this time, because we are passing it early enough in this 2-year session to get its attention to go along with us.

And I would also note, as the gentleman from Kentucky graciously mentioned, that the gentleman from Illinois (Mr. GUTIERREZ) addressed as well at the session when we brought this up, the problem of payday lending, abusive payday lending for members of the military. As we know, members of the military, particularly now that we have mobilized the Guard, we have young, not always young, men and women in the military who may find themselves in economic distress through no fault of their own because of an unforeseen call-up. They are fully entitled to our protection against those people who would prey on them.

So what we have done in this bill is to protect them from inappropriate sales, given the stressful situation in which they find themselves, the pressures they are under; and we have added, thanks to the initiative of the gentleman from Illinois, protection against abusive payday lending. And I appreciate the majority, the gentleman from Kentucky and the gentleman from Ohio (Mr. OXLEY), the chairman of the committee, in working with the gentleman from Illinois (Mr. GUTIERREZ) so that we were able to bring forward a comprehensive bill that we believe will protect members of our military from any kind of financial impositions on them of an inappropriate sort.

So I am delighted to join in what I hope will be an overwhelming, if not unanimous, vote for this bill; and I hope the Senate will act promptly.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Massachusetts for his remarks and also heartily agree and hope that the Senate will pass this bill and take it up in an aggressive manner. I thank all the members of the Committee on Financial Services for their support on both sides of the aisle. It was truly a bipartisan effort.

Mrs. TAUSCHER. Mr. Speaker, I rise today to speak in support of H.R. 458, the Military Personnel Financial Services Protection Act of 2005.

I congratulate Chairman OXLEY and all the members of the Financial Services Committee for putting forth a bill that seeks to protect our men and women in uniform from certain deceptive practices.

During the Financial Services Committee's consideration of this bill, my colleague Representative GUTIERREZ raised concerns about the issue of pay day loans and offered an amendment to extend the bill's coverage to them.

These are deferred-deposit loans that offer borrowers short-term credit that will be repaid on the person's next pay day.

If the borrower does not repay the loan at the end of the period, it can be rolled over with additional fees and interest assessed. Because of the way these loans work, the annual percentage rates are often 390 percent or more.

Representative GUTIERREZ was rightfully concerned that the high interest rates of such loans cause too much debt for military personnel and this could impede their military readiness.

Mr. Speaker, I am pleased to see that the bill before us today contains language that places new requirements on military lenders and requires certain disclosures of lenders offering service members loans with higher-than-average rates, including payday loans.

It is time to crack down on unscrupulous lenders who seek to make a quick buck by selling improper loans to our uniformed service members.

I am pleased that the bill requires the Secretary of Defense to create and maintain a registry of banned payday lenders.

The Secretary will be responsible for updating and maintaining the registry, which will provide the name, address, and other identifying information of the banned or barred agent or advisor.

The registry must be accessible and searchable by the public and local installation commanders and appropriate Federal and State financial regulators.

Furthermore, I wish to bring to the House's attention that the Commander's Web page section of the Defense Department's Web site currently has a section entitled, "Quick Links."

Under this are several tabs the user can click on dealing with such issues as Compensation, Deployment, Benefits, and the like.

I would like to urge the House to stipulate that the Defense Department place another separate tab under this "Quick Links" section and have it be a specific listing of abusive lenders so our service members can know whom to avoid.

Mr. Speaker, I think we all can agree that our soldiers do not deserve to be taken advantage of and the actions taken today are a step in the right direction.

Mr. OXLEY. Mr. Speaker, I rise in support of H.R. 458, the Military Personnel Financial Services Protection Act. This bill, introduced by my good friend Mr. GEOFF DAVIS from the Commonwealth of Kentucky, will go a long way towards protecting the men and women serving in our Nation's military from deceptive financial practices and unsuitable financial products.

Mr. Speaker, since the tragic day of September 11, 2001, our country has been at war. In the prosecution of that war, our armed services have performed heroically. Many have made the ultimate sacrifice for the cause of freedom. Unfortunately, there are a few bad actors in the financial services industry who have been taking financial advantage of our armed forces. These unscrupulous companies and salesmen gain access to military installations and use aggressive, misleading, and often illegal sales tactics, to sell high-cost products of dubious value that are unsuitable for any investor, and are particularly unsuitable for our military personnel.

The Pentagon has issued directives intended to prevent these abuses. But with the ongoing confusion over regulatory jurisdiction, the lack of communication among government agencies, and the lack of sufficient protection standards for certain financial products, it is clear that the abuses will not stop unless Congress enacts this legislation.

H.R. 458 bans bad financial products and sales practices, clarifies regulatory jurisdiction on military installations within the United States and abroad, adds appropriate consumer protections and disclosures for financial products, and ensures proper reporting systems between our military and the financial regulators to ensure bad actors cannot escape. It also makes the process of selecting a financial advisor more transparent for all investors, by providing online access to background information on broker-dealers, including disciplinary actions. Finally, the legislation imposes new requirements on lenders that target a military clientele for high-cost loan products, to ensure that our men and women in uniform are treated fairly when obtaining credit, and are fully informed about the costs and potential consequences of entering into credit arrangements that feature high annual percentage rates.

The House passed similar legislation in the 108th Congress by a vote of 396-to-2. This term, our Committee reported Mr. DAVIS' bill to protect our servicemen and women by a unanimous vote. This overwhelming bipartisan consensus is the result of strong leadership by Mr. DAVIS, the author of this legislation; the chairman of the Subcommittee on Capital Markets, Mr. BAKER, who led our investigation into abusive practices and bad products; Mr. JIM RYUN and Mr. ISRAEL who worked closely together on the reporting requirements of this bill; Ms. BROWN-WAITE for ensuring appropriate SEC oversight of broker-dealer sales practices on military installations; and Mr. GUTIERREZ for working on new requirements for high cost lending. Their hard work and bipartisan leadership is well-reflected in this legislation.

I urge my colleagues in the full House to support this bipartisan bill and vote "yes" on H.R. 458.

Mr. GUTIERREZ. Mr. Speaker, I strongly support the Military Personnel Financial Services Protection Act, H.R. 458. We passed this bill last year, and it is designed to prevent predatory companies from using the imprimatur of the U.S. Military to prey on financially vulnerable service members by selling them insurance and investment products with little or no value. During consideration of this bill in the Financial Services Committee, I offered an amendment to extend these protections to abusive lenders who prey on our troops, such as payday lenders. These payday loans are the most abusive financial product being offered to our troops today, and, according to military personnel, payday loans threaten troop readiness. The New York Times and other news outlets have reported extensively on this problem.

Noncommissioned officers at the Army base in Fort Bragg, NC, say they counsel two to three soldiers per week who are indebted to payday lenders. "It's legalized thievery," says Sgt. 1st Class Andrew Perrin, a member of the XVIIIth (18th) Airborne Corps at Fort Bragg.

These companies put pressure on soldiers because they can be discharged if they default on too much debt, Perrin says. Staff Sgt. Carlton Brown says soldiers become distracted from their duties as they struggle to make payments and avoid disciplinary action. "It affects a soldier's mission readiness, and that can affect a whole unit, big time," Brown says.

The amendment I offered in Committee drew on the idea of my colleague SAM GRAVES, who introduced legislation capping interest rates on payday loans for service members. During that markup, Chairman OXLEY agreed to work with me to include provisions regarding abusive lending in the manager's amendment for floor consideration. I am very pleased that our work has resulted in the inclusion of some basic, but important protections for our troops, against payday lenders and other abusive lenders who target our troops. I want to thank him and his staff for the countless hours they spent working to hammer out this compromise. I also want to thank Ranking Member FRANK, Congressman DAVIS and their staffs for their hard work bringing this to fruition. Under this legislation, lenders (of both payday and other small loans) who target the military can no longer continue a number of egregious practices, including: requiring the involuntary assignment of military wages to secure payment of a loan; contacting, or threatening to contact the borrower's commanding officer or others in the military chain of command in effort to collect a loan; requiring the borrower to waive any rights under Federal or State law, including the Servicemembers Civil Relief Act; or using any words or symbols that create the impression that any department of the military endorses the lender or any service or product of the lender. I am sorry to say that all of these unconscionable practices are currently used by certain payday or short term lenders.

In addition, extremely high cost loans must be accompanied by a disclosure notice that informs the consumer of these protections and that there are other options available including grants or interest free loans from the military relief societies in the case of a family or other emergency.

This may not sound like a lot, and I do wish that it contained additional limitations on the loan amount and the number of turnovers by payday lenders, similar to legislation recently enacted in my home State of Illinois, but this is a good start, since many of these payday and other short term lenders completely evade regulation by the States and Federal Government. I look forward to continuing to work on this issue.

The Navy's senior enlisted Sailor, Master Chief Petty Officer of the Navy Terry Scott testified earlier this year in front of the House Appropriations Committee about the pernicious nature of these payday loans. Scott characterized the industry as one "that has made it a practice to prey upon our Sailors." Payday loan outlets, he said, often are found within a short walk outside the gates in the communities that surround Navy homeports, offering easy loans but with very high interest rates as compared to commercial lenders. He told the subcommittee that many who turn to these payday loan outlets end up far worse off than before.

"It is not being dramatic to state these payday loans to our troops could be a threat to their military readiness," he said.

Payday loans are the most abusive financial product preying on consumers today, but service members, who can lose their job or even be court-martialed if they are in too much debt, suffer disproportionately. Those who claim to support the troops should agree to restrict the worst financial product out there. Once again, I thank my colleagues for their help in securing these provisions and look forward to working with them in the future.

Mr. WESTMORELAND. Mr. Speaker, I rise today in strong support of Title II of H.R. 458. This provision protects our service men and women from the predatory practices of high cost military lenders. Companies such as Pioneer Financial have demonstrated the need for increased lending restrictions due to their avaricious behavior.

Pioneer Financial has realized that it can prey on military customers by charging unjustifiable rates, high fees and selling them expensive and often unnecessary credit insurance, and then refinancing the loan within a year to generate more fees. Some military customers have found alternatives to Pioneer's costly loan products, and because of this Pioneer has fought back and launched a targeted campaign to pass legislation that cripples its payday lender competitors and stops them from being able to sell to our military personnel.

Mr. Speaker, no one deserves to be taken advantage of, and it is despicable that someone would specifically target the very people that are protecting the freedoms that allow us to participate in commerce at all. That is exactly why I support this bill.

H.R. 458 protects and balances military borrowers' responsibilities and rights. It is important to note that the bill applies not only to payday advance lenders, but also to other higher-cost creditors like Pioneer, small loan companies, title lenders and finance companies.

This legislation also ensures that military borrowers are given additional warnings and special protections if their lender targets military personnel and charges higher rates. In particular, borrowers are protected from garnishment and other collection activities while on active military duty. Further, H.R. 458 takes care to maintain access to many types of credit. By doing so, this bill provides both choice and protection for our service members.

Mr. Speaker, I commend the members of the Financial Services Committee for addressing these abusive lending practices, and for protecting those who risk their lives to protect us every day.

Mr. DAVIS of Florida. Mr. Speaker, today, the House passed H.R. 458, the Military Personnel Financial Services Protection Act. This important piece of legislation prevents the sale of abusive insurance and investment products, such as contractual plans, to military personnel.

Contractual plans, which have all but disappeared from civilian markets, offer individuals the opportunity to invest small amounts of money on a regular basis over an extended period of time. Generally, these contractual plans require that investors make monthly installments for a period of 15 to 20 years and charge up front the commission that would be expected over the life of the contract. Because these plans require that commission fees be paid in the first few years of the contract, the investor's account is not fully credited during this period. Furthermore, investors who drop out of these plans before the designated end of the contract sacrifice all the prepaid commission and often find that the number of shares they own is considerably less than what they could have purchased directly.

A series of articles in the New York Times highlighted the abusive sale of these financial products to members of the Armed Services. While most financial service providers supply their military customers with honest and accurate information, some have engaged in unfair and deceptive practices in an effort to increase their own profits. The men and women who defend our country deserve better.

I supported H.R. 458 because it ensures that our troops are protected from the potentially abusive sales of certain financial products. By enacting new regulations and prohibiting the sale of mutual funds sold though contractual plans, H.R. 458 provides military personnel with the proper assurances they need to make informed financial decisions.

Mr. CONAWAY. Mr. Speaker, I wish to express my strong support for H.R. 458, the Military Personnel Financial Services Protection Act. This legislation protects the men and women of our armed forces from predatory lenders that target service members.

There are a number of companies known as "military lenders" that offer our troops ill-advised and costly products, such as loans with exorbitant rates and hidden fees. They often cluster around military installations and aggressively target service members and their families, who are uniquely vulnerable to these abusive marketing and collection practices. As an example, the zip code 76903 of San Angelo in my Congressional District borders Goodfellow Air Force Base and has 11 banks and eight payday lenders.

Unfortunately, a large number of our young troops have limited experience dealing with financial matters and many fall victim to abusive lending practices. Additionally, they often have relatively low incomes which may lead them to borrow in order to pay current expenses and debts. This is especially troubling in a time when we are experiencing extended troop deployments and families at home are struggling to make ends meet while the service member is deployed. The problem has become so pervasive that the Pentagon has launched a new effort aimed at educating our troops and warning them about the dangers of abusive military lenders.

Not only do these predatory lending practices affect the financial well-being of the men and women of our armed services, but it also threatens the operational readiness of our military. The last thing we need is for service members who are putting their lives on the line for our Nation to be overwhelmed with financial stresses back home.

H.R. 458 addresses this problem by imposing certain restrictions on various types of specialty lenders that target service members. Additionally, it protects the interests of service members by requiring additional disclosures with regard to these types of loans. H.R. 458 is responsible legislation that protects the rights of the men and women of our military while still affording them options with regard to their finances.

Mr. Speaker, I commend the House of Representatives for passing this legislation and addressing an issue that is vitally important to our nation's dedicated troops.

Mr. DAVIS of Kentucky. Mr. Speaker, today, I rise in support of Title II in my legislation, H.R. 458. Title II regulates so-called "military lenders," and provides significant safeguards to protect our armed services personnel from abusive consumer credit lending and collection practices.

A number of lenders target military personnel. While most lenders treat their customers fairly, some of these creditors engage in deceptive sales and marketing practices and employ coercive debt collection practices. I know about companies like Pioneer Financial that engage in predatory lending with high rates and hidden fees and frequently refiance loans to generate more fees for the lender while providing little or no benefit to the service member.

Like many others, I myself, Mr. Speaker, while a young officer in the military, was misled into thinking that the military was endorsing these types of lenders and loan products. I also know that in some instances, lenders go as far to garnish military personnel's wages or require them to agree to have their loan repaid through the allotment system.

Predatory lenders have contacted or threatened to contact the borrower's commanding officer or others in the borrower's chain of command in order to collect debt. Furthermore, some lenders have required borrowers to sign documents as a condition of obtaining the loan that purportedly waive their legal rights, including the requirement that the borrower submit to mandatory arbitration of any dispute instead of being able to institute a legal action.

Title II in H.R. 458 recognizes that many military personnel do not understand or appreciate their borrowing options or rights or what can happen if they do not carefully manage their finances after taking out a loan to pay off or consolidate old debts. Accordingly, under Title II, prior to the consummation of a loan transaction, military lenders also would be required to provide detailed disclosures.

Mr. Speaker, in the last Congress, each of the Members who serve on both the House Armed Services and Financial Services Committees expressed concerns about these types of lenders, including predatory lenders and some payday lenders, taking advantage of members of our armed forces.

As the newest Member to serve on both committees, I endorsed my colleagues' views by adding these special protections for military borrowers in Title II of H.R. 458, to ensure that all high interest lenders comply with essential safeguards that protect our men and women in the armed forces.

Mr. RYUN of Kansas. Mr. Speaker, I rise today in favor of H.R. 458, the Military Personnel Financial Services Protection Act. This legislation, sponsored by the gentleman from Kentucky, would establish procedures to protect our servicemembers from predatory practices sometimes employed by members of the financial services industry.

I want to specifically express support for Section 110 of the bill, which establishes a method for our military base commanders to obtain the information that they need to keep these problematic agents off their installations without neglecting their servicemembers of access to legitimate financial service providers.

Specifically, Section 110 creates a registry at the Department of Defense to list any agent that has been barred from entry onto any military installation. This registry will be made available to base commanders everywhere, empowering them to deny access to an agent known to employ predatory practices elsewhere.

I want to thank Mr. DAVIS and Chairman OXLEY for including the language I authored in Section 110. This language, coupled with the other provisions in the bill, will go a long way towards protecting our servicemembers from those who would prey on them financially. I encourage my colleagues to support this effort.

Mr. SCOTT of Georgia. Mr. Speaker, today, I rise in support of Title II of, H.R. 458 Military Personnel Financial Services Protection Act. Title II of this measure regulates lenders who target the military and safeguards our armed services personnel from unscrupulous consumer credit lending and collection practices.

Many lenders have developed sales campaigns to market directly to military personnel. A few unscrupulous agents have made misleading pitches to 'captive' audiences, by posing as counselors on veteran's benefits and soliciting soldiers while they were on duty. In some instances, lenders have garnished military personnel's wages or required them to agree to have their loan repaid through the allotment system. Title II of H.R. 458 would clarify that lenders cannot garnish a military salary or give the appearance that they are agents of the military.

Predatory lenders have contacted or threatened to contact the borrower's commanding officer in order to collect debt. In addition, some lenders have required borrowers to sign documents as a condition of obtaining the loan that purportedly waive their legal rights; including requiring the borrower to submit to mandatory arbitration of any dispute. H.R. 458 would prohibit a lender to contact a loan recipient's chain of command and the measure would ensure that the customer's rights are not waived.

Title II in H.R. 458 recognizes that many military personnel are not aware of their borrowing options or rights or how to manage their finances after taking out a loan. To remember this problem, under Title II, military lenders would be required to provide detailed disclosures prior to the consummation of a loan transaction.

Last year, as a member ofthe House Committee on Financial Services, I expressed concerns about unscrupulous military lenders in several hearings. Some of these reported scams occurred at Fort Benning in my state of Georgia and were made public through a series of articles in the New York Times.

Mr. Speaker, I believe that Title II of H.R. 458 takes strong steps to ensure that our military men and women are not treated as second-class citizens when it comes to financial transactions and loans.

Mr. MEEK of Florida. Mr. Speaker, I rise today to strongly support Title II of H.R. 458, the Military Personnel Financial Services Protection Act. Title II's provisions are especially important as they will help prevent high-cost military lenders from preying on the men and women who are serving in our Armed Forces.

This important measure provides needed protections for military borrowers from various types of high-cost lenders, including for example, finance companies, title lenders and small loan companies.

These legislative provisions will give military personnel new warning disclosures and special protections against abusive collection practices and other improper lending practices by unethical lenders like Pioneer Financial that target vulnerable service members and charge unreasonably high rates and fees and sell them grossly overpriced credit insurance and who then refinance these predatory loans within the first 12 months if possible to generate more unjustifiable fees for the lender.

Mr. Speaker, I commend Mr. Davis of Kentucky and other colleagues who took the lead in developing this legislation, and am proud to lend my support as it will help ensure our Armed Forces personnel will have essential new safeguards to stop abuses that Pioneer and some other unscrupulous high-cost lenders have engaged in.

Mr. EMANUEL. Mr. Speaker, I rise in strong support of H.R. 458, the Military Personnel Financial Services Protection Act. H.R. 458 is identical to legislation passed by the House of Representatives by a vote of 396 to 2 in the 108th Congress. Unfortunately, the Senate did not act on that legislation.

Last year, I worked closely with Financial Services Committee Chairman MICHAEL OXLEY, Ranking Member BARNEY FRANK and Capital Markets Subcommittee Chairman RICHARD BAKER in holding hearings and developing legislation to add new protections for enlisted personnel.

The legislation we produced last session is before us once again today. The Military Personnel Financial Services Protection Act will go a long way toward eliminating these abuses and protecting our troops.

First, and most importantly, H.R. 458 bans the sale of contractual mutual funds on military bases. These expensive funds disappeared from the civilian market in the 1980s because their first-year commissions are equal to half of all contributions.

If they are not good enough for civilians, why should we allow them to be sold to our men and women in uniform?

Many of our enlistees are of modest financial means and need to cash in food stamps to feed their families. None of them can afford a 50 percent commission, and often, they do not realize they are paying so much.

If we want to give financial services firms access to military bases, that is one thing. But we cannot allow our young men and women to be used as laboratories for expensive financial products or to be seen as ATM machines, and that is what contractual mutual funds have made them.

This legislation also includes new disclosure requirements for life insurance products, so it is crystal clear what is being sold. H.R. 458 requires companies to provide recruits with a "Plain English" document telling them subsidized life insurance is available from the Federal Government and that the Government does not endorse, recommend or encourage them to buy the product.

Finally, H.R. 458 clarifies the authority of state insurance regulators to act against bad actors on-base. The States are also directed to create uniform military personnel protection standards and to work with the Department of Defense to carry out those standards.

Mr. Speaker, it is time to end a culture on military bases that too often favors financial interests over the interests of our troops, their families, and their futures.

I encourage my colleagues to support this important legislation.

Mr. DAVIS of Kentucky. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RADANOVICH). The question is on the motion offered by the gentleman from Kentucky (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 458, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DAVIS of Kentucky. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SENSE OF CONGRESS THAT THERE SHOULD BE ESTABLISHED A CARIBBEAN-AMERICAN HERITAGE MONTH

Mr. DENT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 71) expressing the sense of Congress that there should be established a Caribbean-American Heritage Month.

The Clerk read as follows:

H. CON. RES. 71

Whereas people of Caribbean heritage are found in every State of the Union;

Whereas emigration from the Caribbean region to the American Colonies began as early as 1619 with the arrival of indentured workers in Jamestown, Virginia;

Whereas during the 17th, 18th, and 19th centuries, a significant number of slaves from the Caribbean region were brought to the United States;

Whereas since 1820, millions of people have emigrated from the Caribbean region to the United States;

Whereas much like the United States, the countries of the Caribbean faced obstacles of slavery and colonialism and struggled for independence;

Whereas also like the United States, the people of the Caribbean region have diverse racial, cultural, and religious backgrounds;

Whereas the independence movements in many countries in the Caribbean during the 1960's and the consequential establishment of independent democratic countries in the Caribbean strengthened ties between the region and the United States;

Whereas Alexander Hamilton, a founding father of the United States and the first Secretary of the Treasury, was born in the Caribbean;

Whereas there have been many influential Caribbean-Americans in the history of the United States, including Jean Baptiste Point du Sable, the pioneer settler of Chicago; Claude McKay, a poet of the Harlem Renaissance; James Weldon Johnson, the writer of the Black National Anthem; Shirley Chisolm, the first African-American Congresswoman and first African-American woman candidate for President; and Celia Cruz, the world renowned queen of Salsa music;

Whereas the many influential Caribbean-Americans in the history of the United States also include Colin Powell, the first African-American Secretary of State; Sidney Poitier, the first African-American actor to receive the Academy Award for best actor in a leading role; Harry Belafonte, a musician, actor, and activist; Marion Jones, an Olympic gold medalist; Roberto Clemente, the first Latino inducted into the baseball hall of fame; and Al Roker, a meteorologist and television personality;

Whereas Caribbean-Americans have played an active role in the civil rights movement and other social and political movements in the United States;

Whereas Caribbean-Americans have contributed greatly to education, fine arts, business, literature, journalism, sports, fashion, politics, government, the military, music, science, technology, and other areas in the United States;

Whereas Caribbean-Americans share their culture through carnivals, festivals, music, dance, film, and literature that enrich the cultural landscape of the United States;

Whereas the countries of the Caribbean are important economic partners of the United States;

Whereas the countries of the Caribbean represent the United States third border;

Whereas the people of the Caribbean region share the hopes and aspirations of the people of the United States for peace and prosperity throughout the Western Hemisphere and the rest of the world; and

Whereas June is an appropriate month to establish a Caribbean-American Heritage Month: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) a Caribbean-American Heritage Month should be established; and

(2) the people of the United States should observe the month with appropriate ceremonies, celebrations, and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

GENERAL LEAVE

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Government Reform, I rise in support of House Concurrent Resolution 71, a resolution that recognizes the Caribbean-American community. This is a meaningful resolution to many Americans of Caribbean heritage, and I trust my colleagues will join me in support.

Mr. Speaker, America and the islands of the Caribbean have been eternal neighbors, and our pasts and futures are inexorably connected. The first permanent European settlement in the Caribbean was established by Spain on Hispaniola, the island that is now Haiti and the Dominican Republic, in 1496. The first native Caribbean people came to mainland North America as indentured servants at Jamestown, Virginia, in 1619.

Since the birth of our Nation, the United States has greatly benefited from the contributions of those of Caribbean descent. From Alexander Hamilton, the first Secretary of the Treasury, and founder of the First Bank of the United States, who was born on the island of Nevis, through Secretary of State Colin Powell, who was born to Jamaican immigrants, Caribbean-Americans have impacted all aspects of our Nation in tremendous ways.

Mr. Speaker, without question America greatly values its Caribbean-American population. This concurrent resolution is one important way that Congress can express its appreciation of the patriotism and honor of Caribbean-Americans. In addition, the United States Government enjoys great relationships with many island countries in the Caribbean as we work together on many issues including drug trafficking and trafficking in persons.

This concurrent resolution enjoys strong bipartisan support, of course, of the Caribbean-American Cultural Association and the Caribbean Diaspora Empowerment Foundation, not to mention the 81 cosponsors here in the House. I support the concurrent resolution as well.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with the gentleman from Pennsylvania in consideration of H. Con. Res. 71, which expresses the sense of Congress that June should be designated as National Caribbean-American Heritage Month.

This concurrent resolution, introduced by the gentlewoman from California (Ms. LEE), recognizes that emigration from the Caribbean region to the American colonies began as early as 1619 with the arrival of indentured workers in Jamestown, Virginia. During the 17th, 18th, and 19th centuries, a significant number of slaves from the Caribbean region were brought to the United States.

This concurrent resolution also recognizes that millions of people have emigrated from the Caribbean region to the United States since 1820 and points out that Alexander Hamilton, a Founding Father of the United States, was born in the Caribbean. Other influential Caribbean-Americans include Jean Baptiste Point du Sable, the pioneer settler of Chicago; Celia Cruz, the world renowned queen of Salsa music; James Weldon Johnson, the writer of the Black National Anthem; Shirley Chisolm, the first African American Congresswoman and first African American woman candidate for President: Colin Powell, the first African American Secretary of State; and Al Roker, a meteorologist and television personality.

Caribbean-Americans have played active roles in the civil rights movement and other social and political movements in the United States; and they have contributed greatly to education, fine arts, business, literature, journalism, sports, fashion, politics, government, the military, music, science, and technology. This concurrent resolution will increase national awareness of contributions made by Caribbean-Americans to U.S. culture, history, and politics.

I am also pleased to note, Mr. Speaker, that Ambassador Sidney Williams is an ambassador to the Bahamas and is also a spouse of a Member of this body, the gentlewoman from California (Ms. WATERS).

I know that the gentlewoman from California (Ms. LEE) had wanted to be here to speak to her resolution; but, unfortunately, her flight was such that she could not make it.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in strong support of H. Con. Res. 71, expressing the sense of Congress that there should be established a Caribbean-American Heritage Month and urge my colleagues to support its adoption. As a Caribbean-American myself, it gives me great pride to have been an original cosponsor of this resolution as well as to see it on the verge of passage in the House.

Mr. Speaker, the contributions of the people and islands of the Caribbean in the fields of sports, entertainment, politics and culture in the 20th century alone more than makes this resolution worthwhile.

In the fight for emancipation and liberation, my fellow Virgin Islander Edward Blyden, along with George Padmore, Marcus Garvey and Claude McKay were among the first West Indian Americans to become well known and well respected in the African American's struggle for racial equality.

Other famous West Indian Americans include former U.S. Representative Shirley Chisholm; Franklin Thomas, former head of the Ford Foundation; Federal Judge Constance Baker Motley, the first Black woman appointed to the Federal Judiciary; activists Stokely Carmichael—Kwame Toure—Roy Innis, Malcolm X and Louis Farrakhan; world renowned actor Sidney Poitier; civil rights activist and singer, Harry Belafonte; Earl Greaves, philanthropist, businessman and publisher of Black Enterprise; and now Colin Powell the first Black U.S. Secretary of State, have all made impressive contributions on behalf of African Americans.

Mr. Speaker, the small nations of the Caribbean wield a cultural influence that has spread to the remote corners of the world. Our culture, notably the music—calypso, reggae, Afro-Cuban and their derivatives—which was created by-and-large by a people who long considered themselves marginalized, has spread far and wide and enjoys unheard of popularity today.

But more than just our musical influence, Nobel prizes for literature have gone to poets St. Jean Perse of Guadeloupe and Derek Walcott of St. Lucia from among a number of highly regarded Caribbean writers. Moreover, internationally admired painters Wifredo Lam of Cuba and Leroy Clarke of Trinidad and Tobago and Haiti's "naive" artists took inspiration from a complex cosmology born from West African religions and Christianity. And Trinidad and Tobago's carnival was the basis for the breathtaking costumed parades designed by Peter Minshall of Guyana and Trinidad for the Barcelona, Atlanta and Salt Lake City Olympics.

Mr. Speaker, it is indeed fitting and proper that we honor the contributions of the people of the Caribbean to our history and culture. Indeed, if providence had not made it possible for our founding father Alexander Hamilton to travel to New York from my home island of St. Croix to further his education, we might not be celebrating the founding of this Nation next week and instead have remained a colony of the United Kingdom even today.

I urge my colleagues to support the adoption of H. Con. Res. 71.

Mr. ENGEL. Mr. Speaker, I rise in support of H. Con. Res. 71, supporting the establishment of a Caribbean American Heritage Month. I urge the approval of this resolution to support the Caribbean Americans who have contributed immensely to American society throughout our history. They overcame slavery and colonialism to fight for their independence, and emigrated to American colonies as early as 1619.

The countless number of influential figures in American history who are of Caribbean heritage indicates the need to set aside a designated time to celebrate their contribution to our country. Alexander Hamilton, a founding father of the United States and the first Secretary of the Treasury, James Weldon Johnson, the writer of the Black National Anthem, Colin Powell, the first African-American Secretary of State, Marion Jones, an Olympic gold medalist, Shirley Chisolm, the first African-American Congresswoman and first African-American woman candidate for President are only a few. These key figures in our history have left their marks on an array of fields; politics, art, music, business, government, and more.

A large number of my constituents are of Caribbean heritage, including Haitian, Jamaican, Dominican, and others. Our community has benefited greatly from their presence and involvement. I advocate establishing a Caribbean-American Heritage month to highlight my own constituents as well as Caribbean Americans all over the United States. I support a month with appropriate ceremonies, celebrations, and activities for a people who have suffered through years of slavery in past centuries and who have come to America to share with the rest of the world their dreams of freedom.

Mr. Speaker, this is an important resolution and I therefore strongly urge its passage.

Mr. RANGEL. Mr. Speaker, I rise in strong support of H. Con. Res. 71, to provide for the establishment of a Caribbean-American Heritage Month. Congresswoman LEE's resolution represents a nonpartisan appeal to honor the millions of Caribbean-Americans who have contributed greatly to the social, political, and economic life of the United States. I am proud to be a cosponsor of this legislation, and urge my fellow colleagues to lend their support to this important measure.

Caribbean Americans are becoming an increasingly integral part of the American fabric. Though the total Caribbean-American population is approximately 3 million, the Department of Homeland Security estimates 4 million Caribbean people have immigrated to the United States since the 1820s. As a representative of New York City, where Caribbean Americans account for over 25 percent of the population, I can attest first-hand to the size and impact of this community.

Many Americans do not know the extent of the Caribbean-American contribution to the

United States. Indeed, the Capitol Building in which we stand today was designed by a man from the British Virgin Islands. Alexander Hamilton, one of our country's founding fathers and the first U.S. Secretary of the Treasury was from the Caribbean island of Nevis.

The founder of Chicago, Jean Baptiste Point du Sable, was bom in Haiti, and Shirley Chisolm, the first African American woman elected to Congress, was also of Caribbean ancestry. Colin Powell, the first African American Secretary of State, is of Jamaican heritage. One could go on and on with the names of Caribbean Americans who have made significant contributions to our history and society, and that just serves to validate why this resolution is long overdue.

In addition to their contribution inside the U.S., individuals of Caribbean descent have contributed directly to the United States even when they did not actually reside in the country. Many are not aware that the United States utilized the skill and labor of thousands of English speaking Caribbean workers in the construction of the Panama Canal in the early 1900s. So large was this group that many of their descendants remain in Panama, and throughout Central America, to this day. The immense contribution that the Canal has made to the American economy, and global trade in general, serves as another reminder of what people of Caribbean decent have given to our country.

Caribbean-Americans also help to maintain the economic vitality of the region. As we all know the United States provides significant financial assistance to the Caribbean. However, this amount is dwarfed by the $1.6 billion that Caribbean Americans send to the region in the form of remittances to family members. This is needed more than ever as the nations of the Caribbean continue to face many obstacles related to their small economies, and frequent natural disasters.

As we reflect on the contributions of the Caribbean community, there is much that we can learn from them. The Caribbean is quite arguably the most diverse region in the Western Hemisphere. With a population consisting of Asians, East Indians, Africans, Europeans, Native Americans, and even Middle Easterners, the Caribbean has thrived in its diversity, and Caribbean Americans have brought this culture of tolerance and inclusion with them as they have integrated into American society.

As we now find ourselves with the passage of this resolution appropriately recognizing the Caribbean American community, I find it appropriate to point out a little-known, but ironic, fact. The first country to recognize the fledging United States in 1776 was the Caribbean island of St. Eustatius. At a time when the odds where stacked against our Nation, the Caribbean was the first to extend the hand of friendship. Now we have the opportunity to return the favor with H. Con. Res. 71. I thank the gentlewomen from California for her introduction of this resolution, and I am confident that my colleagues will follow her lead.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today as an original cosponsor to H. Con. Res. 71, which expresses the sense of Congress that there should be the institution of a Caribbean-American Heritage Month. Persons of Caribbean descent played a fundamental role in the establishment of our Nation—these same Diasporic communities continue to contribute to the well being of the United States today.

Beginning with the emigration of indentured servants from the Caribbean to Jamestown, Virginia in 1619—through the slave trade the following three centuries, it is not surprising to find people of Caribbean heritage in every State of the Union. It is upon these first individual's works and merits that a large part of this country was built.

Although the countries of the Caribbean faced obstacles of slavery and colonialism, their struggles for independence prevailed. This racially, culturally, and religiously diverse region of the world contributes greatly to the economy of our own Nation. While the Caribbean is a vital supplier to the sugarcane, coffee, cocoa, gold, tobacco, and banana industries, their contributions exceed monetary value.

There have been many influential Caribbean-Americans in the history of the United States, including: Colin Powell, the first African-American Secretary of State. Shirley Chisolm, the first African-American Congresswoman and first African-American woman candidate for President. Sidney Poitier, the first African-American actor tó receive the Academy Award for the best actor in a leading role. Harry Belafonte, a musician, actor, and activist. Claude McKay, a poet of the Harlem Renaissance. Celia Cruz, world renowned queen of Salsa music. Roberto Clemente, the first Latino inducted into the baseball hall of fame; and Al Roker, meteorologist and television personality.

From this short list, we see that Caribbean-Americans shared not only their culture, and expertise in education, fine arts, business, literature, jounalism, politics, and science, but the people of the Caribbean region also share the hopes and aspirations of the people of the Unites States for peace and prosperity throughout the world. Given their contributions to our Nation, it would only be appropriate of the people of the United Sates to observe the month of June with fitting ceremonies, activities, and celebrations. It is on these grounds that I request that Congress honor the establishment of Caribbean-American Heritage Month.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of H. Con. Res. 71, a resolution supporting the establishment of a Caribbean-American Heritage month. This resolution is admirable and deeply appreciated in its recognition and celebration of the Caribbean-American community and of the contributions that community has made to every sphere of American life.

The American spirit is a tapestry that weaves cultures together, one in which people of all traditions and walks of life convene to better protect and educate one another. The Caribbean-American people are an invaluable part of his tapestry, and their influence has stretched to every field of American society, culture and politics.

The State of Florida is especially indebted to the Caribbean-American community, enjoying one of the largest and most flourishing Caribbean-American populations in the nation. The contributions of this community to Florida's economy, educational system, politics and culture, and indeed to all areas of our society, are of the greatest importance to our state and to our country.

I am so privileged to represent people of virtually every single Caribbean heritage. From Lauderhill to Miramar to West Palm Beach to Oakland Park, I am honored to work on behalf of all of these communities and many more.

As early as the 17th Century, Caribbean men and woen journeyed to find new lives in America. Our regions have endured similarly difficult pasts. We shared a struggle against slavery, we shared a fight for independence, and now we share the strong ties built on social equality and democratic government.

Mr. Speaker, the United States has been profoundly shaped by the achievements of its Caribbean-American citizens. Whether in technology, science, the military, fashion, politics, government, business, education or journalism, the achievements of Caribbean-Americans have been immense and invaluable.

Some of the most revered figures in American art have come from the Caribbean-American community: actors, musicians, politicians, authors, educators and so many others. All of them have played central roles in the cultural development of this country.

This resolution enjoys strong bipartisan support including mine because it is critical for this body to acknowledge and appreciate those who contribute to America's unique and highly respected culture. I am proud to lend my support to this most excellent resolution, I urge my colleagues to do the same.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DENT. Mr. Speaker, I urge all Members to support House Concurrent Resolution 71, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 71.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

JOHN J. HAINKEL POST OFFICE BUILDING

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2346) to designate the facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, LA, as the "John J. Hainkel Post Office Building," as amended.

The Clerk read as follows:

H.R. 2346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN J. HAINKEL, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 105

NW Railroad Avenue in Hammond, Louisiana, shall be known and designated as the "John J. Hainkel, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "John J. Hainkel, Jr. Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from PA (Mr. DENT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

GENERAL LEAVE

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation salutes the life of an extraordinary member of the Louisiana legislature, the late John Hainkel, Jr. John Hainkel served 20 years in the Louisiana State house and another 25 years in the State senate until he passed away on April 15 this year. I know he was a tremendous representative of his many constituents and supporters.

The State of Louisiana has mourned the loss of Senator Hainkel for several weeks, but I appreciate the House leadership's selecting this bill for consideration so the entire Nation can acknowledge the life of this highly respected man. I also want to especially thank the distinguished gentleman from Louisiana (Mr. JINDAL) for his work on this bill and his commitment to recognizing Senator Hainkel.

Prior to his passing, Senator Hainkel had served in Baton Rouge since 1968, when he was first elected to the State house. He clearly earned the great respect of his colleagues because he became speaker of the house in 1980, and he held that post through 1984. In 1988, New Orleans voters elected him to be their State senator. He ultimately became president of the senate from 2000 through last year. He remained in the senate until his passing in April.

Mr. Speaker, I support this post office designation on behalf of John J. Hainkel, Jr. and urge all Members to do the same. It seems clear his contributions to the State of Louisiana will be long lasting. I look forward to the words of the gentleman from Louisiana (Mr. JINDAL), sponsor of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a Member of the House Committee on Government Reform, I am pleased to join with my colleague in consideration of H.R. 2346, legislation naming a postal facility in Hammond, Louisiana, after the late John J. Hainkel, Jr. This measure, which was introduced by the gentleman from Louisiana (Mr. JINDAL) on May 12, 2005, and unanimously reported by our committee on June 16, 2005, enjoys the support and cosponsorship of the entire Louisiana delegation.

John Hainkel was first elected to the Louisiana legislature in 1968. He held that position for 20 years, also serving as speaker of the house from 1980 to 1984.

□ 1500

The voters in uptown New Orleans elected him in 1988 to the State senate, where he served until his death representing the Sixth District. While serving in the senate, his colleagues elected him president of the senate in the Year 2000, a position he held until 2004. He is the only legislator in Louisiana history to hold the leadership position in both houses.

Senator Hainkel supported the arts, was pro-business, worked hard to clean up Lake Pontchartrain, and loved to hold legislative meetings over the barbecue pit. He loved his district and State and served 38 years in politics working to improve the lives of his constituents. Sadly, John Hainkel passed away this past April.

Mr. Speaker, designating the post office in Hammond, Louisiana, is an excellent way to honor the memory of one of Louisiana's political legends, John Hainkel, Jr. I commend my colleague for sponsoring this measure and urge swift passage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DENT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Louisiana (Mr. JINDAL), the author of H.R. 2346.

Mr. JINDAL. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise both with a grateful and also a heavy heart. I rise with a grateful heart and I want to thank my colleagues for their speedy consideration of this resolution. I rise with a heavy heart because of the untimely passing of not only a colleague, but a friend.

I first met John Hainkel well over a decade ago, and at that point he had already been involved in elected politics for well over three decades. Senator Hainkel, as you already heard, accomplished many significant things in his public career. Indeed, he was the only person in Louisiana's history to be elected both speaker of the house and president of our senate.

His broad-based appeal, however, extended beyond party lines. He was elected as speaker of the house, serving as a Democrat, with the active support of Louisiana's first Republican Governor elected in modern times. He then went on to serve, when I first met him, as chairman of the senate budget committee as a Republican, even though two-thirds of the senate at that time was comprised of Democrats. Indeed, when he served as president of the senate as a Republican, two-thirds of the senate in Louisiana at the time was comprised of Democratic members. I think that fact alone shows his bipartisan support, his broad appeal to many senators and representatives.

The reason he commanded such respect was the fact that he brought integrity, the fact he brought humor, wit, the fact that he brought fashion to the daily legislative tasks.

But John was more than just a senator, he was more than just a legislator. Indeed, he was very accomplished in those arenas. Senator Hainkel not only worked with Pat Taylor to bring about Louisiana's TOPS bill, which provides access for students to higher education, but he championed many budget reforms, helping to turn deficits into surpluses, helping to reform our State's health care system and helping to revive our State's economy.

But his accomplishments outside the legislature were almost as noteworthy as his accomplishments inside the legislature. John was also not only a dedicated senator, a dedicated representative, he was also a dedicated Tulane fan. I know that he watched from above as his Green Wave served him well in Omaha and went on to do so well in the College World Series. I know that he will still be watching them season after season, just with slightly better seats than he had before.

Indeed, Senator Hainkel was known for his friendship and was known for reaching out to new members of the bodies in which he served, to new members of the administration. He truly brought a passion and an attitude of public servant leadership that too often is missing from our elected halls. He brought a spirit of bipartisanship, a spirit of love for his home State of Louisiana.

Several things have been said about Senator Hainkel and the years of service he offered my State. I also want to note that he is survived by his son, John J. Hainkel, III, his daughter, Juliet Hainkel Holton, his other daughter, Alida Hainkel Furr, and by five grandchildren. I know his family brought him much joy. I know they, like I, am very saddened by his untimely and his early departure.

It is hard, it would be really impossible, to overstate the amount of affection and respect that Senator Hainkel engendered not only in his home district, but the home State of Louisiana.

Whether you were with him or against him on a particular legislation, and I was in both places, whether you were with him or against him in a particular election, and I was in both places, he was always a worthy friend and a worthy opponent.

I can certainly think of nothing that would be more appropriate than naming, at least as a small tribute to him, this post office in Hammond, Louisiana, that was within the district he represented in the senate. Indeed, there is a spirited election to replace him now. Two very distinguished women are seeking that post. Though either one of them will serve well, neither of them will be truly able to succeed and replace the giant that was John Hainkel.

I want to thank my colleagues again for their support.

Mr. DENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply urge all Members to support the passage of H.R. 2436.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RADANOVICH). The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and pass the bill, H.R. 2346, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, Louisiana, as the 'John J. Hainkel, Jr. Post Office Building'.".

A motion to reconsider was laid on the table.

MAYOR JOSEPH S. DADDONA MEMORIAL POST OFFICE

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2490) to designate the facility of the United States Postal Service located at 442 West Hamilton Street, Allentown, Pennsylvania, as the "Mayor Joseph S. Daddona Memorial Post Office".

The Clerk read as follows:

H.R. 2490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAYOR JOSEPH S. DADDONA MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 442 West Hamilton Street, Allentown, Pennsylvania, shall be known and designated as the "Mayor Joseph S. Daddona Memorial Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Mayor Joseph S. Daddona Memorial Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

GENERAL LEAVE

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2490.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2490 honors Joseph S. Daddona for his respected service to the community, my hometown, Allentown, Pennsylvania. Mr. Daddona was born in 1933, the son of Italian American immigrants. He grew up in the Second Ward of Allentown, in an ethnically diverse neighborhood.

Too poor to attend college after graduating from what was then Allentown High School, he enlisted in the United States Navy and served his country during the Korean War. After safely returning from overseas, Mr. Daddona put himself through Lehigh University and received an engineering degree.

Although he began his career as a planning engineer for the Western Electric Company, he found himself increasingly drawn to politics in the City of Allentown. In the mid-1960s, as a member of the Allentown Jaycees, Joe Daddona spearheaded the effort to create a Charter Study Commission for the city. He subsequently won a seat on that commission, helped draft the city's strong mayor form of government, and later served a term as an Allentown city councilman.

In 1973, Daddona was elected mayor for the first time. During his tenure, Allentown was designated an All-American City, one of his proudest accomplishments and something he spoke of often. He stood for reelection in 1977, but lost by 121 votes. Undeterred, Joe Daddona ran again in 1981 and won. He also triumphed in 1985 and 1993, making him the longest serving mayor in the city's history, along with Malcolm W. Gross.

Mayor Daddona's other endeavors include establishing parks, fire stations, and high-rise apartments for the elderly. He also improved environmental conditions at the local sewage treatment facility and was responsible for numerous modifications to local traffic patterns.

Daddona was a relentless booster for the city of Allentown. He was constantly in touch with his constituents and worked tirelessly to solve neighborhood problems. He loved to show off the city during Super Sunday and Mayfair events.

After his political career ended, he appeared on various local television and radio shows, in part to extol the virtues of the city. Daddona died after a long battle with cancer on June 5, 2004. He is survived by his wife Ann and their children.

Mr. Speaker, I urge all my colleagues to join me in support of H.R. 2490 in recognition and memory of my friend, the late Mayor Joe Daddona.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 2490, legislation naming the postal facility in Allentown, Pennsylvania, after the late Joseph S. Daddona, the former mayor of Allentown.

This measure, which was introduced by the gentleman from Pennsylvania (Mr. DENT) on May 19, 2005 and unanimously reported by our committee on June 16, 2005, enjoys the support and cosponsorship of the entire Pennsylvania delegation.

Born and raised in Allentown, Joseph Daddona served 8 years in the U.S. Navy during and after the Korean War. From 1966 to 1994, he served as the mayor of Allentown, the longest serving mayor in the town's history. As mayor, Joseph worked hard to improve the lives of his constituents. He established parks, housing for seniors, and improved environmental conditions.

Sadly, he passed away last June.

Mr. Speaker, I commend my colleague for seeking to honor the legacy of Joseph Daddona and urge swift passage of this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank all my colleagues for their support of this effort to honor my late friend, Joe Daddona.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and pass the bill, H.R. 2490.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COMMEMORATING MYSTIC SEAPORT: THE MUSEUM OF AMERICA AND THE SEA IN RECOGNITION OF ITS 75TH YEAR

Mr. FORTUÑO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 152) commemorating Mystic Seaport: the Museum of America and the Sea in recognition of its 75th year, as amended.

The Clerk read as follows:

H. Con. Res. 152

Whereas Mystic Seaport: the Museum of America and the Sea was founded as the Marine Historical Association on December 29, 1929, to preserve, protect, and honor the legacy of America's great maritime tradition and culture;

Whereas Mystic Seaport has grown into the largest, most diverse maritime museum, and the fourth largest history museum, in the Nation;

Whereas the mission of Mystic Seaport is to create a greater awareness and deeper appreciation of America's relationship to the sea and the impact of that relationship upon us as individuals and as a Nation;

Whereas the collections of Mystic Seaport include four National Historic Landmark vessels including the CHARLES W. MORGAN, the last wooden whaling ship in the world; the LA DUNTON, one of the few remaining fishing schooners of its era; the SABINO, one of the last coal-fired, steam ships still in operation; and the EMMA C. BERRY, an 1866 wooden fishing vessel;

Whereas Mystic Seaport also maintains the largest collection of watercraft in the nation with more than 500 vessels representing sail, oar, paddle and engine-powered boats spanning 2 centuries of history;

Whereas Mystic Seaport also features the Henry B. duPont Preservation Shipyard as a live working facility that showcases and interprets the art of shipbuilding and restoration, including the restoration of its iconic National Historic Landmark vessels;

Whereas Mystic Seaport put the Preservation Shipyard to its highest and best use in replicating the schooner AMISTAD in full public view, demonstrating its claim that Mystic Seaport is the only museum in the world that can build a large wooden vessel from the keel up and launch it as part of a comprehensive museum experience;

Whereas the Collections Research Center of Mystic Seaport houses 75,000 maritime artifacts, more than one million photographs, and 1.5 million feet of film, and is a dynamic national maritime research facility;

Whereas the G.W. Blunt White Library is one of the largest and most thoroughly catalogued and accessible collections of marine and maritime research material in the world;

Whereas Mystic Seaport also features a representative 19th-century New England coastal village featuring skilled tradesmen and live interpretation to engage, educate, and entertain its visitors;

Whereas Mystic Seaport maintains educational and outreach programs for all levels including accredited graduate and undergraduate programs through the Munson Institute and Williams-Mystic, the cooperative Maritime Studies Program of Williams College and Mystic Seaport;

Whereas Mystic Seaport continues to attract more than 300,000 visitors each year and millions of other individuals through its interactive internet web site, demonstrating its role as a vital cultural and educational center;

Whereas more than 1,500 volunteers each year assist 300 professional and support staff in preserving and interpreting the collections of the Mystic Seaport and in delivering its unique programs; and

Whereas Mystic Seaport has recently completed a comprehensive self-study and a strategic program and master plan, and has recommitted itself to its mission with an effort to strengthen its endowment and make its programs more cohesive and compelling: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) commemorates Mystic Seaport: the Museum of America and the Sea in recognition of its 75th year and commends the staff, volunteers, and trustees of the Museum and encourages them in their efforts to create greater awareness of America's relationship to the sea and the profound impact of maritime transportation and commerce upon our Nation's economic growth;

(2) supports Mystic Seaport's presentation of our Nation's Merchant Mariners and shipbuilders whose efforts promoted the expansion of maritime transportation and commerce;

(3) asks all Americans to join in celebrating this milestone for Mystic Seaport and its mission of preserving and interpreting the legacy of American maritime transportation and tradition; and

(4) encourages Mystic Seaport in its efforts to secure the future of its collections and programs and supports its efforts to make those programs even more compelling and engaging.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Puerto Rico (Mr. FORTUÑO) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes.

The Chair recognizes the gentleman from Puerto Rico (Mr. FORTUÑO).

GENERAL LEAVE

Mr. FORTUÑO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 152.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. FORTUÑO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Con. Res. 152 was introduced by my colleague, the gentleman from Connecticut (Mr. SIMMONS), and commemorates Mystic Seaport, the Museum of America and the Sea, in recognition of its 75th year. Mystic Seaport was founded in 1929 to preserve, protect, and honor the legacy of America's great tradition and culture.

Mystic Seaport is the largest maritime museum and fourth largest history museum in the Nation and attracts more than 300,000 visitors annually.

The mission of Mystic Seaport is to create a greater awareness and deeper appreciation of America's relationship to the sea and to highlight the impact of that relationship upon us as individuals and as a Nation.

Both the gentleman from Connecticut (Mr. SIMMONS) and I represent districts in which maritime activities play an important role in the lives of many of our constituents and are an important part of the history of our States.

I urge my colleagues to support this resolution and join in celebrating this 75-year milestone for Mystic Seaport.

Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I too rise in support of H. Con. Res. 152 commemorating the 75th anniversary of the Mystic Seaport, Museum of America and the Sea. Many Americans do not appreciate their U.S. maritime history and the legacy of the sea.

The Mystic Seaport Museum was established in 1929 to protect that history and legacy. The Mystic Seaport Museum is the largest and most diverse maritime museum in the United States. Its collections include many types of ships from our past, including a whaling ship, a fishing schooner, a coal-fired steamship, and a wooden shipping vessel built in 1866.

Mystic Seaport is providing a valuable service to our Nation by teaching Americans about our Nation's maritime history, promoting research in their vast collections of artifacts, photographs and books, and conducting outreach programs to students of all ages.

☐ 1515

Therefore, Mr. Speaker, I urge all of my colleagues to support this resolution commemorating the 75th anniversary of Mystic Seaport, and I hope that they will continue their programs to continue to grow and flourish in the years ahead. I urge the adoption of the resolution.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of H. Con. Res. 152 which acknowledges the 75th anniversary of Mystic Seaport: the Museum of America and the Sea. This resolution recognizes the efforts of the staff, volunteers, and trustees of the museum in preserving America's great maritime tradition. Mystic Seaport is also one of the jewels of my home state of Connecticut.

Since the 1600's, the Mystic Seaport has been a center for shipbuilding. Between 1784 and 1919, Mystic Seaport contributed more than 600 vessels to the American maritime enterprise. After the advent of steam power and railroads, wooden shipbuilding began to decline. Three Mystic, Connecticut residents, Edward Bradley, Dr. Charles Stillman, and Carl Cutler created the Marine Historical Association on December 29, 1929 to prevent the disappearance of the American maritime tradition. Today, the Marine Historical Association is known as Mystic Seaport: the Museum of America and the Sea. Since the inception of the Mystic Seaport Museum, it has become the largest maritime museum, and the fourth largest history museum in the nation. The Seaport's membership represents 25,000 people from all 50 states and 30 countries. More than 1,500 volunteers assist Mystic Seaport's 300 employees each year.

Mystic Seaport has helped increase awareness and appreciation of America's maritime tradition. The museum features the largest collection of watercraft in the nation, which includes four National Historic Landmark vessels. The vessels include the *Charles W. Morgan*, the last wooden whaling ship in the world, and the *Sabino*, the last coal-fired steam ship still in operation. The Mystic Seaport Museum's Collections Research Center functions as a dynamic resource for maritime research. The G.W. Blunt White Library is one of the leading collections of maritime research material in the world. Recently, the library has assembled a virtual run of the earliest published American ship registers. The Mystic Seaport Museum has made significant contributions in maintaining the cultural integrity of our nation's maritime legacy.

Mystic Seaport was also involved in the construction of a replica of the freedom schooner *Amistad*, which serves as a floating classroom and monument to those who lost their freedom or their lives due to the transatlantic slave trade. I was privileged to attend the launch of the *Amistad* in March 2000 at Mystic Seaport with a delegation from the Congressional Black Caucus.

Mr. Speaker, I ask that my colleagues join me today in honoring Mystic Seaport's role in preserving America's maritime culture. For the past 75 years, Connecticut has been proud to be the home of the Mystic Seaport Museum, which continues to be a vital protector of the Nation's nautical history.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield back the balance of my time.

Mr. FORTUÑO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentleman from Puerto Rico (Mr. FORTUÑO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 152, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

DELAWARE RIVER PROTECTION ACT OF 2005

Mr. LoBIONDO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1412) to amend the Ports and Waterways Safety Act to require notification of the Coast Guard regarding obstructions to navigation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Delaware River Protection Act of 2005".

SEC. 2. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

"SEC. 15. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

"(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

"(b) RESTRICTION ON USE OF NOTIFICATION.—Any notification provided by an individual in accordance with subsection (a) shall not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.".

SEC. 3. LIMITS ON LIABILITY.

(a) ADJUSTMENT OF LIABILITY LIMITS.—

(1) TANK VESSELS.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by striking subparagraph (A) and inserting the following:

"(A) with respect to a single-hull vessel, including a single-hull vessel fitted with double sides only or a double bottom only—

"(i) $1,550 per gross ton for an incident that occurs in 2005;

"(ii) $1,900 per gross ton for an incident that occurs in 2006; or

"(iii) $2,250 per gross ton for an incident that occurs in 2007 or in any year thereafter; or

"(B) with respect to a double-hull vessel (other than any vessel referred to in subparagraph (A))—

"(i) $1,350 per gross ton for an incident that occurs in 2005;

"(ii) $1,500 per gross ton for an incident that occurs in 2006; and

"(iii) $1,700 per gross ton for any incident that occurs in 2007 or in any year thereafter; or"; and

(C) in subparagraph (C), as redesignated by subparagraph (A) of this paragraph—

(i) in clause (i) by striking "$10,000,000" and inserting "$14,000,000"; and

(ii) in clause (ii) by striking "$2,000,000" and inserting "$2,500,000".

(2) LIMITATION ON APPLICATION.—In the case of an incident occurring before the date of the enactment of this Act, section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) shall apply as in effect immediately before the effective date of this subsection.

(b) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—Section 1004(d)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(4)) is amended to read as follows:

"(4) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—The President shall, by regulations issued no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005 and no less than every 3 years thereafter, adjust the limits on liability specified in subsection (a) to reflect significant increases in the Consumer Price Index.".

SEC. 4. REQUIREMENT TO UPDATE PHILADELPHIA AREA CONTINGENCY PLAN.

The Philadelphia Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)) shall, by not later than 12 months after the date of the enactment of this Act and not less than annually thereafter, review and revise the Philadelphia Area Contingency Plan to include available data and biological information on environmentally sensitive areas of the Delaware River and Delaware Bay that has been collected by Federal and State surveys.

SEC. 5. SUBMERGED OIL REMOVAL.

(a) AMENDMENTS.—Title VII of the Oil Pollution Act of 1990 is amended—

(1) in section 7001(c)(4)(B) (33 U.S.C. 2761(c)(4)(B)) by striking "RIVERA," and inserting "RIVERA and the T/V ATHOS I;"; and

(2) by adding at the end the following:

"SEC. 7002. SUBMERGED OIL PROGRAM.

"(a) PROGRAM.—

"(1) ESTABLISHMENT.—The Undersecretary of Commerce for Oceans and Atmosphere, in conjunction with the Commandant of the Coast Guard, shall establish a program to detect, monitor, and evaluate the environmental effects of submerged oil. Such program shall include the following elements:

"(A) The development of methods to remove, disperse or otherwise diminish the persistence of submerged oil.

"(B) The development of improved models and capacities for predicting the environmental fate, transport, and effects of submerged oil.

"(C) The development of techniques to detect and monitor submerged oil.

"(2) REPORT.—The Secretary of Commerce shall, no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report on the activities carried out under this subsection and activities proposed to be carried out under this subsection.

"(3) FUNDING.—There is authorized to be appropriated to the Secretary of Commerce $1,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.

"(b) DEMONSTRATION PROJECT.—

"(1) REMOVAL OF SUBMERGED OIL.—The Commandant of the Coast Guard, in conjunction with the Undersecretary of Commerce for Oceans and Atmosphere, shall conduct a demonstration project for the purpose of developing and demonstrating technologies and management practices to remove submerged oil from the Delaware River and other navigable waters.

"(2) FUNDING.—There is authorized to be appropriated to the Commandant of the Coast Guard $2,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.".

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of such Act is amended by inserting after the item relating to section 7001 the following:

"Sec. 7002. Submerged oil program.".

SEC. 6. DELAWARE RIVER AND BAY OIL SPILL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established the Delaware River and Bay Oil Spill Advisory Committee (in this section referred to as the "Committee").

(b) FUNCTIONS.—

(1) IN GENERAL.—The Committee shall, by not later than 1 year after the date the Commandant of the Coast Guard (in this section referred to as the "Commandant") completes appointment of the members of the Committee, make recommendations to the Commandant, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on methods to improve the prevention of and response to future oil spills in the Delaware River and Delaware Bay.

(2) MEETINGS.—The Committee—

(A) shall hold its first meeting not later than 60 days after the completion of the appointment of the members of the Committee; and

(B) shall meet thereafter at the call of the Chairman.

(c) MEMBERSHIP.—The Committee shall consist of 15 members who have particular expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels in the Delaware River and Delaware Bay, as follows:

(1) Three members who are employed by port authorities that oversee operations on the Delaware River or have been selected to represent these entities, of whom—

(A) one member must be an employee or representative of the Port of Wilmington;

(B) one member must be an employee or representative of the South Jersey Port Corporation; and

(C) one member must be an employee or representative of the Philadelphia Regional Port Authority.

(2) Two members who represent organizations that operate tugs or barges that utilize the port facilities on the Delaware River and Delaware Bay.

(3) Two members who represent shipping companies that transport cargo by vessel from ports on the Delaware River and Delaware Bay.

(4) Two members who represent operators of oil refineries on the Delaware River and Delaware Bay.

(5) Two members who represent environmental and conservation interests.

(6) Two members who represent State-licensed pilots who work on the Delaware River and Delaware Bay.

(7) One member who represents labor organizations that load and unload cargo at ports on the Delaware River and Delaware Bay.

(8) One member who represents the general public.

(d) APPOINTMENT OF MEMBERS.—The Commandant shall appoint the members of the Committee, after soliciting nominations by notice published in the Federal Register.

(e) CHAIRMAN AND VICE CHAIRMAN.—The Committee shall elect, by majority vote at its first meeting, one of the members of the Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence of or incapacity of the Chairman, or in the event of vacancy in the Office of the Chairman.

(f) PAY AND EXPENSES.—

(1) PROHIBITION ON PAY.—Members of the Committee who are not officers or employees of the United States shall serve without pay. Members of the Committee who are officers or employees of the United States shall receive no additional pay on account of their service on the Committee.

(2) EXPENSES.—While away from their homes or regular places of business, members of the Committee may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(g) TERMINATION.—The Committee shall terminate one year after the completion of the appointment of the members of the Committee.

SEC. 7. MARITIME FIRE AND SAFETY ACTIVITIES.

The Maritime Transportation Security Act of 2002 (Public Law 107–295) is amended—

(1) in section 407—

*(A) in the heading by striking "**LOWER COLUMBIA RIVER**"; and*

(B) by striking "$987,400" and inserting "$1,500,000"; and

(2) in the table of contents in section 1(b) by striking the item relating to section 407 and inserting the following:

"Sec. 407. Maritime fire and safety activities.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. LOBIONDO) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. LOBIONDO).

GENERAL LEAVE

Mr. LOBIONDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1412.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1412, the Delaware River Protection Act, makes several amendments to current law to enhance the Coast Guard's and the Federal Government's capability to prevent and respond to future oil spills in U.S. waters.

On November 26 of 2004, the ATHOS I struck a submerged object and released more than 260,000 gallons of heavy crude oil into the Delaware River. I commend the excellent work of the Coast Guard, in cooperation with other Federal and State agencies, to minimize the impact of the spill. However, this incident has brought several issues to light that are needed to enhance our capabilities to prevent and to respond to future oil spills.

Mr. Speaker, H.R. 1412 would require persons to notify the Coast Guard in the event that an object is released into U.S. waters that could cause the obstruction to navigation or, in the case of the ATHOS I, rip open the bottom of a ship. Mr. Speaker, let me give an example of why this provision is necessary. Under current regulations, an individual must report the creation of an obstruction only when the obstruction is caused by a sunken vessel. In other words, you must notify the Coast Guard when a vessel, whether a dinghy or a cruise ship, is sunk in a navigable waterway, but you need not report the loss of a large object such as a 7-foot anchor which, in this case, ripped the hull of the ATHOS I.

The notification requirement included in this bill will provide the Coast Guard with the information necessary to mark the location of potential obstructions on nautical charts until those obstructions can be removed. This provision will improve maritime safety and will protect the environment and economies of our local communities by further preventing similar mishaps in the future.

H.R. 1412 also directs the President to adjust liability limits for vessel owners to reflect changes in the Consumer Price Index since 1990 and establishes a research program to develop and test technologies to detect and remove submerged oil from our waterways.

This bill will provide the Federal Government with authorities that will enhance our capabilities to prevent and respond to future oil spills in U.S. waters. I would like to thank my colleagues, the gentleman from New Jersey (Mr. SAXTON), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Delaware (Mr. CASTLE), and the gentlewoman from Pennsylvania (Ms. SCHWARTZ), for their help, participation, and cosponsoring this bill.

I urge the House to support H.R. 1412.

Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1412, the Delaware River Protection Act of 2005. On November 26, 2004, the tanker ATHOS I hit a piece of pipe and an anchor that had been dumped into the Delaware River, spilling oil into the Delaware River near Paulsboro, New Jersey. The Coast Guard immediately began coordinating the response to this large spill.

On January 18, 2005, the Subcommittee on Coast Guard and Maritime Transportation conducted a field hearing in Philadelphia to see what policy changes should be made to help prevent this type of accident from happening again. H.R. 1412 was written as a result of that hearing.

No one seems to know where the pipe and anchor came from that the ATHOS I hit, but H.R. 1412 will require a person to notify the Coast Guard and the Army Corps of Engineers if they know of any object that has been dumped into the water that creates an obstruction to navigation.

As the gentlewoman from Pennsylvania (Ms. SCHWARTZ) pointed out at the hearing, the limit of liability of tank vessel owners has not been increased since the Oil Pollution Act of 1990 was enacted in response to the Exxon Valdez. OPA granted the Coast Guard the authority to increase the limits of liability for tank vessel owners based on the increase in the Consumer Price Index. However, they have never increased those limits. H.R. 1412 will increase the liability limits for oil spills up to a more modern amount and require these amounts to be adjusted not less than every 3 years.

One of the significant problems facing the agencies trying to clean up this spill is the fact that much of the heavy oil is sitting on the bottom of the river. H.R. 1412 will establish a program to monitor and evaluate the environmental effects of submerged oil.

H.R. 1412 also establishes the Delaware River and Bay Oil Spill Advisory Committee to make recommendations on methodologies to improve the prevention and response to future oil spills on the Delaware River and Delaware Bay.

I would like to thank the gentleman from New Jersey (Chairman LOBIONDO) for the bipartisan approach that he has used to develop this legislation, and I urge my colleagues to support the enactment of H.R. 1412, the Delaware River Protection Act of 2005.

Mr. Speaker, I yield back the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I yield 5 minutes to the gentleman from Delaware (Mr. CASTLE), and I thank him again for his participation and help.

Mr. CASTLE. Mr. Speaker, I do rise in support of this important legislation, and I thank the gentleman from New Jersey (Mr. LOBIONDO) for working on this bill for the past several months. He has worked extraordinarily hard on it and deserves a lot of credit. As chairman of the Subcommittee on Coast Guard and Maritime Transportation, he is a fierce defender of our environmental resources, and specifically the Delaware River; and we all appreciate it in that neck of the woods.

I do share his goal of protecting the viability of the Delaware River as a valued environmental resource, and I also believe that the commerce channel is a top priority for the surrounding States.

Last November, a tragic oil spill, which has been referred to by the previous speakers, in the Delaware River set off a course of events which has led to the important legislation here before us today, the Delaware River Protection Act. Beginning with a congressional hearing in January, it has been a top priority to not only address the cleanup of the oil spill but how we can look to the future. One clear outcome is prevention, working together as a region to learn from this accident.

The gentleman from New Jersey (Chairman LOBIONDO) has worked hard to draft legislation that I believe will make a real difference in protecting the Delaware River from another spill and in protecting the Delaware River as a valued natural resource.

I support the bill, which will establish the Delaware River and Bay Oil Spill Advisory Committee. A regional committee will be paramount to addressing issues facing the Delaware River, both environmental and industrial, and will serve as a sounding board for issues concerning the Delaware River.

Some of the committee's responsibilities will include developing recommendations for Congress on the prevention of and response to future oil spills on the Delaware River and bay; reporting to Congress regarding important issues affecting the health of the Delaware River, while ensuring that there is a balanced approach to the issues.

The committee will be made up of appointed experts in many different areas, from the operators of oil refineries to environmental advocates. As a result, this committee will be able to examine the breadth of issues facing the river. The recommendations need not be unanimous, allowing representation of transparent and likely divergent viewpoints.

In the coming years, our States will face numerous proposed industrial and government activities that have potential safety, environmental, and economic consequences. This bill will help our region to be prepared and assure that important steps are taken to preserve the Delaware River.

Again, I thank the gentleman from New Jersey (Mr. LOBIONDO) and the others who worked on this, and I sincerely encourage my colleagues' support for this legislation. I hope that, with the cooperation of the Senate, this will become law shortly to protect the Delaware River.

Mr. LOBIONDO. Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ) and again thank her for her participation.

Mr. SCHWARTZ of Pennsylvania. Mr. Speaker, I appreciate the efforts of the gentleman from New Jersey (Mr. LOBIONDO) and the opportunity to make a few remarks on this legislation.

On November 26, 2004, the ATHOS I oil tanker struck a submerged object near Paulsboro, New Jersey, and spilled 265,000 gallons of oil into the Delaware River. The spill, the largest to occur in the Delaware River in the last 16 years, struck at the heart of our region, occurring in the Port of Philadelphia.

Two months after the spill, on my 15th day as a Member of Congress, my 15th day on the job, the gentleman from New Jersey (Mr. LOBIONDO) convened a hearing in Philadelphia to examine the damage of the spill, the ongoing cleanup effort, and what else might be needed to be done, either now or in the future. I appreciated the chairman's willingness to have me participate in that hearing as a very new member of the Committee on Transportation and Infrastructure.

We all found, and we heard from the testimony, that this spill had caused millions of dollars in damages and affected more than 100 miles of shoreline in three States. Moreover, it impeded trade, temporarily shut down a nuclear power plant, put area drinking water at risk, and injured and killed wildlife. Unfortunately, many regional environmental experts testified that the impact of the oil spill would continue to linger, further damaging critical species such as oysters and horseshoe crabs. The devastating multiplier effect of the spill and the expert testimonies made clear that action was needed, not just for the cleanup, but for prevention.

As a consequence of what we found, the gentleman from New Jersey (Mr. LOBIONDO), the gentleman from Delaware (Mr. CASTLE), the gentleman from New Jersey (Mr. ANDREWS), and the gentleman from New Jersey (Mr. SAXTON) and I coauthored this bill, a bill that would protect the environmental integrity and economic vitality of the Delaware River and the greater Philadelphia area.

Mr. Speaker, the Delaware River Protection Act will take several very important steps to help prevent future oil spills. It will require mandatory reporting to the Coast Guard of overboard objects in order to facilitate their recovery and will impose civil or criminal penalties for those who fail to give prompt notification. It will encourage shippers to use double-hull tankers, which are safer and less susceptible to the damage caused by the single hull tankers. It will hold shippers accountable for damages caused by a spill by phasing in an increased liability standard, the first increase since 1990. And it will establish a River and Bay Advisory Committee which will be comprised of representatives from shipping, oil, labor, environment, and the general public to report to Congress on how best to prevent and respond to future incidences along the Delaware River.

I also want to note that in addition to these actions, the Water Resources Development Act, which will be considered by the full House later this week, includes a key provision that was originally part of this legislation. Specifically, it will provide the Army Corps of Engineers with the authority to remove debris along the Delaware River, a vital authority as we increase efforts to keep our waterways clear of dangerous debris. It is my hope that the Water Resources Development Act will be received in an equally bipartisan manner.

Mr. Speaker, the Delaware River Protection Act represents a true collaborative effort. I want to thank the gentleman from New Jersey (Mr. LOBIONDO) for his leadership on this bill, as well as his office staff, Geoff Gosselin, and the Subcommittee on Coast Guard and Maritime Transportation staff John Cullather, Eric Nagel and John Rayfield for their hard work on this important issue and working so closely with my staff.

Undoubtedly, implementation of this legislation will help to prevent future oil spills along the river, while also preserving the Port of Philadelphia as the regional resource that it is. That is why I urge my colleagues to support passage of this legislation.

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 1412, the Delaware River Protection Act, which institutes a variety of measures to protect the Delaware and other American rivers from future oil spills and environmental disasters and which I am pleased to have voted for. As the longest un-dammed river east of the Mississippi, the Delaware is a crucial part of

America's infrastructure, serving as a key route for commercial shipping, a popular area for recreational activity, and a vital water source for hundreds of counties and municipalities on or near its path.

In late November 2004, the tanker *Athos* I, accidentally hit an unmarked, submerged piece of iron pipe on the shore of the Delaware River near Paulsboro, NJ. The metal tore a hole in the ship's single hull, releasing roughly 265,000 gallons of crude oil into the river and soiling over 200 miles of coastline. Hundreds of birds became oil-covered and died; countless fish—including many endangered short-nose sturgeon—were sickened or killed. The Coast Guard estimated the cost of cleanup to be in excess of $200 million—that in addition to revenues lost when shipping routes along the river were forced to close and power plants along the river were forced to shut down. But under current law, the tanker's owners are responsible for less than $50 million of that cost; American taxpayers are forced to foot the bill for the rest.

For almost 15 million people—including much of the New York metropolitan area—the Delaware is a primary source of drinking water. Polluting such a valuable resource should be far costlier than it currently is, in order to encourage companies to practice the safest shipping possible. The Delaware River Protection Act would have just that effect.

First, the bill increases responsible parties' cleanup liability by nearly ninety percent for single-hulled vessels like the *Athos* I, and by over forty percent for double-hulled vessels, which are safer and more resistant to hull damage. The bill also requires any person with knowledge of submerged objects in U.S. waters to report those objects to the Coast Guard or be subject to civil and criminal penalties; prior Coast Guard notification of the iron pipe submerged in the Delaware's banks could have prevented the *Athos* incident entirely.

Finally, the bill proposes two programs. The first, established jointly within the Coast Guard and the National Oceanic and Atmospheric Administration, would be devoted to determining the environmental effects of submerged oil, and to developing methods to locate and remove it. The second, the Delaware River and Bay Oil Spill Advisory Committee, would be devoted solely to recommending ways to improve prevention of—and reaction to—oil spills on the Delaware.

In all, this bill makes important strides toward the environmental protection that our planet, our region, and the fifteen million Americans who rely on the Delaware for drinking water need. Preventing future oil spills and related disasters on the Delaware River is a vital and necessary goal. For that reason, Mr. Speaker, I urge my colleagues to support the Delaware River Protection Act.

□ 1530

Mr. LOBIONDO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentleman from New Jersey (Mr. LOBIONDO) that the House suspend the rules and pass the bill, H.R. 1412, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SAND CREEK MASSACRE NATIONAL HISTORIC SITE TRUST ACT OF 2005

Mr. FORTUÑO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 481) to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000, as amended.

The Clerk read as follows:

H.R. 481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sand Creek Massacre National Historic Site Trust Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) FACILITY.—The term "facility" means any structure, utility, road, or sign constructed on the trust property on or after the date of enactment of this Act.

(2) IMPROVEMENT.—The term "improvement" means—

(A) a 1,625 square foot 1-story ranch house, built in 1952, located in the SW quarter of sec. 30, T. 17 S., R. 45 W., sixth principal meridian;

(B) a 3,600 square foot metal-constructed shop building, built in 1975, located in the SW quarter of sec. 30, T. 17 S., R. 45 W., sixth principal meridian;

(C) a livestock corral and shelter; and

(D) a water system and wastewater system with all associated utility connections.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TRIBE.—The term "Tribe" means the Cheyenne and Arapaho Tribes of Oklahoma, a federally recognized Indian tribe.

(5) TRUST PROPERTY.—The term "trust property" means the real property, including rights to all minerals, and excluding the improvements, formerly known as the "Dawson Ranch", consisting of approximately 1,465 total acres presently under the jurisdiction of the Tribe, situated within Kiowa County, Colorado, and more particularly described as follows:

(A) The portion of sec. 24, T. 17 S., R. 46 W., sixth principal meridian, that is the Eastern half of the NW quarter, the SW quarter of the NE quarter, the NW quarter of the SE quarter, sixth principal meridian.

(B) All of sec. 25, T. 17 S., R. 46 W., sixth principal meridian.

(C) All of sec. 30, T. 17 S., R. 45 W., sixth principal meridian.

SEC. 3. CONVEYANCE OF LAND TO BE HELD IN TRUST FOR THE CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA.

(a) LAND HELD IN TRUST FOR THE CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA.—On conveyance of title to the trust property by the Tribe to the United States, without any further action by the Secretary, the trust property shall be held in trust for the benefit of the Tribe.

(b) TRUST.—All right, title, and interest of the United States in and to the trust property, except any facilities constructed under section 4(b), are declared to be held by the United States in trust for the Tribe.

SEC. 4. IMPROVEMENTS AND FACILITIES.

(a) IMPROVEMENTS.—The Secretary may acquire by donation the improvements in fee.

(b) FACILITIES.—

(1) IN GENERAL.—The Secretary may construct a facility on the trust property only after consulting with, soliciting advice from, and obtaining the agreement of, the Tribe, the Northern Cheyenne Tribe, and the Northern Arapaho Tribe.

(2) OWNERSHIP.—Facilities constructed with Federal funds or funds donated to the United States shall be owned in fee by the United States.

(c) FEDERAL FUNDS.—For the purposes of the construction, maintenance, or demolition of improvements or facilities, Federal funds shall be expended only on improvements or facilities that are owned in fee by the United States.

SEC. 5. SURVEY OF BOUNDARY LINE; PUBLICATION OF DESCRIPTION.

(a) SURVEY OF BOUNDARY LINE.—To accurately establish the boundary of the trust property, not later than 180 days after the date of enactment of this Act, the Secretary shall cause a survey to be conducted by the Office of Cadastral Survey of the Bureau of Land Management of the boundary lines described in section 2(5).

(b) PUBLICATION OF LAND DESCRIPTION.—

(1) IN GENERAL.—On completion of the survey under subsection (a), and acceptance of the survey by the representatives of the Tribe, the Secretary shall cause the full metes and bounds description of the lines, with a full and accurate description of the trust property, to be published in the Federal Register.

(2) EFFECT.—The description shall, on publication, constitute the official description of the trust property.

SEC. 6. ADMINISTRATION OF TRUST PROPERTY.

(a) IN GENERAL.—The trust property shall be administered in perpetuity by the Secretary as part of the Sand Creek Massacre National Historic Site, only for historical, traditional, cultural, and other uses in accordance with the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106–465).

(b) ACCESS FOR ADMINISTRATION.—For purposes of administration, the Secretary shall have access to the trust property, improvements, and facilities as necessary for management of the Sand Creek Massacre National Historic Site in accordance with the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106–465).

(c) DUTY OF THE SECRETARY.—The Secretary shall take such action as is necessary to ensure that the trust property is used only in accordance with this section.

(d) SAVINGS PROVISION.—Nothing in this Act supersedes the laws and policies governing units of the National Park System.

SEC. 7. ACQUISITION OF PROPERTY.

Section 6(a)(2) of the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106–465) is amended by inserting "or exchange" after "only by donation".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Puerto Rico (Mr. FORTUÑO) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Puerto Rico (Mr. FORTUÑO).

GENERAL LEAVE

Mr. FORTUÑO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 481, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. FORTUÑO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 481, introduced by the gentlewoman from Colorado (Mrs. MUSGRAVE) would authorize the Secretary of the Interior to hold 1,465 acres in trust, thereby allowing the National Park Service to formally establish the Sand Creek Massacre National Historic Site. The Park Service has worked in partnership with the State of Colorado, the Cheyenne tribe, and the Arapaho tribe to establish this site which was originally authorized in 2000 and recognizes the national significance of the Sand Creek Massacre in American History.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the majority has explained, H.R. 481 will further the purposes of the Sand Creek Massacre National Historic Site by enabling a significant parcel of land to be added to the site.

The Sand Creek Massacre National Historic Site was authorized in 2000 to preserve, commemorate and interpret the location of the 1864 massacre of Cheyenne and Arapaho people camped along the banks of the Big Sandy Creek in southeastern Colorado. The effort to establish the historic site has been a cooperative one. The inclusion of the land authorized by H.R. 481 will be a significant step leading to the formal establishment of the site by the Secretary of the Interior.

Mr. Speaker, H.R. 481 will help advance the preservation and interpretation of the Sand Creek Massacre National Historic Site and we support adoption of the legislation by the House today.

Mr. Speaker, let me thank the staff of the Resources Committee, both the minority and majority staff, and especially Rick Healy, who worked diligently on this bill.

Mrs. MUSGRAVE. Mr. Speaker, I am pleased, to offer my bill H.R. 481, the Sand Creek Massacre National Historic Site Act. I want to thank Chairman POMBO of the Committee on Resources for the expeditious way in which this bill moved through committee and onto the floor.

This bill is not only important to the Cheyenne and Arapaho Indian tribes, the citizens of the 4th district of Colorado and the entire state, but it is also important to help secure a permanent reminder in America of the tragic event that forever altered the course of Western frontier history.

On November 29, 1864, 700 Colorado Volunteers commanded by Colonel John Chivington attacked a village of Cheyenne and Arapaho Indians who were camped along Big Sandy Creek in what is now Kiowa County, Colorado—part of the district that I represent today. More than 150 Indian people were killed in the attack, the majority of whom were woman and children. This event is now known as the Sand Creek Massacre.

On March 13, 1865, this event was addressed in Congress by the Joint Committee on the Conduct of the War. Today, 141 years after the Massacre and 140 years after the first congressional hearings, Congress is again discussing this tragedy. This time we are here to honor the victims and preserve a historic parcel of land in Southeastern Colorado where this event took place.

In 1998, Congress authorized a study to investigate the suitability and feasibility of designating the Sand Creek Massacre National Historic Site in the State of Colorado as a unit of the National Park System. In November 2000, after the completion of the site location study, Congress passed the Sand Creek Massacre National Historic Site Establishment Act. This Act instructs the Secretary of the Interior to establish the Sand Creek Massacre National Historic Site as a unit of the National Park System once sufficient land is acquired to interpret and commemorate the massacre.

Today, we consider H.R. 481, to place 1,465 acres of tribally owned land inside the Sand Creek Massacre National Historic Site boundary into Tribal Trust. This would allow the Cheyenne and Arapaho tribal property within the Historic Site to be managed by the National Park Service in partnership with the Northern and Southern Cheyenne and Arapaho Tribes and consistent with the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

The passage of H.R. 481 is an important step in establishing this National Historic Site. With passage of this bill, the National Park Service would be given management responsibility over an additional 1,465 acres and would bring the total acreage of the managed site to almost 2,400 acres. Many involved in this project believe the addition of 1,465 highly important acres to the Park Service's previous holdings will amount to a "sufficient portion" to complete the establishment of this National Historic Site. When the Secretary of Interior finally designates this site an official National Historic Site, the Northern and Southern Cheyenne and Arapaho Tribes, the State of Colorado, Kiowa County and other stakeholders can begin the planning necessary to open this massacre site to the public.

I truly believe my bill will help heal the wounds of the past. I ask for the support of my colleagues on this bill.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this bill. I congratulate my Colorado colleague, Mrs. MUSGRAVE, for introducing it and thank the leadership of the Resources Committee for making it possible for the House to consider it today.

Enactment of the bill is a vital step toward formal establishment of the Sand Creek National Historic Site, as authorized in 2000 by Public Law 106–465.

The purpose of the Historic Site will be to recognize the national significance of what we now recognize as a permanent stain on the history of our State of Colorado—the San Creek massacre—and its ongoing significance to the Cheyenne and Arapaho people and descendants of the massacre victims.

The Act authorizes establishment of the national historic site once the National Park Service has acquired sufficient land to preserve, commemorate, and interpret the massacre site.

The National Park Service has acquired approximately 920 acres, but the majority of land within the authorized boundary is privately owned and is not open to the public. The National Park Service has been working in partnership with the Cheyenne and Arapaho Tribes and the State of Colorado towards establishment of the Sand Creek Massacre National Historic Site.

This bill will authorize the Cheyenne and Arapaho Tribes of Oklahoma to convey approximately 1,465 acres to the Secretary of the Interior to be held in trust for the tribes. Once these lands are conveyed, the National Park Service will be able to formally establish the Sand Creek Massacre National Historic Site.

Sand Creek was the site of an attack with terrible and long-lasting effects. Its history speaks to what can happen when military force is misused for political purposes.

The leader of the attack was John M. Chivington, who earlier had been hailed as the hero of the battle at La Glorieta Pass—sometimes called the "Gettysburg of the West—which ended the efforts of the Confederacy to seize New Mexico and other western territories.

As history records, Chivington seemed destined for even greater prominence. He was a leading advocate of quick statehood for Colorado, and spoken of as a likely candidate for Congress. At the same time, tensions between Colorado's growing white population and the Cheyenne Indians reached a feverish pitch. The Denver newspaper printed a frontpage editorial advocating the "extermination of the red devils" and urging its readers to "take a few months off and dedicate that time to wiping out the Indians." Chivington took advantage of this public mood, attacking the territorial governor and others who counseled a policy of conciliation and treaty-making with the Cheyenne.

Finally, during the early morning hours of November 29, 1864, he led a regiment of Colorado Volunteers to where the band led by Black Kettle, a well-known "peace" chief, was encamped. Federal army officers had promised Black Kettle safety if he would return to this location, and he was in fact flying the American flag and a white flag of truce over his lodge, but Chivington ordered an attack on the unsuspecting village nonetheless.

After hours of fighting, the Colorado volunteers had lost only 9 men in the process of murdering between 200 and 400 Cheyenne, most of them women and children. After the slaughter, they scalped and sexually mutilated many of the bodies, later exhibiting their trophies to cheering crowds in Denver.

Chivington was at first widely praised for the "battle" at Sand Creek, and honored with a widely-attended parade through the streets of Denver.

Attitudes began to change as tales circulated of drunken soldiers butchering unarmed women and children. At first, these rumors seemed confirmed when Chivington arrested six of his men and charged them with cowardice in battle.

But the six, who included Captain Silas Soule, were in fact militia members who had refused to participate in the massacre and now spoke openly of the carnage they had witnessed. Shortly after their arrest, the U.S. Secretary of War ordered the six men released and Congress began preparing for a formal investigation.

Soule himself could not be a witness at any of the investigations, because less than a week after his release he was shot from behind and killed on the streets of Denver.

Although Chivington was eventually brought up on court-martial charges for his involvement in the massacre, he was no longer in the U.S. Army and could therefore not be punished. No criminal charges were ever filed against him. An Army judge, however, publicly stated that Sand Creek was "a cowardly and cold-blooded slaughter, sufficient to cover its perpetrators with indelible infamy, and the face of every American with shame and indignation."

The massacre remains a matter of great historical, cultural and spiritual importance to the Cheyenne and Arapaho Tribes, and is a pivotal event in the history of relations between the Plains Indians and Euro-American settlers.

The effort to establish the Sand Creek National Historic Site was led by former Senator Ben Campbell of Colorado. It has gone through several stages:

The Sand Creek Massacre National Historic Site Study Act (Public Law 105–243) directed the National Park Service, in consultation with the State of Colorado, the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Cheyenne Tribe, and the Northern Arapaho Tribe, to complete two tasks. First, the Act directed the Park Service to "identify the location and extent of the massacre area." Second, the Act directed the Park Service to prepare a report that assessed the national significance of the Sand Creek Massacre site, the suitability and feasibility of designating it as a unit of the National Park System, and a range of alternatives for the management, administration, and protection of the area.

Following completion of these studies, Senator Campbell introduced legislation to authorize the establishment of the Sand Creek Massacre National Historic Site as a unit of the National Park System. Enactment of this bill is an important step toward completing that effort. I urge its approval by the House.

Mr. UDALL of New Mexico. Mr. Speaker, I yield back the balance of my time.

Mr. FORTUÑO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico (Mr. FORTUÑO) that the House suspend the rules and pass the bill, H.R. 481, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING ESTABLISHMENT AT ANTIETAM NATIONAL BATTLEFIELD OF NEW HAMPSHIRE MEMORIAL

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1084) to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF NEW HAMPSHIRE MEMORIAL, ANTIETAM NATIONAL BATTLEFIELD, MARYLAND.

(a) MEMORIAL AUTHORIZED.—The Secretary of the Interior shall authorize the establishment, at a suitable location approved by the Secretary within the boundaries of Antietam National Battlefield, of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862.

(b) AUTHORIZED ENTITY.—The Secretary shall select the persons who will be permitted to establish the memorial authorized by subsection (a).

(c) DESIGN APPROVALS.—The size, design, and inscriptions of the memorial authorized by subsection (a) shall be subject to the approval of the Secretary.

(d) PROHIBITION ON USE OF FEDERAL FUNDS FOR ESTABLISHMENT.—No Federal funds may be expended to design the memorial authorized by subsection (a), to acquire the memorial, to prepare the site selected for the memorial, or to install the memorial.

(e) SUSPENSION FOR MISREPRESENTATION IN FUNDRAISING.—The Secretary may suspend the authority of the persons selected under subsection (b) to establish the memorial authorized by subsection (a) if the Secretary determines that fundraising efforts relating to the memorial have misrepresented an affiliation with the memorial or the Federal Government.

(f) ANNUAL REPORT.—Until the memorial authorized by subsection (a) is installed, the persons selected under subsection (b) to establish the memorial shall submit to the Secretary an annual report of operations related to fundraising efforts for the memorial and progress on the establishment of the memorial.

(g) MAINTENANCE.—Upon installation of the memorial authorized by subsection (a), the Secretary shall assume responsibility for the maintenance of the memorial. The Secretary may accept contributions for the maintenance of the memorial from the persons selected under subsection (b) to establish the memorial and from other persons. Amounts accepted under this subsection shall be merged with other funds available to the Secretary for the maintenance of the memorial and credited to a separate account with the National Park Service.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

GENERAL LEAVE

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1084, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1084 introduced by the gentleman from New Hampshire (Mr. BRADLEY) would authorize the construction of a memorial at the Antietam National Battlefield to members of the New Hampshire Infantry that fought in the Battle of Antietam. The bill directs the Secretary of the Interior to select persons responsible for the establishment of the memorial and prohibits the use of Federal funds in the design, acquisition, preparation, and installation of the memorial. Additionally, the Secretary must approve the size, design, and inscriptions placed on the monument. Once the memorial is in place, the Secretary will accept responsibility for maintenance, but will be permitted to accept donations into a specific account for the New Hampshire memorial.

I urge passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the majority has explained, H.R. 1084 authorizes the establishment of a Civil War Memorial to New Hampshire soldiers who fought at the Battle of Antietam in 1862.

Evidently, New Hampshire is the only State that participated in the Battle of Antietam that does not have a memorial to its soldiers at the site. The citizens of New Hampshire are proud of their ancestors' participation in the battle and would like to commemorate their participation.

Mr. Speaker, we have no objection to the adoption of H.R. 1084, as amended, by the House today.

Mr. Speaker, I would like to thank the majority and minority staff of the House Resources Committee, and especially Rick Healy of the Resources Committee, for their diligent work on this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I also thank the staffs from both majority and minority to get this bill through.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 1084, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL FISH AND WILDLIFE FOUNDATION REAUTHORIZATION ACT OF 2005

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1428) to authorize appropriations for the National Fish and Wildlife Foundation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Fish and Wildlife Foundation Reauthorization Act of 2005".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 10(a)(1) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709(a)(1)) is amended by striking "fiscal years 2001 through 2005" and inserting "fiscal years 2006 through 2010".

SEC. 3. APPLICATION OF NOTICE REQUIREMENT LIMITED TO GRANTS MADE WITH FEDERAL FUNDS.

Section 4(i) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(i)) is amended by striking "grant of funds" and inserting "grant of Federal funds in an amount greater than $10,000".

SEC. 4. CLARIFICATION OF AUTHORITY TO USE FEDERAL FUNDS TO MATCH CONTRIBUTIONS MADE TO RECIPIENTS OF NATIONAL FISH AND WILDLIFE FOUNDATION GRANTS.

Section 10(a)(3) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709(a)(3)) is amended by inserting ", or to a recipient of a grant provided by the Foundation," after "made to the Foundation".

SEC. 5. REPEAL.

Effective September 30, 2015, section 10(a)(1) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709(a)(1)) is hereby repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

GENERAL LEAVE

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1428, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support H.R. 1428 introduced by the gentleman from California (Mr. POMBO), the distinguished chairman of the House Resources Committee, which extends the existing authorization levels for the National Fish and Wildlife Foundation.

Since its creation in 1984, the National Fish and Wildlife Foundation has funded more than 6,420 conservation projects. These efforts have been coordinated with more than 1,800 different conservation organizations. The fundamental goal of these projects has been to increase resources for fish and wildlife conservation, develop innovative conservation solutions, respect private property rights, and sustain healthy ecosystems.

Unlike most conservation groups, this organization requires its grantees to sign an agreement stipulating that no Federal funds will be used for lobbying or litigation purposes. Instead of simply talking about conserving critical habitat, the foundation has accomplished that effort by taking their limited Federal dollars, and, through its challenge grant approach, generating over $900 million in private matching funds. This is a remarkable achievement.

H.R. 1428 is a simple, noncontroversial and bipartisan bill. I urge an aye vote.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

As stated by my friend and colleague the gentleman from New Mexico (Mr. PEARCE), the overall purpose of this legislation is to reauthorize the appropriations and to make minor technical and clarifying changes to the National Fish and Wildlife Foundation Establishment Act.

H.R. 1428 will help ensure that this important congressionally chartered foundation continues its successful work in supporting effective on-ground conservation partnerships, not only in my State of New Mexico, but also across the country.

I urge Members to support this noncontroversial bill, and I thank the majority and minority staff of the Resources Committee, and especially Dave Jansen.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today in support of H.R. 1084, a bill I introduced regarding a defining historical event for my State of New Hampshire, and indeed, all of the United States. The American Civil War was the deadliest war in all of American history with casualties totaling more than all other American Wars combined. The bloodiest day of the bloodiest war came on September 17, 1862 just outside the small town of Sharpsburg, Maryland. This battle involved 93,000 men and resulted in 23,000 American casualties on the fields surrounding Antietam Creek. The battle of Antietam, even today, is the single most deadly day in all of American history. Among the soldiers fighting that day were men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery. Unfortunately, these brave men who fought and died in the Battle of Antietam do not have a marker on the field to signify their sacrifice. Although there are over 400 monuments, tablets and markers on the field of battle, none are dedicated to the brave men who fought and died that early fall day. As the 150th anniversary of the Civil War is approaching, I ask that the House help correct an unfortunate oversight and bring deserving recognition to these soldiers.

In this effort, Congressman BASS and I have introduced H.R. 1084, which would authorize the establishment of a Memorial at Antietam National Battlefield for the New Hampshire soldiers who fought in the historic battle. Importantly, this bill does not authorize any Federal appropriations, nor require any local municipality in Maryland to help finance the costs of the construction or maintenance of the monument. Any monument built and maintained at the Antietam National Battlefield Park would be entirely paid for by private sources. Additionally, the design, size, and location of any monument authorized under this bill would be at the total discretion of the Secretary of the Interior and any proposals that do not meet their desires may be rejected. Citizens of New Hampshire have passionately expressed to me, through both direct conversations as well as State passed legislation, that they would relish the opportunity to at last place a deserving monument on the battleground at Antietam.

In closing, I would like to call to mind an excerpt from a report issued by a correspondent of the Manchester Daily Mirror on September 20, 1862, three days after the horrific battle:

> For two hours there was never sharper musketry heard or seen, and New Hampshire blood flowed freely in the contest. The Ninth suffered terribly but never flinched, and every man stood before the awful carnage without one thought of yielding.

Mr. Speaker, these men exemplified the steadfast bravery that is a hallmark of American soldiers across generations. On behalf of the citizens of New Hampshire, I ask for the assistance of the House in helping to furnish a proper monument to these commendable Americans.

Mr. UDALL of New Mexico. Mr. Speaker, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 1428, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL GEOLOGIC MAPPING REAUTHORIZATION ACT OF 2005

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2362) to reauthorize and amend the National Geologic Mapping Act of 1992, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Geologic Mapping Reauthorization Act of 2005".

SEC. 2. AMENDMENT REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to such section or other provision of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a et seq.).

SEC. 3. FINDINGS.

Section 2(a) (43 U.S.C. 31a(a)) is amended as follows:

(1) By striking paragraph (1) and inserting the following:

"(1) although significant progress has been made in the production of geologic maps since the establishment of the National Cooperative Geologic Mapping Program in 1992, no modern, digital, geologic map exists for approximately 75 percent of the Nation;".

(2) Paragraph (2) is amended—

(A) in subparagraph (C) by inserting "homeland and" after "planning for";

(B) in subparagraph (E) by striking "predicting" and inserting "identifying";

(C) by striking "and" after the semicolon at the end of subparagraph (I);

(D) by redesignating subparagraph (J) as subparagraph (K); and

(E) by inserting after subparagraph (I) the following:

"(J) recreation and public awareness; and".

(3) Paragraph (9) is amended by striking "important" and inserting "available".

SEC. 4. PURPOSE.

Section 2(b) (43 U.S.C. 31a(b)) is amended by striking "protection" and inserting "management".

SEC. 5. DEADLINES FOR ACTIONS BY THE UNITED STATES GEOLOGICAL SURVEY.

Section 4(b)(1) (43 U.S.C. 31c(b)(1)) is amended—

(1) in subparagraph (A) by striking "not later than" and all that follows through the semicolon and inserting "not later than one year after the date of the enactment of the National Geologic Mapping Reauthorization Act of 2005;";

(2) in subparagraph (B) by striking "not later than" and all that follows through "in accordance" and inserting "not later than one year after the date of the enactment of the National Geologic Mapping Reauthorization Act of 2005 in accordance"; and

(3) in subparagraph (C) in the matter preceding clause (i) by striking "not later than" and all that follows through "submit" and inserting "submit biennially".

SEC. 6. GEOLOGIC MAPPING PROGRAM OBJECTIVES.

Section 4(c)(2) (43 U.S.C. 31c(c)(2)) is amended—

(1) by striking "geophysical-map data base, geochemical-map data base, and a"; and

(2) by striking "provide" and inserting "provides".

SEC. 7. GEOLOGIC MAPPING PROGRAM COMPONENTS.

Section 4(d)(1)(B)(ii) (43 U.S.C. 31c(d)(1)(B)(ii)) is amended—

(1) by striking "and" after the semicolon at the end of subclause (I);

(2) by striking the period at the end of subclause (II) and inserting "; and"; and

(3) by adding at the end the following:

"(III) the needs of Department of the Interior land management agencies.".

SEC. 8. GEOLOGIC MAPPING ADVISORY COMMITTEE.

Section 5(a) (43 U.S.C. 31d(a)) is amended—

(1) in paragraph (2)—

(A) by striking "Administrator of the Environmental Protection Agency or a designee" and inserting "Secretary of the Interior or a designee from a land management agency of the Department of the Interior";

(B) by inserting "and" after "Energy or a designee,"; and

(C) by striking ", and the Assistant to the President for Science and Technology or a designee"; and

(2) in paragraph (3)—

(A) by striking "Not later than" and all that follows through "consultation" and inserting "In consultation";

(B) by striking "Chief Geologist, as Chairman" and inserting "Associate Director for Geology, as Chair"; and

(C) by striking "one representative from the private sector" and inserting "two representatives from the private sector".

SEC. 9. FUNCTIONS OF NATIONAL GEOLOGIC MAP DATABASE.

Section 7(a) (43 U.S.C. 31f(a)) is amended—

(1) in paragraph (1) by striking "geologic map" and inserting "geologic-map"; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A) by inserting "information on how to obtain" after "that includes"; and

(B) in subparagraph (A) by striking "under the Federal component and the education component" and inserting "with funding provided under the national cooperative geologic mapping program authorized by section 4(a)".

SEC. 10. BIENNIAL REPORT.

Section 8 (43 U.S.C. 31g) is amended by striking "Not later" and all that follows through "biennially" and inserting "Not later than 3 years after the date of the enactment of the National Geologic Mapping Reauthorization Act of 2005 and biennially".

SEC. 11. AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.

Section 9 (43 U.S.C. 31h) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $64,000,000 for each of fiscal years 2006 through 2010."; and

(2) in subsection (b)—

(A) by striking "2000" and inserting "2005";

(B) by striking "48" and inserting "50"; and

(C) by striking "2" and inserting "4".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

GENERAL LEAVE

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2362, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H.R. 2362, a bill to reauthorize and amend the National Geologic Mapping Act of 1992, introduced by the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from Wyoming (Mrs. CUBIN).

Geologic maps are important in identifying the Nation's water, energy, and mineral resources. Knowing where our resources are located is important in developing a sound national energy and minerals program that will allow us to become more energy independent, providing for a stronger, more secure economy and homeland.

I urge my colleagues to join me in supporting this important legislation that gets real results by producing new geologic maps on an annual basis.

I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as my friend and colleague the gentleman from New Mexico (Mr. PEARCE) has stated, H.R. 2362 would reauthorize the Geologic Mapping Act of 1992.

The U.S. Geological Survey and the State geological authorities carry out the geologic mapping program jointly. Under this program, Federal and State geologists develop comprehensive geological maps of the United States and a related database of environmental and scientific information.

The mapping program contributes significantly to our understanding of geologic information such as the distribution of mineral energy and groundwater resources.

Mr. Speaker, we should support H.R. 2362 and I urge its passage.

I would also at this time like to thank the entire Resources staff, including especially Debra Lanzone.

Mr. Speaker, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I would like to thank the gentleman from New Mexico (Mr. PEARCE) and also the gentleman from New Mexico (Mr. UDALL), for allowing me time to speak on this very important bill which I introduced along with my very good friend and colleague the gentlewoman from Wyoming (Mrs. CUBIN).

H.R. 2362 demonstrates a commitment, a commitment by not only this body, but by our country, to provide timely geologic information in a digital format to a variety of users, including our county health departments, State environmental agencies, Federal agencies, and even the private sector. Mr. Speaker. To date, no modern digital geologic map exists for approximately 75 percent of this country.

Geologic mapping has a variety of important uses as we have already heard. And understanding the subsurface soil, geology soil profiles through the use of geologic mapping can facilitate better planning, better planning for a variety of community projects including housing developments, schools and hospitals, septic systems for rural and urban communities and water treatment facilities and the construction of even highways and roadways as well.

Now, siting these types of facilities in appropriate geologic settings is important to avoid or mitigate for geologic hazards such as landslides, earthquakes, subsiding soils or swelling soils, sinkholes, volcanic eruptions and even floodplains.

H.R. 2362 authorizes the cooperative matching grant program between the State geologic surveys and the United States Geologic Survey through the fiscal year 2010.

With that, Mr. Speaker, I would urge all of my colleagues, understanding the value of this important piece of legislation, to vote in the affirmative for its passage.

☐ 1545

Mr. PEARCE. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 2362, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

UPPER WHITE SALMON WILD AND SCENIC RIVERS ACT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 38) to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System, as amended.

The Clerk read as follows:

H.R. 38

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Upper White Salmon Wild and Scenic Rivers Act".

SEC. 2. UPPER WHITE SALMON WILD AND SCENIC RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"( ) WHITE SALMON RIVER, WASHINGTON.—The 20 miles of river segments of the main stem of the White Salmon River and Cascade Creek, Washington, to be administered by the Secretary of Agriculture in the following classifications:

"(A) The approximately 1.6-mile segment of the main stem of the White Salmon River from the headwaters on Mount Adams in section 17, township 8 north, range 10 east, downstream to the Mount Adams Wilderness boundary as a wild river.

"(B) The approximately 5.1-mile segment of Cascade Creek from its headwaters on Mount Adams in section 10, township 8 north, range 10 east, downstream to the Mount Adams Wilderness boundary as a wild river.

"(C) The approximately 1.5-mile segment of Cascade Creek from the Mount Adams Wilderness boundary downstream to its confluence with the White Salmon River as a scenic river.

"(D) The approximately 11.8-mile segment of the main stem of the White Salmon River from the Mount Adams Wilderness boundary downstream to the Gifford Pinchot National Forest boundary as a scenic river.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

GENERAL LEAVE

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 38.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 38, as introduced by the gentleman from Washington (Mr. BAIRD), would designate 20 miles of the Upper White Salmon River as a component of the Wild and Scenic Rivers system.

This legislation would designate four different segments of the Upper White Salmon River and Cascade Creek, totaling 20 miles, as "wild and scenic." The segments are limited to Federal land, located in the Gifford Pinchot National Forest, and include 6.7 miles in the Mt. Adams Wilderness.

This designation is supported by the local community as well as the Forest Service. I urge support for this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 38 designates the main stem of the Upper White Salmon River and Cascade Creek, totaling 20 miles, as a component of the National Wild and Scenic Rivers System. Congress added the lower White Salmon River to the National Wild and Scenic Rivers System in 1986.

The White Salmon River originates in the glaciers of Mt. Adams and flows through south central Washington to the Columbia River. The river is known for its remarkable scenery and abundant wildlife and is popular with white water enthusiasts.

The gentleman from Washington (Mr. BAIRD) should be recognized for his leadership on H.R. 38. My good friend, the gentleman from Washington (Mr. BAIRD), is one of our strong conservation leaders in the Northwest and has worked very hard in showing strong leadership in getting this bill to the point that it is today.

Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. BAIRD), the sponsor of the bill.

Mr. BAIRD. Mr. Speaker, I thank the gentleman from New Mexico (Mr. PEARCE) and my other colleague, the gentleman from New Mexico (Mr. UDALL).

I want to begin by thanking the gentleman from California (Chairman POMBO); the ranking member, the gentleman from West Virginia (Mr. RAHALL) of the Committee on Resources; the gentleman from Oregon (Mr. WALDEN); and the gentleman from New Mexico (Mr. UDALL), the ranking member of the Subcommittee on Forests and Forest Health, for their guidance. And I certainly appreciate the help of their staff throughout this process.

I also want to acknowledge the work of my good friend and colleague, Senator CANTWELL, who has introduced the companion legislation in that Chamber.

A number of people locally in our region deserve credit, including among them Phyllis Clausen of the Friends of the White Salmon River, Connie Kelleher from American Rivers, the SDS Lumber Company, the U.S. Forest Service, and local county commissioners from the region as well. This process has taken several years and represents a true collaborative local effort.

The Upper White Salmon River is literally a world-famous river. Located in south central Washington, it is known for its great white water, stunning scenery, and fish and wildlife resources. The designation before us today will preserve the river's free-flowing status as well as the natural values and rural lifestyle in the surrounding area.

In 1986, the river's outstanding quality received national recognition when Congress designated the lower 8 miles of the White Salmon as a National Wild and Scenic River. Congress directed the Forest Service to study the Upper

White Salmon for possible designation into the Wild and Scenic Rivers System.

H.R. 38 seeks to protect 20 miles of Upper White Salmon River segments within the Gifford Pinchot Forest as part of the National Wild and Scenic Rivers System by designating them wild and scenic. This designation has broad public support within the local community and throughout the region. It has been endorsed by a wide variety of environmental and recreational organizations, local community and business leaders.

The land to be designated as wild and scenic consists entirely of public land, no private land is included; the area is currently being managed as if it is already part of the Wild and Scenic Rivers System.

I want to reiterate my gratitude to the gentleman from New Mexico (Mr. UDALL) and the chairman of the overall committee. I thank Members for their support and urge passage of this valuable piece of legislation.

Mr. UDALL of New Mexico. Mr. Speaker, I would like to thank the entire Committee on Resources staff and especially Meghan Conklin for her work on this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I would recognize the staff of both the majority and minority and also congratulate the gentleman from Washington (Mr. BAIRD) on not only his performance in submitting this bill but his stellar performance in the congressional baseball game last Thursday night.

Mr. HASTINGS of Washington. Mr. Speaker, earlier this week, the Upper White Salmon Wild and Scenic Rivers Act, H.R. 38, passed the House by a voice vote. I want to make clear where I stand on this issue.

The White Salmon River begins in the Cascade Mountains, fed by snowmelt from nearby Mt. Adams and the rains for which Western Washington is famous. The river makes its way south, winding through Skamania and Klickitat counties, until it meets the Columbia River in the heart of the Columbia River Gorge.

The Columbia River Gorge National Scenic Area Act made much of the lower river part of the National Wild and Scenic Rivers program. At the same time, it directed the Forest Service to study the suitability of the upper river for designation as well. The legislation passed this week adds 20 miles of the Upper White Salmon River and Cascade Creek to the National Wild and Scenic Rivers program. This portion of the river is entirely within the Gifford Pinchot National Forest and outside of the Fourth District of Washington, which I represent.

While I did not oppose the legislation the House passed earlier this week, I do want to make clear that I would have considerable concerns with any proposal to declare as Wild and Scenic any currently undesignated portions of the White Salmon River that flows through the district that I represent. The views of local county commissioners, elected officials and affected landowners would be of paramount interest to me should any such designation be suggested or proposed. This portion of the river does not run through Federal land, but through private property of economic importance to the landowners and local communities. The burden of Federal regulation is already very heavy on the area, and I have great reservations about actions that would make the load even more difficult to bear.

We have an obligation to protect the natural treasures of the Columbia Gorge while also protecting the livelihoods of those that make their homes there. I look forward to continuing to work closely with my colleagues from the Northwest to make sure we strike the right balance on such matters.

Mr. PEARCE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 38, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TAUNTON, MASSACHUSETTS SPECIAL RESOURCES STUDY ACT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1512) to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, MA, as a unit of the National Park System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Taunton, MA Special Resources Study Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The city of Taunton, Massachusetts, is home to 9 distinct historic districts, with more than 600 properties on the National Register of Historic Places. Included among these districts are the Church Green Historic District, the Courthouse Historic District, the Taunton Green Historic District, and the Reed and Barton Historic District.

(2) All of these districts include buildings and building facades of great historical, cultural, and architectural value.

(3) Taunton Green is the site where the Sons of Liberty first raised the Liberty and Union Flag in 1774, an event that helped to spark a popular movement, culminating in the American Revolution, and Taunton citizens have been among the first to volunteer for America's subsequent wars.

(4) Robert Treat Paine, a citizen of Taunton, and the first Attorney General of Massachusetts, was a signer of the Declaration of Independence.

(5) Taunton was a leading community in the Industrial Revolution, and its industrial area has been the site of many innovations in such industries as silver manufacture, paper manufacture, and ship building.

(6) The landscaping of the Courthouse Green was designed by Frederick Law Olmsted, who also left landscaping ideas and plans for other areas in the city which have great value and interest as historical archives and objects of future study.

(7) Main Street, which connects many of the historic districts, is home to the Taunton City Hall and the Leonard Block building, 2 outstanding examples of early 19th Century American architecture, as well as many other historically and architecturally significant structures.

(8) The city and people of Taunton have preserved many artifacts, gravesites, and important documents dating back to 1638 when Taunton was founded.

(9) Taunton was and continues to be an important destination for immigrants from Europe and other parts of the world who have helped to give Southeastern Massachusetts its unique ethnic character.

SEC. 3. STUDY.

The Secretary, in consultation with the appropriate State historic preservation officers, State historical societies, the city of Taunton, and other appropriate organizations, shall conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System. The study shall be conducted and completed in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)) and shall include analysis, documentation, and determinations regarding whether the historic areas in Taunton—

(1) can be managed, curated, interpreted, restored, preserved, and presented as an organic whole under management by the National Park Service or under an alternative management structure;

(2) have an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use;

(3) reflect traditions, customs, beliefs, and historical events that are valuable parts of the national story;

(4) provide outstanding opportunities to conserve natural, historic, cultural, architectural, or scenic features;

(5) provide outstanding recreational and educational opportunities; and

(6) can be managed by the National Park Service in partnership with residents, business interests, nonprofit organizations, and State and local governments to develop a unit of the National Park System consistent with State and local economic activity.

SEC. 4. REPORT.

Not later than 3 fiscal years after the date on which funds are first made available for this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study required under section 3.

SEC. 5. PRIVATE PROPERTY.

The recommendations in the report submitted pursuant to section 4 shall include discussion and consideration of the concerns expressed by private landowners with respect to designating certain structures referred to in this Act as a unit of the National Park System.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

GENERAL LEAVE

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1512.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1512, introduced by the gentleman from Massachusetts (Mr. FRANK), would direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas of the City of Taunton, Massachusetts, as a unit of the National Park System. It was in the City of Taunton where the Sons of Liberty first raised the Liberty and Union Flag in 1774, an event that helped to spark the American Revolution.

I urge the adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Taunton area to be included in the study authorized by H.R. 1512 is rich in cultural and historic resources. A comprehensive study of these resources will help determine if inclusion within the National Park System is appropriate.

The sponsor of this legislation, the gentleman from Massachusetts (Mr. FRANK), is to be commended for his tenacity and resolve in pursuing this important legislation.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the members of the committee who have brought this bill forward.

This is a bill that has particular meaning to me. The City of Taunton has been in the district I have been privileged to represent for just a couple of years. Prior to that, it was represented by one of our late colleagues; and when you talk about history, which this bill does, building as it does on the history of the City of Taunton, you could not talk about the history of this institution without some reference to the man who represented Taunton before me and that is our late colleague, Joe Moakley.

Joe Moakley represented Taunton for years. He was the one under whose representation the discussion of a national park began. I was privileged to take this over actually from his immediate successor, my colleague, the gentleman from Massachusetts (Mr. LYNCH). It is on behalf of both of us that we present this, and we do want to invoke the memory of Joe Moakley when we go forward with this bill.

The City of Taunton, Massachusetts, is a wonderful place. I am lucky enough to have one of my congressional district offices right in the heart of this area. I have checked and I do not believe I will derive any particular benefit from it, so I do not have to vote "present" on the bill. What I do have is a chance right now to really be a part of this great history.

The Sons of Liberty Flag was first raised here. The Sons of Liberty raised the flag Liberty Union in 1774. There were buildings that played an important role in the Revolution. They were there in Taunton. Taunton Green is a major place in our history. We would include here the Church Green Historic District. It has the Church Green National Register district.

One of the original settlers, and I think this is particularly relevant to talk about, the modern impact of this, Elizabeth Pole was the first woman we believe to found a community in America, and on the seal of the city of Taunton the phrase "Dux Femina Facti" is included. That translates, I am reliably informed by better Latin scholars than myself, into "the person responsible for this was a woman."

It was in early recognition of what we are still dealing with, namely, that we make a great mistake when we refuse to give individuals the full opportunity to engage their talents, no matter what their gender or whatever other characteristics that they have.

I realize that this does not mean that we get a park immediately. It begins the process of study. I am confident, Mr. Speaker, that an objective study of the sort we get from the excellent staff that we have at the National Park Service will document the importance to the history of this country of this area of Taunton and the importance of making it a part of our National Park System. I thank the two gentlemen from New Mexico for their energy and work in this.

Mr. Speaker, the following is a list of some of the salient points of the City of Taunton.

The city of Taunton has a history of equality, patriotism, commerce and innovation that make the areas ideal candidates for inclusion within the National Park System. The area to be included within the study includes the Church Green Historic District, which includes the Church Green National Register District, Main Street, and the Taunton Green National Register District.

Among the original settlers of Taunton, Elizabeth Pole is credited as being the first female to found a community in America. Her legacy is preserved at the Old Colony Historical Society Museum on Church Green. The role that Elizabeth Pole, a woman, played in founding Taunton is an important aspect of our colonial history that should be emphasized as part of the study. The National Park System has devoted many resources to the role of women in our nation and history. However, no other site presently in the National Park System matches the unique circumstances surrounding Ms. Pole and her role as a pioneering colonial female. The phrase "Dux femina facti" which translates into "the person responsible for the deed or accomplishment was a woman" adorns the Seal of the City of Taunton.

A statue of Robert Treat Paine symbolically faces away from the Church Green National Registered District down Main Street towards the Taunton Green National Registered District. With the transformation from English colony towards independent nation, the center of the city moved towards the Taunton Green. Robert Treat Paine, a Taunton resident, was as a signer of the Declaration of Independence. He along with John Adams served as members of the First Continental Congress in 1774. Paine and Adams' careers were linked again as Paine served as an Associate Prosecutor at the trial of the Boston Massacre. Paine went on to become the first Attorney General of Massachusetts and was a member of the Massachusetts Supreme Judicial Court. While serving in the Continental Congress in October of 1774, Paine was not a party to the historic event that occurred near his home when the Sons of Liberty raised the "Liberty & Union" or "Taunton Flag" on October 21, 1774 over Taunton Green on a 112-foot Liberty Pole. The Liberty and Union flag that still flies over the Taunton Green is recognized as the first flag of open defiance to the crown.

In addition to Robert Treat Paine, Taunton's General David Cobb left his mark on the Revolutionary War. General Cobb served as aide-de-camp to General Washington and was entrusted with the duty of negotiating the evacuation of New York. After the war, General Cobb served as Judge of the Court of Common Pleas for Bristol County and was instrumental in preventing bloodshed in Bristol County during Shay's Rebellion.

As such, the history of the revolutionary war as symbolized by Robert Treat Paine, General Cobb, the Sons of Liberty and the Taunton Green are an important component of the study. The distance down Main Street from Church Green to Taunton Green past the homes of Paine and Cobb and Elizabeth Pole to the Liberty & Union Flag are symbolic of our transformation from colony to independent nation.

The anchor for the U.S.S. *Constitution* was forged in Taunton, as was the anchor for the Civil War's *Monitor*. The Taunton River served as a catalyst for industry and trade. At one point, Taunton was one of the busiest inland ports on the Atlantic coast.

The prime industry throughout Taunton history has been silver. To this day Taunton is known by many as the "Silver City." As with Taunton's political, cultural and religious legacy, the silver industry was born on Main Street, between Church Green and Taunton Green. In 1824, Isaac Babbitt invented and manufactured a new alloy that resulted in pewter ware of a greater quality than ever before manufactured. Two employees, Henry G. Reed and Charles E. Barton went on to found Reed and Barton, one of the oldest privately held companies in the nation and set a standard of excellence known throughout the world. The standards established by Reed & Barton are evident to this day; in 1994 Reed & Barton was selected to produce all of the victory medals for the 1996 Atlanta Olympic Games.

Mr. UDALL of New Mexico. Mr. Speaker, I would like to thank the entire staff of the Committee on Resources, especially Dave Watkins, for their work on this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I thank the staff, both majority and minority; and I thank the gentleman from Massachusetts (Mr. FRANK) for submitting this valuable legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 1512, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HONORING UNITED STATES AIR FORCE MEMBERS KILLED IN KHOBAR TOWERS BOMBING

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 188) honoring the members of the United States Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia.

The Clerk read as follows:

H. CON. RES. 188

Whereas June 25, 2005, marks the ninth anniversary of the terrorist bombing of the Khobar Towers United States military housing compound in Dhahran, Saudi Arabia, on June 25, 1996;

Whereas 19 members of the United States Air Force were killed in the bombing and 300 other Americans were injured;

Whereas the 19 airmen killed while serving their country were Captain Christopher Adams, Staff Sergeant Daniel Cafourek, Sergeant Millard Campbell, Senior Airman Earl Cartrette, Jr., Technical Sergeant Patrick Fennig, Captain Leland Haun, Master Sergeant Michael Heiser, Staff Sergeant Kevin Johnson, Staff Sergeant Ronald King, Master Sergeant Kendall Kitson, Jr., Airman First Class Christopher B. Lester, Airman First Class Brent Marthaler, Airman First Class Brian McVeigh, Airman First Class Peter Morgera, Technical Sergeant Thanh Nguyen, Airman First Class Joseph Rimkus, Senior Airman Jeremy Taylor, Airman First Class Justin Wood, and Airman First Class Joshua Woody;

Whereas the families of these brave airmen still mourn their loss;

Whereas three months after that terrorist bombing, on September 24, 1996, the House of Representatives agreed to House Concurrent Resolution 200 of the 104th Congress, honoring the victims of that terrorist bombing, and on the fifth anniversary of that bombing, on June 25, 2001, the House of Representatives agreed to House Concurrent Resolution 161 of the 107th Congress, concurred in by the Senate on July 12, 2002, further honoring the victims of that bombing;

Whereas those guilty of the attack have yet to be brought to justice; and

Whereas terrorism remains a constant and ever-present threat around the world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That on the occasion of the ninth anniversary of the terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia, the Congress—

(1) recognizes the service and sacrifice of the 19 members of the United States Air Force who died in that attack;

(2) calls upon every American to pause and pay tribute to those brave airmen;

(3) extends its continued sympathies to the families of those who died; and

(4) assures the members of the Armed Forces serving anywhere in the world that their well-being and interests will at all times be given the highest priority.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Arkansas (Mr. SNYDER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MILLER).

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 188.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

☐ 1600

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of this resolution which reminds us that brave American service men and women willingly risk their lives to defend the United States' interests and the freedom and values that we all enjoy as citizens. Such commitment imposes on the rest of us an obligation, an obligation to ensure that we do not break faith with those who serve, and that we respond to such commitment by resolving to provide the necessary resources for our military forces to successfully carry out the missions assigned to them.

Nine years ago this past Saturday, a truck bomb exploded outside the fence around the Khobar Towers compound in Dhahran, Saudi Arabia. The bomb, estimated at more than 3,000 pounds, detonated about 85 feet from a residential housing unit that housed U.S. troops, killing 19 U.S. Air Force servicemen, and wounding hundreds of other Americans.

The force of that explosion destroyed or damaged six high-rise apartment buildings and shattered windows throughout the residential compound. Today, we honor the 19 airmen who gave their lives, the supreme sacrifice, at the hands of terrorists 20 miles away from Dhahran. This Congress joins me in paying tribute to those men who are individually recognized in H. Con. Res. 188.

Mr. Speaker, I thought when I was drafting this resolution that it is ironic that just a month ago we celebrated Memorial Day, where we honored the men and women who have died in the pursuit, and subsequently the defense, of freedom in wars, domestic and foreign, since the founding of our country. One week from today, we will be celebrating the founding of America, our birthday, the Declaration of Independence, upon which our Founding Fathers pledged their lives, their fortunes, and their sacred honor.

As we celebrate our Fourth of July or Memorial Day on their designated day, they are a constant reminder of the sacrifice of these men. Twelve of the 19 men killed were based at Eglin Air Force Base in my district and several, along with their families, were constituents. It is my hope that all of America will pause and give thanks to their sacrifice.

This week in Washington, DC, the parents and loved ones of many of those who sacrificed their lives are the guests of the FBI, and some of them are here today in the House gallery as we present this resolution. I want to personally pay a word of deepest appreciation to the families of these heroes.

We can never undo the tragedy that they have lived. We can never alleviate the pain that I know is with each of them every day, but I would hope and I know my colleagues join me in this hope, that with the adoption of this resolution, they will take from our action some solace in the fact that we do not forget the contributions and sacrifices of their loved ones. They are much more than men in uniform to them; they were their lives.

Bridget Brooks, mother of Airman First Class Joseph E. Rimkus, is a constituent of mine and works at Eglin even today. I regret that she is not able to be here today, so, Mr. Speaker, I would like to share with my colleagues the kind of man who was lost, in his mother's own words.

"When Joseph joined the military, he told me that now he could have a flag on his coffin like his grandfather. He knew I worried about his safety and had not allowed him to join when he was 17, but he was so devoted to the military that in his last letter to me, he told me that I was his hero and he was going to make a career out of serving his country. He was so proud to be in the Air Force.

"As for his youth, he became the man of the house when his father abandoned us while serving a tour in Korea, and Joseph was my biggest supporter as I put myself through college. He called me the day he died, and his last words to me were that he loved me.

"He was the tenth firstborn son to be named Joseph. He did not talk about being a father because that was a done deal. Instead, he talked in great length of what kind of grandfather he would be.

"My family may never recover from this loss. Joseph was one of those rare souls who gave all. Before he left, he made sure that I knew he was a Christian and he would be a Catholic all of his life. Can you imagine how that knowledge has comforted me? There is no amount of money to pay for that. Even to this day, people still tell me how wonderful he was.

"In the court case against Iran, one airman, who I did not know, testified that while they were all huddled in mass after the bombing, and they knew the boys who were killed, it was Joseph's presence that he felt. That does not surprise me. Joseph was there for his friends. That is just what he would do."

Mr. Speaker, our action on this resolution is a message to those who died, their family members, our Nation and the rest of the world that we honor the sacrifices of these 19 airmen and the families that they left behind. They served with the highest and best military traditions. No one could have served better or given more.

I urge all of my colleagues to join me and the 47 original cosponsors in support of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SNYDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 188 introduced by the gentleman from Florida (Mr. MILLER). I appreciate all the work he has done on the Committee on Armed Services on which we both serve. He has been a valiant supporter of our men and women in uniform, our veterans, and our national security.

The gentleman from Florida (Mr. MILLER) outlined well the terrible tragedy that occurred at Khobar Towers. This was really brought home to me several years ago when I had the honor of participating in a Purple Heart ceremony at the Little Rock Air Force Base, a C–130 base in my district, one of those things that all of us Members at some point get the honor of doing.

During this ceremony, previous Purple Heart winners were introduced, and several of them were survivors of Khobar Towers, and it really brought home for me that for many of us Americans we hear these names, they sound exotic, they sound foreign, and yet for the families that are here with us today and the families of these men and women who died and were wounded, those names, those places, mean very much to them and their family.

We are also reminded by the tragedy at Khobar Towers, the attack on Khobar Towers, of the other sacrifices that our men and women in uniform have made at places that are not all that well known to many Americans.

We recall the attack on Riyadh, Saudi Arabia, at the U.S. military headquarters, November 13, 1995, in which we lost five servicemembers.

Then 2 years following the Khobar Towers attack, we had the attack against two of our embassies on August 7, 1998, one in Nairobi, Kenya, and the other in Tanzania. The two truck bombs killed 11 Americans, including three servicemembers, and hundreds of Kenyans and nearly a dozen Tanzanians.

Then we had the attack October 12, 2000, on the USS *Cole* and finally the attacks on the World Trade Center, the Pentagon and the plane that crashed in Pennsylvania.

So this is a very important reminder today of the sacrifice that our men and women in uniform are called on to make, but also the sacrifice that their family and friends and all of us make when we lose such fine, fine Americans.

Once again, I commend the gentleman from Florida (Mr. MILLER) for introducing this resolution, and I urge all Members to support it.

Mr. MICA. Mr. Speaker, Saturday, June 25th, marked 9 years since the terrorist bombing of the Khobar Towers, the U.S. military housing facility in Saudi Arabia where 19 American servicemen were killed and hundreds wounded.

Four years ago, on June 21st, 2001, the United States indicted some of those who were responsible for those murders. While a few of these individuals have been identified, not one has been brought to trial yet. However long it takes, our country must continue to pursue and bring to justice all of those indicted and all those responsible for this murderous, terrorist act against our servicemen and our country. We must not rest until this has been accomplished.

Florida and our Nation lost too many innocent victims for this matter to be brushed aside.

Master Sergeant Michael G. Heiser, of Palm Coast, and Airman First Class Brian W. McVeigh, of DeBary, are 2 of the 19 heroes who left behind loved ones and families in my Congressional District. Their young lives were cut short when they made the ultimate sacrifice for our country. The United States must never rest until those responsible for these deaths are brought to justice.

We know that these surviving relatives and all the others who lost their loved ones continue to feel the pain of great loss. We know that they cannot rest—until justice prevails.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 608 which recognizes the 9th anniversary of the terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia.

On the evening of June 25th, 1996, a truck bomb exploded in Dhahran, Saudi Arabia. This terrorist attack killed 19 servicemen of the U.S. Air Force and wounded 300 other Americans. The bomb tore away an entire wall of a high-rise apartment building, part of the Khobar Towers complex housing U.S. Air Force men and women assigned to nearby Dhahran Air Base.

Although their mission was to patrol the skies of southern Iraq and prevent Iraqi planes from threatening the peace of the Middle East, this terrorist attack was a painful demonstration and reminder of the risks Americans in uniform are faced with every day around the world.

Therefore, it is our duty to recognize the service and sacrifice of these men and women and to extend that duty upon our fellow Americans. We ask that all Americans pause and pay tribute to those 19 brave airmen and airwomen who have given their lives so that others throughout the world may live in a free and democratic society. Together, as Americans, we offer our continued sympathies to the families affected by this tragedy. We know that because their loved ones could never be replaced; we will never forget the values they so valiantly died for, nor will we stop until those who are responsible for such a heinous act are brought to justice. Furthermore, it is our responsibility to assure our servicemen and women that wherever in the world they are—we, the Members of Congress, will make them, the defenders of liberty and justice, our highest priority.

Mr. SNYDER. Mr. Speaker, I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, again, I have no more speakers and I would suffice to say that we urge passage of this resolution and the fact that these nomads will forever be protecting us.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 188.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF THE HOUSE REGARDING THE MASSACRE AT SREBRENICA IN JULY 1995

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 199) expressing the sense of the House of Representatives regarding the massacre at Srebrenica in July 1995, as amended.

The Clerk read as follows:

H. RES. 199

Whereas in July 1995 thousands of men and boys who had sought safety in the United Nations-designated "safe area" of Srebrenica in Bosnia and Herzegovina under the protection of the United Nations Protection Force (UNPROFOR) were massacred by Serb forces operating in that country;

Whereas beginning in April 1992, aggression and ethnic cleansing perpetrated by Bosnian Serb forces, while taking control of the surrounding territory, resulted in a massive influx of Bosniaks seeking protection in Srebrenica and its environs, which the United Nations Security Council designated a "safe area" in Resolution 819 on April 16, 1993;

Whereas the UNPROFOR presence in Srebrenica consisted of a Dutch peacekeeping battalion, with representatives of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and the humanitarian medical aid agency Médecins Sans Frontières (Doctors Without Borders) helping to provide humanitarian relief to the displaced population living in conditions of massive overcrowding, destitution, and disease;

Whereas Bosnian Serb forces blockaded the enclave early in 1995, depriving the entire population of humanitarian aid and outside communication and contact, and effectively reducing the ability of the Dutch peacekeeping battalion to deter aggression or otherwise respond effectively to a deteriorating situation;

Whereas beginning on July 6, 1995, Bosnian Serb forces attacked UNPROFOR outposts, seized control of the isolated enclave, held captured Dutch soldiers hostage and, after skirmishes with local defenders, ultimately took control of the town of Srebrenica on July 11, 1995;

Whereas an estimated one-third of the population of Srebrenica, including a relatively small number of soldiers, made a desperate attempt to pass through the lines of Bosnian Serb forces to the relative safety of Bosnian-held territory, but many were killed by patrols and ambushes;

Whereas the remaining population sought protection with the Dutch peacekeeping battalion at its headquarters in the village of Potocari north of Srebrenica but many of these individuals were randomly seized by Bosnian Serb forces to be beaten, raped, or executed;

Whereas Bosnian Serb forces deported women, children, and the elderly in buses, held Bosniak males over 16 years of age at collection points and sites in northeastern Bosnia and Herzegovina under their control, and then summarily executed and buried the captives in mass graves;

Whereas approximately 20 percent of Srebrenica's total population at the time—at least 7,000 and perhaps thousands more—was either executed or killed;

Whereas the United Nations and its member states have largely acknowledged their failure to take actions and decisions that could have deterred the assault on Srebrenica and prevented the subsequent massacre;

Whereas Bosnian Serb forces, hoping to conceal evidence of the massacre at Srebrenica, subsequently moved corpses from initial mass grave sites to many secondary sites scattered throughout parts of northeastern Bosnia and Herzegovina under their control;

Whereas the massacre at Srebrenica was among the worst of many horrible atrocities to occur in the conflict in Bosnia and Herzegovina from April 1992 to November 1995, during which the policies of aggression and ethnic cleansing pursued by Bosnian Serb forces with the direct support of the Serbian regime of Slobodan Milosevic and its followers ultimately led to the displacement of more than 2,000,000 people, an estimated 200,000 killed, tens of thousands raped or otherwise tortured and abused, and the innocent civilians of Sarajevo and other urban centers repeatedly subjected to shelling and sniper attacks;

Whereas Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide (done at Paris on December 9, 1948, and entered into force with respect to the United States on February 23, 1989) defines genocide as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group";

Whereas on May 25, 1993, the United Nations Security Council adopted Resolution 827 establishing the world's first international war crimes tribunal, the International Criminal Tribunal for the former Yugoslavia (ICTY), based in The Hague, the Netherlands, and charging the ICTY with responsibility for investigating and prosecuting individuals suspected of committing war crimes, genocide, crimes against humanity and grave breaches of the 1949 Geneva Conventions on the territory of the former Yugoslavia since 1991;

Whereas nineteen individuals at various levels of responsibility have been indicted, and in some cases convicted, for grave breaches of the 1949 Geneva Conventions, violations of the laws or customs of war, crimes against humanity, genocide, and complicity in genocide associated with the massacre at Srebrenica, three of whom, most notably Radovan Karadzic and Ratko Mladic, remain at large; and

Whereas the international community, including the United States, has continued to provide personnel and resources, including through direct military intervention, to prevent further aggression and ethnic cleansing, to negotiate the General Framework Agreement for Peace in Bosnia and Herzegovina (initialed in Dayton, Ohio, on November 21, 1995, and signed in Paris on December 14, 1995), and to help ensure its fullest implementation, including cooperation with the International Criminal Tribunal for the former Yugoslavia: Now therefore be it

Resolved, That it is the sense of the House of Representatives that—

(1) the thousands of innocent people executed at Srebrenica in Bosnia and Herzegovina in July 1995, along with all individuals who were victimized during the conflict and genocide in Bosnia and Herzegovina from 1992 to 1995, should be solemnly remembered and honored;

(2) the policies of aggression and ethnic cleansing as implemented by Serb forces in Bosnia and Herzegovina from 1992 to 1995 meet the terms defining the crime of genocide in Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide;

(3) foreign nationals, including United States citizens, who have risked and in some cases lost their lives in Bosnia and Herzegovina while working toward peace should be solemnly remembered and honored;

(4) the United Nations and its member states should accept their share of responsibility for allowing the Srebrenica massacre and genocide to occur in Bosnia and Herzegovina from 1992 to 1995 by failing to take sufficient, decisive, and timely action, and the United Nations and its member states should constantly seek to ensure that this failure is not repeated in future crises and conflicts;

(5) it is in the national interest of the United States that those individuals who are responsible for war crimes, genocide, crimes against humanity, and grave breaches of the 1949 Geneva Conventions, committed in Bosnia and Herzegovina, should be held accountable for their actions;

(6) all persons indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY) should be apprehended and transferred to The Hague without further delay, and all countries should meet their obligations to cooperate fully with the ICTY at all times; and

(7) the United States should continue to support the independence and territorial integrity of Bosnia and Herzegovina, peace and stability in southeastern Europe as a whole, and the right of all people living in the region, regardless of national, racial, ethnic or religious background, to return to their homes and enjoy the benefits of democratic institutions, the rule of law, and economic opportunity, as well as to know the fate of missing relatives and friends.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 199, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in consideration of H. Res. 199, today the House of Representatives brings honor to the men, women and children of Srebrenica in Bosnia-Herzegovina. In a little over 2 weeks, it will have been 10 years since the massacre of approximately 8,000 men and boys from that small town.

Mr. Speaker, renewed attention is focused on this event in light of the recently released video showing members of the Serb paramilitary group, the Scorpions, executing young Bosniak men from Srebrenica. Many Members of this House saw the news coverage of this video, including an interview of a woman who never knew what actually happened to her young son at Srebrenica in July 1995 until she saw the footage on television that he was among those executed. In passing this resolution, we are expressing solidarity with the thousands of women like her, and others, who a decade ago witnessed something so evil that it defies comprehension.

There are four basic motivations, Mr. Speaker, for passing this resolution today. First, there are those who, despite being indicted for genocide, continue to evade justice. Second, some continue to deny that the atrocity even occurred or they contend it was something other than genocide. Third, the international community must learn from its failure to stop slaughter from taking place in a declared safe area, and let us all remember Srebrenica was called a safe haven, especially as we look at similar situations around the globe. Finally, 10 years after Srebrenica, Srebrenica survivors, including many who came to this country as refugees and are now American citizens, still feel the excruciating pain of losing so many of their innocent loved ones.

Mr. Speaker, I want to stress that the resolution notes the direct support that came from the Serbian regime of Slobodan Milosevic and its followers. This is no small circle of Milosevic henchmen, as some in Belgrade have claimed. We are referring to an entire regime, albeit an undemocratic one, and not just a few individuals in positions of authority. Moreover, followers of the regime existed in the military, the police and other state institutions, and when it appeared that he was succeeding in a conflict against neighboring peoples, Milosevic actually garnered popular support.

Milosevic has rightfully been in The Hague, as we all know, Mr. Speaker, since 2001, but why have others like Radovan Karadzic and Ratko Mladic remained at large? Why until recently, if not to today, have they benefited from the protection not only from criminal networks but perhaps by segments of the military and the police? To me, that shows broader involvement than has been alleged.

The reference to the followers of the Milosevic regime clearly indicates that we are not referring to those in Serbia, including those in positions of authority today, who had no role in what was happening when they put themselves at risk in opposing Milosevic and his policies in the 1990s.

I would just point out to my colleagues that on the Subcommittee on International Operations and Human Rights, which I chaired for several years through the 1990s, we did hold hearings, and many of us made trips to the former Yugoslavia.

In one of those hearings, we heard from Hasan Nuhapovic, a former translator of the U.N. peacekeeping forces in Srebrenica. Hasan was one of those who lost his family and I would just quote very briefly from that testimony that he gave to our committee. He said, "My family, just like thousands of others, was simply handed over to the Serbs in the village of Potocari, 6 kilometers north of Srebrenica on 13 July 1995. They have never been seen since. The Dutch peacekeepers threw my family out of the camp right in front of my eyes. The people, especially the men and boys who were inside the camp, didn't want to leave the relative safety of it."

It goes on to say, "The Dutch refused to tell the refugees inside the camp what was going on with the people outside." He says, "They lied, saying that everything was all right and that the people from inside the camp were also going to be evacuated to the federation territory. The Dutch lied to the refugees inside the camp," he goes on. "The Dutch knew that the men and boys outside the camp were being separated from the women and children and that some of them were even killed right on the spot. They watched the Serbs take away and kill civilians. They did nothing to prevent it."

Mr. Speaker, this resolution remembers those 7- to 8,000 men and boys who were slaughtered in Srebrenica, and it says in a collective voice of the House of Representatives, Democrats and Republicans alike, that we care, we care deeply. We are sorrowful for those who lost their lives, and hopefully never again.

I will insert a Chronicle of Genocide in the RECORD at this point.

CHRONICLE OF GENOCIDE

PROLOGUE

The town of Srebrenica is located in eastern Bosnia's Drina River Valley, about 15 kilometers from the Serbian border. In 1991, the town was home to 37,000 inhabitants, including roughly 27,000 Bosnian Muslims (Bosniaks) and 9,000 Serbs. Prior to the outbreak of Yugoslavia's civil war, members of Srebrenica's different ethnic groups lived together for decades without major conflict.

After the end of the Cold War, Srebrenica had its first encounter with conflict in April 1992 when Serb paramilitary forces gained control of the city for several weeks. One month later, Srebrenica was recaptured by Bosnian Muslim fighters from the Army of Bosnia and Herzegovina. By September, Bosnian Muslim forces had succeeded in uniting Srebrenica with the neighboring town of Žepa and increasing the size of the territory under their control to 900 square kilometers. However, the enclave remained isolated from the main Army of Bosnia and Herzegovina and strategically vulnerable to advancing Serb forces.

In January 1993, Bosnian Serb troops (which logistically and financially were not entirely independent from and were supported by Serbian military and police forces) from the self-proclaimed Republika Srspka launched an offensive to retake the Muslim-controlled areas around Srebrenica. After months of fighting, the villages of Konjević Polje and Cerska were captured, severing the connection between Srebrenica and Žepa and reducing the size of the Srebrenica enclave to 150 square kilometers. Bosnians from neighboring areas streamed into the town of Srebrenica, increasing the population to as many as 60,000 people.

When the Commander of the U.N. Protection Force (UNPROFOR), French General Philippe Morillon, visited Srebrenica in March 1993, he discovered an overcrowded city beset by siege conditions. The Bosnian Serb troops had destroyed the town's water supply and the population was running short on food, medicine, and other necessities. Before his departure, General Morillon promised residents that Srebrenica was under U.N. protection and that he would never abandon the city's inhabitants.

On April 16, 1993, the U.N. Security Council passed a resolution declaring that "all parties and others treat Srebrenica and its surroundings as a 'safe area' that should be free from armed attack or any other hostile act."

The first group of UNPROFOR soldiers arrived in Srebrenica on April 18, 1993 and fresh troops were rotated into the city every six months after that. In January 1995, a battalion from the Netherlands rotated into the enclave. By this time, few supply convoys were reaching the city. In March and April, the Dutch soldiers defending the city observed a build-up of Bosnian Serb troops in the surrounding area. The Drina Corps of the Army of the Republika Srpska (VRS) was preparing for a major attack on Srebrenica.

CHRONOLOGY OF GENOCIDE

March 1995—Radovan Karadžić, President of the self-proclaimed Republika Srpska, issues a directive to the Bosnian Serb Army ordering the VRS to "complete the physical separation of Srebrenica from Žepa as soon as possible" and block aid convoys on their way to Srebrenica.

July 2, 1995—Republika Srpska Army General Milenko Živanović signs two orders outlining plans for attacking the enclave and issues the order to various units of the Drina Corps to prepare for combat. The operation is code-named "Krivaja 95."

July 6, 1995—Bosnian Serb forces launch their attack on Srebrenica. The Commander of the city's Dutch battalion, Colonel Karremans, contacts the U.N. General Staff in Sarajevo requesting NATO air support after refugee camps and U.N. monitoring posts are shelled.

July 9, 1995—Forces from the VRS Drina Corps surround the town of Srebrenica. President Karadžić issues a new order in which he approves the capture of Srebrenica.

July 10, 1995—The Bosnian Serbs shell Srebrenica and residents flee toward the U.N. base at Potočari.

Colonel Karremans makes an urgent request for NATO air support when Bosnian Serb forces shell his soldiers' positions. The Commander of the U.N. forces, French General Bernard Janvier, initially rejects the request, but ultimately approves the use of air strikes. In the meantime, the VRS forces stop attacking U.N. soldiers and the air attacks are postponed.

Colonel Karremans assures Bosnian Muslims that NATO airplanes will execute a major attack on Bosnian Serb troops if VRS forces are not withdrawn from the Protection Zone by 6:00 a.m. the next morning.

July 11, 1995—Bosnian Serb forces conduct extensive shelling of Srebrenica.

9:00 a.m.: Colonel Karremans is notified that his request for air support was not submitted on the correct form. At 10:30 a.m., the re-issued request reaches General Janvier. However, the NATO warplanes that have been circling Srebrenica since 6:00 a.m. are low on fuel and have to return to their base in Italy.

2:30 p.m.: NATO planes bomb Republika Srpska army tanks. The Bosnian Serb forces threaten to kill captured Dutch soldiers and shell the U.N. base in Potočari. Plans for further NATO air strikes are abandoned.

General Ratko Mladić, together with General Krstić (then Deputy Commander and Chief of Staff of the Drina Corps), General Živanović (then Commander of the Drina

Corps) and other VRS officers enter Srebrenica.

8:00 p.m.: Representatives of the Bosnian Serb forces meet UNPROFOR leaders at the Hotel Fontana in the neighboring city of Bratunac. General Ratko Mladić chairs the meeting, and the two sides discuss the mounting refugee crisis.

Around 10:00 p.m.: In Srebrenica, military leaders of the Army of Bosnia and Herzegovina and local civilians decide to form a column of men—about two thirds of which were Bosnian Muslim civilians—with the goal of escaping from Srebrenica through the mountains toward Tuzla. The column starts moving north around midnight.

11:00 p.m.: A second meeting at the Hotel Fontana results in a plan to transport Bosnian Muslim civilians out of the enclave.

July 12, 1995.—VRS General Milenko Živanović signs an order directing the Drina Corps to secure all buses and mini-buses belonging to the VRS. The Republika Srpska Defense Ministry sends three orders to its local secretariats directing them to procure buses and to send them to Bratunac.

10:00 a.m.: A third and final meeting is held at the Hotel Fontana to discuss the fate of the Srebrenica Muslims. Ratko Mladić issues an order to transport Bosnian Muslim refugees out of Potočari, stating that it is the only way to guarantee their survival. He also informs those present that all males between the ages of 16 and 70—essentially all military-aged men, (which however did not prevent boys of much younger age as well as much older men to be included in this group) must be separated from the others and screened to prevent the escape of possible "war criminals."

1:00 p.m.: Dozens of buses arrive in Potočari. Women, children, and the elderly are driven by bus from Potočari toward Tuzla, which is under the control of the Army of Bosnia and Herzegovina. Military-aged men are systematically separated out and detained in Potočari before being transferred to Bratunac

Bosnian Serbs forces, including some military and municipal police, take positions along the Bratunac-Milići road with the intention of intercepting the column. Equipped with heavy armor and artillery, the Bosnian Serb forces open fire on the column as it crosses the road between Konjević Polja and Nova Kasaba. Many survivors of the attack are taken prisoner.

The U.N. Security Council declares that the international community is "[g]ravely concerned at the deterioration in the situation in and around the safe area of Srebrenica, Republic of Bosnia and Herzegovina, and at the plight of the civilian population there."

July 13, 1995.—The evacuation of women, children, and the elderly continues. Military-aged men are separated from the refugees and transferred to Bratunac.

As many as 6,000 men from the column headed from Srebrenica to Tuzla are captured and detained by Bosnian Serb forces. Several thousand of them are brought to a field close to Sandići and to the soccer stadium in Nova Kasaba.

Bosnian Serbs begin the mass execution of Muslim detainees at sites near the Jadar River, the Cerska valley, and a warehouse in Kravica.

8:00 p.m.: The removal of the Bosnian Muslim population from Potočari is completed.

July 13-14, 1995.—Executions continue in Tišća.

July 14, 1995.—Executions continue in Orahovac.

July 14–15, 1995.—Executions continue at the Petkovći Dam.

July 16, 1995.—Executions continue at Branjevo Military Farm and the Pilića Cultural Center.

The front of the decimated column of Bosnian Muslims succeeds in reaching territory controlled by the Army of Bosnia and Herzegovina.

July 17-18, 1995.—Executions continue at Kozluk and other locations.

September–October 1995—The Bosnian Serb forces engage in a concerted effort to conceal the mass killings by exhuming bodies from mass graves, turning over the ground, and reburying human remains in smaller, remote gravesites.

EPILOGUE

Evidence presented at The Hague in the trial of Bosnian Serbs accused of war crimes established that during the month of July 1995, Bosnian Serb forces executed between seven and eight thousand Bosnian men and boys. The International Tribunal for the Former Yugoslavia (ICTY) found "beyond any reasonable doubt that a crime of genocide was committed in Srebrenica".

Immediately after the massacre, Republika Srpska President Radovan Karadžić and VRS Chief Ratko Mladić, the highest political and military leaders of the Bosnian Serbs, were indicted by the Tribunal for their roles in the Srebrenica genocide. To date, they have successfully avoided arrest. The crimes in Srebrenica are also included in the indictment against former Yugoslav leader Slobodan Milošević.

Radislav Krstić and Vidoje Blagojević, high ranking officers of the Bosnian Serb Army, have been convicted of complicity in genocide. Dragan Jokić, Deputy Commander of the Zvornik Brigade, has been convicted of crimes against humanity. General Radislav Krstić, deputy commander of the VRS Drina Corps, has been convicted of genocide. Officers Momir Nikolić and Dragan Obrenović, and the soldier Dražen Erdemović, have admitted their guilt and been convicted of crimes against humanity. Those convicted in connection with the genocide have received prison sentences ranging from five to 35 years. Dražen Erdemović, sentenced to five years in prison for the murder of at least 75 men from Srebrenica, has already been released.

Ljubiša Beara, Head of Security at the General Headquarters of the Bosnian Serb Army, has been charged with genocide and is awaiting trial.

Army and police officers Drago Nikolić, Ljubomir Borvčanin, Vinko Pandurević, and Vujadin Popović, also indicted for genocide, have surrendered to the Tribunal in The Hague and are awaiting trial. Radivoje Miletić and Milan Gvero, Generals of the Bosnian Serb Army, have surrendered to the Tribunal and are charged with expelling Bosnian Muslims from Srebrenica. General Zdravko Tolimir, who is accused of the same crimes, is still at large.

The Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia used strong language to describe the Srebrenica genocide during the trial of General Radislav Krstić: "By seeking to eliminate a part of the Bosnian Muslims, the Bosnian Serb forces committed genocide. They targeted for extinction the forty thousand Bosnian Muslims living in Srebrenica, a group which was emblematic of the Bosnian Muslims in general. They stripped all the male Muslim prisoners, military and civilian, elderly and young, of their personal belongings and identification, and deliberately and methodically killed them solely on the basis of their identity. The Bosnian Serb forces were aware, when they embarked on this genocidal venture, that the harm they caused would continue to plague the Bosnian Muslims. The Appeals Chamber states unequivocally that the law condemns, in appropriate terms, the deep and lasting injury inflicted, and calls the massacre at Srebrenica by its proper name: genocide. Those responsible will bear this stigma, and it will serve as a warning to those who may in future contemplate the commission of such a heinous act."

To date, several thousand bodies and parts of bodies from victims of the genocide have been exhumed from mass graves. So far, 1,327 of these bodies have been identified and buried in the Memorial Centre in Potočari near Srebrenica.

Of the 27,000 Bosnian Muslims who inhabited Srebrenica before the war, only a few hundred have returned to live in the city.

Mr. Speaker, I reserve the balance of our time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, first I want to commend the gentleman from New Jersey (Mr. SMITH), my good friend and distinguished colleague, an indefatigable fighter for human rights across the globe, for introducing this resolution.

It is vitally important that we recall the brutal and tragic events that took place at Srebrenica in July of 1995, and seek justice as long as those responsible are still at large.

Mr. Speaker, in early July 1995, Bosnian Serb forces laid siege to the town of Srebrenica in eastern Bosnia where tens of thousands of Muslim civilians had taken refuge from earlier Serb offenses in the northeast.

☐ 1615

The United Nations attempted to extend protection to the area, and some 600 lightly armed Dutch troops were dispatched there to establish a United Nations presence.

Serbian troops stepped up shelling the town, and thousands of Muslim refugees fled ahead of the advancing Serb forces. Serb soldiers then attacked the Dutch U.N. troops and took 30 of them hostage. The Dutch commander requested NATO air strikes against the Serbian troops, but these were quickly stopped after the Serbian commander threatened to kill the Dutch captives.

The Serbs occupied the area and began separating the civilians, men to one side, women and children to the other. Women and children were transported, terrified, to Muslim territory; but all the males between the ages of 12 and 77 were held for what the Serbs cynically termed interrogation for suspected war crimes. Over the next 5 days, Bosnian Serb soldiers systematically killed over 7,000 unarmed men and boys in the fields, schools, and warehouses around Srebrenica.

Mr. Speaker, this was the worst massacre in the bloody Bosnian war, and it was ethnic cleansing of the most horrible sort. It is important that we note not only that 10 years have passed since that horrendous crime, but what is more, that those who are guilty of this mind-boggling atrocity have not been brought to justice.

The Bosnian Serb general who commanded Serbian forces at Srebrenica, Ratko Mladic, has been indicted by the International Criminal Tribunal, but he remains at large in Serbian-controlled areas of Bosnia or in Serbia itself. Another Bosnian Serb indicted by the tribunal who also bears responsibility for the atrocities is also free in Bosnia or in Serbia. He is Radovan Karadzic, the former leader of the self-styled Republika Srpska, or the Serb-controlled territories in Bosnia.

Mr. Speaker, it is an outrage that such war criminals continue to be sheltered and protected by Serbian officials in Bosnia and in Serbia. As we solemnly mark the passage of a decade since this horrific massacre at Srebrenica, it is essential that we recommit ourselves to seek justice for the victims, well-deserved punishment for the perpetrators, and commit ourselves to take all possible action to assure that such atrocities do not again occur in Bosnia or in Rwanda or in Darfur, or indeed any place on this small planet.

Mr. Speaker, I strongly support this resolution, and I urge all of my colleagues to do so.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself the balance of my time.

As we consider this resolution, I want to thank those who have worked hard to craft the text that meets various concerns and reflects the realities of Srebrenica as we know them. In particular, I want to thank the Congress of North American Bosniaks and its members for stressing the need for the United States Congress to address this issue at this time, not only for their sake but for the sake of humanity.

I also want to thank the Coalition for International Justice for providing us with background on who was indicted for crimes relating to Srebrenica by the International Criminal Tribunal for the former Yugoslavia located at the Hague, as well as their current status.

Finally, I want to thank the chairman of the International Relations Committee, the gentleman from Illinois (Mr. HYDE), and especially the gentleman from California (Mr. LANTOS), who is one of the cosponsors of this resolution and a great friend of human rights; and also for our friends on the Subcommittee on Europe and Emerging Threats, to which it was also referred, for working with us on helping to craft this regulation. And to the 39 cosponsors, including the gentleman from Maryland (Mr. CARDIN), who is the ranking member on the Commission on Security and Cooperation in Europe, which I chair in the House.

Let me say, finally, Mr. Speaker, that Article 2 of the Genocide Convention, quoted in the text of this resolution, defines genocide as, "Any of the following acts committed with intent to destroy in whole or in part, a national, ethnical, racial, or religious group, such as: A, killing members of the group; B, causing serious bodily or mental harm to members of the group; C, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; E, forcibly transferring children of the group to another group."

Genocide is defined as the commission of acts with that intention, whether or not the acts succeed or are completed. The word "prevention" is also in the title of the Genocide Convention. While not specifying what to be done or obligating countries to do anything specific, clearly genocides must be defined as something taking place and not as something necessarily accomplished. If accomplished, it is too late to prevent it.

When I look at this definition, Mr. Speaker, and then hear what happened in Srebrenica 10 years ago, I, and I know others, can only agree with the Appeals Chamber at the International Criminal Tribal for the former Yugoslavia, which confirmed in April 2004 that the crime of summarily executing almost 8,000 men and boys at Srebrenica alone meets the legal definition of genocide.

The Appeals Chamber, in which an American is the presiding judge, concluded in its decision appealing a conviction that "the law must not shy away from referring to the crime committed by its proper name. The Appeals Chamber states unequivocally that the law condemns, in appropriate terms, the deep and lasting injury inflicted and calls the massacre," and I continue this quote, "at Srebrenica by its proper name: genocide. Those responsible will bear the stigma, and it will serve as a warning to those who may in the future contemplate the commission of such a heinous act."

The court got it right, Mr. Speaker. This resolution gets it right.

And, finally, I just want to thank the gentleman to my left, Bob Hand, who has been with the Commission on Security and Cooperation now since 1983 and who first came as an intern, for his diligence in crafting major portions of this legislation. I want to thank him for his work and his attention to detail. He is also the staff specialist for the commission on all the areas of the former Yugoslavia and Albania, and I am deeply grateful for his work as well.

And Dan Freeman, our expert parliamentarian, to my rear, I want to thank him for his work as well.

Mr. CARDIN. Mr. Speaker, I rise in strong support of this resolution and urge my colleague to vote for its passage.

Article 2 of the Genocide Convention, quoted in the text of this resolution, defines genocide as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, such as: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group". Genocide is defined as the commission of acts with that intention whether or not the acts succeed or are completed. The word "prevention" is also in the title of the Genocide Convention. While not specifying what could be done or obligating countries to do any specific thing, clearly genocide must be defined as something taking place and not as something necessarily accomplished. If accomplished, it is too late to prevent it.

When I look at this definition and then hear what happened in Srebrenica 10 years ago, I can only agree with the Appeals Chamber at the International Criminal Tribunal for the former Yugoslavia, which confirmed in April 2004 that the crime of summarily executing almost 8,000 men and boys at Srebrenica alone meets the legal definition of genocide. The Appeals Chamber, in which an American is the presiding judge, concluded in a decision appealing a conviction that "the law must not shy away from referring to the crime committed by its proper name . . . The Appeals Chamber states unequivocally that the law condemns, in appropriate terms, the deep and lasting injury inflicted, and calls the massacre at Srebrenica by its proper name: genocide. Those responsible will bear this stigma, and it will serve as a warning to those who may in the future contemplate the commission of such a heinous act."

Twenty-three people have been indicted for genocide by the Hague. Regardless of individual guilt or innocence, the acceptance of the legitimacy of the charges is a recognition that genocide occurred. Indeed, if it is accepted that Srebrenica itself was genocide, then we must consider the 20–30,000 non-Serbs killed in the Prijedor region, which gets less attention mostly because it took place over a 6-month period rather than a week, especially given that the crime was committed perhaps by some of the same people and certainly under the same command. Similarly, we must consider the more than 10,000 killed and 50,000 wounded by the sniper fire and an average of over 300 shells per day fired into the city Sarajevo in the more than 3-year siege of that city—a crime again committed by perhaps some of the same people and certainly under the same command. We must consider what happened in Foca and Brcko. When we add all these and other places together, we must conclude that genocide occurred.

This, of course, does not mean that Serbs were not also victimized, nor does it mean that all Serbs are somehow guilty for what has been done in their name. But today, it is entirely appropriate that we focus on what happened in Srebrenica, and to put Srebrenica in the context of the larger Bosnian conflict. It is also an important time to urge the authorities in Belgrade, who have made considerable progress this year, to finally complete their cooperation with the tribunal. Serbia must transfer Ratko Mladic and other at-large indictees to the Hague immediately, so that this issue no longer holds Serbia back from taking on a more prominent role in Europe.

I urge my colleagues to support the passage of this important resolution.

Mr. HOYER. Mr. Speaker, I strongly support this important Resolution expressing the sense of the House of Representatives regarding the massacre at Srebrenica in July 1995.

This summer is the 30th anniversary of the signing of the Helsinki Final Act, which established principles to be followed by participating states that include respect for human rights and fundamental freedoms. The Helsinki Final Act and the conference it established have since been institutionalized in the Organization for Security and Cooperation in Europe, or OSCE. This multilateral diplomatic effort was taken seriously by both Republican and Democratic Administrations over the years, and it helped tremendously in ending the Cold War division of Europe and in giving millions upon millions of people freedom from communist repression.

Those of us who have had the privilege to serve on the U.S. Helsinki Commission can recall the powerful impact the Helsinki Final Act had, as well as the hard work and sacrifice that helped bring its ideals so much closer to reality. Some of us, indeed, will be commemorating the OSCE's achievements in about 1 week when the Organization's Parliamentary Assembly convenes here in Washington.

One cannot honestly and credibly assess the accomplishments of the Helsinki Final Act, however, without taking note of the greatest single violation of its provisions in those three decades. Srebrenica undoubtedly is that single greatest violation. Eight thousand men and boys, maybe more, were executed and thrown into mass graves. Their bodies continue to be exhumed and identified to this day. The surviving victims continue to feel the pain from the loss of their loved ones.

This tragedy is compounded by the truly horrifying fact that it could have been prevented. Indeed, it should have been prevented. For 2 years, Srebrenica was designated by the United Nations as a "safe area." Attacks upon it were not to be tolerated. It was protected by U.N. peacekeepers. Yet, for months Serb forces prevented humanitarian convoys from entering Srebrenica; even the Dutch peacekeeping contingent was rendered ineffective by its isolation. When the Serb forces attacked, the air strikes necessary to repel them never came. The United Nations and its member states were not at all helpless, but they were indecisive and feckless in the face of clear aggression.

Many of us in the Congress at the time appealed for decisive action. Even after documenting the policy of ethnic cleansing in Bosnia since 1992, we admittedly did not know the scale and horrific nature of the acts to follow, but we certainly knew something evil was about to occur in Srebrenica. And it did occur, due to the simple fact that it was allowed to occur.

We can, if we choose, find some silver linings in that experience. For the first time since World War II, individuals have been held to account for their crimes, including genocide, before an international tribunal. NATO operated "out of area," setting a stage for broadening the scope of the alliance to support the interests of its members in Afghanistan and elsewhere. Within months of Srebrenica, the international community under U.S. leadership at least restored a peace to Bosnia that, despite problems, has lasted to this day.

It is, however, with deep regret that such advances in international relations came at such a heavy price to so many innocent people. It is a price which Srebrenica survivors continue to pay as Ratko Mladic and Radovan Karadzic remain at large and as so many people continue to deny the massacre even took place. The least that the international community can do to ease their pain is to ensure that the realities of Srebrenica are acknowledged as genocide, to vow that they never happen again, and this time to mean it.

I therefore call upon my colleague to support this important resolution.

Mr. BURTON of Indiana. Mr. Speaker, as Chairman of the Congressional Serbian Caucus, and a long-time champion of human rights, I was pleased to work with Chairman SMITH to bring this important resolution to the House Floor; and I thank the Chairman and his staff, particularly Bob Hand, for their hard work. Nevertheless, despite all of our efforts, at the end of the day I still have a few small concerns over the resolution's wording.

Let me be perfectly clear though. The Srebrenica Massacre was a horrible event in world history that should never have occurred, should never be condoned, and should never be accepted by the international community. It was a truly horrifying experience and scarring for all those involved, from those directly participating in the slaughter, to those who sat idly by while the killing took place. Now, almost 10 years later, it is only appropriate for this House to pause and remember the victims of this horrendous crime and pledge anew that such atrocities will never happen again.

But, this Resolution misses the mark by singling out only one group for condemnation. This House, as well as the leaders of the Balkans, should speak unequivocally and with one voice to condemn all the atrocities that occurred during the Balkan Wars of the 1990s on all sides; whether committed by Serb, Croat or Bosnian. Furthermore, this House should encourage all parties in the region to renew their commitments to fully comply with all international treaties and regulations, such as the International Criminal Tribunal for the Former Yugoslavia, by handing over all outstanding war criminals. For only then can the region, as a whole, move forward to a more peaceful, stable, and democratic Trans-Atlantic future, with eventual membership in the North Atlantic Treaty Organization and the European Union.

Once again, I commend my colleague, Chairman SMITH for bringing this issue before the House. I wish we had been able to strike an understanding on some of the broader issues but I still believe that House Resolution 199 has great merit and I vote "aye."

Mr. FRANKS of Arizona. Mr. Speaker, I voted "yes" on H. Res. 199 to recognize the horror suffered by those who lost their lives at Srebrenica and the loss to their families.

However, the resolution falls far short in that it does not recognize the horrors, tragedies, and losses suffered by all sides. For example, for several years early in the conflict, the Serbian population of Srebrenica and scores of nearby villages were either killed or forced to flee because of Nasir Oric, a Bosnian Muslim warlord, according to UNPROFOR Commander General Phillip Morillon.

Nasir Oric also carried out many attacks on nearby villages and towns, including an attack at Kravica on Orthodox Christmas Eve. Reporter Joan Phillips commented in the South Slav Journal that by March 31, 1993, at least 1,200 Serbs had been killed and another 3,000 wounded by Oric's forces, adding "Today there are virtually no Serbs left in the entire Srebrenica municipality. Out of 9,300 Serbs who used to live there, less than 900 remain. Out of 11,500 Serbs who used to live in Bratunac municipality, more than 6,000 have fled. In the Srebrenica municipality, about 24 villages have been razed. The last major Serbian villages in the vicinity of Bratunac and Skelani were attacked and destroyed on January 7, 1993."

In the interest of justice and truth we must have a day of reckoning where we acknowledge that no one side was entirely at fault in the Balkan wars, and even evaluate where United States' policies exacerbated the tragedies suffered. For example, Operation Flash was an attack on the civilian Serb population of a U.N. Protected Area and was directly authorized by then-President Bill Clinton.

Likewise, it is my express belief that we should do more to achieve reconciliation and mutual trust between the ethnic groups in Bosnia-Herzegovina.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 199, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

URGING ALBANIA TO ENSURE ELECTIONS TO BE HELD ON JULY 3, 2005, ARE IN ACCORDANCE WITH INTERNATIONAL STANDARDS FOR FREE AND FAIR ELECTIONS

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution

(H. Con. Res. 155) urging the Government of the Republic of Albania to ensure that the parliamentary elections to be held on July 3, 2005, are conducted in accordance with international standards for free and fair elections.

The Clerk read as follows:

H. CON. RES. 155

Whereas the United States maintains strong and friendly relations with the Republic of Albania and appreciates the ongoing support of the people of Albania;

Whereas the President of Albania has called for elections to Albania's parliament, known as the People's Assembly, to be held on July 3, 2005;

Whereas Albania is one of 55 participating States in the Organization for Security and Cooperation in Europe (OSCE), all of which have adopted the 1990 Copenhagen Document containing specific commitments relating to the conduct of elections;

Whereas these commitments, which encourage transparency, balance, and impartiality in an election process, have become the standard by which observers determine whether elections have been conducted freely and fairly;

Whereas, though improvements over time have been noted, the five multiparty parliamentary elections held in Albania between 1991 and 2001, as well as elections for local offices held between and after those years, fell short of the standards in the Copenhagen Document to varying degrees, according to OSCE and other observers;

Whereas with OSCE and other international assistance, the Government of Albania has improved the country's electoral and legal framework and enhanced the capacity to conduct free and fair elections;

Whereas subsequent to the calling of elections, Albania's political parties have accepted a code of conduct regarding their campaign activities, undertaking to act in accordance with the law, to refrain from inciting violence or hatred in the election campaign, and to be transparent in disclosing campaign funding; and

Whereas meeting the standards in the Copenhagen Document for free and fair elections is absolutely essential to Albania's desired integration into European and Euro-Atlantic institutions, including full membership in the North Atlantic Treaty Organization (NATO), as well as to Albania's progress in addressing official corruption and combatting organized crime: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) welcomes the opportunity for the Republic of Albania to demonstrate its willingness and preparedness to take the next steps in European and Euro-Atlantic integration by holding parliamentary elections on July 3, 2005, that meet the Organization for Security and Cooperation in Europe (OSCE) standards for free and fair elections as defined in the 1990 Copenhagen Document;

(2) firmly believes that the citizens of Albania, like all people, should be able to choose their own representatives in parliament and government in free and fair elections, and to hold these representatives accountable through elections at reasonable intervals;

(3) supports commitments by Albanian political parties to adhere to a basic code of conduct for campaigning and urges such parties and all election officials in Albania to adhere to laws relating to the elections, and to conduct their activities in an impartial and transparent manner, by allowing international and domestic observers to have unobstructed access to all aspects of the election process, including public campaign events, candidates, news media, voting, and post-election tabulation of results and processing of election challenges and complaints;

(4) supports assistance by the United States to help the people of Albania establish a fully free and open democratic system, a prosperous free market economy, and its rightful place in European and Euro-Atlantic institutions, including the North Atlantic Treaty Organization (NATO); and

(5) encourages the President to communicate to the Government of Albania, to all political parties and candidates, and to the people of Albania the high importance attached by the Government of the United States to this parliamentary election as a central factor in determining the future relationship between the United States and Albania.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 14 years ago, Albania was just emerging from decades of brutal isolation from Europe when they held their first genuinely contested elections in 1991. Not surprisingly, they fell short of the standards for free and fair elections as defined by the Organization for Security and Cooperation in Europe, or OSCE, as did subsequent elections for parliament and local government. The United States and other friends of Albania, however, remained engaged with the Albanian people throughout their turbulent transition.

Today, Albania is at the point where the country can actually hold free and fair elections, something the citizens of that country deeply deserve. Parliamentary elections have been scheduled, as Members of this House know, for July 3, and the campaign period is well underway. Staff in the U.S. Helsinki Commission, which I co-chair, will be serving on the international observation mission. Albania has come far in reforming its election process and through these elections has the opportunity to jump a major hurdle not only towards completion of its transition to democracy, but in preparing for integration into European and Euro-Atlantic institutions.

There is good reason to remain concerned, however, that the elections will fall short of international standards. The good things that have been adopted, such as the Code of Conduct adopted by key political parties, may not be carried out. The OSCE's election observer mission has reported receiving an increased number of allegations of legal misuse of state resources and personnel for campaign purposes. If found to be true, those engaged in this activity would be responsible for what would be regarded as a tremendous setback for the country.

Hopefully, by passing this resolution, we can encourage Albanian authorities to respect the rule of law, to abide by their Code of Conduct, and respect the results of the upcoming election. When my colleague, the gentleman from New York (Mr. ENGEL), and I first introduced this resolution, it was with the expectation the U.S. Congress could constructively make a difference by calling on the authorities, political parties, and others to do the right thing so that the real winners in the elections will be the people of Albania who make the effort to vote.

Finally, I am hopeful these elections will meet international standards, because that is one of the first steps Albania will need to take on the path to full Euro-Atlantic integration.

The new Albanian government will also need to tackle problems relating to official corruption and organized crime. Fortunately, beyond a good election process, we must see the development of civil society in Albania, with the youth groups and others pressing elected officials to address the every day problems that plague the lives of Albanian citizens.

I hope my colleagues will support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of the resolution.

Mr. Speaker, I want to commend my good friend and colleague, the gentleman from New Jersey, (Mr. SMITH), and our colleague on the Committee on International Relations, the gentleman from New York (Mr. ENGEL), for introducing this excellent resolution urging free and fair elections in Albania. I am pleased to be a cosponsor of the resolution.

Mr. Speaker, it was 15 years ago this month that I had the privilege of being the first American Government official to set foot in Albania after a 44-year hiatus. At that time, Albania was taking its first halting steps to end a half a century of Communist dictatorship and self-imposed international isolation.

Wherever I traveled throughout the country, from formal meetings with top government officials to casual chats with students at the University of Tirana, crowds of Albanians gathered, looking on curiously and apprehensively, but hopefully. They were anxious to join the world community, but they were fearful of the consequences of transforming the political and economic system that they knew, despite its profound failings.

□ 1630

Since 1990, Albania has worked with the United States and has participated in NATO's Partnership for Peace program. The Albanian Government has made it clear that it is very anxious to join NATO and to strengthen its relations with our Nation. Albania has indicated its desire to become a full member of the European Union with all of the economic and political obligations that that implies.

Albania's road to democracy and full international participation has not been easy. The country's parliamentary and local elections during the 1990s were marred by electoral irregularities and fraud. This hampered its desire for closer links with the Euro-Atlantic community.

The Albanian election now scheduled for July 3 provides a new opportunity for the people of Albania to demonstrate their readiness for closer ties with the United States and the democratic nations of Europe.

I have been encouraged by the commitment of Albania's leaders, Prime Minister Fatos Nano of the Socialist Party, and former President Sali Berisha of the Democratic Party, to see that this election will meet international standards for free, fair, open, and democratic elections.

The July 3 election is one of the most important in Albania since the end of the Communist era. The United States and the international community will be watching this election very carefully to determine whether Albania truly meets international standards. For Albania to make the progress that it seeks in becoming a full member of the Euro-Atlantic community within NATO and the European Union, these elections must be free and fair beyond a doubt.

Our resolution expresses the support of the Congress and the American people for open and democratic elections in Albania. It also urges our President to express to the people and the political leadership of Albania the great importance our Nation attaches to the July 3 elections. It is certainly accurate to say that the way the upcoming Albanian elections are conducted will be a central factor in determining the future relationship between the United States and Albania.

Mr. Speaker, I urge all of my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself 1 minute to conclude.

I thank the gentleman from California (Mr. LANTOS) for this partnership resolution, as well as the gentleman from New York (Mr. ENGEL) and the gentleman from Virginia (Mr. WOLF), and others. We had 27 cosponsors of this resolution.

Last July in the Commission on Security Cooperation in Europe, we held a hearing in Albania. We heard from a number of important and prominent witness, including representatives of MJAFT! which is the youth organization that is doing some important pioneering and important work in Albania today. I want to thank them for their work as well.

Mr. ENGEL. Mr. Speaker, I rise in strong support of H. Con. Res. 155, urging Albania to hold its July 3 parliamentary elections in accordance with international standards. I would also like to thank the lead sponsor, CHRIS SMITH, for his work on this legislation. These elections are not only important as Albania works to develop its democratic system, but they will set the tone for the Balkan nation in the months and years ahead.

The United States and Albania have strong ties that go well beyond government relations. For that reason, we believe it is very important to support the people of Albania and their right to choose their elected representatives freely and fairly.

In the 15 years since Albania's brutal communist dictatorship came to an end, the country has struggled in its transition. While some elections have been problematic, there have been improvements over time, and now the country has a real chance to achieve the same international election standards that the United States, Canada and all of Europe adopted in 1990. Between now and election day, the real issue is whether the authorities, political parties and other stakeholders have the will to abide by the laws, regulations and a code of conduct. The active U.S. congressional interest expressed in this resolution can encourage all involved to do the right thing.

A good election process will have enormous benefits for Albania. Domestically, it will enable the next government to take stronger measures to address the official corruption and combat the organized crime which together thwart stronger economic recovery. Internationally, it will enable Albania to take the next steps to joining NATO and the European Union. Supporting Albanian elections today will only strengthen our relations in the future.

I will be in Albania for the July 3rd elections and will lead a National Albanian American Council delegation which will monitor that the polling and counting will be done in accordance with international standards. This resolution will help make the case for a good election.

As the lead Democratic sponsor of this resolution, I urge my colleagues to support H. Con. Res. 155.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of this resolution urging the Government of the Republic of Albania to ensure that the parliamentary elections to be held on July 3, 2005, are conducted in accordance with international standards for free and fair elections. This is an important piece of legislation that will notify the people of Albania that the United States is dedicated to safe, free, and open democracy in Albania and the region. It will let the people of Albania know that we are at their side as they strive for a more free and open society.

As the nation of Albania approaches its July 3rd parliamentary elections we must stand steadfast in our support of free, fair, and transparent elections. As a participating member of the Organization for Security and Cooperation in Europe and a signatory of the 1990 Copenhagen Document containing specific commitments relating to the conduct of elections, Albania must maintain its commitment to these democratic ideals. Indeed, the Copenhagen Document, which encourages transparency, balance, and impartiality in the election process, is so sound that it has become the standard by which elections are judged.

Although Albanian democracy has strengthened over the past several years, it has nonetheless failed to live up to the standards of the Copenhagen Document. Over the past 10 years, Albanian elections have not been as free, fair, and open as the Albanian people deserve. As nations around Europe and the world have made considerable strides towards democracy, meeting the standards in the Copenhagen Document for free and fair elections is absolutely essential to Albania's desired integration into Euro-Atlantic institutions, including membership in the North Atlantic Treaty Organization, NATO. Additionally, transparent democratic elections will inexorably lead to a more free and open society and government able to combat Albania's problems with organized crime.

The Republic of Albania must demonstrate its willingness and preparedness to take the next steps towards strong and stable democracy. This can only be achieved when the people of Albania choose their own representatives in parliament in free and fair elections. The Albanian government, political parties, and politicians must conduct this election in adherence to the laws that regulate all free and fair elections; transparency, free press, and unfettered access to electoral procedures by international and domestic observers.

I commend all the Albanian political parties for their commitment to adhere to campaign and election laws. If Albania is to become an active member of both the European and Euro-Atlantic community it must conduct elections that meet international standards. Failure to meet these requirements could have disastrous effects. Europe and the United States must play an active role in helping Albania move towards stable, transparent, and free democracy. This legislation will take a great step towards that goal.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 155.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 155.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 35 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1833

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 6 o'clock and 33 minutes p.m.

ANNOUNCEMENT BY THE COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 2864, WATER RESOURCES DEVELOPMENT ACT OF 2005

Mrs. CAPITO. Mr. Speaker, the Committee on Rules has announced that it may meet this week to grant a rule which could limit the amendment process for floor consideration of H.R. 2864, the Water Resources Development Act of 2005. The Committee on Transportation and Infrastructure ordered the bill reported on June 22, 2005 and filed its report with the House on June 24, 2005.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in Room H-312 of the Capitol by 11 a.m. on Wednesday, June 29, 2005. Members should draft their amendments to the text of the bill as reported by the Committee on Transportation and Infrastructure.

Members are reminded that earlier in the year the Committee on Transportation and Infrastructure set forth a specific process regarding the submission of projects for inclusion in the Water Resources Development Act. The Rules Committee does not intend to accord priority to amendments that have not gone through the aforementioned process.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3057, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

Mrs. CAPITO, from the Committee on Rules, submitted a privileged report (Rept. No. 109–155) on the resolution (H. Res. 341) providing for consideration of the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mrs. CAPITO. Mr. Speaker, due to my attendance at a meeting with BRAC Commissioner Chairman Anthony Principi at the 130th Airlift Wing of the West Virginia Air National Guard in my district, I missed roll call votes 308 through 321 on June 24.

Had I been present, I would have voted as follows:

Rollcall 308, no; rollcall 309, yes; rollcall 310, no; rollcall 311, yes; rollcall 312, yes; rollcall 313, no; rollcall 314, no; rollcall 315, yes; rollcall 316, yes; rollcall 317, no; rollcall 318, no; rollcall 319, no; rollcall 320, no; rollcall 321, yes.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3058, TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

Mrs. CAPITO, from the Committee on Rules, submitted a privileged report (Rept. No. 109–156) on the resolution (H. Res. 342) providing for consideration of the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF MEMBERS TO BRITISH-AMERICAN INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 2761, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the British-American Interparliamentary Group:

Mr. PETRI, Wisconsin, Chairman,

Mr. BOOZMAN, Arkansas, Vice Chairman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 199, by the yeas and nays;

H. Con. Res. 155, by the yeas and nays.

Proceedings on H.R. 458 will resume on a later day.

EXPRESSING THE SENSE OF THE HOUSE REGARDING THE MASSACRE AT SREBENICA IN JULY 1995

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 199, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 199, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 370, nays 1, not voting 62, as follows:

[Roll No. 322]

YEAS—370

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Evans
Everett
Farr
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman

Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—1

Paul

NOT VOTING—62

Abercrombie
Bishop (NY)
Boehlert
Brady (PA)
Brown, Corrine
Burton (IN)
Cardin
Carson
Culberson
Davis (FL)
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Etheridge
Fattah
Filner
Ford
Fossella
Gonzalez
Gordon
Green (WI)
Gutierrez
Harris
Higgins
Hobson
Honda
Hunter
Israel
Istook
Jefferson
Jenkins
Jones (OH)
Kilpatrick (MI)
Kingston
Kirk
Kucinich
LaTourette
Matsui
McHugh
Michaud
Oxley
Payne
Pryce (OH)
Rahall
Reynolds
Rohrabacher
Ross
Ruppersberger
Shimkus
Simpson
Slaughter
Sodrel
Souder
Stark
Strickland
Sweeney
Taylor (MS)
Terry
Turner
Walden (OR)
Weiner
Young (FL)

□ 1856

Mrs. NAPOLITANO changed her vote from "nay" to "yea."

So (two thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 322, on H. Res. 199, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

URGING ALBANIA TO ENSURE ELECTIONS TO BE HELD ON JULY 3, 2005, ARE IN ACCORDANCE WITH INTERNATIONAL STANDARDS FOR FREE AND FAIR ELECTIONS

The SPEAKER pro tempore (Mr. PEARCE). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 155.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 155, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 369, nays 1, not voting 63, as follows:

[Roll No. 323]

YEAS—369

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Evans
Everett
Farr
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker

Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)

NAYS—1

Paul

NOT VOTING—63

Abercrombie
Bishop (NY)
Boehlert
Brady (PA)
Brown, Corrine
Burton (IN)
Cardin
Carson
Culberson
Davis (FL)
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Etheridge
Fattah
Filner
Ford
Fossella
Gonzalez
Gordon
Gutierrez
Harris
Higgins
Hobson
Honda
Hunter
Israel
Istook
Jefferson
Jenkins
Jones (OH)
Kilpatrick (MI)
Kingston
Kirk
Kucinich
LaTourette
Matsui
McHugh
Michaud
Murtha
Oxley
Payne
Pryce (OH)
Rahall
Reynolds
Rohrabacher
Ross
Ruppersberger
Shimkus
Simpson
Slaughter
Sodrel
Souder
Stark
Strickland
Sweeney
Taylor (MS)
Terry
Turner
Walden (OR)
Weiner
Wynn
Young (FL)

□ 1915

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 323, on H. Con. Res. 155, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. MATSUI. Mr. Speaker, I was absent on Monday, June 27th and missed the rollcall votes ordered. Had I been present, I would have voted as noted below:

Rollcall vote 322: "yea"; rollcall vote 323: "yea".

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, due to illness I was regrettably delayed in my return to Washington, DC, and therefore unable to be on the House floor for rollcall votes 322 and 323. Had I been here I would have voted "yea" for rollcall vote 323, and "yea" with reservation for rollcall vote 322 on House Resolution 199, which expresses the sense of the House of Representatives regarding the massacre at Srebrenica in July 1995.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, personal business prevents me from being present for legislative business scheduled for today, Monday, June 27, 2005. Had I been present, I would have voted "yea" on H. Res. 199, a resolution expressing the sense of the House regarding the massacre at Srebrenica in July 1995 (Rollcall No. 322); and "yea" on H. Con. Res. 155, a resolution urging the Government of the Republic of Albania to ensure that the parliamentary elections to be held on July 3, 2005, are conducted in accordance with international standards for free and fair elections (Rollcall No. 323).

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, I was unavoidably absent from the House floor during rollcall votes on H. Res. 199 (Expressing the sense of the United States House of Representatives regarding the massacre at Srebrenica in July 1995) and H. Con. Res. 155 (Urging the Government of the Republic of Albania to ensure that the parliamentary elections to be held July 3, 2005, are conducted in accordance with international standards for free and fair elections). I was giving a presentation on the 179th Airlift Wing of the Ohio National Guard in Mansfield, OH at the Base Realignment and Closure Commission hearing in Buffalo, New York. Had I been present for the votes I would have voted "yea" for both measures.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 322 and 323.

PRIVATE PROPERTY RIGHTS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, the fifth amendment to the Constitution states that "No person shall be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation."

However, that was then.

Thanks to the recent Supreme Court ruling on eminent domain, the fifth amendment has been vastly expanded.

As one Supreme Court Justice stated in the dissent, "Nothing is to prevent the State from replacing a Motel 6 with a Ritz Carlton, any home with a shopping mall, or any farm with a factory."

Property rights? There is nothing right about this decision. Now, tax revenues are more important than neighborhoods.

Mr. Speaker, with this decision, the rights of our citizens are now competing with tax revenue and private developments. The Constitution is meant to protect the rights of our citizens, not compete with the bottom line.

What is clear at this moment is that the Supreme Court has thrown the protection of individual property rights right out the window. These Justices need to be reined back in by both State action and loud condemnation of this outrageous finding.

Public use has been redefined so boldly by this Supreme Court decision that it's no wonder citizens are concerned about their homes and property.

In the short term, all states are encouraged to adopt strict and narrow definitions of "public use."

In the long term, we in Congress must determine whether more clarity needs to be brought to the court on this matter.

Remember Jefferson's principle: "The true foundation of republican government is the equal right of every citizen in his person and property and in their management."—Thomas Jefferson to Samuel Kercheval, 1816.

TRIBUTE TO REVEREND BILLY GRAHAM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the Supreme Court acted today, but if any of us want to know what real religious freedom and religious liberty is all about, I rise today to pay tribute to the Reverend Billy Graham.

Though many have said that the series of evangelistic sermons this past weekend in New York may be his last, he is a symbol of what America stands for and appreciates in freedom of religion. He spoke to all people.

I understand that in the early 1960s when it was not appropriate, he invited Dr. Martin Luther King to open one of his evangelistic meetings. He came to Nashville, TN when it was not popular to do so.

In his audience of thousands and thousands over the weekend, we saw the faces of America, many colors, many different persons, many economic conditions. They came to hear the gospel said in an open and free society.

He pushes no agenda. He does not ask for the Ten Commandments to be placed in any place; but, he says, if you believe, then you should accept. That is what true religious freedom and liberty are all about.

That is why I am glad to be an American and believe in the first amendment. I salute the Reverend Billy Graham, a great American and a great patriot.

SHEDDING LIGHT ON THE SUPREME COURT

(Mr. GOHMERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOHMERT. Mr. Speaker, with the Supreme Court's decision regarding the Ten Commandments, they basically ruled as they had inferred, during oral arguments, as I witnessed them personally, in their chamber. They made fairly clear through their opinion that the only way the Ten Commandments are supposed to be displayed is if it is done in such a way as to render them completely meaningless.

Now, they just seem to have forgotten the fact that when the Founders and writers of the Constitution were alive, Old Testament scriptures, including the Ten Commandments, were frequently cited as a basis for laws being passed. Now, the majority has become wise in their own eyes to the detriment of the country, but it is only when the Ten Commandments are rendered completely meaningless that you can come out with a decision like we had the last 2 weeks where a city is allowed to take someone's property just because they think somebody may build a bigger, better, more expensive house; they can get more tax dollars.

We need to shed some light in the windowless ivory tower in which these decisions have been made.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEARCE). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SAFER VEHICLES FOR SOLDIERS: A TALE OF DELAYS AND GLITCHES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I am going to read a bit, which I do not usually do on the floor, from yesterday's New York Times front page, because I think it is so extraordinary and it goes so much to the incompetence and the indifference of Donald Rumsfeld and others in this administration regarding what is going on in Iraq and the lack of protection for our troops.

"When Defense Secretary Donald Rumsfeld visited Iraq last year to tour the Abu Ghraib Prison camp, military officials did not rely on a government-issued Humvee to transport him safely on the ground," not even an armored Humvee, that is my own little addition. "Instead, they turned to Halliburton, the oil services contractor, which lent the Pentagon a rolling fortress of steel called the Rhino Runner."

Now, no wonder Secretary Rumsfeld goes to Iraq and says everything is going great. He is rolling around in an armored fortress of steel provided by his former employer. Well, I am sorry, the former employer of Vice President CHENEY, Halliburton, riding around in something called a Rhino Runner, which is supposed to be able to withstand a thousand-pound bomb.

Now, our troops are out there, some of them in unarmored Humvees that cannot resist any bomb, bullets, or shrapnel; some of them are in armored Humvees which can resist between 4- and 8-pound bombs, but then there are other options out there.

Back to the New York Times: "State Department officials traveling in Iraq use armored vehicles that are built with V-shaped hulls to better deflect bullets and bombs. Members of Congress favor another model called the M1117, which can endure 12-pound explosives and 50-caliber, armor-piercing rounds.

"Unlike the Humvee, the Pentagon's vehicle of choice for American troops, the others were designed from scratch to withstand attacks in battlefields like Iraq with no safe zones. Last fall, for instance, a Rhino traveling the treacherous airport road in Baghdad endured a bomb that left a 6-foot-wide crater. The passengers walked away unscathed. 'I have no doubt should I have been in any other vehicle,' wrote an Army captain, the lone military passenger, 'the results would have been catastrophically different.'

"Yet more than 2 years into the war, efforts by United States military units to obtain large numbers of these stronger vehicles for soldiers have faltered, even as the Pentagon's program to armor Humvees continues to be plagued by delays, an examination by The New York Times has found."

And then, the end of last week, we had the revelation about the extraordinary shortages for the Marines.

Mr. Speaker, I guess I should not be surprised when we have a Secretary of Defense who predicted that our troops would be greeted with flowers and candies and sweets; and that the occupation would last, that we would be down to 30,000 troops within 2 months and would not be there longer than 5; that he has been two, four, six, or a hundred steps all the way along the way. But to still deny the reality, because he is riding around in an armored Rhino provided by Halliburton, of our troops, the bitter reality of them in unarmored Humvees, as many Marines still are, and we still hear from time to time of Army units that are out there in unarmored Humvees, although they claim they never go off base anymore; and then to hear that State Department people and Members of Congress get superior vehicles that are not available to the regular troops, this is extraordinary.

More than 2 years into this war, and now this insurgency, and the Pentagon is focused on Star Wars and other fantasies; and the troops still lack basics, things for which we need no technological development. The technology exists, the manufacturers exist, but the will to purchase those vehicles to protect our troops does not exist in Secretary Rumsfeld's higher echelons of the organization.

But, again, he is riding around, he cannot even hear or see the explosions in the Rhino Runner. They probably have the music turned up loud and the AC is blasting away, and he does not have the slightest idea where he is. But the troops sure know where they are; they sure do.

Mr. Speaker, it is time for this embarrassment to end. He should have gone long ago, he should go now, and it is time to start providing the troops the basics they need to come home safe.

THE HIGH COST OF PRESCRIPTION DRUGS IN THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from MN (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, once again I rise to talk tonight about the unfairness of what Americans pay for prescription drugs compared to what consumers pay around the rest of the industrialized world.

I have with me again this chart. Let me just read some of the numbers, the difference between the prices for these drugs at the Metropolitan Pharmacy in Frankfurt, Germany and at one of my pharmacies in Rochester, MN: Nexium, for $60.25 in Germany; $145.33 in the United States.

□ 1930

Norvasc, $19.31 in Germany, $54.83 in the United States. Zyrtec, $34.33 in Germany, $73.02. Prevacid, $35.22, $146.47. Zocor, $23.83 in Germany, $85.39 here. The list goes on. These are 10 of the most commonly prescribed name-brand drugs. The total in Germany, $455.57. The total here in the United States, more than double that, at $1,040.40. Americans pay 128 percent more for exactly the same drugs made in the same plants under the same FDA approval.

But many Members ask me, well, how did you become so involved in this issue? What made you so passionate? I would like to share that story of how I got involved in this issue. A number of years ago I had a town hall meeting and there were some seniors who came to the meetings and they told me about going up to Canada to buy their prescription drugs. And to be honest, it was one of those events where I heard but I did not really listen. And then at a subsequent meeting one of the seniors asked me a very tough question. She said, why are we treated like common criminals for going to Canada to save some dollars on our prescription drugs? Well, I did not have a very good answer.

And then a few months later something happened that had nothing to do with prescription drugs. The price of live hogs in the United States collapsed. The price of pigs dropped from about $37 per hundred weight down to about $7. It was one of the worst catastrophes for American pork producers since the Great Depression. And they did what many constituents do. They called their Congressman and said, can you not do something about this? And I said, well, I do not know what I can do. And they said, well, can you not somehow at least stop all these Canadian pigs from coming into our market, making our supply-demand situation even worse? Is not there something you can do about that, Congressman?

So I called the Secretary of Agriculture, I called the Secretary of Commerce, and I got essentially the same answer. They both said, well, that is called NAFTA. That is called free trade. We have open markets. And finally, to the Secretary of Commerce I said, wait a second; you mean we have open borders when it comes to pork bellies but not when it comes to Prilosec? And he sort of laughed on the other end of the phone and said, well, I guess that is right. And I said, well, that does not sound right to me.

And so this little pilgrimage started there with the price of pigs. And there is something wrong with a system that protects the large pharmaceutical companies, but does nothing to protect our pork producers. And so I began to do research and realized how much more Americans pay.

Now, I do not want price controls. In fact, I do not want people buying their prescription drugs over the Internet. But I think it should be legal. What I really want is American pharmacists to have access to what pharmacists in Europe have. It is called parallel trade. Because that pharmacist in Frankfurt, Germany can go ahead and order his drugs from Sweden or Norway or France or Spain, wherever they can buy them cheapest.

You see, there was a President by the name of Ronald Reagan who said that markets are more powerful than armies. And it really is time that we use market pressures and market forces to help control the runaway prices of prescription drugs. I believe American consumers have a right to that. I believe American consumers have a right to world-class drugs at world-market prices. So I hope Members will join me in this great effort to make certain that we open markets, that we create a competitive market so that Americans can buy Zocor for $30 rather than $85. We are not asking for a free lunch. We are just asking for a fair price.

NICS/GUN SHOW LOOPHOLE/NO FLY, NO BUY

The SPEAKER pro tempore (Mr. KUHL of New York). Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY. Mr. Speaker, many here in this Chamber, each and every one of us came to Congress to try and make a difference, and each one of us are trying to make that difference.

I came to Congress to try and reduce gun violence in this Nation. And many people have heard me talk about this for close to 8½ years now. What I want to talk about tonight are three pieces of legislation that I have and why I feel they are so important, especially in the climate that we have.

We are post-9/11 now, and I think what we need to do is start looking at our gun laws that are here today and how we can make this country safer, certainly being part of our homeland security.

One of the bills that I think is probably extremely important is the NICS Improvement Act. Unfortunately, I had a tragedy back in my district going back 3 years ago, where a person came into one of our local churches and ended up shooting the priest and a parishioner. On further investigation, we found out that New York State actually had a record where he should not have been able to buy a gun. But being that they did not give that information to the NICS system, and we all know that a computer is only as good as the system that has the information in it.

Now, with that we did legislation, it actually passed here in the House by a voice vote, and I think it is important that we get that going again and get that improved.

And another reason why, many of us are experiencing high volumes of gangs in our community. And it was only a few months ago that some gangs that were caught by our local police, who did a great job, traced the guns that these young people had, and they were bought legally in Alabama. And I say that, legally. But, again, if they had tried to buy them in New York, they would have been in the system. They were in the system and basically they would not have been able to buy the gun if the NICS system had the correct information in it.

Right now, 25 States have entered less than 60 percent of the convictions of why some people should not be able to buy guns. Thirteen States do not list domestic violence convictions and restraining orders. And unfortunately, that was one of the things with Mr. Troy, who did the shooting in the parish church. His mother actually had a restraining order on him.

Thirty-three States do not share mental health records. Now, I know there is an argument there that we are picking on people with mental health problems. That is not it. We are saying that people that come under adjudication under the system are denied the right to buy a gun. The privacy issue is kept in place. Mainly, if you are denied on a gun, all it does is come up rejected; it does not say for what area that you were rejected. And I think it is important that we get this bill up on the system. This way we will be able to certainly prevent people that should not be able to buy guns, by law under the 1968 Gun Control Act, which is only enforcing the law that is already on the books. We had terrific bipartisan support in the 107th Congress, and I think it is something that we should be doing to move around.

The gun show loophole. I know we had our battles here on the gun show loophole, but even information again for post, 9/11, the FBI has found that over 40 "terrorists" on the terrorist watch list have gone into gun shows and been able to buy AK–47s and other guns.

Now, it is common sense that those that go buy a gun, and 13 States have already passed legislation, it has not stopped anyone from buying a gun. It has not closed down any gun shows, because I know that many of our friends in the Midwest, this is a family weekend. They go out and spend a day there and that is fine. I do not have a problem with that. But I think the majority of people agree with me, if you are going to buy a gun, you need to go through a background check. I think that is the basic law that we could do.

The other thing that really perturbs me, and by the way this actually goes into my third bill, no fly, no buy list. Right now we have a list, a terrorist list, and they are not allowed to get onto a plane. And yet they can go into any gun store, they can go to any gun show and are able to buy a gun. I do not think that makes too much common sense. We should be stopping these people from being able to buy their guns.

Think about what happened here in DC a few years ago. One person, two people with a gun, certainly kept DC and the surrounding area petrified, and millions of dollars was lost.

Imagine these terrorists. You know, people, I think, are starting to become, feel too safe. We know that terrorists will strike when no one is paying attention. And as long as we pay attention to detail, we can stop these terrorists from doing bodily harm. No fly, no buy.

I understand that when you look at foreign countries, sometimes people are prosecuted. That would not be the same here in this country. We know that there are political reasons why they might be thrown in jail. We have a way of being able to adjudicate that.

And also, the list that I chose for this bill is on a list where people can actually go to it and get off the list. And I think that is important because we certainly do not want to deny anyone.

The three bills that I have introduced are not going to stop anyone from being able to buy a gun. Their second amendment rights are protected.

I made a promise when I came to Congress that I would reduce gun violence in this country. But I also am not here to try and take away the right of anyone to own a gun. That is a personal decision for many of us.

Some of us do not like guns. I used to do skeet shooting. It was not my sport. That is certainly up to me. Yet, I know there are many people around this Nation that like to go hunting. And we have always said, going back since 1994, they will be able to go hunting. We are not trying to take away the right to own the gun. But we must enforce the laws that are on the books and make this a safer country.

CLUB GITMO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, this past weekend I spent part of the weekend down in the Tropics. I went to an island down in the Caribbean. And the place where I went had an ocean view, and the facility is relatively new. Some of the rooms are air-conditioned and some are not. Some of the rooms actually would meet ADA standards for the physically challenged.

The guests that were there, they were not working. They are standing around talking. There is a lot of talking and I noticed that there are soccer courts. There are volleyball courts. There is table tennis, and they are building a new basketball court.

I ate lunch, the same meals that the guests had. The lunch that I had was marinated chicken with orange sauce, rice pilaf, steamed vegetables, plenty of rolls and butter. Some of the guests that are there have even gained up to 5 to 10 pounds while being there.

New medical facilities are there, new dental facilities. The people that are there average four medical visits a week or, rather, a month. That is more than most Americans do in a year.

The medical personnel there performed 128 surgeries, and no one that has been there, of the 700 guests that have been there, not one has died from any cause. In fact, the medical personnel saved the lives of numerous ones.

They come from all over the world, 24 different countries; 520 of them are there; 2,200 of them have gone back home.

The rooms are very clean. I notice that there are no Gideon Bibles in any of the rooms, but every room has a Koran. You know, American troops do not get U.S.-funded taxpayer Bibles overseas. But all these guests get taxpayer-funded Korans. And of course the staff that is there cannot touch these Korans.

Of course I am talking about Gitmo, the Guantanamo Bay terrorist detention center. These people are prisoners of war and the guards that are there are doing an outstanding job.

Speaking of the Koran, the guards are not permitted to touch the Koran except under rare circumstances. And if they do, they have to wear linen gloves before they can move this Koran to a different cell.

The people that are there are there for two purposes. They are suspected terrorists that are going to be tried for war crimes, like killing people all over the world, many of whom are Americans. The others that are there are being interrogated, those suspected terrorists.

Now I observed those interrogations, Mr. Speaker. There are no abuses. There are no dogs. There is no abuse. The interrogations that took place, neither the interrogator nor the prisoner knew that we were observing. And numerous Members of Congress went this past week and observed these facilities.

One hundred fifty of these individuals have attorneys. Any prisoner that is there that wants an attorney is entitled to have one.

Two hundred of them have been released; in fact, maybe releasing some we should not release, because 12 of the ones that have been released have been either recaptured or killed on the battlefield. One is of particular note. When he was first arrested and captured as a terrorist he had a leg that was infected, so part of it was amputated. And he was fitted with a new prosthesis by American medical personnel. Later released and he was captured, recaptured on the battlefield, and of course he was still wearing that American prosthesis that taxpayers paid for.

These people do not work. You know, even in Texas we work our inmates. Today they are out picking cotton. But they are just there to be observed and to be housed. You know, one of these facilities meets American Corrections Association standards.

And these people, Mr. Speaker, are not nice. They spit on our guards. They throw urine and feces at our guards. And some of these people want to kill Americans.

The guards, Mr. Speaker, are first class. They are from all branches of the service. They have tremendous cooperation with each other, and they make us proud. The accusations of abuse in a dungeon-like facility do a disservice to these troops and the troops in combat.

I had lunch with two of these guards, George Telles and Enrique Lopez, Jr., both Navy sailors that guard cell blocks. And they do us a great honor and a service there.

These inmates are not protected by the Geneva Convention, although we treat them like they are. The Geneva Convention says that POWs, to be a real prisoner of war, they must be in a uniform, they must not have concealed weapons, they must not kill innocents, and they must have a chain of command. And these terrorists violate all four of these rules, but yet we treat them with greater respect than in the Geneva Convention.

The International Red Cross observes the entire facility and has access to all of the prisoners to talk to them on a one-on-one basis. There have been no deaths in Guantanamo. And you know, in prisoner-of-war camps in the past, Americans have died. Back in the war between the States, thousands of prisoners, Confederate and Union soldiers died. In Vietnam, about 9 percent of the Americans in custody there died. In Korea, about 30 percent. In World War II, we know that about 40 percent of Americans in custody in Japan died, all in prisoner-of-war camps, and not one person has died in these.

□ 1945

Amnesty International calls this place a "gulag." Well, these are words from the uninformed elite. They must want "Club GITMO" or "Disney World of the Caribbean."

Some said to close it down. That is just not appropriate, Mr. Speaker. We probably ought to make it bigger. It would be a crime to close this place down and let these criminals loose on the world. There is a war on terror going on and these people want to kill Americans. They are dangerous. The 20th highjacker of 9/11 is there, and these people need to be tried for war crimes.

Mr. Speaker, I went to Iraq. I have seen what these people have done, these terrorists have done to civilians and to our military. Even one 8-year-old kid was killed while I was there. Mr. Speaker, I am more concerned about Americans being killed by terrorists by beheading and suicide bombers and the welfare of our troops than I am about some terrorist outlaw that is upset because his blueberry muffin gets cold.

SMART SECURITY AND VETERANS FUNDING

The SPEAKER pro tempore (Mr. KUHL of New York). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise in sadness and in frustration over the news that the Nation finds itself $1 billion short of the funding that is needed to cover health care for our Nation's veterans this year.

It is bad enough that next year's VA budget will almost surely be inadequate; now we are having trouble paying for this year's needs. Just as the architects of our Iraq policy did not have a plan for winning the peace, it appears that the budget experts in the executive branch did not plan for increased veteran costs associated with the deadly foreign war, a preemptive war that has killed over 1,700 troops and injured more than 13,000, a war that will certainly result in an increased burden on the Veterans Administration.

This shortfall comes on the heels of efforts by the Bush administration to increase veterans prescription drug copayments and to add an enrollment fee to enter the veterans health care system in the first place. There is even talk of classifying veterans in ways that entitle some veterans to benefits and leaves others on the outside looking in.

How is this possible, Mr. Speaker, all the talk of supporting the troops, is this just rhetoric? Is it just bumper sticker boiler plate, or are we really serious about honoring the sacrifices of war and showing our gratitude to those who have risked life and limb on our behalf?

What is even worse is that some people saw this budget problem coming and were ignored or rebuffed. Minority Members in the other Chamber, the Senate, proposed adding money to the VA budget in anticipation of this shortfall, but they were told by the Secretary of Veterans Affairs this spring that no emergency supplemental funds were needed.

Well, guess what? Emergency supplemental funds are needed. And now we either have to get an advance on next year's limited VA appropriations; borrow from other parts of the VA budget; or pass a supplemental bill to fill the gap. One of the key committee Chairs has said that it would be best to avoid a supplemental package. But were they saying that, Mr. Speaker, when we were debating an over-$200 billion supplemental bill to fund the war effort in the first place? It does not make sense to me.

We have no problem approving billions upon billions of dollars and taking on massive debt to send our brave soldiers to Iraq in the first place. And while they are there, we are denying them of the protective body armor and vehicles that would prevent these severe wounds in the first place, and they are returning home more injured than ever. And when they come home, then we start pinching pennies, pinching pennies on their care. Are these the priorities of a great Nation?

Now, it is tempting to see this VA situation as simply an actuarial miscalculation, but it is indicative of something far more serious that we have been seeing over and over again from this administration, a rob-Peter-to-pay-Paul mentality; a tendency to ignore problems until they become crises; a habit of embracing war without accounting for its costs, human or financial.

Mr. Speaker, this is just one example of the way our Iraq policy has been bungled. Not only do we need to bring our troops out of Iraq as soon as realistically possible, a position that the majority of the American people agree with; we need an overhaul of our approach to national security in general.

I have proposed a new plan called SMART Security. SMART stands for Sensible Multi-lateral American Response to Terrorism For the 21st Century. The guiding principle behind SMART is that war should be the absolute last resort. Prevention of war, not preemptive war, which we know from the Downing Street memo was not the thinking on Iraq.

So SMART includes an ambitious international development agenda, democracy building, human rights education, business loans, agricultural assistance and more for the troubled, underdeveloped nations of the world.

SMART is tough, pragmatic, and patriotic. It protects America by relying on the very best of American values: our commitment to freedom, our compassion for the people of the world, and our capacity for multilateral leadership.

HEALTH CARE FOR RURAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, my arrival in Congress, it really was about what do I do to make certain that folks in Kansas, people across rural America have a quality of life, that they have the opportunity to put food on the family's table, that they have enough money to save for their retirement and for their kids' college education. But even perhaps more important than that, the goal for me as a policymaker has been what can we do to see that the communities that make up my State are around for a while longer.

Rural America faces many challenges; and among those challenges is an often declining economy, and an economy related to agriculture. But one of the things that became clear to me early on in my time in Congress is access to health care matters. If we care about the future of our communities, we need to make certain that our citizens, the people who live there, can access a physician, can have access to a hospital, that the hospital doors remain open, that there is home health care and nursing home care.

So for much of my time in Congress, I have worked on issues related to the availability of health care. I have been an active member and chaired the Rural Health Care Coalition. And I commend my colleagues who are actively engaged in a group of Republican and Democrat Members of this body who work time and time again to see that good things happen in the delivery of health care in rural America. The goal there has to be to make certain that we are reimbursed, that our providers, our hospitals and physicians and nurses and other health care providers, are reimbursed through Medicare in particular in a way that makes it possible for financially those health care providers to continue to provide the service and that we need to continue to make efforts to reduce the paperwork and bureaucratic burden that increase the cost of providing services, especially in communities where senior citizens comprise a significant component of the population.

Many of the hospitals in the First Congressional District of Kansas, 60, 70, 80, and sometimes even 90 percent of the patients admitted to a hospital seen by our physicians are over the age of 65; and, therefore, Medicare is responsible for payment at least in part of the hospital or physician bill.

During my time in Congress despite this continual focus on access to health care, one other thing has become clear to me. There is an overriding issue that should consume us all. I rise tonight to try to bring to my colleagues' attention the necessity of beginning to address the ever-rising cost of health care.

I am in the middle of 69 townhall meetings. I represent 69 counties in Kansas, and every year I conduct a townhall meeting in each of those counties. I remember the townhall meeting in Hoxie, Kansas. During that townhall meeting, the first question was from a teacher who said, Last year my premiums for my health insurance to the school district that I paid out of my pocket were $450. This year it is $700. What are you going to do about it?

The next question was from the farm implement dealer who said, We are trying to stay afloat here. It has been a difficult year. Drought on the high plains. You know how difficult the agriculture economy is. We are trying to keep our employees insured. We raised our co-payments. We raised our deductibles and our insurance premiums still went up 49 percent. And there was the question, What are you going to do about it?

The third question came from a lady who said, My brother has cancer. He has been in Texas in an experimental treatment program, and he has now returned home to Kansas and his treatment costs are $40,000 a year. My mom and dad and other brothers and sisters, we are all trying to figure out how do we as a family come up with $40,000 a year to take care, to perhaps save my brother's life. Again, the implied question, What are you going to do about it?

So from that townhall meeting several years ago, it has been a growing desire on my part to move the House of Representatives, the Senate, the policymakers, the administration toward addressing the issue of health care costs. I think there are things we can do. It is more than just decrying the problem.

We clearly need more access to primary care physicians. Too much health care is delivered through the emergency room. I commend the Bush administration for their focus on community clinics. That is an important component of making certain that people who could not otherwise afford health care are not showing up at the emergency room, but could access a primary care physician or a nurse practitioner through our community clinics.

We need to focus more on wellness and prevention. I think perhaps the biggest bang for our buck in reducing health care costs is to encourage and to educate citizens of our country about nutrition, about life-style, about habits, about exercise.

Clearly our information technology system has to be overhauled. We have tremendous technology in the delivery of health care, but not in the way that we keep records and provide for their payment. IT needs to be overhauled for better and easier data retrieval. We clearly need to make certain that our reimbursements for our hospitals under Medicare and Medicaid are adequate to cover the costs, otherwise there is simply a cost-shifting onto those who have insurance.

I have been supportive of health savings accounts and opportunities for small businesses to pool their purchasing power to access health care for their patients.

I heard earlier about prescription drugs. We need to continue to work as a body, as a Congress and as policymakers in our Nation's capital to reduce the ever-escalating costs of health care.

RENEGOTIATE CAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, at a White House news conference earlier this month, President Bush called on Congress to pass CAFTA, the Central American Free Trade Agreement.

Also earlier this month, the most powerful Republican in Congress, the gentleman from Texas (Mr. DELAY), promised a vote by July 4. Actually, it is the third time the gentleman has promised a vote on CAFTA. The first time in 2004 he said there would be a vote on the Central American Free Trade Agreement by the end of the year, December of 2004. Then earlier this year he promised a vote on CAFTA by Memorial Day, and now he is promising a vote by July 4.

Where I come from, 3 strikes means you are out. As a result, Congress is waiting and waiting and waiting for the CAFTA vote count down to begin. While we wait, the many of us who have been speaking out against the Central American Free Trade Agreement have a message for the gentleman from Texas (Mr. DELAY) and for the President, and that is renegotiate the Central American Free Trade Agreement.

President Bush signed CAFTA more than a year ago. Every trade agreement negotiated by this administration, Australia, Chile, Singapore, Morocco, every trade agreement negotiated by this administration was voted on by this Congress within 60 days of the President signing the agreement. CAFTA has languished in Congress for more than a year without a vote because this wrongheaded trade agreement offends Republicans and Democrats alike.

It offends small manufacturers. It offends labor unions. It offends environmentalists and ranchers and small farmers and food safety advocates. It offends religious leaders in Central America and many religious leaders in this country.

Most importantly, just look what has happened with trade policy in this country in the last 12 years. In 1992, the year I was elected to Congress, the United States had a $38 billion trade deficit. That means we imported $38 billion more than we exported. Today, a dozen years later, in 2004, last year, our trade deficit was $618 billion. From $38 billion to $618 billion in only a dozen years. It is hard to argue that our trade policy is working.

□ 2000

Some people say, well, those are only just numbers, that is the trade deficit: who really cares? What that means is it means a significant loss in manufacturing jobs.

The States in red are States that have lost 20 percent of their manufacturing. The State of Ohio, 216,000 just in the last 5 years; Michigan, 210,000 manufacturing jobs lost; Illinois, 224,000; Pennsylvania, 200,000; Mississippi and Alabama combined, 130,000. In the gentleman from Georgia's (Mr. LEWIS) home State, they have lost between 15 and 20 percent.

These are the States in blue, 107,000. In the gentlewoman from California's (Ms. WATSON) and the gentleman from California's (Mr. BERMAN) State, 354,000 jobs lost.

In State after State after State we have seen hundreds of thousands of manufacturing jobs lost in the last 5 years, not entirely because of but in large part because of failed trade policies. Each one of these jobs translates into the loss of a bread winner, translates into less money for education in the community, less money for police and fire as the tax base shrinks with more and more industrial concerns shutting down.

These are faces of real people, what these numbers represent, and it is hurting an awful lot of families in every one of these States and our country.

As we see, the Central American Free Trade Agreement was negotiated by a select few for a select few. It was negotiated by the U.S. pharmaceutical industry to help the U.S. pharmaceutical industry. It was negotiated by big energy companies in the United States to help big energy companies in the United States. It was negotiated by insurance and financial institutions to help insurance and financial institutions. But it is not helping workers. It is not helping the environment. It is not helping small manufacturers. It is not helping small farmers and small ranchers in our country.

It is the same old story, Mr. Speaker. Every time there is a trade agreement, the President makes three promises. He promises there will be more jobs in the U.S., more manufacturing products that are exported to other countries, and it means better wages and a higher standard of living for workers in the developing country. Yet, with every single trade agreement, their promises fall by the wayside.

Benjamin Franklin said, the definition of insanity is doing the same thing over and over and over and expecting a different result. The President makes the same promises about NAFTA, about PNTR with China, about CAFTA, about every trade agreement over and over and over, and the results are the same: more manufacturing job loss; more stagnation of wages in the developing world where their standard of living does not go up; more plant shutdowns in community after community in our country.

In the face of overwhelming bipartisan opposition, the administration and the gentleman from Texas (Mr. DELAY), the most powerful Republican in the House, have tried every trick in the book to pass this CAFTA. Mr. Speaker, CAFTA is a bad idea. Overwhelming opposition to this agreement says we should renegotiate the Central American Free Trade Agreement.

WAR IN IRAQ

The SPEAKER pro tempore (Mr. KUHL of New York). Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, there has been a great deal of debate on this House floor recently about the war in Iraq and not so much about Afghanistan, interestingly, but certainly about Iraq. Some in Congress are clamoring for us to pull out of Iraq immediately. Some want a timetable indicating a date certain when we will withdraw. Some say there is no plan concerning postwar Iraq, no exit strategy. I would like to address each of these points just briefly.

Number 1, we promised the Iraqi people that we would not pull out prematurely. Remember that back in the Gulf War in the early 1990s, we made a similar promise. We did pull out, and thousands of Iraqis died. We have had a very difficult time regaining their trust since. I think to this point we may have regained some of that status and some of that trust.

A date certain on which we will leave Iraq will encourage insurgents to hang on until that date and then intensify the attacks. I think the date certain of withdrawal will certainly be looked upon by many insurgents as a sign that they were winning, a sign of victory. I am sure they would claim victory at that point.

Also, I think it is important that a withdrawal without victory will dishonor the memories of those who have died and sacrificed, and I, for one, would very much hate to go back and face some of those parents and some of those husbands and wives who have lost soldiers in the war and try to tell them that basically their son, their daughter, their husband, or their wife died for no cause at all. That would be very, very difficult for them to swallow.

Then I think most of us who have been overseas, and a great many Members of Congress have, have been to Iraq and Afghanistan and Kuwait, and Landstuhl in Germany to the hospital, and up to Walter Reed, and one thing that we found almost universally is that our soldiers have tremendous morale. They have a very strong sense of mission, and they have a real sense of purpose. Almost to a person the military personnel that I have talked to would tell you that they absolutely do not want to leave this thing undone. They want to make sure there is a sense of accomplishment and a sense of purpose.

Finally, let us address the issue of no plan, that there is no strategy, no exit plan at all. We might refer to this chart here. One year ago, there was one Iraqi military battalion that was trained and equipped. Now there are more than 100 battalions trained and equipped, and those are reflected over here on this 75,791 total of Ministry of Defense forces. Also, in addition, there are 90,883 policemen and other patrol and security guards that have been trained. So it is a total of 170,000 Iraqis who are currently trained and equipped.

I have been to Iraq where I have seen some of this training occur. I have been to Amman, Jordan, where a lot of the police academies are held. So at the present time we are aiming for 270,000, and we are most of the way there. We still have 100,000 to go, and we are training about 10,000 a month. So that means in about 10 months we will be at roughly 270,000.

General Petraeus says there is no shortage of volunteers; we have more people applying for this position than we have slots to fill them at the present time.

So I think we are in reasonably good shape. The exit strategy is obviously to draw down our forces as the Iraqis are able to take control of the situation, and currently, in almost every military action, Iraqis are out in front. There are many areas of Iraq at the present time where there are no U.S. forces. Iraqi forces are totally in control, not a whole lot of those areas, but there are some. So the Iraqis are assuming more and more responsibility for their own protection. At the present time, there are 21,000 fewer Americans in Iraq than there were in January. So there has been some drawdown at the present time.

One of the wild card situations is the Sunnis. Recently, the Sunnis, it was reported, reached a resolution with the Shias and the Kurds as to their role in government. I think if that can be accomplished, then we are in reasonably good shape for a resolution.

A constitution will be written by August 15. It will be approved by October 15, and a new government will be elected on December 15.

So there is a strategy. Progress is being made. It is a very difficult situation. I really, truly believe all Members, both sides of the aisle, are very much in support of our troops. I think it is important that we support them with our votes, with money, with equipment, and also with our words, because our words that are spoken on this House floor and in the press certainly reverberate around the world and al Jazeera.

So I know our troops very much are hoping that we will show unqualified and tremendous resolution in resolving this issue.

INTELLECTUAL PROPERTY PROTECTION AND THE GROKSTER DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, today the United States Supreme Court, in a unanimous 9–0 decision, held that peer-to-peer file-swapping companies can be held liable if they promote the use of their sites to infringe copyright. The Grokster decision is a victory for all law-abiding Americans, especially the hardworking and talented individuals that make up our creative industries.

I am pleased that the Supreme Court struck the right balance between the protection of intellectual property and the desire to provide consumers with easy and lawful access to movies, music, and other content. Impressive advances in technology in recent years have produced a host of new and exciting avenues for consumers to access music and other content online. These new technologies, however, have also bred a culture of rampant pirating on the Internet.

Grokster and other peer-to-peer networks have become bastions of illegal activity, providing safe havens for pirates to swap copied versions of copyrighted material without paying a cent. Every day, millions of copyrighted protected movies, songs, computer games, and other pieces of intellectual property are stolen over peer-to-peer networks.

The statistics speak for themselves. Over 90 percent of the file-sharing activity on Grokster is illegal copyright infringement. Of the music files available online, 99 percent are unauthorized, leading to a substantial drop in shipments of music to retailers.

In the last year alone, the number of feature films posted on file-sharing sites more than doubled to 44 million. Some estimates show that as many as 400,000 movies have been downloaded in one day alone.

Last month, it took just a few hours after the latest Star Wars movie opened in theaters for a copy to show up online on a file-sharing site. While so many Americans flocked to movie theaters across the country with their children and families to see the latest episode of this great Hollywood franchise, millions had access to an unauthorized copy of the film online, free for theft and the taking.

Our Nation's economy and creative industries that employ over 5 million Americans suffer a huge blow from the billions of dollars lost annually through illegal downloading. These networks that actively promote illegal activity continue to pose a serious threat to the livelihood of copyright creators and artists, many of whom live in my district.

One of our country's greatest exports, indeed the only area where we have a positive balance of trade with every Nation on earth, is in the area of creative content and our intellectual property, which is derived from the hard work of song writers, technicians, artists, programmers, musicians, independent filmmakers and scores of others who make their living from the lawful sale of these items.

The Supreme Court decision today strikes the right balance by protecting copyright holders from such illegal activity and promoting legal avenues for downloading movies, music, and other works by consumers.

Very simply, the Court decision today codifies an age-old principle: that one man should not profit from the fruit of another man's labor.

As the Court noted, their decision leaves breathing room for innovation, and a vigorous commerce and does nothing to compromise the legitimate commerce or discourage innovation having a lawful purpose.

Today's ruling upholds the principle that technology must and should advance, but not without respecting copyright law. Just moments after today's decision, a new legal peer-to-peer model was unveiled that will incorporate many user benefits common to the peer-to-peer file-sharing experience, and a number of sites have already been launched that offer Internet music downloads at affordable prices without infringing on copyright laws. These positive efforts provide a victory for both consumers and artists.

Today's decision will further encourage and spur even more technological innovation. As a result, consumers will be the ultimate winners as they will have more access to high-quality music, film, and other content on the Internet and elsewhere.

ORDER OF BUSINESS

Mr. GOHMERT. Mr. Speaker, I ask to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

BRINGING TROOPS HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, as the right honorable gentleman from Nebraska (Mr. OSBORNE), a good friend, former coach, had indicated, there are Members of this body who believe the solution in Iraq is to set a date certain by which we will begin removing or have our troops removed from Iraq. When asked recently if such a strategy would not have been devastating if used in World War II and would not have left Hitler in power, one Congressman said, well, World War II is not really an appropriate comparison. He believed the more appropriate model was that of Vietnam, where we set a time and then we got out.

I do not question anyone's motive here, but for freedom's sake, what in the world kind of a mission is that? The retreat from Vietnam created a vacuum that was filled by dead and mutilated bodies of those we ran out and deserted, and it is one of our darkest and most heinous hours in American history. It is rivaled, however, for its humiliating nature by the very war in Vietnam itself in which we sent soldiers to fight but tied one arm behind their backs and did not give them the equipment and backing to actually win. They were not authorized to win. They were told to just hold what they had. No war can ever be won unless there is a commitment by the government to win.

If we did not learn anything from the wars of the 20th century, it would be obvious here, but in 1979, we had an attack on American soil. That is what it is when someone attacks an American embassy, and they took hostages of our diplomats and we did nothing. We failed to defend our soil and our people and our diplomats and a terrible message went forward.

□ 2015

We failed to address the attacks properly of the first bombing of the World Trade Center and on the U.S.S. *Cole* and other attacks.

We have sent a terribly erroneous message in the past that America does not have the courage or the stomach to complete the defense of ourselves or to finish what we start. That is what Osama bin Laden has been saying for years. If we just keep attacking, keep up the insurgency, America does not have the stomach to win. We will wear them down.

And now I hear colleagues verifying they do not have the stomach to complete what we started. My colleagues, when I was in Iraq in March, one former general under Saddam looked me in the eyes, a Sunni, and said, If the U.S. will just stay behind us and back us until we get our constitution and have the next election, you will see most of the violence in Iraq stop. The terrorists know how critical it is that this battle go on. They know that if freedom and a free society take hold in Iraq, in a Muslim country in the Middle East, they lose.

Some of the people who now are calling for a date certain to withdraw are some of the same people in 1991 who screamed at former President Bush, stop, stop, do not attack, they are surrendering. Get out. Do not go to Baghdad. And shortly after that, after he did as they implored, they said well, he is just too weak. He did not have the stomach to finish what he started. He was a weak President. He should have done what he started and gone on to Baghdad. Now they are doing the same thing to this President. I thank God he has the backbone to stay in there.

Please, I would encourage my colleagues to not push for a date certain. It would not have worked in World War II or in any war. It tells the opponents, the enemy, that we do not have the stomach to stay in there. We have a plan. We are training policemen, we are training soldiers. They will be able to defend themselves. Let us ensure that Iraq will win the peace and that the terrorists lose.

SUPREME COURT DECISION ON MGM v. GROKSTER

The SPEAKER pro tempore (Mr. KUHL of New York). Under a previous order of the House, the gentleman from California (Mr. BERMAN) is recognized for 5 minutes.

Mr. BERMAN. Mr. Speaker, I want to join with my colleagues, the gentleman from California (Mr. SCHIFF), the gentlewoman from California (Ms. WATSON), the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), and a colleague who wanted to be here as well but could not be, the gentlewoman from California (Mrs. BONO), to react to a unanimous decision that came down today by the Supreme Court in the MGM v. Grokster case.

That ruling is a victory for American innovation. Artists will thrive, be encouraged to create the music and movies we love, and legitimate technology companies that distribute those same movies and music will no longer have to compete with piracy profiteers. Conversely, services that breed a culture of contempt for intellectual property will have to answer for their ill-gotten gains.

In addition to providing us with movies, sound recordings, computer games and software, books and other creative works, the core copyright industry accounts for over 6 percent of the U.S. gross domestic product. Businesses that rely on copyright employ more than 11 million U.S. workers. Unfortunately, the copyright piracy taking place over peer-to-peer networks has become a great threat to the livelihoods of all copyright creators. Therefore, robust protection for creativity is necessary to support everyone from the most famous artists to the completely unknown set designer, from shareholders and executives of studios and R&D record companies and software companies to the many thousands of hourly-wage earners who work for them.

Piracy robs creators and owners of sound recordings and movies of their right to be first in the market. But most harmful, peer-to-peer networks have created a culture where too many consumers, including our children, are accustomed to receiving their choice of entertainment anytime, anyplace, in any format for free, without providing the creator his or her rightful compensation.

In a 9–0 opinion, the Supreme Court has told businesses that facilitate copyright infringement that they will be held directly accountable for their actions. A business cannot model its success on the destruction of another's industry. To paraphrase Justice Kennedy's observation in the oral argument, unlawful expropriated property cannot be used by a business as part of its start-up capital.

This decision "does nothing to compromise legitimate commerce or discourage innovation having lawful promise." It has merely found a balance between the legitimate demand of copyright owners for effective protection and the rights of others to engage in substantially unrelated areas of commerce. Just because the transmission of these files happened in the ether, does not mean that the protection should only be symbolic. Just because we are in a digital age, the definition of stealing does not change. If I go to a store and take a CD without paying for it, I am stealing. If I go to a peer-to-peer network and download a song for free, I am also stealing.

The Supreme Court has instructed businesses: "You may not entice individuals to commit a moral and legal wrong." It is willing to hold businesses responsible for the part they play in promoting theft. It has issued a loud warning that companies will not be allowed to gain from illegal distribution. Those that specifically design their business models to target the demand for copyright infringement will be stuck wearing the bulls-eye.

Shed no tears: these illegitimate peer-to-peer networks are not innovators; they are free riders. Their services make it hard to teach our children about right and wrong. They send adware, spyware, viruses, and pornography on to our computers and into our homes. There are a great many reasons for parents, teachers, creators, and others to rejoice about the message the Supreme Court sent today.

Both the content and tech industry must continue developing innovative and legitimate ways to distribute content so that consumers can access entertainment on a variety of devices. This decision will improve opportunities for legitimate music and movie distribution, putting out of business the black marketeers.

This decision has provided greater protection for intellectual property rights and has provided the tools to effectively combat copyright theft. In turn, it will keep an engine of America's economic growth thriving by promoting innovation and creativity in entertainment and the arts. The decision is also a win for legitimate technology companies. Those who have structured their businesses to distribute content in innovative and legal ways that compensate the creator while providing consumers quality in choice should laud this decision.

The Founding Fathers dealt with pirates on the high seas and had the intuition to address the pirates over the air. They afforded protection in the Constitution for intellectual property rights that serve as the cornerstone of American innovation. The Supreme Court today has helped carry out the mission of article I section 8 of the Constitution by promoting the progress of science and the useful arts.

MGM V. GROKSTER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, I would join with my colleagues about today's unanimous decision by the Supreme Court in MGM v. Grokster, for it represents a great triumph for American creativity and innovation. File-sharing companies that actively coax consumers into violating copyright laws can no longer escape legal consequences under the guise of fair use. They will no longer be able to rip off from the talent and the hard work of our Nation's creators. In ruling for our Nation's creative artists, the Supreme Court today struck a proper balance between the protection of intellectual property rights and the need to expand our technologies.

As a representative of Hollywood, my district contains many movie and recording studios, which serve as the driving force behind our local economy and provide tens of thousands of jobs to many of my constituents. As Chair of the Congressional Entertainment Industries Caucus, one of my key concerns has been the continuing erosion of our Nation's copyright laws.

Let me share some shocking statistics. According to recent FBI data, U.S. producers of movies, music, computer games, and software lost $23 billion in 2003 to illegal copying. In Operation Digital Gridlock, the first Federal law enforcement action against a peer-to-peer network, regulators seized the equivalent of 60,000 illegally distributed movies last August. It is clear to me that piracy of our creative products has reached an epidemic level, both domestically and internationally, creating a huge drain on our economy, job creation, and technological innovation. We are forced to resort to legal actions to help stem this tide of intellectual property theft.

That is why today's Supreme Court ruling was so important. In the unanimous opinion, the Justices held that "one who distributes a device with the object of promoting its use to infringe copyright is liable for the resulting acts of infringement by third parties using the device, regardless of the device's lawful uses." It is this unequivocal guidance from our Nation's highest court that I believe will help enhance the effective enforcement of our Nation's copyright laws and strengthen the public's respect for the value of intellectual property rights.

Of course, efforts to address privacy should not inhibit the continuing growth and development of our digital economy. New technologies should benefit not just the content distributors but the creative forces as well. But as the entertainment and technology sectors work together to utilize file-sharing networks to create new innovative and legal forms of content distribution, I hope today's decision will send a message to all pirates that winking and nodding at digital theft will not be tolerated any more than theft itself. I am confident that the lower courts will carefully apply this well-reasoned opinion in finding Grokster and other similar companies liable for activities that will induce their customers into illegal use of creative products.

GENERAL LEAVE

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject matter of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

INTELLECTUAL PROPERTY AND THE GROKSTER DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is recognized for 5 minutes.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise to applaud the United States Supreme Court for their ruling today in the case of Metro-Goldwyn-Mayer Studios, Incorporated v. Grokster. By a unanimous ruling, 9–0 in favor of MGM, the Supreme Court sent a strong message today that our courts will protect the work of creative artists.

I represent the 39th Congressional District in California. My State, region, and district are home to the motion picture industry, the music industry, and software companies. Many of my constituents work in these creative industries, and I know from talking to them that piracy hits their companies hard and their pocketbooks harder.

Intellectual property is important to our economy as a whole, so copyright infringements also severely damage our national economy. In fact, according to the International Intellectual Property Alliance, in 2002, core copyright industries accounted for over 6 percent of the U.S. gross domestic product. That is over $626 billion. When you look at all copyright industries, they accounted for approximately 12 percent of the U.S. gross domestic product, or $1.25 trillion in 2002 alone.

Obviously, intellectual property is a vital part of our economy, and piracy robs our economy of billions of dollars from this important industry.

□ 2030

Conservative estimates say that counterfeiting of U.S. businesses' copyrighted goods cost our economy between $200–$400 billion each year. When our economy suffers like that, America's workers suffer, too.

The "core" copyright industries alone were estimated to have employed 4 percent of U.S. workers in 2002, a total of 5.48 million workers. But piracy causes 750,000 American workers to lose their jobs each year.

This is where intellectual property laws come in and why the Supreme Court decision today in the Grokster is so important. The Court drew a line in the sand in the Grokster case and said that peer-to-peer file-sharing networks that encourage illegal file-sharing should not be shielded by our laws. The ruling protects the creative community but also allows the public to retain access to the benefits of peer-to-peer file-sharing technology.

Mr. Speaker, I love movies and music as much as any consumer, and I use computer software every single day. I am also a fan of the Internet, and I want consumers to be able to use technology to get their favorite music and movies conveniently.

But stealing is stealing. Swapping copyrighted files online is illegal, and just because it is easy doesn't make it right. We can have peer-to-peer networks that give every American access to the files they want online, and also provide creators with copyright protections.

As long as companies like Grokster are allowed to facilitate illegal file swapping, we will continue to lose hundreds of dollars and hundreds of thousands of U.S. jobs each year.

I am pleased that the Supreme Court took the first step today in Grokster towards ending illegal copyright infringement online, and protecting the industries that produce copyrighted works.

Mr. CONYERS. Mr. Speaker, today's ruling is a victory for content creators and consumers. It is clear that those who encourage content theft are responsible for their conduct even if they themselves are not stealing. With this ruling, creators will be encouraged to take advantage of the digital marketplace and provide consumers with even more digital content.

For years, consumers have been clamoring for access to digital content. Because content protection technology and content owners had not caught up with the Internet, music lovers turned to illegal download sites like Napster and Kazaa for digital content.

We had heard that, if the content industry would just create a legal avenue for obtaining digital music, consumers would embrace it. The premonition was largely true. The record industry and high-tech worked together to develop digital content protection, to clear the rights needed to get music online, and to get music on the Internet. According to the Pew Internet and American Life Project, the response to legitimate digital content has been overwhelming: in 2004, only twenty-four percent of music downloaders had tried legitimate download sites; in 2005 to date, the number jumped to forty-three percent.

Internet sites like Apple iTunes, Napster, and Rhapsody offer consumers a variety of ways of obtaining music, from one-time downloads to monthly subscriptions. In just the past few years, over 300 million songs were sold on just a single website. No matter how you view it, the marketplace is working.

Today's Supreme Court decision makes it clear that encouraging others to steal is as nefarious as stealing directly. I have no doubt that, with this added assurance, content creators will roll out even more digital content to consumers.

Mr. ENGEL. Mr. Speaker, I rise to join my Democratic colleagues in support of protecting our Nation's intellectual property. For decades the theft of music and movies has been commonplace. But, with the explosion of the Internet, the theft of copyright material has become a crisis.

Just today, the Supreme Court, in an unanimous decision, stepped forward and protected Intellectual Property. In MGM v. Grokster, the Supreme Court struck a fine balance that must exist to ensure consumers' rights and protect music and video content. The Court clearly stated that "the record is replete with evidence that from the moment Grokster and Streamcast began to distribute free software, each one clearly voiced the objective that recipients use it to download copyrighted works, and each took active steps to encourage infringement." Neither of these programs offered themselves as legitimate devices such as a VCR. A great majority of users knew and intended to subvert copyright and deny not just the record and movie companies' compensation, but take money out of the pockets of songwriters, studio personnel, camera men and make-up artists.

We are also undertaking an effort to move to digital television. In the future, if the Congress does not act, copying and uploading a broadcast show will be all too easy. Many of us have worked on the "Broadcast Flag," which is a technology that will allow consumers to continue to record a show for later viewing, but prevent the mass redistribution. The Federal Communications Commission had instituted a rule to this end, but the federal courts found the FCC lacked such authority. Thus, it falls on us in Congress to continue to update our laws in the digital era to stop copyright infringement. I hope we can do so quickly or, I fear, the best entertainment will be moved to cable and satellite and be unaffordable to some Americans.

I thank Mr. HOYER and Mr. SCHIFF for arranging this effort and applaud all of my colleagues' commitment to the protection of one of our Nation's most valuable assets.

Mr. HOYER. Mr. Speaker, I rise today in support of the Supreme Court's decision on Monday, June 27 in Metro-Goldwyn-Mayer Studios, Inc. v. Grokster, Ltd.

In a rare 9–0 decision, the Court found "that one who distributes a device with the object of promoting its use to infringe copyright, as shown by clear expression or other affirmative steps taken to foster infringement, is liable for the resulting acts of infringement by third parties."

Grokster and other companies that proactively enable the theft of creative and other protected works should immediately cease this activity.

MGM Studios v. Grokster is much more than a legal battle involving movie studios, record labels and the technology community. Grokster is fundamentally about ensuring that the creative and copyrighted works of millions of Americans who enrich our lives—including songwriters, musicians, screen writers and other artists—are appropriately protected in this era of rapid technological advancement.

I acknowledge that artists, as well as movie studios and record labels, have been the beneficiaries of the same creative energy of the technology community that has given consumers new products, such as DVD players and portable music devices. Clearly, technological advancements have fostered the enjoyment of these creative works.

There must be a balance between protecting the copyrighted works of artists and ensuring technological innovation. However, the unbridled theft of copyrighted works must be stopped, as the Supreme Court has so clearly repudiated this activity. The Court struck the right balance in protecting copyrighted material and innovators in the technology community. It is time for those who created a business model dependent upon infringement to adjust to this new legal standard.

EMINENT DOMAIN ABUSE

The SPEAKER pro tempore (Mr. KUHL of New York). Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I had not intended to be on the floor this evening speaking about this particular issue. As a matter of fact, I was hoping over the next few days I could concentrate all of my time on the Out of Iraq Congressional Caucus that we are working so hard on.

But this is National Homeowner Month, and I could not help but focus on the fact that in America owning your own home is one of the most ideal things that you can do. Americans aspire to own their own homes. We socialize in such a way that we teach our children to go to school, to get an education, to get a good job or have a good career, become an entrepreneur, and buy your home.

And so as I focus on National Homeowner Month, I am outraged that the Supreme Court of the United States of America last Thursday made a decision that local entities could take American's homes in eminent domain proceedings for something other than public use. I am amazed that the Supreme Court of the United States on a 5-to-4 decision, I believe it was, decided that the law, the Constitution as we know it, I think it is the fifth amendment, that says yes, you may use eminent domain for good public use, is something other than what was intended. This ruling says you can take anybody's home for private use. In this case Susette Kelo, the woman from New London, CT, who brought the case, was trying to protect her home from the desire by a huge corporation to build some condominiums.

And so now with this Supreme Court decision, the State, the city, the public entity, can take your home for private use. They can take your home and they can give it to private developers to build shopping centers. They can take your home and give it to developers to build a condominium. They can take your home for any reason that they decide is in the public interest, and they are trying to hide behind the idea that there are some cities and some entities that need to get rid of slums and they need to redevelop in the best interest of the citizens of that community.

Yes, it may go to a private company or to a private corporation and yes, they may get rich from that development. But if the city fathers get together and believe that that somehow is in the best interest and it is already all right, that flies in the face of the Constitution of the United States.

I do not think Members have to be a strict constructionist or a liberal constructionist. All you need is good sense to know that the Constitution of the United States did not mean for your city government or any other entity to be able to ride over your rights and take your private property and give it to somebody else.

As a matter of fact, I think this is dangerous. I think it is dangerous because your city fathers could get together with developers and take land in ways it has never been done before. We know too many stories about the influence of developers on county council members and on city governments. We know too much about the flow of money. We know too much about campaign contributions to those who would just as soon institute eminent domain as do anything.

As a matter of fact, without this interpretation that we got last Thursday, we have city fathers who have tried it, even though they did not have this ruling. You have communities that have to fight against city council members and mayors getting together trying to take their property and at least trying to call it for public use.

But now the Supreme Court has made it clear that they can take it for private use. I do not like it. Members do not have to be a Democrat or Republican, liberal or conservative. Members just need to be an American with good sense that says you will not stand for it.

Mr. Speaker, I am going to get together with some of my friends on the other side of the aisle and we are going to create a law that will undermine this decision of the Supreme Court and take back amendment 5 of the Constitution so we can redefine the meaning in the way it is supposed to be defined.

HONORING THOSE WHO MADE THE ULTIMATE SACRIFICE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Illinois (Mr. EMANUEL) is recognized for 60 minutes as the designee of the minority leader.

Mr. EMANUEL. Mr. Speaker, last week my colleagues and I began a memorial tribute to read the names of over 1,900 men and women who gave their lives in service to our Nation in Afghanistan and Iraq. We read about 860 of those names. We recited the name and rank of each servicemember who fell in Iraq and Afghanistan theaters of war from 2001 through the beginning of 2004.

For the next hour we will continue this reading, honoring the fallen of 2004 and 2005. We will continue to do this reading on the floor of the House, the people's House, until we have recognized all who have given their life in service of this Nation. In this Chamber we often invoke their sacrifice in general, but we seldom take the time to recognize them individually.

By reading these names into the CONGRESSIONAL RECORD, it is our hope that our Nation will never forget their sacrifice. God bless and keep each of the brave Americans whose memory we now honor:

1. Private First Class Marquis A. Whitaker
2. Specialist Jacob R. Herring
3. Staff Sergeant Kendall Thomas
4. Sergeant Adam W. Estep
5. Specialist Martin W. Kondor
6. Sergeant Landis W. Garrison
7. Staff Sergeant Esau G. Patterson, Jr.
8. Staff Sergeant Jeffrey F. Dayton
9. Sergeant Ryan M. Campbell
10. Specialist James L. Beckstrand
11. Specialist Justin B. Schmidt
12. Private First Class Ryan E. Reed
13. Private First Class Norman Darling
14. Private First Class Jeremy Ricardo Ewing
15. Petty Officer Second Class Jason B. Dwelley
16. Petty Officer Third Class Christopher M. Dickerson
17. Corporal Scott M. Vincent
18. Corporal Joshua S. Wilfong
19. Specialist Trevor A. Wine
20. Specialist Ramon C. Ojeda
21. Sergeant Joshua S. Ladd.
22. Specialist Ervin Caradine, Jr.
23. Private Jeremy L. Drexler
24. Staff Sergeant Todd E. Nunes
25. Petty Officer Second Class Michael C. Anderson
26. Petty Officer Second Class Trace W. Dossett
27. Petty Officer Second Class Scott R. Mchugh
28. Petty Officer Second Class Robert B. Jenkins
29. Petty Officer Third Class Ronald A. Ginther
30. Captain John E. Tipton
31. Gunnery Sergeant Ronald E. Baum
32. Staff Sergeant Erickson H. Petty
33. First Lieutenant Christopher J. Kenny
34. Sergeant Marvin R. Sprayberry III
35. Sergeant Gregory L. Wahl
36. Private First Class Lyndon A. Marcus, Jr.
37. Corporal Jeffrey G. Green
38. Private First Class Jesse R. Buryj
39. Specialist James E. Marshall
40. Private First Class Bradley G. Kritzer
41. Corporal Dustin H. Schrage
42. Staff Sergeant Hesley Box, Jr.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia.

43. Specialist Philip D. Brown
44. Specialist Isela Rubalcava
45. Specialist Chase R. Whitman
46. Specialist James J. Holmes
47. Sergeant Rodney A. Murray
48. Private First Class Andrew L. Tuazon
49. Specialist Kyle A. Brinlee
50. Specialist Jeffrey R. Shaver
51. Lance Corporal Jeremiah E. Savage
52. Private First Class Brandon C. Sturdy
53. Private First Class Brian K. Cutter
54. Specialist Philip I. Spakosky
55. Sergeant Brud J. Cronkite
56. Command Sergeant Major Edward C. Barnhill
57. Private First Class Michael A. Mora
58. Sergeant James William Harlan
59. Staff Sergeant Rene Ledesma
60. Senior Airman Pedro I. Espaillat, Jr.
61. Second Lieutenant Leonard M. Cowherd, Jr.
62. Specialist Carl F. Curran
63. Specialist Mark Joseph Kasecky
64. Lance Corporal Bob W. Roberts
65. Staff Sergeant Joseph P. Garyantes
66. Specialist Marcos O. Nolasco
67. Staff Sergeant William D. Chaney
68. Private First Class Michael M. Carey
69. Specialist Michael C. Campbell
70. Sergeant First Class Troy "Leon" Miranda
71. Private First Class Leslie D. Jackson
72. Corporal Rudy Salas
73. Staff Sergeant Jeremy R. Horton
74. Lance Corporal Andrew J. Zabierek
75. Staff Sergeant Jorge A. Molina Bautista
76. Specialist Jeremy L. Ridlen
77. Specialist Beau R. Beaulieu
78. Private First Class Owen D. Witt
79. Private First Class James P. Lambert
80. Private First Class Richard H. Rosas
81. Sergeant Kevin F. Sheehan
82. Specialist Alan N. Bean, Jr.
83. Private First Class Daniel Paul Unger
84. Corporal Matthew C. Henderson
85. Lance Corporal Kyle W. Codner
86. Corporal Dominique J. Nicolas
87. Lance Corporal Benjamin R. Gonzalez
88. Specialist Michael J. Wiesemann
89. Private First Class Cody S. Calavan
90. Lance Corporal Rafael Reynosasuarez

□ 2045

91. Specialist Charles E. Odums II
92. Private Bradli N. Coleman
93. Sergeant Aaron C. Elandt
94. Private First Class Nicholaus E. Zimmer

95. First Lieutenant Kenneth Michael Ballard

96. Captain Robert C. Scheetz, Jr.

97. Lance Corporal Dustin L. Sides

98. Private First Class Markus J. Johnson

99. Corporal Bumrok Lee

100. Lance Corporal Todd J. Bolding

101. Specialist Christopher M. Duffy

102. Sergeant Frank T. Carvill

103. Specialist Justin W. Linden

104. Sergeant Justin L. Eyerly

105. First Lieutenant Erik S. McCrae

106. Specialist Ryan E. Doltz

107. Sergeant Humberto F. Timoteo

108. Sergeant Melvin Y. Mora Lopez

109. Private First Class Melissa J. Hobart

110. Sergeant Jamie A. Gray

111. Lance Corporal Jeremy L. Bohlman

112. Captain Humayun S. M. Khan

113. Private First Class Thomas D. Caughman

114. Specialist Eric S. McKinley

115. Private First Class Shawn M. Atkins

116. Sergeant Arthur S. (Stacey) Mastrapa

117. Specialist Jeremy M. Dimaranan

118. Major Paul R. Syverson III

119. Specialist Thai Vue

120. Private First Class Jason N. Lynch

121. Private First Class Sean Horn

122. Staff Sergeant Marvin Best

123. Staff Sergeant Gregory V. Pennington

124. Lance Corporal Pedro Contreras

125. Corporal Tommy L. Parker, Jr.

126. Lance Corporal Deshon E. Otey

Mr. EMANUEL. Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO.

127. Lance Corporal Juan Lopez

128. First Lieutenant Andre D. Tyson

129. Sergeant Patrick R. McCaffrey, Sr.

130. Staff Sergeant Charles A. Kiser

131. Captain Christopher S. Cash

132. Specialist Daniel A. Desens

133. Lance Corporal Manuel A. Ceniceros

134. Specialist Jeremy M. Heines

135. First Sergeant Ernest E. Utt

136. Lance Corporal Patrick R. Adle

137. Sergeant Alan David Sherman

138. Corporal John H. Todd III

139. Specialist Robert L. DuSang

140. Sergeant Kenneth Conde, Jr.

141. Lance Corporal Timothy R. Creager

142. Sergeant Christopher A. Wagener

143. Staff Sergeant Stephen G. Martin

144. Lance Corporal James B. Huston, Jr.

145. Second Lieutenant Brian D. Smith

146. Corporal Dallas L. Kerns

147. Lance Corporal Michael S. Torres

148. Lance Corporal John J. Vangyzen IV

149. Lance Corporal Scott Eugene Dougherty

150. Private First Class Rodricka Antwan Youmans

151. Corporal Jeffrey D. Lawrence

152. Lance Corporal Justin T. Hunt

153. Private First Class Samuel R. Bowen

154. Sergeant Michael C. Barkey

155. Specialist Jeremiah W. Schmunk

156. Sergeant Robert E. Colvill, Jr.

157. Specialist Joseph M. Garmback, Jr.

158. Specialist William River Emanuel IV

159. Specialist Sonny Gene Sampler

160. Private First Class Collier Edwin Barcus

161. Specialist Shawn M. Davies

162. Corporal Terry Holmes

163. Sergeant Krisna Nachampassak

164. Private First Class Christopher J. Reed

165. Staff Sergeant Trevor Spink

166. Sergeant First Class Linda Ann Tarango-Griess

167. Sergeant Jeremy J. Fischer

168. Staff Sergeant Dustin W. Peters

169. Sergeant James G. West

170. Specialist Dana N. Wilson

171. Private First Class Torry D. Harris

172. Corporal Demetrius Lamont Rice

173. Private First Class Jesse J. Martinez

174. Staff Sergeant Paul C. Mardis, Jr.

175. Lance Corporal Bryan P. Kelly

176. Specialist Craig S. Frank

177. Sergeant First Class David A. Hartman

178. Sergeant Dale Thomas Lloyd

179. Private First Class Charles C. "C.C." Persing

180. Staff Sergeant Michael J. Clark

181. Corporal Todd J. Godwin

182. Specialist Danny B. Daniels II

183. Lance Corporal Mark E. Engel

184. Private First Class Nicholas H. Blodgett

185. Sergeant Tatjana Reed

186. Private First Class Torey J. Dantzler

187. Lance Corporal Vincent M. Sullivan

188. Specialist Nicholas J. Zangara

189. Sergeant DeForest L. "Dee" Talbert

190. Private First Class Ken W. Leisten

191. Gunnery Sergeant Shawn A. Lane

192. Lieutenant Colonel David S. Greene

193. Specialist Joseph F. Herndon II

194. Specialist Anthony J. Dixon

195. Specialist Armando Hernandez

196. Sergeant Juan Calderon, Jr.

197. Specialist Justin B. Onwordi

198. Corporal Dean P. Pratt

199. Private First Class Harry N. Shondee, Jr.

200. Sergeant Tommy L. Gray

201. Captain Gregory A. Ratzlaff

202. Gunnery Sergeant Elia P. Fontecchio

203. Lance Corporal Joseph L. Nice

204. Sergeant Yadir G. Reynoso

205. Private First Class Raymond J. Faulstich, Jr.

206. Specialist Donald R. McCune

207. Sergeant Moses Daniel Rocha

208. Specialist Joshua I. Bunch

209. Lance Corporal Larry L. Wells

210. Corporal Roberto Abad

Mr. EMANUEL. Mr. Speaker, I yield to the gentleman from Washington State (Mr. BAIRD).

Mr. BAIRD.

211. Private First Class David L. Potter

212. Lance Corporal Jonathan W. Collins

213. Civilian Rick A. Ulbright

214. Captain Andrew R. Houghton

215. Staff Sergeant John R. Howard

216. Lance Corporal Tavon L. Hubbard

217. Captain Michael Yury Tarlavsky

218. Lance Corporal Nicholas B. Morrison

219. Lance Corporal Kane M. Funke

220. First Lieutenant Neil Anthony Santoriello

221. Sergeant Daniel Michael Shepherd

222. Second Lieutenant James Michael Goins

223. Private First Class Brandon R. Sapp

224. Private First Class Geoffrey Perez

225. Private First Class Fernando B. Hannon

226. Specialist Mark Anthony Zapata

227. Sergeant David M. Heath

228. Lance Corporal Caleb J. Powers

229. Specialist Brandon T. Titus

230. Lance Corporal Dustin R. Fitzgerald

231. Sergeant Harvey Emmett Parkerson III

232. Specialist Jacob D. Martir

233. Private First Class Henry C. Risner

234. Sergeant Richard M. Lord

235. Corporal Brad Preston McCormick

236. First Lieutenant Charles L. Wilkins III

237. Private First Class Ryan A. Martin

238. Corporal Nicanor Alvarez

239. Sergeant Jason Cook

240. Lance Corporal Seth Huston

241. Private First Class Nachez Washalanta

242. Private First Class Kevin A. Cuming

243. Gunnery Sergeant Edward T. Reeder

244. Second Lieutenant Matthew R. Stovall

245. Corporal Christopher Belchik

246. Staff Sergeant Robert C. Thornton, Jr.

247. Staff Sergeant Donald N. Davis

248. Lance Corporal Jacob R. Lugo

249. Lance Corporal Alexander S. Arredondo

250. Specialist Charles L. Neeley

251. Specialist Marco D. Ross
252. Private First Class Nicholas M. Skinner
253. Corporal Barton R. Humlhanz
254. Specialist Omead H. Razani
255. Lance Corporal Nickalous N. Aldrich
256. Private First Class Luis A. Perez
257. Sergeant Edgar E. Lopez
258. Airman First Class Carl L. Anderson, Jr.
259. Staff Sergeant Aaron N. Holleyman
260. Specialist Joseph C. Thibodeaux III
261. Lance Corporal Nicholas Wilt
262. Lance Corporal Nicholas Perez
263. Captain Alan Rowe
264. First Lieutenant Ronald Winchester
265. Petty Officer Third Class Eric L. Knott
266. Sergeant Shawna M. Morrison
267. Specialist Charles R. Lamb
268. Private First Class Ryan Michael McCauley
269. Staff Sergeant Gary A. Vaillant
270. Staff Sergeant Elvis Bourdon
271. Specialist Tomas Garces
272. Specialist Brandon Michael Read
273. Private First Class Devin J. Grella
274. Captain John J. Boria
275. Private First Class David Paul Burridge
276. Lance Corporal Derek L. Gardner
277. Lance Corporal Quinn A. Keith
278. Lance Corporal Joseph C. McCarthy
279. Corporal Mick R. Nygardbekowsky
280. Lance Corporal Lamont N. Wilson
281. Specialist Clarence Adams III
282. Specialist Yoe M. Aneiros
283. First Lieutenant Timothy E. Price
284. Specialist Chad H. Drake
285. Lance Corporal Michael J. Allred
286. Specialist Lauro G. DeLeon, Jr.
287. Private First Class Jason L. Sparks
288. Sergeant James Daniel Faulkner
289. Specialist Michael A. Martinez
290. Specialist Edgar P. Daclan, Jr.
291. Petty Officer Third Class David A. Cedergren
292. First Lieutenant Alexander E. Wetherbee
293. Private First Class Jason T. Poindexter
294. Specialist Benjamin W. Isenberg

And I would like to conclude by acknowledging Regina Clark, who became the first Washington State woman to die in the war when a suicide bomber attacked her convoy in Fallujah. She was one my constituents, a single mother who leaves behind an 18-year-old son. Our thoughts and prayers are with Regina's son, the rest of her family, and with the familes and loved ones of all our Nation's fallen heroes.

Mr. EMANUEL. Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY.

295. Staff Sergeant David J. Weisenburg
296. Lance Corporal Cesar F. Machado-Olmos
297. Lance Corporal Michael J. Halal
298. Lance Corporal Dominic C. Brown
299. Staff Sergeant Guy Stanley Hagy, Jr.
300. Sergeant Carl Thomas
301. Lance Corporal Mathew D. Puckett
302. Corporal Adrian V. Soltau
303. Corporal Jaygee Ngirmidol Meluat
304. Sergeant Jacob H. Demand
305. Major Kevin M. Shea
306. First Lieutenant Tyler Hall Brown
307. Lance Corporal Drew M. Uhles
308. Lance Corporal Gregory C. Howman
309. First Lieutenant Andrew K. Stern
310. Corporal Steven A. Rintamaki
311. Corporal Christopher S. Ebert
312. Sergeant Thomas Chad Rosenbaum
313. Private First Class James W. Price
314. Sergeant Brandon E. Adams
315. Specialist Joshua J. Henry
316. Lance Corporal Steven C. T. Cates
317. Sergeant Foster L. Harrington
318. Private First Class Nathan E. Stahl
319. Staff Sergeant Lance J. Koenig
320. Private First Class Adam J. Harris
321. Sergeant Skipper Soram
322. Sergeant Benjamin K. Smith
323. Lance Corporal Aaron Boyles
324. Lance Corporal Ramon Mateo
325. Sergeant Timothy Folmar
326. Second Lieutenant Ryan Leduc
327. Specialist David W. Johnson
328. Specialist Clifford L. Moxley, Jr.
329. Specialist Robert Oliver Unruh
330. Captain Eric L. Allton
331. Specialist Gregory A. Cox
332. Sergeant First Class Joselito O. Villanueva
333. Private First Class Kenneth L. Sickels
334. Sergeant Tyler D. Prewitt
335. Private First Class Joshua K. Titcomb
336. Staff Sergeant Mike A. Dennie
337. Specialist Rodney A. Jones
338. Staff Sergeant Darren J. Cunningham

☐ 2100

339. Specialist Allen Nolan
340. Sergeant Michael A. Uvanni
341. Sergeant Jack Taft Hennessy
342. Sergeant Christopher S. Potts
343. Sergeant Russell L. Collier
344. Staff Sergeant James L. Pettaway, Jr.
345. Staff Sergeant Richard L. Morgan, Jr.
346. Specialist Jessica L. Cawvey
347. Private Jeungjin Na "Nikky" Kim
348. Specialist Morgen N. Jacobs
349. Staff Sergeant Michael S. Voss
350. Sergeant Andrew W. Brown
351. Private First Class Andrew Halverson
352. Private Carson J. Ramsey
353. Private First Class James E. Prevete
354. Sergeant Pamela G. Osbourne
355. Private First Class Anthony W. Monroe
356. Staff Sergeant Michael Lee Burbank
357. Private First Class Aaron J. Rusin
358. Private First Class Oscar A. Martinez
359. Corporal Ian T. Zook
360. Specialist Christopher A. Merville
361. Lance Corporal Daniel R. Wyatt
362. Captain Dennis L. Pintor
363. Specialist Michael S. Weger
364. Specialist Jaime Moreno
365. Specialist Jeremy F. Regnier
366. Lieutenant Colonel Mark P. Phelan
367. Major Charles R. Soltes, Jr.
368. Second Lieutenant Paul M. Felsberg
369. Lance Corporal Victor A. Gonzalez
370. Specialist Ronald W. Baker
371. Staff Sergeant Omer T. Hawkins II
372. Specialist Bradley S. Beard
373. Private First Class Mark A. Barbret
374. Specialist Josiah H. Vandertulip
375. Private David L. Waters
376. Specialist Alan J. Burgess
377. Corporal William I. Salazar
378. Specialist Jonathan J. Santos

Mr. EMANUEL. Mr. Speaker, I yield to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY.

379. Sergeant Michael G. Owen
380. Lance Corporal Brian K. Schramm
381. Captain Christopher B. Johnson
382. Chief Warrant Officer William I. Brennan
383. Specialist Andrew C. Ehrlich
384. Sergeant Douglas E. Bascom
385. Lance Corporal Jonathan E. Gadsden
386. Sergeant Dennis J. Boles
387. Lance Corporal Richard Patrick Slocum
388. Corporal Brian Oliveira
389. Staff Sergeant Jerome Lemon
390. Private First Class Stephen P. Downing II
391. Specialist Segun Frederick Akintade
392. Sergeant First Class Michael Battles, Sr.
393. Sergeant Maurice Keith Fortune
394. Private First Class John Lukac

395. Sergeant Kelley L. Courtney
396. Private First Class Andrew G. Riedel
397. Lance Corporal John T. Byrd II
398. Corporal Christopher J. Lapka
399. Lance Corporal Travis A. Fox
400. Lance Corporal Michael P. Scarborough
401. Lance Corporal Jeremy D. Bow
402. First Lieutenant Matthew D. Lynch
403. Sergeant Charles Joseph Webb
404. Specialist Cody L. Wentz
405. Corporal Jeremiah A. Baro
406. Lance Corporal Jared P. Hubbard
407. Sergeant Carlos M. Camacho-Rivera
408. Private Justin R. Yoemans
409. Specialist Brian K. Baker
410. Lance Corporal Sean M. Langley
411. Specialist Quoc Binh Tran
412. Lance Corporal Thomas J. Zapp
413. Corporal Robert P. Warns II
414. Specialist Don Allen Clary
415. Staff Sergeant Clinton Lee Wisdom
416. Staff Sergeant David G. Ries
417. Lance Corporal Branden P. Ramey
418. Lance Corporal Shane K. O'Donnell
419. Corporal Nathaniel T. Hammond
420. Specialist Bryan L. Freeman
421. Corporal Joshua D. Palmer
422. Lance Corporal Jeffrey Lam
423. Lance Corporal Abraham Simpson
424. Sergeant David M. Caruso
425. Sergeant John Byron Trotter
426. Staff Sergeant Todd R. Cornell
427. Staff Sergeant Russell L. Slay
428. Lance Corporal Nathan R. Wood
429. Lance Corporal Nicholas D. Larson
430. Corporal William C. James
431. Lance Corporal Juan E. Segura
432. Sergeant Lonny D. Wells
433. Command Sergeant Major Steven W. Faulkenburg
434. Specialist Travis A. Babbitt
435. Master Sergeant Steven E. Auchman
436. Major Horst Gerhard "Gary" Moore
437. Lance Corporal Wesley J. Canning
438. Private First Class Dennis J. Miller, Jr.
439. Staff Sergeant Michael C. Ottolini
440. Corporal Romulo J. Jimenez II
441. Lance Corporal Aaron C. Pickering
442. Staff Sergeant Gene Ramirez
443. Lance Corporal Erick J. Hodges
444. First Lieutenant Dan T. Malcom, Jr.
445. Petty Officer Third Class Julian Woods
446. Lance Corporal Kyle W. Burns
447. Second Lieutenant James P. "JP" Blecksmith
448. Staff Sergeant Theodore S. "Sam" Holder II
449. Corporal Theodore A. Bowling
450. Specialist Thomas K. Doerflinger
451. Staff Sergeant Sean P. Huey
452. Corporal Peter J. Giannopoulos
453. Lance Corporal Justin D. Reppuhn
454. Lance Corporal Nicholas H. Anderson
455. Sergeant James C. "J.C." Matteson
456. Lance Corporal Brian A. Medina
457. Lance Corporal David M. Branning
458. Sergeant Jonathan B. Shields
459. First Lieutenant Edward D. Iwan
460. Corporal Brian P. Prening
461. Corporal Nathan R. Anderson
462. Sergeant Morgan W. Strader

Mr. EMANUEL. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE.

463. Corporal Jarrod L. Maher
464. Specialist Raymond L. White
465. Sergeant Byron W. Norwood
466. Lance Corporal Justin M. Ellsworth
467. Corporal Kevin J. Dempsey
468. Specialist Jose A. Velez
469. Lance Corporal Benjamin S. Bryan
470. Lance Corporal Justin D. McLeese
471. Lance Corporal Victor R. Lu
472. Captain Sean P. Sims
473. Private First Class Cole W. Larsen
474. Sergeant Catalin D. Dima
475. Corporal Nicholas L. Ziolkowski
476. Corporal Andres H. Perez
477. Corporal Dale A. Burger, Jr.
478. Lance Corporal George J. Payton
479. Private First Class Isaiah R. Hunt
480. Lance Corporal Travis R. Desiato
481. Lance Corporal Bradley L. Parker
482. Lance Corporal Shane E. Kielion
483. Corporal Marc T. Ryan
484. Lance Corporal Jeramy A. Ailes
485. Sergeant Rafael Peralta
486. Lance Corporal James E. Swain
487. Captain Patrick Marc M. Rapicault
488. Lance Corporal Antoine D. Smith
489. Corporal Lance M. Thompson
490. Lance Corporal William L. Miller
491. Private First Class Jose Ricardo Flores-Mejia
492. Specialist Daniel James McConnell
493. Staff Sergeant Marshall H. Caddy
494. First Lieutenant Luke C. Wullenwaber
495. Sergeant Christopher T. Heflin
496. Lance Corporal Louis W. Qualls
497. Lance Corporal Michael Wayne Hanks
498. Lance Corporal Luis A. Figueroa
499. Sergeant Joseph M. Nolan
500. Lance Corporal Michael A. Downey
501. Lance Corporal Dimitrios Gavriel
502. Lance Corporal Phillip G. West
503. Corporal Bradley Thomas Arms
504. Lance Corporal Demarkus D. Brown
505. Specialist David L. Roustum
506. Lance Corporal Joseph T. Welke
507. Sergeant Jack Bryant, Jr.
508. Corporal Joseph J. Heredia
509. Specialist Blain M. Ebert
510. Corporal Michael R. Cohen
511. Sergeant Benjamin C. Edinger
512. Sergeant Nicholas S. Nolte
513. Specialist Sergio R. Diaz Varela
514. Private First Class Ryan J. Cantafio
515. Lance Corporal Jeffery Scott Holmes
516. Corporal Gentian Marku
517. Private Brian K. Grant
518. Private First Class Harrison J. Meyer
519. Lance Corporal Jordan D. Winkler
520. Lance Corporal Bradley M. Faircloth
521. Lance Corporal David B. Houck
522. Corporal Kirk J. Bosselmann
523. Sergeant Michael A. Smith
524. Specialist Jeremy E. Christensen
525. Lance Corporal Joshua E. Lucero
526. Lance Corporal Adam R. Brooks
527. Lance Corporal Charles A. Hanson, Jr.
528. Sergeant Trinidad R. Martinezluis
529. Staff Sergeant Michael B. Shackelford
530. Sergeant Carl W. Lee
531. Private First Class Stephen C. Benish
532. Sergeant Christian P. Engeldrum
533. Private First Class Wilfredo F. Urbina
534. Specialist Daryl A. Davis
535. Specialist Erik W. Hayes
536. Lance Corporal Blake A. Magaoay
537. Sergeant Jose Guereca, Jr.
538. Sergeant Pablo A. Calderon
539. Specialist David M. Fisher
540. Gunnery Sergeant Javier Obleas-Prado Pena
541. Corporal Zachary A. Kolda
542. Corporal Bryan S. Wilson
543. Private First Class George Daniel Harrison
544. Specialist David P. Mahlenbrock
545. Staff Sergeant Henry E. Irizarry
546. Corporal Binh N. Le

Mr. EMANUEL. Mr. Speaker, I reclaim my time.

547. Corporal Matthew A. Wyatt
548. Sergeant Michael L. Boatright
549. Sergeant Cari Anne Gasiewicz
550. Staff Sergeant Salamo J. Tuialuuluu
551. Sergeant David A. Mitts
552. Corporal Joseph O. Behnke
553. Staff Sergeant Marvin Lee Trost III
554. Staff Sergeant Kyle A. Eggers
555. Specialist Edwin William Roodhouse

556. Private First Class Andrew M. Ward
557. Corporal In C. Kim
558. Captain Mark N. Stubenhofer
559. Sergeant First Class Todd Clayton Gibbs
560. Sergeant Arthur C. Williams IV
561. Private First Class Christopher S. Adlesperger
562. First Lieutenant Andrew C. Shields
563. Chief Warrant Officer Patrick D. Leach
564. Corporal Kyle J. Renehan
565. Lance Corporal Gregory P. Rund
566. Specialist Robert W. Hoyt
567. Lance Corporal Jeffery S. Blanton
568. Staff Sergeant Melvin L. Blazer
569. Lance Corporal Hilario F. Lopez
570. Corporal Jason S. Clairday
571. Corporal Ian W. Stewart
572. Sergeant Jeffrey L. Kirk
573. Lance Corporal Joshua W. Dickinson
574. Private First Class Joshua A. Ramsey
575. Sergeant Tina Safaira Time
576. Lance Corporal Richard D. Warner
577. Private First Class Brent T. Vroman
578. Specialist Victor A. Martinez
579. Corporal Michael D. Anderson
580. Lance Corporal Franklin A. Sweger
581. Sergeant Barry K. Meza
582. Staff Sergeant Donald B. Farmer
583. Sergeant Lynn Robert Poulin, Sr.
584. Specialist Thomas John Dostie
585. Specialist Nicholas C. "Nick" Mason
586. Sergeant David A. Ruhren
587. Sergeant First Class Paul D. Karpowich
588. Chief Petty Officer Joel Egan Baldwin
589. Specialist Cory Michael Hewitt
590. Private First Class Lionel Ayro
591. Specialist Jonathan Castro
592. Captain William W. Jacobsen, Jr.
593. Staff Sergeant Robert S. Johnson
594. Staff Sergeant Julian S. Melo
595. Staff Sergeant Darren D. Van Komen
596. Sergeant Major Robert D. O'Dell
597. Lance Corporal Neil D. Petsche
598. First Lieutenant Christopher W. Barnett
599. Lance Corporal Eric Hillenburg
600. Lance Corporal James R. Phillips
601. Corporal Raleigh C. Smith
602. Staff Sergeant Todd D. Olson

□ 2115

603. Specialist José A. Rivera-Serrano
604. Seaman Pablito Peña Briones, Jr.
605. Staff Sergeant Jason A. Lehto
606. Staff Sergeant Nathaniel J. Nyren
607. Private First Class Oscar Sanchez
608. Specialist Craig L. Nelson
609. Sergeant Damien T. Ficek
610. Lance Corporal Jason E. Smith
611. Lance Corporal Brian P. Parrello
612. Specialist Jeff LeBrun
613. Sergeant Thomas E. Houser
614. Specialist Jimmy D. Buie
615. Private Cory R. Depew
616. Specialist Joshua S. Marcum
617. Specialist Jeremy W. McHalffey
618. Sergeant Bennie J. Washington
619. Private First Class Curtis L. Wooten III
620. Sergeant Christopher J. Babin
621. Specialist Bradley J. Bergeron
622. Lance Corporal Julio C. Cisneros-Alvarez
623. Sergeant First Class Kurt J. Comeaux
624. Sergeant Zachariah Scott Davis
625. Specialist Huey P. L. Fassbender
626. Specialist Armand L. Frickey
627. Specialist Warren A. Murphy
628. Private First Class Kenneth G. Vonronn
629. Private First Class Daniel F. Guastaferro
630. Corporal Joseph E. Fite
631. Specialist Dwayne James McFarlane, Jr.
632. Staff Sergeant William F. Manuel
633. Sergeant Robert Wesley Sweeney III
634. Specialist Michael J. Smith
635. Private First Class Gunnar D. Becker
636. Lance Corporal Matthew W. Holloway
637. Sergeant First Class Brian A. Mack
638. Lance Corporal Juan Rodrigo Rodriguez Velasco
639. Corporal Paul C. Holter III
640. Sergeant Jayton D. Patterson
641. Sergeant Nathaniel T. Swindell
642. Specialist Alain L. Kamolvathin
643. Private First Class Jesus Fonseca
644. Private First Class George R. Geer
645. Private First Class Francis C. Obaji
646. Staff Sergeant Thomas E. Vitagliano
647. Captain Christopher J. Sullivan
648. Sergeant Kyle William Childress
649. Captain Joe Fenton Lusk II
650. First Lieutenant Nainoa K. Hoe
651. Staff Sergeant José C. Rangel
652. Sergeant Leonard W. Adams
653. Sergeant Michael C. Carlson
654. Private First Class Jesus A. Leon-Perez
655. Sergeant Javier Marin, Jr.
656. Staff Sergeant Joseph W. Stevens
657. Sergeant Brett D. Swank
658. Captain Paul C. Alaniz
659. Staff Sergeant Brian D. Bland
660. Corporal Jonathan W. Bowling
661. Specialist Taylor J. Burk
662. Lance Corporal Jonathan Edward Etterling
663. Sergeant Michael W. Finke, Jr.
664. First Lieutenant Travis J. Fuller
665. Corporal Timothy M. Gibson
666. Corporal Richard A Gilbert, Jr.
667. Captain Lyle L. Gordon
668. Corporal Kyle J. Grimes
669. Lance Corporal Tony L. Hernandez
670. Lance Corporal Brian C. Hopper
671. Petty Officer Third Class John Daniel House
672. Lance Corporal Saeed Jafarkhani-Torshizi, Jr.
673. Corporal Stephen P. Johnson
674. Corporal Sean P. Kelly
675. Staff Sergeant Dexter S. Kimble
676. Sergeant William S. Kinzer, Jr.
677. Lance Corporal Allan Klein
678. Corporal Timothy A. Knight
679. Lance Corporal Karl R. Linn
680. Lance Corporal Fred L. Maciel
681. Corporal James Lee Moore
682. Corporal Nathaniel K. Moore
683. Lance Corporal Mourad Ragimov
684. Lance Corporal Rhonald Dain Rairdan
685. Lance Corporal Hector Ramos
686. Lance Corporal Gael Saintvil
687. Corporal Nathan A. Schubert
688. Lance Corporal Darrell J. Schumann
689. First Lieutenant Dustin M. Shumney
690. Corporal Matthew R. Smith
691. Lance Corporal Joseph B. Spence
692. Lance Corporal Michael L. Starr, Jr.
693. Sergeant Jesse W. Strong
694. Corporal Christopher L. Weaver
695. Corporal Jonathan S. Beatty
696. Private First Class Kevin M. Luna
697. Captain Orlando A. Bonilla
698. Private First Class Stephen A. Castellano
699. Specialist Michael S. Evans II
700. Sergeant Andrew K. Farrar, Jr.
701. Chief Warrant Officer Charles S. Jones
702. Specialist Christopher J. Ramsey
703. Staff Sergeant Jonathan Ray Reed
704. Staff Sergeant Joseph E. Rodriguez
705. Specialist Lyle W. Rymer II
706. Sergeant First Class Mickey E. Zaun
707. Civilian Barbara Heald
708. Lieutenant Commander Edward E. Jack
709. Sergeant Lindsey T. James
710. Lieutenant Commander Keith Edward Taylor
711. Private First Class James H. Miller IV
712. Lance Corporal Nazario Serrano
713. Lance Corporal Jason C. Redifer
714. Lance Corporal Harry R. Swain IV
715. Sergeant First Class Mark C. Warren
716. Corporal Christopher E. Zimny
717. Specialist Robert T. Hendrickson
718. Lance Corporal Sean P. Maher

719. Captain Sean Lee Brock
720. Lance Corporal Richard C. Clifton
721. Sergeant First Class Sean Michael Cooley
722. Sergeant Stephen R. Sherman
723. Sergeant Daniel Torres
724. Staff Sergeant Steven G. Bayow
725. Lance Corporal Travis M. Wichlacz
726. Specialist Jeremy O. Allmon
727. Staff Sergeant Zachary Ryan Wobler
728. Specialist Jeffrey S. Henthorn
729. Sergeant Jessica M. Housby
730. Staff Sergeant William T. Robbins
731. Lance Corporal Richard A. Perez, Jr.
732. Staff Sergeant Kristopher L. Shepherd
733. Specialist Robert A. McNail
734. Staff Sergeant Ray Rangel
735. Sergeant Chad W. Lake
736. Sergeant Rene Knox, Jr.
737. Specialist Dakotah L. Gooding
738. Private First Class David J. Brangman
739. Sergeant First Class David J. Salie
740. Private First Class Michael A. Arciola
741. Specialist Justin B. Carter
742. Specialist Katrina Lani Bell-Johnson
743. Specialist Joseph A. Rahaim
744. Sergeant Timothy R. Osbey
745. Sergeant Adam J. Plumondore
746. Staff Sergeant Jason R. Hendrix
747. Sergeant Christopher M. Pusateri
748. Sergeant Frank B. Hernandez
749. Sergeant Carlos J. Gil
750. Specialist Seth R. Trahan
751. First Lieutenant Adam Malson
752. Corporal Kevin Michael Clarke
753. Specialist Clinton R. Gertson
754. First Lieutenant Jason G. Timmerman
755. Staff Sergeant David F. Day
756. Sergeant Jesse M. Lhotka
757. Corporal John T. Olson
758. Lance Corporal Trevor D. Aston
759. Staff Sergeant Eric M. Steffeney
760. Sergeant Nicholas J. Olivier
761. Specialist Jacob C. Palmatier
762. Staff Sergeant Daniel G. Gresham
763. Staff Sergeant Alexander B. Crackel
764. Specialist Michael S. Deem
765. Specialist Jason L. Moski
766. Specialist Adam Noel Brewer
767. Private First Class Colby M. Farnan
768. Private First Class Chassan S. Henry
769. Lance Corporal Andrew W. Nowacki
770. Private First Class Min-Su Choi
771. Private Landon S. Giles
772. Private First Class Danny L. Anderson
773. Second Lieutenant Richard Bryan Gienau
774. Sergeant Julio E. Negron
775. Specialist Lizbeth Robles
777. Specialist Azhar Ali
778. Sergeant First Class Michael D. Jones
779. Sergeant Seth K. Garceau
780. Corporal Stephen M. McGowan
781. Specialist Wade Michael Twyman
782. Sergeant First Class Donald W. Eacho
783. Captain Sean Grimes
784. Specialist Adriana N. Salem
785. Staff Sergeant Juan M. Solorio
786. Sergeant Andrew L. Bossert
787. Private First Class Michael W. Franklin
788. Specialist Matthew A. Koch
789. Petty Officer First Class Alec Mazur
790. Specialist Nicholas E. Wilson
791. Staff Sergeant Donald D. Griffith, Jr.
792. Lance Corporal Joshua L. Torrence
793. Specialist Paul M. Heltzel
794. Staff Sergeant Ricky A. Kieffer
795. Staff Sergeant Shane M. Koele
796. Specialist Rocky D. Payne
797. Private First Class Lee A. Lewis, Jr.
798. Specialist Jonathan A. Hughes
799. Sergeant Paul W. Thomason III

Mr. Speaker, I would like to thank the Members from both sides of the aisle who have participated over the last two days in reading the names into the CONGRESSIONAL RECORD of those fellow citizens who have fallen both in Iraq and in Afghanistan. My colleagues and I will continue this tribute on other evenings as we finish up the over 1,900 fellow Americans who have given their lives, and intend to continue by recognizing each of our fallen heroes by name on the floor of the people's House.

On behalf of my colleagues, I would also like to take this opportunity to thank the brave men and women and their families who continue to serve our Nation in Iraq and Afghanistan. Our thoughts and prayers are with you and your families.

HOMELAND SECURITY

The SPEAKER pro tempore (Mr. MCHENRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Pennsylvania (Mr. DENT) is recognized for 60 minutes as the designee of the majority leader.

Mr. DENT. Mr. Speaker, tonight we will be engaging in a discussion about our Nation's homeland security. I will be joined by several of my colleagues here tonight who have some very interesting thoughts and perspectives they would like to share with the American people on this most important issue. Homeland security is a matter of concern to all Americans, irrespective of their political affiliation. This is especially true in the United States Congress. The Committee on Homeland Security, of which I am a member, reflects our national concern.

In the last 6 months, our committee has sent to the floor of the House some very important legislation designed to make America's borders, ports, and transportation facilities less vulnerable to terrorist attack or other catastrophe. One such bill is H.R. 1544, the Faster and Smarter Funding For First Responders Act of 2005.

Prior to this bill, grant funding for first responders tasked with responding to homeland emergencies was provided in equal percentage to all States with an allowance upward for population. Because these funds are distributed without regard to safeguarding against risk, there were many documented abuses within the system. Of the $6.3 billion in grants appropriated by Congress and awarded by the Department of Homeland Security since fiscal year 2002, only 31 percent of those funds have been spent. Let me repeat: of the $6.3 billion in grants appropriated by Congress and awarded by the Department of Homeland Security since fiscal year 2002, only 31 percent of those funds have been spent.

My own home State of Pennsylvania, that State has only spent 17 percent of these homeland security funds. Hundreds of millions of dollars earmarked for homeland projects are currently unaccounted for. Moreover, in some instances, local communities received these funds, but utilized them in ways that were not consistent with the promotion of our homeland security.

☐ 2130

The chart I have here, and I will have those displayed in a moment, but these charts that I have here highlight some of the most egregious examples of misspent homeland security funds:

In Washington, DC, Dale Carnegie public speaking training for sanitation workers, $100,000 was spent. These were homeland security dollars we are talking about.

Again in Washington, DC, a rap song to teach children emergency preparedness, $100,000.

Santa Clara County, CA, four Segway scooters to transport bomb squad personnel at a cost of $18,000.

Mason County, WA, biochemical decontamination units left sitting in a warehouse for more than a year, with no one trained to use it, $63,000.

South Dakota, on-site paging system for the State agricultural fair at $29,995.

Converse, TX, a trailer to transport lawnmowers to lawnmower drag races, $3,000.

Des Moines, IA, traffic cones, State of Missouri, 13,000 HazMat suits for every law enforcement official at $7.2 million.

Tiptonville, TN, purchases totaling $183,000 including a Gator all-terrain vehicle at $8,700 and two defibrillators, one for use at high school basketball games, $5,200.

Washington, DC, computerized car towing service, $300,000. Again, we are talking about homeland security funds here.

Montgomery County, MD, 8 large screen plasma television monitors for $160,000.

Prince Georges County, MD, digital camera system used for mug shots at a half million dollars.

Newark, NJ, air-conditioned garbage trucks at a quarter million dollars.

H.R. 1544 seeks to rectify this deplorable situation by awarding grant funds based on risk. It requires that moneys be disbursed to those areas where threat vulnerability and consequence of attack is the greatest. It provides priority assistance to those first responders and first preventers that in fact are facing the highest risk. It streamlines the process by which local authorities can apply for and receive terrorism preparedness grants. It establishes specific flexible and measurable goals for the Department of Homeland Security and promotes the development of national standards for first responder equipment and training. It encourages regional cooperation to increase emergency preparedness. It follows the recommendations of the 9/11 Commission which had this to say about the prior funding formula: "Homeland Security assistance should be based strictly on an assessment of risks and vulnerabilities. Federal Homeland Security assistance should not remain a program for general revenue sharing. It should supplement State and local resources based on the risk or vulnerabilities that merit additional support. Congress should not use this money as pork barrel." That was the 9/11 Commission.

By directing grant funding to threatened areas without regard to politics, H.R. 1544 has become a key part of the national security reforms necessitated by the September 11 attacks.

The second piece of legislation that reflects the Homeland Security Committee's bipartisan commitment to the preservation of homeland security is H.R. 1817, the Homeland Security Authorization Act for fiscal year 2006. This act promotes our national security in a number of different areas. To help secure our porous borders it authorizes funds to hire 2,000 new border patrol agents. In addition, it provides $40 million so that local law enforcement agencies have access to the training required to apprehend illegal immigrants, some of whom may be involved in terrorist activities. To safeguard the cargo coming into our ports, it provides money to promote risk-based screening of containers in transit to the United States. The Container Security Initiative, or CSI, is a Department of Homeland Security initiative or program that places customs employees at 36 foreign ports to target and inspect these containers before they can gain entry to the United States. H.R. 1817 not only funds the existing program, but also makes provisions to expand inspections to approximately 50 ports.

Finally, with regard to deterring a nuclear or biological attack, the act promotes the improvement of the department's intelligence-gathering capabilities that is necessary to detect incoming threats and to develop the means to prevent these efforts.

H.R. 1817 provides the authorization to maintain the funds necessary to keep the country secure, while H.R. 2360, the Homeland Security Appropriations Act for Fiscal Year 2006, appropriates the moneys required to do the job. Our committee has approved $30.85 billion for operations and activities of the Department of Homeland Security. This represents an increase of $1.37 billion over fiscal year 2005 and $1.3 billion above the President's budget request. As with the authorization bill, border security is a high priority in this legislation. We have appropriated $1.61 billion for border security and an additional $3.2 billion for customs enforcement, which will allow the Bureau for Immigration and Customs Enforcement, or ICE, to hire an additional 150 criminal investigators and 200 immigration enforcement agents. We have appropriated $188 million to develop vehicle and cargo inspection technologies and we have given the Coast Guard $2.6 billion to perform its homeland security missions.

H.R. 2360 also helps local first responders perform their vital homeland security mission. Among other expenditures we have earmarked $200 million for a first responders training, $400 million for State and local law enforcement terrorism prevention programs and $600 million for firefighter grants. Since September 11, 2001, Congress has provided over $32 billion to first responders. Again, since September 11, 2001, Congress has provided over $32 billion to our first responders, including terrorism prevention and preparedness, general law enforcement, firefighter assistance, airport security, seaport security, and public health preparedness. And this year's share of that funding comes to approximately $3.6 billion.

Finally, H.R. 2360 goes a long way toward helping us to maintain security at our transportation hubs and places deemed to be critical infrastructure. We have directed moneys for air cargo security, rail security and trucking security. We have earmarked $1.3 billion toward research and development, including $651 million to develop radiological, nuclear, chemical, biological and high explosives countermeasures designed to protect power plants, other industrial properties, and the people that work in or live near those particular facilities. These programs are expensive, but no mission is more important than safeguarding the country against the threat of attack by chemical, biological or nuclear agents, unthinkable attacks, and we are doing all we can to protect ourselves.

These three bills, taken together, the First Responders Act, the Homeland Security Authorization Act, and Homeland Security Appropriations Act reveal that the gentleman from California (Chairman COX), an extraordinary man who the President quite wisely nominated to become the head of the Securities and Exchange Commission, he has done an outstanding job. Chairman COX and the rest of the Homeland Security Committee possess the highest possible commitment to keeping our Nation safe from terrorist attack and from other catastrophic events. While all these measures were thoroughly debated in the committee, they all passed to the floor with relative ease, a testament to the timeless adage that so aptly characterizes our political process. In America, debates over homeland security, like those regarding partisan politics, end at the water's edge.

And with that I would like now to turn to some of my colleagues who have joined me here tonight from the Homeland Security Committee, each of whom, many of whom, bring very interesting skills and background to this issue. And the first Member of the committee I would like to draw your attention to introduce is a good friend, my colleague from the 10th district of Texas. In addition to working on the International Relations and Science Committees, he also serves with me on, as I mentioned, the Homeland Security Committee where he is assigned to the Subcommittee on the Prevention of Nuclear and Biological Attack and the Subcommittee on Management, Integration and Oversight.

My colleague is a former Texas deputy attorney general and chief of terrorism and national security in the Department of Justice for the Western Judicial District of Texas. Further, because of his expertise in homeland security affairs, the Governor of Texas appointed him to be the adviser to the Governor's office on homeland security. So with that, I would like to introduce to all of you my good friend from the 10th District of Texas (Mr. MCCAUL).

Mr. MCCAUL. Mr. Speaker, I would like to also thank the gentleman from Pennsylvania (Mr. DENT) for managing this important debate on probably what is the most important issue facing this Nation today. As we heard the names of the men and women who served in Iraq and Afghanistan who paid the ultimate sacrifice just a few minutes ago in this Chamber, I say to the families, we remember. We thank you. We will never forget.

Every day I meet, it is part of our job, we meet with the families who have lost loved ones over there. And they all tell me the same thing, and that is, finish the job; I do not want my son to have died in vain. And finish the job we will. We thank you for your sacrifice fighting this war on terror abroad so that we do not have to face it here at home. And it has made this Nation more secure in our homeland.

Back home, this Congress has moved faster than ever in passing legislation, which, among other things, fulfills the 9/11 Commission's recommendations by bolstering the security along our borders and sending the badly needed funding to those areas of our Nation that terrorists still see as targets. Indeed, recently the Homeland Security Committee visited Ground Zero. The tragic events of 9/11 are still very much alive and well in that city. We met with the police commissioner. We met with the Liberty Street Firehouse, the fallen heroes, the families who survived that tragic day, who lost so many people. And I can tell you, you can feel it. It is as if it happened just yesterday.

And everything we do in this Congress is to provide the tools necessary to ensure that another 9/11 never happens again in this country. The need for this hard-hitting legislation comes from the United States grave and growing problem with undocumented aliens. An estimated 8 to 12 million undocumented aliens are here in the United States, and it is also estimated that two slip across the border for every one that is apprehended. That means that almost 3 million undocumented aliens enter our country every year; to put it in perspective, roughly the size of the city of Dallas. And in the post-9/11 world, these figures no longer represent just an immigration problem, but rather one of national security.

This Nation is being compromised by our inability to identify those who are coming into our country. And I am convinced that the first step we need to take to solve this problem is to secure our borders and to better enforce the laws currently on the books. Congress knows that immigration plays a major part in our national security. Accordingly, we have provided more than $1.5 billion in spending for border protection, immigration enforcement, and related activities in the 109th Congress.

When combining the homeland security authorization and appropriations bill that the House has passed, Congress has supplied funding for all 2,000 new border patrol agents that were recommended by the 9/11 Commission and fully authorized by last year's intelligence reform bill. These agents will have greater authority to detain and incarcerate illegal immigrants, instead of sending them back into our communities with a notice to appear in court, something very few abide by.

Indeed, we do not have to look too far back in history to see an example of this when Ramsey Yusef entered our country in 1992 and was apprehended. He too was given a notice to appear. He too failed to show up to the hearing, and instead he joined his fellow colleagues from the bin Laden academy to join the first al Qaeda cell in the United States. He then conspired to blow up the World Trade Center. Fortunately, he was not successful. But that day would come later and his dream would be realized with Osama bin Laden's dream to bring down the towers that fateful day.

□ 2145

But I say to you, the days of this catch-and-release policy are numbered. Congress has also worked hard to ensure that when border patrol agents catch undocumented aliens, we now have somewhere to hold them before they are extradited. Congress has funded over 4,000 new detention beds to help our Federal law enforcement uphold our Nation's immigration laws.

Our Federal law enforcement officers are being stretched too thin and being asked to do too much. According to current law, immigration laws can only be enforced by Federal law enforcement officials. Couple that with existing sanctuary policies in most of our big cities and one can easily see why our Federal officers have such a difficult time enforcing the laws on our borders.

This is why I offered an amendment to the Homeland Security Authorization Bill that would fund local law enforcement training at Federal facilities in order to create a force multiplier so that our Federal law enforcement gets the assistance it needs.

These additions will crack down on illegal immigration in between our borders and ultimately lessen the threat of terrorism.

Congress has also passed legislation to make America's first responders more expeditious and more effective by improving the process by which they receive their resources. The Faster and Smarter Funding For First Responders Act guarantees that the States with the biggest risk and the greatest threats receive the necessary funding to protect their communities. My home State of Texas, for example, currently ranks last in the amount of homeland security dollars received per person. And that in a State which claims an international border, the Western White House, and a prominent State capital.

Texas and other States like New York should be receiving more money than those other States with fewer targets. And by closing these gaps in the defense of our homeland, we have learned what our weaknesses are and how to better prepare for, defend against, and preempt a terrorist plot.

Those like al Qaeda who wish to do harm to America have a track record of being patient and conspiring until they succeed in their terrorist agenda.

In my former job, I was chief of counterterrorism in the Justice Department. I had the Mexican border, the State capital, I had the President's ranch. I can tell you the threat is very much still alive in this country, and we need to give law enforcement every tool necessary to protect us and to fight this war on terror not just abroad but at home.

And with that in mind, this body has moved to address that threat. The House passage of the 2006 Homeland Security Authorization and Appropriations Act and Faster and Smarter Funding For First Responder Act send a clear message to our enemies that we will not stand idly by while they plot to do harm to our Nation.

As the President stated, we will not waiver, we will not tire, we will not falter, and we will not fail. Peace and freedom will prevail.

Mr. DENT. The next speaker tonight who will be joining us in this discuss on homeland security is another good friend who brings to us a great deal of experience. I would like to introduce to you now my colleague from the third district of California. In addition to working on the Committee on the Judiciary and the Committee on the Budget, he also serves with me on the Committee on Homeland Security where he is assigned to the Subcommittee on Prevention of Nuclear and Biological Attack and the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment.

My colleague is a former attorney general for the State of California, that State's top law enforcement officer; and he is strongly committed to enhancing the quality and depth of congressional oversight of our government's intelligence gathering and analysis in the provision of homeland security. I would like to introduce the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman and commend him for having this Special Order.

When we talk about homeland security, we have to talk about those investigative techniques that are necessary for us to be able to forestall terrorism, terrorist attacks on our homeland; and one of the points I would like to make is prompted by comments that aids to the ranking Democrat on the Committee on the Judiciary of the United States Senate said that he would introduce legislation aimed at limiting the government's ability to detain material witnesses indefinitely.

The reason I mention this is that this is just a part of an overall criticism of this technique of the investigative community. As a matter of fact, the New York Times recently described it this way: that we, that is the Federal

Government, are "thrust into a Kafkaesque world of indefinite detention without charges, secret evidence, and baseless accusations." Dozens of people, some were held for weeks and even months and the majority were never even charged with a crime. The Times seethes, did "the Bush administration twist the American system of due process."

An interesting article appeared today in the National Review by Andrew McCarthy, who is a former Federal prosecutor who has actually prosecuted some of the major terrorist cases in this country, that aptly responds to these criticisms of this effort by the Federal law enforcement community.

He says, In point of fact, material witness detentions have been with us for decades pursuant to duly enacted law, that is, section 3144 of title 18 of the U.S. Code. They were used countless times prior to 9/11. Hysteria aside, it should come as no surprise that these are detentions without charges since by definition the person being detained is being detained as a witness, not being charged with a crime.

What would require baseless accusations would be to hold such a person as a defendant, which is precisely what the government refrains from doing in detaining on material witness law. The proceedings, moreover, involve secret evidence only in the sense that all proceedings before the grand jury, whether they involve terrorism, unlawful gambling or anything in between, are secret Under Federal law. The left of course well knows that when investigative information about its champions seeps into the public domain, it routinely complains about the reprehensible violation of grand jury secrecy rules, a useful diversion from dealing with the substance of any suspicions.

Mr. McCarthy goes on. There were many, many people who were identified in that investigation of having had some connection or another with the 19 suicide attackers and their al Qaeda support network. Some of those connections seem intimate, some attenuated; but all of them had to be run down. Just imagine what the 9/11 Commission would have said if they had not been.

So here is the problem, says Andrew McCarthy. You identify a large number of people who at a minimum have information that might be vital to protecting against terrorist attacks and who might in fact be terrorists or at least facilitators. It is very early in the investigation, so you do not have sufficient evidence to charge them with a crime or to say conclusively either that they are not dangerous or they are willing to tell you what they know rather than flee.

What do you do? It would be irresponsible to do nothing, but you cannot watch these people 24–7. There are not anywhere close enough agents for that. Well, the law does not require you to do nothing. The law which existed before 9/11 but used here permits the government to detain people for a brief time in order to compel their information either in the grand jury or some other court proceedings.

Contrary to what you might think from the latest spate of coverage and from the comments to aides of the ranking member of the Judiciary Committee on the Senate side, the government may not sweep innocent people up and hold them in secret.

While grand jury proceedings are supposed to be kept from the New York Times, for instance, they are not kept secret from the court. A prosecutor has to go to court and get a material witness arrest warrant. This means the arrest does not happen unless the government satisfies a Federal judge that there is a reasonable basis to believe, A, the person at issue has information that would be important to an ongoing investigation and, B, the person might flee without providing that information to the grand jury or the court unless the person is detained until his testimony can be secured.

And that is not all. Mr. McCarthy goes on to tell us the arrested witness, even though he is not being charged with a crime, is given the same kinds of protections that are afforded to actual defendants. The witness must promptly be presented upon arrest to a judge so that a neutral official can advise him of why he is being held. More significantly, counsel is immediately appointed for him at public expense if he cannot afford an attorney. Indeed, if he is a foreign national, the United States is obligated by law to advise him that he is right to have his consulate advised of his arrest. And frequently the consulate will not only obtain counsel on behalf of its citizen but will also closely monitor the case, including by demands for information from the U.S. State Department.

The lawyer is given information about why the witness is being detained. Counsel is permitted to be present at any interview of the witness by the government. And although counsel is not permitted to accompany the witness inside the Federal grand jury, no witness, material or otherwise, has that right, the government is not permitted to interview the witness outside the grand jury unless counsel allows it.

In addition, at any time during the course of the detention, counsel is permitted to make a bail application to the court; and if the judge is satisfied that the bail offered vitiates the risk of flight, the witness is freed on the promise to appear for his testimony.

Furthermore, if at any point the length of detention or the condition of the witness's confinement actually offend the witness's fundamental rights, counsel may submit a habeas corpus petition seeking the witness's immediate release.

Mr. Speaker, I have to ask, how is that Kafkaesque? How is that somehow putting people outside the bounds of law? How is that having this administration twisting the Constitution in some way?

It is, I would suggest, Mr. Speaker, this kind of hyperbole, this kind of misstatement which makes it more difficult for us to do our duty with respect to homeland security. We need to have those investigative tools that have been used against organized crime, that have been used against organized drug dealers and organizations. We need to be able to use those same investigative techniques, those same prosecutorial tools against those who would destroy us as a Nation, against those who have allied with those who have said it is their duty to kill any American, man, woman or child, anywhere in the world, combatant or noncombatant.

We are in a new world, a world of terror, in which we have to respond in ways that, yes, are consistent with the Constitution, but ways that allow us to protect ourselves in a proper and forceful way. And these kinds of criticisms that come from the outside, whether it is with respect to Guantanamo or whether it is with respect to the use of laws which allow our application of the law against material witnesses, these kinds of attacks weaken our ability to do the job.

And with respect to my second point, let me talk briefly about what we have done here in the House of Representatives to respond to the demand for us to respond to this unique challenge that is the challenge of terrorism.

One cannot criticize a Congress for responding as best it could in the direct aftermath of 9/11. One cannot criticize Congress for doing as Congress always does in attempting to respond to some problems, throwing money at it. But one can criticize Congress at a time it has to take a pause and look at what it has done and seen what it can perhaps do better. And that is what we have done with the various bills that we have passed out of the House that were mentioned by the gentleman from Texas (Mr. MCCAUL).

One of the things that we did in that was respond to the recommendations of the 9/11 Commission report when they said homeland security assistance should be based strictly on an objective, non-political assessment of risks and vulnerabilities. These assessments should consider the threat of an attack, localities vulnerability to an attack, and the possible consequences of an attack.

Secondly, they told us, Congress should not use this money as a pork barrel. Third, they said, Federal homeland security assistance should not remain a program for general revenue sharing. Fourth, they told us, the Federal Government should develop specific benchmarks for evaluating community needs and require that spending decisions be made in accordance with those benchmarks. Fifth, they told us, each State receiving funds should provide an analysis of how funds are allocated and spent within the State.

Finally, they said, each city and State should have a minimum infrastructure for emergency response.

☐ 2200

This is precisely what we have done with the two bills that have been mentioned before. We have said that rational risk assessment should drive our strategy, should drive our tactics and should drive our funding.

The House Committee on Homeland Security, with the leadership of the gentleman from California (Chairman COX), reported out the Faster and Smarter Funding for First Responders Act. This bill will reduce the across-the-board formula for providing homeland security funds to State and local responders from .75 to .25 percent. Therefore, under this bill, a greater amount of funds will be disbursed solely based on risk assessment.

In April of this year new-Secretary Michael Chertoff testified before our committee regarding the need within DHS to promote risk-based prioritization and management. He said one of the goals before him is to "build a culture in which the disparate pieces of information are being transmitted to our analysts so that they, who have the benefit of the fuller picture, can properly analyze all of our information and inform our decision-making." We do need to make informed decisions.

So. Mr. Speaker, I thank the gentleman for having this Special Order this evening for us to have an opportunity to recount some of the things that are necessary for us to do to provide for the defense of our homeland and understand that this threat remains.

The biggest challenge we have here today is that the longer we are successful in forestalling terrorist attacks, the more difficult it is to explain to people why we need to continue to keep our defenses up, the harder it is to explain that these things do not happen by happenstance. Rather, it is because of strong work done by brave men and women involved in the protection of our homeland that allow us to be safer than we would be otherwise.

The worst thing we could possibly do is to not maintain our persistence and our dedication, our true dedication to doing those things that are necessary to protect it, despite the criticism of those who easily look at law enforcement, look at homeland security, the community, and saying they are going too far too fast.

Contrary to that, we know we have not done enough, and while we in the Congress are required to provide the oversight to ensure that there are not abuses in the system and to ensure that no prosecutor, no law enforcement agent takes advantage of those tools we have given them, we also must make sure that they are not cowed by criticism from doing the job that they need to do.

I thank the gentleman for the time.

Mr. DENT. Mr. Speaker, I would like to thank the gentleman from Texas (Mr. McCAUL) and the gentleman from California (Mr. DANIEL E. LUNGREN). I think we have heard quite clearly from these individuals who have tremendous and deep experience in law enforcement in their States. They bring a perspective here that is very valuable to the Committee on Homeland Security and, frankly, to the security of our Nation.

The next person I would like to introduce tonight also has a great deal of experience in law enforcement. Actually, he has 33 years of experience as a first responder. He was the sheriff of King County, WA. That is the Seattle area, for those of you not from the State of Washington, but the gentleman from Washington's (Mr. REICHERT) Eighth District, again, is just loaded with experience as a first responder or a first preventer.

Mr. Speaker, I yield to the gentleman from Washington (Mr. REICHERT), my colleague, former sheriff and extraordinary member of the Committee on Homeland Security.

Mr. REICHERT. Mr. Speaker, I thank my good friend from Pennsylvania and commend him for sponsoring this hour tonight.

We have heard about the Faster Smarter First Responder Act. We have talked about risk assessment. We have talked about the PATRIOT Act. We have talked about better cooperation and those things that we have done as members of the Committee on Homeland Security to support first responders.

As a freshman Member and law enforcement officer of 33 years, as my friend has indicated, I am honored to be a member of the Committee on Homeland Security to represent the thoughts, ideas, needs and concerns of first responders across the Nation. The role of the first responder has changed since September 11, and it is important that we recognize that and equip them accordingly. In the first months of this session, we have given them priority risk-based funding and brought them into important homeland security decisions.

What I want to do tonight is to really focus on where the rubber meets the road and to just take a moment to look back and then take a look forward.

Where were first responders in 1972 when I started out as a cop, as a 21-year-old, naive police officer? The things that we did back in 1972 through the 1970s and into the 1980s was to respond to crime, to operate from our police cars and answer burglary calls and respond to other crime needs in our community and work with local police departments and local school districts.

Then in the 1980s, we moved ahead and we actually ended up with some additional tools. We look back to 1972, and we think about what did we have for tools? We had a police car, a gun and a badge essentially, and a pair of handcuffs. As we moved forward into the 1980s and into the 1990s, we ended up with tools like DNA, an automated fingerprint identification system, and I know it sounds funny, but computers started to come onto the scene. So we added those tools to our arsenal of crime-fighting weapons.

Then we find ourselves in the 1990s, also in the middle of community policing and our efforts to work with the community to solve not only crime in the communities but to improve the quality of life, to interact with leaders of the community, to sit down and listen to their needs and concerns and come to some solutions for their neighborhoods, even as far as painting over graffiti and towing away old cars. That was what police officers did in the 1970s, 1980s and 1990s.

Then came along September 11 and our role changed forever, and as my good friend, the gentleman from California (Mr. DANIEL E. LUNGREN) just said, we now live in a different world.

After September 11, the role of the first responder has changed. It still includes those things that I just talked about, the stuff that cops do every day, helping people, arresting crooks, criminals on the streets of our cities across this country, but the added responsibility now of also being a part of the team and protecting our homeland, and they truly are on the front line of that effort.

In our local community in Seattle we have a Joint Analytical Center where police officers from local police departments are assigned to the Federal intelligence task force. We have a regional intelligence task force gathering information within our specific region in the Northwest and sharing with the FBI Joint Analytical Center. That information is analyzed, prioritized, and then assigned to the joint terrorism task force where, again, local police detectives are a part of and member of and participate in investigating and following up those leads that are prioritized by the analytical center. Every day, cops on the streets today are following up leads to find terrorists, people who are in this country to do us harm, and we in the Committee on Homeland Security are here to support that effort.

We would have never thought years ago that police officers on the street would have to respond to calls or train in HazMat uniforms. We would have never thought 5, 10, 15 years ago that we would have had to worry about our police officers and first responders responding to a dirty bomb, a biothreat, or some other weapon of mass destruction, but these are the things today that our local police officers are trying to deal with, and it is a tough, tough job.

So let us not forget them. Let us support them and we will continue to do our work on the Committee on Homeland Security, and I am proud to be a member of that committee.

I thank the gentleman so much for the time to speak tonight on the role of first responders.

Mr. DENT. Mr. Speaker, I would like to thank the gentleman from Washington (Mr. REICHERT) for sharing his thoughts and perspectives with us, again a 33-year first responder and police officer from the Seattle year.

Now, I yield to the gentleman from Alabama (Mr. ROGERS), another fine individual, member of the committee, from the Third District of Alabama. In addition to working on the Committee on Armed Services and the Committee on Agriculture, he also serves with me on the Committee on Homeland Security where he is assigned to the Subcommittee on Emergency Preparedness, Science, and Technology and chairs the Subcommittee on Management, Integration, and Oversight. As chairman of this subcommittee, my colleague is very concerned about making sure that the Department of Homeland Security operates in the most efficient and effective and transparent way possible.

With that, I yield to the gentleman from Alabama (Mr. ROGERS).

Mr. ROGERS of Alabama. I thank the gentleman from Pennsylvania (Mr. DENT) for organizing this discussion tonight. It is vital we take the time to talk about these important issues, and I appreciate the gentleman's efforts to highlight some of our accomplishments this evening.

Mr. Speaker, this Congress has done many good things to help secure our homeland, some of which we are discussing tonight, but in other areas, we still have a ways to go.

Take, for example, the issue of border surveillance. About 2 weeks ago, the subcommittee I chair held a hearing to discuss the camera system that monitors our Nation's northern and southern borders. Known as the Integrated Surveillance Intelligence System, or ISIS, these cameras are a critical link for helping secure our border.

Unfortunately, this system is not working as planned. What began as a program to monitor the border crossing of illegal immigrants, drug trafficker, and even terrorists has morphed into what one of our witnesses called "a major project gone awry."

According to a 2004 GSA audit, the problems go even further. For example, the initial $2 million contract was awarded without full competition. Just 1 year later that same contract ballooned to over $200 million, again without full competition, and the problems do not end there.

The GSA audit also reported significant issues relating to the surveillance system itself: 60-foot poles that were paid for but never installed; sensitive equipment that failed to meet electrical codes: an operations center where contractors and government employees did little or no work for over a year; and not surprisingly, numerous cost overruns. To top it off, in September 2004, the GSA abruptly ended the maintenance contract. This left approximately 70 border sites without monitoring equipment.

Mr. Speaker, the American people deserve better. What we have here, plain and simple, is a case of gross mismanagement of a multimillion-dollar contract. This agreement has violated Federal contracting rules, and it has wasted taxpayers' dollars. Worst of all, it has seriously weakened our Nation's border security.

Before DHS spends another $2.5 billion on a replacement system known as the America's Shield Initiative, we need to first fix the system we have got. With Federal dollars scarce and budgets tight, it is vital that the American people know what they are getting.

Thanks to the work of this Congress and many of my colleagues here tonight, we are improving the safety of America's homeland, but we still have a ways to go. As we move forward, I hope we can continue to address these issues at DHS.

I thank my colleagues on both sides of the aisle for their support.

Mr. DENT. Mr. Speaker, I want to thank the gentleman from Alabama for his comments as well and appreciate his leadership on the Committee on Homeland Security.

I would now like to further this conversation tonight, this Special Order and this discussion with the American people, and I would like to say a few words about the interrelationship between immigration and homeland security.

While so many immigrants who come to this country do so legally and with the sole intention of seeking a better life, there are those who have links to terrorist organizations or who come here to do us harm. To be fully effective, then, the homeland security programs need to contain measures to curb illegal immigration and to prevent those who would seek to propagate acts of violence from crossing international borders.

Legislation recently passed in the House contains these kinds of measures. The Real ID Act is one such provision. It serves to protect the homeland in four distinct ways.

First, it establishes rigorous proof of identity for all driver's license applicants and strong security requirements for all licenses and State-issued identity cards. It further requires that Federal agencies only accept State-issued licenses and ID cards from those States that have confirmed by substantial evidence that the applicant is lawfully present within the jurisdiction. These measures are important because they make it more difficult for would-be terrorists to utilize phony or temporary licenses or secure cover for their nefarious activities here in the U.S. As the 9/11 Commission states: "It is elemental to border security to know who is coming into the country. Today more than 9 million people are in the United States outside the legal immigration system. All but one of the 9/11 hijackers acquired some form of U.S. identification document, some by fraud."

□ 2215

"Acquisition of these forms of identification would have assisted them in boarding commercial flights, renting cars, and other necessary activities." That is from the 9/11 Commission.

The REAL ID Act also makes it easier to deny asylum to and deport would-be terrorists. Prior to REAL ID, individuals who allegedly committed certain terrorist acts could be denied admission to the U.S., but an anomaly within U.S. immigration law provided that once here, individuals who had committed these same acts could not be deported. The REAL ID Act rectifies this situation.

In addition, terrorist organizations have been using front organizations and alleged charities to support and provide cover for their terrorist activities. As President Bush has stated, "International terrorist networks make frequent use of charitable or humanitarian organizations to obtain clandestine, financial and other support for their activities." Money given to terrorist organizations is fungible. Unfortunately, prior to the act, an alien could provide funding or other material support to many terrorist organizations and then escape deportation merely by claiming he did not know the funds would be spent on weapons or explosives.

The REAL ID Act, by contrast, directs that an alien who provides funds or other material support to a terrorist is inadmissible and deportable if he knew or reasonably should have known that he was giving to a terrorist organization.

Finally, the REAL ID Act provides an important component to the physical security of the United States. In 1996, Congress mandated the building of a 14-mile border fence inland from the Mexican border in the San Diego area.

The goal was to curb illegal entries into the most heavily trafficked corner of the United States and to guarantee security at the U.S. naval base in San Diego. More than 8 years later, that fence is still not completed, in large part because the construction is tied up in litigation. In order to facilitate the construction of this important security perimeter, the act waives all Federal laws necessary to ensure the expeditious completion of this structure.

Immigration as a security issue was also the subject of portions of the Homeland Security Authorization Act for fiscal year 2006. The act fully funded the hiring and training of some 2,000 border patrol agents. It also clarifies the existing authorities of State and local law enforcement personnel to apprehend, detain, remove, and transport illegal aliens in the routine course of their duty.

Further, it buttresses up that policy determination that local police have the right to help enforce U.S. immigration laws by appropriating $40 million in training funds for these same municipal authorities. These funds are available to reimburse those communities that choose to send officers to the Department of Homeland Security programs run by ICE, Immigrations and Customs Enforcement, designed to train and certify these officers in the enforcement of Federal immigration laws. Having officers trained in this way can only work to the detriment of a would-be terrorist detained as a result of his committing a crime unrelated to national security.

As I have described, the Homeland Security Act has a strong border security component, but so does the homeland appropriation bill. The appropriation bill provides $19.4 billion for border protection, immigration enforcement, and related activities, an increase of $1.9 billion over fiscal year 2005 enacted levels and $285 million over the President's budget request. These funds support a robust revitalization of immigration enforcement efforts, both along our borders and within the interior of the Nation.

Specific funding includes, but is not limited to, $3.2 billion for Immigration and Customs Enforcement, providing an additional 150 criminal investigators and 200 immigration enforcement agents; $61 million for border security technology, including surveillance and unmanned aerial vehicles; $20 million for replacement border patrol aircraft; $690 million to fund 3,870 beds to house illegal immigrants detained in U.S. facilities; $119 million to fund fugitive operations teams; and $211 million for transportation and removal of undocumented aliens.

All these measures I have previously described are designed to enforce immigration laws, but we must also remember that in doing so we are contributing to the preservation of our homeland security as well. By preventing access to this country by undocumented aliens, by removing those who are here illegally, and by training local police officers to help enforce immigration laws, we will increase the odds that a would-be terrorist seeking to enter our country will be stopped before he can wreak any acts of violence against our citizenry.

Another comment I would like to make with respect to this whole issue of homeland security is this. We have heard from a number of speakers tonight about what the United States Congress is doing to make our homeland more safe and more secure. We have heard about the PATRIOT Act, the Homeland Security Authorization Act, the First Responder Bill, and the appropriations act. But, really, the bottom line is, why are we going through this? The events of 9/11 should have woken up everyone. I believe they did. Many of us lost friends. I had a relative in the first tower on the 91st floor who escaped, luckily. The plane entered that tower in the 93rd floor, and he lived to talk about it.

So we have all been touched by this in one way or another, and certainly as a freshman Member of Congress I spend a great deal of time going to orientation sessions and being fed a lot of information. I have felt sometimes that being a Member of Congress is sometimes like drinking water out of a fire hose. A lot of information is thrown at you very quickly, and you do your best to absorb it all.

When I was up at Harvard University to be engaged in the orientation program, I met an interesting individual up there, a man name Grahm Allison, who wrote a book called "Nuclear Terrorism," and I highly recommend that people read it because it helps bring focus and clarity to the issue of homeland security and why this government, and not just in the Department of Homeland Security but throughout our Federal Government, State government, our local officials are working so diligently to protect us from unspeakable criminal acts that our enemies would like to commit against us.

I will go to this book, again entitled "Nuclear Terrorism: The Ultimate Preventable Catastrophe," written by Grahm Allison, but he quotes an individual named Suleiman Abu Gheith, who was Osama bin Laden's official press spokesman. Nine months after the 9/11 attacks, Suleiman Abu Gheith made this announcement, and it was put out on al Qaeda Web sites. He says: "We have the right to kill 4 million Americans, 2 million of them children, and to exile twice as many and wound and cripple hundreds of thousands."

What a frightening and extraordinary statement. He says he wants to kill, that al Qaeda wants to kill 4 million Americans. He did not say 1.5 million Americans, he did not say 8 million Americans. He said 4 million, 2 million children. How did he get to that number? He goes on to explain. He itemizes the number. He goes on and he says that for 50 years in Palestine he blames the Jews, and with the blessing and support of the Americans he says the Jews exiled nearly 5 million Palestinians and killed nearly 260,000. They wounded nearly 180,000 and crippled nearly 160,000. And he talks about the American bombings and the siege of Iraq, as he says more than 1.2 million Muslims were killed in the past decade.

So he blames Israel and the United States. He says in the war against the Taliban and al Qaeda in Afghanistan, America killed 12,000 Afghan civilians and 350 Arab jihad fighters. In Somalia, America killed 13,000 Somalies. So as he itemizes this number, he somehow gets to 4 million. This is what our enemies are saying about us.

So, then, he asks the rhetorical question as to how should a good Muslim, in his case what he considers a good Muslim, which is not what most of us or most Muslims would consider to be a good Muslim, I am sure, but he said, "Citing the Koran and other Islamic religious texts and traditions," he answers his question by saying, "anyone who peruses these sources reaches a single conclusion: the sages have agreed that the reciprocal punishment to which the verses referred to is not limited to a specific instance. It is a valid rule for punishments for infidels, for licentious Muslims, and for the oppressors."

He concludes: "According to the numbers in the previous section of the lives lost among Muslims because of Americans, directly or indirectly, we are still at the beginning of the way. The Americans have still not tasted from our hands what we have tasted from theirs. We have not reached parity with them." He says, "Parity will require killing 4 million Americans."

This is very frightening. And I would suggest to everyone here today that 4 million Americans is a very big number. On September 11 we lost nearly 3,000 of our own. It would require 1,400 attacks of 3,000 people to get to 4 million.

Al Qaeda is quite clear in their intentions, and it is my belief that they intend to pursue whatever weapons are available to them to maximize the amount of damage they can upon the American people. And that is why our committee is so dedicated, is so committed to making sure that our folks at Homeland Security have what they need to do the job to protect us.

Finally, I want to turn to another man who is a great leader and a friend from my home State of Pennsylvania. I would like to introduce my colleague from the Seventh District of Pennsylvania. In addition to being a senior member of the Committee on Armed

Services and the Committee on Science, he also serves with me on the House Homeland Security Committee, where he is vice chairman.

He is also active on the Subcommittee on Emergency Preparedness, Science and Technology, as well as the Subcommittee on Intelligence, Information Sharing and Risk Assessment. He is a former first responder himself, an active student of international relations, and an expert on ballistic missile proliferation.

He, too, is an author of a highly acclaimed book, "Countdown to Terror." I have been talking about books, so I might as well mention this one too. It has been talked about quite a bit in the press, and it highlights his concerns about terrorist failures and the spread of ballistic missile technology in Iran. So without any further discussion from me, Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my good friend and colleague for yielding to me and thank him for this outstanding Special Order. I hope that our colleagues tonight have been listening, because they have seen an outstanding assemblage of excellent young Members of Congress who are picking up the mantle and taking the lead on homeland security issues in our committee.

This is the first year for the full operation of the authorization committee for homeland security funding and oversight, and it is extremely important that we get off to a good start. I just want to say, as a Member who was very aggressively behind this committee, I am overwhelmingly pleased and positive with the type of membership we have on this committee. My colleague, the gentleman from Pennsylvania (Mr. DENT), is an example of an outstanding leader who is committed; and he has brought together an assemblage of Members tonight who have articulated the various parameters of the concerns we face, from first responders, to our borders, to protecting our ports and our airports, and for all of the significant work that has been accomplished under Secretary Ridge, now being accomplished under our current new Secretary and under the able leadership of the chairman of our House Homeland Security Committee, the gentleman from California (Mr. COX), and our appropriations subcommittee, the gentleman from Kentucky (Mr. ROGERS).

□ 2230

Mr. Speaker, later on this evening I will be offering another Special Order that will reveal some absolutely amazing information for the American people. I will divulge tonight the information that prior to 9/11, not only did we know about the Mohammed Atta cell, but that the Special Forces Command in our military actually wanted to take action against that cell, and we did not take that action.

I will be discussing our intelligence in detail, and by following through on a special project that was initiated under the leadership of General Shelton focusing on al Qaeda. But at this point in time, I wanted to stop by and thank our distinguished Members, thank the gentleman from Pennsylvania (Mr. DENT) for his leadership, and say to those who participated in this Special Order, if we are going to win the battle and protect the homeland, all Members must play the critical role that you have played tonight and pick a specialty area that you have a focus on so we as a team can make sure that our country is properly protected.

THIRTY-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. MCHENRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for half the time until midnight, 44 minutes.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to address the House, and the 30-Something Working Group would like to send our appreciation to the gentlewoman from California (Ms. PELOSI) for allowing us to have the time to come to the floor once again to talk about issues that are facing everyday Americans.

The 30-Something Working Group was created in the 108th Congress, some 3 years ago, to start talking about issues that focus on young people, children and grandchildren, about their future and the direction this country is going in. Every 30-Something Working Group hour, we talk about issues that we feel that young Americans and Americans in general should know about, but we also talk about what Democrats are doing that is different than the majority side.

I celebrate the fact that in this democracy we have an opportunity to give our views and opinions as it relates to what is happening and what is not happening. I think both are very, very important. For us to continue to move in the direction that we moved in since we became the United States of America, it is important that we have not only factual information to share with the Members and the American people, but to make sure that we are consistent.

Tonight I am joined by the gentleman from Ohio (Mr. RYAN). We will talk about issues that are at the forefront of the debate here in Washington, DC. One is Social Security. Two, we want to continue not necessarily in this order to talk about the issues that are facing veterans. We have men and women that are in the forward area in Iraq and Afghanistan, and many other parts of the world where they are fighting terrorism, but at the same time we have to understand the responsibility of making sure that we keep our end of the deal as it relates to their veterans affairs once they get back.

We have individuals that have served in past conflicts on behalf of this country, that allow us to celebrate the very freedom that we live under today. We cannot leave them behind. We cannot forget them, or turn our back on them. In many places we will point out where there are those in Congress fighting on behalf of veterans, and those in Congress who say they are fighting on behalf of veterans, but it is not coming out on the other end.

I want to talk about the Social Security proposal that has been put forward by not only the President and some Republican leaders, not only in the House but in the other body. I think it is important that the American people understand that in Washington, DC, all you may see and hear may not be true. It is also important that we point out those inequities because anything that goes toward private accounts, I think that the American people need to continue to be very wary of. You can dress a private account up and put a fake mustache on it and a wig, but it is still privatization of Social Security.

The bottom line is across the board with both of these proposals, Americans will lose benefits if we go into private accounts. Will private accounts deal with the Social Security solvency issue? I must add that is 47 years away; 100 percent of benefits will still be provided to 48 million Americans, those 33 million in retirement, the rest who are receiving disability and survivor benefits. It will be here. What we are asking for on this side as it relates to the Democratic leadership, not only the gentlewoman from California (Ms. PELOSI) but also the gentleman from Maryland (Mr. HOYER), the Democratic whip, the gentleman from New Jersey (Mr. MENENDEZ), our chairman, and our vice chairman, the gentleman from South Carolina (Mr. CLYBURN), we have not only an ongoing, but are working toward a bipartisan approach.

Mr. Speaker, I must also add there is a discussion going on now, there was a press conference last week talking about we have a bill and private accounts. It is not as bad as the President's bill, but it is starting us off on private accounts. In this same press conference it was admitted by the sponsors of the bill this will not deal with the solvency of Social Security. I do not know why we are trying to fool the American people. I do not know why we are going through this dance that we call here in Washington the Potomac two-step, trying to fake out the American people.

The gentleman from Ohio (Mr. RYAN) and I are going to attempt to share not only with the Members that we know exactly what they are doing, and we are here, elected by the people from our districts, and also representing the people of the United States of America, to make sure that they know exactly what is going on.

Tonight is not about the 30-Something Working Group and what we want to talk about. It is factual. It is not the Tim Ryan report or the Kendrick Meek report, it is what is happening right now, third-party validaters. And we will continue to come to the floor to point out factual inequities in what the majority side is talking about. We want to make sure that the American people understand the difference, the difference between the leadership of veterans, or not; and the difference between leadership on behalf of Social Security and making sure that we do not leave the present generation and future generations behind.

We talked last week about the issue of the ever-growing deficit. Guess what, we are going to have to pay it off, and I do mean all of us, some $26,000-plus that American people with children, and those unborn, that are going to have to pay because of the ever-growing infatuation with spending.

I think it is important that we point this out.

I want to take a couple of excerpts of what has been said and what has not been done.

For about 6 months the Republicans have talked about, and I would say the Republican leadership because I do not like to generalize. There are some Republicans who are very uncomfortable with both of these proposals. I think it is important that we continue to hold onto those individuals who are showing leadership.

I would also add there are some individuals in the Republican leadership that are trying very quietly to share that private accounts are not the way to go. We are asking them to go see the wizard, not only to get some courage, but to make sure that they stand up to these forces that are trying to push private accounts on the American people.

I have to digress so we can make sure that we all understand, we want to break it down. The bottom line is on the Republican side, by the rules that are set here in the House of Representatives, the majority runs the agenda here in the House. The majority runs the agenda here in the House. I am not only talking to Democrats, Republicans, and the one Independent we have in this House, that we have a responsibility to make sure that we stand up not on behalf of the leader of the Republican Conference or Republicans here in the House, but on behalf of the individuals who woke up early one Tuesday morning to go vote for some leadership. It is time for us to stand up and make that happen.

We hope in the 30-Something Working Group by the pressure applied that two things happen. One, right here and right now, people in the leadership positions make the right decision, to make sure that we make Social Security solvent and do away with the whole idea of trying to go into private accounts.

Private accounts would only benefit those individuals who are involved in the New York Stock Exchange, that care about the $944 billion that they would be able to prosper from in the next 20 years on the backs of everyday working Americans.

I think it is important that before that happens, in whatever form, and I am in no way supporting or encouraging any of the Members of this House to try to move in that direction, that we need to make sure that Democratic Members who are solid on this issue, and the few Republicans who are solid on this issue, that we stick together on behalf of the American people. Or we may very well have the American people say, fine; I am a Republican or Democrat or Independent, I believe in my Social Security and I want it here.

If you are not a recipient of Social Security, you have a family member that is a recipient of Social Security. If you do not have a family member that is a recipient of Social Security, you will have a family member that will be a recipient of Social Security. That is the good thing about America, is that we care about one another. These individuals work every day and may hurt themselves on the job, and they count on Social Security.

Mr. Speaker, it is once again an honor to have the gentleman from Ohio (Mr. RYAN) to share this hour, and also to let the Members of this House, to let them know exactly what the truth is.

Mr. RYAN of Ohio. Mr. Speaker, I think it is important as we start tonight and get things rolling here we talk a little bit about what the new proposal is. The 30-Something Working Group has taken a step in another direction as far as our billboards. We are going to go with hand-drawn charts. It is like we are in the locker room during half-time of the football game.

I think it is important to know where we end up after the second proposal that is circulating around Congress. Democrats have not seen one plan yet, but the important thing for the American people to understand is the second proposal that is now circulating around Congress ends up at the same exact place that the first proposal put us.

So here we have on our little chart here everything broken down. The original Bush proposal is on the right, and the new proposal that is circulating in Congress is on the left.

Mr. Speaker, the gentleman from Florida (Mr. MEEK) may remember that the first proposal was out of the 12-plus percent, 12.4 percent you pay into Social Security, half by the employer and half by the employee, the Bush proposal was saying that the employee could take up to 4 percent of that and put it in this side private account. Right out of your paycheck, you could give 4 percent and put it into a private account. The rest of yours, the 2.2 left from yours and I think the 2.2 left from the employer, would go into the Social Security trust fund. The employer was actually getting a break. They would not have to match. So the Wal-Marts of the world would not have to match their employees' 4 percent that they put in the private account. So the diversion into the side account is what led to the whole shortfall.

In the second proposal that is now being circulated around Congress, it is just a shell game. All they do, instead of allowing someone to divert the money right away from their paycheck, you send the whole thing to Social Security and then Social Security takes a portion of it and puts it into a private account with your name on it. So it is just a typical Potomac two-step.

Mr. MEEK of Florida. Mr. Speaker, that is exactly what they are doing.

Mr. RYAN of Ohio. It is a typical shell game in Washington. All of a sudden we have a new proposal. It is all different. The end result is the same thing. There is money not going into a trust fund that is being diverted into a private account. Here is the kicker. There is going to be a tremendous increase in administrative costs for people to have to handle this money, and there is going to be a reduction in the benefits that people get. That is why we are here every week talking about the same issue over and over because we are not going to allow any privatization scheme to come through this body that is going to reduce the benefits.

In the first proposal from the paycheck to the private account, the rest goes in Social Security. The second proposal, here is the paycheck, and everything goes to Social Security and then Social Security will then divert it to a private account with your name on it. It is just a shell game to try to sell the new proposal. You can put lipstick on a pig, but it is still a pig.

Mr. MEEK of Florida. Mr. Speaker, the Members need to truly understand this. We know where we are as Democrats. We are solid on the side of the issue of dealing with the solvency of Social Security beyond the 48 years it will be solvent, and beyond 80 percent benefits that individuals will receive after that.

The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and I have been working on this issue. We have had town hall meetings on it. Democrats have had some 900 town hall meetings throughout the country and will continue to have more to make sure that we fight against this issue of privatization and make sure that we make sure that Social Security is there for future generations.

□ 2245

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank the gentleman for yielding to me.

It is wonderful to be here with the both of them, my two esteemed colleagues from the next generation in the United States Congress, and I have been able to listen to a little of what they have been saying on my way over here.

A few weeks ago when we were talking about this before the latest version of the privatization scheme was put on the table, we were talking about how interesting it is that no matter how many times they are told no, they still keep coming back with the same concept, just a different version. And I know I analogized it is like when I speak to my children and they keep asking me and asking me if they can do something that I do not think they should do for one reason or another, whether it is not responsible or they are not old enough, and they try a lot of different versions of the same thing, and the answer is still no because I have carefully reviewed what they want to do, as their parent, and decided it is not the best timing right now or for whatever reason I have concluded it is not a good idea.

It would be as if one's teenager came to them and said Mom, Dad, I really want to go to this party, and I want to stay out until 2 o'clock in the morning, and the parent said, no, that is not a good idea, and so they come back to them. This new proposal is like if one's teenager came back to them and said I still want to go to the party, but I promise I will be home by midnight. The whole idea was that they did not want them to go to the party in the first place.

And after 60 days initially on the road trying to sell his privatization scheme to the American people and essentially they have rejected it and an additional 60-day effort where the more the President talks about this, the less people like it, it is mindboggling to me. And I am the sort of baby of the group of the three of us, I am a freshman, I was just elected. It is mindboggling to me that they do not want to come to the table now, as we have been asking them to do, and come up with a bipartisan solution.

Privatization balloons the deficit. It cuts benefits; and yet every version of their proposal, the premise of it is to privatize Social Security, and that pulls the safety net out from future retirees and, quite honestly, from people who are about to retire.

I actually had an electronic town hall meeting today at 4:30, which was amazing. We got tremendous feedback. But can I tell my colleagues that not one person who participated, and I had over 100 people participate live and 120 people signed on in advance of our beginning, and no one said, "You really need to consider private accounts. We really want you to do this." I mean, it is time to sit down and put privatization aside, and like in 1983 when Tip O'Neill and Ronald Reagan and Daniel Patrick Moynihan and others who were part of that group sat down and in a bipartisan way came up with a solution. It is time.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. Mr. Speaker, I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, the gentlewoman just said in a State like Florida that the President won in the last election is not getting the kind of support. Here is an interesting statistic, group of statistics, asking rural voters: "Are Bush's proposed changes to Social Security mainly consistent with the values of the people in your community or out of step?" And here is the pie chart. All rural voters, consistent with rural voters' values, 27 percent; out of step with our values, 61 percent. And Bush cleaned Senator KERRY's clock in rural areas, and 61 percent of rural America believe that the President's proposed changes to Social Security are out of step with their values. And when we look at White fundamentalists, 55 percent; conservatives, 47 percent; White women, 65 percent; Bush voters, 44 percent; and Southerners, 58 percent.

Why are we having this debate? Why are we having this argument when we have all these other issues that need to be addressed in Congress and the President keeps running against the wall, hitting his head, bouncing back, and thinking if he keeps running and keeps hitting his head that somehow it is going to change. And when this President in particular, who has done so well in rural areas, is losing support on this issue, it is mindboggling to me.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the two of us are from a State and from a region of a State where it would be expected that there would be deep, deep concern about the potential privatization of Social Security. Obviously, we have a disproportionately high percentage of senior citizens in my district and the gentleman from Florida's district. But like the gentleman from Ohio said, across all demographic groups, all regions of the country, there is no group that has wide or deep support for this concept, and that is because people are uncomfortable at every level with the explosion of the deficit and this proposal's potential to expand it even more.

When I asked at my live town hall meetings whether people were confident enough in their own investment ability to be assured that their own investment decisions would carry them all the way through their entire retirement years, no one except for two people in three town hall meetings with more than 600 people in attendance, no one raised their hand, because look at the ebb and flow of the stock market; and this proposal is not backed by the full faith and credit of the United States. If people hit a bump in the road where one year the stock market is not going so well, it is whatever is left when they retire in that account with a proportionate cut in their Social Security benefits.

Mr. RYAN of Ohio. Right. And if the gentleman from Florida will continue to yield, the new system, the new plan that they have where they give the money to Social Security and they put it in side accounts, they are going to invest it in T bills just like Social Security is. So there is no real advantage.

The argument in the first proposal was that we are going to put it in a private account and they are going to be able to gain all this extra interest. Now the new proposal is saying they are going to take it and put it in a private account and they are only going to be able to invest it in T bills just like Social Security is now. So it is just getting more and more ridiculous. It is like a comedy of errors. Every single new proposal is worse than the last proposal. And I think they need to just work with us, work with our side, let us get a solution, make it more solvent, move forward, and start addressing poverty and health care and all the other issues here.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman from Florida will continue to yield, if he does not mind my adding one more thing, like I said, I am a freshman. I was elected. I have been in Congress for 6 months. I really expected there to be a lot more collegiality in this body. The gentlemen are veterans, now, of this process. I have talked to my Republican freshmen colleagues on the other side. We all expected there to be more of an opportunity to work together, less rancor. It is sort of astonishing, and it is astonishing, I think, to the average American that we are still bickering about this and that we are all sharpening our elbows and digging in and going to our respective corners instead of acknowledging, like we are willing to do, that there is a problem with Social Security.

It is not a crisis like the President has been portraying; but there is a problem, a long-term problem with Social Security, and we need to come together and make some changes. But, unfortunately, the leadership in this Congress, the Republican leadership, just wants to be right, or somehow if they say it enough times, perhaps they think that they will be right when the American people are clearly telling them they are not.

Mr. RYAN of Ohio. Or that they just want to win, Mr. Speaker. If the gentleman will continue to yield, this sometimes is not even about policy. It is about winning the argument, and they are losing; so they are trying to find a new way to win it, and it is just not working out.

Mr. MEEK of Florida. And, Mr. Speaker, that is the reason why we are here. It is not about winning or losing under the Capitol dome. It is about the American people being able to win and keep confidence within this body. And I will tell my colleagues now, looking at the recent poll numbers, they do not feel good about what is happening here in Congress.

There was an article on Friday, and it was in The Washington Post: "GOP Sounded the Alarm but didn't Respond to" the issue of Social Security. And I would recommend Members take a look at this. It was written by Michael Allen, and I just want to take an excerpt out of this.

The gentleman from Ohio (Mr. RYAN) mentioned something about winning, wanting to win. We are here to win on behalf of the American people; and one Republican Member of the other body, not this House but the other body, and I know that Members understand that we have the legislative branch, judicial branch, and executive branch but the legislative branch consists of the House and the Senate. But in the other body I must add that if the Republicans take this to a vote and the Democrats try to stop us, we will end up as the winners. That comes from a Member of the other body that is from South Carolina.

Let me just share this with my colleagues. This is not school yard kickball here. This is Social Security, and this is serious business; and this is not about because we can, we will. This is about doing the right thing. And it really is stomach-turning when we see individuals taking an end zone dance and talking about what we can do because we can do it.

If I can, I would like to talk a little bit, because we have limited time here tonight, and we can talk about Social Security, but I have to address this issue of not only the Veterans Affairs but what is happening right now in Iraq and Afghanistan. Earlier tonight during the first Democratic hour, members of the Democratic Caucus read the names of those individuals who have fallen in the line of duty, and we honor and we respect them, and on behalf of a grateful country, we appreciate their family members' sacrifice. They paid the ultimate sacrifice, and so did their loved ones.

A lot of mothers and fathers are no longer with us because we asked them, this Congress asked them, to go into battle and they lost their lives. And, Mr. Speaker, this is the reason why we run not only for Congress. And I hate to hear the gentlewoman from Florida say 6 months. I mean, she spent double-digit years in the State legislature. She has dealt with many of these issues in the Florida house and the Florida senate, and many of those issues are the same here. Unfortunately, the inaction on behalf of the Republican leadership is very disturbing, and I say some of them because I know some are people of good will and want to make sure we do the right thing.

I want to point the attention of the Members, Mr. Speaker, to the June 27, today, article that was on page A13 of The Washington Post: "VA Gets the Picture, No Shortfall Here." I just want to take some excerpts out of this article because we have limited time, but we have to make sure that we call a spade a spade, and that is the reason why I like the 30-Something Working Group because we put it on the table and let it be known. If anybody wants to make an argument, it is democracy. Bring it on and defend the situations that they are making. But, unfortunately, this is not school yard kickball. This is the United States Congress.

"Turns out that $1 billion shortfall for health care funding for our Nation disclosed last week by the House Committee on Veterans' Affairs hearing is only one of many important and vexing dilemmas facing top officials at the Department of Veterans Affairs."

I am going to go a little further down in the article. It talks about a conversation, I believe a conference call, by the Deputy Under Secretary Laura Miller, who said on the May 27 call, "Many of our facilities, medical centers, community-based outpatient clinics, there are about 850 of them in the country, many in rural areas," Mr. Speaker, "and some open only 1 or 2 days a month." Not 1 or 2 days a week; 1 or 2 days a month in rural areas. "And other offices have a picture of Secretary Jim Nicholson prominently displayed. Unfortunately, however," Ms. Miller continued, "there are many facilities that currently do not have the picture displayed. I am aware that the mailings of the pictures occurred on April 22, 2005. So that's more than 5 full weeks." It goes on to say that "We are asking that you give this your highest priority."

□ 2300

This is from Washington, DC. The highest priority, we will continue to ask daily on updates of the status until we are sure that all facilities have a current displayed picture.

In the defense of local VA officials, it turns out that Miller was wrong. Not all the photos went out on the 22nd. We are hearing that some officials disagree that the photos should be the highest priority, and they are asking that it should not be. Also they are saying what they are focused on right now at these local VA facilities is they are trying to sell furniture to buy prescription drugs on behalf of veterans out there now.

Then it goes on, and, unfortunately, it gets worse. The Secretary, Mr. Nicholson, when he testified in a hearing last week, Nicholson was the author of an April 5 letter to Senators saying "I can assure you that the VA does not need additional funds to continue to provide timely and adequate service."

Let me just share something with you. The bottom line here, Mr. Speaker, when we have a Secretary of the Department of Veterans Affairs that is more concerned about his picture being displayed in VA hospitals and community-based facilities, some that I must add are only open 1 or 2 days a month, these are individuals that get all teary-eyed here on the floor talking about what we need to do for the troops and for the veterans, but meanwhile, back at the ranch, we have a $1 billion shortfall. And Democrats have tried to do something about it.

All I have to say to the Secretary is, he wants his picture displayed. I am going to put his picture in my office. His picture will no longer be the priority on behalf of veterans. We will to the Hill and fight on behalf of veterans and make sure that they do not have to wait 6 months to be able to see the ophthalmologist.

Mr. Speaker, I know I am bending on the time here, but I wanted to share this with my colleagues, because I think it is important that everyone understands we are about the business of not just saying pounding our chest and saying "we are going to go to Iraq and make sure that we have democracy there." We are making sure we keep our promise, not only to those individuals that have served in past conflicts, but are in present conflicts.

So the individuals walking around here talking about what we are going to do, and how long we are going to stay, and there is no plan to make the coalition bigger or no plan really to start talking about how we are going to bring our troop levels down in Iraq, meanwhile Democrats are here adding amendments to the Committee on the Budget. And I must add again, we all know, and it is important our constituents know, that the majority runs this House of Representatives. The bottom line is, they bring bills to the floor, they bring issues to the floor. Some issues we can work with them on. But when it comes down to veterans, to health care, when it comes down to Social Security and folks want to talk about something that is going to take us back versus move us forward, we have a problem with it.

There was an amendment, an alternative to the budget that was passed on

March 5 of this year, the Democratic budget. It included a $20.9 billion increase for the next 5 years for veterans health care in order to meet the needs of the returning soldiers and veterans who rely on VA hospital care. Without that, there will be an estimated fee, can I say "tax" on veterans, to pay more for their health care.

Now, they have been lied to. I will not be an unindicted co-conspirator in that lie. I think it is important that we make sure that the veterans know. I see veterans, and I am not concerned about their party affiliation. The bottom line is what they get and are not getting. What they are not getting, in my opinion, is appropriate representation that they need here in Congress to make sure that they get what they need.

Am I emotional about this? You are dog-gone right I am, because I would not be here under this flag if it was not for individuals that have served this country, day in and day out. Many of them have to put on a prosthetic limb to walk around in the morning. Many of those individuals cannot perform the kind of functions that they carried out prior to going into a conflict. So, I have no time and no tolerance for the Potomac Two-Step.

Once again, Democrats, people want to know the difference. I am sharing it with them right now. Once again, an amendment in the committee by one of our great Members, the gentleman from Texas (Mr. EDWARDS), increased health care funding above President Bush's proposed budget by $1.9 billion, an estimate that the Republican budget plan for $798 million in veterans cuts over 5 years. Once again, a Democratic Member from Texas supported by Democratic members of the Committee on Ways and Means, a 15 to 20 vote.

The bottom line is, one of two things needs to happen: Either some individuals on the Republican side have to step up and represent the people that sent them here, or the American people are going to have to make a difference.

I will tell Members in closing that I am really, truly not concerned about individuals' feelings being hurt about what I am sharing with them as it relates to facts and what we are sharing with them as it relates to facts. If we were here talking fiction, I would not be able to sleep well at night.

I will tell you right now, this is factual. Individuals can go into the record. As a matter of fact, they can go to nationaljournal.com/members/markups/2005/03/200506812.htm and find it. It is what it is. And if individuals do not want to man up and woman up and lead, then the American people need to make other decisions.

The gentleman from New Jersey (Mr. SMITH), the former chairman of the Committee on Veterans' Affairs, was removed; not by Democrats, not by the people in his district, but by the Republican Conference. Why? Why? This is Fox News, okay? This is what I am reading right now. Fox News, right off their website. "Smith passed an increase in investment on the Veterans Affairs Administration budget that put him on a different page from party leaders." He is no longer the chairman because he decided to represent the veterans that are out there in America.

So, the gentlewoman knows, being from Florida, we have a number of veterans. The gentleman from Ohio (Mr. RYAN) from Ohio has a number of proud veterans and reserve units in harm's way. It is important to stand up for them.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman will yield further, there are three things I want to add to augment the gentleman from Florida's comments. One of them is 30-something oriented.

I noted when I went and spoke at Memorial Day services this year and Veterans' Day services on November 11 of last year, that every previous Veterans' Day and Memorial Day that I was able to participate in as an elected official prior to my time in the legislature, I was able to thank them. And generally the crowds that come to those events are older folks, senior citizens especially in Florida, veterans of many wars. I was able to say "thank you" from our generation, because prior to now, our generation is the first since before World War II that has never been called to war, that had never had the casualties that the generations before us had. And I was able to thank them for allowing us to stand on their shoulders and their sacrifice.

But I cannot say that any more. I cannot say that any more, because, as was read tonight, the more than 1,500 names that we are in the process of reading, we could have a whole hour just on the Iraq war and our deep concerns over that.

But to continue in the gentleman's thought process about health care for veterans, I visited Walter Reed Army Medical Center a few weeks ago and had an opportunity to visit with soldiers who had come back from Iraq and Afghanistan without their legs, hearing their stories, watching the pain etched in their face, and the dedication that they have. To the person, they wanted to go back, and their regret was they were not able to, they had to leave their comrades behind.

These people are struggling to get the health care they need when they are still enlisted. At home in South Florida and across the country, our veterans, as the gentleman said, 6 months is not an exaggeration for how long our veterans have to wait to get their health care needs taken care of. Is that the thanks that we give them, the proud veterans that have served this country?

We sound so soap-boxish, but your actions have to back up your words. It is really nice to stand on the floor and give a good speech and get all choked up, but what matters is how you cast that vote and what your light up on that board when they put it up there says, and you are either with them or against them. The Members that voted against those amendments that were offered in committee and on this floor and who opposed them, in spite of valiant speeches that were made on behalf of those veterans, should be ashamed of themselves.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will yield, 70 percent of those currently in Iraq and Afghanistan are under 30, so they are going to need to access this system because they are going to have a lot of years in it.

□ 2310

Mr. Speaker, we are wrapping up here; I think we just have a few minutes left. If you have any e-mails you want to send to us, the address is as follows:

30something.dems@mail.house.gov.

Again, the address is 30something.dems@mail.house.gov.

I received a letter today from a local veteran in Ohio. Korean War veteran Bob Brothers wrote and sent me a copy of a letter to the editor that he was sending. He wrote this after the flag burning amendment that we voted on last week. He calls it, "Conundrum: Congress of the United States is voting on a flag desecration amendment to the Constitution of the United States of America. The riddle is, this allows Congressmen to stand under the American flag and declare, I am patriotic. The pun is these same Congressmen vote against mandatory funding for the Veterans Affairs Department. This demonstrates to me the true hypocrisy of Congressmen and women who vote against mandatory funding for the Veterans Affairs Department. Why are these two items not attached so that courage, honor, and valor become necessary when they enter the Chamber to vote?

"A veteran is a veteran is a veteran. When as a young kid I hit the beach in Korea, I did not see any Congressmen or Congresswomen, and I was not asked my income before going ashore. I will not vote for anyone who tries to show they are patriotic by voting for the flag desecration amendment and voting against mandatory funding for the Veteran Affairs Department. Iraqi Freedom veterans take note: as soon as you are discharged, you will begin a lifelong battle with your government. A vote for the flag desecration amendment coupled with a vote against mandatory funding for the Veterans Affairs Department brings shame on the very symbol of liberty and freedom that my comrades gave life and limb and more since it all began over 200 years ago. Not giving the care veterans earned and deserved is burning the flag."

That was from Bob Brothers, a Korean War veteran from my district who is at every Memorial Day, at every Veterans' Day event that there is. They are committed to the community. So I just wanted to share that.

We have a long way to go here, and I think the point tonight is, the argument nationally is about Social Security and how we are going to fix a problem that does not exist for 40 years, or are we going to address the veterans issues that we face today.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I think that we have demonstrated here tonight, as we will in the future, that there are so many issues facing our generation, and we need to make sure that we take this country back in the right direction so that when our generation inherits the results of the decisions that we are making here, that we are not struggling to make sure that we can clean up the mess that was left for us.

Mr. MEEK of Florida. Mr. Speaker, once again, we had another good 30-Something Working Group Special Order. We look forward to coming back after we celebrate our independence on the Fourth of July. As my colleagues know, here on the Washington Mall we have quite a celebration and throughout America in many small towns and cities. We will be coming back to the floor to talk about Social Security, factual information, and to talk about how Democrats are part of the solution.

I must say, once again, we are not here to generalize. We have some Republicans on the other end that are totally against the privatization of Social Security and totally for the full funding, as the gentleman from New Jersey (Chairman SMITH) was, as it relates to veterans affairs, doing better by our veterans. Seventy percent of the individuals who are fighting in Iraq are young people who are doing what they have to do.

Mr. Speaker, with that, we would like to not only thank the Democratic leader but the Democratic leadership for allowing us to come again.

U.S. INTELLIGENCE

The SPEAKER pro tempore (Mr. MCHENRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 44 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening to discuss for the next 45 minutes the most important topic that will allow us to protect the homeland, provide for the security of the American people and our allies and our troops around the world: our intelligence.

Last Thursday, Mr. Speaker, I had a meeting with the very able and distinguished chairman of the Permanent Select Committee on Intelligence, the gentleman from Michigan (Mr. HOEKSTRA). We discussed many things, one of which was a source that I had hoped that we could get some information to assist us in understanding the threats in Iraq and the Middle East, and especially in regard to Iran.

I said to the gentleman from Michigan (Mr. HOEKSTRA), I am going to make a prediction to you. Based on my source, I said, common wisdom tells us that the winner of the election in Iran that will take place on Friday and Saturday our time will probably be Rafsanjani. He is the name that most pundits have said would be the likely winner in a two-person runoff against the more conservative and not well-known mayor of Tehran. But I said to the gentleman from Michigan (Mr. HOEKSTRA), based on information we had, the election was not going to be close; it will be a landslide. But the conservative mayor of Tehran, a relative unknown, had been anointed by Ayatollah Homeni in Iran and he would in fact win the Iranian election.

We all saw the results, Mr. Speaker, on Saturday night and Sunday morning as, in fact, the mayor of Tehran won the election with a margin of 62 to 38 percent, an overwhelming landslide. I raise this issue, Mr. Speaker, because good intelligence and good information is the most critical tool that we can have over the next several years and decades to protect our homeland.

Mr. Speaker, I rise because information has come to my attention over the past several months that is very disturbing. I have learned that, in fact, one of our Federal agencies had, in fact, identified the major New York cell of Mohamed Atta prior to 9/11; and I have learned, Mr. Speaker, that in September of 2000, that Federal agency actually was prepared to bring the FBI in and prepared to work with the FBI to take down the cell that Mohamed Atta was involved in in New York City, along with two of the other terrorists.

I have also learned, Mr. Speaker, that when that recommendation was discussed within that Federal agency, the lawyers in the administration at that time said, you cannot pursue contact with the FBI against that cell. Mohamed Atta is in the U.S. on a green card, and we are fearful of the fallout from the Waco incident. So we did not allow that Federal agency to proceed.

Mr. Speaker, what this now means is that prior to September 11, we had employees of the Federal Government in one of our agencies who actually identified the Mohamed Atta cell and made a specific recommendation to act on that cell, but were denied the ability to go forward. Obviously, if we had taken out that cell, 9/11 would not have occurred and, certainly, taking out those three principal players in that cell would have severely crippled, if not totally stopped, the operation that killed 3,000 people in America.

Tonight, I am going to provide some background to my colleagues, because I think this represents a major problem with our intelligence that needs to be focused on by the committees of the House and the Senate, by the leadership of the House and the Senate, by John Negroponte, the new person assigned by President Bush, and a very able man, to integrate the 33 classified systems overseen by the 15 Federal agencies.

I want to also start off by praising Porter Goss, the director of the CIA. Porter served us extremely well in this body as the chairman of the Permanent Select Committee on Intelligence; and he went over to the CIA with an aggressive agenda to change that agency, and he has begun that process. We, in this body, need to rally the American people to support the efforts brought forward by Porter Goss and to allow John Negroponte to undertake perhaps the most difficult task in protecting the security of America, a task that will not be easy, given the history of our Federal agency system.

Let me take my colleagues back, Mr. Speaker, to 1999. It was, in fact, the spring of 1999 when I was first involved in taking a delegation of 10 Members of Congress to Vienna with the support of my friend and colleague, the gentleman from Maryland (Mr. HOYER), and with the support of the Clinton State Department.

□ 2320

The 11-member delegation of five Democrats, five Republicans and myself, along with the State Department employee, traveled to Vienna to meet with five senior leaders of the Russian political parties. Our purpose was to try to reach a framework that could allow for a peaceful resolution of the war in Kosovo on the terms that the U.S. had desired after Ramboullet.

After securing a military plane, my Russian friends told me they were bringing a Serb along with them, a Serb who would be able to understand what we were talking about and help us decide and determine whether or not Milosevic back in Belgrade would accept any recommendations that we would develop. I did not know anything about the Serb. I knew the Russians. But I figure I had better ask the CIA what they knew about this Serb so I could be better prepared, and to make sure that the Serb was not a part of the Milosevic regime, because that would cause myself and my colleagues to be in violation of the Hobbs Act because we were at war with Serbia at that time.

So I called George Tenet. I said, Director Tenet, can you give me some information about this Serb? His family is evidently well known. I need to know whether or not he is a part of the Milosevic regime. I need to know any other information you can provide to me because we are going to meet with him when we travel to Vienna to meet with the Russian leaders to help provide a beginning of a solution to end the war in Kosovo.

He called me back the next day and he gave me a couple of sentences and said not to worry, he was not a part of the Milosevic regime. And he had strong ties to the Communist Party inside of Moscow and had ties to other leaders in the Russian Government. It was not much to go on.

But at the time, Mr. Speaker, I was chairman of the Defense Research Subcommittee of the Armed Services Committee. My job was to oversee the funding, approximately $40 billion of defense research money on new systems and new technologies. And one of the most striking technologies was the work being done by the Army's Information Dominance Center at Fort Belvoir, formerly known as the LIWA, the Land Information Warfare Assessment Center. I had visited the LIWA several times and was tremendously impressed with not just the ability to provide security for our Army classified systems, but I saw a unique approach to doing well beyond that, data mining, data collaboration, using cutting-edge software tools like Starlight and Spires, able to do profiling. Having plussed-up funding for this facility after talking to George Tenet, I called my friends at the Army's Information Dominance Center and said, can you do something for me as a favor, off the record? And they said sure, Congressman, whatever you like. Would you run me a profile of this Serb, for the same reason I had asked the Director of the CIA. They said, no problem, Congressman; we will get back to you in a few hours. And they did. They gave me 10 pages of information, Mr. Speaker, about the Serb and his ties. Now, the information was not vetted but it was from a number of sources that the Information Dominance Center was able to pull together very quickly. I used that information as we traveled to Vienna to understand who we were meeting with. We had those meetings for 2 days and my colleagues, my five Republican and five Democrat colleagues, worked aggressively to establish a framework that would begin the end of the Kosovo war. In fact, it was historic.

When we returned to Washington several weeks later I was contacted by the FBI and they said, Congressman, we would like to debrief you. We would like you to tell us what you know about that Serb that you all met in Vienna. I said, no problem, I will be happy to do it Monday afternoon in my office. The Friday before the Monday, my DC office paged me with a 911 page. When I called them they said, you have got to call CIA Congressional Affairs immediately, which I did. CIA Congressional Affairs said, Congressman WELDON, we are going to fly two agents to Philadelphia this evening. They will meet you at the airport, at a hotel, at your home, wherever you want to meet them. And I said, I am sorry, I cannot do it. It is a weekend. It is a Friday night. I have got events already planned. What is the urgency of this meeting? And the CIA Congressional Affairs person said well, Congressman, we have been tasked by the State Department to brief our Ambassador, who is negotiating the final terms to end the war in Kosovo, and he needs to know something about this Serb that you met in Vienna. I said, well, the FBI has already called me for that. Can we not do it together? And finally, after pushing back for 10, 15 minutes, the CIA agreed. And so on Monday afternoon in my office I hosted four agents, two FBI and two CIA. These agents asked me four pages of questions about the Serb that I had met with along with our colleagues in the House.

When I finished answering all their questions and giving them all of the information I had, I said to them, now you know where I got my data from, right? And they said, well, you got it from the Russians. I said, no. Well, you got it from the Serb. I said, no. I said, before I left Washington, before I left my office, I called the Army's Information Dominance Center and asked them to do me a favor. They ran a profile and gave me 10 pages. The CIA rep and the FBI rep said, what is the Army's Information Dominance Center, congressman?

It was then, Mr. Speaker, that I knew we had a problem; that our intelligence systems were not linked together, that the stovepipes were so great that we would never be able to deal with emerging transnational terrorist threats. So beginning in the spring of 1999, I began a process working with the Army, and their subgroup working with them, Special Forces Command down in Florida, which had a similar capability to develop a national prototype, a prototype that could be providing support for the President, the National Security Adviser, and all of our policymakers. In fact, working together over a multiweek period, we came up with a plan, a document. And Mr. Speaker, I would like to place this document in the RECORD at this point in time.

NATIONAL OPERATIONS AND ANALYSIS HUB: NOAH

Policy makers' tool for acting against emerging transnational threats and dangers to U.S. national security.

Policy makers need better decision support tools.

Policy makers continue to work in a vacuum. Briefings and testimonies are the primary vehicles for transmitting information to leadership.

The volume of information germane to national issues is expanding so rapidly that policy makers are overwhelmed with data.

Policy makers need robust situational awareness over growing asymmetric threats to national security.

Policy makers need an overarching information and intelligence architecture that will quickly assimilate, analyze and display assessments and recommended course of action from many national agencies simultaneously.

Policy makers need tools to aid them in developing courses of action against threats to U.S. policy, interests, or security.

Policy makers need virtual communications with one another.

White House, Congress, Pentagon and at the agency levels should each have centers they can go to and receive, send, share, discuss, and collaborate on assessments before they act.

National Level Collaboration Solution: NOAH, National Operations and Analysis Hub.

Tasks supported by NOAH's overarching collaborative environment:

Provide Multi Issue, Multi-agency Hybrid Picture to White House Situation Room, JCS;

HUMINT Support;

Peackeeping Missions;

Humanitarian Aid;

Battle Damage Assessment;

Develop and Leverage new Technologies of important to national security;

Support Congressional Committees/Hearings;

Apply Analysis of Foreign Threat to Policy;

Provide Hybrid Situational Awareness Picture of the Threat;

Incorprote Industrial Efforts of Interests to the Policy Maker;

Link academia directly to policy maker; and

National Emergencies.

NOAH can leverage existing networks to address diverse issues:

NOAH's Hub Center if linked to other agency centers electronically;

Each key agency must prossess a Pod Site and be connected to the NOAH network;

The Pod can consist of a large screen and appropriate connect for collaboration. Operations Centers can simply be converted into NOAH;

National Policy makers cannot control agency Pods, agencies must post replicated data on the NOAH system so that sister groups can access data;

Support multi-level security requirements and can sanitize and "push" data to many types of users to many levels;

NOAH can address National, law enforcement and military needs. The situation will determine the mission;

Ties policy maker, military and law enforcement together;

Goals of the NOAH Hub Center is to apply agency operations, strategies analysis, tactical assessments to a course of action for the policy maker; and

Optimizes group of expertise within each organization—experts always on hand regardless of issue.

NOAH and Pod Site Network:

Part of national policy creation and execution system;

Will existing sites and connectivities where available;

Will share tools available at LIWA IDC so every agency has same tools;

All agencies will post data on NRO highway in a replicated format sensitive to classification;

NOAH's Global Network will use NRO System as backbone;

All centers connect to other centers electronically; and

Mechanism for gathering, analyzing, displaying, tailoring, and disseminating all kinds of information quickly at the national level.

Overview--National Operations and Analysis Hub:

Center dedicated to National Policy Makers at White House, Congress and National Agencies:

Provides system of system advanced technological communications environment to harvest, analyze, display data as needed;

Coordinate and synchronize information among IC, S&T centers, military services;

Provide near real time situational awareness at the national level:

Link virtually via a pod site to every participating member agency: and

Pod sites designed to pull together agency resources on single system of systems.

NOAH's is staffed by members from participating agencies. The staff has a 24 x 7, high bandwidth, virtual connectivity to experts at agency Pod Sites. This provides decision makers with real-time situational awareness of adversary picture and courses.

Steps to Achieve NOAH Capability:

Establish baseline capability by building initial Hub Center and congressional virtual hearing room. Equip White House Situation Room to Collaborate with these sites;

Staff the Hub Center with two reps from each of the 28 key participating agencies;

Link up NOAH internal and external collaborative environment;

Hook in Back up Site for redundancy and begin training on collaborative tools;

Build the 28 Key Agency Pod Sites along model of the Information Dominance Center at Fort Belvoir, VA:

Link all Pod Sites to NOAH hub center establish Protocols for Inter-agency data sharing;

Exercise live ability to retrieve, collate, analyze, display disparate data and provide policy makers course of action analysis at the NOAH Hub Center: and

Refine procedures and Protocols.

Agencies Represented in the National Collaborative Center:

Central Intelligence Agency; Defense Intelligence Agency; National Imagery and Mapping Agency: National Security Agency: National Reconnaissance Office: Defense Threat Reduction Agency: Joint Chiefs of Staff; Army/LIWA; Air Force; Navy: Marine Corps: Joint Counter-Intelligence Assessment Group: ONDCP; and FBI.

Drug Enforcement Agency; U.S. Customs; National Criminal Investigative Service; National Infrastructure Protection Center: Defense Information Systems Agency: State Department; Five CINCs; Department of Energy; Department of Commerce: Department of the Treasury; Justice Department; Office of the Secretary of Defense: National Military Command Center; and National Joint Military Intelligence Command.

Elements to be connected to the national collaborative center would include the White House Situation Room, a Congressional Virtual Hearing Room and a possible redundant, or back-up site.

This document, as you can see, Mr. Speaker, is entitled the NOAH, National Operations and Analysis Hub, Policy Makers' Tool for Acting Against Emerging Transnational Threats and Dangers to U.S. National Security. This 9-page briefing, Mr. Speaker, was put together in the spring of 1999.

I asked the Deputy Secretary of Defense, John Hamre, to take a look at this capability. He went down to the LIWA and he came back and he said, Congressman, you are right. I agree with you. This capability is amazing. It offers unlimited potential. How about sending me a letter describing your interest, Congressman?

So on July 30, 1999, I sent this 3-page letter to Deputy Secretary John Hamre, Deputy Secretary of Defense, at his request, talking about creating an integrated collaborative center for all of our intelligence. I would like to place this letter in the RECORD at this point in time, Mr. Speaker.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 30, 1999.

Hon. JOHN HAMRE,
Deputy Secretary of Defense,
The Pentagon, Washington, DC.

DEAR DR. HAMRE: I believe the time has come to create a central national level entity that can acquire, fuse and anaylze disparate data from many agencies in order to support the policy maker in taking action against threats from terrorism, proliferation, illegal technology diversions, espionage, narcotics, information warfare and cyberterrorism. These challenges are beginning to overlap, thereby blurring their distinction while posing increasing threats to our Nation.

Before we take action to counter these emerging threats, we must first understand their relationship to one another, their patterns, the people and countries involved, and the level of danger posed to our Nation. The Department of Defense has a unique opportunity to create a centralized national center that can do this for the country. It would be patterned after the Army's Land Information Warfare Activity (LIWA) at Fort Belvoir, but would operate on a much broader scale. This entity would allow for near-time information and analysis to flow to a central fusion center, which I would designate the National Operations Analysis Hub (NOAH). I think this title is fitting, as NOAH will provide a central hub built to protect our nation from the flood of threats.

NOAH would be comprised of a system of agency-specified mini-centers, or "pods" of participating agencies and services associated with growing national security concerns (attachment 1). NOAH would link the policymaker with action recommendations derived from fused information provided by the individual pods. NOAH would provide the automation and connectivity to allow the pods to talk together, share data and perspectives on a given situation in a near real-time, computer-based environment.

The NOAH center in the Office of the Secretary of Defense would be comprised of representatives from an initial cluster of pod sites to include: CIA, DIA, National Imagery and Mapping Agency (NIMA), NSA, NRO, Defense Threat Reduction Agency (DTSA), JCS, Army, Air Force, Navy, Marine Corps, ONDCP, FBI, DEA, Customs, National Criminal Investigative Service (NCIS), National Infrastructure Protection Center, Defense Information Systems Agency (DISA), State, the five CINCS, DOE, INS, Commerce, Treasury.

Elements which would be connected into NOAH would include the White House Situation Room, a Congressional Virtual Hearing Room and a possible redundant (back up) site.

The benefits of creating a NOAH include:

For national policy makers, a national collaborative, environment offers situations updates across a variety of issues and offers suggested courses of action, based on analysis, to help government officials make more informed decisions.

For the Intelligence Community, a national collaborative environment will help end stovepiping and create more robust strategic analyses as well as near real-time support to field operations.

For military commanders and planners, a national collaborative environment offers full battlefield visualization, threat profiling, robust situational awareness, as well as near real-timer support to special missions such as peacekeeping, humanitarian aid, national emergencies or special operations.

For law enforcement, a national collaborative environment provides investigative and threat profiling support, and field station situational awareness.

Along with its system of connected agency pod sites, NOAH would permit the display of collaborative threat profiling and analytical assessments on a large screen. It would be a national level operations and control center with a mission to intergrate various imagery, data and analytical viewpoints for decision-makers in support of national actions. I see NOAH as going beyond the capability of the National Military Command Center (NMCC) and the National Joint Military Intelligence Command (NJMIC), providing recommended courses of action that allow us to effectively meet those emerging challenges from asymmetrical threats in near real-time. Given its mission, I believe that NOAH should reside in the Office of the Secretary of Defense (Attachment 2).

I am aware of the initiative to link counterintelligence groups throughout the community. I am also aware of the counterterrorism center at the CIA, the new National Infrastructure Protection Center at the FBI, and a new HUMINT special operations center. I have heard of an attempt to connect the Office of Drug Control Policy (ONDCP) and OSD assets with federal, state and local law enforcement agencies. I also have seen what the Army has done at LIWA, which has created a foundation for creating a higher-level architecture collaborating all of these efforts. Each of these independent efforts needs to be coordinated at the national level. I believe LIWA has created a model that should be used as a basis for creating the participating agency pod sites.

I do not expect that establishment of NOAH should exceed $10 million. Each agency involved could set up its own pod to connect with the central NOAH site or to exchange data with any of its participants. Each agency could dedicate monies to establish their own pod site, while the $50 million available in DARPA for related work could be used to establish the NOAH structure immediately.

The NOAH concept of a national collaborative environment supporting policy and decision-makers mirrors the ideas you have expressed to me in recent discussions, and it is a tangible way to confront the growing assymetrical threats to our nation. I have a number of ideas regarding staffing options and industry collaboration, and would appreciate the opportunity to discuss them with you. Thank you for your consideration. I look forward to hearing from you at your earliest convenience.

Sincerely,

CURT WELDON,
Member of Congress.

Secretary Hamre was interested and he told me, Congressman, I will even pay the bill. The Defense Department will provide the funding for this. And I do not care where they put it, Congressman. It could be at the White House, it could be at the NSC, wherever it is most appropriate, but I will pay the bill. But, Congressman, the problem is not with me or the money. You have got to convince the CIA and the FBI that this is something they want to pursue.

In fact, he wrote me a letter, Mr. Speaker, dated October 21, 1999: "Dear Congressman Weldon, I wholeheartedly agree that combating asymmetrical threats challenging national security requires a collaborative interagency approach as suggested in your concept of the National Operations Analysis Hub. We are actively engaged in assessing how the department should leverage ongoing activities and develop a long-term strategy along these lines. I will keep you apprised of our progress. I would be happy to meet with you on the subject."

And then he puts a personal comment on the note that I will read. "Sir, this is a mealy-mouth response because no one wants to commit to a LIWA-based solution. You know I am very impressed by LIWA and see them involved in a range of activities. I would like to get together with you to review some of our thinking when you have time. John."

Mr. Speaker, I would like to place this in the RECORD.

DEPUTY SECRETARY OF DEFENSE,
Washington, DC, October 21, 1999.

Hon. CURT WELDON,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WELDON: I wholeheartedly agree that combatting the asymmetrical threats challenging National Security requires a collaborative, inter-agency approach, as suggested in your concept of the National Operations Analysis Hub. We are actively engaged in assessing how the Department should leverage ongoing activities and develop a long-term strategy along these lines.

I will keep you apprised of our progress, and I would be happy to meet with you on this subject.

Sincerely,

JOHN J. HARME.

☐ 2330

Mr. Speaker, that was in October of 1999 at John Hamre's suggestion on November 4 of 1999, almost 2 years before 9/11. I had John Hamre and the representatives of the CIA and the FBI in my office. And at John Hamre's suggestion, we went through the 9-page briefing to create an overarching national collaborative center. When I finished the briefing which had been prepared for me with our intelligence officials off the record, the CIA said, Congressman WELDON, that is all well and good, but we really do not need that capability. It is not necessary. We are doing something called CI-21; and, therefore, we do not need to pursue that multi-system approach that you have outlined where we bring in all of these other classified systems.

I was very unhappy with that response because I knew full well the Army and our special forces commands were using that capability at that very moment in a special project against al Qaeda.

So, Mr. Speaker, in 1999 and in 2000 and in 2001, I put language in each of our defense bills calling for the creation of a national collaborative center to bring together our disparate intelligence capabilities and systems for 3 consecutive years. And, in fact, one of those bills required a response by the CIA as to why this system had not been put into place.

But in the meantime, on November 12, 1999, the Defense Information and Electronics Report published an article about the need for a massive intelligence network for shared threat information. On April of 2000, Signal Magazine did another story on a fusion center concept taking root as we kept pushing this process.

Mr. Speaker, the following are both of these articles:

[Nov. 12, 1997]

DEFENSE INFORMATION AND ELECTRONICS REPORT

WELDON: DOD NEEDS MASSIVE INTELLIGENCE NETWORK FOR SHARED THREAT INFORMATION

Senior Pentagon officials are mulling over an idea proposed by Rep. Curt Weldon (R-PA) that would link classified and unclassified documents in a massive intelligence clearinghouse that could be accessed by 33 federal agencies—a concept similar in some ways to one floated by DOD intelligence officials but with significantly fewer players involved.

"Our problem with intelligence is that we're stove-pipped," said Weldon, chairman of the House Armed Services military research and development subcommittee, during a Nov. 8 interview. "Each agency has its own way of collecting data and analyzing it, but they don't share that information with other agencies. The need is to have a better system of analyzing and fusing data sets across agencies and services—certainly within the Pentagon and the military, but my opinion is that we have to go further than that."

Weldon first proposed the concept of a "National Operations Analysis Hub" to Deputy Defense Secretary John Hamre last July, although the congressman said he kept his initiative quiet until a stronger plan could be developed.

The Pentagon-funded network of agencies would be operated by DOD. According to Weldon, it would pull together large amounts of information to produce intelligence profiles of people, regions and national security threats, such as information warfare and cyber-terrorism.

"The NOAH concept of a national collaborative environment supporting policy and decision-makers mirrors the ideas you have expressed to me in recent discussions, and it is a tangible way to confront the growing asymmetrical threats to our nation." Weldon wrote in his July 30 letter to Hamre.

The NOAH concept, however, was not wholeheartedly embraced by Hamre, who met with Weldon last summer and told the congressman his suggested use of the Army's Land Information Warfare Activity at Ft. Belvoir, VA, as a model for NOAH, would never stick.

Because LIWA is already short of resources, the Army is apprehensive about taking on any new tasks, Hamre told Weldon.

Weldon, in a July 21 letter to Hamre, also urged the Pentagon to support additional future funding for LIWA, citing critical budget shortfalls that he said have kept the agency from fulfilling a barrage of requests for intelligence files from Army commanders (Defense Information and Electronics Report, July 30, p1).

"There's massive amounts of data out there, and you have to be able to analyze it and create ways to focus on that data so its relevant to whatever you're interested in," he said this week about his support for LIWA. "Well the Army has already done that."

While Weldon continues to push for NOAH to be patterned after LIWA, he sees it operating on a much larger scale. Impressed by its ability to pull together huge amounts of both unclassified and classified data, Weldon noted LIWA's Information Dominance Center can create in-depth profiles that could be useful to the CIA, FBI and the White House. Yet most federal agencies don't even know LIWA exists, he added.

"Right now the military is limited to [its] own sources of information," Weldon said. "And in the 21st century, a terrorist group is more than likely going to be involved with terrorist nations. So the boundaries are crossed all the time. We don't have any way to share that and get beyond the stove-pipping."

Meanwhile, officials within the Defense Department's intelligence community have been considering another way to amass intelligence information through a concept called the Joint Counter-intelligence Assessment Group. A DOD spokeswoman said proponents of the idea, for now, are unwilling to disclose details about it. She was also unable to say whether a formal proposal to Hamre had been made yet.

In Weldon's July 30 letter to Hamre, however, Weldon alludes to an ongoing "initiative to link counterintelligence groups throughout the community."

"I have heard of an attempt to connect the Office of Drug Control Policy (ONDCP) and [Office of the Secretary of Defense] assets with federal, state and local law enforcement agencies," Weldon wrote. However, Weldon said in the interview he believes JCAG is simply more "stove-pipping."

"I also have seen what the Army has done at LIWA, which has created a foundation for creating a higher-level architecture collaborating all of these efforts," his July letter states.

NOAH would link together almost every federal agency with intelligence capabilities, including the National Security Agency, the Nation Imagery and Mapping Agency, the Energy Department, the CIA and the FBI. Both Congress and the White House would be offered a "node" for briefing capabilities, meaning intelligence agencies could detail situations on terrorist attacks or wartime scenarios.

"It's mainly for policymakers, the White House decision makers, the State Department, military, and military leaders," he said.

Although information sharing among the intelligence community has yet to be formalized through NOAH or JCAG or a similar system, military officials have said they need some kind of linked access capability.

Intelligence systems need to be included within the Global Information Grid—the military's vision of a future global network that could be accessed from anywhere in the world, said Brig. Gen. Manlyn Quagliotti, vice director of the Joint Staff's command and control, communications and computers directorate, during a Nov. 5 speech on information assurance at a conference in Arlington, VA.

"We need a more integrated strategy, including help from [the Joint Staff's intelligence directorate] with intelligence reports or warnings of an attack," he said.

Quagliotti said the toughest challenge for achieving "information superiority" is the need to unite networks and network managers under one command structure with stronger situational awareness capabilities.

Part of [the challenge] is the overwhelming amount of information, the ability to access that Information, and the ability to reach back and get that information, which means that networks become more crucial to the warfight" she said.

FUSION CENTER CONCEPT TAKES ROOT AS CONGRESSIONAL INTEREST WAXES

[From Signal, Apr. 2000]

Creation of a national operations and analysis hub is finding grudging acceptance among senior officials in the U.S. national security community. This fresh intelligence mechanism would link federal agencies to provide instant collaborative threat profiling and analytical assessments for use against asymmetrical threats. National policy makers, military commanders and law enforcement agencies would be beneficiaries of the hub's information.

Prodded by a resolute seven-term Pennsylvania congressman and reminded by recent terrorist and cyberthreat activities, the U.S. Defense Department is rethinking its earlier aversion to the idea, and resistance is beginning to crumble. Funding to establish the national operations and analysis hub (NOAH), which would link 28 federal agencies, is anticipated as a congressional add-on in the Defense Department's new budget. An initial $10 million in funding is likely in fiscal year 2001 from identified research and development accounts.

Spearheading the formation of NOAH is Rep. Curt Weldon (R–PA), chairman of the U.S. House of Representatives National Security Committee's military research and development subcommittee. He emphasizes that challenges facing U.S. leaders are beginning to overlap, blurring distinction and jurisdiction. "The increasing danger is both domestic and international."

Conceptually, NOAH would become a national-level operations and control center with a mission to integrate various imagery, data and analytical viewpoints. The intelligence products would support U.S. actions. "I see NOAH as going beyond the capability of the National Military Command Center and the National Joint Military Intelligence Command. NOAH would provide recommended courses of action that allow the U.S. to effectively meet emerging challenges in near real time," the congressman illustrates.

"This central national-level hub would be composed of a system of agency-specified mini centers, or 'pods,' of participating agencies and services associated with growing national security concerns," Weldon reports. "NOAH would link the policy with action recommendations derived from fused information provided by the individual pod." Automation and connectivity would allow the to talk to each other in a computer-based environment to share data and perspectives on a given situation.

The congressman believes that NOAH should reside within the Defense Department and is modeling the hub's concept on a U.S. Army organization he closely follows. He says the idea for NOAH comes from officials in several federal agencies. However, it is also based on his own experiences with the U.S. Army's Intelligence and Security Command's (INSCOM's) Land Warfare Information Activity (LIWA) and Information Dominance Center, Fort Belvoir, Virginia.

Patterned after LIWA (SIGNAL, March, page 31), NOAH would display collaborative threat profiling and analysis with the aid of a variety of electronic tools, the hub would support national actions, Weldon discloses.

The congressman is conscious of other initiatives such as linking counterintelligence groups throughout the community. He also is aware of the Central Intelligence Agency's, (CIA's) counterterrorism center, the Federal Bureau of Investigation's (FBI's) National Infrastructure Protection Center and a new human intelligence (HUMINT) special operations center, "We don't need another analytical center. Instead, we need a national-level fusion center that can take already analyzed data and offer courses of action for decision making," he insists.

Weldon's wide experience in dealing with officials from the FBI, CIA and the National Security Agency (NSA) convince him that policy makers are continuing to work in a vacuum. "Briefings and testimonies are the primary vehicles for transmitting information to leaders. The volume of information germane to national security issues is expanding so rapidly that policy makers are overwhelmed with data," he claims.

Robust situational awareness of asymmetric threats to national security is a key in assisting leaders, Weldon observes. "Policy makers need an overarching information and intelligence architecture that will quickly assimilate, analyze and display assessments and recommend courses of action for many simultaneous national emergencies," he declares. The concept of NOAH also calls for virtual communications among policy makers.

Weldon's plan is for White House, Congress, Pentagon and agency-level leaders each to have a center where they receive, send, share and collaborate on assessments before they act. He calls NOAH the policy maker's tool. In the collaborative environment, the hub would provide a multiissue, multiagency hybrid picture to the White House situation room and the Joint Chiefs of Staff.

NOAH's concept also includes support for HUMINT and peacekeeping missions along with battle damage assessment. The same system could later help brace congressional committees and hearings. The new capability would allow application of foreign threat analyses to policy, while providing a hybrid situational awareness picture of the threat, Weldon relates. Industrial efforts of interest to the policy maker could be incorporated, and academia also could be directly linked.

In meetings with high-level FBI, CIA and defense officials, Weldon stressed the need to "acquire, fuse and analyze disparate data from many agencies in order to support the policy maker's actions against threats from terrorism, [ballistic misile] proliferation, illegal technology diversions, espionage, narcotics [trafficking], information warfare and cyberterrorism." He is convinced that current collection and analysis capabilities in various intelligence agencies are stovepiped. "To some extent, this involves turf protection, but it clearly hinders policy making."

Weldon, who was a Russian studies major, offers some of his own recent experiences as examples of why there is a strong need for NOAH. He maintains close contact with a number of Russians and understands their programs and technologies. The congressman is quick to recall vignettes about Russian officials and trips to facilities in the region.

During the recent U.S. combat action involvement in Kosovo, Weldon was contacted by senior Russian officials.* * *

Weldon learned from the agents that they were seeking information on Karic to brief the State Department. When he explained that the information came from the Army and LIWA, the CIA and FBI agents had no knowledge of that organization, he confirms. Before his departure for Vienna, the congressman received a six-page LIWA profile of Karic and his family's links to Milosevic.

"This is an example of why an organization like NOAH is so critically necessary," Weldon contends. "LIWA's Information Dominance Center provides the best capability we have today in the federal government to assess massive amounts of data and develop profiles. LIWA uses its contacts with other agencies to obtain database information from those systems," he explains. "Some is unclassified and some classified."

Weldon cites an "extraordinary capability by a former CIA and Defense Intelligence Agency official, who is a LIWA profiler, as one of the keys in LIWA's success. She does the profiling and knows where to look and which systems to pull information from in a data mining and extrapolation process," he proclaims. "She makes the system work."

Weldon intends to use LIWA's profiling capability as a model for building NOAH. "My goal is to go beyond service intelligence agencies and integrate all intelligence collection. This must be beyond military intelligence, which is too narrow in scope, to provide a governmmentwide capability. Each agency with a pod linked to NOAH would provide two staff members assigned at the hub, which would operate continuously. Data brought together in "this cluster would be used for fusion and profiling, which any agency could then request," he maintains.

NOAH would not belong to the Army, which would continue with its own intelligence capabilities as would the other services. There would only be one fusion center, which would handle input from all federal agencies and from open sources, Weldon explains. "NOAH would handle threats like information operations and examine stability in various regions of the world. We need this ability to respond immediately." The congressman adds that he recently was briefed by LIWA on very sensitive, very limited and scary profile information, which he describes as "potentially explosive." In turn, Weldon arranged briefings for the chairman of the House National Security Committee, the Speaker of the House and other key congressional leaders.

"But this kind of profiling capability is very limited now. The goal is to have it on a regular basis. The profiling could be used for sensitive technology transfer issues and information about security breaches," the congressman allows. LIWA has what he terms the fusion and profiling state-of-the-art capability in the military, "even beyond the military." Weldon is pressing the case for NOAH among leaders in both houses of Congress. "It is essential that we create a governmentwide capability under very strict controls."

Weldon adds that establishing NOAH is not a funding issue; it is a jurisdictional issue. "Some agencies don't want to tear down their stovepipes. Yet, information on a drug lord, as an example, could be vitally important to help combat terrorism." He makes a point that too often, federal agencies overlap each other in their efforts to collect intelligence against these threats, or they fail to pool their resources and share vital information. "This redundancy of effort and confusion of jurisdiction only inhibits our nation's capabilities," he offers.

NOAH would provide high-bandwidth, virtual connectivity to experts at agency pod sites. Protocols for interagency data sharing would be established and refined in links to all pod sites. The ability to retrieve, collate, analyze and display data would be exercised to provide possible courses of action. A backup site would be established for redundancy, and training would begin on collaborative tools as soon as it is activated.

The hub system would become part of the national policy creation and execution system. The tools available at LIWA would be shared so that every agency would have the same tools. Weldon explains that all agencies would post data on the National Reconnaissance Office (NRO) highway in a replicated format sensitive to classification. NOAH's global network would use the NRO system as a backbone.

NOAH optimizes groups of expertise within each organization—experts who are always on hand regardless of the issue. This approach ties strategic analysis and tactical assessment to a course of action. "Before the U.S. can take action against emerging threats, we must first understand their relationship to one another, their patterns, the people and countries involved and the level of danger posed to our nation," Weldon say's "That is where NOAH begins."—CAR

So we have pushed the process. Mr. Speaker. We pushed it in legislation passed by this Congress 3 years in a row. I pushed it publicly in magazine articles, in newspapers, in speeches before intelligence symposiums and agency briefings; but the CIA continued to balk.

In fact, Mr. Speaker, I have one of the report languages from H.R. 5408, the conference report printed October 6, 2000, the section entitled "Joint Report on Establishment of a National Collaborative Information Analysis Capability."

That section is as follows:

Joint report on establishment of national collaborative information analysis capability (sec. 933)

The House bill contained a provision (sec. 905) that would: (1) require the Secretary of Defense and the Director of Central Intelligence to prepare a joint report assessing alternatives for the establishment of a national collaborative information analysis capability; (2) require the Secretary of Defense to complete the data mining, profiling, and analysis capability of the Army's Land Information Warfare Activity; and (3) restrict funds to establish, support, or implement a data mining and analysis capability until such a capability is specifically authorized by law.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) require the Secretary of Defense and the Director of Central Intelligence to prepare a joint report assessing alternatives for the establishment of a national collaborative information analysis capability; and (2) require the Secretary of Defense to complete the data mining, profiling, and analysis capability of the Army's Land Information Warfare Activity. The amendment would not restrict funds, but would require the Secretary to make appropriate use of such capability to provide support to appropriate national defense components.

Mr. Speaker, to push this process, a report came back from the CIA dated May 1, 2001, just a few short months before 9/11. And I will read one sentence in this report in the summary: "A single overarching collaborative solution addressing the totality of mission requirements is not practical."

In other words, the CIA said, We cannot create what the Department of Defense already has. Now, Mr. Speaker, the Department of Defense and the Army and our special forces commands already had this capability, and they were using it in 1999 and 2000. I knew they were using it, but was not quite sure of the extent of the use until 2 weeks after 9/11.

Mr. Speaker, exactly 2 weeks after 9/11 where I lost some very good friends, Ray Downey, the chief of all rescue for the New York City Fire Department and one of my best friends, was the chief of all rescue at Ground Zero when the first tower came down. It was Ray Downey who had taken me through the Trade Center in 1993 when bin Laden hit us the first time. It was Ray Downey who convinced me in the late 1990s to introduce legislation, eventually becoming law, to create a commission to make recommendations to prepare for the next terrorist threat.

My legislation was passed, became law, and created what is now known as the Gilmore Commission, chaired by Virginia Governor Jim Gilmore. Ray Downey was one of those commissioners. The Gilmore Commission and Ray Downey gave us three reports before 9/11 of recommendations of things we should be doing to prepare for the next terrorist attack. And they gave us those three reports before 9/11 occurred. In fact, almost 40 percent of the recommendations of the 9/11 Commission were actual recommendations of the Gilmore Commission. But because the attack had not occurred, it did not get as much visibility.

On September 11, Ray Downey was killed. I brought his wife and five kids to my district 1 month after 9/11, and 40,000 of my constituents came out to honor Ray as an American hero at a parade ending at our county park.

We also lost one of my neighbors. Mr. Speaker, a fellow graduate of Westchester University, Michael Horrocks who served our Nation in the Navy, was a pilot on one of the planes that was commandeered on September 11. Michael left behind a young wife, a teacher in my district, and two young children in the Rose Tree Media School District. In fact, we built a playground in Michael's honor at the school of the two children.

Mr. Speaker, September 11 touched all of us; 3,700 of us were wiped out. Two weeks after 9/11, my friends from the Army's Information Dominance Center in cooperation with special ops brought me a chart. This chart, Mr. Speaker, this chart. Two weeks after 9/11, I took the basic information in this chart down to the White House. I had asked for a meeting with Steve Hadley, who at that time was Deputy National Security Advisor. The chart was smaller. It was 2 feet by 3 feet, but the same information was in the center.

Steve Hadley looked at the chart and said, Congressman, where did you get that chart from? I said, I got it from the military. I said, This is the process; this is the result of the process that I was pitching since 1999 to our government to implement, but the CIA kept saying we do not need it.

Steve Hadley said, Congressman, I am going to take this chart, and I am going to show it to the man. The man that he meant, Mr. Speaker, was the President of the United States. I said, Mr. Hadley, you mean you have not seen something like this before from the CIA, this chart of al Qaeda worldwide and in the U.S.? And he said, No, Congressman. So I gave him the chart.

Now, Mr. Speaker, what is interesting in this chart of al Qaeda, and you cannot see this from a distance, but right here in the center is the name of the leader of the New York cell. And that name is very familiar to the people of America. That name is Mohammed Atta, the leader of the 9/11 attack against us. So prior to 9/11, this military system that the CIA said we did not need and could not do actually gave us the information that identified Mohammed Atta's cell in New York. And with Mohammed Atta they identified two of the other terrorists with them.

But I learned something new, Mr. Speaker, over the past several weeks and months. I have talked to some of the military intelligence officers who produced this document, who worked on this effort. And I found something out very startling, Mr. Speaker. Not only did our military identify the Mohammed Atta cell; our military made a recommendation in September of 2000 to bring the FBI in to take out that cell, the cell of Mohammed Atta. So now, Mr. Speaker, for the first time I can tell our colleagues that one of our agencies not only identified the New York cell of Mohammed Atta and two of the terrorists, but actually made a recommendation to bring the FBI in to take out that cell. And they made that recommendation because Madeleine Albright had declared that al Qaeda, an international terrorist organization, and the military units involved here felt they had jurisdiction to go to the FBI.

Why, then, did they not proceed? That is a question that needs to be answered, Mr. Speaker. I have to ask, Mr. Speaker, with all the good work that the 9/11 Commission did, why is there nothing in their report about able danger? Why is there no mention of the work that able danger did against al Qaeda? Why is there no mention, Mr. Speaker, of a recommendation in September of 2000 to take out Mohammed Atta's cell which would have detained three of the terrorists who struck us?

□ 1140

Those are questions, Mr. Speaker, that need to be answered.

Last week, I asked the gentleman from California (Mr. HUNTER), the chairman of the Committee on Armed Services, my good friend, and the gentleman from Michigan (Mr. HOEKSTRA), the chairman of the Permanent Select Committee on Intelligence, my good friend, who I have the highest respect for both of these individuals, to allow us to proceed with an investigation that has not yet been brought forward to the American people and our colleagues in this body.

We need to know, Mr. Speaker, why those recommendations, if they, in fact, occurred, as my intelligence military friends told me that they occurred, why were they stopped. Now, Mr. Speaker, I have been told informally that they were stopped because the lawyers at that time in 2000 told them that Mohamed Atta had a green card and they could not go after someone with a green card.

I have also been told, Mr. Speaker, that it was because of the fear of the lawyers of the fallout that had occurred on the Waco attack in Texas just a short time earlier. Mr. Speaker, if that is, in fact, the case, that is an outrage and a scandal. If our reason for not going after the Mohamed Atta cell was because of the fear of the fallout from Waco, then someone needs to answer some questions.

The bottom line process in all of this, Mr. Speaker, is that this capability, which the CIA said we did not need, which the CIA said was not necessary, which was, in fact, being used by the military, both the Army and Special Forces command did something the CIA did not do. It identified the key cell of Mohamed Atta prior to 9/11, and it actually gave us a suggestion to deal with that cell. Mr. Speaker, this story needs to be investigated. This information needs to be pursued.

Now, Mr. Speaker, in spite of the CIA's refusal to implement a national collaborative center, thank goodness our President did respond, and in January of 2003, standing in this very chamber, in the State of the Union speech, he announced the TTIC, the Terrorism Threat Integration Center. Mr. Speaker, the TTIC is identical to the NOAH, no different, same concept, same design, linkage together in one location of all 33 classified systems.

But, Mr. Speaker, we proposed that in 1999, 2 years prior to 9/11. The administration put it into place in January of 2003. That is the same capability that the CIA said we do not need that, Congressman; we cannot do that, Congressman; we have better ways to assess emerging threats. TTIC has now been reformed. It is now known as the NCTC, the National Counterterrorism Center, but Mr. Speaker, I still have concerns, and I rise this evening to express those concerns.

This capability was produced in 1999 and 2000 by the IDC, the Information Dominant Center. I asked them to update me on al Qaeda, to show me what they can do today at the IDC. This, Mr. Speaker, is al Qaeda today. It is obviously impossible for anyone watching our television monitor to see what is on this chart. I have had this chart magnified by a large factor and have large copies in my office.

Each of these little individual people are cells of al Qaeda, are groups of al Qaeda, clusters of al Qaeda around the world. In fact, Mohamed Atta's cell is identified in this chart. This chart, Mr. Speaker, was prepared through the national collaborative efforts of our IDC, using, Mr. Speaker, open source data. That chart was produced with open source data.

What troubles me, Mr. Speaker, is in talking to my friends in the defense community who work with the NCTC, I have learned that quite possibly the NCTC cannot duplicate this capability. That is a question I plan to get answered this week because we have a very new and very capable leader of the NCTC that hopefully will tell me I am wrong, that they can produce this kind of capability to understand a threat group like al Qaeda.

I rise tonight, Mr. Speaker, to raise the importance of intelligence collaboration. We can never allow ourselves to return back to the days prior to 9/11, to the days where individual agencies or individual agencies that think that they have all of the answers in providing security for our country and intelligence for our agencies and our policy-makers. Mr. Speaker, we can never return to the days of 1999 and 2000, and I hope this is not the case today, but back in those days where the agency bureaucrats were fighting with each other over who would take credit for the best information. Let me read a couple of excerpts, Mr. Speaker.

Back in 1999, when I was pushing the CIA to establish this collaborative capability and our military was actually using that capability, focusing on emerging threats like al Qaeda, this conversation went back and forth, Mr. Speaker, September 1999. This is, by the way, written from military intelligence officers, a summary of notes to me.

At the military's inception, the CIA drags its feet and limits its support to the effort. In an off-the-record conversation between the DCI and the CIA representative to this military unit, a man that I will call Dave and our military intelligence officer explains that even though he understands the military's effort is against the global infrastructure of al Qaeda, he tells me that the CIA will, and I quote, never provide the best information on al Qaeda, end quote. Why would they not do that? Because of the effort that they were taking as part of a finding they had on bin Laden himself and if the military's project was successful it would, quote, steal their thunder. Steal the CIA's thunder.

Dave went on to say that short of the CINC, General so and so, calling the Director, George Tenet, directly, the CIA would never provide the best information to the military on al Qaeda. To my knowledge, that information was never provided.

Mr. Speaker, never again can America allow intelligence bureaucrats to argue back and forth over who is going to steal whose thunder, that you heaven forbid would want to embarrass the CIA because a military intelligence unit got information that is supposed to be under their authority and jurisdiction.

Mr. Speaker, I am not going to read all these pages, but this classified information that I have to back up what I have given in unclassified format, will be provided and has been provided for the chairman of our intelligence oversight committee and our armed services oversight committee.

Again, I have to ask the question, why did the 9/11 Commission not investigate this entire situation? Why did the 9/11 Commission not ask the question about the military's recommendation against the Mohamed Atta cell? Why did the 9/11 Commission not document the internal battles and disputes between agency personnel going after the same terrorist organization al Qaeda?

If we are truly going to have an understanding of the need to reform our intelligence system, then we have to be honest with the American people about the past.

□ 2350

Mr. Speaker, I rise tonight because I am very troubled by what I have seen and by what I have heard. I have interviewed and talked to some very brave military intelligence officers who, back in 1999 and 2000, were involved in protecting America. They knew what we needed, and they were trying to do it. As I have read to you, there were some in other agencies, especially the CIA and some in DIA, who were saying you cannot do that, that is not your area.

That is our area. You cannot steal our thunder. That is our job, not your job.

Never again, Mr. Speaker, can we allow agency bureaucrats to argue over who is going to get the credit for solving the next attack or planned attack against us. I do not rise tonight, Mr. Speaker, to embarrass anyone. I rise tonight because of my own frustration. We knew 6 years ago what direction we had to go. The agency said we do not need that, Congressman, we know better than the Congress. Trust us.

Thank goodness President Bush put that system in place when he took office. If we had had that system in 1999 and 2000, which the military had already developed as a prototype, and if we had followed the lead of the military entity that identified the al Qaeda cell of Mohamed Atta, then perhaps, Mr. Speaker, 9/11 would never have occurred. Certainly taking out the Mohamed Atta cell and two of the terrorists that were with him, would have had a profound positive impact in shutting down the major plan against us that moved forward on September 11, 2001.

Mr. Speaker, I have placed these documents in the RECORD because I want our colleagues to have a chance to read them. I want our colleagues to see the facts and the information, and I want to support our very capable chairman, the gentleman from California (Mr. HUNTER) and the gentleman from Michigan (Mr. HOEKSTRA) as they move forward with an investigation.

We have to ask the question, why have these issues not been brought forth before this day? I had my Chief of Staff call the 9/11 Commission staff and ask the question: Why did you not mention Able Danger in your report? The Deputy Chief of Staff said, well, we looked at it, but we did not want to go down that direction.

So the question, Mr. Speaker, is why did they not want to go down that direction? Where will that lead us? Why do we not want to see the answers to the questions I have raised tonight? Who made the decision to tell our military not to pursue Mohamed Atta? Who made the decision that said that we are fearful of the fallout from Waco politically?

Were those decisions made by lawyers? Were they made by policymakers? Who within the administration in 2000 was responsible for those actions? This body and the American people need to know.

CORRECTION TO THE CONGRESSIONAL RECORD OF FRIDAY, JUNE 24, 2005, AT PAGE 14182

Mr. GEORGE MILLER of California. Mr. Chairman, I have a point of personal privilege.

Mr. Chairman, I believe, under the traditions of the House, the Chair is the Speaker of the Whole House, and the Chair has an obligation to call the vote in the manner in which the vote was arrived at under the voice vote. It is not a question of whether the ayes or the noes will prevail on a recorded vote. The question is what happened on the floor at that particular time. In this instance, the yeas prevailed, and the Chair said the noes prevailed.

A number of years ago, we had very heated debates on this floor from the Republican side, from Mr. Walker, because they felt that they were insulted, especially when cameras came into this Chamber, that the Chair would call votes against their interests when they clearly prevailed on the voice. The Chair was admonished by the Speaker of the House, and we went back to what was the traditionally fair point of view.

So I would ask the Chair in the future, and future Chairs, to recognize that the Chair is calling the event that takes place in front of the Chair on the floor, not what the Chair perceives to be, and may be correctly so, the outcome of the vote later on in the day when the recorded vote is taken.

Mr. Chairman, I demand a recorded vote on the Chair's ruling.

CORRECTION TO THE CONGRESSIONAL RECORD OF FRIDAY, JUNE 24, 2005, AT PAGE 14232

The SPEAKER pro tempore. Pursuant to House Resolution 337, the previous question is ordered.

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the minimum time for electronic voting on any motion to recommit may be 5 minutes, notwithstanding that it would be the first vote in a series.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. OBEY. Mr. Speaker, reserving the right to object, we cannot hear.

Mr. Speaker, I withdraw my objection, and I support the gentleman's motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Ms. PELOSI) for today on account of business in the district.

Mr. BISHOP of New York (at the request of Ms. PELOSI) for today on account of personal business.

Mr. BOYD (at the request of Ms. PELOSI) for June 22 and the balance of that week on account of medical reasons.

Mr. CARDIN (at the request of Ms. PELOSI) for today.

Mr. ISRAEL (at the request of Ms. PELOSI) for today on account of health reasons.

Ms. CARSON (at the request of Ms. PELOSI) for today on account of business in the district.

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today on account of BRAC hearings.

Mr. HIGGINS (at the request of Ms. PELOSI) for today on account of official business.

Ms. KILPATRICK of Michigan (at the request of Ms. PELOSI) for today.

Mr. MICHAUD (at the request of Ms. PELOSI) for today and June 28 on account of official business.

Mr. RAHALL (at the request of Ms. PELOSI) for today on account of official business.

Mr. ROSS (at the request of Ms. PELOSI) for today on account of personal business.

Mr. ISTOOK (at the request of Mr. DELAY) for today on account of official business in New York City.

Mr. MCHUGH (at the request of Mr. DELAY) for today and June 28 on account of official business in his district.

Mr. MCKEON (at the request of Mr. DELAY) for today on account of travel logistics.

Mr. WALDEN of Oregon (at the request of Mr. DELAY) for today on account of family business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHIFF) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. BERMAN, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Ms. LINDA T. SÁNCHEZ of California, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, June 29.

Mr. FRANKS of Arizona, for 5 minutes, June 29 and 30.

Mr. JONES of North Carolina, for 5 minutes, June 28, 29, and 30.

Mr. PRICE of Georgia, for 5 minutes, today.

Ms. FOXX, for 5 minutes, June 28.

Mr. GOHMERT, for 5 minutes, today.

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 54 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 28, 2005, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2466. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an Accountability Review Board to examine the facts and the circumstances of the loss of life at a U.S. mission abroad and to report and make recommendations at a U.S. mission abroad, pursuant to 22 U.S.C. 4831 et. seq.; to the Committee on International Relations.

2467. A letter from the Director, U.S. Census Bureau, Department of Commerce, transmitting the Department's final rule — Requirements for Reporting the Kimberley Process Certificate Number for Exports and Reexports of Rough Diamonds (RIN: 0607-AA44) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2468. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment to the Government of Japan (Transmittal No. DDTC 022-05); to the Committee on International Relations.

2469. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles or defense services from the Government of Japan (Transmittal No. DDTC 018-05); to the Committee on International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 341. Resolution providing for consideration of the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–155). Referred to the House Calendar.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 342. Resolution providing for consideration of the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–156). Referred to the House Calendar.

Mr. BOEHLERT: Committee on Science. H.R. 426. A bill to encourage the development and integrated use by the public and private sectors of remote sensing and other geospatial information, and for other purposes; with an amendment (Rept. 109–157). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 1022. A bill to provide for a Near-Earth Object Survey program to detect, track, catalogue, and characterize certain near-earth asteroids and comets (Rept. 109–158). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CALVERT (for himself and Mr. BOEHLERT):

H.R. 3070. A bill to reauthorize the human space flight, aeronautics, and science programs of the National Aeronautics and Space Administration, and for other purposes; to the Committee on Science.

By Mr. NEY (for himself and Ms. MILLENDER-MCDONALD):

H.R. 3071. A bill to permit the individuals currently serving as Executive Director, Deputy Executive Directors, and General Counsel of the Office of Compliance to serve one additional term; to the Committee on House Administration.

By Mr. DAVIS of Illinois:

H.R. 3072. A bill to revive the system of parole for Federal prisoners, and for other purposes; to the Committee on the Judiciary.

By Mr. LEWIS of Kentucky:

H.R. 3073. A bill to allow Congress to reverse the judgments of the United States Supreme Court; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 3074. A bill to ensure and foster continued patient safety and quality of care by exempting health care professionals from the Federal antitrust laws in their negotiations with health plans and health insurance issuers; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 3075. A bill to amend the Internal Revenue Code of 1986 to make health care coverage more accessible and affordable; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 3076. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for the cost of insurance against negative outcomes from surgery, including against malpractice of a physician; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 3077. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for medical expenses for dependents; to the Committee on Ways and Means.

By Mr. PAUL (for himself and Mr. MILLER of Florida):

H.R. 3078. A bill to amend the Internal Revenue Code of 1986 to waive the employee portion of Social Security taxes imposed on individuals who have been diagnosed as having cancer or a terminal disease; to the Committee on Ways and Means.

By Mr. PAUL (for himself and Mr. OTTER):

H.R. 3079. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on the sale of animals which are raised and sold as part of an educational program; to the Committee on Ways and Means.

By Mr. TERRY (for himself, Mr. BARTLETT of Maryland, Mr. FORTENBERRY, Ms. FOXX, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mr. DOOLITTLE, Mr. PENCE, Mr. GINGREY, Ms. GINNY BROWN-WAITE of Florida, Mr. PITTS, Mr. BOUSTANY, and Mr. MANZULLO):

H.R. 3080. A bill to amend the Internal Revenue Code of 1986 to increase tax benefits for parents with children, and for other purposes; to the Committee on Ways and Means.

By Ms. LEE:

H. Con. Res. 193. Concurrent resolution supporting the goals and ideals of National HIV Testing Day; to the Committee on Energy and Commerce.

By Mr. CROWLEY (for himself, Mr. BROWN of Ohio, Mrs. DAVIS of California, Mr. ENGEL, Mr. HIGGINS, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. KELLY, Ms. LEE, Mrs. MALONEY, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. PITTS, Mr. RANGEL, Ms. ROS-LEHTINEN, Mr. SANDERS, Ms. SOLIS, Mr. WEXLER, Mr. WILSON of South Carolina, Mr. LANTOS, Mr. ACKERMAN, Ms. MOORE of Wisconsin, Ms. LINDA T. SÁNCHEZ of California, Mr. SERRANO, Mr. PALLONE, Ms. WASSERMAN SCHULTZ, Mr. MEEK of Florida, Ms. WATSON, Mr. ISSA, and Ms. WATERS):

H. Res. 343. A resolution commending the State of Kuwait for granting women certain important political rights; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 282: Mr. HULSHOF and Mr. CALVERT.

H.R. 427: Mr. BERMAN.

H.R. 752: Mr. LARSON of Connecticut.

H.R. 838: Mr. CLEAVER, Mr. KENNEDY of Rhode Island, Ms. WOOLSEY, Mr. BARROW, and Ms. SCHAKOWSKY.

H.R. 867: Mr. FRANK of Massachusetts.

H.R. 887: Ms. SCHAKOWSKY.

H.R. 934: Mr. MCHUGH.

H.R. 939: Mr. RYAN of Ohio and Mr. STRICKLAND.

H.R. 1039: Mr. POMEROY.

H.R. 1337: Mr. BISHOP of Utah.

H.R. 1338: Ms. SCHAKOWSKY.

H.R. 1339: Mr. HENSARLING.

H.R. 1505: Mr. GREEN of Wisconsin.

H.R. 1588: Mr. RUPPERSBERGER and Mr. WAXMAN.

H.R. 1651: Mr. BOSWELL, Mr. BURGESS, Mr. MARCHANT, Mr. ROSS, and Mrs. DRAKE.

H.R. 1678: Mr. PAUL and Mr. KUHL of New York.

H.R. 1687: Mrs. Lowey.

H.R. 1707: Mr. Brown of South Carolina.

H.R. 1708: Mr. McCaul of Texas, Mr. Duncan, and Mr. Foley.

H.R. 1742: Mr. Waxman.

H.R. 1767: Mrs. Napolitano.

H.R. 1791: Mr. Gerlach.

H.R. 1849: Mr. Price of North Carolina.

H.R. 1898: Mr. Sweeney.

H.R. 1902: Mrs. Christensen and Mr. Al Green of Texas.

H.R. 1951: Mr. Gutierrez and Mr. Cramer.

H.R. 1993: Mr. Sherman.

H.R. 2017: Mr. Conyers, Mr. Menendez, and Mr. McCotter.

H.R. 2206: Mr. McDermott.

H.R. 2231: Mr. Wexler, Mr. Hastings of Florida, Mr. Calvert, Mrs. Kelly, Mrs. Blackburn, Mr. Cardin, Mr. Ramstad, Mr. Young of Alaska, Ms. Woolsey, Mr. Boustany, Mr. Payne, Mr. Gutknecht, Mr. Barrow, Mr. Duncan, Mr. Kuhl of New York, and Mr. Larsen of Washington.

H.R. 2248: Ms. Schakowsky.

H.R. 2340: Ms. Schakowsky.

H.R. 2355: Mr. Towns and Mrs. Bono.

H.R. 2356: Mr. Saxton, Mr. Mollohan, Mr. Hastings of Washington, Ms. Herseth, Mr. Inslee, Mr. Boustany, Mr. Barrow, Mr. Murpy, and Mr. Cummings.

H.R. 2526: Mr. Andrews and Mr. Cummings.

H.R. 2588: Mr. Gerlach.

H.R. 2620: Mr. Hastings of Florida and Mr. Al Green of Texas.

H.R. 2646: Mr. Cannon, Mr. Hinojosa, and Mr. Cardin.

H.R. 2648: Mr. Herger.

H.R. 2671: Ms. Kaptur, Mr. Hinchey, Mr. Payne, Mrs. Christensen, and Mr. Waxman.

H.R. 2680: Ms. Jackson-Lee of Texas, Ms. Schakowsky, and Ms. Bordallo.

H.R. 2735: Mr. LoBiondo.

H.R. 2792: Ms. Jackson-Lee of Texas.

H.R. 2794: Mr. Miller of Florida and Mr. Al Green of Texas.

H.R. 2803: Mr. Fitzpatrick of Pennsylvania and Mr. Calvert.

H.R. 2807: Mr. Barrow.

H.R. 2869: Mr. Price of North Carolina.

H.R. 2870: Ms. Schwartz of Pennsylvania.

H.R. 2874: Ms. Schakowsky, and Mrs. Christensen.

H.R. 2877: Ms. Jackson-Lee of Texas and Mr. Hinchey.

H. R: 2925: Mr. Gonzalez.

H.R. 2930: Mr. Conyers, Mr. Hastings of Florida, Mrs. Miller of Michigan, Mr. McNulty, Mr. Nadler, Mr. DeFazio, Ms. McCollum of Minnesota, and Mr. Gutierrez.

H.R. 2943: Mr. Ford.

H.R. 2957: Mr. McDermott and Mr. Honda.

H.R. 2981: Mr. Udall of Colorado and Mr. Michaud.

H.R. 3000: Mr. Kucinich, Mr. Conyers, Mrs. Christensen, Mr. Payne, Mr. Owens, and Mr. Jackson of Illinois.

H.R. 3046: Mr. Stark, Ms. Bordallo, and Ms. Wasserman Schultz.

H.R. 3064: Ms. Jackson-Lee of Texas.

H.J. Res. 3: Mr. Wamp.

H.J. Res. 53: Mr. Norwood.

H. Con. Res. 123: Mrs. Lowey.

H. Con. Res. 154: Mr. Weldon of Florida.

H. Con. Res. 175: Mr. Ackerman, Mr. Faleomavaega, Mr. Brown of Ohio, Mr. Engel, Mr. Delahunt, Mr. McCotter, Ms. Watson, Mrs. Napolitano, Mr. Conyers, Mr. McNulty, Mr. McDermott, Mr. Crowley, Mr. Meek of Florida, Ms. Carson, Mr. Thompson of Mississippi, Mr. Serrano, Mr. Owens, Ms. Schakowsky, Mr. Frank of Massachusetts, Ms. Moore of Wisconsin, Ms. Jackson-Lee of Texas, Mr. Moran of Virginia, Ms. McKinney, Mrs. Christensen, Mr. Wynn, Mr. Lewis of Georgia, Ms. Velázquez, Mr. Towns, Mr. Cummings, Mr. Cleaver, Mr. Bishop of Georgia, and Mr. Rush.

H. Con. Res. 181: Ms. Jackson-Lee of Texas.

H. Con. Res. 187: Mr. Engel, Mr. Crowley, Mr. Payne, Mr. Burton of Indiana, Mr. Blumenauer, and Ms. Watson.

H. Res. 146: Mr. Barrett of South Carolina.

H. Res. 317: Mr. Wolf, Mr. Davis of Illinois, Mr. Udall of Colorado, and Mr. Wexler.

H. Res. 325: Mr. Gallegly.

H. Res 332: Mr. Israel, Mr. Ortiz, Mrs. Napolitano, Mrs. Davis of California, Mr. Foley, Mr. Farr, and Mr. McIntyre.

H. Res. 338: Ms. Slaughter, Ms. Eddie Bernice Johnson of Texas, Mr. McDermott, and Ms. Herseth.

H. Res. 340: Mr. McHenry, Mr. Aderholt, and Mr. Sessions.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3057

Offered By: Mr. Simpson

Amendment No. 1: At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

PROHIBITION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK TO SUPPORT EXPORTS TO THE PEOPLE'S REPUBLIC OF CHINA

Sec. 601. None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in the extension of credit in connection with the purchase or lease of any product by—

(1) the People's Republic of China or any agency or national thereof; or

(2) any other foreign country, or agency or national thereof, if the product to be purchased or leased by such other country, agency, or national is, to the knowledge of the Export-Import Bank of the United States, principally for use in, or sale or lease to, the People's Republic of China.

H.R. 3057

Offered By: Mr. Bonilla

Amendment No. 2: Page 4, line 9, before the period insert the following:

": *Provided further*, That, of the amounts provided under this heading, $7,000,000 shall not be available for obligation until the head of the Office of Inspector General in the Export-Import Bank of the United States is appointed and confirmed pursuant to section 3 of the Inspector General Act of 1978".

H.R. 3057

Offered By: Mr. Kucinich

Amendment No. 3: Page 132, after line 13, insert the following:

LIMITATION ON INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE FOR GUATEMALA

Sec. ____. None of the funds made available in this Act under the heading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" may be used to provide assistance for Guatemala.

H.R. 3057

Offered By: Mr. Royce

Amendment No. 4: Page 34, line 18, after the dollar amount, insert the following: "(increased by $7,000,000) (reduced by $7,000,000)".

H.R. 3057

Offered By: Mr. Garrett of New Jersey

Amendment No. 5: Page 132, after line 13, insert the following:

LIMITATION ON FUNDS RELATING TO ATTENDANCE OF FEDERAL EMPLOYEES AT CONFERENCES OCCURRING OUTSIDE THE UNITED STATES

Sec.   . None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 Federal employees at any single conference occurring outside the United States.

H.R. 3057

Offered By: Mr. McGovern

Amendment No. 6: Page 31, line 7, after the dollar amount, insert the following: "(reduced by $100,000,000)".

H.R. 3058

Offered By: Mr. Gingrey

Amendment No. 1: At the end of the bill (before the short title), insert the following:

Sec. 948. None of the funds made available in this Act may be used to provide assistance under the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) for any private economic development project (including assistance for any project under paragraph (17) of section 105(a) of such Act) involving the obtaining of property by the exercise of the power of eminent domain.

H.R. 3058

Offered By: Mr. Gingrey

Amendment No. 2: At the end of the bill (before the short title), insert the following:

Sec. 948. None of the funds made available in this Act for the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) may be used to provide assistance under paragraph (17) of section 105(a) of such Act for any economic development project involving the obtaining of property by the exercise of the power of eminent domain.

H.R. 3058

Offered By: Mr. Al Green of Texas

Amendment No. 3: Page 91, line 8, after the dollar amount, insert the following: "(increased by $7,700,000)".

Page 91, line 9, after the dollar amount, insert the following: "(increased by $3,900,000)".

Page 92, line 23, after the first dollar amount, insert the following: "(reduced by $7,700,000)".

EXTENSIONS OF REMARKS

DAVID MUELLER OF WESTFIELD, INDIANA

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. PENCE. Mr. Speaker, for many years we in this body have been discussing the issue of the use of methyl bromide and the impact of the elimination of this chemical as stated in the Montreal Protocol. We must look at how this will affect our diverse economy as well as lay the groundwork for new alternatives to replace methyl bromide. As signatories to the Montreal Protocol, the United States negotiators have a responsibility to Congress and the Administration to seek an acceptable balance as they travel to Montreal in a few days to attend the Twenty-fifth Open-Ended Working Group Meeting of the Parties to the Montreal Protocol, Second Extraordinary Meeting of the Parties, and associated meetings 26 June–2 July 2005.

I am proud to say that the answer to this international problem is found right in the State of Indiana and is being promoted by a Hoosier with a vision to create a safer environment while at the same time stimulating growth in the Hoosier economy.

This person is David Mueller of Westfield, Indiana. He is a fumigator and the son of a flour miller and has been fumigating since he was a teenager. His privately owned family business was founded in 1981 and has 25 employees.

Methyl bromide is a product that his company Fumigation Service & Supply, Inc. began using in the 1980s for fumigating flourmills, food processing structures, and post harvest commodities throughout the United States. At one point Mr. Mueller and his company used or sold over 300,000 lbs of methyl bromide per year in the early 1990s. This represented about 55 percent of their total fumigation business.

As of January 1, 2005, this Indiana company no longer uses methyl bromide, How did they phase out of this biocide?

In 1995 they heard that methyl bromide was going to be phased out under the Montreal Protocol. Dave understood that the loss of methyl bromide would have a dramatic effect on his business. He attended several domestic and international meetings to determine if this was a true story. After determining that alternatives would, in fact, be required under the U.S. Clean Air Act and the international treaty signed by President Reagan called the Montreal Protocol, his company began to search for credible alternatives.

As a stored product entomologist, Mr. Mueller started this search process by looking at methyl bromide and how it affects the insects and other pests. It is a biocide that kills like napalm. When it touches something, it kills it: egg, larva, pupa and adult. Other fumigants needed more time or a higher dosage rate to work. However, he understood that the respiration of the insects could be increased substantially by increasing the temperature in the flourmills and food factories or choosing the warmest time of the year to plan the scheduled fumigations.

By increasing the temperature of the insects they were observed to become stressed, dehydrated, and would die faster. The dosage rates for conventional fumigants and insecticides like phosphine, dichlorvos, and sulfuryl fluoride worked better, faster, and at lower dosage rates when temperatures of 90–100° F (30–40° C) were created.

He also added carbon dioxide (3–5 percent) to the mix to allow for better mortality and shorter shutdown times for these post harvest fumigations. The carbon dioxide makes the insects and rodents breathe harder and faster allowing the fumigants to kill better and faster. This is called the combination fumigation method.

The ten-year findings to this search for alternatives to methyl bromide showed those who were willing to listen that credible alternatives to methyl bromide do exist. The combination of heat and/or carbon dioxide added to existing E.P.A. registered fumigants and insecticides offers credible, technical, and economic alternatives to methyl bromide.

During this search for alternatives, Mr. Mueller noticed that many companies don't use methyl bromide. He asked how they do it. The answer was simple, they don't fumigate because they do all the things that they should do to prevent having to fumigate. Brand name companies like Frito Lay, Nestle, PepsiCo, Kal Kan, Purina, Gerber, Procter and Gamble, Wal-Mart, and many more don't fumigate with methyl bromide. Good cleaning, good prevention and monitoring strategies to be proactive rather than reactive have allowed these companies to prioritize their sanitation program with excellent results and corporate reputations. Their brand names are the best in the industry because they spend the resources to stop the insects and other pests from entering their facilities. If pests do get through the "gatekeeper" they have strategies to monitor for their early detection. Local treatments are then applied in a timely manner to eliminate any outbreaks. This is post harvest IPM and it works for those willing to be proactive instead of reactive.

In summary, life without methyl bromide is possible. This Hoosier company is doing it and other companies are doing it with credible alternatives for the protection of the environment. There is a price to pay for protecting the environment and everyone can find credible alternatives if they search for them like Fumigation Service & Supply, Inc. did. Companies that continue to use methyl bromide when there are credible alternatives available should spend the time, resources, and effort to make the right choice as did Mr. Mueller and Fumigation Supply & Service, Inc.

TRIBUTE TO THE BOOKER T. WASHINGTON JUNIOR-SENIOR HIGH SCHOOL CLASS OF 1963

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. MEEK of Florida. Mr. Speaker, I want to pay tribute to the reunion of Miami-Dade County's Booker T. Washington's class of 1963. In a special way, I commend this dedicated group of alumni, who entered our community's landmark institution in 1957. Forty-two years later, the members of this class are journeying to Washington, DC to celebrate a memorable "60th Birthday Bash," beginning on July 21, 2005.

Indeed, these distinguished alumni symbolize a cadre of young men and women daring to be great in their own right during their years at the school. Inspired by their motto, "Not the largest, but the best," this class represents a convergence of their desire to achieve greater enhancement of our noble traditions and the meaning of our common struggles.

Booker T. Washington is truly a school for students of all ages. It was established in the days of segregation in 1926 and underwent many and varied changes, including its conversion to middle school status. But through the resilience of this class, its members achieved the unthinkable and convinced the Miami-Dade County School Board to reinstate its senior high school status in August 1999.

The alumni are now prominent members of our community and occupy positions of honor and prestige in many professions at the local, State and Federal levels. Among its distinguished leaders is Les Brown, who is on the national speakers' circuit, advising people of all ages to strive to be the best they can be; the Miami Dolphin's extraordinary athlete Larry Little; professor and author Audrey Thomas McCluskey of Indiana University; teacher-of-the-year awardee Laurasteen Thompson Jones, who continues to tutor children in innercity schools; preeminent educator Roberta Thompson Daniels; and educational counselor Stanley Squire—these are but a few of the members of the class of '63. They are bonded by their quest to serve others, and together they evoke a unique family of achievers and dreamers who have prided themselves in enduring the same burdens for the sake of others, especially the less fortunate.

As the class of '63 gathers to revive the memories of years gone by, I fully recognize the character of the members' genuine friendship that has given them hope and optimism for a better future amidst life's unceasing challenges. I am proud of this distinguished class

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

because it represents the best and the noblest of our Miami-Dade County community and beyond amidst the countless struggles they have had to endure during a most difficult time of their years of learning. I look forward to their helping us cherish a genuine love for our proud heritage and enlighten us with greater wisdom while they continue to uphold the good name of their Alma Mater, Booker T. Washington High School.

COMMENDING PAUL WILLIAM CANFIELD UPON THE OCCASION OF RECEIVING THE YMCA COACH OF THE YEAR AWARD

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to commend Paul William Canfield, a resident of Chautauqua County, City of Jamestown, upon the occasion of receiving the YMCA Coach of the Year Award.

Paul was honored at the Jamestown YMCA annual meeting for his dedication and devotion to his job and the community. This honor was given to Paul for his exemplary services at the YMCA, not only as a volunteer, but also as a staff member.

In addition to donating his time and energy to the YMCA, Paul is also a special education teacher for the Jamestown Public Schools. Mr. Canfield has shown extreme devotion and generosity to the community, and I am proud, Mr. Speaker, to have the opportunity to honor him here today.

CLARIFICATION OF REPRESENTATIVE GRIJALVA AS AN ORIGINAL COSPONSOR OF H.R. 3051

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. KOLBE. Mr. Speaker, on Thursday, June 23, I introduced H.R. 3051, the Pima County Land Adjustment Act. At introduction I inadvertently did not indicate Representative RAÚL GRIJALVA as an original cosponsor. Representative GRIJALVA made significant contributions during the authoring of this legislation and played an integral role throughout the process. Although the House rules do not permit Representative GRIJALVA's name to be shown as an original cosponsor of H.R. 3051, I wish to clarify that he rightly deserves this recognition. I would like to express my sincerest apologies to Representative GRIJALVA and his staff for this inadvertent oversight.

INTRODUCTION OF THE PARENTS' TAX RELIEF ACT

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. TERRY. Mr. Speaker, I rise today to introduce the Parents' Tax Relief Act, PTRA, to empower parents who choose to stay home with their children.

This legislation will end the longstanding inequity in the Tax Code that encourages day care above stay-at-home parenting. It will also help parents to spend more time with their children by encouraging flexible employment opportunities such as home-based businesses and telecommuting jobs.

Congress should recognize and support the incredible sacrifices parents make to raise their children. I have heard from Nebraska families who struggle to make ends meet so one parent can stay at home and provide the love, care and attention that every child deserves. The high Federal tax burden, which falls most heavily on the middle-class, has unfortunately made this option extremely difficult, if not unreachable, for many families.

Parents perform a tremendous balancing act between work and family responsibilities. It can be difficult for families to survive without a second income, much of which goes towards day care and work-related expenses such as dry-cleaning bills and gasoline, but which can also support grocery bills, medical expenses and savings for a child's future education.

Greater tax relief will make it a more realistic option for parents to stay at home with their little ones in the early formative years that are so crucial to children's physical, mental and emotional development. The legislation that I am introducing today will improve options for parents to contribute to family income while staying at home for their children, including home-based businesses and telecommuting jobs.

It is clear that parents want these options. A comprehensive study on balancing work and family, conducted by four major charitable foundations, found that 70 percent of parents believe the best arrangement for the care of young children is to have one parent at home. An ABC News poll last month showed that 77 percent of parents agree that while it may be necessary for a mother to work and contribute to family income, it would be better if she could stay home to care for the house and children.

In a parenting survey done for Warner Books, 87 percent of mothers said they would stay at home to raise their children if they could afford it. The Family and Work Institute reported that 70 percent of working parents feel they lack enough time with their children, and nearly two-thirds of all workers would reduce their work hours by an average 11 hours a week if they could.

In addition, 62 percent of parents with preschoolers want policymakers to concentrate on making it more affordable for a parent to stay at home during a child's first few years than on improving the quality and affordability of day care. In fact, 53 percent of parents preferred direct tax cuts to stay-at-home-parents, while only 1 in 3, 33 percent, would cut costs for families using day care. Members of Congress should trust in the judgement of parents, especially regarding the care of preschool children.

The Parents' Tax Relief Act, which I am introducing today with a dozen original cosponsors, contains seven major tax improvements to empower parents and strengthen families in America:

First, this legislation extends the Dependent Care Tax Credit to parents who choose to be at home with their children. Established in 1954, this credit allows families to claim up to 35 percent of $3,000 in documented, non-parental child care costs, and 35 percent of $6,000 in day care expenses for two children. Families who make the financial sacrifice to have one parent stay at home for their children should also benefit from this tax credit.

Second, the Parents' Tax Relief Act will make the $1,000 child tax credit permanent and index it to inflation to retain its long-term value. This tax relief is critical for Nebraska families with dependent children.

Third, this legislation will double the personal income tax exemption to half of its original 1948 value, from $3,100 to $5,000. From 1948 to 1963 when this exemption was equivalent to $10,000 in today's inflation-adjusted dollars, America witnessed a "marriage boom," a "baby boom," and a decline in the divorce rate. There is evidence suggesting these outcomes were significantly advanced by federal tax policy to strengthen families. Doubling the personal income tax exemption provides critical support to families with children, as well as elderly or disabled dependents.

Fourth, the Parents' Tax Relief Act eliminates the marriage tax penalty once and for all. This penalty discourages the sacred institution of marriage by unfairly taxing married couples filing jointly at a higher rate than two single individuals earning the same income. The 2001 tax cut law reduced this penalty by doubling the standard deduction for joint filers, and doubling the size of the 15 percent tax bracket for married couples. Unfortunately, these reforms will expire by 2010, along with the rest of the tax cuts enacted by Congress. The Parents' Tax Relief Act will extend marriage tax relief to all tax brackets to prevent the government from discouraging marriage or forcing both parents into the workforce.

Fifth, this legislation will support parents who operate a home-based business in order to spend more time with their children. The bill establishes a standard home-office tax deduction to replace complicated IRS regulations that prevent many small business owners from deducting legitimate expenses. The Congressional Budget Office estimates that nine. million of the 17.3 million small businesses in the United States are homebased, and 55 percent are operated by women. Many home businesses are started to provide a secondary income.

Sixth, the Parents' Tax Relief Act encourages telecommuting for families with young children. It will create a Telecommuting Tax Credit allowing employers to deduct a portion of a telecommuting employee's wages for income tax purposes. It will also support President Bush's budget request to allow individuals to exclude from income the value of employer-provided computers and related equipment necessary for work from home. Telecommuting is one way mothers or fathers can stay at home with their children while still contributing to family income.

Finally, the Parents' Tax Relief Act protects the Social Security benefits of women or men who choose to stay-at-home with preschool children. When a parent leaves the workforce to be at home with a child, the family's finances may not only suffer, but career opportunities and future earnings potential may be diminished. Parents who stay at home to care for children during prime working years may also jeopardize their future Social Security benefits—especially in the unfortunate case of disability or divorce.

The Parents' Tax Relief Act addresses the realities stay-at-home parents face by allowing up to 10 years of flexible Social Security employment credits for parents who stay at home to raise children age six and under. Public policy should recognize and safeguard stay-at-home parenting as valuable work that contributes to the character and security of our Nation.

These seven tax improvements will empower parents and strengthen families. The Federal government must not tax parents out of their homes at the expense of children. I am pleased to note that Senator SAM BROWNBACK is introducing this legislation in the other Chamber. It is my hope this bill will address the needs of modem families who want to stay at home with their children without decimating their family finances.

I urge my colleagues to support families by cosponsoring the Parents' Tax Relief Act today.

TRIBUTE TO THE REVEREND MONSIGNOR PETER M. POLANDO

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. RYAN of Ohio. Mr. Speaker, I rise today in recognition of The Reverend Monsignor Peter M. Polando, who celebrates the twenty-fifth anniversary of his ordination this year.

Monsignor Polando was born in Youngstown, Ohio in 1954, and was ordained in 1980 at Youngstown's Cathedral of St. Columba. He has led a distinguished life, marked by numerous degrees of higher education, an array of honors and awards, and a variety of career positions that have impacted many throughout Ohio. His impressive educational background includes a Bachelor of Arts degree from St. Gregory Seminary, Masters of Arts degrees from Mount St. Mary Seminary of the West, Notre Dame University, and Ursuline College, and a licentiate in Cannon Law from Catholic University of America.

Monsignor Polando is a Chaplain of His Holiness, a high honor that was bestowed upon him by Pope John Paul II in 1997. Bishop Tobin, former head of the Youngstown Diocese, appointed him to the position of Adjutant Judicial Vicar of the Diocese of Youngstown in 2003. Monsignor Polando has served as Supreme Chaplain, Vice President and National Chaplain for the First Catholic Slovak Union of the United States and Canada, and as a Chaplain and Pastor for various churches, parishes, and organizations throughout Ohio. He has worked as an instructor at Walsh University, Ursuline College, and Cardinal Mooney High School, where he also served as principal and a cross country and track coach.

Monsignor Polando is also an active member of many organizations and societies including alumni associations, Knights of Columbus, Youngstown Council of Catholic Nurses and several Catholic Slovak organizations, including Slovak Catholic Sokol Wreaths 54 and 108, First Catholic Slovak Ladies Association Branch 169, and Ladies Pennsylvania Slovak Catholic Union.

Monsignor Polando has touched the lives of many with his dedication and faith, and I would like to honor and congratulate him on his twenty-fifth anniversary of his ordination.

A STATEMENT BY SECRETARY OF STATE CONDOLEEZZA RICE AT THE AMERICAN UNIVERSITY IN CAIRO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. LANTOS. Mr. Speaker, I rise today to inform my colleagues of the forthright, courageous, and eloquent speech on democratization that Secretary of State Condoleezza Rice delivered on June 20, 2005, to an audience at the American University in Cairo during her trip this week to Egypt.

In Cairo, Secretary Rice acknowledged that democracies may vary somewhat from place to place, but she emphasized that there are certain ground-rules common to all democracies: "the right to speak freely, the right to associate, the right to worship as you wish, the freedom to educate your children—boys and girls, and freedom from the midnight knock of the secret police" among others.

Then she delivered powerful messages to both Middle Eastern authoritarian rulers and their citizens. To the rulers, Rice warned that "the fear of free choices can no longer justify the denial of liberty. It is time to abandon the excuses that are made to avoid the hard work of democracy."

Mr. Speaker, to the citizens of the Middle East she offered hope: "Millions of people are demanding freedom for themselves and democracy for their countries. To these courageous men and women, I say today: All free nations will stand with you as you secure the blessings of your own liberty."

The Secretary commended President Mubarak's reform of presidential elections in Egypt, but she made clear that Egypt's implementation of the reform will be watched closely. And she defined exactly what fair implementation means: "Opposition groups must be free to assemble, and to participate, and to speak to the media. Voting should occur without violence or intimidation. And international election monitors and observers must have unrestricted access to do their jobs."

Moreover, she made clear that, even in the best circumstances, Egypt has a long way to go: "The day must come when the rule of law replaces emergency decrees—and when the independent judiciary replaces arbitrary justice."

Our Secretary of State has returned from the Middle East having re-affirmed American values and having made clear that our commitment to freedom in the Middle East is unflinching. And she communicated her message with a generosity of spirit and an understanding of the difficulties of democracy-building—as when she acknowledged America's painful history of slavery and discrimination—that made clear to her audience that the U.S. will be an empathetic partner along the path to freedom.

Mr. Speaker, I ask that Secretary Rice's address be placed in the RECORD, and I urge my colleagues to read and give attention to her thoughtful remarks.

ADDRESS OF SECRETARY OF STATE CONDOLEEZZA RICE AT THE AMERICAN UNIVERSITY IN CAIRO

Thank you very much, Dr. Hala Mustafa, for that really kind and warm introduction and your inspiring thoughts about democracy here in the region. I am honored to be here in the great and ancient city of Cairo.

The United States values our strategic relationship and our strengthening economic ties with Egypt. And American presidents since Ronald Reagan have benefited from the wisdom and the counsel of President Mubarak, with whom I had the pleasure of meeting earlier today.

The people of America and Egypt have always desired to visit one another and to learn from one another. And the highest ideals of our partnership are embodied right here, in the American University of Cairo. This great center of learning has endured and thrived—from the days when our friendship was somewhat rocky, to today, when the relationship is strong. And I am very grateful and honored to address you in the halls of this great center of learning.

Throughout its history, Egypt has always led this region through its moments of greatest decision. In the early 19th century, it was the reform-minded dynasty of Muhammad Ali that distinguished Egypt from the Ottoman Empire and began to transform it into the region's first modern nation.

In the early 20th century, it was the forward-looking Wafd Party that rose in the aftermath of the First World War and established Cairo as the liberal heart of the "Arab Awakening." And just three decades ago, it was Anwar Sadat who showed the way forward for the entire Middle East—beginning difficult economic reforms and making peace with Israel. In these periods of historic decision, Egypt's leadership was as visionary as it was essential for progress. And now in our own time, we are faced with equally momentous choices—choices that will echo for generations to come.

In this time of great decision, I have come to Cairo not to talk about the past, but to look to the future—to a future that Egyptians can lead and can define. Ladies and Gentlemen: In our world today, a growing number of men and women are securing their liberty. And as these people gain the power to choose, they are creating democratic governments in order to protect their natural rights.

We should all look to a future when every government respects the will of its citizens—because the ideal of democracy is universal. For 60 years, my country, the United States, pursued stability at the expense of democracy in this region here in the Middle East—and we achieved neither. Now, we are taking a different course. We are supporting the democratic aspirations of all people.

As President Bush said in his Second Inaugural Address: "America will not impose our style of government on the unwilling. Our goal instead is to help others find their own voice, to attain their own freedom, and to make their own way."

We know these advances will not come easily, or all at once. We know that different societies will find forms of democracy that work for them. When we talk about democracy, though, we are referring to governments that protect certain basic rights for all their citizens—among these, the right to speak freely. The right to associate. The right to worship as you wish. The freedom to educate your children—boys and girls. And freedom from the midnight knock of the secret police.

Securing these rights is the hope of every citizen, and the duty of every government. In my own country, the progress of democracy has been long and difficult. And given our history, the United States has no cause for false pride and we have every reason for humility.

After all, America was founded by individuals who knew that all human beings—and the governments they create—are inherently imperfect. And the United States was born half free and half slave. And it was only in my lifetime that my government guaranteed the right to vote for all of its people.

Nevertheless, the principles enshrined in our Constitution enable citizens of conviction to move America closer every day to the ideal of democracy. Here in the Middle East, that same long hopeful process of democratic change is now beginning to unfold. Millions of people are demanding freedom for themselves and democracy for their countries.

To these courageous men and women, I say today: All free nations will stand with you as you secure the blessings of your own liberty. I have just come from Jordan, where I met with the King and Queen—two leaders who have embraced reform for many years. And Jordan's education reforms are an example for the entire region. That government is moving toward political reforms that will decentralize power and give Jordanians a greater stake in their future.

In Iraq, millions of citizens are refusing to surrender to terror the dream of freedom and democracy. When Baghdad was first designed, over twelve-hundred years ago, it was conceived as the "Round City"—a city in which no citizen would be closer to the center of justice than any other. Today—after decades of murder, and tyranny, and injustice—the citizens of Iraq are again reaching for the ideals of the Round City.

Despite the attacks of violent and evil men, ordinary Iraqis are displaying great personal courage and remarkable resolve. And every step of the way—from regaining their sovereignty, to holding elections, to now writing a constitution—the people of Iraq are exceeding all expectations.

The Palestinian people have also spoken. And their freely-elected government is working to seize the best opportunity in years to fulfill their historic dream of statehood. Courageous leaders, both among the Palestinians and the Israelis, are dedicated to seeking that peace. And they are working to build a shared trust.

The Palestinian Authority will soon take control of the Gaza—a first step toward realizing the vision of two democratic states living side by side in peace and security. As Palestinians fight terror, and as the Israelis fulfill their obligations and responsibilities to help create a viable Palestinian state, the entire world—especially Egypt and the United States—will offer full support.

In Lebanon, supporters of democracy are demanding independence from foreign masters. After the assassination of Rafiq Hariri, thousands of Lebanese citizens called for change. And when the murder of journalist Samir Qaseer reminded everyone of the reach and brutality of terror, the Lebanese people were still unafraid.

They mourned their fellow patriot, but they united publicly with pens and pencils held aloft. It is not only the Lebanese people who desire freedom from Syria's police state. The Syrian people themselves share that aspiration.

One hundred and seventy-nine Syrian academics and human rights activists are calling upon their government to "let the Damascus spring flower, and let its flowers bloom." Syria's leaders should embrace this call—and learn to trust their people. The case of Syria is especially serious, because as its neighbors embrace democracy and political reform, Syria continues to harbor or directly support groups committed to violence—in Lebanon, and in Israel, and Iraq, and in the Palestinian territories. It is time for Syria to make a strategic choice to join the progress that is going on all around it.

In Iran, people are losing patience with an oppressive regime that denies them their liberty and their rights. The appearance of elections does not mask the organized cruelty of Iran's theocratic state. The Iranian people, ladies and gentlemen, are capable of liberty. They desire liberty. And they deserve liberty. The time has come for the unelected few to release their grip on the aspirations of the proud people of Iran.

In Saudi Arabia, brave citizens are demanding accountable government. And some good first steps toward openness have been taken with recent municipal elections. Yet many people pay an unfair price for exercising their basic rights. Three individuals in particular are currently imprisoned for peacefully petitioning their government. That should not be a crime in any country.

Now, here in Cairo, President Mubarak's decision to amend the country's constitution and hold multiparty elections is encouraging. President Mubarak has unlocked the door for change. Now, the Egyptian Government must put its faith in its own people. We are all concerned for the future of Egypt's reforms when peaceful supporters of democracy—men and women—are not free from violence. The day must come when the rule of law replaces emergency decrees—and when the independent judiciary replaces arbitrary justice.

The Egyptian Government must fulfill the promise it has made to its people—and to the entire world—by giving its citizens the freedom to choose. Egypt's elections, including the Parliamentary elections, must meet objective standards that define every free election.

Opposition groups must be free to assemble, and to participate, and to speak to the media. Voting should occur without violence or intimidation. And international election monitors and observers must have unrestricted access to do their jobs.

Those who would participate in elections, both supporters and opponents of the government, also have responsibilities. They must accept the rule of law, they must reject violence, they must respect the standards of free elections, and they must peacefully accept the results.

Throughout the Middle East, the fear of free choices can no longer justify the denial of liberty. It is time to abandon the excuses that are made to avoid the hard work of democracy. There are those who say that democracy is being imposed. In fact, the opposite is true: Democracy is never imposed. It is tyranny that must be imposed.

People choose democracy freely. And successful reform is always homegrown. Just look around the world today. For the first time in history, more people are citizens of democracies than of any other form of government. This is the result of choice, not of coercion.

There are those who say that democracy leads to chaos, or conflict, or terror. In fact, the opposite is true: Freedom and democracy are the only ideas powerful enough to overcome hatred, and division, and violence. For people of diverse races and religions, the inclusive nature of democracy can lift the fear of difference that some believe is a license to kill. But people of goodwill must choose to embrace the challenge of listening, and debating, and cooperating with one another.

For neighboring countries with turbulent histories, democracy can help to build trust and settle old disputes with dignity. But leaders of vision and character must commit themselves to the difficult work that nurtures the hope of peace. And for all citizens with grievances, democracy can be a path to lasting justice. But the democratic system cannot function if certain groups have one foot in the realm of politics and one foot in the camp of terror.

There are those who say that democracy destroys social institution and erodes moral standards. In fact, the opposite is true: The success of democracy depends on public character and private virtue. For democracy to thrive, free citizens must work every day to strengthen their families, to care for their neighbors, and to support their communities.

There are those who say that long-term economic and social progress can be achieved without free minds and free markets. In fact, human potential and creativity are only fully released when governments trust their people's decisions and invest in their people's future. And the key investment is in those people's education. Because education—for men and for women—transforms their dreams into reality and enables them to overcome poverty.

There are those who say that democracy is for men alone. In fact, the opposite is true: Half a democracy is not a democracy. As one Muslim woman leader has said, "Society is like a bird. It has two wings. And a bird cannot fly if one wing is broken." Across the Middle East, women are inspiring us all.

In Kuwait, women protested to win their right to vote, carrying signs that declared: "Women are Kuwaitis, too." Last month, Kuwait's legislature voiced its agreement. In Saudi Arabia, the promise of dignity is awakening in some young women. During the recent municipal elections, I saw the image of a father who went to vote with his daughter.

Rather than cast his vote himself, he gave the ballot to his daughter, and she placed it in the ballot box. This small act of hope reveals one man's dream for his daughter. And he is not alone.

Ladies and Gentlemen: Across the Middle East today, millions of citizens are voicing their aspirations for liberty and for democracy. These men and women are expanding boundaries in ways many thought impossible just one year ago.

They are demonstrating that all great moral achievements begin with individuals who do not accept that the reality of today must also be the reality of tomorrow.

There was a time, not long ago, after all, when liberty was threatened by slavery.

The moral worth of my ancestors, it was thought, should be valued by the demand of the market, not by the dignity of their souls. This practice was sustained through violence. But the crime of human slavery could not withstand the power of human liberty. What seemed impossible in one century became inevitable in the next.

There was a time, even more recently, when liberty was threatened by colonialism. It was believed that certain peoples required foreign masters to rule their lands and run their lives. Like slavery, this ideology of injustice was enforced through oppression.

But when brave people demanded their rights, the truth that freedom is the destiny of every nation rang true throughout the world. What seemed impossible in one decade became inevitable in the next.

Today, liberty is threatened by undemocratic governments. Some believe this is a permanent fact of history. But there are others who know better. These impatient patriots can be found in Baghdad and Beirut, in Riyadh and in Ramallah, in Amman and in Tehran and right here in Cairo.

Together, they are defining a new standard of justice for our time—a standard that is clear, and powerful, and inspiring: Liberty is the universal longing of every soul, and democracy is the ideal path for every nation.

The day is coming when the promise of a fully free and democratic world, once thought impossible, will also seem inevitable. The people of Egypt should be at the forefront of this great journey, just as you have led this region through the great journeys of the past.

A hopeful future is within the reach of every Egyptian citizen—and every man and woman in the Middle East. The choice is yours to make. But you are not alone. All free nations are your allies. So together, let us choose liberty and democracy—for our nations, for our children, and for our shared future. Thank you.

INTRODUCING THE COMPREHENSIVE HEALTH CARE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. PAUL. Mr. Speaker, America faces a crisis in health care. Health care costs continue to rise, leaving many Americans unable to afford health insurance, while those with health care coverage, and their physicians, struggle under the control of managed-care "gatekeepers." Obviously, fundamental health care reform should be one of Congress' top priorities.

Unfortunately, most health care "reform" proposals either make marginal changes or exacerbate the problem. This is because they fail to address the root of the problem with health care, which is that government policies encourage excessive reliance on third-party payers. The excessive reliance on third-party payers removes all incentive from individual patients to concern themselves with health care costs. Laws and policies promoting Health Maintenance Organizations (HMOs) resulted from a desperate attempt to control spiraling costs. However, instead of promoting an efficient health care system, HMOs further took control over health care away from the individual patient and physician.

Furthermore, the predominance of third-party payers means there is effectively no market for individual health insurance policies, thus those whose employers cannot offer them health benefits must either pay exorbitant fees for health insurance or do without health insurance. Since most health care providers cater to those with health insurance, it is very difficult for the uninsured to find health care that meets their needs at an affordable price. The result is many of the uninsured turn to government-funded health care systems, or use their local emergency room as their primary care physician. The result of this is declining health for the uninsured and increased burden on taxpayer-financed health care system.

Returning control over health care to the individual is the key to true health care reform. The Comprehensive Health Care Reform Act puts control of health care back into the hands of the individual through tax credits, tax deductions, Health Care Savings Accounts (HSA), and Flexible Savings Accounts. By giving individuals tax incentives to purchase their own health care, the Comprehensive Health Care Act will help more Americans obtain quality health insurance and health care. Specifically, the Comprehensive Health Care Act:

A. Provides all Americans with a tax credit for 100 percent of health care expenses. The tax credit is fully refundable against both income and payroll taxes.

B. Allows individuals to roll over unused amounts in cafeteria plans and Flexible Savings Accounts (FSA).

C. Makes every American eligible for an Health Savings Account (HSA), removes the requirement that individuals must obtain a high-deductible insurance policy to open an HSA; allows individuals to use their HSA to make premium payments for high-deductible policy; and allows senior citizens to use their HSA to purchase Medigap policies.

D. Repeals the 7.5 percent threshold for the deduction of medical expenses, thus making all medical expenses tax deductible.

By providing a wide range of options, this bill allows individual Americans to choose the method of financing health care that best suits their individual needs. Increasing frustration with the current health care system is leading more and more Americans to embrace this approach to health care reform. For example, a poll by the respected Zogby firm showed that over 80 percent of Americans support providing all Americans with access to a Health Savings Account. I hope all my colleagues will join this effort to put individuals back in control of health care by cosponsoring the Comprehensive Health Care Reform Act.

HONORING THE WOMEN VETERANS OF THE 10TH CONGRESSIONAL DISTRICT AND THE ANNUAL WOMEN VETERANS BANQUET

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the women veterans of the 10th Congressional District of Ohio—for their service, bravery, and dedication on behalf of our country. Most significantly, we stand in tribute and remembrance of those veterans, women and men, who have made the ultimate sacrifice when they answered the call to duty.

For the past three years, the service, sacrifice and courage of women veterans of the United States Armed Forces have been honored and celebrated in Cleveland at the "Women Veterans Banquet." The idea was brought to life by U.S. Marine Corps Sergeant Cindy Campbell, Desert Storm Veteran, and her husband, John Campbell.

The organizers of the Women Veterans Banquet provide a significant opportunity for the Cleveland community to honor and recognize the unwavering dedication and bravery exhibited by women who have been on the front lines of combat throughout America's history—from women soldiers on the battleground, to women piloting F–14's, to women doctors and nurses working in makeshift medical units administering to the wounded. Beyond recognizing the immense contribution and sacrifice of women soldiers and veterans, the members of the Women Veterans Banquet have also work to raise funds for the upkeep and maintenance of the Women in Military Service Memorial in Washington, DC.

Mr. Speaker and Colleagues, please join me in honor of the women of our United States Armed Forces. Let us forever remember their service, courage and steadfast commitment, and keep especially close in our hearts those soldiers, women and men, who have made the ultimate sacrifice on behalf of our country, when they heeded the call to serve.

HONORING MATTHEW MAZGAJ FOR HIS ALL AROUND EXCELLENCE IN ACADEMICS AND ATHLETICS

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to commend the exemplary academic and athletic achievements Matthew Mazgaj.

Matthew is one of those students who does not go unnoticed. This article as published in the Jamestown Post Journal pays tribute to an outstanding young man.

AREA WRESTLER A STANDOUT IN AND OUT OF CLASSROOM

(By Scott Kindberg)

Richard Rybicki saw something special in Matt Mazgaj almost from the moment he met him on the first day of school in 1998.

As his homeroom teacher at Southwestern Middle School, Rybicki was struck by Mazgaj's leadership skills, even as an 11-year-old sixth-grader.

"He was a standout in and out of the classroom as an elementary student and athlete," Rybicki said.

Fast forward more than 6 years and nothing's changed.

Mazgaj's work ethic and drive to excel, first seen by Rybicki in the late 1990s, continued throughout his tenure at Southwestern Central School. From the classroom to the football field and from his church to the wrestling mat, the Trojans senior has laid a blueprint for other students to follow.

And somewhere Frank Hyde is smiling.

Hyde, who was The Post-Journal sports editor for 34 years, valued the all-around excellence of young people.

"Matt exemplifies the type of student athlete-scholar Frank Hyde admired most—those for whom participation in sports is an important part of the educational experience, but just a part," Post-Journal Editor Cristie Herbst said.

"He valued those students who also learned through participation in sports the lessons of good sportsmanship, fair play and determination to strive toward a goal. And as just as Matt has done, Frank believed that students should apply those values in all of their activities, in and out of school," Ms. Herbst said.

Hyde, no doubt, would also be happy to know that Mazgaj is this year's recipient of the 21st annual Hyde Memorial Scholarship.

The $1,000 scholarship, given by The Post-Journal, is awarded to the outstanding college-bound athlete from the newspaper's circulation area, which covers Chautauqua, Cattaraugus and Warren counties.

The scholarship was presented during an awards assembly at Southwestern Central School on Wednesday morning.

Mazgaj has been accepted at Washington and Jefferson College, where he plans to major in biology and physics, and play football.

"I believe this type of an extensive education past high school is vital for an individual to succeed in our ever-advancing America today," Mazgaj wrote in an essay accompanying his scholarship application.

Judging from his academic performance and extracurricular activities, Mazgaj is on his way to a successful college experience.

Ranked 11th in his class with a 96 average, Mazgaj is a member of the National Honor Society, the Ophelia mentoring program and the math club; is an usher at Sacred Heart Church; and is a volunteer coach with the Southwestern Spartans midget football league team.

Athletically, he turned in one of the finest careers in school history.

In wrestling, he captured consecutive New York State Public High School Athletic Association small school championships in 2004 and 2005 at 215 pounds and shared the Ilio DiPaolo Scholarship this year.

Along the way, Mazgaj, a two-year captain, posted a 130–28 career record, was the Division 1 wrestler of the year, and twice the 215-pound division and Section 6 champion. The Trojans were also successful as a team during Mazgaj's era, claiming a small-school state championship once, Section 6 championship twice and league championship three times.

"When I first met Matt I noticed that he had an incredible work ethic that far surpassed his peers," Southwestern coach Mark Hetrick said in his letter of recommendation. "Matt was undefeated throughout middle school wrestling, but the thing that impressed me the most about this kid was his drive and motivation to get better. His hard work paid off."

Former Southwestern wrestling coach Walt Thurnau is equally complimentary.

"He has always displayed the characteristics of a true gentleman," Thurnau said in his letter of recommendation. "It doesn't matter if it's practice or competition, Matt is always respectful of his opponent or practice partner. He always treats everyone with respect and courtesy.

"Matt is very humble and would never brag about his accomplishments. If you didn't know that he was a two-time state champ, you would never learn it by listening to Matt. He still helps clean the mats and is always one of the last to leave the practice room."

Mazgaj's devotion to wrestling is immense, but his first love is on the gridiron. A firstteam all-state linebacker, The Post-Journal co-Player of the Year and first-team all-Western New York selection last fall, Mazgaj led the Trojans to a 9–2 record and a Section 6 championship, the first sectional football title in school history. His impact, both on the field and in the classroom, was recognized when he was selected the Section 6 Scholar-Athlete of the Year.

Statistically, Mazgaj, a two-year captain, holds team records for career tackles (357) and single-season tackles for a loss (22), and is tied for first in tackles in a season (133).

"I think the most important characteristic that Matt possesses is his character," Southwestern head football coach and government/economics teacher Jay Sirianni wrote in his letter of recommendation. "Matt displays the attributes of a natural leader. He has integrity, loyalty, a strong work ethic, and he leads by example. In an era with few positive role models, Matt has been a positive role model to his classmates and younger students."

Because of his considerable wrestling talents, Mazgaj could have continued his career at the Division I or Division II level. Instead, he chose to follow his heart and his true love—football.

"With making the decision to play football in college, I gave up substantial athletic scholarship financial aid," Mazgaj wrote. "Washington and Jefferson is a Division III school, and because of this they cannot give athletic scholarships. This is why I am writing to you, to try and convince you to help me continue my athletic career in a sport that I have (proven myself) on the fields at Southwestern.

"The financial assistance will help to alleviate some of the stress developed from paying for college, then graduate, and maybe medical school."

Then Mazgaj added one final sentence.

"Regardless of the monetary assistance, this award would, first and foremost, be an honor to receive."

"Matt Mazgaj is that exceptional student-athlete who comes around few times, if any, in a teacher's career," wrote Rybicki, who is also Southwestern's athletic director. "Matt will definitely leave behind a legacy which has been forged by hard work, discipline and desire."

I am honored, Mr. Speaker, to have an opportunity to honor this amazing young man.

HONORING THE 50TH ANNIVERSARY OF THE TOWN OF HYPOLUXO

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. SHAW. Mr. Speaker, the Town of Hypoluxo, a gem in the strand of our jeweled communities of Palm Beach County, is celebrating its 50th anniversary on July 3, 2005. I have proudly represented Hypoluxo for 13 years in the United States Congress, and have come to know its residents and town leadership very well.

It is interesting to note that Hypoluxo got its name not from a Greek root, but from the Seminole name for Lake Worth which roughly translates to "water all around—no get out." Today a great number of people want to move into the friendly confines of Hypoluxo, but because no one wants to "get out", home sites are difficult to find. No doubt, because of the wonderful people and the coastal breezes.

Hypoluxo is one of the smallest communities in my District with its nearly 2,500 people, but it has in its rich heritage played a very important role in the history and growth of Palm Beach County. It was the center of the story of the legendary Barefoot Mailman, who connected Jupiter with Lemon City (now the Miami area) in the 19th Century, long before any type of road existed.

At one time, the mail to Miami had to be shipped to Jacksonville, then by rail to Cedar Key, steam shipped to Key West and lastly by schooner to Miami. The big advancement took place in 1885, with a railroad line south to West Palm Beach. The mail then traveled by row boat to Hypoluxo. At Hypoluxo, the Barefoot Mailman took over and walked six days along the hard sand next to the ocean for over 60 miles (and occasionally crossing inlets by swimming or by canoe) to Miami—and back. All for $175 every three months.

The Postal Creed says that "neither snow, nor rain, nor snow, nor heat, nor gloom of night will stay these couriers from the swift completion of their appointed rounds." To the Barefoot Mailman you can add on gators, sharks, snakes, hurricanes, and swift currents. In fact, it is legend that alligators or sharks caused the demise of a Barefoot Mailman on one of his appointed rounds.

Mr. Speaker, Hypoluxo has created in its natural scrub park, a statue monument to the Barefoot Mailman, to recognize the heroic traditions of each person who served the coastal residents and brought the news, commercial transactions, and many smiles to them during their years of service.

To the citizens of Hypoluxo gathered to celebrate its 50 years in the shadow of its beautiful Key West Town Hall, its natural Florida hammock, and under the watchful eye of the Barefoot Mailman, I congratulate you and wish you the best in the next 50 years. I am sure that by that time the mail will arrive a little faster—but not with the colorful traditions of the Barefoot Mailman. Congratulations on 50 years, and on behalf of Florida's 22nd Congressional District, I wish you many, many more.

MGM v. GROKSTER DECISION

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. WEXLER. Mr. Speaker, I rise today in strong support of today's 9–0 Supreme Court decision in the MGM v. Grokster case. By ruling that providing the software makes a file-sharing service liable for facilitating this online theft and for encouraging illegal downloads, the Court preserved this country's 200 year history of inspiring American creativity by protecting the rights of those who create it.

Traffic in copyrighted material has already cost American industry hundreds of millions of dollars. One-half of all teenagers have downloaded music for free, with two-thirds of them saying they buy less music now that they can steal it over the Internet so easily. Given the severity and magnitude of the problem, I sincerely hope that today's ruling will force these services to either clean up their acts or discontinue entirely.

The Court unanimously found what so many of us already knew: peer-to-peer networks are merely the latest technology used to steal from copyright owners. Online file-sharing services, like Grokster and KaZaa, may not distribute copyrighted materials off of their own servers, but they certainly encourage that theft and profit from it. Just as in the physical world, promoting criminal activity is itself a crime. I am pleased peer-to-peer networks that actively encourage piracy will now be held responsible for their actions.

THE VOLUNTEER FIGHTERS OF VERMONT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. SANDERS. Mr. Speaker, there are over 800,000 volunteer firefighters in the United States. Of the 30,000 fire departments in the United States, two thirds are entirely made up of volunteers—21,761 companies. Another 5,271 companies are mostly made up of volunteers.

In my own state of Vermont there are 246 small towns—and 244 fire departments. Five of them are in large cities, where there first responders are full time, paid firefighters. Vermont has 265 paid firefighters—all brave and dedicated men and women.

But in rural Vermont, dotted with small cities and smaller towns, there is often neither the population base nor the budget to support full-time firefighters. But thousands of remarkable men and women step into the breech, giving generously of their time and energy and commitment to make sure our residences, our businesses, our farms, our towns, are safe. Vermont, with a population of about 620,000, has an astonishing 6,235 volunteer firefighters. Just over one person in every hundred who lives in our largely rural state has devoted himself or herself to protecting the community in which they live.

These first responders are models for people across our entire Nation of what commitment to one's neighbor looks like. Every day they demonstrate, in good weather and bad, in sweltering summer heat when their boots and coats are like ovens, and in the depths of winter when the temperature goes to 25 below and frostbite threatens, that they are willing to put their lives on the line to protect the lives of others.

Our nation was built by people who were as concerned about their neighbors as they were about their own interests. It has been sustained by brave men and women who love their country, their community, their neighbors and family, as much as they love life itself. And that tradition of service and bravery continues in Vermont. I proudly celebrate, today, the remarkable volunteer firefighters of Vermont. We all owe them a debt of gratitude: They are among the great unsung heroes of our times.

HONORING LUCILLE SALTER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. PORTER. Mr. Speaker, I rise today to honor Mrs. Lucille Salter, as she celebrates her 100th birthday. It is my great pleasure to commemorate this milestone for a woman who is a pillar in her community of Boulder City, NV.

Mrs. Salter arrived in Boulder City in I931 at the height of the Great Depression. She spent time working for the telephone company, the Federal Government, and the City of Henderson.

Today, Mrs. Salter lives with her husband, Ross Salter, in Henderson, NV and enjoys visits from her grandchildren and playing bridge. She leads a full life and is admired by her many friends for her willingness to help in any way she can.

Mr. Speaker, it is my great privilege to honor Lucille Salter and give her my deepest thanks for her contributions to the Southern Nevada community. It is my hope that those that have been touched by her giving spirit will remember her example and use it in their own lives.

INTRODUCING THE AGRICULTURE EDUCATION FREEDOM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. PAUL. Mr. Speaker, I rise to introduce the Agriculture Education Freedom Act. This bill addresses a great injustice being perpetrated by the Federal Government on those youngsters who participate in programs such as 4–H or the Future Farmers of America. Under current tax law, children are forced to pay Federal income tax when they sell livestock they have raised as part of an agricultural education program.

Think about this for a moment. These kids are trying to better themselves, earn some money, save some money and what does Congress do? We pick on these kids by taxing them. It is truly amazing that with all the hand-wringing in Congress over the alleged need to further restrict liberty and grow the size of government "for the children" we would continue to tax young people who are trying to lead responsible lives and prepare for the future. Even if the serious social problems today's youth face could be solved by new Federal bureaucracies and programs, it is still unfair to pick on those kids who are trying to do the right thing.

These children are not even old enough to vote, yet we are forcing them to pay taxes! What ever happened to no taxation without representation? No wonder young people are so cynical about government!

It is time we stopped taxing youngsters who are trying to earn money to go to college by selling livestock they have raised through their participation in programs such as 4–H or Future Farmers of America. Therefore, I call on my colleagues to join me in supporting the Agriculture Education Freedom Act.

IN HONOR AND REMEMBRANCE OF U.S. MARINE LANCE CORPORAL THOMAS OLIVER KEELING

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of United States Marine Lance Corporal Thomas Oliver Keeling, who courageously and selflessly heeded the call to duty and made the ultimate sacrifice on behalf of our country.

Corporal Keeling's life was defined by his family, friends, love for his country and an unbridled energy and joy that he freely extended to others. He received inner strength and faith from those who knew him best and loved him most, especially his parents, Sherry Berry and Thomas Keeling, step-parents, Robert Berry and Diane Palos, and siblings, Erin, Kristen and Rebecca.

Corporal Keeling was a dedicated family member, student and Marine. After graduating from Strongsville High School in 2000, he enrolled at Kent State University, where he graduated with a Bachelor's degree in 2004. He was always willing to go the extra mile for his family, friends, and for those with whom he served beside, with the highest level of honor and integrity, the men and women of Weapons Company—3rd Battalion, 25th U.S. Marine Regiment in Iraq.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Lance Corporal Thomas Oliver Keeling. I extend my deepest condolences to his entire family, extended family, and to his many friends. The immeasurable sacrifice, significant service, and unwavering bravery that framed his young life will be forever held within the hearts of all who knew and loved him well. Corporal Keeling's life is testament to all that is good in humanity, and his legacy will be honored and remembered by the people of Strongsville, the Cleveland community, and the entire Nation, for all time.

HONORING CODY-ANNE WEISE AND AMY TRAVIS AS RECIPIENTS OF THE WELCH'S SCHOLARSHIP

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to commend the exemplary academic achievements of Cody-Anne Weise and Amy Travis as recipients of the Welch's scholarship.

Children and grandchildren of Welch's and the National Grape Cooperative employees are eligible for the $1,500 scholarship.

Ms. Weise is the daughter of James and Cynthia Weise of Sherman. Mrs. Weise is employed by Welch's as harvest, fruit receiving supervisor at the North East, Pennsylvania plant. Cody-Anne is a 2003 graduate of Sherman Central School and a graduate of Jamestown Community College with an associate's degree in individual studies. In August, Ms. Weise will enter SUNY Fredonia as a junior with plans to study secondary English education.

Ms. Travis is the daughter of David and Marcia Travis of Brocton, NY and the granddaughter of Edward Sunday. Mr. Sunday is a member of the National Grape Cooperative and a retired 30-year employee of Welch's. Amy participates in the 3–1–3 program at SUNY Fredonia making this the third time she has been awarded with the scholarship. This fall Amy plans to return to Fredonia State to major in music education.

I am honored Mr. Speaker, to have an opportunity to honor these accomplished and bright women.

CONGRATULATING THE GRANT FAMILY ON THE BIRTH OF THEIR CHILD, ALLISON MARIE

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to offer my congratulations to Bill and Claudia Grant on the birth of their child. Allison Marie Grant was welcomed into this world at 7:04 am on June 17th, 2005, weighing 6 pounds 12½ ounces. Both the mother and father's families were present to celebrate the joyful birth. The entire Citrus County Community welcomes their newest citizen. I congratulate Bill and Claudia on the new addition to their family and wish them years of continued health and happiness.

REGARDING MEETING WITH GENERAL LLOYD W. NEWTON

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. MICHAUD. Mr. Speaker, on June 27th and 28th, I have requested an official leave of absence to attend to issues that are of vital importance to the people of Maine. I will be meeting with Base Realignment and Closure (BRAC) representative General Lloyd W. Newton at the Defense Finance and Accounting Service in Limestone, Maine. This facility is currently slated to close as part of the BRAC process. I will be leading General Lloyd W. Newton on a tour of the base to present the case that the facility must not be closed.

Currently, 362 hardworking Mainers are employed in the Limestone facility. Aroostook County and Northern Maine have already been devastated by the closure of the Loring Air Force Base. Additional job loss, along with the losses due to the proposed realignment at Brunswick Naval Air Station and Portsmouth Naval Shipyard, would have a serious impact in Maine. It is important for me to meet personally with General Newton, along with Governor Baldacci, so that we can stress the critical service that this facility provides for the military and its vital importance to the Maine economy.

INTRODUCING THE FREEDOM FROM UNNECESSARY LITIGATION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. PAUL. Mr. Speaker, I am pleased to introduce the Freedom from Unnecessary Litigation Act. As its title suggests, this bill provides an effective means of ensuring that those harmed during medical treatment receive fair compensation while reducing the burden of costly malpractice litigation on the health care system. This bill achieves its goal by providing a tax credit for negative outcomes insurance purchased before medical treatment. The insurance will provide compensation for any negative outcomes of the medical treatment. Patients can receive this insurance without having to go through lengthy litigation and without having to give away a large portion of their award to a trial lawyer.

Relying on negative outcomes insurance instead of litigation will also reduce the costs imposed on physicians, other health care providers, and hospitals by malpractice litigation. The Freedom from Unnecessary Litigation Act also promotes effective solutions to the malpractice crisis by making malpractice awards obtained through binding, voluntary arbitration tax-free.

The malpractice crisis has contributed to the closing of a maternity ward in Philadelphia and a trauma center in Nevada. Meanwhile, earlier this year, surgeons in West Virginia walked off the job to protest increasing liability rates. These are a few of the examples of how access to quality health care is jeopardized by the epidemic of large (and medically questionable) malpractice awards, and the resulting increase in insurance rates.

As is typical of Washington, most of the proposed solutions to the malpractice problem involve unconstitutional usurpations of areas best left to the States. These solutions also ignore the root cause of the litigation crisis: the shift away from treating the doctor-patient relationship as a contractual one to viewing it as one governed by regulations imposed by insurance company functionaries, politicians, government bureaucrats, and trial lawyers. There is no reason why questions of the assessment of liability and compensation cannot be determined by a private contractual agreement between physicians and patients. The Freedom from Unnecessary Litigation Act is designed to take a step toward resolving these problems through private contracts.

Using insurance, private contracts, and binding arbitration to resolve medical disputes benefits patients, who receive full compensation in a timelier manner than under the current system. It also benefits physicians and hospitals, which are relieved of the costs associated with litigation. Since it will not cost as much to provide full compensation to an injured patient, these bills should result in a reduction of malpractice premiums. The Freedom from Unnecessary Litigation Act benefits everybody except those trial lawyers who profit from the current system. I hope all my colleagues will help end the malpractice crises while ensuring those harmed by medical injuries receive just compensation by cosponsoring my Freedom from Unnecessary Litigation Act.

HONORING THE 25TH ANNIVERSARY OF ST. MATTHIAS PARISH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the leaders and members of St. Matthias Parish, of Parma, Ohio, as they celebrate twenty-five years of faith, guidance and hope for parishioners, and for the greater good of the community.

Twenty-five years ago, St. Matthias was established by the late Bishop James A. Hickey. Bishop Hickey was later appointed to serve as Cardinal James A. Hickey. He announced that St. Matthias, a former mission parish, would now evolve into a full-fledged parish. Father Vincent Moraghan became the first Pastor of the church. On June 28, 1980, the first Mass was held at Green Valley School in Parma. The friendly and warm atmosphere of St. Matthias Parish has remained constant through the years. This spirit of cooperation and unity brought forth the planning and construction of a new church and rectory, completed by 1987. Following Pastor Moraghan's retirement, Father Raymond Sutter was appointed as Pastor, and continues his service to St. Matthias to this day.

The leadership and members of St. Matthias are a unified force of strength and assistance for many within the parish, and also for those in need, outside the parish. Volunteers continue to plan and implement programs such as the Volunteer Visitors Program, St. Vincent DePaul Society, Red Cross Drives, and the "Manna" Fundraiser, all of which serve to provide assistance and lift the spirit of individuals and families throughout our community.

Mr. Speaker and Colleagues, please join me in honor and recognition of every leader and member of St. Matthias Parish, as they celebrate twenty-five years of offering spiritual guidance for countless families and individuals. Since 1980, the parish has evolved in structure and location, yet it remains a steady beacon of light, faith and hope, that embraces the spiritual needs and everyday struggles of all parishioners.

HONORING ZACHARY AGETT UPON RECEIVING THE J.C. MATTESON MEMORIAL SCHOLARSHIP

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to commend Zachary Agett, a resident of Chautauqua County, city of Jamestown, upon the occasion of receiving the J.C. Matteson Memorial Scholarship.

Zachary was awarded the scholarship for his honorable character and athletic achievement. Both on and off the football field: Agett diplays dedication, selflessness, integrity and leadership, many of the same admirable attributes that J.C. Matteson demonstrated.

This scholarship fund was established by the Chautauqua Region Community Foundation in honor of J.C. Matteson who died a very honorable death in Iraq last October. J.C. Matteson was a student and football player at Southwestern High School.

His father, James, plans to head up the fund-raising efforts for the scholarship for years to come. James Matteson's goal is to raise $29,000 and award two $1,000 scholarships in the coming years.

In the fall Agett plans to attend Washington and Jefferson University, where he will play football and major in biology. It is a wonderful honor to share the characteristics possessed by a fallen hero.

Zachary Agett is an upstanding young man and I am proud, Mr. Speaker, to have an opportunity to honor him today.

TECHNOLOGY, TRADE AND CHINA

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, Harris Miller, president of the Information Technology Association of America, recently wrote an opinion piece for the San Jose Mercury News. In this piece, Mr. Miller addresses some serious concerns about the Chinese government's trade policies and their efforts to control and limit information on the internet. Mr. Miller makes some excellent points and I encourage all of my colleagues to review his article.

[From the San Jose Mercury News, May 23, 2005]

IN WALLING OFF SOFTWARE MARKET, CHINA FORGETS TRADE GOES TWO WAYS

(By Harris N. Miller)

Chinese trade practices have long been the subject of complaint from U.S. manufacturers, particularly in the textile industry. American high-tech firms now see the storm clouds forming for their own business sectors. Two trends are particularly disturbing: China's leaders are quietly closing the doors to domestic market software competition while simultaneously attempting to expand government control over the Internet.

Despite U.S. protests, the Chinese government has published draft regulations that effectively would close China's government market to American and other foreign software companies. Software is likely to be the first of many government markets to close to foreign competition.

When it comes to information technology, China is a waking giant. With a total information and communications technology marketplace of almost $100 billion, the Chinese appetite for computers, software and networks has more than doubled since 2000. All things being equal, China's high-tech growth is a good thing. With more than 1 billion people and a rapidly growing economy, China should be a tremendously positive trading partner, and the U.S. information technology industry has championed China's accession to the World Trade Organization.

But to be widely embraced, the door to global trade must swing both ways. Not even considering a piracy rate exceeding 90 percent, China is now considering taking the additional step of rolling back the access that foreign software companies currently enjoy in the Chinese government procurement market.

China is in the process of implementing a "buy Chinese" software procurement policy for government systems, which, if implemented restrictively, will dramatically inhibit foreign involvement in software sales to the Chinese government.

New draft procurement rules would require foreign software firms seeking Chinese government business to either perform 50 percent of the development work in China and assign copyright to a Chinese entity or make substantial R&D and capital investments in China. Even those foreign companies that might meet China's R&D, manufacturing or outsourcing requirements could not compete fairly for government contracts. Any Chinese government entity that wants to procure foreign software eligible for purchase on these grounds would have to apply and obtain a specific waiver.

Equally troubling, China is asserting a larger government role over the operations of the Internet itself

In a society like China's, one that represses dissent and rewards conformity, Internet access to news and information from countless points of view is nothing less than a threat. This is no doubt why Chinese officials have jailed dozens of citizens for "subversive" Internet-related activity, including issuing warnings about the spread of SARS or advocating greater democracy.

This also explains China's interest in blocking politically incorrect Web sites, collecting data on the Internet use and site visits of individuals, monitoring Internet service providers—even keeping tabs on Internet cafes.

Not exactly an advertisement for a government-run Internet. But at the Working Group on Internet Governance, a group affiliated with the United Nations, China said "the basic principles of the Internet, namely, openness, fairness, and democracy and freedom" are being diminished by the failure of governments to play a more prominent role in Internet governance.

Even though the Internet has flourished in a governance environment that brings together government, the private sector and civil society, China rejects this "trilateralism" because it denies "the due responsibility and role of governments in Internet policy-making."

China wants full access to the U.S. market while attempting to shut down the access that U.S. companies currently have to its market. At the same time, China's government-first stance on Internet governance threatens to throw sand in the gears of Internet proliferation (and the democratizing influence it represents). The U.S. information technology industry wants to continue to support China's role as a major trading partner. But that is possible only when free trade is truly free.

THE BRAVERY OF THE LITTLE ROCK NINE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. RANGEL. Mr. Speaker, I rise today to acknowledge the bravery and courage of the Little Rock Nine as we commemorate the 50th anniversary of the integration of Central High School in Little Rock, AR. At the time, these nine young African-Americans took heroic and dynamic steps toward achieving an integrated educational experience that would enhance their opportunities for a quality education.

Fifty years ago, the idea that white and black students would sit in the same classroom, amongst other places, was unbearable to many. Individuals on both sides of the race line could not fathom the possibility of an integrated educational system. The racism and segregation that dominated the country at the time was also vile and vicious. Fear and intimidation had long been the mark of this country's racial past, evidenced by the lynchings that the Senate recently apologized for not taking action against. For those young men and women to take the brave steps toward equality by presenting themselves as instruments of change must have taken a lot out of them.

Their bravery and courage nonetheless were the steps that have led this country to greater tolerance and understanding. It took heroes, like the Little Rock Nine, to lay the path for the important advances of today. Imagine where this country would be if these individuals had failed to step forward, to demand a desk at an integrated school, and to walk into American history demanding the fulfillment of the American Constitution.

With machine guns at the ready, screaming mobs, and death threats hurdled at them, these nine young men and women bravely walked through the mob and into their classrooms. Their actions laid the foundations for a revolution in the American educational system. It called for an equalization of the way schools and communities would operate to ensure that all Americans received an equal opportunity to education and knowledge and that the doors of progress would no longer be closed to future generations of Americans, based on their race.

Today we have cause to applaud these valiant efforts. The Nation has moved significantly towards provided educational opportunities for all of our citizens and given them access to true opportunities of access and influence. There is still much to be done though. States still spend disproportionately more, per student, on white schools than black schools. The facilities of some minority schools lag way behind those of predominately-white schools.

Whites often take advantage of private educational systems, draining the resources of public schools. The effect is a continued deficiency in the educational opportunities of our students.

Nonetheless, we have made considerable progress in our movement towards equality. That progress is largely thanks to individuals such as the Little Rock Nine. Without their bravery and courage in the 1950s, this country would still have much work to do in terms of equal opportunity.

I also want to thank my House colleagues for introducing and passing this resolution to recognize and honor those brave nine students. It is a sign that we have accomplished so much in this country.

VENICE, CALIFORNIA TURNS 100

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Ms. HARMAN. Mr. Speaker, there are few communities in the world that are instantly recognizable, that immediately conjure up an image, an identity, a lifestyle. Venice, CA is one such place—a place that people dream about in the depths of winter; that promises eternal sunshine, warm beaches, buff and shapely lifeguards; and the soothing, ceaseless wash of the waves.

On July the 4th, as our Nation celebrates its 229th birthday, Venice, California celebrates its 100th. As a resident of Venice, I am proud to join my neighbors and local leaders in acknowledging this remarkable milestone.

Founded in 1905 by real estate entrepreneur Abbot Kinney, Venice was modeled after the canals and boardwalks of its namesake in Italy. Kinney's vision established Venice as an entertainment mecca, attracting visitors from around the world to its amusement park, boardwalk businesses, ocean swimming and street performances.

Since its inception, Venice has been a perennial attraction for artists and free spirits, beatnik writers, and innovative musicians—from Jack Kerouac to the Doors. Venice today remains a hub of artistic expression and cultural diversity with its graffiti art murals, sidewalk musicians, street basketball games, roller skate dancers, bodybuilding competitions, and lively restaurants, shops and cafes.

Venice is not only one of the nation's most unique artistic communities, it is booming with well-informed, politically engaged, civic-minded activists. A visit to the wonderful Farmer's Market on any weekend morning provides ample evidence of the community's wide and varying interests. In addition to a great cup of coffee, fresh baked goods and delicious local produce to feed the body, one can feed the mind at the many booths promoting diverse and important political, environmental and local causes.

The award-winning Venice Family Clinic is the largest free clinic in the country and provides inspiration to the community through lifesaving health care for low-income, uninsured and homeless individuals.

Whether through the skills they learn at the Venice Boys & Girls Club or by cultivating their imagination at Venice Arts in Neighborhoods, our children grow up to be productive citizens. Many go on to dedicate themselves to enriching the community through the Venice-Marina Rotary or the Chamber of Commerce.

Mr. Speaker, I am honored to represent the diverse Venice community in the United States Congress. Each 4th of July, we celebrate two historic events together: American independence and the founding of our hometown.

INTRODUCING THE QUALITY HEALTH CARE COALITION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. PAUL. Mr. Speaker, I am pleased to introduce the Quality Health Care Coalition Act, which takes a first step towards restoring a true free market in health care by restoring the rights of freedom of contract and association to health care professionals. Over the past few years, we have had much debate in Congress about the difficulties medical professionals and patients are having with Health Maintenance Organizations (HMOs). HMOs are devices used by insurance industries to ration health care. While it is politically popular for members of Congress to bash the HMOs and the insurance industry, the growth of the HMOs are rooted in past government interventions in the health care market though the tax code, the Employment Retirement Security Act (ERSIA), and the federal anti-trust laws. These interventions took control of the health care dollar away from individual patients and providers, thus making it inevitable that something like the HMOs would emerge as a means to control costs.

Many of my well-meaning colleagues would deal with the problems created by the HMOs by expanding the federal government's control over the health care market. These interventions will inevitably drive up the cost of health care and further erode the ability of patents and providers to determine the best health treatments free of government and third-party interference. In contrast, the Quality Health Care Coalition Act addresses the problems associated with HMOs by restoring medical professionals' freedom to form voluntary organizations for the purpose of negotiating contracts with an HMO or an insurance company.

As an OB–GYN with over 30 years in practice, I am well aware of how young physicians coming out of medical school feel compelled to sign contracts with HMOs that may contain clauses that compromise their professional integrity. For example, many physicians are contractually forbidden from discussing all available treatment options with their patients because the HMO gatekeeper has deemed certain treatment options too expensive. In my own practice, I have tried hard not to sign contracts with any health insurance company that infringed on my ability to practice medicine in the best interests of my patients and I have always counseled my professional colleagues to do the same. Unfortunately, because of the dominance of the HMO in today's health care market, many health care professionals cannot sustain a medical practice unless they agree to conform their practice to the dictates of some HMO.

One way health care professionals could counter the power of the HMOs would be to form a voluntary association for the purpose of negotiating with an HMO or an insurance company. However, health care professionals who attempt to form such a group run the risk of persecution under federal anti-trust laws. This not only reduces the ability of health care professionals to negotiate with HMOs on a level playing field, but also constitutes an unconstitutional violation of medical professionals' freedom of contract and association.

Under the United States Constitution, the Federal government has no authority to interfere with the private contracts of American citizens. Furthermore, the prohibitions on contracting contained in the Sherman antitrust laws are based on a flawed economic theory which holds that Federal regulators can improve upon market outcomes by restricting the rights of certain market participants deemed too powerful by the government. In fact, antitrust laws harm consumers by preventing the operation of the free-market, causing prices to rise, quality to suffer, and, as is certainly the case with the relationship between the HMOs and medical professionals, favoring certain industries over others.

By restoring the freedom of medical professionals to voluntarily come together to negotiate as a group with HMOs and insurance companies, this bill removes a government-imposed barrier to a true free market in health care. Of course, this bill does not infringe on the rights of health care professionals by forcing them to join a bargaining organization against their will. While Congress should protect the rights of all Americans to join organizations for the purpose of bargaining collectively, Congress also has a moral responsibility to ensure that no worker is forced by law to join or financially support such an organization.

Mr. Speaker, it is my hope that Congress will not only remove the restraints on medical professionals' freedom of contract, but will also empower patients to control their health care by passing my Comprehensive Health Care Reform Act. The Comprehensive Health Care Reform Act puts individuals back in charge of their own health care by providing Americans with large tax credits and tax deductions for their health care expenses, including a deduction for premiums for a high-deductible insurance policy purchased in combination with a Health Savings Account. Putting individuals back in charge of their own health care decisions will enable patients to work with providers to ensure they receive the best possible health care at the lowest possible price. If providers and patients have the ability to form the contractual arrangements that they find most beneficial to them, the HMO monster will wither on the vine without the imposition of new Federal regulations on the insurance industry.

In conclusion, Mr. Chairman, I urge my colleagues to support the Quality Health Care Coalition Act and restore the freedom of contract and association to America's health care professionals. I also urge my colleagues to join me in working to promote a true free market in health care by putting patients back in charge of the health care dollar by supporting my Comprehensive Health Care Reform Act.

IN OPPOSITION TO THE ONGOING WAR IN IRAQ

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Ms. SOLIS. Mr. Speaker, I rise tonight in opposition to the ongoing war in Iraq.

The Bush Administration has no plan to secure peace in Iraq and has refused to develop a comprehensive exit strategy which ensures the safe return of our troops. When our troops return home, this Administration also has refused to provide the care and services that our veterans need and deserve.

Since President Bush stood on an aircraft carrier to declare the end of "combat," more than 13,000 troops have been injured—nearly half have sustained such severe injuries that prevent them from returning to combat. More than 1,730 servicemembers have died. These servicemen and women are more than just casualty statistics. They have families; they are mothers and fathers, sisters and brothers, daughters and sons. They have families, they are mothers and fathers, sisters and brothers, daughters and sons. And they all have Members of Congress who are supposed to represent their best interests.

I represent 10 brave servicemen who did not return to their families, nor the life they knew before the war. They are Marine Corporal Jorge A. Gonzalez, Army Sergeant Atanasio I Haromarin, Army Private First Class Jose Casanova, Marine Private First Class Francisco A. Martinez Flores, Army Specialist Leroy Harris-Kelly III, Marine Corporal Rudy Salas, Lance Corporal Benjamin M. Gonzalez, Lance Corporal Manuel A. Ceniceros, Specialist Private First Class Marcos O. Nolasco, and Corporal Stephen P. Johnson. These men, our fallen soldiers, are heroes.

I have many constituents serving our Nation in Iraq and around the world. Many of them do not even have their U.S. citizenship, yet they put their lives on the line in defense of our Nation. In fact, more than 50,000 green card soldiers are proudly serving this Nation as part of the U.S. military.

Our troops continue to do their commitment and duty to our country. However, this Administration and the military's leadership have failed in their responsibility to our troops. To date, there is no strategy to ensure that our troops return home. There is a $1 billion shortfall for veterans care. When these troops return home they are returning to a system that cannot care for them or provide the benefits they so greatly sacrificed for and deserve.

Ultimately, a successful Iraq is an Iraq run by Iraqis, not the U.S. military. We owe Iraqis a peaceful nation. And, we owe our troops a secure return home to a grateful Nation and a secure future. This mission will not be complete until each one of our servicemen and women are home, something I strongly believe needs to happen soon. Tonight I am proud to stand alongside my colleagues in honoring our fallen heroes. We owe it to them, their families and active service members at home and abroad to have a strategy to bring the troops home.

PERSONAL EXPLANATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. JONES of North Carolina. Mr. Speaker, on Friday, June 24, 2005, I missed several rollcall votes due to a family engagement in North Carolina. I ask that my absence be excused and the CONGRESSIONAL RECORD show that had I been present:

For rollcall No. 310—an amendment to H.R. 3010, I would have voted "nay;" for rollcall No. 312—an amendment to H.R. 3010, I would have voted "yea;" for rollcall No. 313—an amendment to H.R. 3010, I would have voted "yea;" for rollcall No. 317—an amendment to H.R. 3010, I would have voted "yea;" for rollcall No. 321—final passage of H.R. 3010, I would have voted "nay."

HONORING THE UNITED STATES APPRENTICESHIP ASSOCIATION HALL OF FAME RECIPIENTS

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. DEFAZIO. Mr. Speaker, on the 16th day of August, 1937, Franklin D. Roosevelt signed into law the Fitzgerald Act, now known as the National Apprenticeship Act. In the CONGRESSIONAL RECORD of August 7, 1937, Representative Fitzgerald (CT) said, "this bill sets up standards by Federal cooperation with the States and through the formation of voluntary committees in the States, throwing a cloak of protection around boys and girls and setting up standards and protecting them and guaranteeing that when their time of service in a trade has expired, they will come out full-fledged mechanics".

In 1992 the United States Apprenticeship Association initiated the U.S.A.A. Donald Grabowski Hall of Fame, honoring individuals who have served at least 25 years helping the growth and development of apprenticeship and must be at least 65 years of age.

The following names represent well over 900 years of participation in various apprenticeship trades, ranging from Bricklaying, Carpentry, Sheet Metal, Electrical, Plumbers, Ironworkers, Operating Engineers, Painters, Auto Mechanic to Machinists. The inductees are: 1992—Richard Zorabedian, Rhode Island; John Hinkson, Missouri; William Denevi, California; and Howard Kerr, New York. 1993—Louise Albrecht, Wisconsin; Charles Nye, Wisconsin; Joseph D'Aires, New Jersey; Daniel Faddis, Oregon; and John Hunt, Pennsylvania. 1994—James Garde, New York; John O'Neil, Maine; and Thomas Crosby, Oregon. 1995—Lois Gray, New York; Gerald Olejniczack, Virginia; and Jack Reihl, Wisconsin. 1996—Lawrence Carr, Jr., Maine; John Hansen, Minnesota; and Peter Marzec, New York. 1997—Robert Baumgarden, Virginia; Richard Swain, Illinois; Kenneth Pittman, Florida; and Marion Winters, Washington, DC. 1998—Joseph Calci, Massachusetts. 1999—Albert Rowbottom, Maine; and Carl Horstrup, Oregon. 2000—Edward Marks, Massachusetts; Duane Meyer, Wisconsin; and Thomas Stanek, Wisconsin. 2001—Stephen P. Yorich, Michigan; and Kenneth "Skip" Hardt, Maine. 2002—Richard Karas, Michigan. 2003—Robert Roberts, Washington. 2004—William "Bill" Fura, Montana; Neil Heisey, Montana; and Keith Ricketts, Montana. 2005—Jim Reardon, Massachusetts; and James Kubinski, Massachusetts.

GENE BICKNELL FOR THE FINAL GENE BICKNELL GOLF CLASSIC

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. RYUN of Kansas. Mr. Speaker, I rise today to recognize Gene Bicknell of Pittsburg, KS for his dedication to giving back to his community.

Gene has remained an active contributor to the Pittsburg community, and has greatly impacted his neighbors through his generous efforts at Pittsburg State University and the city as a whole. Gene's devotion to charitable causes is recognized by many as truly inspirational.

The weekend of July 8, 2005 marks the fifteenth and final Gene Bicknell Charity Golf Classic, which benefits Pittsburg's Mt. Carmel Regional Medical Center and Pittsburg State University, Gene's alma mater. The tournament has raised over $1.2 million since its first year, and supporters hope to raise an additional $100,000 this summer.

I congratulate Gene on the great success of this annual function and celebrate his humanitarian passion that has touched so many lives.

RECOGNIZING THE OUTSTANDING WORK OF DIANA JORGENSON UPON HER RETIREMENT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I rise to pay tribute to Ms. Diana Jorgenson, a friend, constant supporter and advocate for the Contra Costa community, as she retires. Diana has a long history dedicated to improving the lives of families in my district and we are all beneficiaries of her service.

Diana's long career in mental health and disability services began after she received her masters of social work from the University of California at Berkeley in 1968. From there, she went on to work in the Mental Health Agency in San Francisco and was liaison to Sonoma Development Center. She continued her work at the agency until 1971, when she moved to the Golden Gate Regional Center.

From 1973–1975 while her husband was in graduate school, Diana put her skills to work at the Family Service Agency in Honolulu, Hawaii, later returning to the Golden Gate Regional Center and serving as head of the Concord Office. It was in this role she played a major part in establishing the Regional Center of the East Bay, sharing the dream of integrating persons with developmental disabilities into the community.

By 1978, Diana had taken on the role of manager and acting director of Client Services. From there she moved to the San Francisco School and facilitated services for the Visually Handicapped Program. Diana also provided services for the County Office of Education in both the Special Education Division and George Miller Center West.

The Developmental Disability Council welcomed her as a member in 1982 and for 5 years Diana worked simultaneously for Richmond Unified School District's as a mental health specialist and in the DD Council.

For the past 10 years Diana has worked tirelessly as staff to the Development Disability Council of Contra Costa as well as the Director of the Medically Vulnerable Infant Program for Contra Costa County. Her role has been vital in the Home Visiting Strategy for First Five and the Consultation and Response Team for home visitors.

Diana has served on the Board of the Infant Development Association for 25 years and was at one time the State Chair. For 4 years she also provided training on working with young children exposed to drugs.

Mr. Speaker, Diana has made monumental contributions in the world of social work world and I am pleased to recognize her many accomplishments.

Today, I am proud to commend her for her service to the community, her dedication to those in need and her commitment to the people of Contra Costa County. In recognizing Diana's great contributions, I would also like to wish her a happy and healthy retirement.

PERSONAL EXPLANATION

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. NUNES. Mr. Speaker, on the legislative day of Friday, June 24, 2005, I was unavoidably detained with family matters and was unable to cast a vote on rollcall vote Nos. 313–321.

INTRODUCING THE CANCER AND TERMINAL ILLNESS PATIENT HEALTH CARE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. PAUL. Mr. Speaker, I rise to help working Americans stricken with cancer or other terminal illnesses, and their families, by introducing the Cancer and Terminal Illness Patient Health Care Act. This act exempts people with terminal illnesses from the employee portion of payroll taxes while they are suffering from such illnesses or are incurring significant medical costs associated with their conditions. The Cancer and Terminal Illness Patient Health Care Act also provides a payroll deduction to any worker who is the primary caregiver for a spouse, parent, or child with a terminal illness.

When stricken with cancer or another terminal disease, many Americans struggle to pay for the treatment necessary to save, or extend, their lives. Even employees with health insurance incur costs such as for transportation to and from care centers, prescription drugs not covered by their insurance, or for child care while they are receiving treatment. Yet, the federal government continues to force these employees to pay for retirement benefits they may never live to see!

Many Americans struggle to pay the costs of treating children, a spouse, or a parent with a terminal illness. My bill also provides much needed tax relief for those who are providing care to a loved one with a terminal disease.

As a physician who has specialized in women's health issues for decades, I know how critical it is that cancer patients and others suffering from terminal illnesses have the resources they need to combat these illnesses. The Cancer and Terminal Illness Patient Health Care Act provides a realistic way to help people suffering from cancer or other terminal illnesses receive quality health care.

It is hard to think of a more compassionate tax policy this Congress could enact than to stop taking the resources away from working Americans that could help them treat cancer, AIDS, or other terrible health problems. I hope all my colleagues will help people suffering from terminal illnesses, and their caregivers, by cosponsoring the Cancer and Terminal Illness Patient Health Care Act.

A TRIBUTE TO ALAN D. BERSIN

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. CUNNINGHAM. Mr. Speaker, I rise today to ask my colleagues to join me in honoring Alan Bersin, who this June will conclude his seventh year as Superintendent of San Diego City Schools. As such, he finishes his term of service as the Nation's longest serving superintendent in an urban district of 100,000 or more students. He has served our community in Southern California with great distinction as United States Attorney from 1993–1998 and as the Attorney General's Southwest Border Representative from 1995 to 1998, the so-called "border czar." Superintendent Bersin has rendered distinguished public service in the course of leading the transformation of the eighth largest public school district in America.

Under Superintendent Bersin's leadership, San Diego City Schools earning the highest academic rank increased by more than a third while the number of schools in the lowest category fell from 13 to 1. Mr. Bersin also promoted and successfully inspired 78.8 percent of the electorate to support a $1.5 billion bond to repair and renovate the physical infrastructure of the city schools. He downsized the central office to streamline operations and directed further resources to the classroom. His outreach efforts set a new standard for community participation and dialogue and helped to foster an atmosphere of mutual respect. By maintaining a relentless focus on enhanced instruction and improved student achievement, Superintendent Bersin achieved great things for public education in San Diego.

Mr. Bersin oversaw a transformation of San Diego City Schools. The district is now better able to serve its students, their families and the broader San Diego community. The credit belongs to thousands of teachers and hundreds of school and parent leaders who were galvanized and energized by Superintendent Bersin's leadership. I am also pleased to announce that Mr. Bersin's service in support of public education will continue as Governor Arnold Schwarzenegger has appointed him Secretary of Education for California and a member of the State Board of Education. His term commences on July 1, 2005. I want to offer my congratulations to Alan. He continues to exemplify public service and public servants at their best. I know my colleagues join me in wishing every success to California's new Secretary for Education.

TRIBUTE TO DONALD RUGGERY, SR.

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. SHUSTER. Mr. Speaker, I rise today to honor Donald Ruggery, Sr., owner of Ruggieri Enterprises LLC of Altoona, who has been honored as the 2005 Small Business Person of the Year by the St. Francis University Small Business Development Center. The Center recognizes businesses that have participated in the University's small business outreach program whose primary goal is to educate new business owners on how to create a successful business plan as well as assist in locating proper financing for their fledgling businesses.

After serving for more than 30 years as the Regional Director for the State Job Services and Unemployment Compensation Office in Altoona, Donald Ruggery, Sr. retired from his duties to assume a responsibility as equally as altruistic. In January 1992, he founded a Spherion staffing services franchise which today has grown into a full-service staffing and human resource consulting company providing permanent and temporary employment to thousands in the area. The success of the Spherion franchise in Altoona has spawned 11 other Spherion locations throughout central and western Pennsylvania.

Today, Ruggieri Enterprises, LLC doing business as Spherion under Donald's helm, is one of the top franchisees of a publicly-traded, three billion dollar staffing and human capital consulting company.

Donald selflessly refuses to take the full credit for such achievements and insists that others beside him were responsible for accomplishing their success in finding jobs for out-of-work Pennsylvanians. Despite Donald's refusal to take full recognition, through his careful guidance and leadership, Spherion has developed from a small start-up with one Altoona office at its inception to a multiple location firm with over $34 million in revenue in 2004 alone.

The thousands of Pennsylvanians who now have jobs due to his continued hard work would certainly join me in thanking Donald for his contributions to the community and the economy, as well as serving as an inspiration for the spirit of chivalrous virtue.

INTRODUCING THE GERIATRICIANS LOAN FORGIVENESS ACT OF 2005

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Ms. DELAURO. Mr. Speaker, as our Nation's 76 million baby boomers near retirement age, the number of Americans over age 65 will double to 70 million—one-fifth of the population. Americans older than 85 represent the fastest growing segment of this population and membership in this once exclusive demographic group is projected to grow from four million Americans today to an estimated 19 million by 2050.

Unfortunately, our health care system is ill prepared to handle the strain of this enormous senior population, largely because we have a critical shortage of geriatric physicians. Fewer than 9,000 geriatricians practice in the United States, less than half of the current need. By 2030, the shortfall of geriatricians may reach 25,000 doctors. Approximately, 2,500 psychiatrists have received added qualifications in geriatric psychiatry; yet 4,000 to 5,000 geriatric psychiatrists are needed to provide patient care.

According to estimates from the President's Commission on Mental Health, at the current rate of approximately 80 new geriatric psychiatrists graduating each year and an estimated 3 percent attrition, there will be approximately 2,640 geriatric psychiatrists by the year 2030, or 1 per 5,682 older adults with a psychiatric disorder.

America must plan for the burdens the baby boomers demographic shift will place on our health care system and health care providers. Our first step is ensuring the country has an adequate number of well-trained physicians who specialize in geriatrics.

Today, I am introducing legislation along with my colleague Congresswoman ILEANA ROS-LEHTINEN of Florida, that will encourage more doctors to become certified in geriatrics. The Geriatricians Loan Forgiveness Act would amend the Public Health Service Act to include each year of fellowship training in geriatric medicine or geriatric psychiatry as a year of obligated service under the National Health Corps Loan Repayment Program. Specifically it would forgive $35,000 of education debt incurred by medical students for each year of advanced training required to obtain a certificate of added qualifications in geriatric medicine or psychiatry.

Geriatric medicine is the foundation of a comprehensive health plan for our most vulnerable seniors. Geriatrics, by focusing on assessment and care coordination, promotes preventive care and improves patients' quality of life by allowing them greater independence and eliminating unnecessary and costly trips to the hospital or institutions. A fellowship in geriatric psychiatry provides intensive training in the biological and psychological aspects of normal aging, the psychiatric impact of acute and chronic physical illness, and the biological and psycho-social aspects of the pathology of primary psychiatric disturbances of older age. Thus, these specialists are equipped to diagnose and treat these complex conditions among our frailest citizens.

Mr. Speaker, this kind of specialized care is complicated and demanding. Many doctors inclined to study and practice geriatrics are dissuaded from doing so because treating the elderly takes more time and carries financial disincentives for doctors.

Medical training takes time, and it is important that we take steps now to alleviate the shortages in geriatrics that are only going to get worse in the next 10 years and beyond. This legislation is a commonsense approach and a cost-effective investment, and I hope it will receive the support of the House.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. BECERRA. Mr. Speaker, on Friday, June 24, 2005, I was unable to cast my floor vote on rollcall numbers 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320 and 321.

Had I been present for the votes, I would have voted "no" on rollcall 308, "aye" on rollcall 309, "aye" on rollcall 310, "aye" on rollcall 311, "aye" on rollcall 312, "no" on rollcall 313, "aye" on rollcall 314, "no" on rollcall 315, "aye" on rollcall 316, "no" on rollcall 317, "aye" on rollcall 318, "aye" on rollcall 319, "aye" on rollcall 320 and "no" on rollcall 321.

INTRODUCING THE CHILD HEALTH CARE AFFORDABILITY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. PAUL. Mr. Speaker, I am pleased to help working Americans provide for their children's health care needs by introducing the Child Health Care Affordability Act. The Child Health Care Affordability Act provides parents with a tax credit of up to $500 for health care expenses of dependent children. Parents caring for a child with a disability, terminal disease, cancer, or any other health condition requiring specialized care would receive a tax credit of up to $3,000 to help cover their child's health care expenses.

The tax credit would be available to all citizens, regardless of whether or not they itemize their deductions. The credit applies against both income and payroll tax liability. The tax credits provided in this bill will be especially helpful to those Americans whose employers cannot afford to provide health insurance for their employees. These workers must struggle to meet the medical bills of themselves and their families. This burden is especially heavy on parents whose children have a medical condition; such as cancer or a physical disability that requires long-term or specialized health care.

As an OB–GYN who has had the privilege of delivering more than four thousand babies, I know how important it is that parents have the resources to provide adequate health care for their children. The inability of many working Americans to provide health care for their children is rooted in one of the great inequities of the tax code—Congress' failure to allow individuals the same ability to deduct health care costs that it grants to businesses. As a direct result of Congress' refusal to provide individuals with health care related tax credits, parents whose employers do not provide health insurance have to struggle to provide health care for their children. Many of these parents work in low-income jobs; oftentimes, their only recourse for health care is the local emergency room.

Sometimes parents are forced to delay seeking care for their children until minor health concerns that could have been easily treated become serious problems requiring expensive treatment! If these parents had access to the type of tax credits provided in the Child Health Care Affordability Act, they would be better able to provide care for their children, and our Nation's already overcrowded emergency rooms would be relieved of the burden of having to provide routine care for people who otherwise cannot afford it.

According to research on the effects of this bill done by my staff and legislative counsel, the benefit of these tax credits would begin to be felt by joint filers with incomes slightly above $18,000 per year, or single income filers with incomes slightly above $15,000 per year. Clearly, this bill will be of the most benefit to low-income Americans balancing the demands of taxation with the needs of their children.

Under the Child Health Care Affordability Act, a struggling singling mother with an asthmatic child would at last be able to provide for her child's needs, while a working-class family will not have to worry about how they will pay the bills if one of their children requires lengthy hospitalization or some other form of specialized care.

Mr. Speaker, this Congress has a moral responsibility to provide tax relief so that low-income parents struggling to care for a sick child can better meet their child's medical expenses. Some may say that we cannot enact the Child Health Care Affordability Act because it would cause the government to lose revenue. But, who is more deserving of this money, Congress or the working parents of a sick child?

The Child Health Care Affordability Act takes a major step toward helping working

Americans meet their health care needs by providing them with generous health care related tax cuts and tax credits. I urge my colleagues to support the pro-family, pro-health care tax cuts contained in the Child Health Care Affordability Act.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 28, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 29

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of General Peter Pace, USMC, for reappointment to the grade of general and to be Chairman, Joint Chiefs of Staff, Admiral Edmund P. Giambastiani, Jr., USN, for reappointment to the grade of admiral and to be Vice Chairman, Joint Chiefs of Staff, General T. Michael Moseley, USAF, for reappointment to the grade of general and to be Chief of Staff of the Air Force, Eric S. Edelman, of Virginia, to be Under Secretary of Defense for Policy, Daniel R. Stanley, of Kansas, to be Assistant Secretary of Defense for Legislative Affairs, and James A. Rispoli, of Virginia, to be Assistant Secretary of Energy for Environmental Management.

SD–106

Homeland Security and Governmental Affairs

To hold hearings to examine vulnerabilities in the United States passport system.

SD–562

Indian Affairs

Business meeting to consider S.J. Res. 15, to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States, S. 374, to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River, S. 113, to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust, S. 881, to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, S. 449, to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971, H.R. 797 and S. 475, bills to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians, S. 623, to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, S. 598, to reauthorize provisions in the Native American Housing Assistance and Self-Determination Act of 1996 relating to Native Hawaiian low-income housing and Federal loan guarantees for Native Hawaiian housing, proposed legislation to condemn certain subsurface rights to land held in trust by the State of Arizona, and convey subsurface rights held by Bureau of Land Management, for the Pascua Yaqui Tribe, proposed legislation to authorize funding for the National Indian Gaming Commission, S. 1239, to amend the Indian Health Care Improvement Act to permit the Indian Health Service, an Indian tribe, a tribal organization, or an urban Indian organization to pay the monthly part D premium of eligible medicare beneficiaries, S. 1231, to amend the Indian Self-Determination and Education Assistance Act to modify provisions relating to the National Fund for Excellence in American Indian Education, proposed legislation to require former Federal employees who are employed by tribes to adhere to conflict of interest rules, and proposed legislation to amend the Tribally Controlled Community College and Universities Assistance Act.

SR–485

9:50 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider S. 681, to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells, and any nominations cleared for action.

SD–430

10 a.m.

Finance

To continue hearings to examine threatening the health care safety net regarding Medicaid waste, fraud and abuse.

SH–216

10:30 a.m.

Appropriations

State, Foreign Operations, and Related Programs Subcommittee

Business meeting to markup proposed legislation making appropriations for fiscal year 2006 for the Department of State and foreign operations.

SD–116

2 p.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine the ongoing crisis in Uzbekistan and its implications for the United States.

SD–124

2:30 p.m.

Commerce, Science, and Transportation

Disaster Prevention and Prediction Subcommittee

To hold hearings to examine national weather service-severe weather.

SR–253

Foreign Relations

To hold hearings to examine the nominations of John Ross Beyrle, of Michigan, to be Ambassador to the Republic of Bulgaria, Marie L. Yovanovitch, of Connecticut, to be Ambassador to the Kyrgyz Republic, Robert H. Tuttle, of California, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland, and Ronald Spogli, of California, to be Ambassador to the Italian Republic.

SD–419

Foreign Relations

International Economic Policy, Export and Trade Promotion Subcommittee

To hold hearings to examine U.S. economic development strategy and the south caucasus.

SD–G50

Intelligence

To hold a closed briefing regarding certain intelligence matters.

SH–219

JUNE 30

9:30 a.m.

Armed Services

To hold hearings to examine the status of the U.S. Army and U.S. Marine Corps in fighting the global war on terrorism.

SR–325

Foreign Relations

To hold hearings to examine challenges of the Middle East road map.

SD–419

Judiciary

Business meeting to consider pending calendar business.

SD–226

10 a.m.

Commerce, Science, and Transportation

Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine how information technology can reduce medical errors, lower healthcare costs, and improve the quality of patient care, including the importance of developing interoperable electronic medical records and highlight new technologies that will impact how health services are provided in the future.

SR–253

Aging

To hold hearings to examine the importance of prevention in curing Medicare.

SH–216

2 p.m.

Appropriations

Business meeting to markup proposed legislation making appropriations for fiscal year 2006 for the Department of State and foreign operations.

SD–106

Finance
Taxation and IRS Oversight Subcommittee
To hold hearings to examine savings and investment issues.
SD–215

Veterans' Affairs
To hold hearings to examine the nominations of James Philip Terry, of Virginia, to be Chairman of the Board of Veterans' Appeals, Department of Veterans Affairs, and Charles S. Ciccolella, of Virginia, to be Assistant Secretary of Labor for Veterans' Employment and Training.
SR–418

2:30 p.m.
Judiciary
Immigration, Border Security and Citizenship Subcommittee
To hold hearings to examine securing the cooperation of participating countries relating to the need for comprehensive immigration reform.
SD–226

Intelligence
To hold a closed briefing regarding certain intelligence matters.
SH–219

3 p.m.
Health, Education, Labor, and Pensions
Education and Early Childhood Development Subcommittee
To hold hearings to examine issues relating to American history.
SD–430

JULY 1

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine funding for the Corporation for Public Broadcasting.
SD–192

JULY 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine stem cell research (single cell technique without destruction of the embryo).
SD–124

JULY 19

10 a.m.
Energy and Natural Resources
To hold an oversight hearing to examine the effects of the U.S. nuclear testing program on the Marshall Islands.
SD–366

SEPTEMBER 20

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.
345 CHOB

CANCELLATIONS

JUNE 29

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine Spectrum-DTV.
SR–253

JUNE 30

2 p.m.
Veterans' Affairs
To hold hearings to examine the nominations of James Philip Terry, of Virginia, to be Chairman of the Board of Veterans' Appeals, Department of Veterans Affairs, and Charles S. Ciccolella, of Virginia, to be Assistant Secretary of Labor for Veterans' Employment and Training.
SR–418